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# WHAT AUTOCRATS' ASSAULT ON CIVIL SOCIETY MEANS FOR FREE SPEECH

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**In February 2024, Russian opposition leader Alexei Navalny died in a freezing Arctic prison colony where he was tortured, denied adequate medical care, and ultimately poisoned.<sup>1</sup>**

The killing was the culmination of years of escalating legal persecution. In addition to hitting Navalny with bogus fraud charges, Russian authorities used tactics that struck directly at his civic activity: They first designated Navalny's Anti-Corruption Foundation (FBK) as a "foreign agent,"<sup>2</sup> then declared FBK and two other Navalny-affiliated organizations to be prohibited "extremists."<sup>3</sup> Finally, they dropped an extra 19-year sentence on the already-jailed campaigner for financing and inciting "extremism."<sup>4</sup>

The regime of Russian president Vladimir Putin continued its legal chicanery even after Navalny's death. In November 2025, Russia's Supreme Court designated the FBK a "terrorist" organization.<sup>5</sup> As a former Navalny aide dryly put it: "FBK will become the first organization to have collected the entire iconostasis of Putin's 'awards': foreign agents, undesirables, extremists, terrorists."<sup>6</sup>

Photo: Russian opposition leader Alexei Navalny addresses supporters during an unauthorized anti-Putin rally on May 5, 2018, in Moscow, two days ahead of Vladimir Putin's inauguration for a fourth Kremlin term. (Getty Images/Kirill Kudryavtsev)

## Accountability and Its Discontents

The democratic freedoms that people rely on to resist oppression, have a say in governance, and hold leaders accountable are interconnected—and running through different fronts of this struggle is the fundamental right to freedom of speech and expression. This is clear in the story of Navalny, who, as leader of an anticorruption group and then a political movement, leveraged the power of peaceful expression to mount a formidable challenge to Putin's misrule. Navalny used his skill as a communicator to build a movement of fellow citizens working together for the classic democratic goal of government accountability. That movement, in turn, used its organizational strength to carry out and communicate cutting-edge investigations such as a 2021 documentary linking Putin to an opulent Black Sea residence, which drew over 20 million views in just a day.<sup>7</sup> Navalny's talent at working with expression, assembly, and association also made him a political threat, with a well-organized 2018 presidential campaign that was ultimately denied registration.<sup>8</sup>

Equally connected are the tactics authoritarians use to suppress such challenges. When dictators and would-be dictators use legal tactics to stigmatize and harass civil society out of existence, they don't just strike at freedom of association in isolation. Through legal persecution of "foreign agents" and "extremists," authoritarian governments today are digging a moat that keeps out demands for accountability—pressures that arise naturally wherever a free media, political dissent, and a thriving civil society endure.

From whatever quarter they emerge, these demands are manifestations of the freedom of expression, which any authoritarian regime seeks to stifle to remain in power. Autocrats do this both by prohibiting critical demands directly, and by targeting the people and institutions who make them. For example, a video on Navalny's YouTube channel that criticized the "crooks and thieves" of Putin's United Russia party over unmet campaign promises was first declared "extremist" in 2013, then later used to help justify the ban on FBK.<sup>9</sup>

Though not always in such an obvious form, the tactics used to suppress Navalny's challenge to Putin are not unique to Russia. Around the world, authoritarians employ similar methods to stifle independent social and political life. The resulting damage, often described as "closing civic space," takes place at the nexus of multiple protected freedoms. One of these is the fundamental freedom of speech and expression.

This story is, then, also a chapter in the long historical struggle over free speech. For repressive leaders, "foreign agent" and "extremism" laws represent a convenient way to target people and organizations that engage in critical speech. Such laws are also a means to eliminate sources of future criticism—and the challenges they might pose.<sup>10</sup> How fully these efforts succeed, and whether democracy's supporters can rally an effective response, is one factor that will shape the future of this fundamental freedom.

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## Free Speech in Democracy's Rise and Recession

To understand the story of modern democracy, we need to look to the meeting point of free speech and civic mobilization. In U.S. history, we can see how free expression has served as a meta-right undergirding an active civil society, peaceful protest, and a pluralist public sphere. In colonial America, the essays known as Cato's Letters (1720-23), which proclaimed freedom of speech as the "bulwark of liberty,"<sup>11</sup> were endlessly read, reprinted, referenced, and reformulated by the growing number of Patriots resisting British overreach.<sup>12</sup> These early representatives of American civil society formed associations such as the Sons of Liberty, which organized vocal protests and used the printing press to remarkable effect.<sup>13</sup>

Building on this experience, it is no coincidence that the founding generation grouped the freedoms of speech and press together with assembly, petition, and religion in a single Constitutional amendment, thus safeguarding the collective machinery by which a self-governing people holds power to account. While subsequent acts of state overreach might have lent credence to James Madison's concerns that "parchment barriers" would prove flimsy,<sup>14</sup> the force of the First Amendment ultimately grew along with American democracy itself. Its expansion is another chapter in the story of inextricably connected freedoms—widening the scope for people to speak up, both alone and with others, at protests and in the press. The Supreme Court victories of the civil rights movement, for instance, vastly strengthened the constitutional protections of the First Amendment in decisions protecting the right of Black students to protest peacefully against racial segregation<sup>15</sup> and shielding the press against ruinous defamation suits brought by public officials.<sup>16</sup>

The intimate relationship among free speech, a robust civil society, and vibrant democracies is not a peculiarly American story. These norms are reflected in the international human rights system, most poignantly in Articles 19, 21, and 22 of the International Covenant on Civil and Political Rights.<sup>17</sup> The fight for free expression played a pivotal role in the movements and alliances that produced the third wave of democratization. Between the late 1970s and the early 2000s, authoritarian regimes and dictatorships across the Americas, sub-Saharan Africa, Europe, and Asia were swept away by prodemocratic mass movements with active support from and within liberal democracies.<sup>18</sup>

By joining together to speak out where regimes sought to enforce silence, these movements shook seemingly entrenched autocracies to their foundations. At the same time, their democratic success ushered in a golden age of free speech, unsurpassed in human history. Free speech, democracy, and empowered civil societies rose together.



Today, it is no coincidence that an era of democratic recession and widespread attacks on civil society is also one where free speech is in global retreat.<sup>19</sup> More than two-thirds of humanity has experienced a decline in freedom of expression over the last ten years,<sup>20</sup> a trend that has touched both autocratic and democratic settings, and decades of democratic progress have given way to backsliding.<sup>21</sup> Attacks on freedoms of expression are often a “canary in the coalmine,” heralding impending democratic backsliding.<sup>22</sup> Just as free speech was an indicator of the third wave of democratization, the current free speech recession is an indicator of resurgent authoritarianism.

One direct driver of this decline is a raft of legal measures that strike at the intersection of the freedoms of association and expression. Around the globe, autocratic regimes seek to silence outspoken civil society organizations (CSOs), media outlets, and individuals by branding them as pawns of foreign interests or as dangerous “extremists.”<sup>23</sup> The way these attacks target both expression and association rights at once is no accident: without the ability to organize, individual voices are easily drowned out. Without the ability to speak, organizations cannot demand accountability.

By strangling civil society with stigma and paperwork, authoritarian leaders aim to shut down both individual and collective dissent that challenges their dominance of the public sphere. To mount an effective defense of free speech globally, its champions should look once again to the meeting point of fundamental freedoms.

## Redefining “Foreign Agents”

“Foreign agent” laws of the sort used to target FBK can now be found in dozens of countries.<sup>24</sup> In defending their legal innovations, many of these governments point disingenuously to similar-sounding laws in democracies, especially the 1938 Foreign Agents Registration Act (FARA) in the U.S. (a measure originally enacted to counter Nazi propaganda networks and since refocused on lobbying).<sup>25</sup> Australia, the United Kingdom, Canada, and France have all built foreign influence registries over the past decade, as well.<sup>26</sup>

Repressive governments often cite democracies’ legislation as a model.<sup>27</sup> Yet while there is room for debate over the scoping of these laws,<sup>28</sup> they contain a range of guardrails that the laws which have proliferated in less open settings omit. In aggregate, these differences reveal how authoritarian “foreign agent” laws are specifically designed to impede the work of civil society—including both the local operations of foreign CSOs, and local groups that are supported by international grants.

A fundamental distinction is whether laws are based on disclosure and registration—the hallmark of democratic approaches—or instead bring outright prohibitions on certain types of work. In addition, many laws in democratic settings such as the U.S. contain further rights protections.

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For instance, some specify that only activity directed by a foreign entity requires registration.<sup>29</sup> Under models like Russia's, mere receipt of foreign funding can trigger designation, whether or not a foreign principal directs the organization's work. This distinction is critical since many people around the world seek international funding not as mercenaries, but rather to find support for projects that reflect their own hopes and values.

Some laws in established democracies also contain exemptions for religious, academic, and humanitarian work, which allow countless international CSOs, many critical of host-government policies, to have a presence without registering.<sup>30</sup> Finally, it is also worth looking to the wider environment in which these laws are implemented: the baseline speech protections of the First Amendment, for instance, raise barriers to some forms of overreach in the United States.<sup>31</sup>

Perhaps most important is how these laws are applied in practice. In autocratic or autocratizing settings, these laws are weaponized in a way that makes them decidedly a free expression issue: through selective enforcement targeting CSOs or media outlets that engage in disfavored speech.<sup>32</sup>

In many environments where such measures are enacted, politicized control of state funds and state capture of private companies have already narrowed revenue options for those not following the party line.<sup>33</sup> Against this backdrop, attacks on foreign financing cut a critical lifeline for independent expression.

“Foreign agent” laws are frequently weaponized against CSOs or media outlets that engage in disfavored speech.

## Mass Proliferation

The global impetus toward laws restricting NGOs can be traced back to 2006, when Russia adopted one such law in order to stem the tide of “color revolutions” (a term that emerged from mass mobilizations around elections in Ukraine, Georgia, and Kyrgyzstan, which challenged electoral manipulation and dislodged entrenched rulers).<sup>34</sup> Even in this early stage, authorities in other regions picked up and built on the trend: In 2009, Ethiopia's Charities and Societies Proclamation prohibited any CSO receiving more than 10 percent of its funding from foreign sources from carrying out human rights advocacy.<sup>35</sup> In other words, this law specifically sought to block organizations with foreign support from engaging in certain kinds of social and political speech. With a single law, the Ethiopian government dismantled its human rights watchdogs, silenced critical voices, and entrenched authoritarian rule.

When Russian President Vladimir Putin faced mass protests against his 2012 return to a third presidential term, Russia's authorities went a step further. Sweeping additions to the 2006 law required any organization that engaged in political activity and received foreign funding to register as a “foreign agent.”<sup>36</sup> New obligations, including mandatory labeling of all materials these organizations distribute, buried the affected groups in bureaucracy while sowing public distrust of their work.<sup>37</sup> Within two years, a third of all Russian CSOs had closed.<sup>38</sup>

Subsequent revisions made it clearer that the law's true goal was not to make NGO financing more transparent, but rather to stifle critical reporting and dissenting opinions. The implications for free speech are obvious if we consider who was targeted: The "foreign agent" label was expanded to cover media outlets, individual journalists, and even private citizens.<sup>39</sup> After the 2022 invasion of Ukraine, the foreign funding requirement was dropped entirely, allowing the state to designate anyone deemed to be under "foreign influence." Designated "foreign agents" are now barred from electoral politics, government and teaching positions, and state financial assistance.<sup>40</sup>

Authorities used these expanded powers to snuff out remaining sources of criticism. In 2021, authorities liquidated International Memorial, a Nobel Prize-winning organization that documented Soviet and later Russian human rights abuses.<sup>41</sup> In 2023, Alsu Kurmasheva, a Radio Free Europe/Radio Liberty journalist, was detained for failing to register as a "foreign agent" after traveling to Russia to care for her elderly mother.<sup>42</sup> More than 1,500 Russian journalists have fled into exile to avoid a similar fate.<sup>43</sup>

Russia's model spread quickly among Russian-aligned states in the former Soviet region, where leaders sought inoculation against prodemocratic mobilization. In early 2014, as the pro-Russian President of Ukraine Viktor Yanukovich confronted the Euromaidan protests, the Ukrainian Parliament enacted a package of measures dubbed the "dictatorship laws," which included provisions designating foreign-funded CSOs as "foreign agents."<sup>44</sup> In the following decade Belarus, Georgia, and Kyrgyzstan also adopted the Russian blueprint.<sup>45</sup>

In Latin America, Nicaragua and Venezuela have also enacted draconian "foreign agents" laws.<sup>46</sup> China tightened its own version of the net around civil society in the 2010s, most notably with the adoption of a restrictive 2016 law that gave the Ministry of Public Security control over foreign NGOs in the country and largely choked off Chinese civil society from international support.<sup>47</sup> These trends have reverberated even in democracies: In India, sharply escalated enforcement of the Foreign Contribution (Regulation) Act since 2014 has led to license cancellations for over 16,000 CSOs, both local and international.<sup>48</sup> Between 2017 and 2021, a law modeled on Russia's "foreign agents" template was in place in Hungary, the first such case in the EU.<sup>49</sup> All in all, dozens of countries, on most continents, currently have legislation on this model that significantly restricts the freedoms of expression and association.<sup>50</sup>

## Anti-"Extremism" Laws

"Foreign agent" laws target the capacity for CSOs and independent media to channel and amplify dissent. Laws on "extremism" also use stigma—they slap CSOs, as well as individuals, with labels that conjure violent terrorists rather than peaceful pamphleteers—but rather than scrambling for a financial pretext, they criminalize speech directly.

Laws on "extremism" also use stigma—but they skip the financial pretext and criminalize speech directly.

These efforts mix international models with inventive legal approaches. In Russia, Article 282 of the Criminal Code has been a centerpiece of the campaign to quash dissent. Similar to laws in many countries, this provision punishes inciting hatred or enmity, and degrading the dignity of groups on the basis of race, religion, gender, or nationality.<sup>51</sup> Although the law was initially used to prosecute suspected extremists for offenses such as distributing anti-Semitic texts,<sup>52</sup> the Russian authorities gradually weaponized it to silence government critics. Adding the vague terminology of “social groups” in 2003, for example, laid the groundwork for expanding the set of protected classes from vulnerable minorities to police officers and other government officials.<sup>53</sup> Targeted speech has included standup comedy and sarcastic political commentary.<sup>54</sup>

Although Article 282 dates back to Russia’s first post-Soviet criminal code (1996),<sup>55</sup> its content and application have since been reshaped by a legal concept first adopted in 2002: “countering extremism.”<sup>56</sup> Incitement to hatred is merely one of the grounds on which an organization can be saddled with the label. Designation dissolves an organization and makes belonging to it a crime. People and groups who have been thus targeted include Jehovah’s Witnesses;<sup>57</sup> liberals and opposition figures, most notably Navalny;<sup>58</sup> and the “International LGBT Movement,” an organization that does not exist.<sup>59</sup> Between 2018 and 2023, 948 people faced criminal charges under Article 282.<sup>60</sup> If we take all of Russia’s “extremism” and hate speech provisions together, more than 45,000 people were hauled before a court for public statements in this period.<sup>61</sup>

The model has metastasized. After the election of 2020, when dictator Aliaksandr Lukashenka declared victory although all independent vote counts showed challenger Sviatlana Tsikhanouskaya as the winner,<sup>62</sup> Belarus sharply expanded its laws against “extremism” and incitement to hatred. Since 2020, 22,500 “extremism crimes” have been documented in Belarus. These include “participation in unauthorized events” and “insulting authorities.”<sup>63</sup>

In 2021 RFE/RL journalist Ihar Losik was sentenced to 15 years in prison for “organizing mass riots” and “incitement to hatred” and later added to a terrorist watch list.<sup>64</sup> When Losik’s wife Daria discussed his case in an interview, she was sentenced to two years in prison for aiding “extremist” activity.<sup>65</sup> As of April 2026, the country’s “extremism” registers listed some 10,000 banned materials, covering websites, blogs, and nearly all independent Belarusian media, as well as more than 350 banned organizations.<sup>66</sup>

In 2017, the China and Russia-led Shanghai Cooperation Organization adopted a convention committing its members to combat an undefined “extremism” both at home and in cooperation with one another.<sup>67</sup> Since that time, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan have all ramped up Russian-inspired “extremism” laws.<sup>68</sup> By enshrining this concept at the international level, authoritarians are waging coordinated lawfare: They aim to make censorship of individuals and the crushing of troublesome associations routine, reinforce these practices across borders, and dress them in the borrowed authority of international human rights law.<sup>69</sup>



## Reversing the Slide

The momentum behind laws that stigmatize and criminalize dissent is not unstoppable. In several settings, including Ethiopia and Ukraine, civil society pushback helped to ensure the quick repeal of “foreign agent” laws once wider political openings emerged.<sup>70</sup> In numerous other countries—including Bulgaria, Montenegro, Poland, and Turkey—“foreign agent” bills were introduced but failed against political opposition, while Serbia’s remains stalled in parliament.<sup>71</sup> In settings where some space for contestation remains, laws that infringe on fundamental freedoms can be defeated in courts and at the ballot box.

Elsewhere too, for instance in Georgia, citizens have bravely risked taking to the streets to challenge their country’s movement toward Russia’s model.<sup>72</sup> Yet where states prove increasingly willing to crush dissent by force, such actions may not always succeed.

International pressure can back up courageous people within the country by raising the diplomatic cost of silencing dissent. Citizens of democracies hold leverage of their own. They can press their governments to oppose laws that stigmatize dissent, support embattled organizations directly, and amplify the voices such laws are meant to silence. These actions make a difference: Sustained international pressure has been instrumental in the release of political prisoners. In the Belarus case in particular, U.S. diplomatic intervention has resulted in freeing hundreds of regime hostages, including Losik, from Lukashenka’s notorious jails.<sup>73</sup>

Such efforts will be stronger if liberal democracies recognize freedom of expression as the bedrock undergirding civic freedoms more broadly, and treat it as a foreign policy priority rather than a rhetorical flourish. This would not only strengthen democracy and human rights defenders in authoritarian states, but also serve the self-interest of democracies whose soft power these laws are engineered to sever, isolating oppressed peoples from outside sources of hope, sustenance, and support.

American free speech exceptionalism gives the United States unusual credibility when defending those who may become the next Alexei Navalny against “foreign agent” and “extremism” laws. The U.S. has not always had a perfect record on free speech: the Supreme Court, for instance, upheld the prosecution of communists during the Red Scare.<sup>74</sup> Subsequent rulings, however, have given Americans some of the world’s strongest free-speech protections—covering even advocacy of violence unless intended and likely to produce imminent lawless action.<sup>75</sup> Over time, the bet on freedom has paid off. For instance, in 1949 the Supreme Court overturned the conviction of Arthur Terminiello for anti-Semitic and pro-fascist speech—a ruling that led Justice Robert H. Jackson to fear turning the Bill of Rights into a “suicide pact.”<sup>76</sup> Yet the Supreme Court relied on the precedent set in *Terminiello* when overturning the convictions of Black students peacefully protesting segregation in South Carolina.<sup>77</sup>

In this and other civil rights-era cases, free speech, the other fundamental freedoms, and the vibrancy of civil society rose together—with enormous benefit to American society and democracy. That evolution reminds us of the crucial democratic advantage over authoritarian lawfare. Rather than cordoning themselves off from accountability demands, democracies make space for the people and institutions that might issue them. A stance that seeks to protect that space globally is no empty posturing; rather, it has been forged through America’s own struggle to live up to its founding ideals.

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