



Submission for the Call for input – Draft General Comment No. 38 on Article 22 (Freedom of Association) of the International Covenant on Civil and Political Rights

Challenges to Freedom of Association for Marginalized Populations in Eastern Europe & Central Asia¹

Freedom of association remains under pressure across the region, with governments introducing or implementing laws that expand state control over civil society organizations (CSOs) and constrain their access to funding. While all eleven countries (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine, Uzbekistan, Russia) formally recognize this right in their constitutions, the practical environment for non-governmental and community-led organizations (CLOs) varies widely. Two countries – Kyrgyzstan and Georgia – adopted foreign-agent-style legislation in 2024, and several others have discussed or maintained analogous mechanisms that limit organizational independence.

Restrictive legislation: foreign agent laws and similar measures

In April 2024, **Kyrgyzstan** enacted amendments to the Law on Non-Commercial Organizations¹ introducing the status of “Foreign Representative” for NGOs receiving foreign funding and engaging in broadly defined “political activities.” The law, signed by the President on 2 April and effective from 15 April 2024, requires NGOs, media outlets, and other non-profit entities to register as “foreign representatives,” label their publications accordingly, and submit to burdensome financial reporting and state oversight. Authorities are empowered to conduct unscheduled audits, freeze assets, suspend operations for up to six months, and even liquidate organizations without judicial review.^{2,3}

Although framed as a transparency measure, the law closely mirrors the Russian “foreign agent” model and has generated significant concern among human-rights defenders, journalists, and service-delivery organizations. According to the information received from national experts, at least five organizations had been added to the registry by mid-2025, while many others suspended or postponed public advocacy activities to avoid potential designation. For CLOs working on HIV, harm reduction or LGBTQI+ issues, the law introduces uncertainty about permissible advocacy and increases the risk of reputational stigma.

¹ This joint submission is prepared by Eurasian Harm Reduction Association – [EHRA](#), Eurasian Coalition for Health, Rights and Sexual Diversity – [ECOM](#), Eurasian Women’s Network on AIDS – [EWN](#), Sex Workers’ Rights Advocacy Network – [SWAN](#).



Georgia adopted its Law on Transparency of Foreign Influence⁴ in May 2024, overriding a presidential veto after weeks of mass protests and strong criticism from international partners. The law entered into force in August 2024 and requires all non-commercial legal entities and media outlets receiving more than 20 percent of their annual funding from abroad to register as “organizations under foreign influence.” Failure to comply may result in administrative sanctions and substantial fines. On February 24, the Georgian Dream parliamentary bureau officially registered a new legislative initiative – the “Foreign Agents Registration Act.” The bill introduced criminal liability for failing to comply with its provisions, and accompanying amendments to the Criminal Code established penalties of up to five years in prison for violations. On 1 April 2025, the parliament controlled by “Georgian Dream” passed the law in the third reading. The law still includes the word “agent,” which was present in the initial version of the “Russian Law” initiated by “People’s Power” in 2022 (the bill on “Foreign Influence Agents”). Later, the name was changed to the “Law on Transparency of Foreign Influence.”

According to the law, any person who intentionally violates any article, clause, or sub-clause of this law, or intentionally includes false information about a material fact or deliberately omits any fact in any registration statement, additional documentation, or any other document submitted or provided to the head of the Department of Justice under this law, or fails to submit copies of documents that should be specified therein, is subject to a fine of up to 10,000 USD or imprisonment for up to five years, or both.

The law provides exceptions for broadcasting media, diplomatic/consular personnel, foreign government officials, legal representatives of such officials, and individuals registered in the lobbying registry. Additionally, exceptions apply to scientific, academic, religious, educational, and artistic activities. There are also exceptions for private and non-political activities (such as profit-oriented/business development activities, humanitarian work, or other non-political activities). However, it is expected that neither administrative bodies nor courts will consider online media and NGOs as falling under these exceptions. The authority to enforce the law has been assigned to the Anti-Corruption Bureau.

Although the Georgian government presents the measure as a transparency reform, domestic and international observers – including the Venice Commission⁵ and Transparency International Georgia⁶ – have concluded that its content, rationale, and rhetoric replicate key features of foreign-agent frameworks. CSOs report that the law has already produced a chilling effect, discouraging public advocacy, limiting engagement with state institutions, and reducing participation in policy dialogues, including those related to HIV and Tuberculosis. According to the national focal point, organizations providing community-led health services are reviewing their communication and funding strategies to minimize exposure to the “foreign influence” label.

Based on discussions with local civil society organizations (CSOs) and community-led organizations, it can be observed that the Foreign Agent Law and other restrictive legislation



have negatively impacted HIV prevention, care, and broader health services for people living with HIV (PLHIV) and key populations (KPs), including people who use drugs (PWUD), LGBTQI+ individuals, and sex workers (SW). Several factors contribute to this decline: first, CSOs registered as “agents” face heightened stigma and discrimination, which erodes the social trust they had cultivated over many years; second, international donors have reduced their financial support to Georgian CSOs, given the restrictive legal environment and associated risks; and third, in light of the substantial administrative fines and potential criminal charges, many CSOs and community-led organizations have opted to refrain from receiving foreign funding altogether.

In **Russia**, the expanded application of the “foreign agents” law^{7,8} has had a profoundly repressive impact on civil society, including sex worker-led organizations. Originally adopted in 2012 under the pretext of ensuring transparency, the law has been systematically widened to label NGOs, media outlets, and individuals receiving foreign funding and engaging in vaguely defined “political activity” as foreign agents. This label carries severe legal and social consequences, including extensive reporting obligations, financial scrutiny, and public stigmatization.⁹ For sex worker-led groups, particularly those that also advocate for LGBTQ+ rights, the risks are heightened. These organizations are frequently subjected to harassment, surveillance, and threats of criminal prosecution. The law’s chilling effect has created an atmosphere of fear, forcing many activists to scale back operations, self-censor, or cease activity altogether. Since the onset of Russia’s full-scale invasion of Ukraine in 2022, state hostility toward marginalized populations has intensified further, with the Russian Supreme Court designating the LGBTQ+ movement as “extremist” in 2023.¹⁰ This classification adds yet another layer of danger for activists, who now face both criminalization and social vilification under overlapping legal frameworks.

The impact of the “foreign agents” framework was further examined in the European Court of Human Rights case *Kobaliya and Others v. Russia*¹¹, where the Court found that the legislative regime violated the rights to freedom of expression, association, and respect for private and family life. The Court noted that the law was stigmatizing, misleading, and applied in an overly broad and unpredictable way. Importantly, it concluded that the legislation’s real purpose was not to ensure transparency or address national security concerns, but to punish and intimidate civil society actors. This judgment underscores the deeply repressive nature of the Russian legal environment for any group, including sex worker-led, LGBTQ+ and harm reduction organizations, that receives foreign support or advocates for marginalized communities. *Andrey Rylkov Foundation and Others v. Russia*, judgment of 18 June 2024, concerning the designation of several NGOs as “undesirable organisations” and the prosecution of individuals for involvement with them, found to violate Articles 10 and 11 of the European Convention on Human Rights.¹²

In **Kazakhstan**, although a formal “foreign agent” law has not been adopted, authorities have used parallel practices by publicly listing NGOs and individuals who receive funding from



abroad, effectively stigmatizing their work. While sex work is not explicitly criminalized, sex workers remain subject to a range of punitive laws. As of September 2024, a new law on human trafficking has introduced the term “other services of a sexual nature,” which includes activities conducted remotely over the Internet.¹³ This term, along with the notion of “propaganda”, broadly defined as the distribution of any information about sex work or sexual services, has been incorporated into the Criminal Code. The inclusion of this terminology has created a more hostile legal environment for sex workers and NGOs delivering HIV prevention services. The interpretation of “propaganda” threatens to criminalize basic health education and outreach, undermining vital public health efforts and aggravating the vulnerability of sex workers.¹⁴

Recommendation – Foreign-agent and similar legislation

We kindly ask the Committee to:

- Affirm that any foreign-agent or “foreign influence” legislation that singles out organizations receiving foreign funding, particularly those working with marginalized groups, is incompatible with Article 22 unless narrowly tailored to a legitimate aim and applied in a non-discriminatory manner.
- Require States parties to repeal or substantially amend legislation that:
 - uses vague notions such as “political activity” or “foreign influence” to stigmatize NGOs (e.g., Kyrgyzstan, Georgia, Russia);
 - permits intrusive supervision, unscheduled inspections, asset freezes, or liquidation without judicial review; or
 - imposes criminal liability or disproportionate sanctions for administrative violations of registration or reporting rules.
- Clarify that negative labelling (e.g., “foreign agent”, “foreign representative”, “organization under foreign influence”) is incompatible with the freedom of association where it is designed or used to stigmatize, delegitimize or deter engagement with CLOs and key population groups (KPs).
- Emphasize that public registers of organizations receiving foreign funding must not be used to expose activists to harassment or violence, and that any such registers should be strictly limited, risk-based, and subject to strong data protection guarantees.

Registration of community-led organizations

The ability of CLOs to register and operate freely remains uneven across the region. In Kyrgyzstan, LGBTQI+ organizations face particular challenges: while registration is formally possible, administrative requirements related to statutes and activity descriptions reportedly create opportunities for authorities to reject applications based on “public morality” or



“religious sensibilities.” No one has applied to register an LGBT organization in the country during 2023–2025. However, several queer organizations have decided to close.

People who use drugs (PWUD)- and sex-worker-led organizations encounter similar barriers when their mission statements explicitly reference key populations. **Belarus** maintains a particularly restrictive environment¹⁵. Organizations have been dissolved in previous years, and new registration is widely perceived as unsafe or impracticable. LGBTQI+ organizations and those providing services to KPs face the highest barriers, with applicants sometimes discouraged from registering due to the risk of later inspections, fines, or dissolution¹⁶.

In **Georgia**, registration is formally accessible, and organizations working with KPs can, as a general rule, register and maintain operations. However, the national experts note that service provision for KPs is “not legally approved,” creating a vulnerability whereby outreach or harm reduction activities could be interpreted as falling outside the organization’s legitimate scope, exposing them to sanctions.

Armenia, Kazakhstan, Moldova, Tajikistan, Ukraine, and Uzbekistan, do not have explicit legal prohibitions on the registration of CLOs. Nonetheless, several countries reported nuanced or informal barriers. These include banks reluctant to open accounts for harm reduction groups, lengthy approval procedures, inconsistent application of registration rules, or officials questioning the mandate of organizations working with LGBTQI+ and PWUD communities.

Registration of NGOs providing HIV-related services for gay men, other MSM, and trans people is not possible in the territory of the Republic of **Tajikistan** due to an internal decision of the Ministry of Justice^{17, 18}.

Formally, this decision is based on Article 14(2) of the Law on Public Associations¹⁹: “*It is forbidden to create and operate a public association encroaching on the rights and legitimate interests of citizens, on people’s health and public morality.*”

In October 2025, it was widely reported that amendments to the Law “On State Duty” entered into force, increasing fees²⁰ for the registration of public organizations and also affecting bar associations (for example, registration/establishment of bar associations/structures became more expensive). The practical effect is an increased “entry barrier” for the registration of new NGOs/initiatives and legal forms for lawyers, leading to further narrowing of the space for self-organization.

Since January 2025, 49 CSOs have been registered and 56 liquidated. In total, 910 NGOs have been liquidated to date. The only registered organization working with the LGBTQ+ community was liquidated in 2022, and there have been no attempts to register a new one. Organizations working in the field of HIV continue their activities in Dushanbe and the regions.



In **Uzbekistan**, due to the criminalization of voluntary sexual relations between adult men (Article 120 of the Criminal Code), LGBT organizations cannot be officially registered. There are no LGBT organizations in the country.

Participation in any unregistered association is punishable under criminal law (up to 5 years' imprisonment)^{21,22}. As a result, activism on “sensitive topics” (LGBTQ+, PWUD, sex work) is effectively impossible: there are no independent research centers or public initiatives, and information about such groups is either not collected or concealed. Therefore, representatives of vulnerable communities act “in the shadows.”

Although **Ukraine doesn't have any legal barriers** the ongoing war creates instability, periodic security risks, and difficulties in organizing offline events, especially in regions that come under attack, which hinders the work of organizations. Communities and initiative groups face difficulties with sustainable funding and burnout, which also affects their ability to maintain active participation and regular activities. For people who use psychoactive substances (especially women), high levels of stigma and discrimination persist. This does not constitute a legal restriction on the freedom of organizations to operate, but it affects people's willingness to participate openly in associations and public initiatives.

Recommendation – Registration and legal personality of CLOs

We kindly ask the Committee to:

- Affirm that the right to freedom of association encompasses a right of CLOs and organizations led by or working with KPs (including LGBTQI+ people, PWUD and sex workers) to obtain legal status on an equal basis with other associations.
- Clarify that restrictions based on vague concepts such as “public morality”, “public order” or “religious values” cannot be used to deny registration to organizations serving marginalized communities or working on unpopular causes.
- Call on States parties to:
 - repeal or amend laws and internal administrative decisions that prohibit or effectively prevent registration of organizations working on SOGI, HIV, sex work or drug use (e.g., Tajikistan, Uzbekistan);
 - remove criminal penalties for participation in unregistered associations;
 - ensure that registration procedures are clear, non-discretionary, affordable, and subject to prompt and independent judicial review; and
 - address indirect barriers, such as banks' refusal to open accounts or authorities' informal discouragement of registration applications.



- Emphasize that conflict situations (e.g., Ukraine) do not justify blanket or de facto restrictions on the registration or functioning of CLOs and that States have heightened positive obligations to protect community-led organizing during emergencies.

Funding restrictions and access to resources

Restrictions on funding – particularly foreign funding – were most sharply noted in **Belarus**, where organizations have faced long-standing limits on receiving international grants. In several countries, including Azerbaijan, Kazakhstan, and Tajikistan, national experts described environments in which access to foreign funding is possible in principle but complicated in practice by administrative requirements, informal pressure, or unpredictability around approvals.

In **Uzbekistan**, while there are no reported prohibitions on foreign funding, CSOs working with KPs have experienced challenges in navigating grant registration procedures and obtaining clearances from government entities.

Crowdfunding and domestic fundraising remain limited in most assessed countries. Organizations serving KPs rely heavily on external donors, which increases their vulnerability to changes in political attitudes toward foreign funding.

Additionally, state funding specifically for sex worker-led organizations remains unavailable, with governments routinely omitting sex worker communities from national support schemes due to stigma, criminalization, or a refusal to recognize sex work as legitimate labor.

Recommendation – Access to resources and funding

We kindly ask the Committee to:

- Reaffirm that access to funding – including cross-border funding – is an essential component of the right to freedom of association and that unjustified restrictions on funding may amount to a violation of Article 22.
- Urge States parties to:
 - remove arbitrary or overly burdensome requirements for the registration and approval of foreign grants and donations, particularly where these requirements are used to target organizations working with KPs;
 - ensure that tax, banking, and grant registration rules are applied in a transparent, predictable and non-discriminatory manner, with effective avenues for appeal; and



- Encourage States to establish or expand non-discriminatory public funding schemes that are accessible to CLOs, including organizations led by sex workers, PWUD, LGBTQI+ people and women living with HIV, on an equal basis with other CSOs.

Audits, inspections and pressure on organizations

Although not all countries reported formal cases during the assessment period, several described patterns of frequent audits or inspections, particularly targeting organizations engaged in human rights, harm reduction, or LGBTQ+ advocacy.

In **Belarus**, organizations previously subject to inspections or raids continue to operate under a sense of precarity, with the threat of administrative checks ever-present. In **Kazakhstan, Kyrgyzstan, and Tajikistan**, authorities retain the power to initiate unscheduled inspections, which organizations perceive as a deterrent to working with KPs. There was a communication sent by the UN Special Rapporteur on Human Rights Defenders and other UN experts to the Government of Tajikistan on 16 February 2024 regarding the reported liquidation of over 700 non-governmental organizations (NGOs) in Tajikistan from May 2022 to August 2023.²³ In these conditions of “self-liquidation,” organizations working on SOGI and HIV are forced to minimize public activity, reduce programs, or move into the “informal sphere,” where their activities become less visible but somewhat more protected. Increased control by the Ministry of Justice of Tajikistan and the threat of liquidation push such initiatives towards self-censorship, the avoidance of openly mentioning vulnerable groups in statutory documents, and restrictions on partnerships with international donors.

Countries that recently introduced “foreign agent” laws noted that organizations have reduced their scope of work, shifted to less visible activities, or avoided open engagement with sensitive communities. For instance, most independent NGOs and CLOs in Belarus reportedly have been dissolved or forced underground; remaining initiatives work informally and avoid public visibility. In Kyrgyzstan, after adoption of the “Foreign Representatives” law, several CSOs reduced advocacy activity, paused media campaigns, or switched to neutral “public-health” framing. In Georgia, organizations receiving foreign funding became cautious about public advocacy and visibility following the 2024 “Transparency of Foreign Influence” law. And in Uzbekistan, CLOs reported self-censorship on politically sensitive topics, prioritizing service delivery over rights-based advocacy.

In **Georgia** on 11 August, 2025 six organizations received another letter from the Anti-Corruption Bureau stating that they had violated the so-called “Foreign Agents Registration Act,” the CSOs said in a joint statement on 15 August. “They also threaten us with criminal liability and request explanations on why we failed to register as agents.” On 27 August 2025, Tbilisi City Court granted permission to the Office of Georgia’s Prosecutor General to freeze the bank accounts of five human rights organizations – International Society of Fair Elections and Democracy, Institute for Development of Freedom of Information, Georgian Democracy Initiative, Union



Sapari, and Social Justice Center – as well as two civil society organizations, the Civil Society Foundation (formerly Open Society Foundation) and Democracy Defenders. The Prosecutor’s Office accused the organizations of financially supporting and socially endorsing participants of violent protests against the re-election of the Georgian Dream Party to the Georgian Parliament in October 2024.²⁴

In **Azerbaijan** there has been no formal mass “closure” of NGOs, but in practice there has been a de facto reduction of space for organizations’ activities. At least about 12 well-known NGOs that previously worked actively in harm reduction and services for key populations lost access to foreign funding and were forced either to suspend activities or operate at a minimal level. It is important to note that even organizations that successfully obtained international grants, sometimes are unable to use the funds they received. In a number of cases, organizations were forced to return grants, fearing possible sanctions and liability related to national legislation on the registration of grants and foreign funding²⁵.

These concerns are reinforced by real cases in which NGO leaders have been subjected to prosecutorial reviews and investigations related to alleged violations of procedures for receiving or using funds. This has created a pronounced chilling effect in the sector: many organizations prefer not to apply for foreign grants, freeze bank accounts, or completely suspend operations despite their formal legal existence²⁶.

Access to state or local funding is extremely limited and does not cover the needs of specialized harm reduction programs and work with key populations. A significant number of NGOs have therefore found themselves in a state of forced inactivity, without an official decision on liquidation or closure. Thus, although organizations are not always “closed” formally, the current regulations on registration, foreign funding, and oversight have led to a substantial reduction in the operational activity of NGOs, especially in sensitive areas such as harm reduction and work with key populations.

Recommendation – Inspections, oversight and protection from harassment

We kindly ask the Committee to:

- Clarify that while States may conduct reasonable financial and administrative oversight of associations, such oversight must not be used as a tool of intimidation, punishment or discrimination against CLOs and organizations working with KPs.
- Recommend that States:
 - limit inspections and audits to clearly defined, risk-based circumstances and prohibit repeated or arbitrary checks targeted at specific organizations or thematic areas;



- ensure that any sanctions for administrative violations are proportionate, subject to judicial review, and do not result in automatic liquidation or criminalization;
 - protect NGOs and their leaders from retaliatory investigations or prosecutions linked to their legitimate advocacy or receipt of foreign funding.
- Emphasize that patterns of “self-liquidation” and forced informalization in response to inspection powers and threats of closure should be treated as strong indicators of a violation of Article 22.

Restrictions on feminist and women’s rights assemblies

Women’s rights groups in Almaty, Kazakhstan have faced repeated and unjustified restrictions on organizing peaceful 8 March marches²⁷ and rallies, with the Akimat (local executive authority) issuing over 30 blanket denials between 2024–2025 using identical, unsubstantiated references to “risks to public order.” These grounds are neither defined in national law nor supported by evidence, despite a consistent record of peaceful assemblies. The refusals disproportionately target feminist and women’s rights associations, indicating discriminatory, content-based limitations on freedom of association. Court appeals have been ineffective, as decisions uphold administrative denials without substantive review. This pattern reflects a systemic practice of suppressing women’s rights advocacy and demonstrates how administrative procedures can be used to nullify Article 22 protections in practice. General Comment No. 38 should clarify that vague references to “public order”, societal disapproval, or topic sensitivity cannot justify restrictions on associations, and that states must ensure non-discriminatory, evidence-based, and proportionate regulation of women’s rights organizations.

Recommendation – Feminist and women’s rights organizations

We kindly ask the Committee to:

- Clarify in the General Comment that restrictions on associations and assemblies based on the content of feminist or women’s rights advocacy are presumptively discriminatory and incompatible with Articles 2, 3 and 22.
- Emphasize that vague and undefined references to “public order”, “public morals”, or “traditional values” cannot constitute legitimate grounds for denying authorization for women’s rights events where there is a consistent record of peaceful conduct.
- Call on States to:
 - prohibit blanket bans on feminist and women’s rights assemblies,
 - ensure timely, reasoned and individualized decisions on notifications or requests to assemble, and



- guarantee effective judicial remedies where denials are arbitrary or discriminatory.

Overall trends and implications

The regional picture suggests a gradual narrowing of the space in which CSOs and CLOs can operate²⁸. Restrictive legislation, burdensome administrative practices, and persistent uncertainty collectively contribute to a fragile operational environment.

For organizations working with key populations, these developments have concrete consequences. Advocacy becomes riskier; relationships with government institutions become more cautious; and the administrative burden of compliance grows. In several contexts, organizations have limited their public communication, reduced engagement in coalitions, or avoided open human-rights framing to avoid drawing negative attention.

The growing fear of surveillance or targeted inspections affects service delivery as well. Organizations may limit the visibility of outreach activities, reduce the intensity of community engagement, or hesitate to expand services in areas perceived as politically sensitive. This reduces the capacity of community-led responses to reach key populations consistently, undermining gains in HIV and TB prevention, care, and linkage to services.

Recommendation – Cross-cutting implications and positive obligations

We kindly ask the Committee to:

- Explicitly recognize in General Comment No. 38 that restrictions on CLOs working with KPs have direct and serious implications for the realization of other Covenant rights, including the rights to life, health, privacy, non-discrimination and freedom from cruel, inhuman or degrading treatment.
- Request States to report specifically on the situation of CLOs working with sex workers, PWUD, LGBTQI+ people and women living with HIV; and
- Emphasize States' positive obligations to:
 - create an enabling environment for CLOs, especially those led by marginalized groups in criminalized or highly stigmatized contexts;
 - consult meaningfully and regularly with CLOs on laws and policies affecting their work; and
 - collect and publish disaggregated data on the registration, funding, and closure of associations, including CLOs and organizations serving KPs.



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