

“Foreign Agents” Law Initiative in Serbia

Comparative overview with legislation in Russia, Georgia, and Hungary

- The proposed "Foreign Agents" Law in Serbia is a copy-paste of the same initiative from Republika Srpska. The text closely resembles Russia's legislation in its definitions and language, particularly regarding "foreign agents", "political activity", and "inspections".
- The Serbian proposal mandates obligatory registration for organizations receiving over 50% foreign funding in a year.
- The proposal is justified by the need for transparency, safeguarding national sovereignty, and replicating U.S. FARA rules - all of which Russia, Georgia, Hungary, Republika Srpska, and other countries used to defend the idea behind it.
- The proposed control mechanisms include regular and ad-hoc inspections and large fines for non-compliance.

MPs from the Serbian Government's pro-Russian coalition partner - Movement of Socialists, headed by the Deputy Prime Minister, Aleksandar Vulin - submitted the **Bill on the Special Registry of Agents of Foreign Influence to the Parliament on November 29, 2024.**

The proposal is substantially [similar to the one submitted by the government of Bosnia's Serb-dominated entity, Republika Srpska](#)¹, and exercises high matches to [the idea announced by the Serb political fraction in Montenegro](#), which currently holds the position of the Speaker of Parliament.

Below is a comparative overview of four legislative pieces - from Serbia, Russia, Georgia, and Hungary - while the analysis was also cross-referenced with similar laws or their proposals in Republika Srpska, Slovakia, and Kyrgyzstan.² The similarity between all these countries lies in their authoritarian inclinations, following the Russian playbook, where stigmatization of civil society, media, and individuals as "foreign agents," with accompanying enforcement mechanisms, has become one of the main tools in exercising authoritarian control.

While Serbia's proposal seems more liberal, requiring a minimum of 50% of organizational funding to originate from foreign funds for obligatory registration in the special register, **the manner in which it sets definitions of the "foreign agent," and especially that of "political activity," together with its control mechanisms and sanctions, makes it a (rudimentary) version of the Russian legislation.**

The highest officials - from the President of Serbia³ to the Ombudsman, who gave an interview to RT Balkans⁴ - are legitimizing the motion for such a law in Serbia through ever-harsher rhetoric, describing civil society and critical voices as "domestic traitors" and "foreign mercenaries."

¹ Aleksandar Vulin, Deputy Prime Minister of the Serbia's Government and former head of Serbia's Security Intelligence Agency also holds the position of a senator of Republika Srpska.

² <https://infointegrity.ge/en/four-laws-in-four-states-four-ruling-parties-and-identical-disinformation-narratives>

³ "The money first goes from a U.S. foundation to that Civic Initiative. Then, from there, it goes to the Proglas and others. Then they remember that they need to organize roadblocks to weaken Serbia's position in the world, to weaken Serbia's position from within, because Serbia is an independent country that doesn't want to listen to anyone. That's the only reason they get that money.", **President of Serbia, Central news TV Pink, November 28, 2024.**

⁴ "If we adhere to the law, we don't have NGOs here, we have associations, and there are about 25,000 of them in Serbia. This is a very unregulated area, and I advocate for introducing order. If I open a popcorn stand, it will be controlled more often and more thoroughly than an NGO.", **Ombudsman, RT Interview, November 28, 2024**, <https://rt.rs/srbija-i-balkan/119788-relativizacija-lilijana-smajlovic-zoran-pasalic/>

Comparative overview:

Provision	Serbia ⁵	Russia ⁶	Georgia ⁷	Hungary ⁸
Registry establishment	Yes	Yes	Yes	Yes
Criteria for obligatory registration	min.50% funding from foreign sources in a year	N/A	min. 20% funding from foreign sources in a year	min. €23,500 in a financial year from foreign sources
Definition of the foreign agent	an association or non-profit organization that receives a majority of its funding from abroad to exercise political influence, action, or other political activities	organizations engaging in political activity and receiving foreign funding	Does not use the term "foreign agent" but "organization pursuing the interests of a foreign power" that receives at least 20% of its funding from abroad	Does not use the term "foreign agent" but "organization supported from abroad" that receives funding from any foreign sources (approx. €23,500) in a tax year.
Definition of political action	Political action is election campaign participation or fundraising or acting towards influencing public opinion for the purpose of achieving political goals; Political activity is every activity directed towards Serbia's institutions aiming to formulate policy, political and public interest of Republic of Serbia.	Political activity is any activity seeking to influence the decision-making of public authorities, change public policy, or influence public opinion with respect to government policy. ⁹	N/A ¹⁰	N/A ¹¹
What is NOT political	Explicitly excludes action within the	Explicitly excludes events organized	N/A	Explicitly excludes organizations that

⁵ http://www.parlament.gov.rs/upload/archive/files/cir/pdf/predlozi_zakona/14_saziv/011-2876_24.pdf

⁶ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2021\)052-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2021)052-e)

⁷ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2024\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2024)013-e)

⁸ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2017\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2017)031-e); <https://ecnl.org/news/hungarian-law-transparency-organisations-supported-abroad-what-stake>

⁹ (2016) 2016 amendment to Russia's "foreign agents" law expanded the definition of "political activity" to include a broad range of actions aimed at influencing public policy or opinion - Human Rights Watch, *Russia: Sham Upgrade for 'Foreign Agents' Law*, <https://www.hrw.org/news/2016/05/27/russia-sham-upgrade-foreign-agents-law> ; [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2021\)052-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2021)052-e)

¹⁰ The Georgian "Law on Transparency of Foreign Influence" does not explicitly define "political activity," leaving the term open to broad interpretation.

¹¹ No explicit definition of "political action"; focuses on the source of funding rather than the type of activities the organization undertakes.

activity?	fields of science, culture, health, and social assistance, sports, consumer protection, national minority rights protection, anti-corruption and any action under the framework of Constitutionally guaranteed rights and freedoms.	within the fields of science, culture, art, health, social assistance, defense of motherhood/children, support for the disabled, environmental protection, philanthropy, and volunteerism, NGOs involved in these fields are not completely immune.		do not qualify as non-governmental or work within the fields of sports, religion, and national minority rights protection and representation.
How does it apply?	Obligatory registration with the Ministry of Justice: <ul style="list-style-type: none"> - Founder name and address - Constituent documents and decision on enrollment - Statute - Elected and other bodies of NGO - Decision on appointment of legal representative 	Obligatory registration with the Ministry of Justice: <ul style="list-style-type: none"> - Name, surname, patronymic, place of residence, telephone of submitter - Constituent documents, composition of elected bodies - Information on founders - Document on payment - Address - The legal status of founder 	Obligatory registration with the Ministry of Justice: <ul style="list-style-type: none"> - ID of organization - Address - Webpage - Information about donation and purpose - Information about funds spent with the purpose 	Obligatory registration with the regional court: <ul style="list-style-type: none"> - ID of organization - Name of donor - Amount of support
Publicity	Yes	Yes	Yes	Yes
Control mechanisms and sanctions	Regular annual inspections Ad-hoc inspections ordered by the Parliament Range of fines for evasion of registration (up to 17.000 EUR) or evasion of publicity (up to 1.700 EUR)	Regular inspections Unscheduled inspections Range of fines up to around 3.000 EUR Compulsory labour and deprivation of liberty to up to 5 years Structural	Regular six-month monitoring Range of fines for evasion of registration to failures to comply with other segments of the law or monitoring findings	No monitoring/inspections 30 day prosecutor's notice if prosecution becomes aware of failures in law compliance additional 15 day prosecutor's notice if failures are not corrected after 30 days

		subdivisions Liquidation		after the repeated notices prosecutor will apply relevant criminal code articles, proportionally
Main arguments for adoption	<p>Increasing Transparency: Proponents assert that the law would enhance transparency by mandating that non-governmental organizations (NGOs) and media outlets disclose foreign funding sources. This measure is intended to inform the public about external influences on domestic entities, ensuring that citizens are aware of any foreign involvement in local affairs.</p> <p>Protection of national sovereignty: Advocates argue that the legislation is crucial for safeguarding national sovereignty. By monitoring and regulating foreign-funded organizations, the law aims to prevent external entities from exerting undue influence on Serbia's political processes and internal matters.</p> <p>Comparison to foreign practices: Supporters often reference similar laws in other countries to justify the proposed legislation. For instance, they cite</p>	<p>Increasing Transparency: Government officials emphasized the need to enhance transparency in the activities of non-governmental organizations (NGOs) receiving foreign funding. These organizations are required to register as "foreign agents" and clearly label their materials, ensuring the public is informed about their funding sources and activities.</p> <p>Protection of national sovereignty: The law was justified as a means to protect national sovereignty from foreign influence, which is perceived as hostile and destabilizing to the state.</p> <p>Comparison to foreign practices: Russian officials have justified the adoption of the "foreign agents" law by referencing similar legislation in other countries, particularly the United States' Foreign Agents Registration Act (FARA). Russian</p>	<p>Increasing Transparency: Proponents argue that the law increases transparency by requiring organizations receiving substantial foreign funding to disclose their financial sources.</p> <p>Protection of national sovereignty: The law is justified as a means to protect national sovereignty by preventing undue foreign influence in domestic affairs.</p> <p>Comparison to foreign practices: Supporters frequently compare the law to the United States' Foreign Agents Registration Act (FARA), claiming that similar laws exist in democratic nations to ensure accountability.</p> <p>Potential negative foreign influence: The government argued that the legislation was essential to prevent harmful external interference in the country's political landscape and to thwart attempts by unspecified foreign actors to destabilize Georgia.</p>	<p>Increasing Transparency: Proponents assert that the law enhances transparency by mandating that organizations disclose foreign funding sources.</p> <p>Protection of national sovereignty: Advocates argue that the legislation is crucial for safeguarding national sovereignty. By monitoring and regulating foreign-funded organizations, the law aims to prevent external entities from exerting undue influence on Hungary's political processes and internal matters. The government contends that the law is designed to prevent political parties from receiving foreign funding for election campaigns, which it claims has occurred in the past.</p> <p>Comparison to foreign practices: Supporters often reference similar laws in other countries to justify</p>

	<p>the United States' Foreign Agents Registration Act (FARA) as a precedent, suggesting that Serbia's law would align with international norms regarding the regulation of foreign influence.</p> <p>Potential negative foreign influence: Proponents express concerns about foreign entities potentially using NGOs and media outlets to destabilize Serbia or promote agendas contrary to national interests. The law is presented as a protective measure against such threats, aiming to maintain the integrity of Serbia's political and social systems.</p>	<p>authorities have stated that their law is less strict than the U.S. FARA, suggesting that Russia's measures are in line with global norms.</p> <p>Potential negative foreign influence: Officials often argue that the law aims to prevent NGOs receiving foreign funding from attempting to destabilize the political system, particularly through criticism of the government and support for opposition groups.</p>		<p>the legislation. For instance, they cite the United States' Foreign Agents Registration Act (FARA) as a precedent, suggesting that Hungary's law aligns with international norms regarding the regulation of foreign influence.</p> <p>Potential negative foreign influence: Proponents express concerns about foreign entities potentially using organizations to destabilize Hungary or promote agendas contrary to national interests. The law is presented as a protective measure against such threats, aiming to maintain the integrity of Hungary's political and social systems. The government asserts that the legislation is necessary to protect the will of voters from undue foreign interference.</p> <p>Preventing Money Laundering and Terrorism Financing: The explanatory memorandum for the draft law emphasized the need to counter financial flows of</p>
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