



European Center for  
Not-for-Profit Law

# **Resisting restrictive laws:**

## **A practical guide for democracy defenders**

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# Protecting civil society from restrictive laws:

A one-stop-shop for democracy defenders

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# 1. Why this guide?

In recent years, countries around the world with growing authoritarian tendencies have adopted laws that restrict the work of civil society organizations (CSOs), social movements and independent media, endangering fundamental freedoms.

While often framed as mechanisms to ensure transparency, safeguard national security or legitimately defend democratic institutions, these laws have become a tool of choice for authoritarian leaders to avoid accountability, restrict activities of critical groups and individuals, and stigmatize opposition.

## **They include:**

- 'Foreign agent laws', which purposefully stigmatize and restrict the activities of CSOs or media organizations receiving foreign funding by requiring them to label themselves as 'foreign agents' and comply with additional, highly constraining requirements;
- Overbroad and disproportionate laws on peaceful assembly and civil disobedience;
- Vague or overbroad laws on defamation, disinformation or counterterrorism that are misused against active citizens and organizations;
- Internet and cybersecurity laws that give the government broad and unchecked access to private information or the power to block websites and social media of human rights groups;
- Tax and administrative rules that allow for arbitrary audits, abusive reporting requirements, freezing of accounts, and confiscation of assets;
- Overbroad lobby laws and other regulations that restrict public participation and human rights advocacy.

It is crucial for organizations, movements, and activists operating in countries with authoritarian tendencies to be aware of this rising threat and be prepared to defend the space for civic action. Importantly, enacting any of such laws is not only a problem in itself but also a sign that stricter measures are likely to follow – so stopping them is an important step to avoid further escalation.

With proactive monitoring of proposed legislation and proper preparation, civil society in various countries has managed to stop, delay or mitigate the consequences of such laws.

This guide is designed to help democracy defenders understand how restrictive laws have been used to close civic space around the world, and explore ways to prevent, resist or adapt to them. It is a compilation of existing resources on various elements of civic space defense.

*Please note that, while the various strategies presented are globally relevant, most of the legal standards and judgements referenced come from the European context. We hope to expand the guide in the future with judgements and standards from other jurisdictions.*



## 2. Understanding restrictive laws

### 2.1. Foreign Agents Laws

Foreign agents laws, also known as foreign interference or foreign influence registration laws, require certain entities or individuals that receive funding from abroad or engage in activities with foreign actors to abide by unnecessary and disproportionate requirements. These laws can take different forms, but share **common characteristics**, as identified by [ICNL](#) and [ECNL](#), including:

#### Common characteristics of these laws include:

- Being typically based on an argument of transparency or countering illicit financing and enacted in the name of 'revealing' what is framed as foreign interference in national affairs;
- Focusing on a narrow group of actors, usually applying only to CSOs and sometimes media organizations, funders or individual journalists, activists, and public figures. In some cases the scope of actors can go beyond this to capture other movements registered as for-profit entities;
- Implying that receiving funding from a donor means acting on behalf of that donor, or the government of the country it comes from, failing to clearly define 'agency' or 'representation';
- Imposing heavy reporting and administrative obligations, usually requiring organizations to have a specific formal register and submit burdensome administrative and financial documentation (often including private information about the leadership and staff), giving authorities very broad access to information and audit powers which can be abused;
- Prohibiting certain types of activities, often those vaguely defined as 'political activities';
- Publicly labelling organizations as representatives of foreign interests and force them to include this label in their communications and publications, as a way to generate public embarrassment and affect their credibility;
- Imposing severe penalties for noncompliance, with organizations and individuals that refuse to register and abide by the requirements facing fines, dissolution and other consequences.

Often, such laws are accompanied by limitations on funding, such as changes to state funding mechanisms, withdrawal of public benefit status of CSOs or tax incentives for donations. They are also frequently paired with targeted lawsuits to intimidate those who speak out, political attacks or smear campaigns against civil society organizations critical of the government. They can also be accompanied by laws that restrict minority rights (for example, anti-LGBT laws in [Georgia](#), [Bulgaria](#) or [Hungary](#).)

### **Legal arguments that can be used against this include:**

- Foreign funding restrictions typically place disproportionate limits on the right to receive funding, which is an inherent part of the freedom of association.
- Prohibition of activities for those with a 'foreign agent' label violates freedom of expression and public participation.
- Stigmatization connected with the labeling requirements for the organizations violates freedom of association and freedom of expression.
- Excessive reporting requirements and disproportionate sanctions for non-compliance violate freedom of association.
- Overbroad reporting requirements can violate the right to private life and data protection of the CSO representatives, members, donors or other stakeholders.
- Foreign funding restrictions introduced in EU Member States may violate the free flow of capital within the EU if they are not justified by one of the reasons referred to in art. 65 TFEU or by an overriding reason in the public interest and if they are not proportionate to that objective.

### **Relevant sources**

#### **Key international standards:**

- International Covenant on Civil and Political Rights (particularly Art. 22 and 25);
- Universal Declaration of Human Rights (particularly Art. 20);
- UN Human Rights Council:
  1. Access to Resources: Report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association;
  2. CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service.

#### **Further international standards (regional):**

- Guidelines on Freedom of Association (OSCE/ODIHR, particularly paragraphs 32; 102-104; 200-223);
- Guidelines on Freedom of Association and Assembly of the African Commission on Human and People's Rights (ACHPR);
- Inter-American Declaration Of Principles On The Creation, Operation, Financing, And Dissolution Of Nonprofit Civil Entities (CJI).

#### **Case law (Europe):**

- CJEU ruling European Commission v. Hungary, 2020;
- ECHR ruling Case of Ecodefence and others v. Russia, 2022;
- ECHR ruling Case of Kobaliya and others v. Russia, 2024.

## Read more

- [Cutting civil society's lifeline: The global spread of foreign agents laws](#) (Civicus);
- [Foreign Influence Registration Laws and Civil Society: An Analysis and Responses](#) (ICNL);
- [How to Evaluate a Foreign Influence Legislation?](#) (The Good Lobby).

## Analyses of specific foreign agent laws and their features:

- European Union: [EU Defence of Democracy Package: Proposal for Directive lacks clarity and legal certainty on key definitions](#) (ECNL);
- Georgia: [Overview of the Foreign Influence Law | ECNL](#). See also the analysis of its [Implementing Regulation](#) (ECNL);
- Hungary: [How can EU law safeguard CSOs' access to funding: a landmark decision](#). Analysis of the ECJ ruling on the Hungarian Transparency Law (ECNL);
- Hungary: [Operation Starve and Strangle: companies, independent media and civil society in a chokehold](#). Analysis of Hungary's Bill on the Transparency of Public Life (Hungarian Helsinki Committee);
- Kyrgyzstan: [Analysis of the Kyrgyz Republic Law on Foreign Representatives](#) (ICNL);
- Republika Srpska: [Analysis of the "foreign agent" law](#) (ECNL);
- United States: [FARA's Double Life Abroad: How FARA is Used to Justify Laws that Restrict Civil Society around the World](#). Information on how the US Foreign Agent Registration Act is used as an argument in other countries (ICNL);
- Ukraine: [Initial Analysis of the Package of Draft Laws Related to CSOs Receiving Foreign Funding in Ukraine](#) (ECNL).

## Response strategies:

- [Civil Society Must Be Equipped to Survive and Resist Foreign Agents Laws](#) (NED);
- [How to respond to civic space restrictions: experiences from Hungary, Serbia and Slovakia](#) (ECNL);
- [How to respond to a 'foreign agent' law: Experiences from Georgia](#) (ECNL);
- [Preventing Civic Space Restrictions: An Exploratory Study of Successful Resistance Against NGO Laws](#) (Peace Research Institute Frankfurt);
- [Timeline of government attacks on civil society in Hungary](#) (Hungarian Helsinki Committee).



## 2.2 Overbroad and disproportionate laws on peaceful assembly

This type of law is increasingly used by governments to limit the ability of citizens, civil society organizations, and advocacy groups to engage in collective action and influence decision-making. While they are often justified as measures to ensure public order, prevent violence, or regulate political influence supposedly for the public good, they frequently contain provisions that go far beyond legitimate, necessary and proportionate regulation, effectively curbing democratic participation and silencing dissent.

### Common characteristics of these laws include:

- Imposing burdensome notification or authorization requirements for public gatherings, often allowing authorities to ban assemblies on vague grounds such as “threat to public order” or “national security.”
- Restricting demonstrations in certain areas, especially near government buildings or symbolic public spaces, thus limiting visibility and impact of the protests.
- Introducing severe penalties for organizers and participants of unauthorized gatherings, including heavy fines and imprisonment.
- Expanding police powers to disperse assemblies or detain participants without clear oversight mechanisms.
- Allowing selective enforcement, where politically favored groups are granted more freedom while critics face stricter scrutiny.

These laws often work in tandem with smear campaigns portraying protest organizers as threats to national stability or national values. Frequently, protests are also framed as attempts to overthrow the constitutional order or challenge the results of democratic elections. The result is a chilling effect on public participation, with citizens and organizations discouraged from exercising their rights for fear of legal repercussions.

### Legal arguments that can be used against this include:

- States have a positive duty to facilitate the exercise of the right of peaceful assembly, not just to manage it or control it. States must promote an enabling environment for the exercise of the right of peaceful assembly without discrimination, and put in place a legal and institutional framework within which the right can be exercised effectively.
- Prior authorization of an assembly should not be required as it turns a fundamental right into a privilege subject to the discretion of authorities.
- Blanket restrictions on locations should not be imposed as they are intrinsically disproportionate.
- Sanctions and penalties must be necessary and proportionate. Criminal sanctions should be used only in extreme cases, and they require a particular justification.
- The use of force by the police must strictly comply with principles of legality, precaution, necessity, proportionality and accountability.

## Relevant Sources

### International standards:

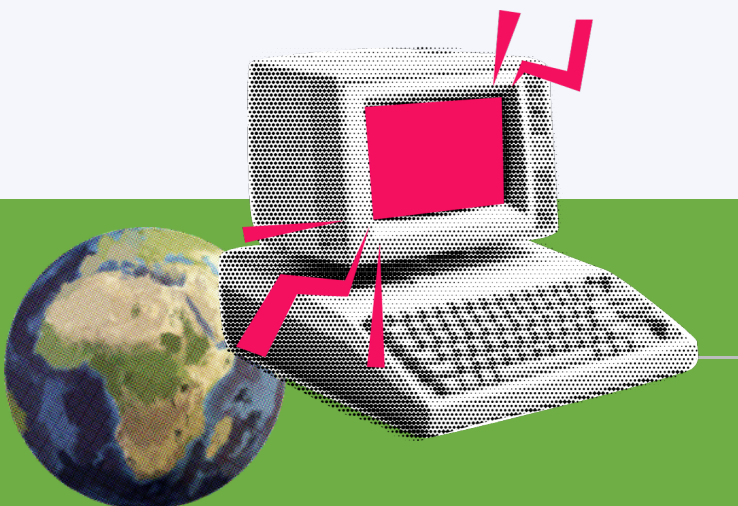
- [UN HRC General Comment 37 on Article 21](#) (particularly paragraphs 8, 24, 71, 73, 74);
- [Joint report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies.](#)

### Case law (Europe):

- [ECHR ruling \*Bączkowski and Others v. Poland\*, 2007](#) (particularly paragraph 64);
- [ECHR ruling \*Identoba and Others v. Georgia\*, 2015](#) (particularly paragraph 99);
- [ECHR ruling \*Berkman v. Russia\*, 2020](#) (particularly paragraphs 55-57).

### Read more

- [Practical Toolkit for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](#) (UN Special Rapporteur on freedom of peaceful assembly and of association);
- [Human Rights Handbook on Policing Assemblies](#) (OSCE ODIHR);
- [Guidelines on the Right to Peaceful Environmental Protest and Civil Disobedience](#) (UN Special Rapporteur on Environmental Defenders under the Aarhus Convention);
- [Guidelines On Freedom Of Peaceful Assembly](#) (Venice Commission and OSCE/ODIHR);
- [Mass protests: A guide on the case-law of the European Convention on Human Rights](#) (Council of Europe), to be read in conjunction with [Guide on Article 11 of the European Convention on Human Rights - Freedom of Assembly and Association](#) (Council of Europe).



### **2.3. Vague or ambiguous laws on defamation, disinformation or counterterrorism that can be abused against active citizens and organizations**

Laws on defamation, disinformation and counterterrorism can be seen as essential in principle for protecting individuals, safeguarding public discourse, and addressing security threats. However, when written in vague or overly broad terms, they become powerful tools for suppressing criticism, silencing independent voices, and targeting legitimate civic activity. Authoritarian-leaning governments often exploit such ambiguity to criminalize speech and activism under the guise of protecting society.

#### **Common characteristics of these laws include:**

- Defining “defamation” or “false information” in subjective or politically biased terms, treating the criticism of public officials and public policies as a criminal offense.
- Criminalizing the dissemination of “fake news” without clear criteria of what constitutes “fake news” or without independent oversight, leaving journalists, activists, and social media users vulnerable to prosecution.
- Using counterterrorism provisions to target nonviolent advocacy or the defense of rights of minority groups and ethnicities who are victims of discrimination and political persecution, with “terrorism” or “extremism” defined so broadly that peaceful protest or exercise of the freedom of expression can be penalized.
- Imposing harsh penalties, including long prison sentences, disproportionate fines, or bans on practicing journalism or public advocacy associated with biased or broad definitions of contribution to defamation, disinformation or terrorism that can be easily abused.

In addition to the direct impact on those prosecuted under these laws, they also undermine democratic debate and freedom of speech by prompting individuals and organizations to self-censor due to legal risks of speaking out.

Legal actions based on these laws are usually coupled with public smear campaigns, discrediting the targeted individuals or groups, framing them as liars, destabilizers, or security threats. In some instances, these groups or individuals are subject to SLAPP lawsuits (strategic litigation against public participation) with the aim to silence their voices. SLAPPS seek to prevent or restrict free expression on matters of public interest, including public interest journalism, peaceful protests, campaigns, whistleblowing or simply speaking out against the abuse of power. In other words, SLAPPs target anyone who works to hold the powerful to account (so-called “public watchdogs”). In some instances, these lawsuits are connected with a practice of “forum shopping” where claimants deliberately seek to file lawsuits in jurisdictions where the law or other aspects of the litigation disproportionately favor the claimant.

### Legal arguments that can be used against this include:

- The government has a primary duty to protect freedom of expression, as it is a fundamental pillar of a democratic society. This freedom covers a wide range of information and ideas, including those that may be offensive or disturbing, since pluralism and tolerance are key to democracy. Any restriction on freedom of expression must be based on law and be necessary and proportionate in a democratic society. The government also has positive obligations, such as protecting journalists and ensuring a safe environment where everyone can participate in public debate.
- Criminal penalties for defamation are generally considered disproportionate and a violation of the freedom of expression. Imprisonment should never be imposed in defamation cases.
- Civil offenses for defamation should be clearly defined and fines/damages should be proportionate and avoid imposing a chilling effect on the freedom of expression.
- Persons of public interest, including politicians and public officials should tolerate a higher level of criticism than other private individuals under the free speech protections.

### Relevant sources

#### International standards:

- [UN HRC General Comment no. 34](#);
- [Joint Declaration on Politicians and Public Officials and Freedom of Expression](#) (UN, OSCE, OAS and ACHPR).

#### Further international standards (regional):

- [Recommendation CM/Rec\(2024\)2 on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#) (Council of Europe);
- [Resolution 1577 \(2007\) Towards decriminalisation of defamation](#) (Parliamentary Assembly of the Council of Europe).

#### Case law (Europe):

- ECHR ruling [Belpietro v. Italy](#), 2013;
- ECHR ruling [Dink v. Turkey](#), 2010;
- ECHR ruling [Handyside v. The United Kingdom](#), 1976;
- ECHR ruling [Mika v. Greece](#), 2014;
- ECHR ruling [Mariapori v. Finland](#), 2010.

### Read more

- [Defining Defamation: Principles on Freedom of Expression and Protection of Reputation](#) (Article 19);
- [Guide on Article 10 of the European Convention on Human Rights - Freedom of Expression](#) (Council of Europe);

- [Limiting the Use of Criminal Law to Restrict Freedom of Expression: A Guide to Council of Europe Standards](#) (Council of Europe);
- [How to identify a SLAPP](#) (CASE Coalition on SLAPPs);
- [OSCE ODIHR Urgent Comments on the Draft Criminal Offences Against Honour and Reputation in the Republika Srpska](#). See also [Analysis of the Amendments to the Criminal Code of Republika Srpska on Defamation](#) (ECNL).

## **2.4. Cybersecurity laws that give the government broad and unchecked access to private information or the power to limit internet access**

Authoritarian leaders around the world have been using internet and cybersecurity laws to restrict freedom of expression, privacy, and access to information – under the guise of ensuring national security and digital safety, especially for specific categories of users, such as children. These laws often grant governments unchecked surveillance powers and the ability to control or block online content, turning the digital sphere into a controlled space hostile to dissent.

### **Common characteristics of such laws include:**

- Allowing mass surveillance of communications and online activities without judicial oversight.
- Requiring internet service providers and digital platforms to store user data for long periods and share it with authorities upon request, often without judicial oversight.
- Granting powers to block or throttle access to websites, social media platforms, or messaging apps under broad and undefined justifications.
- Criminalizing the sharing or hosting of content deemed “harmful,” “offensive,” or “threatening to national security,” with vague definitions that can be applied to legitimate speech.
- Forcing technology companies to localize data storage and/or provide back-door access to encrypted communication, giving authorities easier access to sensitive user information.
- Targeting activists, journalists, and opposition members through digital forensics and spyware, often without transparency or judicial oversight.

These laws can be used not only to target specific individuals and organizations, but also to shape and manipulate the public debate more broadly by blocking influential websites, social media platforms and profiles, or messaging apps and broadcast channels inside them.

### **Legal arguments that can be used against this include:**

- Blanket bans on internet access are disproportionate restrictions to freedom of expression and access to information.
- Blocking of internet websites and platforms that are not strictly limited in scope, justified and do not allow for judicial review also violate these particular rights.

## Relevant sources

- [UNGA Resolution Promotion and protection of human rights in the context of digital technologies 8/213 \(2023\)](#);
- [UN HRC Resolution 57/29 \(2024\) \(Promotion, protection and enjoyment of human rights on the Internet\)](#);
- ECHR cases: [Access to Internet and freedom to receive and impart information and ideas](#) (Council of Europe).

## Read more

- [Freedom of Expression on the Internet](#) (OSCE);
- [Guide To International Law And Surveillance](#) (Privacy International);
- [Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights](#) (UN report of the Office of the United Nations High Commissioner for Human Rights);
- [Internet shutdowns in international law](#) (Columbia University).



## **2.5. Tax and administrative rules that allow for arbitrary audits, abusive reporting requirements, freezing of accounts, and confiscation of assets**

When drafted or applied in an abusive manner, tax and administrative rules can become potent tools for harassing and disabling civil society organizations and media. In many authoritarian countries, such laws are selectively enforced to punish dissenters while leaving allies of the government untouched.

### **Common characteristics include:**

- Imposing excessive reporting requirements that drain organizational resources and capacity and make compliance nearly impossible.
- Allowing tax authorities to conduct repeated or prolonged audits without reasonable cause, often disrupting normal operations.
- Granting powers to public authorities to freeze bank accounts or seize assets without transparent legal procedures, crippling the financial viability of targeted entities.
- Using ambiguous tax regulations to create legal uncertainty and keep organizations in a constant state of vulnerability.
- Conditioning access to certain funding or benefits on political compliance or government approval.
- Penalizing minor administrative errors with disproportionate fines or legal action.
- Including steep potential consequences not only for organizations, but also for their individual representatives, and also requiring detailed private information about those individuals, to stoke fear and raise personal risks.

These measures not only harm targeted organizations but also deter donors, partners, and service beneficiaries from engaging with them, amplifying the chilling effect.

### **Legal arguments that can be used against this include:**

- The government has a duty to protect the freedom of association as guaranteed by various international standards, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) or similar documents for other regions. Any restrictions are only permissible if they are lawful, necessary, and proportionate to a legitimate aim.
- Reporting requirements should be reasonable and respect CSO autonomy. CSOs should not be required to submit more reports and information than other legal entities, such as businesses. Any laws and regulations on audits and inspections should be fair, transparent and provide sufficient safeguards.
- Inspections should be used only in case of a failure to comply with reporting requirements or where there are reasonable grounds to suspect serious breaches of law. Penalties should be proportionate and based on the law in force.

## Relevant sources

- [OSCE/ODIHR Guidelines on Freedom of Association](#) (particularly paragraphs 235-241);
- [OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders](#);
- [Recommendation CM/Rec\(2007\)14 of the Committee of Ministers to member states on the legal status of non-governmental organisations in Europe](#) (Council of Europe).

## Read more

- [Report on Access to Resources](#) (UN Special Rapporteur on the rights to freedom of peaceful assembly and of association).



## 2.6 Restrictions on public participation and advocacy activities

The adoption of overbroad lobbying laws has become a growing trend, limiting the ability of organisations to meaningfully participate in policymaking. In some cases, they include stigmatizing language portraying civil society as actors with a foreign agenda, rather than independent civic actors.

### Common characteristics include:

- Burdensome registration, reporting and disclosure obligations that can harm reputations and divert resources away from organizations' core missions;
- Vague definitions of lobbying or 'influencing public debate' that can apply to any public communication such as a petition or a social media post;
- Lack of exceptions for institutionalized forms of public participation, such as an expert consultation in the legislative process;
- Prohibition from engaging in public participation processes for those organizations that for example receive funding from abroad, or appear in a governmental registry of such organizations.

Vague definitions combined with excessive penalties for noncompliance (such as the forced dissolution of an organization) that can lead organizations to abstain from any public participation, out of fear of potential negative consequences.

### Legal arguments that can be used against this include:

- Every person has the right to take part in public affairs. Civil society plays an essential role in the realization of this right as individuals can participate through civil society organizations.
- States must respect and support the independence and pluralism of civil society organizations, and avoid imposing unjustified restrictions on their access to funding, whether domestic or international.
- Governmental participation mechanisms at all levels should ensure the effective participation of civil society organizations.
- Restrictions on freedom of expression must be provided by law, which requires clarity and foreseeability. Laws that define "lobbying" so broad and vaguely that they may apply to public statements give room for discriminatory application and therefore violate the principles of legality and legal certainty.

### Relevant sources

- [International Covenant on Civil and Political Rights](#) (particularly Art. 19 and 25);
- [General Comment No. 25 \(57\) on the ICCPR](#) (UN HRC, particularly paragraph 8);
- [Guidelines on the effective implementation on the right to participate in public affairs](#) (OHCHR, particularly paragraph 19);
- [Legal status of non-governmental organisations in Europe: Recommendation CM/Rec \(2007\)14](#) (Council of Europe, particularly paragraph 76).

### Read more

- [How can lobbying be regulated to ensure fairness, transparency, and public participation](#) (ECNL).



## 3. Defying restrictive laws

If you expect your government might attempt to restrict civil society soon, it is important to act fast, learn from the experiences of other countries and adapt your strategy accordingly. See timelines of attacks on civil society in other countries, and what strategies organizations took there in section 2. You may also want to conduct a risk assessment to focus your preparation efforts, see for example the guides from [Lifeline](#) or [OpenBriefing](#).

### 3.1. Winning public opinion and building broad support

Very often, those seeking to approve restrictive laws attempt to shape public opinion by portraying civil society in a negative light. In many countries, most people have little understanding of what civil society is or why it matters, making them more susceptible to such narratives. Building support early is therefore essential. Engaging in pro-active communication with the public before restrictions are introduced makes it easier to shape the narrative. Once restrictive measures emerge, responding quickly is equally important, as delays make it harder to regain control of the public debate.

#### **This is what you can do:**

- **Build legitimacy and public support through collective campaigns.** Showcase the added value civil society brings, through joint campaigns with other organizations. Campaigns should aim both at connecting with those who have no idea what civil society is, and mobilising support from those who do (such as people who benefit from services, members of grassroots groups or volunteers). Continue to build momentum by following up with new developments, success stories, or ongoing challenges.
- **Emphasize the real reasons behind these laws**, that they aim to silence critical voices and disempower people by restricting their ability to collectively organize.
- **Make use of powerful, synthetic narratives that frame the proposed restrictive laws as damaging and contrary to the public interest.** For example, Georgian civil society used the concept of “Russian law” to indicate that a foreign agents law would actually serve the interests of their neighbor country, not their own citizens. Embed communication about civil society to other topics that are very relevant in your country - perhaps it is corruption, economic prosperity, job security or housing. See public opinion polls to evaluate what people are concerned about the most, and emphasize how civil society contributes to resolving these issues.

- **Always focus on emphasizing the difference civil society makes to people's lives and include personal stories from beneficiaries.** Make the general public, and groups receiving support from civil society, the center of the narrative. Focus on the fact that there will be fewer social and legal services available, that people in need will not receive support, communities will not be nurtured. Emphasize that people's freedom of speech can be threatened, that businesses may experience a drop in foreign investment, that these undemocratic restrictions will affect the whole of society. Avoid focusing your communication only on how it affects civil society organizations, as that tends to add to the alienation between civil society and the public.
- **Get businesses on your side** by showing how business associations will be affected by restrictions, and how restrictions will negatively affect the economy and foreign investment, such as in Georgia (Examples [1](#), [2](#), [3](#)) or more generally (Examples [4](#) & [5](#)).
- **Showcase how the laws will negatively affect all parts of society.** Apart from businesses, the media can eventually become a direct target, people who do not see themselves as activists may also have their freedom of speech and privacy curtailed.

## Read more

### Speak to the public more effectively

- [Hope-Based Communications: A Checklist](#) (Amnesty International);
- [How To Talk About Civic Space: A Guide For Progressive Civil Society Facing Smear Campaigns](#) (Liberties);
- [Messaging that \(re\)builds public support for civic space](#) (Liberties);
- [Positive communication navigator: How to gain the support of a \(sceptical\) public for civil society](#) (Glopolis, NeoN);
- [Preventing Civic Space Restrictions: An Exploratory Study of Successful Resistance Against NGO Laws](#) (Baldus, Berger-Kern, Hetz, Poppe, & Wolff);
- [Protecting Democracy Means Protecting Civic Space: A Messaging Guide To Resist New Eu Reporting And Registration Restrictions On Civil Society](#). (Liberties);

### Build coalitions within civil society and beyond:

- [Case study: Civilisation- Coalition-building to fight back against government attacks on civil society in Hungary](#) (International Civil Society Centre).
- [Emerging lessons on resilience and solidarity mechanisms to civic space restrictions](#) (International Civil Society Centre.) Tips on coordination and joint campaigns, with country examples.
- [How to Strengthen Collaboration](#): A toolkit for civil society organizations (TPI & GNDR).

### Work on narrative change:

- The module [Safeguarding Civic Space: Harnessing Narrative Change to Restore Public Trust in CSOs](#) includes:
- [10 Core Lessons for Narrative Change Practice](#) (including detailed advice on strategy and messaging);
- [Advocacy cases countering civic space restrictions](#) (with several practical case studies and tips on planning and evaluating campaigns);
- [Common Attack Narratives](#);
- [Immunising against conspiracy thinking on NGOs](#);
- [Proactive Strategic Communications Responses](#).

### Support protesters:

- [Communicating Protest: How to frame persuasive messages](#) (ECNL);
- [Know Your Rights: International Standards On Freedom Of Peaceful Assembly](#) (Civicus);
- [Protestor Support Phonebook](#) (VUKA! Coalition).



## 3.2. Engaging with lawmakers

As restrictive laws must go through parliamentary approval before being enacted, engaging with elected representatives who can serve as allies is a crucial step to stop or mitigate the impact of such legislation – and even after a restrictive law comes into effect, they can continue to play important roles.

### Parliamentarians who are on your side and their teams are able to:

- Map existing bills that seem problematic and keep you informed when new ones come up;
- Work to change the wording of bills;
- Obstruct the processing of bills by making use of bureaucratic measures in the legislative process;
- Open space for civil society in parliament through activities such as public hearings, referendums, testifying before parliamentary committees, and other participatory tools;
- Shape the media narrative and also use their own communications channels to help shape public debate;
- Leverage national and international legal options to stop bills or the enactment of approved laws;
- Help you find and engage with allies in the Executive and Judiciary branches of government (more about this on topic 3.3 below);
- Propose bills that point in the opposite direction and aim at expanding civic space.

### Here are a few steps you should follow to engage lawmakers:

- **Map the political landscape to identify key elected representatives and people close to them** that could potentially serve as partners based on previous campaigns, values, ideology, or voting patterns. While representatives from opposition groups may make natural allies, you will be more effective if you can also engage with: a) members from the ruling coalition that may be willing to break ranks, who have doubts or feel strongly about some issues; b) members from legislative committees looking at issues relating to human rights, social justice etc; c) influential staff and aides to elected representatives who can help convince them to become an active voice; d) former representatives that may still have influence in the political landscape.
- **Know when to engage and make use of external events that open windows of opportunity.** Timing is crucial: periods before electoral campaigns, key votes or important meetings of legislative bodies, including parliamentary committees, can be useful periods for engagement, particularly to win over support from lawmakers or get them to publicly support and endorse a campaign. It is also important to be ready to reach out whenever a new problematic bill is proposed or endorsed by influential politicians, or when the issue of restrictive laws gets high visibility in the media due to campaigning efforts by you and other civil society organizations.

- **Know who the right person or organization is to engage with each lawmaker.** If you are known as a very progressive and vocal actor in civil society, you may not be the best one to reach out to conservative politicians who have been identified as potential allies. Working in diverse coalitions (as discussed in point 3.2 above) and distributing these responsibilities can be very effective (for example, trade union allies can approach politicians from the labor party, church groups can reach out to religious politicians, chambers of commerce and trade associations to libertarians.)
- **Prepare research and evidence that highlights the impact of such legislation on society,** such as on civil society's ability to deliver services to people in need, to oversee public spending; on the investment environment for businesses and on democracy more broadly). Make sure to include real-world examples and stories, from your country and from others where similar legislation exists, to illustrate the consequences and demonstrate the impacts of foreign agent laws on communities. Case studies, impact assessments, and statistics can help make the issue both relatable and grounded, while also showcasing how restrictive laws limit beneficial community services and freedoms.
- **Leverage community mobilisation and organize grassroots efforts that encourage community members to reach out to lawmakers directly** through petitions, community events, public consultations, phone calls, visits to their offices, as well as social media campaigns. Having average citizens highlight public support or concern with the potential repressive measures can really help open space for nonprofits and other institutional players to do their advocacy work.

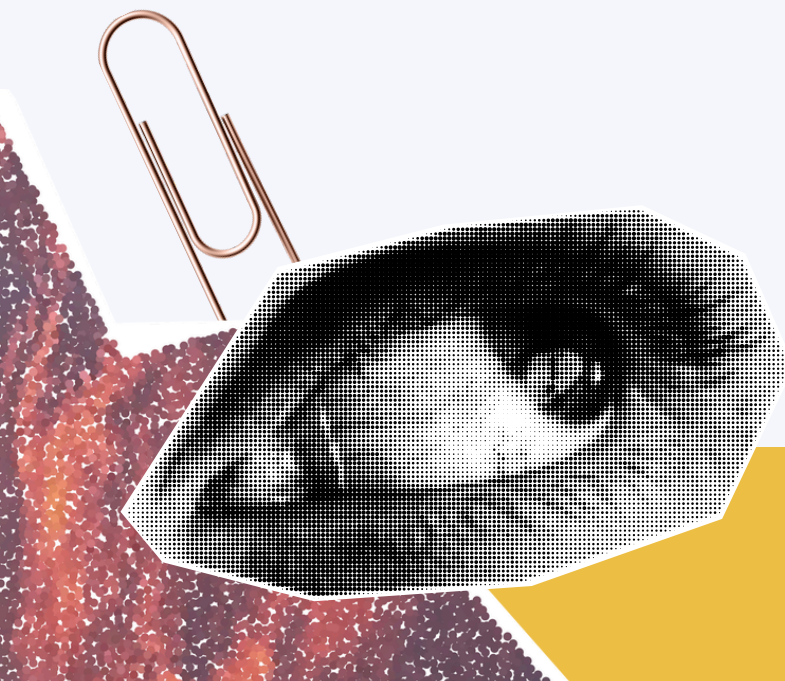
When speaking to lawmakers, it may be useful to show how such laws have alienated countries from the international sphere through statements from international institutions.

You may also want to refer to the same economic arguments conveyed to businesses, as described in the previous section.

## Read more

### Communications from international bodies:

- [Joint Declaration on Protecting the right to freedom of association in light of “Foreign Agents”/ “Foreign Influence” Laws \(UN Special Rapporteurs\)](#).
- [Council of Europe Expert Council on NGO law:](#)
  1. [Addendum to the Opinion on the Draft Amendments to the Slovak Republic’s Framework Regulation Governing Non-Governmental Organisations Introducing the Concept of “Foreign Supported Organisations”;](#)
  2. [Opinion on the Hungarian Bill on the Transparency of Public Life;](#)
  3. [Opinion on the Draft Amendments to the Slovak Republic’s Framework Regulation Governing Non-Governmental Organisations Introducing the Concept of “Foreign Supported Organisations”;](#)
  4. And others, see the [Council website](#).
- If your country’s proposed bill includes references to fighting money laundering or terrorism financing, you can also refer to the [Financial Action Task Force’s Interpretive Note To Recommendation 8 \(FATF\)](#);
- [Georgia Temporarily Suspended from the Open Government Partnership \(OGP\)](#);
- [Bosnia & Herzegovina: Act urgently to reverse deterioration of civic space and strengthen social cohesion, says UN expert \(OHCHR\)](#);
- [Urgent Opinion On The Law Of Georgia “On Transparency Of Foreign Influence \(OSCE/ODIHR\)](#);



### 3.3. Engaging with allies in the executive and judiciary branches of government

While the Legislative branch will be voting on restrictive laws, the executive and judiciary branches can also play important roles before and after the approval of bills.

If you identify and engage with sympathetic officials in the **Executive** (ministers, deputy ministers, heads of agencies, senior civil servants, or even governors, mayors and others at a different level of government), they may be able to:

- Help delay or block the drafting of restrictive bills through political pressure, negotiations or administrative measures;
- Issue administrative guidelines contrary to what is being proposed in restrictive bills;
- Refuse to enforce certain provisions;
- Take legal action against a bill or approved law that can be seen as abusive, unconstitutional or in conflict with other laws.

Regarding independent actors in the **judiciary** (judges, prosecutors, legal advisers) who are seen as contrarian to authoritarian actions, they may be able to:

- Interpret laws narrowly to prevent abuse;
- Strike down a bill or approved law that can be seen as abusive, unconstitutional or conflictful with other laws;
- Issue injunctions to halt enforcement.

#### **This is what you can do when you build relationships:**

- **Map roles, actors and their influence carefully**, present clear evidence on the harm restrictive laws cause, and engage strategically and discreetly to protect allies.
- **Frame civic space defence as vital** not only for democracy, but also for economic and social stability.
- **Open a dialogue with key actors in the executive and judiciary sooner rather than later.** If your country is in the early stages of authoritarianism, it is important to warn them about dangerous trends, so that when real threats arise, you will be able to move faster.

### 3.4. Engaging with funders

While some funders supporting organizations and movements on civic space issues at the global level may already be aware of the growing threat posed by restrictive laws, they are a minority. Most actors working in philanthropy and international aid are not aware of this threat or are not actively committed to working against it. It is important to bring them on board as soon as possible.

Relationships with funders are often sensitive and marked by big asymmetries of power, which can make it hard to have conversations about issues that go beyond your or their current scope of work, or relate to potential blind spots. Nevertheless, having them willing to support resistance efforts before it's too late is crucial, so making sure the right people are having this conversation with them can make a big difference.

Here is some advice on how to **engage funders effectively**:

- **Share clear, evidence-based updates** on the political climate and legislative threats, case studies from similar contexts, and vulnerabilities that require support. If you anticipate threats due to upcoming events (such as elections or political crises), approach them in advance so they can adjust their approach in time.
- **Focus conversations on how they can help**, for example: providing flexible funding for advocacy, legal defense, and resilience; supporting coalition-building and capacity strengthening. Easing visibility or co-funding requirements, reducing reporting burdens or transforming project funding into core funding can also be essential to preserve the resilience of organizations.
- **Ask them to use their influence** (diplomacy, public statements, networks) to counter restrictive measures.
- **Build spaces** where funders will hear about threats to civic space not only from you and other civil society organizations, but from other key actors that can help make them feel compelled to act, such as respected jurists, influential politicians and high-profile journalists.
- **Promote long-term commitment**, emphasizing that resisting restrictive laws usually requires sustained multi-year engagement and ongoing funding rather than one-off crisis support.

Considering the sprawling nature of threats to civic space, approaching funders collectively can be more effective than individually.

## Read more

- [Challenging the Closing Space for Civil Society: A Practical Starting Point for Funders](#) (Philea);
- [Defending Civic Space Against “Foreign Agent” Laws: How Should Donors Respond?](#) (European Democracy Hub);
- [Funding For Real Change | Reimagining Project-Based Giving](#) (Ariadne, EDGE Funders Alliance).

## 3.5. Getting international support

Domestic politics are the main arena for disputes that determine the approval and enactment of restrictive laws. Still, international actors – including foreign governments, multilateral bodies, and civil society organizations and networks – can help prevent and mitigate the problem by raising the political costs for governments, amplifying local voices, and providing support to targeted organizations and individuals.

### Key steps to leverage international support include:

- **Build relationships before a crisis:**
  - Brief embassies, UN Special Rapporteurs, regional human rights bodies, relevant actors in foreign governments and multilateral entities, and leading international news sources on growing authoritarian trends in your country and the threat of restrictive laws;
  - Join global civil society coalitions dedicated to the defense of civic space (such as Civicus and others);
  - Connect with international organizations dedicated to supporting targeted activists and journalists, either through training or through emergency support.
- **Produce and provide credible, verifiable information** by documenting bills and laws, their impacts, their political context and legal analyses to share with relevant international actors.
- **Advocate for supportive resolutions in international fora** that align with domestic advocacy.
- **Encourage coordinated actions:**
  - Promote joint diplomatic demarches and public statements;
  - Organize support from international civil society organizations, ensuring their statements and actions are timed strategically, and share aligned messages.
- **Be ready to counter “foreign interference” narratives** that may be pushed by authoritarians in your country, emphasizing universal human rights standards and highlighting how restrictive laws harm national development and stability (more above in the section on gaining public support)

When effectively combined with domestic mobilization, support from international actors can strengthen resistance to restrictive measures and also boost the morale and motivation of people on the ground.

## Read more

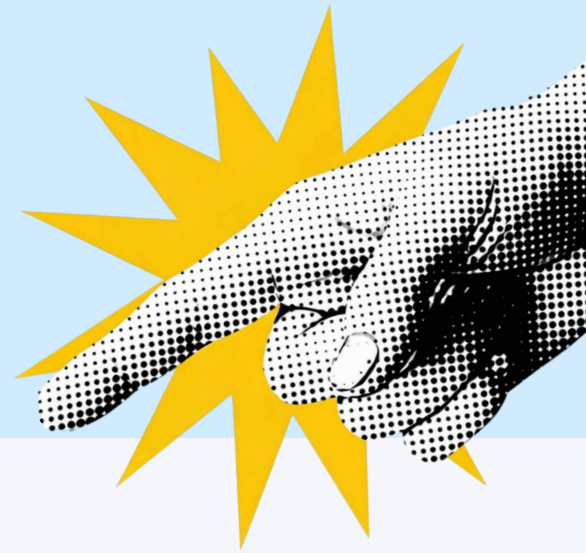
### Specific mechanisms towards international institutions:

- [10 Steps to Writing a Shadow Report](#) (The Advocates for Human Rights).
- The UN:
  1. [Reporting under the International Covenant on Civil and Political Rights - Training Guide](#) (United Nations);
  2. How to raise concerns about civic space in the Universal Periodic Review:
    - [The Universal Periodic Review \(UPR\) and its potential to foster freedom of expression, access to information and safety of journalists - Guidelines for Civil Society Organizations](#) (Amnesty International);
    - [Universal Periodic Review: Tips for Engagement at Country Level for National Human Rights Institutions and Civil Society](#) (United Nations);
- The EU: [Updated Handbook on How to Use EU Law to Protect Civic Space](#) (ECNL, Philea);

### Regional mechanisms:

- [African Commission on Human and Peoples' Rights](#);
- [Council of Europe Directorate General on Human Rights and Rule of Law](#);
- [Inter-American Commission on Human Rights](#).





## 4. Adapting to the enactment of restrictive laws

### 4.1. Shifting to a different legal entity or (partially) relocating abroad

Changing an organization's legal form can reduce exposure to restrictive laws. For example, dissolving a nonprofit entity and re-registering as a cooperative, social enterprise, or for-profit business may remove it from the scope of certain regulations, while still allowing it to pursue its mission.

This strategy requires careful assessment of the trade-offs. A change in legal status can affect tax obligations, eligibility for grants, and the ability to receive donations. It may also alter public perception – shifting from a charitable identity to a commercial one can require significant rebranding and explanation to stakeholders.

The decision should be based on a clear understanding of the legal environment and the risks of remaining under the current legal form. Consulting with legal experts and peer organizations that have made similar transitions can provide valuable insights.

When done strategically, changing legal status can buy time, reduce harassment, and preserve operational capacity, while keeping the organization aligned with its mission.

In contexts where restrictive laws make it impossible for an organization to operate safely within its home country, opening a legal entity abroad can be a viable survival strategy. This approach allows the organization to maintain operations, receive funding, and continue advocacy.

Choosing the right jurisdiction is essential. Factors to consider include the legal protections for nonprofits, the political relationship between the host and home countries, and administrative requirements for foreign registration. The [Global Nonprofits Guide](#) can help you find the best option for you.

Operating from abroad can protect staff and resources, but it also comes with challenges. Maintaining strong links with communities and stakeholders inside the country requires creative approaches to communication and outreach. In some cases, hybrid models – retaining a minimal domestic presence while shifting core functions overseas – can balance safety with effectiveness.

This option should be pursued with legal guidance (tailored to the organization and the countries involved) to ensure compliance with both home and host country laws, as well as donor requirements. While it may not be a permanent solution, establishing an overseas base can keep the organization alive until domestic conditions improve.

## **Read more**

### **Resources that may help you decide on the next steps:**

- [Exiled Media Toolkit](#) (International Journalists Network). Useful tips for running a (media) organization from exile – from fundraising to mental health support for employees;
- [Find a Lawyer](#) (Global Nonprofits Guide). List of clearing houses that may be able to connect you with a pro bono lawyer for tailored legal advice;
- [Global Expansion Guidebooks](#) (DLA Piper). Tools to transform into a for-profit entity;
- [Global Nonprofits Guide](#) (DLA Piper, ECNL, PIIINET). Laws governing civil society organizations worldwide;
- [Strategic guide for CSOs on the move](#) (ECNL). Explore various scenarios to consider what is best for your context.

### **Information on access to banking and financial services:**

- [Nonprofit Banking Guide](#) (ECNL).

## 4.2. Changing fundraising strategies to reduce dependence on international resources

When dealing with restrictive laws that target organizations that receive foreign funding, financial diversification is a key resilience strategy. By increasing domestic revenue streams, organizations can reduce their vulnerability to such measures while strengthening local legitimacy.

Approaches include mobilizing big domestic donors, expanding small individual donations campaigns, developing membership programs, offering paid training or consultancy services, or partnering with local businesses for sponsorships. Crowdfunding and community fundraising events can also generate income while raising public awareness about the organization's work. Depending on the context, a good argument to bring aboard new supporters can be the closure of civic space itself.

Shifting away from reliance on foreign donors may require changes in budgeting, staffing, and program design. It can also involve building new skills in marketing, donor engagement, and service delivery. While domestic fundraising can be resource-intensive, it can create a more stable financial base and demonstrate local support, which can be politically advantageous.

This type of shift can be hard to pull off in the short term, so if you have reasons to believe restrictive laws will become a problem in your country, it is better to start moving sooner rather than later. Over time, a balanced funding portfolio – combining domestic and international sources – offers the greatest protection against politically motivated financial restrictions.

### Read more

- [Guidebook on alternative funding models for civil society organisations in Africa \(West Africa Civil Society Institute \(WACSI\) and Innovation for Change\)](#);
- [Shifting Resourcing Landscapes: Building resilience against challenging and changing contexts \(Civicus\)](#).

### **4.3. Investing in administrative, financial, and legal resources to avoid mistakes that can be used against you**

Restrictive laws are often enforced selectively, with authorities using minor compliance errors as pretexts for harassment, fines, or closure. Investing in robust administrative, financial, and legal systems can reduce these vulnerabilities and strengthen an organization's ability to defend itself.

Key measures include implementing rigorous financial controls, ensuring timely and accurate reporting, maintaining comprehensive records, and conducting regular internal audits. Legal reviews of contracts, publications, and advocacy materials can prevent unintentional violations.

Staff training is essential, so that everyone understands compliance obligations and the importance of documentation. In high-risk environments, having legal counsel on retainer can enable quick responses to government inquiries or inspections.

Importantly, abusive enforcement can happen retroactively, so mistakes you make before the enactment of a restrictive law may also be used against you. This means that you should make sure everything is on track sooner rather than later.

While these investments can be costly, they are often far less expensive than the consequences of non-compliance. A well-prepared organization is harder to target and better equipped to resist politically motivated enforcement.

### **4.4 Protecting your organization, colleagues and devices**

The safety of your organization can rapidly change if a restrictive law is adopted. Be aware of what may be needed to ensure the safety of people, devices and assets. If you have time, we recommend reviewing guides and courses in advance. If the situation changes too fast, you can see the types of emergency response available as well.

When threats escalate into acute crises – such as arrests, raids, violent attacks, or imminent organizational shutdown – preparation and rapid mobilization can be the difference between safety and irreparable harm.



Organizations should maintain updated emergency plans that identify potential risks and how to deal with each of them, assign roles and responsibilities, and establish secure communication protocols. Staff and close partners should know how to act if any of the identified becomes a reality, and keeping funders informed can also be helpful as they may be capable of offering valuable support and advice

Ultimately, the goal is not only to survive the immediate threat but to position the organization to resume operations as quickly as possible, preserving its mission and capacity in the long term.

Get acquainted with international networks that provide various types of support. Organizations dedicated to protecting human rights defenders can provide critical lifelines in times of crisis. You may be able to get emergency relocation, financial assistance, legal assistance, security training, or rapid advocacy in response to threats.

### Read more

#### Security and protection:

- [Open Briefing comprehensive](#) lists on security protocols and toolkits, travel security standards, security risk assessment tools;
- [Protection Ecosystem Map](#) overview of protection mechanisms and emergency funding available in your region.

#### Physical security resources:

- [A Quick Guide on Security for Human Rights Defenders](#) (IBON International);
- [Best Practices for Safety & Security](#) (Global Support Link);
- [Workbook on Security: Practical Steps for Human Rights Defenders at Risk](#) (Frontline Defenders). Comprehensive workbook with tips and checklists on risk assessment, protection of assets and people, security during arrests and assaults, and others.

### Digital security resources:

- [Cybersecurity essentials](#) (CyberPeace Institute);
- [Cybersecurity Self-Awareness Crash Course For NGOs](#) (Liberties);
- [Self-Doxing Guide \(Access Now\)](#). Tips to prevent malicious actors from finding and using personal information against you;
- [Surveillance Self-Defense](#) (Electronic Frontier Foundation). Guides on secure software use and safety precautions you can implement;
- [The Resilient Organization – A Guide to Nonprofit Disaster Preparedness](#) (TechSoup). Actionable steps for effectively responding to IT disasters;
- Helplines for digital security:
  1. [Computer Incident Response Center for Civil Society](#) (CiviCERT);
  2. [Digital First Aid Kit](#) (CiviCERT). Free resource on the most common types of digital emergencies;
  3. [Digital Security Helpline](#) (Access Now).

### People's wellbeing and organizational resilience:

- [Psychological First Aid](#) (Open Briefing);
- [Tools for Resilience: Experiences in Building Resilience of Environmental Initiatives](#) (Friends of the Earth Croatia).

### Emergency funds for protection and/or relocation:

- [Crisis Response Fund](#) (Civicus). Advocacy and resilience grants;
- [EU Human Rights Defender Mechanism](#) (ProtectDefenders). Emergency grants, 24/7 protection hotline, temporary relocation;
- [Emergency Assistance to Frontline Activists](#) (FreedomHouse). Grants for security, relocation, legal and medical aid;
- [Dignity for All LGBTI Assistance Program](#). Rapid response financial support to LGBTQIA+ organizations and defenders;
- [Protection Grants](#) (Frontline Defenders). Grants for legal and medical fees, improving security and assistance to family members;
- If you need to temporarily recharge before continuing your work, consider [Shelter City](#).



European Center for  
Not-for-Profit Law

**Resisting restrictive laws:  
A practical guide for democracy defenders**