



Freedom in the World - El Salvador (2011)

Capital: San Salvador

Population: 7,339,000

Political Rights Score: 2 *

Civil Liberties Score: 3 *

Status: Free

Overview

Tensions between President Mauricio Funes and his party—the Farabundo Martí National Liberation Front (FMLN)—as well as rifts within the right-wing National Republican Alliance (ARENA) opposition party made for challenging governance in 2010. El Salvador also faced serious economic and social problems during the year, including a \$500 million budget deficit and high levels of violent crime. In September, the Legislative Assembly passed a law criminalizing gang membership, indicating a return to a *mano dura* (firm hand) approach to crime.

El Salvador gained independence from Spain in 1821 and broke away from the Central American Federation in 1841. A republican political system dominated by the landowning elite, and subject to foreign interference, gave way to military rule in the mid-20th century. A 1979–92 civil war pitted the right-wing, military-dominated government against Marxist guerrillas led by the Farabundo Martí National Liberation Front (FMLN), leaving more than 75,000 people dead and 500,000 displaced.

The conservative National Republican Alliance (ARENA) party held the presidency for two decades beginning in 1989, but it faced growing competition from the FMLN, which evolved into a strong opposition party after the war.

In 2007, ARENA and the smaller National Conciliation Party (PCN) began building an alliance aimed at preventing the FMLN from taking power in the 2009 elections. Through a fear-based campaign, ARENA sought to link the FMLN and its candidate for the 2009 presidential elections, Mauricio Funes, to more extreme leftists in the region such as Venezuelan president Hugo Chávez. As political violence escalated ahead of the elections, all major parties signed an agreement that obliged them to prevent violence among their supporters, avoid confrontational language while campaigning, and recognize the legitimacy of the election results.

Funes ultimately led the FMLN to a historic victory in both the legislative and presidential votes. In January 2009, the FMLN took 35 of 84 seats in the Legislative Assembly, with ARENA capturing 32. However, shifting political alliances in the months following the election, including the creation of the Grand Alliance for National Unity (GANU) party by former ARENA deputies, changed the distribution of seats. By January 2010, ARENA held 19 seats, GANU held 12, PCN held 10, the Christian Democratic Party held 5, Democratic Convergence held 1, and independents held 2; the FMLN retained its original 35 seats.

Observers reported a number of irregularities in the concurrent municipal and legislative polls, including voter cards being issued to residents of other districts. Community activist Gustavo Marcelo Rivera, who had been vocal in denouncing electoral fraud in San Isidro, was abducted and murdered in June 2009. While police dismissed the crime as the work of gang members, Rivera's family maintained that it had been a politically motivated attack.

In the March 2009 presidential election, Funes defeated ARENA's Rodrigo Ávila, 51.3 percent to 48.7 percent, and assumed the presidency in June. Observers noted that many of the irregularities seen during the January parliamentary elections were rectified in the presidential vote. However, calls continued for the Supreme Electoral Tribunal to address the well-documented irregularities in the voter registry.

The FMLN, which had hoped to assert its power through Funes, instead faced opposition on a variety of policy issues, causing a rift between the president and his party. While the FMLN supported Funes on a number of issues in 2010, several important disagreements complicated their relationship. In February, the president dismissed Secretary of Culture Breni Cuenca, reportedly due to lack of confidence. Separately, the minister of agriculture resigned in May, citing tensions between the cabinet and the president's office that he alleged were negatively affecting resource allocation. Funes was accused of moving toward the center since taking office and deviating from the FMLN's original program, leading long-standing left-wing party members to distance themselves from the party.

In addition to political tensions, Funes faced a series of economic difficulties in 2010 stemming from a \$500 million budget deficit left by the outgoing ARENA administration and years of financial mismanagement. The global economic crisis has also had a significant effect on the country, whose economy is closely linked to that of the United States through trade and migrant remittances. It is estimated that between 30 and 40 percent of all Salvadorans live in poverty, which has fueled social alienation as well as organized crime and violence.

Political Rights and Civil Liberties

El Salvador is an electoral democracy. The 2009 legislative and presidential elections were deemed free and fair, although some irregularities were reported. The president is elected for a five-year term, and the 84-member, unicameral Legislative Assembly is elected for three years. The two largest political parties are the conservative ARENA and the FMLN. However, ARENA's political influence has declined since 12 deputies abandoned the party in 2009 to establish the new GANA party.

Corruption remains a serious problem at all levels of government. A 2010 World Bank report revealed that some \$200 million in discretionary aid funds received under former president Tony Saca (2004–09) remained unaccounted for. While Saca was expelled from ARENA, no investigation into the situation had been initiated by year's end. The country continues to lack an access-to-information law. El Salvador was ranked 73 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.

The constitution provides for freedom of the press, and this right is generally respected in practice. The media are privately owned, but ownership is confined to a small group of powerful businesspeople who often impose controls on journalists to protect their political or economic interests. The ARENA-aligned Telecorporación Salvadoreña (TCS) owns three of the five private television networks and dominates the market. Judges can close legal proceedings to the media on national security grounds. In 2009, French filmmaker Christian Poveda, who had directed the 2008 film *La Vida Loca* about the 18th Street gang, was murdered in a suburb of San Salvador. By December 2010, 33 suspects had been detained in connection with the crime, and legal proceedings had begun. A September 2010 Supreme Court ruling extended criminal penalties for defamation to journalists, editors, and media owners and managers. There is unrestricted access to the internet, and the government and private organizations have worked to extend internet access to the poor.

The government does not encroach on religious freedom, and academic freedom is respected. In September 2010, the Legislative Assembly passed legislation requiring the reading of Bible passages at the start of each school day. The FMLN abstained from the vote in protest of what they considered an inappropriate mixing of church and state, and President Mauricio Funes subsequently vetoed the law.

Freedoms of assembly and association are generally upheld. In September 2010, the Legislative Assembly passed a controversial law criminalizing gang membership, partly in response to an attack on a public bus in the municipality of Mejicanos in June that left 14 passengers dead. Critics argued that the law threatened freedom of association and would not succeed in addressing gang-related crime. Nationwide transportation strikes, supposedly led by gang leaders, were staged in protest of the law's passage.

El Salvador's wide array of nongovernmental organizations (NGOs) generally operate freely, but some have reported registration difficulties. Labor unions have long faced obstacles in a legal environment that has traditionally favored business interests.

The judicial system improved its performance in 2010, demonstrating its independence in a number

of important cases, including corruption investigations against former political officials. Violent crime, though still extensive, appeared to decline in 2010, with 3,900 homicides reported after a record-breaking total of 4,365 in 2009. The forced repatriation of hundreds of Salvadoran criminals from the United States has contributed to the violence and reflects the international reach of major gangs like Mara Salvatrucha (also known as MS-13). There were an estimated 20,000 gang members in the country as of 2009, about 9,000 of whom were in prison. In 2010, more than 18,700 Salvadorans were deported from the United States, 7,556 of whom had a criminal record.

The office of the human rights ombudsman, who is elected by the Legislative Assembly for a three-year term, was created by the 1992 peace accords. While human rights abuses have declined steadily since the end of the war, civil liberties are still limited by sporadic political violence, repressive police measures, and vigilante groups. The previous ARENA governments, like others in Central America, used *mano dura* (firm hand) tactics to combat gang violence, including house-to-house sweeps by the police and military. However, judges often refused to approve warrants for such wide searches. Unofficial death squads and vigilantes, allegedly linked to the police and army, have also emerged to combat the gangs with extrajudicial killings. In November 2009, Funes authorized a six-month deployment of troops to high-crime communities to address public security issues. In May 2010, Funes extended the program—which granted the military greater power to conduct patrols and searches among civilians—for an additional year, signaling a return to ARENA-style *mano dura* practices. In an attempt to halt the development of organized crime in the penitentiary system, the military was also granted permission to patrol inside the country's prisons.

Law enforcement officials have been criticized for brutality, corruption, arbitrary arrest, and lengthy pretrial detention. In 2010, an estimated 14 police officers were investigated each month for misconduct, including alleged involvement in criminal activities. As of November, there were roughly 24,000 inmates in a prison system designed to house just 8,000; approximately 35 percent of inmates were believed to be awaiting trial.

Salvadoran law, including a 1993 general amnesty, bars prosecution of crimes and human rights violations committed during the civil war, and the authorities have faced criticism from NGOs and the Inter-American Court of Human Rights for failing to adequately investigate such crimes. During his first year in office, President Funes publicly apologized on behalf of the Salvadoran government for crimes committed during the civil war.

There are no national laws regarding indigenous rights. According to the U.S. State Department's 2010 human rights report, access to land and credit remains a problem for indigenous people.

Businesses are subject to regular extortion by organized criminal groups. Transport companies estimated in 2009 that between 20 and 30 percent of their income is paid to criminal groups.

While women are granted equal rights under family and property law, they are occasionally discriminated against in practice; women also suffer discrimination in employment. El Salvador remains a source, transit, and destination country for the trafficking of women and children for the purposes of prostitution and forced labor. A 2010 study conducted by the Ministry of Economics found that 10 percent of children between the ages of 5 and 17 were working. Violence against women and children also remained widespread.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*