

## U.S. GROUPS CONDEMN PROPOSED FOREIGN AGENTS LAW IN EL SALVADOR

**November 18, 2021**

Civil society organizations in the United States strongly condemn the Foreign Agents Law proposed by the Salvadoran administration of Nayib Bukele on November 9, 2021. The proposed law is another step by President Bukele to silence critics, curtail freedom of speech, and criminalize independent media and human rights groups.

If enacted, individuals and organizations that receive funding from external sources will have to register with the Ministry of the Interior and Territorial Development in a yet-to-be established Foreign Agents Registry that will have broad discretionary powers. Those that register as foreign agents will be barred from any political activities perceived to alter public order or “endanger or threaten national security” or “the social and political stability of the country.” If individuals or organizations fail to register within 8 days after the law enters into effect or to comply with any provision of the Foreign Agents Law—to be determined at the discretion of authorities--it could result in the cancellation of their legal status, and they could face criminal charges and/or a fine of up to \$100,000 to \$150,000. In addition, if a registered entity carries out any activity the government arbitrarily considers to be prohibited, the individual or organization could be fined from \$150,000 to \$200,000. Salvadoran laws already required civil society organizations to provide financial documentation; the proposed bill would require more onerous requirements that could paralyze an organization’s activities and allow even greater scrutiny of an organization’s financial records.

The Foreign Agents Law would also impose 40 percent tax on the funding received by these organizations, a rule that is unprecedented globally. While excluded from the law are diplomatic missions, organizations fostering foreign investment, humanitarian aid agencies, or groups that are strictly religious, academic, or scientific in nature, the law’s vagueness and the discretion it grants to the Interior Ministry will make it hard for civil society groups to know if they have to register.

The bill is currently being discussed in the Salvadoran Legislative Assembly. Although it violates the country’s constitution, it is expected to pass because of the two-thirds majority held by the President’s political party Nuevas Ideas.

Under the guise of promoting transparency, the bill targets organizations that have been critical of the Bukele government and that have championed the rule of law, judicial independence, freedom of the press, human rights, and anti-corruption measures. Salvadoran legislators specifically mentioned internationally renowned organizations such as the independent media outlet El Faro, the development non-governmental organization FUNDE, and the human rights organization Cristosal in public statements on the proposed law.

The proposed law is the latest in several measures by the president to silence and harass independent media organizations, human rights organizations, and other nonprofits. In May 2021, legislators established a commission to investigate non-governmental organizations that received money from the government, focusing only on organizations perceived by Bukele and his supporters as the opposition. Similarly, the government opened a criminal investigation against El Faro for alleged money laundering following exclusive news reports on the administration’s secret negotiations with the gang MS-13. More recently, President Bukele has publicly accused the international community of funding entities critical of his actions and for financing demonstrations against his policies. With all institutional checks on his power all but eliminated, the voices of independent media and civil society organizations to monitor government overreach and corruption is critical.

Finally, this bill mirrors a law passed in Nicaragua last October, which forced some organizations to suspend their activities and leave the country and has its origin in similar laws that also criminalize human rights, democracy and development organizations. It is part of an alarming regional trend that criminalizes civil society while protecting corrupt, undemocratic government officials and private sector actors. Furthermore, it clearly violates El Salvador's international treaty obligations under the San Jose Pact (American Convention on Human Rights) and the International Covenant on Civil and Political Rights.

Many Salvadorans rely on these organizations for humanitarian assistance, legal protection, relocation, unbiased news, and a multitude of other services. They will be harmed by the impact of this harsh law.

Our organizations urge the Salvadoran legislature to withdraw this harmful legislation that stigmatizes and limits the work of legitimate non-profit organizations. We also call on the Biden administration and US Congress to exert their influence on the Bukele administration and the Salvadoran legislature to not move forward on the bill or any similar executive actions. Finally, we urge all civil society actors and local, regional and national government officials to work together to develop the systems and tools that will increase transparency and accountability and strengthen democracy in the country.

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**Chicago Religious Leadership Network on Latin America (CRLN)**

**Due Process of Law Foundation (DPLF)**

**Institute for Policy Studies - Global Economy Project**

**Justice in Motion**

**Latin America Working Group (LAWG)**

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