

El Salvador: Authoritarian Actions Threaten Democracy

May 6, 2021

On May 1-2, 2021, the newly seated National Assembly of El Salvador, now dominated by President Nayib Bukele's New Ideas party, [dismissed](#) the five magistrates on the Constitutional Chamber of the Supreme Court and the attorney general and replaced them with allies of the president. Since taking office in 2019, Bukele has capitalized on the traditional parties' unpopularity to concentrate power in the executive. Some observers contend the recent dismissals occurred in retaliation for the attorney general's [investigations of corruption](#) in Bukele's Cabinet and court rulings that Bukele [violated the constitution](#) by ruling by decree during the Coronavirus Disease 2019 (COVID-19) pandemic.

Biden Administration officials and some Members of Congress have expressed concerns about democracy in El Salvador, which is located in the "[Northern Triangle](#)" region of Central America that is a primary source of unauthorized migration to the United States. Secretary of State Antony Blinken [called](#) President Bukele to express "grave concern" about the dismissals. Vice President Kamala Harris [tweeted](#) that the United States has "deep concerns about El Salvador's democracy." Some Members of Congress have called on the Administration to consider policy responses ranging from [fostering dialogue](#) in El Salvador to [conditioning](#) international financing for the country on the Salvadoran government's respect for democratic norms.

Bukele Administration and Democratic Backsliding

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

Bukele has governed as a populist, using [social media](#) to communicate with supporters, make policy declarations, purge officials, and attack opponents and journalists critical of his policies. Through 2020, Bukele battled with the legislature (where GANU held 11 of 84 seats) and the Supreme Court over funds he sought for his security plan and his aggressive enforcement of a pandemic quarantine. In February

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2020, Bukele [ordered the military](#) to surround the legislature in an effort to intimidate legislators into approving an anti-crime bill. He [ignored and criticized](#) Supreme Court rulings for him to respect constitutional rights and legislative decisions during the pandemic. Although Bukele remained popular, critics warned about his authoritarian tendencies and possible [ties to organized crime](#), particularly after he solidified power over the legislature. In February 2021, New Ideas and its allies [won a supermajority](#) in parliamentary elections

Since Bukele took office, the Committee to Protect Journalists has [spoken out](#) regarding threats against media outlets. Freedom House also has downgraded El Salvador from [free](#) to [partly free](#) in its annual assessment of political rights and civil liberties.

May 2021: Legislature Dismisses Supreme Court Judges and Attorney General

On May 1, 2021, the National Assembly deputies elected in February 2021 took office. Unlike the outgoing legislature, in which ARENA and the FMLN held the majority of seats, the 84-seat National Assembly is now dominated by New Ideas (56 seats), GANA (5 seats), and allied parties (3 seats). Rather than discussing their agenda, New Ideas deputies hastily presented charges against and [dismissed](#) the Constitutional Court magistrates for inhibiting the government's pandemic response. On May 2, legislators dismissed the attorney general for having ties to ARENA. According to the Inter-American Commission of Human Rights, both actions [violated accepted principles](#) for removing judicial sector actors, such as "due cause, right of defense, and due process." The legislators swore in replacements through a process that violated procedures outlined in [Article 186](#) of the constitution.

The outgoing Constitutional Tribunal ruled the dismissal unconstitutional; several lower court judges rejected the move. The [U.N. Secretary General](#) and [High Commissioner for Human Rights](#), the [Organization of American States \(OAS\)](#), and the [European Union](#) issued statements calling the legislature's actions a violation of judicial independence. In response to international condemnation, Bukele reportedly [stated](#), "we're cleaning our house and this isn't your responsibility."

U.S. Policy Concerns

The Biden Administration [is requesting](#) \$861 million in FY2022 to begin implementing its [proposed](#) four-year, \$4 billion plan to address the root causes of migration from Central America. The Administration reportedly intends to channel assistance to civil society organizations and [limit](#) direct aid to governments. Special Envoy for the Northern Triangle Ricardo Zúñiga, spurned by Bukele during a recent visit, [testified](#) that "good governance, anticorruption, and human rights" would be at the center of U.S. efforts in the region. On May 4, Vice President Harris, who is leading diplomatic efforts to address migration issues with Central America and Mexico, [criticized](#) the Salvadoran legislature's actions and said "we must respond." Some [analysts](#) have urged the Administration to pursue a collective response at the OAS by invoking the [Inter-American Democratic Charter](#), which would result in the Permanent Council convening to discuss how to respond to the situation. Beyond diplomatic pressure, U.S. responses may be tempered by the need to enlist Bukele's support in controlling unauthorized migration.

Congress is closely following events in El Salvador and considering policy responses as it assesses the Biden Administration's FY2022 budget request. Some Members of Congress have called on the Administration to [reassess U.S. assistance to judicial institutions](#) now controlled by Bukele allies, potentially including the OAS-backed International Commission Against Impunity in El Salvador, which worked closely with the former attorney general. Some Members also have asked the Administration to consider targeted sanctions, such as [revoking the visas](#) of those involved in the dismissals. Some Senators are urging the Administration to [oppose](#) international financing for the Bukele government if it fails to respect democracy, judicial independence, and the rule of law, which could [delay or derail](#) a \$1 billion International Monetary Fund loan the Bukele government has been negotiating.

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

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