

**Third party intervention in the case
Georgian Young Lawyers' Association and Others v. Georgia
(Application no. 31069/24)
on behalf of the Clean Air Action Group, Háttér Society, the Hungarian
Helsinki Committee, K-Monitor, Ökotárs – Hungarian Environmental
Partnership Foundation, the Power of Humanity Foundation and
Transparency International Hungary**

*pursuant to the Section Registrar's notification dated 12 August 2025 that the
Vice-President of the Section has granted leave, under Rule 44 § 3 of the Rules of
Court, to make written submissions*

1. In line with their request for leave, the interveners wish to outline the similarities between Georgia's Transparency of Foreign Influence Act and the legislation previously enacted and the one currently tabled in Hungary restricting freedom of association; the wider hostile context these laws were enacted in; and their negative impact on civil society, including stigmatisation and a considerable chilling effect.

Comparative analysis

2. The interveners hereby present five Hungarian laws which resemble the 2024 Georgian Transparency of Foreign Influence Act (hereafter: TFI Law) and the 2025 Georgian Foreign Agent Registration Act (hereafter: Georgian FARA).
3. In 2017, Hungary adopted the **LexNGO 2017** which stigmatised certain civil society organisations (CSOs) as “foreign-funded organisations”:¹ it obliged CSOs receiving support from abroad exceeding a certain threshold to register as foreign-funded organisations, indicate this label on all their publications and declare information on donations received from abroad, including, in the case of donations exceeding a certain limit, specific data of the donor. The LexNGO 2017 was finally abolished in May 2021 due to the 2020 judgment of the Court of Justice of the European Union (CJEU),² but was instantly replaced by **LexNGO 2021**³ and accompanying amendments. This continues to violate the rights of certain CSOs by making them subject of audits by the State Audit Office (which cannot be reconciled with the latter's constitutional mandate) without adequate justification and legal safeguards.⁴
4. In late 2023, the Parliament adopted the **Sovereignty Protection Act**,⁵ which set up the Sovereignty Protection Office (SPO), aimed at intimidating and silencing critical voices, including civil society and the media under the guise of “protecting

¹ Act LXXVI of 2017 on the Transparency of Organisations Supported from Abroad

² Case C-78/18, *Commission v Hungary*, ECLI:EU:C:2020:476. See also: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073en.pdf>.

³ Act XLIX of 2021 on the Transparency of Organisations Carrying out Activities Capable of Influencing Public Life

⁴ See in more detail: Hungarian Helsinki Committee, *LexNGO 2021 – a look into Hungary's second anti-NGO law on its first anniversary*, 12 May 2022, https://helsinki.hu/en/wp-content/uploads/sites/2/2022/05/HHC_LexNGO2021_info_note.pdf.

⁵ Act LXXXVIII of 2023 on the Protection of National Sovereignty

Hungary's sovereignty".⁶ The SPO has wide-ranging tools at its disposal to investigate private individuals, informal groups and legal entities. The law's vaguely worded provisions allow it to use its invasive powers against virtually anyone exercising their democratic right to engage in public matters. The scope of the activities which might trigger the investigation of the SPO are extremely broad and open to arbitrary interpretation. Intelligence agencies shall provide information to the SPO to facilitate its work. Investigations are followed by a public report. There is no legal remedy (including judicial review) available. In October 2024, the European Commission decided to refer Hungary to the CJEU over the law.⁷

5. In May 2025, the **Bill on the Transparency of Public Life** was tabled, aimed to starve and strangle civil society, independent media and any legal entity that the government decides to target. The bill allows for the blacklisting of a broad range of non-profit and for-profit organisations which are consequently deprived of resources under the pretext of combating foreign influence. At the proposal of the SPO, the government could designate any legal entity as an organisation whose activities to "influence public life" pose a threat to Hungary's sovereignty. These activities are those that are funded from outside of Hungary, including from other EU member states or EU institutions, and which "violate, or portray in a negative manner, or support action against the values defined" in cherry-picked sections of Hungary's constitution. If adopted, the law would create a system of blockages of transaction modelled on anti-money laundering measures that would effectively starve of revenue CSOs, independent media outlets, and companies that engage in public discourse or challenge the government's narratives, also annulling any existing contracts funded directly or indirectly from outside of Hungary. Also, it would exclude them from a domestic tax donation scheme as well as make online donations and subscription schemes excessively cumbersome. Violating the new provisions would result in hefty fines and can lead to dissolution.⁸ On 4 June 2025, the adoption of the bill was postponed, but it has not been withdrawn.
6. Human rights violations presented by the applicants in the present case are similar to the ones invoked in relation to the above listed Hungarian laws. Such "foreign-agent laws" primarily serve to undermine the rights to freedom of association and expression, freedoms that lie at the core of democratic society. They frequently infringe upon other rights guaranteed by the European Convention on Human Rights as well, including the right to respect for private and family life, and the right to an effective remedy. Some aspects of the Georgian and Hungarian laws, which present further **similar tendencies** and legislative will, are elaborated on below, and are shown in detail by the table in the Annex.
7. The **timing** of the respective 2023 Georgian bill, the 2024 TFI Law and the 2025 Georgian FARA coincided with the adoption of the Hungarian Sovereignty Protection Act in December 2023 and the tabling of the Bill on Transparency of Public Life in May 2025. The applicants presented in detail the flaws in the **adoption** of the Georgian TFI Law where the governing majority disregarded and

⁶ For more details, see: <https://helsinki.hu/en/sovereignty-protection-act-in-breach-of-eu-law/>.

⁷ See: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4865.

⁸ For more details, see: <https://helsinki.hu/en/operation-starve-and-strangle-20250522/>.

circumvented public, targeted, and cross-party consultations. Both the Hungarian Sovereignty Protection Act and the Bill on Transparency of Public Life were submitted to the Parliament by governing party MPs instead of the government which made it possible to circumvent the anyway weak public consultation procedure,⁹ and, as usual, no cross-party consultation has taken place due to the governing party having a constitutional supermajority.

8. Although often cloaked in the **language** of “protecting national sovereignty” or “ensuring transparency”, these laws solely serve to silence critical voices and weaken the functioning of democratic societies. These measures fail to achieve their purported objectives and instead function as tools of intimidation and repression. These types of legislative acts operate with **ambiguous legal terms** open to arbitrary interpretation, which contradict legal certainty. They enable the implementing authorities to apply double standards or extensive legal interpretation. In Hungary, in the case of the Sovereignty Protection Act, besides the abstract and vague notions of constitutional self-identity and sovereignty, provisions also grant the SPO a wide room for manoeuvre. For example, the criterion that an activity is carried out “in the interest of another state and, irrespective of its legal status, of a foreign organ or organisation and natural person”, one of the legal grounds to trigger the investigation of the SPO, is applicable basically to any situation where a foreign element concerning an otherwise lawful activity is present in any form.¹⁰
9. Another important similar characteristic of the laws is the **lack of effective remedy**. There is no remedy available against the “reports” issued by the SPO. The SPO and the Hungarian Constitutional Court¹¹ argued that the SPO is not an authority, and, therefore, the state has no obligation to make available legal remedies against its actions. The 2025 Bill on the Transparency of Public Life does not allow meaningful legal remedy against being blacklisted either. Judicial remedy is prescribed against the procedure of the anti-money laundering body under the Bill, however, it is without suspensive effect and only provides for the right of cassation – thus, this remedy may not be considered effective.
10. **International stakeholders** have heavily criticised both countries’ laws aimed at silencing CSOs. On 18 June 2020, the CJEU ruled that the LexNGO 2017 violated EU law: it amounted to unjustified interference with the right to respect for private life, protection of personal data, and freedom of association.¹² OSCE/ODIHR issued an urgent opinion on the Georgian TFI Law in May 2024, where it listed the

⁹ *Contribution of Hungarian CSOs to the European Commission’s Rule of Law Report*, January 2025, https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HUN_CS0_contribution_EC_RoL_Report_2025.pdf, pp. 70-73.

¹⁰ Amnesty International Hungary – Hungarian Helsinki Committee, *Hungary’s Act on the Protection of National Sovereignty in Breach of EU Law*, 8 February 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/02/Sovereignty_Protection_Act_breaches_EU_law_2024.pdf.

¹¹ See e.g. Constitutional Court’s decision no. 20/2024 (XI. 28.), <https://alkotmanybirosag.hu/ugyadatlap/?id=57838AD2B57B9BF0C1258B5500449DB1>.

¹² Press release no. 73/20 of the Court of Justice of the European Union, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073en.pdf>

Hungarian LexNGO 2017 along with laws of Russia and Kyrgyzstan and a draft bill of Republika Srpska as examples using “transparency” to justify targeting CSOs, human rights defenders, and media actors,¹³ and referred to the CJEU judgment on the LexNGO 2017 several times. Similarly, in its urgent opinion on the TFI Law in May 2024, the Venice Commission used the Hungarian LexNGO 2017 and the CJEU judgment on it as reference.¹⁴ The Sovereignty Protection Act has been broadly criticised by international stakeholders, e.g. by the Council of Europe Commissioner for Human Rights,¹⁵ the UN Special Rapporteur on Freedom of Expression and the Special Rapporteur on Human Rights Defenders,¹⁶ and the Venice Commission.¹⁷ In December 2024, the European Commission referred Hungary to the CJEU over the law,¹⁸ and the CJEU decided for an expedited procedure in February 2025.¹⁹

11. The above developments have to be assessed in the context of **wider anti-democratic and anti-CSO trends that are observed in the region**. 2024 saw a **rise of attempts to pass Russian-style foreign-agent laws**. In September 2024, Bulgaria introduced its Foreign Agents Registration Bill, only to be rejected in February 2025. Türkiye tabled a penal code amendment²⁰ in October 2024, which was later postponed due to broad criticism. Slovakia proposed an earlier version of its foreign-agent law in 2024, which the European Commission warned against. The third version of this law,²¹ enacted on 1 June 2025, does not focus on foreign funding anymore, but hinders the operation of CSOs regardless of their support from foreign sources. The pioneer of foreign-agent laws, Russia, adopted a new

¹³ OSCE Office for Democratic Institutions and Human Rights, *Urgent Opinion on the Law of Georgia “on Transparency of Foreign Influence”*, 30 May 2024, <https://www.osce.org/files/f/documents/b/d/569922.pdf>, § 30.

¹⁴ European Commission for Democracy Through Law (Venice Commission), *Urgent Opinion on the Law on Transparency of Foreign Influence, issued on 21 May 2024 pursuant to Article 14a of the Revised Rules of Procedure*, 21 May 2024, CDL-PI(2024)013, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e).

¹⁵ Statement of the Commissioner for Human Rights, 27 November 2023, <https://www.coe.int/ca/web/commissioner/-/hungary-the-proposal-for-a-defence-of-national-sovereignty-package-should-be-abandoned>

¹⁶ Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, 8 December 2023, OL HUN 1/2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28661>.

¹⁷ European Commission for Democracy Through Law (Venice Commission), *Opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty*, 18 March 2024, CDL-AD(2024)001, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)001-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)001-e).

¹⁸ Press release of the European Commission, 3 October 2024, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4865

¹⁹ Order of the President of the Court in Case C-829/24 (Expedited procedure), ECLI:EU:C:2025:166, 12 February 2025, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=296476&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=4984257>

²⁰ Agent of Influence Bill (Article 339/A to the Turkish Penal Code)

²¹ Act no. 109/2025.

version of its law in 2022.²² The evolution of the Russian foreign-agent law is now at the point where almost any person or entity who engages in civic activism or even expresses opinions could be designated a foreign agent and prohibited from many aspects of civic life.

12. Thus, national laws targeting civil society and independent media do not arise in national isolation. Rather, they are **deeply interconnected: they draw inspiration from one another, reinforce one another, and collectively form part of a broader transnational pattern.** Governments' intent on curtailing dissent increasingly looks to precedents set in other jurisdictions, as evidenced by the striking similarities in both the content and the rhetoric of these laws.

Wider hostile context; stigmatisation

13. Restrictive legislative measures in Hungary were accompanied by a broader pattern of state-led hostility, including smear campaigns, administrative burdens, selective audits and funding restrictions, significantly exacerbating **the harmful effects of the legislation.** Similar patterns are observable in Georgia, raising serious concerns about the **cumulative impact** of such governmental practices on freedom of association and expression.
14. When assessing whether a particular restrictive measure targeting civil society has a legitimate aim and is necessary in a democratic society the broader context of state-orchestrated hostility towards dissent shall be taken into account. Without doing so, there is a real risk that the severity of violations are not properly established. The Court has already taken this approach in a number of cases similar to the present one, taking into account the "sequence and pattern of the events [...] *viewed as a whole*".²³ It has also already established the possibility that "the cumulative effect of these restrictions – whether by design or effect – is a legal regime that places a significant 'chilling effect' [...] in the context where opportunities for domestic funding are somewhat limited, especially in respect of politically or socially sensitive topics or domestically unpopular causes."²⁴ We respectfully submit that the Court's assessment of the TFI Law should similarly consider the **cumulative, mutually reinforcing effects of such hostile contexts,** not simply view the formal legal provisions in isolation.
15. Related to the Hungarian LexNGO 2017 (having a similar wording and aim as the Georgian TFI Law but significantly less severe potential consequences),²⁵ the Venice Commission has explicitly stated **the context and the accompanying rhetoric are particularly relevant** in the assessment of legislation limiting political rights. The Venice Commission found that

²² Federal Law on Control over Activities of Persons Under Foreign Influence, 8 July 2022

²³ *Navalnyy v. Russia*, Applications nos. 29581/12 and 4 others [GC], § 175., italics added. See also: *Baka v. Hungary*, Application no. 20261/12.

²⁴ *Ecodefence and Others v. Russia*, Application nos. 9988/13 and 60 others, § 186.

²⁵ Hungarian Helsinki Committee – Hungarian Civil Liberties Union, *Short analysis of the proposed Hungarian bill on foreign funded non-governmental organizations*, 11 April 2017, <https://helsinki.hu/wp-content/uploads/NGO-Bill-HU-short-analysis-0411-final.pdf>

“while on paper certain provisions requiring transparency of foreign funding may appear to be in line with the standards, the context surrounding the adoption of the relevant law and specifically a virulent campaign by some state authorities against civil society organisations receiving foreign funding, portraying them as acting against the interests of society, may render such provisions problematic [...] In particular [...] it should be emphasised that placed in the context prevailing in Hungary, marked by strong political statements against associations receiving support from abroad, this label risks [...] adversely affecting their legitimate activities and having a chilling effect on freedom of expression and association.”²⁶

16. The CJEU likewise found that the stigmatising obligations under LexNGO 2017 “create a climate of distrust with regard to” the affected organisations.²⁷
17. **Smear campaigns, hate-mongering rhetoric** in media owned by the state and pro-government oligarchs are in part an attempt to pave way for restrictive legislation, but also a tool that maintains pressure by creating a toxic environment around the targeted individuals/entities. Since at least 2013, government-aligned media and politicians have labelled CSOs, judges, media outlets, and human rights defenders as “foreign agents”²⁸ and “mercenaries”²⁹ who are not only threats to national sovereignty, but shall be “executed without trial as enemy combatants”.³⁰ The European Commission’s 2025 Rule of Law Report still documents persistent smear campaigns against judges, journalists, and civil society actors in state and pro-government media.³¹ This demeaning rhetoric is central to the state’s broader strategy of delegitimizing civic actors.
18. **Audits, inspections and burdensome reporting requirements** that can only be characterised as administrative and financial harassment have severely strained Hungarian CSOs’ operational capacity. While not always leading to sanctions, these processes disrupt activities and generate a pervasive sense of intimidation, as

²⁶ European Commission for Democracy Through Law (Venice Commission), *Opinion on the draft law on the transparency of organisations receiving support from abroad*, 20 June 2017, CDL-AD(2017)015, <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282017%29015-e>, § 65.

²⁷ Judgment of the Court (Grand Chamber), in Case C-78/18 of 18 June 2020, ECLI:EU:C:2020:476, § 58.

²⁸ See more on this recurring allegation and it resulting in the establishment of a new state body with the specific aim to maintain this narrative, led by the previous editor-in-chief of the weekly *Figyelő* (see footnote 26 below) here: <https://helsinki.hu/en/what-is-the-sovereignty-protection-act/>.

²⁹ E.g. the Hungarian Helsinki Committee’s case against the government propaganda outlet *Figyelő* for listing over 200 people working at CSOs and academics and labelling them as “mercenaries”: <https://monitor.civicus.org/explore/Hungary-win-lawsuits-against-smear-campaigns/>. See also: 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/wp-content/uploads/sites/2/2023/06/Attack-against-NGOs.pdf>; <https://helsinki.hu/en/timeline-of-governmental-attacks-against-ngos/>.

³⁰ Statement of the national security advisor to government-supported mayor of Budapest in 2017, available in Hungarian at: <https://vastagbor.atlatszo.hu/2017/10/05/birosagi-eljaras-nelkul/>.

³¹ European Commission, *2025 Rule of Law Report – Country chapter on the rule of law situation in Hungary*, 8 July 2025, SWD(2025) 917 final, pp. 7., 22-23., 27-29.

was already the case during the first wave of orchestrated attacks that began in April 2014 against beneficiaries of the NGO Programme of the EEA and Norway Grants: a total of 58 CSOs were investigated and audited by various state institutions (including the Chief Prosecutor's Office, the Tax Authority, the National Bureau of Investigation) for almost two years. All proceedings were subsequently terminated without finding any wrongdoing or resulting in conviction.³² Measures aimed at restricting or hindering the receipt of foreign funding and to dissuade donors are accompanied by structural discrimination in state funding which disproportionately favours pro-government or ideologically loyal organizations.³³

19. The **SPO**, established by the Sovereignty Protection Act, began operations in spring 2024 with the stated aim to “protect constitutional identity” through various activities, including by **carrying out investigations against legal entities and individuals and publishing “reports”**. The SPO began investigating CSOs and independent media (e.g., Transparency International Hungary, Atlátszó), and by May 2025, it has published dozens of documents and issued statements portraying dozens of journalists, media outlets, and CSOs as threats to national sovereignty and acting in foreign interests, mainly the European Union. The SPO, while originally envisioned as an officiator of smear campaigns, is to receive additional powers according to the Bill on the Transparency of Public Life as referred to above: according to the Bill, the SPO would be empowered to recommend the government to designate a legal entity as an “organisation that uses foreign support to influence public life”.³⁴
20. Taken in isolation, the communication, financial and legal measures mentioned above might appear as disparate regulatory actions or ones with potentially legitimate aim; together, they intersect to form a hostile ecosystem. Public defamation feeds into administrative scrutiny; fiscal obstacles compound reputational damage. Civil society thus faces structural erosion, chilling effects, self-censorship, and gradual exclusion from democratic discourse. As outlined above, the hostile environment described above has not only been documented by civil society but also repeatedly recognised by international and European institutions. These confirm that the hostile context is not anecdotal but **amounts to a legally recognised interference with fundamental rights**.³⁵

³² For an overview of this case, see: Hungarian Helsinki Committee, *Government attacks against Hungarian NGOs between 2013 and 2016*, https://helsinki.hu/wp-content/uploads/Norway_Grants_Gov_attacks_communication_brief_ENG.pdf

³³ See for example the End of Mission statement of the visit to Hungary of the UN Special Rapporteur on the situation of human rights defenders, 8-16 February 2016, <https://www.ohchr.org/en/statements-and-speeches/2016/02/end-mission-statement-special-rapporteur-situation-human-rights?LangID=E&NewsID=17048>.

³⁴ For more on the Bill on the Transparency of Public Life, see: Hungarian Helsinki Committee et al., *Operation Starve and Strangle – How the Hungarian Government decided to put companies, independent media and civil society in a chokehold*, 20 May 2025, <https://helsinki.hu/en/wp-content/uploads/sites/2/2025/05/Operation-Starve-and-Strangle-2025.pdf>.

³⁵ See also the end of visit statement of the Council of Europe Commissioner for Human Rights of 11 February 2019 at <https://www.coe.int/en/web/commissioner/-/hungary-should-address-many-interconnected-human-rights-protection-challenges-including-civil-society-space-gender-equality-refugee-protection-and-ind>, or more recently the statement of the Commissioner calling on

21. The Hungarian trajectory further illustrates how **hostile contexts, once entrenched, tend to escalate**. Initial rhetoric and inspections soon gave way to legally binding restrictions such as LexNGO 2017, the criminalisation of (legal) assistance to asylum-seekers, 25% special tax imposed on certain views related to migration, the amendments to these laws in the early 2020s, the setting up of the SPO, and most recently, the attempts to terminate the operations of civil society and media outlets via the Bill on the Transparency of Public Life. This sequence shows that **such laws rarely remain isolated or symbolic; rather, they inaugurate cycles of repression that are difficult to reverse**. Georgia's recent adoption of foreign influence legislation strongly resembles Hungary's earlier stages and therefore raises serious concerns about similar patterns of escalation.
22. The **cumulative impact of smear narratives, legislative control, administrative intimidation, and financial marginalisation severely disrupts public discourse and pluralistic participation**. Hungary's example starkly reveals how formal laws serve as one prong in a broader strategy to constrain independent civil society, media, and democratic resilience. In such contexts, especially strict scrutiny is warranted under Articles 10 and 11 of the Convention.

Impact on daily operations

23. Based on the Hungarian experience, the interveners wish to highlight the profound and deleterious impact of such laws on the daily functioning of CSOs. The designation of organisations as “foreign-funded” or the use of similar labels fosters public mistrust, impairs cooperation with stakeholders, and stigmatizes legitimate human rights work. These effects materially hinder organisations in fulfilling their mandates and infringe upon the right to operate freely in a democratic society.
24. The shrinking civic space in Hungary also meant **diminishing avenues of cooperation and dialogue with domestic authorities**. Cooperation and coordination with actors in the executive and judicial branch have severely declined in recent years. Engagement, let alone meaningful engagement for CSOs with most state authorities, ministries, relevant parliamentary committees, etc. has gradually become scarce after 2012 and virtually ceased to exist following the adoption of the LexNGO 2017. The opinions submitted by CSOs in the framework of public consultation on draft laws are mostly not taken into account. **Formal cooperations have dwindled**: e.g., in 2017, the penitentiary service, the police and the asylum and immigration authority all terminated their cooperation agreements with the Hungarian Helsinki Committee which allowed the organisation to conduct human rights monitoring of places of detention,³⁶ ending the only independent and regular monitoring possibility of these facilities. Most **authorities refuse to cooperate with CSOs perceived as “problematic” or “political”** even in less formalized ways: e.g. they reject invitations to workshops and trainings and refuse participation

Hungary to reverse clampdowns on civic space, 27 June 2025, at <https://www.coe.int/en/web/commissioner/-/commissioner-calls-on-hungary-to-uphold-the-human-rights-of-lgbti-people-and-reverse-clampdowns-on-civic-space>.

³⁶ Hungarian Helsinki Committee, *National authorities terminated cooperation agreements with the Hungarian Helsinki Committee*, 2017, <https://helsinki.hu/wp-content/uploads/termination-of-agreements-summary.pdf>

in researches of CSOs. This applies to the judicial branch as well, and restrictions are sometimes communicated through official channels: e.g., in 2019, a judicial leader sent a circular to judges warning them not to attend a training by the Hungarian Helsinki Committee on accessible language in criminal procedures,³⁷ while in 2025 he did not “recommend” judges subordinated to him to attend a workshop of Amnesty International Hungary on judicial independence.³⁸

Chilling and deterring effect

25. Chilling effect is a well-established concept in the case law of the Court, and the Court has relied on it “to justify a strict scrutiny review of national measures which the Court understands as most likely to produce negative effects going beyond the individual instances where they are applied, resulting in natural and legal persons being *dissuaded* from exercising their rights for fear of being subject to these measures”.³⁹ **Laws such as the Georgian TFI Law have considerable chilling effect on persons and entities potentially covered by them even in the absence of active enforcement**, especially when affected stakeholders see the fate of their counterparts in other countries where such laws have already been activated against civil society and the media. Based on the Hungarian experience, **the mere existence of these laws can lead to self-censorship and a withdrawal of organisations from certain activities**. While inherently **difficult to quantify**, this chilling effect is real, far-reaching, and enduring. It must therefore be afforded significant weight in assessing the compatibility of such laws with the Convention.
26. In February 2024, i.e. just a few months after the adoption of the Sovereignty Protection Act, when the SPO was not even active yet, a coalition of over 40 independent Hungarian CSOs conducted a survey among its partner organisations to assess how the new law affects their activities, strategies and funding. The responses revealed an already existing chilling effect, which created **fear and self-regulation, hindered cooperation between organisations**, and diverted resources away from their actual activities, **creating an environment where for example receiving EU funding can be perceived as a threat by CSOs**. 63% of the respondents said that the Sovereignty Protection Act had a deterrent potential for domestic CSOs, and many organisations have reported that the law could have a fear-inducing effect, particularly because of its vague wording.⁴⁰
27. An interview-based follow-up research, published in February 2025, showed that some CSOs have given up on applying for certain foreign funds to avoid potential

³⁷ See:

https://web.archive.org/web/20240424220221/https://index.hu/belfold/2019/05/24/obh_helsinki_bizottsag_hando_tunde_gerber_tamas_kepzes.

³⁸ See: <https://24.hu/belfold/2025/05/21/budapest-kornyeki-torvenyszek-elnok-biroi-fuggetlenseg-workshop-reszvetel-nem-ajanlott/>.

³⁹ Laurent Pech, *The concept of chilling effect – Its untapped potential to better protect democracy, the rule of law, and fundamental rights in the EU*, 2021, <https://www.opensocietyfoundations.org/uploads/c8c58ad3-fd6e-4b2d-99fa-d8864355b638/the-concept-of-chilling-effect-20210322.pdf>, p. 6.

⁴⁰ Civilizáció – Hungarian Helsinki Committee, *From Chilling Effect to Immediate Harm: Consequences of the Sovereignty Protection Act*, 27 June 2024, <https://helsinki.hu/wp-content/uploads/2024/06/Consequences-of-the-Sovereignty-Protection-Act.pdf>

attacks, and some even renounced previously awarded foreign funding. Interviewees reported that partnership building to be more challenging; some CSOs had given up on certain activities and limited their communication critical of the government.⁴¹ All this shows that restrictive laws and stigmatisation have a **concrete and severely detrimental effect on the ability of CSOs to carry out their work effectively**; they are under a constant pressure to adapt to a changed (legal) environment.

28. A survey among CSOs in July 2025 showed that **even the tabling of the Bill on the Transparency of Public Life had a negative effect** on the operations of several organisations.⁴² For example, nearly 10% of the CSOs responding indicated that they have donors who had already postponed or cancelled support; grant processes have been suspended; at some CSOs, board members and other representatives have stepped down; and the mental burden on the leadership and staff members has been considerable. This again shows the devastating effect on freedom of association and freedom of expression such laws can have even before applied in practice.
29. Democracy, as the Court has consistently affirmed, lies at the very **foundation** of the Convention system: it is “a fundamental feature of the European public order”.⁴³ There can be **no democracy without pluralism**, and associations, particularly those working for purposes beyond party politics, play a vital role in the life of democratic societies, for it is largely through them that citizens participate in collective life and that minorities preserve their identities.⁴⁴ Many CSOs are therefore not peripheral actors but **essential public watchdogs**, whose work garners the same protection as that of the press. Measures that stigmatise, silence, or marginalise civil society are not simply infringements on the rights of the affected CSOs but constitute **attacks on the democratic foundations** of the Convention itself.⁴⁵
30. **In summary: CSOs and human rights defenders are vital for a healthy democracy and a society where people can enjoy their fundamental freedoms. To achieve this, CSOs should be able to work without fear in an enabling and supportive environment. However, the Hungarian example shows that the combined effect of restrictive laws, a wider hostile context and stigmatisation severely hinder CSOs in carrying out their legitimate work, and result in a profound chilling effect. Therefore, laws such as the Georgian Transparency of Foreign Influence Act are incompatible with the Convention.**

⁴¹ A summary of the results is available here in Hungarian: https://helsinki.hu/wp-content/uploads/2025/04/Kutatas_a_szuverenitasvedelmi_torveny_hatasairol.pdf.

⁴² See the results in Hungarian here: <https://www.nonprofit.hu/hirek/Elemzes-a-kozelet-atlathatosagarol-szolo-torvenytervezet-civil-szervezetekre-gyakorolt-hatasairol>.

⁴³ *United Communist Party of Turkey and Others v. Turkey*, Application no. 19392/92 [GC], § 45.

⁴⁴ *Gorzelik and Others v. Poland*, Application no. 44158/98 [GC], §§ 89-93.

⁴⁵ *Magyar Helsinki Bizottság v. Hungary*, Application no. 18030/11 [GC], §§ 166-167 and the case-law cited therein.

Annex to the third-party intervention in the case
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Comparative table of legal texts

| | Transparency of Foreign Influence Act – Georgia, 2024 | Foreign Agents Registration Act – Georgia, 2025 | Sovereignty Protection Act – Hungary, 2023 | Bill on the Transparency of Public Life – Hungary, 2025 |
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| Status | Adopted in 2024, application communicated by ECtHR. | Adopted in 2025. | Adopted December 2023, being challenged at CJEU. | Introduced May 2025, postponed until fall. |
| Alleged Aim | “To ensure the transparency of foreign influence.” | To ensure proper implementation of ensuring the transparency of foreign influence. | To “protect () constitutional identity.” | To protect against foreign support that “influence(s) public life.” |
| SCOPE | | | | |
| Who is doing the regulating? | | | | |
| Primary Responsible Agency | <u>National Agency of Public Registry (NAPR)</u> : The agency (categorised as a “Legal Entity under Public Law”) within the Ministry of Justice responsible for collecting and publishing registrations. <u>Ministry of Justice (MoJ)</u> : Responsible for authorizing individuals (“persons authorised by the Ministry of Justice”) to review registration and financial declarations submitted to NAPR for compliance, as well as to conduct monitoring activities. The Minister of Justice is responsible for setting the procedure for registration, financial statements, revocation of status, and monitoring. | <u>Anti-Corruption Bureau (ACB)</u> : A Legal Entity Under Public Law responsible for implementing the law. | <u>Sovereignty Protection Office (SPO)</u> : As a new agency established by the Act, SPO has analytical, assessment, investigative, and proposal-making activities related to national sovereignty. (Sovereignty Protections Research Institute: A division within the SPO focused on “independent scientific activity” and advancing the professional presence of the SPO in the research space.) | <u>Sovereignty Protection Office (SPO)</u> : Propose a list to the government of “organisations whose activities threaten the sovereignty of Hungary.” <u>Government</u> : Designate by decree organisations to be listed, as proposed by the SPO. <u>National Tax and Customs Administration</u> : Exercise the powers of the anti-money laundering body (AMLB) mentioned in the bill. <u>Anti-Money Laundering Body (AMLB)</u> : The core agency responsible for reviewing, investigating, and providing decisions on suspected transactions, as well as other tasks assigned by the bill. |
| Other Responsible Parties Included | | <u>Ministry of Foreign Affairs</u> : Receives copies of registration and | <u>National Information Centre</u> : This recently created super-intelligence agency is required to provide | <u>Credit Institutions</u> : Those having a seat or branch in Hungary, must establish an independent |

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| | | <p>provides insight on foreign relations implications.</p> <p><u>Other government departments/agencies:</u> ACB may provide other agencies records generated/maintained in administration of this law.</p> | <p>information requested by the SPO, including classified information.</p> <p><u>Investigation Contributors:</u> Organisations, state/local government, and individuals are required to comply with investigations.</p> <p><u>National Assembly:</u> SPO may request to the standing committee on national security to discuss an investigative report and interview the head of an investigated organisation.</p> | <p>“compliance unit” to ensure compliance with bill, including continuous monitoring of payment transactions sent to listed organisations, and if they notice a foreign transaction, “notify the AML authority and suspend the payment until official approval is granted.” Institutions also must carry out transactions, such as the transferring of money to the National Cooperation Fund, as directed by the AMLB.</p> <p><u>National Cooperation Fund:</u> Beneficiary of administrative fines from listed organisations and remaining financial assets of a dissolved organisation.</p> <p><u>Minister of Justice:</u> Responsible for verifying and publishing the listed organisations’ declaration of assets.</p> <p><u>Police:</u> Shall assist the AMLB with on-site inspections if requested.</p> <p><u>AML Coordination Council:</u> Shall coordinate with the AMLB in anti-money laundering efforts.</p> <p><u>Financial Institutions:</u> Those having a seat or branch in Hungary shall receive notice from the AMLB of organisation leadership at their institution who should be considered politically exposed persons. The obligation to maintain banking secrecy will not apply to requests received from the AMLB.</p> <p><u>Hungarian Central Bank:</u> Acting in its capacity as the financial supervisory authority, receiving notices from credit institutions on suspect transactions.</p> |
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| | | | | <u>Court of Registry:</u> Shall prohibit organisation leadership from serving within the next five years if the organisation is dissolved due to violation. |
| Who and what is covered? | | | | |
| Entities Covered | <u>Foreign-Interest Organisations:</u> “Organisations carrying out the interests of a foreign power” can include: <ul style="list-style-type: none"> • Non-entrepreneurial legal person that is not established by an administrative body, • Media organisations (i.e., broadcasters, entities owning a mass information print media outlet, or entities owning/using an internet domain which disseminates mass information in the Georgian language). | <u>Agents of Foreign Principal:</u> Includes an individual, partnership, association, corporation, or organisation who engages in or counsels on political activities or public relations, collects things of value or of interest to the foreign principal, or represents foreign principal before Georgian government. | Anyone if a foreign element can be established. | <u>Any Entity:</u> “Any legal person or other organisation without legal personality.” |
| Activity Trigger | | <u>Specific Activities:</u> Engaging or counselling on political activities, public relations, collecting money/things of value, or represents foreign principal before Georgia government. | <u>Voter Influence Activities:</u> Activities that might “exert influence on the outcome of elections” and/or “influence the will of the voters” in general. <u>Harmful Activities:</u> Activities related to interest representation, information manipulation and disinformation, and influencing democratic discourse that can “harm or jeopardise the sovereignty of Hungary.” | <u>Threatening Activities:</u> “Activities aimed at influencing public life” which “threaten() the sovereignty of Hungary.” Hungary's sovereignty is threatened by activities that violate, portray in a negative manner, or support action against the values set out in articles of the Fundamental Law. Public life activities include those aimed at influencing... <ul style="list-style-type: none"> • Democratic discourse and state and social decision-making processes, • The will of voters or the outcome of elections. |
| What is the foreign trigger? | | | | |
| Foreign Trigger | <u>Foreign Income:</u> When an organisation receives 20% of total income within a calendar year from | <u>Foreign Directive:</u> The agent must act “at the order, request, or under the direction or control, of a | <u>Foreign Funded:</u> Organisations whose covered activities are | <u>Foreign Support:</u> Any direct/indirect contribution from a foreigner, which can include |

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| | a foreign power (note, for media organisations, total non-commercial income). 20% of income includes money or other tangible good received directly or indirectly from a foreign power or a legal person, who in turn, had received the income directly or indirectly from a foreign power, or when the source of income is not identified. | foreign principal,” whether indirectly or directly. | funded with “supports from abroad.” | money, goods, services, and intangible assets. |
| Foreign Sources | Foreign Power: Governmental entity of a foreign state, natural person who is not a Georgian citizen, a legal person not established by Georgian legislation, or an organisational entity established under foreign/international law. | Foreign Principal: Includes a foreign government or political party, as well as any non-Georgian individual, partnership, association, corporation, or organisation. | <i>Note: No explicit definition of abroad in this context is provided.</i> | Foreigners include: <ul style="list-style-type: none"> • Foreign natural person, including a Hungarian citizen who is also a citizen of another state, • Another state, • Legal person, an organisation without legal personality, or other organisation registered abroad or having its central administration abroad. |
| REQUIREMENTS | | | | |
| Transparency | | | | |
| Public Access | Public Website: Organisation registration statements, financial declarations, and related information shall be published on a public website. | Public Database: The ACB must create and maintain a searchable public data base of registration statements and updates, so the public can monitor and inspect. | SPO Website: The SPO shall publish facts, findings, reports, and analyses of its investigations to its website, as well as its annual national sovereignty report. | Public Register: Listed organisations, as well as identified violations of those organisations and leadership asset declarations, shall be listed in a public register. |
| Registration and Declaration | Registration Initiation: Entities that meet the criteria must submit a written, tangible application (indicating their need to register) to the NAPR in the January following the calendar year in which the criteria were met. Statement of Registration: Entities must complete an online statement of registration within 10 working days after being provided access by NAPR. | Initial Registration: An agent must register within 10 days of agreeing to covered activities and cannot begin acting as an agent until they are registered. Initial Disclosure: When registering, the agent must provide a comprehensive statement describing their and their principal's businesses and the terms of their agreement, including payment received and activities | | Decreed List: The SPO shall propose a list to the government, who shall decide by decree, the list of “organisations whose activities threaten the sovereignty of Hungary.” Leadership Assets: Organisation leadership are considered politically exposed persons, under Act LIII 2017 on the Prevention and Combating of Money Laundering and Terrorist |

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| | <u>Financial Declaration:</u> Once registered, entities must submit a financial declaration to the Agency in January of each year. | agreed to. The statement must also include spending related to advancing foreign principal's interest, including with connection with political office elections. <u>Supplemental Statement:</u> Agent must file a supplemental statement every six months. | | Financing. In addition to other requirements, organisation leadership will have to make their own individual asset declarations initially and then annually, which will then be made public. <u>Domestic Donations:</u> In order to accept a domestic donation, listed organisations must require a statement from funders that said donation was not “received directly or indirectly from a foreigner.” |
| Labelling | | <u>Informational Materials:</u> Informational materials that an agent disseminates in interstate commerce on behalf of the foreign principal must be labelled and filed with ACB. <u>Government Interactions:</u> When interacting with the Georgian government, including when communicating political propaganda to or making requests of government agencies/officials or testifying before Parliament, the agent must include a statement indicating they are doing so on behalf of a foreign principal. | | |
| Inspections and Investigations | <u>Data Access:</u> The Ministry of Justice shall authorise individuals who may access to additional data and information, including a wide range of personal data (such as sexual life) and secret information (except for state secrets) in order to validate and monitor the submissions. <u>Monitoring:</u> To identify organisations, the MoJ may, at anytime, “monitor” (essentially | <u>Record Inspections:</u> Agency charged with enforcement of this law shall have access to agent's documents and records as needed. | <u>Investigative Powers:</u> The SPO has broad powers to request information, including “all data related to the case under investigation” from any individual, organisation, and agency connected to the case -- including data from the National Information Centre and classified information. <u>National Assembly Interview:</u> SPO may request to the committee on national security to discuss an | <u>Administrative Inspection:</u> If a listed organisation is suspected of accepting foreign support without authorisation, the AMLB shall conduct an administrative inspection, which can include onsite inspections assisted by the police. <u>Information Access:</u> The AMLB is entitled to access a wide variety of information -- governmental registries must provide data as |

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| | inspect) the activities of any relevant entity, registered or unregistered, as well as request a broad range of information from anyone to support the monitoring. The same entity can only be monitored once within the same six months. | | investigative report and interview the head of an investigated organisation. | requested, and during inspections, a listed organisation and other relevant parties must provide requested data, including personal and protected data. |
| Governmental Reports | | <u>Parliamentary Report</u> : The head of the ACB shall report to Parliament every six months, detailing registrations filling and record keeping. | <u>Annual Report</u> : The SPO shall detail activities in a public annual national sovereignty report, including information about investigations into organisations. The report will also be sent to the Parliament's Committee on National Security and the Government, the latter who must reply to inform the SPO what will they do about the issues raised in the annual report. | |
| Other | | | | |
| Public Tips | <u>Written Request</u> : Monitoring can also be triggered by a written request submitted to the MoJ concerning a specific organisation. | <u>Public Tips</u> : Anyone can contact the ACB with a suspected obligation to register. | | <u>Anonymous Tips</u> : The AMLB must operate an anonymous reporting platform, enabling anyone to report a suspected violation or irregularity. |
| Retroactive Application | <u>Retroactive Effect</u> : Entities who, based on 2023 circumstances, would have qualified under this law, will be required to register within one month after the law enters force. | | SPO reports may include any time, not only after its establishment. | Ongoing funding contracts of CSOs may fall under the scope of the bill. |
| IMPLICATIONS/SANCTIONS | | | | |
| Identification of Violation | | <u>Court Support</u> : If the head of the ACB believes an entity is engaged in/about to be engaged in a violation, they can apply to the relevant court of Georgia. | <u>SPO Notification</u> : SPO can notify the relevant authority if there are any facts or circumstances that can serve as a ground for a proceeding. | <i>Method of designation of organisations as subjects to the bill is not included in the bill.</i> <u>Transaction Review</u> : If the credit institution detects a “transaction subject to authorisation,” it must notify the Tax Office. While the |

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| | | | | office reviews the transaction (for suspension or execution), the organisation is not able to access the funds related to the transaction, possibly for up to 180 days. For such transactions, If the AMLB determines that the transaction is intended to influence public life by complying with the foreign donor's requests or promoting the foreign donor's objectives, the organisation shall be required to repay the donor. In making the decision, the AMLB will consider the “supported organisation’s past activities, objectives, public activities, press and social media appearances.” |
| Imprisonment | | Up to five years for wilful violation, or only up to 6 months for certain violations, either which can be combined with a fine. | | |
| Fines | <ul style="list-style-type: none"> • 25,000 Georgian Lari (GEL) for failing to register or submit the financial declaration. • 10,000 GEL for failing to submit the required information to the website, to correct fault in an incorrectly filled form, or, if identified as part of the MoJ monitoring efforts, to submit requested financial declaration. • 20,000 GEL for failing to correct, within a month, an offense that was already fined 10,000 GEL. MoJ can penalize an organisation every month, for up to six years. • 5,000 GEL for failing to provide requested information by the MoJ, | Up to 10,000 GEL for wilful violations, or only up to 5,000 GEL for certain violations, either which can be combined with prison sentence. | | <p><u>Organisation Fines:</u> If a listed organisation accepts any foreign support without permission, as confirmed by an administrative inspection, the Tax Office shall issue an “administrative fine equal to twenty-five times the amount of the support accepted without authorisation” to be paid to the National Cooperation Fund.</p> <p><u>Leadership Fines:</u> If organisation leadership doesn't declare assets, the Minister of Justice shall impose an administrative fine, ranging from five hundred thousand HUF to two million HUF, which can be imposed repeatedly.</p> |

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| | which such requests can be made to anyone. | | | |
| Liquidation | | | | <u>Dissolution of Organisation:</u> If a listed organisation fails to comply with the bill's obligations, the court can dissolve the organisation; remaining financial assets will be allocated to the National Cooperation Fund. If dissolved, organisation leadership is prohibited from serving in a similar role in another civil society organisation or from founding one for five years. |
| Other | | <u>Alien Removal:</u> If an alien is convicted of violating this regulation, they can be subject to removal. | | <u>Leadership Suspension:</u> If the Minister of Justice determines that an organisation leader has not complied with asset declaration, the right of the leader to represent the organisation will be suspended until the declaration is made. <u>Ban on Activities:</u> If the listed organisation does not pay the fines/amount and/or accepts foreign support without authorisation for the second time, the organisation will be banned for activities that influence public life. |
| REMEDIES / OVERSIGHT / INDEPENDENCE | | | | |
| Legal Remedies | <u>Interim Legal Protection:</u> Appealing against a legal act under this law shall not suspend its effect. | | <u>No Legal Remedy:</u> No administrative court action can be brought in relation to the SPO's actions, including investigations and publications. | <u>Interim Legal Protection:</u> There is no interim legal protection available against relevant decisions involving the AMLB nor suspension of representation by the Minister of Justice. <u>AMLB Decisions:</u> Actions challenging the AMLB may only be brought within 30 days of when the decision becomes final to be |

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| | | | | heard by the Kúria, but the Kúria “may not revise the decision.” |
| Status Termination | <u>Registration Revocation:</u> Entities who no longer qualify can request to have their status changed and their public registration removed. | <u>Self-Termination:</u> If a registered agent wants to terminate their registration, the agent must file with ACB, within 30 days after the end of the agency relationship, a final statement for the final period of the agency relationship. Provided the agency has fully fulfilled its obligations, the registration will be terminated upon receipt of the final application. | | <u>Delisting:</u> The AMLB may verify ex officio or as requested whether the activity of the organisation continues to meet the conditions for listing. If the organisation no longer meets the criteria, the AMLB may propose the delisting to the Government. |