

El Salvador

Western Hemisphere / **Central America**

CAPITAL San Salvador	TERRITORY 20,720 km ²	POPULATION (2020) 6,486,201.00	GDP TOTAL (2020) \$24.64B USD	GDP PER CAPITA (2020) \$3,798.63 USD	INCOME GROUP Lower middle income
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Convention Implementation

51.5

In progress

24th of 31 western hemisphere
8th of 8 Central American countries

Prevention

41.4

Core-deficient

Criminalization and law enforcement

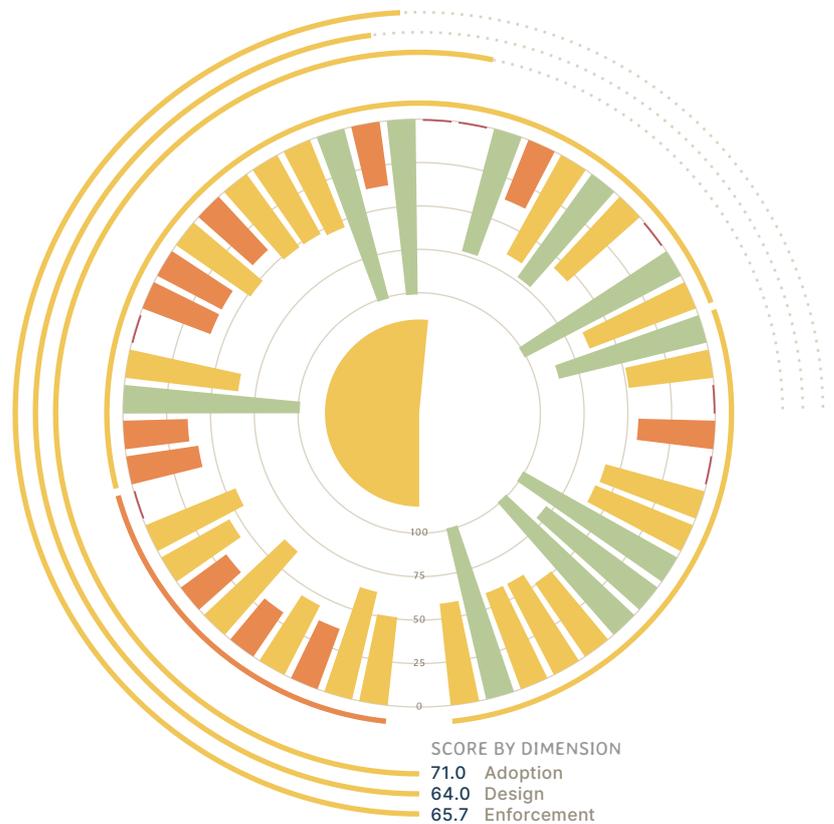
50.7

In progress

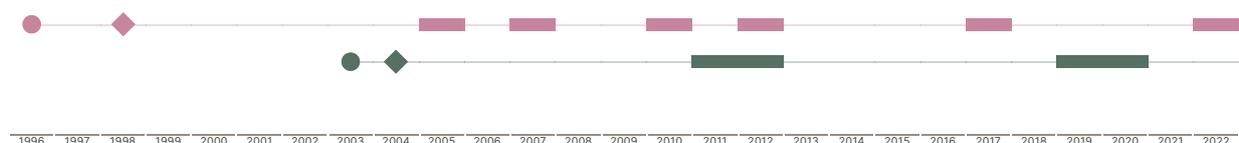
International cooperation

59.7

In progress



Anti-corruption conventions timeline



CONVENTIONS

- IACAC - Inter-American Convention Against Corruption
- UNCAC - United Nations Convention against Corruption
- OECD Anti-Bribery Convention

KEY EVENTS

- Signed
- Ratified/acceded
- Review rounds

Prevention

Core-deficient

41.4

✓ Adoption 77.5 ✎ Design 61.7 ⌚ Enforcement 50.0

Standards of Conduct In progress 50.0 ✓ 75.0 ✎ 66.7 ⌚ 66.7	Enforcement of Standards of Conduct In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Training of Public Officials Core-deficient 35.9 ✓ 50.0 ✎ 66.7 ⌚ 50.0	Asset and Conflicts of Interests Declarations Core-deficient 43.8 ✓ 100.0 ✎ 66.7 ⌚ 50.0	Transparency in Government Contracting Core-deficient 29.7 ✓ 100.0 ✎ 33.3 ⌚ 50.0
Elimination of Favorable Tax Treatment In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Oversight Bodies Core-deficient 31.3 ✓ 75.0 ✎ 66.7 ⌚ 33.3	Measures to Deter Domestic and Foreign Bribery Core-deficient 43.8 ✓ 100.0 ✎ 50.0 ⌚ 66.7	Encouraging Participation by Civil Society In progress 54.7 ✓ 75.0 ✎ 100.0 ⌚ 50.0	Study of Other Preventive Measures No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0

Criminalization and law enforcement

In progress

50.7

✓ Adoption 67.0 ✎ Design 56.7 ⌚ Enforcement 70.7

Protection of Those who Report Acts of Corruption Core-deficient 40.6 ✓ 75.0 ✎ 50.0 ⌚ 66.7	Scope Core-deficient 35.9 ✓ 50.0 ✎ 33.3 ⌚ 100.0	Jurisdiction: Offense-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-by-National In progress 64.1 ✓ 50.0 ✎ 66.7 ⌚ 100.0	Jurisdiction: Offender-in-Territory No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0
Passive Public Bribery Core-deficient 40.6 ✓ 75.0 ✎ 66.7 ⌚ 50.0	Active Public Bribery Core-deficient 40.6 ✓ 75.0 ✎ 66.7 ⌚ 50.0	Abuse of Functions In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Money Laundering Core-deficient 40.6 ✓ 75.0 ✎ 66.7 ⌚ 50.0	Participation and Attempt In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0
Active Foreign Bribery In progress 50.8 ✓ 100.0 ✎ 50.0 ⌚ 83.3	Illicit Enrichment In progress 53.1 ✓ 100.0 ✎ 66.7 ⌚ 66.7	Use of State Property Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Illicit Acquisition of a Benefit Core-deficient 35.9 ✓ 50.0 ✎ 33.3 ⌚ 100.0	Public Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Foreign Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Embezzlement In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Obstruction of Justice Core-deficient 35.9 ✓ 50.0 ✎ 33.3 ⌚ 100.0	Liability of Legal Persons In progress 64.1 ✓ 50.0 ✎ 66.7 ⌚ 100.0
Statute of Limitations In progress 71.9 ✓ 100.0 ✎ 66.7 ⌚ 100.0	Prosecution, Adjudication and Sanctions In progress 54.7 ✓ 75.0 ✎ 50.0 ⌚ 100.0	Consequences and Compensation No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Cooperation With Law Enforcement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Asset Recovery In progress 64.1 ✓ 50.0 ✎ 66.7 ⌚ 100.0

International cooperation

In progress

59.7

✓ Adoption 73.3 ✎ Design 77.8 ↻ Enforcement 67.8

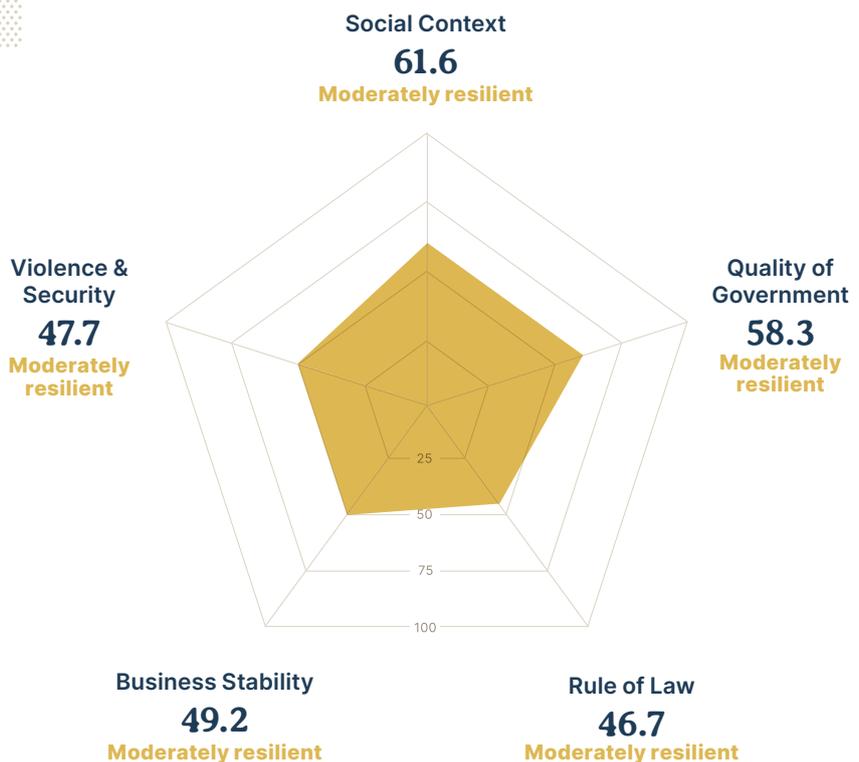


Corruption Resilience

52.7

Moderately resilient

20th of 31 western hemisphere
4th of 8 Central American countries



Analysis

Convention Implementation

El Salvador signed the Inter-American Convention Against Corruption (IACAC) on March 29, 1996, and ratified it on October 26, 1998. It is a State Party to the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) since June 4, 2001. The country also signed the United Nations Convention Against Corruption (UNCAC) on December 10, 2003, and subsequently ratified it on July 1, 2004. Accordingly, El Salvador has undergone five rounds of review under MESICIC, and one round of review under the UNCAC review mechanism.

El Salvador's record in implementing its commitments to IACAC and UNCAC exhibits a large number of failures and very few successes, with almost half of all measures committed to found to be deficient at core or unimplemented. With an overall score of 51.5, the measures adopted place the country in the lower level of compliance with international norms, surrounded by Grenada (50.8), Trinidad and Tobago (51.1), Dominican Republic (55.7), and Belize (58.1). Despite achieving higher success in regard to criminalization and international cooperation (as is the case throughout the region) the difference is not large enough to deserve attention for unequal distribution: prevention receives a score of 36.0, while criminalization and law enforcement receives 50.7—the largest among the three sections—and international cooperation 49.3. Therefore, it may be said that El Salvador's efforts are generally lacking across the range of measures required by the conventions.

The prevention of corruption is significantly deficient, classified as "core-deficient" and with the majority of measures found to be deficient, including transparency in government contracting (29.7), the state of oversight bodies (31.3), the training of public officials (35.9), among others. Furthermore, the study of preventive measures related to equitable compensation is considered to be fully missing. Within this section, only three measures reach the classification of "in progress": standards of conduct (50.0) and their enforcement (62.5), the initiatives to encourage the participation of civil society (54.7), and the elimination of favorable tax treatment for corrupt expenditure (62.5).

In terms of criminalization and law enforcement, El Salvador shows better results than those regarding prevention—yet, significant deficiencies remain, with almost half of all of measures within this section classified as core-deficient or not implemented. The country is found to have successfully implemented only one key commitment—actions to control

embezzlement in the public sector—whereas significant measures are found completely lacking—the criminalization of passive bribery of foreign officials and bribery in the private sector, as well as establishing broader consequences—such as the rescinding of contracts and obtaining compensation—for the commitment of corrupt offenses (all three of which are required by UNCAC). Other measures are found deficient at core, including those pertaining to the illicit acquisition of a benefit (i.e., influence trading), the obstruction of justice, the protection of those who report acts of corruption (i.e., whistleblower protection), active and passive bribery in the public sector, and money laundering.

El Salvador's record in promoting and engaging with international cooperation is somewhat lackluster as well, but achieving an average section score higher than that for criminalization and law enforcement (discussed in the previous paragraph). Among the few highlights identified here, the country is found compliant in its commitments to provide assistance without criminalization, the impossibility of invoking bank secrecy when considering a request for international assistance, and the regulation and application of special investigative techniques—such as electronic surveillance, undercover operations, etc.—and others. On the other hand, measures related to extradition are severely deficient, not least due to the fact that El Salvador does not recognize UNCAC as a legal basis for extradition and requires dual criminality. In this regard, the UNCAC review mechanism reports that "[t]he extradition of nationals is generally not permitted unless El Salvador has concluded a treaty that provides specifically for such extradition and stipulates reciprocity as a requirement."

Finally, the review of implementation and/or enforcement activities pertaining to several measures contained in this report could not be elaborated on due to the lack of information. El Salvador is frequently cited during MESICIC rounds as providing little or no statistical information to assess the level of implementation of legally adopted measures. This point is also brought forward by the UNCAC review mechanism. While lack of monitoring and data collection mechanisms is not solely found in El Salvador, the issue is worth emphasizing in order to support a more detailed and effective assessment.

Corruption Resilience

El Salvador's social context indicator declined by 6.3 points from the previous year—resulting in a score of 61.6 for 2020. The country's score falls below the Western Hemisphere regional average of 64.9 by

3.3 points. Since 2011, El Salvador's score has been steadily declining by approximately 2 points annually until 2018, when it started to see a slight increase in its score. The highest score that El Salvador has achieved for the social context indicator was in 2011 with 69.7. Within El Salvador, both political rights and civil liberties are respected and protected by a constitutional guarantee. Despite these guarantees for press freedom, the media still faces harassment, threats, and restrictions, particularly when investigating and reporting sensitive issues such as corruption and government financial activities. Since President Nayib Bukele took office in 2019, the media's freedom has been restricted, particularly those critical of the government and its current administration.

With regard to quality of government indicator, for El Salvador's score increased by 0.7 points from the previous year. The country's score surpassed the Western Hemisphere regional average by 7.7 points and fell within the 75th percentile for the indicator. Throughout the decade, the country's score varied, where its highest score was achieved in 2014 with 61.5, and its lowest score was 57.0 in 2018. El Salvador's indicators score for 2020 was mainly attributed to widespread corruption and an inefficient system of governance.

El Salvador's rule of law indicator increased by 0.1 points from the previous year—resulting in a score of 46.7 for 2020. Despite the increase from the previous year, the country's score is 4.4 points below

the Western Hemisphere regional average of 51.1. The decade range for El Salvador is 3.9 points, and El Salvador's highest score for the decade was 49.1 in 2014. The country's rule of law score for 2020 was largely influenced by a lack of judicial independence, as it remains susceptible to political pressure and corruption. In 2020, for example, President Bukele defied court orders on several occasions, particularly disregarding court orders related to the COVID-19 pandemic.

The country's business stability indicator declined by 2.3 points from the previous year—resulting in a score of 49.2 for 2020—which falls below the Western Hemisphere regional average of 50.5 by 1.3 points. Throughout the decade, the country's indicator has varied, where it achieved the highest score in 2010 with 59.0 and its lowest score in 2020. The country's indicator score is mainly attributed to widespread corruption and the lack of private sector policies.

El Salvador's violence and security indicator for 2020 increased from the previous year. Notwithstanding, the country's indicator score is below the Western Hemisphere average of 55.0 by 7.3 points. On a positive note, the country's indicator score has improved since 2010, gradually increasing from 29.2 toward its highest score of 47.7 in 2020. The decade range for the violence and security indicator is 18.5. El Salvador's indicator score is primarily affected by the country's status as a major transit point for drug trafficking within Central America.