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TURNING TRANSPARENCY INTO CONTROL: LESSONS FROM SLOVAKIA'S NGO LAW SLOVAK CASE STUDY

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Over the past three decades, civil society has played a key role in Slovakia's public sphere. In many areas, it compensates for the state's limited capacity and interest, contributes expert input to the development of public policies, and takes part in public oversight. During this period, some non-governmental organizations have also actively joined protest actions against undemocratic tendencies in government. The most visible waves of civic mobilization came in 1998 and 2018. In the first case, civic initiatives mobilized ahead of the 1998 elections, when Slovakia faced the risk of a deepening autocratic regime led by Prime Minister Vladimír Mečiar.

Two decades later, civil society organized mass protests against state capture during Robert Fico's third government, which began to be exposed after the murders of journalist Ján Kuciak and his fiancée Martina Kušnírová. In both cases, the protests led to significant political change, although only partly and temporarily. Both waves of civic mobilization also triggered reactions from populist politicians such as Mečiar, Fico and their allies. These reactions were based mainly on questioning the motivations, funding and foreign links of civil society. This rhetoric and distrust of NGOs has taken deep root in parts of Slovak society, and populists regularly return to it when pursuing their power interests.

This approach culminated in 2024 and 2025, following Robert Fico's return to power, as his fourth government introduced legislation characterized by civil society as a „Russian law" due to its restrictive nature. The governing coalition built on its long-standing delegitimization of NGOs and misused the legitimate topic of increasing transparency in civil society to create a selective tool for discriminatory regulation.

After a series of attacks on „political NGOs" (a term used by some politicians for organizations working on public policies and oversight), the spread of a „foreign agents" narrative, and several rewrites of the draft, coalition MPs in April 2025 passed Act No. 109/2025 Coll., amending the legal framework for NGOs.
The law introduced new administrative obligations for NGOs, including donor reporting. It also extended the scope of Slovakia's Freedom of Information Act (FOIA) to parts of the NGO sector, even though NGOs are private-law entities. Slovakia's FOIA, effective since 2001, traditionally applies to state and local government institutions. Under this law, those institutions must publish and disclose information on the use of public funds.

The proposal for new regulation was submitted by MPs from the coalition Slovak National Party. It was repeatedly revised in haste and, despite serious criticism from domestic and international institutions, adopted without proper public debate. The Public Defender of Rights, Robert Dobrovodský, as well as a group of opposition MPs, subsequently turned to the Constitutional Court of the Slovak Republic. They asked the Court to review whether Act No. 109/2025 Coll. is compatible with the Constitution of the Slovak Republic.

In December 2025, the Constitutional Court annulled key parts of the law as unconstitutional. Because the full text of the judgment has not yet been published, this paper relies primarily on the Court's press release. We will add the detailed reasoning once the decision is published. The issue is not closed, however. Government politicians immediately described the Court's decision as „political activism" and announced that they would prepare a new version of the law.

The Slovak case is instructive for three main reasons:

- It shows a typical shift from „labels“ to „administration“. Once conspiracy narratives are established, stigma can be translated in parliament into seemingly technical obligations that enable restriction in practice.
- It illustrates how a legitimate transparency agenda for civil society can be misused for narrow political purposes.
- It underlines the importance of independent institutions, such as courts, the ombudsperson and international organizations, which can act as counterweights to disproportionate interference with freedom of association.

A political evergreen: domestic sentiments and global inspirations

Questioning the funding of NGOs and calling for tighter regulation are not new in Slovakia. Already in the 1990s, during the governments led by Vladimír Mečiar, attacks appeared in Slovak public debate portraying civil society as an alleged „tool of foreign interests". This was reinforced by the fact that several civic associations received grants from international foundations, including the Open Society Fund founded by U.S. financier George Soros.

The motif of „Soros NGOs" and the claim that civic organizations do not act on their own initiative but serve foreign interests returns periodically in Slovak politics. It is most intense when social pressure on the government increases or when the importance of public oversight grows.

After the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová in February 2018, Slovakia entered its deepest political crisis since joining the European Union. Mass protests, together with pressure from the public and from one of the coalition partners, led to the resignation of then Prime Minister Robert Fico. During this period, Fico began to rely more strongly on narratives about „Soros" and „political NGOs". He claimed these organizations stood behind the protests and interfered in politics. This happened even though his previous governments had partly cooperated with civil society and also supported it financially through public grant schemes.

Fico also tried to draw then President Andrej Kiska into conspiracy narratives. Some politicians from Fico's party, Smer-SD, threatened to leave if he continued with such rhetoric. They left only after the 2020 elections, after which Smer-SD moved into opposition. Today, both Smer-SD and its former members in the new party Hlas-SD are again together in the governing coalition. In 2021, Fico said that stepping back from the „Soros" theme had been a mistake, and that this story could have helped them win the 2020 election as well.

After more moderate politicians left Smer-SD, Fico and his allies again began using „foreign agents" narratives about the NGO sector more and more intensively. Similar rhetoric has also been used by other populist and nationalist parties, such as the Slovak National Party and the Republika movement.

The Slovak case also unfolded within the broader global trend of „shrinking civic space", meaning the narrowing space for civil society. Questioning NGOs, their funding and their motivations has increasingly appeared even in many advanced democracies. In several authoritarian and hybrid regimes, laws have spread over the past decade that, under the pretext of transparency, introduce registration requirements, stigmatization and sanctions against organizations receiving foreign financial support.

The harshest model is Russia. The „foreign agents" law and later tightening measures pushed independent organizations into exile and effectively dismantled a significant part of civil society. For example, the anti-corruption organization Transparency International Russia was designated an „undesirable organization“, and its staff now work from exile in many countries, mostly in Europe.

In Europe, Viktor Orbán's government in Hungary attempted a similar approach. In 2017 it adopted a law on „organizations supported from abroad“. In 2020, the Court of Justice of the European Union found the law to be discriminatory and an unjustified interference with the free movement of capital and with fundamental rights. Hungary had to abandon this regulation, although it has adopted additional pressure measures against NGOs over time.

In Georgia, similar legislation in 2023 (a first, unsuccessful attempt) and in 2024 (adopted) triggered mass protests and sharp criticism from the European Union and from the Venice Commission of the Council of Europe, which recommended repealing the law in its current form. In Georgia, the government tried to present the legislation as a version of the U.S. FARA (Foreign Agents Registration Act), although civil society there also described it primarily as a „Russian law“. Both narratives later appeared frequently in the Slovak case as well.

However, the U.S. reference served more as a slogan than as a careful analogy also in the Slovak case. Historically, FARA focuses on registering activities carried out „at the order of or under the control“ of a foreign principal. It does not aim at blanket labelling of organizations based on the origin of their funding.

At the same time, narratives against the NGO sector in Slovakia were also accelerated by developments in the United States after Donald Trump's second election as president and controversial statements and actions by his close associate Elon Musk. The disruption of the USAID agency, public accusations against it, and the freezing of grant funding from U.S. public sources in early 2025 provided critics of NGOs worldwide with additional arguments. These circumstances amplified the debate about regulating civil society in Slovakia as well.

It is important to stress that both NGO transparency and foreign influence remain legitimate topics despite these negative examples. The European Commission and parliament themselves are looking for an instrument to increase transparency of foreign „interest representation“, meaning lobbying on behalf of third countries. Examples from Hungary, Slovakia and other European countries show how important a sensitive and participatory approach is in this area. Otherwise, these narratives and tools can be easily misused to stigmatize civil society.

Legitimate transparency vs. selective regulation

Transparency in the NGO sector is, in itself, a legitimate topic. Many organizations also manage public funds, provide services to the public, and take part in public debate. For the credibility of civil society, openness about funding, major donors, and potential conflicts of interest should not be seen as something threatening.

Many Slovak NGOs have therefore, for years, provided detailed information on their websites and in annual reports about their funding, donors, projects, and activities.

In recent years, Slovakia has adopted several positive measures that increase transparency in the civic society sector. These include modernizing the register of non-governmental non-profit organizations and linking it with other public registers.

The problem with Slovakia's so-called „Russian law" was not that it raised the issue of transparency at all. What made it toxic was the combination of substance, process, and political context. The law was adopted in an environment of open confrontation between the government and independent media, civil society, and oversight institutions. It was introduced through an MPs' bill that bypassed the standard legislative process, and it was repeatedly amended without sufficient public discussion. Across all versions, including the adopted one, the proposals contained discriminatory and harassing elements targeting only civil society organizations, not commercial lobbyists or other interest groups.

What critical NGOs rejected was not transparency as such, but „transparency as a pretext". They opposed regulation that creates stigma, imposes administrative costs, and leaves room for selective enforcement and harassment. In Slovakia, it is also important to recognize the asymmetry. NGOs became the subject of legislative control, while effective rules on lobbying and transparency of business influence, including oligarchic networks, have long failed to gain traction.

The motivation of some politicians was also problematic. In public debate, they repeatedly attacked so-called „political NGOs", presenting them as distinct from other organizations that they portrayed as „noble". In practice, however, the regulation did not affect only large watchdog organizations. It also burdened many smaller civic associations with local agendas and with few or no employees.

From „foreign agents" to transparency reports and FOIA

The law adopted by parliament on 16 April 2025 went through a long and turbulent process. The first version, submitted by MPs from the governing Slovak National Party (SNS), was introduced as early as March 2024, without any public debate. Coalition MPs then rewrote the bill several times in parliament, up until the final days before its adoption in April 2025. These changes were not the result of expert deliberation. Instead, they reflected a political search for a „workable" form of pressure that could withstand domestic and European criticism.

In the first phase, the coalition worked with a concept close to „foreign agent" legislation. It introduced labelling civic associations with foreign funding as „organizations with foreign support". This „label" would have had to appear in every action the organization took. It was clearly harassing and discriminatory, but also vague and difficult to enforce.

Violations of the new bureaucracy could have led as far as the dissolution of civic associations, without an effective possibility to defend themselves. As noted above, a similar Hungarian law that Slovak MPs drew inspiration from had already been found by the Court of Justice of the European Union (CJEU) to be incompatible with EU law. The Slovak proposal therefore quickly drew objections from the European Commission as well, and MPs had to try a different version.

In the second phase, attention shifted to lobbying. The draft introduced the idea that NGOs would be treated as, in effect, the only lobbyists subject to real regulation under Slovak law.

Here too, the proposal was clearly discriminatory and illogical. If the aim is transparency of influence over public decision-making, rules must apply to all relevant actors. This includes business lobbyists, consultancy firms, commercial agencies, trade unions, professional chambers, and NGOs. They cannot selectively target only civil society.

In the final phase, MPs again rewrote the text completely and presented, „overnight", a version that introduced a package of administrative obligations for NGOs. The coalition adopted this version by a narrow majority. Nor did President Peter Pellegrini (the former leader of the coalition party Hlas-SD) veto it, despite calls to do so. From June 2025, non-profit organizations therefore faced new obligations to prepare a transparency report on their funding, donors, and members. They were also brought under the FOIA regime, which meant they became obliged to publish and disclose to applicants information on how they manage public funds.

At first glance, this combination looked technocratic. In practice, however, it created substantial room for unclear interpretation, costs, and potentially harassing information requests. The legislative process itself was also problematic. It bypassed standard procedures and public debate, even though the bill was repeatedly rewritten in parliament and its adoption had far-reaching consequences for civil society and its staff.

New obligations, new risks

The adopted version of the law introduced two main lines of obligations: (1) a transparency report for several legal forms of organizations and (2) an extension of the FOIA to NGOs that receive public funds above specified thresholds.

As noted above, these duties did not affect only large watchdog organizations, but also many smaller civic associations with local agendas (sports clubs, parents' associations, community groups helping sick children, volunteer initiatives). Many of them have no professional staff or legal support.

1. Transparency report

Under the law, the transparency report applied mainly to civic associations and organizations with an international element if their total income exceeded EUR 35,000 in a year.
Among other things, the statement had to include the organization's identification data, the names of people in statutory and oversight bodies, an overview of income and expenditures, and information on donors who provided support exceeding EUR 5,000 in a calendar year.

Although a substantial part of NGOs already disclose smaller donors today, such a blanket duty conflicted with the protection of donors' privacy and with their right to use their private, already taxed resources at their own discretion.

It would also have required publication of donations linked to sensitive issues, from support for sexual minorities to support for people with illnesses affecting them or their families.

2. Extending the FOIA to NGOs

The greatest practical uncertainty came from extending the FOIA (Act No. 211/2000 Coll.) to NGOs that receive public funds. Under the amendment, an NGO became an „obliged entity“ if, in a given year, it received at least EUR 3,300 as a one-off payment or at least EUR 10,000 in total from public sources.

In practice, these thresholds are relatively low. For many smaller organizations, a single municipal grant, a sports subsidy, one-off support from a ministry, or a publicly funded project could be enough to bring them under the FOIA regime. In practice, this meant an obligation to process requests, decide on disclosure, and conduct formal administrative proceedings, even without legal capacity.

At the same time, NGOs could not refuse a request themselves. They were required to ask the public institution that provided the funds to do so. The law did not regulate the details, and court disputes were a real risk. The change therefore created burdens not only for NGOs, but also for public institutions and the judiciary.

A specific question was whether the 2% tax designation should also be considered a public source. In Slovakia, taxpayers can allocate 2%

of their income tax to a civic association of their choice. Because the law was vague, concerns arose that organizations financed mainly through the 2% scheme could fall under the FOIA regime, which would affect thousands of civic associations in Slovakia.

The law also extended to NGOs receiving public funds an obligation to publish related contracts, invoices, and orders. However, the amendment did not specify this duty, and it also created practical uncertainty.

3.Sanctions and enforcement

For breaches of the duties, the law introduced fines ranging from EUR 1,000 to EUR 10,000, depending on the type of breach and whether it was repeated. The amendment also granted vague powers to registry authorities to „evaluate“ the content of transparency reports. This created room for administrative harassment of civic associations and added to legal uncertainty.

Many implementation problems did not have time to fully materialize because the law was effective only for a few months and was later struck down by the Constitutional Court. For example, the transparency report was to be submitted only in 2026, and NGOs were still familiarizing themselves with the disclosure and information-provision regime.

This „short period of effectiveness“, however, does not mean the law was harmless. The adoption itself, and the threat of sanctions, increased uncertainty in the sector and reduced its attractiveness for job applicants.

A detailed analysis of how the final version of the legislation violates the constitutional rights of Slovak citizens and conflicts with EU law was produced by the civil society organization Via Iuris. The analysis of the NGO Act is available at the following link: https://viaiuris.sk/wp-content/uploads/2025/04/Analyza-zakon-o-MNO-VIAIURIS.pdf

International criticism and the Constitutional Court decision

The Slovak law also attracted attention beyond the country's borders. The most systematic legal analysis was provided by OSCE/ODIHR in an urgent opinion of 25 April 2025. It pointed to multiple risks in light of international standards on freedom of association, freedom of expression, privacy, and non-discrimination.

The objections raised by international organizations, including ODIHR, also highlighted the risk of a „chilling effect“ in the Slovak legislation. The scope of the obligations could drain the capacity of smaller organizations in particular, leaving less time and resources for their core activities. At the same time, it could discourage individuals and organizations from engaging in NGO work or donating to NGOs. The result could therefore be a chilling effect on the exercise of freedom of association.

In December 2025, the Constitutional Court of the Slovak Republic decided that the law amending the legal framework for NGOs is unconstitutional. At the time this paper was written (early January 2026), the full text of the judgment was not yet available. Only the accompanying press release had been published.

According to the press release, the Constitutional Court challenged two key parts of the law in particular. First, it considered mandatory publication of donors' names and the amounts of their contributions to be a disproportionate interference with privacy. In the Court's view, the state can achieve the declared aims through less intrusive tools. The Court also warned that such disclosure can have a chilling effect, as people may be afraid to contribute, which can threaten the functioning of organizations.

Second, the Court criticised lawmakers for shifting, without sufficient justification, duties typical of public authorities onto NGOs by bringing them under the FOIA regime. According to the Court, this creates a disproportionate administrative burden and can also open space for harassing information requests.

However, the annulment of the contested parts of the law does not mean the end of the governing coalition's efforts to regulate civil society more tightly, especially critical NGOs. After the Court's conclusion was announced, Tibor Gašpar, Deputy Speaker of Parliament from the party Smer-SD, immediately responded by accusing the Court of „activism" and signalling another legislative attempt.

The „Russian law" case in Slovakia was not isolated. It reflects a broader pattern in which a populist government seeks to weaken public oversight on several fronts at once. Over the past two years, the Constitutional Court has repeatedly become the arena where disputed measures affecting public oversight and fundamental rights were challenged. In 2025, the Court did not address only the discriminatory NGO law. It also intervened against attempts to introduce fees for access to information held by public institutions and against the abrupt dismantling of the Office for the Protection of Whistleblowers.

At the same time, the current government has succeeded in pushing through several destructive steps. These include abolishing the Special Prosecutor's Office and the National Criminal Agency, which investigated corruption, as well as politically taking control of public service television and radio. This approach is also reflected in outcomes. Slovakia saw a record year-on-year drop in the Corruption Perceptions Index (CPI) published by Transparency International's Secretariat in Berlin. It fell by 12 places to 59th out of 180 countries.

In Slovakia, the combination of global trends and a national government hostile to civil society has created a dangerous mix. It encourages the weakening of civic rights and public oversight, and it fuels hostility toward the third sector and its harassment. While in Hungary the CJEU partly stepped in, in Slovakia this role has so far been taken on by the Constitutional Court. Both cases show how important EU bodies are in defending civic rights and the rule of law, together with independent domestic institutions and courts. In this respect, civil society in countries such as Russia or Georgia faces an even more challenging situation.

Slovak red flags and lessons learned

The following risk signals and recommendations, based on the Slovak case, public debate, and institutional opinions, may also be useful for civil society in Albania and other countries when facing similar attempts:

- A stigmatizing frame even before any concrete bill text appears („Soros NGOs“, „foreign agents“, „political NGOs“...).
- Bypassing the standard legislative process through MPs’ bills, without proper consultations, and with last-minute changes.
- Selective regulation where the law targets civil society, not all actors influencing policy (business lobbying, consultancy firms, interest associations...).
- Broad and disproportionate restrictions that create administrative burdens even for small organizations (community associations, sports clubs, volunteer initiatives).
- Unclear definitions and vague duties that create space for selective enforcement and harassment.
- Publication of sensitive data without adequate safeguards for privacy and personal data (donors, internal documents).
- Unsubstantiated arguments about „international standards“, where examples are used selectively, without context, or in a clearly misleading way.
- Missing impact assessment of the law’s consequences for civil society, its employees or supporters, and the issues it works on. Such legislation may also have implications for the public sector, for example in monitoring, decision-making, and enforcement.
- Insist on due process: If a proposal bypasses public debate, demand open consultations and transparent publication of changes.
- Distinguish transparency from stigmatization: Transparency should be neutral and proportionate. Labelling and selective duties for only some actors can become a tool of harassment.
- Proportionality matters as well: Low thresholds for obligations and high fines can signal deterrence rather than transparency.
- Donors and members also have a right to privacy: Requirements to publish donors, members, or internal documents of private civic associations must follow clear rules and must not interfere with their right to privacy.

- Do not let yourselves be intimidated or isolated: The most effective defence against purpose-built attempts to regulate civil society is cooperation among all its actors and allies. Laws like the one in Slovakia ultimately affect people and activities across the entire sector, including the users of its services.

- Engage domestic and international institutions: Even if the government tends to bypass civil society in the debate, it cannot ignore independent national and international bodies such as the European Commission, the Council of Europe, the Venice Commission, or ODIHR.

- Prepare for legal defence: Involve organizations and experts working on the rule of law, and map constitutional and international standards on freedom of association and freedom of expression, as well as the risks of the proposed legislation.

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