

Pseudo-Particularism in practice: Authoritarian strategies to undermine civil society

IZABELLA DEÁK* 

Department of Philosophy and Sociology, Faculty of Law, University of Debrecen, Debrecen, Hungary

ORIGINAL RESEARCH PAPER

Received: June 17, 2025 • Accepted: November 6, 2025

Published online: May 20, 2026

© 2025 The Author(s)



ABSTRACT

It is well known and thoroughly documented that democracy is in crisis worldwide, with the number of autocratic states and tendencies on the rise. Authoritarian regimes strive to dismantle the autonomy of CSOs that perform a social control function. This is most commonly achieved through legal restrictions that limit the establishment, operation, and activities of these organisations. This paper examines these methods of restriction with a focus on how countries exploit concepts like sovereignty, nationhood, and identity by invoking their unique cultural and traditional heritage. These tactics can be characterised as a form of pseudo-particularism. The restrictions that are applied follow the same patterns and are repeated in similar ways around the world. This particularistic approach is incompatible with universal constitutional principles because it fails to meet the minimum standards for the right to association. Both authoritarian and authoritarian-leaning countries employ such pseudo-particularistic strategies. Consequently, these types of restrictions can also be seen as indicators of the emergence of authoritarian systems.

KEYWORDS

civil society organisations (CSOs), freedom of association, particularism, universalism, modern authoritarian regimes

1. INTRODUCTION

The number of laws restricting the establishment, operation, and activities of civil society organisations (CSOs) has been increasing year by year, particularly those targeting organisations

* Corresponding author. E-mail: deak.izabella@law.unideb.hu

that perform a social control function – a role that promotes democratic values and good governance by monitoring, critically assessing, and influencing the exercise of power. As a result, this topic has become highly relevant and a central focus of professional interest. The rise in restrictive laws is closely linked to the expansion of authoritarian systems. The reason for this lies in the nature of the social control function, because organisations with this function draw attention to the very irregularities that characterise an authoritarian government: imbalances in the system of checks and balances, state corruption, personal conflicts of interest, and human rights violations. In these circumstances, the freedom of civil society is constrained because authoritarian regimes heavily restrict spaces for public debate where state actions could be questioned.¹ In other words, they aim to suppress alternative viewpoints from public discourse.² Modern autocratic efforts are accompanied by the erosion of CSOs' autonomy, which is evident in measures that target CSOs that perform social control functions. These measures are designed to undermine the activities of the affected CSOs at a systemic level. A significant portion of these restrictions takes the form of legislation³ that grants government actors greater control and oversight over the civil society sector, thereby violating the freedom of association of CSOs. Such restrictions delegitimise CSOs, diminish their influence in areas like human rights and advocacy, and threaten sanctions for noncompliance with laws.

Restrictions on CSOs can take many forms. They may involve registration and re-registration procedures associated with establishing or maintaining the operation of CSOs.⁴ They can also target CSOs' access to foreign funding,⁵ and they can misuse anti-money laundering and anti-terrorism laws to impose further limitations.⁶ Additionally, they can increase administrative burdens, obstruct collaboration with foreign CSOs, and limit freedom of expression.⁷ Last but not least, restrictions may even involve the unlawful dissolution of CSOs.

The study examines the mechanisms that restrict civil society organisations within the conceptual framework of universalism and particularism. Universalism encompasses fundamental principles – such as human rights – that stem from the essence of human existence and, therefore, should be applicable everywhere, regardless of culture.⁸ Universalism thus means that the validity of these rights is independent of cultural differences. According to one interpretation, particularism holds that all moral values – including human rights – are culturally derived and relevant only within the contexts in which they developed, thereby rejecting the principle of universalism.⁹ Another approach, however, defines particularism as the expression of universal constitutional principles adapted to national particularities, reflecting core values rooted in a

¹Arato and Cohen (2022) 129; Lewis (2013) 331.

²O'Donnell et al. (1986) 48.

³Chaudhry (2022); Tóth (2019a); Heiss (2019); Rutzen (2016).

⁴Deák (2024a).

⁵Deák (2022); Bromley et al. (2020); Dupuy and Prakash (2020); Hamlet (2017); Oleinikova (2017).

⁶Deák (2024b).

⁷Deák (2025).

⁸Donoho (1991).

⁹Tilley (2000).

country's historical and political context,¹⁰ while still acknowledging human rights and the requirements derived from the rule of law. The focus of this study is on a third type – pseudo-particularism – which refers to instances where states distort certain concepts under the pretext of their 'national culture' and traditions. The research seeks to determine whether such restrictions genuinely reflect country-specific, particularist approaches or rather exhibit uniform, typically authoritarian patterns. It also explores how these particular interpretations can be reconciled with universal legal principles, such as the protection of human rights, democratic foundations, and the requirements of the rule of law.

The research hypothesis suggests that in most cases, the seemingly particularistic interpretations of these concepts by authoritarian or authoritarian-leaning countries are inconsistent with universal constitutional principles. However, local approaches must remain within the boundaries established by universal norms. Consequently, restrictions on the fundamental rights of CSOs are only acceptable if they align with universal principles. If this hypothesis is confirmed, discriminatory laws enacted by states to restrict the social control function can serve as indicators of autocratisation.

This study builds upon previous empirical research that examined and categorised laws in effect between September 2022 and February 2023, focusing on specific restrictions imposed on CSOs.¹¹ The identification of restrictive laws and administrative practices inconsistent with democratic principles was based, on the one hand, on data provided by international institutes and civil organisations that issue reports and country indices through monitoring procedures related to the operation and freedom of civil society. Such organisations include the Bertelsmann Stiftung, the Cato Institute, CIVICUS, the Economist Intelligence Unit, Freedom House, the International Center for Not-for-Profit Law, Reporters Without Borders, and the Varieties of Democracy Institute. On the other hand, additional data were sourced from organisations that publish annual or regional reports on trends in the regulation of civil society, such as Human Rights Watch, Amnesty International, and the Erste Stiftung. In the subsequent analysis, the laws and administrative practices identified through these sources formed the research sample.

The verification of the sample was substantially supported by the International Center for Not-for-Profit Law, a leading European resource and research hub focusing on policies and legislation affecting civil society. Its Digital Legal Library, accessible via the organisation's website, contains a collection of nearly 4,000 sources from over 200 countries and territories. For some laws and administrative cases, however, due to language barriers, the data relied primarily on the reports issued by these organisations. The analysis covers 176 countries, and in 133 of them, I identified more than 300 laws imposing restrictions on CSOs. The research presented in this study is based on these findings. The new research had two main objectives: to review the original dataset and determine which restrictions remained in force in 2023, and second, to extend the scope to include cases of unlawful dissolution of civil organisations. In the subsequent analysis, the applicable laws were further narrowed to those based on particularistic interpretations and were compared against the minimum standards articulated in European Court of Human Rights judgments concerning the fundamental rights of civil organisations discussed in the study.

¹⁰Kovács (2022a).

¹¹Deák (2025) 140–203.

The chosen methodology aims to capture authoritarian tendencies by comparing the democracy index scores generated during the monitoring processes of various international organisations and research institutes. In examining the methodologies employed by various democracy indices, analyses typically focus on whether rights are guaranteed at the constitutional level and whether state institutions protect those rights. Consequently, these indices primarily concentrate on governments, states, and legal institutions, evaluating key dimensions – such as the rule of law, judicial independence, civil society freedom, and the enforcement of fundamental rights – that tend to overlap to a significant extent. As part of this research, I created a database¹² containing the following information: the countries (column 1) with the laws (column 2) that impose restrictions leading to the dysfunctionality of CSOs; the type of restriction (column 3) that involves the use of vague concepts; and a classification of the countries (columns 4–6) according to the three democracy indices used as reference points (V-Dem’s Global Regimes of the World, Bertelsmann Stiftung’s Transformation Index, and the Economist Intelligence Unit’s Democracy Index). The indices’ reports published in 2024 include the classification of countries for 2023, meaning the research period is confined to the year 2023.

In Section 2 of this paper, I introduce the key concepts of the research. I define what is meant by CSOs performing a social control function, and examine how modern authoritarian regimes interact with these organisations. In Section 3, I present the minimum standards established by the European Court of Human Rights (ECtHR) in its judgments concerning associations (CSOs). This section also specifies the universal principles that CSO legislation should adhere to. In Section 4, I examine the particularistic approaches of states, distinguishing those compatible with universal principles from those that are not, as well as exploring pseudo-particularistic approaches. In Section 5, I present seemingly particularistic approaches that are incompatible, even in principle, with a form of particularism that upholds universal principles. These approaches lack genuine particularistic qualities and fall short of the minimum standards established by international courts concerning the establishment, operation, and activities of CSOs. Additionally, I compare the identified restrictions with the regime classification – as determined by the democracy indices – of the countries implementing them. The paper concludes with Chapter 6, where the findings are summarised.

2. THE DEFINITION OF CONCEPTS

2.1. Civil society organisations with a social control function

To begin, it is necessary to clarify how I use the terms introduced in the introduction throughout my analysis. This study focuses on CSOs that perform a social control function. These organisations provide a platform for expressing public opinion that may challenge the self-interests of political authorities, economic powers and specific social groups. By promoting social justice across various levels of governance, they contribute to the advancement of democratic aspirations.

¹²[Link1](#).

CSOs performing social control functions include, on the one hand, watchdog organisations, advocacy groups, and human rights organisations. By monitoring and counterbalancing power, these organisations act as safeguards of democracy.¹³ Their activities can shape public policy,¹⁴ support the enforcement of rights,¹⁵ and amplify the voices of marginalised or minority groups.¹⁶ Additionally, they work to generate and redistribute economic, social, and political capital to benefit marginalised groups.¹⁷

The *watchdog function*, much like that of the press, is focused on monitoring state power/public authorities, as well as broader social processes. *Watchdog* CSOs help to combat corruption, promote transparency and accountability in public decision-making and spending, and enhance access to public information. These organisations play a role in ensuring that the public is well-informed about government actions and their implications for citizens.

Advocacy (exerting pressure) refers to direct or indirect efforts to influence the state to respond at the political or administrative level to the needs expressed or represented by CSOs.¹⁸ The needs addressed by CSOs often emerge in response to the state's limited ability or willingness to serve all groups in society equally. As long as dominant interests and social structures disadvantage certain groups while unfairly benefiting others, CSOs can act as public critics and advocates, giving voice to grievances, reducing conflict and possibly bringing about policy change.¹⁹

The activities of rights defenders are typically aimed at addressing violations of the human and political freedoms that underpin civil society organisations. CSOs need to defend rights in areas where the legal system is deficient – whether in lawmaking, law enforcement, or law application. The activities of rights defenders include monitoring legislation, documenting and reporting infringements, and lobbying for changes; influencing legal practices through representation, litigation, and strategic litigation; and raising awareness through campaigns, training, information support, organising protests, and international networking.

On the other hand, this social control function is also evident in CSOs whose services are inseparable from the representation of the interests of specific target groups²⁰ – such as the poor, the disadvantaged, or the homeless – or whose cultural activities are closely connected to the struggle for the recognition of minorities.²¹ In these cases, even if CSOs do not directly engage in advocacy and the protection of rights, they still play an important role in shaping government policy.²²

¹³Gaventa (2011) 422–24; Roniger (1994) 210–11.

¹⁴Kimberlin (2010); Andrews and Edwards (2004).

¹⁵Marcinkutė (2021); Haddad (2012).

¹⁶Forbat and Atkinson (2005); Boris and Mosher-Williams (1998).

¹⁷Feldman et al. (2016) 1759.

¹⁸Toepler and Fröhlich (2020) 1475.

¹⁹Anheier et al. (2019) 10.

²⁰Young (2000) 155–57.

²¹Mosley (2010).

²²Kövér et al. (2021) 101.

2.2. Modern authoritarian regimes and civil society

Traditionally, authoritarian regimes were characterised by censorship within a totalitarian framework and by prohibitions on the formation of independent CSOs, networks, and social circles. In authoritarian systems, pluralism was limited, as regimes allowed the political participation of only a select few independent groups, while making it clear that the rulers ultimately determined the conditions under which these groups could exist. Power effectively excluded independent and uncontrolled elements from participating in governance.²³ Even today, in regimes that resemble traditional autocracies, there is no autonomous civil sphere because the state prohibits the creation of independent CSOs. However, modern authoritarian regimes differ from their traditional counterparts in that they avoid overt prohibitions. These systems can develop in multiple ways, but generally, their emergence follows one of two paths. In one scenario, a weaker form of autocracy evolves into another type of authoritarian regime (the liberalisation of a dictatorship), in which the freedoms of the population are expanded while remaining under control.²⁴ In the other scenario, a constitutional democracy gradually transitions into an authoritarian regime through peaceful, seemingly democratic, and legal means. This transformation occurs gradually, exploiting the legal framework. A system that once guaranteed freedom begins to restrict the rights of its citizens.²⁵ Despite their differences in historical and political contexts, as well as constitutional structures, these regimes share several common characteristics.²⁶ One such shared feature is their approach to CSOs.

A key characteristic of these systems is that they appear pluralistic, but the pluralism in reality is limited and largely superficial. Significant resources are allocated to suppressing independent media, creating selective publicity,²⁷ and obstructing civil society's efforts to establish platforms for public discourse. At the same time, authoritarian regimes invest heavily in maintaining a hegemonic discourse that legitimises the existing system and renders political alternatives both politically and discursively unviable.²⁸ One method of legitimisation involves tolerating certain non-profit CSOs that focus exclusively on service provision, represent majority interests in their activities, avoid influencing government decisions, and refrain from opposing government policies.²⁹ In other words, these regimes tolerate CSOs that pose no threat to their power, thereby creating the illusion that civil society enjoys freedom. However, true equality and freedom for CSOs with a social oversight function cannot be realised because authoritarian regimes do not tolerate criticism. To neutralise the social control function of civil society, authoritarian governments employ strategies such as cooptation, coercion, crowding out, and creation.³⁰ As a result, within this framework, the autonomy of civil society remains limited and illusory.

²³LinZ (2000) 91, 161.

²⁴Geddes et al. (2014) 313.

²⁵Tóth (2019b).

²⁶For more information on common characteristics, see: Schedler (2013); Tóth (2017).

²⁷Mälksoo (2019) 370.

²⁸Lewis (2013) 331–33.

²⁹Toepler (2019).

³⁰We previously presented the 4K model in the context of Hungary, see: Kövér et al. (2021) 93–126. While Najam's original 4C model (Cooperation, Co-optation, Complementarity, Confrontation) addresses issues of power asymmetry, it fails to adequately reflect hegemonic ambitions in authoritarian systems that operate through a multitude of coercive measures. See Najam (2000) 384–89.

3. MINIMUM STANDARDS FOR ASSOCIATIONS AS UNIVERSAL PRINCIPLES

Most international human rights documents – albeit with varying emphasis – include guarantees for the freedom of association. A milestone in this regard was the adoption of the *Universal Declaration of Human Rights* (UDHR) on 10 December 1948. This guarantees the right to peaceful assembly and association for all individuals. Furthermore, the Declaration also establishes the negative freedom of association, stating that no one may be compelled to join an association. The two UN Covenants on Human Rights, adopted on 16 December 1966, further refine the concept of freedom of association. The *International Covenant on Civil and Political Rights* (ICCPR) emphasises the individualistic and associative dimensions of this right, while the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) focuses on its collective and corporatist aspects. This approach provides a comprehensive framework for understanding and protecting freedom of association across diverse social contexts. Other key elements of the international legal framework include the 1948 *Freedom of Association and Protection of the Right to Organise Convention* and the 1949 *Right to Organise and Collective Bargaining Convention*.

In addition to these global conventions, several regional agreements also affirm freedom of association, such as the *European Convention on Human Rights* (ECHR), the *American Convention on Human Rights*, the *African Charter on Human and Peoples' Rights*, and the *Arab Charter on Human Rights*. Among these, particular attention is warranted for the ECHR and its interpretation by the European Court of Human Rights (ECtHR). Although the scope of the ECHR is limited to the member states of the Council of Europe, the decisions of the ECtHR regarding the right of association provide valuable guidance on the minimum standards for universal principles of freedom of association. These standards help define how states should interact with CSOs with a social control function. These minimum standards can be regarded as universal principles governing the right of association in relation to CSOs. It is important to emphasise that the particularistic approaches of individual countries – whether genuine or pseudo-particularistic local interpretations – must not contradict these universal constitutional principles.

Legislation concerning the right of association must be accessible and foreseeable for the persons concerned. Accessibility requires that laws be published³¹ or otherwise made known to those affected.³² Foreseeability demands that laws be sufficiently precise, enabling individuals to understand and adapt their behaviour accordingly.³³ Such legislation should be designed to facilitate the establishment and operation of CSOs, allowing them to achieve their objectives effectively.³⁴ Legislation that leads to contradictory outcomes³⁵ or whose practical application deviates from its stated wording cannot be considered foreseeable.³⁶ Laws must be precise, clear,

³¹Maestri v. Italy App no 39748/98 (ECtHR, 17 February 2004) § 32–33.

³²Pasko v. Russia App no 69519/01 (ECtHR, 22 October 2009) § 82.

³³Croatian Golf Federation v. Croatia App no 66994/14 (ECtHR, 17 December 2020) § 92.

³⁴OSCE/ODIHR (2015).

³⁵Goussev and Others v. Finland App no 35083/97 (ECtHR, 17 January 2006) § 54.

³⁶Mkrtchyan v. Armenia App no 6562/03 (ECtHR, 11 January 2007) § 39, 43.

and predictable, particularly when they grant discretionary powers to public authorities. Therefore, legislation must explicitly define the scope and manner in which discretionary powers can be exercised by the competent authorities.³⁷ Moreover, the process of adopting and enacting legislation should be rooted in democratic principles, ensuring public participation and review.³⁸ National laws must also include appropriate legal safeguards to prevent arbitrary application and unchecked executive power. Without this, the rule of law – a cornerstone of democratic society – would be compromised.³⁹

The state's duty to protect institutions is fundamental to ensuring the effective exercise of freedom of association. This responsibility includes creating a safe and supportive environment – including legal, administrative, and institutional frameworks – that enables CSOs to operate effectively. The genuine respect for freedom of association cannot be reduced to a mere obligation of non-interference. Public authorities must guarantee the proper functioning of CSOs, even when these organisations challenge or offend individuals who oppose the legitimate principles they promote within their framework.⁴⁰ This is because in a healthy civil society, citizens' participation in democratic processes largely occurs through their affiliation with organisations where they can connect with one another and pursue shared goals.⁴¹ Thus, freedom of association enables individuals to form alliances with others to protect their rights and interests. This opportunity is extremely important, as the creation of CSOs or joining them provides an organisational framework that, due to its specific characteristics, can achieve goals that an individual alone would not be able to accomplish, or at least not effectively.

The freedom of association can be easily restricted when authorities use vague terms in laws regulating the establishment, operation, and activities of CSOs or when executive authorities broadly interpret specific definitions, thereby expanding their original meaning. Both methods create opportunities for unjustified and disproportionate limitations on the freedom of association.

The requirement for predictable law enforcement is incompatible with national legal provisions that allow executive and other authorities to interpret any form of advocacy aimed at influencing public policy as political activity. This approach can lead to the denial of registration for CSOs engaged in political activities.⁴² The root of the problem lies in the overly broad interpretation of the concept of political activity. This definition can potentially encompass all objectives that are in any way connected to the normal functioning of a democratic society.⁴³ Such a broad interpretation results in the inconsistent categorisation of activities carried out by CSOs. This causes significant uncertainty, particularly for CSOs working in areas such as human rights, environmental protection, or charity.⁴⁴ For affected CSOs, it becomes challenging to

³⁷Yefimov and Youth Human Rights Group v. Russia App no 12385/15 and 51619/15 (ECtHR, 3 July 2022) §58.; Internationale Humanitäre Hilfsorganisation E. V. v. Germany App no 11214/19 (ECtHR, 10 October 2023) § 67.

³⁸Hasan and Chaush v. Bulgaria App no 30985/96 (ECtHR, 26 October 2000) § 84.

³⁹Maestri v. Italy App no 39748/98 (ECtHR, 17 February 2004) § 30.

⁴⁰Zhdanov and Others v. Russia App no 12200/08, 35949/11 and 58282/12 (ECtHR, 16 July 2019) § 162.

⁴¹Identoba and Others v. Georgia App no 73235/12 (ECtHR, 12 August 2015) § 93.

⁴²Ecodefence and Others v. Russia App no 9988/13 (ECtHR, 14 June 2022) § 96–100.

⁴³National Turkish Union and Kungyun v. Bulgaria App no 4776/08 (ECtHR, 8 June 2017) § 41.

⁴⁴Ecodefence and Others v. Russia App no 9988/13 (ECtHR, 14 June 2022) § 104.

accurately classify their activities and assess potential legal consequences, which can hinder their operations and societal engagement.

National legal provisions that include vague terms without clear definitions are contrary to the requirement of legal clarity, particularly when authorities use such terms to restrict the freedom of association of CSOs. In the case of *Ecodefence and Others v. Russia*, several CSOs working in areas such as human rights, environmental protection, cultural heritage preservation, education, social security, and migration brought their case before the ECtHR. In 2012, Russia enacted the Foreign Agents Law, which required CSOs engaged in political activities and receiving foreign funding to register as ‘foreign agents,’ label their publications with the ‘foreign agent’ designation, and comply with stricter accounting and reporting requirements. Many CSOs were dissolved for violating this law. The ECtHR found that the concept of foreign funding failed to meet the criteria of clarity and predictability. The court criticised the law for not requiring authorities to establish a verifiable link between the funding and the alleged political activities of the CSO. This implies that merely receiving funding does not necessarily equate to control or direction by the donor. As a result, any CSO receiving even a minimal amount of foreign funding could fall under the scope of this law.⁴⁵ This restriction forces CSOs to make a choice: either accept the ‘foreign agent’ designation and continue receiving foreign funds, or reject the label and forgo such funding. Regardless of their decision, CSOs must implement significant operational changes to avoid penalties under the law. The use of the ‘foreign agent’ label classifies CSOs as being under foreign control, limiting their participation in public life and hindering their ability to carry out activities they engaged in prior to the introduction of this designation.⁴⁶

The freedom of expression of CSOs is very important in democratic societies, particularly when addressing matters of public interest. This freedom deserves protection similar to that afforded to the press, as it is indispensable for maintaining pluralism and fostering open societal dialogue.⁴⁷ CSOs have the right to participate in political and public debates based on their freedom of expression,⁴⁸ regardless of whether their views align with government policies or advocate for changes contrary to the government’s position.⁴⁹ Without this right, pluralism cannot truly exist.⁵⁰ In the case of *National Turkish Union and Kungyun v. Bulgaria*, a CSO sought to promote the rights of the Muslim minority in Bulgaria. The court responsible for registration denied their application, arguing that the organisation’s stated goals were of a political nature. The ECtHR emphasised that pluralism cannot be achieved if a CSO is unable to freely express its ideas and opinions. Furthermore, the ECtHR recognised that protecting opinions and ensuring freedom of expression under Article 10 of the Convention are among the core purposes of the right to freedom of association.⁵¹

⁴⁵*Ecodefence and Others v. Russia* App no 9988/13 (ECtHR, 14 June 2022) § 107–111.; 117–118.

⁴⁶*Ecodefence and Others v. Russia* App no 9988/13 (ECtHR, 14 June 2022) § 137–146.

⁴⁷*Vides Aizsardzibas Klubs v. Latvia* App no 57829/00 (ECtHR, 27 May 2004) § 42.

⁴⁸*Refah Partisi (the Welfare Party) and others v. Turkey* App no 41340/98, 41342/98, 41343/98 and 41344/98 (ECtHR, 13 February 2003) § 88.

⁴⁹OSCE/ODIHR (2015).

⁵⁰*Freedom and Democracy Party (Özdep) v. Turkey* App no 23885/94 (ECtHR, 8 December 1999) § 37.

⁵¹*National Turkish Union and Kungyun v. Bulgaria* App no 4776/08 (ECtHR, 8 June 2017) § 35.

Therefore, CSOs that peacefully advocate for ideas not necessarily favoured by the government or the majority of the population are an integral part of a democratic society.⁵² Democracy inherently protects the right to express views that may offend, shock, or disturb the state or certain segments of the population.⁵³ Naturally, tensions can arise when divergent opinions divide a community; however, such tensions are an inevitable consequence of pluralism. In these circumstances, it is not the role of authorities to eliminate the source of tension by dismantling pluralism. Instead, their responsibility is to ensure that competing groups within the community can tolerate one another, as the protection of freedom of expression is a cornerstone of democracy.⁵⁴ One of democracy's defining features is its capacity to resolve conflicts through dialogue and without resorting to violence, even when the issues are unpleasant. From this perspective, it is unjustifiable to obstruct a group merely because it seeks to publicly discuss certain matters and find solutions in accordance with democratic principles.⁵⁵

The free determination and pursuit of objectives by CSOs is a prerequisite not only for the realisation of freedom of association but also for freedom of expression. Accordingly, the founders and members of CSOs have the right to freely choose their organisation's objectives, and the state must refrain from unjustified interference in their implementation, as long as these objectives align with the requirements of a democratic society.⁵⁶ These objectives may include advocating for the peaceful amendment of laws, such as the decriminalisation of abortion,⁵⁷ promoting minority identities,⁵⁸ protecting the human rights of LGBTQ+ individuals,⁵⁹ demanding regional autonomy, or even requesting the secession of a part of the country.⁶⁰ The participation of CSOs should be a genuine two-way process, and proposals by CSOs aimed at changing policies and legislation should not be deemed unacceptable or unlawful.⁶¹ Consequently, CSOs have the right to campaign for changes to laws or the legal and constitutional structures of the state, provided that their methods are lawful and democratic and that the proposed changes are compatible with fundamental democratic principles.⁶² This is because the social control function is characterised by its aim of compelling governments to comply with internationally established human rights standards across civil, political, economic, cultural, and social domains.

⁵²Vogt v. Germany App no 17851/91 (ECtHR, 26 September 1995) § 52.

⁵³Refah Partisi (the Welfare Party) and others v. Turkey App no 41340/98, 41342/98, 41343/98 and 41344/98 (ECtHR, 13 February 2003) § 89.

⁵⁴Ouranio Toxo and Others v. Greece App no 74989/01 (ECtHR, 20 October 2005) § 40.

⁵⁵Association of Citizens Radko & Paunkovski v. the former Yugoslav Republic of Macedonia App no 74651/01 (ECtHR, 15 January 2009) § 76.

⁵⁶Refah Partisi (the Welfare Party) and others v. Turkey App no 41340/98, 41342/98, 41343/98 and 41344/98 (ECtHR, 13 February 2003) § 98.

⁵⁷Women on Waves v. Portugal App no 31276/05 (ECtHR, 3 February 2009) § 7.

⁵⁸Sidiropoulos and Others v. Greece App no 26695/95 (ECtHR, 10 July 1998) § 44–45.

⁵⁹Genderdoc-M v. Moldova App no 9106/06 (ECtHR, 12 June 2012) § 42.

⁶⁰Stankov and the United Macedonian Organisation Ilinden v. Bulgaria App no 29221/95 and 29225/95 (ECtHR, 2 October 2001) § 97.

⁶¹Koretsky and Others v. Ukraine App no 40269/02 (ECtHR, 3 April 2008) § 52.

⁶²United Communist Party of Turkey v. Turkey App no 19392/92 (ECtHR, 30 January 1998) § 23.

Freedom of expression and freedom of association are fundamental elements of political and social life, forming the basis for the rights of citizens and their organisations to freely participate in political and social activities.⁶³ As a result, CSOs have the right to engage in research, education, and advocacy activities related to public debates. This principle is particularly important for CSOs to fulfil their watchdog role, which includes sharing information, ideas, and findings on matters of public interest.⁶⁴

Restrictions on the rights of CSOs are only acceptable in strictly defined cases, and such limitations must always align with the values of a democratic society. Legitimate objectives that may justify certain restrictions on the right to association include the protection of national security, territorial integrity, and public safety, as well as the prevention of disorder and crime. Additionally, considerations such as public health, morality, the protection of others' reputation and rights, safeguarding confidential information, and ensuring the authority and impartiality of the judiciary must also be taken into account.⁶⁵ The ECtHR has included the fight against terrorism among the legitimate aims for restricting the right to freedom of association as part of preventing disorder and crime.⁶⁶ However, this restriction is only permissible if it is necessary in a democratic society. The ECtHR applies the principle of proportionality to determine whether a given restriction is truly justified. This involves assessing whether the degree of interference is genuinely necessary or if a less restrictive alternative exists to achieve the intended goal.⁶⁷ This requirement is not met when, as part of an authoritarian approach, certain states prioritise pseudo-particularistic values over the freedom of association of CSOs.

4. THE RELATIONSHIP BETWEEN PARTICULARISTIC VALUES AND UNIVERSAL PRINCIPLES

The relationship between particularism and universalism is more complex than it might initially seem. They are frequently portrayed as being in opposition to each other. Particularism, in this context, can be understood as an approach that sets itself apart from universal standards, denying their validity and challenging the universality of human rights. One interpretation of this perspective argues that constitutional principles can only be applied in countries that explicitly recognise their universality. Another view suggests that no legal system's conception of law is inherently superior to another, and therefore, no system has the right to interfere with or prevent another culture from enforcing its own legal framework. These perspectives imply an expectation of tolerance towards nations that adopt positions differing from universal principles. However, this line of reasoning leads to a contradiction: tolerance itself is a universal principle, prescribing how we should evaluate legal cultures different from our own.⁶⁸ Countries that

⁶³van Veen (2017) 8–13.

⁶⁴Vides Aizsardzibas Klubs v. Latvia App no 57829/00 (ECtHR, 27 May 2004) § 42.

⁶⁵van Veen (2017) 18–20.

⁶⁶Herri Batasuna and Batasuna v. Spain App no 25803/04 (ECtHR, 6 November 2009) § 61–62.

⁶⁷van Veen (2017) 20–21.

⁶⁸Tóth (2024) 132–34.

embrace particularistic stances often invoke their national culture and traditions to justify violations of their international obligations.⁶⁹ In such states, the governments' exclusionary particularistic approaches – tying national identity to a singular ethnic or cultural heritage and a shared historical destiny – are at times upheld by the courts. In these cases, state sovereignty is interpreted in such a way that it can even have priority over the universal principle of human dignity.⁷⁰ This mindset reflects a broader tendency among certain nations to prioritise their unique characteristics and historical experiences over internationally accepted norms, even when doing so conflicts with fundamental human rights.

Particularism, however, does not necessarily imply an exclusionary approach. In fact, it can be understood as the particular manifestation of universal constitutional principles,⁷¹ reflecting the constitutional core values of a country's political community.⁷² In this interpretation, particularism is not rooted in ethnic self-identity or the notion of a shared historical destiny. Instead, it refers to the specific meaning⁷³ and application of constitutional principles and procedures shaped by the historical context of a given country and embedded within its constitution. This perspective highlights that the universal principles of constitutionalism – such as the interpretation of human rights, democratic institutional forms, or rule-of-law procedures – can lead to different institutional understandings and varying balances of fundamental rights based on political, cultural, and economic particularities.⁷⁴ In such cases, competing interpretations of fundamental constitutional principles emerge.⁷⁵ Thus, particularism and universalism are not inherently opposing concepts but rather complementary approaches that enrich the practical implementation of constitutional principles. This perspective allows universal values to be interpreted and applied in ways that align with local specificities.

Particularism is not limited to the constitutional level; it can also manifest in the practical application of the law. In this context, legal practitioners interpret universal principles in ways that give them specific meaning. During this interpretative process, they consider the historical struggles surrounding the domestic application of these principles, as well as local critiques of their implementation. This approach allows for interpretations that align most closely with the unique characteristics and needs of the community in question. The essence of particularism lies in tailoring abstract universal principles to individual contexts. Fundamental concepts such as freedom of expression, equality, and democratic self-governance do not exist in isolation; instead, they acquire concrete meaning within the specific historical and cultural context of each country.⁷⁶ This perspective helps explain why even a universally recognised idea like freedom of expression can be interpreted differently across nations.⁷⁷ Particularism thus

⁶⁹Tesón (1985) 870.

⁷⁰Jacobsohn (2023) 50, 54.

⁷¹Kovács (2023a) 5.

⁷²Kovács (2024a) 72.

⁷³Kovács (2022a) 142.

⁷⁴Kovács (2024b) 208.

⁷⁵Kumm (2023) 183–84.

⁷⁶Kovács (2024a) 72–73.

⁷⁷Kovács (2024b) 209.

emphasises that the interpretation and practical application of abstract principles are closely tied to the unique development and experiences of a given society. As long as the interpretation reasonably deviates from universal principles and is deeply connected to the national history and culture of the country in question, those countries may invoke their constitutional identity to justify such interpretations.⁷⁸

The question arises: what constitutes a substantive benchmark of particularistic values in the regulation of CSOs? It is important to recognise that particularistic approaches to regulating CSOs must not exceed the boundaries of universal constitutional principles. Restrictions are only acceptable if they align with the right to freedom of association, which is guaranteed to all individuals. If such restrictions are specifically designed to weaken the social control function of CSOs, they violate the principle of equality before the law. This is because they prevent CSOs with a social control function from participating in the political public sphere to the same extent as other CSOs. Furthermore, these restrictions disproportionately affect the freedom of association of the staff and members of targeted CSOs. Such practices contravene the principle of non-discrimination and are inconsistent with universal constitutional principles. Legislation and public authorities must ensure equal treatment for all CSOs concerning their establishment, operation, and activities. Any differential treatment is discriminatory unless it is objectively and reasonably justified, meaning it must pursue a legitimate aim and maintain proportionality between the means used and the goal sought. Consequently, differentiation is permissible only if it does not result in inequality; in other words, a particularistic approach cannot be unjustifiably exclusionary.

Regarding the right to freedom of association, authoritarian regimes interpret and apply particularistic values in a unique manner. As will be explored in greater detail in Chapter 4, these regimes frequently misuse concepts such as sovereignty, nationhood, and identity to justify restrictions on the freedom of association for CSOs. It is important to note that in the case of the right to freedom of association, there is no explicit reference to particularistic values, unlike, for example, the issue of religious freedom.⁷⁹ Instead, the vague and indeterminate nature of the concepts employed by authoritarian regimes suggests a form of particularistic interpretation. Therefore, the methods employed by authoritarian countries concerning the right to freedom of association can be referred to as pseudo-particularistic approaches. These seemingly particularistic approaches are incompatible with an integrative framework that respects universal constitutional principles. Even the particularistic interpretation of fundamental rights must remain within the framework defined by universal principles, meaning that limitations on fundamental rights must ensure compliance with the minimum standards defined by international benchmarks. This requirement is crucial for safeguarding fundamental rights and upholding the rule of law. In summary, regardless of the validity of particularistic arguments, the very concepts of sovereignty and the rule of law, as well as the content of individual human rights, presuppose certain universal principles that guarantee fundamental rights and can therefore serve as standards for assessing any legal system.

⁷⁸Kumm (2023) 184.

⁷⁹Kovács (2022b); Kovács (2023b).

5. EXAMPLES OF PSEUDO-PARTICULARISTIC APPROACHES VIOLATING UNIVERSAL PRINCIPLES

When examining restriction mechanisms, it is useful to illustrate the various pseudo-particularistic approaches through specific examples. In this analysis, I focus not only on individual cases but also aim to provide a broader perspective. To achieve this, my empirical research compares the full list of countries implementing restrictions with their classifications according to democracy indices. This comparative approach enables the identification of potential correlations between the degree of authoritarianism and the application of restrictive measures.

5.1. Hindering the registration procedure

Obtaining legal status is an important issue for CSOs, significantly impacting their future operations and societal engagement. Ideally, the registration process for CSOs should function as a simple and transparent notification system. Its primary goal would be to make data about CSOs receiving taxpayer funds easily accessible to the public, thereby promoting social oversight and building trust. Unfortunately, we increasingly observe that this process is becoming a tool for governmental supervision and control.

Measures restricting the establishment of CSOs often include regulations that allow authorities to reject their registration applications under various pretexts, with the aim of limiting the ability of CSOs performing social control functions to engage in political activities. Concepts misused include public interest, national values, public order, morality (e.g., in Algeria⁸⁰), national integrity, national interests (e.g., Turkey⁸¹), national unity (e.g., South Sudan⁸²), peace and prosperity (e.g., Malaysia⁸³), territorial integrity (e.g., Morocco⁸⁴), national security (e.g., China⁸⁵), or prohibitions on interference in domestic affairs (e.g., Sudan⁸⁶). Although these concepts seemingly reflect the specific characteristics and local values of a given country, they are not genuinely about protecting particularistic values. Authorities use these terms to selectively approve or deny registration applications from CSOs. This enables them to filter out organisations deemed potentially dangerous to authoritarian power during the establishment phase itself.

Another problematic area of registration requirements arises when the concept of political activity is either not clearly defined or is extended to include social oversight functions. Egypt provides a clear example of this situation, where the law prohibits political, party, or trade union activities, as well as the use of association offices for such purposes.⁸⁷ However, the law does not explicitly define what constitutes political work. As a result, advocacy activities or actions related

⁸⁰2012: Article 2 of the Law on Associations.

⁸¹1926: Article 101 of the Civil Code.

⁸²2016: Section 12 of the NGO Act.

⁸³1966: Article 7(3) of the Societies Act.

⁸⁴1958: Article 3 of Decree No. 1-58-376 on the Right to Establish Associations (amended in 1973, 2002).

⁸⁵2016: Article 4 of the Chinese Charity Law.

⁸⁶2006: Article 5 of the Voluntary and Humanitarian Work (Organization) Act.

⁸⁷2019: Article 15 of the Law on NGOs.

to civil and political rights may fall under the scope of the law and be prohibited. Governments can exploit this legal ambiguity to prevent CSOs from participating in national dialogues.

In Belarus, a similar issue exists with the flexible and broad interpretation of the term ‘extremist activity’.⁸⁸ Authorities have the discretion to determine whether a CSO’s activities fall into this category. If they do, the organisation is added to the registry of entities engaged in extremist activities, which carries severe consequences. This classification affects not only the organisation but also its staff members, who may face criminal liability as members of an extremist organisation.⁸⁹ Furthermore, providing financial support to such organisations is also considered a criminal offense.⁹⁰

Such practices infringe upon the freedom of association of CSOs. Authorities can essentially prevent the establishment of CSOs by invoking concepts whose meanings can be arbitrarily shaped. This legal uncertainty and the potential for arbitrary law enforcement severely restrict the scope and development of civil society.

5.2. Making the re-registration process more difficult

Another challenge arises in the context of maintaining the legal status of CSOs. This issue particularly affects CSOs that were previously legally established and operated in full compliance with the law. However, newly introduced legislation often retroactively strips these organisations of their legal status and imposes additional conditions for re-registration. Without formal feedback from authorities, these CSOs lose their recognised organisational status. As a result, they are prohibited from accepting donations from domestic or foreign donors, as legal recognition is essential for donors to engage with them. Additionally, affected CSOs are unable to access their former bank accounts. As a result, they become unable to achieve their previously defined goals and implement their programs, which significantly hinders their operations and fulfilment of their societal roles.

In many cases, authorities misuse vague legal concepts during authorisation procedures, allowing for the selective application of the legislation. This practice reflects a particularistic approach. In Zambia, for instance, applications for the re-registration of CSOs can be rejected on the grounds of public interest.⁹¹ Similarly, in Ethiopia, licenses may be denied on the grounds of public morality.⁹² In Belarus, refusals often cite allegations of extremist activity.⁹³ A common feature of these laws is their lack of precise definitions for such terms. Instead, they grant discretionary powers to the government officials responsible for registration, leaving significant room for subjective decision-making. This practice constitutes a significant violation of the principle of legal predictability, as CSOs cannot anticipate the criteria that will be used to evaluate their applications.

⁸⁸2021: Article 1 of the Law on Extremism.

⁸⁹1999: Article 361/1 of the Penal Code.

⁹⁰*Idem.*, Article 361/2.

⁹¹2009: Article 15(1) (a) of the NGO Act.

⁹²2019: Article 59(1) (b) of Proclamation No. 1113/2019 on Organization of Civil Societies.

⁹³1994: Article 7 of the Law on Public Associations (amended in 2013).

5.3. Restrictions on foreign aid

The third category of cases focuses on restrictions or sanctions imposed on CSOs that accept foreign aid. CSOs with a social control function often rely on international funding, as they view financial independence from public funding as essential to maintaining their autonomy. CSOs should be able to achieve their objectives without undue external state influence or interference. To this end, they have the right to seek, receive, and utilise financial resources to pursue their activities. States should not restrict or impede CSOs' access to resources solely based on the geographical origin of the funding. This is especially true when the source is in a democratic country or a legitimate institution of an international organisation. Furthermore, states should not stigmatise CSOs that receive foreign support.

For example, in Russia, CSOs classified as 'foreign agents' are required to register under the law. However, the term 'foreign agent' is interpreted very broadly. In practice, anyone – whether a Russian citizen, a foreign or stateless person, a domestic or international organisation, or even an unregistered group – can be labelled as a foreign agent if they engage in civic activism or express opinions on Russian politics or the conduct of officials and are alleged by authorities to be 'under foreign influence'.⁹⁴ The law fails to define what constitutes 'foreign influence' with precision, allowing any interaction with a foreign element to fall under this category. Moreover, no direct causal link between the alleged foreign influence and political or other activities is required to impose the label of 'foreign agent'. The consequences of such designation are severe: individuals and organisations labelled 'foreign agents' are excluded from key aspects of public life,⁹⁵ ultimately undermining their ability to perform their social control function.

Another example is Hungary, where the Law on the Protection of National Sovereignty entered into force in 2023. The legislation established a new Sovereignty Protection Office (SPO)⁹⁶ with broad investigative powers. The primary role of the SPO is to identify and investigate activities carried out in the interests of foreign states, entities, organisations, or individuals that may infringe upon or threaten Hungary's sovereignty. The Office pays special attention to activities aimed at influencing democratic debate and public decision-making processes. It also examines attempts to influence the decision-making processes of persons exercising public authority. It also identifies and investigates organisations that utilise foreign funding for activities potentially influencing election outcomes or voter preferences.⁹⁷ During its investigations, it has access to data, including sensitive personal information, related to the organisations or individuals under scrutiny, enabling unrestricted data collection. Notably, the law does not provide a right of appeal against the procedures,⁹⁸ raising serious concerns about adherence to the rule of law. If the investigation uncovers irregularities warranting further action, such as infringement, criminal, or administrative proceedings, the SPO notifies the relevant authorities.

⁹⁴2022: Article 1 of the Law on Control Over the Activities of Persons Being Under Foreign Influence.

⁹⁵2022: Article 11 of Law on Control Over the Activities of Persons Being Under Foreign Influence.

⁹⁶Article 1(1) of Act LXXXVIII of 2023 on the Protection of National Sovereignty.

⁹⁷Article 1(1) of Act LXXXVIII of 2023 on the Protection of National Sovereignty, Article 3(a)-(c).

⁹⁸Article 1(1) of Act LXXXVIII of 2023 on the Protection of National Sovereignty, Article 8(1)–(2).

The law fails to clearly define key concepts such as sovereignty and advocacy, leaving room for arbitrary interpretation and application. This ambiguity allows the SPO to investigate virtually anyone it suspects of serving foreign interests or threatening national sovereignty. A particularly concerning aspect of the legislation is its provision enabling the SPO to investigate activities aimed at influencing democratic debate and public decision-making processes. This measure risks suppressing dissent and discouraging citizens from actively participating in public affairs. Freedom of expression and the right to participate in decision-making are closely intertwined with freedom of association and assembly, which form the foundation of CSOs' operations. Restricting these rights threatens the ability of CSOs to make their voices heard and represent their communities. Thus, this law has the potential to undermine democratic public life and social discourse by stigmatising and intimidating citizens and CSOs engaged in public affairs.

5.4. Restrictions on cooperation with foreign CSOs

The fourth category of cases involves mechanisms by which states restrict CSOs' past or future cooperation with foreign organisations. This approach aims to limit civil society's international connections, thereby reducing the potential for external influence and weakening the effectiveness of global civil society networks.

Practices that contradict the universal principles of the right of association can be observed in some countries where legislation restricts the activities of foreign CSOs. In such cases, governments misuse concepts like national sovereignty, institutional order, national unity, territorial integrity, national security, public morality, public order, or the protection of national values. The restrictions in these categories are problematic as they can easily be used to suppress or obstruct the activities of CSOs performing social control functions. States can argue that nearly any human rights or advocacy activity conflicts with their particularistic national interests. This mechanism can become a powerful tool for governments to silence foreign CSOs and suppress dissent.

For instance, in Algeria, foreign organisations are prohibited from engaging in activities that are deemed to violate national sovereignty, disrupt the established institutional order, threaten national unity or territorial integrity, undermine public order, public morality, or the 'civilisational values' of the Algerian people.⁹⁹ Similarly, in Sudan, foreign entities are barred from interfering in the country's internal affairs in ways that could compromise its sovereignty.¹⁰⁰

Another form of violation of the right of association can be observed in some countries where restrictions are imposed on the political activities of foreign CSOs. An issue with these prohibitions is the lack of precise definitions for what constitutes 'political activity'. El Salvador provides a notable example.¹⁰¹ The danger of such vaguely worded restrictions is that they allow for overly broad interpretations. As a result, even basic civil activities, such as advocacy or work aimed at promoting human rights, could end up being prohibited.

The aim of these restrictive measures is typically to protect national sovereignty and minimise foreign influence. However, such steps often undermine the independence of civil society

⁹⁹2012: Article 65 of the Law on Associations.

¹⁰⁰2006: Article 5(f) of the Voluntary and Humanitarian Work (Organization) Act.

¹⁰¹1996: Article 42 and 47 of the Nonprofit Associations and Foundations Law.

and limit organisations' ability to respond to global challenges or adopt international best practices.

5.5. The use of anti-money laundering and counter-terrorism laws against CSOs

States worldwide have misused anti-money laundering and counter-terrorism laws to target CSOs. Their application often extends far beyond these original objectives, the fight against terrorism and money laundering. Although it is reasonable for governments to establish legal frameworks and control mechanisms that apply to CSOs involved in illicit activities like money laundering or terrorism financing, such measures must adhere to universal legal standards. During the application of this law, it is important to strike a balance between protecting national security and safeguarding the operational freedom of civil society. States must ensure that laws do not become tools for oppressing or unjustly restricting legitimate CSOs.

For example, in Egypt, anti-terrorism legislation allows for a broad interpretation of terms such as 'terrorist entities' and 'terrorist activities,' which could potentially encompass legitimate and peaceful advocacy work.¹⁰² As part of the legislation, a list of terrorist entities and individuals was established, with one of its most severe consequences being the strict limitation of property rights for those affected. If a CSO or one of its employees is added to these lists, their funds and other assets are immediately frozen.¹⁰³ Another concerning aspect of the law is that it grants the attorney general the authority to issue seizure orders on the funds or property of individuals or CSOs not included on the terrorist list, based solely on information suggesting a potential link between those assets and terrorist activities.¹⁰⁴ This provision highlights that Egyptian regulations do not require a substantive, proven connection between frozen assets and terrorist activities, creating significant opportunities for authorities to misuse these measures to control and restrict civil society.

5.6. Restricting the freedom of expression of civil society organisations

The sixth category involves the restriction of CSOs' freedom of expression. These limitations not only affect their right to free speech but also significantly undermine, and in some cases entirely eliminate, their ability to advocate for interests. Freedom of expression and advocacy are closely intertwined, as CSOs with a social control function often rely on public discourse to achieve their goals and drive societal change. When authorities restrict CSOs' freedom of expression, they effectively hinder their participation in democratic processes and obstruct their contribution to social dialogue.

For example, Indonesia's legal system includes a key yet controversial element in its Intelligence Law: the concept of 'intelligence secrets'. According to this definition, any information that could potentially threaten national security is classified as an intelligence secret. The root of the problem lies in the fact that the law does not clearly define the concept of 'national security',¹⁰⁵ thus neglecting the basic requirement of legal clarity. In its current form, the law allows

¹⁰²2015: Article 1(1) and 2 of the Anti-Terrorism Law.

¹⁰³2015: Article 7 of the Terrorist Entities Law (amended in 2020).

¹⁰⁴2015: Article 7 of the Terrorist Entities Law (amended in 2020), Article 3.

¹⁰⁵2011: Article 6(1) of the Intelligence Law.

for broad interpretation, which may severely restrict CSOs' right to access and disseminate information of public interest. This right is essential for their effective functioning and for ensuring societal transparency.

Striking a balance between combating terrorism and protecting fundamental human rights presents a significant challenge in many countries. The root of the issue often lies in the overly broad legal definitions of terrorist acts, which provide authorities with opportunities to misuse these laws. In several countries, the definition of terrorism is so vague that it can be used to criminalise peaceful political activities. This poses a serious threat to freedom of expression, association, and assembly.

Senegal serves as a clear example of this problem. The country's laws fail to sufficiently narrow the scope of what constitutes a terrorist act, creating the risk that peaceful expressions of opinion – such as advocating political reforms or exposing corruption – could be classified as acts of terrorism.¹⁰⁶ Article 279(1) of the Penal Code, read in conjunction with Article 45(1), may result in the activities of a CSO being considered as supporting a group suspected of committing terrorist acts, even if the organisation had no intention of supporting terrorism or a terrorist group.¹⁰⁷

In Turkey, the Anti-Terrorism Law allows for the restriction of the work of human rights defenders under accusations of participating in terrorist propaganda. According to the law, it can be considered a crime if a CSO's premises are used to 'conduct propaganda' for an armed organisation or to support such an organisation. During legal proceedings, no clear criteria are applied to determine which instances of 'assistance' qualify as criminal offences.¹⁰⁸ Moreover, it has become routine in judicial practice to accuse and convict individuals on terrorism-related charges without credible or sufficient evidence, often based solely on their actual or perceived political opinions (*Amnesty International*, 2021, pp. 10–11).¹⁰⁹

Laws containing vague and broad terms, as well as those prioritising national characteristics, set a dangerous precedent. They provide enforcement authorities with the opportunity to take action against CSOs that inform the public about human rights abuses or other matters of public interest. These laws not only violate CSOs' right to freedom of expression but also contribute to the erosion of their autonomy. Such restrictions often lead to self-censorship, significantly hindering the effective functioning of CSOs. Moreover, such an atmosphere discourages individuals from participating in and actively engaging with the work of CSOs, particularly in advocacy efforts.

5.7. Unlawful cases of CSO dissolution

The seventh category relates to unlawful cases of dissolving CSOs. These cases involve the misuse of certain concepts by governments. Furthermore, such dissolution procedures frequently bypass the role of the judiciary, leading to severe consequences. This grants authorities unchecked power to make arbitrary decisions. In many instances, CSOs have little to no access to effective legal remedies against these decisions. Often, they can only challenge the

¹⁰⁶1965: Article 279 of the Penal Code (amended in 2021).

¹⁰⁷1965: Article 279 of the Penal Code (amended in 2021) Article 45(1) and 279(1).

¹⁰⁸1991: Article 3–4 of the Anti-Terrorism Law.

¹⁰⁹*Amnesty International* (2021).

dissolution after it has already occurred, significantly complicating their ability to assert their rights. In such cases, the affected CSO is stripped of its legal status and all associated rights.

Frequently cited reasons for dissolving CSOs include violations of national sovereignty, the sovereign authority of the state, or interference in the country's internal affairs. These concepts are employed by several countries, such as Algeria,¹¹⁰ Myanmar,¹¹¹ and Sudan.¹¹² The necessity of preserving national unity is another common justification, used by countries like Egypt¹¹³ and Myanmar.¹¹⁴ In Indonesia, actions against the government or those deemed contrary to Pancasila (the state's five founding principles)¹¹⁵ can serve as grounds for dissolving CSOs. In Nepal, laws allow for the dissolution of CSOs 'for any other reason'.¹¹⁶ This vague phrasing grants broad discretion to the government, potentially leading to abuses. Such flexible legislation enables authorities to interpret and apply laws subjectively, posing a threat to the independence and functioning of civil society.

5.8. Comparison of restrictions with the democracy index rankings of countries

The analysed democracy indices¹¹⁷ typically focus on whether rights are constitutionally guaranteed and whether state institutions protect these rights. Thus, they primarily concentrate on governments, states, and legal institutions. Recurring key categories in these analyses include the level of legal certainty, the independence of the judiciary, the scope of civil society, and the practical enforcement of fundamental rights. By examining these aspects, democracy indices aim to provide a comprehensive picture of the quality and functioning of a country's democratic system (Tables 1 and 2).

A significant difference can be observed in the regulation of CSOs between full democracies and authoritarian regimes. Full democracies refrain from adopting pseudo-particularistic approaches when regulating the establishment and operation of CSOs. In contrast, authoritarian or authoritarian-leaning countries often implement restrictive legislation of this nature. While there may be variations in the specific forms and extent of restrictive measures among different authoritarian regimes, it is evident that such regulatory practices are closely tied to the functioning of authoritarian systems. Various democracy indices may categorise these countries differently based on the degree of authoritarianism, but the method of restricting civil society is typically characteristic of authoritarian regimes. This regulatory distinction reflects the differing attitudes of democracies and authoritarian systems towards the role of civil society and the exercise of power. Democracies generally support the free functioning of civil society, whereas authoritarian regimes often seek to control or restrict it, frequently citing seemingly particularistic considerations as justification.

¹¹⁰2012: Article 39 of the Law on Associations.

¹¹¹2022: Article 25 of the Organization Registration Law.

¹¹²2006: Article 5 of the Voluntary and Humanitarian Work (Organization) Act.

¹¹³2019: Article 15(b) and (d) of the Law on NGOs.

¹¹⁴2022: Article 25 of the Organization Registration Law.

¹¹⁵2017: Section 59 of the Law on Community Organizations.

¹¹⁶1977: Article 14 of the Association Registration Act.

¹¹⁷[Link2](#); [Link3](#); [Link4](#).

Table 1. Pseudo-particularistic approaches to the legal regulation of CSOs¹¹⁸

Countries	Legislation	Types of restrictions	V-Dem, 2023 data	EIU, 2023 data	BTI, 2023 data
Algeria	2012: Law on Associations, Article 2, Article 39, Article 65	Impediments to the Registration Procedure, Restriction of Foreign Funds, Restrictions on cooperation with foreign NGOs, Unlawful dissolution of CSOs	Electoral Autocracies	Authoritarian	Moderate autocracies
	2020: Ordinance No. 21-08 amending and supplementing Ordinance No. 66-156 on the Criminal Code, Article 95(a)				
Belarus	2021: Law on Extremism, Article 1	Impediments to the Registration Procedure	Electoral Autocracies	Authoritarian	Hard-line autocracies
	1994: Law on Public Associations (amended in 2013), Article 7				
China	2016: Charity Law, Article 4	Impediments to the Registration Procedure, Re-registration Procedure	Closed Autocracies	Authoritarian	Hard-line autocracies
Egypt	2019: Law No. 149/2019 on NGOs, Article 15	Impediments to the Registration Procedure, Laws against Money Laundering and/or Terrorism, Unlawful dissolution of CSOs	Electoral Autocracies	Authoritarian	Hard-line autocracies
	2015: Anti-Terrorism Law, Article 2				
	2015: Terrorist Entities Law (amended in 2020), Article 1(1), Article 2, Article 3				
El Salvador	1996: Nonprofit Associations and Foundations Law, Article 42, Article 47	Restrictions on cooperation with foreign NGOs	Electoral Autocracies	Hybrid regime	Moderate autocracies

(continued)

¹¹⁸ [Link1](#).

Table 1. Continued

Countries	Legislation	Types of restrictions	V-Dem, 2023 data	EIU, 2023 data	BTI, 2023 data
Ethiopia	2019: Organization of Civil Societies Proclamation No. 1113/2019, Article 59(1) (b)	Re-registration Procedure	Electoral Autocracies	Authoritarian	Hard-line autocracies
Guatemala	2020: Decree No. 4 on the Reforms to the Law of Non-Governmental Organizations for Development Article13, Article 21	Unlawful dissolution of CSOs	Electoral Democracies, —	Hybrid regime	Hard-line autocracies
Hungary	2023: Act LXXXVIII on the Protection of National Sovereignty, Article 1.(1), Article 2(a)-(f), Article 3(a)-(c), Article 8(1)-(2), Article 11	Restriction of Foreign Funds	Electoral Autocracies	Flawed democracy	Defective democracies
India	2020: Foreign Contribution Regulation (Amendment) Rules, Preamble	Restriction of Foreign Funds	Electoral Autocracies	Flawed democracy	Defective democracies
Indonesia	2011: Intelligence Law; Section 6(1)	Restrictions on CSOs' Freedom of Expression/Advocacy, Unlawful dissolution of CSOs	Electoral Democracies, —	Flawed democracy	Defective democracies
	2017: Law Number 16 of concerning Community Organizations Section 59				
Kenya	1990: Non-Governmental Organizations Co-Ordination Act, Article 7	Restrictions on cooperation with foreign NGOs	Electoral Democracies, —	Hybrid regime	Highly defective democracies
Malaysia	1966: Societies Act, Article 7(3)	Restrictions on CSOs' Freedom of Expression/Advocacy, Impediments to the	Electoral Democracies, —	Flawed democracy	Highly defective democracies

(continued)

Table 1. Continued

Countries	Legislation	Types of restrictions	V-Dem, 2023 data	EIU, 2023 data	BTI, 2023 data
	1976: Penal Code (amended in 2021), Section 124	Registration Procedure			
Morocco	1958: Decree on the Right to Establish Associations (amended in 1973, 2002), Article 3	Impediments to the Registration Procedure	Closed Autocracies	Hybrid regime	Hard-line autocracies
Myanmar	2022: Organization Registration Law, Section 25	Unlawful dissolution of CSOs	Closed Autocracies	Authoritarian	Highly defective democracies
Nepal	1977: Association Registration Act	Unlawful dissolution of CSOs	Electoral Democracies	Hybrid regime	Defective democracies
Nicaragua	2020: Foreign Agent Law, Article 14	Restriction of Foreign Funds	Electoral Autocracies, —	Authoritarian	Hard-line autocracies
Russia	2022: Law on Control Over the Activities of Persons Being Under Foreign Influence, Article 1, Article 2, Article 9, Article 11	Restriction of Foreign Funds, Registration or re-registration procedures of organisations designated as “foreign agents”, Laws against Money Laundering and/or Terrorism, Restrictions on CSOs’ Freedom of Expression/Advocacy	Electoral Autocracies	Authoritarian	Hard-line autocracies
	2001: Federal Law No. 115-FZ On Counteraction to Legalization (Laundering) of Proceeds from Crime and Financing of Terrorism (amended in 2014), Article 1.2				
	2020: Federal Law No. 530-FZ, Article 10.6				
Rwanda	2012: Law Governing the Organization and Functioning of National Non-Governmental	Impediments to the Registration Procedure, Unlawful dissolution of CSOs	Electoral Autocracies	Authoritarian	Hard-line autocracies

(continued)

Table 1. Continued

Countries	Legislation	Types of restrictions	V-Dem, 2023 data	EIU, 2023 data	BTI, 2023 data
	Organizations, Article 20, Article 24				
Senegal	1965: Penal Code (amended in 2021), Article 45.(1), Article 279	Restrictions on CSOs' Freedom of Expression/Advocacy	Electoral Democracies	Hybrid regime	Defective democracies
South Sudan	2016: NGO Act, Section 12	Impediments to the Registration Procedure	Closed Autocracies	no data	Hard-line autocracies
Sudan	2006: Voluntary and Humanitarian Work (Organization) Act, Article 5	Impediments to the Registration Procedure, Restrictions on cooperation with foreign NGOs, Unlawful dissolution of CSOs	Closed Autocracies	Authoritarian	Hard-line autocracies
Tanzania	2016: Media Services Act, Article 54(1), Article 59	Restrictions on CSOs' Freedom of Expression/Advocacy	Electoral Autocracies	Hybrid regime	Moderate autocracies
	2016: Access to Information Act, Section 6				
Türkey	1926: Civil Code, Article 101	Impediments to the Registration Procedure, Restrictions on CSOs' Freedom of Expression/Advocacy	Electoral Autocracies	Hybrid regime	Moderate autocracies
	1991: Anti-Terrorism Law, Article 3, Article 4				
Turkmenistan	2014: Law on Public Associations (amended in 2017), Article 14	Impediments to the Registration Procedure	Closed Autocracies, +	Authoritarian	Hard-line autocracies
Zambia	2009: NGO Act No. 16., Article 15(1) (a)	Re-registration Procedure	Electoral Democracies, –	Hybrid regime	Defective democracies
Zimbabwe	2023: Criminal Law Codification and Reform Amendment	Restrictions on CSOs' Freedom of Expression/Advocacy	Electoral Autocracies	Authoritarian	Hard-line autocracies

Table 2. Classification of countries applying the examined restrictions

V-Dem Regimes of the world index 2024	EU unit Democracy index 2024	BTI Political transformation index 2024
Closed autocracy 6	Authoritarian regime 12	Hard-line autocracy 13
Electoral autocracy 13	Hybrid regime 9	Moderate autocracy 4 Highly defective democracy ¹¹⁹ 3
Electoral democracy 7	Flawed democracy 4	Defective democracy 6
Liberal democracy 0	Full democracy 0	Democracy in consolidation 0

Source: Data collected by the author.

The phenomenon of pseudo-particularistic restrictions has been identified in 26 countries. These restrictions manifest in various forms, affecting the establishment, operation, and activities of CSOs. Measures that hinder CSOs from obtaining legal status can be categorised into two main groups. In 11 countries, difficulties caused by these restrictions arise during the registration process for CSOs performing social control functions. Additionally, in three countries, similar obstacles are encountered during re-registration procedures. Restrictions in these two categories primarily prevent CSOs from acquiring legal status. The operational conditions and activity scope of CSOs are also restricted in multiple ways. Five countries impede the acquisition of foreign funding, while another four hinder contact with foreign organisations, citing seemingly particularistic interests. Two countries exploit anti-money laundering and counter-terrorism laws to impose these restrictions, while seven others limit the freedom of expression of CSOs. Lastly, in eight countries, pseudo-particularistic approaches are identified in relation to the dissolution of CSOs, placing additional pressure on these organisations.

6. CONCLUSIONS

The approaches of authoritarian countries seemingly reflect a particularistic perspective. However, this particularism is illusory for two reasons. First, the restrictions applied follow the same patterns and are repeated in similar ways around the world. Second, the justifications for these restrictions – whether based on ethnicity, religion, sexual orientation and identity, political opinion, or the suppression of organisations representing or defending these groups – invoke traditions and fictitious rights that are themselves neither unique nor original, but rather universal and recurring. Therefore, the application of concepts used to limit CSOs actually outlines a consistent, universal pattern. A characteristic feature of authoritarian regimes is their exploitation of these concepts to serve their own objectives. Their primary aim is to restrict the social control function as comprehensively as possible, ultimately eliminating it. Within these frameworks, the equality and freedom of CSOs with a social control function are limited. Authoritarian regimes deliberately design legal and political frameworks to appear legitimate while, in reality, restricting the space for civil society in ways that contradict democratic values.

¹¹⁹I have included highly defective democracies because the category description best fits here.

These measures are aimed at consolidating power and silencing dissenting voices. By weakening the oversight role of civil society, authoritarian regimes reduce the possibility of resistance against them and expand their control over society.

Although this research focuses on laws in force as of 2023, it should be noted that several authoritarian countries currently have draft laws (e.g., Angola,¹²⁰ Mozambique,¹²¹ and Zimbabwe¹²²) awaiting adoption that aim to grant supervisory authorities broad powers to restrict the establishment, operation, and activities of CSOs under the guise of particularistic concepts. Moreover, in 2024, Georgia,¹²³ and in 2025, Slovakia¹²⁴ adopted such restrictive legislation, exemplifying this trend. This demonstrates that this type of restrictive technique has increasingly become a general tool – and thus an indicator – of authoritarian governance. Laws employing seemingly particularistic concepts allow authorities to extensively limit the functioning of civil society while maintaining a façade of democracy.

ACKNOWLEDGEMENT

I am grateful to Gábor Attila Tóth for his invaluable comments on earlier drafts of this paper. The study was funded by the Young Leaders Fellowship Fund.

LITERATURE

- Amnesty International, *Turkey: Weaponizing Counterterrorism* (2021) <<https://www.amnesty.org/en/wp-content/uploads/2021/07/EUR4442692021ENGLISH.pdf>> accessed 17 January 2024.
- Andrews, K. T. and Edwards, B., 'Advocacy organisations in the U.S. political process' (2004) 30 *Annual Review of Sociology* 479–506.
- Anheier, H. K., Lang, M. and Toepler, S., 'Civil society in times of change: shrinking, changing and expanding spaces and the need for new regulatory approaches' (2019) 13 *Economics: The Open-Access, Open-Assessment E-Journal* 1–26.
- Arato, A. and Cohen, J. L., *Populism and Civil Society: The Challenge to Constitutional* (Oxford University Press 2022).
- Boris, E. and Mosher-Williams, R., 'Nonprofit Advocacy Organizations: Assessing the Definitions, Classifications, and Data' (1998) 27 *Nonprofit and Voluntary Sector Quarterly* 488–506.
- Bromley, P., Schofer, E. and Longhofer, W., 'Contentions over World Culture: The Rise of Legal Restrictions on Foreign Funding to NGOs 1994–2015' (2020) 99 *Social Forces* 281–304.
- Chaudhry, S., 'The Assault on Civil Society: Explaining State Crackdown on NGOs' (2022) 76 *International Organization* 549–90.

¹²⁰Link5.

¹²¹Link6.

¹²²Link7.

¹²³Goedemans (2024).

¹²⁴Guilbert and AP (2025).

- Deák, I., *A civil szervezetek szabadsága és egyenlősége: Demokratikus és autokratikus szabályozási modellek* (Freedom and Equality of Civil Society Organisations: Democratic and Autocratic Regulatory Models) (Gondolat Kiadó 2025).
- Deák, I. 'Authoritarianism and Civil Society: Legal Restrictions on Human Rights CSOs' (2024a) 10 *Intersections. East European Journal of Society and Politics* 151–70.
- Deák, I., 'Authoritarian Tendencies: The Dual Role of AML/CFT Policies' (2024b) 21 *Civil Szemle* 31–44.
- Deák, I., 'A külföldi támogatások korlátozására vonatkozó jogszabályok és az érintett jogszabályokat megsértő civil szervezetek szankcionálásának módjai' (Laws Restricting Foreign Aid and Ways of Sanctioning CSOs that Violate the Laws Concerned)' (2022) 15 *Közjogi Szemle* 48–59.
- Donoho, D. L., 'Relativism Versus Universalism in Human Rights: The Search for Meaningful Standards' (1991) 27 *Stanford Journal of International Law* 345–91.
- Dupuy, K. and Prakash, A., 'Global Backlash against Foreign Funding to Domestic Nongovernmental Organizations' in Powell, W. and Bromley, P. (eds), *The Nonprofit Sector: A Research Handbook* (3rd edn, Stanford University Press 2020) 618–30.
- Feldman, G., Strier, R. and Schmid, H., 'The Performative Magic of Advocacy Organisations: The Redistribution of Symbolic Capital' (2016) 46 *British Journal of Social Work* 1759–75.
- Forbat, L. and Atkinson, D., 'Advocacy in practice: The troubled position of advocates in adult services' (2005) 35 *British Journal of Social Work* 321–35.
- Gaventa, J., 'Civil Society and Power' in Edwards, M. (ed), *The Oxford Handbook of Civil Society* (Oxford University Press 2011) 422–24.
- Geddes, B., Wright, J. and Frantz, E., 'Autocratic Breakdown and Regime Transitions: A New Data Set' (2014) 12 *Perspectives on Politics* 313–31.
- Goedemans, M., 'What Georgia's Foreign Agent Law Means for Its Democracy', *CFR* (21 August 2024) <<https://www.cfr.org/in-brief/what-georgias-foreign-agent-law-means-its-democracy>> accessed 27 January 2025.
- Guilbert, K. and AP, 'Thousands of Slovaks protest against Russian-style law targeting NGOs', *Euronews* (4 April 2025) <<https://www.euronews.com/2025/04/04/thousands-of-slovaks-protest-against-russian-style-law-targeting-ngos>> accessed 5 April 2025.
- Haddad, H. N., 'Judicial Institution Builders: NGOs and International Human Rights Courts' (2012) 11 *Journal of Human Rights* 126–49.
- Hamlet, J. C., 'The Constitutionality of Russia's Undesirable NGO Law' (2017) 246 *Journal of International Law and Foreign Affairs* 246–310.
- Heiss, A., 'NGOs and authoritarianism' in Davies, T. (ed), *Routledge Handbook of NGOs and International Relations* (Routledge 2019) 557–72.
- Jacobsohn, G. J., 'The Exploitation of Constitutional Identity' in Kovács, K. (ed), *The Jurisprudence of Particularism: National Identity Claims in Central Europe* (Hart Publishing 2023) 33–56.
- Kimberlin, S. E., 'Advocacy by nonprofits: Roles and practices of core advocacy organizations and direct service agencies' (2010) 9 *Journal of Policy Practice* 164–82.
- Kovács, K., 'Mitől alkotmányos a hagyomány? Az egyetemes és partikuláris értékek viszonya' (What Makes Tradition Constitutional? The Relationship Between Universal and Particular Values) (2024a) 28 *Fundamentum* 72–78.
- Kovács, K., 'Az identitás alkotmányjogi koncepciói' (The Constitutional Law Concepts of Identity) in Csepeli, Gy. and Grajczár, I. (eds), *Töretlenül: Örkény Antal 70 éves* (Faculty of Social Sciences, Eötvös Loránd University 2024b) 199–212.

- Kovács, K., 'Identities, the Jurisprudence of Particularism and Possible Constitutional Challenges' in Kovács, K. (ed), *The Jurisprudence of Particularism: National Identity Claims in Central Europe* (Hart Publishing 2023a) 1–32.
- Kovács, K., 'Reconceptualising Constitutional Identity: The Case of Hungary' in Kovács, K. (ed), *The Jurisprudence of Particularism: National Identity Claims in Central Europe* (Hart Publishing 2023b) 149–70.
- Kovács, K., 'Univerzalizmus és partikularizmus az új magyar alkotmányban' (Universalism and Particularism in the New Hungarian Constitution) (2022a) 26 *Fundamentum* 142–45.
- Kovács, K., 'Constitutional or ethnocultural? National identity as a European legal concept' (2022b) 8 *Intersections. East European Journal of Society and Politics* 170–90.
- Kövér, Á., Antal, A. and Deák, I., 'Civil society and COVID-19 in Hungary: The complete annexation of civil space' (2021) 12 *Nonprofit Policy Forum* 93–126.
- Kumm, M., 'Un-European Identity Claims: On the Relationship between Constituent Power, Constitutional Identity and its Implications for Interpreting Article 4(2) TEU' in Kovács, K. (ed), *The Jurisprudence of Particularism: National Identity Claims in Central Europe* (Hart Publishing 2023) 173–86.
- Lewis, D., 'Civil Society and the Authoritarian State: Cooperation, Contestation and Discourse' (2013) 9 *Journal of Civil Society* 325–40.
- Linz, J. J., *Totalitarian and Authoritarian Regimes* (3rd edn, Lynne Rienner Publisher 2000).
- Mälksoo, M., 'The normative threat of subtle subversion: the return of 'Eastern Europe' as an ontological insecurity trope' (2019) 32 *Cambridge Review of International Affairs* 365–83.
- Marcinkutė, L., 'Human rights defenders or state sovereignty destroyers?' (2021) 4 *Baltic Journal of Law & Politics* 52–77.
- Mosley, J. E., 'Organizational Resources and Environmental Incentives: Understanding the Policy Advocacy Involvement of Human Service Nonprofits' (2010) 84 *Social Service Review* 57–76.
- Najam, A., 'The Four-C's of Third Sector–Government Relations. Cooperation, Confrontation, Complementarity, and Co-optation' (2000) 10 *Nonprofit Management and Leadership* 384–89.
- O'Donnell, G., Schmitter, P. C. and Whitehead, L., *Transitions from authoritarian rule* (The Johns Hopkins University Press 1986).
- Oleinikova, O., 'Foreign Funded NGOs in Russia, Belarus and Ukraine: Recent Restrictions and Implications' (2017) 9 *Cosmopolitan Civil Societies: an Interdisciplinary Journal* 86–94.
- OSCE/ODIHR, *Guidelines on Freedom of Association* (1 January 2015) <<https://www.osce.org/odihr/132371?download=true>> accessed 24 January 2025.
- Roniger, L., 'Civil Society, Patronage and Democracy' (1994) 35 *International Journal of Comparative Sociology* 207–202.
- Rutzen, D., 'Civil Society Under Assault' in Diamond, L., Plettner, M. F. and Walker, C. (eds), *Authoritarianism Goes Global: The Challenge to Democracy* (Johns Hopkins University Press 2016) 163–74.
- Schedler, A., *The Politics of Uncertainty: Sustaining and Subverting Electoral Authoritarianism* (Oxford University Press 2013).
- Tesón, F. R., 'International Human Rights and Cultural Relativism' (1985) 25 *Virginia Journal of International Law* 869–98.
- Tilley, J. J., 'Cultural Relativism' (2000) 22 *Human Rights Quarterly* 501–47.
- Toepler, S., 'Modeling the Government/NGO Relationship in an Era of Shrinking/Changing Spaces for Civil Society' (2019) (Invited presentation at the Theories, Issues, Boundaries Section Colloquy: 'Nonprofit Theories in Non-Western Contexts: What Have We Learned about Their Applicability?' 48th Annual Conference of ARNOVA, San Diego, November 21–23, 2019) <<https://www.researchgate.net/publication/>

337720612_Modeling_the_GovernmentNGO_Relationship_in_an_Era_of_ShinkingChanging_Spaces_for_Civil_Society> accessed 1 November 2024.

Toepler, S. and Fröhlich, C. 'Advocacy in authoritarian contexts: the case of disability NGOs in Russia' (2020) 40 *International Journal of Sociology and Social Policy* 1473–89.

Tóth, G. A., *Nemdemokrácia: Az alkotmányjogi patológia és terápia alapjai* (Non-democracy: The Foundations of Constitutional Pathology and Therapy) (Oriold és Társai Kiadó 2024).

Tóth, G. A., 'Constitutional Markers of Authoritarianism' (2019a) 11 *Hague Journal on the Rule of Law* 37–61.

Tóth, G. A., 'Breaking the Equilibrium: From Distrust of Representative Government to an Authoritarian Executive' (2019b) 28 *Washington International Law Journal* 317–48.

Tóth, G. A., *The Authoritarian's New Clothes: Tendencies Away from Constitutional Democracy* (Foundation for Law, Justice and Society - Wolfson College 2017).

van Veen, W. J. M., 'Civil Society in Europe and the European Convention on Human Rights' in van der Ploeg, T. J., van Veen, W. J. M. and Versteegh, C. R. M. (eds), *Civil Society in Europe - Minimum Norms and Optimum Conditions of its Regulation* (Cambridge University Press 2017) 8–34.

Young, D. R., 'Alternative Models of Government – Nonprofit Sector Relations: Theoretical and International Perspectives' (2000) 29 *Nonprofit and Voluntary Sector Quarterly* 149–72.

LINKS

Link1: 'Pseudo-particularistic approaches to the legal regulation of CSOs' <<https://airtable.com/appOtOJ1c98soRwTY/shr0Yb86ssAIN71rW/>> accessed 23 January 2025.

Link2: 'Political Transformation: 2024_Scores', *BTI* <<https://bti-project.org/en/index/political-transformation/>> accessed 23 January 2025.

Link3: 'Democracy Index 2023: Age of conflict', *EIU* <<https://www.eiu.com/n/campaigns/democracy-index-2023/>> accessed 23 January 2025.

Link4: 'Democracy Report 2024: Democracy Winning and Losing at the Ballot', *V-Dem* <<https://www.v-dem.net/publications/democracy-reports/>> accessed 23 January 2025.

Link5: '100 civil society organizations around the world in defense of Civic Space in Angola demand new law on NGOs to be withdrawn', *CIFAR* (5 July 2023) <<https://cifar.eu/100-civil-society-organizations-around-the-world-in-defense-of-civic-space-in-angola/>> accessed 27 January 2025.

Link6: 'Mozambique: Draft Law Threatens Civil Society Groups', *Human Rights Watch* (10 February 2023) <<https://www.hrw.org/news/2023/02/10/mozambique-draft-law-threatens-civil-society-groups>> accessed 27 January 2025.

Link7: 'Zimbabwe: Further information: Civil society under attack with new draft law', *Amnesty International* (19 April 2024) <<https://www.amnesty.org/en/documents/afr46/7957/2024/en/>> accessed 27 January 2025.

Open Access statement. This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (<https://creativecommons.org/licenses/by/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited, a link to the CC License is provided, and changes – if any – are indicated. (SID_1)