



Written Testimony of Ana María Méndez Dardón before the Tom Lantos Human Rights
Commission of the U.S. House of Representatives Committee on Foreign Affairs

Hearing: Laws Regulating Foreign NGOs: Human Rights Implications

September 9, 2025

Chairmen McGovern and Smith, distinguished members of the Commission

Thank you for the opportunity to testify today on a matter of urgent and growing concern: the repression of civil society through anti-NGO legislation and other authoritarian tactics. I speak today on behalf of countless individuals, organizations, and communities across two Central America countries: **Nicaragua and El Salvador**—where authoritarian-leaning governments and institutions are systematically dismantling democratic space by targeting non-governmental organizations, human rights defenders, journalists, and community leaders.

The introduction of anti-NGO laws are not isolated incidents. Rather, it reflects a broader, coordinated, and accelerating trend of authoritarian consolidation that threatens the core pillars of democracy, human rights, and the rule of law. While the specific challenges vary by country, they are united by a disturbing pattern: the rapid closing of civic space through legal repression and attacks on critical voices.

Let me begin with **Nicaragua**, where since 2018 the Ortega regime has **weaponized the law** to dismantle civil society. Over **3,000 NGOs** out of a total of 7,227¹ legally registered in the country in 2018, have been shut down without due process—many of them providing humanitarian aid, supporting indigenous communities, or offering education and health services.

The **Foreign Agents Law**², passed in 2020, requires organizations receiving foreign funding to register with the government. This law, combined with the 2022 Special Cybercrimes Law³ and sweeping anti-terrorism statutes, allows for the arbitrary detention and prosecution of civil society leaders. As a result, prominent NGOs have been shut down without due process, assets

¹ https://www.oas.org/en/iachr/reports/pdfs/2023/cierre_espacio_civico_nicaragua_eng.pdf

² https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/043.asp

³ <https://english.elpais.com/international/2024-09-12/nicaragua-tightens-control-of-social-media-to-censor-dissent.html#>

seized, and leaders exiled or imprisoned. According to the Inter-American Commission on Human Rights 32% worked on development issues; 16% pursued trade union purposes; 11% were religious organizations; and 10% were dedicated to the defense and promotion of human rights, including the rights of children and adolescents, women, and indigenous peoples⁴

Nicaragua has become one of the most closed and surveilled civic spaces in the Western Hemisphere, rivaling authoritarian states globally.

Key Provisions of the Law in Nicaragua:

- a. Mandatory Registration⁵:** Any individual or organization that receives funds, goods, or services from foreign sources must register as a foreign agent with the Ministry of the Interior. This includes NGOs, civil society groups, media outlets, and even individuals.
- b. Broad Definition of Foreign Agent:** The law defines a foreign agent as anyone who “responds to foreign interests and receives, directly or indirectly, financing from foreign governments, agencies, foundations, companies, or individuals.” This definition is vague and broad, allowing for wide discretion in enforcement⁶
- c. Government Oversight and Control:** Foreign agents are required to report financial transactions and the use of funds. The Ministry of the Interior has the authority to suspend activities or freeze assets of any entity that fails to comply.
- d. Prohibition on Political Activities:** Registered foreign agents are prohibited from participating in domestic political matters, including elections, public demonstrations, or supporting political parties. This provision effectively restricts political dissent and civic engagement by foreign-funded groups.
- e. Sanctions and Penalties:** Non-compliance can lead to fines, dissolution of organizations, and criminal charges.

This is not just bureaucratic overreach—it is a deliberate strategy to **erase independent voices⁷** and **cut off communities** from vital support.

Now turning to **El Salvador**, where President Bukele's administration is advancing a very similar agenda.

In **May 2025**, the Salvadoran Legislative Assembly—dominated by Bukele's party—**passed a Foreign Agents Law** that closely mirrors Nicaragua's. It imposes a **30% tax on foreign donations** and gives the government sweeping powers to **suspend or dissolve organizations** accused of interfering in undefined “internal affairs” or “public order.”

⁴ https://www.oas.org/en/iachr/reports/pdfs/2023/cierre_espacio_civico_nicaragua_eng.pdf

⁵ <https://www.hrw.org/news/2022/07/19/nicaragua-government-dismantles-civil-society>

⁶ https://accesoalajusticia.org/wp-content/uploads/securepdfs/2022/12/Executive-Summary_Comparative-Analysis-Nicaragua-and-Venezuela.pdf

⁷ https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/043.asp

Key Provisions of the Law in El Salvador:

- a. **Registration Requirement & New Registry (RAEX)⁸:** Individuals and organizations receiving foreign funding or directed by a foreign principal must register with a newly created Foreign Agents Registry (RAEX) under the Ministry of the Interior.
- b. **Broad Definition of “Foreign Agent”:** The law defines a “foreign agent” as anyone who “responds to the interests of, or is controlled or financed, directly or indirectly, by a foreign principal,” encompassing foreign governments, political parties, organizations, or those designated by RAEX
- c. **30% Tax on Foreign Funding:** A hefty **30% tax** is imposed on all foreign contributions—whether cash, goods, or services—via withholding through financial institutions.
- d. **Surveillance, Control & Vague Restrictions⁹:** RAEX can conduct onsite investigations, demand documentation, and even arbitrarily register parties without their knowledge. Agents are restricted from activities deemed “political” or that could “threaten social or political stability,” language critics call dangerously vague.
- e. **Sanctions & Enforcement¹⁰:** Penalties include **finances from USD 100,000 up to USD 250,000**, suspension or cancellation of legal status, freezing of accounts, and other severe sanctions. RAEX may grant exemptions—but criteria are unspecified, posing risks of arbitrary or politicized application.

While the Bukele government justifies these laws as tools for transparency and sovereignty, they are, in reality, an effort aimed at silencing critical voices. Over 8,000 NGOs will be impacted by this legislation, many of whom are already navigating the recent loss of U.S. government funding¹¹ The law has had a chilling effect, particularly on organizations focused on denouncing corruption, human rights abuses, and independent journalism. Since May alone, at least 47 independent journalists, 33 human rights defenders, and other critical voices have been forced to flee the country—an exodus on a scale not seen since the civil war¹²

In parallel, El Salvador has increasingly used arbitrary detention and prolonged pretrial imprisonment against activists, protestors, and critics—under the ongoing State of Exception. Human rights defenders such as Ruth Lopez¹³, have been jailed without evidence or formal charges, and in many cases, simply for speaking out against the government. This tactic, masked as part of security policy, is effectively silencing dissent and eroding fundamental rights.

⁸<https://www.wola.org/2025/06/el-salvador-new-foreign-agents-law-threatens-rights-and-freedoms-of-civil-society-organizations-and-the-media/>

⁹ <https://www.icnl.org/post/news/five-things-el-salvador-foreign-agents-law>

¹⁰<https://www.nycbar.org/reports/statement-of-concern-regarding-the-foreign-agents-law-in-el-salvador-and-its-threat-to-civil-society-and-human-rights-defenders/>

¹¹ <https://www.wola.org/analysis/curtailing-civic-space-tightening-restrictions-on-civil-society-in-the-americas/>

¹² <https://www.pbs.org/newshour/world/new-wave-of-political-exiles-say-el-salvadors-history-is-repeating-itself>

¹³<https://www.amnesty.org/en/latest/press-release/2025/07/el-salvador-amnistia-internacional-declara-presos-de-conciencia/>

Although the situation in **Guatemala** is different, it deserves attention. While President Bernardo Arévalo has expressed a clear commitment to restoring democratic norms, he faces relentless obstruction from **a corrupt judicial apparatus**, particularly from within the Attorney General, who is responsible for the attacks against independent justice operators, Indigenous leaders, such as Luis Pacheco¹⁴ and journalists such as José Ruben Zamora¹⁵. In 2020, Guatemala enacted a controversial reform to the NGO law that grants the government broad discretion to suspend organizations it deems to be disrupting “public order,” and significantly expands state control over NGO registration and oversight.

While President Arévalo has pledged not to use the law against civil society, **it remains on the books**. If not reformed by Congress, it could be **reactivated by future governments** to suppress civic actors. The risk is real, and the legal infrastructure for repression is already in place. Also, the message is clear: even with a democratic president in office, **authoritarianism can persist when institutions remain captured**.

While transparency and adherence to legal standards are essential for NGOs, attacks on civil society are also attacks on democracy itself—undermining citizens’ ability to hold governments accountable. In Nicaragua, El Salvador, Guatemala, and elsewhere in the Americas, human rights defenders, youth, women’s groups, indigenous leaders, and journalists are increasingly operating in fear, exile, or not at all.

1. **Speak out** in defense of human rights defenders, journalists, and other members of civil society who are being unjustly impacted by anti-NGO legislation and call for the reversal of these punitive laws.
2. **Tie U.S. foreign assistance** to these governments to clear human rights benchmarks, including respect for civic space and the reversal of repressive laws.
3. Increase in U.S. foreign assistance, **direct support to independent civil society organizations**, including those operating in exile.
4. **Make use of individual, targeted sanctions** against officials responsible for targeted sanctions against officials responsible for violence and persecution against civil society

¹⁴ <https://www.hrw.org/news/2025/04/30/guatemala-indigenous-leaders-face-terrorism-charges>

¹⁵ <https://www.amnesty.org/en/latest/news/2024/08/guatemala-amnistia-internacional-nombra-jose-ruben-zamora-pres-o-conciencia-exige-liberacion/#:~:text=Background%20information,or%20present%20views%20or%20conduct.>