

FOREIGN CONTRIBUTION LAWS

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Known Foreign Contribution Laws

Algeria - The Law on Associations requires that foreign donations must be pre-approved by the Ministry of the Interior. The criteria under which the Ministry of the Interior can deny approval include "interference with the domestic affairs of the country' or "affront to national sovereignty", there is no right of appeal.

Angola - Regulation of Non
Government Organisations has
recently been passed by the Angolan
legislature but not yet enacted. The
new law grants new administrative
powers for suspension and
termination of NGOs that receive
foreign funding that in the opinion of
the government authorities could be
used for "dubious purposes".

Azerbaijan - An NGO law was introduced in 2013 and has been amended on a number of occasions since. It stipulates that NGOs in Azerbaijan can only receive foreign funding from foreign donors that have an office in Azerbaijan and have signed an agreement with the Ministry of Justice. The law prohibits both donating and receiving parties to promise or receive anything in return for a donation. This means it is unlawful for a donor to include grant conditions on a grant to an Azerbaijani NGO.

Bangladesh - The Foreign Donations (Voluntary Activities) Regulation Act, 2016 established the NGO Affairs Bureau to regulate NGOs operating with foreign funding. This required all NGOs receiving foreign funding to register as International NGOs. A number of "circulars" have been issued since which impose further restrictions. This includes a detailed reporting requirement which requires NGOs to report the details of all work carried out with foreign funding. A new requirement prohibits regranting of foreign funding from International NGOs to non-registered NGOs.

Belarus - In 2020 presidential decree #3 introduced new restrictions on NGOs receiving foreign funds. The decree requires that all organisations receiving funds must register with the government authorities. The authorities have broad discretion to refuse registration and to apply tax to incoming foreign funds. The decree restricts the purposes for which foreign funds can be accepted to a narrow set of disadvantaged groups.



Bolivia - Supreme Decree No. 29308 bans foreign assistance that carries "implied political or ideological conditions" without defining these terms. The law leaves enforcement of the restrictions to the full discretion of state authorities.

Bosnia - The parliament of Republika Srpska (the Serbian part of Bosnia Herzegovina) passed The Law on the Special Registry and Transparency of the Work of the Nonprofit

Organisations in 2024. It obliges

NGOs to report to the Justice Ministry within 15 days the receipt of financial or any other kind of foreign support. Organisations that try to "influence public opinion" and receive foreign funds would be labelled "agents of foreign influence".

Bulgaria - In late 2023 The Bulgarian government introduced the Bill Registration of Foreign Agents. The bill has been approved and is pending introduction later in 2024. It requires NGOs to register as a "foreign agent" if they receive any funding or mutual benefit of over 1000BGN (currently £440) from foreign sources. Foreign agents must label all their publications and communication materials associated with the funding as "foreign agent". They are prohibited from political influencing and educational activities. There is an exception for EU funds, commercial transactions, and the receipts of gambling.

Burundi - Loi Régit les Activités des Organisations NonGouvernementales Étrangères 2017 requires that foreign funding must be channelled through a designated bank; activities of foreign NGOs are required to be harmonised with government policies and priorities; mandatory approval for activities of foreign NGOs is required.

China - Law of the People's Republic of China on Administration of Activities of Overseas Nongovernmental
Organizations in the Mainland of China introduced in 2016 imposes significant restrictions on NGOs barring them from any work that harms China's national interests, spreads "rumours," or results in obtaining state secrets. Chinese NGOs are required to register with the Chinese government and report on all their funding sources, and activities. The law prohibits organisations that are unregistered from receiving foreign funds.

Costa Rica - Although there are no laws restricting foreign contributions,

Agreement 11-18 requires that NGOs that receive funding from foreign sources must inform the anti-money laundering regulatory body. The information they must provide is extensive. NGOs are liable to having their bank accounts shut down if they do not comply.

code was amended in 2023. It prohibits receipt or use of finances that are deemed to "fund activities against the Cuban state and its constitutional order." These terms are not defined and are left to interpretation by government authorities. Anyone found guilty of being in possession of funds deemed to be used in this way faces a punishment of four to ten years in prison.

Egypt - <u>Egyptian law 149</u> prohibits NGOs from receiving foreign funds without preapproval from the Minister of Social Solidarity. Approval may take two-months and can be rejected without reasons given. Failure to secure approval can lead to dissolution. The law requires NGOs to obtain advance approval from the Ministry of Social Solidarity before they may "join, affiliate, participate, or cooperate in any other form" with a foreign entity. In addition, it states that NGOs may not enter into "agreements of any kind" with any foreign entity, whether inside or outside of Egypt, unless the Ministry has granted specific approval.

El Salvador - Ley de Agentes Extranjeros was introduced in November 2021. It requires NGOs that receive foreign funding must register as a "foreign agent". Foreign contributions to registered NGOs will be taxed at 40%. Eritrea - Proclamation No. 145/2005 which updated the law on NGOs makes it virtually impossible for NGOs to operate in the country. NGOs are required to register with the government. Most registrations are rejected. The law requires that all donor funds must be passed through government ministries. They only permit funds to be paid through to local NGOs if they consider that the capacity of the ministries is insufficient to carry out the work. Local NGOs are not permitted to receive funds from the **United Nations or other bilateral** agencies.

Ethiopia - <u>Civil Society Organizations</u>
Proclamation No. 1113/2019 requires
that income from foreign sources can
amount to no more than 10% of the
total income used by Ethiopian NGOs.

Georgia - Proposed amendments were made to the Criminal Code, and the Law on Transparency of Foreign Influence in 2023. This required that NGOs receiving more than 20% of their income from foreign sources to register as an "organisation of foreign influence". The bill was withdrawn after widespread public protests. A new bill is currently in the final stages of passing into law. The new bill is virtually identical to the withdrawn bill but substitutes the term "organisation of foreign influence" with "organisation serving the interests of a foreign power".

At the time of writing (May 2024) there are street protests and civil disorder in the country in protest against the proposed new law.

Guatemala - Decree 4-2020 a new law introduced in 2021 gives the government power to seize and or redirect the use of foreign donations made to NGOs. The law also gives the government the power to dissolve NGOs that it believes are seeking to "alter the public order".

Hong Kong - The National Security Law 2020 (article 23) provides government authorities wide ranging powers to deal with secession. subversion, terrorism and collusion with foreign forces. The act specifically criminalises 'requests, or conspires with, or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation or individual outside the Mainland, HKSAR and Macao of the PRC'. The law has already been used to shut down NGOs and imprison people working for NGOs.

Hungary - The Law on Transparency of Organisations Supported from Abroad was introduced in 2017. It required organisations receiving more than 24,000 euros per year in foreign funding to register as a "foreign-supported organisation". NGOs were also required to list any foreign sponsors providing them

with more than 16,000 euros a year. The law gave government the power to dissolve NGOs that did not comply.

The Court of Justice of the European Union found the law to be unlawful in 2020 and in 2021 Hungary repealed the law. The Hungarian government subsequently introduced new regulations that restrict the activities of NGOs but do not limit foreign donations.

India - In 2020 the Indian government amended the Foreign Contributions Regulation Act. It requires NGOs to open a new account in a designated New Delhi branch of a state-owned bank in order to receive overseas funding. All other routes of receiving funding have been banned. The government was given the power to scrutinise funding received and only pass it on to the NGO if it approved. The act also banned registered NGOs from passing foreign sourced income to nonregistered NGOs. This banned the practice of large international NGOs funding smaller Indian NGOs by making sub grants.

Indonesia - The Receipt and Giving of Social Organization Aids from and to Foreign Parties Act 2008 prohibits foreign assistance causing "social anxiety" and "disorder of national and regional economy." These terms are not defined with reports of authorities applying them arbitrarily.

Iran - Iranian NGOs are not prohibited from receiving foreign funds but the NGO law requires that NGOs obtain clearance from the government "supervisory board" before applying for funding. New regulations allow for grants from agencies of the United Nations as well as certain other international organisations can be received without pre-approval.

Israel - Law introduced in 2017 requires all NGOs that receive 50% or more of their income from foreign sources must register as a foreign funded organisation and prominently advertise this in all of its communications. A new NGO bill that would apply to NGOs that receive funding from foreign governments was debated in Knesset in 2023. It would prohibit NGOs from undertaking any advocacy activities for a period of 2 years after receiving foreign funding and would impose a 65% tax on such income. The bill was shelved, but not withdrawn following international condemnation and the outbreak of the Gaza war.

Kazakhstan - New NGO legislation was introduced in 2018 the NGO law requires all individuals and organisations to report all foreign funds received. In 2023 the government began publishing the list of recipients of foreign funding along with communications that

equated receiving foreign funds with bring unpatriotic and disloyal.

Kyrgyzstan - New law passed in March 2024 states that NGOs that receive funding from abroad will be registered as "foreign representatives," and they will be subject to additional reporting and auditing requirements.

Mali - In late 2022 the government appears to have banned the activities of all NGOs funded by, or associated with France or French NGOs.

Mauritania - Law 73.007 effectively prohibits foreign funding of NGO activity in the country.

Morrocco - Moroccan NGOs are required to obtain a government permit under Moroccan law before they receive funds from foreign sources. In practice the system appears to work effectively and most requests for permits are granted.

Nepal - The Social Welfare Act requires Nepalese NGOs to submit a project proposal and application to their local Council for approval before receiving foreign funding. Councils can refuse approval to proposals that are deemed "not to be in the national interest". This phrase is not defined and is down to local interpretation. Nicaragua - The Foreign Agents Regulation Law requires NGOs that receive foreign funding to register as "foreign agents". This status gives government authorities power to impose strict controls on the spending of resources, require unlimited information and reporting. Other legislation requires NGOs to give the government at least 15 days' notice of receiving foreign funds. Oman - Sultani Decree No. 14 Civil Associations Law prohibits foreign funding of NGO activity in the country. It says "No association shall be allowed to receive funds from a foreign person or a foreign foundation. It may not transfer funds to a foreign person or foundation without the prior approval of the Minister."

Pakistan - A new act was introduced in 2021 that regulates funds to NGOs from outside the country. The act requires that Pakistani NGOs receiving foreign funding must register the project that is being funded with the Economic Affairs Division. Extensive screening from 14 different departments including security agencies is required before bank authorities can accept funding into the NGO's account. NGOs must share details of donors and NGO staff with security officials during the screening process.

Palestine - The Palestinian Council of Ministers approved an amendment to the Law on Non Profit Companies. The amendment says that acceptance of any gifts, donations, aid, or funding is subject to prior approval from the Council of Ministers after specifying the purpose of such.

Paraguay - Paraguayan Senate has given preliminary approval to <u>a bill</u> that imposes strict controls on NGOs. The bill introduces mandatory registration and onerous reporting requirements with penalties for non-compliance that include dissolution.

Russia - has introduced some of the most prescriptive laws restricting NGO funding. A 2012 law requires NGOs to register as "foreign agents" with the Ministry of Justice if they engage in any "political activity" and/or receive any foreign funding. In 2015 a new law was introduced which allowed "foreign agents" to be labelled as "undesirable organisations" this gives authorities sweeping powers to dissolve NGOs and imprison people who do not comply. A new federal law introduced in 2022 bans organisations that have received foreign funding from educational activities and from receiving Russian state funds.

Saudi Arabia - The Law on
Associations and Foundations, Royal
Decree No. M/8, 19.2.1437H
Prohibits
NGOs from receiving foreign funding
unless they seek and obtain approval
from the Ministry of Labour and
Social Development. Saudi NGOs
cannot participate in activities
abroad, provide services outside
Saudi Arabia, or become members of
international organisations without
the prior approval of the Ministry of
Labour and Social Development and
any other relevant government
entity.

Slovakia - In 2024 the new government proposed an amendment to the country's NGO law that would introduce the labelling of organisations receiving more than €5,000 a year in foreign funding as 'organisations with foreign support'. The amendment has been approved but not yet enacted.

restrictions to foreign funding of NGOs. However, under the Foreign Exchange Act, organisations that receive foreign funding must deposit the funds in a designated bank account and report the transactions to the Central Bank of Sri Lanka. The Central Bank's Financial Intelligence Unit has instructed all licensed banks to exercise due diligence with respect to NGOs and to monitor and report on organisations that receive direct foreign funds into their accounts.

Sudan - The Voluntary and Humanitarian Work (Organisations) Act requires NGOs to secure approval from the Humanitarian Affairs Commission before receiving foreign funds, funds may not be disbursed to the NGO until the Commission has approved a proposal by the NGO.

Syria - The country's Law 93 on Associations requires government approval for all foreign contributions to Syrian NGOs. This law appears not to have been strictly enforced during the civil war. In 2015 the government introduced a draft law that would have further restricted foreign contributions. There was significant opposition from international NGOs which resulted in the government postponing the draft law.

Tajikistan - The Law on Public
Associations 2015 requires NGOs to
notify the Ministry of Justice about any
grants or other income received from
foreign sources. Further regulations
introduced in 2016 state that NGOs that
receive grants from foreign sources
must be registered in the government's
Registry of Humanitarian Aid. The
penalties for noncompliance include
fines and imprisonment for up to 2
years.

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Tunisia - As of May 2024 a new draft law is being considered by the Tunisian parliament. If passed it would require NGOs to obtain prior approval of the Tunisian authorities before receiving any type of foreign funding. Foreign funding for the purpose of humanitarian work would be the only type of funding allowed under the new draft law. The draft law would subject all bank accounts and financial transactions of nongovernmental to supervision by the Central Bank of Tunisia. Sanctions include suspension and dissolution of NGOs as well as fines.

Turkey - NGOs are free to receive foreign funds, but The Regulation of Associations Act was amended in 2020 to require Foundations and Associations in Turkey to notify government offices of receipt of foreign funds. Associations must also receive permission from the government office prior to using the funds.

Turkmenistan - The Law of Public
Associations 2017 appears to prohibit
domestic NGOs from receiving foreign
funding, although the wording is
ambiguous. In any case legislation that
was in place before sets out a long and
complicated registration process that
domestic NGOs must follow before
receiving foreign contributions. This
process rejected most applications. The
Law of Public Associations requires all

domestic NGOs to be registered, but stipulates a high bar for registration. It requires that NGOs can only cooperate with foreign organisations in accordance with procedures laid down by the government.

Uganda - Has not introduced new NGO laws but has taken a strict interpretation of existing laws to regulate foreign funding of NGOs. The Minister of Finance announced in September 2021 that the government directed all development assistance, including support to NGOs would require prior approval by the Cabinet and to be signed off by the Minister of Finance.

Uzbekistan - Introduced Regulation #527 in 2023. This establishes mechanisms for control of foreignfunded NGOs, including a new mechanism for the state to approve foreign grants received by NGOs, and a compulsory partnership with state agencies in the implementation of their projects. According to it, the Ministry of Justice assigns NGOs "national partners" from state agencies, who are responsible for developing a "roadmap" for implementing projects for which the NGO receives foreign funding. This means that the state effectively controls and exercises surveillance over NGOs that receive foreign funding.

Venezuela - The Defence of Political Sovereignty and National Self-**Determination, Act 2010** prohibits NGOs dedicated to 'defending political rights' from receiving international funding. It also imposes punitive fines on those inviting foreigners to express opinions that 'offend' government institutions. All foreign donations must be deposited in a government bank account before being distributed to NGOs at the government's discretion. Funds are distributed at a fixed exchange rate that is far below the market rate meaning NGOs only receive a fraction of the amount donated to them. The Venezuelan government is currently debating a new bill which if enacted would be so restrictive that the **UN High Commissioner for Human** Rights says it would effectively prohibit NGOs from operating in the country.

Vietnam - Decree 58 enacted in 2023 regulates the activities of foreign and domestic NGOs working together. The decree states that foreign NGOs must have capital sources from overseas and cannot receive funding from local sources. Some interpretations of this rule say that this prohibits joint funding of projects between domestic and international NGOs and could limit an international funder from making a contribution to a project in Vietnam unless all of the funds were derived from foreign sources.

Yemen - the conflict in the country has led to it being administered by two rival governments, the Huthi based administration in Sana'a and the government (officially recognised by the UK) in Aden. There have been numerous decrees and regulations issued by the Sana'a government. A 2022 decree for example prohibits any organisation from carrying out any activity or projects via its website. Another requires that prior to holding any virtual meetings, workshops, or symposiums, organisations must coordinate with the General Secretariat of the Council. Organisations must obtain permission before receiving foreign funding. Another resolution states that the organisations should not use their staff to implement their work or conduct studies unless the Supreme Council's permission is obtained.

Zimbabwe - The Private Voluntary
Organisations Act was passed by
parliament in 2023 and currently
sits with the president for
ratification. If passed it will make it
unlawful for NGOs in the country
to obtain funding from foreign
sources. It also places heavy
restrictions on the activities of
Zimbabwean NGOs.