



Defending Freedom of Expression and Information in Europe and Central Asia

Peter Pellegrini
The President of the Slovak Republic

24 April 2025

Re: Amendment to the Law on Non-Profit Organisations

Your Excellency, President Pellegrini,

We are writing you on behalf of ARTICLE 19, international freedom of expression organisation, to ask you not to sign the **Amendment to the Law on non-profit organisations** (the Law amending Act No. 213/1997 Coll. on non-profit organisations providing generally beneficial services, hereinafter 'Law' or 'Amendment'), adopted by the National Assembly.

Namely, we urge you to return the law to the National Assembly with commentary that its provisions threaten the rights to freedom of association and freedom of expression in Slovakia.

Alternatively, should you sign this Amendment, we request that you refer it to the Constitutional Court for the examination of its constitutionality, pursuant to Article 125(1) of the Slovak Constitution.

ARTICLE 19 is concerned that the Amendment requires non-governmental organisations (NGOs) to disclose and periodically report information about their sources of financing. Non-compliance will lead to the imposition of fines and even potential dissolution of the organisation.

We find this legislation will inevitably have negative implications for civic space in Slovakia by creating additional administrative burdens for NGOs, leading to difficulty in seeking funding for civic activities and stigmatising civil society.

As freedom of expression organisation, we also worry that this Law will have impact on media freedom. Many investigative reports rely on NGOs for expertise, data, or advocacy. By forcing NGOs to disclose donors and register as lobbyists, the law risks exposing journalists' sources and deterring collaborations. This could weaken accountability reporting, particularly on corruption or government misconduct. Further, NGOs supporting media literacy, fact-checking, or press freedom initiatives (e.g., those countering disinformation) may shrink operations or self-censor to avoid scrutiny.

We have seen the effects of similar legislation in other countries, including Russia, Kyrgyzstan, and Georgia. Accessing different sources of funding is essential for a vibrant, independent and pluralistic civil society. The law in question is bound to create a chilling effect on engaging with foreign donors and limit funding opportunities for NGOs.

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Although ARTICLE 19 shares the concern about a possible negative impact of foreign interference on democracy and the information space, a general regulation imposed on NGOs by virtue of the sources of their funding is not the right answer. From the perspective of international human rights standards, the law does not pass the test of permissible restrictions on freedoms of association and expression. Namely:

- General transparency for its own sake is not a **legitimate aim** for restrictions. No recognised legitimate aim corresponding to an individualized threat is convincingly put forward by the legislation in question.
- Equating a modest monetary threshold of financial support provided to an NGO with the exercise of “foreign influence” or an agency relationship between a foreign principal and the NGO results in an extremely broad regulation. As such, it does not pass the test of **legality**.
- In any case, the onerous compliance requirements and sanctions do not satisfy the test of **necessity and proportionality** and would produce a chilling effect on NGOs’ operations.
- A differentiation in regulatory approach to NGOs based on the source of their funding is in and of itself **discriminatory**. It will stigmatise a large subset of associations in Slovakia.

We also warn that this Law does not stand a chance of scrutiny by the European Court of Human Rights. In its [jurisprudence](#) on “foreign agent” laws in Russia, which were found incompatible with the European Convention on Human Rights, the Court stressed that receipt of foreign funding cannot be presumed to mean foreign control or operational dependence. Similar observations were made by [the Venice Commission](#) regarding the recently adopted Georgian law on “transparency of foreign influence”.

We also recall that the European Commission previously [cautioned](#) that the passing of the law would trigger an infringement procedure against Slovakia. This mechanism was already used against Hungary when its government adopted a restrictive NGO law. The proceedings resulted in a finding of illegality. There is little doubt that the same outcome would be reached in an infringement procedure against Slovakia.

We respectively draw your attention to the fact that even more progressive foreign interest laws with a narrower scope are still incompatible with international human rights standards. In 2023, *The Good Lobby* produced [a report](#) on foreign interest legislation in OECD countries, both in vigour, no longer in force, or planned to be adopted, covering the US, Australia, Israel, Canada, UK, Hungary, and (outside the OECD) Russia. While the legislations vary in content and in levels of enforcement, all are characterised by vague definitions, lack of clarity in defining the agency relationship with the third country, the presence of legal loopholes that are exploited by foreign actors, and their unpredictable enforcement. As a general principle, foreign interest legislation is subject to the risk of weaponisation by governments to target specific associations.

Furthermore, there is little evidence that such laws are effective in preventing malign foreign influence, much of which is conducted covertly and would not be covered by a general transparency regulation.

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Hence, we urge you to use your constitutional powers to halt to this ineffective and unjustified legislation. Challenging foreign influence cannot come at the expense of the protection of human rights, namely freedoms of association and expression. We would be happy to provide any further analysis that you may require.

Thank you for your consideration.

Yours sincerely,

Antanina Maslyka

Regional Director for Europe at ARTICLE 19

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