

URGENT ACTION

LAW INITIATIVE ENDANGERS NGOS, HRDS AND MEDIA

On 9 November 2021, the Minister of the Interior in El Salvador presented the legal initiative “Ley de Agentes Extranjeros”. The proposed law, which would prohibit “foreign agents” from carrying out activities that have “political or other purposes, with the objective of altering public order, or that endanger or threaten national security, social and political stability of the country”, will restrict and hinder the operations and activities of civil society organizations working in the defense of human rights and independent journalism. The bill establishes requirements that will have a disproportionate effect in those NGOs that receive funding from abroad. If passed, the law would affect funding, operations, and freedom of association for those who protect human rights in the country and/or disagree with the government.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Ernesto Castro Aldana

President of Congress

Centro de Gobierno “José Simeón Cañas”,

San Salvador CP 1101, El Salvador

Twitter: @ECastroES

@AsambleaSV

Dear congressman Castro,

I am writing to you because I am deeply concerned about the law initiative “Ley the Agentes Extranjeros” that the government sent to Congress for approval last 9 November. The initiative presented, restrains human rights organizations’ access to financial cooperation funds limiting their means of financing and thus their work. The law contributes to the stigmatization and criminalization of human rights defenders, NGOs and independent media and risks freedom of expression for those who do not agree with the government’s views. A law like this also affects all Salvadoran people that turn to these organizations for support to denounce human rights violations and find justice.

I urge you and all members of Congress to shelve the law and refrain from passing any future law initiatives that endanger the work of human rights defenders and press in the country.

Yours sincerely,

ADDITIONAL INFORMATION

About the Law Initiative.

On 9 November, the Ministry of the Interior and Territorial Development presented the proposal of the "Foreign Agents Law" which establishes the obligation to register as "foreign agent" for all natural or legal persons who "carry out activities which respond to interests, are controlled, or financed, directly or indirectly, by a foreign principal".

The proposed law prohibits "foreign agents" to carry out activities that have "political or other purposes, with the objective of altering public order, or that put at risk or threaten national security, social and political stability of the country", among others. It also establishes obligations regarding registration, the use of resources and the communication of activities. The Inter-American Commission on Human Rights (IACHR) stated that is particularly concerning that the eventual non-compliance with these provisions could result in criminal and administrative liability, in addition to the cessation of activities and the cancellation of legal status. Additionally, the IACHR urged the Salvadoran state not to pass the proposed law, since its application could restrict the operation and activities of individuals and civil society organizations working in the defense of human rights and independent journalism, whom sometimes receive financial resources from international cooperation entities.

The bill also establishes the application of a 40% tax on any financial transaction or donation coming from abroad that is not among the exceptions expressly included in the law.

With this legislation, it is not only civil society organizations that will be affected, but also the population that receives their assistance.

About the context in El Salvador

Since the beginning of its mandate in 2019, the government of President Nayib Bukele has increasingly taken actions aimed at stigmatizing and silencing those who question the politics of the government and defend human rights.

The climate of attacks and harassment against activists and organizations, particularly those who demand more transparency and accountability from the government, has increased, especially since the beginning of COVID-19. High-ranking government officials, including President Bukele, have used their social media accounts to dismiss the work of human rights organizations, accusing them of being "criminals", "seeking the death of more people", and of being "front organizations" and part of the political "opposition".

Members of human rights organizations have reported that this type of harassment creates a hostile environment in which defending the human rights has become increasingly dangerous and that the spaces for regular and effective dialogue between government bodies and human rights organizations are now almost inexistant.

As with human rights defenders, journalists have also reported an escalation of attacks and harassment from authorities.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 23 January 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: [Ernesto Castro Aldana] (him/his)

LINK TO PREVIOUS UA: n/a

ADDITIONAL TARGET

Nayib Bukele, President in El Salvador

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