



Freedom in the World - El Salvador (2010)

Capital:
San Salvador

Population:
7,339,000

Political Rights Score: 2 *

Civil Liberties Score: 3 *

Status: Free

[Overview](#)

Mauricio Funes led the leftist Farabundo Marti National Liberation Front (FMLN) to a historic victory in El Salvador's January legislative and March presidential elections, ending two decades of right-wing National Republican Alliance (ARENA) rule. The new administration faced serious challenges during the year, including an economic downturn and an unexpected increase in violent crime.

El Salvador gained independence from Spain in 1821 and broke away from a 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 Marti 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 to build an alliance aimed at preventing the FMLN from taking power in the 2009 elections. Responding in part to the rise of the left in neighboring Nicaragua and other Latin American countries, they mounted what many analysts deemed a fear-based campaign that sought to link the FMLN and its presidential candidate, former journalist and self-described moderate Mauricio Funes, to leftist Venezuelan president Hugo Chavez. The conservatives also suggested that an FMLN victory would jeopardize relations with the United States and the legal status of Salvadoran migrants who currently benefitted from temporary protective status there. Political violence increased ahead of the elections, and the FMLN and ARENA accused each other of instigating the unrest. In October 2008, 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.

A number of preelection decisions appeared to favor ARENA. For instance, the legislative and presidential polls were scheduled for different months, requiring parties to pay for consecutive rather than concurrent campaigns, and ARENA was known to have the largest budget. Moreover, Salvadorans living abroad were required to return and cast their ballots in person, limiting the vote to those who could afford the trip. In addition to these challenges, the Supreme Electoral Tribunal (TSE) failed to address well-documented irregularities in the voter registry, such as its inclusion of about 85,000 deceased voters. The TSE issued the final registry ahead of schedule in September 2008, days before data from the 2007 census was published. As a result, voter information and the distribution of legislative seats for 2009 was based on old census data that did not account for the past decade's growth in urban areas, which are home to 60 percent of the population.

Municipal and legislative elections were held in January 2009, with observers reporting irregularities such as voter cards being issued to residents of other districts. In San Isidro, Cabanas, opposition mayoral candidates filed a complaint stating that the ARENA candidate was distributing voter cards to Honduran citizens. The Municipal Electoral Committee responded by shutting down the city's vote at midday and holding a make-up election the following week. Community activist Gustavo Marcelo Rivera, who had been vocal in denouncing electoral fraud in San Isidro, was abducted and murdered in June. While police dismissed the crime as the work of gang members, Rivera's family maintained that it was politically motivated.

Although an ARENA candidate won the crucial mayoralty of San Salvador, the FMLN emerged as the winner nationally, taking 35 seats in the Legislative Assembly. ARENA placed second with 32 seats, followed by the PCN (11 seats), the Christian Democratic Party (5 seats), and Democratic Convergence (1 seat).

Observers reported that many of the irregularities noted during the January elections were rectified in the March presidential vote, although they continued to call on the TSE to update the voter registry. In an historic victory, Funes defeated ARENA's Rodrigo Avila, 51.3 percent to 48.7 percent. Funes assumed the presidency in June, inheriting a \$500 million budget deficit that has been attributed to a drop in exports as well as financial mismanagement by the outgoing administration.

The new administration faced major economic challenges in 2009. Remittances represent about 17 percent of gross domestic product, and, due in large part to the recession in the United States, they fell by 10.3 percent in the first half of the year. It is estimated that between 30 and 40 percent of all Salvadorans live in poverty, and 70 percent of the potential workforce is either underemployed or unemployed.

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, a former left-wing guerrilla organization that took power for the first time in 2009.

Corruption is regarded as a serious problem throughout government. A 2006 Ethics Law was designed to combat corruption in the public sector, but critics have stressed that it needs to be strengthened with an access-to-information component. El Salvador was ranked 84 out of 180 countries surveyed in Transparency International's 2009 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 reporters to protect their political or economic interests. The ARENA-aligned TeleCorporacion Salvadoreno (TCS) owns three of the five private television networks and dominates the market. Reporters are subject to criminal defamation laws, and judges can close legal proceedings to the media on national security grounds. Reporters do not have to reveal their sources if ordered to testify in a court case. Journalists with Radio Victoria in Cabanas reported receiving multiple threats in 2009 related to stories criticizing proposed mining projects. In September, French filmmaker Christian Poveda, director of the 2008 film *La Vida Loca*, about the 18th Street gang, was murdered in a suburb of San Salvador. Four alleged gang members and one police officer were arrested that month in connection with the crime. Some reporters have been accused of using their status for personal gain, raising ethical concerns. 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.

Freedoms of assembly and association are generally upheld, but a vaguely worded 2006 antiterrorism law has raised concerns about the potential repression of left-leaning social movements. Police arrested 14 people on terrorism charges during a 2007 protest in Suchitoto against the privatization of water services; the charges were dropped in February 2008, but one of those arrested was assassinated by unknown assailants in May of that year. In 2009, multiple activists involved in protests against Canada's Pacific Rim Mining Corporation received threats or were attacked. 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 ineffectual and corrupt judicial system continues to promote impunity,

especially for the well connected. In July 2009, the work of the Supreme Court was paralyzed for over two weeks as five judges whose terms had ended were not immediately replaced. Observers cited corruption and partisanship in the selection process as causes for the delay.

Violent crime continued unabated in 2009, registering the highest murder rate of the decade with 4,365 homicides during the year—a 37 percent increase from the 3,179 homicides reported in 2008. 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 are an estimated 13,500 gang members in the country, 5,700 of whom are in prison.

The office of the human rights ombudsman, who is elected by the National 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 ARENA government, like others in Central America, used “iron fist” (*mano duro*) tactics to combat gang violence, including house-to-house sweeps by the police and military. However, judges have 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.

Beyond the gang-related violence, law enforcement officials have been criticized for brutality, corruption, arbitrary arrest, and lengthy pretrial detention. In 2009, some 40 police officers, including three chiefs and the former head of the National Civil Police’s antinarcotics division, were investigated for alleged involvement in drug trafficking.

As of 2009 there were roughly 21,000 inmates in a prison system designed to house just 8,000, and about half of the inmates were believed to be awaiting trial. In February, more than 9,000 prisoners and their family members staged simultaneous peaceful protests to demand better conditions in the prison system. The event, organized with the help of NGOs, marked the first time that members of the country’s two largest gangs, Mara Salvatrucha and 18th Street declared a temporary truce to protest together.

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. In a positive development, the new administration in August 2009 announced the creation of a commission to investigate the disappearances of children during the civil war.

There are no national laws regarding indigenous rights. According to the U.S. State

Department's 2009 human rights report, access to land and credit remain problems for indigenous people.

Businesses are subject to regular extortion by organized criminal groups. Transport companies estimate that between 20 and 30 percent of their income is paid to criminal groups, and 36 transportation workers were killed in early 2009 for failure to pay bribes.

While women are granted equal rights under family and property law, they are occasionally discriminated against in practice; women also suffer discrimination in employment. A reform that would have enshrined bans on same-sex marriage and adoptions by same-sex couples in the constitution was defeated in the legislature in September 2009. Human trafficking for the purpose of prostitution is a serious problem. In 2009, El Salvador was ranked as a Tier 2 country in the U.S. State Department's Trafficking in Persons Report. Child labor also continues to be an area of concern, and one 2007 estimate held that up to a third of the workers on the country's sugarcane plantations were under the age of 18. Violence against women and children is 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.*