



Advocacy for Human Rights in the Americas



University Institute  
for Public Opinion

(AP Photo: Luis Romero)



## EL SALVADOR'S JUSTICE SYSTEM

Evaluating Capacity Building and Judicial  
Independence

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The researcher and WOLA are exclusively responsible for the opinions expressed in this document, which do not necessarily reflect the opinion of the sponsors of this publication.

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# INTRODUCTION

In the last decade, the problem of insecurity and impunity has deeply affected the people of Guatemala, El Salvador and Honduras, making this region (known as the Northern Triangle of Central America) one of the most violent in the world. High levels of violence, corruption, and impunity have undermined these states' capacity to build accessible and efficient institutions, and address the needs of their populations.

The absence of effective responses has weakened citizens' confidence in state institutions, leading to an alarming number of people who have been internally displaced or forced to migrate to other countries to escape the violence and lack of economic opportunities.

In the face of this situation, the Washington Office on Latin America (WOLA), the University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA) of El Salvador, the University Institute on Democracy, Peace and Security (IUDPAS) of Honduras, and the Myrna Mack Foundation (FMM) of Guatemala have developed a tool for monitoring and evaluating the policies and strategies currently being implemented in Guatemala, Honduras, and El Salvador to reduce insecurity and violence, strengthen the rule of law, improve transparency and accountability, protect human rights, and fight corruption. This initiative has been made possible thanks to the support of the Latin America Division of the Swiss Agency for Development and Cooperation, the Tinker Foundation, the Seattle International Foundation (SIF), and the Moriah Foundation.

## THE CENTRAL AMERICA MONITOR

The Central America Monitor is based on the premise that accurate, objective, and complete data and information are necessary to reduce the high levels of violence and insecurity, and establish rule of law and governance in a democratic state. This will allow efforts to move beyond abstract discussions of

reform to specific measures of change.

The Monitor is based on a series of more than 100 quantitative and qualitative indicators that allow a more profound level of analysis of the successes or setbacks made in eight key areas in each of the three countries.<sup>1</sup> More than a comprehensive list, the indicators seek to identify a way to examine and assess the level of progress of the three countries in strengthening the rule of law and democratic institutions. The indicators seek to identify the main challenges in each of the selected areas and examine how institutions are (or are not) being strengthened over time. The Monitor uses information from different sources, including official documents and statistics, surveys, interviews, information from emblematic cases, and analysis of existing laws and regulations.

The indicators were developed over several months in a process that included an extensive review of international standards and consultation with experts. The eight areas analyzed by the Monitor include:

- 1. Strengthening the capacity of the justice system;**
2. Cooperation with anti-impunity commissions;
3. Combatting corruption;
4. Tackling violence and organized crime;
5. Strengthening civilian police forces;
6. Limiting the role of the armed forces in public security activities;
7. Protecting human rights;
8. Improving transparency;

The Monitor reports are published by area and by country. The first series of reports will serve as the baseline for subsequent analysis, which will be updated annually. Each annual series of reports will be analyzed in comparison with reports from the previous year. This allows researchers, civil society organizations, and other actors to assess the level

of progress in strengthening the rule of law and reducing insecurity.

The first round of Monitor reports will primarily focus on data sets from an approximate 4-year time period; 2014 to 2017, in order to provide a snapshot of Central America's institutions before and after the 2015 launching of the multi-billion dollar Alliance for Prosperity.

The Monitor will serve as a tool for searchable, easy-to-comprehend data, delineating trends, progress, patterns, and gaps within and between the three countries of the Northern Triangle. The data, graphics, charts, and reports will be available on the Monitor's website.

## PROCEDURE FOR COLLECTING AND SYSTEMATIZING INFORMATION

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The quantitative data in this report was obtained via the bibliographic review of official reports, institutional annals, and relevant information available on the official transparency web pages of the government bodies analyzed. In addition, requests for statistical information were made via the Public Information Access Law (*Ley de Acceso a la Información Pública*, LAIP) of El Salvador, which establishes a specific process by which government agencies must receive information requests and respond within a set timeframe.

We decided that the report's primary data would be obtained via public information requests, in order to evaluate the effectiveness of El Salvador's transparency laws, including the response rate to information requests and the degree of cooperation by the various criminal justice bodies that were petitioned.

Both El Salvador's Judiciary and the Finance Ministry maintain highly transparent web pages, with extensive information on jurisdictional and budgetary activities made publicly available.

However, accessing relevant information about criminal defense and prosecutions from the Public Defender's Office of the Republic (Procuraduría General de la República, PGR) and the Office of the Prosecutor General of the Republic (Fiscalía General de la República, FGR) was challenging in part due to changes in institutional management. With every new administration,<sup>2</sup> these offices significantly change what types of information are made available to the public. This underscores the overall lack of protocols that would determine what types of information cannot be suppressed, regardless of any changes in institutional leadership. In general, this practice contradicts the principle of maximum disclosure central to any effective government transparency laws, as the right to access information must be limited only exceptionally. One would expect that with each change in institutional leadership, more information would be made available to Salvadoran citizens, with the goal of making the government ever more transparent.

Concerning the response of the Salvadoran government to our information requests, it is important to note that the majority of government entities consulted were unable to provide a response within the timeframe stipulated by law (15 days); by making use of extensions to delay responses to the information requests. In addition, the Judiciary failed to provide detailed information about its operations nationwide, including information on the national court system and the courts' respective jurisdiction over different types of law. This information request was denied based on the argument that the official guidelines for judicial officials (known in Spanish as the *Sección de Acuerdos de Funcionarios Judiciales*) does not establish either a system or informational platform that would allow for the consultation or the publication of such information. This is especially strange given that El Salvador's Judiciary does not lack access to the funds needed to produce detailed statistical data on the Judiciary at a national level. Another challenge was that agencies such as the FGR made arbitrary use of precautions or "clarifications" regarding the information requests, which had the immediate effect of delaying the process and thereby prolonging response times. In this sense, generally speaking all government bodies consulted for this



report were deficient in terms of disaggregating information relevant to analyzing the indicators in question.

In addition, the systematization of the information collected for this report was thoroughly cross-checked, in order to better consolidate annual figures for the various indicators under review. Some of these indicators (especially those related to staffing levels at El Salvador's justice agencies) were requested in the form of geographic data, in order to better analyze how staffing levels are concentrated and distributed nationwide across El Salvador's justice system.

Aware of the possibility that some Salvadoran justice bodies would not promptly reply or cooperate with information requests, and with the aim of painting a fuller picture of the country's justice sector, this research also included an analysis of media reports, particularly in the section examining the vulnerability of judicial personnel and their exposure to violence. In addition, research for this report used quantitative information drawn from opinion studies on citizen confidence and satisfaction levels regarding the work of El Salvador's justice sector.

# KEY FINDINGS

- As of 2017, the criminal justice system has some sort of venue or facility for every 23 square kilometers. The FGR has one prosecutor's office for every 726 square kilometers; the PGR has one auxiliary public defender's office for every 1,169 square kilometers; the Institute of Forensic Medicine (*Instituto de Medicina Legal*, IML) has one forensic office for every 3,006 square kilometers; and the judicial branch has one venue with competence in criminal matters for every 44 square kilometers. This data highlights the difficulties El Salvador's justice sector has faced in distributing its services nationwide, as well as the potential emergence of bottlenecks and delays in the face of high demand for these services.
- The data shows staffing levels at El Salvador's justice institutions experienced fluctuations during the time period (2014-2017) covered in this report. Over this four-year period, the PGR reported a 1.2 percent increase in public defenders with competence in criminal matters (3 public defenders); the FGR registered an 8.3 percent rise in prosecutors in this same branch of law (44 public defenders); the Judiciary (*Organo Judicial*, OJ) registered a 4.3 percent increase in judges with competence in criminal matters (23 judges); and the IML reported a 17.9 percent increase in forensic doctors (30 doctors).
- The PGR and the IML are the criminal justice bodies with the lowest personnel levels per every 100,000 inhabitants. The PGR only has four public defenders with competence in criminal matters for every 100,000 inhabitants, while the IML has three medical examiners for every 100,000 people in El Salvador. Meanwhile, the FGR and the Judiciary have eight judges and eight prosecutors with competence in criminal matters for every 100,000 inhabitants. With the exception of the FGR, in all the other cases, the staffing levels in El Salvador's justice institutions are well below international standards for the administration of justice.
- Another issue is the low ratio of staffers dedicated to prosecuting and investigating crimes, when compared to the total number of personnel employed at each institution, as reported in their respective budget requests. For example, the PGR reports that the number of public defenders active during 2014-2017 period represented approximately 18 percent of all its personnel. In contrast, up to 30 percent of the FGR's personnel is made up of prosecutors, with 6 percent of those working in special prosecutor offices. Finally, of the personnel employed by El Salvador's Judiciary, 5 percent of the positions correspond to judges with competence in criminal matters.
- In terms of the efficiency of El Salvador's justice institutions with respect to the demand for services, there are challenges when it comes to triangulating the available data. The PGR recorded a total of 1,586 active cases during 2014-2017, which corresponds to one active case for every public defender per year, approximately. However, this doesn't cover other aspects of a public defender's workload, such as providing technical assistance, frequently the most in-demand service from public defenders. In the case of the FGR, its official records show that a total of 373,991 cases were initiated in prosecutor's offices during the same four-year time period. Prosecutors also filed charges (*requerimientos fiscales*) in an additional 160,763 cases over the four-year period, representing a total average workload of more than 200 cases per prosecutor. In the case of the IML, it is estimated that during the four-year period covered in this report, on average each medical examiner has been in charge of about 278 annual procedures, including forensic

examinations, the removal of corpses, and autopsies. Finally, in the case of criminal court judges, it is estimated that, over this same time period, each judge has had an annual workload of between 337 to 348 cases. However, it is important to note that these statistics do not cover qualitative factors related to the administration of justice, such as the complexity of the offense, the number of accused involved, the concurrence of various criminal offenses, among other factors—all which require additional investment of time and resources.

- In terms of how citizens view El Salvador's justice sector, various opinion studies carried out by the Iudop during 2014–2017 showed low levels of credibility and citizen satisfaction with judicial institutions. During the time period covered in this report, neither the PGR, nor the FGR, nor the OJ had attained the confidence of even one-sixth of survey respondents. Survey respondents did report higher levels of confidence in the PGR than the Supreme Court in 2014 and 2015; confidence in the FGR also showed significant improvement in 2016 and 2017 versus 2015, exceeding the confidence levels reported for the PGR and the OJ. Notably, survey results showed the lowest levels of confidence in El Salvador's justice institutions in 2015, the most violent year in El Salvador's history. That year, scarcely 1 in every 10 Salvadorans expressed having great confidence in the PGR, FGR, or the Judiciary.
- In terms of the independence of El Salvador's justice sector, there are information gaps—including in some cases a lack of institutional documents—that would allow for a more detailed review of how the country's judicial bodies select, evaluate, and discipline personnel. It is important to mention that evidence exists showing how undue political influence interfered in the selection of key leadership positions at the PGR, FGR, and the Judiciary. Various national and international bodies have stressed the need to eliminate partisan politics in the selection processes for top-tier justice officials, in order to further strengthen rule of law and democracy in El Salvador.
- During the time period covered in this report, data shows that the PGR, FGR, IML, and OJ accounted for just above 7 percent of El Salvador's overall national budget. The Judiciary is the only judicial body with a budgetary allotment specified by the Constitution; it must receive an annual allocation equivalent to at least 6 percent of the state's current revenue.<sup>3</sup>
- According to Finance Ministry data, the judicial institution that received the lowest allocation of resources throughout 2014–2017 is the PGR, with a budget ranging from \$24 million to \$26 million. Meanwhile, according to information made public by the Finance Ministry, the FGR registered the largest increase in resources during the same time period: between 2014 and 2017, its budget rose by \$24,811,345.
- Much of the budgetary resources allocated to El Salvador's justice institutions go



towards paying salaries. In the case of the PGR, during the 2014-2017 period, salaries have absorbed approximately 90 percent of its total budget. At the FGR, this category represented 61 percent of its resources from 2014-2017. And in the case of the OJ, in 2016 and 2017, salaries represented more than 70 percent of its budget.

- According to information made available by the Finance Ministry, the FGR, the IML, and the judicial branch all face difficulties in terms of effectively executing their budgets. The FGR reported an average annual surplus of \$4 million during 2014-2017; the IML recorded an average annual surplus of \$3 million; while the OJ registered an average annual surplus exceeding \$26 million. Meanwhile, of the judicial bodies examined in this report, the PGR experienced the greatest budgetary deficiencies during 2014-2017, as the agency had to request an additional \$1.6 million in order to meet its financial obligations during that time period.

# THE JUSTICE SYSTEM IN EL SALVADOR

## Evaluating Capacity Building and Judicial Independence

El Salvador's justice system has been the focus of attention of various state modernization efforts since the 1992 signing of the Peace Accords. However, there are still crucial problems related to technical shortcomings in the investigation and prosecution of various criminal offenses. Furthermore, "the slowness in processing cases, vulnerability to corruption, meddling by political groups, and the prevalence of policies aimed at hardening sentences" erode public credibility in the justice sector.<sup>4</sup>

This first report of the Central America Monitor produced by the University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA) of El Salvador aims to define a baseline for the indicators related to analyzing the capacity and independence of the Salvadoran

criminal justice system and the main institutions that compose it.

In this report, analysis of the justice system is centered on the main institutions involved in the criminal justice process: the PGR, the FGR, the judicial branch—in particular, the CSJ—and the IML.

This document presents empirical evidence, drawn from official data, of the material and budget-related differences between El Salvador's various criminal justice bodies, with the aim of providing a guide for future efforts that seek to impact the criminal justice system and benefit the citizenry. The following tables summarize the functions of each of these entities, as well as the scope of information being produced in the framework of this report.

### PUBLIC DEFENDER'S OFFICE (PGR)

According to Article 194, Section II of the Constitution, the Public Defender's Office of the Republic is responsible for:

1. Safeguarding the defense of families and individuals and the interests of children and others who may be incapable.
2. Providing legal assistance to low-income people and representing them in legal matters to defend their individual liberty and labor rights..."

As part of the Department of Justice, this institution has financial, organizational, and functional autonomy. This report will focus particularly on

analyzing the body's work on public defense in criminal matters, given that the legal defense of Salvadorans' freedoms should be public, free, universal, and of high quality in order to guarantee due process.

To fulfill its constitutional mandate, the Public Defender oversees a Deputy Public Defender for Psychosocial, Preventative, Criminal Public Defense and Legal Practice, who also oversees a National Coordinator for the Public Defenders' Unit. This unit has a national reach through different Auxiliary Public Defenders' Offices as well as local offices.

*Source: Constitution, 1983*<sup>5</sup>

## ATTORNEY GENERAL'S OFFICE (FGR)

According to Article 193 of the Constitution, the Attorney General's Office of the Republic is responsible for:

1. Defending state and societal interests.
2. Promoting justice, officially or at the petition of another party, to defend the rule of law.
3. Directing criminal investigations in cooperation with the PNC in a lawful manner.
4. Promoting penal action officially or upon the petition of another party..."

Similar to other state institutions that fall under the Department of Justice, the FGR has a mandate in criminal matters and a responsibility to file charges with the Judiciary and prosecute cases for crimes committed in the country. To fulfill its constitutional mandate, the FGR also maintains financial, organizational, and functional independence from other agencies within the Department of Justice. The FGR is comprised of regional Societal Defense Directorates, each of which oversee a number of offices with public prosecutors across the country.

*Source: Constitution, 1983*

## INSTITUTE OF FORENSIC MEDICINE (IML)

According to Article 98 of the Organic Judicial Law (*Ley Orgánica Judicial*, LOJ), the Institute of Forensic Medicine's mandate is "to provide expert services, in an independent manner, for which it shall make necessary pronouncements in accordance with the law."

The IML falls under the judicial branch and is charged with technical examinations for homicides (autopsies) or body identifications (in the case of crimes involving abuse or rape) that help provide

evidence in criminal cases that harm an individual's life or physical integrity or inflict sexual violence.

It is important to highlight that the IML's governing board includes three of the Judiciary's highest-ranking public officials. According to the LOJ, this institution is comprised of regional offices established across the country.<sup>6</sup>

*Source: Constitution, 1983*

## THE JUDICIARY (OJ) AND THE SUPREME COURT OF JUSTICE (CSJ)

According to Article 172 of the Constitution, "the power to judge and administer judgments in constitutional, civil, criminal, trade, labor, agrarian and administrative-legal matters, as well as other matters determined by the law, fall exclusively to this body."

In El Salvador, the Judiciary is composed of all courts of justice. The CSJ is composed of 15 magistrates, who are divided among four Chambers with competence in constitutional, criminal, civil, and legal-administrative matters. Altogether, these Chambers represent the country's highest court.

This report will only analyze courts and tribunals with competence in common and specialized criminal matters, as well as those with authority to hear criminal cases regarding children that conflict with the law. This scope

seeks to reveal the large number of cases heard by these courts whose work is directly linked to the administration of justice and, therefore, is important to the country's security.

*Source: Constitution, 1983*

It is important to mention that the following institutions, which also form part of El Salvador's justice system, have not been taken into account in this report: the National Civilian Police (Policía Nacional Civil, PNC), the General Directorate of Penal Centers (Dirección General de Centros Penales, DGCP), the General Directorate of Intermediate Centers (Dirección General de Centros Intermedios, DGCI), and the Salvadoran Institute for the Comprehensive

Development of Children and Adolescents (Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia, ISNA). Matters related to the PNC will be addressed in subsequent installments of the Central America Monitor reports. Additionally, this report will touch on the geographical coverage of police stations and the prison system nationwide in the "Geographic Coverage" section.

## CAPACITY OF THE JUSTICE SYSTEM

### GEOGRAPHIC COVERAGE

Central to evaluating the Salvadoran judicial system's capacity is examining the institutional coverage of the judicial bodies in question. Upon analyzing the structures of the judicial institutions that are the focus of this report, it seems clear that El Salvador's security and justice systems lack shared coverage and rarely coincide in their geographical distribution across the country.

At a national level, 2014-2017 saw minimal changes to where security and justice-related offices were based. This may be due to the fact that opening a new office not only requires availability and allocation of resources and equipment, but also requires hiring and deploying qualified personnel to do the work as required by each respective justice agency.

During the time period covered in this report, neither the PGR, FGR, nor IML reported changes in their total number of offices across the country. The OJ did see an increase in coverage with the opening

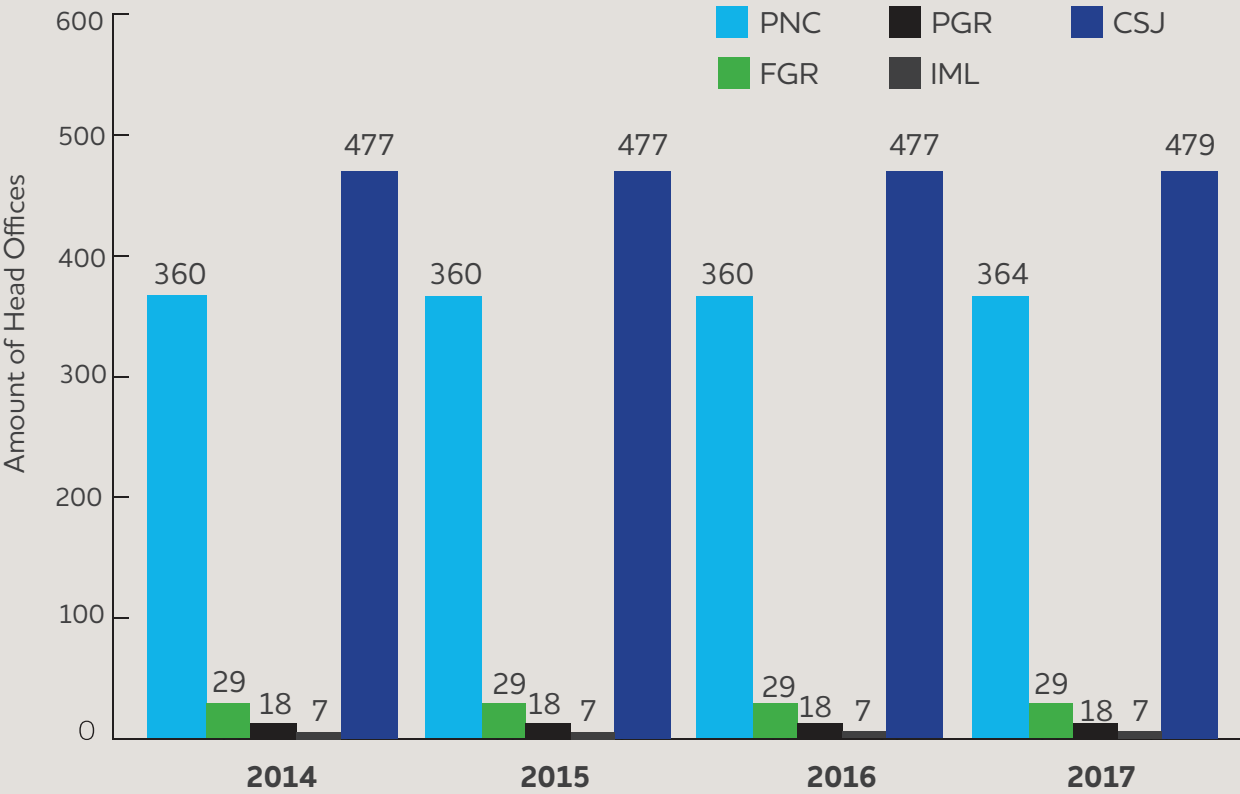
of two special courts as mandated by the Special Comprehensive Law for a Violence-Free Life for Women (Ley Especial Integral para una Vida Libre de Violencia para las Mujeres). In the case of the PNC, its expansion was modest during 2014-2017, with new police facilities opening in the municipalities of Arambala (Morazán department), Monte San Juan (Cuscatlán department) and Lourdes Colón (La Libertad department); with an additional precinct established in the port of Acajutla (Sonsonate department).

As of 2017, a total of 897 security and justice facilities were distributed across El Salvador's national territory (21,041 square kilometers), corresponding to one site for every 23 square kilometers. The Judiciary bodies with the greatest number of sites per square kilometer are the Judiciary and the PNC. In the first case, 67 percent of the coverage provided by the Judiciary is concentrated in the justice of the peace courts distributed across El Salvador's 262

municipalities. Crucially, this means there is no municipality in the country that lacks a justice of the peace. In the case of the PNC, 71 percent of its coverage consists of police stations and rural bases. However, in contrast to the judiciary, by the time this report was finalized the PNC

did not have a presence in all municipalities nationwide (with the Yyantique and San José de la Fuente municipalities in La Unión department serving as examples). The following graph shows the number of security and justice facilities at a national level during 2014-2017.

**GRAPH 1**  
**NUMBER OF JUSTICE AND SECURITY OFFICES AT A NATIONAL LEVEL, 2014-2017**



Source: PNC, PGR, FGR, IML and CSJ



As the previous graph indicates, as of 2017, the PNC had 364 police facilities nationwide, or one police facility every 58 square kilometers. These facilities are distributed under the following hierarchy: at the top are precincts, responsible for overseeing “all police units within a circumscribed territory.” Under law, each department in El Salvador can distribute the locations of precincts depending on the characteristics of each respective department.<sup>7</sup> Below the precincts are the sub-precincts, which are smaller-scale units that report directly to the precincts and depend on them operationally. Next are the police stations, which handle the greatest amount of contact with the civilian population. According to information provided by the PNC, there are 19 precincts, 85 sub-precincts, and 244 police stations nationwide, as well as 16 rural bases.

Regarding the distribution of FGR offices that focus on prosecuting crimes, throughout 2014–2017 there was just one prosecutor’s office per every 726 square kilometers. During that time period, according to the FGR’s official organizational structure, there were 18 prosecutor’s offices distributed in four regions: the western area, the metropolitan area, the central area, and the eastern area. In addition, the FGR has nine specialized offices that engage in activities linked to the investigation of complex crimes; there is also a financial investigation unit and another unit charged with criminal investigations to protect state interests. It is important to note that 51.7 percent of the prosecutor’s offices aimed at initiating criminal proceedings (15 offices) are concentrated within the main municipalities of the metropolitan area of San Salvador department. With the exception of La Libertad department, which has two prosecutor’s offices, the rest of the country’s departments have just one available.

The nine specialized offices—the anti-gang and homicide unit, the anti-organized crime unit, the anti-extortion unit, the anti-human trafficking and human smuggling unit, the larceny and vehicle theft unit, the anti-corruption unit, the anti-drug trafficking unit, the asset forfeiture unit, and the anti-money laundering unit—are all located in the capital, but their investigative capabilities extend nationwide.

In addition, according to the FGR’s official reports, there is also the Financial Investigation Unit (*Unidad de Investigación Financiera*, UIF), charged with detecting and preventing activities associated with money and asset laundering. Beyond enforcing the criminal code and secondary laws against money laundering, the UIF also ensures compliance with laws regulating the national banking system, the advancement of micro and small enterprises, and customs transactions nationwide. Just like the specialized prosecutorial units mentioned previously, the UIF has national jurisdiction but is physically located in the capital.

Another special prosecutor’s office is the State Penal Unit (*Unidad Penal del Estado*). According to the official manual describing the State Penal Unit’s organization and functions, its primary responsibility is the investigation and prosecution of crimes involving state patrimony. In particular, the Unit is responsible for prosecuting crimes involving public funds. It is physically located in the capital and has nationwide jurisdiction to conduct investigations.

With regard to the coverage of El Salvador’s national public defender’s office, according to the PGR’s directory, there are 17 auxiliary public defender’s offices distributed nationwide, in addition to the institution’s central headquarters, which also provides legal assistance services to detainees under investigation. In total, it is estimated that the PGR system has one auxiliary public defender’s office per every 1,169 square kilometers. Meanwhile, their distribution within the country’s departments is very similar to the coverage provided by prosecutor’s offices. The San Salvador Metropolitan Area is home to 22.2 percent (four locations) of the auxiliary public defender’s offices. Unlike the FGR, the PGR has two auxiliary offices in the department of Santa Ana and just one in the rest of the departments.

In the case of the coverage provided by El Salvador’s national forensic science office, according to information provided by the IML, there are seven regional facilities, or one forensic office per every 3,006 square kilometers. Of the various judicial bodies that are the focus of this report, the IML has the smallest amount of nationwide coverage. This is especially striking when considering that, according

to official data from the Judiciary, in 2017 the IML carried out 3,932 body identifications on homicide victims, which would correspond to 562 body identifications per forensic office. However, in terms of geographic distribution, 30.5 percent of these homicides were concentrated in San Salvador department (1,210 identifications), meaning the IML's central headquarters faces the highest levels of demand nationwide.

Comparatively, national coverage of El Salvador's court system is much greater due to the hierarchical organization of the courts with criminal jurisdiction. Those that handle the greatest amount of contact with citizens are the justice of the peace courts, which are present in all 262 of El Salvador's municipalities. In general, there is at least one justice of the peace for every municipality; several municipalities have more, including San Salvador (which has 15 justice of the peace courts); Santa Ana, San Miguel, and Soyapango (which have four each); and other municipalities that have between two and three peace courts each.

Throughout 2014-2017, these courts have not varied in number, holding steady at 322. They are the first point of contact for members of the population facing ordinary criminal proceedings, as the courts are responsible for processing preliminary information "on the commission of a criminal offense"<sup>8</sup>. According to information made publicly available by the Judiciary, there is one justice of the peace court per every 65.3 square kilometers. This means that, even if we are only considering the geographic coverage of the justice of the peace courts alone, El Salvador's Judiciary has the greatest territorial reach out of all the judicial institutions examined in this report.

Overall, taking into account all the judicial venues with competence in criminal matters nationwide

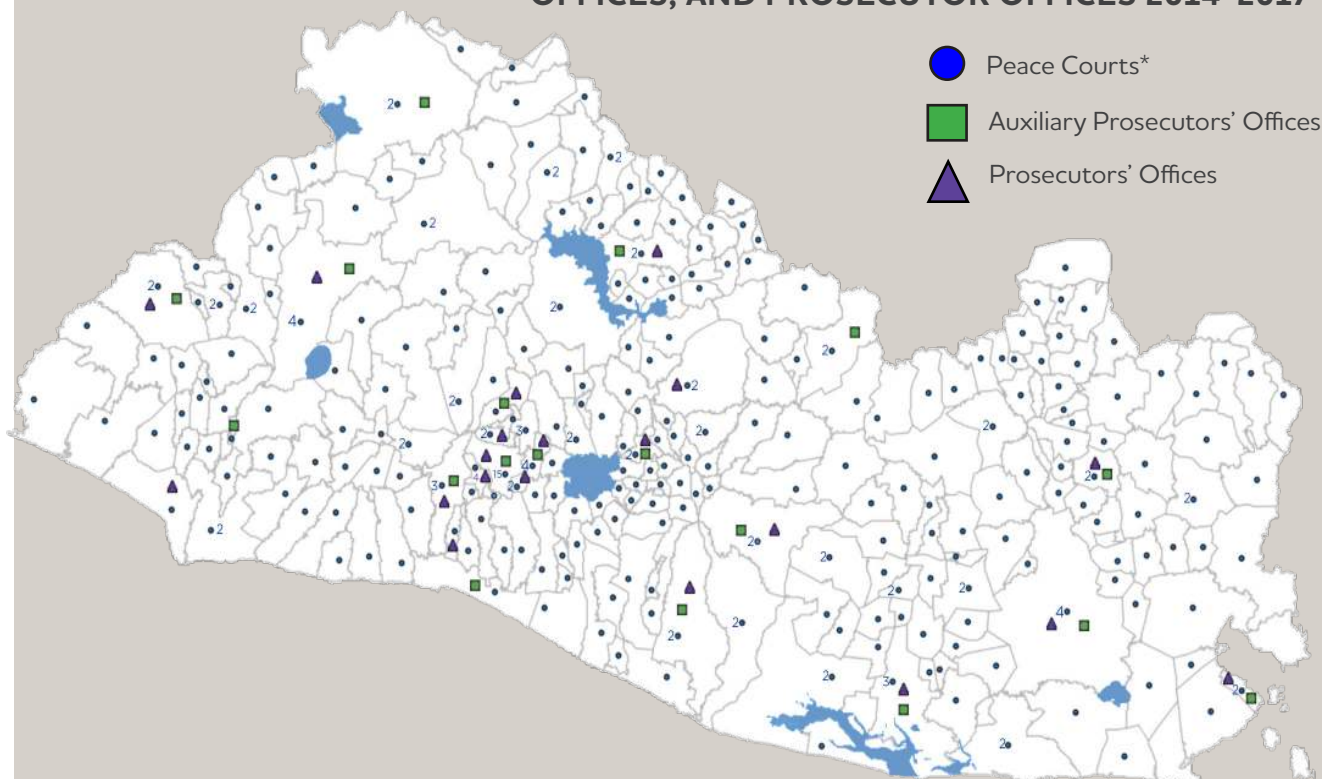
(between 477 to 479 tribunals and courts), the territorial coverage of El Salvador's judicial branch consists of approximately one site per every 44 square kilometers. It is worth noting that the PGR, FGR, and IML have opted to concentrate their investigative capacity and resources in their respective departmental and regional headquarters. In that sense, one could say these entities have a smaller number of functional offices nationwide, when compared to the geographical distribution of the PNC and the Judiciary. This accounts for some of the organizational difficulties faced by these institutions, as the high nationwide demand for their services has created several bottlenecks. The diagram on the following page shows the coverage of the justice of the peace courts nationwide, in relation to the offices of the PGR and FGR throughout 2014-2017.<sup>9</sup> With regard to the proportion of judicial institution offices by department, it is worth noting that, while all these judicial bodies are present in El Salvador's 14 departments, this relationship is disproportionate when considering the judicial branch's coverage.

El Salvador's Judiciary has 479 venues deemed competent in criminal matters nationwide; with just 18 offices, the PGR's geographic coverage is equivalent to just 3.7 percent of the Judiciary's. With 29 offices nationwide, the FGR's geographic coverage is equivalent to 5.9 percent of the Judiciary's; the equivalent coverage offered by the IML, with seven forensic facilities nationwide, only amounts to 1.4 percent.

And to house the population that has violated the Juvenile Penal Law, 5 establishments are enabled.<sup>10</sup> In the case of establishments for the deprivation of liberty of persons in the country, approximately one center of this type is calculated for every 679 square kilometers.

## DIAGRAM 1

### DISTRIBUTION OF PEACE COURTS, AUXILIARY PROSECUTOR OFFICES, AND PROSECUTOR OFFICES 2014-2017



\* The numbers indicated for the Peace Courts represent municipalities where there are more than one court of this kind.

Source: PGR, FGR, IML and CSJ

Finally, in the case of the prison system, the number of detention centers for adults and minors is equivalent to 6.4 percent of the justice offices. Given the specificity of penal center jurisdiction, it is also worth noting that every Court for Prison Supervision and Sentence Enforcement (*Juzgado de Vigilancia Penitenciaria y Ejecución de la Pena*) is responsible for handling, on average, all the procedures related to two adult penitentiary centers. This represents a significant workload, as El Salvador's prison population increased by 38.6 percent during 2014-2017, rising from 28,334 inmates in 2014 to 39,282 in 2017, according to official data from the General Directorate of Penal Centers (*Dirección General de Centros Penales*). This means that each prison supervision court is responsible for monitoring the detention of around 1,889 people, in addition to

following up on cases that involve alternatives to detention or non-custodial sentencing.

Based on this data, the design of El Salvador's justice sector seems to obey different objectives with regard to coverage. This is arguably a factor in hampering the flow of criminal justice processes and delaying the provision of services. This is essentially due to the fact that El Salvador re-adapted its justice sector to the new criminal procedure and penitentiary regulations established in 1998. Since then, the functional organization of El Salvador's Judiciary has involved a network of courts and tribunals which establish certain processes for investigating, clarifying, and prosecuting criminal acts. The following table shows the departmental distribution of judicial institution headquarters throughout the country.

TABLE 1

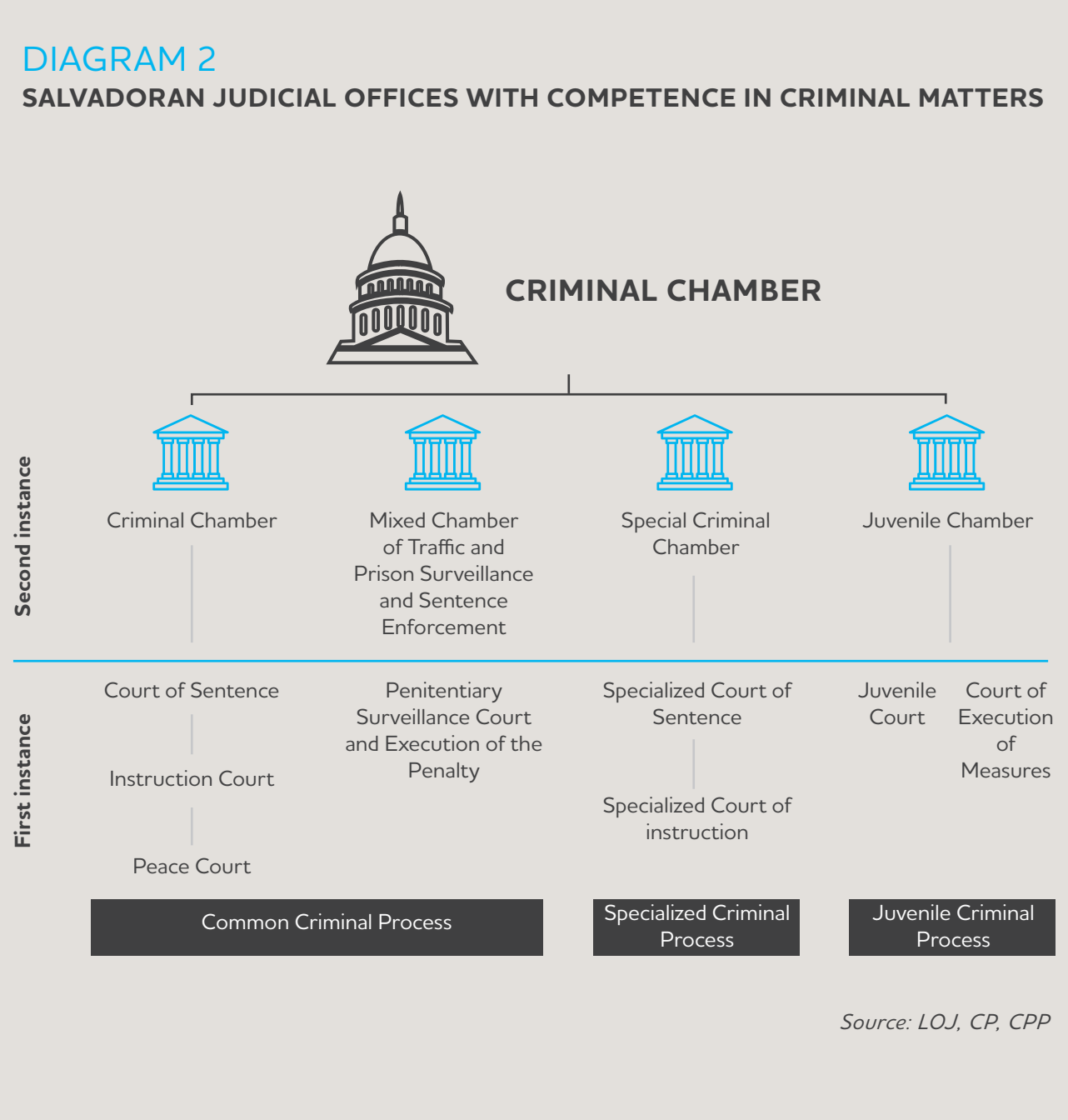
## DISTRIBUTION AND COVERAGE OF JUSTICE SYSTEM HEADQUARTERS, 2017

	PGR	FGR	IML	CSJ	DGCP/DGCI/ ISNA
Department	Public Defense	Promotion of Criminal Action and Crime Investigation	Production of Expert Evidence	Prosecution of the Crime	Rehabilitation
Ahuachapán	1	1	0	20	1
Santa Ana	2	1	1	36	4
Sonsonate	1	1	1	27	5
San Salvador	4 <sup>11</sup>	14	1	89	6
La Libertad	1	3 <sup>12</sup>	1	39	2
Chalatenango	1	1	0	42	1
La Paz	1	1	0	30	2
Cuscatlán	1	1	0	25	0
San Vicente	1	1	1	24	1
Cabañas	1	1	0	15	3
Morazán	1	1	0	32	1
Usulután	1	1	1	39	2
San Miguel	1	1	1	44	2
La Unión	1	1	0	25	1
<b>TOTAL</b>	<b>18</b>	<b>29</b>	<b>7</b>	<b>487</b>	<b>31</b>

Source: PGR, FGR, IML and CSJ

It is important to note that the varying numbers of judicial institution headquarters is a function of how the respective institutions are organized. For example, in an ordinary criminal proceeding, if all possible appeal processes were used, the accused would end up interacting with six different types of courts. In proceedings involving special categories of penal law (including the domestic violence law, an

anti-organized crime law, the asset forfeiture law, and the juvenile penal code), if all possible appeals processes were used, then the accused would end up in contact with at least four different types of courts. The following diagram shows the distribution of El Salvador's court system.





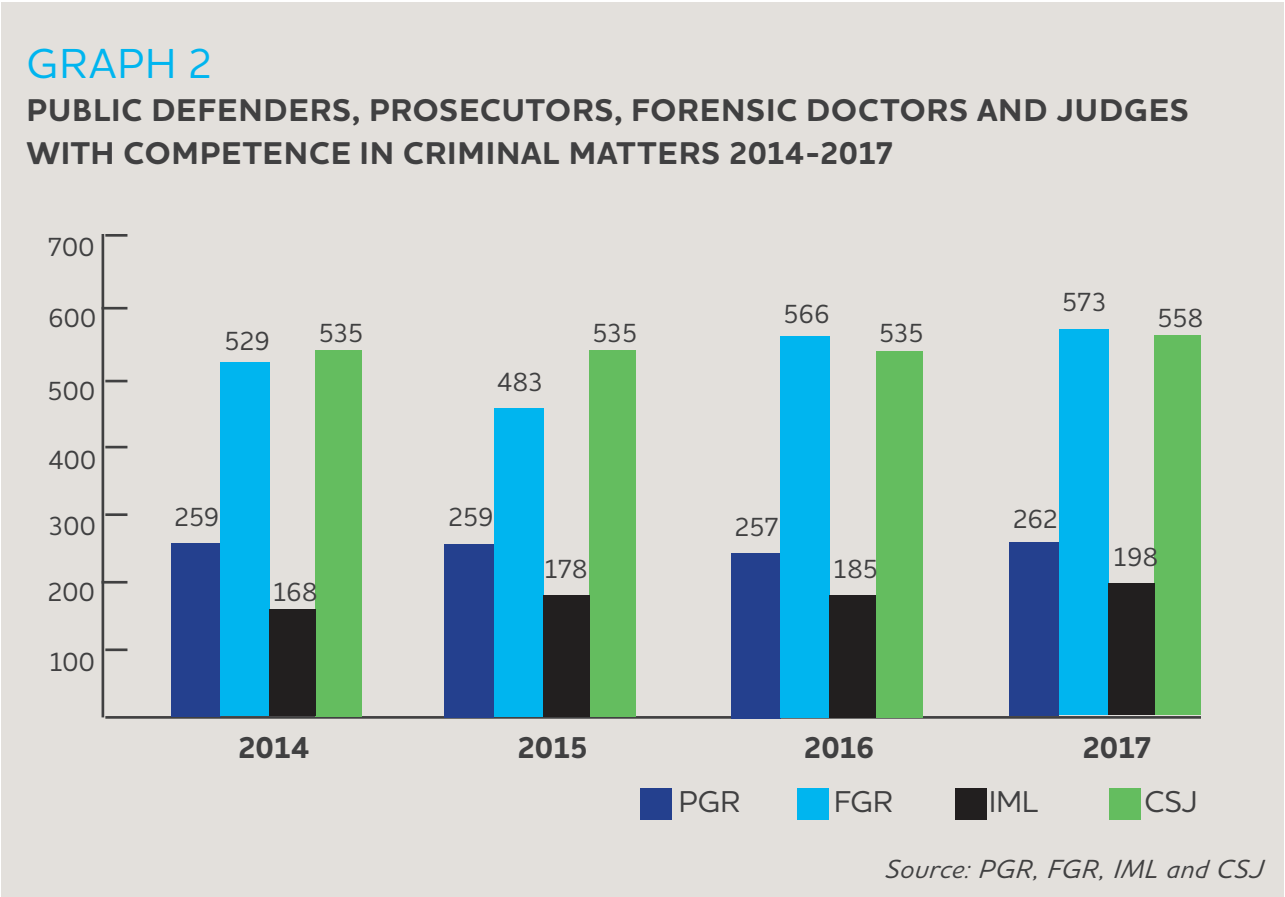
In this sense—similarly to what Table 1 shows—the workload disparity intensifies in those cases in which there is only one auxiliary public defender’s office and one prosecutor’s office per department; those offices are responsible for handling proceedings in over 30

courts. One example of this is Santa Ana department, where one prosecutor’s office and two auxiliary public defender’s offices must handle the requisitions of 36 courts, eight of which are specialized.

## HUMAN RESOURCES

Another factor closely related to the justice system’s national coverage is the availability of personnel. Throughout 2014-2017, personnel increases have been mostly modest in all of the justice institutions on which this report focuses. In the case of the PGR, its workforce increased by 1.2 percent during this period, while the FGR registered an 8.3 percent increase, the IML a 17.9 percent increase, and the OJ a 4.3 percent increase.

The PGR and the CSJ registered the lowest increases in personnel. In the former’s case, only three public defenders with competence in criminal matters were incorporated over the course of four years. In the latter case, the Judiciary saw the creation of 23 new judgeships, thanks to the establishment of new, specialized courts on asset forfeiture and violence against women in 2014 and 2016, respectively. The following graph shows the evolution of key personnel levels at El Salvador’s justice institutions throughout 2014-2017.



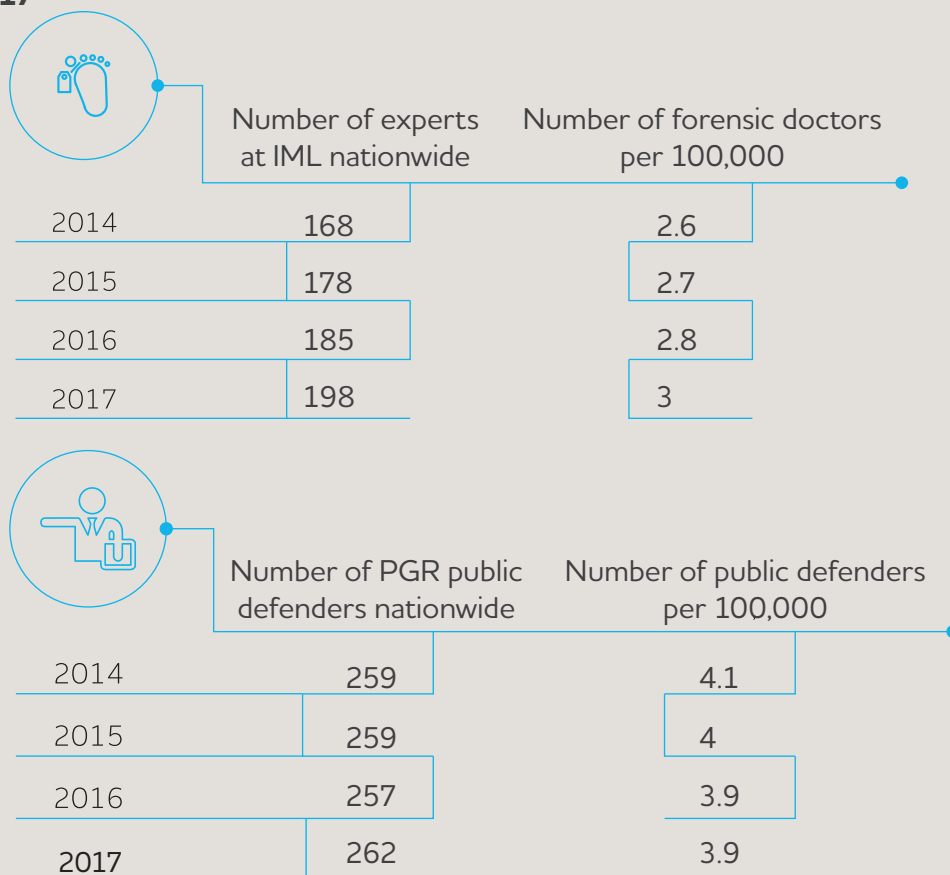
When comparing the personnel statistics with the number of judicial venues nationwide, the data highlights the limits faced by El Salvador in terms of deploying qualified staffers to work in the justice sector. According to data provided by the PGR for the four-year period covered in this report, on average every auxiliary public defender's office has had 14 public defenders working there. The FGR's records show that the average number of criminal prosecutors per office has ranged between 16 to 19 over the same time period. On average, the IML reports having approximately 24 to 28 forensic doctors available at each of its offices, while the Judiciary has approximately one judge per judicial venue. However, it is important to note that, by law, some judicial venues (including trial courts, appellate

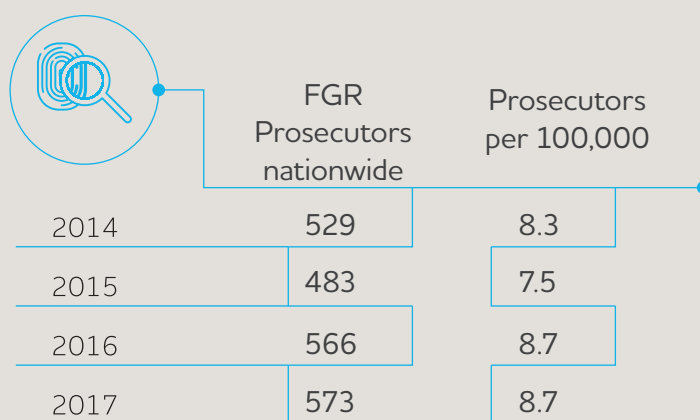
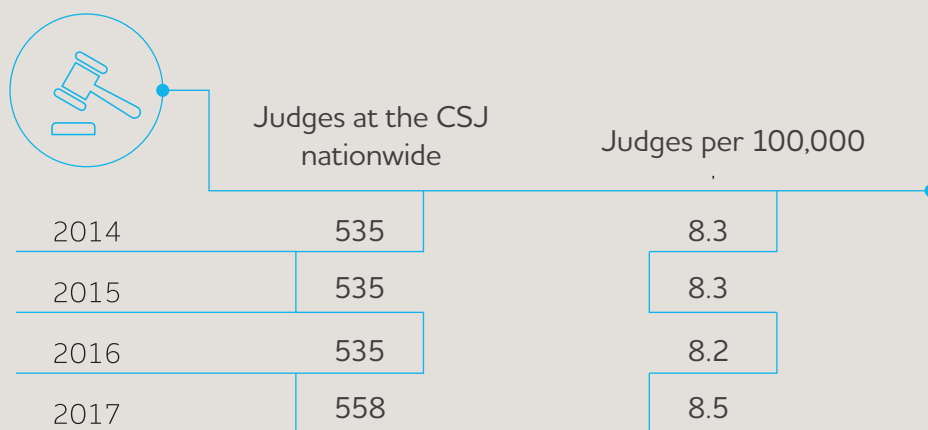
courts, and the Criminal Chamber of the Supreme Court) must be composed of more than two judges or magistrates.

Meanwhile, upon calculating the number of relevant justice sector personnel per every 100,000 inhabitants, the data shows that with slight variations throughout 2014-2017, there are about eight public prosecutors, eight judges, four public defenders, and three forensic examiners for every 100,000 people in El Salvador. The following table shows the number of judicial institution personnel per every 100,000 people over the four-year period covered in this report.

**TABLE 2**

**PUBLIC DEFENDERS, PROSECUTORS, FORENSIC DOCTORS, AND JUDGES WITH COMPETENCE IN CRIMINAL MATTERS PER 100,000 INHABITANTS 2014-2017**





Source: Digestyc, PGR, FGR, IML, and CSJ

The previous data show that, when it comes to judges, El Salvador ranks below the international standard established in the 2017 Global Impunity Index (which estimated a worldwide average of 16.23 judges for every 100,000 inhabitants). With regard to the number of public defenders for every 100,000 inhabitants, a 2010 report by the United Nations Secretary General on the state of crime and criminal justice worldwide revealed that the median figure for prosecution personnel was 6 for every 100,000 inhabitants in 2006. In this sense, although both the PGR and FGR form part of El Salvador's Department of Justice, if they are considered separately (given differences in their coverage, the quantity of personnel available, and their budgets), the number of PGR personnel with authority to

defend those accused of crimes is below the global standard identified by the UN. However, the FGR has achieved a level of prosecutorial personnel that ranks above that global median identified by the UN, with approximately eight prosecutors for every 100,000 inhabitants during the 2014-2017 period.

In light of this data, it is worth noting that "differences in the ratio of criminal justice personnel to citizens may affect the capacity of the system to deal with crime and result in different clearance, prosecution, and conviction rates."<sup>13</sup> In this sense, it is unsurprising that El Salvador was ranked as one of the top 13 countries with the highest levels of impunity, according to the 2017 Global Impunity Index. A major issue with impunity rates in El Salvador is that judicial

institutions continue to experience difficulties in measuring and quantifying their capacities and operations. These difficulties are either due to an incomplete or deficient production of national statistics, or because there is a lack of political will to generate this type of information, which is indispensable for monitoring judicial sector activity as a whole.<sup>14</sup>

Upon analyzing the total number of justice personnel positions (including administrative roles), as reported in the budget requests by El Salvador's justice institutions, versus the total number of positions dedicated to non-administrative roles, we can see that in the case of the PGR, public defenders with competence in criminal matters represented 18 percent of the PGR's full workforce throughout 2014-2017. In the case of the FGR, the number

of assistant public prosecutors represented between 26 percent and 31 percent of the FGR's total workforce. Disaggregating that by the availability of specialized prosecutors shows that these strategic posts for investigating and prosecuting crime represented just 6 percent of the the FGR's total roster during 2014-2017.

Within the Judiciary, judges with competence in criminal matters represented just 5 percent of all the people who work for the judicial branch. Another aspect worth highlighting is that the total number of positions within the Judiciary is nine times greater than the total workforce at the PGR and at the FGR. The following table compares the number of non-administrative positions at El Salvador's justice institutions throughout 2014-2017.

**TABLE 3**

**TOTAL POSITIONS AND PROPORTION OF STRATEGIC POSITIONS IN JUSTICE INSTITUTIONS 2014-2017**

INSTITUTION	2014	2015	2016	2017
<b>PGR</b>				
Total Positions	1,393	1,402	1,405	1,405
Public Defenders	259	259	257	267
Percentage of Public Defenders	18.6%	18.5%	18.3%	18.6%
<b>FGR</b>				
Total Positions	1,859	1,837	1,797	1,889
Prosecutors	529	483	566	573
Percentage of Prosecutors	28.5%	26.3%	31.5%	30.3%
Special Prosecutors	107	99	115	110
Percentage of Special Prosecutors	5.8%	5.4%	6.4%	5.8%

INSTITUTION	2014	2015	2016	2017
<b>IML</b>				
Total Positions	n/d	n/d	n/d	n/d
Forensic Doctors for Criminal cases	168	178	185	198
Percentage of Forensic Doctors	n/d	n/d	n/d	n/d
<b>CSJ</b>				
Total Positions	10,373	10,282	10,303	10,219
Judges for Criminal Cases	535	535	535	558
Percentage of Judges	5.2%	5.2%	5.2%	5.5%

*Source: PGR, FGR, IML, and CSJ*

This data shows that—in terms of personnel exclusively dedicated to pursuing, investigating, and prosecuting crime—the government entities analyzed in this report have a limited number of personnel vis-à-vis their total roster. The total number of positions in the previous table reflects the quantity of personnel recorded in each institution's budget appropriations. In general, most of the workforce of these agencies is dedicated to administrative work.

Another point worth analyzing is gender distribution in justice sector staffing levels. At the time of this report's publication, the PGR had not provided a breakdown of public defenders by gender; however, of the total workforce reported by this institution on its official website, it is estimated that 58 percent is female and 42 percent is male. In the case of the FGR, the nationwide staff of prosecutors with competence

in criminal matters has primarily been made up of women; throughout 2014-2017, approximately 60 percent of staffers were female, while the remaining 40 percent were male.

With regard to the Judiciary, at the time this report was finalized, it was not possible to obtain a gender breakdown for all the judges with competence in criminal matters. However, considering the 2016 makeup of the justice of the peace courts—which, as mentioned previously, are present in all 262 municipalities—it is estimated that a slight majority of sitting judges are male. According to a report provided by the Judiciary's General Secretariat (Secretaría General del Órgano Judicial), approximately 51.2 percent of the justices of the peace are men, while 48.8 percent are women.



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## EFFICIENCY

A lack of data has made it difficult to analyze and compare the capacity of El Salvador's judicial institutions to respond to citizens' demands for their services. At the time of this report's publication, the PGR and the FGR did not provide all the information requested regarding their activities. However, it was possible to successfully obtain information about the workload per official from the Judiciary.

According to the official information available from the PGR at the time of this report's publication, on average public defenders handle a single case every year. This data reveals only part of the activities carried out by public defenders with competence in criminal matters, given that technical assistance is one of the PGR's most highly demanded services. However, it was not possible to obtain annual statistics regarding this duty before this report's finalization. By "technical assistance," we mean legal guidance that public defenders provide to those detained for their presumed participation in committing a criminal offense, and who will soon be brought before an appropriate criminal court to determine whether or not they will remain detained.

With regard to the FGR, based on information available in its institutional annals, every year Salvadoran prosecutors must handle between 65 to 85 judicial processes related to criminal offenses. Additionally, the number of cases initiated by each

prosecutor with competence in criminal matters is somewhere between 144 to 197.

In the case of the IML, official data show that, on average throughout 2014-2017, forensic doctors handled 197 examinations per year. In addition, each forensic doctor carried out approximately 51 corpse removals and 31 autopsies per year during that same time period. In general, forensic doctors face a workload of 278 annual procedures per professional. Finally, with regard to the trial of criminal offenses nationwide, official data indicates that each judge with competence in criminal matters presided over between 337 to 348 judicial processes each year throughout 2014-2017.

It is important to note that, in the case of the workload of the PGR, FGR, and the OJ in the pursuit and prosecution of crime, one case alone can require a significant investment of institutional resources due to a range of factors that cannot be measured based on official statistics. Among others, these factors include the complexity of the offense, the number of accused involved, and the concurrence of various criminal offenses in a single process. The following table breaks down the information available regarding the annual workload of El Salvador's various judicial system officials during 2014-2017.

TABLE 4

**WORKLOADS FOR STAFFERS AT EL SALVADOR'S JUSTICE INSTITUTIONS, 2014-2017**

Institution	2014	2015	2016	2017
<b>PGR</b>				
Public defenders with competence in criminal matters	259	259	257	262
Cases active	359	376	421	430
Cases active per public defender with competence in criminal matters	1.4	1.4	1.6	1.6
<b>FGR</b>				
Prosecutors with competence in criminal matters	529	483	566	573
Amount of Cases Initiated	103,646	95,216	92,108	83,021
Cases initiated per prosecutors with competence in criminal matters	195.9	197.1	162.7	144.8
Amount of prosecutor injunctions	42,958	41,464	38,656	37,685
Prosecutor injunctions per prosecutor with competence in criminal matters	81.2	85.8	68.3	65.8
<b>IML</b>				
Forensic doctors	168	178	185	198
Expert reports	29,983	42,800	34,560	35,733
Expert reports per forensic doctor	178.5	240.4	186.8	180.5
External examinations	8,179	11,155	9,603	7,844
External examinations per forensic doctor	48.7	62.7	51.9	39.6
Autopsies	4,896	7,063	6,120	4,413
Autopsies per forensic doctor	29.1	39.7	33.1	22.3

<b>CSJ</b>				
Judges with competence in criminal matters	535	535	535	558
Cases tried per year	180,651	185,696	186,280	188,160
Cases tried per judge with competence in criminal matters	337.7	347.1	348.2	337.2

*Source: PGR, FGR, IML, and OJ*

With regard to citizen demand for services offered by El Salvador's justice sector, given the fact that various agencies did not provide complete information sets at the time of this report's publication, it is worth mentioning that a little more than one third of all cases seen annually in El Salvador's various judicial venues are resolved each year. However, approximately 60 percent of all these cases in a given year are criminal justice processes that were initiated earlier.

This is arguably due to the duration of the Salvadoran criminal justice process; the extensive legal timeframes for prosecuting cases may also play a role. For example, in previous reports, Iudop has warned

that excessive use of pre-trial detention means that, in some cases, the accused may end up spending over two years in jail before being formally charged.<sup>15</sup> This hinders the ability of judges with competence in criminal matters to more swiftly move through their caseloads. Arguably, it has become essential for the country's authorities to reform legal provisions that allow for excessive pre-trial detention given how challenging it is for the FGR to collect evidence regarding a crime that may have been committed years ago. The following table shows the information available regarding demand for services from El Salvador's justice institutions.

**TABLE 5**

**DEMAND FOR SERVICES FROM EL SALVADOR'S JUSTICE SECTOR 2014-2017**

<b>Institution</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>PGR</b>				
Cases Active	359	376	421	430
Cases Closed*	157	126	122	109
Cases Archived*	14,662	19,986	16,430	16,566

<b>FGR</b>				
Cases Initiated	103,646	95,216	92,108	83,021
Prosecutor Injunctions	42,958	41,464	38,656	37,685
Cases Archived <sup>16</sup>	114,062	101,434	92,622	73,932
<b>IML</b>				
Expert Reports	29,983	42,800	34,560	35,733
Removal of Cadaver	8,179	11,155	9,603	7,844
Autopsies	4,896	7,063	6,120	4,413
<b>OJ</b>				
Cases at Start of the Year	107,650	115,209	115,409	116,485
Cases Accepted	73,001	70,487	70,871	71,675
Total Cases Tried per Year	180,651	185,696	186,280	188,160
Cases Closed*	67,774	67,398	70,157	65,493
Dismissals	16,472	15,754	14,905	15,225
Sentences	10,455	11,523	9,168	9,848

\*Outgoing

Source: PGR, FGR, IML, and CSJ

## PUBLIC CONFIDENCE IN THE JUSTICE SECTOR

Citizen confidence levels are another indicator that may help reveal the efficiency and capacity of judicial system institutions, as revealed in Iudop's various public opinion studies. Throughout 2014-2017, Salvadorans exhibited low levels of confidence in the justice system. None of the institutions that form the focus of this report were ever able to achieve the

confidence of even one sixth of survey respondents. One example of this is the Judiciary, the entity that registered the lowest confidence levels throughout 2014-2017. At its peak, 10.7 percent of survey respondents said they had great confidence in the Judiciary; at its low point, 8.5 percent of respondents said they felt that way in 2016.

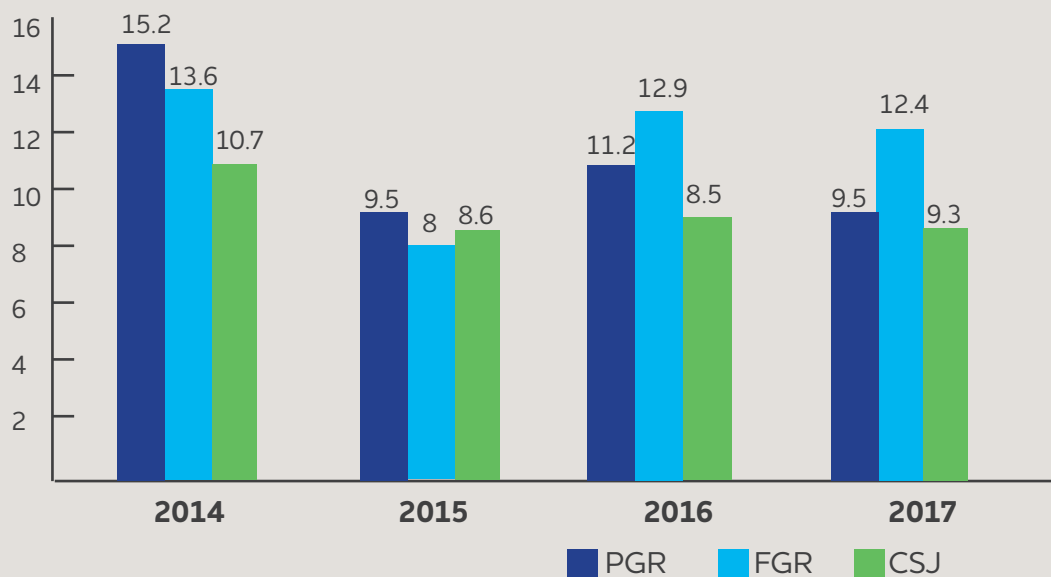
In comparison, the FGR saw its best survey results in 2014, when 13.6 percent of survey respondents expressed great confidence in the institution; the FGR's low came in 2015 with just 8 percent. The next two years (2016-2017) saw about 12 percent of survey respondents express high levels of confidence in the FGR, exceeding the levels seen for the Judiciary and the PGR in those same years.

Confidence levels in the PGR peaked in 2014, with 15.2 percent of survey respondents saying they trusted the public defense institute.

However, the following year saw confidence levels in the PGR drop over 5 percentage points to 9.5 percent—a score that was nonetheless higher than that registered by the Judiciary and the FGR that same year.

Notably, in 2015—El Salvador's most violent year in recent history, with 6,656 homicides, according to the IML—all these judicial entities registered their lowest levels of public confidence. The following graph shows public confidence in judicial system institutions for the 2014-2017 period.

**GRAPH 3**  
**PUBLIC TRUST IN JUSTICE SYSTEM INSTITUTIONS 2014-2017**  
**(IN PERCENTAGES)<sup>17</sup>**



*Source: Iudop polls, 2014-2017*

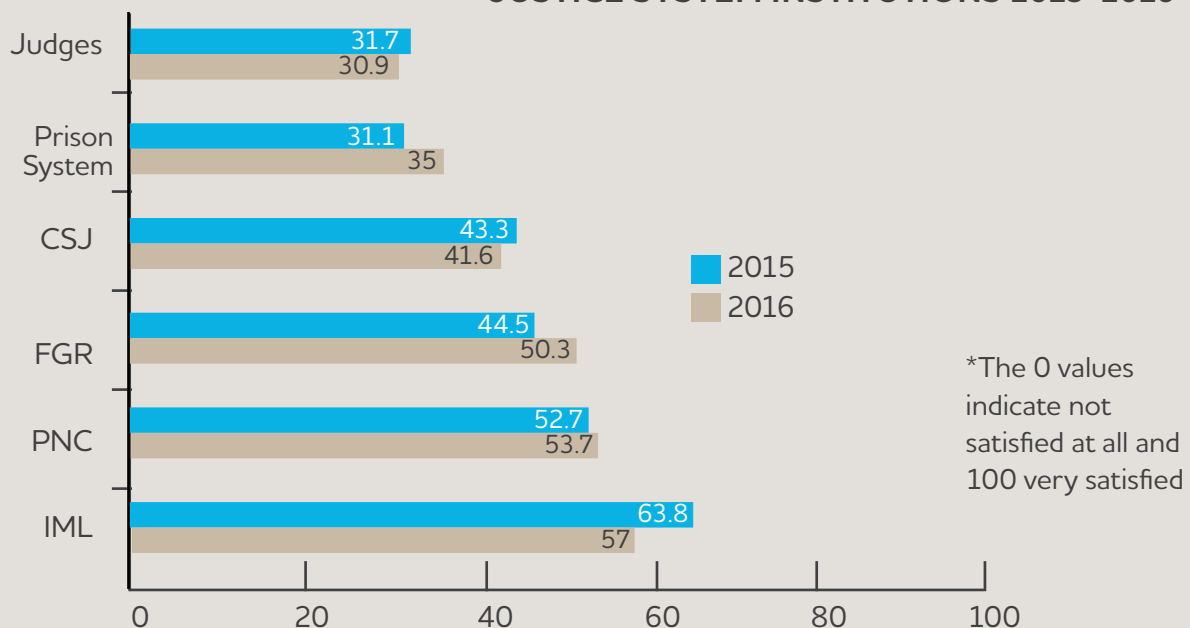
These results show the deterioration in citizens' perceptions of the legitimacy and effectiveness of El Salvador's justice sector. Other ludop studies show that public confidence in the justice sector is "a prerequisite for the judicial system's legitimacy and efficacy and, therefore, for the sustainability of the rule of the law".<sup>18</sup> This lack of public confidence makes it more difficult for judicial institutions to carry out their duties, especially when it comes to gathering evidence or recruiting witnesses, as citizens are unlikely to collaborate with institutions they largely view as ineffective. This, in turn, further impacts the effectiveness of El Salvador's justice sector, and exacerbates impunity levels.

The negative views of El Salvador's justice sector are linked to the low levels of satisfaction that survey respondents report regarding the performance of justice and security institutions. Two ludop polls from 2015 and 2016, intended

to monitor security and justice indicators established by the Partnership for Growth (*Asocio para el Crecimiento*), show that, on a scale of 1 to 100 points (in which the values closest to 0 represent a lower level of satisfaction and those closest to 100 represent a great deal of satisfaction), the lowest levels of citizen satisfaction were reported in relation to the work of judges, the Supreme Court, and the prison system. Survey results also showed unfavorable views towards the capacity of El Salvador's justice system to effectively prosecute and try crimes, as well as rehabilitating those convicted of offenses. Notably, the justice institutions that recorded satisfaction levels over 50 points (the intermediate value on the survey scale) were the PNC and the IML. None of the security and justice institutions registered higher levels of public satisfaction with their performance. The following graph illustrates these survey results.

**GRAPH 4**

**LEVEL OF SATISFACTION WITH THE PERFORMANCE OF JUSTICE SYSTEM INSTITUTIONS 2015-2016<sup>19</sup>**



Source: Aguilar and Andrade

Given these survey results, it is not surprising that, according to Iudop's 2017 survey, 82.5 percent of the Salvadoran population felt that the administration of justice in El Salvador had registered no improvements or else had deteriorated. It is also not surprising that

perceptions regarding the FGR's ability to effectively investigate criminal suspects had dropped 7 percentage points in a year, falling from 20.5 percent in 2014 to 13.5 percent in 2015.

## INTERNAL JUDICIAL INDEPENDENCE

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### SELECTION PROCEDURES

#### THE JUDICIARY

When analyzing the processes for selecting personnel within the judicial branch, it is important to make a distinction between the selection of non-Supreme Court judges and magistrates who do sit on the Supreme Court (which is made up of various chambers of justice: the Civil Chamber, the Criminal Chamber, the Administrative Chamber, and the Constitutional Chamber).

According to the manual for selecting magistrates and judges approved in late 2017 by the National Council of the Judiciary (*Consejo Nacional de la Judicatura*, CNJ), the process for selecting non-Supreme Court judges is comprised of three stages. The first stage consists of all the administrative procedures related to reviewing the lists of vacant posts, reviewing the job descriptions and updating them as needed, publicizing the hiring process (whether internal or external), analyzing the requirements set forth for each judicial office throughout the country, and conducting the appropriate exams.

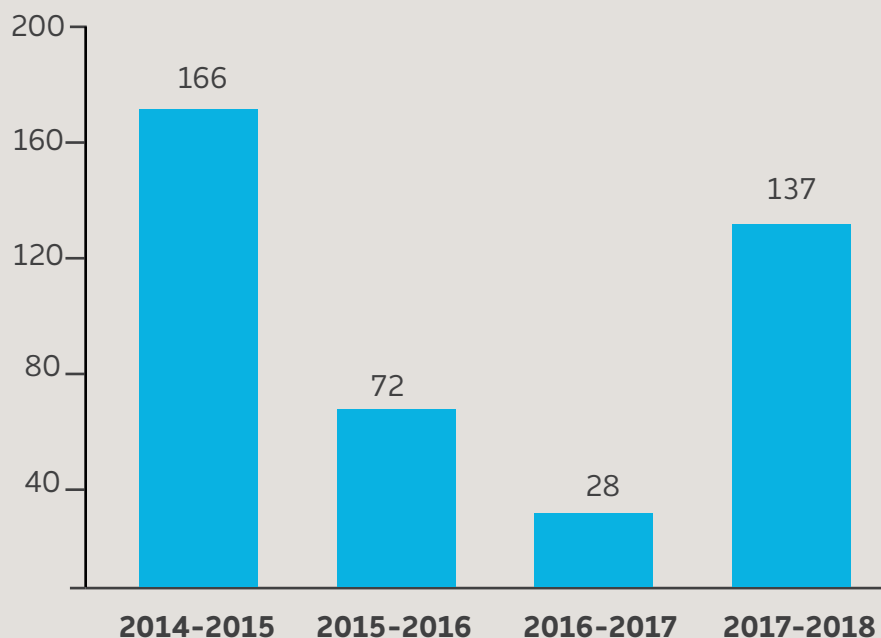
According to Article 8 of the aforementioned manual, the second stage of the process consists of a CNJ plenary session (again, the CNJ is the primary governing body for maintaining the independence of magistrates and judges in the exercise of their duties and for the judicial profession overall). All CNJ members must fulfill certain qualifications before they can review applications for vacant judicial posts. On the basis of those results, CNJ members must reach an agreement on the nomination or hiring decision.

Lastly comes the final hiring decision: during this stage, the CNJ must issue a final hiring resolution, prior to the release of a favorable opinion concerning the selection process. Under El Salvador's Constitution (specifically, Article 192), the CNJ is also required to publicly release this opinion along with a short list of the candidates who made it to the final round. Between June 1, 2014 and June 30, 2018, the CNJ reports that 403 short lists have been produced in order to select judges at a national level.



## GRAPH 5

### SHORTLISTS FOR JUDICIAL CAREER APPLICATIONS, 2014-2017<sup>20</sup>



Source: CSJ, 2014 to 2017

The process described above is slightly different when it comes to selecting personnel for El Salvador's recently created specialized jurisdictions. In these cases, CNJ assessors are required to have relevant, specialized technical

expertise, as described in Article 36 of the CNJ manual. The following diagram illustrates the general process for selecting judges in El Salvador.

## DIAGRAM 3

### GENERAL DIAGRAM OF JUDGES' APPLICATION PROCESS



Source: Selection manual of magistrates and judges, pg. 23-26

In 2017, reforms to the Organic Law of the CNJ (starting in 2006) led to the creation of the CNJ manual, which formally documents the criteria and techniques that must be used in selecting judges. One can conclude that prior to the 2017 reforms, there were significant procedural ambiguities regarding how judicial authorities were selected nationwide. According to Article 63 of the Organic Law of the CNJ, the manual's purpose is to guarantee the development of criteria and techniques that make the process for selecting judges more transparent, while promoting equality and suitability when shortlisting candidates; the manual also formally establishes requirements for a public process.<sup>21</sup>

An event worth mentioning is the 2015 Constitutional Chamber intervention in a CNJ selection process, in which El Salvador's highest constitutional court threw out a secret vote by CNJ members (in decision No. 94-2014). This ruling forced the CNJ to repeat the selection process for various Supreme Court nominees, while also mandating greater transparency requirements.<sup>22</sup> Since the CNJ selection process had previously been quite opaque, it is difficult to determine whether or not the composition of Supreme Court candidate short lists had not been unduly impacted by outside influences prior to the 2015 ruling.

When it comes to the nomination of Supreme Court magistrates, other actors besides the CNJ are involved: specifically, the Legislative Assembly and the Federation of Lawyers' Associations (*Federación de Asociaciones de Abogados de El Salvador*). Both this federation and the CNJ must independently present a candidate short list to the Legislative Assembly, so that legislators can

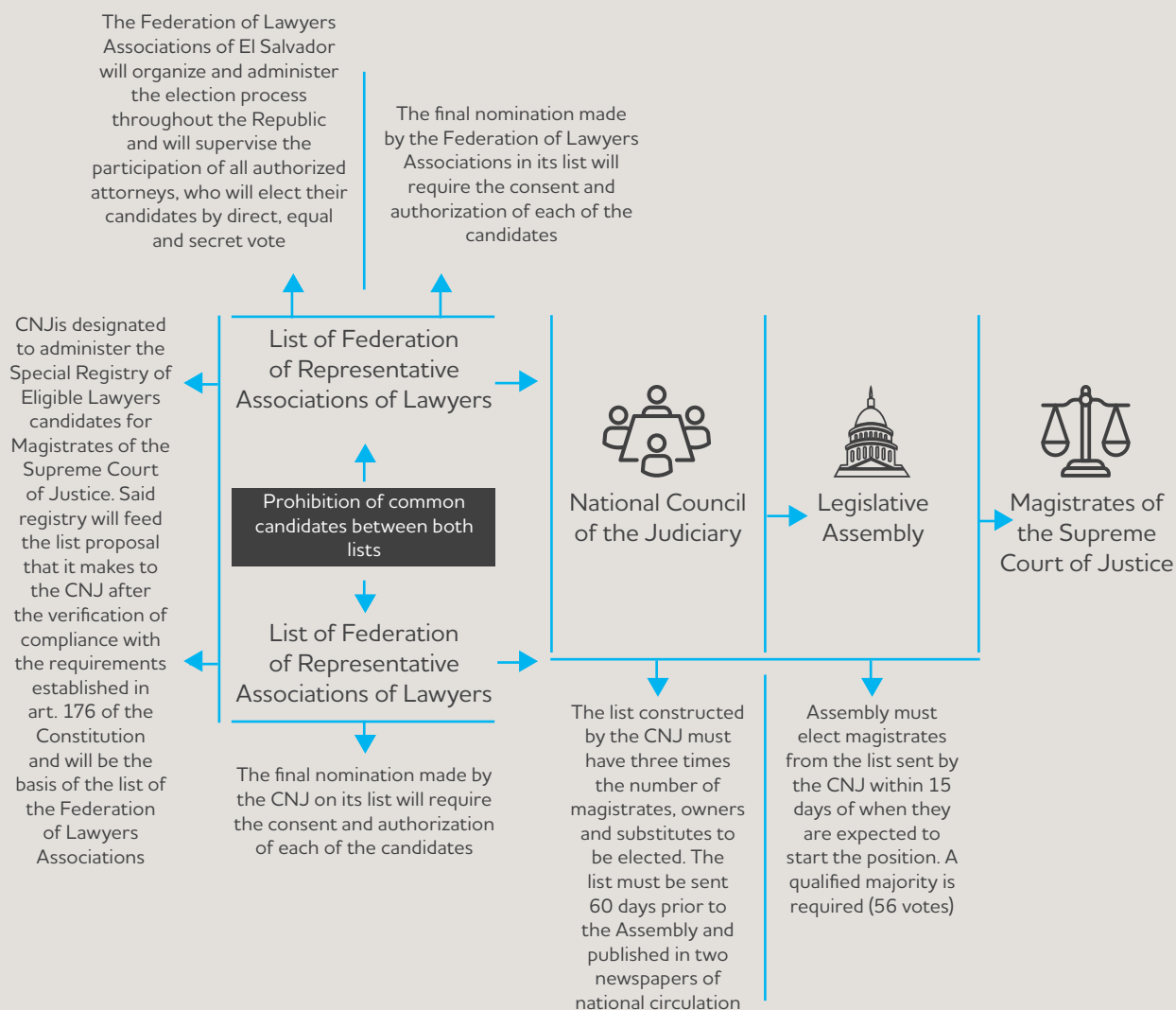
vote on the final selection. However, the way in which legislators decide the full composition of the Supreme Court has come under criticism—in general, there have been indications that the Legislative Assembly has implemented party quotas when filling the Supreme Court. Turnover in the judicial branch is another important factor. The Supreme Court's 15 magistrates serve nine-year terms, but their replacement in office is staggered by thirds—that is, every three years, legislators must select five new magistrates.<sup>23</sup>

In 2015, five Supreme Court magistrates were selected: a position in the Civil Chamber, two in the Administrative Chamber, and two in the Criminal Chamber. As has been the norm in the Legislative Assembly when justices are being selected, this process took over two months—primarily due to negotiations between different party factions to reach a “balanced” consensus on the candidates. Notably, El Salvador's Constitutional Court had previously ruled on this matter and ordered members of the Legislative Assembly to remove candidates with a direct link to political parties from the selection process. Additionally, 2015 was the same year the Constitutional Court ordered the CNJ to develop a new candidate shortlist for Supreme Court nominations, as the CNJ had originally created its shortlist in a secret vote. Despite this, the final list of possible Supreme Court nominees still included a candidate who had been previously sanctioned by the Government Ethics Tribunal (*Tribunal de Ética Gubernamental*).

The following diagram illustrates the various phases of the Supreme Court candidate selection process.

## DIAGRAM 4

### APPLICATION PROCESS FOR SUPREME COURT MAGISTRATES



Source: Article 186 of the Constitution; Articles 49-59 of the National Judicial Law.

Although the election process carried out by the Federation of Lawyers' Associations could use improvements, it nonetheless plays a key role, since it serves as the only counterweight to the Legislative Assembly when it comes to selecting Supreme Court nominees.

Many civil society organizations have questioned the Legislative Assembly's partisan influence on the Supreme Court selection process. On July 27, 2015, an editorial by the José Simeón Cañas Central American University stressed the need to remove political influence from the Supreme Court nomination process to better advance the country's rule of law and democracy. Various international standards maintain that moving beyond political ideologies is a crucial element to fully guaranteeing an independent judicial sector. For example, the United Nations established one of the most important international parameters on selecting judges via an independent process, stating the following:

*Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement, that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory.*

In this sense, allotting Supreme Court positions by political party ignores the importance of using suitability, experience, expertise, and qualifications as predominate factors in selecting Supreme Court candidates. The UN Special Rapporteur on the Independence of Judges and Lawyers also has criticized the situation in El Salvador, citing party interference as a major issue.

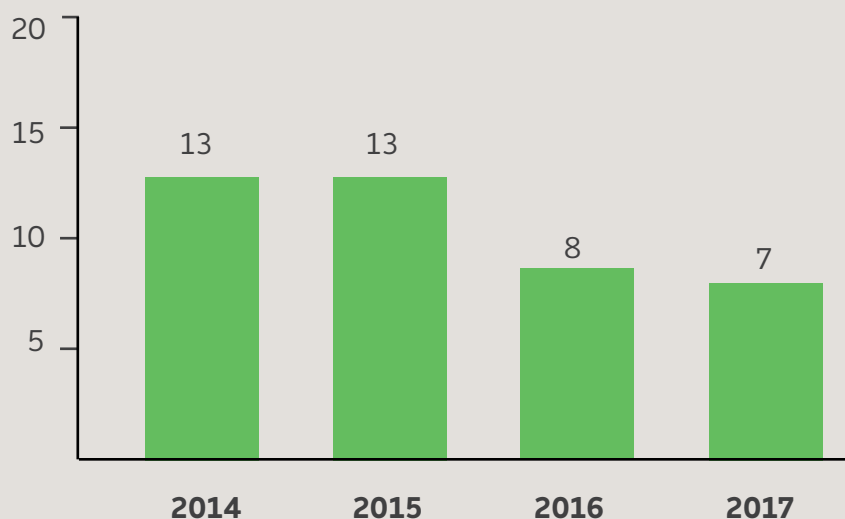
## PUBLIC DEFENDER'S OFFICE (PGR)

Alongside other internal regulations, the PGR Organic Law—passed in 1961 and known more specifically as the Civil Service and Administrative Career Law (*Ley del Servicio Civil y de la Carrera Administrativa*)—establishes how El Salvador's public defenders are trained and certified. The fourth chapter of the Organic Law regulates the public defender selection process, affirming that exams are required to evaluate the suitability of potential public defenders, who must already meet other basic requirements related to nationality, age (all public defenders must be legal adults), education levels, and other criteria. The law also requires prospective public defenders to undergo any requisite exams as established by the PGR, provide sworn statements and other accreditation testifying to their moral conduct, and undergo a three-month trial period before becoming fully certified.

However, according to information made public by the PGR, there are no clear standards for implementing the candidate suitability tests. According to the PGR Organic Law, a selection committee is responsible for shortlisting the most qualified PGR candidates, but the composition and function of this commission are not defined in detail. According to data provided by the PGR, 41 new public defenders began working at the institution during the 2014-2017 period; however, the human resources office indicates there was no formal hiring process involved in any of these cases.

## GRAPH 6

### NEW PUBLIC DEFENDERS IN THE PGR 2014-2017



Source: PGR

Available data released by the PGR indicates that, in the second half of 2016, the PGR evaluated 61 candidates to hold public defender or administrative positions. In 2017, the PGR reports having evaluated 107 candidates.

## ATTORNEY GENERAL'S OFFICE (FGR)

The FGR Organic Law establishes that regulations should be in place to govern the career path of prosecutors. Chapter Four of these regulations outlines the procedures for personnel recruitment and selection. First, this process requires that the Human Resources Office of the FGR Selection and Coordination Department (*Gerencia de Recursos Humanos del Departamento de Selección y Coordinación*) determine existing staffing needs. After determining that job vacancies exist and must be filled, a request for personnel is made before initiating a hiring process to identify

potential candidates.

At the time of this report's publication, the FGR had not responded to information requests regarding the number of people employed as assistant public prosecutors. According to the information available for 2016 and 2017 published on the transparency portal of the institution's web site, from January to June 2017, three external selection processes were authorized for three assistant public prosecutors with competence in criminal matters. In contrast, between January and December 2016, 49 selection processes were authorized, but none of them involved the selection of assistant public prosecutors with competence in criminal matters since all of the positions were essentially administrative.

It is important to note that El Salvador's Legislative Assembly handles the election of the PGR director and the Attorney General. There are indications that these processes have

also been influenced by partisan interests, similar to what has been flagged in the election of Supreme Court magistrates. Broadly speaking, the way in which these election processes have functioned fails to conform to basic international standards. One example of this is the absence of safeguards with regard to the autonomy of

these positions, as established in the Inter-American Commission on Human Rights' Guarantees for the Independence of Justice Operators. This complicates efforts to reduce crime rates and strengthen rule of law in El Salvador, while also hindering efforts to combat impunity levels in the country.

## EVALUATION PROCEDURES

### THE JUDICIARY

According to the CNJ, judiciary evaluation procedures should include quantitative and qualitative assessments to measure the performance of trial and appellate judges and magistrates and, ultimately, help ensure more effective administration of justice.<sup>24</sup>

However, by the end of 2017, the CNJ had no updated, detailed document that clearly defined judiciary evaluation procedures. Nonetheless, according to information made public by the CNJ, since 2011, two types of

judicial activity evaluations have been carried out as part of a nationwide assessment of the courts.

Over a one-year period, the CNJ carried out an on-site assessment based on two broad areas evaluating performance. The first area looks at the administration and day-to-day management of a tribunal or court; the second area evaluates the administration of justice. While the latter area has more weight percentage-wise in the CNJ's final assessment, it evaluates fewer criteria. The following chart shows the breakdown of the evaluation criteria for these areas.

BOX 1 CNJ ON-SITE AND REMOTE EVALUATION CRITERIA FOR JUDGES	
AREA 1- HOW THE COURT IS ADMINISTERED: 30%	
Criteria 1: Punctual attendance, organization and discipline of the official and personnel during hearings  4%	Sub-criteria 1: Punctual Attendance of official and personnel
	Sub-criteria 2: Organization of official and personnel
	Sub-criteria 3: Discipline imposed by official

AREA 1- HOW THE COURT IS ADMINISTERED: 30%	
Criteria 2: Attention and diligence with the public  4%	Sub-criteria 1: Attention with due respect to the public and professionals Sub-criteria 2: Diligence offered to attendees and professionals
Criteria 3: Organization in the office, conservation of the archives and foliation of files  2%	Sub-criteria 1: Organization in the office and conservation of the archives Sub-criteria 2: Conservation and organization of files
Criteria 4: Maintenance of records as established by law and made conveniently accessible  4%	Sub-criteria 1: Conveniently accessible Sub-criteria 2: Daily maintenance of records
Criteria 5: Timely handling of documents, reception in the form of briefs or requests; and, timely processing and referral of procedural commissions  6%	Sub-criteria 1: Timely handling of documents Sub-criteria 2: Briefs received in requests Sub-criteria 3: Transmission and remission of procedural commissions within the time frame established by law or the delegating official and in absence of these, within the time frame of five business days
Criteria 6: Other administrative activities subject to evaluation, unique management and training reports  10%	Sub-criteria 1: Referral Sub-criteria 2: Correct referral of the information contained in the unique management reports requested by the National Council of the Judiciary Sub-criteria 3: Attendance and usage of judicial training activities and improvement of knowledge during evaluation period

AREA 2- JUSTICE ADMINISTRATION: 70%	
Criteria 7: Fulfillment of Procedural Deadlines  30%	Sub-criteria 1: Fulfillment of Procedural Deadlines
Criteria 8: Judicial Efficiency  30%	Sub-criteria 1: Production Sub-criteria 2: Response Time



AREA 2- JUSTICE ADMINISTRATION: 70%	
Criteria 9: Failure to close a case in which the law clearly imposes the requirement of a resolution  5%	Sub-criteria 1: Omission of Resolutions in the cases in which the law clearly imposes the need to resolve
Criteria 10: Actualizations that reveal arbitrariness or flagrant ineptitude for the charge  5%	Sub-criteria 1: Interventions that reveal arbitrariness or flagrant ineptitudes in the role

Source: CSJ

The CNJ also has an off-site evaluation process based on the sixth and eighth criteria as displayed in the above chart. The criteria are essentially focused on the timely submission of administrative reports and on judicial efficiency levels and response times.

According to the results published by the CNJ concerning the on-site evaluations, there was an 8 percent increase in the number

of judges assessed over a four-year period, rising from 740 judges in 2014 to 800 in 2017. During this time period, only about 3 percent of the evaluated judges registered unsatisfactory performance levels of below 60 percent (between 11 and 22 judges evaluated each year over the 2014-2017 time period). This data can be viewed in the table below.

**TABLE 6**  
**EVALUATION OF JUDGES 2014-2017**

Type of evaluations	2014		2015		2016		2017	
	In-person	Remote	In-person	Remote	In-person	Remote	In-person	Remote
Offices Evaluated	564	564	566	566	n/a	n/a	n/a	n/a
Judges Evaluated*	740	764	766	772	792	733	800	777

Offices that scored 100% on evaluation	68	217	94	202	81	196	96	214
Offices that scored under 60% on evaluation	22	30	20	43	11	36	17	41

Source: CNJ, evaluation results: <http://www.cnj.gob.sv/index.php/resultados-de-evaluaciones>

\*Includes proprietary, supplemental, interim and active judges.

With regard to the criterion for administration of justice, focused on compliance with procedural timeframes, it was only possible to obtain access to the on-site evaluations with this level of disaggregation for 2015 and 2016. According to the official data from both years, it can be seen that around 35 percent of judges failed to comply

with procedural timeframes in the trials in which they were involved. Furthermore, the most serious incidents—such as the failure to resolve cases and committing flagrantly arbitrary actions—reportedly occurred with just over one fifth of all judges. The following table lays out this data.

**TABLE 7**  
**EVALUATION OF JUDGES IN ADMINISTERING JUSTICE 2014-2015**

Aspect Evaluated	2014	2015
Judges that fail to meet procedural deadlines	264 (35.7%)	266 (34.7%)
Judges that failed to resolve cases	168 (22.7%)	165 (21.5%)
Judges that operated with flagrant arbitrariness	212 (28.6%)	165 (21.5%)

Source: CNJ, evaluation results: <http://www.cnj.gob.sv/index.php/resultados-de-evaluaciones>

## PGR

At the time of this report's publication, no information was obtained regarding the evaluation process for public defenders within this institution.

## FGR

The regulations in the FGR's Organic Law establish the need for performance evaluations of all officials, assistant public prosecutors, and administrative employees. The regulations state that the purpose of these evaluations is to have valid, reliable information about the performance of the institution's officials, as well as to

institutionalize a formal mechanism for informing them about expectations and the goals they should achieve.

Strikingly, the FGR has not made any evaluation manual public nor have the results of any FGR evaluation ever been made available to the public. Still, the FGR maintains specific technical rules for internal oversight that went into force in 2008 and that evaluate the risks entailed by certain prosecutorial activities. At the time of this report's publication, the FGR had not responded to information requests regarding the number of personnel evaluated during 2014-2017.

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## DISCIPLINARY PROCEDURES

In broad terms, the PGR, FGR, and Judiciary's disciplinary procedures are quite similar. All three are based on a similar categorization of infractions. In terms of severity, one could say PGR regulations—which require a written warning to be granted first, even in cases involving serious disciplinary matters—are generally more tolerant. Based on an

analysis of disciplinary procedures within El Salvador's justice sector, negligence in the performance of duties or benefitting from one's position are grounds for dismissal across all institutions. The following chart compares the types of infractions classified in the country's justice system, as well as the sanctions that apply to each offense.



## BOX 2

### COMPARATIVE CHART OF SANCTIONS AND INFRACTIONS FOR JUSTICE SYSTEM INSTITUTIONS

PGR			FGR			CSJ		
PGR Internal Work Regulations and Civil Service Law			Prosecutor Career Regulations			Judicial Career Law		
Minor	Serious	Very Serious	Minor	Serious	Very Serious	Minor	Serious	Very Serious
Verbal Warning	Written Warning	Suspension w/o pay for up to 30 days/ dismissal or discharge	Written Warning	Suspension for 2 to 30 days and suspension of prosecutor duties	Removal from role and unpaid leave from prosecutor duties	Warning	Suspension from performing duties for 3 to 15 days/ removal from role	Suspension from performing duties for 15 to 60 days/ removal from role
Missing work unjustifiably	Unjustified absence or abandonment	Taking advantage of position to obtain personal benefits	Absence from duties for one or more days or more than two late arrivals in one month without justification	Absence from duties for two alternate days or more than four late arrivals in a month	Unjustified absences from duties for more than two days	Absence from ordinary assignments without a justified cause	Not fulfilling work shifts	Absence from duties for two or more days, consecutive or alternate, without justified cause, within the same month
Carrying out actions intended to influence coworkers in work, religious, or trade spheres	Producing political or religious propaganda	Offending or mistreating coworkers or PGR affiliates/ beneficiaries	Performing political, religious, or commercial tasks during the work day	Participation in strikes	Supporting or directing of strikes, stops or collective dropouts from work	The unjustified omission or delay of dispatch affairs or breach of procedural terms	Not carrying out the commissions assigned to them	Exerting undue influence
Dedicating themselves to carrying out tasks different from assigned duties	Using reserved or privileged information for personal or third-party benefit	Attending to responsibilities while in an evident state of inebriation or under the influence of any drug	Unjustified delay in the execution of tasks	Unjustified delay in the execution of tasks	Absence from special or extraordinary work shifts	Not fulfilling work shifts	Not concurring with audiences or retiring without justification	Consuming alcoholic beverages or using drugs in the work place or showing up in a state of inebriation
Smoking inside any Prosecutor property or in official vehicles	Consuming alcohol or drugs in the workplace	Negligent behavior in proceedings	Negligent breach of designated instructions or mission	Absence from responsibilities, administrative or judicial	Execution of arbitrary actions	Refusal to attend the training courses and events	Refusing to provide information to their superiors	Maliciously causing material damage
Not having files adequately organized, clean, and categorized	Negligently executing or consenting to the deterioration of goods	Malicious altering of PGR books, records, or proof	Refusal to execute activities	Absence from orientation, training, and development activities	Actions that intentionally damage the integrity of FGR people and goods	Closing the office unjustifiably	Refusal, without reasonable cause, of records to authorized people	Signing resolutions without having participated in its deliberation
Entering PGR property while suspended for disciplinary offenses	Removing PGR vehicles, equipment, furniture, or work tools from any facility	Entering or being present in facilities while carrying weapons	The sharing of expressions that disrespect dignity	Receiving advice or direction from third parties in matters that are their responsibility	Consumption of alcoholic beverages or drugs during the work day	Stating disrespectful expressions	Not practicing judicial diligences	Performing serious acts of immorality in office
	Discriminating against co-workers for their gender, social status, political or religious affiliation, and/or sexual orientation	Directly or indirectly soliciting or accepting gifts		Carrying out actions, administrative or judicial, not attached to law	The soliciting or reception of gifts	Improper behavior within the tribunal	Allowing commercial activity within the tribunal	
				Reoccurrence of minor infractions	Commission of any crime during the performance of their functions	Promoting personal publicity		

PGR			FGR			CSJ		
PGR Internal Work Regulations and Civil Service Law			Prosecutor Career Regulations			Judicial Career Law		
Minor	Serious	Very Serious	Minor	Serious	Very Serious	Minor	Serious	Very Serious
Verbal Warning	Written Warning	Suspension w/o pay for up to 30 days/ dismissal or discharge	Written Warning	Suspension for 2 to 30 days and suspension of prosecutor career	Removal from charge and unpaid leave from prosecutor career	Warning	Suspension while charge is ongoing from 3 to 15 days	Suspension while charge is ongoing from 15 to 60 days/Removal from charge
Not wearing the appropriate clothings while carrying out their duties	Invoking sexist language  Possessing pornographic messages or images in the workplace  Carrying out any grave acts of immorality within the office constitutive of labor or sexual harrassment  Carrying out commercial transactions within the installations	Performing immoral or improper actions within or outside of the institution, during work hours or on official missions outside of the country  Delaying, obstructing, or impeding the exercise and benefit of women's fundamental rights and freedoms	Performing improper actions in the workplace  Lack of attention to the public		Facilitating confidential information to third parties  Reoccurrence of serious infractions	Not tending to the public with due respect and diligence  Allowing unfit people to litigate in court		

*Source: PGR internal regulations, Civil Service Law, prosecutor career regulations, and Judicial Career Law*

As the chart shows, both the PGR and FGR grant suspension periods up to a maximum of 30 days; in the Judiciary, temporary suspensions may last a maximum of 60 days. Notably, the FGR is the only justice sector institution that considers the recurrence of infractions to constitute an infraction in and of itself.

Official information shows that of the justice sector institutions that form the focus of this

report, the PGR has the fewest number of candidates that are dismissed or sanctioned, with just seven dismissals and 10 sanctions registered from 2014-2017. In contrast, the FGR registered the greatest number of sanctioned and dismissed employees, with a total of 94 people dismissed and 112 sanctioned during 2014-2017. The following table showcases this data.

TABLE 8

## COMPARATIVE CHART OF SANCTIONS AND INFRACTIONS FOR JUSTICE SYSTEM INSTITUTIONS

Year	Personnel removed or dismissed			Personnel sanctioned		
	PGR	FGR	CSJ	PGR	FGR	CSJ
2014	0	28	3	n/a	34	10
2015	0	21	10	1	24	25
2016	2	25	12	1	30	30
2017	5	20	12	8	24	49

Source: CSJ, FGR, and PGR.

Broadly speaking, there are information gaps regarding the internal independence of El Salvador's judicial system institutions. In some cases, institutions simply lack capacity to respond to public information requests in a timely way due to the lack of an efficient data processing system. In other cases, there are no formally established procedures for guaranteeing more open or independent processes within the country's judicial institutions. Some of these deficiencies include a general lack of detailed procedures for recruitment, selection, evaluation, and disciplinary processes.

For example, it is not always clearly defined which actors are responsible for intervening during various stages of these processes; nor are the powers of these actors strictly defined, nor are there detailed procedures

that guarantee a fully transparent process in selecting the most competent, suitable, and qualified candidates for any given judicial post. The Public Service Law (Ley de la Función Pública), first proposed in 2013, seeks to standardize these administrative processes and establish formal qualifications for public servants in El Salvador.

In the case of the IML, there is little information available regarding the selection of specialized personnel, forensic doctors, or the election of its director; this is also true of the evaluation process for its officials and any disciplinary procedures that may apply to them. However, the Organic Judicial Law (Ley Orgánica Judicial) establishes that the Supreme Court of Justice has the power to choose the IML's director.<sup>25</sup>

# EXTERNAL JUDICIAL INDEPENDENCE

## BUDGETARY AUTONOMY

A 2011 study by the Economic Commission for Latin America and the Caribbean (ECLAC) asserted that the 2008 global financial crisis diverted the availability of resources for programs meant to strengthen El Salvador's security and justice sectors. Budget information from 2014-2017 shows that, overall, the Public Defender's Office, Attorney General's Office, the Institute of Forensic Medicine, and the Judiciary have absorbed just over 7 percent of the national budget.

The only judicial sector entity that has a budget allotment specified by El Salvador's Constitution is the Judiciary. Article 172 of the constitution establishes that the Judiciary must receive at least 6 percent of current revenue. This legal provision is the main reason why the Judiciary's budget is four times that of the FGR and 11 times that of the PGR.

With regard to the judiciary's budget, it is important to note that given that the IML organizationally forms part of the judiciary, 0.4 percent of the national budget allotted to forensic duties between 2014 and 2017 corresponds to 7.3 percent of the Judiciary's total budget.

Furthermore, according to data from the Finance Ministry, the PGR is the justice institution that has consistently received the lowest level of budget allocations during 2014-2017. Meanwhile, the FGR recorded the biggest increase in resources during that same period: between 2014 and 2017, its budget rose by \$24,811,345. The following table shows budget allocations to these judicial institutions by percentage.

**TABLE 9**

### BUDGETARY ALLOCATIONS° FOR JUSTICE INSTITUTIONS 2014-2017

Budgets	2014		2015		2016		2017	
Full budget	\$4,679,517,670	100%	\$4,823,010,660	100%	\$4,860,767,135	100%	\$4,957,831,280	100%
PGR	\$24,231,460	0.5%	\$24,733,505	0.5%	\$25,433,080	0.5%	\$25,751,842	0.5%
FGR	\$44,575,015	1%	\$44,626,045	0.9%	\$62,682,365	1.3%	\$69,386,360	1.4%
IML	\$16,592,315	0.3%	\$17,573,585	0.4%	\$17,412,910	0.4%	\$18,358,400	0.4%
CSJ	\$254,154,000	5.4%	\$264,848,202	5.5%	\$265,468,724	5.5%	\$265,123,186	5.4%

*Source: Ministry of Finance*

° For all institutions, the voted upon and allocated budgets were referenced for each year.



Upon analyzing the categories within the judicial sector budget allocations, salaries receive the greatest allocation of resources. However, when analyzing the official stated purpose of the budgetary allocations, we can break down the data as follows: a majority of PGR funds go toward criminal justice administration, while within the FGR, a majority of funds are allocated to the defense of societal and state interests.

With regard to the Judiciary, the majority of allocated funds are destined for categories such as legal affairs, the administration of justice, and “expertise” (expert reports). The chart on the following page shows the budgetary distribution of the PGR, FGR and Judiciary; the areas highlighted in gray will receive further analysis later in this section.

## BOX 3:

### BUDGETARY DISTRIBUTION FOR JUSTICE INSTITUTIONS CORRESPONDING TO PUBLIC DEFENSE, PROSECUTION OF CRIMES, AND JUSTICE ADMINISTRATION

Institution	Assignment by management area			Assignment by fund purpose	
PGR 2014 \$24,231,460	Running costs \$24,217,960	Operational management expenses	Remunerations <sup>a</sup> \$22,182,400	Institutional management and administration \$3,551,760	Management and administration \$3,551,760
		\$24,030,070	Goods and Services \$1,847,670	Legal assistance, psychosocial preventative, mediation and conciliation \$20,480,320	Defense of family, childhood and adolescence \$6,938,070
		Financial expenses \$187,890	Taxes, fees, rights, insurance, commissions and banking charges \$187,890		Defense of individual liberty <sup>b</sup> \$6,739,370
	Capital Expenditures \$13,500	Investments in fixed assets \$13,500	Personal Property --		Defense of real and personal rights \$1,500,015
					Defense of worker rights \$1,780,380
		Intangibles \$13,500	Preventative psychosocial services \$442,990		
			Mediation and conciliation service \$1,238,515		
			Substantive equality and violence free lives for women \$904,270		
			Services from third party funds \$936,710		
				Woman City Program \$163,990	Woman City Lourdes Colón, Usulután, Santa Ana, San Martín, San Miguel and Morazán \$163,990
PGR 2015 \$24,733,505	Running costs \$24,706,505	Operational management expenses	Remunerations <sup>a</sup> \$22,370,440	Institutional management and administration \$3,624,505	Management and administration \$3,624,505
		\$24,534,508	Goods and Services \$2,164,065	Legal assistance, psychosocial preventative, mediation and conciliation \$20,785,135	Defense of family, childhood and adolescence \$7,217,385
		Financial expenses \$172,000	Taxes, fees, rights, insurance, commissions and banking charges \$172,000		Defense of individual liberty <sup>b</sup> \$6,743,990
	Capital Expenditures \$27,000	Investments in fixed assets \$27,000	Personal Property \$3,000		Defense of real and personal rights \$1,529,445
					Defense of worker rights \$1,910,485
		Intangibles \$24,000	Preventative psychosocial services \$401,555		
			Mediation and conciliation service \$1,249,465		
			Substantive equality and violence free lives for women \$815,180		
			Services from third party funds \$917,630		
				Woman City Program \$323,865	Woman City Lourdes Colón, Usulután, Santa Ana, San Martín, San Miguel and Morazán \$323,865

PGR 2016 \$25,433,080	Running costs \$25,207,080	Operational management expenses \$25,018,580	Remunerations <sup>a</sup> \$22,426,925	Institutional management and administration \$3,922,140	Management and administration \$3,922,140
			Goods and Services \$2,591,655	Legal assistance, psychosocial preventative, mediation and conciliation \$21,015,190	Defensa de la familia, niñez y adolescencia \$7,341,680
		Financial expenses \$188,500	Taxes, fees, rights, insurance, commissions and banking charges \$188,500		Defense of individual liberty <sup>b</sup> \$6,738,695
	Capital Expenditures \$226,000	Investments in fixed assets \$226,000	Personal Property \$116,910		Defense of real and personal rights \$1,514,320
					Defense of worker rights \$1,977,695
					Preventative psychosocial services \$395,890
					Mediation and conciliation service \$1,264,620
					Substantive equality and violence free lives for women \$872,060
					Services from third party funds \$910,230
		Infrastructure \$95,090	Woman City Program \$315,750	Woman City Lourdes Colón, Usulután, Santa Ana, San Martín, San Miguel and Morazán \$315,750	
		Physical infrastructure and financing \$180,000			
PGR 2017 \$25,751,842	Running costs \$25,627,162	Operational management expenses \$25,410,407	Remunerations <sup>a</sup> \$23,478,375	Institutional management and administration \$4,114,022	Management and administration \$4,114,022
			Goods and Services \$1,932,032	Legal assistance, psychosocial preventative, mediation and conciliation \$21,311,180	Defense of family, childhood and adolescence \$7,353,785
		Financial expenses \$216,755	Taxes, fees, rights, insurance, commissions and banking charges \$216,755		Defense of individual liberty <sup>b</sup> \$6,847,640
	Capital Expenditures \$124,680	Investments in fixed assets \$124,680	Personal Property \$96,680		Defense of real and personal rights \$1,540,045
					Defense of worker rights \$2,026,085
					Preventative psychosocial services \$394,705
					Mediation and conciliation service \$1,342,120
					Substantive equality and violence free lives for women \$878,465
					Services from third party funds \$928,835
		Intangibles \$28,000	Woman City Program \$326,640	Woman City Lourdes Colón, Usulután, Santa Ana, San Martín, San Miguel and Morazán \$326,640	

<b>FGR 2014</b>  <b>\$44,575,015</b>	Running costs <b>\$42,575,015</b>		Remunerations <sup>a</sup> <b>\$30,531,360</b>	Institutional management and administration <b>\$8,011,970</b>	Management and administration <b>\$8,011,970</b>
			Goods and Services <b>\$10,431,190</b>	Defense of societal interests <sup>c</sup> <b>\$28,618,190</b>	Crimes against society <sup>c</sup> <b>\$28,618,190</b>
		Financial expenses <b>\$1,612,465</b>	Taxes, fees, rights, insurance, commissions and banking charges <b>\$1,612,465</b>	Defense of State interests <sup>d</sup> <b>\$4,626,030</b>	Legal Actions in favor of the State <sup>d</sup> <b>\$4,626,030</b>
	Capital Expenditures <b>\$2,000,000</b>	Investments in fixed assets <b>\$2,000,000</b>	Personal Property <b>\$2,000,000</b>	Financing of unexpected costs <b>\$291,465</b>	Unexpected costs <b>\$291,465</b>
				Telecommunications Intervention Center <b>\$1,027,360</b>	Telecommunications intervention <b>\$1,027,360</b>
				Institutional strengthening <b>\$2,000,000</b>	Technological infrastructure and equipment <b>\$2,000,000</b>
<b>FGR 2015</b>  <b>\$44,626,045</b>	Running costs <b>\$44,626,045</b>	Operational management expenses <b>\$43,270,280</b>	Remunerations <sup>a</sup> <b>\$30,780,685</b>	Institutional management and administration <b>\$8,951,470</b>	Management and administration <b>\$8,951,470</b>
			Goods and Services <b>\$12,489,595</b>	Defense of societal interests <sup>c</sup> <b>\$32,264,490</b>	Crimes against society <sup>c</sup> <b>\$32,264,490</b>
		Financial expenses <b>\$1,355,765</b>	Taxes, fees, rights, insurance, commissions and banking charges <b>\$1,355,765</b>	Defense of State interests <sup>d</sup> <b>\$2,557,565</b>	Legal Actions in favor of the State <sup>d</sup> <b>\$2,557,565</b>
				Telecommunications Intervention Center <b>\$852,520</b>	Telecommunications intervention <b>\$852,520</b>

According to the proposed budgets from the Ministry of Interior these strategic listings are defined as follows:

a. Indicates the listing in which all contracted positions are proposed or by the Salaries Law (indefinite contract agreements) in the institution.

b. Amount designated to the defense of individual liberty for adults and adolescents who have been charged with a punishable act, while in the phase of serving a sentence or provisional remedies, in a framework of access to justice.

c. Amount designated to the investigation and advancement of penal action in crimes involving organized crime, homicides, extorsions, illegal human trafficking, drug trafficking and corruption that affects the public.

d. Amount designated to the investigation and advancement of judicial and administrative action in all crimes affecting the State.

e. Amount designated to institutional strengthening through the borrowing of legal-administrative services, technical support, services to courts, integrated judicial centers and dependencies from the Judicial Body, with the purpose of procuring a more efficient justice administration.

<b>FGR 2016</b>  <b>\$62,682,365</b>	Running costs <b>\$44,651,665</b>	Operational management expenses <b>\$41,351,665</b>	Remunerations <sup>a</sup> <b>\$30,979,305</b>	Institutional management and administration <b>\$10,066,250</b>	Management and administration <b>\$10,066,250</b>
			Goods and Services <b>\$10,372,360</b>	Defense of societal interests <sup>c</sup> <b>\$30,962,265</b>	Crimes against society <sup>c</sup> <b>\$30,962,265</b>
		Financial expenses <b>\$3,300,000</b>	Taxes, fees, rights, insurance, commissions and banking charges <b>\$3,300,000</b>	Defense of State interests <sup>d</sup> <b>\$2,544,295</b>	Legal Actions in favor of the State <sup>d</sup> <b>\$2,544,295</b>
	Capital Expenditures <b>\$18,030,700</b>	Investments in fixed assets <b>\$17,808,700</b>	Infrastructure <b>\$17,808,700</b>	Telecommunications Intervention Center <b>\$1,078,855</b>	Telecommunications intervention <b>\$1,078,855</b>
		Investment in human capital <b>\$222,000</b>	Investment in human capital <b>\$222,000</b>	Physical Infrastructure <b>\$18,030,700</b>	Construction and building equipment <b>\$18,030,700</b>
<b>FGR 2017</b>  <b>\$69,386,360</b>	Running costs <b>\$47,380,960</b>	Operational management expenses <b>\$44,386,270</b>	Remunerations <sup>a</sup> <b>\$38,868,470</b>	Institutional management and administration <b>\$9,806,220</b>	Management and administration <b>\$9,806,220</b>
			Goods and Services <b>\$5,517,800</b>	Defense of societal interests <sup>c</sup> <b>\$33,655,305</b>	Crimes against society <sup>c</sup> <b>\$33,655,305</b>
		Financial expenses <b>\$2,994,690</b>	Taxes, fees, rights, insurance, commissions and banking charges <b>\$2,994,690</b>	Defense of State interests <sup>d</sup> <b>\$2,853,855</b>	Legal Actions in favor of the State <sup>d</sup> <b>\$2,853,855</b>
	Capital Expenditures <b>\$22,005,400</b>	Investments in fixed assets <b>\$21,888,730</b>	Infrastructure <b>\$21,888,730</b>	Telecommunications Intervention Center <b>\$1,065,580</b>	Telecommunications intervention <b>\$1,065,580</b>
		Investment in human capital <b>\$116,670</b>	Investment in human capital <b>\$116,670</b>	Physical Infrastructure <b>\$22,005,400</b>	Construction and building equipment <b>\$22,005,400</b>

f. Amount designated to contribute to the rule of law, legal certainty and social peace through the cases presented to the distinctive courts of justice, as well as to administering prompt and fulfilled justice through the attention, knowledge and resolution of the judicial causes that present themselves; and to lessen the procedural volume in cases of jurisprudence as well as strengthen the capacity of the courts with new models of justice administration promoting conflict resolution through mediation and tools in information technology.

g. Amount designated to practicing expert reports related to forensic medicine and to the analysis of biological samples as supporting evidence in the investigation of crimes, determination of parenthood related to anthropological and histopathological studies, psychiatry, social work and models of dental arcades of unidentified charred and decayed corpses, autopsies, corpse evaluations, exhumations, forensic blood examinations and sexual crimes at a national level.

<b>CSJ 2014</b> \$254,154,000	Running costs \$217,024,415	Operational management expenses \$210,305,040	Remunerations <sup>a</sup> \$171,264,135	Institutional management and administration \$49,248,065	Top management \$8,958,910
			Goods and Services \$39,040,905		Administration and finance \$39,951,635
		Financial expenses \$4,541,295	Taxes, fees, rights, insurance, commissions and banking charges \$4,541,295		Gender equality and violence free lives for women \$337,520
		Current transfers \$2,178,080	Current transfers to the External Sector \$2,178,080	Judicial matters <sup>e</sup> \$18,534,420	Administration of judicial matters <sup>e</sup> \$18,534,420
	Capital Expenditures \$37,129,585	Investments in fixed assets \$37,129,585	Personal Property \$6,171,950	Justice administration <sup>f</sup> \$140,105,615	Administration of justice in departments <sup>f</sup> \$10,487,095
					Justice administration in Tribunals and Integrated Justice Centers <sup>f</sup> \$129,618,520
			Intangibles \$1,284,050	Physical Infrastructure \$29,673,585	Physical Infrastructure \$29,673,585
					Management and administration \$4,366,435
			Infrastructure \$29,673,585	Legal Medicine <sup>g</sup> \$16,592,315	Expert reports <sup>g</sup> \$12,225,880
<b>CSJ 2015</b> \$264,848,202.30	Running costs \$243,441,757.30	Operational management expenses \$235,231,737.30	Remunerations <sup>a</sup> \$196,149,332.30	Institutional management and administration \$53,583,770	Top management \$9,696,865
			Goods and Services \$39,082,405		Administration and finance \$43,556,225
		Financial expenses \$4,606,375	Taxes, fees, rights, insurance, commissions and banking charges \$4,606,375		Gender equality and violence free lives for women \$330,680
		Current transfers \$3,603,645	Current transfers to the External Sector \$3,603,645	Judicial matters <sup>e</sup> \$20,537,095	Administration of judicial matters <sup>e</sup> \$20,537,095
	Capital Expenditures \$21,406,445	Investments in fixed assets \$21,406,445	Personal Property \$5,023,430	Justice administration <sup>f</sup> \$158,531,547.30	Administration of justice in departments <sup>f</sup> \$11,362,535
					Justice administration in Tribunals and Integrated Justice Centers <sup>f</sup> \$147,169,012.30
			Intangibles \$1,760,810	Physical Infrastructure \$14,622,205	Physical Infrastructure \$14,622,205
					Management and administration 4,667,010
			Infrastructure \$14,622,205	Legal Medicine <sup>g</sup> \$17,573,585	Expert reports <sup>g</sup> \$12,906,575

<b>CSJ 2016</b> \$265,468,724	Running costs \$247,485,454	Operational management expenses \$236,302,739	Remunerations <sup>a</sup> \$197,629,330	Institutional management and administration \$55,042,445	Top management \$10,024,840
			Goods and Services \$38,673,409		Administration and finance \$44,778,280
		Financial expenses \$746,780	Taxes, fees, rights, insurance, commissions and banking charges \$746,780		Gender equality and violence free lives for women \$239,325
		Current transfers \$2,019,000	Current transfers to the External Sector \$2,019,000	Judicial matters <sup>e</sup> \$23,228,800	Administration of judicial matters <sup>e</sup> \$23,228,800
	Capital Expenditures \$17,983,270	Investments in fixed assets \$17,983,270	Personal Property \$6,893,495	Justice administration <sup>f</sup> \$160,072,069	Administration of justice in departments <sup>f</sup> \$12,549,885
					Justice administration in Tribunals and Integrated Justice Centers <sup>f</sup> \$147,522,184
			Intangibles \$11,377,275	Physical Infrastructure \$9,712,500	Physical Infrastructure \$9,712,500
					Management and administration \$5,073,675
			Infrastructure \$9,712,500	Legal Medicine <sup>g</sup> \$17,412,910	Expert reports <sup>g</sup> \$12,339,235
<b>CSJ 2017</b> \$265,123,186	Running costs \$250,287,076	Operational management expenses \$238,831,681	Remunerations <sup>a</sup> \$196,038,381	Institutional management and administration \$56,338,771	Top management \$10,034,865
			Goods and Services \$42,793,300		Administration and finance \$45,998,300
		Financial expenses \$9,500,645	Taxes, fees, rights, insurance, commissions and banking charges \$9,500,645		Gender equality and violence free lives for women \$305,606
		Current transfers \$1,954,750	Current transfers to the External Sector \$1,954,750	Judicial matters <sup>e</sup> \$23,552,450	Administration of judicial matters <sup>e</sup> \$23,552,450
	Capital Expenditures \$14,836,110	Investments in fixed assets \$14,836,110	Personal Property \$8,659,385	Justice administration <sup>f</sup> \$161,727,315	Administration of justice in departments <sup>f</sup> \$12,176,240
			Bienes inmuebles \$600,000		Justice administration in Tribunals and Integrated Justice Centers <sup>f</sup> \$149,551,075
			Intangibles \$1,000,000	Physical Infrastructure \$5,146,250	Physical Infrastructure \$5,146,250
					Management and administration \$5,532,910
			Infrastructure \$4,576,725	Legal Medicine <sup>g</sup> \$18,358,400	Expert reports <sup>g</sup> \$12,825,490

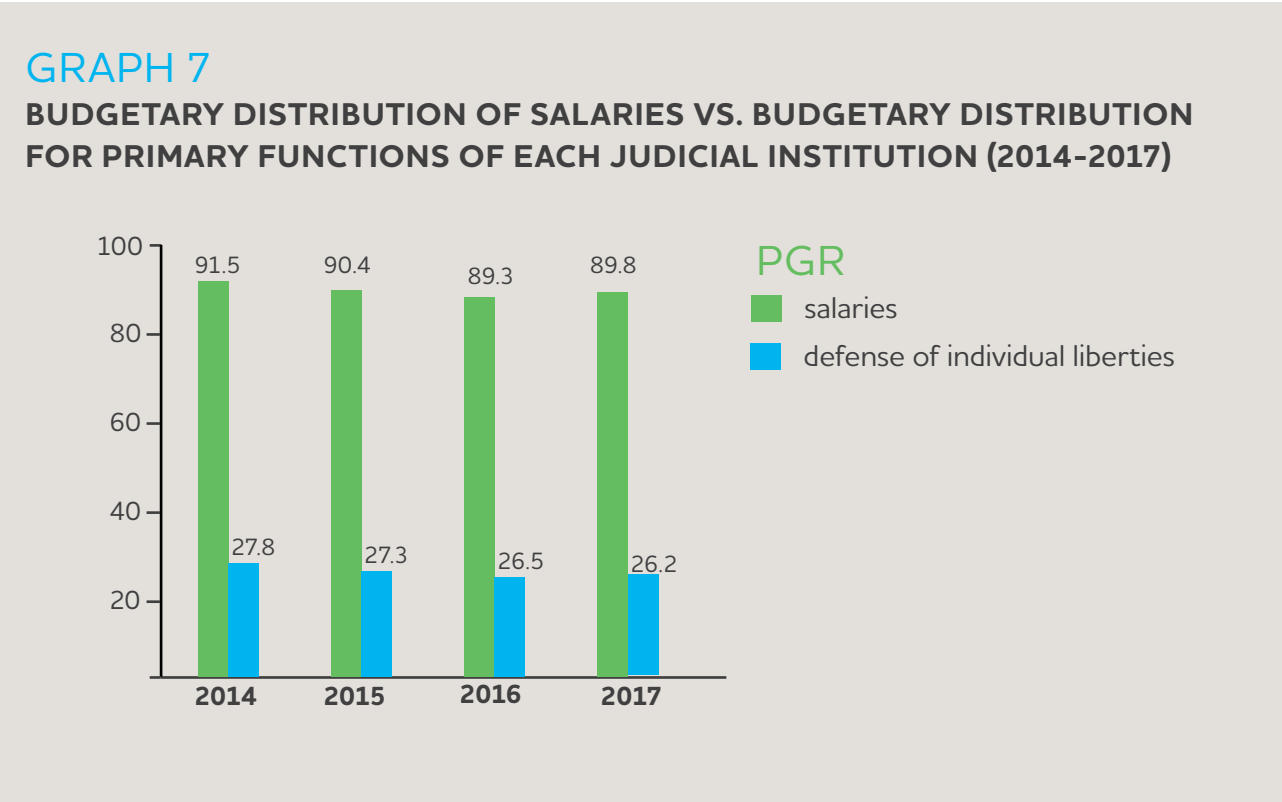


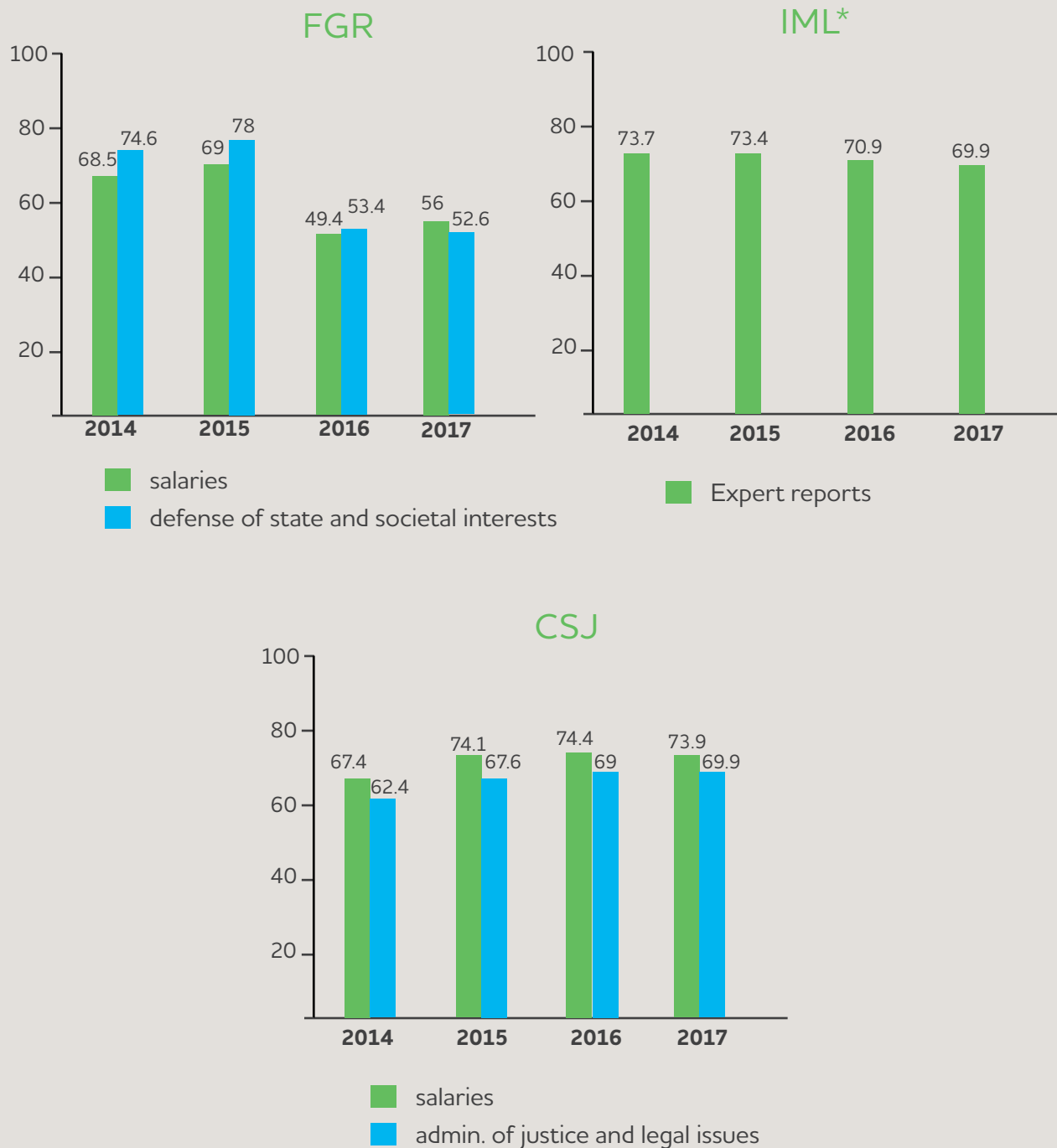
As budget data show, salaries absorbed approximately 90 percent of the total PGR budget during the 2014-2017 period. In contrast, by disaggregating the budget based on the official stated purpose of the funds, just over one fourth of the resources are earmarked for the defense of individual liberty (which refers to legal and technical defense assistance of adults and minors accused of committing a criminal offense). Notably, in 2017 this category received \$506,145 less than the budget allocated for defense work linked to families, adolescents, and children.

Meanwhile, salaries absorbed about 61 percent of the FGR’s allotted budget during 2014-2017. When looking at the sub-budget for funds allocated for defense of state and societal interests, 65 percent of those funds had been used for investigations and initiating criminal proceedings.

At the time of this report’s publication, no disaggregated information on salaries had been obtained from the IML. However, the total budget allocated to the IML by the Judiciary shows that more than 70 percent of its resources nationwide during the analyzed period were dedicated to forensic medical examinations and analysis of biological samples as potential evidence.

On average, salaries make up 73.5 percent of the Judiciary’s budget. However, upon disaggregating this entity’s total budget based on intended use of the funds, 67.3 percent has been earmarked for the resolution of judicial processes at the country’s chambers, tribunals, and courts. The following graph shows these results.





Source: Ministry of Finance, PGR, FGR, and CSJ [budgets voted upon 2014-2017]

\*Given that salaries from IML are taken into account in the CSJ budget, the reports from the Ministry of Finance do not specify this category.

On another note, by analyzing the difference between the budget allocated to these judicial system institutions and the actual disbursement of these funds during the 2014-2017 period, the data show that the PGR—the entity with the fewest resources—has spent more than what it was originally allocated during three of the years under study. As a result, the PGR has required additional funding in order to conclude its activities at the end of each fiscal year. Data provided by the Finance Ministry show that, in general, the FGR, the IML, and the

Judiciary have not utilized the full amount of funds allocated to them in most of the years analyzed. The FGR has reported an annual average surplus of \$4 million in the four years under study, the IML reported an annual average surplus of \$3 million, and the Judiciary reported an annual average surplus of \$26 million.

**TABLE 10**  
**JUSTICE INSTITUTIONS' BUDGET ALLOCATION AND EXECUTION 2014-2017**

Institution	Budget Proposed	Budget Executed	Difference
PGR	2014		
	\$ 24,231,460.00	\$ 25,066,772.87	\$ 835,312.87
	2015		
	\$ 24,733,505.00	\$ 25,171,096.53	\$ 437,591.53
	2016		
	\$ 25,433,080.00	\$ 25,430,118.61	\$ 2,961.39
	2017		
	\$ 25,751,842.00	\$ 26,133,812.23	\$ 381,970.23
FGR	2014		
	\$ 44,575,015.00	\$ 44,557,037.30	\$ 17,997.70
	2015		
	\$ 44,626,045.00	\$ 48,955,747.42	\$ 4,329,702.42
	2016		
	\$ 62,682,365.00	\$ 47,739,161.35	\$ 14,943,203.65
	2017		
	\$ 69,386,360.00	\$ 63,780,513.89	\$ 5,605,846.11

Institution	Budget Proposed	Budget Executed	Difference
IML	2014		
	\$ 16,592,315.00	\$ 14,172,919.01	\$ 2,419,395.99
	2015		
	\$ 17,573,585.00	\$ 13,367,032.34	\$ 4,206,552.66
	2016		
	\$ 17,412,910.00	\$ 14,537,714.20	\$ 2,875,195.80
	2017		
	\$ 18,358,400.00	\$ 14,205,375.30	\$ 4,153,024.70
CSJ	2014		
	\$ 254,154,000.00	\$ 217,211,471.44	\$ 36,942,528.56
	2015		
	\$ 264,848,202.30	\$ 239,656,091.46	\$ 25,192,110.84
	2016		
	\$ 265,468,724.00	\$ 240,568,979.55	\$ 24,899,744.45
	2017		
	\$ 265,123,186.00	\$ 246,835,809.60	\$ 18,287,376.40



*Source: Ministry of Finance, PGR, FGR, and CSJ, [budgets voted upon and executed 2014-2017]*

Based on this official data, the majority of El Salvador's judicial system institutions (with the exception of the PGR) did not fully exhaust their budgets as allocated by the Legislative Assembly in 2016 and 2017. The IML registered the biggest gap between what was officially allocated and what was actually spent, as illustrated in the following

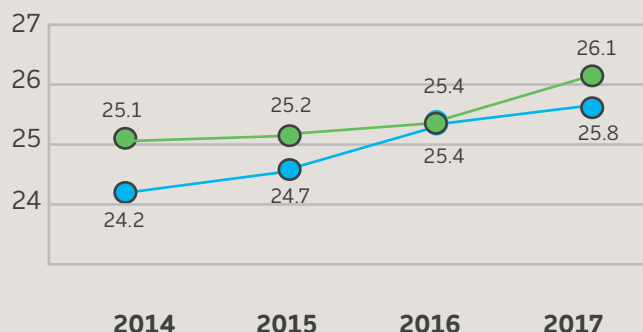
graph. This situation is noteworthy given that throughout 2014-2017, there were several protests by IML personnel who cited excessive workloads and unsafe, unhygienic forensic working conditions.

## GRAPH 8

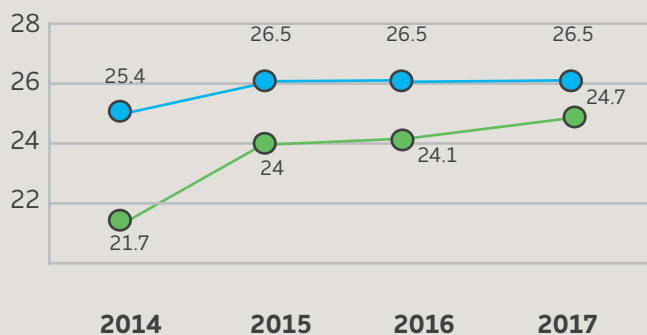
### BUDGET SPENDING BY INSTITUTION

 budget proposed  
 budget executed  
 (in millions of dollars)

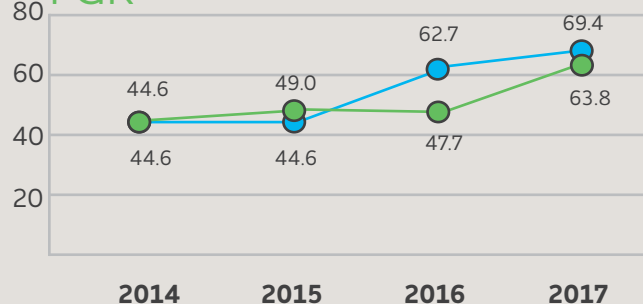
#### PGR



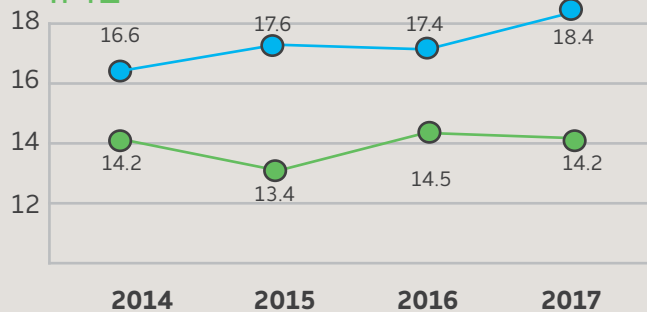
#### CSJ



#### FGR



#### IML



Source: Ministry of Finance, PGR, FGR, and CSJ [budgets voted upon and executed 2014-2017]

Again, as evidenced by this data, most of El Salvador's justice sector institutions fail to fully spend the entirety of the budgets allocated to them by the Legislative Assembly. That being said, it is difficult to say what challenges these institutions have faced in terms of more efficiently exhausting their budgets.

Meanwhile, with regard to the additional funds granted to the PGR and the FGR, it is important to note that these were first approved by the Legislative Assembly's Finance and Special Budget Committee (Comisión de Hacienda y Especial del Presupuesto), which evaluates each institution's needs. Following a report by the Finance Ministry, this committee is responsible for determining whether it is possible to grant the full amount of the additional funding requested or just a percentage of it. Finally, the Legislative Assembly must approve this adjustment to the overall national budget.

According to media reports, additional funding for the PGR did not just go towards paying salaries—the extra funds were also used to cover rental property commitments. According to some officials, paying rent for different sites utilized by various judicial sector institutions has been a major financial strain for the institution's operations.

Separately, given that institutions spend nearly half of their respective budgeted funds on salaries, upon making a comparative analysis

of the distribution of funds in this category, it can be seen that while in 2014 the FGR reported the lowest average monthly salary for full-time personnel, by 2017 it had the highest average salary in comparison with the other institutions.

Furthermore, the PGR's average monthly salary for full-time personnel has practically remained the same during the 2014-2017 period. With regard to the Judiciary, it is paradoxical that in 2014, when official figures indicate that it reported the highest budget carryover, it also recorded the lowest average salary for its full-time personnel.

With regard to wage gaps, the PGR reports that in 2014 and 2015, the institution's lowest salaries are actually the highest among all the judicial sector entities analyzed, although they correspond to the smallest number of authorized positions. Meanwhile, the FGR has the largest number of positions assigned to its lowest salary in comparison with the other entities. In contrast, the OJ has the largest number of positions assigned to the institution's highest salary tier. This is probably due to the investment that the Judiciary makes in paying judges, magistrates and judicial collaborators that form the core of the personnel responsible for administering justice. The following table shows a disaggregated comparison of the salaries of the PGR, FGR and OJ in the 2014-2017 period.

**TABLE 11**
**EVALUATION OF THE ASSIGNMENT OF REMUNERATIONS, AVERAGE SALARIES, AND FULL-TIME POSITIONS OF JUSTICE INSTITUTIONS, 2014-2017**

Institution	Category	2014	2015	2016	2017
PGR	Remunerations	\$22,182,400	\$22,370,440	\$22,426,925	\$23,478,375
	Full-time positions	\$19,516,985	\$19,651,980	\$19,680,180	\$19,716,360
	# of full-time positions	1,393	1,402	1,405	1,405
	Average monthly salary of full-time staff	\$1,167.56	\$1,168.09	\$1,167.27	\$1,169.42
	Lowest salary	\$601-\$650.99	\$601-\$650.99	\$451-\$500.99	\$451-\$500.99
		3 positions	3 positions	1 position	1 position
	Highest salary	\$2,301.00 or more	\$2,301.00 or more	\$2,301.00 or more	\$2,301.00 or more
		10 positions	10 positions	10 positions	10 positions
FGR	Remunerations	\$30,531,360	\$30,780,685	\$30,979,305	\$38,868,470
	Full-time positions	\$24,680,340	\$24,669,575	\$24,649,020	\$31,059,580
	# of full-time positions	1,859	1,837	1,797	1,889
	Average monthly salary of full-time staff	\$1,106.35	\$1,119.11	\$1,143.06	\$1,370.19
	Lowest salary	\$451-\$500.99	\$451-\$500.99	\$451-\$500.99	\$551-\$600.99
		263 positions	259 positions	246 positions	48 positions
	Highest salary	\$2,301.00 or more	\$2,301.00 or more	\$2,301.00 or more	\$2,301.00 or more
		53 positions	56 positions	69 positions	89 positions
OJ	Remunerations	\$171,264,135	\$196,149,332.30	\$197,629,330	\$196,038,381
	Full-time positions	\$133,360,015	\$152,130,440	\$151,344,220	\$150,057,500
	# of full-time positions	10,373	10,282	10,303	10,219
	Average monthly salary of full-time staff	\$1,071.37	\$1,232.98	\$1,224.11	\$1,223.68
	Lowest salary	\$451-\$500.99	\$601-\$650.99	\$451-\$500.99	\$451-\$500.99
		38 positions	45 positions	2 positions	2 positions
	Highest salary	\$2,301.00 or more	\$2,301.00 or more	\$2,301.00 or more	\$2,301.00 or more
		295 positions	577 positions	549 positions	552 positions

Source: Ministry of Finance

It is striking that in some cases these figures do not correspond with authorities' statements about the budgetary difficulties faced by these institutions, in terms of meeting overall demand for their services. With the exception of the PGR, the rest of the entities (according to the Finance Ministry's reports) spend fewer resources than they have available. There are other factors that influence the budgets of El Salvador's justice institutions, including, investments by various international organizations in projects that

last longer than a single fiscal year. There is also the question of international loans that are taken out to finance the needs of different institutions. It is also difficult to say whether administrative capacity to more effectively meet certain budget objectives is an issue that affects budget execution, based on the information made available by state institutions.

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## PROTECTION AND SECURITY

There are a wide range of protection mechanisms to help ensure the security and integrity of justice officials in El Salvador.

At the time of this report's publication, no information had been obtained regarding PGR protection mechanisms for public defenders. With respect to the FGR, protection measures for prosecutors include the following: under Attorney General Luis Martínez, FGR officials were able to obtain life insurance that covers potential scenarios that could occur while they are working on investigations. Additionally, some assistant public prosecutors have started making use of balaclavas to avoid being identified by criminal groups on the ground while they are working at a crime scene. In some cases, specialized prosecutor's offices are located in unidentified buildings that bear no link to the institution, allowing assistant public prosecutors there to keep a low profile and minimize the risk of being targeted.

The Judiciary is arguably the institution that has implemented the greatest number

of protection measures for employees. For example, special protective vehicles are assigned to some judges; other judges handling organized crime cases are assigned one or more bodyguards as a protection measure. Some courts also have created separate access routes for visitors, detainees, operational personnel, and judges.

In another relevant development, in 2016 and 2017, El Salvador's Legislative Assembly approved reforms to the Criminal Code that made the murder of family members of public officials a more serious crime.

At the time of this report's publication, there was no information available regarding the possible existence of a comprehensive security protocol for judicial sector officials. However, empirical evidence shows that public defenders experience higher levels of vulnerability in comparison with other justice sector employees.

While the previously described measures seem to be aimed at dissuading the violent



targeting of judicial officials, the number of murders of judicial officials reported by the media is low. During the time period covered by this report, two such cases were reported, in 2014 and 2015, one involving a judge and

another involving a mid-ranking FGR official. Only one of these homicides was directly related to the performance of the judicial official's duties, according to police. The following chart breaks down this information.

BOX 4

HOMICIDES OF JUSTICE SECTOR OFFICIALS THAT RECEIVED SIGNIFICANT MEDIA COVERAGE 2014-2015

Year	2014 <sup>26</sup>	2015 <sup>27</sup>
Date	August 10, 2014	March 6, 2015
Institution	CSJ	FGR
Position	Magistrate of the Second Criminal Division of the Eastern Third Section	Chief of the Life Unit (Unidad de Vida) for the Attorney General (Fiscalía General de la República, FGR)
Hypothesis	Robbery	For prosecuting a gang member

# ACRONYMS AND ABBREVIATIONS

<b>A.C.</b>	Constituent Assembly
<b>Art.</b>	Article
<b>Cn.</b>	Constitution of the Republic
<b>CP</b>	Criminal Code
<b>CPP</b>	Criminal Procedure Code
<b>CNJ</b>	National Council of the Judiciary
<b>CSJ</b>	Supreme Court of Justice
<b>Digestyc</b>	General Directorate of Statistics and Censuses
<b>D.L.</b>	Legislative Decree
<b>D.O.</b>	Official Journal
<b>FMM</b>	Myrna Mack Foundation
<b>FGR</b>	Office of the Prosecutor General of the Republic
<b>IML</b>	Institute of Forensic Medicine
<b>ISNA</b>	Salvadoran Institute for the Comprehensive Development of Children and Adolescents
<b>Iudop</b>	University Institute for Public Opinion
<b>IUDPAS</b>	University Institute on Democracy, Peace and Security
<b>LAIP</b>	Law on Access to Public Information
<b>LOCNJ</b>	Organic Law of the National Council of the Judiciary
<b>LOFGR</b>	Organic Law of the Office of the Prosecutor General of the Republic
<b>LOPNC</b>	Organic Law of the National Civilian Police
<b>LOJ</b>	Organic Judicial Law
<b>OJ</b>	Judiciary
<b>PGR</b>	Public Defender's Office of the Republic
<b>PNC</b>	National Civilian Police
<b>SIF</b>	Seattle International Foundation
<b>UCA</b>	José Simeón Cañas Central American University
<b>UIF</b>	Financial Investigation Unit
<b>UN</b>	United Nations
<b>WOLA</b>	Washington Office on Latin America

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# OFFICIAL STATISTICS

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## **NATIONAL CIVILIAN POLICE, 2014-2017**

[Information request No. C-318-2019]

- Total number of police stations

## **OFFICE OF THE PROSECUTOR GENERAL OF THE REPUBLIC, 2014-2017**

[Information request No. 137-UAIP-FGR-2019]

- Total number of assistant public prosecutors
- Total number of specialized assistant public prosecutors
- Total number of assistant public prosecutors dismissed or suspended from their posts
- Total number of assistant public prosecutors who were sanctioned
- Number of prosecutor's requisitions made for all crimes on a national level
- Total number of assistant public prosecutors hired on a national level
- Average number of cases assigned to assistant public prosecutors

## **PUBLIC DEFENDER'S OFFICE OF THE REPUBLIC, 2014-2017**

[Information request No. UAIP-26-04/2019]

- Number of public defenders with competence in criminal matters assigned

to the public defense unit

- Number of active cases assigned on average to each public defender with competence in criminal matters
- Allocated budget

## **SUPREME COURT OF JUSTICE, DEPARTMENT OF INSTITUTIONAL PLANNING (DIRECCIÓN DE PLANIFICACIÓN INSTITUCIONAL) GENERAL SECRETARIAT, INSTITUTE OF FORENSIC MEDICINE, 2014-2017**

[Information request No. UAIP561/120/2019(3)]

- Summary of the jurisdictional work carried out in the judicial branch from 2014 to 2018
- Number of magistrates of second instance by legal matter and geographical location
- Total number of judges with competence in criminal matters in courts of: justices of the peace, investigation, trials, mixed, specialized investigation, specialized trials, magistrates at criminal chambers, magistrates at mixed chambers, magistrates at specialized chambers, magistrates at the criminal chamber on a national level.
- Total number of judges involved in prison supervision and sentence enforcement
- Total number of judges with competence in matters related to minors: judges for minors, judges for the enforcement of measures, and magistrates at the chamber

for minors

- Total number of judges with competence in matters of asset forfeiture (investigation and trials) and chamber magistrates on a national level
- Total number of forensic experts nationwide, disaggregated by sex, length of service in the institution and department
- Total number of personnel assigned to the Unit of Forensic Pathology (*Unidad de Patología Forense*) and the Forensic Clinic (*Clínica Forense*), disaggregated by sex, length of service in the institution and department
- Total number of hospital corpse removals, corpse removals due to violent death, and autopsies assigned on average to forensic experts
- Total number of corpse removals and autopsies done annually

## TRANSPARENCY WEB PAGES CONSULTED

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Finance Ministry

<http://www7.mh.gob.sv/pmh/es/Temas/Transparencia.html>

Judicial branch / Supreme Court of Justice (CSJ)

<http://www.transparencia.oj.gob.sv/es>

Legislative Assembly

<https://transparencia.asamblea.gob.sv/>

National Civilian Police (PNC)

<https://www.transparencia.gob.sv/institutions/pnc>

National Council of the Judiciary (CNJ)

<http://www.cnj.gob.sv/Transparencia/>

Office of the Prosecutor General of the Republic (FGR)

<http://portaldetransparencia.fgr.gob.sv/>

Public Defender's Office of the Republic (PGR)

<http://www.informacionpublicapgr.gob.sv/index.php/es/>

## WEBSITES CONSULTED

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Finance Ministry

<http://www7.mh.gob.sv/pmh/es/>

Judicial branch / Supreme Court of Justice (CSJ)

<http://www.csj.gob.sv/idioma.html>

Legislative Assembly

<https://www.asamblea.gob.sv/>

National Council of the Judiciary (CNJ)

<http://www.cnj.gob.sv/>

Office of the Prosecutor General of the Republic (FGR)

<http://www.fiscalia.gob.sv/>

National Civilian Police (PNC)

<http://www.pnc.gob.sv/>

Public Defender's Office of the Republic (PGR)

<http://www.pgr.gob.sv/>

# NOTES

- <sup>1</sup> A detailed list of indicators is available at [www.wola.org/cam](http://www.wola.org/cam).
- <sup>2</sup> Both the Prosecutor General and the Public Defender serve for three-year periods.
- <sup>3</sup> Article 172 of the Constitution of the Republic.
- <sup>4</sup> University Institute for Public Opinion [Iudop] (2014) La situación de la seguridad y la justicia 2009-2014. Entre expectativas de cambio, mano dura militar y treguas pandilleras. Aguilar, J. [Coord.] University Institute for Public Opinion of the José Simeón Cañas Central American University. El Salvador: Talleres Gráficos UCA. Retrieved from: [http://www.uca.edu.sv/iudop/wp-content/uploads/libro\\_la\\_situaci%C3%B3n\\_de\\_la\\_seguridad.pdf](http://www.uca.edu.sv/iudop/wp-content/uploads/libro_la_situaci%C3%B3n_de_la_seguridad.pdf) March 17, 2019
- <sup>5</sup> Constituent Assembly of El Salvador [A.C.] (1983) Constitution of the Republic. Constitutional Decree No. 38, D.O. No. 234, Vol. No. 281 from December 16, 1983. Retrieved from: [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072857074\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072857074_archivo_documento_legislativo.pdf) February 29, 2019
- <sup>6</sup> Legislative Assembly [A.L.] (1984) Organic Judicial Law. Legislative Decree No. 123, D.O. No. 115, Vol. No. 283 from June 20, 1984. Retrieved from: [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072959054\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072959054_archivo_documento_legislativo.pdf) February 12, 2019
- <sup>7</sup> Article 21 of the Organic Law of the National Civilian Police.
- <sup>8</sup> Iudop, 2014, pg. 42
- <sup>9</sup> In the case of the prison system and the sub-system for the confinement of minors, between 2014 and 2017, there were 26 penitentiary centers nationwide to lodge the adult population convicted or charged. To lodge the population that has infringed the Juvenile Penal Law (*Ley Penal Juvenil*), there are 5 authorized establishments [4 administered by the Salvadoran Institute for the Comprehensive Development of Children and Adolescents (ISNA) and another run by the General Directorate of Intermediate Centers (DGCI)]. In the case of the establishments used for depriving people of liberty in the country, it is calculated that there is approximately one such facility per every 679 square kilometers.
- <sup>10</sup> Four administered by the Salvadoran Institute for the Integral Development of Children and Adolescents (ISNA) and another administered by the General Directorate of Intermediate Centers (DGCI).
- <sup>11</sup> The PGR's central offices and national coordinators are located in the department of San Salvador, which have been counted as one single headquarter.
- <sup>12</sup> The FGR's central offices are located in the department of San Salvador, along with the special prosecution units.
- <sup>13</sup> United Nations (2010) Report of the Secretary-General: State of crime and criminal justice worldwide. February 1, 2010. Retrieved from: [https://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/A\\_CONF.213\\_3/V1050611s.pdf](https://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/A_CONF.213_3/V1050611s.pdf) June 25, 2019
- <sup>14</sup> Le Clercq, J. and Sánchez, G. (2017) Global Impunity Dimensions: GII-2017 Global Impunity Index. University of the Americas Puebla; UDLAP Jenkins Graduate School and Center of Studies on Impunity and Justice. Retrieved from: [https://www.udlap.mx/cesij/files/IGI-2017\\_eng.pdf](https://www.udlap.mx/cesij/files/IGI-2017_eng.pdf) July 17, 2019
- <sup>15</sup> Andrade, L. and Carrillo, A. (2015) El sistema penitenciario salvadoreño y sus prisiones. University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA), El Salvador. Retrieved from: <http://www.uca.edu.sv/iudop/wp-content/uploads/El-Sistema-penitenciario-salvadore%C3%B1o-y-sus-prisiones.pdf> March 20, 2019; Iudop, 2014.
- <sup>16</sup> Data obtained from institutional reports (*memorias de labores*). In this case, the reporting period encompasses June of one year through May of the following year.
- <sup>17</sup> This only reports on individuals who indicated they had high levels of confidence in the justice system.
- <sup>18</sup> Aguilar, J. and Andrade, L. (2017) Perceptions of Security and Confidence in Public Institutions: Fourth Measurement for Partnership for Growth Action Plan Indicators. United States Agency for International Development (USAID). University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA), El Salvador. Retrieved from: [https://pdf.usaid.gov/pdf\\_docs/pa00mpd7.pdf](https://pdf.usaid.gov/pdf_docs/pa00mpd7.pdf) March 20, 2019. Pg 14.
- <sup>19</sup> Adapted from Aguilar and Andrade, 2017. Pg 14.
- <sup>20</sup> The CNJ publishes data from July 1 of the first year to June 30 of the next.
- <sup>21</sup> Legislative Assembly [A.L.] (2006) Organic Law of the Office of the Prosecutor General of the Republic. Legislative Decree No. 1037, D.O. No. 95, Vol. No. 371 from May 25, 2006. Retrieved from: [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072930339\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072930339_archivo_documento_legislativo.pdf) February 13, 2019.
- <sup>22</sup> Fusades (2015) Incidencia de la jurisprudencia en la elección de magistrados de la CSJ 2015 por el CNJ. Investigation Series 1-2015. Department of Legal Studies. Retrieved from: <http://fusades.org/sites/default/files/Incidencia%20de%20la%20jurisprudencia%20en%20la%20elección%20de%20magistrados%20de%20la%20CSJ%202015%20por%20el%20CNJ.pdf> June 25, 2019.
- <sup>23</sup> The 15 magistrates of the Supreme Court of Justice are distributed among the chambers in the following fashion: five in the Constitutional Chamber, three in the Civil Chamber, three in the Criminal Chamber, and four in the Administrative Chamber.
- <sup>24</sup> Legislative Assembly [A.L.] (1984) Organic Judicial Law. Legislative Decree No. 123, D.O. No. 115, Vol. No. 283 from June 20, 1984. Retrieved from: [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072959054\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072959054_archivo_documento_legislativo.pdf) February 12, 2019
- <sup>25</sup> Article 102-A of the Organic Judicial Law.
- <sup>26</sup> ElSalvador.com (2015) A juicio vinculados en muerte de magistrado y su esposa. <https://www.elsalvador.com/noticias/nacional/asesinan-a-magistrado-y-a-su-esposa-en-el-interior-de-su-casa-en-san-miguel/133249/2014/>; <https://www.elsalvador.com/noticias/nacional/a-juicio-vinculados-en-muerte-de-magistrado-y-su-esposa/150902/2015/>.
- <sup>27</sup> (2015) Más allá de la muerte de una fiscal. La Prensa Gráfica. <https://www.laprensagrafica.com/revistas/Mas-alla-de-la-muerte-de-un-fiscal-20150426-0065.html>; <https://www.elsalvador.com/noticias/nacional/asesinan-a-jefe-de-la-fiscalia-antihomicidios-de-usulután/147382/2015/>.

## **ABOUT THE ORGANIZATIONS**

**THE University Institute for Public Opinion (Iudop)** is a research center based at the José Simeón Cañas Central American University in El Salvador. In collaboration with other areas of the university, the Iudop seeks to systematically and scientifically monitor public opinion on the social, political, economic, and cultural situation of the country.

**THE WASHINGTON OFFICE ON LATIN AMERICA (WOLA)** is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies protect human rights and recognize human dignity, and where justice overcomes violence.

## **ABOUT THE PROJECT**

The Central American Monitor is a sub-regional project that seeks to assess the level of progress being made by the governments of Guatemala, Honduras and El Salvador in the areas of strengthening the rule of law, reducing violence, combating corruption and organized crime, and protection of human rights through the use of a series of indicators. The project also monitors and analyzes the international cooperation programs in the mentioned areas.

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For more information, please visit: [www.wola.org/cam](http://www.wola.org/cam)