

# LUISS



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## List of Abbreviations

CPC	Criminal Procedure Code
CSO	Civil Society Organization
EU	European Union
FAL	Foreign Agent Law
FARA	Foreign Agents Registration Act
HDR	Human Rights Defender
ICNL	International Center for Not-for-Profit Law
KoAP	Code of Administrative Offences
NCO	Non-Commercial Organization
NGO	Non-Governmental Organization
NPO	Non-Profit Organization
OSCE	Organization for Security and Cooperation in Europe

## **Abstract**

This thesis examines whether and to what extent foreign agent legislation has impacted democratic development in a select group of countries neighboring the European Union. It explores how these laws have functioned as instruments of authoritarian consolidation aimed at suppressing independent media and civil society, especially in post-authoritarian contexts where civil infrastructure has been historically weak and funded by external actors. The study also aims to compare how these laws have been formulated, implemented, and resisted across several cases, asking whether civil society has been able to adapt or survive under increasing legal and political pressure. The phenomenon of foreign agent legislation is to be placed within a broader discussion about the common trajectory of many post-authoritarian states. In fact, a clear recurring pattern for what regards these states has emerged. Initially, following regime transitions, initiatives of democracy promotion supported the creation of civil society in environments where local civic life was virtually absent. Eventually, Western donors became crucial in the building of what effectively became a tertiary sector oriented toward liberal and democratic norms, with many Non-Governmental Organizations financially dependent on these donors for their operational sustainability. As authoritarian or illiberal governments re-emerged in these regions, an inevitable clash with civil society was to be expected, and this funding model strongly antagonized. The governments increasingly viewed these NGOs and media outlets as vehicles of foreign influence and regime destabilization and tried to portray them as such, thus cutting their funding. Inevitably, foreign agent legislation became the principal legal instrument to operationalize this backlash. The thesis will examine this phenomenon in detail before delving into the three chapters of the research study.

The first chapter of the thesis provides a comparative legal analysis of foreign agent laws in countries such as Russia, Georgia, Belarus, and Egypt. It examines how these laws define “foreign agents,” what obligations they impose, the mechanisms of enforcement, and how governments justify their necessity. Additionally, adherence to international legal norms is taken into consideration. The ultimate goal of this thesis is to ascertain whether civil societies and independent media can survive the authoritarian backlash and get over these challenges, as well as the degree to which foreign agent laws have weakened democratic institutions in EU-adjacent states.

## Methodology

This study employs a comparative qualitative and quantitative research design to examine the democratic effects of foreign agent legislation in a select group of countries neighboring the European Union. Through a structured comparison of legislative content of legislation, their implementation, and the societal impact they have, the research aims to identify differences across countries both in the common trends but also in their specific context. The final objective is to assess the extent to which such legislation undermines democratic principles and how affected actors, including, among others, civil society organizations and independent media, have responded to it. The preliminary set of countries included in this study are: Russia, Georgia, Belarus, and Egypt. These countries have either implemented or proposed foreign agent laws that place restrictions on organizations receiving foreign support, in particular towards civil society and media institutions. All these cases are significant to the EU's neighborhood and its democratic stability for what regards the broader region even if they vary in political structure and EU affiliation.

The study is structured into three main phases. The first shall focus on legal and institutional analysis by examining the formal content of foreign agent laws in each country. This involves identifying how these laws define "foreign agents" and what kinds of obligations they impose, and what enforcement mechanisms and sanctions they establish. Attention will also be given to the official justification for these laws and whether they comply with international legal standards. In order to ensure a comprehensive comparative analysis of all cases presented, the analytical framework developed by Alberto Alemanno and Felix Sames (2023) will be applied:

- 1) **Objective:** What is the declared aim pursued by the law? Is it intended to govern foreign interference or more broadly any form of foreign influence?
- 2) **Scope:** Given its declared goal, to whom does the law apply? Does it focus on actors, their activities, or both? How are these defined? Can the relevant actors and activities be clearly identified, or does the FAL leave an excessive margin of manoeuvre to the interpreter?
- 3) **Targeted party:** Is the legislation exclusively applicable to civil society organizations (CSOs), or does it target other specific categories of actors or activities? Can these groups be clearly identified? Does the law specifically single out sources of international funding in order to identify foreign-funded CSOs?
- 4) **Exemptions:** Does the legislation provide exclusions for certain actors and/or activities? Are these exemptions clearly defined or at least definable? Do they cover

activities typically carried out by CSOs? If so, is the concept of political activities expanded to such an extent that it renders these exemptions ineffective?

- 5) **Conflict of law:** How does the proposed legislation interact with existing transparency laws, including lobbying regulations, in the same country?
- 6) **Proportionality:** Does the proposed legislation strike an appropriate balance between transparency of foreign influence and the protection of civil liberties?
- 7) **Enforcement:** Is the language of the legislation sufficiently precise to enable predictable enforcement? Does it provide for sanctions or penalties capable of deterring non-compliance? How much discretion is left to the enforcing authority?
- 8) **Due process:** Does the law allow for the possibility to appeal sanctions, whether administrative or criminal in nature?

The final dimension of the analytical framework, namely socio-economic consequences, does not form part of the comparative analysis conducted in Chapter 1. It is instead revisited and is the subject of a dedicated analysis in Chapter 2, which addresses the democratic and civil society consequences of foreign agent laws. Comparative tables are presented throughout the paper to support and systematize the analysis.

The second phase assesses the real-world effects of these laws. It will investigate broader consequences for democracy through identified democratic dimensions. Where data permits, the analysis will examine fluctuations in the relevant International IDEA indicators in the period following the adoption or expansion of foreign agent legislation, in order to determine whether observable trends reflect deterioration in these areas. Additionally, these developments will be considered in light of each country's overall democratic performance and regime classification through the employment of Freedom House indicators. A more in-depth framework is proposed in the Chapter alongside the proposal for an entirely innovative model. The third phase turns to the responses of civil society and media actors. It investigates the range of strategies adopted to resist or mitigate the impact of foreign agent laws, such as pursuing legal challenges in domestic or international courts. Particular emphasis will be placed on cases where these strategies have been notably successful or, conversely, decisively obstructed and disastrous.

The analysis relies primarily on secondary data drawn from a variety of reputable sources. Legal texts and official government communications provide insight into the legislative framework. Data such as indices, from sources like Freedom House and International IDEA,

as well as others, are to be complemented by reports from non-governmental organizations and intergovernmental bodies like the OSCE and the Venice Commission. Other sources include peer-reviewed articles and literature. Media coverage and investigative journalism might further contribute concrete examples of enforcement and response. To guide the comparison across countries, the analysis will focus on three central areas of inquiry: legal restrictiveness, democratic impact, and civil society resilience. Legal restrictiveness refers to the breadth and severity of legal measures. These will focus on how narrowly or broadly “foreign agents” are defined, the scope of obligations imposed, and the degree of legal sanction involved. The democratic impact instead, will consider how these laws have affected key democratic freedoms. Civil society resilience examines the ability of organizations and actors to withstand these pressures through various strategies. Each case will be analyzed along these dimensions to facilitate a comparative understanding of how similar laws operate in different political and institutional environments.

The study focuses on developments between 2010 and 2026, the period during which foreign agent legislation has expanded most rapidly in the region and which offers the possibility of gathering the highest amount of information possible on the topic.

The only limitation that could perhaps bother the thesis is the use of secondary data, which means that the research depends on external reporting and how accurately, consistently, and reliably it is. Differences in political transparency and media freedom across countries may result in data gaps or uneven detail in case studies. Furthermore, because the analysis is based on qualitative data, the findings may not be widely generalized. However, by using multiple independent sources and applying the same method to each case, the study aims to strengthen the reliability and validity of its results.

## **Preamble**

### **General Conceptual Framework: What is Foreign Agent Legislation?**

Over the past few decades, a steady decline in democracy has been observed worldwide and has become an increasingly defining feature of its landscape. This worrying trend, while observed across different regions of the world, is more pronounced in post-authoritarian states surrounding the European Union, which are particularly prone to backsliding, presenting fragile or failing democratic institutions and limited checks on executive power after their often-frail transition to democracy. In many cases, the liberal transformations were halted and reversed, succumbing to a resurgence of authoritarian practices sometimes disguised as legal and institutional legitimacy. These developments have sparked an intense debate about the resilience of liberal norms and the tools these governments use to hinder political pluralism. There is an evident de facto deterioration of the general freedom enjoyed in these countries that continues to have severe repercussions on civil society and other agents.

"Foreign agent" regulations have provided a handy way to delegitimize and isolate independent civil society, the media, and other dissident voices by stigmatizing them as "trojan horses." (Kirova, 2024) They have also assisted in enforcing strict reporting and monitoring regulations and excluding detractors from public life. By linking the advancement of democratic principles and human rights with advancing the interests of a foreign power, "foreign agent" laws provide a useful weapon to discredit these activities, which pose a danger to authoritarians' hold on power. The adoption of foreign influence-style legislation by democracies, such as the European Union, as part of misguided attempts to combat foreign meddling has not been helpful. Although efforts are being made in the EU to restrict the area of application and incorporate safeguards to protect civil society, such laws run the risk of having a chilling effect and are cynically used by authoritarian countries to legitimize their abusive policies.

Laws pertaining to foreign agents are a part of a larger trend of restrictive laws that target foreign-funded civil society organizations (CSOs) and other agents. This strategy is one of the most alarming and expanding aspects of the assault on civic space that is currently taking place in many nations throughout the world. Numerous other states have tried to enact similar laws or other restrictive measures that criminalize international funding without using the term "foreign agents." Foreign agents laws are actually intended to limit CSOs, restrict their resources, redirect their energy, suppress opposition, and consolidate authority. They are

purportedly intended to encourage accountability and transparency regarding foreign support for local organizations.

Foreign agents laws typically require organizations, and occasionally individuals, to register as "foreign agents" or "organizations serving foreign interests" if they participate in political activities and receive a certain amount of foreign support, sometimes as little as 20% of their budget. (CIVICUS, 2025) The stigmatizing labels of "foreign origin" must then be added to communications, publications, and websites by registered businesses. They must also comply with stringent audit and reporting standards. Noncompliance can result in jail time for individuals as well as severe penalties and closure for organizations. In reality, practically any public interest endeavor, including a wide spectrum of human rights advocacy and efforts to bolster democracy, such election monitoring, may be classified as political and, as a result, subject to restrictions under rules pertaining to foreign agents. To enable discretionary enforcement and the targeting of organizations they disapprove of, states frequently purposefully keep laws ambiguous and expansive.

The reasons for this strong and abrupt backlash are unclear, but they all point to clear shifts in the post-Cold War interactions between citizens and their governments: the sharp rise in foreign-funded human rights and democracy organizations, the success of bottom-up "color revolutions," the growing use of technology and information by civil society, and the spread of counterterrorism laws pertaining to foreign funding and surveillance.

National laws that limit civil society's access to foreign funding are one of the most often used instruments of NGO pushback. (Haddad & Sundstrom, 2023) With the 2012 Foreign Agents Law, which mandated that any organizations involved in "political activities" that had received foreign funds register as foreign agents without defining political activities, Russia was among the first nations to impose such limitations. Additionally, the law required that all media outlets bear the label "foreign agent," permitted unplanned inspections of NGOs, and stipulated that failure to register as a foreign agent would result in financial and criminal fines as well as the organization's closure. This legislation was regarded as a "blueprint" for other nations, and as of 2019, 60 nations had at least one law limiting foreign funding for non-governmental organizations (NGOs), with several of them passing numerous restrictions and rules. Governments like these tout sovereignty and noninterference as justifications for their foreign funding laws. These claims are based on an apparent close connection between foreign funding and power: that foreign funds are intrinsically corrupt in ways that are against the interests of

the domestic population, even though the NGOs may have domestic employees and a national headquarters.

### **Foreign Agent Laws: History and Rationale**

The concept of limiting foreign influence dates back at least to the early 1900s, when the first law specifically addressing the prospect of foreign influence in American politics was adopted. (Straus, 2020) In most cases, these regulations mandated that people or organizations wishing to influence public policy or spread propaganda register. A few laws would have prohibited specific people from serving as foreign agents. For instance, the House received three proposals in 1917. These would have prohibited making false statements under oath to influence measures dealing with a foreign country, restricted aliens from acting as foreign agents without notification to and consent from the U.S. government or required organizations and individuals seeking to influence legislation or public opinion to file specific information. Concern over foreign influence and propaganda increased in the United States with the development of Nazism in Germany in the 1930s. The House established the Special Committee on Un-American Activities in 1934 to deal with this threat, and later on in 1938, the bill that would become known as FARA (Foreign Agents Registration Act) was signed into law by President Roosevelt. According to its main proponent, the objective was to make foreign influence efforts public. The Department of Justice took over its enforcement in 1942. (CIVICUS, 2025) Even though these rules have good intentions, they can be abused to stifle criticism, as was evident as early as the 1950s. The United States experienced severe political repression and anti-communist mistrust during the early stages of the Cold War. FARA was significantly changed in 1966, requiring proof that an individual was acting "at the order, request, or under the direction or control, of a foreign principal" and focusing more narrowly on lobbying operations. These changes demonstrated an understanding that the original legislation was overly expansive and might have an effect on lawful operations. Because of this, FARA as it is now, mandates disclosure but does not forbid foreign lobbying. It was utilized infrequently over time; between 1966 and 2015, there were just seven criminal cases. For many years, FARA was a little-known law, but the 2016 US presidential election marked a sea change. A significant change in enforcement was brought about by worries about Russian meddling in US democratic processes.

However, three decades ago, the global landscape saw a notable growth in civic associations. Due to their significant contributions to economic development, health, education, culture, and a variety of other public-beneficial goals, civil society organizations have a generally positive reputation in the international community. On the same note, scholars of politics often viewed civil society as a vehicle for advancing social justice. By the close of the 20th century, an era of civic empowerment was perceived as being ushered in by technological and political advancements as well as a resurgence of civil society. After a year, the world's attitude began to change. Following the terrorist events of 9/11, views shifted away from human rights and the advantages of civic society. The War on Terror was started by US President George W. Bush, and civil society organizations were soon scrutinized. Soon after, Bush introduced the Freedom Agenda, a key component of which was support for civil society. Governments all throughout the world were more suspicious of CSOs, particularly those that received foreign help, as a result of the association of these organizations with both terrorism and the Freedom Agenda.

Two African states pioneered the use of restrictive legislation to limit organizations from getting foreign funds long before Russia formalized the current model for foreign agents laws that target civil society, and well before the increase in FARA enforcement starting in 2016. Zimbabwe sought to enact a FAL in 2004 that targeted foreign CSOs and local organizations that receive international support. The law included prohibitions that would eventually become commonplace in foreign agents' laws across the globe. The first successful attempt to enact a law based on Zimbabwe's model was Ethiopia in 2009 with its Charities and Societies Proclamation, which essentially served as a FAL. However, the draft legislation circulated among African legislators and provided a blueprint for similar restrictive proposals, establishing key elements that would soon be repeated.

However, Russia was essentially the catalyst for the present wave of restrictive regulations pertaining to foreign agents, setting an example that several other authoritarian nations would soon follow. (Yulia Nikitina, 2014) After the so-called color revolutions, these worries grew more intense. Russia was worried by the Rose Revolution in Georgia in 2003, but the Orange Revolution in Ukraine in 2004, which Russian President Vladimir Putin saw as a crucial front in the conflict between Russia and the West over geopolitical influence, was the turning point. Other world leaders were likewise interested in the Orange Revolution. Belarus passed laws limiting the freedoms of assembly and association shortly after. In 1994, there was a global associational revolution; by 2004, counterrevolution had started. When the distinction between

domestic and international is progressively blurred, color revolutions fit within the larger framework of globalization. Even if they occur within a nation, these revolutions are purposefully sparked from the outside. Furthermore, there might not have been any revolutions at all in the absence of this outside stimulation. Generally speaking, revolutions bring about a change in authority, which has a destabilizing impact on both local and foreign relations. International relations were stabilized through the adoption of an ambipolar framework. International law was superseded by the law of the strong after this bipolarity vanished.

The declining demand for civil society assistance in nations that had experienced political upheavals in the 1980s and 1990s also had a role in this change. (Rutzen, 2015) These regimes no longer saw themselves as in transition after years had gone by. Instead, they had advanced as far as they were willing to go and were now concentrating on strengthening state authority and governmental institutions. This was especially true under hybrid or semi-authoritarian governments that staged elections but showed little concern for human rights, the rule of law, or other elements of pluralistic democracy. Autocratic leaders advanced variations of Putin's "managed democracy" theory, which developed into concepts of a "managed civil society." Many states started putting restrictions on CSOs, frequently using political theory to explain these new limitations. Two strategies surfaced: in certain nations, CSOs were permitted to function as long as they refrained from engaging in political activities; in other nations, governments made an effort to co-opt CSOs and disband organizations that opposed them, particularly those that received foreign funding. Over 120 legislation restricting the freedoms of assembly and association have been proposed or passed in 60 countries since 2012. This pattern aligns with the ongoing global erosion of democracy. A second wave of legislative restrictions was sparked by the Arab Spring, which started in late 2010. Once more, in an effort to stop similar revolutions on their own territory, governments all around the world took notice of these large-scale events and took action to limit civil society.

## **General Overview of FALs**

Foreign agent legislation often exhibits a number of shared characteristics; however, these laws may also differ across jurisdictions or include provisions that are not present in other foreign agent frameworks. This introductory section covers the fundamental aspects frequently associated with FALs, while Chapter 1 will present the specific provisions pertinent to the

instances considered in this study, which are then investigated in detail using a comparative methodology. This approach provides the reader with a comprehensive overview of the key characteristics of foreign agent legislation, including elements drawn from a broader range of cases beyond those directly analyzed, thereby providing general contextual grounding before delving into the selected case studies. The overview discusses the categories of targeted actors, the explanations presented, the ways by which these laws are drafted (especially the terminology used), and the sanctions and regulatory actions enforced on agents found to be in breach of the legislation.

### Targeted Agents of FALs

The term "foreign agent" in FALs is broadly defined. In order to be categorized as such, an entity must meet certain criteria that can vary across jurisdictions. While some elements are common across multiple legal frameworks, the regulatory criteria often differ. This variation reflects the distinct contexts in which these laws operate. The main categories that have been identified for FALs by the present research are as follows:

Individuals acting on behalf of foreign principals	People acting under the control of foreign entities such as governments, other foreign individuals, foreign companies, and entities that are linked to foreign states in order to influence domestic political processes or public opinion.
Organizations acting on behalf of foreign principals	The rationale mirrors that of individuals. Organizations include a plethora of entities, such as lobbying firms and corporations, but also NGOs, among others. They are usually treated as legal persons capable of acting in legal capacity. They differ from individuals in that their activities are more extensive and larger in scale, while being subject to more rigorous disclosure requirements.
Foreign funded Civil Society Organizations (CSOs)	CSOs comprise NGOs, nonprofits, advocacy groups, think tanks, and others. They can be either designated as foreign agents based solely on the receipt of foreign funding, meaning that receiving a certain fixed percentage of the total in one case or a certain fixed amount of the funding from foreign entities in the other will suffice the requirement, or the foreign funding has to be associated and combined with political or public activity. This category departs from the two abovementioned categories because, in many instances, no coordination with a foreign principle is required, and the mere receipt of resources triggers the regulation. Activities of CSOs often include advocacy and community organizing or government monitoring, which certain governments perceive as threatening and therefore attempt to constrain.

Foreign funded media and information actors	This category consists mostly of media organizations and journalists who operate with foreign funding or ownership. The concern that governments cite in this category is the sensitivity of the information space to foreign influence and the subsequent protection of the national information environment from manipulation that has to be executed. To be deemed appertaining to this category, certain triggers must be met, such as foreign funding with specific thresholds for the operations of the media and information actors or foreign editorial influence.
Individuals receiving foreign support	Individuals who receive foreign funding or material support for public and political activities may also be regulated even without a formal agency relationship. This category includes, among others, activists and researchers who trigger regulatory consequences with minimal legal thresholds, a combination of foreign support plus engagement in public or political activities suffices. This category is especially controversial because of the personalization of foreign agent labeling, targeting private persons.
Activity-Based targeting	Some laws focus on the activities done by entities rather than the actor's identity or funding sources. Any entity, including individuals, that engages in defined influence activities at the direction of a foreign actor may be subject to disclosure. The rationale in this case is to regulate functions rather than directly labeling organizations or individuals, and to achieve procedural transparency. It is increasingly favored in democratic governments, such as in the proposed UK law, seeking to combat foreign influence without restricting civil society. Activity-based targeting may seem redundant to the first two categories presented, but, while intentionally aligned, they differ in certain aspects. The first two classifications are categories of conduct or status, while activity-based targeting, instead, is a mechanism or compliance requirement, not the definition of an actor.
Hostile foreign interference	This category includes individuals and entities suspected of covert or coercive interference by foreign actors. It emphasizes national security more than transparency, and legal action may be based on intelligence assessments or executive designation rather than formal registration (in the case of the UK proposed enhanced tier, it is decided by the Secretary of State when he/she considers it necessary to safeguard national interests or safety). Measures in this case include restrictions or sanctions, and due process protection may be limited.
Foreign organizations deemed a threat	Some FALs empower national authorities to designate entire organizations as threats to national security or constitutional order. The ones that are flagged as such may be banned and criminalized, while, simultaneously, domestic actors are often prohibited from cooperating with these organizations. In contrast to the preceding categories, it is an exclusionary strategy meant to completely eliminate foreign influence or presence and represents the most extreme form of FALs.

### **Reasons cited to justify the introduction of Foreign Agent legislation**

States employ relatively comparable justifications for adopting FALs and may be divided into four major categories, despite the differences in the methods of restriction. (Rutzen, 2015) They do this to maintain some semblance of adherence to the rights protected under the international treaties that many of the states enacting FALs have ratified. The most nominated reasons for introducing FALs are the following:

i) State sovereignty

Preventing interference with state sovereignty is one of the most popular explanations for the present regulatory pushback against foreign agents, most importantly NGOs. States frequently voice concerns about preventing foreign influence in internal politics. States do provide funding to organizations in other states, frequently for overtly political reasons. Therefore, FALs are portrayed as steps to safeguard internal political processes from external actors and to prevent interference with state sovereignty. On the other hand, many organizations are not usually politically inclined. In actuality, a large number of those that fall under the purview of foreign agent limitations are not engaging in any political process. Ultimately, even while a sovereign state has the authority to control certain agents and even impose restrictions on them, doing so must be proportionate and necessary for a legitimate purpose they want to attain, and invoking state sovereignty does not suffice.

ii) National Security (anti-terrorism and money laundering/financial control).

Foreign influence and foreign agent laws are often justified by the threat of terrorism. (Van De Velde, 2016) FALs have been explained as necessary to prevent foreign spies from utilizing CSOs and NGOs as cover and to fight terrorism. Matters of national security and counterterrorism are valid justifications for the restrictions envisaged in FALs, but in that case, a state must show that restrictions are required to prevent a real, not merely hypothetical, threat to national security or democratic order and that less invasive measures would not be sufficient to accomplish that goal when reasonable and objective national security justifications exist. The states that invoked anti-terrorism rationale for the introduction of FALs have sometimes even pointed to protests as evidence of foreign influence, and that foreign agents were the cause of unrest. The emphasis on this type of justification is that less intrusive measures exist, with states that still retain the ability to regulate organizations on national security grounds provided that the measures are proportionate and do not barrier the rights envisioned in international law.

iii) Transparency and institutional integrity

States argue that government regulation is necessary to uphold the integrity of the agents targeted by FALs. The justification for these domestic laws is to ensure that the exercise of freedoms granted by domestic and international norms respects the rights of others, ensuring independence and accountability of civil society. These and transparency are framed as governance objectives that, rather than acting as barriers to civil society's existence, promote its appropriate operation.

iv) Consistency and claimed benefits for the agents

The final argument for the FALs is that the restrictions they impose are beneficial to agents themselves. It is argued that the laws provide a better environment for the agents, making their work more efficient by establishing guidelines for their operations and mandating openness between them and the government. States also claim that these regulations reflect more general patterns in international aid, arguing that it is more effective and in line with national interests when foreign-funded initiatives are coordinated with the government.

### **Language and Interpretation in Foreign Agents Legislation**

While a plethora of states have implemented FALs, their practical impact is often shaped less by their formal objectives and more by the language used in the legislation. (Tabatadze et al., 2025) The choice of terminology carries numerous implications, creating legal uncertainty in their interpretation and enforcement while possibly stigmatizing organizations and individuals. This discourages public engagement even when no harmful foreign influence exists. For ease of understanding, the most commonly observed characteristics are categorized by the present research paper as follows:

- i) **Ambiguous terminology and vague definitions:** A central problem identified in FALs is the use of imprecise and overly broad language. It is hard to assess who qualifies as a "foreign agent" and what activities trigger that designation. As the Venice Commission (2024) explains, "the definitions of certain terms, especially that of political activity," are a major concern since not clearly articulating such definitions "gives rise to certain difficulties." In most cases, to be deemed a foreign agent, FALs decree that the actor must not only receive foreign funding and guidance but also engage in political activities, yet failing to clearly delineate what constitutes such activity. The Venice Commission also observes that the "modalities of the implementation of the Law on Non-Commercial Organizations" are problematic. Broad definitions raise the possibility of misinterpretation and misapplication when adhering to FAL legal requirements, thereby infringing on lawful activities and interests. Organizations run the danger of fines even for inadvertent violations when it is unclear whose activities result in foreign agent designation or which items need to be declared. This, in turn, makes agents overly cautious limiting their activities and even self-censoring to avoid sanctions.

ii) Negative connotation of targeted agents: Because words like "foreign agent" have a negative connotation, the terms employed in FALs create stigmatization beyond the already mentioned procedural uncertainty. It is argued that this occurs because of historical context, although it may not have much of an impact and is instead viewed negatively because it implies an organization working for foreign interests. The negative perception can undermine public trust in CSOs and certain individuals, discouraging cooperation, regardless of whether the entity's real purpose involved harmful foreign influence. The public and political debate surrounding the Act's enactment, which links the agents with negative connotations, is another source of stigmatization rather than the Act's actual legislative text. Stigmatization is caused by political actors' choice of nouns, adjectives, and verbs." Using terms like "radicals," "fake NGOs," "foreign agents," and "liberal-fascists," the organizations targets of FALs are framed as dangerous and illegitimate, and their funding is considered "foreign and dirty money." Political elites have shown support and legitimized this stigmatizing discourse. Ultimately, this negative framing is consistently repeated in public and political conversations around the enactment of the law rather than being accidental.

## **Chapter 1: Comparative Legal Analysis of Foreign Agent Legislation**

### **Russia**

Some governments limit foreign contributions by using state sovereignty as an excuse. (Rutzen, 2015) In defense of the Russian foreign-agents statute, for instance, Vladimir Putin claimed that the law's sole goal was to prevent foreign entities representing interests other than the Russian state from meddling in our internal affairs and that no nation worthy of its dignity can tolerate this. Russia created and put into effect what are arguably the most significant foreign agent regulations in 2012. According to this law, NGOs that participated in any "political activity" or received any foreign funds had to register with the Ministry of Justice as "foreign agents." Social stigmatization is a key component of Russia's prohibitions on foreign agents. Through the ostracization of NGOs, Russian legislation aims to weaken civil society's use of these organizations. Russia's limitations on foreign agents also hinder assembly. Legislative restrictions on public meetings, advance notice requirements that effectively prevent assembly, or restrictions that equate to a functional request for permission that is arbitrarily or subjectively denied are examples of barriers to assembly. NGOs are required by the Russian Federal Law of Assemblies, Meetings, Demonstrations, Marches, and Picketing to report any "event", a broad phrase that refers to any internal assembly of multiple people, to the government. The government must receive written notice of the request at least 10 days before the event. Lastly, the amount of money that NGOs can get is restricted by Russia's limitations on foreign agents. Legislative limits on NGOs frequently contain funding barriers, such as outright banning specific funding sources, demanding prior government clearance for international funding, or imposing onerous procedural procedures, including directing funds through the government. In Russia, the obstacles to NGO formation and operation were particularly noticeable. In the two years following the implementation of its foreign agent restrictions, one-third of all NGOs shut down. (Van De Velde, 2016) Additionally, the remaining people's capacity has been crippled. NGOs claim that the government's impositions, the difficulty in obtaining funds, or the high entry hurdles prevent them from carrying out their job.

### **Foreign Agent Law in Russia**

When discussing the topic of foreign agent laws in reference to the Russian Federation, the term most commonly refers to the foreign agent law passed in 2012 that amended several previous laws, namely: Federal law No.7-FZ, defining regulations pertaining to NCOs and

NPOs, Federal law No.115-FZ, defining regulations against the laundering of money derived from crime and against the financing of terrorism, Federal law No.82-FZ, defining regulations on public associations, and lastly the criminal and criminal procedure code. The term also encompasses subsequent standalone amendments aimed at further regulating entities labeled as ‘foreign agents.’ Ultimately, when referring to foreign agent legislation, the term encompasses not just a single law but a collection of legal acts. This law subsequently functioned as a blueprint for several similar pieces of legislation adopted in other countries. However, in light of recent developments, the term should refer to the newly passed standalone foreign agent law enacted in 2022 that constitutes the final legislative framework. For the purpose of this research, it is conceptually preferable to treat foreign agent legislation in Russia as a continuous legal framework encompassing the 2012 law, the subsequent amendments, and the 2022 law. This approach allows for a more comprehensive understanding of the legal and political evolution of FAL in the Russian Federation and provides a stronger basis for an in-depth comparative analysis. Nonetheless, the 2022 Foreign Agent Law will serve as the primary reference, as it largely incorporates and consolidates earlier legislative instruments concerning foreign agents into a single framework. Nonetheless, this study will clearly specify which law and which provisions are being referenced in each instance.

**Objective:**

The objective of the foreign agent law in Russia has been stated in the explanatory note of Federal law No. 255-FZ of 2022. (Russian State Duma, 2022) Firstly, the law shall promote the protection of the interests and the ensuring of the security of the Russian Federation. It will safeguard Russia’s sovereignty and its territorial integrity as well as the rights and freedoms of its citizens. This will be done by fighting against foreign interference, that according to the explanatory note, has existed all throughout Russia’s history. Secondly, the law is intended to systemize all disparate provisions that have been enacted from 2012 onwards and make the procedure of control over activities of individuals and organizations deemed under foreign influence transparent. Vladimir Putin has also stated, in 2012, that the primary purpose of the law is to make NCOs and their activities more transparent rather than being prohibitive in nature. (Президент России, 2012) He further emphasized that the source of funding, whether foreign or domestic, carries significant implications. According to him, the funding dictates the intentions of the organization, such that foreign influence exerts a qualitatively different influence than the one coming from Russian entities. This indicates that, according to Vladimir

Putin, the goal of the foreign agent law is to restrict foreign influence rather than to regulate influence more broadly. Explanatory notes paired with interviews and statements from Russian officials indicate that the law is intended to prevent any form of foreign influence rather than to address direct foreign intervention.

**Scope and Targeted Party:**

The original foreign agent law in Russia is закон № 121-ФЗ (Law No. 121-FZ), adopted by the State Duma on the 13th of July 2012, and approved by the Federation Council on 18 July 2012. As provided in the law, it entered into force 120 days after the day of its official publication, the 21st of November. It designated Non-Commercial Organizations that received funding from foreign sources and participated in political activities as "foreign agents". It amended Federal law No. 7-FZ of 1996 on NCOs, outlining three conditions in order to be labeled as "foreign agent":

1. The organization is registered in the Russian Federation as a NCO;
2. The organization receives monetary assets and other property from foreign states, their state bodies, international and foreign organizations, foreign persons, stateless persons, or from persons authorized by them and/or from Russian legal entities receiving monetary assets and other property from the cited sources. There is no specified minimal amount that triggers this condition, theoretically meaning that even a single unit of currency coming from the aforementioned foreign sources can be valid. Furthermore, there is also no specified minimal period of time for the receipt of funding, meaning that it is of no legal importance if it is a one-off or any other duration of time. Neither the generic characteristics of the funding nor the property received are of any relevance. Nevertheless, of great legal importance is NCO/NPO's intention to accept and receive the funding from a foreign actor. An organization is not required to register as performing the functions of a foreign agent where it returns funds received from a foreign source without accepting them, particularly if this occurs before any political activity has begun.
3. The organization participates including in the interests of foreign sources, in political activities exercised in the territory of the Russian Federation, namely "if, regardless of the purposes and tasks cited in the constituent entities thereof, it participates (in particular by way of providing finances) in arranging and conducting political actions for the purpose of influencing the adoption by the state bodies of decisions aimed at

changing the state policy pursued by them, as well as in forming public opinion for the cited purposes”.

If an NCO/NPO qualifies as a "foreign agent" by satisfying the previous criteria, then it must register itself as "foreign agent". It then must comply with certain administrative and regulatory requirements:

- i) NCOs functioning as a foreign agent that issue or distribute material including those shared through mass media or online information and telecommunication networks are required to state that these materials originate from an NCO/NPO that carries out the functions of a foreign agent.
- ii) On a semiannual basis, NCO/NPOs are required to file with the authorized body documents detailing their activities and the personal composition of their governing bodies. Furthermore, they have to draft a report detailing its activities and either publish it online or submit it to mass media for public dissemination.
- iii) At quarterly intervals, the organizations are required to file documentation specifying the purposes of expenditure of monetary funds and the use of other property, particularly those obtained from foreign sources.
- iv) Annually, financial reports submitted by the NCO are required to undergo mandatory auditing.

Apart from these requirements, there are some real-consequences to being labeled as a foreign agent NCO/NPO that are not directly implied from the laws. NCOs in the Russian Federation can be the subjects of inspections from authorities, and in the case of foreign agent NCOs planned inspections cannot be carried out more than once per year. Yet, a number of circumstances allow for additional inspections of foreign agent NCOs outside the regular schedule, as amended by Federal law No. 121-FZ:

- i) Expiration of the time frame for correcting a violation that was previously issued to the non-profit organization acting as a foreign agent in a warning from the authorized body.
- ii) Receiving information from the media regarding the facts demonstrating that there are indications of extremism in the actions taken by the non-profit organization acting as a foreign agent, as well as appeals and applications from individuals and legal entities.

- iii) Obtaining information from state agencies and local authorities regarding a non-profit organization acting as a foreign agent violating Russian Federation laws regarding its operations;
- iv) The existence of an order issued by the head of the authorized body, following a request from the prosecutor to carry out an extraordinary inspection as part of legal oversight, based on materials and complaints received by the prosecutor office's organs.

This represents another layer of different treatment for foreign agent NCOs, aimed at providing further supervision and demonization of their activities.

Finally, a register of all NCOs officially designated as foreign agents is maintained and made accessible. This means that going through this registration process and being included on a public list of organizations labeled as foreign agents can feel stigmatizing, as it makes these NCOs seem untrustworthy and casts them in a negative light.

The first important legal act following the 2012 law is the amendment that came into effect on the 4<sup>th</sup> of June 2014 with Federal law No. 147-FZ. This law amended further Federal law No. 7-FZ, specifically its article 32, adding more grounds for non-scheduled inspections to the ones presented earlier to include:

- v) Notification to a competent authority or its territorial office of information received from state authorities, local self-government bodies, citizens, or organizations concerning activities carried out by an NCO as a foreign agent, where such NCO has failed to apply for inclusion in the register of non-commercial organizations acting as foreign agents.

Meaning that a notification from any of the aforementioned entities was enough to trigger a possible inspection of a foreign agent NCO that does not account for the once-a-year limit imposed in the provisions cited earlier.

Another crucial change to Article 32 was the addition of a new paragraph to provision 7 of the article. This provision governed the registration process of an NCO as a foreign agent NCO. Previously, as mentioned before, NCOs had to register themselves as foreign agents after fulfilling the requirements to be considered as such, an active method of registration. The new paragraph introduced a passive method of registration for foreign agent NCOs:

“If a non-commercial organization is identified as operating as a non-commercial organization performing the functions of a foreign agent and has not applied for inclusion in the register of

non-commercial organizations performing the functions of a foreign agent, the competent authority shall include such NCO in the said register.”

In this case, the competent authority is the Ministry of Justice, which has the power to add an NCO to the foreign agent register on its own initiative even if the organization has not done so of its own accord. This gives the state authority a large margin of discretion to forcibly include any NCO in the register.

In the same year, another foreign agent piece of legislation was drafted and passed. On the 24<sup>th</sup> of November, the State Duma approved Federal law No. 355-FZ. This law is an amendment to Federal law No. 95-FZ of July 2001, the law on political parties of the Russian Federation. It is an important amendment to Article 30 on the "donations to a political party and its regional branches", and to Article 31 concerning the "economic activities of a political party" that added the following provisions:

Article 30, para 3. Donations to a political party and its regional branches are not allowed from:  
f.1) foreign agents (only subparagraph f.1 was added)

Article 31, para 4.1. A political party, its regional branch or other structural unit is not allowed to enter into transactions with: a) foreign states and foreign legal entities; b) foreign citizens; c) stateless persons; d) international organizations and international social movements; e) foreign agents; f) non-profit organizations that received funds or other property from: foreign states, as well as from the bodies, organizations or individuals specified in subparagraphs “a” - “e” of this paragraph;

In practice, the NCOs listed in the foreign agent register could not engage with political parties. In fact, the latter were barred from contracting with them and could not accept any financing by them in any form. This placed a further barrier on the activities of NCOs and intensified their marginalization.

These previous amendments have added obligations and limitations, but did not expand the foreign agent criteria further. The first instance of such an occurrence is Federal law No. 327-FZ, approved by the State Duma on the 15<sup>th</sup> of November 2017 and entered into force on the

day of its publication, the 25<sup>th</sup> of the same month. This Federal law is an amendment to two standalone federal laws, the first being Federal law No. 149-FZ on "Information, Information Technologies and Protection of Information" of 27<sup>th</sup> of July 2006, and the second being Federal law No. 2124-1 on " Mass Media" of 27<sup>th</sup> of December 1991. In the first instance, it amended articles 10.4 and 15.3. The most important change was the latter by adding the following:

“In the case of detection in information and telecommunication networks, including in the Internet network, of information containing calls for mass riots, implementation of extremist activity, participation in mass (public) events conducted in violation of the established procedure, information materials of a foreign or international non-governmental organization whose activity is recognized as undesirable on the territory of the Russian Federation in accordance with the Federal Law of December 28, 2012 N 272-FZ ‘On measures of influence on persons involved in violations of fundamental human rights and freedoms, rights and freedoms of citizens of the Russian Federation [...] apply to the federal executive body performing functions of control and supervision in the sphere of mass media, mass communications, information technologies, and communications, with a demand to take measures to restrict access to information resources disseminating such information.”

With this change, information online coming from "foreign and international NGOs whose activity is recognized as undesirable on the territory of the Russian Federation" must be restricted. This indicates that the state is targeting NGOs operating in the country, and the provision may be used to hinder the activities of NGOs that, for example, advocate for human rights or civic engagement.

Even more crucial is the amendment to Federal law No. 2124-1 Article 6:

"A legal entity registered in a foreign state, or a foreign structure without formation of a legal entity, disseminating printed, audio, audiovisual and other messages and materials intended for an unlimited circle of persons (foreign mass media), may be recognized as foreign mass media performing the functions of a foreign agent, regardless of their organizational-legal form, if they receive monetary funds and/or other property from foreign states, their state bodies, international and foreign organizations, foreign citizens, stateless persons, or persons authorized by them, and/or from Russian legal entities receiving monetary funds and/or other property from the specified sources. In the manner established by the authorized federal executive body, provisions of the Federal Law of January 12, 1996 N 7-FZ “On Non-

Commercial Organizations”, regulating the legal status of a non-commercial organization performing the functions of a foreign agent, may be applied to a foreign mass media, except for special provisions which are applied exclusively to organizations created in the form of a non-commercial organization.

A foreign mass media performing the functions of a foreign agent bears the rights and obligations provided by the Federal Law of January 12, 1996 N 7-FZ “On Non-Commercial Organizations” for non-commercial organizations performing the functions of a foreign agent.”

The provision in this case is crucial for the foreign agent discourse. It states that foreign media organizations, even if they are not NCOs, can be designated as "foreign agents" if they distribute media content to the public and also receive funding or property from foreign sources, including funds received indirectly through foreign-funded Russian entities. And once the organization is labeled as such, then the legal rules enunciated in the previous paragraphs that apply to the foreign agent NCOs will bind them as well. Ultimately, this means that foreign agent media organizations have to submit to the same disclosure, reporting, and inspection standards as foreign agent NCOs, creating a new category of the targeted parties of FALs that shall be put in a separate register from the ones of the NCOs.

Two years later, on the 2<sup>nd</sup> of December 2019, another amendment to the same federal laws would pass. Federal law No. 426-FZ of 2 December 2019 further amended Article 6 of Federal law 2424-1 on Mass Media and supplemented its articles: 25, 27, and 31. It also amended Federal law No. 149-FZ, supplementing its Articles 10 and 15. The most important changes will be presented by only highlighting the crucial parts of the legal text thereby preventing superfluous text from impeding the understanding of the legal explanation as follows:

In Article 6: "An individual or a Russian legal entity disseminating messages and materials which are created and (or) disseminated by a foreign mass media performing the functions of a foreign agent, and (or) participating in the creation of the specified messages and materials, may be recognized as performing the functions of a foreign agent if it receives monetary funds and (or) other property from foreign states, their state bodies, international and foreign organizations, foreign citizens, stateless persons or persons authorized by them, foreign mass media performing the functions of a foreign agent, Russian legal entities established by foreign mass media performing the functions of a foreign agent, Russian legal entities receiving

monetary funds and (or) other property from the specified sources, and (or) from Russian legal entities established by such foreign mass media. Information about such an individual or Russian legal entity is included in the register of foreign mass media performing the functions of a foreign agent. Provisions of the Federal Law of 12 January 1996 No. 7-FZ 'On Non-Commercial Organizations' may be applied to such an individual or Russian legal entity in the procedure established by the federal executive body exercising functions for development and implementation of state policy and normative-legal regulation in the sphere of registration of non-commercial organizations."

In Article 25 "In the event of recognition of a legal entity registered in a foreign state, or a foreign structure without formation of a legal entity regardless of their organizational-legal form, or an individual, disseminating intended for an unlimited circle of persons printed, audio, audiovisual and other messages and materials (including with the use of the information-telecommunication network 'Internet') and receiving monetary funds and (or) other property from foreign states, their state bodies, international and foreign organizations, foreign citizens, stateless persons or persons authorized by them and (or) from Russian legal entities receiving monetary funds and (or) other property from the specified sources [...] (the distribution of) messages and materials of such foreign mass media [...] is to be carried out by a Russian legal entity established by it."

Also in Article 25: "Within one month from the day of recognition of a legal entity registered in a foreign state, or a foreign structure without formation of a legal entity regardless of their organizational-legal form, or an individual, [...] such person or structure needs to establish a Russian legal entity and notify the federal executive body authorized by the Government of the Russian Federation of such procedure taking place. [...] Information about a Russian legal entity established by a foreign mass media performing the functions of a foreign agent is subject to inclusion in the register. A Russian legal entity performing the functions of a foreign agent, from the date of inclusion of information about it in the register [...] has rights and bears obligations provided by the Federal Law of 12 January 1996 No. 7-FZ "On Non-Commercial Organizations" for non-commercial organizations performing the functions of a foreign agent."

Continuing with Article 25: "Messages and materials of a foreign mass media performing the functions of a foreign agent, and (or) of a Russian legal entity performing the functions of a

foreign agent, disseminated on the territory of the Russian Federation, must be accompanied by an indication that these messages and materials are created and (or) disseminated respectively by a foreign mass media performing the functions of a foreign agent, and (or) by a Russian legal entity performing the functions of a foreign agent. Dissemination on the territory of the Russian Federation of messages and materials of (such entities) without an indication that these messages and materials are created and (or) disseminated (by such entities) is not permitted."

In Article 27: "In the imprint data of a registered mass media [...] there must be contained an indication that such mass media is created by a foreign mass media performing the functions of a foreign agent."

In Article 15; "In the event that a violation of the procedure for activity of a foreign mass media performing the functions of a foreign agent [...] or of a Russian legal entity established by it, is established by a ruling that has entered into legal force in a case on an administrative offense, the federal executive body exercising functions of control and supervision in the sphere of mass media, mass communications, information technologies and communications shall restrict access to the information resource of the relevant person."

Also in Article 15: "The procedure for interaction [...] the procedure for restriction and resumption of access [...] and the procedure for informing citizens [...] shall be established by the Government of the Russian Federation."

And a standalone Article of Federal law 426-FZ: "(Such entities acting as foreign agents as mentioned in the previous articles), [...] in the absence of Russian legal entities established by such person or structure, shall be obliged to establish a Russian legal entity in accordance with the requirements of the Law of the Russian Federation of 27 December 1991 No. 2124-1 "On Mass Media"

These changes to the foreign agent label are even more egregious than the amendment passed in November. Firstly, the foreign agent category has been expanded to include not only organizations but individuals as well. The wording does not distinguish between journalists, activists, and private citizens. An individual is to be considered a foreign agent if it publishes content, even online, intended for the general public while receiving funding from certain

sources. The sources have been amended as well; in fact, they now include not only foreign sources but also Russian entities that receive foreign funding. The individuals, if found to be satisfying the requirements of the law, will be recognized as foreign media agents and be added to the same register as the one mentioned in the November amendment. They, then, shall be subject to the same legal treatment as foreign agent NCOs and bear all the rights and obligations under the relevant federal laws. All foreign agent media, including individuals, that want to publish content cannot do so without first establishing a Russian legal entity to publish the intended content on their behalf as a subsidiary. This same entity will be placed automatically in the register of foreign agent media, and the content published shall have a special labeling that signals the fact that it originates from a foreign agent source. Without such an indication, the publishing of content is not lawful. Furthermore, any violation of the process will result in the restriction of access to the information resource. There is effective executive control over blocking procedures since all the procedures are delegated to the Government of the Russian Federation.

Once again, additions to the foreign agent list persisted and would get other entries the following year. Federal Law No.481-FZ of 30<sup>th</sup> of December 2020, not only expanded the status but also introduced, among others, new obligations on reporting and activities that could trigger the designation as foreign agents. Federal Law No. 481-FZ, " on amendments to certain legislative acts of the Russian Federation in terms of establishing additional measures to counter threats to national security" amended five different laws, namely:

- 1) Article 4 of Federal Law No. 2421-1 "on Mass Media";
- 2) Article 22 of Federal Law No. 5485-1 of 21<sup>st</sup> of July of 1993 "on State Secrets";
- 3) Articles 29 and 38 of Federal Law No. 82-FZ of 19<sup>th</sup> May of 1995 "on Public Associations;
- 4) Articles 2, 13, 24, 32 of Federal Law No. 7-FZ "on Non-Commercial Organizations";
- 5) Articles 2 and 6 of Federal Law No. 272-FZ "On measures of influence on persons involved in violations of fundamental human rights and freedoms, rights and freedoms of citizens of the Russian Federation".

The analysis will be limited to the amendments to the third and fifth laws, given their importance and that they introduce substantive changes that were not addressed previously, and are of significance to the present evaluation. Changes were made to:

Article 2 of Federal Law No.272-FZ: "An individual, regardless of his or her citizenship or in the absence thereof, may be recognized as an individual performing the functions of a foreign agent in the event that he or she carries out on the territory of the Russian Federation, in the interests of a (foreign source) [...] political activity and (or) targeted collection of information in the field of military, military-technical activity of the Russian Federation which, upon receipt by a foreign source [...]"

"Political activity is carried out in the following forms:

1. Participation in the organization and holding of public events in the form of meetings, rallies, demonstrations, marches or picketing, or in various combinations of these forms, organization and holding of public debates, discussions, speeches;
2. Participation in activity aimed at obtaining a specific result at elections, a referendum, in observation of the conduct of elections, a referendum, formation of election commissions, referendum commissions, in the activity of political parties;
3. Public appeals to state bodies [...] as well as other actions influencing the activity of these bodies [...].
4. Dissemination [...] of opinions about decisions adopted by state bodies and the policy pursued by them;
5. Formation of socio-political views and beliefs, including by conducting public opinion polls and publishing their results, or conducting other sociological research;
6. Involvement of citizens, including minors, in the specified activity;
7. Financing of the specified activity.

Follows: "An individual whose activity falls under the characteristics specified in part 1 of the present article shall be obliged [...] to submit an application for inclusion in the list of individuals performing the functions of a foreign agent. An individual who is not a citizen of the Russian Federation, permanently residing outside the territory of the Russian Federation, intending after arrival in the Russian Federation to carry out activity connected with the performance of the functions of a foreign agent, shall be obliged, prior to entry into the Russian Federation, to notify thereof the federal executive authority [...].

On the basis of information submitted [...] the federal executive authority [...] shall maintain the list of individuals performing the functions of a foreign agent, which shall be posted in open access in the information-telecommunication network 'Internet'. [...] In the event that the activity of an individual performing the functions of a foreign agent is identified who has not submitted an application [...] the federal executive authority [...] shall include such individual in the list of individuals performing the functions of a foreign agent."

"In the event that a foreign journalist accredited in the Russian Federation carries out activity connected with the performance of the functions of a foreign agent that is incompatible with his or her professional activity as a journalist the federal executive authority [...] shall include such person in the list of individuals performing the functions of a foreign agent."

For what regards obligations: "An individual included in the list of individuals performing the functions of a foreign agent shall be obliged, at least once every six months, to submit to the federal executive authority [...] a report on his or her activity connected with the performance of the functions of a foreign agent, including information on the purposes of expenditure of monetary funds and use of other property received from foreign sources, and on their actual expenditure and use."

"An individual included in the list of individuals performing the functions of a foreign agent may not be appointed to positions in state bodies and bodies of local self-government."

Article 29 of Federal Law No. 82-FZ:

- 1) "A public association that functions without acquiring the rights of a legal entity, receives monetary funds and (or) other property from foreign sources [...] and participates in political activity carried out on the territory of the Russian Federation, or intends to (do so) shall be obliged to notify the federal state registration body"
- 2) "The notification submitted [...] shall contain information on the purposes of the activity of the public association, its structure, the date of creation, the territory

within which it carries out its activity, on the founders and (or) on the leaders of the public association, on the address (place of location) of the governing body of the public association at which communication with the public association is carried out, on the sources of formation of monetary funds and (or) other property, including on bank accounts used for carrying out the activity of the public association."

- 3) "The information contained in the submitted notifications shall constitute the register of unregistered public associations performing the functions of a foreign agent"
- 4) "In the event that a (foreign agent) public association is identified that functions without acquiring the rights of a legal entity [...] and has not submitted a notification [...] the federal state registration body shall include such public association in the specified register."
- 5) "A public association included in the register of unregistered public associations performing the functions of a foreign agent shall be obliged, on a quarterly basis, to inform the federal state registration body or its territorial body [...] of the volume of monetary funds and (or) other property received from foreign sources in the reporting period, of the purposes of expenditure of such monetary funds and property."

Yet again, the foreign agent labeling has gained a new category. With these new amendments, individuals and also unregistered civic society associations (public associations) that engage in conducting research on certain fields, such as the military and military-technical ones, or that engage in political activities, for a foreign source, shall be deemed foreign agents. The latter were finally defined and included, among others, organizing protests, political debates, lobbying state bodies, carrying out opinion polling and sociological research, or even financing such activities. These entities would then be listed in a register similar to the ones described in the previous legal documents. They also incur new obligations; in fact, foreign agent individuals, once registered as such, are required to present a report on their activities and the use of money and property at least once every six months. A foreign agent CSO is also obliged to report the volume of money and property received by foreign sources every three months. These public associations, when notifying authorities of their foreign agent status, must also provide a report on, among others, their activities, their structure, their address, and places

where they carry out their activities as well as information about their governing body and its components. Both individuals and the previously unregistered CSOs, this also applies to the founder, the members, and the participants of said CSO, must apply a label to all the information they disseminate or create, as seen before. Lastly, the foreign agent individuals are barred from being appointed to state and government positions.

### **The 2022 Final Act.**

The Russian Federation enacted its ultimate foreign agent act on July 14<sup>th</sup> 2022 with Federal Law No. 255-FZ “On Control over activities of Persons under Foreign Influence”. This standalone law is the most important one as of today. It has superseded all previous amendments and provisions regarding foreign agents and created a unique piece of legislation. This law combined in itself the whole evolution of the foreign agent laws that have been analyzed beforehand. For the purpose of this analysis, only provisions that have been amended or newly introduced, whether definitions or obligations, will be discussed. All other elements, regarding the scope and targeted parties of the law, remain unchanged or show no significant differences and thus shall not be repeated here. For those aspects, reference should be made to the preceding amendments, where they are addressed in full.

#### Article 5:

- 1) “In order to record foreign agents, the authorized body maintains a register.”
- 2) “The register shall contain data on the surname, first name and patronymic (if any) or the corporate name of a foreign agent, information about the grounds for its inclusion in the register [...]”

#### Article 6:

- 1) “The authorized body maintains a unified register of individuals affiliated with foreign agents [...] and determines the procedure for its maintenance.”
- 2) “An individual affiliated with a foreign agent means an individual who: is (was) a member of the bodies of a legal entity - foreign agent and/or is (was) its founder, member, participant, manager or employee; is or was a member of the governing bodies of an unregistered nongovernmental organization designated as a foreign agent, any other association of persons, or a foreign structure operating without legal personality that has been designated as a foreign agent; is or was engaged in political activity and receives or received

funds and/or other property from foreign agents, including through intermediaries, for the purpose of carrying out such political activities.”

- 3) “The requirements and restrictions established for foreign agents do not extend to individuals affiliated with foreign agents.”

Article 9, para 8: “Foreign agents shall submit the data [...] within the following time periods:

- 1) on an annual basis: information on the submission of an audit report to the state information resource for accounting (financial) statements and (data on) programs slated for implementation and ongoing programs, as well as other documents forming the basis for the conduct of events;
- 2) biannually: a report on its activities, including the implementation of programs and the execution of other documents forming the basis for holding events, or a statement that no relevant events were conducted, as well as information on the objectives of the activity, its organizational structure, and the territory in which the activity is carried out; and data on the founders (members or participants) and the composition of the governing bodies and staff;
- 3) on a quarterly basis: data on foreign sources and the amount of funds and other property received from them; and any change in any of the data of the aforementioned provisions.”

In Article 11 are presented new restrictions on foreign agents:

- 1) In part 1: “An individual included in the register may not be appointed to positions in bodies of public authority;”
- 2) In part 2: “Inclusion of an official or citizen in the register may be grounds for denying them access to state secrets;”
- 3) In part 5: “Foreign agents are not allowed to conduct independent anti-corruption expertise of regulatory legal acts;”
- 4) In part 9: “A foreign agent is not entitled to carry out educational activities for minors or pedagogical activities in state and municipal educational organizations;”
- 5) In part 10: “A foreign agent is not entitled to produce information products for minors.”

The 2022 foreign agent law introduces a new single unified register for all foreign agents, replacing the separate registers for individuals, NCOs, and others. At the same time, it creates an additional unified registry for all people affiliated with foreign agents. These individuals are not bound by the requirements and obligations of foreign agents. Furthermore, the law delineates time periods for the reporting of data. These periods are different depending on the nature of the data of the report to be presented, which can be on a yearly basis, once every six months, or once every three months. Lastly, new restrictions were placed on foreign agents, such as denying them access to state secrets and not being able to produce information products for minors.

### **Exemptions**

Foreign Agent law (Federal Law No. 255-FZ) comprises exemptions for certain entities not be profiled as foreign agents, as well as exemptions for certain activities that shall not be included in the list of political activities triggering the provisions of the law. The individuals and the organizations that are exempt from recognition are found throughout the legal document. These will be presented in order by Article enumeration where the exemption appears.

In Article 1, para 3, a list of persons that cannot be recognized as foreign agents is provided and includes:

- i) Public authorities of the Russian Federation; persons controlled by the Russian Federation; public law companies; state companies; as well as persons controlled by them; and management bodies of state extra-budgetary funds.
- ii) Registered religious organizations;
- iii) Registered political parties;
- iv) Registered employers' associations; registered chambers of commerce and industry;
- v) Special categories of temporary stay foreign citizens, including: heads of diplomatic missions and consular posts of foreign states in Russia, members of the diplomatic and consular staff, staff of similar categories under diplomatic or consular status as defined in international conventions, representatives of international organizations located on the territory of the Russian Federation by official invitation.

In Article 4, para 4, a list of activities exempt from recognition as political activities is provided and includes endeavours, among others, in the field of:

- i) Science;
- ii) Art;
- iii) Culture;
- iv) Healthcare;
- v) Social Services;
- vi) Protection of traditional family values;
- vii) Physical culture and sports;
- viii) Environmentalism.

In Article 7, para 4, the persons exempt from the duty to apply to be included in the foreign agent register are enunciated:

- i) Accredited foreign journalists in the Russian Federation;
- ii) People or categories of people that may be designated by an authorized government body in coordination with the federal executive authorities responsible for state protection, security, foreign intelligence, and defence.

Many activities commonly undertaken by CSOs are explicitly listed as activities that do not qualify as political activities under the law. However, while it formally recognizes that certain socially beneficial work is not meant to be political, it nonetheless restricts any independent scrutiny or monitoring of political and societal processes within the country. Activities that could involve evaluating the functioning of institutions or the protection of rights are treated inherently as political and thus would fall within the law's scope. CSOs are then confined to implementing programs that cannot envisage any engagement that could intersect with political accountability or governance. Ultimately, the law attempts to draw a formal distinction between political and non-political activities by listing exempt fields. However, the effectiveness of these exemptions depends on how these activities are interpreted and applied in practice. While the exemptions are clearly indicated and articulated, at least in large part, in the text of the law, there is still a risk for CSO activities, as the potentially broad interpretation of what constitutes political activity may reclassify them as political, despite these activities falling within exempt fields.

### **Conflict of Law**

The Russian Federation does not have a comprehensive legal framework regarding transparency in the sense found in many democracies. Similarly, there is no federal law

specifically regulating lobbying. For these legal aspects, there are general mechanisms that exist in scattered norms but are not integrated into a nationwide rule. The foreign agent law itself has been commended as a transparency act. Nonetheless, there are other domestic laws and frameworks that relate in part to these ideas and that can interact with Federal law 255-FZ. Thus, the first part of the analysis will be assigned to the discussion of the findings on these interactions.

Federal Law No. 44-FZ of April 5<sup>th</sup> 2013, on the “Contractual system in the sphere of purchases of goods, works, services for ensuring the state and municipal needs”, controls the relationships intended to meet the demands of the state and municipalities in order to promote efficiency. It aims to ensure publicity and transparency of public procurement. Thus, the law seeks open competition and equal treatment of qualified participants through economic transparency. In this case, the foreign agent law interacts directly with Federal Law 44-FZ since it amended its Article 3, para 1, clause 4 on the “procurement participants”. The change has rendered it unattainable for foreign agents to take part in the public procurement process altogether:

“The procurement participant (shall be intended as) any legal entity [...] except for the legal entity that is a foreign agent according to Federal Law No. 255-FZ; or any physical person registered as an individual entrepreneur, except for foreign agent physical persons according to the aforementioned law.”

This establishes a situation where the procedural transparency and non-discrimination values follow the same apparent direction legally, but different directions ideologically.

Another domestic piece of legislation that interacts with the foreign agent law, albeit indirectly, is Federal Law No. 273-FZ of the 25<sup>th</sup> of December 2008, on “Combating Corruption”. It outlines the fundamental ideas of combating corruption as well as the organizational and legal frameworks for doing so. Law 273-FZ encourages civil society oversight in order to combat corruption by engaging in monitoring government procurement and compliance, or reporting corruption incidents.

Article 1, para 2 on the basis concepts used by the law: “corruption counteraction: the activity of federal bodies of state power [...] institutions of the civil society, organizations and physical persons within their powers: to prevent corruption, investigate corruption offences and eliminate its consequences.”

Article 3, para 4, clause 7 on the underlying principles of corruption counteraction: “cooperation of the State with institutions of civil society, international organizations, and physical persons.”

And finally Article 7, Clause 2 and Clause 8: “The main directions of state bodies’ activities aimed at the enhancement of corruption counteraction efficiency are: to establish a mechanism of interaction of law-enforcement and other state bodies with public and parliamentary committees on corruption counteraction, as well as with citizens and institutions of the civil society, and to maintain independence of mass media.”

There is an evident conflict between the foreign agent law and the law on combating terrorism. The law formally recognizes cooperation with civil society, organizations, and individuals as a principle of anti-corruption policy, implying that they should be empowered and allowed to monitor governmental measures. It also highlights the importance of the role of independent media, which is essential for transparency and public oversight and thus shall be safeguarded. The foreign agent law undermines this framework by excluding any entity deemed a foreign agent from participating in the very mechanisms established by the federal law on fighting corruption. The same holds true for foreign agent mass media whose activities have been restricted, which undermines their independence rather than supporting it.

The second part of the discussion shall be concentrated on the discourse of the interaction between foreign agent law and provisions on fundamental rights, as well as other important rights protected under domestic and international norms. This analysis will explore the extent to which the foreign agent regime affects the exercise of protected freedoms and rights, while assessing the compatibility of the law with the broader system of rights protection.

The first to be examined is the interaction between foreign agent law and the constitution of the Russian Federation. Only the articles that are deemed more pertinent to the purpose of the explanation shall be included.

Chapter 2 Article 19, Clause 2 on equality of rights and freedoms: “The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, [...] membership of public associations, or others.”

Chapter 2, Article 29, Clauses 1, 4, 5 on the freedom of ideas and speech: “Everyone shall be guaranteed the freedom of ideas and speech; everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way; the freedom of mass communication shall be guaranteed, censorship shall be banned.”

Chapter 2, Article 30, Clause 1 on the right of association: “Everyone shall have the right to association. [...] The freedom of activity of public association shall be guaranteed.”

Chapter 2, Article 32, Clause 2 on the rights to participate in managing state affairs: “Citizens of the Russian Federation shall have the right to elect and be elected to state bodies of power and local self-government bodies, and also to participate in referenda.”

Finally, Chapter 2, Article 55, Clauses 2 and 3 on derogation of rights and freedoms: “In the Russian Federation no laws shall be adopted cancelling or derogating human rights and freedoms; the rights and freedoms of man and citizen may be limited by the federal law only to such an extent to which it is necessary for the protection of the fundamental principles of the constitutional system [...] and lawful interests of other people, for ensuring defence of the country and security of the State.”

It is inferable that the foreign agent law directly regulates areas that the Constitution expressly protects, while simultaneously relying on the constitutional framework that allows restriction of those rights for purposes such as state security. The foreign agent regime introduces a distinct legal status that differentiates actors in a manner that affects the equal enjoyment of rights and freedoms that are envisioned in Article 19. The freedom of speech and that of association are hindered for foreign agents who must label their content and can be the subjects of repressive measures on the content they produce or distribute. Even more so, the right to public office is completely annulled by the FAL, as it does not allow for registered individuals to be eligible to apply. Article 55 is ambivalent for the FAL since the second clause states that no law shall be adopted that derogates human rights and freedoms, which has been shown to be the case for the FAL, while still grounding its existence in clause 3, the exception provision, which permits limitations on rights by federal law. Ultimately, the cumulative regulatory effects create a substantive tension between the Constitution and the FAL.

The Russian FAL must also be confronted with international standards and norms.

The ones taken into consideration were: the International Covenant on Civil and Political Rights (ICCPR, 1996), the European Convention of Human Rights (ECHR, 1950), and the UN Convention Against Corruption (UNCAC, 2003).

Most of the interactions between the ICCPR, ECHR, the UNCAC, and the FAL mimic the reasoning and analysis that have been carried out for the articles regarding the same aspects in the Russian Constitution above.

Articles 19, 22, and 25, specifically, on the right to freedom of expression for the first, the right to freedom of association for the second, and the right to participate in public affairs and have access to public service. The same applies to Article 11 ECHR that protects freedom of assembly and association. And Article 2 ICCPR and Article 14 ECHR on equality before the law and prohibition of discrimination.

In addition to these rights, the ICCPR establishes protection for privacy and data protection, which intersects with the FAL in ways that raise significant concern. Article 17 of the ICCPR states that no one shall be subjected to arbitrary interference with their privacy and requires states to provide legal safeguards against it. Instead, Article 9 of Federal Law No. 255-FZ imposes extensive obligations on foreign agent individuals and organizations, including detailed disclosure of the foreign funding, and extensive reports on their activities and personal data. The information provided by them will also be rendered publicly accessible. For these reasons, the FAL compromises the rights envisioned in the ICCPR.

### **Proportionality**

Federal Law 255-FZ does not effectively balance the goal of transparency of foreign influence with the protection of civil liberties. While the law claims to promote accountability by requiring foreign agent NCOs and individuals to report on their activities, sources of their funding, and to label their material, it seems clear that the scope extends far beyond transparency. Independent monitoring and mass media are treated as inherently political, and given the broad definition of “political activity” that grants wide discretion power to authorities, it is easily inferable that they will fall under the law’s obligation. Foreign agents are under

heavy administrative burdens that stigmatize NCOs and individuals, creating a chilling effect on rights and freedoms. International human rights organizations, such as Human Rights Watch (Damelya Aitkhozhina, 2024), have emphasized that the FAL's requirements and punitive measures disproportionately restrict civil society activity relative to the stated objective of transparency. The latter is a legitimate goal, but the extent and intensity of the obligations imposed by the FAL exceed what is necessary to achieve this aim. Rather than providing information and ensuring accountability, the law functions more as a tool of control over foreign agents. In practice, the law's implementation transforms a transparency mechanism into a punitive regime, producing consequences that go well beyond the stated objective of "not prohibiting anything". This is also exemplified by the plethora of rights and freedoms protecting domestic and international norms that the law is in conflict with.

### **Enforcement**

Federal Law No. 255-FZ establishes a dense system of sanctions and penalties for violations of provisions of the law, which is clearly designed to deter non-compliance. Although the law itself primarily sets out substantive obligations, it recalls extensive enforcement mechanisms under the Russian Criminal Code (No. 63-FZ) and the Code of Administrative Offences (KoAP, No. 195-FZ), which impose significant consequences on liable foreign agents. All these instruments create a strong deterrent effect. However, the intensity of this enforcement framework is also likely to produce a constraining effect on lawful conduct. This encourages individuals, NCOs, and mass media organizations to pre-emptively limit or discontinue activities that could potentially trigger regulatory scrutiny, even if such activities would otherwise be legitimate.

In Article 12 of the FAL, such mechanisms are listed:

- i) "Repeated failure by a legal entity included in the register, as well as by a public association operating without the formation of a legal entity, [...] to provide data stipulated by Article 9 within the prescribed period of time, is grounds for the authorized body request the court to liquidate such entity."
- ii) The authorized body shall send to a foreign agent its reasoned decision in writing to prohibit the implementation of a program. [...] The foreign agent who has received the decision to prohibit the implementation of a program is not entitled to proceed to implement it in whole or in part and must cease all activities related to

the implementation of this program. Failure to comply entails the liquidation of the legal entity included in the register by a court decision.”

- iii) “In case of a foreign agent’s failure to submit data provided for in Article 9 within the prescribed period of time or its non-compliance with the requirements of the same Article or other violations, the authorized body has the right to send a request to the federal executive body [...] to restrict access to the foreign agent’s information resource.”

It is also stated in the Article that violations of the registration entail liability under the Criminal Code and the KoAP. These were amended to include foreign agent-related fines and sanctions.

Under Criminal Code Article 330.1 on malicious evasion of duties with the recognition of a person performing the functions of a foreign agent:

- 1) NCOs or unregistered public associations fail deliberately to submit the documents required for registration as foreign agents entails a sanction under the following form: either a fine of up to 300 thousand rubbles ( $\approx 3272$  €) or the equivalent of wages/income for up to 2 years; compulsory community work for up to 480 hours; corrective labour for up to 2 years or imprisonment for the same amount of time.
- 2) If foreign mass media or Russian entities established by them fail to follow the operational rules set for foreign agents, or individuals listed in the foreign media register fail to comply with the legal obligation related to reporting or transparency, then it entails sanctions under the same form as the previous point.
- 3) If a foreign agent individual fails to notify authorities of its status to be registered as such, to submit activity reports, or else, collects information in the field of military is punishable by: either a fine of 300 thousand rubbles ( $\approx 3272$  €) or the amount of wages/income for up to 2 years; compulsory labour up to 480 hours or for a term of 5 years or deprivation for up to 5 years.

Under KoAP Article 19.34 on the Violation of the Procedure governing the activities of a Foreign Agent:

- 1) Carrying out activities as a foreign agent by a person not included in the register of foreign agents, where such action (or inaction) does not contain elements of a criminally punishable offence, shall entail the imposition of an administrative fine in the amount of 30 to 50 thousands rubles ( $\approx 330$  € - 545 €) for individuals; 100 to 300 thousands

rubles for officials ( $\approx 1090 \text{ €} - 3272 \text{ €}$ ); and 300 to 500 thousands rubles for legal entities ( $\approx 3272 \text{ €} - 5454 \text{ €}$ ).

- 2) Failure by a foreign agent to submit, or late submission to the authorized body of information required under the FAL, or submission of such information in an incomplete or distorted form, without criminal offence, shall be punished with the imposition of an administrative fine in the same amounts as the aforementioned provision.
- 3) Failure by a foreign agent to comply with the obligation to disclose its status as a foreign agent entails the imposition of a fine in the same amount.
- 4) The production and/or dissemination by a foreign agent, in connection with the exercise of an activity established by Article 4 of the FAL [...] without an indication that these materials (information) were produced, disseminated, and/or sent by a foreign agent or relate to the activities of a foreign agent, or with an indication that does not comply with the approved form is grounds for the same amount of fine.
- 5) Failure or untimely fulfillment by a foreign agent of the obligation to establish a Russian legal entity and/or violation of the procedure for notifying the authorized body present the same administrative fine brackets as above.
- 6) If the preceding violations are committed by a foreign citizen or stateless person then it shall entail a fine from 30 to 50 thousands rubles ( $\approx 330 \text{ €} - 545 \text{ €}$ ) and also administrative expulsion beyond the borders of the Russian Federation or without it.
- 7) Participation in the activities on the territory of the Russian Federation of a foreign or international non-commercial non-governmental organization, information about the structural subdivisions of which is absent from the register is grounds for a fine of 3 thousand up to 5 thousand rubles for individuals ( $\approx 55 \text{ €}$ ), 20 to 50 thousand ( $\approx 218 \text{ €} - 545 \text{ €}$ ) for officials and 50 to 100 thousand for legal entities ( $\approx 545 \text{ €} - 1090 \text{ €}$ ).
- 8) If done by a foreign citizen or stateless person, the fine is the same as for individuals with administrative expulsion or without it.

And in respect of the analysis of the linguistic aspect of the law, it must be noted that the language of the FAL is not precise enough to enable fully predictable enforcement, a conclusion supported by Russian case law. The term “political activity” encompasses a broad and evolving range of conduct. It was stated by the Constitutional Court that election and referendum-related canvassing, appeals to public authorities, and the communication, often through contemporary

information technologies, of assessments of state policies and governmental decisions are examples of how it goes beyond more conventional forms like meetings, rallies, demonstrations, marches, and picketing. Classification under the applicable statutory framework must be based primarily on purpose rather than form because legislation cannot fully define the possible manifestations of political action. Therefore, it is crucial to consider whether an activity involving non-commercial organizations is meant to directly or indirectly influence public authorities or public policy by influencing public opinion or drawing the attention of the state and/or civil society. Upon examination, it becomes apparent that the concept of 'political activity' is inherently broad and indeterminate, rendering it challenging to define or identify with precision and thereby affording considerable discretion to the authorities, particularly the Ministry of Justice, tasked with its enforcement. The same sentiment was reproduced during the Court's refusal to reconsider challenges from the Institute of Law and Public Policy on the definition of listed exemptions, such as "scientific activity" and its applicability. The Court refused to clarify the definition, leaving continued uncertainty on these ambiguous terms.

### **Due process**

The FAL allows for the possibility of appeal to both administrative and criminal sanctions alongside the right to judicial review of the authorities' decision to insert the subject into the foreign agent register.

In Article 6, para 6, it is stated that the decision to include an individual affiliated with a foreign agent in the assigned register can be appealed in court.

In Article 7, para 9, the same decision regarding individuals and entities found to be foreign agents can also be appealed in court.

The FAL also envisions a process for exclusion from the foreign agent register in its Article 8. It first lists the grounds for a foreign agent to be excluded from the register in Para 1:

- 1) "termination of activity of a legal entity in connection with its liquidation";
- 2) "termination of activity of the association without legal entity";
- 3) "death of the individual";

- 4) “a decision of the authorized body adopted if, based on the results of an unscheduled inspection [...] it is established that, that during the year preceding the day of applying to be excluded from the register [...] the foreign agent did not receive any funds and/or other property [...] or support from foreign sources and/or did not engage in any activity; or it is established that no later than three months from the date of his/her/its inclusion in the register the foreign agent refused to receive funds and/or other property from a foreign source and returned them to that foreign source

In Para 2, it states that the procedure for exclusion may be initiated either by applying to the authorized body or by the authorized body itself if it received information that confirms one of the aforementioned grounds for a foreign agent to be excluded from the register.

Para 3 serves to give the right to an individual to apply for exclusion from the register if it ceases the activities that triggered its inclusion on the register, and/or stops receiving funds, property, or support from foreign sources. When such an application is approved by the authorized body, then within 60 calendar days, an unscheduled inspection to decide if to allow the exclusion is made (explained in Para 4).

In Para 5, it is provided that the refusal to exclude the foreign agent from the register may be appealed in Court.

As seen before, Article 12 calls for administrative and criminal liability for violations of the law. The previous analysis showed that they are not specified inside the legislation itself, and instead, it refers to the Criminal Procedure Code (CPC) and the KoAP, which present specific provisions on violations for foreign agents. Thus, the FAL does not contain in itself the procedures for appeals to such sanctions. They are, however, present in the CPC and the KoAP since they are subject to regular criminal and administrative procedure appeal rules.

Article 125 of the CPC allows for complaints to be brought before a court against decisions, actions, or inactions of prosecutors and other officials during pre-trial and trial stages. Such a complaint can be presented directly by the foreign agent, their defense counsel, or other authorized representatives.

Article 127 of the CPC allows for the presentation of a complaint against court rulings that have entered into legal force and are going to be filed according to procedures of appellate and cassation review.

Article 30.1 of the KoAP establishes the right to appeal an administrative ruling for a person fined for an administrative offence. The time limit is set by Article 30.3 and is within 10 days from the date the ruling was delivered.

## **Georgia**

Throughout Eurasia, FALs have become a common tool used by semi-authoritarian governments. They are defended as steps to protect national sovereignty, avert revolutionary instability, and shield the nation from outside influence.

Following protests led by young people in March 2023, the Georgia government repealed the law it had enacted on "Agents of Foreign Influence" prior to the measure's reappearance in 2024 as the Foreign Agents Law, also known as the Law on "Transparency of Foreign Influence." Only a few months before the planned October elections, in May 2024, the parliament passed the measure in spite of persistent mobilization. Georgian Dream (GD), the ruling party in the government, frequently cited similarities with the US FARA and portrayed the bill as a moderate transparency step based on Western practice. On the other hand, opposition parties, civil society groups, and Western leaders contended that the law was similar to that of Russia's foreign agents. (Tabatadze, 2026) The Georgian Dream party brought the law back and used it in discussions where Western-funded NGOs are depicted as organizations that oppose traditional and family values by endorsing "LGBT propaganda." (Tolordava, 2024) According to Tavkheldze (2024), undemocratic administrations are seriously threatened by civil society and independent media, especially during elections when they have the power to boost turnout and rally voters against the current government. As a result, the government's implementation of restrictive legislation meant to suppress the independent media and NGO sector prevents a sizable portion of the populace from participating in elections, ensuring its electoral dominance.

Ultimately, the Georgian case illustrates how authoritarian policy transfer operates in disputed geopolitical contexts by fusing institutional processes based on Russian control with the terminology of transparency associated with Western practice.

### **Foreign Agent Law in Georgia**

In Georgia's case, the term "foreign agent law" generally refers to the piece of legislation passed on the 28<sup>th</sup> of May 2024 and published on the 3<sup>rd</sup> of June the same year, namely Law of Georgia 4194-XIV<sup>06</sup>-X<sup>03</sup> on "Transparency of Foreign Influence". Yet, a year later, a more comprehensive and updated FAL was enacted. Law of Georgia 399-II<sup>06</sup>-XI<sup>03</sup>, the "Foreign Agents Registration Act" (FARA), was passed on the 1<sup>st</sup> of April 2025, published the day after, and has been active since the 31<sup>st</sup> of May of the same year. This is the final legal framework on which the foreign agent regime in Georgia is currently based. It builds on the previous

legislation and extends the foreign agent label to new entities and contemplates stricter mechanisms. Its only amendment, Law of Georgia 1292-IV<sup>06</sup>-XI<sup>03</sup>, passed on the 17<sup>th</sup> of December 2025 and set to enter into force on the 2<sup>nd</sup> of March 2026, is crucial to the discussion for this research as it finalizes the procedural and substantive structure. Amendment 1292 shifts both enforcement and administrative responsibilities previously held by the Anti-Corruption Bureau to the State Audit Office of Georgia, which has been found to be a better-suited institution to handle the oversight and compliance mandate of FARA. This institution's functions are more aligned with the goal of transparency of the law, given its higher institutional independence and stronger constitutional mandate. As a result, the Bureau is being abolished entirely as part of a broader institutional reform, which also envisions the same fate for the Personal Data Protection Service. Yet, Law 4194 was not repealed, and thus, theoretically, it still operates alongside FARA, and when necessary, information from the Transparency of Foreign Influence will be used in the study.

For the purposes of this research, the legal analysis is limited to Law of Georgia No. 399 (FARA) and its amendment Law of Georgia No. 1292, as the earlier legislation contains practically identical substantive information that was revised and incorporated into FARA. This methodological decision is intended to keep the analysis focused and coherent. Where provisions inside FARA have been modified by the amendment, the amended text is used for analytical purposes in place of the original provision. This approach ensures internal consistency and allows the analysis to focus on the currently applicable legal rules. As a final note, the term FARA used in these sections will refer to the Georgian Act unless stated otherwise.

### **Objective**

In the explanatory note to FARA, the parliament explains that Law of Georgia No. 4194, on Transparency of Foreign Influence, has not achieved the desired results regarding transparency and the law's preventative function. In fact, Mamuka Mdinaradze, the majority leader of the Georgian parliament, explicitly stated that a significant number of foreign-funded NGOs refused to register and instead accepted the prescribed sanction instead of adhering to the requirements presented by Law 4194, thus undermining the intent of the act. In response, the parliament claims that FARA seeks to ensure the effective implementation of this transparency objective by, among others, providing for updated criminal liabilities in cases of evasion or

non-compliance. In the same sentiment as in Russia's case, it is said that the law is not prohibitory in nature and shall not restrict the activities of foreign agents. Another justification given by the authorities is that the Act is trying to emulate US FARA, arguing that it is the most appropriate model to ensure transparency of foreign influence in Georgia. Therefore, Law of Georgia 399 is described as an exact copy of the US Act. The reason is that, according to the authorities, the US legal system enjoys high democratic standards and is experienced in countering external anti-state influence. Proponents also emphasized that the law is intended to protect Georgia's sovereignty by ensuring that foreign actors cannot influence domestic institutions or political processes.

It may seem, from these stated objectives of FARA, that it targets foreign interference, but its provisions make clear that the law primarily regulates foreign influence in general. It focuses on any entity acting for a foreign principal, regardless of whether the activity is harmful or illegal in nature. There is also no requirement that the foreign principal be attempting to directly interfere in Georgia's internal affairs.

### **Scope and Targeted Party**

Law of Georgia 399 outlines in its Article 1 the subjects of the law and the key concepts that guide its scope, that of "foreign principle" and "agent of a foreign principle." The law applies to a broad range of actors, with applicability determined by the activities they perform on behalf of a foreign principal.

In Article 1, Clause a, the term "person" is defined and will be used as the subject for all following provisions: "a natural person, a group of partners, an association, a corporation, an organisation, or any other combination of natural persons."

Thus, it does not target only CSOs but also individuals and essentially any form of organized or unorganized group of people. This gives the law a very extensive scope of application.

In Article 1, Clause b, it clarifies what the law intends as "foreign principal," and it includes: a government of a foreign country or a foreign political party; any person located outside Georgia, except for Georgian citizens who have their domicile in Georgia, or also legal entities established under the law and based in Georgia; any group, any person (as defined in Clause a) governed by foreign law or having its principal place of business outside Georgia."

In Article 1, Clause c, the law explains how the definitions set out in Clauses a and b interact by specifying the condition under which a “person” is considered to be acting as an agent of a “foreign principal”:

- i) A person who acts on behalf of a foreign principal as an agent, representative, employee, or under its direction or control, and whose activities are wholly or largely supervised, managed, funded, or influenced, directly or indirectly, by that foreign principal, if it meets certain conditions:
  - a. The person engages in political activities in Georgia, either directly or through another person, on behalf of or in the interest of the foreign principal.
  - b. Operates in Georgia as a public relations adviser, publicity agent, information service employee, or political consultant for the same reason aforementioned reason.
  - c. Within Georgia, the person distributes or manages contributions, loans, money, or other valuable resources for a foreign principal.
  - d. Within Georgia, the person represents the interests of a foreign principal before any government agency or official.
- ii) A person who knowingly or purportedly acts as, or presents themselves as, an agent of a foreign principal, whether formally contracted or not.

The other important term defined in this Article is the term “political activities,” explained in clause 1 as: any activity intended to influence the Georgian government, the public opinion, or any policy, done in the interests or by the directives of a foreign government or political party.

There are various requirements and obligations for foreign agents, mostly concerning a registration statement that they must provide to the State Audit Office, but also provisions concerning material created and shared by the agents.

The process for submission and the contents of the registration statement that allows a foreign agent to act as such are written in Article 2 of FARA and shall include the following information:

- i) The name of the registrant, its business address, paired with all affiliated addresses outside of Georgia.

- ii) The status of the registrant: nationality for individuals; names, residence addresses, and also the nationalities of each partner in the case of a group of persons; the same information as required for the groups of persons of each director and manager and additionally a copy of all documents concerning the organization, corporation, or association.
- iii) A statement with a complete list of the employees and their job descriptions.
- iv) A statement on the name, business address, and an ownership report of the foreign principal.
- v) Copies of all agreements, both written and oral, establishing the relationship of agency.
- vi) A detailed statement of all activities, highlighting the ones that are in progress or will be done in the future, which can be assumed to be a political activity.
- vii) A statement on the origin and amount of income and other things of value received by each foreign principal in the past 60 days.
- viii) A declaration of the money or other things of value that were spent in the last 60 days for activities correlated with a foreign principal.
- ix) Any documents that the State Audit Office of Georgia may request in relation to the law.
- x) Document to confirm the accuracy of the registration statement and supplements.

In Article 2, para 2 the law requires from the foreign agents semi-annual supplements, every 6 months and within 30 days of the expiry date, on information that may help the SAO to make the content of the registration statement more accurate. The foreign agents are also obliged to make notice of any change in the information contained in the registration statement within 10 days. In para 3, it is detailed that the requirement of para 2 must be sworn in under oath by the foreign agent individual, or in the case of associations or organizations, by the majority of directors and managers.

In Article 4, some more requirements that are not necessarily related to the registration statement are enunciated:

- i) In Para 1: registered agents residing in Georgia must submit two copies of any distributed informational materials that can be reasonably expected to be distributed among 2 or more people.

- ii) In Para 2 for mandatory labelling: the agents may not distribute informational materials unless they are clearly labelled as being distributed by an agent or a foreign principal, and that additional information on the practice is given to the SAO.
- iii) In Para 4: agents are not allowed to provide political propaganda to state agencies or officials and may not receive political or public interest information or consultations from the government or any state agency, unless the request to provide or receive information is accompanied by a statement that the entity in question is a registered foreign agent.
- iv) In Para 5: foreign agents that appear in front of any commission of the Georgian Parliament to testify shall submit their most recent registration statement, which becomes part of the official record.

Agents must also maintain books of account and records covering all activities subject to FARA for the duration of their foreign agent status, according to Article 5. They are also obliged to retain all required financial documentation and written records, which must be rendered available at any reasonable time to SAO. The Auditor General may determine procedures for submitting such documentation for up to 3 years after termination of foreign agent status.

According to Article 6, Para 1, the Auditor General retains permanent copies of all registration statements, and all the documents submitted shall be made available for public inspection. Copies can also be provided to the registrants for a reasonable fee established by the Auditor General, while the statements of exempted agents may be withdrawn from public access.

Para 2 also provides that the copies of registration statements and all the supplements must also be transmitted to the Minister of Foreign Affairs. If the SAO fails to do so, the inaction shall not limit criminal prosecution. Para 3 is similar to Para 2 and allows for the Auditor General to share information about foreign agents with government agencies.

Lastly, all the registration statements and their updates will be made publicly accessible through a free online database.

### **Exemptions**

FARA contains an Article specifically for exemptions to the law. Nonetheless, there are some provisions in the other articles that can exempt the entities from the foreign agent labeling

altogether, or for the foreign agents to be exempt from some requirements under certain conditions.

The Article in question is number 3. The law (the requirements from Article 2) shall not apply to the following agents of a foreign principal:

- i) Accredited diplomatic or consular officials, when acting exclusively within officially recognised functions.
- ii) Officials of foreign governments recognised by Georgia.
- iii) Diplomatic and consular staff, when their identity and duties are on record with the Ministry of Foreign Affairs, and act within officially recognised functions.
- iv) Persons who only engage in: bona fide commercial activities; activities not predominantly serving foreign state interests; humanitarian and medical fundraising.
- v) Persons who are engaged exclusively in bona fide religious, charitable, academic, scientific, or artistic activities.
- vi) Persons or employees acting for a foreign government whose protection is considered important to Georgia's defense are exempt on the following grounds:
  - a. It carries out activities for the shared interests of the government of the foreign country and that of the Georgian government.
  - b. Any public communication by such person is accurate, and the identity as an agent of a foreign principal is disclosed.
  - c. The foreign government provides identity and activity information to the Ministry of Foreign Affairs, which is then forwarded to the Auditor General and stored.
- vii) Lawyers who are representing a foreign principal before Georgian courts or government agencies, provided that it does not involve influencing Georgian government bodies or officials.
- viii) Registered lobbyists in accordance with the Law of Georgia on Lobbying.

The aforementioned exemptions of clause vi may be partially or fully revoked by the Auditor General with consent or request from the Ministry of Foreign Affairs. This figure can also exempt, according to Article 2, Para 5, people from an association or organization that were already listed in an agent's registration statement from separate registration, additional reporting obligations, or from submitting specific information required under FARA.

A quasi-exemption is also envisaged under Article 1, Clause d, which declares that the term “agent of a foreign principal” does not include news or print media, established under Georgian law, when engaged in bona fide journalistic activity or related commercial activities. The exemption is only applicable to those media companies or associations that have at least 80% of owners, directors, and managers who are Georgian citizens, while not being affiliated with a foreign principal or its agent.

Ultimately, while the exemptions of FARA are formally defined and can be identified, whether referencing actors subject to the law or the targeted activities, its broad definition of “political activity” can potentially engulf many activities typically carried out by CSOs, such as advocacy, thereby limiting the practical effectiveness of these exemptions. This is similar to the Russian case; however, for FARA, the exemptions are more systematically codified and linked to clearly defined categories of actors and activities, and the scope of targeted parties and activities is narrower.

### **Conflict of Law**

FARA interacts with both domestic and international legal frameworks. As was the case for the FAL in Russia, it interacts with the Constitution of the country. Since the reasoning for FARA’s interaction with it is identical to that of Federal Law No. 255, and to avoid repetitions, the first section shall only nominate the Articles of the Georgian Constitution and the sector of freedoms and rights they govern. The same process shall be employed for the interaction between FARA and already mentioned international legal frameworks, such as the ICCPR and the ECHR, two instruments to which Georgia is a State Party. Thus, if necessary, the appropriate pages can be consulted.

At the constitutional level, FARA engages with several provisions, most notably Article 17 on “freedom of opinion, information, mass media and the internet,” Article 22 on “freedom of association,” and Article 26 on “freedom of enterprise.”

At the international level, FARA contravenes Article 22 of the ICCPR and Article 11 of the ECHR on the freedom of association, Article 19 of the ICCPR and Article 10 of the ECHR on

the freedom of expression, and Article 26 of the ICCPR and Article 14 of the ECHR against discrimination.

Still, FARA interacts with other domestic legislation that has not yet been addressed. The first such interaction that shall be presented in this analysis is the interaction between the FAL and Law of Georgia No. 1591 of the 30<sup>th</sup> of September 1998, the law on Lobbying.

Article 3, Clause h, FARA contains an exemption for agents of a foreign principal who are involved in lobbying activities and are registered under the appropriate law.

Lobbying is defined in Article 2, Clause a of the law on Lobbying as: “the influence exercised by a person registered as a lobbyist on a representative or executive body for the purposes of introducing legislative changes that are permitted by the legislation of Georgia.”

The process to be registered as a lobbyist is instead presented in Article 5 of the same law and states:

In Para 1: “In order to be registered as a lobbyist, a person shall submit:

Clause (a): “an application for registration as a lobbyist, which shall indicate the name and surname, the place of residence, the place of work, and the position of the applicant, (and an act) the adoption or, accordingly, the modification or disapproval of which is in the interests of the applicant, as well as the contact address and telephone numbers of the applicant;”

Clause (b): “an identity card of a citizen of Georgia;”

Clause (c): “an assignment contract on the implementation of lobbying [...] which involves his/her influence on a representative or executive body for the purposes of introducing legislative changes;”

Clause (d): “a certificate of convictions.”

Once the status is granted, the person can engage in a lobbying assignment that “may involve the adoption of only a normative act (and of its derivative normative acts) or the modification or disapproval of only a draft normative act (and of its derivative draft normative acts).”

Thus, it is easily discerned that the difference between foreign agents and lobbyists lies, especially in terms of scope and purpose. Lobbyists are primarily focused on influencing

legislative or executive bodies within the domestic framework, whereas agents of a foreign principal are concerned with a broader range of activities.

Yet, lobbyists still have some similar obligations to those included in FARA.

Under Article 13, it is required of the lobbyist to “present a report, not later than within the first 10 days of each month, and also within 10 days from the day of termination of the legal status of the lobbyist, which shall comprise the following data:

Clause (a) states that the lobbyist must report any money or assets received for the purpose of performing a lobbying assignment, including the amount, type, date, conditions of transfer, and the identity of the provider;

Clause (b) instead requires the lobbyist to report costs incurred in carrying out the assignment, specifying the purpose, dates, and conditions of such expenditures.

In fact, these provisions are homogenous to Clauses g and h on the registration statement of Article 2 of FARA. Furthermore, as was the case for the documents submitted by foreign agents that would be rendered public through a database, Article 14 of the law on Lobbying ensures that documents and reports submitted by lobbyists shall be public as well.

The final remark is that the interaction between these two laws is not contradictory, it is complementary, as FARA relies on the existing framework of the Lobbying law to create a layered regulatory structure in which lobbyists registered under domestic law are recognized, but other politically oriented actions on behalf of foreign principals remain subject to FARA.

Another legislation that comes into contact with FARA is Law of Georgia No. 3144 of the 14<sup>th</sup> of June 2023, the law on Personal Data Protection.

FARA Article 2 requires agents to submit detailed registration statements that include names, residence addresses, nationality, and also financial information and sources of funding. This clearly constitutes personal data and, in many cases, special categories of personal data governed by Law 3144.

The disclosure obligation of Article 2 of FARA shall be legally permissible under Articles 4 and 6 of the law on Personal Data Protection under certain conditions.

Article 4, Para 1, Clause b: “data shall be collected/obtained for specified, explicit and legitimate purposes. The further processing of data for other purposes that are incompatible with the initial purposes shall be inadmissible.”

Likewise, in Article 6, Para 1, Clause b: “The processing of special categories of data shall be permitted only if the controller provides safeguards for the rights and interests of the data subject as provided for by this Law and if one of the following grounds exists: the processing of special categories of data is expressly and specifically regulated by law, and their processing is a necessary and proportionate measure in a democratic society.”

The same applies to the public database of documents submitted by agents of a foreign principal, which is rendered valid by Law 3144 on the grounds of being legitimate and proportionate to that aim.

It is of note that the amendment done by the Law of Georgia 1292 has abolished the Personal Data Protection Service (PDPS) and the provisions adhering to it inside of Law 3144.

### **Proportionality**

According to the Venice Commission (2025), there are serious concerns about the proportionality of the obligations under FARA. The law creates a system of widespread administrative control that is out of proportion to any justifiable involvement in civil society and public discourse by mandating ongoing reporting and disclosure obligations, biannually or upon request, mandatory record-keeping of all communications and financial transactions, and labelling of informational outputs. Furthermore, the designation of “agent of a foreign principal” is problematic due to its stigmatizing and demeaning nature, which is likely to have a chilling impact on the behaviour of those who have been assigned it. Such labelling runs the risk of stigmatizing and delegitimizing members of the media, civil society actors, and individuals, eroding confidence and discouraging engagement in democratic life. On the same note, liability measures are severe, harsher, and their application risks are excessive compared to those for other comparable regulatory offenses.

Ultimately, it is mentioned that interference with the right to free speech and association must be justified by a pressing social need and be proportionate to the justifiable goal being pursued. FARA does not meet these requirements.

## **Enforcement**

Regarding the language and terminology used in the law, it is not precise enough to ensure predictable enforcement and leaves great discretion to the enforcing authority.

As stated by the Venice Commission (2024), according to the liability regulations, any deliberate false statement or omission of any information needed for registration, as well as any other deliberate breach of FARA, will be punished by law. These provisions are wide in scope and criminalize any deviation from absolute compliance with FARA in any way, no matter how small or insignificant. These clauses appear to fall short of the criterion of predictable enforcement since they give officials an excessive amount of discretion and raise the possibility of their application being discriminatory. In the same manner, FARA's definitions of "foreign principal", "agent of a foreign principal," and "political activities" lack precise and objective standards. Additionally, the SAO and the Auditor General are also given too much latitude in deciding the precise nature and extent of the requirements to provide further information, and FARA does not give a clear enough indication of what information and materials must be submitted upon registration.

A great amount of discretionary power is vested directly in the authorities by the law. In fact, the Auditor General may ask a court to grant an order to halt behavior or enforce compliance if they suspect someone is breaking the law or not adhering to the requirements. The courts themselves enjoy great power of interpretation.

In Article 8, Para 5, it is stated that: "The District Court shall have jurisdiction and authority to issue such temporary or permanent rulings or decisions as it deems appropriate."

Under Article 9, once again, the Auditor General is empowered to create or modify regulations that carry out the law.

Under Article 4, Para 2: "It shall be unlawful for any person within the territory of Georgia who is an agent of a foreign principal and required to register under the provisions of this Law to transmit by mails or by any means or instrumentality of interstate or foreign commerce any informational materials unless such informational materials contain a conspicuous statement that the materials are distributed (by a foreign agent or its foreign principal). [...] The Auditor General shall be authorized to define what constitutes 'a conspicuous statement' for the purposes of this Law."

Because of these reasons, people, associations, and organizations cannot forecast with any degree of certainty whether their regular civic or professional actions would expose them to unforeseen but unquestionably burdensome additional requirements and sanctions in the event of non-compliance.

Sanctions and penalties are listed in Article 8 of FARA and are mirrored in Article 355(2) of the Criminal Code of Georgia.

Under these provisions, any person who willfully violates a regulation of the law, or makes false statements, omits material facts, or fails to provide necessary documents in registration statements shall be punished by a fine of up to 10 thousand Georgia lari (GEL) ( $\approx$  3132 €) or by imprisonment for not more than 5 years, while certain lesser violations carry a fine of up to 5 thousand GEL ( $\approx$  1566 €) and/or imprisonment for up to 6 months. Also, It is illegal for anyone to act as an agent of a foreign principal at any point ten days or more after receiving written notice from the Auditor General that a registration statement is incomplete, regardless of whether an amended registration statement has been filed.

Finally, it is illegal for any agent of a foreign principal to sign a contract, agreement, or understanding that requires the payment of compensation, remuneration, or any other valuable item to be contingent entirely or partially on the outcome of any political actions the agent takes.

### **Due Process**

The FAL does not clearly and specifically guarantee due process in the form of the right to appeal, especially for administrative measures, while criminal liability falls under general judicial safeguards of the Criminal Code of Georgia.

The right and modality of appeals for criminal liability is envisaged under Article 95 of the Criminal Code:

In Clause 1, “a participant in criminal proceedings may [...] appeal an action or a decision of a court, a prosecutor or an investigator.”

In Clauses 2 and 3: “an appeal against an action or decision shall be filed with the court that delivered the decision,” and “the appeal should be filed in writing and attached to the criminal case files.”

In clauses 5 and after, it specifies that an appeal may be filed at any stage of the criminal proceedings, and it shall be filed within 10 days after the appellant learns about the decision. Obviously, the appeal shall include the requirements violated and materials confirming the circumstances referred to in the appeal.

Article 292 and subsequent also provide for appeals of first-instance judgments to a higher court.

Overall, while criminal sanctions are implicitly subject to judicial review through the courts, the law does not clearly or expressly ensure the right to appeal administrative sanctions or enforcement decisions, leaving significant discretion to the enforcing authority and raising due process concerns.

## **Egypt**

In the aftermath of the 2011 uprising, the treatment of foreign-funded organizations suffered a drastic change. In the years following the political upheaval, from 2011 to 2013, Egyptian authorities initiated investigation on both domestic and international NGOs for allegedly unauthorized foreign funds and operating without proper registration. In 2013 specifically, 43 employees of NGOs, including foreign nationals, were convicted.

Egypt's Law No. 149 of 2019, known as the Law Governing the Practice of Civil Work (the NGO Law), entered into force after being ratified by President Abdel-Fattah El Sisi and published in the Official Gazette on August 19, 2019. This law, which regulates the activities of NGOs, repealed the highly controversial Law No. 70 of 2017, which had been widely criticized by human rights defenders and civil society actors as severely restrictive and potentially debilitating to independent civic activity. The adoption of the 2019 law followed a period of political and public pressure, including President Sisi's acknowledgment at the World Youth Forum in November 2018 regarding the fact that the 2017 law required revision, the establishment of a governmental review committee, and a series of national consultations. (Reuters, 2018) However, these dialogues were criticized for limiting meaningful participation by human rights organizations. Ultimately, the committee opted to draft an entirely new legal framework rather than amend the previous law.

Law No. 149 of 2019 governs the legal registration of domestic and foreign NGOs and sets out provisions regarding their activities, funding, oversight, and sanctions, primarily under the authority of the Ministry of Social Solidarity. Notably, the law removes criminal penalties involving imprisonment and instead introduces monetary fines ranging from 100,000 to 1 million Egyptian pounds, while also abolishing the National Agency to Regulate the Work of Foreign NGOs, a security-dominated body established under the 2017 law. Framed by the government as a progressive reform, the legislation was drafted with reference to Egypt's 2014 Constitution and its obligations under the International Covenant on Civil and Political Rights, as well as comparative legal models from other jurisdictions. The law is thus presented as a significant legal shift affecting the regulatory environment in which more than 55,000 NGOs operate in Egypt, the largest civil society sector in the Middle East.

## **Objective**

The declared objective of Law No. 149 of 2019 is to apply its provisions and regulate “civil work” in Egypt rather than to counter foreign interference explicitly.

Article 1 frames the law as applying to all non-profit activity by “associations and civil foundations, regional and foreign non-governmental organizations, and unions” and requires them all to respect the “Constitution, Egyptian laws, and international agreements ratified by Egypt.” It states that all civil activity that violates these legal provisions is prohibited. On its face, the law is presented as a neutral governance framework aimed at organization and coordination between civil society and the state. It does not use the language of “foreign agents,” “hostile influence,” or “external interference,” which distinguishes it from more overt foreign agent statutes such as Russia’s. However, the functional objective of the law is far broader than administrative regulation and operates, in practice, as a mechanism to monitor and control foreign influence, particularly through funding, partnerships, and cross-border cooperation.

Moreover, the law repeatedly links civil society activity to concerns about national security, public order, and terrorism financing, suggesting that oversight is driven as much by security considerations as by developmental ones. Thus, while the law is not formally a “foreign interference law,” it substantively governs foreign influence by conditioning the operation of foreign-funded or internationally connected NGOs on state approval and surveillance.

### **Scope and Targeted Party**

The scope of Law No. 149 of 2019 encompasses both actors and activities, making it exceptionally broad. On the actor side, the law applies to domestic associations, civil foundations, unions, regional organizations, and Foreign NGOs, as well as any other “entity undertaking civil work” even if it is not formally registered as an NGO. It also extends to all founding members, board members, and trustees (Art. 4).

Article 30 extends the law’s reach to any entity performing activities that fall within the “scope of work of associations,” even if that entity is licensed under a different legal framework, thereby subjecting a wide range of organizations to NGO-style regulation.

On the activity side, “civil work” is defined in Chapter I, “Law on Regulating the Exercise of Civil Work”, Article 1(1) as non-profit activity aimed at societal development, a definition capacious enough to include development projects, humanitarian aid, human rights advocacy,

research, public awareness campaigns, and community organizing. FNGOs are instead defined as a “a foreign legal person, whose purpose is not to realize profits and whose main management is located in Egypt or outside, licensed to perform one or more activities of associations and civil foundations subject to the provisions of this Law and the rules established therein” (Art. 1(5)).

At the same time, in Chapter II (Associations), Section Two (Purposes, Rights, and Obligations of Associations), Article 15 enumerates a wide array of prohibited activities, including vaguely framed bans on conduct that threatens “national security,” “public order,” or “public morals,” as well as restrictions on opinion polling, agreements with foreign entities, and broadly defined political activity. Because these key concepts are not clearly defined in the statute, the law leaves significant interpretive discretion to administrative authorities, particularly the Competent Minister and the Central Unit. This creates legal uncertainty and enables highly variable enforcement depending on the political context rather than fixed legal standards. Furthermore, it significantly impedes the capacity of independent civil society to enhance transparency in political processes and to hold authorities accountable for wrongdoing.

Although Law No. 149 formally regulates all civil society actors, in practice, it disproportionately targets foreign NGOs and domestically registered NGOs that receive foreign funding. The law creates a distinct licensing regime for Foreign NGOs under Chapter V (Articles 65–75), requiring prior ministerial approval for any activity in Egypt, periodic reporting, dedicated bank accounts subject to inspection, and strict limitations on funding flows. Foreign NGOs are treated as inherently more sensitive than domestic organizations, reflecting a presumption that cross-border civil society engagement requires heightened state control.

The law also specifically singles out sources of international funding as a regulatory trigger. Chapter II, Section Two, Article 27 requires NGOs to notify authorities of any foreign funds within 30 days and prohibits spending those funds during a sixty-day review period, while Chapter V, Article 70 imposes an even stricter prior-approval requirement on Foreign NGOs before sending, receiving, or transferring funds. These provisions give the state veto power over international financial relationships, making foreign funding a primary marker of risk. While the law does not explicitly label foreign-funded NGOs as “agents,” it creates a parallel regime that functionally treats them as suspect and subject to exceptional control.

This chapter imposes the boundaries of FNGO activity, stating that they may be authorized to carry out specific activities in Egypt only if they obtain a time-limited license from the Competent Minister, and that they are prohibited from operating or conducting any activities in the country without prior official permission (Art. 65).

To seek such authorization, an FNGO must submit a licensing request, along with all required documents and information, to the Ministry of Foreign Affairs (Art. 66), for which they must pay a fee of up to 50,000 Egyptian pounds ( $\approx$  900 €), which increases by 20 percent upon renewal but cannot exceed four times the original maximum (Art. 67).

Article 68 states that once licensed, an FNGO's activities "shall be consistent with the needs and priorities of the Egyptian society and based on the development plans," and are strictly prohibited from engaging in or funding political parties, trade unions, religious or political activities, or any work deemed harmful to national security, public order, public morals, or public health, or that incites discrimination or division, which poses quite a few limitations to their activities. In addition, FNGOs must spend their funds transparently in accordance with their approved mandate, may not use their premises for unauthorized purposes, and are required to submit periodic reports to the Administrative Body (Art. 69).

Moreover, Article 70 requires prior ministerial approval for receiving or transferring funds, stating that it is "prohibited for a licensed Foreign Non-Governmental Organization to send, move or transfer any funds or donations to any person, Organization, authority or Foundation inside or outside the country unless it obtains a prior approval from the Competent Minister. The Organization shall also be prohibited from receiving any funds from a natural or legal person other than the sources of its funding mentioned in the relevant license unless it obtains prior approval from the Competent Minister."

Article 72 regulates FNGOs' labor relations, with all employment matters for their staff governed by Egyptian Labor Law, and with foreigners not allowed to be employed as experts, workers, or volunteers without a permit from the relevant Minister.

To better understand the length of stigmatization and control over foreign CSOs of this law, a good illustration is Article 19, which imposes that if any domestic CSO wants to cooperate or

affiliate with any foreign organization, then they need to obtain an accession permit after the approval of such a course of action from the competent Minister.

### **Exemptions**

Law No. 149 of 2019 does not clearly explicit any exemptions regarding CSOs or activities that they usually cover. The only exceptions are of financial nature and do not offer any actual aid to foreign agents, instead they only favor public associations or civil associations or foundations established by government ministries or entities. However, none of these categories are fully excepted from the law's regulatory scope. The only provisions that could be construed as exception are those that identify activities CSOs are permitted to undertake. However, these do not amount to genuine exceptions from the legal framework. Rather, the law establishes a narrowly circumscribed list of permissible activities and as a result, CSOs are not exempted from regulation based on their nature or purpose, but instead operate within a tightly controlled space where any activity falling outside the enumerated developmental or charitable function may be deemed unlawful.

The only exemptions that can be found in Law No. 149 are under: Article 17 that grants financial and administrative benefits such as exempted from contract and registration fees and multiple regimes of taxes to associations, civil foundations, and union established under the law; and Article 56 that authorizes the Prime Minister to grant privileges to Public Benefit Associations such as protection of their funds from seizure or the possibility of expropriating property for public benefit to support the association's purposes.

### **Conflict of Law**

In the legal environment of Egypt formal lobbying regulations is largely absent. It does not have a standalone lobbying law that clearly defines activities or regulates interactions between civil society actors and public officials. In this context, Law 149 effectively fills the regulatory space that lobbying and transparency legislation might otherwise occupy. Nonetheless, it does so through restrictive control rather than disclosure-based transparency.

As in the case of other foreign agent laws examined in this research, Law 149 operates in tension with the constitution and international norms, and the rights and freedoms they protect. To avoid unnecessary repetition of earlier analysis, this section merely outlines the relevant

constitutional provisions affected by the law and the corresponding rights at issue. A more detailed discussion is provided in the Russian case study referenced in the preceding section.

The Constitution of Egypt protects the Freedom of thought and opinion under Article 65, the freedom of press and media under Article 70, prohibition of censorship under Article 71, right to peaceful assembly under Article 73, and freedom of association under Article 75.

Other domestic pieces of legislation indirectly interact with Law No. 149. An example is Presidential Decree, Law of Egypt No. 107 of 2013, for “organizing the right to peaceful public meetings, processions and protests.”

Under Article 8 it is stated that: “Whoever wishes to organize a public meeting or conduct a procession, or protest should submit a written notification to the police station or point that falls within the zone of the place of public meeting or the start point of the procession or protest. The notification should be submitted at least three working days prior to the start of the meeting, procession, or protest, with a maximum of 15 days. In the case of electoral meetings, this duration will be 24 hours.” The notification must specify the location or route, the timing, purpose and demands of the events as well as any slogans that will be used and the identities and contacts of the organizers. These laws thus create overlapping restrictions that operate cumulatively.

### **Proportionality**

The legislation does not strike an effective balance between ensuring transparency of foreign influence and protecting civil liberties. The requirements regulating foreign agents are not tailored to address demonstrable risks but instead apply indiscriminately to a wide range of civil society activities, many of which are peaceful, and the operation of CSOs themselves. Amnesty International’s analysis (2025) underscores that Egypt’s regulatory framework governing civil society fails to meet all the requirements of legality, necessity and proportionality under international human rights law. Amnesty notes that such measures are applied to a wide range of legitimate activities without clear limits or effective safeguards against abuse and are reinforced by overlapping laws. This regulatory approach results in far-reaching interference with freedoms of association and expression producing a chilling effect on civil society and more specifically on foreign agents that is disproportionate to any legitimate state interest and undermines genuine transparency

## **Enforcement**

The language of Law No.149 is not precise enough to allow predictable enforcement. As seen before, it relies on vague and undefined concepts such as “national security,” “national unity,” “public order,” “public morals,” and activities deemed “political”. Their meaning is not specified directly in the document itself which makes it difficult for actors to foresee which activities may trigger sanctions or criminal liability. These broad notions give authorities justifications for dissolving associations and prosecuting NGO staff, even when theoretically activities fall within internationally protected rights such as freedom of association and expression. Because the law does not set clear objective criteria and instead relies on vague terms that can be interpreted at the discretion of the enforcing authority, it is inconsistent and depended on interpretation rather than on predictable standards.

There are various provisions in the law that specify the consequences of liability in case of violation of the law. They are specified under Chapter X (Articles 93 to 97) of the law.

Article 93 establishes that the penalties set out in the law are to be applied in addition to, and not instead of, any harsher penalties provided under the Penal Code or other laws.

Article 94 imposes heavy fines of no less than 100 thousand Egyptian pounds ( $\approx$  1800 €) and no more than a 1 million Egyptian pounds ( $\approx$  18.000 €) for severe violations to:

- i) officials or workers who unlawfully receive, transfer or collect funds or donations, whether from domestic or foreign sources;
- ii) whoever carries out activities that are prohibited under Article 45;
- iii) those that carry out activities specified in Article 15 (c) and (d): “form brigades or formations of military or quasi-military nature; the advocacy, promotion, support or financing of violence or terrorist organizations,” or “perform activities that violate public order, public morals, national unity or national security;”
- iv) whoever continues the activities of an association, civil foundation or organization after a judicial or administrative decision has suspended or dissolved it;
- v) those that continue to perform civil work without regularizing their status and after the notice period has expired.

Article 95 provides for fines between 50 thousand Egyptian pounds ( $\approx 900$  €) and 500 thousand Egyptian pounds ( $\approx 9000$  €) to:

- i) individuals or entities that unlawfully grant a license to perform activities of associations or foundations;
- ii) those that deliberately prevent or obstruct the administrative body from monitoring or inspecting an association's activities;
- iii) whoever fails to notify change of premises within three months, repeated violations allow for judicial dissolution;
- iv) those that carry out activities specified in Article 15 apart from those mentioned above;
- v) whoever spends CSOs funds on activities other than those approved;
- vi) penalize the disposing of funds after a dissolution or liquidation without written authorization from the liquidator;
- vii) penalize improper distribution of assets by liquidators.

Article 96 targets directly the management of the CSOs and it states that the person responsible for the actual administration will be found personally liable for violations of the law if they knew of the acts or if their negligence facilitated them. The person and the legal entity will be jointly liable for any fines imposed.

### **Due Process**

Law No. 149 does not provide any appeal mechanisms within the document regarding the sanctions envisaged in Chapter X. In fact, as is stated under the Articles of the Chapter, these sanctions are to be applied in addition to the penalties prescribed under the Egyptian Penal Code (Article 419) and the Administrative Offences Code. It is stated multiple times in the law that the competent court shall hear the case in case of violation, thus it is inferable that the decision of the courts can also be appealed with general mechanisms provided by law.

In order to appeal a case, there is a need for justification of such an action. (Yehia, 2024) The grounds that allow for an appeal of a decision are: legal errors, factual errors, and procedural irregularities. Yet, there are limitations on which decisions can be appealed and time limits for filing appeals. For instance, minor civil disputes with low financial value are not allowed to be appealed persistently, and some lesser criminal sentences may not qualify. Appeals must also

be filed within strict deadlines: within 40 days for civil cases, within 10 days for criminal cases, and 60 days for administrative cases.

Furthermore, for the Criminal and Administrative cases, the only ones to appear in Law No. 149, the appeal procedures differ.

In criminal cases both defendants and the prosecution may appeal a conviction. Depending on the seriousness of the offence, cases are handled by the Appellate Court or the Court of Cassation. The court will then focus on points of law, no re-evaluating evidence except in cases of clear legal misapplication.

Appeals for Administrative cases are handled in Administrative courts, often ending in the Supreme Administrative Court. Appeals must be supported with detailed legal and procedural arguments to the specialized nature of administrative law.

The possible outcomes of an appeal are:

- i) original judgments stands;
- ii) original ruling is overturned in favor of the appellant;
- iii) the judgment is adjusted without a full reversal.

Ultimately, the absence of any direct appeal provisions within Law No. 149 forces entities to navigate the complex Egyptian judicial system. Since the law relies solely on general appeal mechanisms, the parties must contend with procedural intricacies and the additional challenge that court documents and proceedings are rarely available in languages other than Arabic. This lack of clarity and accessibility undermines the fairness and practical effectiveness of the appeal process.

## **Belarus**

Foreign money flow was never easy in post-Communist nations, particularly Belarus. Prior to 1999, however, there were no restrictions on foreign funding or grants and Western partners were allowed to work with Belarusian organizations on any initiative and provide funding for it. (Oleinikova, 2017) In Belarus, the regime has never been particularly fond of NGOs. Restrictive regulations have targeted human rights-focused NGOs in an effort to limit their potential to promote accountability advocacy.

The roots of what can be described as a foreign agent regime in Belarus dates back to the early 2010s when the Belarusian government, under President Lukashenko's leadership, began tightening legal controls on foreign funding for local NGOs. Criminal liability for receiving such foreign grants was introduced in 2011 after amendments to the criminal code were adopted. (Tyan, 2021) These measures predated, and in some cases paralleled, the foreign agent laws in other post-soviet countries as seen with Georgia and Russia, but discussions of a formal foreign agent law in Belarus gained public attention only in early 2021. The parliament and other officials announced plans to draft legislation explicitly modeled on the Russian foreign agent framework, with certain deputies publicly stating that Belarus should create a law defining and regulating "foreign agents", and that parts of the Russian experience could be adapted to the conditions of the country.

The push for a foreign agent law in Belarus reflects the broader political environment following the contested 2020 presidential elections and subsequent protests that have arisen after Lukashenko's victory. After the elections, authorities started framing domestic civil society and independent media as influenced by external actors, a narrative that served to justify an expansive crackdown on dissent. (Bialiatski, 2021) Within the context of intensified repression and delegitimization of civic activity, the idea of legislating a formal FAL gained traction.

### **Foreign Agent Law in Belarus**

In Belarus' case, the term FAL does not refer to a single piece of legislation, but rather to a loose cluster of normative acts, decrees, provisions, and administrative practices that together shape the legal framework governing foreign assistance and related activities. Nevertheless rather than constructing a classic "foreign agent" regime centered on formal registration as an agent of a foreign principal, this framework approaches foreign influence primarily through the lens of funding. Its regulatory focus lies on the sources, movement, and use of foreign money or property, rather than on the legal status of associations or individuals as designated agents.

In practice, however, apart from these legal provisions, the Belarusian authorities have antagonized and in many cases liquidated a large number of NGOs in recent years as a part of a broader campaign to dismantle independent civil society. The legal documents and regulations that were found to be related to the foreign influence phenomenon are plenty: Presidential Decree No. 3 of May 2020, Presidential Decree No. 7 of the 8<sup>th</sup> of November 2021 (an amendment to Decree No. 3), the Law of Belarus No. 3254-XII of the 4<sup>th</sup> of October 1994 (Law on Public Association and the subsequent amendments), Article 369-2 of the Criminal Code of Belarus, Article 24.14-24.15 of the Code of Administrative Offences, and others. To contextualize and assess the operation of this framework, secondary sources such as *The Assessment of the Legal Framework for NGOs in the Republic of Belarus* (Bourjaily, 2013) will also be relied upon in order to have a comprehensive analysis.

These materials make it possible to analyze how Belarus has developed a functional equivalent of a foreign agent regime. It is to be noted that all the documents and provisions that were mentioned earlier do not present any official translations, and are present only in Russian, thus the research will rely on translations produced for the purposes of this study.

### **Objective**

There is no shared explicit objective that unified all legislation falling within the sphere of what may be described as the foreign influence framework. The relevant acts pursue a set of formally distinct goals. Nevertheless, given the central role of the Presidential Decree No.3 within this regulatory discourse, then it may seem appropriate to use the purpose articulated in the decree as the main objective of the regime as a whole. The Decree functions as the closest approximation to an overarching rationale. The purpose of the Decree on “Foreign Gratuitous Aid’ is that of improving the procedure for registration, taxation, and use of foreign gratuitous aid. Thus, the goal is to further control the inflow and allocation of foreign financial and material resources within the territory of Belarus.

President Lukashenko has also made public statements outlining his view on foreign influence and the inflow of foreign financial resources through associations and individuals, as well as the objectives underlying state regulation in this area. In fact, at his inauguration ceremony on the 25<sup>th</sup> of March 2025 he stated that Belarus has grown stronger thanks to those “who sold their motherland for foreign grants.” (БелТА, 2025) He also claimed that there is an increased activity on the part of the Western countries that finance various foundations and associations

which engage in supposed humanitarian projects. He is of the opinion that these funds could instead be used for destructive activities inside Belarus and that the foreign gratuitous assistance must be under the strictest control. The aim for these projects should be, according to him, social assistance.

### **Scope and Targeted Party**

The scope of the laws on foreign influence in Belarus is mostly concentrated on foreign gratuitous aid that is provided by a foreign principal to an entity inside of Belarus, that will use such funds for certain purposes.

A sender has been defined as all foreign or foreign-based donors including states, organizations, individuals that reside abroad, and anonymous donors, while the recipient has been defined as a registered Belarusian entity or individual who receives and registers the foreign assistance.

Furthermore, the term “foreign gratuitous aid” might seem a little confusing but it refers to either a direct incentive such as any funds or property provided free of charge by foreign donors to recipients, or indirect incentives such as goods or services purchased in Belarus using foreign funds and transferred free of charge to the intended recipient.

Decree No.3 lists, in its Article 1, the purposes for which foreign gratuitous aid may be used by legal entities of Belarus and registered individual entrepreneurs:

- i) the provision of medical assistance;
- ii) the provision of social assistance;
- iii) the prevention and liquidation of the consequences of the Chernobyl nuclear power plant disaster;
- iv) improving the infrastructure and technical capacity of state institutions;
- v) building and renovating socially oriented facilities;
- vi) developing cultural sites;
- vii) training and upskilling employees of state institutions;
- viii) provision of sports related equipment and materials
- ix) preparation and participation of national sports teams;
- x) development of waste management and alternative energy infrastructure;
- xi) organization of official national and international events;
- xii) financing of approved administrative and operations costs.

Instead the use is prohibited for carrying out acts of terrorism or extremism or finance political parties inside the country. It is also not allowed to support or fund the monitoring of political processes such as elections, protests, campaigning, or for political agitation.

To be legally permitted to receive such foreign aid, it is requested from the recipients to register the aid beforehand and receive a certificate issued by the enforcing authority. The statement shall include the purposes of use of the aid and also the types and amount of expenses. Any change to these information needs to be notified. It is also required to deposit the foreign aid into designated charitable accounts within three banking days.

The banks shall then submit monthly reports to the enforcing authority by the 15<sup>th</sup> of the month following the reporting month. These shall include foreign funds credited to charitable accounts of legal entities and individual entrepreneurs, foreign inflows to non-charitable accounts, funds received by natural persons via transfers or international bank payments, and also returned funds to donors following refusal or change of aid registration decisions.

With regard to associations and organizations such as NGOs, in order to operate within Belarus and be able to receive foreign aid, they are obliged to register and be in compliance with the law on Public Associations.

The process to establish a public association or foundation relies primarily on the its founders and also the objective that it wants to pursue. The number and requirements for founders change depending on the form of public association. It is required that public associations have at least 10 founder members, Belarusian citizens that are at least 18 years old, to register a local PA, and other foreign founders in the case of international PAs that transmit the necessary documents to the authorities. These include detailed personal data, organizational charts of the structure of the association and also prove of minimum endowment contributions within for first 3 months of activity. Legal entities then must obtain state approval of their name and symbolism that should reflect their activities.

Even more burdensome is the process for a foreign association or organization to gain legal identity in Belarus. It shall register with the Ministry of Foreign Affairs and register a representative office in Belarus. Else, the organization is not permitted to carry out activities

on the territory of the country. Furthermore, the activities permitted to be carried out must contribute to purposes similar to the ones listed in Article 1 of the President Decree No.3 on the gratuitous foreign aid. The registration may also be denied on various grounds such as a determination by the government authority that the activities are not necessary in Belarus. If, instead, it is successful then it shall present a report on its programs and projects to the Ministry of Foreign Affairs.

It is to be noted that foreign citizens are prohibited from founding public associations that are not categorized as international in Belarus.

Associations shall also submit annual information to the Ministry of Justice before the 1<sup>st</sup> of March. These reports must confirm continued operation, describe their activities and provide location of their governing body. It is also required that detailed personal information of the members of elected governing bodies and general membership data be included.

### **Exemptions**

The system of exemptions that are envisaged under the Belarusian law and the foreign agent regime focuses primarily on the exempting certain categories of recipients of foreign funds rather than exempting certain types of activities. While Article 1 enumerates the purposes for which foreign gratuitous aid may be registered and used, Article 2 establishes a strict set of explicit prohibitions on the use of such funds, particularly political processes. Moreover, because only limited number of purposes are explicitly permitted under Article 1, any activity not listed is effectively ineligible for the granting of a certificate to receive foreign gratuitous aid. This constrains the work of independent CSOs since activities such as independent monitoring or media-related work are unlikely to fall within the permitted categories and will be deemed “not necessary” by the Belarus government, even during the registration of the organization itself.

The exemptions are found under Article 27, “the effect of this Decree (No.3) does not apply to:

- i) aid received by Belarusian diplomatic missions and consular institutions in accord with international and foreign organizations, and foreign natural persons. To be exempt it shall be used for official functions and receive the Ministry of Foreign Affairs approval if it exceeds 500 base values (base amounts are a monetary unit

used by the Republic of Belarus for fines and other administrative payments that changes from year to year, as of 2026 it corresponds to 45 Belarusian rubles per base amount), aid below that threshold does not require coordination with the authorities;

- ii) aid received by banks such as the National Bank and the Development Bank of Belarus;
- iii) aid received by Belarus' National Olympic Committee from international Olympic organizations and is used for athlete preparation and participation in international competitions, as well as for developing the Olympic movement internationally;
- iv) international technical assistance.

There are present also tax exemptions, but they will not be discussed in this analysis since they do not interact in a profound manner with the foreign agent regime, subject of the research. These exemptions also do not offer a substantial advantage because of their paltry amount and limited practical relevance. Consequently, they do not meaningfully mitigate the restrictive effects of the FAL.

### **Conflict of Law**

Belarus lacks a legally recognized framework governing lobbying or transparency. There are no statutory definition of lobbying and no obligations for individuals or organizations to register as lobbyists. There are also no disclosure requirements concerning contacts with public officials or advocacy objectives. Therefore, interaction with state authorities by certain actors is not conceptualized in law but rather as an activity that exists at the discretion of the state. Activities that would fall under the notion of lobbying in comparative contexts are not regulated through transparency mechanisms. Instead, when such activities are regarded as politically relevant, they are part of the category of prohibited political activities that has been mentioned before, particularly when linked to foreign funding. Because lobbying is not recognized as a lawful and transparent activity, there are no lawful methods for foreign agent organizations to engage with state authorities openly.

As was the case for the previous countries analyzed in this research, the foreign agent framework does interact with international law in a negative manner. In fact, as foreigners are not allowed to found or even become members of associations, and only certain activities are

permitted for CSOs and foreign gratuitous aid, it violates international norms of the International Covenant on Civil and Political Rights (ICCPR), of which the Republic of Belarus is part, and the European Convention on Human Rights (ECHR), of which Belarus is not a party, that protect the freedom of association.

Article 22 of ICCPR states: “Everyone shall have the right to freedom of association with others, including the right to form and Join trade unions for the protection of his interests,” and that “no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order.”

Article 11 of the ECHR on the same matter: “everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.”

### **Proportionality**

The legal framework addressing foreign influence does not genuinely pursue transparency and instead prioritizes administrative and political control over civil society. Rather than relying on disclosure or reporting mechanisms as was the case in the previous countries researched, designed to theoretically inform the public or authorities, in lieu the system is structured around narrowly defined permissible uses of foreign gratuitous aid. The state also retains extensive discretion in approving, denying, or revoking access to such resources. The discretionary power widens to the registration of associations and foundations themselves. The authorities may refuse to grant the status of legal entity to organizations deemed “unnecessary”, thereby exercising control over which organization are allowed to exist legally. Sanctions for non-compliance including, among others, confiscation of funds or even the liquidation of the organization, are applied as procedure rather than demonstrable harm. The Belarusian approach stands in clear contrast to the proportionality standards as noted by the Venice Commission and the ECtHR. (Venice Commission, 2011) They emphasized that mere failures to comply with legal or internal organizational requirements cannot justify dissolution and that permanent liquidation constitutes an extreme measure that should be reserved for the most severe cases. The availability and routine use of dissolution and funds confiscation in Belarus, without less severe alternatives, renders obvious that these regulations are used as instruments of control rather than a balanced transparency mechanism.

## **Enforcement**

Non-compliance with the legislation about foreign gratuitous aid and the law on public associations carry plentiful sanctions and fines. Few are directly stated in the piece of legislation, and the others refer to specific provisions inside the Administrative Code or the Criminal Code of Belarus.

Regarding Presidential Decree No.3, for instance, in Article 23, it is stated that any violation of the Article on the prohibited use of aid constitutes grounds for the termination of the activity of the public associations or organizations. Article 24 extends the liquidation penalty also to representations of foreign organizations and international NGOs if they happen to violate the same provision. If the subjects are secondary recipients, then Article 22 refers to other legislative acts.

The penalties for a first-time offence of using the foreign funds prior to obtaining a certificate confirming its registration are contained in Article 24.14 of the Code of Administrative Offences. In case of violation the law prescribes the imposition of a fine of an amount between 10 and 30 base values (132€ - 395 €) for the legal entities or individual entrepreneurs found liable. It differs if the violating party is a secondary recipient, as seen before, and the fine shall amount to a range of 20 to 30 base values (263€ - 395€) and the confiscation of the aid, while also imposing a 100% value fine to the main legal entity. If legal entities or individual entrepreneurs fail to deposit monetary funds within 3 days on the designated charitable accounts, then they will be fined in the amount of 20 to 30 base values.

Most importantly, under Article 24.15, if the violation is committed by a foreign citizen or a stateless person, the sanctions include deportation and confiscation of the aid.

The commission of these violations twice within a one-year period constitutes a criminal offence. Article 369-2 establishes criminal liability for the receipt, storage, or transfer of foreign gratuitous aid used for extremist or prohibited activities after the first instance that resulted in an administrative penalty. These actions are punished with either a fine of a not specified amount, arrest and restriction of liberty for up to 3 years, or deprivation of liberty for up to 2 years.

Ultimately, enforcement of these provisions is characterized by vague statutory language and a high degree of administrative discretion. Concepts such as proper use of foreign aid and the grounds for refusal of registration are broadly framed. The authorities, mostly referring to the Ministry of Justice and the Department of Humanitarian Activity, retain wide discretionary power, with limited safeguards against arbitrary application. It is thus difficult for associations and organizations to effectively foresee and contest adverse decisions.

### **Due Process**

The aforementioned laws do not contain provisions on appellate proceedings within themselves. Fortunately, Belarusian judiciary system offers formally provides appeal mechanisms for all administrative and criminal violations discussed in the previous paragraph. Indeed, even decisions denying the registration of associations and NGOs may be appealed before the courts, although jurisdiction in such cases lies with the Supreme Court of Belarus.

The right to appeal administrative offences is found inside the Procedural and Enforcement Code of the Republic of Belarus on Administrative Offences (Law No. 194-3) of the 20<sup>th</sup> of December 2006 and its subsequent amendments.

Under Article 12.11, “Review of a decision in an administrative offense case”:

Clause 1: A decision in a case on an administrative offense may be reviewed upon a complaint if it was appealed either before or after that it has entered into legal force, or upon a protest by a prosecutor. The complaint shall be submitted to the authorized court.

Clause 2: If a decision of the authority conducting the administrative process was appealed before entering into legal force to a district executive committee or a higher administrative body, it may be reviewed by a court with jurisdiction. If the decision was appealed before entering into legal force directly to a court, it is reviewed by the chairperson of a higher court.

Clause 3: A complaint or prosecutorial protest against a decision that has entered into legal force may be filed within six months from the date the decision became final.

Regarding criminal offences, the judiciary system entails an appealing mechanism that is found under the Criminal Procedure Code of the Republic of Belarus (Law No. 295-3) of the 16<sup>th</sup> of July 1999 and its subsequent amendments. Article 138 establishes that any actions or decisions taken by authorities conducting criminal proceedings may be appealed. Important to note that

the right to appeal is granted not only to participants in the criminal process but also to other individuals or legal entities whose rights or interests are affected by those decisions.

Article 139 instead governs the process for submission of appeals, stating that complaints can be submitted orally or in writing and lists the contents that such submission should have. Clause 6 of this Article guarantees the right to submit complaints in a language understood by the complainant. Article 140 instead deals with time limits for submitting appeals and the procedure for their consideration.

Thus, theoretically, the Belarusian judiciary system is equipped with a comprehensive set of procedural mechanisms that allow for individuals and legal entities to challenge decisions against them before courts. However, the existence of these mechanisms on paper does not necessarily translate into effective judicial protection in practice, particularly in politically sensitive cases involving CSOs and foreign funding.

## Comparative FAL Overview Table

The following table provides a structured comparative overview of the FALs examined in this chapter: Russia, Georgia, Egypt, and Belarus. It synthesizes the core dimensions analyzed in the preceding sections into a consolidated format that facilitates cross-country comparison. The purpose of this table is not to replace the detailed country specific analyses, but to systematize the key findings and highlight convergences and divergences between foreign agent regimes. For more detailed examinations of each dimension presented in the following table, reference should be made to the respective country section within this chapter.

	Russia	Georgia	Egypt	Belarus
Objective	National Sovereignty, Territorial Integrity and Transparency of Foreign Influence.	National Sovereignty, Transparency of Foreign Influence and promote compliance.	Regulate “civil work” and promote coordination between civil society and the state.	Control the inflow and allocation of foreign financial and material resources.
Scope and Targeted Party	NCOs, Individuals and Media Organizations that receive foreign funding or that act for a foreign principal and engage in political activities.	Individuals, organizations and any other type of group of people that act on behalf of a foreign principal and engage in political activities.	All types of CSOs (particularly NGOs) and specific individuals, such as founders, board members and trustees, that engage in political activities or activities against the public order, security or morals.	Foreign funding and specific unauthorized activities, especially political activities, for which the funding will be used.
Exemptions	Exemptions for actors (public authorities; registered religious organizations; registered political parties; diplomatic and consular missions) and activities (culture; art; science; sports; and others)	Exemptions for actors (diplomatic and consular staff; foreign government officials, registered lobbyists; foreign lawyers that represent a foreign principal before a Georgian court; print media; and others) and activities (charitable; scientific; academic or artistic)	No explicit regarding actors (CSOs) or activities that they usually cover. Minor exceptions of financial nature or associations established by the government.	Exemptions only for actors (Belarusian diplomatic missions and consular institutions; certain banks; Belarus’ National Olympic Committee; international technical assistance) and not for activities.

Conflict of Law	Conflicts with Constitutional and International provisions for rights and freedoms. No presence of lobbying laws. Interacts dichotomously with domestic legislation (positively with combating corruption laws; negatively with public procurement laws)	Conflicts with Constitutional and International provisions for rights and freedoms. Complementary to the lobbying law of the country. Interacts in an arguably interpretative manner with Personal Data Protection laws.	Does not present any lobbying laws, the FAL takes the legal space of a transparency law. Conflicts with Constitutional and International provisions for rights and freedoms. Cumulative to other laws that impose restrictions.	There are no formal lobbying or transparency laws. Interacts negatively with Constitutional and International provisions for rights and freedoms. No relevant domestic laws that interact with the FAL in Belarus.
Proportionality	Disproportionate regulatory framework exceeding objectives.	Disproportionate control regime incompatible with goals. Concerns with justifiability.	Excessive and indiscriminate interference. Overbroad application to legitimate civil society activity.	Disproportionate enforcement tools. Lack of graduated sanctions. Fails to meet proportionality standards of Venice Commission.
Enforcement	Escalating sanctions including administrative and criminal penalties: fines (ranging from 25 € to 3.000 €); imprisonment (up to 5 years); dissolution (liquidation); deportation for certain actors. Broad and discretionary enforcement enabled by vague definitions of certain terms.	Imprecise definitions enabling wide enforcement discretion. Severe sanctions including administrative and criminal consequences: fines (up to 3.000€) and imprisonment (up to 5 years).	Indeterminate concepts (national security, public order, public morals) that leave great discretionary power to authorities. Substantial fines (from 1800 € to 18.000 €); dissolution and liquidation; personal liability for CSO management violations.	Vague statutory standards enabling wide interpretative discretion. Administrative and Criminal penalties: fines (ranging from 130 € to 400 €); dissolution of entity; deportation for certain actors; restriction of liberty for up to 3 years or privation of liberty for up to 2 years.
Due Process	Explicit right of appeal present in the FAL for inclusion and exclusion decision. Sanction subject to general CPC and KoAP appeal procedures.	No explicit appeal provision for administrative measures within FAL. Criminal liability subject to ordinary judicial review mechanisms	Appeals not regulated within the law itself. Reliance on general judicial mechanisms with procedural and practical constraints.	Appeals governed by general procedural codes. Registration of associations and NGOs may be appealed before the Supreme Court of Belarus

## Chapter 2: Democratic Consequences of FALs

### Analytical Framework for Assessing Democratic Consequences

Assessing the democratic effects of FALs is more complex than it may initially appear. Although certain implications may seem to be inferable from the legal analysis, such inferences alone are insufficient to demonstrate their actual democratic impact.

This thesis develops a structured strategy to examine this relationship. The first step consists of conceptually linking FALs to democracy by identifying specific democratic dimensions that may be plausibly affected by these pieces of legislation. For this purpose, the study will rely on democracy indicators, the *GSoD Indices*, developed by *International IDEA (The International Institute for Democracy and Electoral Assistance)*, which provide measurable dimensions of democratic performance. Four democratic dimensions are identified as directly susceptible to the impact of foreign agent legislation:

- 1) Freedom of Association and Assembly;
- 2) Freedom of Expression;
- 3) Freedom of the Press;
- 4) Civil Society.

These indicators are selected because the core mechanisms of FALs plausibly affect these areas in a direct and measurable way. The analysis thus proceeds in 2 stages. The first stage provides a qualitative legal and contextual examination. The study seeks to establish the causal mechanisms through which FALs may affect these democratic dimensions. It demonstrates how their features may undermine these factors. The second stage turns to empirical analysis. Using longitudinal data from the selected International IDEA indicators, the research examines fluctuations over time, with particular interest to developments following the adoption or expansions of FALs in the countries subject of the previous chapter. If the theoretical argument holds, one would expect observable declines in the identified indicators after the ratification or intensification of such laws. Where a consistent negative trend is identified, the decline will be interpreted not merely as deterioration of that specific sector but instead as evidence of broader democratic backsliding. In this context, sustained reductions in core civil liberties indicators may signal a shift away from democratic standards towards other types of regimes. Accordingly, the study will also assess regime classifications for each country under examination. Political regime types will then be presented and analyzed in order to contextualize the observed changes. By examining whether countries adopting FALs in turn experience democratic decline

and simultaneously exhibit movement toward more authoritarian regimes. The thesis aims to determine whether FALs are part of a wider pattern of regime transformation.

The following variables will be used:

- Independent Variable: the Adoption of FALs
- Dependent Variables: Civil liberties decline + regime type change.

Finally, comparative tables will be provided throughout the chapter to facilitate visual analysis and highlight comparative divergences and similarities.

### **Interaction between FALs and Freedom of Association and Assembly**

In *Ecodefence and Others v. Russia* (2022), the ECtHR made clear that FALs fundamentally undermined freedom of association by imposing a stigmatizing and excessively burdensome legal framework. The summarized its conclusion under Article 11 of the ECHR (in light also of Article 10) by holding that the applications of FALs to applicant NGOs was neither required by law nor necessary in a democratic society. The concepts of “political activities” and “foreign funding” were insufficiently foreseeable and did not have adequate protections against misuse. This lack of predictability meant that NGOs could not adequately predict when their activities would trigger the law’s harsh consequences, exposing them to arbitrary interference. The Court stressed further that the FAL created a legal framework that significantly restricts the ability to seek or accept foreign funds, particularly when it comes to delicate or unpopular domestic subjects. This demonstrates that the law discouraged associations and organizations from pursuing advocacy work central to democratic pluralism. The Court also observed that the FAL required organizations deemed “foreign agents” to comply with burdensome requirements for registration, reporting, and labeling under the risk of criminal and administrative repercussions. It also emphasized that the inspections and sanctions disrupted the organizations’ ability to operate and that these onerous regulations that impede an organization’s operations may constitute an infringement on the freedom of association in their own right. Crucially, organizations were forced into a coercive dilemma. They either accept the label of “foreign agent” which is stigmatizing and add extra requirements for accounting, auditing, reporting and labeling, or deny foreign funding and significantly hinder their operations. The ECtHR recognized that both options entailed a substantial change in an organization’s behavior which itself constituted interference with Article 11 rights. Moreover, the consequences of FALs reached the point of dissolution. The Court reiterated that when an association or organization is dissolved, whether by its members under duress or by domestic authorities, it interferes

directly with the right to freedom of association. It warned that refusing to examine cases where the organization or association had ceased to exist would negate the intent of their court application. Even more so when the central complaint concerned the essential capacity of organization to operate without excessive intervention by state authorities. Ultimately, all these problems showcase how the FAL targeted stroke at the heart of associative freedom.

The broader European Human Rights framework reinforces this conclusion as the Venice Commission (2014) criticized the law as the application of the “foreign agent” terminology stigmatizes organizations, damaging their prestige and severely impeding their operations, and that these measures are not justifiable on the stated aim of transparency. These created a climate of mistrust and stigma, and the Court’s reasoning shows that the FAL violated the freedom of association by threatening the very existence of independent organizations and associations. Across the cases studied, FALs display the same or similar core features identified in *Ecodefence and Others v. Russia*. The recurring pattern across all the cases studied demonstrated that FALs share a structural tendency to interfere with the freedom of association.

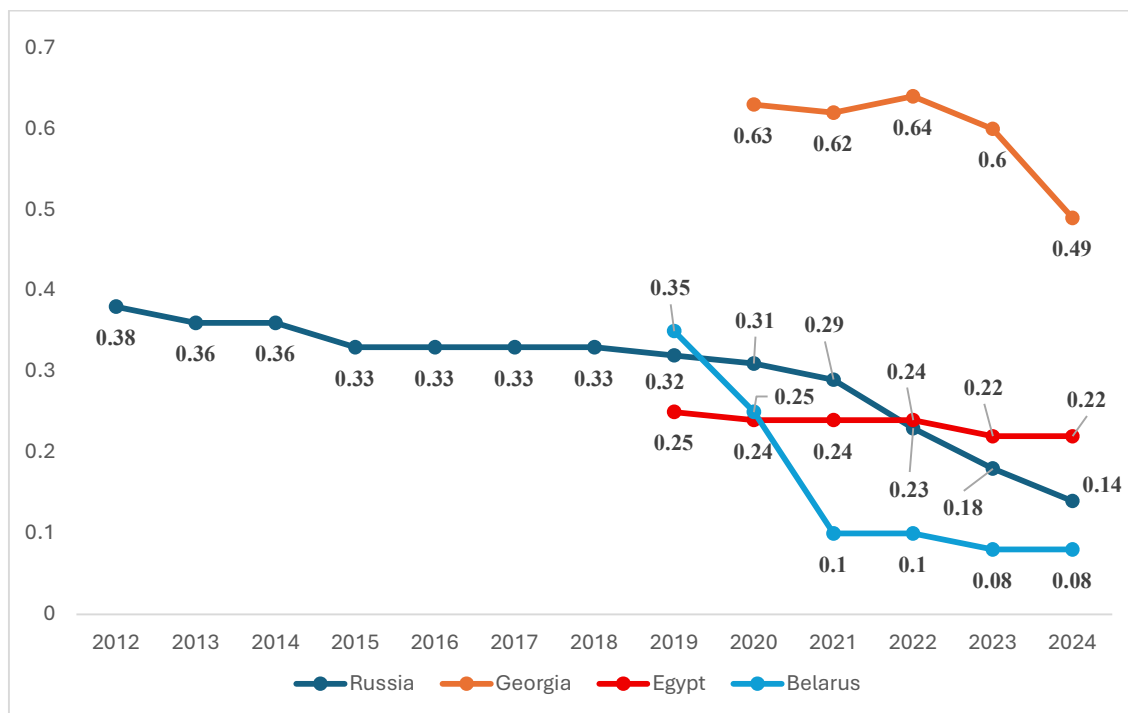
### **Comparative Table and Synthesis of Freedom of Association and Assembly Indicator**

The GSoD indices of International IDEA provide scores per country per year. All scoring is placed in a range from 0, the lowest achievement in the whole sample, and 1, the highest achievement in the whole sample. International IDEA has chosen to designate scores of 0.4 and 0.7 as thresholds that differentiate degrees of performance on qualities since each index is rescaled to range between 0 and 1. A nation's performance is classified as "high" if its score is higher than 0.7. "Low" performance is indicated by scores less than 0.4. A nation's performance is categorized as "mid-range" when its score falls between 0.4 and 0.7. These numerical thresholds are the same for all attributes and only differentiate a small number of broad groups.

The calculation of an indicator follows the following formula: “the normalization of the Indices was carried out by subtracting for each country–year the minimum score for the index from the value of the country–year and by dividing the result by the difference between the maximum and the minimum value of the index. The formula used for the normalization of the Indices was:  $x'_i = (x_i - \min(x_i)) / (\max(x_i) - \min(x_i))$  where  $x_i$  represents the value of index  $x$  for country–year  $i$ , while  $x'_i$  represents the normalized value of index  $x$  for country–year  $i$ . In this way, the lowest value in the population of country–years in the data set becomes 0, while the highest value in the same population of country–years in the data set becomes 1, and all the

remaining country–years are given values between these two values.” According to International IDEA methodology (2025) the Freedom of association and assembly indicator is measured using ten metrics from five sources. Freedom of Association is specifically mentioned in two of them. *Freedom House* and *V-Dem* each have one indicator that emphasizes the right to peaceful assembly. Nongovernmental organizations' and trade unions' associational rights are the subject of two *Freedom House* indicators. Both freedom of assembly and freedom of association, where association includes both political parties and civil society organizations, are covered by the indicators provided by *BTI*, *CLD*, and *CIRIGHTS*. They are more appropriate here because of their wide scope than under the political party freedom subattribute, which is already covered by a large number of other indicators. The degree to which employees have the right to collective bargaining and organization is reflected in a particular *CIRIGHTS* indicator. In this case it measures the Freedom of Association and Assembly that according to IDEA is referred as: “The extent to which individuals and groups have freedom of assembly and association, that is, the right of the citizens to gather freely and carry out peaceful demonstrations as well as to join, form and participate with other persons in political parties, cultural organizations, trade unions or the like of their choice without being subject to actual limitations or restrictions.”

The following table presents the data for the countries under study:



The time span has been chosen to range from 2012, when the Russian FAL was introduced (the first FAL between the four countries), to 2024, which is the last year with available data from International IDEA. Data for each country is presented starting around the year in which the FAL was enacted in order to focus primarily on the effects of the FALs.

For the **Russian** case, in 2012, the starting point is at **0.38 points** on the scale when the FAL was enacted. According to IDEA, it would be classified as a **low** performance state, even though there is only a difference of **0.02** points from the threshold for **middle-range**. Throughout the following years a persistent downward trend can be observed. In fact, every year since then, the indicator for freedom of association and assembly has declined steadily, reaching **0.14 points** in 2024. Since this study spans 12 years, the average annual decline is **0.02 points**. The final point is situated very low on the scale and indeed it would classify once again Russia as a low-performance state. However, unlike the 2012 observation, it is no longer close to the mid-range threshold and instead near the bottom of the scale. The total difference between the starting score and the end value is **0.24 points**, a very concerning deterioration of the freedom of association in the country.

**Georgia's** scoring starts from 2020 in order to show the progression of the indicator in the years preceding the enactment of the first FAL (the law on “Transparency of Foreign Influence”) in 2024. FARA would be enacted a year later in 2025 but most of the features of FARA were already present in the 2024 law. Thus, the endpoint already showcases the immediate effects of the FAL in Georgia. The country starts at a score of **0.63 points** in 2019 that would put Georgia at the higher end of “**middle range**” performance states. The indicator is steady during the following years, in fact the score undergoes only a small deficit of **- 0.03 points** until 2024. In this last year, Georgia scores only **0.49 points**. In the very first year the initial FAL was enacted, Georgia underwent a massive downgrade in freedom of association and assembly, registering a **- 0.11 points** decrease in only 1 year. While the country technically remains within the “middle-range” category, it has shifted from the upper to the lower end of that group, marking a rapid and concerning deterioration of this fundamental freedom.

Regarding **Egypt**, the analysis begins in 2019, the year in which its Foreign Agent-type legislation was enacted. It scored, on that occasion, **0.25 points** in the freedom of association indicator. This score categorized Egypt as a **low performance** country according to IDEA

thresholds. During the following year the score did not undergo any major changes, but it is still noteworthy that after that point onward the indicator showed a gradual but consistent decline until 2024 when it reached **0.22 points**. This represents an overall decrease of **- 0.03 points**. For the 5-year period, the average annual decline is **0.006 points**, which is numerically small but still indicative of a sustained negative downward trend in a country that already was experiencing serious limitations on freedom of association before, suggesting that it is further deteriorating. Egypt maintains the status of **low performance** state.

Lastly, **Belarus**. The analysis starts in 2019, the year before Presidential Decree No. 3, the Belarus FAL, was ratified. The indicator is set at **0.35 points** initially, setting the country in the low performance states but very near the middle range threshold. In the first year following the law's entry into force, however, the score dropped sharply to **0.25** in 2020, reflecting a significant decline of **- 0.10 points**. The deterioration intensified in the subsequent year and the score in 2021 was assessed as **0.1 points**, a **- 0.15 points** in just one year. The downward trend continued and in 2023 arrived at the **0.08 points**, with a difference of **- 0.02 points**, a level that remained unchanged the following year. This places Belarus in one of the world's worst performers for freedom of association. The immediate impact of the FAL is particularly striking, it registered **- 0.10 points** in the first year and **- 0.15 points** in the second year. The total difference between the starting and the ending point is a staggering **0.27 points**. These are massive downgrades for freedom of association. This showcases best the immediate and strong effects that FALs can have on such democratic dimensions.

Taken together, the comparative data reveals a consistent and concerning pattern across all four cases. In every country examined, the enactment of the FAL is followed by an immediate sharp decline or sustained downward trajectory in the indicator for freedom of association. Belarus records the largest total decline, with **- 0.27 points** total from 2019 to 2024, making it the most severe among the four cases. It also exhibits the sharpest decline with **- 0.15 points** in 2021 alone, and Georgia being close second with **- 0.11 points** in 2024. Russia instead, follows closely in terms of cumulative impact, registering a **- 0.24 points** total decline over the 12-year period. Egypt, by contrast, shows the smallest total change with **- 0.03 points** and the lowest average annual decline with **- 0.006 points**. In categorical terms, Russia and Belarus now rank among the worst performers globally in freedom of association. Georgia has experienced a notable downgrade, while Egypt remains persistently low performing with continued decline.

## **Freedom of Expression and FALs**

In Urgent Opinion No. 1190 of the Venice Commission (2024) on the Law on Transparency of Foreign Influence states that the FAL engages freedom of expression in a direct and substantive way. It does so not only through direct prohibitions on speech, but also through regulatory frameworks that change the conditions under which expression takes place. In its assessment of the legislation, it explains that the law introduces obligatory labeling and registration requirements for organizations that receive foreign funding and that this designation carries an extremely unfavorable implication. By attaching labels to CSOs and media outlets, the law risks altering how their speech is perceived and received in the public sphere. According to the Commission, such measures may discourage involvement in public discourse. Advocacy groups and journalists that are publicly identified as foreign agents have their credibility and legitimacy undermined. This deters them from engaging in politically sensitive discourse. Even with absent direct censorship, the cumulative impact of labelling and public scrutiny can suppress lawful speech. Furthermore, the VC highlights that the compliance requirements, combined with the reputational consequences just discussed, may redirect resources and attention away from expressive and participatory activities. As was the case for the Freedom of Association, any interference in the sphere of free speech must adhere to the principles of necessity, proportionality, and legality. The analysis of the Commission suggests that the FAL produces a suppression of the use of Freedom of Expression and fail to meet the aforementioned criteria.

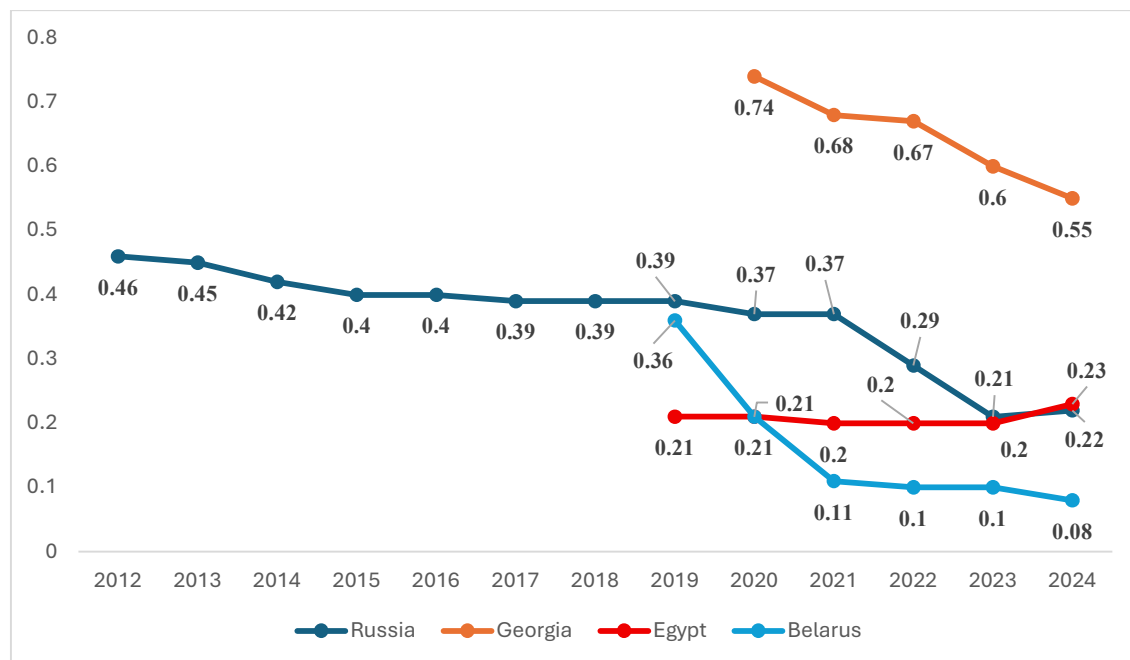
More generally, prohibiting or deterring certain forms of political activities such as political advocacy does not only affect the organizations concerned, but also the public's rights. Freedom of expression protects both speakers and listeners. If civil society actors are constrained in their ability to engage in, for example, policy debates, the public sphere becomes narrower and less pluralistic. In this sense, the Georgian case provides an analytical lens through which to understand the general tension between foreign agent legislation and freedom of expression.

## **Comparative Table and Synthesis of Freedom of Expression Indicator**

According to International IDEA methodology (2025), the Freedom of Expression, is assessed using seven internally coded indicators from *BTI*, *CLD*, and *Freedom House* and three indicators derived from expert surveys from *V-Dem*. While the V-Dem indicators are more

focused and pertain to the freedom to freely discuss political problems and voice political viewpoints outside of the mainstream media, the questions that underlie the BTI, CLD, and some of the Freedom House variables are more general. Two of them make a distinction between women's and men's freedom of expression. This subcomponent is enhanced with three Freedom House (Freedom on the Net) questions that take into account the larger information environment, paying special emphasis to online information access. The Freedom of Expression is referred to as: “The extent to which individual citizens, groups and the media have freedom of opinion and expression, that is, the right of the citizens, groups and the press to hold views freely and to seek, obtain and pass on information on political issues broadly understood without being subject to actual limitations or restrictions.”

The following table presents the data for the countries under study:



The time span used for this table is the same as that used for the previous one and the reasoning for choosing this specific time frame is referenced in the Freedom of Association and Assembly paragraph and will be used for all the tables regarding the interaction between FALs and the democratic dimensions.

**Russia** displays a starting score of **0.46 points** for Freedom of Expression in 2012 that puts it narrowly into the **middle range performance states**. Throughout the following years, after the enactment of the FAL, a consistent and drastic decline is measured, in fact there is no

positive change in the score in this time span. The endpoint score is set at **0.22 points** on the scale, that sets the Russian Federation in the **low performance states**. The total negative difference is notable at **- 0.24 points** in the 12-year period that is under study, the same total difference that was observed in the Freedom of Association and Assembly study. The average annual decrease is obviously also the same, **0.02 points**. This uninterrupted decline indicates a structural erosion of expressive freedoms after the first FAL was ratified in 2012.

**Georgia** instead presents a much better situation initially, in fact its score in 2020 is **0.74 points** placing Georgia inside the category of **high-performance states**, surpassing the threshold of 0.7, the first occurrence in this study. Thus, the initial situation of Georgia was great. Since then, there has been a steady decline in the indicator. Throughout the years, the score dropped drastically, setting finally to **0.55 points** in 2024, that places Georgia in the **middle range performance states**. Since the first FAL was introduced the drop in the Freedom of Expression is **- 0.5 points**, thus signaling that there is a negative effect. The total decline is **0.19 points** throughout a 4-year span, with an average annual decline of **0.0475 points (≈ 0.05 points)**. In this case as well, the analysis indicates a steady and measurable erosion of performance over time with a downward trajectory especially after the FAL enactment.

In the case of **Egypt**, its starting value is **0.21 points** in 2019 placing it into the low-performance category. When the FAL was ratified, the score did not change, in fact in 2020 the value was still at **0.21 points**. The following year, a miniscule decline was observed and the value for 2022 was assessed at **0.20 points**, with an imperceptible decline of **0.01**. The subsequent change came in 2024 when the indicator actually improved to **0.23 points**. The performance category did not change and the total improvement of the score is **+ 0.02 points**. This marks the first instance in which the pattern does not reflect a steady decline, but rather a marginal decrease, in the years following the FAL, followed by a similarly slight recovery later on. There is little cause for optimism, however, as the situation was already at a critically low level and showed no meaningful improvement, remaining consistently weak throughout the period. Thus, freedom of expression in Egypt remains severely constrained and structurally limited, with no substantive indication of recovery.

Finally, **Belarus** has a starting position of **0.36 points** in 2019 that places it inside the low-performance state category, but very close to the threshold for middle-range. Following the

Presidential Decree No.3 in 2020, the value plummeted to **0.21 points** in 2020, a decline of – **0.15 points** in just one year. The downward trend continued as in 2021, the score decreased further to **0.11 points**, a net decline of – **0.10 points**. After these declines, the score remained somewhat steady until 2024 when the endpoint was assessed at **0.08 points**. The total decline is **0.28 points**, the most significant one observed, and the annual average is **0.056 points** ( $\approx$  **0.06 points**). This, once again, proves Belarus as one of the worst countries with regard to Freedom of Expression. The data reflects not only a sharp initial collapse following the 2020 developments, but also a sustained and entrenched erosion of expressive freedoms over the subsequent years.

In a comparative perspective, **Georgia** emerges as the strongest initial performer with the highest score of **0.74 points** in 2020 and the only case situated in the high-performance category. **Russia** follows with a **middle range** starting position with **0.46 points**, while **Belarus** that had a starting value of **0.36 points** in 2019, and **Egypt** with **0.21 points** in the same year both began in the **low performance** category. Over time all cases except Egypt experienced a substantial deterioration. Belarus records the worst overall outcome, ending at 0.08 points and registering the largest total decline at – **0.28 points** as well as the steepest annual average decrease at **0.056 points** ( $\approx$  **0.06 points**). Russia follows with a significant total decline of – **0.24 points** over the 12-year period that was marked by an uninterrupted downward trajectory. Georgia, despite remaining comparatively stronger once again than all the other cases, it still experienced a notable drop of – **0.19 points** within only 4 years. Egypt stands out as the only case showing improvement, albeit minimal, at the endpoint with an increase of + **0.02 points**. Yet, Egypt remains consistently in the low-performance category. Ultimately, Belarus represents the worst performer and the case with the most severe decline. Georgia represents the best initial performer, while Egypt shows the only improvement.

### **Interaction between FALs and the Freedom of the Press and Media**

In *The New Times LLC and Others v Russia* with the comments of the organization ARTICLE 19 (2021), the operation of the FAL is presented as a direct and structural threat to the freedom of the media its independence. ARTICLE 19 emphasizes at the outset that the case must be understood in a broader context in which the application of the foreign agent framework is certain to increase the pressure on media pluralism and media freedom, recalling the case law of the ECtHR that affirms that “there is no democracy without pluralism.” The facts of the case

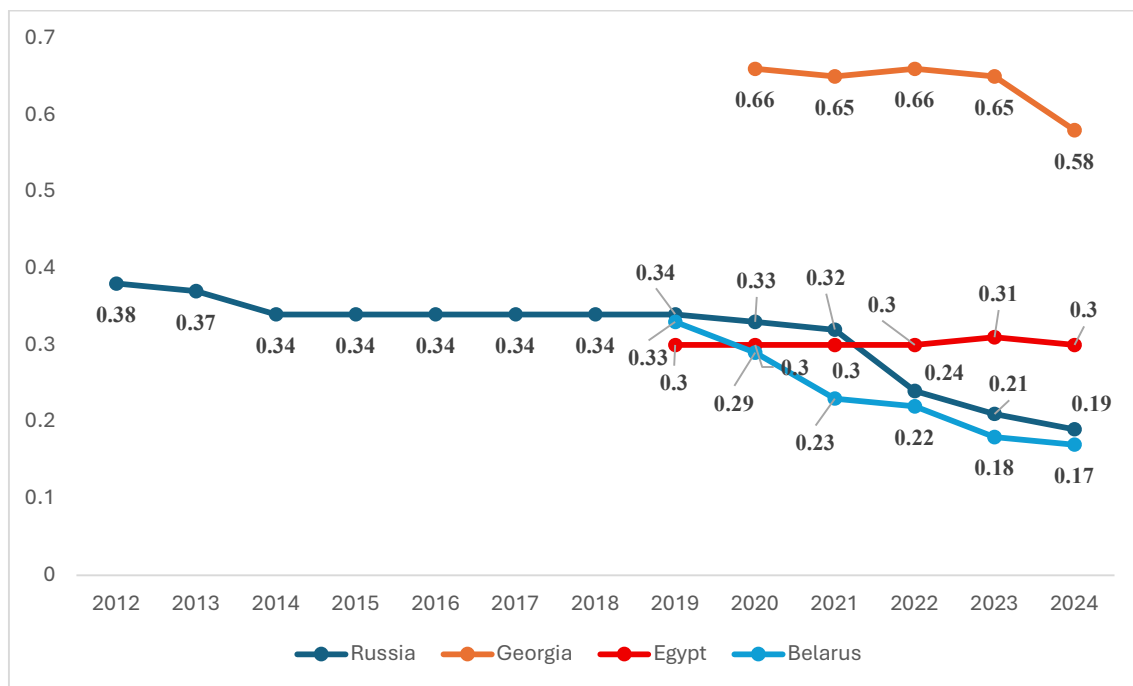
illustrate how the enforcement mechanisms of FALs produce a substantial media chilling impact. When combined with other restrictive measures, it risks the ultimate demise of independent reporting and media. It is particularly acute in Russia as independent journalism already operates in an environment characterized by political pressure and legal persecution. Because of FALs the space for independent media has been reduced to a critical point. Within this fragile media ecosystem, the FAL imposes extensive compliance obligations. In fact, any infraction of the FALs could result in a fine, and thus, media organizations are exposed to constant legal and financial risks. The case shows that these sanctions are not abstract, nor are they marginal, and that the imposition of disproportionately high fines can ultimately result in the media organization ceasing to operate. This silencing does not only affect individual journalists but entire media editorial platforms. It is further stressed that the designation of media outlets and journalists as foreign agents carries an inherently stigmatizing effect. It undermines their credibility and public trust. It has a negative effect on journalistic activity, which may be discouraged from engaging in certain activities. In Russia, in 2021 alone, at least 30 media outlets and journalists were labeled as foreign agents. These include major independent media actors that are disproportionately affected in order to critique and silence dissenting voices. These effects of the FALs are stated to be particularly serious by the court since journalists should enjoy enhanced safeguards under Article 10 of the ECHR. The measures that affect the participation of the media to public debate must be scrutinized thoroughly. The foreign agent regime, applied as it is in Russia, and specifically in the case at hand, fails to meet these standards. The administrative burdens and stigmatizing labels operate to encourage self-censorship and erode media pluralism. Through the *New Times* case, the foreign agent law functions as a tool that directly impedes the Freedom of the Media. It ultimately undermines the essential role of the press as a public monitor in a society.

### **Comparative Table and Synthesis of Freedom of the Media and the Press Indicator**

The International IDEA methodology (2025) states that the Freedom of the Press is composed of nine indicators. These seven metrics, which are derived from V-Dem, assess how varied, truthful, government-critical, and uncensored the news media are (either by the government or by themselves). It is supplemented with a more comprehensive measure of Media Freedom from MFD and a Freedom House measure of Media Independence and Freedom.

The Freedom of the Press is understood as the absence of direct or indirect government censorship, the protection of journalists from harassment, arrest, or violence, and the lack of self-censorship when reporting on politically sensitive issues. It also includes the extent to which media outlets routinely criticize the government, represent a wide range of political perspectives, and operate without systematic bias against opposition actors. Additionally, media freedom requires integrity and independence, meaning limited corruption and the existence of free and independent media as a normal part of public political dialogue.

The following table presents the data for the countries under study:



**Russia** starts at a value of **0.38 points** in 2012, which places it very close to the middle-range threshold but still in the **low-performance** states. It undergoes a steady decline in the following years, but registers a steep decline only from 2022, when the score shifts from **0.32 points** to **0.24 points**. Ultimately, its endpoint is set at **0.19 points** in 2024, a concerning value that maintains Russia in the low performance states, but on this occasion, at the lower bottom of the category. The total decline from 2012 to 2024 is **- 0.19 points** in this time frame. A very drastic downward trend, especially after the enactment of the final framework for foreign agents in the country in 2022. The average annual decline from 2012 is **- 0.0158 units** ( $\approx$  **0.02 points**). Yet there are different periods under discussion since the total decline from 2012 to

2021 is – 0.06 points with an average annual decline of – **0.0067 points** ( $\approx 0.007$ ); and the total decline from 2021 to 2024 is – **0.13 points** in just 3 years with an average annual decline of – **0.0433 points** ( $\approx 0.04$  points). It is easily noticeable how much steeper the decline is in the latter.

**Georgia**, as is the case consistently, starts with the best initial value at **0.66 points**, which places it in the higher end of the **middle range category**, very close to the threshold of 0.7 to be deemed a high-performance country. The score remained consistent through the following years until 2024, when the first FAL was ratified, dropping to **0.58 points**, which leaves Georgia in the middle-range performance states, and a total decline of – **0.08 points** and a decline of – **0.07** in only one year from 2023 to 2024. It is an alarming signal that the adoption of such a law had theoretically devastating consequences for the Freedom of the Press in the country.

**Egypt** starts at a value of **0.3** in 2019, assessing the country as a **low performer**, and remained constant throughout the following years, with only a small change in 2023 when the score improved very slightly to **0.31 points**, a change that would be reversed immediately the year after. Even in this case, Egypt shows resilience to the change of environment, but as already seen, it does not improve its situation, which is in the bottom range.

**Belarus'** initial standpoint is set at **0.33 points** in 2019, which places it in the low performance states. It then follows a consistent downward trend and is assessed **at 0.17 points** in 2024, with a total decline of – **0.16 points** in just 5 years. The average annual decline is – **0.032 points** ( $\approx 0.03$ ) per year. In the first year of the FAL being enacted, it registered the worst decline in a single year, going from **0.29 to 0.23**, a total loss of – **0.06 points**, well above its average. Belarus once again showcases tremendous performances throughout recent history, and a concerning situation, not respecting the freedoms that should be safeguarded in a democracy.

Comparatively, Georgia is the strongest initial performer with a value of 0.66 points, near the threshold of the high performance category. Nevertheless, it experienced the sharpest decline of - 0.07 in a single year after the adoption of its FAL. Russia and Belarus are the worst performers overall, remaining in the low-performance category throughout. The largest total decline was registered by Russia with – 0.19 points, from 0.38 in 2012 to 0.19 in 2024. Belarus

shows the fastest deterioration in the least amount of time by losing – 0.16 points in only five years, and the lowest endpoint of all cases at just 0.17 points. Egypt, instead, has remained steady but at the same time stagnant at very low levels, around 0.3, showing minimal variation but no meaningful improvement either. These patterns indicate that FALs are not only associated with long-term structural decline in press freedom, but also with severe shocks. The legislation tends to accelerate existing downward trends or trigger sudden deterioration of the Freedom of the Press and Media.

### **Civil Society under the FALs**

FALs operate as structural mechanisms that reshape civil society rather than merely regulating it. According to Maria Tysiachniouk et al. (2018) the legislations have profoundly changed civil society' organizational landscape. The study emphasizes that their impact extends beyond formal compliance to deeper shift in organizational identity and the configuration of their network. Central to this discourse is the stigmatizing power of the designation itself that was already discussed in the previous paragraphs. The term carries loaded connotations and is associated with betrayal and espionage. These are called reputational costs and the labelled organization are the victims. The effect of the stigma affects both public perception and cooperation patterns. NGOs face severe consequences through strained partnerships and reduced access to beneficiaries. In this manner, the FAL contributes to the contraction of civic space by socially and politically marginalizing targeted actors. At the organizational level, a range of actions to be carried out in response to the law's constraints has been identified. These strategies are methods for survival and adaptability for the organizations and can be grouped into organizational restructuring, and strategic recalibration. The first reflects structural reconfiguration aimed at sustaining organizational continuity in the restrictive legal framework. Strategic recalibration, instead, is the modification of advocacy agendas and public engagement practices considering heightened political and legal risks. These adaptations may allow certain organizations to continue functioning. However, it is also a signal of a deeper network transformation within civil society. These dynamics are cumulative and structural. The FALs embeds administrative obligations and oversight into everyday organizational practice. These create an environment of uncertainty within the sector and in turn contribute to a contraction of civic space through the internalization of risk by civil society actors. The broader ecosystem of NGOs, and the other actors that are associated with them, becomes less autonomous and less collectively assertive.

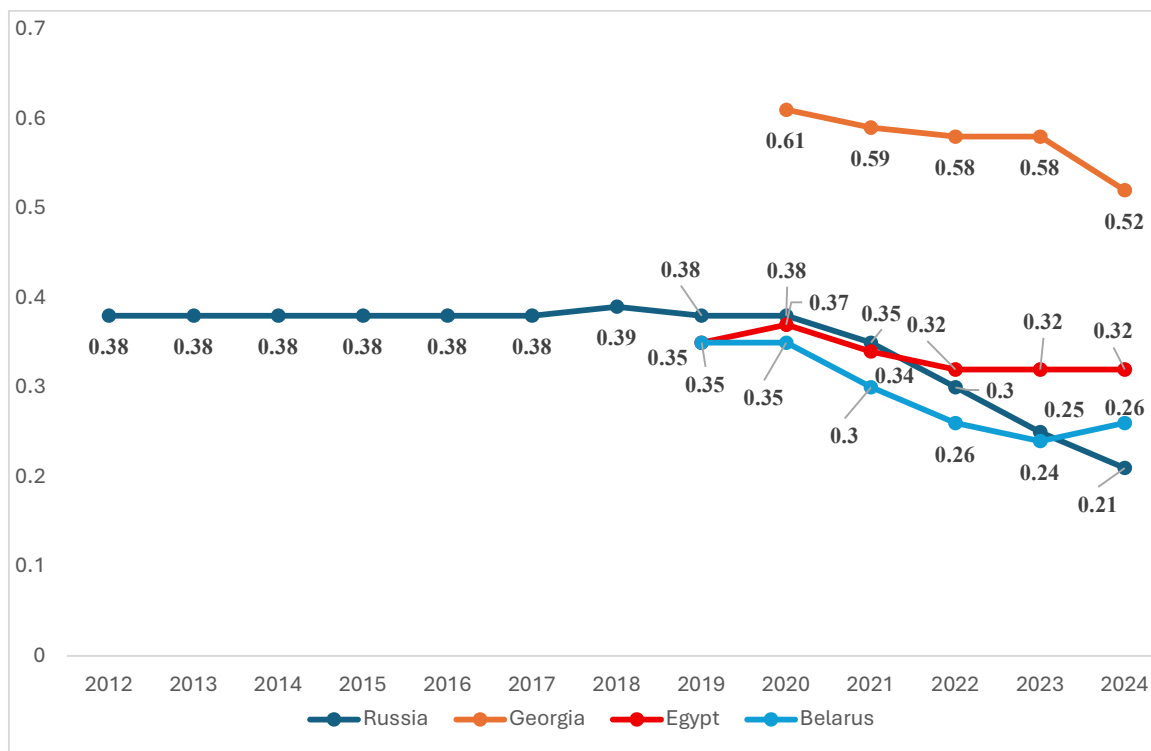
The dynamics identified are not isolated but reflect structural tendencies inherent in FALs more generally. Across jurisdictions, they introduce mechanisms and compliance burdens that reshape the environment of civil society. The importance of the effects of these laws lies in the central role civil society plays within democratic systems. The actors targeted often act as intermediaries between citizens and the state. When their autonomy is weakened by FALs the consequences extend to the quality of democracy itself.

### **Comparative Table and Synthesis of the Civil Society Indicator**

The Civil Society Indicator, according to the International IDEA methodology (2025), is calculated through six indicators. Three of these are *V-Dem* indicators that take into account how much the political and legal environment supports civil society organizations and activities. They are based on expert surveys. In addition to these, IDEA has included the UN's *infrastructure-focused e-Participation Index* and *BTT*'s measures of the power of interest groups and social capital.

Furthermore, Civil society can be understood as the extent to which people are involved in civil society organizations, how wide and independent public deliberations are when important policy changes are considered, and whether major civil society organizations are routinely consulted by policymakers on issues relevant to their members. It further encompasses the degree of electronic participation through e-information, e-consultation, and e-decision-making mechanisms, the presence and balance of interest groups representing competing social interests, and the level of social capital reflected in trust among the population and the existence of autonomous, self-organized associations and organizations.

The following table presents the data for the countries under study:



**Russia's** initial value is set at **0.38 points** in 2012. This means that Russia has been placed in the **low-performance** category but once again is very close to the middle range threshold of 0.4. Incredibly, there is no change in the situation for the following 5 years and the score remains the same. In 2018, it underwent a change, improving the value to **0.39**, with a change of **+ 0.01 points**, the smallest possible improvement, something that would be reversed the year after. Only in 2021, the value suffered a substantial decline to **0.35 units**, a difference of **- 0.03 points**. In 2022, when the final standalone FAL was introduced, the score plummeted to **0.30 points**, a decline of **- 0.05 points** in just one year. After this event, a steady and concerning decline is observed. In 2023, the score has declined to **0.25**, and the final one sits at **0.21 points**. Russia thus stays in the **low performance** state, registering a total decline of **- 0.17 units** which is condensed in the years following the enactment of FALs. In fact, the decrease from 2021 alone is **- 0.14**, and the average is **- 0.0467 points ( $\approx 0.05$ ) per year**. This denotes that Civil Society has been consistently undermined by the Russian FAL that creates, although not only by itself, a hostile environment.

**Georgia** starts strong with a score of **0.61** in 2020, which places it in the **middle range** category. The score does not undergo major changes in the following years until 2024, when the first FAL was introduced in the country. The score plummets from **0.58** in 2023 to **0.52** in 2024, a decline of **- 0.06 points** in just one year. The total decline is **- 0.09 points**, the majority of

which have been the result of the FAL. This denotes that the FAL, together with other factors, have contributed extensively to the deterioration of civil society and the shrinking of civic space. The final score still positions Georgia in the **middle range** performers but the sudden change during the last year is a worrying signal.

Egypt began with a value of **0.35 points** in 2019, placing it in the **low-performer category**. The following year, it registered very slight improvement with a **+ 0.02 points**. After the enactment of the FAL the score has dropped from **0.37 to 0.34 points**, with a decline of **- 0.02**. The decline continued the following year as the score dropped to **0.32 points** in 2022, with a total decrease throughout the period of **- 0.03 points**. This score remained steady until last year, showcasing again that Egypt does not perform well generally for freedoms and rights, but the negative trends are usually contained.

Belarus' starting value is identical to that of Egypt's in 2019, but their paths differ. The year after, the value remained the same. When the FAL was introduced, the score went down from **0.35 points to 0.30 points**. The downward trajectory continued as in 2022 the score was set at **0.26 points**, only for it to drop even lower in 2023 with a score of **0.24**. These put Belarus in the **worst performing countries** category. Unexpectedly, in the last year, there was an improvement of **+ 0.02 points** and the score returned to the state it was in 2022. The total loss for Belarus is **- 0.09 points**. Contextually, Belarus has shown a concerning negative trend after the enactment of the FAL, but there was a very slight reversal in the last year, which shows a good occurrence but is not enough, and it may not be lasting.

Overall, **Georgia**, once again, emerges as the strongest performer in relative terms, beginning at **0.61 points** in 2020 and remaining within the **middle-range** category despite its decline to **0.52 points** in 2024. **Russia and Belarus**, instead, consistently occupy the **low-performance** category, with Russia ending at **0.21 points** and **Belarus at 0.26**. **Egypt** remains structurally weak, fluctuating only slightly around the range of **0.30 points**. Russia is the worst performer at the endpoint as the score recorded is only **0.21 points**, making it the lowest Civil Society performer among the 4 cases. Russia also registered the largest total decline at **- 0.17 points**, as well as, the most concentrated decrease in a short period with **- 0.14 points** from just 2021 onward. The sharpest single year drop instead was observed in Georgia with **- 0.06 points** from 2023 to 2024, the latter being the year of the first FAL introduction. The second worst decline

in just one year is Russia with – **0.05 points** in 2022, also the year where the standalone FAL has been enacted. Belarus records a substantial but more gradual cumulative decline with – **0.09 points** but had a slight recovery in the last year. Ultimately, the indicators reveal predominantly negative trends combined with generally low performance levels. The scores decline mostly following the adoption of FALs or remain persistently weak without meaningful recovery. This suggests that civil society is not operating in an enabling environment but rather within constrained and deteriorating conditions.

### **The Donor-Dependent Civil Society Backsliding Model**

The Donor-Dependent Civil Society Backsliding Model conceptualizes FALs as an institutional response to the political salience of externally funded civil society in post-authoritarian regimes that are now undergoing once again democratic erosion. The model posits that weak domestic civil societies are initially strengthened through external democracy promotion. This results in the emergence of a tertiary sector that is professionalized but becomes donor-dependent. As regimes subsequently engage in democratic backsliding through the enactment of laws, the externally supported civil society becomes framed as “foreign”. Thus, this leads to the adoption of FALs aimed at delegitimizing and politically containing foreign agents. The model is not intended as a monocausal explanation of democratic backsliding or of democracy promotion per se. It instead offers a framework for understanding how structural dependencies created in post-authoritarian contexts may be later instrumentalized by backsliding regimes to justify restrictions on civil societies.

The model is an interpretative framework rather a deterministic causal model. The study already combined the analysis of civil liberties indicators with the FALs consequences. These are interpreted as indicative of systemic democratic erosion. Subsequently, the change at a regime level will be assessed using data such as democracy scores from Freedom House. The research aims to contextualize whether the observed declines in the indicators presented in the previous paragraphs coincide with broader patterns of democratic backsliding. Particular attention is paid to changes in the year following the adoption of FALs. Importantly, the analysis does not claim that civil societies supported by donors cause democratic backsliding. It is an evaluation of whether FALs consistently appear in ongoing regime erosion of donor-dependent civil societies.

## **Literature Review and Theoretical Framework**

Political liberalization, in the immediate aftermath of authoritarian rule, is frequently accompanied by high expectations for the role of civil society and its power in democratic consolidation. The transition literature has emphasized that post authoritarian contexts rarely present the dense associational landscapes assumed in classical democratic theory. Instead, civil society in such settings tends to be fragmented organizationally and precarious financially. Thomas Carothers (1999) notes that civil society in newly liberalized regimes is often poorly resourced and disunited. It is unable to perform the representative and monitoring functions that are attributed to it in democratic theory. Thus, civil society emerges from authoritarianism with limited capacity. Carothers (1999) cautions against the romanticized understandings of civic life in transitional settings since in transitional countries civil society is more of an uneven collection of organizations with limited social reach. They are structurally constrained and the weakness forms the starting condition upon external actors, as the United States of America, intervene.

International democracy promotion emerged as a solution against the institutional fragility of post-authoritarian states, especially during the post Cold-war political transformation. Western governments and certain institutions invested heavily in civil society as a vehicle for democratization and rights protection, a strategic intervention. Civil society was seen as the substitute for weak domestic institutions. External assistance was central to the building of CSOs and contributed to the emergence of a tertiary sector composed of professionalized organization oriented toward donor priorities. In fact, according to Carothers and Ottaway (2000), there is an implicit notion of which civil society sector is the most likely to be the most democratizing, and that it guides democracy support strategies. They argue that in reality, the majority of donors wind up focusing on a relatively small number of organizations, mostly professionalized NGOs that specialize in advocacy or civic education and address issues of public interest that are directly related to democratization. These comprise activities such as voter awareness, governmental transparency, election oversight, and civil and political rights broadly intended. All activities that are targeted specifically by the FALs. While this process undeniably expanded civic capacity, it also reshaped internal dynamics of civil society. Donor requirements incentivized forms of organization that were administratively competent but socially narrow. This dynamic then produced what is described as “NGO-isation” of civil society, basically a shift toward these types of organizations whose survival depended on continued access to external funding instead of relying on domestic support. Julie Hearn (1998)

assessed that the reliance on foreign funding would shape NGOs in ways that would make them vulnerable to political attacks, which is a vulnerability not inherent to civil society itself. This meant that by the time democratic institutions began to stagnate or erode in post-authoritarian states, civil society had become externally identifiable and also politically salient.

For what regards the democratic backsliding and the legalistic return of authoritarianism, contrary to expectations that democratization follows a linear trajectory, the past 2 decades have witnessed a global resurgence of the phenomenon. However, it is to be noted that these resurgences have rarely taken the form of over coups or abrupt regime breakdowns. Instead, contemporary democratic erosion is typically incremental and legalistic, while in theory complying with constitutional procedures. Nancy Bermeo (2016) argued that democratic backsliding occurs through changes to a more circumscribed set of institutions that weaken accountability. These changes involve domains that are essential for democratic contestation. As stated by Bermeo (2016, p.14), “[...] democracy is ‘a collage’ of institutions crafted and recrafted by different actors at different times. It is put together piece by piece, and can be taken apart the same way.” This sentiment is echoed by Anna Lührmann and Staffan I. Lindberg (2019), who support the claim that autocratization is often driven by elected incumbents who gradually undermine democratic norms while maintaining formal democratic institutions. Within this framework, civil society emerges as the central target of authoritarian consolidation, since it poses a threat to regimes seeking to entrench power without abandoning democratic legitimacy. It is in this context of democratic backsliding that FALs must be understood. They function as discursive and institutional tools through which regimes reframe civil society as an instrument of external interference. The CIVICUS report (Inés Pousadela, 2025) finds that governments increasingly portray CSOs as agents of foreign influence in order to justify legal restrictions and public stigmatization. This framing transforms external funding from a technical matter to a question of national security and sovereignty. These dynamics together suggest that FALs are integral components of contemporary authoritarian governance and exemplify the logic of rule-by-law rather than rule of law. When situated within the broader trajectory from post-authoritarian opening to democratic backsliding, FALs appear as institutional responses to the political relevance of donor supported civil society. Importantly, this interpretation does not imply that external funding delegitimizes civil society in any form and it does not imply that democracy promotion inevitably produces authoritarian backlash.

The empirical findings for the sustained declines in the 4 indicators chosen together with the study of the deteriorating Freedom House democracy scores following the adoption of FALs that is to follow shall be consistent with this model. If the thesis delineated in the analytical framework for assessing democratic consequences holds, then it shall suggest that restrictions on civil liberties and civil society are embedded within broader processes of democratic backsliding and gradual regime transformation. Thus, the FALs operate both as constraints and as signals of shifting regime strategies.

### **Comparative Consequences of FALs on Democracy**

This section examines whether the adoption of FALs is associated with broader democratic decline by analyzing data from Freedom House from 2013, the first year to include a general score, to 2025. This period is perfect to understand the consequences for democracy for the cases at hand as the same period for each country will be used as in the previous paragraphs. Furthermore, while the preceding analysis demonstrated sustained reductions in civil liberties following the introduction of such laws, this section in particular situates those findings within a regime-level perspective to assess whether restrictions coincide with wider processes of democratic backsliding.

The Freedom in the World Research Methodology (2024) explains the scoring process. A nation or territory receives a score ranging from 0 to 4 points for each of the 15 civil liberties and 10 political rights indicators, which are posed in question form. A score of 0 indicates the least amount of freedom, while a score of 4 indicates the most. A total score of 40 (or four points for each of the ten questions) is the maximum possible for political rights. 60 is the maximum possible score for civil freedoms (four points for each of the 15 questions). Thus, the General Score ranges from 0 to 100. After being equally weighted, the sum of the overall scores for civil freedoms and political rights establishes whether a country is Free (F), Partly Free (PF), or Not Free (NF). These statuses obviously cover a broad range of scores within themselves, but serve as a general indicator of the situation in a specified country. Also for nations in transit, Freedom House (2024) gives each nation a number grade based on seven criteria: Corruption, Independent Media, Civil Society, Local Democratic Governance, National Democratic Governance, Electoral Process, and Judicial Framework and Independence. A scale of 1 to 7 is used for the ratings, where 7 is the highest degree of democracy and 1 is the lowest. The Democracy Score, which is also given as a percentage, is a straight average of the seven factors,

with 100 being the highest degree of democracy and 0 the lowest. Freedom House categorizes each nation into one of the following regime types based on its Democracy Score:

- Consolidated Democracies (5.01-7.00);
- Semi-Consolidated Democracies (4.01-5.00);
- Transitional or Hybrid Regimes (3.01-4.00);
- Semi-Consolidated Authoritarian Regimes (2.01-3.00);
- Consolidated Authoritarian Regimes (1.00-2.00).

	Russia	Georgia	Egypt	Belarus
Year				
Regime Type	Consolidated Authoritarian Regime	Transitional or Hybrid Regime	N/A	Consolidated Authoritarian Regime
Free/Partly Free/Not Free	NF	PF	NF	NF
2013	27			
2014	26			
2015	23			
2016	22			
2017	20			
2018	20			
2019	20		22	19
2020	20	61	21	19
2021	20	60	18	11
2022	19	58	18	8
2023	16	58	18	8
2024	13	58	18	8
2025	12	55	18	7

The comparative trajectory of scores across Russia, Georgia, Egypt, and Belarus reveals a consistent negative association between FALs and the condition of democracy. Russia and Belarus are classified as Consolidated Authoritarian Regime and consistently rated Not Free. These countries display the worst deterioration. Russia's score declines from 2013, the first year after the first FAL was introduced, to 12 in 2025, with the most pronounced contraction

occurring after 2022, the year the standalone final FAL framework was adopted. This period marks an accelerated decline, suggesting that the FAL had a part in eroding civil liberties and civil society.

Belarus presents an even sharper rupture. The starting score in 2019 was 19 but collapsed to 11 in 2021, the year after the FAL was enacted, and further to 8 in 2022. In 2025, the last year, it reached a score of 7. The worst drop occurred between 2020 and 2021, indicating that a rapid dismantling of democracy because of the erosion of civil liberties and civil society was observed. Belarus exhibits immediate structural collapse.

Egypt, also rated NF, follows a different pattern. Its score does decline from when the FAL was enacted and in fact the score goes from 22 in 2019 to 18 in 2021 and then stabilizes. Rather than dramatic collapse, Egypt demonstrates entrenchment at a low level of democracy. The FAL in this case seems to consolidate pre-existing restriction rather than produce a sharp turning point, even if a modest decline was still observed.

Finally, Georgia is categorized as hybrid or transitional regime and rated as PF. It begins at a significantly higher baseline of 61 in 2020 compared to the others. The score gradually decreases to 55 by 2025, with stagnation from 2022 to 2024 and a further drop in the last year. Although the decline is less severe in magnitude compared to the authoritarian cases, the downward trajectory is still significant. After the FAL was enacted, the score has suffered the worst negative change in all the data at hand with a  $-0.03$  units in just one year. In hybrid regimes then, FALs seem to initiate erosion rather than collapse.

Across all four cases, no country demonstrates improvement following the introduction of FALs. The direction of change is uniformly negative, but the magnitude varies by regime type. Consolidated Authoritarian Regimes experience near collapse, while hybrid ones experience an even more gradual but measurable erosion. Already restricted authoritarian systems such as Egypt may exhibit stabilization at low levels but still present a negative trend after the adoption of FALs. Overall, the data indicate that FALs are consistently associated with shrinking civic space and declining respect for civil society, regardless of initial regime classification. When combined, the empirical trends seen in Georgia, Egypt, Belarus, and Russia provide strong evidence in favor of the theoretical framework put forth in this research. Following the

enactment or consolidation of foreign agent regulations, civil society performance has shown persistent decreases, indicating that these actions are part of larger regime policies rather than discrete legislative changes. These results are thus consistent with the theoretical prediction that during times of democratic regression, post-authoritarian civil societies, which was initially dispersed and financially reliant due to donor-driven development, become politically important and are vulnerable to being reframed as a tool of foreign interference. The analysis is thus complete.

### **Chapter 3: How have civil society and independent media overcome the FALs?**

By stigmatizing independent civil society, media, and other dissenting voices, foreign agent laws have offered a convenient framing to delegitimize and isolate them. (Kirova, 2024) In addition, they have also helped to impose harsh monitoring and reporting requirements and shut critics out of public life. As the promotion of democratic practices and human rights threatens authoritarians' grip on power, "foreign agent" laws offer a handy tool to discredit these activities by equating them with promoting the interests of a foreign power. The primary target of these laws is civil society and media organizations, not for-profit lobbying groups or other commercial organizations engaged in the same type of activities. The laws apply regardless of whether foreign donations come from state or non-state sources, or whether the groups carry out activities on behalf of the foreign donor. Foreign agent laws have been found to violate freedom of association and to discriminate against non-profit groups and media by various international bodies such as the UN Human Rights Committee, the European Court of Human Rights, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), and the Venice Commission of the Council of Europe.

Across jurisdictions, these measures have generated sustained domestic and international opposition grounded in constitutional guarantees and international human rights law, with sustained resistance from civil society organizations, independent media, opposition actors, and international human rights bodies. Yet, despite the recurrence of similar legal arguments, such as invoking freedom of association, freedom of expression, non-discrimination, political participation, and proportionality, the outcomes of these challenges vary significantly. In some contexts, resistance has failed entirely, resulting in the consolidation and expansion of restrictive frameworks. In others, judicial or institutional safeguards have at least temporarily halted implementation.

#### **Strategies**

Across the cases examined, civil society and opposition actors have relied on four main interrelated forms of response. Despite the similarity of these strategies, their effectiveness varies dramatically depending on context. Recent research on the shrinking civic space highlights a gap in scholarship regarding how affected civil society organizations respond to

reduced funding and operational constraints. (Boda, 2023) However, a review of predominantly academic literature on civil society and foreign funding restrictions conducted for this report indicates that organizations have developed several recurring strategies to cope with and adapt to restrictive foreign agent laws. Adaptation strategies vary depending on the characteristics and capacity of the organization. NGOs with substantial financial and administrative resources, strong reputations, and solid connections within domestic and international networks are generally better positioned to adjust to new regulatory environments or diversify their funding sources. By contrast, organizations with fewer resources are more vulnerable to pressure and may choose to dissolve to avoid sanctions, sometimes later reorganizing and re-emerging under a different structure (Tysiachniouk et al., 2018)

### **Public Mobilization and Strategic Communication**

CSOs have increasingly relied on public mobilization and strategic communication to counter narratives of foreign subversion. This includes protests, media campaigns, storytelling, and engaging opinion leaders. Key strategies include humanizing civil society, emphasizing its societal contributions, and framing advocacy in terms of widely shared national values.

We can see the strength of this strategy in the case of Georgia. In May 2024, Tbilisi witnessed some of the largest protests in the country's recent history in response to lawmakers advancing a "law on transparency of foreign influence. Civil society groups denounced the law as a mechanism to suppress critical voices. (Open Society Foundations, 2024) An almost identical bill had been withdrawn a year prior in the face of massive protests. (Kirova, 2024) The protests led to the retraction of the law, with civil society organizations, opposition actors, and significant segments of the public engaging in sustained protest. This led to President Salome Zurbishvili rejecting the legislation, describing it as "unacceptable" and incompatible with Georgia's trajectory toward European Union membership. Despite this, Parliament overturned her veto, allowing the law to take effect. The law has drawn sharp criticism from the international community, which has framed it as a serious threat to fundamental rights and democratic standards. In October 2024, parliamentary elections resulted in victory for the pro-Russian Georgian Dream party, although the vote was widely characterized as neither free nor fair. (Cameron & Nicola, 2024) Numerous domestic observers and Western leaders called for formal investigations into reported electoral irregularities.

In the Georgian case, civil society organizations (CSOs) enlisted professional public relations advisors to help design and shape the campaign's messaging and overall strategy. (European Center for Not-For-Profit Law, 2023) The narrative was carefully crafted around widely shared societal values in Georgia, including aspirations for EU integration, skepticism toward Russia, and the importance of providing essential services to communities and vulnerable groups. Through targeted social media advertising, they emphasized the concrete contributions and positive impact of civil society on everyday life; they coordinated with media and ran a large-scale media campaign to humanize the civil society sector. Particularly, their key to success was that the campaigns depended on broad public mobilization, particularly among young people and individuals who had not previously been politically active. Civil society organizations strategically placed local, service-oriented CSOs and their beneficiaries at the forefront of the movement. Beneficiaries shared personal testimonies illustrating how foreign-funded services had directly supported them, helping counter the government's smear campaign against larger organizations. The campaign also gained visibility through statements from respected opinion leaders in academia, the arts, and especially sports, whose messages were widely circulated on social media. At the same time, CSOs collaborated with professional PR advisors to carefully shape the campaign's framing. The messaging drew on widely shared national aspirations, including EU integration, distrust toward Russia, and the importance of maintaining essential services for communities and vulnerable groups. Targeted social media outreach emphasized the concrete contributions of civil society. Importantly, CSOs avoided responding in ways the government anticipated. Rather than engaging in technical debates about specific provisions or focusing on their transparency, they rejected the law outright and reframed the discussion around the broader societal benefits that foreign funding brings to Georgia.

In Russia, numerous human rights NGOs reliant on Western funding strengthened engagement with local communities to build domestic support. (Saskia Brechenmacher, 2017) Activities focused on immediate community needs rather than broader political or human rights agendas, fostering local legitimacy and resilience against government restrictions.

A similar pattern has emerged in Hungary, where civil society groups have increasingly emphasized local embeddedness. Organizations have expanded outreach to residents, focused on everyday community issues, engaged in urban activism, and challenged local

authorities. (Geró et al., 2022) Research on Hungary further indicates a growing shift toward informal networks and community organizing within environmental, human rights, and women's sectors, partly aimed at reconnecting with local populations. Instead of prioritizing overt political protest, these efforts tend to foster sustained relationships with specific communities as a means of empowering them over the long term.

## **Legal Challenges**

Challenging foreign agent designations through domestic courts, constitutional review, or international tribunals is a key strategy. Legal claims typically address violations of equality, proportionality, and freedom of association. Successful cases may remove organizations from foreign agent registers, but litigation is resource-intensive and lengthy.

In Russia, for instance, several NGOs have pursued court cases to overturn their foreign agent status and contest imposed fines. To succeed, organizations have often needed to demonstrate “dual autonomy,” showing that they receive both domestic and international funding and that their activities do not violate existing legislation. Some groups have escalated their cases beyond domestic courts, bringing appeals before the Constitutional Court and even the European Court of Human Rights (ECHR). (Flikke, 2018) Relevant is the 2024 case of *Kobaliya and Others v. Russia*. (European Court of Human Rights, 2024) The case was brought by 107 applicants, including NGOs, media outlets, and individuals, who had been designated as foreign agents and subjected to restrictive reporting requirements, financial penalties, and limitations on their professional and public activities. On 22 October 2024, the Third Section of the European Court of Human Rights examined whether Russia's foreign agent laws violated the rights to freedom of expression, association, and privacy by labeling individuals and organizations as such and imposing extensive financial and participation restrictions.

The applicants challenged the mandatory labeling of all materials, arguing that it forced them to disseminate misleading information and stigmatized them with a term commonly associated with espionage or treason. (*Kobaliya v. Russia - Global Freedom of Expression*, 2025) They further contended that the criteria of “foreign funding” were applied arbitrarily and that the definition of “political activity” was so broad it could cover virtually any public engagement. Several applicants pointed to disproportionate penalties, including a fine imposed on a media outlet that amounted to nearly its entire annual income. Individual applicants also argued that the designation violated their right to privacy. They were required to disclose detailed personal

financial information and publicly identify themselves as “foreign agents,” with their personal data published in an online registry. They maintained that these measures, along with professional bans and restrictions on public participation, unjustly targeted them for their civic engagement and political views, contributing to a broader chilling effect on civil society. The Court found that the legislation, which has become increasingly restrictive since its introduction in 2012, was stigmatizing and produced a chilling effect on civil society. It concluded that both the law and its implementation were arbitrary and contributed to the contraction of democratic space in Russia.

Moreover, Russia’s oldest human rights organization was forcibly dissolved following designation as a foreign agent. (Venice Commission, 2021) Despite this, Memorial was awarded the Nobel Peace Prize in 2022 for its work in documenting Stalin-era atrocities and advocating historical accountability

### **Strengthening Coalitions**

Building broad, value-based coalitions at the national level is essential. (Open Society Foundations, 2024) Partnerships among diverse civil society groups create solidarity, facilitate knowledge-sharing, and amplify collective voices in defense of freedoms of expression, association, and assembly. Because foreign agent laws often extend beyond NGOs to target universities, media outlets, cultural institutions, and even private sector actors, cross-sector alliances are equally important. Early trust-building and joint awareness efforts enable coordinated and more effective responses; coalition-building strengthens solidarity, facilitates knowledge-sharing, and amplifies the collective voice of civil society actors, enabling more coordinated public engagement and advocacy.

In Georgia, following the introduction of a “law on transparency of foreign influence,” CSOs formed a national coordination group with sub-groups focusing on communications, legal strategy, and public mobilization. The coalition included small, local, service-oriented NGOs, parent associations, and organizations working with people with disabilities. CSOs coordinated with the media, requested opposition politicians refrain from politicizing protests, and mobilized everyday citizens to participate. By engaging a wide cross-section of society, including previously apolitical youth, the coalition amplified opposition to the law, which threatened Georgia’s EU accession

In Hungary, instead, human rights, environmental, and women’s organizations formed informal networks and coalitions to monitor urban development and local governance. (Geró et al., 2022) These coalitions allowed organizations to share resources, coordinate community-based campaigns, and collectively resist restrictive measures introduced under constitutional reforms.

### **International Advocacy and Support**

Actors have also engaged in international legal advocacy, including applications before the European Court of Human Rights and submissions to UN Special Rapporteurs and treaty bodies.

The Venice Commission, UN independent experts, and the European Union, have issued opinions, statements, and political measures aimed at influencing domestic legislative trajectories. (Venice Commission, 2021)

In Russia, foreign agent legislation has been widely criticized by domestic and international actors, including the Venice Commission, the United Nations Human Rights Committee, and the Council of Europe Commissioner for Human Rights. More than 60 organizations have challenged their designation before the European Court of Human Rights, with many cases still pending. By July 2021, the official foreign agent register included 76 organizations, alongside a separate media register listing 20 outlets and individual journalists.

In late 2021, Memorial International, the oldest human rights organization in Russia, was forcibly dissolved after being designated a “foreign agent” by state authorities. For decades, Memorial had been central to documenting and publicizing atrocities committed during the Stalinist era and advocating for historical accountability. Notably, in 2022, only one year after its closure, the organization was awarded the Nobel Peace Prize in recognition of its long-standing contribution to human rights and historical memory.

Following Russia’s full-scale invasion of Ukraine in February 2022, the foreign agent law has been increasingly deployed as a tool to suppress dissent. Its expanded application has contributed to the near eradication of independent media within Russia, as most outlets have been banned, forcibly liquidated, or compelled to relocate abroad.

In response to the 2021 amendments that further tightened the framework, the Venice Commission, the Council of Europe’s leading constitutional advisory body, issued a critical assessment of the legislation. (Venice Commission, 2021) The opinion assessed whether the most recent amendments to the foreign agent legislation complied with Russia’s obligations under international human rights law. In particular, it examined their compatibility with

freedom of association and expression, the right to privacy, the right to participate in public affairs, and the prohibition of discrimination. These rights are enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights, both of which Russia is legally bound to uphold. While acknowledging that these rights are not absolute, the Commission emphasized that any restrictions must satisfy strict legal criteria. Interferences must be clearly prescribed by law, pursue a legitimate aim, and be necessary in a democratic society. Moreover, any limitation must respond to a pressing social need and remain proportionate to its stated objective.

The Commission noted that the 2021 and subsequent amendments significantly expanded the scope of entities and individuals that qualify as foreign agents, while simultaneously increasing the obligations and restrictions imposed upon them. Administrative and criminal sanctions for non-compliance were also raised substantially. The Venice Commission emphasized that the amendments employ vague and overly broad terminology that bears little proportional relation to the law's stated objectives. According to the Commission, these changes constitute serious violations of fundamental human rights, including the freedoms of association and expression, the right to privacy, the right to participate in public affairs, and the prohibition of discrimination.

A particular concern highlighted by the Venice Commission is the cumulative effect of the reforms on civil society, the media, and individual actors. The legislation enables authorities to exercise extensive control over the activities and very existence of associations, as well as over the participation of individuals in civic life. The Commission warned that these measures are likely to exert a chilling effect on the free exercise of civil and political rights that are essential to an effective democracy. In response to these concerns, the Venice Commission recommended that Russian authorities abandon the special regime of registration, reporting, and public disclosure for associations, media outlets, and individuals receiving foreign support, along with all related administrative and criminal sanctions. Alternatively, the Commission called for a thorough revision of the legislation, including both the recent amendments and the broader legal framework. It suggested narrowing the definition of "foreign agent" to reflect the stated aim of transparency, replacing ambiguous notions such as "political activity" and "foreign support" with clearly defined indicators capable of tracking actual interference from foreign actors. The Commission also stressed the necessity of replacing the stigmatizing "foreign agent" label with a neutral and accurate designation. Such a designation, it argued, should not be used to bar individuals from public service or to prevent NGOs and media outlets

from participating in campaign activities. Criminal sanctions, including compulsory labor or deprivation of liberty, should never be applied for breaches of reporting or disclosure requirements, and the liquidation of organizations should be reserved only for extreme cases where violations genuinely threaten democratic governance. Overall, the Venice Commission concluded that Russia's foreign agent legislation, in its current form, disproportionately restricts fundamental rights and fails to meet the legal standards required for limiting human rights in a democratic society. Any interference with civil society must be clearly prescribed by law, pursue a legitimate aim, and remain necessary and proportionate; the Commission found that Russia's law does not meet these criteria. It reaffirmed its willingness to assist Russian authorities and the Parliamentary Assembly in revising the legislation to ensure compliance with international human rights obligations and the protection of civil society space. It argued that the "foreign agent" designation was more likely to undermine rather than enhance transparency, as it stigmatized organizations and individuals and distorted public perceptions of their relationships with foreign entities. It further warned that the label risked creating a climate of distrust, fear, and hostility, rather than addressing any demonstrable national security threat.

### **Risk Anticipation and Organizational Resilience**

Organizations should proactively identify legal, political, and reputational threats within their operating environments, particularly in contexts where democratic norms and rule-of-law standards are deteriorating. (Pardavi, 2024) The experience of Hungarian human rights organizations in the early 2010s illustrates the importance of vigilance. Initially unprepared for sweeping constitutional reforms, they later documented how institutional checks and balances were systematically weakened. This analysis enabled civic actors to recalibrate their strategies, coordinate more effectively, and rapidly develop new operational capacities.

Furthermore, smear campaigns and political pressure often aim to exhaust staff, undermine morale, and drive activists out of public life. Strong internal governance, sound financial management, and supportive workplace cultures are critical. Investments in professional development, mentoring, coaching, and mental health support help preserve staff well-being and long-term commitment.

In February 2025, Republika Srpska, one of the two constituent entities of Bosnia and Herzegovina, enacted legislation that automatically designated any civil

society organisation or media outlet receiving foreign funding as a “foreign agent,” irrespective of the source or amount of that funding. The law established a comprehensive regulatory framework imposing extensive reporting and oversight obligations on affected organisations. (Kantaria, 2025) Notably, it prohibited designated entities from “influencing public opinion,” a broadly formulated provision that effectively criminalised advocacy, public engagement, and public interest activities. The legislation imposed uniform obligations on organisations of all sizes, without regard to the scale of foreign funding received. Entities already subject to regular reporting requirements were compelled to submit additional biannual reports, significantly increasing administrative burdens. The law further required foreign-funded organisations to label all publications and materials accordingly and introduced the term “agent of foreign influence,” a designation widely regarded as stigmatizing and commonly associated with espionage or disloyalty. In addition to enhanced reporting requirements, the framework authorised extensive bureaucratic supervision. It mandated annual inspections and permitted additional reviews of the legality of organisational activities upon the request of citizens or public authorities. The law also prohibited engagement in broadly defined political activities and established severe sanctions for non-compliance, including the possibility of deregistration and termination of organisational legal status. Civil society actors sharply criticised the legislation, drawing attention to what they described as a fundamental inconsistency. They noted that the government itself relies substantially on international funding, including from the same foreign sources now portrayed as suspect when supporting independent organisations. This perceived double standard reinforced concerns that the measure was designed less to promote transparency than to consolidate political control over critical voices. The legislative trajectory further underscored these concerns. An earlier version of the law had been introduced in 2023 but was withdrawn following significant public opposition. The proposal was subsequently reintroduced and adopted through an accelerated parliamentary procedure in early 2025. Observers widely interpreted the timing of the reintroduction as politically motivated, occurring shortly after the conviction and removal from office of Republika Srpska President Milorad Dodik. A coalition of civil society organisations characterised the measure as a retaliatory effort targeting dissenting actors. International and regional human rights mechanisms expressed similar apprehensions. On 7 February 2025, three United Nations independent experts issued a joint statement addressing the reintroduction of the Law on the Special Registry and Publicity of the Work of Non-Profit Organisations, which had previously been withdrawn in May 2024. The experts

warned that the establishment of a special registry for organisations receiving foreign funding would impose significant constraints on civil society and enable intrusive governmental oversight. They emphasised that the law's provisions for mandatory annual inspections and additional reviews triggered by requests from private individuals or authorities heightened the risk of arbitrary interference and disproportionate scrutiny.

In May 2025, the Constitutional Court of Bosnia and Herzegovina temporarily suspended the legislation. (*Foreign Agents Laws Go Global*, 2024) In its preliminary assessment, the Court found that the law bore a close resemblance to restrictive foreign agent regimes, particularly the Russian model, and raised serious concerns regarding compatibility with the constitutional guarantee of freedom of association. The suspension prevented immediate enforcement and signalled the continued relevance of constitutional oversight in constraining legislative measures affecting civic space.

The Bosnian case demonstrates the importance of functioning judicial review mechanisms. Although political tensions remain acute, constitutional adjudication provided a meaningful institutional check. Additionally, Bosnia and Herzegovina's EU accession aspirations increase the weight of international standards and external criticism. Resistance in this context achieved at least temporary success because institutional pathways existed to transform civil society claims into enforceable judicial decisions.

## **Conclusion**

This thesis set out to examine the rise and impact of FALs in selected countries neighboring the EU. The study focused on Russia, Georgia, Belarus, and Egypt. Through a comparative legal and democratic analysis, it has demonstrated that FALs are not merely technical transparency instruments, but framework that reshape democracy as a whole through a change in the relationship between the state and civil society. The comparative analysis in Chapter 1 revealed that these laws share core structural characteristics: broad and often ambiguous definitions of “political activity,” low or undefined thresholds for foreign funding, stigmatizing labeling requirements, expansive reporting obligations, and wide discretion granted to executive authorities. While governments consistently justify these measures on grounds of sovereignty, national security, transparency, or institutional integrity, the proportionality and necessity of such restrictions remain highly questionable. Chapter 2 assessed the democratic consequences of these legal regimes. Across the cases examined, FALs correlate with a deterioration in key democratic indicators, particularly in four areas: that of freedom of association, freedom of expression, media freedom, and civil society. The cumulative effect of the consequences of FALs has generated a chilling effect that extends beyond those formally designated as foreign agents. At the same time, the analysis highlights that the consequences of FALs vary depending on the broader political environment. The thesis also proposed an innovative framework, the Donor-Dependent Civil Society Backsliding Model, that is an important contribution. This model helps explain why foreign agent laws appear especially in post-authoritarian countries and how they contribute to democratic decline. Its purpose is threefold. It explains the motive behind the introduction of such laws. In many post-authoritarian countries, civil society developed with financial support from foreign donors, mostly Western, and when governments of these countries later become more authoritarian or transitional, they use foreign funding as a political argument instead. The model shows that this dependence on foreign funding eventually becomes a vulnerability that can be exploited. Then the focus became the democratic backsliding and the explanation on how it happens gradually. And lastly the model helps compare countries and show that the impact of FALs depends on other factors. Despite these challenges, Chapter 3 demonstrates that civil society is not entirely passive. Civil society and media actors have adopted a range of strategies to withstand or mitigate the impact of FALs. While these strategies rarely reverse the legal framework, even if there are some successful instances, they often preserve a minimum operational capacity and

maintain international visibility. However this resilience comes at cost both in terms of resources diverted to compliance, and in the narrowing of substantive advocacy agendas.

What remains clear is that FALs represents one of the most consequential legal innovations in contemporary democratic backsliding. The survival of independent civil society and media under such frameworks will continue to serve as a crucial indicator of democratic resilience in the EU neighborhood. The future of democracy in this area will depend in part on whether civil society and independent media can continue to operate under these pressures. FALs have ultimately become one of the key tests of democratic resilience in the region.

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