



# Marked Setback in the Already Weak Democratic Institutions of El Salvador: Strongmen and Autocracy

A Discussion Paper by Celia Medrano

*Translated into English from the original Spanish version.*

In El Salvador, 2020 was a year marking serious setbacks in the already fragile democratic institutions of the country. The authoritarian practices exerted by the current executive branch support permanent confrontation with legislative and judicial agencies, the office of public prosecution, the independent press, and national and international organizations defending human rights.

The imposition of political objectives through the use of military and political force has been a constant, with one of its maximum expressions taking place February 9, 2020. That day, President Nayib Bukele tried to coerce legislators by militarizing the Legislative Assembly to force a positive vote for an international loan, supposedly aimed at strengthening his actions in public safety.

February 9 merits mention in the analysis and research that can be done on democratic frameworks, institutions, human rights, and the set of parameters given by the United Nations related to the guarantee of civic spaces: freedom of association, freedom to exercise the right to peaceful assembly, access to information, and freedom of expression.<sup>1</sup> An evaluation of the progress or regression of civic spaces in El Salvador starts with observing whether these rights are respected.

The freedom of expression, linked to exercising access to information, was probably the most violated right in 2020. It is important to also present the contexts in which those defending human rights and the independent communicators have been restricted, coerced, and attacked. This has been based on quieting or delegitimizing critical voices that denounce corruption, arbitrariness, failure to observe legality, links of government officials to organized crime, excusing of gender violence, and impunity that the governmental apparatus activates, both in its institutional structures and

through a broad network of progovernment activists who operate under open or acquiescent protection of the police and armed forces in the streets and on a wide range of virtual media.

From June 2019 to November 2020, the El Salvador Journalists' Association (Asociación de Periodistas de El Salvador) denounced a total of 100 violations of the free exercise of journalism,<sup>2</sup> which included serious public accusations against alternative means of communication made by the president during national radio and television broadcasts. For its part, the ombudsman's office recorded, in March and April alone, 84 violations of the right to access public information.<sup>3</sup>

In a letter sent in September to Bukele, Democratic members of the US House of Representatives and Senate stated their "deep concern for the growing hostility of his government toward independent means of communication and research."<sup>4</sup> In that same month, six Republican congressmen<sup>5</sup> expressed their concern about the regression of law in the state, the use of the military on February 9, failure to comply with court orders, and negotiations of government officials with gang members, specifically Mara Salvatrucha-13.

The complaints have increased significantly in the context of COVID-19. El Salvador is cited for violations of fundamental, constitutionally protected human rights in the need for protection against the pandemic. Bukele has publicly announced he will not follow the rulings of the Supreme Court of Justice that order him to respect constitutional norms and the competences corresponding to other state agencies, which has provoked calls from the UN high commissioner for human rights, who has pointed out that the president is "missing the fundamental principles of the [rule] of law."<sup>6</sup>



Despite the national and international calls, the situation appears to be worsening. Bukele has had close support from the former US ambassador in El Salvador, Ronald Johnson, and from the secretary general of the Organization of American States, who did not hesitate to call those who have warned about these authoritarian biases “hysterical voices.”<sup>7</sup>

The disrespect for institutionalism and the interstate control mechanisms have been a stamp on the government of Bukele that made the confrontation with the judicial and legislative branches a component of proselytizing strategy with regard to the political objective of earning majority seats in the Legislative Assembly in the February 2021 elections.

The practice by former governments of using military forces in their public safety work, an action contradicting the 1992 Chapultepec Peace Accords that ended the Salvadoran civil war, has always been implemented as an effective response to a short-term agenda goal of attracting electoral funding. The greatest cost of this practice has been to once again present the armed forces as opposition on the national political scene. A new national security bill is even on the agenda of the Legislative Assembly, that would create a legal framework for the use of military forces in issues of national security. This practice has been boosted by Bukele, who has responded to any social or political conflict that has arisen in barely a year and a half of governance with military force or by using militarized police forces.

In the short term, it is urgent that the international community double down on its efforts to support and strengthen the work of human rights defenders and journalists. In the medium term, it is important to focus on the fight against corruption and cooptation of organized crime in public administration, as well as limit the role of military forces, detaching them from their instrumentalization to impose, accumulate, and concentrate political power against citizen freedom for demanding their rights without fear of reprisal.

As far as a long-term course of action, this cannot be limited to just one country or region. This is about worldwide challenges that require the application of multinational, multidisciplinary, and inclusive approaches to applying response mechanisms and multilateral collaboration. In that sense, strengthening the inter-American system for protecting human rights, the International Human Rights Commission, and the commission’s court are mandatory, as well as not continuing to postpone an in-depth revision of the Organization of American States in the wager for democratic institutionalism, a key pillar that determines the strengthening of civic spaces on the continent.

## Endnotes

- 1 António Guterres, “Secretary-General’s Remarks to the UN Human Rights Council: ‘The Highest Aspiration: A Call to Action for Human Rights,’” United Nations, February 24, 2020,
- 2 Inter-American Commission for Human Rights, “Retrosos en el acceso a la información pública y restricciones al ejercicio periodístico en El Salvador,” audiencia temática [“Setbacks in access to public information and restrictions on the practice of journalism in El Salvador,” thematic audience], December 3, 2020.
- 3 Apolonio Tobar, procurador para la defensa de los derechos humanos de El Salvador [El Salvador human rights defense attorney], *Informe especial entregado a la Corte Suprema de Justicia por la Procuraduría para la Defensa de los Derechos Humanos* [Special Report for the Supreme Court of Justice from the Office of the Human Rights Defense Attorney], April 16, 2020.
- 4 Eliot L. Engel et al., Letter to the President of the Republic of El Salvador, US Foreign Affairs Committee, September 10, 2020.
- 5 David P. Joyce, Mario Díaz-Balart, Rodney Davis, Brian Fitzpatrick, Alex X. Mooney, and Francis Rooyen, Letter to the President of the Republic of El Salvador, US Congress, September 23, 2020.
- 6 Michele Bachellet, communique, Office of the High Commissioner for Human Rights, April 20, 2020.
- 7 Luis Almagro, “Secretario general de la OEA dice que hay ‘voces históricas’ por cada decisión que toma el presidente Nayib Bukele [Secretary General of the OAS says that there are “hysterical voices” for each decision made by President Nayib Bukele], communique, Secretaría de Prensa [Secretariat of the Press], Presidencia de la República de El Salvador [Presidency of the Republic of El Salvador], July 1, 2020.





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