



SUPPORTING
AN ENABLING ENVIRONMENT
FOR CIVIL SOCIETY

Enabling Environment Snapshot

El Salvador

27 January 2025

Context

The enabling environment for civil society in El Salvador continues to face significant challenges, characterised by an increasingly restrictive context for civic engagement and human rights advocacy. There has been [consolidation](#) of public power in the hands of the president of the republic, as reflected in the constitutional breaches enabling the re-election of the president. Despite the [constitutional prohibition](#) of presidential re-election for a second immediate term, president Nayib Bukele ran again for the 2024 elections and [won his second term](#). Press freedoms remained [under pressure](#) during the electoral period, and there have been widespread arrests of citizens under the state of exception since March 2022.

1. Respect and protection of fundamental freedoms

Articles 6 and 7 of the Constitution guarantee freedom of expression, association and peaceful assembly, but these rights are [increasingly violated](#). The [state of exception](#) (suspension of rights) initiated in March 2022 and [extended over 30 times](#), has led to over [83,000 detentions](#) as at November 2024. Although fundamental rights were [excluded](#) from the suspensions, the measure has fostered fear among civil society, [threatening](#) personal and familial safety. The UN Special Rapporteur on Human Rights Defenders (HRDs), Mary Lawlor, [highlighted](#) concerns on the arbitrary detention of HRDs, with 34 human rights defenders having been [detained](#) by March 2024. Environmental and community leaders of Santa Marta face [ongoing persecution](#) despite being previously [acquitted](#) on the same charges.

Press freedom has been severely restricted, with the Association of Journalists of El Salvador recording 165 press-related [attacks](#) in early 2024, including harassment, threats, and criminalisation. Laws on [cybersecurity](#) and [data protection](#) further [endanger](#) critical reporting.

With regards to the freedom of peaceful assembly, there have also been cases of [police checkpoints](#) to interrupt protests, and in October 2024 there were reports of [reprisals](#) against protesters over budget cuts (at least 42 health employees and 9 in the education sector were [dismissed](#)) – which was [raised](#) as a concern by Gina Romero, the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association. In the education sector, [reports](#) of control and surveillance by authorities in the Ministry of Education have created a climate of fear against protesting and had a chilling effect on protesters. An [initiative](#) in parliament to prohibit dismissals for participating in protests failed, leaving public officials and trade union members vulnerable to dismissals for engaging in protests.

2. Supportive legal framework for the work of civil society actors

The legal framework governing civil society actors includes the [Law on Non-Profit Associations and Foundations](#), and [its regulations](#), requiring organisations to register with the Registry of Non-Profit Associations and Foundations to obtain legal personality. The supervising entity is the Ministry of Government and Territorial Development, which conducts oversight, while the Ministry of Finance monitors their funding.

The 2024 [Mutual Evaluation Report](#) of the Financial Action Task Force of Latin America criticised the government for implementing measures targeting civil society without a risk-based approach. Regulations such as the [Instructions of the Financial Investigation Unit](#), the [Anti-Money Laundering Law](#) and [its regulation](#) have imposed [a one-size-fits-all approach, with excessive and restrictive measures against all civil society organisations](#) regardless of their size. These include mandatory formal due diligence policies and internal audits, which are costly and burdensome for smaller organisations. Civil society actors have described these obligations as an ["overload"](#) affecting their work and operations.

Additionally, civil society actors have reported [administrative harassment](#) as a violation, through tactics such as unjustified reviews and lengthy audits by the tax authorities, as well as the denial of legal status due to increased requirements or administrative blockages. All the above has hindered the operation of civil society actors, including access to international cooperation funds, public subsidies and other types of financing.

3. Accessible and sustainable resources

In May 2021, the Parliament, with support from the ruling party, [created](#) a special commission to investigate funds granted to non-governmental organisations. In its 2023 report, the commission alleged that in previous administrations a [corrupt mechanism](#) granted resources to non-government organisations – which were referred to as “false organisations”. The commission’s investigation was criticised for lacking objectivity, as the investigation [excluded](#) organisations linked to the ruling party, despite media reports of irregularities in the granting of funds, such as those [linked](#) to members of the directive board of the Legislative Assembly at the time.

Civil society organisations have been excluded from receiving state funds, with representatives of the Legislative Assembly's Finance Commission [stating](#) that the 2024 State budget would not include resources for civil society organisations which they referred to as “ONG fachada” (“facade organisations”), with 2024 being the third consecutive year in which no state funding was provided for civil society actors. This discourse is aligned with positions previously expressed by the President of the Republic, [for example](#): “[...] The name NGO was already very discredited. It is a good thing that they receive foreign funding,

because they will not receive a penny from the Salvadoran people. Everyone invests in their own priorities”.

Furthermore, at the end of 2021, a draft [Foreign Agents Law](#) was proposed, which [provides](#) for a 40% tax on any financial transaction or donation that would be applicable to civil society organisations. Due to [international pressure](#) it was not approved by parliament, however, the draft law was [not withdrawn](#); in other words, it still remains pending, and could possibly be approved.

4. State openness and responsiveness

Collaboration between civil society and the government is non-existent, as clearly evidenced by its [expulsion](#) from the Open Government Partnership in 2023.

There is a [tendency](#) to exclude and restrict the work of civil society actors critical of government [in public spaces](#), for example in schools or medical centres - environments that were considered favourable to educational and informative work with citizens. This contrasts with the opportunities, spaces or resources made available to actors that support the government positions. Likewise, in the digital space, in the last few months, guidelines have been [issued](#) to block profiles of journalists, activists, media and citizens critical of the government on social networks of governmental actors and institutions.

In May 2023, the Executive [created](#) the figure of the Presidential Commissioner for Human Rights and Freedom of Expression, which was established, among other reasons, to maintain a permanent dialogue with different actors and sectors of civil society. However, in practice this has not been adhered to and, on the contrary, this public official has stigmatised and [questioned](#) the credibility of organisations and even of the Inter-American Commission on Human Rights, legitimising measures that violate rights, such as the state of exception.

5. Political Culture and Public Discourses on Civil Society

In recent years, the discourse of the authorities has been characterised by [stigmatisation](#) and categorisation of non-governmental organizations as “ONG fachada”, alleging their links to opposition political parties. The work of human rights organisations in the context of the state of exception has been the object of attacks and discrediting by government authorities from the highest levels. The most common of these has been to [homologate](#) the defence of rights with the defence of “gang members” (the most relevant criminal groups in the Salvadoran context).

In this sense, there is a hostile rhetoric that promotes a climate of hostility, delegitimation and misinformation in regard to the work by NGOs, considering them as [“opponents”](#) or “enemies” of the government. This speech not only generates repercussions in the digital

environment, but it has also been documented how civil society actors are [stigmatised](#) and victimized in their communities. This has [increased](#) the hostility and stigmatisation towards civil society actors in general, regardless of the origin of their resources.

Challenges and Opportunities

In the next four months, the state of exception is expected to continue, which implies that the environment of restriction of rights, intimidation and criminalisation of civil society actors will likely continue.

There are also risks of new legislation or adoption of bills such as the proposed Foreign Agents Law (which was not filed), that could have a direct impact on the work of civil society actors, affecting their funding, their legal status or other aspects affecting the operation of civil society organisations. The ruling party has the majority in the Legislative Assembly, which has facilitated the approval of several laws and reforms without discussion and without providing access to information.

The hostility of the State towards civil society is expected to be maintained and to continue fostering self-censorship and significantly undermining the protection of human rights.

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