CIUDADANÍA Y LIBERTAD

Centro para la Promoción de los Derechos Humanos Guy Pérez Cisneros

Legal Barriers and the Criminalization of Freedom of Association

A Comparative Study of Eight Countries and an Advocacy Strategy

CUBA · NICARAGUA · RUSSIA · VENEZUELA · GEORGIA · EL SALVADOR · KAZAKHSTAN · PERU

Carolina Barrero
Lead researcher

Miami, November 2026
With the support of Atlas Network

Note on this edition

This is the English edition of the study published in Spanish as Barreras legales y criminalización de la libertad de asociación. The chapters on Georgia, Kazakhstan and El Salvador were reviewed by external specialists from each country. Those on Cuba, Nicaragua, Venezuela, Russia and Peru were prepared from primary sources and checked against the documentation of international bodies and specialized organizations.

The study describes the legal situation as at 4 September 2026 and incorporates the later reforms of which documentary evidence was available up to the close of this edition. Comments from readers and specialists may be sent to carolina.barrero@ciudadaniaylibertad.org and will be reflected in a revised edition planned for 2027.

Acknowledgments

Ciudadanía y Libertad thanks Natalie Alkiviadou, Hane Crevelari, Reed Dhein, Alyssa DiPadova, Eduardo Escobar, Anet Hernández Agrelo, Joyce Lee, Jacob Mchangama, Maureen Meyer, Leonid Nikonov, Katie Turner, Alberto Vergara, Colleen Wood, Edwin Zarco, Davit Zedelashvili and the team at Georgia's Future Academy.

Suggested citation

Barrero, Carolina. Legal Barriers and the Criminalization of Freedom of Association. A Comparative Study of Eight Countries and an Advocacy Strategy. Miami, Ciudadanía y Libertad, November 2026.

This publication was made possible by the support of Atlas Network. Its content is the sole responsibility of Ciudadanía y Libertad.

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Executive summary

Freedom of association is among the first rights an authoritarian regime dismantles, and in recent years that dismantling has increasingly been carried out through legislation. Between 2019 and 2024 the International Center for Not-for-Profit Law recorded more than 270 legal initiatives restricting civil society in 72 countries. A third of them strike directly at the possibility of forming and operating an organization, half are laws of general scope on national security, extremism or cybercrime that apply to society as a whole, and eighteen States have introduced laws requiring the registration of "foreign influence". Douglas Rutzen summed up the trend before the United States Senate when he warned that governments are turning the rule of law into rule by law.

This report compares the legal architecture that restricts the right of association in eight countries, Cuba, Nicaragua, Venezuela, Russia, Georgia, El Salvador, Kazakhstan and Peru, by means of the Global Association Index (IGA), an original instrument of thirteen dimensions and forty-four indicators scored from 0 (full guarantee) to 4 (prohibition or criminalization) on the basis of the law in force and its application. Each score rests on the legal text cited by article and on at least one source documenting practice.

The results fall into three tiers. Cuba (95.5 out of 100) and Nicaragua (94.7) stand in the band of total repression, since in both the State has succeeded in eliminating, in law or in fact, the existence of independent organizations. Russia (86.1) and Venezuela (84.4) occupy the same band by different routes. Russia reached it through the "foreign agent" model it devised in 2012 and has since carried as far as the civil death of those designated, and Venezuela through an accumulation of laws on sovereignty, hatred, counter-terrorism and the control of NGOs that criminalize individuals without any need to dissolve organizations formally. Georgia (72.4), El Salvador (68.4) and Kazakhstan (65.3) lie in the band of severe restrictions, and each illustrates a variant of the same model, whether the staged transplant of the Russian scheme, a 30 per cent tax on foreign funds or a public register of foreign funding. Peru (39.4) is the only case of moderate restrictions, and it shows how a formally democratic Congress can turn a cooperation agency into a licensing and sanctioning authority.

Five patterns run through the sample. The first is convergence on money. In all eight jurisdictions access to resources, foreign resources in particular, is the preferred point of attack, with five variants that range from criminalization (Cuba, Law 88/1999 and Criminal Code art. 143) to taxation (El Salvador, 30 per cent), labelling (Russia, Nicaragua, Georgia), prior authorization (Georgia, Peru, Venezuela 2010) and public registers (Kazakhstan). The second is the spread of the Russian model of 2012 and its mutation. The original version required foreign funds and "political activity", Russia removed the funding requirement in 2022, 96 per cent of those designated in 2025 had received no foreign funding, and Georgia covered in two years the ground that Moscow took a decade to complete. The third is the migration of sanctions from administrative to criminal law, so that in seven of the eight countries unauthorized association, the receipt of funds or mere criticism are prosecuted under broadly worded offences carrying sentences of twenty, thirty or more years. The fourth is the hollowing out of

judicial review, with dissolution or cancellation decided by ministerial order (Nicaragua, El Salvador), by a register answerable to the Ministry of the Interior (Venezuela) or by captured courts (Russia, Georgia), while Peru alone retains an operative constitutional ban on administrative dissolution. The fifth is the use of anti-money-laundering and counter-terrorism tools, including lists, asset freezes and registers of "reporting entities", as the financial layer of repression, contrary to FATF Recommendation 8 itself.

Cuba appears as the end point of the trajectory. Its system never needed a foreign agent law, because Law 54/1985 on Associations already denied registration to any organization with aims "identical or similar" to those of an existing entity (art. 8(d)), the Criminal Code punishes unauthorized association (art. 274) and foreign funding is an offence against State security (art. 143). The comparison makes it possible to set the minimum standards that the announced Law on Associative Forms must meet, namely a notification regime, removal of the similarity criterion, a public register, dissolution by court order alone and the decriminalization of access to resources. It also identifies the international levers available, which are the human rights dialogue of the EU-Cuba Political Dialogue and Cooperation Agreement, the Universal Periodic Review, Cuba's membership of the Human Rights Council (2024–2026) and Case No. 2258 before the ILO Committee on Freedom of Association.

The report closes with recommendations to States, the European Union, the OAS and the IACHR, the United Nations system, donors and civil society itself, aligned with the Joint Declaration of September 2024 issued by the mandate holders of the UN, the IACHR, the African Commission, the AICHR and the OSCE/ODIHR. They call for the repeal of "foreign agent" laws and restraint from adopting them, for cooperation to be made conditional on respect for the right of association, for funding of civil society in exile and for an early warning system that acts before bills reach the floor.

1. Introduction: law as a weapon against association

For decades the repression of civil society was studied as a matter of fact, in the form of arrests, raids and disappearances. What sets the past decade apart is that States intent on closing civic space no longer need to act outside the law, because they write it. The phenomenon has a name, "autocratic legalism", and a precise genealogy. In July 2012, months after the protests against his return to the Kremlin, Vladimir Putin signed Federal Law 121-FZ, which required every non-commercial organization receiving funds from abroad and engaging in "political activity" to register as a "foreign agent". Thirteen years later that formula has been copied, adapted or surpassed in at least eighteen countries, and its variants, which include taxes, registers, prior authorizations and terrorist lists, have spread to States that have no foreign agent law yet produce the same effect.

Freedom of association is the right that makes every other collective right possible, since without it there are no parties, trade unions, independent press or human rights organizations. That is why it is the first to fall. The three functions an authoritarian regime needs to neutralize, which are scrutiny of power, the representation of interests other than those of the State and connection with the outside world, are exercised through organizations, and organizations have a legal life that the State controls at every stage, from formation and registration to internal governance, funding, activities and dissolution. A well-designed law allows intervention at any of those stages with an appearance of legality and at low reputational cost.

This report extends to eight jurisdictions the analysis that Ciudadanía y Libertad carried out on Cuba in 2025 in El derecho de asociación en Cuba: arquitectura legal de la represión. That research showed that the Cuban legal order does not so much restrict the right of association as replace it with a privilege the State grants to those who align themselves with its aims. The question behind the present study is what place that model occupies in the global landscape, what the legal orders moving towards it have in common and what footholds international law offers for reversing the trend.

The selection of countries reflects a typology of repression. Cuba and Nicaragua represent total closure, reached by different routes, through prior authorization and the monopoly of the mass organizations in the first case and through the mass cancellation of legal personality in the second. Russia is the origin of the foreign agent model and shows its trajectory once installed. Venezuela illustrates the accumulation of instruments on sovereignty, hatred, counter-terrorism and NGO control, together with a transition that releases people without dismantling laws. Georgia is the clearest example of a staged transplant of the Russian model by a State that was a candidate for membership of the European Union. El Salvador shows the fiscal variant, a tax in place of a prohibition, adopted by a hyper-presidential regime in which the Constitution, the courts and the prosecution service are under executive control. Kazakhstan offers the "transparency" model, a public register of foreign funding operated through the tax code, which produces stigmatization and de-banking without any formal label. Peru, finally, is the contrasting case, a weakened democracy in which Congress has repurposed a technical cooperation agency as a supervisory authority.

The report is organized in eight parts. Section 2 summarizes the applicable international framework. Section 3 explains the methodology of the Global Association Index. Section 4 presents the comparative results. Section 5, the analytical core, identifies the cross-cutting patterns dimension by dimension. Section 6 offers concise profiles of each country. Section 7 places Cuba in comparative perspective, section 8 sets out recommendations and section 9 gathers the conclusions. The annexes contain a note on the legal inventory and the verification of sources, together with the list of main sources. The full scoring matrix, with the reasoning and citation behind each indicator, is available on request.

2. International legal framework

The right to freedom of association is recognized in article 22 of the International Covenant on Civil and Political Rights (ICCPR), article 16 of the American Convention on Human Rights, article 11 of the European Convention on Human Rights and article 10 of the African Charter, as well as in ILO Conventions 87 and 98 in the trade union field. All of them allow restrictions only where these are prescribed by law, pursue one of an exhaustive list of legitimate aims (national security, public safety, public order, public health or morals, the rights of others) and are necessary in a democratic society, which entails proportionality and non-discrimination. "Transparency" is not among the legitimate aims, and the Joint Declaration of 2024 recalls that invoking it does not in itself constitute a legitimate objective capable of justifying restrictions on these rights.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has developed that framework in a series of reports that this study uses as its coding reference. The report on best practices (A/HRC/20/27, 2012) establishes notification, and not authorization, as the standard for the formation of associations and requires dissolution to be an exceptional measure ordered by an independent court. The report on access to resources (A/HRC/50/23, 2022) and its supplementary guidelines (A/HRC/53/38/Add.4, 2023) hold that the ability to seek and receive resources from domestic and foreign sources is an integral and vital part of the right to freedom of association. They are completed by the 2024 report on non-State actors (A/79/263) and the 2025 report on transparency and oversight of civil society (A/HRC/59/44), which Special Rapporteur Gina Romero presented to the Tom Lantos Human Rights Commission of the United States House of Representatives on 9 September 2025.

Two international judgments have set the standard on foreign agent laws. The European Court of Human Rights, in Ecodefence and Others v. Russia (applications nos. 9988/13 and 60 others, 14 June 2022), found that the Russian law of 2012 violated article 11 read in the light of article 10 of the Convention in respect of 73 organizations, on account of its unforeseeability and the stigmatizing effect of the label, and Russia refuses to execute the judgment. The Court of Justice of the European Union, in Commission v. Hungary (C-78/18, 18 June 2020), struck down the Hungarian "transparency" law of 2017 and held that access to funding is a substantive element of the freedom of association protected by article 12 of the Charter of Fundamental Rights, and the law was repealed in 2021. In the inter-American system, the Commission has described Nicaragua's Law 1040 as an attempt to silence persons and organizations regarded as opponents, and the Inter-American Court ordered Peru, in resolutions of May and July 2025, to ensure that the organizations representing victims can litigate without reprisals under the APCI law. The Venice Commission and the OSCE/ODIHR, in their Joint Guidelines on Freedom of Association (2014) and in their opinions on Georgia (CDL-AD(2024)020; CDL-AD(2025)001), have recommended the repeal of the Georgian laws of 2024 and 2025.

The Joint Declaration on protecting the right to freedom of association in light of "foreign agents" and "foreign influence" laws, adopted on 13 September 2024 by the UN Special Rapporteur, the IACHR Special Rapporteur for Freedom of Expression and Rapporteur on

Human Rights Defenders, the African Commission's Special Rapporteur on Human Rights Defenders, the representative of Indonesia to the AICHR and the OSCE/ODIHR, condenses the standard into nine principles and twenty-six measures. This report uses four of them in particular as coding criteria. Principle 1 affirms the right of associations, registered or not, to seek and use resources, including foreign resources, without prior authorization or other undue impediments. Principle 4 lays down the obligation to guarantee registration that is simple, accessible, non-discriminatory and non-onerous or free of charge, and not to make registration a condition of existence. Principle 5 holds that the foreign origin of funds does not by itself justify differential treatment. Principle 8 requires suspension and involuntary dissolution to be exceptional measures subject to an independent judicial decision. Measures 12 to 14, which call on States to repeal foreign agent laws, to refrain from adopting them and not to impose stigmatizing labels, and measure 19, which rules out custodial sentences for the exercise of the right of association, serve as the reference for the final recommendations.

A final element of the framework is Recommendation 8 of the Financial Action Task Force (FATF), amended in 2023 to make clear that measures against money laundering and terrorist financing must be applied to non-profit organizations on a risk-based approach and may not be used to suppress the sector. In October 2022 the FATF itself voiced strong concern at the possible misapplication of its standards in Nicaragua. As section 5 shows, five of the eight countries studied use anti-money-laundering rules as the financial layer of repression.

3. Methodology: the Global Association Index (IGA)

The IGA measures the degree to which a legal order, in its text and in its application, restricts the right of association. It is made up of thirteen dimensions that follow the life cycle of an organization and its environment. These are D1 formation and legal recognition, D2 registration and requirements, D3 governance and State control, D4 funding and sustainability, D5 operations and activities, D6 peaceful assembly, D7 administrative and criminal sanctions, D8 dissolution, suspension and cancellation, D9 digital environment and data, D10 stigmatization, security and harassment, D11 taxation and economic burdens, D12 access to justice and remedies, and D13 international standards and cooperation. Each dimension contains three or four indicators, forty-four in all.

Each indicator is scored on a common scale from 0 to 4, where 0 denotes a full guarantee in law and in practice, 1 a legal guarantee with minor obstacles in practice, 2 moderate restrictions (disproportionate formalities or controls), 3 severe restrictions (discretionary permission, surveillance, frequent sanctions) and 4 prohibition or criminalization in fact or in law. The score reflects the combined effect of law and practice, so that a permissive text that is systematically ignored is scored on practice, and a repressive text that is not applied receives at least 2 for its chilling effect, unless there is evidence that it is a dead letter. The index for each dimension is the simple average of its indicators. The IGA (0–4) is the weighted sum of the dimension indices, with weights that add up to one and range from 0.15 for sanctions to 0.02 for access to justice and for international standards, and the IGA (0–100) multiplies that value by 25. Interpretation distinguishes four bands, which are broad openness (0–25), moderate restrictions (26–50), severe restrictions (51–75) and total repression or de facto prohibition (76–100).

Coding follows three rules. The first is the priority of the primary source, so that each indicator cites the legal instrument by its official title, number, date and article, preferably from the official repository (gazettes and bulletins, matsne.gov.ge, pravo.gov.ru, adilet.zan.kz, El Peruano, La Gaceta). The second is triangulation, with at least one source of practice per dimension, drawn from the UN special procedures, the Human Rights Committee, the IACHR and its Special Rapporteurship for Freedom of Expression, the Venice Commission and ODIHR, ICNL, CIVICUS, Human Rights Watch, Amnesty International, Freedom House, Front Line Defenders and national organizations, and, where available, an emblematic case or a figure. The third is an explicit distinction between what the law says and what happens, with an indication of which of the two determines the score.

The study has four limitations that should be stated. The first concerns access. During the research the official repositories of Cuba, Nicaragua, El Salvador, Kazakhstan and, in part, Russia and Georgia were not accessible, so that some of the texts were verified in legal mirrors (Leybook, vLex, prg.kz, ICNL, WIPO Lex, FAOLEX) or through the analyses of specialized organizations, and the references affected are identified in the indicator matrix. The second concerns the date. The situation is assessed as at 4 September 2026 and several processes remain open, among them the new Cuban law on associations, the Nicaraguan constitutional

reform of September 2026, the NGO law announced in Kazakhstan and the implementation of the Peruvian regulations. The third concerns judgment. Of the 352 scores, 44 rest mainly on secondary sources and are marked as provisional in the matrix, and a shift of ±1 in all of them would move each country's IGA by some three points without altering the ranking. The fourth concerns context. Venezuela is scored on its situation after the capture of Nicolás Maduro (January 2026) and the Amnesty Law of February 2026. Because the laws, the Minister of the Interior, the Public Prosecutor's Office and the judiciary remain in place, and the UN Fact-Finding Mission documented 87 new political detentions between January and March 2026, the practice scores have been maintained, and a coding of the situation as at December 2025 would raise the Venezuelan IGA by half a point out of 4.

The chapters on Georgia, Kazakhstan and El Salvador were reviewed by external specialists from each country. The matrix allows any score to be modified and the indices to be recalculated automatically.

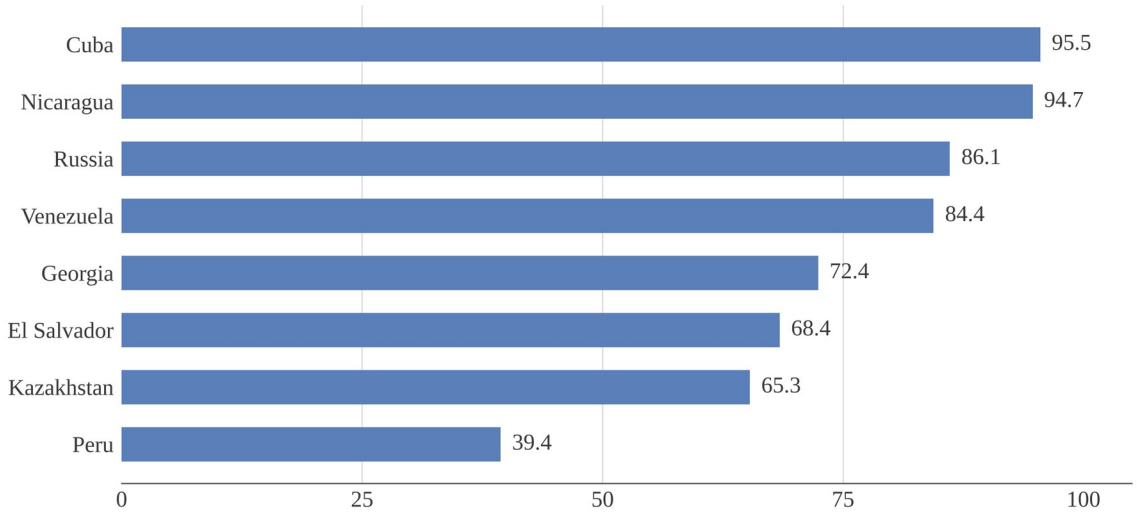
4. Comparative results

Table 1 presents the IGA of the eight countries and Table 2 the indices by dimension. The results can be read at three levels.

Table 1. Global Association Index (IGA), situation as at 4 September 2026

Rank	Country	IGA (0–4)	IGA (0–100)	Band
1	Cuba	3.82	95.5	Total repression / de facto prohibition
2	Nicaragua	3.79	94.7	Total repression / de facto prohibition
3	Russia	3.44	86.1	Total repression / de facto prohibition
4	Venezuela	3.38	84.4	Total repression / de facto prohibition
5	Georgia	2.90	72.4	Severe restrictions
6	El Salvador	2.74	68.4	Severe restrictions
7	Kazakhstan	2.61	65.3	Severe restrictions
8	Peru	1.58	39.4	Moderate restrictions

Figure 1. Global Association Index (0–100) by country

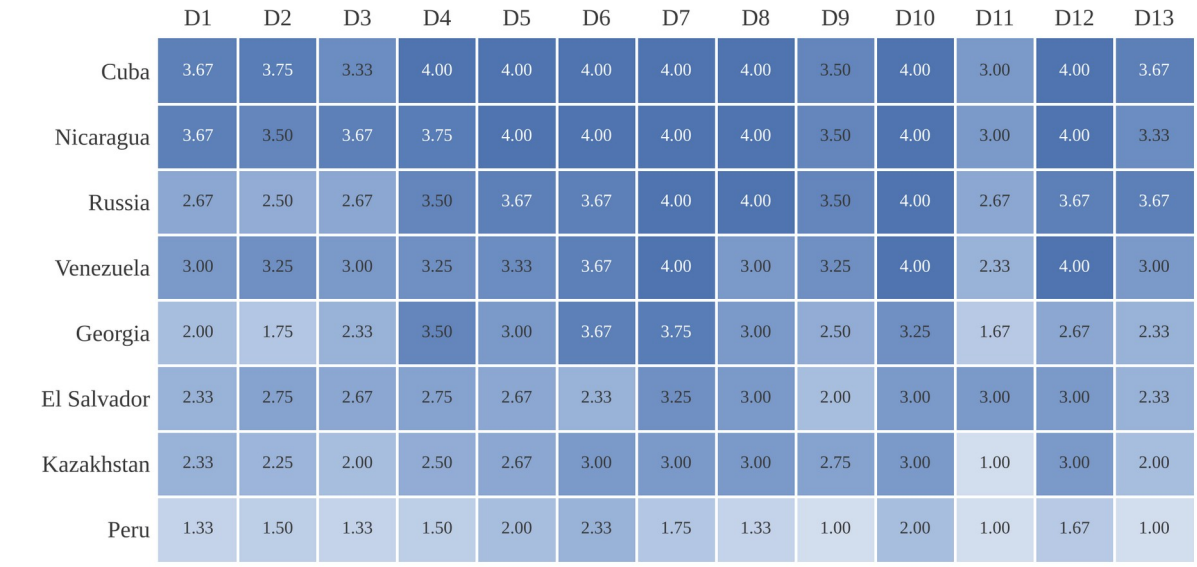


Source: author's own elaboration from the indicator matrix of the study. Higher values indicate greater restriction.

Table 2. Indices by dimension (0–4). Weight of each dimension in brackets

Country	D1 (.07)	D2 (.10)	D3 (.08)	D4 (.12)	D5 (.08)	D6 (.08)	D7 (.15)	D8 (.10)	D9 (.08)	D10 (.07)	D11 (.03)	D12 (.02)	D13 (.02)
Cuba	3.67	3.75	3.33	4.00	4.00	4.00	4.00	4.00	3.50	4.00	3.00	4.00	3.67
Nicaragua	3.67	3.50	3.67	3.75	4.00	4.00	4.00	4.00	3.50	4.00	3.00	4.00	3.33
Russia	2.67	2.50	2.67	3.50	3.67	3.67	4.00	4.00	3.50	4.00	2.67	3.67	3.67
Venezuela	3.00	3.25	3.00	3.25	3.33	3.67	4.00	3.00	3.25	4.00	2.33	4.00	3.00
Georgia	2.00	1.75	2.33	3.50	3.00	3.67	3.75	3.00	2.50	3.25	1.67	2.67	2.33
El Salvador	2.33	2.75	2.67	2.75	2.67	2.33	3.25	3.00	2.00	3.00	3.00	3.00	2.33
Kazakhstan	2.33	2.25	2.00	2.50	2.67	3.00	3.00	3.00	2.75	3.00	1.00	3.00	2.00
Peru	1.33	1.50	1.33	1.50	2.00	2.33	1.75	1.33	1.00	2.00	1.00	1.67	1.00

Figure 2. Intensity of restriction by country and dimension (0–4)



Source: author's own elaboration from the indicator matrix of the study. Dimensions D1 to D13 are defined in section 3.

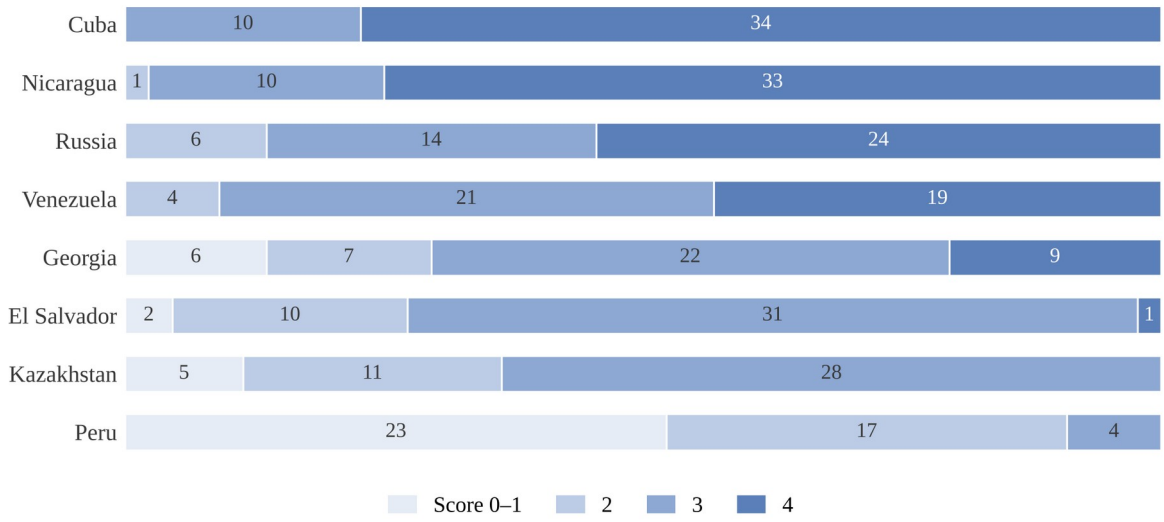
At the upper level, Cuba and Nicaragua score 4 in seven and six dimensions respectively and fall below 3 in none. What unites them is the outcome more than the technique. In Cuba no independent human rights or political organization has ever been registered, while in Nicaragua the State has cancelled the legal personality of more than 5,600 organizations since 2018, around 80 per cent of the registered sector, and those that survive must operate through "Partnership Alliances" validated by the government. Russia and Venezuela share the band of total repression with different profiles. Russia retains a formally open registration regime (D2 = 2.50) but criminalizes the exercise of the right once an organization has been formed (D7, D8 and D10 at 4). Venezuela combines a paralysed register, in which only 2 per cent of the organizations that sought to enrol under the 2024 law succeeded, with sentences of 25 to 30

years for “promoting” sanctions and more than 19,000 documented political detentions since 2014.

At the intermediate level, Georgia, El Salvador and Kazakhstan display a common geometry of relatively open registration (D2 between 1.75 and 2.75), severely restricted funding (D4 between 2.50 and 3.50) and high sanctions (D7 between 3.00 and 3.75). This is the signature of the foreign agent model in its installation phase, in which organizations are not prevented from forming and are suffocated afterwards. Georgia stands out for its speed, with three laws and two criminal reforms in twenty-two months, and for its use of the law on assemblies as a spearhead (D6 = 3.67, with fines multiplied tenfold and administrative detention of up to sixty days). El Salvador is distinguished by the conjunction of the 30 per cent tax with a state of exception in force since March 2022 and renewed more than fifty times, and Kazakhstan by producing stigmatization and de-banking through a public tax register without any need for a label.

Peru, at the lower level, has dimension indices that do not exceed 2.33. The 1993 Constitution prohibits prior authorization and administrative dissolution (art. 2.13), the Constitutional Court struck down in 2007 the APCI’s control over private cooperation funds, and in January 2026 a constitutional court declared three articles of Law 32301 inapplicable to one organization. The country’s presence in the sample is nonetheless justified. The 2025 law introduces the “very serious” infringement of using cooperation funds to “advise, assist or finance” legal action against the State (Law 27692, art. 21.c.2), a direct attack on the accountability function of civil society that the IACHR and the Inter-American Court have questioned, and it shows how a trajectory begins that the other seven countries have already travelled.

Figure 3. Distribution of indicator scores in each country

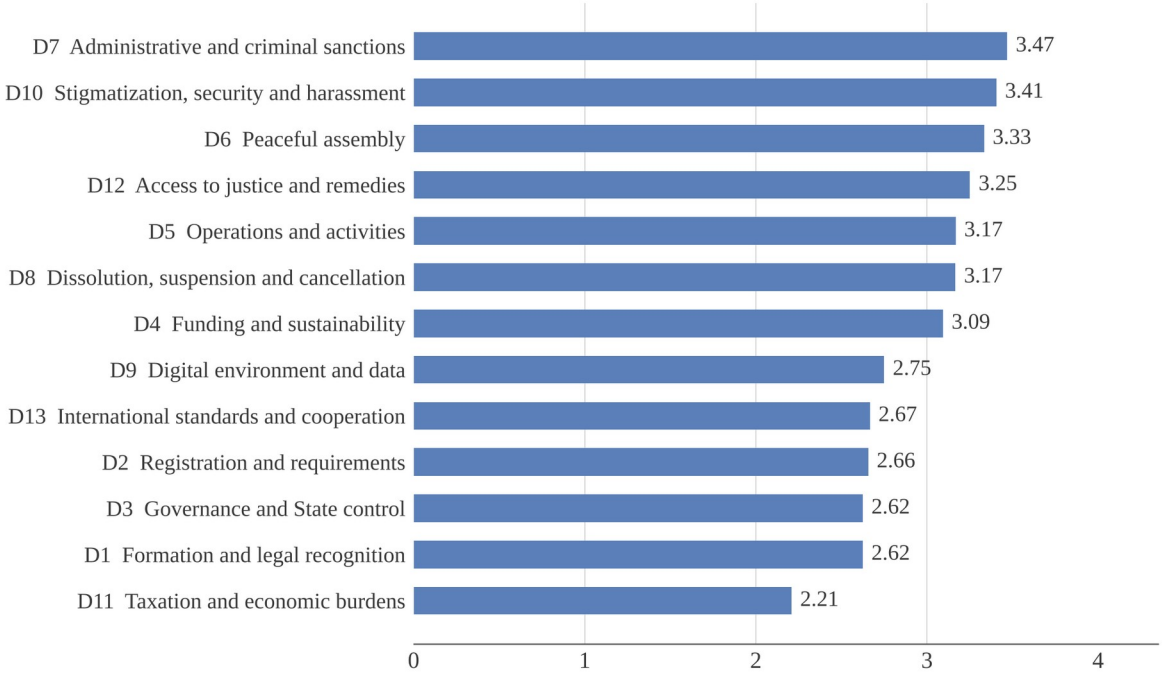


Source: author’s own elaboration from the indicator matrix of the study. Each bar groups the indicators of the country by the score received, from 0 (full guarantee) to 4 (prohibition or criminalization).

Two observations may be made about the dimensions. The greatest convergence occurs in D4 (funding), D7 (sanctions) and D10 (stigmatization), where the eight countries score at least 2.50

in D4 and 3.00 in D7 and D10 with the sole exception of Peru, which confirms that money, punishment and discourse form the shared core of the model. The greatest divergence lies in D2 (registration) and D11 (taxation). Cuba and Nicaragua control entry into civic space while Georgia, Kazakhstan and Peru maintain quick and inexpensive registers, and Nicaragua abolished the tax exemptions of NGOs and churches (Law 1212/2024) while Kazakhstan and Peru preserve them. That divergence is what makes the comparison useful, since it shows that the point at which restriction enters varies while the destination remains the same.

Figure 4. Mean restriction across the eight countries in each dimension (0–4)



Source: author's own elaboration from the indicator matrix of the study.

5. Cross-cutting patterns

This section goes through the dimensions of the index, grouped by function, and shows through the provisions cited how legal orders of different tradition, geography and ideology converge on the same techniques. The order follows the life of an organization, from its birth and funding to its activity, its punishment and its disappearance.

5.1 Entry: from prior authorization to the registration trap

The international standard is the notification regime, under which an association acquires legal personality by communicating its existence and the administration may not refuse it on substantive grounds. Only Georgia, Kazakhstan and Peru approach that standard on paper, through entry in the Public Registry within one working day (Civil Code of Georgia, arts. 27–38), State registration with short time limits (Kazakhstan's Law on Registration of Legal Entities, arts. 9–11) and declaratory registration with SUNARP (Peruvian Civil Code, arts. 77–98), and only Peru maintains it in practice. The other five countries control the point of entry.

Cuba is the limiting case. Law 54/1985 requires thirty founders (art. 5) and a State "liaison body" that issues a report, attends meetings and receives accounts (art. 13; Resolution 53/1986, arts. 28–29), and it allows the Ministry of Justice to refuse formation where an organization with "identical or similar objectives or name" already exists (art. 8(d)). That subparagraph is the heart of the system. Because an official mass organization exists in every field, the FMC for women, the CTC for workers, the FEU for students and the UNEAC for artists, no independent organization can satisfy the requirement. Resolution 1/2012 of the Directorate of Associations, which refused registration to the Cuban Legal Association on the ground that its aims "correspond to State functions already assumed", is the textbook application. Political, religious and human rights aims fall outside the permitted categories (art. 2) and the register is not accessible, the last official figure for registered associations dating from 2001.

Nicaragua arrived at the same result by the opposite route, which consisted in eliminating existing organizations where Cuba prevents their birth. Law 1115/2022 subjected all non-profit organizations to a new registration with the Ministry of the Interior, with a "no objection" requirement, police records and detailed reporting of donors and beneficiaries, and Law 1127/2022 transferred from the legislature to the minister the power to grant and cancel legal personality by a simple ministerial order published in La Gaceta. On 19 August 2024 a single order cancelled 1,500 organizations, and on 22 August Ministerial Order 39-2024-OSFL cancelled 151 business chambers, among them the American Chamber, the Spanish Chamber and Eurocam, for "failure to report". The UN Group of Human Rights Experts on Nicaragua counted 5,437 cancellations between December 2018 and February 2025 (A/HRC/58/26) and the Office of the High Commissioner 5,535 by mid-2025, roughly 80 per cent of all registered organizations (A/HRC/60/92). No registration of a single independent organization has been recorded since 2018.

Venezuela shows a third technique, which is paralysis. The Law on the Oversight, Regularization, Operation and Financing of NGOs (Official Gazette 6,855 Extraordinary, 15

November 2024) obliges all organizations to re-register with the Autonomous Service of Registries and Notaries, which answers to the Ministry of the Interior, within ninety days, and authorizes refusal where the purpose promotes "fascism" or "intolerance" or is contrary to the Constitution (arts. 11–16). Not a single formal dissolution under the law is known, and none has been needed. According to civil society figures, barely 2 per cent of the organizations that sought to register succeeded, and SAREN refuses without giving reasons. Russia, for its part, maintains a formally open register with the Ministry of Justice (Law 82-FZ, art. 21; Law 7-FZ, art. 13.1) with elastic grounds for refusal, such as documents "contrary to the Constitution and legislation" or names that "offend morality or national and religious feelings" (Law 7-FZ, art. 23.1), and above all with the possibility of designating unregistered groups as foreign agents (Law 255-FZ, art. 7), which turns the absence of registration into a trap instead of a freedom.

Kazakhstan and El Salvador occupy intermediate positions that teach a different lesson, which is that the speed and cost of registration do not measure discretion. In Kazakhstan registration is cheap and quick, yet the Alga party has been refused twenty-six times, most recently in a decision confirmed in April 2026, and LGBT organizations are refused as a category. In addition, the activity of an unregistered association is unlawful (Law on Public Associations, art. 5.2) and leading one is punishable (Code of Administrative Offences, art. 489). In El Salvador the Law on Non-Profit Associations and Foundations (Decree 894/1996) makes legal personality conditional on approval of the statutes by the executive and on entry in the register of the Ministry of the Interior, which now shares a building with the Register of Foreign Agents.

5.2 Money as the Achilles heel: five variants of a single attack

The funding dimension (D4) shows the greatest convergence in the sample and best explains the spread of the model, because attacking money is cheaper than prohibiting, requires nothing to be dissolved and can be presented as transparency. All eight legal orders restrict access to foreign resources, and they do so through five techniques that are often combined (Table 3).

Table 3. Typology of restrictions on foreign funding

Technique	Countries	Instruments
Criminalization	Cuba; Russia (financing of "undesirables"/extremism); Nicaragua (2024); Venezuela (Simón Bolívar Law)	Cuba: Law 88/1999, art. 11 (3–8 years) and Criminal Code, Law 151/2022, art. 143 (4–10 years). Russia: Criminal Code, arts. 284.1 and 282.3. Nicaragua: Criminal Code, art. 410 as amended by Law 1216/2024 (15–30 years for financiers). Venezuela: Simón Bolívar Organic Law, arts. 11–12 (25–30 years).
"Foreign agent" label	Russia; Nicaragua; Georgia; El Salvador	Russia: Law 121-FZ/2012 and Law 255-FZ/2022, arts. 1–2, 5, 9, 11. Nicaragua: Law 1040/2020, arts. 3–9. Georgia: Law on Transparency of Foreign Influence (2024), art. 2.1 (≥20% of income) and Foreign Agents Registration Act (2025), arts. 1–4. El Salvador: Legislative Decree 308/2025, arts. 3–9.
Tax	El Salvador; Nicaragua (abolition of exemptions); Russia (punitive taxation)	El Salvador: Legislative Decree 308/2025, arts. 10–17 (30% on foreign funds and goods). Nicaragua: Law 1212/2024 (repeals the income tax exemption for NGOs and churches, Law 822, art. 32). Russia: law of 28 November 2025 (personal income tax at 30% and loss of benefits for foreign agents).
Prior	Georgia; Peru; Venezuela	Georgia: Law on Grants, art. 5¹ (Government consent for every

Technique	Countries	Instruments
authorization	(2010); Cuba (MINCEX)	foreign grant, 2025), criminalized by the Criminal Code, art. 319[1] (up to 6 years, March 2026). Peru: Law 27692 as amended by Law 32301/2025, arts. 3–4 ("prior conformity" of the APCI). Venezuela: Law for the Defence of Political Sovereignty (2010), arts. 3–7 (prohibition for organizations "with political aims"). Cuba: Decree-Law 16/2020 (MINCEX approval of all cooperation).
Public "transparency" register	Kazakhstan; Georgia (2024); Russia (unified register)	Kazakhstan: Tax Code 2017, art. 29, and Tax Code 2025, art. 56.9; Ministry of Finance Order 240/2018 as amended in 2023 (public half-yearly register of recipients of foreign funds, with donors and amounts since 2026); 2026 Constitution, art. 6.5. Georgia: 2024 law, arts. 4–6 (registration and annual declaration). Russia: Law 255-FZ, art. 5.

Figure 5. Techniques for restricting foreign funding present in each country



Source: author's own elaboration from Table 3.

Pure criminalization is the Cuban hallmark. Law 88/1999 punishes with three to eight years the receipt or distribution of "financial, material or other means" from the Government of the United States "or from private entities" (art. 11), and it was the basis for the seventy-five convictions of the Black Spring of 2003. The Criminal Code of 2022 generalized the formula. Its article 143 punishes with four to ten years anyone who "on their own behalf or on behalf of non-governmental organizations, international institutions, associative forms or any natural or legal person of the country or of a foreign State, supports, encourages, finances, provides, receives or holds funds or material or financial resources for the purpose of defraying activities against the State and its constitutional order". Special Rapporteur Romero cited that article before the United States Congress in September 2025 as an example of the criminalization of access to resources.

The label is the Russian hallmark, and its evolution is the central lesson of the study. The 2012 version required two elements, foreign funds and "political activity", together with a definition of political activity that covered advocacy, research, legal analysis, election observation and opinion polling. Law 255-FZ of 2022 removed the first element, so that "foreign influence" alone is sufficient, defined as "the provision by a foreign source of support to a person and/or

the exercise of influence over that person, including through coercion, persuasion and/or other means" (art. 2). In June 2026 the Deputy Minister of Justice acknowledged that 96 per cent of the 215 designations made in 2025 involved no foreign funding at all. The label has ceased to measure money and now measures loyalty. It also accumulates consequences, which comprise twenty-one categories of prohibition (art. 11) covering public service, the teaching of minors, election observation, advertising and State funding, taxation at 30 per cent (2025), confiscation of property (2024), criminal liability after a single administrative penalty (Law 378-FZ, October 2025), and unlimited inspections and access to bank records within three working days (law of June 2026). The register exceeded 1,200 names by mid-2026.

Nicaragua copied the label in October 2020 (Law 1040, under which anyone receiving funds from abroad is a "foreign agent", must notify each transfer, report monthly and refrain from "internal and external politics", arts. 3–9), Georgia in May 2024 with a threshold of 20 per cent of foreign income and a euphemistic name, "organization pursuing the interests of a foreign power", and El Salvador in May 2025 with the terminology of the United States FARA ("foreign principal", labelling of informational material, a copy to the prosecution service). El Salvador added something no other law had, a 30 per cent tax withheld at source by banks on every fund, good or service of foreign origin (Legislative Decree 308, arts. 10–17), accompanied by a discretionary power of exemption that turns the tax into de facto prior authorization. By the end of 2025 only 29 organizations had applied to register with the RAEX and 38 had requested exemption, out of a universe of between 4,500 and 8,000 entities.

Prior authorization comes in two versions. The Georgian version is total. Since April 2025 every foreign grant, and since June technical assistance and knowledge sharing as well, has required the consent of the Government (Law on Grants, art. 5^{1} and art. 2.1^{3}), the fine is twice the amount, and since 4 March 2026 receiving a grant without consent has been a criminal offence punishable by up to six years in prison (Criminal Code, art. 319^{1}). Between April 2025 and June 2026 the Government received 222 applications, approved 177 and rejected 10, and the British embassy cancelled its calls for proposals because of the delays. The Peruvian version is sectoral and administrative. The APCI grants "prior conformity" to plans, programmes and projects financed by international technical cooperation and penalizes with up to 500 UIT, some 750,000 dollars, the use of those funds for legal action against the State (Law 27692, arts. 4.u, 21.c.2 and 22). Venezuela inaugurated the formula in 2010, before Russia, by prohibiting the foreign funding of "organizations with political aims" and of those engaged in the "defence of political rights", with a fine of twice the amount received (Law for the Defence of Political Sovereignty, arts. 3–7).

Kazakhstan demonstrates that the label can be dispensed with. The Tax Code requires notification and reporting of all foreign money intended for legal assistance, opinion polling or information activities (art. 29 of the 2017 code; art. 56.9 of the 2025 code), the Code of Administrative Offences punishes non-compliance with fines and suspension (art. 460-1) and imposes the labelling of material financed from abroad (art. 460-2), and since September 2023 the State Revenue Committee has published a half-yearly register of recipients that in 2026 includes donors and amounts. The effect, in the form of stigmatization, closed bank accounts and suspensions such as those imposed on KIBHR, ILI and Echo in January 2021, is the same

as that of a foreign agent law at a lower reputational cost, and the 2026 Constitution has raised it to constitutional rank (art. 6.5).

A sixth layer runs through the previous five, which is the use of anti-money-laundering and counter-terrorism rules. Venezuela obliged banks to "monitor" all operations of non-profit organizations (SUDEBAN circular of 20 November 2020) and entered them as "reporting entities" in a register of the National Office against Organized Crime (Orders 001 and 002-2021), so that the offences of "terrorism", "financing of terrorism" and "criminal association" under the LOCDOFT (arts. 35, 37, 52–53) became available against human rights defenders. Nicaragua brought NGOs within Law 977 on money laundering (Law 1215/2024) despite the FATF's warning. El Salvador linked the RAEX to anti-money-laundering reporting and to the prosecution service (Legislative Decree 308, arts. 7.g and 8.c), and the new special law of October 2025 allows the Financial Investigation Unit to single out organizations "with greater exposure to risk". Russia automatically freezes the accounts of persons placed on the Rosfinmonitoring list (Law 115-FZ, art. 6). In March and August 2025 Georgia froze the accounts of twelve organizations and five solidarity funds by invoking the offences of sabotage and financing of activities against the constitutional order (Criminal Code, arts. 318, 319 and 321¹). Cuba closed the circle in May 2026, when Central Bank Resolution 45/2026 ordered the freezing "without delay and without prior notice" of the assets, including donations and virtual assets, of the persons and organizations entered on the "National List" of the Ministry of the Interior (Resolution 19/2023), which includes activists and organizations in exile.

5.3 The spread of the Russian model and its mutations

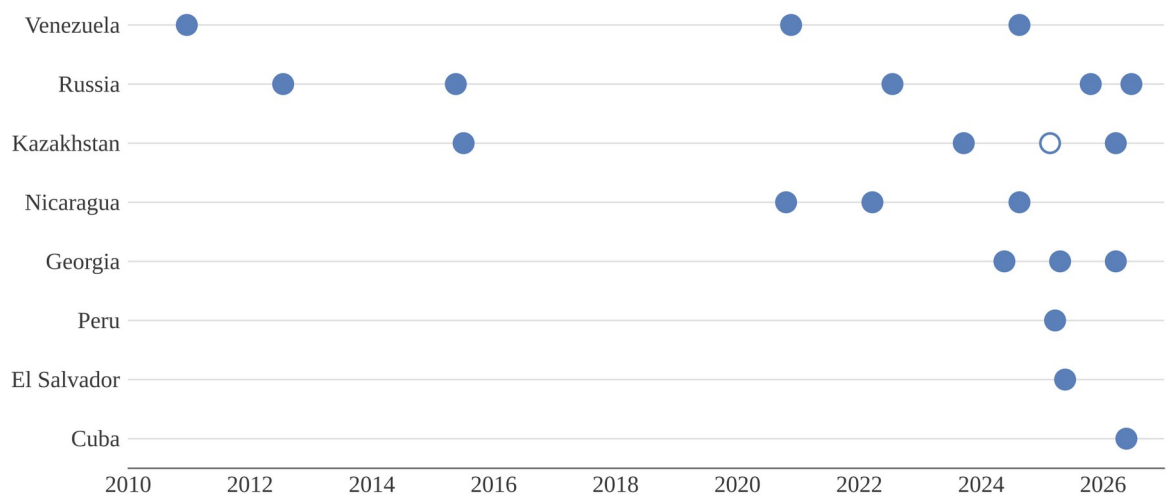
Table 4 sets out in chronological order the milestones of the foreign agent model in the sample, and three features stand out. The first is acceleration. Russia took ten years (2012–2022) to move from a label with a funding requirement to a label based on "influence" and to systematic criminalization, whereas Georgia covered the same ground between May 2024 and March 2026. The second is hybridization. Each country adopts the module best suited to its regime, which Nicaragua merges with administrative cancellation, El Salvador with taxation and Kazakhstan with the tax register, and none copies its predecessor word for word except Georgia, which copied the United States word for word. The third is the alibi. The laws of 2024–2025 (Georgia, El Salvador, Peru, Slovakia, Hungary) were justified by reference to the United States FARA of 1938 and, from February 2025, to Washington's own decision to dismantle USAID, which deprived civil society of an argument and governments of a restraint.

Table 4. Chronology of the spread of the "foreign agent" model in the countries studied

Date	Country	Milestone
Dec. 2010	Venezuela	Law for the Defence of Political Sovereignty and National Self-Determination: prohibition of foreign funds for organizations "with political aims" (arts. 3–7). Predates the Russian model.
Jul. 2012	Russia	Law 121-FZ: registration, label, audit and criminal liability (Criminal Code, art. 330.1) for NGOs with foreign funds and "political activity".
May 2015	Russia	Law 129-FZ: foreign organizations declared "undesirable" by decision of the Prosecutor General's Office (Law 272-FZ, art. 3.1); participating in or financing

Date	Country	Milestone
		them is an offence (art. 284.1).
2015–2016	Kazakhstan	Law 429-V: State database of NGOs; Tax Code, art. 29: notification and reporting of foreign funds; Code of Administrative Offences, arts. 460-1 and 460-2.
Oct. 2020	Nicaragua	Law 1040 on the Regulation of Foreign Agents; in December, Law 1055 ("traitors to the homeland").
Nov. 2020–May 2021	Venezuela	SUDEBAN circular and ONCDOFT Orders 001/002-2021: NGOs as "reporting entities" under the anti-money-laundering regime.
Mar.–Aug. 2022	Nicaragua	Law 1115 (control of non-profit organizations) and Law 1127 (cancellation by ministerial order).
Jul.–Dec. 2022	Russia	Law 255-FZ: "persons under foreign influence" with no funding requirement; unified register; 21 categories of prohibition.
Sep. 2023	Kazakhstan	Publication of the public register of recipients of foreign funds.
May–Aug. 2024	Georgia	Law on Transparency of Foreign Influence (20% threshold); 95% of organizations refuse to register.
Aug.–Nov. 2024	Nicaragua	Package of Laws 1212–1228: extraterritoriality, confiscation, surveillance, abolition of tax exemptions; 1,500 cancellations in one day.
Aug.–Nov. 2024	Venezuela	Law on the Oversight of NGOs (re-registration with SAREN) and Simón Bolívar Organic Law (register of persons, 25–30 years for "promoting" sanctions).
Feb. 2025	Kazakhstan	"Foreign agents" bill (Smirnova): not adopted; the pressure is absorbed by the tax register.
Mar.–Apr. 2025	Peru	Law 32301: the APCI as authority of "prior conformity" and sanction; "very serious" infringement for litigating against the State with cooperation funds.
Apr.–Jun. 2025	Georgia	Foreign Agents Registration Act (adapted from the United States FARA and known as GEOFARA, up to 5 years in prison); amendment of the Law on Grants: Government consent for every foreign grant and for technical assistance.
May–Jun. 2025	El Salvador	Legislative Decree 308, Foreign Agents Law: RAEX, 30% tax, fines of 100,000 to 250,000 dollars, cancellation.
Oct.–Nov. 2025	Russia	Law 378-FZ: criminal offence after a single administrative penalty; tax law of 28 November: personal income tax at 30% for foreign agents.
Mar. 2026	Georgia	Criminal Code, art. 319¹ (grant without consent, up to 6 years) and art. 316¹ ("extremism": questioning the legitimacy of the constitutional order).
Mar.–Jul. 2026	Kazakhstan	New Constitution: transparency of foreign funding of NGOs (art. 6.5); removal of the primacy of treaties (art. 5.3).
May 2026	Cuba	Central Bank Resolution 45/2026: freezing without notice of the assets, donations and crypto-assets of the persons and organizations on the "National List".
Jun. 2026	Russia	Law on bill 1129941-8: access to bank records within 3 days, total ban on social advertising, unlimited inspections.

Figure 6. Adoption of the main restrictive instruments, 2010–2026



Source: author's own elaboration from Table 4. The hollow circle marks a bill that was not adopted.

5.4 From NGO law to criminal law

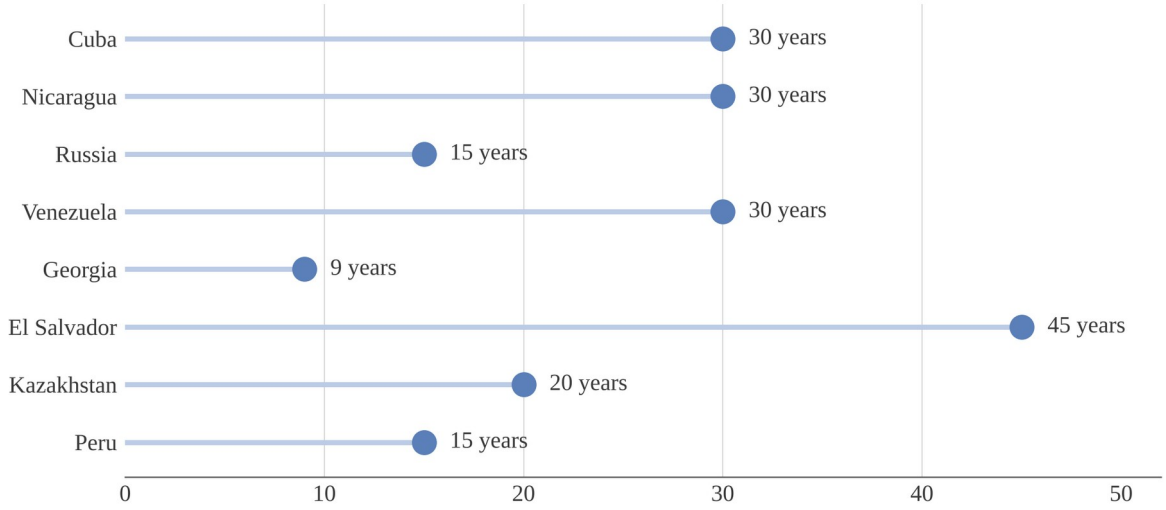
The sanctions dimension (D7) carries the greatest weight in the index and is where the sample is most alike, with seven countries scoring between 3.00 and 4.00. The finding lies less in the existence of penalties than in their location. Except in Peru, the decisive sanction is found in the Criminal Code or in special security laws and not in the law on associations, and the legal interest invoked is sovereignty, the constitutional order or State security and not transparency. Table 5 lists the offences most frequently used.

Table 5. Main criminal offences applicable to associative activity

Country	Offence (instrument, article)	Penalty
Cuba	Unauthorized associations (Law 151/2022, art. 274); unlawful meetings and demonstrations (art. 275); financing of activities "against the State" (art. 143); "arbitrary exercise" of constitutional rights (art. 120.1); sedition (art. 121); receipt of resources from the US Government or "private entities" (Law 88/1999, art. 11); collaboration with foreign media (Law 88, art. 7)	Art. 274: 6 months–2 years and confiscation; art. 143: 4–10 years; art. 120: 4–10 years; art. 121: 10–30 years, life imprisonment or death; Law 88, art. 11: 3–8 years
Nicaragua	Undermining national integrity, as amended by Law 1216/2024 (Criminal Code, art. 410): promoting or requesting sanctions; "spreading false news" (Law 1042, art. 30, as amended by Law 1219); treason (Law 1055, art. 1); acts inside or outside the national territory	Art. 410: 10–15 years; 15–30 years for organizers and financiers; art. 30: 3–5 years, 5–10 with aggravating circumstances; loss of nationality (Law 1145)
Venezuela	Treason (Criminal Code, art. 128); conspiracy (art. 132); incitement to hatred (Law against Hatred, art. 20); terrorism and financing of terrorism (LOCDOFT, arts. 52–53); criminal association (art. 37); promotion of sanctions (Simón Bolívar Law, arts. 11–12)	Art. 128: 20–30 years; Law against Hatred: 10–20 years; LOCDOFT: 15–30 years; Simón Bolívar Law: 25–30 years and disqualification for up to 60 years
Russia	Failure to comply with foreign agent duties (Criminal Code, art. 330.1, after a single administrative penalty	Art. 330.1: up to 5 years; art. 284.1: up to 6 years; art. 282.2: up to 12 years; art. 207.3:

Country	Offence (instrument, article)	Penalty
	since 2025); participation in an "undesirable" organization (art. 284.1); extremist community and organization (arts. 282.1–282.2) and their financing (282.3); confidential cooperation with a foreign State (275.1); "false information" about the armed forces (207.3); discrediting the armed forces (280.3); repeated violation of the rules on assemblies (212.1)	up to 15 years; confiscation of property (art. 104.1, 2024)
Georgia	Receipt of a grant without consent (Criminal Code, art. 319¹, 2026); "extremism", calls concerning the illegitimacy of the constitutional order (art. 316¹, 2026); political activity of legal persons (art. 355³); group violence (art. 225); sabotage and financing against the constitutional order (arts. 318, 321¹, used to freeze accounts); repeated assembly offences (art. 347, 2025); Foreign Agents Registration Act, art. 8	Art. 319¹: up to 6 years; art. 316¹: up to 3 years and liquidation of legal persons; art. 225: 6–9 years; Georgian FARA: up to 5 years; administrative detention of up to 60 days
El Salvador	Unlawful groupings (Criminal Code, art. 345, amended in 2022 and 2026); public disorder (arts. 348 and 348-A); Special Law against Acts of Terrorism (arts. 6, 8, 13, 29, amended in 2026); state of exception (Legislative Decree 333/2022 and 51 extensions)	Art. 345: 20–30 years for members, 40–45 for leaders (2022 reform); LECAT, art. 29: 20–30 years and 100,000–500,000 dollars; administrative detention of 15 days without defence counsel
Kazakhstan	Incitement to discord (Criminal Code, art. 174); financing of extremism (art. 258); unlawful association (art. 404); participation in a banned organization (art. 405); false information (art. 274); interference in the activity of State bodies (art. 403)	Art. 174: 2–20 years; art. 258: 5–12 years and confiscation; art. 404: up to 7 years; art. 405: up to 6 years; inclusion on the financial monitoring list and freezing of accounts
Peru	No offence of unregistered association or of foreign funding. Protest: extortion (Criminal Code, art. 200), obstruction of public services (art. 283), rioting (art. 315, Legislative Decree 1589/2023); "very serious" administrative infringement (Law 27692, art. 21.c.2)	Art. 283: 4–10 years; art. 315: 6–15 years; fine of up to 500 UIT (≈ 750,000 dollars), suspension and cancellation of APCI registration

Figure 7. Maximum prison term provided for in the criminal offences applicable to associative activity



Source: author's own elaboration from Table 5. The offences are not equivalent across countries. The figure for El Salvador corresponds to the 2022 reform. In Cuba, article 121 of the Criminal Code (Law 151/2022) provides, in addition to the range of ten to thirty years, for life imprisonment and the death penalty.

Three common features emerge. The first is elastic wording, as in “activities against the State and its constitutional order” (Cuba), “campaigns to destabilize the country” (Nicaragua), “fascism” and “intolerance” (Venezuela), “foreign influence” and “undesirable” (Russia), “illegitimacy of the constitutional order” (Georgia), “public order” and “national security” (El Salvador) and “social discord” (Kazakhstan). The European Court of Human Rights held in Ecodefence that the unforeseeability of the Russian law in itself violated the Convention, and later legal orders have knowingly reproduced the defect. The second is disproportion, with sentences of twenty to thirty years for calling for sanctions (Nicaragua, Venezuela), of up to ten for receiving funds (Cuba) and of up to six for accepting a grant (Georgia), against the rule of the Joint Declaration that no custodial sentence should be imposed for the exercise of the right of association (measure 19). The third is extraterritoriality. Nicaragua applies its Criminal Code to acts committed outside the country, with trials in absentia (Law 1216/2024), Russia designates foreign agents and undesirable organizations resident abroad, and Cuba placed sixty-one persons and nineteen organizations, most of them in exile, on its “National List” for terrorism and in November 2025 announced a criminal investigation against eighteen editors of elTOQUE based outside the island.

Selective enforcement completes the picture. In Cuba, 1,586 people were detained after the protests of 11 July 2021 and 694 received final sentences, most of them of five to ten years, and Prisoners Defenders counted 1,327 political prisoners on 31 July 2026, 217 of them held for sedition with an average sentence of ten years. In Venezuela, Foro Penal documents 19,210 political detentions since 2014 and 2,062 between 28 July and 31 December 2024. In Georgia there were 8,200 case files for assembly offences in twelve months, 69 convictions in trials monitored by GYLA and ninety political prisoners according to the criteria of the Council of Europe. In Russia, OVD-Info records more than 20,000 detentions for protests against the war since 2022. In Kazakhstan, the leaders of Alga Kazakhstan received seven-year sentences (Zhylanbayev, 2023; Jahin, 2026) and nineteen Atajurt activists were convicted in 2026 for “discord”. In El Salvador, the lawyer Ruth López, head of anti-corruption at Cristosal, completed four hundred days in incommunicado detention in June 2026 in spite of IACHR Resolution 66/2025.

5.5 Dissolution without a judge

The international standard reserves involuntary dissolution to an independent court, as a last resort and in the face of a clear and imminent danger. The Constitutions of Georgia (art. 22), Peru (art. 2.13) and Venezuela (art. 52, read with the Civil Code) say so expressly. Practice in the sample has emptied the standard of content by three routes.

The first is direct transfer to the administration. Nicaragua cancels by ministerial order (Law 1115, arts. 46–47, and Law 1127) and the assets pass to the State, a fate that befell 5,663 organizations between 2018 and April 2026. El Salvador entrusts to the Minister of the Interior, through the simplified procedure of the Law on Administrative Procedures (art. 158), the cancellation of the legal personality of foreign agents pursuing “political aims” (Legislative

Decree 308, arts. 7.j, 18–19; Regulations, arts. 18–20). Venezuela allows the Ministry of the Interior to order "preventive suspension" (NGO Law, art. 30) and reserves dissolution to a judicial procedure that in practice has not needed to be set in motion. Cuba empowers the Ministry of Justice to dissolve on account of activities "harmful to the social interest" or at the request of the liaison body (Resolution 53/1986, art. 79).

The second route is adjudication before captured courts. Russia liquidated International Memorial (Supreme Court, 28 December 2021) and the Memorial Human Rights Centre (Moscow City Court, 29 December 2021) for labelling infringements, followed by the Moscow Helsinki Group and the SOVA Centre (2023). Georgia retains judicial dissolution but uses the Tbilisi courts to freeze accounts at the request of the prosecution without adversarial proceedings (March and August 2025). Kazakhstan banned the DVK movement (2018) and Koshe Partiyasy (2020) as "extremist" through court decisions sought by the prosecution, which made the participation of any sympathizer a criminal offence (Criminal Code, art. 405).

The third route is the interim measure used as a sanction. The freezing of accounts and confiscation, as practised in Nicaragua (Law 1115 and Law 1220/2024), Georgia (arts. 318, 319, 321¹), Russia (Law 115-FZ, art. 6; Criminal Code, art. 104.1), Venezuela (Simón Bolívar Law, art. 23; LOCDOFT, art. 55) and Cuba (Central Bank Resolution 45/2026), produce the effect of dissolution without any need to decree it. Only Peru retains operative judicial review. In 2007 the Constitutional Court struck down the administrative cancellation of APCI registration, holding that an association may be "cancelled" only by a court judgment (STC 0009/0010-2007-PI/TC), and on 6 January 2026 the Sixth Constitutional Court of Lima declared articles 4.u, 21.b.4 and 21.c.2 of the amended Law 27692 inapplicable to the Instituto de Defensa Legal.

5.6 Peaceful assembly: notification in name, authorization in substance

The assembly dimension (D6) is one of the most uniform in the sample, with six countries scoring 3.00 or more and none falling below 2.33. The Constitutions of Venezuela (art. 53, "without prior permission"), Georgia (art. 21, "without prior authorization") and Peru (art. 2.12, "advance notice") establish notification regimes, and that of Nicaragua did so until the 2025 reform deleted the phrase "does not require prior permission". In every case the law or the courts have turned notification into authorization. The Venezuelan Supreme Court of Justice did so by judgment (Constitutional Chamber, No. 276 of 24 April 2014), ruling that organizers must "exhaust the administrative authorization procedure" and that an unauthorized demonstration is unlawful. Kazakhstan did so by statute. Law 333-VI of 2020 imposes designated places, ten grounds for refusal and express approval for marches, the State itself informed the Human Rights Committee in 2025 that only 13 per cent of notifications had been approved, and Constitutional Court decision 61-NP of January 2025 against automatic refusals is ignored. Russia did so by accumulation. Law 54-FZ, amended in 2012, 2014, 2020 and 2022, allows the authorities to propose another place and time on "reasoned" grounds, extends the list of prohibited places and punishes repeat offences with imprisonment (Criminal Code, art. 212.1).

Georgia illustrates escalation in real time. Between December 2024 and December 2025 Parliament prohibited face coverings, lasers, temporary structures and the blocking of traffic lanes, multiplied fines tenfold (5,000 lari per participant, 15,000 per organizer), raised administrative detention from fifteen to sixty days, extended the duty of notification to pavements and, in October 2025, made the repeated blocking of roads a criminal offence (Criminal Code, art. 347). A single demonstrator, Gota Chanturia, accumulated seventy-three fines totalling 365,000 lari. El Salvador resorted to permanent exception. The state of exception in force since 27 March 2022 suspended freedom of assembly until August of that year and keeps the guarantees concerning detention and communications suspended four years later, with 92,959 detentions and between 458 and 500 deaths in custody, and Pastor José Ángel Pérez and the lawyer Alejandro Henríquez spent seven months in prison for a peaceful protest in the El Bosque community (May–December 2025). Cuba criminalizes unauthorized assembly as such (Criminal Code, arts. 263 and 275), and in Peru, where protest is not an offence, forty-nine civilians died between December 2022 and February 2023 without a single conviction.

5.7 Stigmatization, exile and transnational repression

Every foreign agent law is preceded and accompanied by a campaign of stigmatization. Eka Gigauri, director of Transparency International Georgia, described it before the United States Senate as the first of three phases, which consist of preparing the ground, passing the law despite opposition and enforcing it, and recounted that her face appeared on posters of “public enemies” across the country with the caption “our homeland is not for sale”. The vocabulary is interchangeable, from “agent” and “spy” (Georgia, Russia) and “traitor to the homeland” (Nicaragua, Law 1055) to “fascist” (Venezuela), “mercenary” and “counter-revolutionary” (Cuba) and “terrorist” (Venezuela, El Salvador, Cuba). On 29 May 2025 the Venezuelan Minister of the Interior accused PROVEA, Foro Penal, Médicos Unidos and Maracaibo Posible of forming a “terrorist structure”, and on 7 December 2023 the Cuban Ministry of the Interior placed activists and influencers in exile on its list of terrorists.

Indirect sanctions are as effective as criminal ones. Russia excludes foreign agents from public service, teaching, elected office and advertising (Law 255-FZ, art. 11), and in March 2026 Georgia barred from party membership, for eight years, anyone who has received a salary from an “organization pursuing the interests of a foreign power”. Kazakhstan disqualifies from “public activity” those convicted of discord and extremism. Cuba uses “regulation”, the administrative ban on leaving the country on “grounds of defence and national security” (Migration Law, art. 25), and its inverse, the refusal of entry, which Law 171/2024 retains. In 2026 four UN rapporteurs denounced the model of “prison or exile” (communication JAL CUB 3/2026) following the cases of José Daniel Ferrer, exiled in October 2025, and Luis Manuel Otero Alcántara, expatriated in July 2026 on completing his sentence. Nicaragua went further, stripping 452 people of their nationality since February 2023 (Law 1145; Constitution, art. 17 in the 2025 numbering) and approving on 1 September 2026 a constitutional reform that bars “traitors” from standing for any office.

Repression no longer stops at the border. The UN Group of Experts on Nicaragua documented a State intelligence network directed against exiles and the murder of Major Roberto Samcam in Costa Rica (19 June 2025), Russia designated the Human Rights Foundation and the Victims of Communism Memorial Foundation as "undesirable" in August 2026, and Cuba threatens editors abroad with extradition or prison. Freedom House attributes 25 per cent of the cases of transnational repression in its database to China, and the countries in the sample reproduce its techniques on a smaller scale. The Joint Declaration asks receiving States to guarantee an enabling environment for civil society and activists who have fled (measure 21), a point to which section 8 returns.

5.8 The digital perimeter

The digital dimension (D9) shows the transfer of techniques from the physical to the virtual world. Four countries have made "false information" an offence, namely Cuba (Decree-Law 370/2018, art. 68(i), with fines and confiscation of equipment; Resolution 105/2021, which classifies "incitement to mobilization" and "defamation with an impact on the country's prestige" as cybersecurity incidents; Criminal Code, art. 391), Nicaragua (Law 1042/2020, art. 30, up to ten years, applicable to acts committed "inside or outside the national territory"), Russia (Criminal Code, arts. 207.3 and 280.3, up to fifteen years) and Kazakhstan (Criminal Code, art. 274, up to seven years in emergency situations). Venezuela has blocked X and Signal since August 2024 and blocked 135 websites in 2025. Russia blocks without a court order, by decision of the Prosecutor General's Office (Law 149-FZ, art. 15.3). Nicaragua obliges operators to hand over to TELCOR "all information required", including location coordinates (Law 1223, in force since November 2025), and Cuba obliges the State operator to "interrupt, suspend or terminate" service (Decree-Law 35/2021). In June 2025 Georgia obtained court orders compelling six organizations to hand over personal and health data of their beneficiaries, and Kazakhstan has published the names of recipients of foreign funds since 2023. Digital donations are the new front. Cuba expressly included them in the freeze of 2026, Russia prosecutes transfers to banned organizations as the financing of extremism and Kazakhstan confines digital assets to the Astana International Financial Centre.

5.9 International standards: non-compliance, withdrawal, rewriting

The last dimension measures the relationship with the international system and reveals a new tendency, in which States no longer merely fail to comply with recommendations but withdraw from the bodies that issue them or rewrite the domestic hierarchy of norms. Nicaragua expelled OHCHR and the IACHR's MESENI in 2018, denounced the OAS Charter (effective November 2023), announced its withdrawal from the Human Rights Council in February 2025 and saw five UN agencies leave in 2025. Russia amended its Constitution in 2020 to permit the non-enforcement of decisions of international bodies that conflict with it (art. 79) and does not execute Ecodefence. Kazakhstan removed from its 2026 Constitution the primacy of ratified treaties over statutes (art. 5.3) and added "the morality of society" as a ground for restriction. Cuba signed the ICCPR in 2008 without ratifying it, holds a seat on the Human Rights Council (2024–2026) and "takes note" of every Universal Periodic Review recommendation on

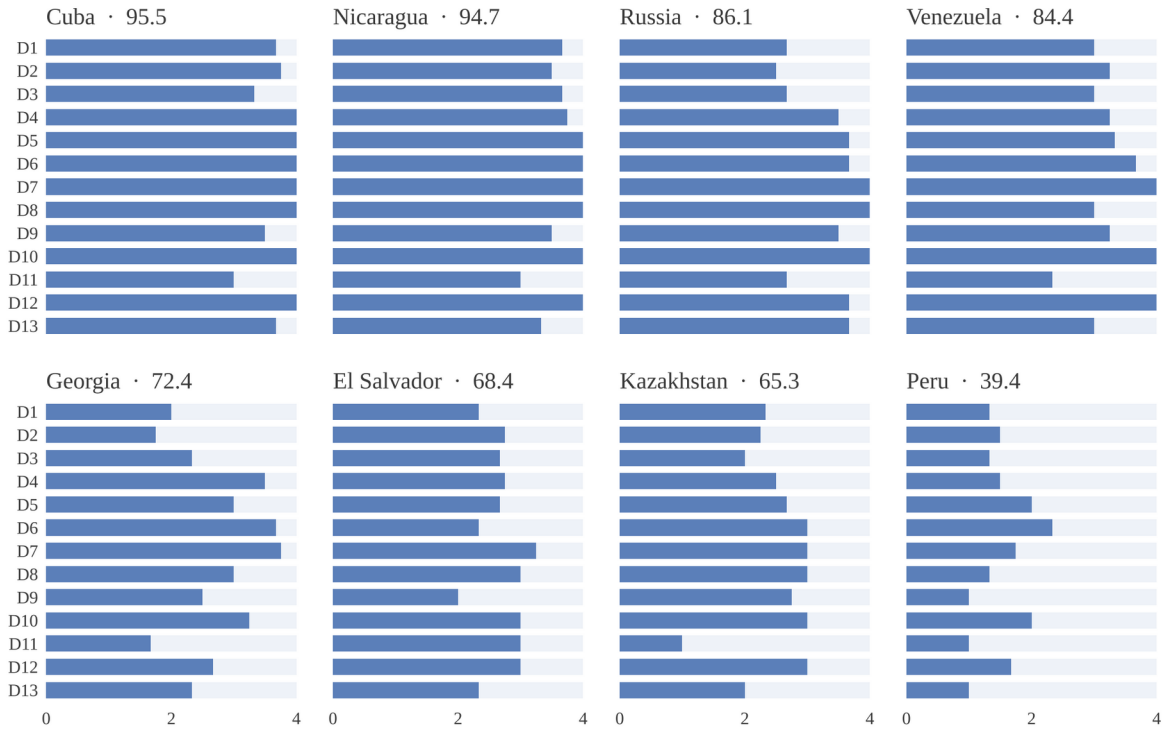
association. Georgia, whose Constitution obliges all bodies to promote European integration (art. 78), disregarded the opinions of the Venice Commission, ODIHR and the European Commission, accepted the freezing of accession and the suspension of visa-free travel, and dismissed as a "complete lie" the report of the OSCE Moscow Mechanism of March 2026.

At the other extreme, two cases show that international mechanisms still bite where a minimum of domestic institutional life exists. On 2 May and 17 July 2025 the Inter-American Court ordered Peru to ensure that the organizations representing victims in nineteen cases, among them Barrios Altos, La Cantuta and Cantoral Benavides, can litigate without reprisals under the APCI law, and the State has complied in those cases. The IACHR granted precautionary measures in favour of Ruth López and Enrique Anaya in El Salvador (Resolutions 66 and 67/2025), which have not been complied with but which document responsibility. The lesson for advocacy strategy is twofold, since the mechanisms work as a shield where there are judges and as a record of evidence where there are none.

6. Country profiles

The profiles follow a descending order of IGA. Each summarizes the regime, the legal architecture with its articles, documented practice and what the case contributes to the comparison. The full profiles, with the inventory of instruments and the indicator-by-indicator scoring, reasoning and sources, appear in the indicator matrix, which is available on request.

Figure 8. Profile of each country across the thirteen dimensions (0–4) and IGA (0–100)



Source: author's own elaboration from the indicator matrix of the study.

6.1 Cuba · IGA 95.5

A one-party socialist State. The 2019 Constitution declares the Communist Party the "superior leading political force of society and of the State" (art. 5) and the socialist system irrevocable (art. 4), and recognizes association only "for lawful and peaceful purposes" within that framework (art. 56). The regime for associations is still Law 54/1985 and its regulations of 1986, which provide for prior authorization by the Ministry of Justice following a report from a State "liaison" body that subsequently attends meetings (Resolution 53/1986, arts. 28–29), thirty founders (art. 5), the exclusion of political, religious and human rights aims (art. 2) and refusal where an organization with "identical or similar" objectives exists (art. 8(d)) or where its activities are deemed "harmful to the social interest" (art. 8(c)). The procedure may last up to one hundred and fifty days between the report of the State body and the ministerial decision, and the only remedy against refusal is an appeal to the Minister of Justice himself within the following thirty working days. The Criminal Code of 2022 punishes unauthorized association (art. 274, up to two years and confiscation), unlawful assembly (art. 275), the financing of

activities “against the State” (art. 143, four to ten years) and the “arbitrary exercise” of constitutional rights (art. 120.1, four to ten years), and Law 88/1999 adds up to twenty years for receiving foreign resources or collaborating with foreign media. Recent layers have been added to these, including cyber control (Decree-Law 35/2021 and Resolution 105/2021), the Law on Social Communication (Law 162/2023, under which the media are “the socialist property of the whole people”, art. 26.2), the terrorist list of the Ministry of the Interior (Resolution 19/2023) and the freezing of assets, donations and crypto-assets (Central Bank Resolution 45/2026).

In practice no independent organization is registered. The register lacks effective publicity, and its last general official figure dates from 2001 and spoke of more than 2,300 associations “accredited and working”. No dissolution is known among the authorized associations, as Ciudadanía y Libertad documented in 2025, because control operates at entry and not at exit. There were 1,586 detainees and 694 final convictions arising from the protests of 11 July 2021, and 1,327 political prisoners on 31 July 2026 according to Prisoners Defenders. Exit “regulation” and refusal of entry serve as instruments of forced exile, and the new Law on Associations, on the legislative calendar since 2019, had neither been adopted at the session of July 2026 nor submitted to consultation. Cuba’s contribution to the comparison is the end point of closure, reached without a foreign agent law because prior authorization, the monopoly of the mass organizations and the Criminal Code make the label unnecessary.

6.2 Nicaragua · IGA 94.7

A consolidated authoritarian regime under Daniel Ortega and Rosario Murillo, co-presidents since the constitutional reform of 2025, which defines a “revolutionary State” in which the Presidency “coordinates” the other branches of government (arts. 13 and 15 of the consolidated text published on 18 February 2025). The architecture was built in phases, with Law 1040 on Foreign Agents (October 2020), Law 1055 on “traitors to the homeland” (December 2020), Law 1042 on Cybercrime (2020), Law 1115 on the control of non-profit organizations (April 2022) and Law 1127 (August 2022), which transferred cancellation to the Ministry of the Interior, followed by the package of August–November 2024 (Laws 1212 to 1228, covering extraterritoriality, confiscation, surveillance, the abolition of tax exemptions and the refusal of entry to nationals), the constitutional reform of 2025 and a further reform in September 2026 that excludes “traitors” from any candidacy. Documented practice includes 5,663 organizations cancelled up to April 2026 (Colectivo Nicaragua Nunca Más) and 5,535 by mid-2025 according to OHCHR, roughly 80 per cent of the sector, the Central American University declared a “centre of terrorism” and confiscated (August 2023), the Red Cross dissolved by law (May 2023), 452 people stripped of their nationality, and the finding of the UN Group of Experts that there are reasonable grounds to speak of crimes against humanity. Nicaragua’s contribution to the comparison is the fusion of the Russian model with mass administrative cancellation and the transfer of assets to the State, the only Criminal Code in the sample that punishes calls for sanctions (art. 410, ten to thirty years) with extraterritorial reach, and the constitutional entrenchment of loss of nationality as a civic punishment.

6.3 Russia · IGA 86.1

A personalist autocracy and the origin of the model. The Constitution guarantees association (art. 30) and assembly (art. 31), but the 2020 reform (art. 79) authorizes disobedience of international decisions. Registration follows the regime of Laws 82-FZ and 7-FZ before the Ministry of Justice, and control is exercised afterwards through Law 121-FZ (2012, foreign agents), Law 129-FZ (2015, organizations declared "undesirable" by decision of the Prosecutor General's Office), Law 255-FZ (2022, "persons under foreign influence" with no funding requirement, a unified register and twenty-one categories of prohibition), the 2022 laws on "false information" about and "discrediting" of the armed forces, confiscation (2024), criminal liability after a single administrative penalty (Law 378-FZ, 2025), personal income tax at 30 per cent (November 2025), and access to bank records within three days and a ban on social advertising (June 2026). Law 114-FZ on extremism served to ban Navalny's structures (2021) and the "international LGBT movement" (Supreme Court, November 2023). Documented practice includes more than 1,200 foreign agents and 281 undesirable organizations by the end of 2025, the liquidation of Memorial, the Moscow Helsinki Group and SOVA, more than 20,000 detentions for protests against the war, and the unexecuted Ecodefence judgment (2022). Russia's contribution to the comparison is the complete trajectory of the model, from a label tied to money to a label tied to loyalty and from administrative penalty to civil death, and the proof that an open register is compatible with the total criminalization of the exercise of the right.

6.4 Venezuela · IGA 84.4

An authoritarian regime in uncertain transition. The 1999 Constitution guarantees association (art. 52) and assembly "without prior permission" (art. 53). The three legislative waves correspond to 2010 (Law for the Defence of Political Sovereignty, prohibiting foreign funds for organizations "with political aims", and reform of the law on assemblies, converted into authorization by the Supreme Court in 2014), to 2017–2021 (Law against Hatred, ten to twenty years, and the SUDEBAN circular and ONCDOFT register of NGOs as reporting entities for anti-money-laundering purposes) and to 2024 (Law on the Oversight of NGOs, Gazette 6,855 Extraordinary, with re-registration before SAREN and dissolution for "fascism" or "party-political" activities, arts. 15, 23, 28–30, and the Simón Bolívar Organic Law, Gazette 6,859 Extraordinary, with a register of persons, asset freezes and twenty-five to thirty years for "promoting" sanctions, arts. 11–13, 23). Documented practice includes 19,210 political detentions since 2014 (Foro Penal), 2,220 detainees and 25 deaths in the post-election protests of 2024 (Fact-Finding Mission, A/HRC/60/61), the re-registration of only 2 per cent of organizations, and the imprisonment of Rocío San Miguel, Eduardo Torres and Carlos Julio Rojas between 2024 and 2026. After the capture of Maduro (3 January 2026), Decree 5,200 on external commotion and the Amnesty Law (19 February 2026) released more than 670 people, but 328 remained in prison on 31 August, there were 87 new political detentions between January and March, and no law has been repealed. Venezuela's contribution to the comparison is the "full arsenal" model of sovereignty, hatred, counter-terrorism, NGO control and a register

of persons, which punishes individuals without dissolving organizations, and the warning that an amnesty without legal reform leaves the revolving door intact.

6.5 Georgia · IGA 72.4

A regime governed by Georgian Dream since 2012, which comparative indices still classify as competitive authoritarianism, although the exclusion of the main opposition parties from the political process, with leaders imprisoned during the local elections of 2025 and applications for their prohibition pending before a Constitutional Court lacking independence, already exceeds that category. The elections of October 2024 were disputed and EU accession negotiations were suspended in November 2024. The Constitution guarantees association (art. 22, with dissolution only by court decision), assembly without prior authorization (art. 21), the freedom of political parties, whose prohibition lies with the Constitutional Court alone (art. 23), and Euro-Atlantic integration (art. 78), and the Civil Code maintains a liberal register (arts. 27–38). Onto that foundation the Russian model has been superimposed in twenty-two months. It comprises the Law on Transparency of Foreign Influence (May 2024, with a 20 per cent threshold, fines of 25,000 lari and access to personal data), the Foreign Agents Registration Act (April 2025, known as GEOFARA, adapted from the United States FARA with broader and vaguer definitions and without the restrictive interpretation of that country's courts, which reaches foreign entities whose work focuses on Georgia and provides for up to five years in prison), the amendments to the Law on Grants (April and June 2025, requiring Government consent for every foreign grant and for technical assistance, with a fine of twice the amount, and supervision by the State Audit Office since March 2026 following the abolition of the anti-corruption agency), the Law on Broadcasting (April 2025, prohibiting foreign funds for broadcasters), the amendments to the law on assemblies and to the Criminal Code (December 2024 to March 2026, with fines multiplied tenfold, sixty days of detention, repeat-offence crimes, art. 319¹ on grants and art. 316¹ on "extremism") and the eight-year ban on party membership for former employees of "foreign" organizations (March 2026). Documented practice includes 385 of 3,987 organizations registered by January 2026, the frozen accounts of twelve organizations and five funds, 8,200 assembly case files in twelve months, ninety political prisoners (TI Georgia, July 2026), sanctions by the United States, the United Kingdom and the EU, and the invocation of the OSCE Moscow Mechanism by twenty-three States. The absence of criminal convictions under these laws does not soften the assessment, since the deterrent effect has achieved the objective that the Government itself declares accomplished. Georgia's contribution to the comparison is the fastest staged transplant on record and a demonstration of the limits of European conditionality.

6.6 El Salvador · IGA 68.4

A hyper-presidential regime under Nayib Bukele, with indefinite re-election written into the Constitution in July 2025 and the Constitutional Chamber and the Attorney General replaced in May 2021. The Constitution recognizes association and assembly "for any lawful purpose" (art. 7) and allows them to be suspended under a state of exception (art. 29). The state of exception in force since 27 March 2022 suspended art. 7 until August 2022 and keeps the guarantees

concerning detention and communications suspended after more than fifty extensions. Legislative Decree 894/1996 requires executive approval of statutes and registration with the Ministry of the Interior. Legislative Decree 308 of 20 May 2025, the Foreign Agents Law, passed in ninety minutes and in force since 7 June, creates the Register of Foreign Agents (RAEX), in which those who receive funds from abroad must enrol, so that organizations formed without foreign funding are not bound by it. The law imposes a 30 per cent tax on every fund, good or service of foreign origin (arts. 10–17), prohibits "political aims" and empowers the minister to grant exemptions, to impose fines of 100,000 to 250,000 dollars and to cancel legal personality (arts. 7, 18–19). The Criminal Code (art. 345, unlawful groupings, twenty to thirty years since 2022) and the Law against Acts of Terrorism (amended in 2026 to include life imprisonment) complete the picture. Documented practice includes 29 organizations registered and 38 requests for exemption by the end of 2025. Cristosal moved its operations out of the country in July 2025, as did the Association of Journalists of El Salvador (APES) and several media outlets subject to the law, and at least 140 human rights defenders and journalists went into exile between May and September 2025 (HRW). Ruth López and Enrique Anaya are held in incommunicado detention, together with members of other organizations. The organizations that remain have shifted the subjects of their work, from electoral matters to the so-called silver economy, for example, so as not to fall under the tax, while official discourse describes them as "enemies of the people", and CIVICUS downgraded the country to "repressed". El Salvador's contribution to the comparison is the fiscal variant of the model, a tax in place of a prohibition, and the evidence that institutional capture precedes the law, given that the same bill was shelved in 2021 under international pressure and passed in a single sitting in 2025.

6.7 Kazakhstan · IGA 65.3

A consolidated authoritarian presidential regime. The 1995 Constitution, replaced by referendum on 15 March 2026 (in force since 1 July), reserves association and assembly to citizens, prohibits the foreign funding of parties and trade unions and, since 2026, gives constitutional rank to the transparency of foreign funding of non-commercial organizations (art. 6.5), removes the primacy of treaties (art. 5.3) and adds "the morality of society" as a limit (art. 41). The model is administrative. It rests on compulsory registration with a ban on unregistered activity (Law on Public Associations, art. 5.2; Code of Administrative Offences, art. 489), a State database of NGOs (Law 429-V/2015), and tax notification and reporting of foreign funds (Tax Code, art. 29 of 2017 and art. 56.9 of 2025), required of organizations that provide legal assistance, study public opinion or collect, analyse and disseminate information, which a parliamentary initiative proposes to extend to all, with compulsory labelling (art. 460-2) and a half-yearly public register since 2023. Criminalization runs through the Criminal Code, in the offences of discord (art. 174), financing of extremism (art. 258), unlawful association (art. 404) and banned organization (art. 405), and through the judicial bans on DVK (2018) and Koshe Partiyasy (2020). The 2026 Constitution establishes a Constitutional Court and proclaims the independence of judges (arts. 72, 78 and 80), a formal guarantee that contrasts with political trials held behind closed doors. The 2020 Law on Peaceful Assemblies imposes designated places and the approval of marches. Documented practice includes 238 deaths in January 2022, twenty-six refusals of registration for Alga, seven-year sentences for

Zhylanbayev (2023), Mukhamedkarim (2024) and Jahin (2026), the conviction of nineteen Atajurt activists in 2026, the suspensions of KIBHR, ILI and Echo in 2021, the approval of 13 per cent of assemblies, more than 1,400 people on the terrorist financing list, about half of them convicted of non-violent "extremism" offences (HRW, 2024), reprisals against relatives of Atajurt activists (Amnesty International, June 2026), a foreign agents bill (February 2025) that was not adopted and a new NGO law announced for October 2026. Kazakhstan's contribution to the comparison is the "transparency register" variant, which produces the effects of the label without adopting it, and the constitutional rewriting of the hierarchy of norms.

6.8 Peru · IGA 39.4

A formally democratic hybrid regime, with nine presidents in ten years, the latest of them Keiko Fujimori, who took office on 28 July 2026 after winning the run-off by a narrow margin, and a Congress that has legislated against accountability since 2023. The 1993 Constitution guarantees association "without prior authorization" and prohibits administrative dissolution (art. 2.13), and the Civil Code regulates associations (arts. 80–98) with declaratory registration at SUNARP. Restriction enters through cooperation. Law 32301 (passed on 12 March 2025 and published on 15 April) turns the Peruvian Agency for International Cooperation into an authority of "prior conformity" over plans, programmes and projects financed by international technical cooperation (Law 27692, arts. 3–4), classifies as a "very serious" infringement the use of those funds to "advise, assist or finance" legal action against the State (art. 21.c.2) and provides for penalties of up to 500 UIT, suspension and cancellation of registration (art. 22), and the regulations of September 2025 (Supreme Decrees 032 and 033-2025-RE) put it into operation. The rest of the picture consists of the criminalization of protest (Legislative Decree 1589/2023, with six to fifteen years for rioting), states of emergency and impunity (forty-nine deaths in 2022–2023 without convictions, and the military amnesty Law 32419 of 2025, whose non-application the Inter-American Court ordered). Documented practice includes a fine of 34,055 soles imposed on the Instituto de Defensa Legal (June 2025), the decision of a court in Bagua to remove the lawyers of IDL, CAAAP and the Vicariate of Jaén from the defence of indigenous defendants (17 June 2025), the amparo ruling that declared three articles of the law inapplicable to IDL (6 January 2026), the protection extended by the Inter-American Court to the representative organizations in nineteen cases, and the presidency, since 28 July 2026, of Keiko Fujimori, whose party promoted the law. Peru's contribution to the comparison is the "cooperation agency route" and the only indication in the sample that constitutional and judicial checks still operate.

7. Cuba in comparative perspective

The comparison changes the way the Cuban case is read. Seen in isolation, Law 54/1985 looks like a relic. Seen alongside the laws passed between 2020 and 2026 in Nicaragua, Venezuela, Russia, Georgia and El Salvador, it is the finished model towards which those laws are moving. Each technique that the sample has adopted in stages, from prior authorization and State control of internal life to the criminalization of foreign funding, the punishment of unauthorized assembly, administrative dissolution, terrorist lists and exile as a penalty, has been present in Cuba for decades or has been added in the past four years. The difference is that Cuba never needed a foreign agent law, because where entry into civic space is closed by article 8(d) and the mass organizations occupy every field, the label is redundant.

Three features set the case apart. The first is the pure criminalization of money. Where others label, tax or require consent, Cuba punishes with imprisonment, three to eight years under article 11 of Law 88, whose aggravated forms reach twenty, and four to ten under article 143, the text of which expressly names “non-governmental organizations”. The second is the fusion of authorization with punishment. In Georgia, Kazakhstan or Peru an organization that fails to register loses benefits or pays a fine, whereas in Cuba its promoters go to prison and its assets are confiscated (art. 274). For that reason procedural indicators such as time limits or administrative silence lose their meaning, because no one reaches them. The third is the integration of exile into the legal system. Exit “regulation”, refusal of entry, the list of terrorists in exile and the freezing of their donations make the border part of the architecture of control, something Nicaragua has imitated through denationalization and Russia through extraterritorial designations.

The comparison also shows what Cuba shares with the others and what that means for advocacy. It shares with Nicaragua the withdrawal from international mechanisms, since Cuba has not ratified the ICCPR it signed in 2008, and the use of membership of multilateral bodies as a shield. It shares with Venezuela the recourse to anti-money-laundering and counter-terrorism rules as a financial layer. It shares with Russia the widening of the definition of the enemy until it covers anyone, the “arbitrary exercise of rights” of article 120 being functionally the “foreign agent by influence” of article 2 of Law 255-FZ. And it shares with all of them the elasticity of clauses such as “social interest”, “constitutional order” and “collective security”.

The announced Law on Associative Forms, on the legislative calendar since 2019, scheduled for July 2022 and then for July 2025, absent from the session of July 2026 and never submitted to public consultation, is both the opportunity and the risk. The comparison makes it possible to set the minimum standards that the international community should require of it, which coincide with those that the Joint Declaration of 2024 and the ODIHR–Venice Commission Guidelines of 2014 lay down for any State. They are a regime of notification and not of authorization (Peru, art. 2.13, and Georgia, Civil Code, show that this is compatible with registration); removal of the criterion of “identical or similar objectives” and of closed categories of aims; elimination of the “liaison body” and of State attendance at meetings; an accessible public register; dissolution by the courts alone, as a last resort and subject to appeal,

which requires abolishing the ground that today allows an association to be dissolved at the "reasoned request" of its liaison body (Resolution 53/1986, art. 79(e)); decriminalization of access to foreign resources through the repeal of Law 88/1999 and of articles 143 and 274 of the Criminal Code; and citizen participation in the drafting. Any text that retains prior authorization and the criminalization of foreign funding will be Law 54 under another name, however new it is called, and the experience of Nicaragua in 2022 and of Venezuela in 2024 shows that a "regulatory" law can be worse than the one it replaces.

The levers exist. The Political Dialogue and Cooperation Agreement between the European Union and Cuba includes a human rights dialogue in which the right of association should feature with the foregoing standards as an explicit reference, and on 18 June 2026 the European Parliament adopted a resolution calling for the suspension of the agreement and for targeted sanctions. Cuba holds a seat on the Human Rights Council until 2026, and its Universal Periodic Review of 2023 (A/HRC/55/17) contains recommendations on association of which it "took note". The ILO Committee on Freedom of Association keeps open Case No. 2258 on the trade unionists of the Black Spring. Special Rapporteur Gina Romero has cited Cuba before the United States Congress and has addressed to the Government communication JAL CUB 3/2026 on the model of "prison or exile". The comparison is itself a lever, since showing that Law 54 is the destination of the laws now being debated in Georgia, El Salvador or Kazakhstan turns the Cuban case into an argument for all.

8. Recommendations

The recommendations follow the structure of the Joint Declaration of 13 September 2024 and are addressed to the actors capable of influencing the eight legal orders studied.

8.1 To the States studied

- Repeal “foreign agent” and “foreign influence” laws and their functional equivalents (Joint Declaration, measure 12). In Russia this means Law 255-FZ and the designations of “undesirable” organizations; in Nicaragua, Laws 1040, 1055, 1115 and 1127 and the 2024 package; in Georgia, the laws of 2024 and 2025 and the amendments to the Law on Grants; in El Salvador, Legislative Decree 308; in Venezuela, the Law on the Oversight of NGOs, the Simón Bolívar Organic Law and the 2010 Law for the Defence of Political Sovereignty; in Peru, articles 4.u, 21.c.2 and 22.d of the amended Law 27692; and in Kazakhstan, the public register of recipients of foreign funds and articles 460-1 and 460-2 of the Code of Administrative Offences.
- Replace prior authorization with notification and ensure that dissolution is ordered by the courts alone, is exceptional and is open to appeal (principles 4 and 8), in Cuba through a Law on Associative Forms that meets the standards set out in section 7, and in Nicaragua and El Salvador by returning the cancellation of legal personality to the courts.
- Decriminalize access to resources and the exercise of the right of association (measure 19) by repealing, in Cuba, Law 88/1999 and articles 120, 143 and 274 of the Criminal Code; in Nicaragua, the amended article 410 of the Criminal Code and article 30 of Law 1042; in Russia, articles 330.1 and 284.1; in Georgia, articles 316^{1}, 319^{1} and 355^{3} introduced in 2026; and in Venezuela, articles 11–13 of the Simón Bolívar Law.
- Apply FATF Recommendation 8 on a risk-based approach and cease using registers of “reporting entities”, terrorist lists and preventive freezes as a covert sanction against human rights organizations.
- Put an end to indirect sanctions, which include migration “regulation” and refusal of entry in Cuba, loss of nationality in Nicaragua, and the professional and political disqualification of designated persons in Russia and Georgia.

8.2 To the European Union and its Member States

- Incorporate the standards of this report, which are notification, funding without prior authorization, judicial dissolution and decriminalization, as an explicit reference in the human rights dialogue of the Political Dialogue and Cooperation Agreement with Cuba, and make cooperation conditional on verifiable progress in the new Law on Associative Forms, in line with the European Parliament resolution of 18 June 2026.
- Maintain consistency between the response to Georgia, which comprised the freezing of accession, the suspension of visa-free travel and targeted sanctions, and the response to the other countries in the sample, so that the cost of adopting the model is predictable.

- Use the EU Global Human Rights Sanctions Regime against those responsible for the mass cancellation of organizations and the persecution of defenders, as the United States did with the Global Magnitsky Act in Georgia (September and December 2024).
- Guarantee, through the CERV programme and the external action instruments, flexible and multi-year funding for Cuban, Nicaraguan, Venezuelan, Russian, Georgian and Salvadoran civil society in exile, and accompany it with the case law of the Court of Justice (C-78/18) against foreign agent laws within the Union (Hungary, Slovakia).

8.3 To the OAS, the IACHR and the Inter-American Court

- Prepare an IACHR thematic report on foreign agent laws and the control of civil society funding in the Americas that consolidates the pronouncements on Nicaragua, Venezuela, El Salvador, Peru, Paraguay and Guatemala and establishes criteria of compatibility with article 16 of the Convention.
- Extend the use of the Court's provisional measures, such as those ordered for Peru in May and July 2025, to the protection of organizations that represent victims before the system in the other countries with laws of this kind.
- Keep open the follow-up mechanisms (MESENI) and hearings on Cuba, Nicaragua and Venezuela even where the States do not appear, and document non-compliance with precautionary measures (El Salvador, Resolutions 66 and 67/2025) in the annual reports.

8.4 To the United Nations system

- Follow up on the Joint Declaration of 2024 through a report by the Special Rapporteur on the application of foreign agent laws country by country, with the indicators of this study as a reference, and include in the analysis Cuba and Kazakhstan, which lack a formal label but produce its effects.
- Use the Universal Periodic Review and the dialogues of the Human Rights Committee to require Cuba to ratify the ICCPR and adopt a law on associations consistent with the standards, Kazakhstan to restore the primacy of treaties, and Nicaragua to return to the mechanisms from which it withdrew.
- Refer to the FATF and the regional anti-money-laundering bodies the documented cases of misuse of Recommendation 8 in Venezuela, Nicaragua, El Salvador, Russia and Cuba.

8.5 To donors and the philanthropic community

- Fund civil society in exile as a strategy and not as an exception, with multi-year institutional support, secure transfer routes and legal assistance, in fulfilment of the commitment made by thirteen States at the Summit for Democracy (Joint Declaration, measures 21 and 25).
- Create a legal defence and strategic litigation fund that allows useful precedents to be replicated in the other countries, among them Ecodefence before the ECtHR, C-78/18

before the CJEU, the Peruvian Constitutional Court judgment of 2007, the IDL amparo ruling of 2026 and the measures of the Inter-American Court.

- Invest in comparative documentation of the impact of these laws on development, the economy and services (measure 25), in order to dismantle the narrative of "interference" with evidence.
- Remain present. The suspension of United States aid in 2025 was used by legislators in Peru, El Salvador and Georgia as an argument for the laws of 2025, and the vacancy has been filled by the governments themselves.

8.6 To civil society

- Build an early warning system that acts before bills reach the floor, since, as Douglas Rutzen warned, it is very difficult to do anything once the laws are already on the agenda. The chronology in Table 4 shows that each law was announced, debated and, in several cases, shelved before being passed.
- Reject the label without accepting clandestinity. The refusal of 95 per cent of Georgian organizations to register in 2024 and their election observation coalition show that collective and visible disobedience imposes costs on the State.
- Litigate in every available forum and document each refusal, each freeze and each cancellation with the precision that international courts require. The records of Prisoners Defenders, Foro Penal, OVD-Info, GYLA and Colectivo Nicaragua Nunca Más are the basis of all future accountability.
- Use the comparison. Cuban civil society should present Law 54 as the point of arrival of the laws now being debated in other countries, and the civil societies of Georgia, El Salvador, Kazakhstan and Peru should present Cuba and Nicaragua as the destination of their own.

9. Conclusions

The comparison of the eight legal orders supports the view that the closure of associative space no longer depends on the suspension of the right but on its administration. None of the States studied denies freedom of association in its Constitution, and all have surrounded it with a web of registers, authorizations, labels, taxes and criminal offences that make it impracticable for anyone who does not enjoy the approval of those in power. The law has ceased to be the limit of arbitrariness and has become its most effective instrument, because it lends restriction an appearance of regularity that the bare order never had.

The texts examined reveal two lineages that should be distinguished. The first is that of socialist legality, which conceives of association as a concession of the State and places it under the tutelage of a public body. The Cuban law of 1985 belongs squarely to that tradition, with its prior authorization, its liaison body and its exclusion of any organization that competes with those already recognized. In the post-Soviet space that tradition was transformed without disappearing, and the Kazakh case shows that a formally open register can coexist with intense control of funding and activity. The second lineage is more recent and derives from the Russian law of 2012 on foreign agents, which does not prohibit association but stigmatizes it and suffocates it by way of its resources. It is this second model, and not the Soviet one, that has spread over the past decade, and its arrival in Nicaragua in 2020, in Georgia in 2024 and in El Salvador in 2025 indicates that it circulates independently of the declared ideology of the governments that adopt it. The hypothesis of a Soviet legal inheritance in Latin America finds textual support only in the Cuban case, while the other countries of the region show the reception of the contemporary Russian model and its combination with criminal law traditions of their own.

The trajectory that links the eight cases is not linear, but it has a recognizable direction. It begins with money, continues with punishment and ends in dissolution, and at each stage judicial review grows a little weaker. Peru stands at the beginning of that path and Cuba at its end, and the other countries lie between them according to the distance they have covered. The usefulness of the comparison lies in the fact that it makes it possible to recognize in a newly passed law the features of a system already completed, and to act while courts, press and organizations capable of opposing it still exist.

For Cuba, the consequence is twofold. The 1985 Law on Associations ceases to appear as an isolated anachronism and is revealed as the finished form of a technique that other governments are now trying out piece by piece. The announced Law on Associative Forms, for its part, will deserve the name of reform only if it abandons the three pillars of that system, which are prior authorization, State tutelage over the internal life of associations and the criminalization of access to resources. A statute that retains any one of them will prolong the present regime under another name.

The study has limits that should be borne in mind. It measures the legal architecture and its documented application, not the whole of the civic life of each country, and three of its eight chapters have undergone external review. Its scores are open to discussion, and the matrix on

which they rest remains open to it. With those caveats, it offers those who defend the right of association a common language for comparison, and those who decide on cooperation, sanctions or reforms a verifiable criterion for distinguishing between the legitimate regulation of organizations and their suppression by legal means.

Annex A. Note on the legal inventory and the verification of sources

The study rests on an inventory of more than one hundred and fifty legal instruments from the eight countries, with their relevant articles, and on a matrix that scores the forty-four indicators for each country with their reasoning and sources. Citations were taken from the official repositories where these were accessible and, in other cases, from reproductions and specialized analyses that were checked against one another. References whose numbering could not be compared with the official text are identified in the matrix and do not by themselves support any score. The inventory and the matrix are available on request from carolina.barrero@ciudadaniaylibertad.org.

Annex B. Main sources

B.1 International standards and case law

- International Covenant on Civil and Political Rights, arts. 21 and 22; American Convention on Human Rights, arts. 15 and 16; European Convention on Human Rights, art. 11; African Charter on Human and Peoples' Rights, art. 10; ILO Conventions 87 and 98.
- Joint Declaration on protecting the right to freedom of association in light of "foreign agents" / "foreign influence" laws, 13 September 2024 (UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, IACHR Special Rapporteur for Freedom of Expression, IACHR Rapporteur on Human Rights Defenders, ACHPR Special Rapporteur on Human Rights Defenders, AICHR, OSCE/ODIHR).
- UN Special Rapporteur on the rights to freedom of peaceful assembly and of association: A/HRC/20/27 (2012, best practices); A/HRC/50/23 (2022, access to resources) and A/HRC/53/38/Add.4 (2023, guidelines); A/HRC/56/50 (2024); A/79/263 (2024); A/HRC/59/44 (2025). Statement of Special Rapporteur Gina Romero before the Tom Lantos Human Rights Commission, United States House of Representatives, 9 September 2025.
- European Court of Human Rights, Ecodefence and Others v. Russia, applications nos. 9988/13 and 60 others, judgment of 14 June 2022. Court of Justice of the European Union, Commission v. Hungary, C-78/18, judgment of 18 June 2020.
- Venice Commission and OSCE/ODIHR, Joint Guidelines on Freedom of Association, CDL-AD(2014)046; opinions on Georgia CDL-PI(2024)013, CDL-AD(2024)020, CDL-AD(2025)001; on Kyrgyzstan CDL-AD(2024)033. Council of Europe, Recommendation CM/Rec(2007)14.
- Inter-American Juridical Committee, Declaration of Inter-American Principles on the Legal Regime for the Creation, Operation, Financing and Dissolution of Non-Profit Civil Entities, CJI/RES. 282 (CII-O/23). IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II. Doc. 66 (2011). Inter-American Court of Human Rights, resolutions of 2 May and 17 July 2025 (Peru, APCI law) and of 3 September 2025 (Law 32419). IACHR, Resolutions 66/2025 and 67/2025 (El Salvador).
- FATF, Recommendation 8 and interpretive note (2023 version); statement on Nicaragua, October 2022.

B.2 Legislative hearings and comparative reports

- United States Senate, Committee on Foreign Relations, hearing "Anti-NGO Laws and Other Tools of Democratic Repression", 12 September 2024, S. Hrg. 118-540: statements of Douglas Rutzen (ICNL), Eka Gigauri (Transparency International Georgia) and Yaqiu Wang (Freedom House).

- United States House of Representatives, Tom Lantos Human Rights Commission, hearing "Laws Regulating Foreign NGOs: Human Rights Implications", 9 September 2025: statements of Gina Romero, Suparna Chaudhry, Daniel Hegedüs (GMF), Ana María Méndez Dardón (WOLA), Michael Shellenberger and Almut Rochowanski; letter of correction from OCCRP, 19 September 2025.
- WOLA, Limitando el espacio cívico: el endurecimiento de las restricciones a la sociedad civil en las Américas (Maureen Meyer and Corie Welch), June 2025.
- Human Rights Watch, "Foreign Agent Laws: The Authoritarian Playbook" (Iskra Kirova), 19 September 2024; World Report 2025 and 2026, country chapters.
- ICNL, Civic Freedom Monitor (Cuba, Venezuela, Nicaragua, El Salvador, Peru, Russia, Georgia, Kazakhstan) and analyses of the laws of Georgia (2025) and Kyrgyzstan (2024). CIVICUS Monitor, Global Findings 2025. Freedom House, Freedom in the World 2025 and 2026; Freedom on the Net 2025.
- Ciudadanía y Libertad, El derecho de asociación en Cuba: arquitectura legal de la represión, legal report (January 2025) and executive summary (April 2025); submission to the UN Human Rights Committee for the General Comment on article 22 of the ICCPR (December 2025).

B.3 Sources of practice by country

- Cuba: Prisoners Defenders (monthly reports, 2025–2026); Justicia 11J; Observatorio Cubano de Derechos Humanos; Cubalex; joint communication of special rapporteurs JAL CUB 3/2026; Universal Periodic Review A/HRC/55/17 and Add.1; ILO, Committee on Freedom of Association, Case No. 2258; Amnesty International; Human Rights Watch.
- Nicaragua: Group of Human Rights Experts on Nicaragua (A/HRC/58/26, A/HRC/61/56); OHCHR (A/HRC/60/92); IACHR-MESENI; Colectivo Nicaragua Nunca Más; Confidencial; Divergentes; Artículo 66.
- Venezuela: Independent International Fact-Finding Mission (A/HRC/60/61; statement of 12 March 2026); Foro Penal; Acceso a la Justicia; PROVEA; Espacio Público; Laboratorio de Paz; VE sin Filtro; IACHR (PR 108/2021, 106/2025).
- Russia: OVD-Info (Repression in Russia in 2025); Memorial; registers of the Ministry of Justice; Meduza and IStories (statements of Deputy Minister Sviridenko, June 2026); OSCE Moscow Mechanism (2022).
- Georgia: Transparency International Georgia; GYLA; Social Justice Center; ISFED; IDFI; Public Defender; European Commission (2025 report); Council of the EU (conclusions of 27 June 2024; visa suspension, 27 January 2025); OSCE Moscow Mechanism (report of 12 March 2026); Amnesty International; Human Rights Watch (9 July 2026).

- El Salvador: Cristosal; CEJIL; APES; El Faro; Human Rights Watch (World Report 2026); OHCHR (statements of May–June 2025); IACHR (hearing at the 193rd period of sessions, 23 July 2025; Resolutions 66 and 67/2025); Citizen Lab.
- Kazakhstan: Kazakhstan International Bureau for Human Rights (KIBHR); International Partnership for Human Rights; Human Rights Committee (CCPR/C/KAZ/CO/3, 2025); Central Election Commission (resolution 12/24, 17 March 2026); State Revenue Committee (register of recipients of foreign funds); Human Rights Watch; FIDH.
- Peru: Coordinadora Nacional de Derechos Humanos; Instituto de Defensa Legal; CEJIL; OHCHR (16 April 2025); IACHR (PR 098/25); Constitutional Court (STC 0009/0010-2007-PI/TC); Sixth Constitutional Court of Lima (Exp. 08598-2025); LP Derecho; Human Rights Watch (World Report 2026).

B.4 Legal repositories consulted

Cuba: Gaceta Oficial de la República (not accessible; mirrors FAOLEX, WIPO Lex, RAE-DPEJ, BWC-ISU, analyses by CyL). Nicaragua: La Gaceta and Normas Jurídicas of the National Assembly (not accessible; mirrors Leybook, vLex, ICNL). Venezuela: Gaceta Oficial, National Assembly, Supreme Court of Justice. El Salvador: Diario Oficial, Legislative Assembly (not accessible; reproductions of the Diario Oficial and jurisprudencia.gob.sv). Peru: El Peruano, Congress of the Republic, SPIJ, APCI. Russia: pravo.gov.ru, consultant.ru, garant.ru, minjust.gov.ru. Georgia: matsne.gov.ge (Legislative Herald), parliament.ge. Kazakhstan: adilet.zan.kz (not accessible; mirrors prg.kz, akorda.kz, pavlodar.com).