



El Salvador: Authoritarian Actions and U.S. Response

Updated October 1, 2021

On September 3, 2021, the Salvadoran Supreme Court's Constitutional Chamber **ruled** that a president could serve two consecutive terms, despite constitutional prohibitions on reelection. The justices who issued the ruling were installed in May 2021 after the Salvadoran National Assembly, aligned with President Nayib Bukele, **unconstitutionally dismissed** the previous Constitutional Court magistrates, along with the attorney general. These developments, combined with other Bukele-backed measures to erode the separation of powers and repress dissent, have led the Biden Administration, some Members of Congress, and other observers to express concerns about democratic backsliding in El Salvador.

Democratic Backsliding

On June 1, 2019, Bukele, a businessperson and former mayor of San Salvador, took office for a five-year presidential term after winning a **first-round victory** as an outsider standing for the Grand Alliance for National Unity (GANU) party. His New Ideas party was not yet eligible to field candidates. Born in 1981, Bukele is the first president to come of age politically after the 1980-1992 civil conflict and the first presidential candidate in 30 years to win without support from the conservative National Republican Alliance (ARENA) party or the leftist Farabundo Martí National Liberation Front (FMLN) party.

Bukele has governed as a populist, **using social media** to communicate with supporters, make policy declarations, purge officials, and attack opponents. Through 2020, Bukele battled with the legislature and the Supreme Court over funds he sought for his security plan and his aggressive enforcement of a Coronavirus Disease 2019 (COVID-19) pandemic quarantine. In February 2020, Bukele **ordered the military** to surround the National Assembly in an effort to intimidate legislators into approving an anti-crime bill. He **ignored and criticized** Supreme Court rulings for him to respect constitutional rights and legislative decisions during the pandemic. Although Bukele remained popular, critics warned about his authoritarian tendencies and possible **ties to organized crime**. In February 2021, New Ideas and its allies **won a supermajority** in parliamentary elections.

Legislature Removing Checks on Presidential Power

On May 1, 2021, the National Assembly deputies elected in February took office. Unlike the outgoing legislature, the 84-seat National Assembly is dominated by Bukele's New Ideas (56 seats) and allied

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IN11658

parties. New Ideas deputies hastily presented charges against and [dismissed](#) five Constitutional Court magistrates for inhibiting the government's pandemic response. On May 2, legislators dismissed the attorney general, Raul Melara, for having ties to ARENA; Melara had been investigating [corruption](#) in Bukele's Cabinet and [Bukele-gang negotiations](#). The [U.N. High Commissioner for Human Rights](#) and others criticized the legislature's actions for violating judicial independence.

Since May, Bukele, the legislature, and the new attorney general (who [reportedly](#) worked for a [U.S.-sanctioned subsidiary](#) of Venezuela's state oil company) have shut down investigations into corruption in the Bukele government while harassing and arresting government opponents. Bukele [ended](#) cooperation with an Organization of American States-supported international commission against impunity. The National Assembly passed a law granting [immunity from prosecution](#) to anyone involved in pandemic spending but created a commission to investigate corruption in past governments. Thus far, the commission's work, referred to the attorney general, has resulted in [arrest orders for former FMLN officials](#). The Bukele government has [deported foreign journalists](#), [harassed human rights activists and civil society groups](#), and sought to [limit international support](#) for government critics. In August, the legislature passed a [judicial reform](#) mandating the retirement of all judges over the age of 60; the controversial law affects more than 150 judges, including the judge who has presided over the emblematic trial of military officials involved in the civil war-era [El Mozote massacre](#).

The legislature has supported Bukele's controversial proposals, including an initiative to [adopt bitcoin](#) as a form of legal tender. The International Monetary Fund (IMF) has [expressed concerns](#) about El Salvador's decision to adopt bitcoin due to the currency's vulnerability to money laundering but has continued negotiations for a roughly \$1 billion loan to the country. The currency's entry into force on September 7 prompted [rare protests](#) against Bukele.

U.S. Policy

The Biden Administration has made [combating corruption](#) a key part of its [strategy](#) to address the root causes of migration from Central America. In May, the State Department [declassified](#), pursuant to P.L. 116-260, a report to Congress on corrupt Northern Triangle officials that listed five current and former Salvadoran politicians. In July, the State Department [released](#) a list of officials subject to visa restrictions for corruption or undemocratic actions pursuant to Section 353 of P.L. 116-260; it included 14 Salvadoran officials, including Bukele's Cabinet chief, legal adviser, and labor minister. In August, State [announced](#) new visa restrictions under Section 212 (a)(3)(C) of the Immigration and Nationality Act that can apply to corrupt current or former Salvadoran officials and their families. In September, State [added](#) the five judges on El Salvador's Constitutional Chamber to the Section 353 sanctions list for their unconstitutional ruling allowing presidential re-election.

The Administration also has expressed concerns about the erosion of democratic institutions in El Salvador. On May 2, Secretary of State Antony Blinken [called](#) President Bukele to express concern about the dismissals of the country's Constitutional Court magistrates and attorney general. U.S. Agency for International Development (USAID) [Administrator Samantha Power reprogramed](#) foreign aid from supporting government agencies to bolstering civil society following the dismissals and [reiterated](#) U.S. concerns about the rule of law in El Salvador during a June visit. On September 5, the State Department [denounced](#) the court ruling allowing reelection as damaging to democracy and bilateral relations.

Many in Congress are monitoring events in El Salvador and U.S. policy responses. On May 19, the House Foreign Affairs Committee reported H.Res. 408, urging the Salvadoran government to respect the country's democratic institutions. Congress also is assessing the Biden Administration's \$860.6 million FY2022 request for assistance to Central America, which includes at least \$95.8 million for El Salvador. The House-passed version of the FY2022 State and Foreign Operations appropriations measure (H.R. 4373) would provide \$860.6 million in assistance for Central America but would prohibit Foreign

Military Financing for El Salvador and withhold 75% of assistance to the central government until nine conditions are met.

See CRS Report R43616, *El Salvador: Background and U.S. Relations*, by Clare Ribando Seelke.

Author Information

Clare Ribando Seelke
Specialist in Latin American Affairs

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