

Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups, outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

- (a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;
- (b) Ensuring that the public has effective access to information;
- (c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;

CIVIL SOCIETY REPORT

on the implementation of

Chapter II (Prevention) & Chapter V (Asset Recovery) of the

UNITED NATIONS CONVENTION AGAINST CORRUPTION

IN EL SALVADOR

by Fundación Nacional para el Desarrollo

Acknowledgments

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Every effort has been made to verify the accuracy of the information contained in this report. All information is believed to be correct as of September 1, 2022.

The coordinator of this report was Wilson Sandoval of ALAC-FUNDE and the report was reviewed and translated by Danella Newman of the UNCAC Coalition.

During the writing process, the researchers of this report faced threats and intimidation from high-ranking Salvadoran politicians.

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Table of Contents

Abbreviations	1
List of persons consulted	3
I. Introduction	4
II. Executive Summary	5
III. Evaluation of the review process of El Salvador	12
IV. Evaluation of the implementation of the provisions of chapter II and chapter V	15
4.1 Chapter II	15
4.1.1 Art. 5 - Anti-corruption policies and practices.....	15
4.1.2 Art. 6 - Corruption Prevention Body or Bodies	19
4.1.3 Art. 7.1 - Public sector employment.....	22
4.1.4 Art. 7.3 - Political finance	24
4.1.5 Art. 7, 8 and 12 - Codes of conduct, conflicts of interest and asset declarations	27
4.1.6 Art. 8.4 and 13.2 - Whistleblowing and whistleblower protection mechanisms.....	30
4.1.7 Art. 9.1 - Public Procurement.....	30
4.1.8 Art. 9.2 - Management of public finances.....	31
4.1.9 Art. 10 and 13.1 - Access to information and participation of the society ..	33
4.1.10 Art. 11 - Judiciary and prosecution service	36
4.1.12 Art. 14 - Measures to prevent money laundering.....	39
4.2 Chapter V	39
4.2.1 Art. 52 and 58 - Anti-money laundering.....	39
4.2.2 Art. 53 and 56 - Measures for direct recovery of property	45
4.2.3 Art. 54 - Confiscation tools.....	45
4.2.4 Art. 51, 54, 55, 56 and 59 - International cooperation for purposes of confiscation.....	46
4.2.5 Art. 57 - Restitution and disposal of assets.....	47
4.3 Statistics	48
4.4 Brief analysis	49
4.5 Information on asset recovery cases	50
V. Recent Developments	53
VI. Recommendations	54
VII. Annex	56
7.1 Table on access to information requests	56
7.2 Bibliography	61

Abbreviations

While the abbreviations are provided in both Spanish and English in the following table, they are used in their original Spanish version throughout the report for institutions and laws and in their English version for names of international institutions or initiatives.

Abbr.	Spanish	English
APNFD	Actividades y Profesiones No Financieras Designadas	Designated Non-Financial Activities and Professions
CNJ	Consejo Nacional de la Judicatura	National Council of the Judiciary
CSJ	Corte Suprema de Justicia	Supreme Court of Justice
FGR	Fiscalía General de la República	Public Prosecutor's Office
FMLN	Frente Farabundo Martí para la Liberación Nacional (Partido Político)	Frente Farabundo Martí para la Liberación Nacional (Political Party)
FUNDE	Fundación Nacional para el Desarrollo	National Development Foundation
GAFI/FATF	Grupo de Acción Financiera Internacional	Financial Action Task Force
GAFIC	Grupo de Acción Financiera del Caribe	Caribbean Financial Action Task Force
GAFILAT	Grupo de Acción Financiera de Latinoamérica	Latin American Financial Action Task Force
GTIAC	Grupo de Trabajo Interinstitucional Anticorrupción	Interinstitutional Anti-Corruption Working Group
IAIP	Instituto de Acceso a la Información Pública	Institute for Access to Public Information
INL	Oficina Internacional de Asistencia Antinarcoóticos y Cumplimiento de la Ley	International Narcotics and Law Enforcement Assistance Office (ILAO)
LACAP	Ley de Adquisiciones y Contrataciones de la Administración Pública	Public Administration Procurement and Contracting Law
LAIP	Ley de Acceso a la Información Pública	Access to Public Information Act
LCLDA	Ley Contra el Lavado de Dinero y de Activos	Anti-Money Laundering and Anti-Money Laundering Law
LPP	Ley de Partidos Políticos	Political Parties Law
MARN	Ministerio de Medio Ambiente y Recursos Naturales	Ministry of Environment and Natural Resources
NI	Nuevas Ideas (Partido Político / Political Party)	
ODECA	Carta de la Organización de Estados Centroamericanos	Charter of the Organization of Central American States
PGR	Procuraduría General de la República	Attorney General's Office of the Republic

TEG	Tribunal de Ética Gubernamental	Government Ethics Tribunal
TSE	Tribunal Supremo Electoral	Supreme Electoral Tribunal
UIF	Unidad de Investigación Financiera	Financial Investigation Unit
CNUCC/UNCAC	Convención de las Naciones Unidas contra la Corrupción	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime	

List of Persons Consulted

Several institutions were consulted for the preparation of this report, who guided the requests for information and data that helped to enrich and detail the contents of the report. For security and confidentiality reasons, their names and identification are omitted at their request.

I. Introduction

El Salvador signed the United Nations Convention against Corruption (UNCAC) on December 10, 2003 and ratified it on June 25, 2004.

This report reviews El Salvador's implementation of selected articles of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the UNCAC. The report is intended as a contribution to the UNCAC implementation review process currently underway covering these chapters. El Salvador was selected by the UNCAC Implementation Review Group through a drawing of lots for review in the fifth year of the second cycle.

1.1 Scope. The articles and topics of the UNCAC that receive special attention in this report are those covering: preventive anti-corruption policies and practices (Article 5), preventive anti-corruption bodies (Article 6), public sector employment (Article 7.1), political financing (Article 7.3), codes of conduct, conflicts of interest and asset declarations (Articles 7, 8 and 12), reporting mechanisms and whistleblower protection (Articles 8.4 and 13.2), public procurement (Article 9.1), management of public finances (Article 9), access to information and participation of society (Articles 10 and 13.1), the judiciary and prosecution services (Article 11), and measures to prevent money laundering (Article 14) under Chapter II. Under Chapter V, the UNCAC articles and topics given special attention in this report are those covering anti-money laundering (articles 52 and 58), measures for direct recovery of property (articles 53 and 56), confiscation tools (article 54), international cooperation for the purposes of confiscation (articles 51, 54, 55, 56 and 59), and the return and disposal of confiscated property (article 57).

1.2 Structure. The report begins with an executive summary, which includes the main findings, conclusions and recommendations about the review process, the availability of information, as well as implementation and enforcement of selected UNCAC articles. The following part covers the findings of the review process in El Salvador, as well as access to information issues in more detail. Subsequently, the implementation of the Convention is reviewed and examples of good practices and deficiencies are provided. Then, recent developments are discussed and, finally, recommendations for priority actions to improve the implementation of the UNCAC are given.

1.3 Methodology. The report was prepared by the Fundación Nacional para el Desarrollo (FUNDE) with technical and financial support from the UNCAC Coalition.

The report was prepared using guidelines and a reporting template designed by the UNCAC Coalition and Transparency International for use by civil society organizations (CSOs). These tools reflected but simplified the United Nations Office on Drugs and Crime (UNODC)'s checklist and called for relatively short assessments as compared to the detailed official self-assessment checklist. The report template included a set of questions about the review process and, in the section on implementation, asked for examples of good practices and areas in need of improvement in the articles of UNCAC Chapter II on prevention of corruption and Chapter V on asset recovery.

II. Executive summary

This parallel report reviews the implementation of Chapters II (preventive measures) and V (asset recovery) of the United Nations Convention against Corruption (UNCAC), and is intended as a contribution to the ongoing UNCAC implementation review process covering these chapters. El Salvador has a diverse legal framework for the prevention of corruption and the fight against money laundering; recently developed norms, as well as some older ones with basic content and provisions scattered in different laws on the same subject. However, having a diversity of laws is no guarantee of their effectiveness and correct application when there is a lack of will to enforce them in practice.

2.1 Description of the Official Review Process

Transparency and accountability are only two of the factors that condition the results of the review of compliance with UNCAC chapters II on preventive measures against corruption V on anti-money laundering and asset recovery. Thus, El Salvador presents serious deficiencies in the compliance with international standards in favor of the prevention of corruption and money laundering. The current status of El Salvador's official review of the second review cycle is unknown.

2.2 Availability of Information

The research process was carried out in two main stages: i) gathering documentary sources, mostly on the Internet, of which links are provided in footnotes; and, ii) making requests for access to public information to various state institutions. In general, access to public information is difficult due to non-compliance with the Law on Access to Public Information (LAIP) in terms of non-existence of information, deficiencies in the disclosure of informal information (such as statistical data) and unjustified reservations of public information.

El Salvador's Law on Access to Public Information (LAIP), issued in 2010, allows any person to obtain public information held by the State. However, this law, from the time of its enactment, has followed a cobbled path and has never achieved the effectiveness that was intended with its implementation. Currently, with an Institute of Access to Public Information that is increasingly under the indirect control of the Executive Branch¹, the availability of information is backsliding. A series of requests for access to public information were made for the production of this report, in which information was denied or delivered only partially, in some cases with questionable information reservations. Information reservations, made without further justification or

¹ Guzmán, Valeria; Labrador, Gabriel; Alvarado, Jimmy (December 2020), Bukele confects a less transparent IAIP via executive decrees. Available at: https://elfaro.net/es/202009/el_salvador/24803/Bukele-confecciona-un-IAIP-menos-transparente-v%C3%ADa-decretos-ejecutivos.htm [accessed September 5, 2022].

using inadequate legal arguments, have become a repeated practice in state institutions² ; with them, citizens have been prevented from obtaining information that should be compulsorily available to them.

Requests for access to public information were made to the following institutions: Court of Accounts of the Republic, Institute for Access to Public Information, Supreme Court of Justice, Presidency of the Republic, Government Ethics Tribunal, National Council of the Judiciary, the Public Prosecutor's Office of the Republic, Office of the Attorney General of the Republic, and Supreme Electoral Tribunal. Each of these institutions, within their competencies, are responsible for areas of corruption prevention or anti-money laundering. More detailed information on the requests made is included in the annex.

2.3 Implementation in Law and in Practice

Regarding the application of Chapter II of the UNCAC, it should be noted that in El Salvador there is no state policy that has the prevention of corruption as its primary objective. Despite having a legal framework and institutions with specific powers for the prevention of corruption (in terms of accountability, ethics, transparency, etc.) in place, there is no strategy that systematizes individual efforts to that end, grouped in a state policy.

There are specific institutions (Attorney General's Office, Government Ethics Tribunal and the Court of Accounts of the Republic) that have implemented isolated internal plans aimed at mitigating corruption risks through the promotion of integrity, accountability and transparency. Despite the existence of the so-called Inter-Institutional Anti-Corruption Working Group, which brings together most of the institutions of the justice sector and others with anti-corruption powers, it has not provided perceptible results and has been limited to the organization of small training activities.

Recently, the Presidency of the Republic created the Audit Secretariat of the Presidency of the Republic, with the purpose of preventing corruption. However, in the same decree of creation of this entity, the data it generates is declared as confidential. In general, the independence of all state entities is questioned due to the control that the central government exercises over the parliamentary majority in charge of appointing the officials that lead all these entities.

After the ruling party illegally dismissed the magistrates of the Constitutional Chamber and the Public Prosecutor's Office of the Republic, and illegally appointed new incumbents to these positions (May 1, 2021), the jurisprudence and decisions of these

² Benítez, Beatriz; Olivares, Gloria (June 2021), ¿Qué información oculta el gobierno de Bukele? Available at: <https://gatoencerrado.news/2021/06/01/que-informacion-oculta-el-gobierno-bukele/> [accessed September 5, 2022].

bodies have changed radically, favoring governmental decisions. Thus, acts such as the above call into question the procedures for the election of this type of officials, tailored more to political criteria than to capacity and experience.

Public sector employment in El Salvador is governed by a general, old and dispersed legal framework, which does not respond to the urgency of transparency, merit, equity, professionalization and modernization of the civil service. There has been no political will (neither from this nor from previous governments) to analyze the draft bill of the Civil Service Law, which aims to unify, modernize and systematize the regulations of public sector hiring.

Transparency in political financing has been another pending issue in El Salvador. Despite the issuance of regulations aimed at making the actions of political parties in this area transparent, entities such as the Farabundo Martí National Liberation Front (FMLN) and Nuevas Ideas (NI) have illegally and persistently refused to comply with the laws and disclose their sources of financing. In addition, with the arrival of Bitcoin as a legal currency in El Salvador, alarms have been raised about the risks of uncontrolled financing and money laundering.

Most public institutions involved in the prevention and fight against corruption have an institutional code of ethics that establishes basic standards of ethical conduct for personnel, as well as procedures in cases of disciplinary infractions. However, they do not have a mechanism to identify conflicts of interest of persons seeking public office.

Asset declarations of public officials and employees are regulated by an outdated law (1959), which no longer responds to current realities of combatting corruption and illicit enrichment. In addition, the entity in charge of enforcing this law depends on a body that is highly politicized, which affects its autonomy and independence at the time of executing the investigations it is required by law to carry out.

In El Salvador there are no mechanisms implemented by the State or by any institution at the internal level to facilitate the presentation of complaints by employees when they become aware of any act of corruption in the performance of their duties. Nor have any campaigns or measures been established to ensure that employees are aware of the competencies and powers of the various institutions in relation to the prevention of corruption. Regarding whistleblowing for citizens, only the Government Ethics Tribunal and the Court of Accounts of the Republic have implemented mechanisms so that any person can file a complaint about alleged acts of corruption, even anonymously.

With regard to public procurement, the beginning of the Covid-19 pandemic also gave rise to an era of opacity in the public administration; the domination of the Legislative Assembly by the ruling party Nuevas Ideas has generated a practice of eliminating controls of public procurement in the context of the pandemic and the successive

exception regimes, through the issuance of different legislation that allows bypassing the Public Administration Procurement and Contracting Law.

There is no public data on the management of public finances, beyond the budget modifications that are constantly requested from the Legislative Assembly.

In the area of access to information and participation of society, the approval of the LAIP and the creation of the Institute of Access to Public Information meant an advance in the transparency of decisions and in the citizens' intention to influence public decisions. Citizen's and civil society organization's access to information was boosted, and this data served as input for the initiation of administrative and judicial processes of alleged cases of corruption and improper use of public funds. During the years the law has been in force, it has been a great ally for the journalistic and academic community in obtaining the necessary data to gain insights into the management of public affairs. For such reasons, the application of said law has always encountered resistance from all the governments in office, in terms of complying with the obligations established therein. Currently, the various reforms coming from the Executive Branch have reduced the effectiveness of this law.

The independence of the Judicial Branch and the Public Prosecutor's Office has been undermined as of May 1, 2021. With the dismissal of the magistrates of the Constitutional Chamber and the Public Prosecutor of the Republic, a series of arbitrary removals of judges and magistrates of the Republic who were not clearly in favor of the ruling party began. Modifications were made to the organic laws of these two institutions for the dismissal of those officials older than 60 years, with unsubstantiated accusations of them being corrupt.

Regarding the fight against money laundering, covered by Chapter V of the UNCAC, it is impossible to evaluate the application and effectiveness of the legal system created around this issue, due to the systematic withholding of information in recent months by the Public Prosecutor's Office and its Financial Investigation Unit, and by the Supreme Court of Justice. Thus, all the statistical information requested for this report on asset recovery has been denied, despite the fact that it is only statistical data.

Despite the above, the authors of this report have analyzed the regulatory reforms, which provide for the expansion of regulated entities, and the elimination of the possibility of exclusion of those that do not represent a risk, which will generate an exorbitant amount of filings of regulated entities and, consequently, of reports of unusual and suspicious transactions. This could result in inaction and lack of effectiveness of money laundering analysis, due to the saturation of work of the Financial Investigation Unit.

Table 1: Implementation and enforcement summary

UNCAC Articles	Status of implementation in law	Status of implementation and enforcement in practice
Art. 5 – Preventive anti-corruption policies and practices	not implemented	poor
Art. 6 – Preventive anti-corruption body or bodies	partially implemented	poor
Art. 7.1 – Public sector employment	not implemented	poor
Art. 7.3 – Political financing	not implemented	poor
Art. 7, 8 and 12 – Codes of conduct, conflicts of interest and asset declarations	partially implemented	poor
Art. 8.4 and 13.2 – Reporting mechanisms and whistleblowers protection	not implemented	poor
Art. 9.1 – Public procurement	not implemented	poor
Art. 9.2 – Management of public finances	partially implemented	poor
Art. 10 and 13.1 – Access to information and participation of society	partially implemented	poor
Art. 11 – Judiciary and prosecution services	not implemented	poor
Art. 12 – Private sector transparency	not implemented	poor
Art. 14 – Measures to prevent money laundering	not implemented	poor
Art. 52 and 58 – Anti-money laundering	not implemented	poor
Art. 53 and 56 – Measures for the direct recovery of property	not implemented	poor
Art. 54 – Confiscation tools	not implemented	poor
Art. 51, 54, 55, 56 and 59 – International cooperation for purposes of confiscation	not implemented	poor
Art. 57 – The return and disposal of confiscated assets	not implemented	poor

Table 2: Performance of selected key institutions

Name of institution	Performance in relation to responsibilities covered by the report	Brief comment on performance <i>(e.g., inadequate resources, lack of independence, good technical expertise)</i>
Court of Accounts of the Republic	poor	It has failed to execute the powers granted to it by the Constitution and the laws. Furthermore, it has been an institution whose independence has always been questioned.
Supreme Court of Justice	poor	Its independence is null and void due to the illegitimate imposition of five magistrates of the Constitutional Chamber by the pro-government bench.
Institute for Access to Public Information	poor	The independence of its members has been diminished with each election; it has been an institution that has never been adequately resourced.
Public Prosecutor's Office	poor	The illegitimate imposition of the Attorney General's Office by the legislative bench which is aligned with the ruling party, has completely compromised its independence; the institution does not have adequate resources to use its wide range of powers.
Presidency of the Republic	poor	Various actions have encouraged non-compliance with the obligations established in the laws related to the prevention of corruption.
Government Ethics Tribunal	poor	This body has good technical knowledge; however, the effectiveness of its performance is poor.
National Council of the Judiciary	poor	Its actions to promote activities to prevent corruption have been scarce.
Attorney General's Office of the Republic	moderate	It has a strong organizational structure in the areas of corruption prevention; however, the independence of its head is questionable.

Supreme Electoral Tribunal	poor	There is no independence of its members in decision-making; it does not have adequate resources to carry out its work.
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2.4 Recommendations for priority actions

1. Strengthen the recruitment process of public officials (established in Article 131, paragraph 19 of the Constitution) through the implementation of objective criteria that prioritize the capacity and experience of individuals, as well as the independence that such officials require for their proper performance.
2. Implement a public and well-known state policy oriented to corruption prevention, which coordinates all inter-institutional actions in favor of transparency, accountability, integrity, ethics and corruption prevention.
3. Guarantee the verification and sanctioning of non-compliance with the Law on Political Parties, especially with regard to campaign financing, in order to make donations by private individuals transparent.
4. Include in the regulations and in practice the oversight of the use of cryptocurrencies in the financing of political parties, with the aim of mitigating the risks of money laundering.
5. Ensure the application of the Public Administration Procurement and Contracting Law, especially in those cases related to large public works, avoiding the use of alternative mechanisms that allow public contracting without following procedures that guarantee transparency and accountability.
6. Ensure compliance with the Law on Access to Public Information regarding the publication of informal information, as well as the disclosure of requests made to government entities through transparency portals; also, avoiding the abuse of the classification of information as reserved or non-existent in order to allow for citizen's to holding government accountable.
7. Promote the creation of mechanisms to protect whistleblowers who report alleged acts of corruption, including citizens, employees and public officials, ensuring the confidentiality of personal data and the anonymity of the reports.
8. Guarantee the exercise of freedom of expression by civil society organizations, journalists and the general public on issues related to the prevention and fight against corruption.
9. Make data on money laundering and financing of terrorism transparent to help evaluate the application and effectiveness of the national legal system, as well as to measure the degree of compliance with international commitments in this area, both from the Public Prosecutor's Office and the Financial Intelligence Unit, as well as from the Probity Section of the Supreme Court of Justice.
10. Update the national regulations on illicit enrichment of public officials and employees, including the effective control of the assets of public officials and employees and the establishment of an autonomous and independent entity to ensure the effectiveness and enforcement of the law.

III. Assessment of Review Process for El Salvador

3.1 Report on the Review Process

The State of El Salvador has not made available to the public the progress reports of the review process of El Salvador on compliance with Chapters II and V of the UNCAC. Thus, there is no ordered, systematized and updated information that provides accurate data on the progress of the country's state institutions in this area.

Table 3: Transparency of the government and civil society participation in the UNCAC review process

Did the government disclose information about the country's focal point?	No	There is no evidence that the government directly disclosed information. It is presumed that the Secretariat of the Presidency of the Republic acts as a focal point based on information contained in a public record of the plenary session of the Supreme Court of Justice ³ .
Was the review schedule published something/publicly known?	No	No information was found of the publication of the review schedule or process.
Was civil society consulted in the preparation of the self-assessment checklist?	No	No information of consultations with organized civil society was found.
Was the self-assessment published online or provided to civil society?	No	No information was found on the publication of the self-assessment checklist or it having been shared with civil society.
Did the government agree to a country visit?	Unknown	-
Was a country visit undertaken?	Unknown	-
Was civil society invited to provide input to the official reviewers?	Unknown	-
Was the private sector invited to provide input to the official reviewers?	Unknown	-

³ Supreme Court of Justice, December 2021. Minutes number 101 corresponding to the Plenary Court Session. Available at:

<https://webcache.googleusercontent.com/search?q=cache:6ebiG0MYImYJ:https://transparencia.oj.gob.sv/descargar/3/19486/101-16122021%2520ACTA%2520AUTORIZADA%2520VERSION%2520PUBLICA/14-02-2022&cd=14&hl=es-419&ct=clnk&gl=sv&client=safari> [accessed September 22, 2022].

Has the government committed to publishing the full country report?	Unknown	-
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3.2 Access to Information

El Salvador has a Law of Access to Public Information that, in principle, facilitates citizens' access to information. However, in many occasions the exercise of the right enshrined in law is undermined by institutional criteria that make it difficult to obtain information, either by declaring it as reserved or justifying its non-existence.

There is no government agency that deals exclusively with anti-corruption policy. Thus, a series of requests for access to public information were made to the following institutions: Court of Accounts of the Republic, Institute for Access to Public Information, Supreme Court of Justice, Presidency of the Republic, Government Ethics Tribunal, National Council of the Judiciary, Public Prosecutor's Office of the Republic, Office of the Attorney General of the Republic and Supreme Electoral Tribunal.

In general, all institutions formally answered the formal requests for access to information. However, three types of responses were obtained: i) institutions that provided incomplete information: Court of Accounts of the Republic, Institute for Access to Public Information, Government Ethics Tribunal, National Council of the Judiciary, Attorney General's Office; ii) institutions that stated in most of the requested items that the requested information does not exist: Supreme Court of Justice; iii) institutions that denied most of the requested information, arguing that it is reserved: Presidency of the Republic and Public Prosecutor's Office.

It should be noted that most of the institutions have made some information on activities aimed at preventing corruption available to the general public through the publication of their annual accountability reports. However, most of the information is not available online or is not easily accessible, since there is no section where this type of information is systematized so that it can be easily located by the general public. In addition, the institution's websites are outdated, failing to comply with the duty of informal or active transparency established by law.

A relevant source of information for the preparation of this report were the reports or newsletters prepared by national and international non-governmental organizations, as well as journalistic articles by local or foreign media. In the absence of transparency or accountability of state institutions, journalistic investigations have helped to bring to light information that should be public.

The obstacles to obtaining information for this report are based, in the first place, on the lack of political will to make data transparent that could call into question the work carried out by the institutions. For example, the Public Prosecutor's Office preferred to declare the information requested as reserved, despite the fact that it was only specific data that does not jeopardize institutional plans or activities. The second most evident obstacle is the lack of systematization of criteria for the storage of information that, by nature, is public. For example, much of the information requested from the Supreme Court of Justice was declared non-existent, such as the personnel working on money laundering issues or statistics on the same subject (number of cases prosecuted).

In short, despite the existence of an Access to Information Law, the availability of data depends on the willingness of the institutions to have systematized information and to make it available to the population without major obstacles.

IV. Assessment of Implementation of Chapter II and Chapter V Provisions

This chapter analyzes the implementation of the provisions of UNCAC Chapter II on preventive measures and Chapter V on asset recovery in El Salvador through the application of laws, regulations and practices, highlighting both good practices and areas for improvement.

4.1 Chapter II

4.1.1 Art. 5 – Preventive Anti-Corruption Policies and Practices

El Salvador does not have a coordinated public or governmental policy aimed at preventing corruption. In this section, public policies will be understood as the set of coherent actions and decisions, rationally adopted by the public authorities in coordination with social and/or private actors, aimed at solving in a timely manner a problem of a public nature or that affects a certain group of individuals in relation to the progressive protection of their rights, for which purpose technical, human, physical and economic resources of different nature are allocated⁴.

Thus, there is no set of coordinated actions by the State to prevent and combat corruption, nor is there coordination among the various state institutions that have a role in or some impact on the prevention of corruption in the country. Despite the existence of the Interinstitutional Anticorruption Working Group (GTIAC)⁵, which brings together most of the institutions belonging to the justice sector and the institutional framework on ethics and transparency, it has not had the expected impact in terms of interinstitutional coordination for the prevention and fight against corruption, limiting its work to the organization of academic spaces⁶.

Until a couple of years ago, El Salvador had a National Action Plan for Open Government coordinated by the central government, within the framework of the Open Government Partnership. Currently, the Salvadoran State is in a situation of inactivity,

⁴ Constitutional Chamber of the Supreme Court of Justice, Judgment of unconstitutionality 1-2017, July 2017, p. 13. Available at:

<https://www.jurisprudencia.gob.sv/busqueda/showFile.php?bd=1&data=DocumentosBoveda%2FD%2F1%2F2010-2019%2F2017%2F07%2FC38F6.PDF&number=801014&fecha=26/07/2017&numero=1-2017AC&cesta=0&singlePage=false%27> [accessed: September 5, 2022].

⁵ Interagency Anti-Corruption Working Group (IATWG), June 2018, Letter of Understanding to Strengthen Interagency Cooperation in the Fight against Corruption. Available at: <https://www.transparencia.gob.sv/institutions/teg/documents/405881/download> [accessed August 28, 2022].

⁶ Grupo de Trabajo Interinstitucional Anticorrupción, Diplomado en Prevención y Combate Sistémico de la Corrupción en El Salvador. Available at: <https://aulavirtualteg.gob.sv/moodle/course/index.php?categoryid=12> [date of consultation: September 6, 2022].

for not complying with the required commitments for two consecutive years⁷. The fourth and last plan, for the period 2018 - 2020, had five commitments: i) Advancing in the awareness-raising of public finances by strengthening the educational component of the Fiscal Transparency Portal; ii) Procedure for citizen participation in public consultations of the Ministry of Environment and Natural Resources (MARN); iii) Draft Bill on Non-Discrimination; iv) Restore the historical memory of the events that occurred before and during the Salvadoran armed conflict; v) Proposal for a draft Bill on Accountability⁸.

In El Salvador there are institutions and laws; however, there is no strategy that systematizes individual efforts to this end, grouped in a state policy. The Constitution of the Republic⁹ (1983) created an institutional framework with powers to prevent and fight corruption, granting the possibility of investigation, supervision and sanction to bodies such as the Supreme Court of Justice (CSJ) or the Court of Accounts of the Republic (CCR), the possibility of verifying decisions and even the assets of officials and their families.

The Legislative Assembly has developed, in a gradual and sometimes difficult manner, a sectorial regulatory framework through which institutions with specific powers to prevent and fight corruption have been created, for example, the Institute for Access to Public Information (IAIP) and the Government Ethics Tribunal (TEG). However, the existence of institutions and legislation is insufficient when the independence of their actions and effectiveness of these entities to perform the work entrusted to them is not guaranteed .

The regulatory framework for the prevention of corruption is as follows: Law on Illicit Enrichment of Public Officials and Employees (1959); Judicial Organic Law (1984); Judicial Career Law (1990); Law of the Office of the Attorney General for the Defense of Human Rights (1992); Law of the Court of Accounts of the Republic (1995); Law of the National Council of the Judiciary (1999); Organic Law of the Office of the Attorney General of the Republic (2006); Law on Government Ethics (2006); Law on Access to Public Information (2011); Organic Law of the Public Prosecutor's Office of the Republic (2021).

⁷ Campos, Gabriel (March 2022), Declaran inactivo a El Salvador en la Alianza para el Gobierno Abierto, La Prensa Gráfica; available at: <https://www.laprensagrafica.com/elsalvador/Declaran-inactivo-a-El-Salvador-en-la-Alianza-para-el-Gobierno-Abierto-20220324-0051.html> [accessed October 07, 2022].

⁸ Regional Observatory on Development Planning for Latin America and the Caribbean (2018), ECLAC, available at: <https://observatorioplanificacion.cepal.org/es/planes/cuarto-plan-de-accion-nacional-de-gobierno-abierto-de-el-salvador-2018-2020#:~:text=1.,la%20informaci%C3%B3n%20on%20finanzas%20p%C3%ABlicas.> [accessed September 5, 2022].

⁹ Constitution of the Republic (1983), available at: https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072857074_archivo_documento_legislativo.pdf

There are individual efforts in three institutions to implement internal policies aimed at strengthening corruption prevention, ethics, transparency and training on related issues: the Institute for Access to Public Information (IAIP), the Government Ethics Tribunal (TEG) and the Attorney General's Office (PGR).

In terms of implementation in practice, institutions related to the prevention and fight against corruption do not carry out periodic evaluations to determine the level of effectiveness of their performance and proposals for improvement to the legal and institutional regulatory framework. Requests for information were made to verify this point and the information officers avoided responding, considered the information as reserved, sent information that was not requested or established that it was non-existent information¹⁰. The National Council of the Judiciary (CNJ), in a request for information, stated that the Regulations of the Law of the CNJ, in art. 48 paragraph b), establishes as an obligation of the plenary: "To review in a timely manner, in coordination with the Technical Unit of Planning and Development, the regulatory framework of the Council and propose the necessary reforms". Thus, the institution indicated, based on the aforementioned article, that the Legal Technical Unit and the Planning and Development Technical Unit periodically carry out a comprehensive review of the regulations issued by the CNJ; however, such review is limited to the internal provisions issued by said entity, without considering the general legal framework that binds them¹¹.

In 2018, a Memorandum of Understanding was signed for the creation of the Interinstitutional Anti-Corruption Working Group (GTIAC), formed by the CSJ, CCR, Attorney General's Office (FGR), PGR, TEG and the IAIP¹²; however, there is no solid coordination of inter-institutional efforts to provide concrete results in the prevention and fight against corruption.

The Supreme Court of Justice (CSJ) carried out a study in 2019 called "Corruption Prevention Strategy", implemented with the support of the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics and Law Enforcement Assistance Office (INL)¹³. The Access to Public Information Unit of the CSJ was requested to provide information on the degree or level of execution of the Corruption Prevention Strategy of the Judicial Branch to date, responding that no progress has been reported in its development and implementation to date, arguing that the Covid-

¹⁰ Responses to requests for information references: UAIP/317/RR/931/2022(2), from the Supreme Court of Justice (July 2022); 300-UAIP-FGR-2022, from the Office of the Attorney General of the Republic (August 2022); OIR-TSE-30-VII-2022, from the Supreme Electoral Tribunal (July 2022); UAIP-039-2022, from the Presidency of the Republic (July 2022); DAIP-71-2022, from the Court of Accounts of the Republic (July 2022).

¹¹ Response to request for information reference UAIP-CNJ/No.12/2022 (July 2022).

¹² See: Inter-Agency Anti-Corruption Working Group (IACWG), June 2018, Letter of Understanding to Strengthen Inter-Agency Cooperation in the Fight Against Corruption [accessed August 28, 2022].

¹³ Supreme Court of Justice, December 2019, Judicial Branch Corruption Prevention Strategy. Available at: <https://transparencia.oj.gob.sv/es/blog/posts/estrategia-de-prevencion-de-la-corrupcion>

19 pandemic forced the institution to prioritize staff and resources to other areas¹⁴. The year 2023 was agreed to complete its execution.

Good practices

- At the internal impact level, the new Organic Law of the PGR¹⁵ (2021) establishes the creation of the Integrity Directorate, which is responsible for providing advice and guidance on integrity matters to the head of the PGR, as well as the generation of a culture of ethics and integrity among all members of the institution. In addition, this directorate is in charge of supervising units such as Access to Public Information, Documentary Management and Archive, Complaints and Denunciations, Follow-up and Evaluation of Risks of Integrity, among others.
- The PGR¹⁶, the IAIP¹⁷ and the TEG¹⁸ have designed and implemented an internal "Integrity and Open Government Policy", which establishes strategic guidelines aimed at promoting the prevention and fight against corruption, ethics, accountability, integrity, transparency and citizen participation.
- The PGR¹⁹ and the TEG²⁰ have developed internal Corruption Risk Maps to identify risks or areas susceptible to corruption, as well as to propose preventive and reactive measures to prevent acts of corruption.

Deficiencies

- In El Salvador there is no direct, comprehensive and coordinated inter-institutional regulatory framework related to the prevention and fight against corruption. The legal frameworks are partial and the activities of the entities suffer from the "silo vision" so their effects are mediocre. The powers developed by the different institutions in anti-corruption areas have been exercised based on specific legal provisions developed in the organic laws of each institution or

¹⁴ Response to request for information reference UAIP/393/RR/1056/2022(4) (September 2022).

¹⁵ Organic Law of the Attorney General's Office of the Republic. Available at: <https://www.informacionpublicapgr.gob.sv/index.php/files/22/GN-1-NormativaPral/2219/LEY-ORGANICA-de-la-PGR-Aprobada.pdf> [accessed on: July 18, 2022].

¹⁶ Office of the Attorney General of the Republic, September 2020, Integrity and Open Government Policy. Available at:

https://www.informacionpublicapgr.gob.sv/index.php/es/?preview=1&option=com_dropfiles&format=&task=frontfile.download&catid=215&id=1673&Itemid=1000000000000 [accessed July 17, 2022].

¹⁷ Access to Public Information Institute, March 2017, Integrity and Open Government Policy [accessed July 17, 2022]. Available at:

<https://www.transparencia.gob.sv/institutions/iaip/documents/392597/download#:~:text=dimensions%20of%20the%20institutional%20integrity%20through%C3%A9s%20of%20the%20exercise%20of%20DAIP>

¹⁸ Government Ethics Tribunal, October 2019, Integrity and Open Government Policy [accessed July 17, 2022]. Available at: https://teg.gob.sv/wp-content/uploads/2022/04/Politica_Integridad_y_Gobierno_Abierto -TEG-3.pdf

¹⁹ Office of the Attorney General of the Republic, April 2021, Manual for Institutional Management of Corruption Risk in the Office of the Attorney General of the Republic. Delivered through information request reference 132-UAIP(P)-2022.

²⁰ Government Ethics Tribunal, July 2022, Work Plan on training on the TEG Corruption Risk Map. Delivered through information request reference 40-SI-2022.

in internal institutional regulations; some date back to 1959 such as the Law on Illicit Enrichment of Public Officials and Employees (LSEIFEP) and are not adapted to the requirements of the current reality.

- The institutions involved in the prevention and fight against corruption do not carry out periodic evaluations to determine the level of effectiveness of their performance and proposals for improvement to the legal and institutional regulatory framework. Requests for information were sent to verify this point and the information officers avoided answering, considered the information as reserved, sent information that was not requested or established that it was non-existent information.
- El Salvador has signed regional initiatives and agreements related to the prevention and fight against corruption, including the Tegucigalpa Protocol to the Charter of the Organization of Central American States (ODECA)²¹, the Framework Treaty on Democratic Security and the Guatemala Protocol; however, there has been no follow-up to the development of such international norms through interstate efforts.

4.1.2 Art. 6 – Preventive Anti-Corruption Body or Bodies

In El Salvador, there is no body established specifically for the prevention of corruption, or to coordinate national efforts to this end; there are various institutions in which have been deposited, in a dispersed manner, some powers that promote transparency, accountability, ethics, among other matters related to anti-corruption actions.

The main bodies responsible for the prevention of corruption in El Salvador are:

- Institute for Access to Public Information: this entity is in charge of verifying compliance with the Law on Access to Public Information²² by the obligated entities (art. 10), among them, the Legislative Branch (art. 11), the Presidency of the Republic and the Council of Ministers (art. 12), the Judicial Branch (art. 13), the National Council of the Judiciary (art. 14), the Supreme Electoral Tribunal (art. 15), the CCR (art. 16), the Municipal Councils (art. 17). In addition, it is the institution in charge of promoting the culture of access to public information (arts. 45 - 47).
- Governmental Ethics Tribunal: based on the Governmental Ethics Law, it is the institution in charge of overseeing compliance with the principles of public ethics (art. 4), the ethical duties of public servants (art. 5); as well as sanctioning non-compliance with the ethical prohibitions for public servants (art. 6), the regime of gifts and other benefits for public employees (arts. 7 and 8). In the area of

²¹ Tegucigalpa Protocol to the Charter of the Organization of Central American States (ODECA). Available at: <http://www.sice.oas.org/trade/sica/sg121391.asp> [accessed July 19, 2022].

²² Law on Access to Public Information. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/FA6EB5A8-D51F-4190-A90F-0FA65913525A.pdf>

prevention, it must guarantee citizen participation in the oversight of public ethics (arts. 33 - 36).

- Court of Accounts of the Republic: Articles 42 - 49 of the Law of the CCR establish that this constitutional body is in charge of auditing public funds.
- National Council of the Judiciary: is the entity in charge of the selection process of judges and chamber magistrates (arts. 60 - 76 of the Law of the National Council of the Judiciary).
- Supreme Court of Justice: based on the LSEIFEP, the Probity Section is in charge of the procedure for the submission of declarations of assets of state officials (arts. 3 - 6); the Judicial Investigation Section is in charge of supervising and managing the procedures for sanctioning judges of the Republic (arts. 49 - 72 of the Judicial Career Law).

The aforementioned institutions are constituted as governing bodies in matters of transparency, ethics and accountability, and belong to the institutional framework (mainly of the justice sector) in charge of preventing and fighting corruption, with laws and internal regulations that establish their powers in this area.

The Council of Ministers of the Executive Branch created, in February 2022, the Audit Secretariat of the Presidency of the Republic; however, in the same decree of creation it was established that "all information of the Audit Secretariat will be declared as reserved". This secretariat was created with the purpose of "becoming a specialized unit in the implementation of mechanisms to strengthen the internal control of the institutions belonging to the Executive Branch, thereby ensuring efficiency in the management of public funds, through control actions that allow for the identification of risks, signs of corruption or any fraudulent, arbitrary or excessive use of public servants' powers that lead to the application of preventive and corrective measures²³".

The entities that belong to the institutional framework with powers for the prevention of corruption have the legal autonomy to exercise the constitutional and legal mandate entrusted to them; however, the independence of these institutions is questioned due to the control exercised by the government through the parliamentary majority in charge of appointing the officials that lead all these entities²⁴.

There are no mechanisms that guarantee that officials can freely exercise their work with independence. The dismissal of the magistrates of the Constitutional Chamber

²³ Amendments to the Internal Regulations of the Executive Branch. Decree 5. Available at: <https://www.diariooficial.gob.sv/seleccion/30708> [accessed July 19, 2022]. Art. 1, which modifies Art. 53 M of the Regulations.

²⁴ Heinrich Böll Office San Salvador (December 2021), IDHUCA publishes report "La captura del Órgano Judicial en El Salvador" [accessed July 19, 2022]. Available at: <https://sv.boell.org/es/2021/12/07/idhuca-publica-informe-la-captura-del-organo-judicial-en-el-salvador>

and the Public Prosecutor's Office of the Republic, on May 1, 2021, without following any type of procedure, is a reflection of this situation²⁵.

The processes for appointing officials within the Legislative Assembly are deficient, since despite the internal regulations of the Legislative Assembly and constitutional jurisprudence delimiting the parameters that must be met for such appointments, under the principles of transparency and suitability, in practice such measures are not complied with²⁶.

The processes of appointment and dismissal of chiefs, and the selection and hiring of personnel of public institutions are carried out based on the Civil Service Law²⁷, a general and old regulation on hiring issues. Specialized regulations for hiring are only foreseen for personnel entering a specific career (judges, prosecutors, military, police, among others).

The Salvadoran State does not have mechanisms or procedures to guarantee an adequate budget allocation for the institutions in charge of preventing and fighting corruption. Only the CSJ has a constitutional allocation of 6% of the State's gross income to finance its operation²⁸; however, this budget allocation does not establish specific funding for the prevention of corruption.

In the institutions that have powers to sanction corruption cases, there is a disproportionate ratio between the number of complaints received and the number of cases sanctioned. In 2019, 2020 and 2021, the TEG received 500, 332 and 265 complaints, respectively, related to corruption cases. However, the number of sanctions imposed in relation to the complaints made is quite low, resulting in only 40, 42 and 57 sanctioned cases²⁹. In the case of the CCR, based on the progress reports submitted during 2019, 2020 and 2021, it is possible to establish that the chambers of first instance (seven in total) initiated 349, 239 and 358 cases in each year, of which 299, 155 and 347 were sentenced, respectively. And in the case of the second

²⁵ Acción Ciudadana et al. (May 2022), Graves violaciones del Gobierno de El Salvador a la institucionalidad democrática [accessed July 20, 2022]. Available at: <https://accion-ciudadana.org/informes/Graves%20violaciones%20del%20Gobierno%20de%20El%20Salvador%20a%20la%20institucionalidad%20democr%C3%A1tica%20Mayo%202022.pdf>

²⁶ Acción Ciudadana and Fundación Nacional para el Desarrollo (January 2022), Monitoreo al Proceso de elección del Fiscal General de la República [accessed July 20, 2022]. Available at: <https://www.accion-ciudadana.org/informes/Informe.-Monitoreo-al-proceso-de-eleccion-del-fiscal-general-de-la-republica-2022.-Accion-Ciudadana.-2022.pdf> [accessed August 28, 2022]; Fundación Democracia Transparencia Justicia (DTJ), August 2021, Análisis del cumplimiento legal de las fases dos y tres de la elección de magistraturas para la Corte Suprema de Justicia [accessed August 28, 2022]. Available at: https://fundaciondtj.org/media/2021/10/Informe-eleccion-magistrados-CSJ_PUBLICACION.pdf

²⁷ Civil Service Law (December 2021). Available at: https://www.transparencia.gob.sv/system/disclaimers/files/000/001/012/original/LEY_DE_SERVICIO_CIVIL.pdf?1570811950

²⁸ Constitution of the Republic (1983). Art. 172 clause 4: "The Judicial Branch shall have an annual allocation of no less than six percent of the current income of the State budget".

²⁹ Response to request for access to public information reference 21-SI-2022 (March 2022).

instance chambers, in the years 2019, 2020 and 2021, 179, 90 and 146 appeals were received and 102, 70 and 78 were resolved, respectively³⁰.

Good practices

- Institutions such as the TEG³¹ and the CCR³² have mechanisms for receiving citizen complaints against acts that could possibly be considered corruption, which can even be made electronically and anonymously.
- There are entities such as the CNJ³³, the TEG³⁴ and the IAIP³⁵ that have carried out activities aimed at increasing knowledge on topics that promote the prevention of corruption in the different state spheres. Such programs, diploma courses, trainings or similar have been imparted to internal members of the same institutions, personnel of other state institutions, judges and public officials.

Deficiencies

- All information of the Audit Secretariat of the Presidency of the Republic is declared as reserved and therefore, is not accessible to the public.
- In the institutions that have the power to sanction corruption cases, there is a disproportionate ratio between the number of received complaints and the number of sanctioned cases.

4.1.3 Art. 7.1 – Public Sector Employment

Employment in the public sector in El Salvador is governed by a general and old legal framework, which does not respond to the urgency of transparency, merit, equity, professionalization and modernization of the civil service. In addition, the regulatory framework is dispersed in a large number of laws, which have been issued progressively, depending on the immediate need to be solved. The most representative laws that regulate employment in the public sector are:

- Civil Service Law³⁶ (1961)
- General Budget Provisions (1983)³⁷

³⁰ Court of Accounts of the Republic. Reports of work for the years 2019, 2020 and 2021. Available at: <https://cortedecuentas.gob.sv/index.php/es/marco-de-gestion-estrategica/memoria-de-labores>

³¹ Government Ethics Tribunal, Whistleblower Portal. Available at: <http://teg.gob.sv/denuncias/#.YuQAH3bMK5c>

³² Court of Accounts of the Republic, Portal of complaints. Available at: <https://cortedecuentas.gob.sv/denuncias/>

³³ Response to request for access to public information reference ECJ-D-M-73/2022 (July 2022).

³⁴ Response to request for access to public information reference 31-SI-2022 (July 2022).

³⁵ Response to request for access to public information reference UAIP-047-2022 (July 2022).

³⁶ Civil Service Law (December 2021). Available at: https://www.transparencia.gob.sv/system/disclaimers/files/000/001/012/original/LEY_DE_SERVICIO_CIVIL.pdf?1570811950

³⁷ General Budget Provisions (December 1983). Available at: <https://transparencia.mh.gob.sv/downloads/pdf/700-LAIP-LY-2018-00001.pdf>

- Municipal Administrative Career Law (2006)³⁸
- Law Regulating the Guarantee of Hearing of Public Employees not Included in the Administrative Career (1990)³⁹
- Public Employees' Holidays, Vacations and Leaves of Absence Act (1940)⁴⁰.

The Civil Service Law establishes the regime for entry into the Civil Service, promotions, exchanges, transfers, infractions and sanctions. However, it does not provide for public examinations or competitions to evaluate aptitudes for each of the positions. There are no standardized procedures for the entire Public Administration to publish, disseminate and fill vacancies. Each institution carries out the procedures under self-imposed internal guidelines. There are no systems for the education and training of people to develop the skills to become a public official or employee.

For more than two decades, the normal practice in the different state spheres has been to hire sympathizers and allies of the government of the day for public jobs. Thus, the government payroll has grown year after year; far from being purged and optimized, it has been increasing⁴¹.

The heads of institutions do not have guarantees against the possibility of arbitrary removals; an example of this is the case of the former president of the Central Reserve Bank, Nicolás Martínez, who was removed from his position after attending a legislative commission in which he detailed the amounts received by the Salvadoran government in loans, figures that contradicted the official discourse. Martínez was reinstated in the position he held before being appointed president, based on a precautionary measure of the Constitutional Chamber⁴².

Good practices

³⁸ Municipal Administrative Career Law (April 2006). Available at: <https://ormusa.org/wp-content/uploads/2019/10/LEY-DE-LA-CARRERA-ADMINISTRATIVA-MUNICIPAL.-1.pdf>

³⁹ Law Regulating the Guarantee of Hearing of Public Employees not Included in the Administrative Career (March 1990). Available at: https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072952213_archivo_documento_legislativo.pdf

⁴⁰ Law on Public Employees' Holidays, Vacations and Leaves of Absences (March 1940). Available at: https://www.transparenciafiscal.gob.sv/downloads/pdf/DC5091_9_Ley_de_Asueto_Vacaciones_y_Licencias_de_los_Empleados_Publicos.pdf

⁴¹ Ibarra, Leonel (December 2021), Empleo público crece seis veces más que el privado en El Salvador, El Economista. Available at: <https://www.economista.net/actualidad/Empleo-publico-crece-seis-veces-mas-que-el-privado-en-El-Salvador-20211202-0001.html> [accessed September 7, 2022].

⁴² Tejada, R. (December 2021), Sala admite amparo del expresidente del BCR, Nicolás Martínez, y ordena su reinstalo inmediato, El Diario de Hoy. Available at: <https://historico.elsalvador.com/historico/786263/sala-admite-demanda-expresidente-bcr-ordena-reinstalo.html>

- Institutions such as the CCR⁴³ , CSJ⁴⁴ , FGR⁴⁵ , PGR⁴⁶ , TEG⁴⁷ , IAIP⁴⁸ and (Supreme Electoral Tribunal) TSE⁴⁹ have institutional Human Talent Administration or Management Manuals, as well as Job Description Manuals, which regulate the basic aspects of internal hiring, such as the minimum requirements for each position, as well as the specific responsibilities of the positions.

Deficiencies

- There has been no political will (neither from this government nor from the previous ones) to analyze the draft bill of the Civil Service Law⁵⁰, presented repeatedly since 2012, which was intended to promote a renewal of the regulations in charge of regulating the hiring and labor relations between the State and public employees. Currently, the Civil Service Law is the regulation that governs the hiring of public employees, which dates back to 1961. Due to its antiquity and dissociation with the current reality, the application of this law does not guarantee the management of hiring procedures, promotions, transfers or sanctions based on principles such as efficiency, transparency and objectivity.
- There is no unified government hiring system, based on merit and aptitude, which is mandatory for all public institutions; each institution works in isolation on this point. There are also no objective criteria for the establishment of salary scales applicable to public officials and employees, nor are there standard criteria for the adjustment of salaries in this sector.
- The heads of the institutions do not have guarantees against the possibility of arbitrary removal, of which there have been several cases in recent years.

4.1.4 Art. 7.3 – Political Financing

Transparency in political financing has been a pending issue in El Salvador. Although regulations have been issued to make the actions of political parties in this area transparent, they have not been as effective as they should be. Political financing is regulated in articles 63 to 68 of the Political Parties Law (LPP)⁵¹. These provisions establish limits on financing in terms of amounts and sources, as well as prohibitions on private financing. In addition, transparency mechanisms on donations and the types of contributions that may be received are regulated.

⁴³ Response to request for information reference DAIP-071-2022 (July 2022).

⁴⁴ Response to request for information reference UAIP/317/RR/2022 (2) (July 2022).

⁴⁵ Response to request for information reference 300-UAIP-FGR-2022 (August 2022).

⁴⁶ Response to request for information reference 132-UAIP(P)-2022 (August 2022).

⁴⁷ Response to request for information reference 31-SI-2022 (July 2022).

⁴⁸ Response to request for information reference UAIP-047-2022 (July 2022).

⁴⁹ Response to request for information reference OIR-TSE-30-VII (July 2022)

⁵⁰ Preliminary draft Civil Service Law (2017). Available at: <http://www.funcionpublica.gob.sv/portal/archivos/PROYECTO%20LEY%20DE%20SERVICIO%20P%20C3%9ABLICO.pdf>

⁵¹ *Ibid.*

In the development of the transparency obligations regarding the financing of political parties, the following obligations have been incorporated to the LPP: to keep records of their income and expenses through formal accounting and to have an internal audit (art. 22 letter f); to report on the use or destination of funds obtained through public debt and private donations (art. 24-A.b).

The political parties' financing system is not transparent, because despite the existence of the LPP provisions, these entities have not fully complied with their legal obligations regarding full disclosure of donors. The political parties Frente Farabundo Martí para la Liberación Nacional (FMLN) and Nuevas Ideas (NI) are the ones that have persistently refused to share information on their financing; they have failed to comply with their legal obligation and, in addition, have omitted to respond to requests for information made by the non-governmental organization Acción Ciudadana⁵².

The LPP foresees the non-compliance with such regulations on transparency and access to information as a serious infraction; however, the same law, in Article 27, establishes that "political parties may not disseminate, distribute or commercialize information that contains or may evidence sensitive personal data, contained in the information systems administered, unless they have had the express and free consent, in writing or by an equivalent means, of the individuals to whom the information refers. Thus, the political parties justify the refusal to deliver the information on the grounds that it is information containing personal data, and, therefore, it is confidential information.

With the arrival of Bitcoin as a legal currency in El Salvador, its impact on political financing must be considered. Acción Ciudadana considers that the financing of politics through cryptoassets represents a serious risk for the Salvadoran political system due to the lack of control, regulation and the inherent characteristics of this type of digital asset, such as the anonymity of operations. This can lead to money laundering, illegal financing of campaigns, entry of income from terrorism, diversion of public funds to finance parties, financing of foreign governments, among others⁵³.

In order for there to be transparency on political financing with cryptoassets, it is necessary to make reforms to laws such as the Electoral Code and the LPP, in order

⁵² Transparency and Democracy Monitoring Center (July 2022), Ingresos y gastos de los partidos políticos salvadoreños en 2021: datos generales. Available at: <https://accion-ciudadana.org/informes/Documento.-Ingresos-y-gastos-de-los-partidos-politicos-de-El-Salvador-en-2021-Datos-generales.-Accion-Ciudadana.-Julio.-2022.pdf>

⁵³ Transparency and Democracy Monitoring Center (June 2022), El financiamiento de la política en El Salvador a través de criptoactivos, boletín temático: financiamiento partidos. Available at: <https://accion-ciudadana.org/informes/Boletin-tematico.-El-financiamiento-de-la-politica-en-El-Salvador-a-traves-de-criptoactivos.-Accion-Ciudadana.-Junio-2022.pdf>

to achieve the disclosure of lists of donors through this type of currency⁵⁴. In addition, political parties must be able to acquire the appropriate technology to manage donations through cryptocurrencies.

The TSE has made the financial information of political parties, specifically the lists of donors and financial statements available to the public; however, this information is incomplete and outdated (only data from the years 2014 and 2015 are available)⁵⁵. It has been private efforts, especially from Acción Ciudadana, which have achieved certain progress in the systematization and disclosure of political party financing data⁵⁶, managing to obtain the information from 2014 to 2018 via requests for access to public information made to political parties as obligated entities.

The public information requests of the organization Acción Ciudadana have revealed and systematized by year the following information⁵⁷: list of donors, accounting records, financial statements, responses to the TSE, among other documentation. It should be noted that such data have not been provided homogeneously by all political parties, so the records are incomplete. The information is available up to 2018, due to the fact that the parties have not provided information for subsequent years.

Good practices

- N/A

Deficiencies

- Article 24-A of the Political Parties Law⁵⁸, establishes the duty of political parties to provide the names of natural and legal persons who make contributions to political parties and the amount. However, in order to provide such information, express authorization is required from the donors, which may prevent access to such information.
- The regulations concerning political parties do not regulate the assumption of international donors, whether natural or legal persons; they only prohibit the receipt of contributions from foreign government agencies.

⁵⁴ Miranda, Enrique (September 2022), Vacuum in bitcoin regulation opens door to unequal competition in electoral campaign, El Diario de Hoy. Available at: <https://www.elsalvador.com/noticias/nacional/bitcoin-elecciones-presidenciales-municipales-legislativas-el-salvador/996541/2022/>

⁵⁵ Supreme Electoral Tribunal (2018), Financial information of political parties. Available at: <https://www.tse.gob.sv/TSE/Elecciones/Partidos-Pol%C3%ADticos/Informaci%C3%B3n-financiera>

⁵⁶ Acción Ciudadana, Open data on political financing. Available at: <https://accion-ciudadana.org/centro-de-monitoreo/datos-abiertos-del-financiamiento-de-la-politica/>

⁵⁷ Citizen Action (November 2022), Financial Information of Political Parties. Available at: <https://accion-ciudadana.org/centro-de-monitoreo/financiamiento-de-los-partidos-politicos/informacion-financiera-de-los-partidos-politicos/>

⁵⁸ Political Parties Law (February 2013). Available at: <https://www.tse.gob.sv/documentos/normativa-electoral/Ley-de-Partidos-Politicos-de-El-Salvador.pdf>

- The Supreme Electoral Tribunal does not have a specialized unit or agency for the auditing of political party financing, to which political parties report the information they are obliged to submit.
- The Supreme Electoral Tribunal has made available to the public the financial information of political parties, specifically the lists of donors and financial statements; however, this information is incomplete and outdated (only data from 2014 and 2015 are available).

4.1.5 Art. 7, 8 and 12 – Codes of Conduct, Conflicts of Interest and Asset Declarations

Most of the public institutions related to the prevention and fight against corruption (FGR, CCR, TEG, PGR, PDDH and CNJ) have an institutional code of ethics that establishes the basic rules of ethical conduct of personnel, as well as the procedures in cases of disciplinary infractions. In the case of the CSJ, it has a Code of Judicial Ethics⁵⁹ that establishes the basic ethical principles to which members of the judiciary must adhere. Only the IAIP does not have an institutional Code of Ethics.

The purpose of the Government Ethics Law⁶⁰ is to regulate the ethical performance of public officials and employees, prevent and detect corrupt practices and sanction acts contrary to ethical duties and prohibitions. The law establishes sections on ethical principles, duties and prohibitions; undue benefits; disciplinary procedures and the respective sanctions.

Public officials and employees are subject to two types of disciplinary measures: i) general regulations: the Government Ethics Law; ii) special regulations: institutional laws that have a built-in disciplinary regime. The following institutions, belonging to the Justice Sector and involved in the prevention and fight against corruption, have a Code of Institutional Ethics: CCR, FGR, TEG, PGR, PDDH and CNJ. The purpose of these regulations is to promote integrity and honesty among the members of each institution.

Article 5 of the Law on Illicit Enrichment of Public Officials and Employees⁶¹ establishes a wide range of persons obliged to present asset declarations, from different sectors and powers of the State, among them, publicly elected officials, those appointed by the Legislative Assembly, judges of the Republic and officials who administer public funds at any level.

⁵⁹ Code of Judicial Ethics (December 2013). Available at: <https://www.jurisprudencia.gob.sv/DocumentosBoveda%2FD%2F2%2F2010-2019%2F2014%2F02%2FA4BFF.PDF>

⁶⁰ Government Ethics Law (December 2011). Available at: https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_073028902_archivo_documento_legislativo.pdf

⁶¹ Law on Illicit Enrichment of Public Officials and Employees. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/1FE8D710-2645-4A27-848E-8F383EB25211.pdf>

However, the law dates back to 1959, so it is an old regulation that does not respond to current realities in terms of autonomy for decision making and effectiveness of procedures to be followed; the penalties established are insignificant in relation to the seriousness that a fact may reflect (approximately \$571 US dollars). In addition, the Unit in charge of processing the information does not have sufficient capacity to verify the information provided by the regulated entities. There is no public information on the number of sanctions imposed by the Probity Section of the CSJ for non-compliance with the duty to submit the declarations of assets of public officials. However, the civil society organization Acción Ciudadana has systematized the levels of compliance with the law on this point. Thus, between the years 2014 and 2020, 287 fines have been registered for untimely filing or non-filing of asset declarations of employees and officials⁶².

There is no regulation on the identification of conflicts of interest of persons seeking public office. Civil society organizations (Fundación Salvadoreña para el Desarrollo Económico y Social, Fundación DTJ, Iniciativa Social para la Democracia and Universidad Centroamericana José Simeón Cañas) submitted to the Legislative Assembly a proposal for a draft Probity Law, which incorporated compliance with international standards on declarations of interests, income, assets and liabilities of public officials. However, this initiative was not taken into consideration⁶³. In addition, it should be noted that in 2021, the most sanctioned breach of the law by the TEG was "the existence of conflict of interest by a public servant; a total of 49 cases were sanctioned for this reason⁶⁴.

The number of cases related to alleged acts of corruption resolved by final judgment by the TEG is low, considering the number of cases received per complaint. Thus, in 2019, 2020 and 2021, 434, 383 and 591 cases were received, respectively. However, 42, 34 and 84 sentences were issued; the remaining cases were terminated early, without a ruling on the merits of the complaint⁶⁵.

Good practices

⁶² Observatorio ciudadano a la FGR, Acción Ciudadana (April 2020), Declaraciones de patrimonio de funcionarios y empleados públicos, p. 30. Available at: <https://accion-ciudadana.org/wp-content/uploads/2020/05/Informe.-Declaraciones-de-patrimonio-de-funcionarios-y-empleados-p%C3%BAblicos.-Acci%C3%B3n-Ciudadana.-2020.pdf> [accessed September 9, 2022].

⁶³ Fundación Salvadoreña para el Desarrollo Económico y Social (February 2015), Ley de Probidad Pública: una necesidad improrrogable, Análisis legal e institucional. Available at: <https://fusades.org/publicaciones/Ley%20de%20Probidad%20Publica.pdf> [accessed September 3, 2022].

⁶⁴ Centro de Asesoría Legal Anticorrupción, ALAC- El Salvador (May 2022), Informe sobre el análisis cualitativo de los precedentes normativos emitidos por el Tribunal de Ética Gubernamental para el año 2021. P. 2.

⁶⁵ See: Centro de Asesoría Legal Anticorrupción, ALAC- El Salvador (May 2022), Informe sobre el análisis cualitativo de los precedentes normativos emitidos por el Tribunal de Ética Gubernamental para el año 2021. P. 3.

- Article 7 of the Government Ethics Law establishes general ethical prohibitions for former public servants, for a period of one year after leaving office, including the impossibility of providing advice or representation in proceedings, procedures, processes or claims that were submitted to their knowledge, in which they have intervened or that go against the interests of the institution for which they worked, as well as the prohibition to work for a natural or juridical person with whom the institution for which he/she worked has contracted.

Deficiencies

- Constitutional jurisprudence (starting with the sentence of unconstitutionality 49-2011⁶⁶) has established criteria to delimit the "morality and notorious competence" of the persons who opt for a position of second level official (these high level officials are those established in article 131 ordinal 19 of the Constitution, among them, magistrates of the CSJ, CCR, TSE; heads of the Public Ministry and councilmen of the CNJ). However, in practice, the Legislative Assembly has not heeded the various calls made in a series of rulings on the subject and in each election does not establish clear and adequate criteria to disqualify a person.
- There is no regulation on the identification of conflicts of interest of persons seeking public office.
- The number of cases related to alleged acts of corruption resolved by final judgment by the TEG is low, considering the number of cases received per complaint.
- The Law on Illicit Enrichment of Public Officials and Employees dates back to 1959 and no longer responds to today's reality. There is no public information on the number of sanctions imposed by the Probity Section of the CSJ for non-compliance with the duty to file asset declarations of public officials. The Law establishes the obligation to present an asset declaration at the beginning and end of the term of office of public officials and employees. However, there is no obligation to update such declaration in intermediate periods. The situation is aggravated in the case of the judges of the Republic, whose appointment can be for life, without any obligation to update their asset declaration.
- Candidates for public office are not required to file asset declarations prior to taking office until they are elected to office. The entity in charge of receiving the declarations of assets at the beginning and end of the term of office is the Probity Section of the CSJ. However, this entity does not make this information public, limiting itself to providing information on the obligations to be fulfilled and statistical data on the declarations received⁶⁷.
- The judicial branch has a Code of Ethics addressed to the judges of the Republic. However, the operability of such regulations has been questioned,

⁶⁶ Constitutional Chamber of the Supreme Court of Justice, Judgment of unconstitutionality 49-2011, available at: <https://www.jurisprudencia.gob.sv/visormlx/pdf/49-2011.pdf> [accessed August 3, 2022].

⁶⁷ Probity Section of the Supreme Court of Justice. Available at: <https://probidad.csj.gob.sv/?mod=index>

since to date no entities, such as the Honor Tribunal, have been created. The IAIP does not have an institutional Code of Ethics.

4.1.6 Art. 8.4 and 13.2 – Reporting Mechanisms and Whistleblowers Protection

In El Salvador there are no mechanisms implemented by the State or by any particular institution that facilitates officials to file complaints when they become aware of any act of corruption in the performance of their duties. No measures have been established to ensure that people are aware of the competencies and powers of the various institutions involved in the prevention of corruption. In the case of civil whistleblowers, only the CCR and the TEG have developed online anonymous reporting mechanisms.

Good practices

- N/A

Deficiencies

- In the CCR, there are no mechanisms for reporting and protection of whistleblowers oriented to the institution's employees to denounce possible acts of corruption. When consulting the institutional Public Access to Information Unit, they refer to the Citizen Participation Department, created for the general population⁶⁸.

4.1.7 Art. 9.1 – Public Procurement

In El Salvador there are several public procurement systems regulated by the Public Administration Procurement and Contracting Law (LACAP)⁶⁹. Among the contracting mechanisms regulated in said law are: public bidding or tender, public bidding or tender by invitation, free management, direct contracting and stock market.

However, the beginning of the COVID-19 pandemic also gave rise to an era of opacity in public administration contracting; and the domination of the Legislative Assembly by the ruling Nuevas Ideas party has generated a practice of eliminating control of public procurement in the context of the health crisis and the successive Exception Regimes, through the issuance of different legislation that enables bypassing the LACAP.

The most representative examples of this practice are the drug procurement mechanism promoted at the beginning of the COVID-19 pandemic, which favored

⁶⁸ Response to request for information reference DAIP-071-2022 (July 2022).

⁶⁹ Ley de Adquisiciones y Contrataciones de la Administración Pública (May 2000). Available at: https://www.oas.org/juridico/spanish/mesicic3_slv_contrataciones.pdf

opacity in the acquisition of vaccines and medical supplies⁷⁰ ; and the legislation issued to bypass the LACAP in the purchase of goods and services during the different emergency regimes, which has eliminated legal controls over administrative processes for the use of public funds and State contracts⁷¹ .

Good practices

- N/A

Deficiencies

- In El Salvador, the Public Administration Procurement and Contracting Law⁷² provides for the mechanisms of participation in the various types of contracting with the State, as well as the principles of publicity and free competition. However, during the COVID-19 pandemic and the exception regime, legal exemption mechanisms have been generated to avoid the application of the LACAP in contracting related to the fight against the COVID-19 pandemic⁷³; and, in addition, during the months that the exception regime has been maintained, decrees have been issued that exempt compliance with the LACAP, arguing the need for agility in the acquisitions of related institutions such as the Ministry of Justice and Public Security, the National Civil Police and the Attorney General's Office⁷⁴.

4.1.8 Art. 9.2 – Management of Public Finances

The General Budget of the Nation has always been a thorny issue for El Salvador. In the first place, the issue of fiscal deficit has been a constant during the last years,

⁷⁰ Oliva, Xenia (February 2022), The hidden information of the management of the Covid-19 pandemic, Gato Encerrado magazine. Available at: <https://gatoencerrado.news/2022/02/18/la-informacion-oculta-del-manejo-de-la-pandemia-covid-19-el-salvador/> [accessed November 21, 2022].

⁷¹ Washington Office for Latin America (WOLA, September 2022), Corruption and Exception Regime in El Salvador: a democracy without oxygen. Available at: <https://www.wola.org/es/2022/09/corrupcion-estado-de-excepcion-el-salvador/> [accessed November 20, 2022].

⁷² Public Administration Procurement and Contracting Law. Available at: https://ssf.gob.sv/images/stories/desc_leyes/Ley%20LACAP%202011.pdf

⁷³ EFE (November 2020), Investigan en El Salvador 17 casos de supuestas compras irregulares por covid. Available at: <https://www.efe.com/efe/america/politica/investigacion-en-el-salvador-17-casos-de-supuestas-compras-irregulares-por-covid/20000035-4393206> [accessed July 29, 2022]; Fundación Salvadoreña para el Desarrollo Económico y Social (May 2020), Todas las compras públicas durante la emergencia requieren transparencia y rendición de cuentas, Análisis legal e institucional. Available at: https://fusades.org/publicaciones/ADEL203_Compras.pdf [accessed July 29, 2022]; Martínez Avelar, Loyda (January 2021), El Salvador highlighted in 2020 for corruption during pandemic, Revista FACTUM. Available at: <https://www.revistafactum.com/transparencia-elsalvador-corrupcion/> [accessed 29 July 2022].

⁷⁴ Paises, Melissa (April 2022), Assembly authorizes purchases without controls and with tax exemption in exception regime, Gato Encerrado Magazine [accessed August 1, 2022]. Available at: <https://gatoencerrado.news/2022/04/25/asamblea-autoriza-compras-sin-controles-y-con-exencion-de-impuestos-en-regimen-de-excepcion/> ; Peñate, Susana (May 2022), FGR podrá hacer compras sin aplicar LACAP durante régimen de excepción, Diario El Mundo. Available at: <https://diario.elmundo.sv/politica/fgr-podra-hacer-compras-sin-aplicar-lacap-durante-regimen-de-excepcion> [accessed August 1, 2022].

which increasingly aggravates the state of public finances⁷⁵. Secondly, no data is provided for an accurate analysis of the composition of the State budget, not even with the presentation of the bill.⁷⁶

The Budget is presented in a very general manner, without further detail of the sources of income and expected expenditures; the British firm EMFI, in the country report made on October 29, 2021⁷⁷, pointed out that the new draft budget includes an overly optimistic forecast of fiscal income, which is expected to increase by 656 million dollars without the increase in taxes. In addition, neither the Presidency of the Republic (in charge of preparing the budget) nor the Legislative Assembly (who has the power to approve the budget) have maintained mechanisms for citizen participation, allowing civil society organizations, experts and society in general, to give their input to the preparation of the budget, based on the power given to the Legislative Commissions in Articles 49 and 50 of the Internal Regulations of the Legislative Assembly. In 2020, before the renewal of the current Legislative Assembly, the Finance and Special Budget Commission allowed the participation of experts to present their recommendations⁷⁸.

Good practices

- N/A

Deficiencies

- Lack of transparency of information on the preparation and execution of the General Budget of the Nation. Its annual presentation, which constitutionally must be made before each September 30, lacks the necessary information to make a comprehensive analysis of the same⁷⁹; in addition, there are no mechanisms for citizen participation in order to strengthen control over the Public Treasury⁸⁰.

⁷⁵ Ibarra, Leonel (December 2021), El Salvador: proyectan déficit de 5.4 % del PIB para 2022, Revista El Economista. Available at: <https://www.elsalvador.com/noticias/negocios/presupuestos-del-estado-investigacion-corrupcion-gobierno-bukele-funde/936939/2022/> [accessed September 12, 2022].

⁷⁶ Campos, Gabriel (October 2022), Presupuesto 2023 unavailable a week later, La Prensa Gráfica. Available at: <https://www.laprensagrafica.com/elsalvador/Presupuesto-2023-sin-ser-publico-una-semana-despues-20221008-0382.html> [accessed November 20, 2022].

⁷⁷ EMFI (October 2021), Country Report: Liar, Liar. Available at: <https://www.emfi.uk/espanol/elsalvador> [accessed September 12, 2022].

⁷⁸ Central American Institute for Fiscal Studies (November 2020), El Salvador: ICEFI presents to the Finance and Special Budget Commission recommendations to the draft budget for 2021. Available at: <https://mail.icefi.org/comunicados/el-salvador-icefi-presenta-la-comision-de-hacienda-y-especial-del-presupuesto-0> [accessed September 12, 2022].

⁷⁹ EFE (October, 2021), Exigen al Gobierno de EL Salvador hacer público proyecto de presupuesto 2022, Revista El Economista. Available at: <https://www.eleconomista.net/actualidad/Exigen-al-Gobierno-de-El-Salvador-hacer-publico-proyecto-de-presupuesto-2022-20211007-0015.html> [accessed September 12, 2022].

⁸⁰ Guzmán, Jessica (March 2022), El Salvador shows decline in transparency in the management of public funds, El Diario de Hoy. Available at: <https://www.elsalvador.com/noticias/negocios/presupuestos-del-estado-investigacion-corrupcion-gobierno-bukele-funde/936939/2022/>

- The General Budget of the Nation has been the product of parliamentary majorities rather than of a complete analysis of its viability. In the approval of the budget, political negotiation prevails, leaving aside the technical discussions necessary for fiscal adjustments⁸¹.

4.1.9 Art. 10 and 13.1 – Access to Information and Participation of Society

Regarding transparency in the organization, operation and decision-making of the public administration, the approval of the Law on Access to Public Information (LAIP) (2010)⁸² and the conformation of the Institute for Access to Public Information (IAIP) (2011) meant progress in the country in this area. It should be added that the LAIP is considered one of the best laws on access to information globally, despite the current setbacks in its implementation⁸³. Until 2019, the work of the IAIP was significant and relevant in the advancement of the right of access to public information in the country⁸⁴. However, the actions taken by the current government have undermined the independence and effectiveness of the IAIP⁸⁵.

The Law establishes the requirements and procedures for accessing information held by all state institutions, including legislative and judicial bodies, as well as municipalities. Individuals do not have to state the reasons for requesting the information (art. 2) and the service must be provided free of charge (art. 4 letter g and 37). Furthermore, the deadlines are relatively short, since the law establishes ten working days to deliver the information (art. 36). In addition, it establishes a system for appeals before the Institute of Access to Public Information in the event that a request for access to public information is denied by any state entity. Thus, with the entry into force of the Law on Access to Public Information, there were broad advances in the transparency of the country's public institutions, especially in the disclosure of superfluous or unnecessary expenses of public institutions, including the scandalous

⁸¹ Sputnik (January 2021), Budget 2021, another source of discord in El Salvador, El periódico. Available at: <https://elperiodico.com.gt/mundo/2021/01/04/presupuesto-2021-otra-fuente-de-discordia-en-el-salvador/> [accessed September 12, 2022].

⁸² Law on Access to Public Information. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/FA6EB5A8-D51F-4190-A90F-0FA65913525A.pdf>

⁸³ Global Right to Information Rating. Available at: <https://www.rti-rating.org/country-data/>

⁸⁴ Washington Office on Latin America (WOLA) and the Instituto Universitario de Opinión Pública de la Universidad Centroamericana José Simeón Cañas (IUDOP), November 2019; Transparency in El Salvador, evaluating the effectiveness of Access to Public Information; Monitor Centroamericano. Available at: <https://www.wola.org/wp-content/uploads/2020/01/Transparencia-ES-12.19-UPDATED.pdf> [accessed September 4, 2022].

⁸⁵ Grupo Promotor de la Ley de Acceso a la Información Pública (November 2020), New LAIP commissioners promote rollbacks in access to information, available at: <https://fusades.org/contenido/comunicado-nuevos-comisionados-del-laip-promueven-retrocesos-en-el-accesos-a-la-informacion> [accessed September 8, 2022].

expenses in liquor, gifts and works of art by the President of the Legislative Assembly at that time⁸⁶.

The approval of the LAIP and the creation of the Institute of Access to Public Information meant an advance in the transparency of decisions and in the intervention of the citizenry in the decisions of the public power. The obtaining of information by citizens and civil society organizations became more dynamic; such data served as input for the initiation of administrative and judicial processes of alleged cases of corruption and improper use of public funds. For these reasons, the application of this law has always encountered resistance from all governments in office, in terms of complying with the obligations established therein.

The aforementioned advances were diminished as of September 2020, with the appointments of new commissioners for the IAIP, due to several specific situations:

- i) the lack of independence of the most recent conformation of the IAIP; the commissioners appointed have been accused of responding to the interests of the Executive Branch and of establishing criteria that reduce citizens' right of access to public information⁸⁷;
- ii) confrontations with civil society organizations that monitor the work of said institution. In several reports and communiqués, civil society organizations working on transparency and access to information issues have criticized the current permissive role of the Institute, in favor of opacity and refusal to provide information; the IAIP, far from dispelling the accusations with evidence on the work they do, lashed out in a communiqué against civil society organizations⁸⁸;
- iii) the indiscriminate and arbitrary use of declarations of public information reserves; data that should be disclosed to the public as informal information of the various state institutions (e.g., Legislative Assembly, Ministry of Health, Judicial Branch) have been declared as reserved information⁸⁹.

⁸⁶ Morales, Juan José (2012), Escandalosos gastos en licor, regalos y obras de arte de Asamblea, El Diario de Hoy. Available at: <http://www.funde.org/escandalosos-gastos-en-licor-regalos-y-obras-de-arte-de-asamblea> [accessed December 1, 2022].

⁸⁷ Grupo Promotor de la Ley de Acceso a la Información Pública (2020), Comunicado: Nuevos comisionados del LAIP promueven retrocesos en el acceso a la información. Available at: <https://fusades.org/contenido/comunicado-nuevos-comisionados-del-laip-promueven-retrocesos-en-el-accesos-a-la-informacion> [accessed December 01, 2022].

⁸⁸ Instituto de Acceso a la Información Pública, Comunicado: IAIP in light of the recent report published by the Observatorio de Derechos Humanos de la UCA (OUDH). Available at: <https://www.iaip.gob.sv/el-iaip-ante-el-reciente-informe-publicado-por-el-observatorio-de-derechos-humanos-de-la-uca-oudh-aclara-lo-siguiente/> [accessed July 27, 2022].

⁸⁹ Cea, Marielos (July 2022), Ministerio de Salud reserva información sobre las compras de pruebas de covid-19, La Prensa Gráfica. Available at: <https://www.laprensagrafica.com/elsalvador/Ministerio-de-Salud-reserva-informacion-sobre-las-compras-de-pruebas-de-covid-19-20220723-0051.html> [accessed July 27, 2022]; Moreno, Karen (July 2022), Police reserve.

Femicide data and declares confidential details of the crimes, Revista Gato Encerrado. Available at: <https://gatoencerrado.news/2022/07/28/policia-reserva-datos-de-feminicidios-y-declara-confidencial-detalles-de-los-delitos/> [accessed July 27, 2022].

For the year 2022, the civil society organization Acción Ciudadana's Observatory for Institutional Strengthening points out that the IAIP's performance represents a serious risk for transparency and, therefore, for the prevention and fight against corruption. There is a significant decrease in the number of cases resolved in favor of citizens and the number of cases initially rejected has increased, to the benefit of the authorities that deny access to information. In the period from December 2020 to April 2022, out of 423 resolved cases, only 89 were in favor of citizens. The criteria for the selection and resolution of cases are also unknown, and there are delays in the response times of these cases⁹⁰.

Regarding the participation of civil society in the processes of access to public information, first of all, it should be noted that there are no mechanisms to guarantee citizen participation in decision making or to seek collaboration at consultation levels in order to provide citizen input. Civil society organizations have made public pronouncements and communiqués with the purpose of influencing the actions of entities such as the IAIP, however, they are not taken into consideration or are rejected⁹¹. The law has been a great ally for the journalistic and academic community in obtaining the necessary data to know the management of public affairs; however, the different reforms coming from the Executive Branch have diminished the effectiveness of the law⁹².

In recent months, journalistic work has been under attack. The Association of Journalists of El Salvador has denounced different situations of harassment, criminalization and restriction to the free exercise of freedom of expression and freedom of the press, which have increased compared to previous years and have led to the exile of people who practice journalism. Most of the reported aggressions come from government officials through social media⁹³. In addition, there have been reports of *hacking* of journalists' instant messaging accounts and the tapping of more than 30

⁹⁰ Observatory for Institutional Strengthening (August 2022), IAIP in favor of citizens? Update 2022, Acción Ciudadana. P. 36 and 70. Available at: <https://accion-ciudadana.org/informes/El-IAIP-en-favor-de-los-ciudadanos.-Actualizacion-2022.-Accion-Ciudadana.-2022.pdf> [accessed September 12, 2022].

⁹¹ Bernal, David (July 2022), El Instituto de Acceso a la Información Pública desmerita información académico sobre transparencia, La Prensa Gráfica. Available at: <https://www.laprensagrafica.com/elsalvador/El-Instituto-de-Acceso-a-la-Informacion-Publica-desmerita-informe-academico-sobre-transparencia-20220727-0088.html> [accessed December 01, 2022].

⁹² Avelar, Ricardo (February 2022), La tragedia de la LAIP: de la quinta mejor ley del mundo a una ley sin dientes e inutilizada, El Diario de Hoy. Available at: <https://www.elsalvador.com/noticias/nacional/tragedia-ley-acceso-informacion-publica/924524/2022/> [accessed December 01, 2022].

⁹³ Europa Press (May 2022), Journalists in El Salvador denounce harassment, criminalization and other restrictions in the country. Available at: <https://www.europapress.es/internacional/noticia-periodistas-salvador-denuncian-acoso-criminalizacion-otras-restricciones-pais-20220504025751.html> [accessed January 17, 2023].

telephones of journalists and members of civil society with the *Pegasus* spying program⁹⁴.

Good practices

- Between 2018 and 2020, entities such as the IAIP, the CCR and the PGR adopted measures that at some point allowed the participation of individuals and civil society groups, non-governmental organizations and community-based organizations, in order to promote the prevention and fight against corruption.

Deficiencies

- El Salvador was declared inactive by the Open Government Partnership, following the closure of civic space reported by civil society organizations. The various concerns about the Salvadoran situation lie in the general trend of undermining civil liberties and democratic regression⁹⁵.
- The reservation of public information has become a constant during the current government. The review of indexes of reserved information of 15 institutions of Nayib Bukele's government carried out by Gato Encerrado Magazine, indicates that information such as the minutes of the Council of Ministers, public procurement, personnel hiring, bids for goods, health and education plans, among other topics, have been declared as reserved⁹⁶.
- There is a significant decrease in the number of cases resolved in favor of the citizenry and the number of cases initially rejected has increased, to the benefit of the authorities that deny access to information. The criteria for the selection and resolution of cases are also unknown, and there are delays in the response times of these cases.
- Many of the transparency portals of each of the state institutions, which centralize the informal information that should be available to the public on each institution (according to the LAIP), do not have complete or updated data⁹⁷.

4.1.10 Art. 11 – Judiciary and Prosecution Services

⁹⁴ Amnesty International (March 2022), El Salvador: Inter-American Commission on Human Rights to Hold Hearing on Abusive Use of Pegasus Spyware. Available at: <https://www.amnesty.org/es/latest/news/2022/03/elsalvador-pegasus-iachr/> [accessed January 17, 2023].

⁹⁵ Open Government Partnership (March 2022), El Salvador declared inactive in the Open Government Partnership. Available at: <https://www.opengovpartnership.org/es/news/el-salvador-declared-inactive-in-the-open-government-partnership/> [accessed July 27, 2022].

⁹⁶ Benítez, Beatriz; Olivares, Gloria (June 2021), ¿Qué información oculta el gobierno de Bukele? Available at: <https://gatoencerrado.news/2021/06/01/que-informacion-oculta-el-gobierno-bukele/> [accessed September 5, 2022].

⁹⁷ Washington Office on Latin America (WOLA) and the Instituto Universitario de Opinión Pública de la Universidad Centroamericana José Simeón Cañas (IUDOP), November 2019; Transparency in El Salvador, evaluating the effectiveness of Access to Public Information; Monitor Centroamericano. Available at: <https://www.wola.org/wp-content/uploads/2020/01/Transparencia-ES-12.19-UPDATED.pdf> [accessed December 01, 2022].

Since May 1, 2021, with the arbitrary dismissal of the magistrates of the Constitutional Chamber and the Public Prosecutor of the Republic (FGR)⁹⁸, the loss of independence and integrity of both institutions has been evidenced. The Legislative Assembly that took office that day, in which the majority of the deputies are related to the Nuevas Ideas party (pro-government), dismissed the magistrates of the Constitutional Chamber and the Public Prosecutor of the Republic without any constitutional reason and without following legal procedures, only taking advantage of the legislative majority. Immediately, officials considered to be related to the government line were appointed without following the procedure established in the Constitution for this type of officials⁹⁹.

In the case of the Judicial Branch, after one hundred days in office of the new Constitutional Chamber, setbacks were identified in the management of the judicial delay of this entity, as well as a deterioration in the quality of the jurisprudence, which should be primarily oriented to the institutional defense and the constitutional rights of citizens. There was an increase in initial rejections of the claims (without entering into the merits of the cases)¹⁰⁰. The lack of independence of the head of the FGR has been publicly denounced, as well as the setback of this institution as a control mechanism for abuses of power and as a guarantor of fundamental rights such as due process, guarantee of defense and presumption of innocence¹⁰¹.

In August 2021, the Legislative Assembly dominated by the ruling party Nuevas Ideas approved a series of reforms to the Organic Judicial Law and the Organic Law of the Public Prosecutor's Office, through which prosecutors and judges over 60 years old were removed from office¹⁰². In the text of the decrees, these measures were justified with the need to renew the Judicial Branch and the Public Prosecutor's Office; however, on social media, the President of the Republic and related officials pointed to the judges and prosecutors that were removed without any kind of procedure as

⁹⁸ Inter-American Commission on Human Rights (May 2022), *Comunicado: La CIDH condena la destitución de magistradas y magistrados de la Sala de lo Constitucional de la Suprema Corte de Justicia, sin respeto a las debidas garantías e insta a El Salvador a preservar el Estado de derecho*. Available at: <https://www.oas.org/es/cidh/jsForm/?File=/es/cidh/prensa/comunicados/2021/110.asp> [accessed December 01, 2022].

⁹⁹ Alvarado, Jimmy et al. (May 2021), *Bukele uses the new Assembly to take control of the Constitutional Chamber and the Attorney General's Office*, El Faro. Available at: https://elfaro.net/es/202105/el_salvador/25451/Bukele-usa-a-la-nueva-Asamblea-para-tomar-control-de-la-Sala-de-lo-Constitucional-y-la-Fiscal%C3%ADa.htm [accessed December 1, 2022].

¹⁰⁰ Due Process of Law Foundation and others (April 2022); *Justicia en Pausa, Informe sobre los primeros 100 días de la Sala de lo Constitucional en El Salvador*. Available at: https://fundaciondtj.org/media/2022/02/Informe-completo_justiciaenpausa-VF.pdf [accessed July 17, 2022].

¹⁰¹ Rauda, Nelson (May 2021), *Rodolfo Delgado, el fiscal general impuesto por el bukelismo*, Periódico digital El Faro. Available at: https://elfaro.net/es/202105/el_salvador/25455/Rodolfo-Delgado-el-fiscal-general-impuesto-por-el-bukelismo.htm [accessed December 01, 2022].

¹⁰² Alemán, Marcos (August 2021), *El Salvador: Aprueban reforma para remover jueces y fiscales*, AP. Available at: <https://apnews.com/article/noticias-f79e32f431076b9ce2cef7aca15529d7> [accessed September 13, 2022].

corrupt¹⁰³. These measures have been as violating judicial and prosecutorial independence, due to the fact that they interfered with the work of relevant cases such as El Mozote, in which one of the most terrible massacres that occurred in the eastern part of the country during the Salvadoran Civil War (around 988 civilians killed) was being prosecuted, and whose judge was dismissed due to this measure¹⁰⁴. Civil society organizations also criticized the reforms, considering that it opens the door to arbitrary appointment of judges and prosecutors.

After the massive dismissal of judges over 60 years of age, the CSJ appointed 98 new judges, without following the procedure established by law for this purpose, which involves sending shortlists proposed by the CNJ, from a pool of eligible candidates; this procedure was not carried out and the CSJ refused to provide information regarding the criteria for the appointment of these judges¹⁰⁵.

Good practices

- N/A

Deficiencies

- In the context of an emergency regime, which has been extended five times until August 2022 (under constitutionally questioned procedures), since its entry into force, the Constitutional Chamber has refused to respond to hundreds of habeas corpus petitions for alleged arbitrary detentions, plunging the country into a humanitarian crisis¹⁰⁶.
- There have been serious violations of judicial and prosecutorial independence, through a series of reforms to the Organic Judicial Law and the Organic Law of the Public Prosecutor's Office in August 2021, which removed from office prosecutors and judges over 60 years of age, publicly pointing out as corrupt

¹⁰³ Cáceres. Mirella (May 2022), La destitución de jueces y fiscales fue un segundo golpe al poder judicial, El Diario de Hoy. Available at: <https://www.elsalvador.com/noticias/nacional/destitucion-jueces-fiscales-segundo-golpe-poder-judicial/952445/2022/> [accessed September 12, 2022].

¹⁰⁴ Miranda, Wilfredo, (September 2021), Nayib Bukele retires a third of El Salvador's 690 judges, El País. Available at: <https://elpais.com/internacional/2021-09-02/nayib-bukele-jubila-a-un-tercio-de-los-690-jueces-de-el-salvador.html> [accessed September 12, 2021].

¹⁰⁵ Guzmán, Jessica (September 2021), Corte Suprema de Bukele nombra 98 nuevos jueces y magistrados, El Diario de Hoy. Available at: <https://www.elsalvador.com/noticias/nacional/corte-suprema-juramenta-jueces-sustitutos/883208/2021/> [accessed September 12, 2021]. Espinoza, Claudia (February 2022), ALAC: Corte Suprema de Justicia sin sustentar traslado de jueces, La Prensa Gráfica. Available at: <https://www.laprensagrafica.com/elsalvador/ALAC-Corte-Suprema-de-Justicia-sin-sustentar-traslado-de-jueces-20220208-0078.html> [accessed September 12, 2022].

¹⁰⁶ Labrador, Gabriel (July 2022), Régimen de Excepción breaks record for habeas corpus suits since the end of the War, El Faro. Available at: https://elfaro.net/es/202207/el_salvador/26287/R%C3%A9gimen-de-Excepci%C3%B3n-rompe-r%C3%A9cord-de-demandas-de-habeas-corpor-desde-el-fin-de-la-Guerra.htm [accessed July 27, 2022]; Human Rights Watch (May 2022), Evidence of serious abuses during exception regime. Available at: <https://www.hrw.org/es/news/2022/05/02/el-salvador-evidencias-de-graves-abusos-durante-el-regimen-de-excepcion> [accessed July 27, 2022]; Amnesty International (June 2022), El Salvador: President Bukele plunges country into human rights crisis after three years in office. Available at : <https://www.amnesty.org/es/latest/news/2022/06/el-salvador-president-bukele-human-rights-crisis/> [accessed July 27, 2022].

the judges and prosecutors removed without any kind of procedure. After the removal, 98 new judges were appointed without following the procedure established in the law and denying any information regarding the criteria for the appointment of these judges.

4.1.12 Art. 14 – Measures to Prevent Money-Laundering

El Salvador has a detailed regulation towards banks, non-banking financial institutions and other private subjects that may be susceptible to money laundering. All these measures are detailed in Chapter V of this document.

4.2 Chapter V

4.2.1 Art. 52 and 58 – Anti-money laundering

El Salvador has a detailed regulatory framework regarding the obligations to prevent and combat money laundering; specifically, it has a regulation related to the regulation and supervision of financial institutions and other entities for the prevention of money laundering.

Among the regulations in force it is possible to mention: Law Against Money Laundering and Asset Laundering (LCLDA), which came into force in 1999¹⁰⁷; Regulation of the Financial Investigation Unit (UIF) for the Prevention of Money Laundering and Asset Laundering, in force since June 2022¹⁰⁸; technical standards for the management of money laundering and terrorist financing risks¹⁰⁹.

Art. 2 of the LCLDA establishes the regulated entities subject to due diligence requirements, who must establish an internal due diligence policy for the identification of their users or clients (Art. 9-B). Among the regulated entities are: any corporation, company or entity of any kind, domestic or foreign, that is part of a financial institution, group or conglomerate supervised and regulated by the Superintendency of the Financial System; microfinance companies, credit unions and non-bank financial intermediaries; importers or exporters of agricultural products and inputs, and new or used vehicles; credit card issuing companies, co-issuers and related groups; individuals and legal entities that carry out systematic or substantial transfers of funds, including pawnshops and others that grant loans; casinos and gambling houses; dealers in precious metals and stones; real estate companies and intermediaries;

¹⁰⁷ Anti-Money Laundering Act (1998). Available at: <https://ssf.gob.sv/descargas/Leyes/lavado/Ley%20contra%20lavado.pdf>

¹⁰⁸ Instructions of the Financial Investigation Unit for the prevention of money laundering and asset laundering (June 2022). Available at: <https://www.uif.gob.sv/wp-content/uploads/instructivos/InstructivoUifDiarioOficial2021.pdf>

¹⁰⁹ Technical standards for the management of money laundering and terrorist financing risks (2022). Available at: <https://www.bcr.gob.sv/regulaciones/upload/NRP-36.pdf>

travel agencies; air, land and maritime transportation companies; hotel companies; political parties, corporate service providers and trusts; associations, consortiums and business associations; any other private or mixed economy institution, and commercial companies.

Based on Article 10 of the LCLDA, regulated entities are obliged to file and keep the documentation of transactions for a period of five years, counted from the date of termination of each transaction. In addition, they must file and keep identification data, account files and commercial correspondence of their clients, as of the termination of an account or commercial relationship.

Customer due diligence rules, in addition to the establishment of a business relationship, must determine the inherent risk level of customers or counterparties, through the weighting of risk ratings (art. 10 of the FIU Instructions). The criteria for risk assessment may be based on the following criteria: activities or sectors that have been rated by international organizations as high risk; risk of products or services offered to customers or counterparties; risk of channels and geographical areas or jurisdictions; whether persons are on any of the cautionary lists issued by international organizations, among others.

Due diligence is extended to domestic and foreign politically exposed persons (art. 16 and 17 of the FIU Instructions); however, the extension to family members and/or close associates or foreign persons is not established.

With regard to the deterrence capacity of the penalties established for non-compliance with anti-money laundering obligations, the liability derived from a criminal proceeding (including civil liability in this proceeding) is established, as well as an adjustable fine depending on the seriousness of the act (Arts. 4 - 8 of the LCLDA).

The Regulation of the FIU, which came into force in June 2022, foresees the expansion of a category of regulated entities and the elimination of the possibility of exclusion of those that do not represent a risk, which will generate an exorbitant amount of registration of regulated entities and, consequently, of unusual and suspicious transaction reports. This could result in inaction and lack of effectiveness of money laundering analysis, due to the saturation of the FIU's work, considering that by March 2022 it had only nine analysts, including national and international assistance analysts, mutual evaluation and risk analysts, technology analyst, information technology analyst, financial analyst and programmer analyst; by 2023 it is planned to hire twelve analysts¹¹⁰.

However, it is impossible to evaluate the application and effectiveness of the legal system created, due to the systematic withholding of information by the FGR and its

¹¹⁰ Final resolution of application No. 141-UAIP-FGR-2022, issued on April 8, 2022.

FIU in recent months. Thus, all the statistical information requested for the preparation of this report has been denied, pointing out that such data is related to the information received, analyzed and collected for the process of the Fourth Round of Mutual Evaluation of GAFILAT, and that it may compromise the strategies at national level for the prevention, control and repression of money laundering / financing of terrorism / financing of the proliferation of weapons of mass destruction¹¹¹. Thus, it is only possible to mention good practices and deficiencies in the issuance of regulations, without having the data to analyze the levels of effectiveness of such regulations.

The LSEIFEP is an old regulation (issued in 1959) and is not adapted to the Salvadoran reality in the fight against corruption. The regulation does not require that the information be publicly disclosed nor that it be periodically updated; the obligation to present asset declarations only exists at the beginning and end of the term of office, with no obligation to periodically update the data, not even for officials with permanent or lifetime positions (such as judges and magistrates of second instance of the Republic); there is no obligation for public officials to report if they control financial accounts abroad or to keep appropriate records.

The Law on Illicit Enrichment of Public Officials and Employees lays down the obligation for the Probity Section to verify the asset declarations of public officials and employees, in order to determine the indications of illicit enrichment. However, it is a dependent entity of the CSJ, which makes it a unit conditioned to the organizational structure of the Judicial Branch and its strategic apex (the Court in Plenary¹¹²); Therefore, the decisions managed by the CSJ in Plenary have a strong political component.

Regarding the operation of the Probity Section of the CSJ, for the year 2021 the total work load was 8,222 submitted asset declarations, to be analyzed by a total of 22 people working as analysts within the entity. This implies an annual load of 374 declarations per analyst, which means that the annual work load placed on each employee dedicated to this function exceeds the current operational capacity of the Probity Section¹¹³.

The sanctions established in the Law on Illicit Enrichment of Public Officials and Employees do not constitute a deterrent to comply with the obligation to file the declaration of assets at the beginning and termination of functions of public officials and employees. The sanctions are established in articles 17 to 19 of the mentioned

¹¹¹ Response to the request for information made to the FGR under reference 366-UAIP-FGR-2022 (September 5, 2022).

¹¹² Sandoval, W. October, 2016. "The practices of the Probity Section of the Supreme Court of Justice in the exercise of its comptroller power in the national accountability system", p. 51 - 54.

¹¹³ Citizen Action. July, 2022. "Monitoreo sobre probidad en la función pública (junio - diciembre 2021)", p. 53 - 54 [accessed August 20, 2022]. Available at: <https://accion-ciudadana.org/informes/Informe.%20Monitoreo-sobre-probidad-en-lafuncion-publica.-Junio-diciembre-2021.-Accion-Ciudadana.-2022.pdf>

law, with a maximum fine of 10,000 Salvadoran colones, equivalent to \$1,142.85 United States dollars. The number of public officials and employees that by December 2021 had not submitted the declaration of commencement of functions was 1,632. 724 persons had not submitted the declaration of termination of functions by the same date¹¹⁴.

The Central Reserve Bank issued the Technical Norms to Facilitate the Application of the Bitcoin Law¹¹⁵, which is intended to facilitate the application of the laws related to the handling of Bitcoin. In said norms, it is also established that the institutions must have an organizational and functional structure to prevent money laundering and asset laundering¹¹⁶. However, the FIU has not issued any type of rule that establishes how it will verify compliance with the laws related to the fight against money laundering and asset laundering to transactions carried out through cryptocurrencies, considering that it is an unregulated area. The web portal of the UIF still maintains within its reference documentation the document called "Risk of money laundering associated with new technologies" (2018) where it is established that Bitcoin is not legal tender and users perform transactions at their own risk¹¹⁷.

Good practices

- Regarding the adequacy of the domestic legal regime to the recommendations made by the Financial Action Task Force (FATF), it is possible to establish:
 - Recommendation N° 1: El Salvador has implemented a set of regulations that help to identify, evaluate and understand the risks of money laundering and terrorist financing. An authority has been designated to coordinate actions, evaluate and mitigate risks. Based on Art. 1 of the FIU Instructions, the prevention of crimes related to money laundering and financing of terrorism must be carried out with a risk-based approach.
 - Recommendations N° 10 - 13: FIU Instructions, in Chapter III of Title II (General Instructions applicable to all regulated entities), called "Due diligence measures of regulated entities", establishes the regulation for the determination of the inherent risk of customers or counterparties;

¹¹⁴ Citizen Action. July, 2022. "Monitoreo sobre probidad en la función pública (junio - diciembre 2021)", p. 17 [accessed August 20, 2022]. Available at: <https://accion-ciudadana.org/informes/Informe.%20Monitoreo-sobre-probidad-en-lafuncion-publica.-Junio-diciembre-2021.-Accion-Ciudadana.-2022.pdf>

¹¹⁵ Central Reserve Bank. Technical Standards to Facilitate the Implementation of the Bitcoin Law [accessed September 12, 2022]. Available at: https://www.bcr.gob.sv/regulaciones/upload/Normas_Tecnicas_para_Facilitar_la_Aplicacion_de_la_Ley_Bitcoin.pdf

¹¹⁶ EFE (August 2021), Central reserve bank publishes rules to facilitate bitcoin use. Available at: <https://www.efe.com/efe/america/economia/el-banco-central-de-salvador-publica-normas-para-facilitar-uso-del-bitcoin/20000011-4610757> [accessed September 12, 2022].

¹¹⁷ FIU (2018), Risk of money laundering associated with new technologies. Available at: https://www.uif.gob.sv/wp-content/uploads/Riesgos_de_lavado_asociados_a_nuevas_tecnologias_2018.pdf [accessed September 12, 2022].

standard, simplified and intensified diligence measures for counterparties and customers classified as high risk or with transactions with higher risk countries; in addition, it includes politically exposed national and foreign persons.

- Recommendations N° 20 - 23: FIU Instructions establish the obligation to carry out routine follow-ups for the detection of unusual operations and the report of suspicious operations, which shall be the responsibility of the Compliance Officer (arts. 67 and 73). Likewise, it is indicated that such documentation shall be kept for a period of no less than fifteen years, under the terms provided in Article 12 of the Anti-Money Laundering Law, thus allowing to promptly respond to information requests from the corresponding control or supervision agencies, the Public Prosecutor's Office and the courts.
- Recommendations N° 26 - 29: El Salvador has the Financial Investigation Unit, an office attached to the FGR (Article 3 of LCLDA and Article 70 of Organic Law of the FGR), in charge of the supervision of financial institutions and Designated Non-Financial Businesses and Professions (DNFBPs) with respect to their obligations to prevent and combat money laundering and financing of terrorism. The attributions of the FIU are set forth in Article 72 of the Organic Law of the FGR, complemented by the obligations set forth in the LCLDA.
- Recommendation N° 35: Each of the offenses provided for in the LCLDA establishes its respective sanction, both criminal and civil liability.
- El Salvador has a Law on Illicit Enrichment of Public Officials and Employees, which constitutes a basic regulation on the obligation of public officials and employees to make declarations of their assets at the beginning and end of the public functions they perform.

Deficiencies

- However, with the country's exit from the Caribbean Financial Action Task Force (CFATF) and its incorporation into the Latin American Financial Action Task Force (GAFILAT), this evaluation was postponed and with it the measurement of the degree of compliance with the recommendations to combat money laundering and the financing of terrorism¹¹⁸.
- The number of regulated entities registered with the FIU and the number of suspicious and unusual transaction reports received by the FIU for analysis by the regulated entities is classified as "confidential" by the FGR, in accordance with Article 76 of the Organic Law of the FGR¹¹⁹.

¹¹⁸ Bernal, David (March 2022), GAFILAT will evaluate El Salvador until 2023, La Prensa Gráfica, Available at: <https://www.laprensagrafica.com/elsalvador/GAFILAT-hara-evaluacion-a-El-Salvador-hasta-el-ano-2023--20220322-0072.html> [accessed September 19, 2022].

¹¹⁹ Final resolution of request No. 141-UAIP-FGR-2022, issued on April 8, 2022. Art. 76 of the Organic Law of the Attorney General's Office of the Republic: "All information received, processed, kept and

- The LSEIFEP is an old regulation (issued in 1959) and is not adapted to the Salvadoran reality in the fight against corruption. Some deficiencies detected: The regulation does not require that the information gathered be publicly disclosed nor that it be periodically updated; the obligation to present the asset declaration only exists at the beginning and end of the period of functions, without the obligation to periodically update the data, not even for officials with permanent or lifetime positions (such as judges and magistrates of second instance of the Republic); it does not establish the obligation for public officials to communicate their control over financial accounts abroad or to keep appropriate records.
- The Probity Section is a dependent entity of the CSJ, which means that it is a unit conditioned to the organizational structure of the Judicial Branch and its strategic apex (the Plenary Court¹²⁰); which means that the decisions managed by the Plenary CSJ have a strong political component.
- The penalties established in the LSEIFEP do not constitute a deterrent to comply with the obligation to file the asset declaration at the beginning and end of the term of office of public officials and employees.
- With the entry into force of the new FIU Regulation in June 2022, it should be noted that -in a general way- rules specific to financial institutions are being applied to civil society organizations and independent professionals¹²¹; banks and non-bank financial institutions, by their very nature, are entities prone to money laundering risks, while CSOs and professional sectors have varying levels of risk. This will undoubtedly lead to a saturation in the work of the FIU, considering the installed capacity of this entity to perform analysis on regulated entities.
- The FIU has not issued any type of rule that establishes how compliance with laws related to the fight against money laundering and asset laundering will be verified for transactions carried out through cryptocurrencies, considering that this is an unregulated area.
- The CSJ, in response to a request for information, stated that the Anti-Money Laundering Commission does not have statistical data on how many money laundering cases have been convicted or prosecuted. Neither do they have information on the number of personnel dedicated full time to cases or processes of money laundering and other asset laundering¹²².

issued by the Financial Investigation Unit regarding money and asset laundering, financing of terrorism and proliferation of weapons of mass destruction are confidential in accordance with the terms established by the applicable laws and regulations on the matter, consequently, its dissemination or total or partial reproduction by any means is prohibited".

¹²⁰ Sandoval, W. October, 2016. "The practices of the Probity Section of the Supreme Court of Justice in the exercise of its comptroller power in the national accountability system", p. 51 - 54.

¹²¹ FIU Instructions (June 2022). Available at: <https://www.uif.gob.sv/wp-content/uploads/instructivos/InstructivoUifDiarioOficial2021.pdf>. Art. 2 of these instructions establishes as regulated entities the natural or legal persons established in Art. 2 of the Anti-Money Laundering Law, ranging from banks to professional associations and any private or mixed economy institution.

¹²² Response to request for information reference UAIP/347/RR/981/2022(5) (August 2022).

4.2.2 Art. 53 and 56 – Measures for Direct Recovery of Property

There are no national laws that address the development of Article 53 of the UNCAC. Nor has its content been developed through other types of regulations (either within the FGR or the CSJ), or through jurisprudential criteria that allow its application at the national level.

Good practices

- N/A

Deficiencies

- The Salvadoran national framework does not foresee the possibility for other State Parties to the Convention to appear before the Salvadoran jurisdiction to request the recovery of assets. The Special Law for the Asset For and Administration of Assets of Illicit Origin or Destination (LEEDABODI)¹²³, in its art. 1, establishes that the action of asset forfeiture is carried out in favor of the Salvadoran State and the initiation by other States is not considered, nor is any special category granted as plaintiffs. Nor does it provide for the recognition of the right of the victim State parties to claim compensation or damages.

4.2.3 Art. 54 – Confiscation tools

In El Salvador, the Special Law on Asset Forfeiture (LEEDABODI) has been implemented as a tool to assist in the confiscation of goods and assets that are the proceeds of illicit activities, including money laundering. However, the information related to verify its effectiveness has been denied because it is considered reserved, so it is impossible to analyze if the regulation offers the expected results¹²⁴.

A request for information was made to the FGR, in order to provide statistical data that would allow gaining insights into the work being done in this area. However, all information related to money laundering and asset laundering was declared confidential. In addition, the CSJ declared the statistical information on money laundering crimes as non-existent.

Good practices

- In El Salvador, the judicial action of asset forfeiture is regulated, established and developed in the Special Law of Asset forfeiture (in force since 2013), which is conceptualized as a "patrimonial consequence of illicit activities",

¹²³ Special Law on the Asset Forfeiture and Administration of Assets of Illicit Origin or Destination (2013). Disponible en: <https://portaldetransparencia.fgr.gob.sv/documentos/Ley%20Especial%20de%20Extinci%C3%B3n%20de%20Dominio%20y%20de%20la%20Administraci%C3%B3n%20de%20los%20Bienes%20de%20Or%C3%ADgen%20o%20Destinaci%C3%B3n%20II%C3%ADcita.pdf>

¹²⁴ Response to request for information reference 366-UAIP-FGR-2022 (September 2022).

without the concurrence of a criminal conviction against a specific person¹²⁵ . This law is exercised in favor of the Salvadoran State on any of the assets that are described in the budgets that give rise to the asset forfeiture and come from or are destined to activities related or related to money laundering. It is a retroactive action, which applies even when the conditions occurred prior to the entry into force of the law that regulates it. According to art. 19 of said law, it is the responsibility of the Public Prosecutor's Office to direct the investigation to establish and support the concurrence of one or more of the established conditions for the asset forfeiture.

- Article 6 letter a) of the Special Law on Asset Forfeiture states that the action of asset forfeiture is applicable to assets that are the direct or indirect product, instrument or material object of illicit activities carried out in the national territory or abroad.

Deficiencies

- All information related to money laundering and asset laundering was declared confidential and statistical information on money laundering and asset laundering crimes is non-existent.

4.2.4 Art. 51, 54, 55, 56 and 59 – International Cooperation for the Purpose of Confiscation

The Special Law on Asset Forfeiture and Administration of Assets of Illicit Origin or Destination (LEEDABODI) establishes a section dedicated to International Assistance and Cooperation in this matter. Thus, the following provisions are established: the possibility of sharing and requesting assets or resources that may be affected by the action of asset forfeiture by a specialized national or foreign court, under the agreements subscribed or the principle of reciprocity (art. 54); precautionary measures on the assets that are in national territory and are requested by another State (art. 56¹²⁶); the procedure to execute a request for assistance and cooperation (arts. 57 - 59).

El Salvador is a member of GAFILAT as of January 1, 2022. Previously, the country was a member of FATF since 2003. Through this group, countries seek to reduce

¹²⁵ Art. 8 Special Law on Asset Forfeiture and Administration of Assets of Illicit Origin or Destination: "- The action of asset forfeiture is a patrimonial consequence of illicit activities, consisting of the declaration of ownership in favor of the State by a sentence of a judicial authority on the assets referred to in this Law, without any consideration or compensation for the owner or any person who holds or behaves as such".

¹²⁶ Art. 56: "In order to provide mutual legal assistance referred to in the previous article, in relation to investigations and proceedings, whose purpose is the asset forfeiture of property of illicit origin or destination found in the national territory, issued by the specialized court, in compliance with an order of seizure or asset forfeiture issued by a court of another State and in accordance with the established legal procedures, may by means of a founded resolution order any precautionary or securing measure contemplated in this Law, when it considers that there are sufficient reasons to adopt such measures".

vulnerabilities in terms of money laundering and terrorist financing¹²⁷. In addition, in 2019 it re-entered the Global Information Sharing Platform by the Financial Intelligence Units EGMONT Group, after being isolated for intrusions to the autonomy of the FIU¹²⁸.

A request for information was made to the FGR, in order to provide statistical data that would allow gaining insights into the work being done in this area. However, all information related to money laundering and asset laundering was declared confidential. In addition, the CSJ declared the statistical information on money laundering and asset laundering crimes non-existent.

Good practices

- LEEDABODI establishes a section dedicated to International Assistance and Cooperation in this area.
- El Salvador is a member of several international networks for the exchange of information, GAFILAT, FATF and the Global Information Sharing Platform by the Financial Intelligence Units Group of EGMONT.

Deficiencies

- All information related to money laundering and asset laundering was declared confidential and statistical information on money laundering and asset laundering crimes is non-existent.

4.2.5 Art. 57 – The Return and Disposal of Confiscated Property

A request for information was made to the FGR, in order to provide statistical data that would allow gaining insights into the work carried out in this area¹²⁹. However, all information related to money laundering and asset laundering was declared confidential. In addition, the CSJ declared the statistical information on money laundering crimes non-existent.

Good practices

- N/A

Deficiencies

- All information related to money laundering and asset laundering was declared confidential and statistical information on money laundering and asset laundering crimes is non-existent.

¹²⁷ Financial Action Task Force of Latin America (GAFILAT). Members: El Salvador [accessed August 21, 2022]. Available at <https://www.gafilat.org/index.php/es/miembros/el-salvador>

¹²⁸ Agenda Magazine. July, 2019. "EGMONT Group includes El Salvador again" [accessed August 21, 2022]. Available at : <https://www.revistaagenda.net/blog/grupo-egmont-incluye-de-nuevo-a-el-salvador/>

¹²⁹ Response to request for information reference 376-UAIP-FGR-2022 (September 2022).

4.3 Statistics¹³⁰

Money laundering

Reporting/intelligence phase	Year: 2019	Year: 2020	Year: 2021
Number of Suspicious Transaction Reports (STRs) filed by each category of obliged entities: <ul style="list-style-type: none"> - Banks and financial institutions - Non-Financial Businesses and Professions (NFBP) 	n/a	n/a	n/a
Number of deferral orders adopted in reported transactions	n/a	n/a	n/a
Number of money laundering investigations conducted independently by law enforcement agencies (without a prior STR)	n/a	n/a	n/a
Number of suspicious cash activities at the border reported to the FIU (including those based on declarations and smuggling)	n/a	n/a	n/a
Number of SARs sent to law enforcement agencies and on which further analysis has been performed	n/a	n/a	n/a
Number of staff dedicated full time (or full time equivalent) to money laundering at the FIU			131

Investigation phase	Year: 2019	Year: 2020	Year: 2021
Number of cases initiated by law enforcement agencies on the basis of STRs sent by FIU	n/a	n/a	n/a
Number of full-time (or full-time equivalent) staff dedicated to money laundering in law enforcement agencies	n/a	n/a	n/a
Number of cases brought to trial: originating from SARs, CTRs and independent law enforcement investigations	n/a	n/a	n/a

Judicial phase	Year: 2019	Year: 2020	Year: 2021
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¹³⁰ The following tables follow the format of this Eurostat report: <http://ec.europa.eu/eurostat/documents/3888793/5856465/KS-TC-13-007-EN.PDF/69cde077-3bd9-4d0d-8c19-a6fe3608c2cd>.

¹³¹ Resolution of the Access to Public Information Unit, reference 141-UAIP-2022, April 8, 2022.

Number of full-time staff (or full-time equivalent) dedicated to money laundering investigation in the judiciary	n/a	n/a	n/a
Number of persons/legal entities convicted of money laundering offenses	n/a	n/a	n/a
Number of convictions for laundering the proceeds of crimes committed abroad	n/a	n/a	n/a
Number of convictions for offenses other than money laundering arising from STRs	n/a	n/a	n/a
Number of convictions by type of money laundering offenses	n/a	n/a	n/a
Number of non-suspended custodial sentences by duration (as main offense, as predicate offense)	n/a	n/a	n/a

Asset recovery

Judicial phase	Year: 2019	Year: 2020	Year: 2021
Number of freezing procedures (based on court order)	n/a	n/a	n/a
Number of forfeiture proceedings	n/a	n/a	n/a
Number of requests received for freezing orders from another country	n/a	n/a	n/a
Value of frozen assets	n/a	n/a	n/a
Number of requests received for confiscation orders from another country	n/a	n/a	n/a
Value of confiscated assets	n/a	n/a	n/a
Amounts recovered from assets	n/a	n/a	n/a
Amounts returned	n/a	n/a	n/a

4.4 Short analysis

On September 5, 2022, a response was received to the request for information made to the FGR under reference 366-UAIP-FGR-2022, in which it denied access to information related to statistical data on work related to money laundering and asset laundering, suspicious transaction reports, procedures for freezing accounts and assets, seizure and recovery of assets, and judicial proceedings in these areas. The reason for the denial was "for being reserved information".

The reservation of the information was made on July 18, 2022, based on the fact that such data is related to the information received, analyzed and collected for the process of the Fourth Round of Mutual Evaluation of GAFILAT, since from this evaluation strategies are drawn at national level for the prevention, control and repression of money laundering / financing of terrorism / financing of the proliferation of weapons of mass destruction. Thus, the Public Access to Information Unit of the Public Prosecutor's Office pointed to art. 19 letters f, g and h of the LAIP as justification to reserve the information¹³².

It should be noted that on April 8, 2022, in the request for access to public information under reference 141-UAIP-FGR-2022, the number of analysts that the FIU has, detailing the profession each one has was answered as follows; in 2019, there were 11 analysts, in 2020, the same amount, and in 2021, the number dropped to 9 analysts. Thus, there is a contradiction in the criteria for the delivery of information on the personnel working within the FIU, with which it was intended to determine the institutional capacity to process the obligations that the law grants it in money laundering issues.

4.5 Information on asset recovery cases

Parties involved	Object of procedure	Type of process	Origin of procedures	Status
Elías Antonio Saca González ¹³³ (former President of the Republic)	Corruption. Money laundering. Diversion of more than 300 million dollars.	Criminal (plus civil liability)	Reports of the Probity Section. FGR Investigation	Final conviction
Carlos Mauricio Funes Cartagena ¹³⁴ (former	Corruption. Money Laundering. Accumulated 5 pending indictments.	Criminal (plus civil liability)	Reports of the Probity Section. Investigation of the FGR. Journalistic notes.	Pending (declared rebel, asylee in Nicaragua)

¹³² Law on Access to Public Information, March 2011, art. 19: "Reserved Information. Reserved information is: f. Information that would cause serious prejudice in the prevention, investigation or prosecution of illegal acts, in the administration of justice or in the verification of compliance with the Law; g. Information that would compromise the strategies and functions of the State in ongoing judicial or administrative proceedings; h. Information that would cause serious prejudice in the prevention, investigation or prosecution of illegal acts, in the administration of justice or in the verification of compliance with the Law. That which compromises the strategies and functions of the State in judicial or administrative proceedings in progress; h. That which may generate an undue advantage. That which may generate an undue advantage to a person to the detriment of a third party".

¹³³ DW (November 2021), El Salvador: Antonio Saca ordered to pay USD 6 million for Taiwan case. Available at: <https://p.dw.com/p/42Yqm> [accessed December 19, 2022].

¹³⁴ FGR (February 2022), Fiscalía presentó dictamen de acusación en contra del expresidente Mauricio Funes y "Mecafé" por Lavado de Dinero. Available at: <https://www.fiscalia.gob.sv/fiscalia-presento-dictamen-de-acusacion-en-contra-del-expresidente-mauricio-funes-y-mecafe-por-lavado-de-dinero/> [accessed September 19, 2022].

Parties involved	Object of procedure	Type of process	Origin of procedures	Status
President of the Republic)				
Francisco Flores Pérez ¹³⁵ (former President of the Republic)	Embezzlement . Money laundering. Illicit enrichment.	Criminal (plus civil liability)	Complaint by citizen organizations. Investigation by the FGR.	Completed (deceased)
David Munguía Payés ¹³⁶ (former Minister of Defense)	Corruption. Money laundering. Embezzlement .	Criminal (plus civil liability)	FGR investigation.	Pending
Othon Sigfrido Reyes ¹³⁷ (former President of the Legislative Assembly)	Money laundering	Criminal (plus civil liability)	Probity Section Reports. FGR Investigation.	Pending (declared rebel, asylee in Mexico)
Luis Antonio Martínez (former Attorney General of the Republic) ¹³⁸	Disclosure of wiretaps. Embezzlement . Corruption	Criminal (plus civil liability)	Probity Section Reports. FGR Investigation.	Convicted
René Figueroa (former Minister of Public Safety and Justice) ¹³⁹	Money Laundering and Asset Laundering	Criminal (plus civil liability)	Reports of the Probity Section. FGR Investigation.	Convicted

The most representative examples of the fight against corruption and asset recovery in El Salvador have been the criminal proceedings against three former presidents of

¹³⁵ CNN (December 2015), Envían a juicio al expresidente Francisco Flores por peculado y lavado de dinero. Available at: <https://cnnespanol.cnn.com/2015/12/03/envian-a-juicio-al-presidente-francisco-flores-por-peculado-y-lavado-de-dinero/> [accessed September 19, 2022].

¹³⁶ FGR (July 2021), Fiscalía materializó inmuebles del exministro David Munguía Payés, valorizado en más de \$458 mil dólares. Available at: <https://www.fiscalia.gob.sv/fiscalia-materializo-inmuebles-del-exministro-david-munguia-payes-valorados-en-mas-de-458-mil-dolares/> [accessed September 19, 2022].

¹³⁷ EFE (June 2021), Fiscalía acusa de lavado de dinero a Sigfrido Reyes. Available at: <https://www.laprensagrafica.com/elsalvador/Fiscalia-acusa-de-lavado-de-dinero-a-Sigfrido-Reyes-20210622-0068.html> [accessed September 19, 2022].

¹³⁸ Hernández, Francisco (December 2018), Condenan a cinco años de prisión a exfiscal general, La Prensa Gráfica. Available at: <https://www.laprensagrafica.com/elsalvador/Condenan--a-cinco-anos-de-prision-a-ex-fiscal-general-20181204-0351.html> [accessed January 17, 2023].

¹³⁹ Voice of America (November 2021), El Salvador convicts former security minister for corruption. Available at: <https://www.vozdeamerica.com/a/el-salvador-condena-por-corrupci%C3%B3n-a-exministro-de-seguridad/6330137.html> [accessed January 17, 2023].

the Republic, a former president of the Legislative Assembly and a former Minister of Justice and Public Security, which have been detailed in the table above. It should be noted that the beginnings of the criminal proceedings against the former presidents were based on the revelation of information coming from the Probitry Section of the Supreme Court of Justice, during its ephemeral activation between 2013 and 2016. Civil proceedings of Illicit Enrichment before the Supreme Court of Justice and the Civil Chambers were initiated, followed by criminal trials for the crimes of money laundering and embezzlement. The criminal proceedings against former President Saca culminated in a ten-year prison sentence and the obligation to pay civil liability; former President Flores died when he had not yet been sentenced; while the criminal proceedings against former President Funes are pending due to the fact that he is in political asylum in Nicaragua.

V. Recent Developments

Recent developments related to anti-corruption issues were included in the main part of this report. El Salvador was not part of the Summit for Democracy as it was excluded by the Biden administration from the last event in 2022 along with Guatemala, Honduras and Nicaragua¹⁴⁰. The Biden administration asserted that the government of El Salvador has carried out a series of measures that "undermine" democratic institutions in the country, including the removal of magistrates¹⁴¹, and noted that some of the countries that were not invited are democratic, but have seen some very troubling activities that led to their exclusion¹⁴².

¹⁴⁰ BBC (diciembre 2021), Los países de América Latina a los que Biden no invitó al foro mundial de la democracia (y qué dice de la política de EE.UU. en la región). Available at: <https://www.bbc.com/mundo/noticias-america-latina-59589705> [accessed January 19, 2023].

¹⁴¹ Voz de América (mayo 2021), Estados Unidos "preocupado" por destitución de magistrados y fiscal general de El Salvador. Available at: https://www.vozdeamerica.com/a/centroamerica_asamblea-de-el-salvador-destituye-magistrados-y-fiscal-general/6073591.html [accessed January 30, 2023].

¹⁴² Voz de América (diciembre 2021), Por "actividades preocupantes", la Casa Blanca excluye a los países del Triángulo Norte de su Cumbre por la Democracia. Available at: <https://www.vozdeamerica.com/a/actividades-preocupantes-eeuu-excluye-paises-triangulo-norte-cumbre-democracia/6337292.html> [accessed January 30, 2023].

VI. Recommendations

The main recommendations that emerge from this report to the State of El Salvador are the following:

1. Strengthen the recruitment process of public officials (established in Article 131, paragraph 19 of the Constitution) through the implementation of objective criteria that prioritize the capacity and experience of individuals, as well as the independence that such officials require for their proper performance.
2. Implement a public and well-known state policy oriented to corruption prevention, which coordinates all inter-institutional actions in favor of transparency, accountability, integrity, ethics and corruption prevention.
3. Raise awareness among the general public and public employees of the importance of the independence and impartiality of public officials and institutions in the exercise of their functions, especially those related to the prevention of corruption.
4. Promote the modernization and transparency of a regulation of public employment that objectively regulates the processes of admission, promotion, transfer and sanction of personnel and provides legal certainty to the parties involved.
5. Guarantee the verification and sanctioning of non-compliance with the Law on Political Parties, especially with regard to campaign financing, in order to make donations made by private individuals transparent.
6. Include in the regulations and in practice the supervision of the use of cryptocurrencies in the financing of political parties, with the aim of mitigating the risks of money laundering.
7. Ensure the application of the Public Administration Procurement and Contracting Law, especially in those cases related to large public works, avoiding the use of alternative mechanisms that allow public contracting without following procedures that guarantee transparency and accountability.
8. Ensure compliance with the Law on Access to Public Information regarding the publication of informal information, as well as the disclosure of requests made to government entities through transparency portals; also, avoiding the abuse of the classification of information as reserved or non-existent in order to allow for citizen's to holding government accountable.
9. Create mechanisms for reporting acts of corruption internally in the institutions, which guarantee confidentiality and security for whistleblowers.
10. Promote the creation of mechanisms to protect whistleblowers of alleged acts of corruption, including citizens, employees and public officials, ensuring the confidentiality of personal data and the tools for anonymous reporting.
11. Guarantee the exercise of freedom of expression by civil society organizations, journalists and the general public on issues related to the prevention and fight against corruption.

12. Make data on money laundering and financing of terrorism transparent to help evaluate the application and effectiveness of the national legal system, as well as to measure the degree of compliance with international commitments in this area, both from the Public Prosecutor's Office and the Financial Intelligence Unit, as well as from the Probity Section of the Supreme Court of Justice.
13. Update the national regulations on illicit enrichment of public officials and employees, including the effective control of the assets of public officials and employees and the establishment of an autonomous and independent entity to ensure the effectiveness and enforcement of the law.

VII. Annex

7.1 Table on access to information requests

Reference number	Institution	Date of application	Date of response	Information requested	Information provided
UAIP 047-2022	Institute for Access to Public Information	6/7/2022	27/7/2022	<p>1. Public documentation on policies, activities or practices that have been implemented in the institution in relation to the prevention and fight against corruption (integrity, transparency and accountability), both internally and internationally, or in coordination with other state institutions or civil society organizations. Provide the basic documentation related to policies or practices.</p> <p>2. Report whether there is a policy within the institution to evaluate legal instruments or administrative measures to determine whether they are adequate to combat corruption, and which unit is responsible for this process. Provide the basic documentation related to such policy.</p> <p>3. Public documentation on institutional training activities (trainings, workshops, etc.) carried out for the dissemination of knowledge on corruption prevention.</p> <p>4. Provide a copy of the internal manual (or equivalent document) reflecting</p>	<p>Regarding items 1, 3 and 10, annexes I and II are provided. Regarding items 2, 5, 6 and 8. The general protocol for the management of complaints against possible acts of corruption was submitted, in addition to Annex III. Regarding items 4 and 9, the Procedural Manual is provided; in addition to item 9, it is non-existent information. Regarding item 7, the method used is the Recusation.</p>

Reference number	Institution	Date of application	Date of response	Information requested	Information provided
				<p>the processes and minimum standards (requirements) for the hiring of institutional personnel.</p> <p>5. Public documentation on the administrative measures adopted to monitor, control, audit, verify or analyze the financing of political parties (e.g., creation of units, procedures manual, etc.).</p> <p>6. Public documentation on whether there are mechanisms within the institution for officials or employees to report acts of corruption of which they are aware in the performance of their duties. Provide the documentation containing such information.</p> <p>7. Report whether there are mechanisms within the institution to declare conflicts of interest of public officials or employees.</p> <p>8. Detail of the disclosure programs of mechanisms for reporting acts related to corruption, by the citizens to the institution.</p> <p>9. Number of administrative procurement processes in which alternative contracting mechanisms to those established in the Law for</p>	

Reference number	Institution	Date of application	Date of response	Information requested	Information provided
				Procurement and Contracting of the Public Administration (LACAP) have been used. Establish what these alternative mechanisms have been and the legal regulations that support them. 10. Detail the programs or activities carried out in conjunction with civil society, or in which there is participation of members of civil society organizations and citizens, which are related to the prevention and fight against corruption.	
OIR-TSE-30-VII-2022	Supreme Electoral Tribunal	6/7/2022	21/7/2022	The same information detailed in the previous cell was requested.	Partial delivery of information. There is no information regarding items 3, 6, 7, 8, 9 and 10.
31-SI-2022-TEG	Government Ethics Tribunal	6/7/2022	27/7/2022	The same information detailed in the previous cell was requested.	A matrix of activities developed from January 2019 to December 2021 was submitted. Annex 2 and 3 containing memorandums with responses to the requirements. Regarding item 8, the information does not exist.
UAIP 039-2022	Presidency of the Republic	6/7/2022	28/7/2022	The same information detailed in the previous cell was requested.	Reserved information, partial delivery. Item 8 is nonexistent.
300-UAIP-FGR-2022	Attorney General's Office	6/7/2022	15/8/2022	The same information detailed in the previous cell was requested.	Links were provided where the requested information can be found. Regarding item 8, it does not exist. Everything has been done in accordance with LACAP.

Reference number	Institution	Date of application	Date of response	Information requested	Information provided
132-UAIP(P)-2022-PREV	Attorney General's Office of the Republic	6/7/2022	12/8/2022	The same information detailed in the previous cell was requested.	Delivery of information.
Ref. UAIP-CNJ-No. 12-2022_0001	National Council of the Judiciary	6/7/2022	19/7/2022	The same information detailed in the previous cell was requested.	Delivery of information.
UAIP-317-RAAdm-876-2022(2)	Supreme Court of Justice	6/7/2022	29/7/2022	The same information detailed in the previous cell was requested.	Delivery of partial information.
RES-DAIP-071-2022-	Court of Accounts of the Republic	6/7/2022	18/7/2022	The same information detailed in the previous cell was requested.	Items 3 partially, 1, 2, 4, 5, 6, 7, 8 and 10 are not admissible because they are informal information. Regarding item 9, 2 processes were carried out outside the LACAP - leasing contracts and a training report was submitted.
Request No. 366-UAIP-FGR-2022	Attorney General's Office	22/8/2022	5/9/2022	<p>§ Attorney General's Office (no unit specified):</p> <ul style="list-style-type: none"> - Number of convictions for crimes other than money laundering arising from suspicious transaction reports. - - Number of asset freezing or immobilization procedures (based on court order). - Number of confiscation proceedings. - Number of requests received for freezing orders from another country. - Value of assets frozen by court order. - Number of requests received for confiscation orders from another country. 	Restricted information.

Reference number	Institution	Date of application	Date of response	Information requested	Information provided
				<ul style="list-style-type: none"> - Value of assets confiscated in asset recovery cases. - Amounts recovered in asset recovery cases. - Amounts returned in asset recovery cases. Periods: years 2019, 2020 and 2021. 	
SIP-347-2022	Supreme Court of Justice	20/7/2022	23/8/2022	<p>Number of staff dedicated full time to money laundering cases.</p> <p>Number of money laundering convictions for crimes committed abroad. Periods: years 2019, 2020 and 2021.</p>	Nonexistent information
SIP-393-2022	Supreme Court of Justice	1/9/2022	20/09/2022	<p>Provide information on the degree or level of execution to date of the Corruption Prevention Strategy of the Judicial Branch, as well as the available documentation that supports the response; in addition, the expected time to complete its implementation. Periods: 2019, 2020 and 2021.</p>	Nonexistent information and justification
376-UAIP-FGR-2022	Attorney General's Office	1/9/2022	20/09/2022	<p>Provide statistical information on the number of forfeiture proceedings based on or related to money laundering offenses or linked to corruption cases abroad.</p> <p>Provide statistical information on amounts of money recovered through forfeiture proceedings based on or related to</p>	Restricted information

Reference number	Institution	Date of application	Date of response	Information requested	Information provided
				money laundering offenses or linked to corruption cases abroad. Periods: 2019, 2020 and 2021.	
UAIP 161-2022	Institute for Access to Public Information	1/9/2022	Pending	Provide documentation or available information on the implementation of IAIP's Integrity and Open Government Policy (document prepared with the support of USAID). Provide the Institutional Code of Ethics. Periods: 2019, 2020 and 2021.	Admission
40 SI 2022	Government Ethics Tribunal	1/9/2022	12/9/2022	Provide relevant documentation on the corruption risk mapping process and the results obtained from said process. Periods: 2019, 2020 and 2021.	Delivery of information, Work plan-risk mapping

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