IN THE EUROPEAN COURT OF HUMAN RIGHTS **APP NO. 42086/19**

B E T W E E N :

AMNESTY INTERNATIONAL HUNGARY

Applicants

-v-

HUNGARY

Respondent Government

WRITTEN SUBMISSIONS OF ARTICLE 19

Submitted on 29 August 2024

Introduction

1. Based on the leave of the President of the Court, granted on 11 July 2024, this third-party intervention is submitted by ARTICLE 19: Global Campaign for Free Expression (ARTICLE 19). These submissions do not address the facts or merits of the case.

2. This case raises important questions on permissible regulatory requirements and controls imposed by States on non-governmental organisations (NGOs) in the name of protecting national security, counteracting alleged foreign influence or promoting transparency. The core of the case concerns the compatibility of Article 353A of the Criminal Code of Hungary, entitled "Facilitating Illegal Migration", with the rights to freedom of association and expression, guaranteed under the European Convention of Human Rights (the Convention). ARTICLE 19 believes that it is important to assess the effect of this provision on associations in the larger context of the legislative package referred to as the "STOP Soros" proposal and earlier restrictions imposed on organisations receiving foreign funding. In this submission, ARTICLE 19 provides:

   (i) Overview of international and comparative standards on freedom of expression and freedom of association in the context of the regulatory controls imposed on operations of non-governmental organisations;

   (ii) Comparative law/examples from other jurisdictions of sanctions and restrictions imposed on non-governmental organisations, and how they are applied in practice, including in criminal law;

   (iii) Analysis of how reporting and regulatory requirements for the declared aims of general transparency of NGO operations should be assessed under the aforementioned standards, particularly in the tests of legality and necessity.

i) International and comparative standards concerning permissible regulatory controls imposed on operations of NGOs

3. There is an important set of international human rights standards concerning permissible regulatory controls imposed on NGOs' operations under the rights to freedom of expression and association. They underscore the importance of safeguarding the operational autonomy of NGOs while promoting transparency and good governance and stipulate that any restriction of the rights to freedoms of expression and association must follow the three tier-test of legality, pursuance of legitimate aim, and necessity and proportionality.[1] In particular, the following international standards offer useful guidance:

   - **The 1999 UN Declaration on Human Rights Defenders** stipulates that "*everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels*".[2] Associations whose activities are directed at the promotion and advancement of human rights make a particularly essential contribution to the development and realisation of democracy. These activities, often undertaken by human rights non-governmental organisations, warrant facilitation and heightened protection from interference by the state.

- **The United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association** stressed the obligation of States not to unduly obstruct the activities of associations. The latter should remain free in determining their status, structure and activities without State interreference. Critically, associations which promote and defend minority or dissenting views or beliefs, which may very well clash with government's positions or policies, must be firmly protected as well.[3]

- On the regional level, **the OSCE/ODIHR Joint Guidelines on Freedom of Association (the OSCE Guidelines)** stipulate that States should not determine impermissible objectives for associations, save for those that are incompatible with international human rights law.[4] Human rights associations typically engage in a wide range of activities such as awareness raising, distribution of information materials, building support networks, and advocacy. By engaging in this work, associations facilitate access to public information and contribute to debate on issues of public interest. As stated in the OSCE Guidelines:

  > [T]he exercise of freedom of expression and opinion also means that associations should be free to undertake research, education and advocacy on issues of public debate, regardless of whether the position taken is in accordance with government policy or advocates a change to the law.[5]

- **The Venice Commission** eloquently summarised the principle of respect for the free choice of objectives and activities of associations: "*It lies at the heart of the freedom of association that an individual or group of individuals may freely establish an association, determine its organization and lawful purposes, and put these purposes into practice by performing those activities that are instrumental to its functions*." It warned against "state prohibitions" that affect the operation of associations and noted that actions of individuals should not prevent the exercise of the freedom of association.[6]

4. On the separate issue of access to funding, international standards strongly protect non-discriminatory access to foreign and domestic funding sources for all associations, regardless of their goals and activities. For example:

   - **The United Nations Special Representative of the Secretary-General on human rights defenders** noted that Governments must allow access by associations to foreign funding as a part of international cooperation, "to which civil society is entitled to the same extent as Governments."[7]

   - **The Venice Commission** echoed the principle of avoiding discriminatory restrictions against associations based on their sources of funding and noted that general considerations of transparency cannot be used "as a pretext to control NGOs or to restrict their ability to carry out their legitimate work, notably in defence of human rights."[8]

ii) Comparative law/examples from other jurisdictions on sanctions and restrictions imposed on non-governmental organisations, and how they are applied in practice, including in criminal law

5. ARTICLE 19 notes that, in the present case, the criminal provision that penalises "facilitating illegal migration" has been adopted in the framework of a larger legislative

package, known as "Stop Soros" legislation, targeted at foreign-funded non-governmental organisations. We invite the Court to consider the legislative context of "foreign agents"-style laws in Hungary as important to establishing the objectives and effects of the criminal provision at hand. In this respect ARTICLE 19 evokes the importance of the Court's existing case-law on the compatibility of some aspects of "foreign-agents laws" with the rights to freedom of expression and association (see *Ecodefence and Others v. Russia*[9]). Therefore, we respectfully submit that it would be most opportune to assess the circumstances in this case in the light of human rights standards and comparative law on the "foreign agents" laws.

6. "Foreign agent"-type laws have proliferated in recent years in states across the region and all share a number of qualities, often being inspired by one another. Hungary's past legislative amendments that aimed to effectively restrict foreign funding of NGOs were described by the Parliamentary Assembly of the Council of Europe as "inspired by the corresponding Russian law".[10] The rationale provided by States for these restrictions is remarkably consistent: prevention of foreign interference in domestic affairs; national security; and vaguely formulated transparency.

7. ARTICLE 19 observes that in practice, the purpose and effect of foreign-agent style laws is to prevent NGOs, human rights defenders, and others from challenging state authority. The enforcement practice also suggests that many of these laws are adopted with an ulterior purpose and that the restrictions do not genuinely serve the interests of national security or any other legitimate aim. We would like to highlight the following examples:

   - **Georgia** is the country with the most recently passed foreign agents style law. In commenting on the legislation, which follows the now typical model of onerous registration and reporting requirements for associations coupled with significant fines, the Venice Commission concluded that it enabled "persistent and stigmatising obstacles concentrated in the hands of the state" which "with no doubt complicate and threaten the effective operation and existence of the organisations concerned."[11] The Venice Commission found the law incompatible with the rights to freedom of expression, freedom of association and privacy, noting the breach of all elements of the three-tier test: legality, legitimacy, necessity and proportionality. In addition, creating discriminatory approaches to regulating the activities of associations based on the origin of their funding was found to be in violation of the principle of non-discrimination under Article 14 of the European Convention.

   - In **Türkiye**, a recently enacted foreign agent type law enables the authorities to target the activities of NGOs and the right to association of their members.[12] In its Opinion on the law, the Venice Commission noted that, although effective State measures to protect national security and public safety may justify certain limitations, it is key that permissible restrictions do not only follow the tripartite test of legality, legitimacy, and necessity and proportionality, but also that they shall not be applied for any purpose other than those for which they have been prescribed.[13]

   - **Azerbaijan** has, over a number of years, introduced a series of vaguely worded legislative measures impacting on the ability of NGOs to operate.[14] The measures progressively created an onerous registration and compliance regime, effectively amounting to the state approval of certain objectives and activities of an association. Foreign NGOs and their branches in Azerbaijan were targeted at the early stages of the implementation of the new legislation and were then squeezed out of the country.[15]

- Similarly, outside the Council of Europe, in **Belarus**, a 2011 law regulating the activities of NGOs imposes restrictions that are similar to those found under the Russian law.[16]

8. Comparative laws from regions outside Europe and their legal assessment also offer essential guidance. In particular:

   - The Inter-American Commission on Human Rights (IACHR) commented on the **Nicaraguan Foreign Agents Law** as follows; "…*with the excuse of branding as a "foreign agent" any individual or organization who is a beneficiary of international cooperation or has ties with institutions who promote international cooperation, the new law seeks to silence individuals and organizations who are deemed to oppose the Nicaraguan government and to prevent the exercise of civil liberties, including freedom of expression and association.*"[17]

   - In April 2021, the Inter American Association of Press referred to a proliferation of legislation or rhetoric **in the Americas** aiming to stifle the work of journalists and civil society organisations defending freedom of expression and human rights in general under the guise of putting an end to foreign interference in countries like Nicaragua, Mexico, Venezuela, Cuba, Ecuador and Bolivia.[18]

9. To return to the legislation in **Russia**, it is significant that the scope of "foreign agents laws" has widened over time through the addition of new regulatory requirements and harsher sanctions and the extension of the laws' application to new categories of organisations and individuals. Since 2012, the applicability of the "foreign agent" legislative regime, initially aimed at NGOs, extended to journalists, lawyers and, most recently, those who report on problems in the military and security services.[19] The OSCE Representative on Freedom of the Media, Teresa Ribeiro, expressed her concerns at this ongoing expansion noting that the practice of Russian authorities designating media outlets and journalists as foreign agents "imposes excessive burdens upon media organisations and individuals, and, by stigmatising them, exerts a dangerous chilling effect on their work".[20] All in all, the practice of designating as foreign agents and subsequently persecuting those organisations and individuals who are critical of the government has become a clear pattern.

10. In many instances, States may draw a comparison that the **United States** has a foreign agents registration law, the Foreign Agents Registration Act (FARA), in an attempt to justify their own adoption of a measure. While we do not engage in a detailed analysis of that framework here, we do observe that FARA's vague wording leaves it ambiguous as to its breadth and unpredictable application, which has been a subject to controversy and contention.[21] Additionally and importantly, many of the foreign agents laws in other countries such as Russia go beyond the already-broad US approach, which at least requires establishing an "agency" relationship between an individual or entity and a foreign "principal" and has some limited carve-outs.[22]

11. Additionally, the **Australian Foreign Influence Transparency Scheme** (FITS),[23] like FARA, requires the establishment of an agency relationship with a foreign principal, and generally exempts not-for-profit organisations from its scope, thus alleviating its adverse effect on freedoms of association and expression. However, even this narrower foreign influence law raises human rights concerns due to the stigmatisation of entities it covers by requiring the labelling of their materials as "foreign-related". Like FARA, Australia's FITS

has been criticised for selective and discretionary application and was accused of having had specific "intended targets" at the stage of the formulation of the legislation.[24]

iii) Assessment of reporting and regulatory requirements for NGO transparency under freedom of expression standards

12. Based on the forgoing and based on the previous case law of this Court, ARTICLE 19 submits that any state measures, which de facto limit the freedom of NGOs to determine their objectives and conduct their activities, must be assessed in light of freedom of association and freedom of expression standards, including the jurisprudence of this Court. The risk of bans of certain NGO activities and possible dissolution of an association due to the conduct of its members elevates the need for judicious scrutiny of the adverse effects of the impugned law.

13. In the analysis of the effects of restrictive legislation applicable to associations and its members, ARTICLE 19 recalls this Court's previously held position that freedom of expression extends not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the state or any sector of the population.[25] In *The United Communist Party of Turkey and Others v. Turkey* and *Refah Partisi v. Turkey*, the Court recalled this principle when demarcating the limits of objectives and activities of political groups: non-recourse to violence or incitement of the latter or the aims that are directed at "the destruction of democracy and infringement of the rights and freedoms".[26] The mere fact that certain objectives or activities of an association are challenging the current state policy or legislation, advocate for controversial social issues, or run counter to the public opinion in no way justifies imposition of restrictions on these activities. In *Koretskyy and Others v. Ukraine*, the Court reaffirmed its approach and stated the following:

> [T]he State's power to protect its institutions and citizens from associations that might jeopardise them must be used sparingly, as exceptions to the rule of freedom of association are to be construed strictly and only convincing and compelling reasons can justify restrictions on that freedom.[27]

14. Therefore, ARTICLE 19 suggests that the aforementioned high standard of protection of the independence and autonomy of associations in determining their goals and activities should guide the legal analysis under the tripartite test for restrictions. Separately, as we note in the previous section, the criminal provision at hand calls for a broader analysis of the regulatory environment for associations in Hungary. We thus believe that it is this larger context of restrictions against associations, in particular foreign-funded NGOs, that should form the basis for the application of Article 18 of the Convention.

15. **Legitimacy of restrictions:** Any interference into the rights to freedoms of association and expression must have a legitimate purpose, as set out in the exhaustive grounds for limitation in Articles 10(2) and 11(2) of the European Convention.

16. In the context of this case, ARTICLE 19 observes that the prevention of disorder or crime is among the recognised grounds. However, we submit that the activity of supporting asylum seekers in their right to apply for asylum and use legal remedies to defend that right should be distinguished from criminal smuggling activities. The Court has already considered the

latter question in *Mallah v. France* where it upheld the compatibility with the European Convention of national criminal law intended to fight organised criminal networks who smuggle foreigners across the border or help them remain on the territory of France illegally, in exchange for money.[28]

17. We also wish to draw attention of the Court to the Joint Opinion on the "Stop Soros" draft legislative package of the Venice Commission and the OSCE/ODIHR, which stipulates that criminal laws against smuggling should be distinguished against the blanket prohibition of "facilitating illegal migration".[29] The latter can manifest in supporting a person who intends to obtain a title of residence in applying for or undergoing an asylum procedure, as well as challenging a deportation or expulsion order through legal means.

18. **Necessity and proportionality:** Resort to criminal law in regulating activities of associations requires particular scrutiny as to the tests of necessity and proportionality. The Court's application of this element of the three-tier test in *Ecodefense and others v. Russia*[30] offers guidance as to the following key elements of the assessment of the proportionality of the sanctions applicable to associations:

    a. analysing whether the penalty may amount to a form of censorship, discouraging associations from expressing dissent or criticism;

    b. determining the effect of the sanction on the ability of associations to perform their task of "public watchdogs";

    c. strict proportionality between the gravity of the offence and selected sanction.

19. A useful example from comparative law can be found in the Venice Commission's scrutiny of the regulatory controls on associations in Egypt, including the applicable criminal sanctions and the risks of dissolution. The Venice Commission urged the Egyptian authorities to abrogate the criminal provisions that severely punish NGOs for conducting certain activities without a specific government authorisation. [31]

20. In Russia, the progressive harshening of the sanctions against associations for non-compliance with foreign agents legislation and the incoherent application of these sanctions was pointed out by the Venice Commission as a manifest example of the violation of the principle of proportionality.[32] The proportionality assessment of criminal laws in particular requires the utmost scrutiny as to the purported nature and degree of social danger of offenses, which must be weighed against the protection of freedom of association. A pressing social need should be established to justify the very resort to penal measures. Further proportionality analysis should be applied to the type and scale of the sanctions.

21. We invite the Court to give particular weight to separating personal liability of founders or members of an association from regulatory restrictions against the association as a legal entity.[33] In this sense it is key to analyse the larger legislative context that provides the grounds for discontinuing or other issuing restrictive measures against associations whose members are found guilty of having committed certain criminal acts.[34] The dissolution of an association is a particularly severe restriction on association and, in most cases, easily fails the tripartite test. International standards on freedom of association demand a graduated approach to penalties for violations of legislation, where criminal sanctions and dissolution must be treated as a measure of last resort.[35]

22. Finally, the assessment of the necessity and proportionality should be complemented by considerations of any "chilling effect" produced by the criminal sanctions. The Court has developed sophisticated jurisprudence on the "chilling effect" that takes account of the fear and insecurity which arises from a threatened or potential criminal prosecution or other sanction. Any criminal, administrative or regulatory sanction, including a fine or conviction, is a form of punishment capable of having a "chilling effect".[36]

23. Additionally, ARTICLE 19 notes that under **Article 18 of the Convention**, States are prohibited from using legitimate aims as pretext to control or to restrict lawful activities[37] and they must act in good faith. We suggest that the larger context of legislative initiatives on restrictions against associations in Hungary, including the "Stop Soros" legislative package, is relevant to the analysis under Article 18 of the European Convention, which is one of the questions of the subject matter of the present case.

24. We respectfully draw attention of the Court to its previous jurisprudence which established that, where an examination of all the circumstances of the case "indicates that the actual purpose of the impugned measures was to silence and punish the applicant(s) for (their) activities", then it can be concluded that Article 18 has been violated.[38] The Court has stated that Article 18's terms appear capable of allowing a sufficiently objective assessment of the presence or absence of an ulterior motive and thus of a "misuse of power" ("*détournement de pouvoir*", as stated in the Convention's Travaux Préparatoires), which is prohibited under the object and purpose of Article 18.[39]

25. This Court has previously established that in the context of "misuse of power" targeting specific groups, as in the group of cases against Azerbaijan, there are several specific factors which allow for a finding of a violation of Article 18. In the so-called *Mammadov/Mammadli* group of cases the Court established a pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of the criminal law.[40] In those cases, the Court developed a three-tier approach to establishing the pattern of a misuse of power in the sense of Article 18 and an ulterior motive that circumvents the impugned legitimate aim:

- First, the Court examined the general context of the increasingly harsh and restrictive legislative regulation concerning the right allegedly violated in that country.

- Secondly, it examined the statements of high-ranking state officials together with the articles published in the progovernment media relevant to the matter in issue.

- Thirdly, it examined whether a pattern has emerged where individuals in the same position as the applicant have been targeted in the same or similar terms to the applicant.

26. We respectfully submit that a similar approach should be applied to the present case.

Conclusions

27. ARTICLE 19 urges the Court to uphold a high standard of protection of freedoms of expression and association in cases concerning restrictions on permissible activities of NGOs. We submit that it would be most useful to follow established jurisprudence and

examine the criminal provision at hand in the larger context of increasingly restrictive Hungarian regulations of the activities of associations, particularly those that receive foreign funding, as well as the government rhetoric vis-à-vis them.

JUDr. Barbora Bukovska
Senior Director for Law and Policy
On behalf of ARTICLE 19

[1] International Covenant for Civil and Political Rights, Articles 19(3) and 22(3); European Convention on Human Rights, Articles 10(2) and 11(2).
[2] Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 8 March 1999, adopted by Resolution of the UN General Assembly 53/14, Article 1.
[3] Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (Best practices that promote and protect the rights to freedom of peaceful assembly and of association), 21 May 2012, A/HRC/20/27, para 64.
[4] The OSCE/ODIHR Guidelines on Freedom of Association, 2015, para 179.
[5] *Ibid.*, para 101.
[6] European Commission for Democracy Through Law (Venice Commission), Compilation of Venice Commission Opinions Concerning Freedom of Association, 3 July 2014, CDL-PI(2014)004, para 5.1.
[7] Report of the Special Representative of the Secretary-General on human rights defenders, 1 October 2004, A/59/401, para 82(l).
[8] Venice Commission, Compilation of Venice Commission Opinions Concerning Freedom of Association, 3 July 2014, CDL-PI(2014)004, para 8.3.
[9] *Ecodefence and others v. Russia*, App. nos. 9988/13 and 60 others, 10 October 2022.
[10] See Council of Europe, Resolution 2162 (2017), Alarming developments in Hungary: draft NGO law restricting civil society and possible closure of the European Central University, 27 April 2017.
[11] Venice Commission, Urgent Opinion on the Law on Transparency of Foreign Influence in Georgia, 21 May 2024, Opinion No. 1190/2024, paras 96-97.
[12] Law on Preventing Financing of Proliferation of Weapons of Mass Destruction; See criticism of the law, Parliamentary Assembly Council of Europe, *Rapporteurs urge Turkish parliament not to adopt new restrictions on NGOs*, (21 December 2020, available at: https://pace.coe.int/en/news/8147/rapporteurs-urge-turkish-parliament-not-to-adopt-new-restrictions-on-ngos-.
[13] Venice Commission, Opinion on the Compatibility with International Human Rights Standards of Law No. 7267 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction, 6 July 2021, Opinion No.1028/2021, para 34.
[14] See Law of the Republic of Azerbaijan- On Non-Governmental Organisations (Public Associations and Funds) ("the NGO Law") adopted 13 June 2000 (amendments on it were adopted on 15 February 2013, 17 December 2013 and 17 October 2014); The Law of the Republic of Azerbaijan- On State Registration and State Register of Legal Entities ("the Registration Law") adopted 12 December 2003; The Law of the Republic of Azerbaijan - On Grants ("the Law on Grants") adopted 17 April 1998 and amended 17 October 2014.
[15] See Venice Commission, Opinion on the Compatibility with Human Rights Standards of the Legislation on Non-Governmental Organisations of the Republic of Azerbaijan, 19 October 2011, Opinion No. 636/2011.
[16] Law of the Republic of Belarus on Public Associations, No.3252-XII (4 October 1994) [as amended at 4 November 2013]; See also, Olga Oleinikova, *Foreign Funded NGOs in Russia, Belarus and Ukraine: Recent Restrictions and Implications* (2017) Vol. 9 No. 3, Cosmopolitan Civil Societies: an Interdisciplinary Journal available at: https://epress.lib.uts.edu.au/journals/index.php/mcs/article/view/5637/6188
[17] The IACHR also noted that "This act is being implemented alongside others that have recently been passed and that are also a source of concern for the IACHR. The Commission believes that these pieces of legislation (the Special Cybercrime Act, the Act to Defend the Rights of the People, and the Reform of the Code of Criminal Procedure) all seek to scare Nicaraguans, with a view to restricting freedom of expression, in violation of inter-American human rights standards" See OAS, *IACHR Rejects Nicaragua's Foreign Agents Act and Calls on the State to Repeal It* (26

February 2021), available at: http://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/043.asp

[18] Inter American Press Association, *Non-interference and freedom of association - Resolution of the IAPA Midyear Meeting* (20-23 April 2021), available at: https://en.sipiapa.org/notas/1214528-non-interference-and-freedom-of-association

[19] Order of the Federal Security Service of the Russian Federation of 28 September 2021 No. 379 "On approval of the List of information in the field of military, military-technical activities of the Russian Federation, which, when received by a foreign state, its state bodies, an international or foreign organisation, foreign citizens or stateless persons can be used against the security of the Russian Federation, available at: http://publication.pravo.gov.ru/Document/View/0001202109300048?index=2&rangeSize=1

[20] Organisation for Security and Co-operation in Europe, *OSCE Media Freedom Representative expresses grave concern about dangerous effects of 'foreign agent' legislation on media freedom in Russia* (24 August 2021), available at: https://www.osce.org/representative-on-freedom-of-media/496291

[21] See e.g., ARTICLE 19, Requiring media to register as 'foreign agents' poses threat to free speech, 17 November 2017; Nick Robinson, Fixing the FARA Mess, Just Security, 16 March 2022.

[22] Samantha Laufer, A Difference in Approach: Comparing the US Foreign Agents Registration Act with Other Laws Targeting Internationally Funded Civil Society, International Journal of Not-for-Profit Law, Vol. 19 No. 1, April 2017.

[23] Australia, Foreign Influence Transparency Scheme Act 2018, No. 63, including amendments of 2 November 2023, available at Federal Register of Legislation - Foreign Influence Transparency Scheme Act 2018.

[24] See Alemanno, Alberto and Sames, Felix, Foreign Influence Legislations: A Comparative Analysis and Critical Evaluation (December 14, 2023). Available at SSRN: https://ssrn.com/abstract=4664891.

[25] *Handyside v. the United Kingdom*, App. No. 5493/72, 7 December 1976, para 49.

[26] *United Communist Party of Turkey and Others*, App. No. 19392/92, 30 January 1998, paras 57-58; *Refah Partisi (the Welfare Party) and others v. Turkey*, App. nos. 41340/98, 41342/98, 41343/98 and 41344/98, judgment of 13 February 2003, paras 44-47.

[27] *Koretskyy and Others v. Ukraine*, App. no. 40269/02, 3 April 2008, para 51.

[28] *Mallah v. France*, App. No. 29681/08, 10 November 2011.

[29] Venice Commission Opinion No. 919 / 2018, OSCE/ODIHR Opinion No. NGO-HUN/326/2018, 25 June 2018, paras 72-80.

[30] *Ecodefence and others v. Russia*, App. nos. 9988/13 and 60 others, 10 October 2022, paras 179-182.

[31] Venice Commission, Interim Opinion on the Draft Law on Civic Work Organisations of Egypt, CDL(2013)023, 16 October 2013, para 67.

[32] Venice Commission, Opinion on Federal Law No. 121-FZ on non-commercial organisations ("Law on foreign agents") and on federal laws No. 18-FZ and No. 147-FZ on Federal Law No. 190-FZ on making amendments to the Criminal Code ("Law on treason") of the Russian Federation, 27 June 2014, CDL-AD(2014)025, para. 105

[33] See *Refah and others v. Turkey*, Applications nos. 41340/98, 41342/98, 41343/98 and 41344/98, 13 February 2003.

[34] This connection in Hungarian legislation is analysed in Venice Commission's Opinion No. 919 / 2018, referenced above, para 88.

[35]See the Committee of Ministers of the Council of Europe, Recommendation CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe paras 71-72; Venice Commission, CDL-AD(2017)015, Hungary - Opinion on the Draft Law on the Transparency of Organisations receiving support from abroad, para 62; CDL-AD(2011)036, Opinion on the compatibility with universal human rights standards on the article 193-1 of the criminal code on the rights of non-registered associations of the Republic of Belarus, para 107

[36] *Cumpana and Mazare v. Romania*, App. No. 33348/96, 17 December 2004, paras 114, 116. *Dupuis and Others v. France*, App. No. 1914/02, 7 June 2007, para 48.