

El Salvador

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After an intense campaign, Salvador Sánchez Cerén of the Farabundo Martí National Liberation Front (FMLN) won the presidency in March 2014 and began his five-year term in June. The Salvadoran government continued to support a variety of initiatives to confront economic and security problems but has distanced itself from dialogue with gangs, despite the fact that dialogue had led to lower homicide rates in 2012 and 2013.

Violence increased dramatically in 2014 as a result of conflict between the Mara Salvatrucha (MS-13) and the 18th Street gangs. Attacks on security forces also rose significantly, with 38 police deaths in 2014.

Political Rights and Civil Liberties:

Political Rights: 35 / 40 [Key]

A. Electoral Process: 12 / 12

El Salvador's president is elected for a five-year term. The 84-member, unicameral Legislative Assembly is elected for three years.

El Salvador held presidential elections in February 2014, one month after conducting its first presidential debate. Three candidates contended for the office: former guerilla Sánchez Cerén of the incumbent FMLN, Norman Quijano of the Nationalist Republican Alliance (ARENA), and former president Antonio Saca of the Unity coalition. A surprise surge in support for Quijano resulted in a very close second round in March, in which Sánchez Cerén won 50.1 percent to Quijano's 49.9 percent. Turnout was 60 percent. Both Sánchez Cerén and Quijano initially declared themselves the winner, despite instructions from the Supreme Electoral Tribunal (TSE) to refrain from making such announcements. Although Quijano accused the TSE of fraud, domestic and international observers considered the elections free and fair, and Sánchez Cerén was declared the winner. Salvadorans living in the United States were able to vote in the 2014 elections.

In 2012 legislative elections, ARENA captured 33 seats and the FMLN secured 31; they were followed by the Grand Alliance for National Unity (GANU) with 11, the National Conciliation with 7, and the Party of Hope (PES) and the Democratic Change Party with 1 seat each.

B. Political Pluralism and Participation: 14 / 16

From 1979 to 1992, a civil war pitted El Salvador's Christian Democratic Party government, with support from the right-wing oligarchy, the military, and the United States, against the leftist FMLN. ARENA held the presidency for two decades, until the FMLN emerged

victorious in 2009. The FMLN and ARENA remain the country's two largest political parties, though there is significant support for GANA.

In October 2014, the Constitutional Chamber (CC) of the Supreme Court ruled that *transfuguismo*—the practice whereby deputies abandon the parties with which they are elected—was unconstitutional. In November, the CC ruled that voters could cast ballots for candidates from different political parties; previously, if a voter selected a candidate from one party, the remainder of his or her votes had to go to the same party.

Some Salvadorans have expressed concern that foreign governments and multinational corporations exert excessive influence over decisions made by local and national government officials. In order for El Salvador to qualify for \$277 million in foreign aid, for example, the U.S. Congress required the country to demonstrate greater progress in fighting corruption and in increasing the independence of its judiciary. Venezuela has also been accused of unduly influencing domestic policy in El Salvador. Venezuela holds \$800 million worth of assets in the country through a joint initiative with FMLN mayors known as Alba Petróleos.

C. Functioning of Government: 9 / 12

El Salvador was ranked 80 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. Corruption continues to be a serious problem, and few high-level public officials have been charged or convicted. In June 2013, then president Funes announced the creation of a new anti-extortion unit. After four months in hiding, former president Francisco Flores was subsequently arrested on charges of disobedience, the embezzlement of \$5.3 million, and the mismanagement of an additional \$10 million. The funds stolen in the scandal—which allegedly involved several other former officials as well—originated in donations from the Taiwanese government following two 2001 earthquakes. Flores is serving his sentence under house arrest.

Funes announced in September 2013 that his government would establish a Financial Crimes Division of the National Police in order to tackle money laundering by drug-trafficking organizations. The same month, the office of the attorney general served arrest warrants to former officials of the Saca administration (2004–09) alleging fraud, embezzlement, the falsification of documents, and corruption in the Public Works Ministry. In August 2014, the Legislative Assembly passed another law to fight money laundering.

In 2014, Salvadoran authorities continued to pursue government officials with alleged ties to organized crime and other criminal elements. In August, three antimafia judges from the department of San Miguel were arrested following accusations that they had accepted bribes in exchange for favoring certain criminal defendants. They were released until the charges are resolved. An alternate Legislative Assembly representative, Wilver Alexander Rivera Monge, was arrested in September on charges of laundering \$10 million for the drug trafficking network of a man known as "El Repollo," who himself was sentenced in November to 77 years in prison on drug-related charges. Nine other members of his cocaine network

received prison sentences. In December, a military official was sentenced to seven years in prison for arms trafficking. Despite these cases, the majority of crimes still go unpunished.

In June 2014, the attorney general announced that Defense Minister David Munguía Payés was under investigation for involvement in arms trafficking, potentially to supply gangs. In 2013, Payés had been accused of obstructing antigang operations. In September 2014, Father Antonio Rodríguez—an occasional participant in gang truce negotiations—pled guilty to criminal association. Rodríguez, who was accused of smuggling mobile phones into prison and assisting gang leaders with various requests, claims to have acted with the full support of the government. A government-brokered truce between the MS-13 and 18th Street gangs in March 2012 was never popular due to its opacity, the continued criminal activity of the gangs, and the legitimacy the truce bestowed upon criminal actors.

Civil Liberties: 40 / 60 (-2)

D. Freedom of Expression and Belief: 15 / 16

The constitution provides for freedom of the press, and while this right is generally respected in practice, coverage of corruption and gang violence has occasionally made reporters the target of harassment. For example, following an investigation into corruption in the Anti-Narcotics Division of the police force, online newspaper *El Faro*'s Oscar Martínez was subject to police harassment in July 2014.

In July 2013, the Legislative Assembly passed a law requiring media outlets to print letters written by anyone who is offended by the outlet's reporting. Failure to comply carries the threat of fines or prison sentences.

Salvadoran media are privately owned, but ownership is confined to a small group of powerful businesspeople that manipulate reporting in order to protect their political and/or economic interests. ARENA-aligned Telecorporación Salvadoreña dominates the market with three of the five private television networks. Online sites such as *El Faro* and *Contrapunto* provide alternative views and investigative reporting. Access to the internet is unrestricted. In recent years, the government and numerous other organizations have started programs to extend internet access to the poor.

The government does not encroach on religious freedom, and academic freedom is respected. There have been no recent reports of extralegal surveillance or government interference in private discussions or communications.

E. Associational and Organizational Rights: 8 / 12

Freedoms of assembly and association are generally upheld, and public protests during recent constitutional conflicts have been permitted without obstruction. A 2010 law criminalized gang membership. There was hope that the Salvadoran government might

repeal the law as part of its new approach to public security, yet there has been no movement to do so. El Salvador's nongovernmental organizations (NGOs) generally operate freely, though some have reported difficulties with registration. Labor unions have long faced obstacles in a legal environment that has traditionally favored business interests.

F. Rule of Law: 8 / 16 (-1)

El Salvador's judicial system remains weak and is plagued by corruption and obstructionism. The CC of the Supreme Court continues to demonstrate its independence, however. In June, the CC ruled that Eugenio Chicas's election as TSE president was unconstitutional because of his previous political ties to the FMLN. The court ruled that the Legislative Assembly cannot elect partisans to the TSE or any other national court. In August, the CC declared the Law of Political Parties unconstitutional because it did not include provisions requiring transparency in political party financing and because it failed to call for representative democracy in internal party elections.

Justice system officials have frequently been accused of brutality, corruption, arbitrary arrest, and lengthy pretrial detention. The Supreme Court of Justice has utilized technology and training to reduce judicial delays. In September 2014, authorities arrested 140 suspected gang members, including three police agents, on charges of murder, extortion, robbery, and rape.

In 2014, 39 police officers were killed, presumably by gang members. Active and retired gang members comprise 40 percent of the country's prison population, which continues to exceed capacity by 300 percent. Nearly 30 percent of inmates have not been convicted of a crime. The previous administration took steps to reform the country's prison system, such as removing corrupt prison officials and professionalizing remaining officers. The new administration is moving officials who have been accused of corruption to less sensitive public security positions and is working to restructure the National Civil Police under a community policing model.

The U.S. Treasury Department classified the MS-13 gang as a transnational criminal organization in 2012 and imposed sanctions on six Salvadoran leaders in 2013, adding them to its list of Specially Designated Nationals. The homicide rate increased by more than 50 percent in 2014, and El Salvador remained one of the most violent countries in the hemisphere. El Salvador has been on the U.S. list of "major" drug producing and transit countries since 2011, and the country has been criticized for not attacking organized crime, gangs, and drug trafficking networks more aggressively.

Salvadoran law and a 1993 general amnesty bar prosecution of crimes and human rights violations committed during the civil war; the authorities have faced criticism from NGOs and the Inter-American Court of Human Rights for failing to adequately investigate such crimes. In February 2014, the Supreme Court ruled that authorities must investigate the Tecoluca massacre that took place in 1981.

In June 2014, the Legislative Assembly ratified Article 63 of the constitution, which recognizes indigenous peoples. Included in the amendment was a pledge to adopt policies supporting maintenance of indigenous and cultural identity, values, and spirituality. Along with poverty, unemployment, and labor discrimination, indigenous people also face challenges with regard to land rights and access to credit.

Discrimination on the basis of sexual orientation is widespread in El Salvador despite being prohibited by law. LGBT (lesbian, gay, bisexual, and transgender) people have been killed due to their sexual identity.

G. Personal Autonomy and Individual Rights: 9 / 16 (-1)

Freedom of travel within El Salvador has been complicated by the government's inability to control mounting gang violence. The MS-13 and 18th Street gangs each control certain neighborhoods, making it extremely dangerous for citizens to travel freely throughout the country. Businesses and private citizens are subject to extortion by organized criminal groups on a regular basis.

Canadian gold mining firm Pacific Rim is suing El Salvador for \$315 million for failing to issue permits for gold extraction. Advocates are concerned that the mining could jeopardize the country's water supply.

Women are granted equal rights under the constitution, but they are often subject to discrimination in employment and other areas. Abortion is punishable by imprisonment even when the life of the mother is at risk. The CC affirmed this law in 2013, stating that the "rights of the mother cannot be privileged over the fetus." There are 17 women currently serving jail time for pregnancy-related crimes. Violence against women, including domestic violence, is a serious problem. Homicide rates for women increased from 7.4 to 19.1 per 100,000 women between 2003 and 2014, one of the highest rates in the world. Despite government efforts, El Salvador remains a source, transit, and destination country for the trafficking of women and children for the purposes of prostitution and forced labor.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology