



Office for Democratic Institutions
and Human Rights

Freedom of Association and Foreign Agents and Similar Legislation

A human rights perspective

osce.org/odihr

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Scope of the Presentation

- Examine freedom of association as a protected right
- Analyze the rise and impact of "foreign agents" laws
- Explore how NHRIs can respond and protect civic space

A brief overview of ODIHR's Legislative Assistance

ODIHR and Legislative Support

What we can offer you:

Legal Expertise

- Legal Reviews of Draft or Adopted Laws / Notes
- Legislative Guidelines
- ODIHR Expert Groups



Democratic Lawmaking

- Assessment of Legislative Processes
- Purpose-made Tools for Lawmakers
- Capacity-development



Legislative Database

- ONLINE database of legislation on human dimension topics from 57 participating States



20 Years of ODIHR's Legislative Assistance

500+ legal reviews

Thematic Areas

■ Election and political parties	25%
■ Fundamental freedoms (religion or belief, assembly, association and expression)	22%
■ Criminal reform	10%
■ Judiciary and fair trial rights	10%
■ Anti-trafficking	6%
■ Lawmaking	5%
■ Gender Equality	5%
■ National human rights institution	4%
■ Anti-discrimination	3%
■ Anti-corruption	2%
■ Other	7%

All legal reviews seek to mainstream gender and diversity

Legislative assistance benefitting
37 OSCE pSs

Top Requesting OSCE participating States

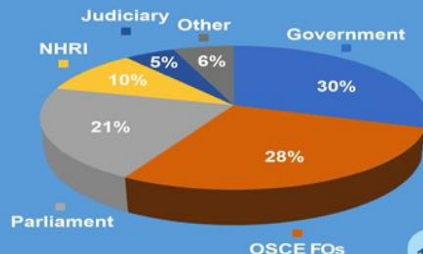
Armenia	54
Kazakhstan	49
Moldova	49
Ukraine	43
Kyrgyzstan	41



Urgent Legal Opinions

15% of legal reviews prepared between one week to less than one month

Requestors



Democratic lawmaking

2024 ODIHR Guidelines on Democratic
Lawmaking for Better Laws



14 assessments of legislative processes
in 9 countries



Joint Opinions

More than 25% of joint opinions prepared jointly
with the Venice Commission

Who can request a legal review?

1. AUTHORITIES AND PUBLIC BODIES OF OSCE PARTICIPATING STATES, such as:

- **Parliament** (e.g. Speakers/Deputy Speakers/Heads and Deputy Heads of Committees);
- **Government** (e.g. Ministers/Deputy Ministers/Heads of Departments);
- **Judicial Self-governing Bodies/Courts** (including requests for Amicus Curiae);
- **Election management bodies**; and
- **National human rights institutions/Ombuds institutions**/other independent statutory bodies



ODIHR does not consider requests for legal reviews from individuals (including members of parliament) or non-governmental organizations

2. OSCE FIELD OPERATIONS upon their OWN INITIATIVE or ON BEHALF OF PUBLIC BODIES

How to request a legal review?

By sending an official letter addressed to the ODIHR Director at office@odihr.pl

Necessary content of the request letter:

- Clear identification of the existing or draft law(s) to be reviewed;
- Mention of the timeline within which the legal review would be needed; and
- Attachment of the laws or draft laws to be reviewed, ideally in English.

How long does it take?

2 to 3 months, on average, this depends on :

- the length of document to be reviewed,
- the complexity of the legal issues; or
- the need to translate the laws or legal review.

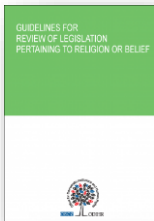


In **urgent situations**, ODIHR may expedite the preparation of its legal review

Practical Toolkits for Lawmakers in your countries: Legislative Guidelines

➤ on Freedom of Religion and Belief:

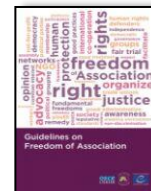
- on Legislation pertaining to Religion or Belief (2004)
- on the Legal Personality of Religious or Belief Communities (2014)



➤ on Political Party Regulation (2010; 2020)



➤ On Freedom of Association (2015)



➤ On Freedom of Peaceful Assembly (2007; 2010; 2019)

Focus on Key questions

Key Questions for Today

1. What are the legal standards protecting freedom of association?
2. How do foreign agents laws function and what is their real impact?
3. What can NHRIs do to protect civil society and human rights defenders?

International Standards for Freedom of Association

- 1990 Copenhagen Document and 1990 Paris Document
- Article 22 ICCPR
- UN Declaration on Human Rights Defenders
- Article 11 of the European Convention on Human Rights

→ *General Comments 34 & 37 reinforce these rights*

Restrictions

- *Presumption in favor of freedom!*
- Any restriction must be:
 - ✓ Prescribed by law
 - ✓ Necessary in a democratic society
 - ✓ Pursue a legitimate aim (e.g., national security)

→ *Overbroad restrictions violate international law*

Freedom of Association and Foreign Agents Legislation

What is a foreign agents law?

Common elements:

- Broad definitions of activities that are covered
- Mandatory registration as “foreign agents” (or other variations)
- Onerous reporting/disclosure
- Sanctions for non-compliance

Some Examples

OSCE examples

Country	Law	Key Feature	Impact
Russia	Foreign Agents Law	Labelling NGOs	Closure & stigma
Hungary	NGO Transparency Law	Reporting foreign funds	ECJ ruled it unlawful
Georgia	Law on Transparency of Foreign Influence	Mandatory registration for foreign-funded NGOs and media	Condemned by international bodies; sparked mass protests
Slovakia	Amendments to NGO Act	Increased reporting and oversight	Potential chilling effect on civil society
Bulgaria	Draft Foreign Agents Law	Registration and disclosure requirements for foreign-funded entities	Concerns over stigmatization and rights infringement

Slovakia: Amendments to the NGO Act

- Background
- Content
- ODIHR's views

Georgia: Law on Transparency of Foreign Influence Law

- Background
- Content
- ODIHR's views

Bulgaria: Draft Law on Foreign Influence

- Background
- Content
- ODIHR's views

Human Rights Implications

The real-world impacts are severe:

- **Chilling effect** on civil society.
- **Stigmatization** and public mistrust of NGOs.
- **Administrative burdens** and barriers to operation.
- **Legal consequences:** fines, suspension, dissolution.
- Organizations are labeled as untrustworthy.
- Staff and donors may withdraw due to fear or confusion.
- The public narrative turns against civil society.
- The net result is a narrowing of civic space, especially for human

NHRI Roles & Responses

NHRIs have a unique mandate and credibility to act. That includes:

- Monitoring these laws and their effects.
- Advising lawmakers and raising concerns in public forums.
- Supporting civil society with legal education and advocacy.
- Using regional and UN platforms to amplify findings.
- Strategic Litigation?
- Other?

Where does this leave us?

- What challenges or successes have your institutions faced?
- Are there good practices in resisting restrictive NGO laws?
- Where can we strengthen collective action?

→ *Balancing transparency with rights protection*



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THANK YOU

for your attention



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