



CCINOC expresses alarm at the proposed Foreign Agents Law in El Salvador

If approved, this initiative will criminalize the defense of human rights and the fight against corruption, similar to existing initiatives in Nicaragua and Guatemala.

Central America, November 16, 2021. Member organizations of the Center against Corruption and Impunity in Northern Central America (CCINOC) express concern and alarm over the draft Foreign Agents Law in El Salvador. If approved as proposed by the Salvadoran Executive to the Legislative Assembly on November 9, 2021, this initiative **will impose restrictions that will obstruct the work of civil society organizations and independent media** in combatting corruption and impunity. Furthermore, the initiative will violate international human rights obligations to which El Salvador has committed.

CCINOC believes this law will allow for the arbitrary closure of civil society organizations and independent media in retaliation for their efforts to combat corruption and impunity and defend human rights. The elimination of these organizations and independent media will significantly exacerbate the damage already caused by the co-optation and capture of institutions and powers of the State, and **will consolidate an authoritarian and undemocratic regime that lacks checks and balances or mechanisms of control** and monitoring.

The regulation proposed by the Executive branch include mechanisms that will restrict civic space and hinder the exercise of the right to freedom of association and expression in El Salvador. The **regulations will criminalize organized civil society**, similar to the laws already applied by authoritarian regimes and governments in the region, such as Nicaragua's comparable law or Guatemala's arbitrary criminal prosecution and harassment of journalists and special prosecutors.

If enacted, this law will **allow for the immediate suspension of activities of social organizations and media** that receive funding from non-Salvadoran sources. Additionally, organizations will not be permitted to carry out activities until they are registered by the Ministry of the Interior, under threat of the imposition of fines, the cancellation of organizations' legal personality, or charges of criminal liability. The proposed law does not list any criteria for this registration. As such, authorities will have full discretion to remove the legal status of organizations considered not in compliance with the law.

This initiative also requires organizations to include a label on all materials to identify non-Salvadoran funders. **The law proposes a 40 percent tax on all donations from foreign sources**, an excessive burden that would constitute disguised confiscation, despite such actions being prohibited by the Political Constitution of El Salvador.

Considering such risks and dangers, CCINOC requests that the Legislative Assembly of El Salvador:

- Does not approve the proposed Foreign Agents Law;
- Convenes civil society organizations to discuss in a democratic and respectful manner how to strengthen transparency tools and joint work between organized civil society and the government.

CCINOC supports and facilitates the participation of independent media and civil society, with freedom and respect for the government, as an indispensable requirement for a functional and legitimate democracy. Independent civil society constitutes a necessary and vital counterpart to the powers of the State, particularly as civil society organizations are effective actors against corruption and impunity.