



CIVIL SOCIETY MUST BE EQUIPPED TO SURVIVE AND RESIST “FOREIGN AGENTS” LAWS

// MÁRTA PARDAVI

“Foreign Agents” legislation represents a growing threat to democracy, but there are a number of ways in which civic groups can strengthen their resilience.

The proliferation of Russian-style “foreign agents” laws has emerged as a striking symptom of declines in democracy and the rule of law in a variety of countries and regions over the last several years. Illiberal leaders who aim to tighten control over the public sphere have eagerly imitated and adopted laws that target and weaken civil society. Even within the European Union (EU), examples of “foreign agents” or “foreign influence” laws have at times hampered the ability of civil society groups to serve their constituents.¹

Given the existential threat that “foreign agents” laws pose to civil society and democracy more broadly, prodemocracy groups must develop innovative strategies to protect civic freedoms and mitigate the risks of a worsening operating environment.

The Harmful Impact of Foreign Influence Laws on Civil Society Organizations

Hungary, using Russia's 2012 "foreign agents" law as a model, became the first EU member state to adopt such a law in 2017. The legislation was repealed in 2021 after the EU Court of Justice ruled that it breached EU law.² A new version of this law, however, took its place within weeks, subjecting "organizations capable of influencing public life" to added regulatory checks. In 2023, Hungary enacted a law on protecting national sovereignty with provisions that exerted a further chilling effect on independent civil society and media outlets under the guise of revealing foreign funding or influence in public discourse.³

The spread of these laws appears to have accelerated over the past year. In 2024 alone, governments in Kyrgyzstan, Georgia, Slovakia, Serbia, Bulgaria, and Republika Srpska (a political entity within Bosnia and Herzegovina) proposed or adopted Russian-style laws on "foreign agents."

To justify the adoption of "foreign agents" laws, governments often cite a need to increase the transparency of civil society organizations' funding or to combat foreign interference in local policymaking. In reality, however, **these laws selectively target organizations that work on good governance, anticorruption efforts, and the protection of human rights.** As early as 2017, the Council of Europe's commissioner for human rights warned that he had "noticed a clear trend of backsliding in several European countries in the area of freedom of association, particularly in respect of human rights organizations and defenders.... In some cases, the climate is so negative that it forces human rights work to the margins or even underground."⁴

In settings where democracy is eroding, human rights and democratic advocacy groups often bear the brunt of the restrictive legislation, while organizations that provide social services or are politically loyal to the government may still enjoy favorable operating conditions and public funding. This dynamic creates divisions within the democratic advocacy community and pits civil society organizations against one another.

"Foreign agents" laws target both the tangible and intangible resources that underpin civil society organizations' effectiveness, including their funding, reputation, legitimacy, expertise, and alliances. More specifically, they result in reduced public and international financial support, coordinated stigmatization and smear campaigns, the gutting of public dialogue processes, harassment by state authorities, and disproportionate reporting obligations that strain many organizations' resources.

Overall, **these hostile measures can create a chilling effect on civil society and often force prodemocracy organizations to deprioritize or halt their core activities.** For instance, groups are frequently made to understand that public advocacy highlighting violations of their client populations' rights may

"Foreign agents" laws target both the tangible and intangible resources that underpin civil society organizations' effectiveness.

jeopardize their access to public funding for much-needed community services, compelling them to choose between the two lines of work. For large, service-providing charities with major public grants, this threat can pose a particularly difficult dilemma and will often lead to a halt in advocacy work. Meanwhile, groups that continue to focus on human rights activism are singled out and accused of “serving the interests of others.” Harassment and smear campaigns can fuel polarization among such organizations and cause staff burnout. Nevertheless, many civil society groups and prodemocratic actors have found ways to adapt and build resilience.

Strategies for Civil Society Resilience

Civil society organizations rely on the twin pillars of public support and operational capacity to fulfill their crucial missions. “Foreign agents” laws undermine these pillars through stigmatization, onerous bureaucratic burdens, and restrictions on access to funding. The six resilience strategies described below allow organizations to expand their resources and strengthen their public support, minimizing the potential damage from harmful “foreign agents” laws.



Early identification and mitigation of risks

To design effective responses to restrictive laws, **civil society organizations should identify and mitigate possible threats to their operations and advocacy efforts proactively**, in part by better understanding the vulnerabilities inherent in their operating environments. In particular, such an effort entails greater awareness about the fragility of democratic norms and diminishing rule-of-law standards in a given country.

For example, Hungarian human rights groups—and society in general—were initially caught off-guard in the early 2010s when the government rolled out sweeping constitutional changes. Subsequent analysis, reporting, and advocacy work documented how these reforms cunningly undermined independent institutions and the country’s system of democratic checks and balances. This work ultimately set the stage for a strategic pivot to novel forms of coordination as well as the rapid deployment of additional capacities and program design among civic organizations.



Building coalitions among and beyond civil society groups

It is essential for vulnerable groups to engage actively with broader civil society networks and create robust coalitions at the national level. This effort should focus on protecting the operating environment for civil society, including the freedoms of expression, association, and assembly. Coalitions consisting of diverse groups that share core values can help provide the benefits of solidarity, mutual support, and knowledge-sharing, enabling

Civil society organizations rely on the twin pillars of public support and operational capacity to fulfill their crucial missions—“foreign agents” laws undermine them.

members to exchange best practices, collaborate on joint initiatives, and amplify their voices.

Hungary again provides a useful example. Public campaigns by the country's coalition of nongovernmental organizations (NGOs) have resulted in increased donations under a tax-filing mechanism meant to encourage charitable work. Supporting coalition members with advice on compliance and advocacy matters has also served to build resilience. Consultations with lawyers have helped NGOs assess and mitigate the risks posed by new Hungarian laws, both in 2018 and 2024, and have enabled organizations to make sound and principled choices about their operations.

When “foreign agents” laws are rolled out by illiberal governments, enforcement is typically expanded beyond NGOs to affect free academic institutions, vibrant arts and cultural scenes, plural and independent media, and the private sector. Therefore, it is highly beneficial for civil society groups to establish cross-sectoral connections, trust, and platforms with these other entities at an early stage, and to facilitate awareness-raising and coordinated responses.



Investing in values-based communication

Hope is the best antidote to the fear that authoritarians peddle. To rejuvenate public support for civil society groups, including those engaged in democracy and human rights work, investment in developing innovative communications strategies that offer a hopeful alternative is crucial. More specifically, to safeguard their credibility—a vital asset in the face of smear campaigns—**NGOs should shift to new, positive, and values-based narratives that are tailored to the local context and will engage the public effectively.**⁵ Ideally, such a response would help inspire positive visions for their societies, showcase the value of their work, and mobilize the public to defend them.

To achieve these results, civil society organizations must dedicate increased resources, especially personnel, to learning and applying novel methods of content production that can cut through a distorted media environment. For their part, donor organizations should allocate greater funding to improve the communication and outreach capacities of affected front-line groups. Heightened public attention can then be readily converted into greater public support through creative microdonation and crowdfunding campaigns.



Sustaining human capital and operational health

Building and sustaining a strong, committed team and effective organizational management practices will carry an NGO through crises and enable sound decision making—even at times of high stress. The smear campaigns that accompany “foreign agents” bills are intended to force activists and NGO staffers to succumb to political and public pressure, quit in search of other employment, or even leave the country. Under these conditions, it is

It is highly beneficial for civil society groups to establish cross-sectoral connections, trust, and platforms at an early stage to facilitate awareness-raising and coordinated responses to “foreign agents” laws.

imperative to develop well-functioning organizations built on interpersonal trust and solid operational management, where individual employees receive all the assistance they need to persevere.

Donor support for enhancing management and internal governance practices, particularly in the fields of human and financial resources, can be a particularly useful way to boost organizational resilience. Preserving team commitment and well-being will often require investment in professional development and the allocation of adequate resources for individual or group coaching, mentoring, retreats, and mental health care.



Building transnational advocacy coalitions

Transnational advocacy coalitions can counter the cross-border mimicry of “foreign agents” laws and help preserve democracy and human rights norms at the global and regional levels. **To engage with policymakers effectively, civil society groups should cultivate strong, policy-specific advocacy skills** by learning from the world of think tanks, academics, and policy advisers. As democratic regression affects these spheres as well, it has become easier to forge formal or informal connections. The Good Lobby Profs, a team of scholars focused on upholding the rule of law in the EU, have emerged as strong supporters of civil society groups and judges under pressure, offering expert advice on the use of EU law for self-protection.⁶ NGOs must dedicate sufficient staff time and resources to make full use of such collaborations and build up their knowledge and experience.



Strengthening international support for embattled organizations

During crises stoked by the introduction of “foreign agents” laws, dedicated civil society organizations will undoubtedly do their best to stretch their capabilities and continue serving the public good. **Yet without accessible, flexible, and long-term funding, most civil society groups will find it difficult to develop innovative responses or engage in transnational coalition-building.**

Sustained international funding is particularly vital when governments weaponize “foreign agents” laws to deprive civil society groups of other resources. Ultimately, governments and other donors interested in collective action to resist the global erosion of democracy must engage with and provide support for front-line NGOs. Such organizations are best placed to carry out national and transnational monitoring, reporting, and advocacy on the rule of law and civic freedoms in their respective countries and regions.

Transnational advocacy coalitions can counter the cross-border mimicry of “foreign agents” laws and help preserve democracy and human rights norms.

Halting Democratic Erosion in Its Tracks

Beyond providing funding for the strategies outlined above, democratic governments and international organizations should recognize “foreign agents” laws as clear symptoms of systemic democratic erosion that are intended to weaken local protections for citizens’ fundamental human rights, and to undermine the international legal order that upholds those rights. These laws are direct threats to global democracy and security, and they should be treated accordingly.

By working proactively to bolster local civic sectors before such legislation is introduced, and by responding vigorously and resolutely whenever it is enacted, democratic governments and institutions can contribute meaningfully to civil society’s resilience and resistance in the face of authoritarian encroachment.

ENDNOTES

- 1 Council of Europe Expert Council on NGO Law, *Study on Stigmatisation of NGOs in Europe*, CONF/EXP(2024)1, 20 March 2024, <https://rm.coe.int/study-on-stigmatisation-of-ngos-in-europe-en/1680af95df>.
- 2 Court of Justice of the EU, Judgment in Case C-78/18, *Commission v. Hungary*, 18 June 2020.
- 3 Hungarian Helsinki Committee, “Five Years and Counting: Attacks against Hungarian Civil Society since the Adoption of the ‘Stop Soros’ Law,” 20 June 2023, <https://helsinki.hu/en/government-attack-against-civil-society-2018-2023/>.
- 4 Commissioner for Human Rights, “The Shrinking Space for Human Rights Organisations,” Council of Europe, 4 April 2017, www.coe.int/en/web/commissioner/-/the-shrinking-space-for-human-rights-organisations.
- 5 Joseph Siegle, *Winning the Battle of Ideas: Exposing Global Authoritarian Narratives and Revitalizing Democratic Principles*, National Endowment for Democracy, February 2024, www.ned.org/winning-the-battle-of-ideas-exposing-global-authoritarian-narratives-and-revitalizing-democratic-principles/.
- 6 For more information, please consult the Good Lobby Profs information webpage, accessible here: www.thegoodlobby.eu/profs/.

ABOUT THE AUTHOR

Márta Pardavi is co-chair of the Hungarian Helsinki Committee, a leading human rights NGO based in Budapest, Hungary. Recently, she has focused on the threats to the rule of law and civil society space in Hungary and in the EU. She also co-leads the Recharging Advocacy for Rights in Europe (RARE) program, which equips human rights defenders to build stronger organizations and alliances for joint action on civic space and rule of law in the EU. Márta serves on the boards of PILnet, the International Partnership for Human Rights, and the Re:construction project as well. She is also a member of the Council of Europe’s Expert Council on NGO Law. Márta holds a law degree from ELTE Law School in Budapest and an Executive Master of Public Administration from the Hertie School in Berlin, Germany.

PHOTO CREDITS

Page 1: Photo by melitas/Shutterstock



The International Forum for Democratic Studies at the National Endowment for Democracy (NED) is a leading center for analysis and discussion of the theory and practice of democracy around the world. The Forum complements NED's core mission—assisting civil society groups abroad in their efforts to foster and strengthen democracy—by linking the academic community with activists from across the globe. Through its multifaceted activities, the Forum responds to challenges facing countries around the world by analyzing opportunities for democratic transition, reform, and consolidation. The Forum pursues its goals through several interrelated initiatives: publishing the *Journal of Democracy*, the world's leading publication on the theory and practice of democracy; hosting fellowship programs for international democracy activists, journalists, and scholars; coordinating a global network of think tanks; and undertaking a diverse range of analytical initiatives to explore critical themes relating to democratic development.



The National Endowment for Democracy (NED) is a private, nonprofit foundation dedicated to the growth and strengthening of democratic institutions around the world. Each year, NED makes more than 1,700 grants to support the projects of nongovernmental groups abroad who are working for democratic goals in more than 90 countries. Since its founding in 1983, the Endowment has remained on the leading edge of democratic struggles everywhere, while evolving into a multifaceted institution that is a hub of activity, resources, and intellectual exchange for activists, practitioners, and scholars of democracy the world over.

1201 Pennsylvania Avenue, NW
Suite 1100
Washington, DC 20004
(202) 378-9700
ned.org



@thinkdemocracy



ThinkDemocracy



International Forum for Democratic Studies