

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
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REPUBLIC OF EL SALVADOR

FINAL REPORT

(Approved in the plenary session held on March 12, 2005)

**COMMITTEE OF EXPERTS OF THE MECHANISM FOR FOLLOW-UP ON
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

**REPORT ON THE IMPLEMENTATION IN THE
REPUBLIC OF EL SALVADOR
OF THE CONVENTION PROVISIONS SELECTED FOR REVIEW IN THE FRAMEWORK
OF THE FIRST ROUND¹**

INTRODUCTION

1. Legal-institutional framework²

The Republic of El Salvador, as set forth in its Constitution, is a democratic, sovereign, and independent state, with a regime of representative government and a presidential system, based on the separation of powers, the different branches of government being known as *órganos* (legislative, executive, and judicial).

The Legislative Branch lies in the Legislative Assembly, made up of 84 deputies; their principal duty is to legislate. It also performs functions of constitutional political control and, correspondingly, the Assembly is responsible for appointing the President and Justices of the Supreme Court of Justice, the Supreme Electoral Tribunal and the Court of Accounts of the Republic, the Public Prosecutor of the Republic, the Attorney General of the Republic, the Human Rights Ombudsman, and the members of the National Council of the Judicature. Likewise, as part of its functions of political control, it can formally question Ministers and Office Heads, and the Presidents of Official Autonomous Institutions; it can grant or deny Salvadoran citizens permission to accept diplomatic or consular positions to be held within El Salvador, and it appoints special investigating commissions. Finally, it is also responsible for budgetary functions and, as a part thereof, it issues the revenue and expenditure budget of the Public Administration.

The Executive Branch lies in the President of the Republic, who along with the Vice-President, Ministers, and Vice-ministers and the officials under them, make up of the administrative apparatus of the State. As a part of his functions of constitutional political control, the President is empowered to veto laws, except when prevented from so doing by the Constitution.

The Judiciary comprises of the Supreme Court of Justice, the Court of Appeal, and the other courts established by secondary legislation.

The Republic of El Salvador also has independent oversight bodies, which include: the Supreme Electoral Tribunal, the Court of Accounts (*Corte de Cuentas de la República*), the Public Ministry (made up of the Public Prosecutor's Office, and the Attorney General's Office, the Human Rights Ombudsman, and all other officials as determined by law), and the Superintendencies of Pensions, Securities, Electricity and Telecommunications, and of the Financial System.

¹ This report was approved by the Committee, in accordance with Articles 3(g) and 26 of the Rules of Procedure and Other Provisions, during the plenary session held on March 12, 2005, within the framework of its Seventh Regular Meeting, held between the 7th and 12th of March, 2005, at OAS Headquarters, Washington D.C., United States of America.

² Updated response of the Republic of El Salvador to the questionnaire, Introduction, p. 1.

In addition, the territory of the Republic of El Salvador is divided, for the administration of State matters, into 14 departments, each of which has a Governor and an alternate Governor, both appointed by the Executive Branch. These departments, in turn, are subdivided into municipalities, which are governed by Councils made up of a Mayor, a *Síndico* (special auditor), and two or more other council members (*Regidores*), whose number shall be proportional to the respective population.

Finally, the Salvadoran Legal System is structured as follows: At the top of the domestic legal order is the Constitution; next come international treaties entered into pursuant to the Constitution; they are followed by the secondary law (*la ley secundaria*), which is subordinate to international treaties; and finally, regulations, executive decrees, and municipal ordinances. The Republic of El Salvador has a Constitutional Chamber, which is responsible for hearing and deciding on allegations regarding the constitutionality of laws, decrees, and regulations, *amparo* and habeas corpus proceedings, and disputes between the Legislature and the Executive on the constitutionality of draft legislation, among other functions. In addition, Article 185 of the Constitution grants tribunals the power to declare the inapplicability of those laws that are contrary to the Constitution.

2. Ratification of the Convention and adherence to the Mechanism

According to the official register of the OAS General Secretariat, the Republic of El Salvador ratified the Inter-American Convention against Corruption on July 9, 1998, and deposited the instrument of ratification on March 18, 1999.

In addition, the Republic of El Salvador signed the Declaration on the Mechanism for Follow-up on Implementation of the Inter-American Convention against Corruption on June 4, 2001, on the occasion of the OAS General Assembly held in San Jose, Costa Rica.

I. SUMMARY OF INFORMATION RECEIVED

1. Response from the Republic of El Salvador

The Committee wishes to acknowledge the cooperation it received from the Republic of El Salvador throughout the process of analysis, and especially from the Executive Secretariat of the National Council for Sustainable Development, which was apparent, among others, in its response to the questionnaire, and particularly the availability it consistently displayed to clarify or complete its contents. Similarly, the Republic of El Salvador sent, along with its response, the provisions and documents it considered relevant, a list of which is included in the appendix to this report.

For its analysis, the Committee took into consideration the information provided by the Republic of El Salvador up to August 30, 2004, and that which was requested by the Secretariat and by the members of the subgroup for analysis, to carry out its functions in keeping with the Rules of Procedure and Other Provisions.

2. Document submitted by civil society

The Committee also received, within the period set by it during its Third Meeting³, a document from “*Probidad*,” in its capacity as a civil society organization, which refers to chapter IV of the questionnaire in relation to the provisions selected by the Committee for analysis in the first round.⁴

II. REVIEW OF THE IMPLEMENTATION BY THE REPUBLIC OF EL SALVADOR OF THE PROVISIONS SELECTED

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE THEM (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)

1.1 CONFLICTS OF INTEREST

1.1.1 Existence of provisions in the legal framework and/or other measures and enforcement mechanisms

The Republic of El Salvador has a set of provisions regarding standards of conduct, of which special mention can be made of the following:

- Provisions of the Constitution applicable to all public servants, such as that contained in Article 235, which provides that all public employees are obligated to comply with and enforce the Constitution and the laws, and to perform precisely the duties imposed on them by their post.
- Provisions of the Constitution applicable to certain public officials, such as those that provide for limitations, disqualifications, and incompatibilities for high-level officials, such as those contained in Articles 127 and 128, for the Deputies; 152, for the President of the Republic; 153, for the Vice-President and Appointees to the presidency; 161 for Cabinet Ministers and Vice-Ministers; and 188, for the Justices of the Supreme Court. Additionally, Article 218 prohibits public employees and officials from using their positions to pursue party politics.
- Statutory provisions applicable to certain public servants, such as those contained in the Organic Law of the Judiciary, which at Article 31 establishes incompatibilities and prohibitions for justices, likewise, Article 11, for judges pro tempore, Article 157, which prohibits judges and courts from holding or keeping in their bank accounts, on behalf of the court, the judge, or themselves, money or valuables deposited or held as a part of any proceedings, and Articles 73 and 74 of the Code of Criminal Procedure, and Articles 1152, 1157, 1182 and 1183 of the Code of Civil Procedure, which provide for the recusal of and impediments on judges and magistrates of the Judiciary to hear trials, in order to prevent conflicts of interest.

³ Decision titled “Updated Responses to the Questionnaire.” This decision was adopted by the Committee of Experts at its February 13, 2003 session in the context of its Third Meeting, held February 10 to 13, 2003, at OAS headquarters in Washington, DC, United States of America.

⁴ This document, “*Informe Independiente sobre la Implementación de la Convención Interamericana contra la Corrupción en El Salvador*,” along with its attachments, was received by electronic mail and by certified mail, on August 30, 2004. In addition, during an informal meeting with the members of the Committee, “Probidad” made a presentation on this document.

- Other statutory provisions applicable to certain public servants, such as those contained in the Law on the Court of Accounts of the Republic, which at Article 10 establishes the incompatibilities and impediments for those public employees who are managers and auditors; and Article 44, which prohibits Court auditors from conducting audits in agencies and institutions in which they worked, except as internal auditors, during the previous five years, and from auditing the activities of their relatives closer than the fourth degree by blood or the second degree by marriage, and when there is a real or potential conflict of interests; the Civil Service Law, which at Article 32 sets forth the prohibitions for public and municipal employees; the Law on Procurement and Contracts of the Public Administration, which at Article 26 indicates that Members of the Council of Ministers and their officials and employees, may not participate for bids or tenders, as well as relatives closer than the second degree by marriage or the fourth degree by blood. In addition, the final paragraph of Article 20 states that the Institutional Commissions for assessing offers cannot comprise of relatives of those making offers closer than the second degree by marriage or the fourth degree by blood, and it is also important to note that Articles 106 and 125 stipulate that neither public works oversight contracts nor consultancy contracts for public works oversight can be entered into with the company responsible for either execution or design; the Law of the Superintendency of Mercantile Obligations, which at Article 7 establishes the disqualifications for the Superintendent and other officials and employees of that institution; the Organic Law of the Financial System, which provides at Articles 8, sections (c), (ch), (d), (e), and (g), and Articles 18, 19, 24 and 25, the disqualifications for the members of the Board of Directors, the Superintendent, and for all other officers, respectively; the Electoral Code, which regulates the functioning of electoral justice and establishes the impediments to serving as a magistrate on the Supreme Electoral Tribunal (Article 61), or as a member of electoral bodies (Article 354).

- Various provisions applicable to certain public servants, such as those contained in the Code of Ethics of the Staff of the Court of Accounts of the Republic, which at section III, subsection (B), paragraph 11, sets out situations in which its staff members should not be involved; the Regulation Applying the Tax Code, which at Article 117 provides that conflicts of interest are grounds for an impediment to the post of tax auditor; and the Decree Establishing the National Center of Registries and its Administrative Regime (Executive decree No. 62, DO 227, T. 325, of December 7, 1994), which at Article 6 bars its Executive Director from holding any other remunerated post.

The Republic of El Salvador also has mechanisms to enforce these provisions, including the following:

- Article 236 of the Constitution, which provides that the President and Vice-President of the Republic, the Deputies, the Appointees to the Presidency, the Cabinet Ministers and Vice-Ministers of the State, the President and Magistrates of the Court of Accounts, the Public Prosecutor, the Attorney General, the Human Rights Ombudsperson, the President and Magistrates of the Supreme Electoral Council, and the diplomatic representatives shall answer before the Legislative Assembly for official and common crimes they may commit. It also establishes the procedure to be followed.

- Article 239 of the Constitution, which establishes that the Judges of First Instance, Departmental Governors, Justices of the Peace, and any public official as set out by law shall be tried in common courts for the official crimes they may commit, and after a declaration by the Supreme Court.

- Article 244 of the Constitution, which provides that any civil or criminal liability incurred by public employees, civilian or military, as well as the violation, infraction, or alteration of the constitutional provisions, shall be especially punished by law.
- The Criminal Code, which provides at Chapter I of Title XV and Chapters II and III of Title XVI sanctions for those who commit the offenses it classifies in relation to certain conduct that constitutes conflicts of interest, such as prevarication (Article 310), embezzlement (Article 325), extortion (Article 327), wrongful negotiations (Article 328), extortion (Article 329), taking a bribe to act contrary to or consistent with one's duties (*el cohecho propio*, (Article 330), and *el cohecho impropio*, (Article 331)), illicit enrichment (Article 333) and influence-peddling (Article 336).
- The Law on the Court of Accounts of the Republic, which provides at Article 107 that the Court of shall punish by fine, without prejudice to any civil or criminal liability, those officials or employees of the public sector would incur in one or more of the situations provided for by the law itself, and, if appropriate, to recommend their removal.
- The Civil Service Law, which provides at Chapters VII and VIII the disciplinary regime for those officials and employees who do not duly perform their obligations, as well as the grounds for dismissal and removal; in each case the respective procedures are established.
- The Law on Procurement and Contracting of the Public Administration, which regulates the formation of two administrative units: the Normative Unit for Procurement and Contracting of the Public Administration (UNAC), under the Ministry of Treasury, and the Institutional Unit for Procurement and Contracting of the Public Administration (UACI), in each state agency. Both have the responsibility, within the scope of their respective authority, to verify whether contracts entered into have been carried out in keeping with Article 26 of this law.

1.1.2 Adequacy of the legal framework and/or other measures and enforcement mechanisms

The provisions and mechanisms in the area of conflicts of interest examined by the Committee, based on the information available to it, are relevant for promoting the purposes of the Convention. Nonetheless, the Committee considers it appropriate to set forth some considerations with regard to some aspects on which it will make recommendations in the final chapter of this report.

The Committee observes the existence of general standards and principles, applied to most of the public servants, which regulate the suitability and ethics demanded in the performance of public functions, in addition to being geared to attaining the purposes of the Convention. This regime, as described in the previous section, contains provisions that make it possible to prevent conflicts of interest expressed mainly in the Constitution, the Law of the Court of Accounts of the Republic, the Civil Service Law and the Law on Procurement and Contracting of the Public Administration, among others.

There are also several sectoral laws, reflecting the organizational structure of the Republic of El Salvador; as a result, regulation of the relationships among the various public entities and their public servants are subject to the regime to which each public employee belongs.

Based on this information, the Committee notes that it would be advisable for the Republic of El Salvador to analyze the possibility of legislating, through the appropriate legal and administrative procedures, on conduct geared to preventing conflicts of interest, for the correct, honorable, and proper fulfillment of the public functions referred to in the Convention, suggesting, for example, the adoption of a legal instrument that provides for the regulation of such conduct, and that it be applicable to all public officials and employees. This reflects the benefits that a normative regime with similar characteristics could have, built on criteria that adapt these standards to the particularities, ranking, and specific requirements of each of the institutions that make up the public administration, maintaining its complementation and consistency with a general regime, applied horizontally, granting equal treatment when regulating the conduct of public servants.

The legal instrument suggested could also expand this regime, ensuring that those officials expressly excluded in Article 4 of the Civil Service Law, and who are not covered by any other type of specific set of provisions, such as popularly-elected officials or Cabinet Ministers and Vice-ministers, are included. This is without prejudice to the existence of special systems that regulate the various entities that constitute the public administration and their staffs.

Mindful of the foregoing considerations, the Committee will make a recommendation in this regard.

In addition, it appears that no preventive mechanisms are provided for, applicable to all public servants that would make it possible to detect, and, when appropriate, adopt relevant corrective measures with respect to which a conflict of interest could arise in the performance of his or her public function.

The foregoing suggests the importance of these mechanisms being created or strengthened, for the purpose of helping the competent bodies perform their preventive function, and thereby guarantee, in this manner, that no appointments in the public administration will be made contrary to the regime of disqualifications and incompatibilities in force; accordingly, the Committee will make a recommendation in this regard.

The Committee notes a gap in the regulations defining the mechanisms for determining, in certain cases, whether a person performing a public function is in a conflict-of-interest situation, and which at the same time makes it possible to adopt, in a timely fashion, such measures as needed to protect the public interest. The Committee will make a recommendation, mindful of that circumstance.

The Committee recognizes that there exists scarce regulations on the activities of ex-public officials after they serve as such; accordingly, it considers it advisable to have provisions such as a prohibition on a former public servant participating, during a reasonable period, in the conduct of official matters in which they were involved by reason of their position or before entities with which they were recently associated. Mindful of this observation, the Committee will make a recommendation.

Finally, the Committee considers that the Republic of El Salvador could benefit from the implementation of new programs for dissemination and training aimed at public servants on the standards of conduct for the correct, honorable, and proper fulfillment of public functions, including those related to conflicts of interest. Mindful of the foregoing consideration, the Committee will make a recommendation.

1.1.3 Results of the legal framework and/or other measures and enforcement mechanisms

In the response of the Republic of El Salvador, it is established that the results in enforcing the Law on Procurement and Contracting of the Public Administration have been largely positive, indicating that “there is no specific statistical data determining the grounds on which bids have been rejected, when contracting subsequently proceeds.”⁵ In addition, it states that the results of the application of the Law of the Court of Accounts of the Republic have been good, since it has made it possible to detect irregularities and, as a result, the corresponding procedures have been set in motion to determine any administrative or property-related liability. Therefore, and mindful of this positive experience, the Committee urges the Republic of El Salvador to continue strengthening its efforts to enforce these provisions by establishing indicators that make it possible to determine, with greater precision, the results of their enforcement. Mindful of the foregoing, the Committee will make a recommendation in this regard.

Even so, and given the limited nature of the information that has been available to the Committee, it is not feasible to undertake a comprehensive assessment of the results in this area. Mindful of this circumstance, a recommendation will be made in this regard.

1.2. STANDARDS OF CONDUCT AND MECHANISMS TO ENSURE THE PROPER CONSERVATION AND USE OF RESOURCES ENTRUSTED TO GOVERNMENT OFFICIALS

1.2.1. Existence of provisions in the legal framework and/or other measures and enforcement mechanisms

The Republic of El Salvador has a set of provisions regarding the above-referenced standards of conduct, among which the following should be noted:

- Provisions of the Constitution, such as Article 226, which establishes that the Executive, in the section corresponding to the public treasury, shall be entrusted with managing public finances, and shall be obligated to preserve a balanced budget, insofar as compatible with attainment of the purposes of the State. Similarly, Article 228 prohibits committing or crediting amounts chargeable to public funds if they are not within the limits set in the authorized budget and the resources for future financial years must be approved by the corresponding outlay budget legislative decree for works of public or administrative interest or for the consolidation or conversion of public debt.

- Statutory provisions, the most important of which, by virtue of their direct relationship with the subject matter, are found in the Law on the Court of Accounts of the Republic, which applies to all state institutions in relation to the public assets or resources allocated to them; establishing in comprehensive terms the system for control, oversight and audit of the State, instituting the basic principles of internal and external oversight of the conduct of public affairs.

- Provisions of the Civil Service Law, such as that contained in Article 31, which establishes the duties of public or municipal officials and employees noting, among others, that they perform the duties inherent to their posts with zeal, diligence and probity.

⁵ Updated response of the Republic of El Salvador to the questionnaire, p. 10.

- Provisions of the Organic Law on Financial Administration of the State, which prohibit any principal or other staff member of the entities and institutions of the public sector subject to this law from entering into negotiations, acquiring commitments, or signing contracts that commit public funds not provided for in the budget (Article 43); prohibiting as well any administrative act of the entities and institutions of the public sector which in any situation commit public debt, without the prior written authorization of the Ministry of Treasury (Article 89). The Law created the Integrated Financial Administration System, one of the goals of which is to establish mechanisms for Financial Administration coordination among the agencies of the Public Sector in order to enforce the principles of economy, efficiency and effectiveness in securing and using public funds.

- Other types of provisions, such as those contained in the Regulation of the Organic Law on Financial Administration of the State, which notes at its Article 215 that every official, within the entity he or she belongs to, should verify that every transaction meets the legal and technical requirements, reporting any situation contrary to the established provisions.

- Provisions contained in the Law on the Court of Accounts of the Republic, of which Article 99 provides that the head or chief administrator of each public sector entity or agency is required to: ensure the implementation, operation, and updating of administrative systems, including internal control mechanisms; establish and strengthen an internal auditing unit; and oversee due communication and collaboration with government auditors on the part of employees. Article 100 states that the officials and employees who oversee the proceedings prior to the signing of construction, supply, consultancy or service contracts with the Government and other agencies shall be responsible for the observance of technical specifications and for compliance with the legal framework. It also states that those responsible for supervising, controlling, assessing, or directing the execution of such contracts shall respond for the strict compliance with the technical specification lists, contractual provisions, schedules, budget, costs and deadlines they contain. Finally, Article 101 provides that government auditors are obliged to immediately report to the President of the Court any crime or serious misconduct they detect in performance of their duties.

- In addition, there are provisions aimed at safeguarding public resources in the Customs Code, the Organic Law of the General Bureau of Internal Taxes, the Law on Illicit Enrichment of Public Officials and Employees, the Central American Uniform Customs Code, in the Internal Regulations of the Executive Branch, and the Regulations for Controlling the Use of National Vehicles and for Controlling the Distribution of Fuel in the Entities and Agencies of the Public Sector.

The Republic of El Salvador also has mechanisms for enforcing these provisions, including:

- The Constitution, which establishes the subsidiary liability of the State and public services personnel for those damages they cause by violating Article 245 thereof.

In addition, Article 195 of the Constitution creates the Court of Accounts as a body independent of the Executive, whose objective is to oversee, in general, the public treasury, the execution of the budget in particular, and the economic management of the officials and employees working for the public administration.

- The Law on the Court of Accounts of the Republic, in development of Article 195 of the Constitution, which creates the “National System for Control and Audit of the Public Administration” (Article 21), with which this organ exercises its work of overseeing and controlling, in general, the public treasury, the execution of the budget in particular, and the economic management of the officials and employees of the institutions referred to in the Constitution. In addition, this Law provides as one of the powers of the Court the establishment, by means of the proceeding known as the *juicio de cuentas*, of the administrative liability of the officials and employees of the entities and agencies of the public sector for breach of statutory and regulatory provisions, and for breach of the attributes, powers, and duties incumbent on them by virtue of their position (Article 54), and/or the property-related liability of those public servants derived from a negligent act or omission that results in a diminution of the property to the detriment of the entity or agency in which he or she is employed (Article 55).

Similarly, another mechanism that makes possible the appropriate use of the State’s property is the preventive action of the Court of Accounts of the Republic (Article 4), which involves making auditing recommendations aimed at avoiding irregularities as the result of the misuse of public resources.

- The Organic Law of State Financial Administration, Chapter III, Section IV, titled “Monitoring and Evaluation of Budget Spending,” provides for assessments of the physical and financial results obtained through budget allocations vis-à-vis their planned results, to be carried out by means of critical analyses. It also explicitly identifies the persons responsible for monitoring and evaluating the budget, their obligation of sending monthly reports to the General Budget Directorate and of implementing, on an immediate basis, corrective measures within the monitoring and evaluation of budget spending when so requested in writing by the Ministry of the Treasury.

- The Civil Service Law, which establishes that Civil Service Commissions and the Civil Service Tribunal, shall be created for the proper implementation of its provisions (Article 6). The first should be instituted in the offices of the Public Administration as indicated in Article 7, which shall hear, in sole instance, matters that have as a sanction admonishment of officials or employees in the exercise of their functions, and shall hear, in first instance, all other cases that consider other types of sanctions applicable to the specific cases established by the Law. For its part, the Civil Service Tribunal will have as one of its main powers to hear, in motion for reconsideration and nullification, the proceedings instituted against the final decisions handed down by those Commissions.

- The Criminal Code, which provides in Chapter II of Title XVI criminal sanctions for those who commit the offenses defined in relation to certain conduct that constitutes an attack on public property, such as embezzlement of public funds (*peculado*) (Article 325), extortion (*exacción*) (Article 329), misappropriation (*malversación*) (Article 332), and illicit enrichment (Article 333).

- The Regulation of the Organic Law on Financial Administration of the State, which notes at Article 218 that as regards to sanctions, the regime of liabilities of the Court of Accounts shall apply.

1.2.2. Adequacy of the legal framework and/or other measures and enforcement mechanisms

The standards and mechanisms for the conservation and proper use of public resources that the Committee has examined, based on the information available to it, are relevant for promoting the Convention, observing that in the legal order of El Salvador, those provisions are found mainly in the Constitution, the Law on the Court of Accounts, the Civil Service Law and the Organic Law on Financial Administration of the State and its Regulation, in addition to the other complementary provisions cited in the previous section.

Nonetheless, and mindful of this information, the Committee considers it appropriate to reiterate the considerations expressed in Section 1.1.2. of this report, which refer to the advisability of the Republic of El Salvador to analyze the possibility of legislating, taking account of the respective legal and administrative procedures, on the conduct for the correct, honorable, and proper fulfillment of public functions, by way of, for example, the adoption of a legal instrument that includes, in this case, provisions that address the conservation and proper use of the resources allocated to public servants. This answers to the virtues that a uniform legal regime could offer to El Salvador, organized on the basis of normative assumptions that are in line with the specifics, degree, and particular requirements of each of the entities that is part of the public administration and which also provides equal treatment in regulating the conduct of these public servants. In addition, the Committee considers that this regulation could make it easier for public officials and employees to know their precise duties and rights, providing legal security both to the exercise of their function and to the conservation and proper use of government property. Mindful of the foregoing considerations, the Committee will make a recommendation.

As regards to the mechanisms for enforcing compliance with the standards cited in the previous section, the Law on the Court of Accounts constitutes the core regime of the “National System for Control and Audit of the Public Administration.” This order is applicable to all the entities and organs of the public sectors and their staff-persons. The applicable sanctions range from imposing fines for administrative liability, to instituting criminal proceedings for the criminal offenses committed. It also regulates the proper use of the resources of the public administration, through the obligation of each government institution to establish its own “System for Internal Financial and Administrative Control,” prior, concurrent, and subsequent, in order to have and provide reasonable assurances in the attainment of its objectives; in the transparency of management; in the reliability of the information; and in the observance of the applicable standards (Article 26). In addition, the mechanism for subsequent internal and external control in the public sector entities and agencies is through a government audit (Article 29), which examines and evaluates the transactions, records, reports and financial statements; the legality of the transactions; and the efficiency, effectiveness and economy in the use of the material and financial resources in the public sector entities and agencies (Article 30).

Mindful of the foregoing, the Committee is pleased to observe the existence of mechanisms, bodies and procedures that assure the applicability of the provisions indicated, making possible the objective pursued by those provisions, highlighting the functional, administrative and budgetary independence of the Court of Accounts from the Executive.

Nonetheless, the Committee considers that it would be advisable for the Republic of El Salvador to consider the possibility of implementing programs for dissemination of and training in the application of the provisions, to ensure the conservation and proper use of the resources allocated to public officials, as well as mechanisms to resolve any questions they may have in that regard. The Committee will make a recommendation mindful of this consideration.

1.2.3. Results of the legal framework and/or other measures and enforcement mechanisms

The response from the Republic of El Salvador in this respect merely states as follows: *“The objective results of the above-cited provisions and laws have been fruitful, especially with the audits by the Court of Accounts; the problem is with the prosecution of those accused of crimes against government property; there’s a lack of statistical data.”*⁶

Mindful of the foregoing, the Committee encourages El Salvador to continue the audits by the Court of Accounts, and at the same time urges it to develop those solutions aimed at doing away with the circumstances that arise from the prosecution of those accused of committing wrongful acts perpetrated against government property.

Nonetheless, the limited nature of the information that has been available to the Committee does not enable one to make a comprehensive evaluation of the results in this field; accordingly, it will make a recommendation addressed to this point.

1.3. MEASURES AND SYSTEMS REQUIRING GOVERNMENT OFFICIALS TO REPORT TO APPROPRIATE AUTHORITIES ACTS OF CORRUPTION IN THE PERFORMANCE OF PUBLIC FUNCTIONS OF WHICH THEY ARE AWARE

1.3.1. Existence of provisions in the legal framework and/or other measures and enforcement mechanisms

The Republic of El Salvador has a set of provisions related to the standards of conduct and mechanisms referred to, among which mention can be made of the following:

- Article 241 of the Constitution, which sets forth the obligation of public officials, be they civilian or military, who come to learn of official crimes perpetrated by their subordinates, to report them as soon as possible to the authorities competent to judge them; noting that if they fail to do so in a timely fashion, they would be considered accessories after the fact, incurring the respective criminal liability.

- The Criminal Code, which provides at Article 312 that a public official or employee, agent of authority, or public authority who in the performance of his or her functions, or on occasion of them, should learn that a punishable act had been committed and should fail to give notice to the competent official within 24 hours shall be criminally liable for failure to give such notice.

⁶ *Id.*, p. 12.

- The Code of Criminal Procedure, which provides at Article 229 the obligation of every person who witnesses the perpetration of any crime of against public administration to immediately inform the Public Prosecutor's Office, the police, or the Justice of the Peace. In addition, Article 232 refers expressly to public officials or employees, who shall also have the obligation to report crimes against public administration, and those official crimes committed by officials or employees subordinate to them, and they shall incur criminal liability if they do not do so in timely fashion.

- The Law on Illicit Enrichment of Public Officials and Employees, which provides at Article 10 that every citizen in the exercise of his or her political rights shall have the power to denounce, before the Supreme Court, any public official or employee against whom he or she has evidence or well-founded suspicions of having gained wealth unlawfully at the expense of the public or municipal treasury.

- The Law on Procurement and Contracting of the Public Administration, which establishes at Article 19 that the chief officer of the institution, or the person designated by him or her, is under an obligation to properly monitor his or her subordinates, and so is liable for negligence in failing to carry out that obligation; it also notes that should there be any indicia that any offense has been committed by subordinates in the performance of their functions, he or she should immediately communicate this to the competent authority, so as not to become liable for failure to give the respective notice. In addition, the subordinates shall be obligated to report promptly and timely to the Public Prosecutor's Office any breaches or offenses they may learn of, including those committed by any of their superiors, in compliance with this law.

- Article 101 of the Law on the Court of Accounts of the Republic provides that government auditors are obligated to immediately report to the President of the Court any crime or serious misconduct they detect in performance of their duties.

- The Regulation for Servicing Citizen Complaints issued by the Court of Accounts, which at Article 3 provides that every natural or legal person, including the public servants who had direct knowledge of the unlawful use of the goods and resources of the State, may submit the respective complaint before the Citizen Participation Section at the Court of Accounts. This Regulation also establishes that both the content of the report and the identity of the whistleblower shall be kept confidential, and shall be for the exclusive use of the Court of Accounts; prohibiting all personnel who have knowledge of it from releasing that information (Article 8).

1.3.2. Adequacy of the legal framework and/or other measures and enforcement mechanisms

The standards and mechanisms requiring public officials to report to the appropriate authorities acts of corruption in the performance of public functions of which they become aware, as reviewed by the Committee, based on the information made available to it, are relevant for promoting the purposes of the Convention.

Nonetheless, the Committee considers it advisable to strengthen the mechanisms in this area, so as to make it easier for public servants to comply with the duty to report acts of corruption. More particularly, the Committee also considers it advisable for the Republic of El Salvador to consider adopting a law that develops, in greater detail, the obligation referred to in the previous paragraph. Such a law could include standards and provisions to make it easier for public servants to present accusations and establish requirements for submission that would not inhibit potential whistleblowers, which could include, for example, keeping confidential the identity of the whistleblowers in administrative cases. The Committee will make recommendations in this respect.

In addition, the Committee notes an absence of effective protections against threats or reprisals to which public servants might be subjected as a result of lodging complaints, thus it considers that the Republic of El Salvador could benefit from a regime for protecting whistleblowers which, in addition to providing for their labor stability, assures that presenting a complaint in good faith will not incur reprisals or other negative consequences. In addition, through this regime, the State under analysis could, if deemed appropriate, provide greater and better protection to officials who report unlawful acts in which their superiors might be involved. The Committee will make a recommendation in this regard.

As regards Article 241 of the Constitution, the Committee deems it advisable for El Salvador to consider the possibility of developing, mindful of its legal and institutional order, the text of said article, which establishes the obligation of public officials to report, as soon as possible, official crimes perpetrated by their subordinates. That is because this provision refers only to the obligation of those officials who are in charge of subordinate staff, and not to the obligation of the subordinate staff with respect to the officials who are their superiors. This same consideration applies to Article 232 of the Code of Criminal Procedure, which similarly requires public officials to report the acts of corruption committed by their subordinates, but does not require the latter to report the same acts they come to learn of perpetrated by their superiors. The Committee will make a recommendation mindful of the foregoing considerations.

Likewise, of the provisions analyzed, Article 312 of the Criminal Code is especially important, as it applies to all public officials. Nonetheless, the Committee notes that this provision refers to the punishable acts or deeds of which the public official or employee comes to learn, in the performance of his or her duties, or on occasion of them, thereby excluding those situations in which the public servant learns of these acts or deeds not necessarily in the course of performing his or her official duties. Therefore, the Committee considers it advisable for the Republic of El Salvador to consider examining this scheme, the objective being to be able to demand of public officials that they report to appropriate authorities, acts of corruption in the performance of public functions of which they are aware. The Committee will make a recommendation in this regard.

Finally, the Committee is pleased to learn that the Citizen Participation Section of the Court of Accounts has the competence to receive complaints of acts that constitute a breach of ethics in the performance of public functions or acts of corruption. In addition, the Committee is pleased to recognize that, in keeping with Article 8 of the Regulation for Servicing Citizen Complaints, one of the policies that the Section has imposed is to consider the contents of the complaint and the identity of the whistleblower as confidential information for the exclusive use of the Court of Accounts, without distinguishing as between public officials and private citizens.

1.3.3. Results of the legal framework and/or other measures and enforcement mechanisms

The response submitted by the Republic of El Salvador on this point states: *“The objective results obtained show that several accusations have been lodged with the Court of Accounts, to its section for Servicing Citizen Complaints, but the administrative and judicial proceedings need to be made more effective to be able to apply sanctions to those accused of acts of corruption.”*⁷

Mindful of the foregoing, the Committee considers it appropriate to urge the Republic of El Salvador to consider the possibility of strengthening those administrative and judicial procedures related to the effective enforcement of the sanctions that apply to public officials and employees who commit acts of corruption. Accordingly, it will make a recommendation along these lines.

In addition, this limited character of the information that has been available to the Committee does not make it possible to render a comprehensive assessment of the results in this area; accordingly, a recommendation will be made on this point.

2. SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)

2.1 EXISTENCE OF PROVISIONS IN THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

The Republic of El Salvador has a set of provisions with respect to systems for registering income, assets and liabilities, among which special mention should be made of the following:

- Article 240, third paragraph, of the Constitution, which establishes that those public officials and employees designated by law are required to disclose their net worth to the Supreme Court, within 60 days of assuming their post. In addition, this article notes that when stepping down from their posts, these aforementioned officials and employees should make a new declaration of their net worth. In addition, the Court is empowered to take those measures that are considered necessary to verify the veracity of declarations, which shall be kept confidential and which shall only be used for the purposes provided for in this Article.

- The Law on Illicit Enrichment of Public Officials and Employees, which regulates the system for registering income, assets, and liabilities through the sworn statement on net worth, and which at Article 3 sets forth the requirement of public servants described in Article 5⁸, to present that

⁷ *Id.*, p. 13.

⁸ Article 5 of the Law on Illicit Enrichment of Public Officials and Employees provides that the following public officials and employees are under the obligation to submit a sworn statement of their net worth, in the manner indicated in Article 3: the Presidents of the three Branches of Government; the Vice-President of the Republic; the Deputies to the Legislative Assembly and the Central American Parliament, principals and alternates; Cabinet Ministers and Vice-Ministers; the Secretaries of the Office of the Presidency of the Republic; the Justices of the Supreme Court of Justice, principals and alternates; the members of the National Judicial Council; the Chiefs of diplomatic missions, the officials thereof, and the consuls of the Republic, except those who serve ad honorem; the President and Magistrates of the Court of Accounts; the Public Prosecutor and the Deputy Public Prosecutors; the Attorney General and the Deputy Attorney Generals; the Human Rights Ombudsperson and his or her deputies; the President and Magistrates of the Supreme Electoral

statement before the Section on Probity of the Supreme Court within 60 days of the date they assume their position, and they must do so once again, within 60 days, when ending their employment. In addition, this Article states that the statement must be submitted personally by those who are required to do so, listing an estimate of all property and credits, indicating whether they are assets or liabilities of oneself, one's spouse, and one's children; as well as the salaries earned, rents obtained and their origin, and the shares and partnership interests, whether one's own or those of the aforementioned relatives, that are received or possessed in or outside the national territory. In addition, when rights are declared over real property, they should indicate the number, folio, and book of the office before which the purchase was recorded, and when unregistered rights are declared over real properties, or any other kind of right, the document justifying its existence should be indicated. In regards to credits or debts, the document giving rise thereto will be described in precise terms, and the creditor or the debtor, whereas shares or partnership interests should be identified specifying their quantity, unit value or value all together, numbers of order, characteristics and institution or company in which they are possessed. Finally, Title V of this Law establishes the sanctions for breach of the foregoing requirement, or for disclosing false information.

- The Organic Law on the Judiciary, which provides at Article 114(1) that it is up to the Chief of the Probity Section of the Supreme Court to receive those statements referred to at Article 3 of the law mentioned in the previous paragraph, and to report to the Supreme Court the infractions committed in violation of that provision.

2.2 ADEQUACY OF THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

The provisions related to the systems for registering income, assets, and liabilities that the Committee has examined, based on the information it has had available to it, are pertinent for promoting the purposes of the Convention.

The Committee notes that the main provisions in this area are to be found in the Law on Illicit Enrichment of Public Officials and Employees, which, as noted, regulates the different aspects of this requirement, and represents an important element in implementing the Convention. Nevertheless, this law was adopted in 1959, and its last reform dates from 1992⁹, thus the Committee considers it appropriate for the Republic of El Salvador, taking into account its domestic legal regime, to consider the possibility of updating the law in question, mindful of the following observations.

As indicated in the previous section, this law provides for the obligation of public officials and employees to declare their net worth when taking office and when terminating their functions. Nonetheless, this law does not provide for an intermediate moment requiring the public servant to submit any other statement of net worth while holding office. In this respect, the Committee considers that the Republic of El Salvador could benefit from implementing a specific set of

Tribunal, principals and alternates; the General Directors and Deputy Directors; the Delegates and Assistant Delegates; the Presidents, Directors, and Managers of the Autonomous Official Institutions; the Rector and Vice-Rector of the Universidad de El Salvador, and the Deans of its various Faculties; the Members of the Court of Appeals of Internal Taxes, and the Fiscal Experts or Auditors of the General Bureau for Internal Taxes; the Administrators and Customs Inspectors of the Customs Service; the Departmental Administrators of Revenues; the Members of the Municipal Councils; the Commanders of the Superior Military Units, Chiefs thereof, and Officials who perform Administrative Functions of the same levels and who manage Government funds; among others.

⁹ *Id.*, p. 14.

provisions, including reasonable time frames and circumstances for requiring the periodic and updated submission of sworn statements by those required to make such submissions. A regulation such as the one suggested would help prevent and detect the perpetration of crimes against government property, such as illicit enrichment, while in the performance of public duties. The Committee will make a recommendation, mindful of the foregoing considerations.

As regards the verification of these statements, while Article 8(1) of the Law on Illicit Enrichment of Public Officials and Employees establishes that the Supreme Court may “*take the measures it considers necessary, when the case so merits, to verify the veracity of the statements of net worth, and the results will be used solely for the purposes stipulated by this law,*” the Committee is of the view that it would be useful for the Republic of El Salvador to consider developing this provision such that one can have systems that make it possible to promote and carry out such verification in timely fashion, setting time frames and occasions for doing so, and providing for such decisions as would allow collaboration between the Supreme Court and other state entities, such as the financial or tax agencies, in order to facilitate this task. In addition, the Committee reiterates the relevance of the foregoing consideration, by virtue of which it arises from the article cited that the verification of the statements will only be done “*when the case so merits*” and that the results will only be used for the purposes determined by this law, which could lead to a general failure to take advantage of the system for presenting sworn statements as a useful instrument for preventing corruption. In this respect, the Committee will make a recommendation.

In addition, the Salvadoran legal order regulates and protects the confidentiality of statements of net worth, as provided for by Article 6 of the Law in question, which in this respect indicates that “*the statements shall be kept confidential and shall be classified and kept in a special file that shall be kept for this purpose by the Supreme Court.*” Considering this, the Committee observes that according to the purposes set forth in Article III(4) of the Convention, the states party agreed to consider “*where appropriate, ... making such registrations public,*” and based on this provision, it is suggested that El Salvador consider making such statements public in its domestic law. The Committee will make a recommendation mindful of this consideration.

With respect to the regime of sanctions established at Title V of the Law on Illicit Enrichment of Public Officials and Employees, the Committee observes that there are laws that sanction breach of the duty to present, in proper time and form, the statements of net worth, as well as providing false information on them (Articles 17, 18 and 19). Nonetheless, it would appear to be advisable to improve this system by including other sanctions, to cover other infractions, such as omitting information when making the statement. In addition, the Committee considers it advisable to include sanctions other than those provided for, with respect to popularly-elected officials and those elected by nominal and public vote of the Legislative Assembly, taking into account the nature of the posts, their degree and rank, as well as the specific regimes that regulate their functions. The Committee will make a recommendation in this respect, mindful of the foregoing.

Similarly, the Committee is of the view that El Salvador could benefit from the implementation of training programs for public servants entrusted with implementing the normative framework in place, and designing mechanisms for dissemination that emphasize the obligation of public officials and employees to comply with the existing normative framework. The Committee will make a recommendation reflecting this understanding.

2.3. Results of the legal framework and/or other measures

The Republic of El Salvador does not provide information on this respect in its response, which does not make it possible to render a comprehensive assessment of the results in this area. The Committee will make a recommendation in this regard.

3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4 AND 11 OF THE CONVENTION)

3.1. EXISTENCE OF PROVISIONS IN THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

The Republic of El Salvador has a set of provisions regarding the oversight bodies responsible for performing functions relevant to compliance with the measures considered in Article III, paragraphs 1, 2, 4, and 11¹⁰ of the Convention, of which special mention should be made of the following:

- The Constitution, which contains provisions regarding said bodies, such as those provided for at Articles 172 (Judicial Branch); 191 to 194 (Public Ministry), and 195 (Court of Accounts).
- The Organic Law on the Judiciary, which at Article I indicates the composition and powers of the Judicial Branch, establishing in Chapter II of Title V the creation of the Probity Section as an entity under the Supreme Court of Justice, which will be entrusted to a Chief, who will be responsible for receiving, classifying, filing, and keeping confidential the declarations referred to at Article 3 of the Law on Illicit Enrichment of Public Officials and Employees, informing on the infractions of the duty that provision imposes and reporting when, based on a review of the statements, indicia of illicit enrichment appear in respect of any public official or employee.
- The Organic Law of the Public Ministry, which at Article 1 provides the composition of this body, which is made up of the Public Prosecutor's Office and the Attorney General's Office. In this respect, Title II of the first part of this law establishes the powers, organization, and functioning of the Public Prosecutor's Office, which, in addition to the powers conferred by Article 193 of the Constitution, shall have, among others, the following: to initiate before the Legislative Assembly or the Supreme Court the corresponding preliminary proceeding and to intervene in it, when the officials designated by the laws have committed criminal infractions; to bring the appropriate actions to enforce the civil, criminal, administrative, or disciplinary liability of public or municipal officials and employees, when incurred in the performance of their duties; to ensure that public funds are not diminished at all, paying special attention to ensuring that the duties of those entrusted with their management and those who have contributed to forming the National General Fund are carried out with precision and in a timely fashion; and intervene in those *juicios de cuentas* conducted by the Court of Accounts, in the cases established by law, among others.
- The Law on the Court of Accounts, which at Article 1 notes that this body is entrusted with overseeing, in its dual administrative and judicial aspect, the public treasury generally and execution of the budget in particular, as well as the economic management of the autonomous state institutions and enterprises and of the entities funded out of the public treasury or that receive a subsidy from it.

¹⁰ El Salvador notes in its response that at present the Court of Accounts is urging that a decree be issued creating the Office of Ethics for the Public Function and its internal regulations. This office, it notes, would be in charge of encouraging the participation of civil society in preventing acts of corruption.

All the entities and agencies of the public sector and their staff persons, with no exception whatsoever, are subject to the oversight and control of the Court of Accounts (Article 4). This oversight body is independent of the Executive Branch, in terms of its functions, administration, and budget; its independence is based on its technical nature, and on the impartiality of the election of its president and magistrates, who will be elected for a period of three years by nominal and public vote of the Legislative Assembly (Article 131, section 19, of the Constitution). In addition, it should be noted that this oversight body may determine through a *juicio de cuentas*, the economic liability of the officials, employees, and third persons referred to in the law in question, as well as the administrative liability of the first two. In addition, the Court of Accounts is authorized to demand of the principal person responsible, through administrative procedures, the immediate repayment of any financial resource unduly disbursed; to request, of the competent authority, that sanctions be applied; and to have the responsibilities to be determined and established, in this case, by the Public Prosecutor's Office, in order to proceed against those officials and employees, and their guarantors, when the credits owed to entities or agencies covered by this law, are from the money, securities, or assets missing due to the responsibility of said officials or employees.

- The Organic Law of the Superintendency of the Financial System, which at Article 1 indicates that it is an institution forming part of the Central Reserve Bank of El Salvador, which enjoys administrative, budgetary, and functional autonomy, having as its main purpose to oversee the implementation of the provisions applicable to institutions subject to its control, as well as the oversight of the Central Bank and all other members of the financial system.¹¹

- The Regulation for Servicing Citizen Complaints, issued by the president of the Court of Accounts, which in its Article 2 provides that it will be the comptroller entity, through its Citizen Participation Section, that will be in charge of analyzing, investigating, and duly following up on citizen complaints of acts of corruption committed by public servants, as part of the subsequent external control of the conduct of public affairs.

3.2. ADEQUACY OF THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

The provisions and mechanisms in the area of the oversight bodies in relation to the selected provisions that the Committee has examined, based on the information it has had available to it, are pertinent for promoting the purposes of the Convention.

The set of laws that the Republic of El Salvador has, in the area of oversight bodies in charge of performing the functions related to implementing the provisions set forth at Article III, paragraphs 1, 2, 4, and 11 of the Convention, cover those provisions, especially if one takes into account that there are such bodies with general or specific areas of competence to ensure such implementation, such as the Court of Accounts, the Public Prosecutor's Office, and the Probity Section of the Supreme Court, which constitutes progress in implementing the Convention.

¹¹ In terms of the provision of Article 2 of the Organic Law of the Superintendency of the Financial System, the Central Bank, the Commercial Banks, Savings and Loan Associations, Insurance Institutions, the Securities and Commodities Markets, the *Financiera Nacional de la Vivienda*, the *Fondo Social para la Vivienda*, the National Institute of Pensions of Public Employees, the Social Security Institute of the Armed Forces, the Bank of Agricultural Development, the National Bank of Industrial Development, the National Mortgage Bank of El Salvador, the Federation of Credit Funds, the Fund for Financing and Guarantees for Small Business, the Salvadoran Social Security Institute; and in general, all other entities that may be indicated in the future by the laws considered to be part of the financial system of El Salvador.

Nonetheless, the Committee considers it advisable for El Salvador to consider strengthening its oversight bodies, so as they enjoy the necessary support and resources, in the event that they prove insufficient to perform their functions fully in relation to the referenced provisions of the Convention, and with mechanisms that make possible effective institutional coordination of their actions as well as their continued evaluation and follow up. Similarly, the Committee is of the view that such strengthening should take place with greater emphasis at the Court of Accounts, whose main functions, such as advancing the administrative actions needed to prevent, detect, and eradicate corruption, enhance ethics in the performance of public functions, and report to the competent authorities those public officials and private persons who engage acts of corruption, are related to the effective implementation of the Convention provisions analyzed in this first round. The Committee will make a recommendation in this respect.

3.3. RESULTS OF THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

The Republic of El Salvador notes in the information it provides¹² that the Court of Accounts has detected the irregular handling of funds on several occasions, and has given notice to the Public Prosecutor of the Republic, so that he, in turn, might initiate the appropriate proceedings.

It also states that the Probity Section of the Supreme Court has monitored the statements of public officials and employees, and in some cases has imposed fines.

Finally, the Republic of El Salvador mentions that the work that the Superintendency of the Financial System has been efficient, enforcing the law that regulates its operations, as well as the Law on Banks and the Law against Money Laundering, stating that on several occasions its reports have been considered by the courts in initiating the respective proceedings.

Notwithstanding this information, the Committee is of the view that additional information is necessary to be able to make a comprehensive assessment of those results in light of the provisions of the Convention; accordingly, a recommendation will be made, mindful of this circumstance.

4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NON-GOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11)

4.1. GENERAL PARTICIPATION MECHANISMS

4.1.1. Existence of provisions in the legal framework and/or other measures

The Republic of El Salvador has a set of provisions on such mechanisms that vary in nature, including the following:

- Provisions of the Constitution that enshrine some principles, rights, and individual guarantees that enable, facilitate, and protect the participation of civil society and nongovernmental organizations in efforts aimed at fighting corruption, including the freedom of expression and freedom of press (Article 6); the right to free association and assembly (Article 7); the right of petition and response (Article 18); the right of association in political parties (Article 72, section 2), the right to *insurrection* (Article 87); and the right of *amparo* (Article 247).

¹² Updated response of the Republic of El Salvador to the questionnaire, p. 15.

- Statutory provisions, such as those contained in the Law on Associations and Non-Profit Foundations, which in its fourth whereas clause establishes the obligation of the state to foster civil society participation in its social development programs in order to achieve efficiency, keeping under its purview the normative functions of supervising and overseeing those institutions.
- Statutory provisions, such as those contained in the Municipal Code, which establishes the authority of the local governments (*municipios*) to foster citizen participation (Article 4, section 8); the participation of private citizens in Council sessions that are open to the public (Article 39); institutionalizing town hall meetings (*cabildos abiertos*: Article 115) and public consultation (Article 116); and the obligation of the local governments to incorporate citizens in the community associations and their organized participation through them (Article 123).
- Various types of provisions, such as those contained in the Regulation for Servicing Citizen Complaints, issued by the president of the Court of Accounts, as well as in the municipal ordinances on citizen participation.¹³

As regards the mechanisms for enforcing the foregoing provisions, El Salvador notes in its response that at present the Court of Accounts is urging that a decree be issued creating the Office of Ethics for the Public Function and its internal regulations. This office, it notes, would be in charge of encouraging the participation of civil society in preventing acts of corruption. In addition, it states that the Committee on Legislation of the Legislative Assembly is discussing a proposed law for the Code of Ethics for the Legislative Branch, which includes chapters on citizen participation and access to information.¹⁴

4.1.2. Adequacy of the legal framework and/or other measures

The constitutional provisions in place in the Republic of El Salvador are those one would expect to find in a democratic state in which the Constitution notes the government is representative in nature, and they are relevant for attaining the purposes of the Convention. The statutory and other provisions that were described also have that objective, and will be taken into account when analyzing each of the mechanisms of participation indicated in the classification provided for in the methodology¹⁵ for analyzing the implementation of Article III, paragraph 11, of the Convention.

¹³ Ordinance on Transparency in the Conduct of Municipal Affairs and Citizen Participation (San Salvador); Ordinance of Citizen Participation in Access to Public Information, for the Transparency of the Municipal Administration (Olocuitla, La Paz); Ordinance for Citizen Participation in the Conduct of the Municipal Government (San Lorenzo, Ahuachapán); Ordinance for Citizen Participation in the Conduct of the Municipal Government (Armenia, Sonsonate; Chalchuapa, Santa Ana; Atiquizaya, Ahuachapán); Ordinance for Citizen Participation (Santo Tomás, San Salvador); Ordinance on Transparency in Municipal Government and Citizen Participation (San Salvador, San Salvador); Ordinance for the Functioning of the Commissions for Municipal Citizen Control (San Isidro Labrador, Nueva Trinidad; Nombre de Jesús, Arcatao, San Antonio del Monte, Concepción Batres, and San Francisco Javier), among others.

¹⁴ Updated response of the Republic of El Salvador to the questionnaire, pp. 17 and 18.

¹⁵ Methodology for analyzing the implementation of the provisions of the Convention selected in the framework of the first round of analysis, Chapter V, D (Document SG/MESICIC/doc.21/02).

Even so, and mindful of the classification referred to in the methodology for analyzing the implementation of Article III, paragraph 11, of the Convention, in each of its respective sections, the Committee will express some considerations, and in the final chapter will make some specific recommendations in this area.

4.1.3. Results of the legal framework and/or other measures

In the response of the Republic of El Salvador in this regard, it is noted: “*The results have been scant. Note should be taken of the work of the media in this regard, and of those governmental entities that are pooling efforts, through the bills and reforms of the current law, in which there is a legal framework and mechanisms for encouraging the participation of civil society and nongovernmental organizations in efforts aimed at preventing corruption.*”¹⁶

Similarly, it notes that the results related to implementing the Regulation for Servicing Citizen Complaints has enabled the citizenry to have access to this type of report, providing statistical information with respect to the number of reports received in 2003 and their classification by origin, medium, and policy sector.¹⁷

4.2. MECHANISMS FOR ACCESS TO INFORMATION

4.2.1. Existence of provisions in the legal framework and/or other measures

The Republic of El Salvador has a set of provisions regarding the mechanisms referred to, including the following:

- Provisions of the Constitution, such as that contained at Article 18, which enshrines the right of petition and response, noting that “*every person has the right to direct his or her petitions in writing, in a respectful manner, to the legally constituted authorities; to have them resolved; and to be informed of the result.*” On this article, there is a ruling of the Constitutional Chamber¹⁸ of the Supreme Court that determines that the exercise of this guarantee “*entails a correlative obligation, that of state officials to respond to or answer the requests forwarded to them*”; moreover, this response “*cannot be limited to certifying having received the petition, but the corresponding authority must analyze its content and rule in keeping with the legally conferred powers,*” requiring consistency between the two.¹⁹

- Statutory provisions, such as those contained at Articles 30, second paragraph, of the Law on the Environment, which provides that the institutions that make up the National Environmental Management System must provide the information requested of them by the Ministry, which will be freely available to the public; at Article 9, which recognizes the people’s right to be adequately informed, in a timely, competent and clear manner, within a period of no more than 15 business days, on environmental policies, plans and programs related to the population’s health and quality of life; at Article 39 of the Municipal Code, which notes that the Council sessions shall be private, unless it is agreed to make them public – any member of the community may participate, with voice but not vote, with the Council’s prior authorization; and at Article 46 of the Law on the Court of Accounts, which determines the public nature of audit reports signed by the officials of the Court of Accounts.

¹⁶ Op. cit., p. 17.

¹⁷ *Id.*

¹⁸ Judgment of Amparo of February 25, 2000. Reference 431-98.

¹⁹ Document “*Informe independiente sobre la Implementación de la Convención Interamericana contra la Corrupción en El Salvador,*” presented by “*Probidad*” as a civil society organization. Attachment No. 8, p. 40.

- Other provisions, such as those contained in the Ordinance on Citizen Participation and Access to Public Information for Transparency of the Municipal Administration of Olocuitla, Department of La Paz, which, while not a law of national application, does mark progress in establishing mechanisms for access to information.

With respect to the limitations on access to information provided for in the legal system of El Salvador, Article 29 of the Law of the Superintendency of Mercantile Obligations, which notes that the information that is provided to the Superintendency shall be confidential.

In regards to the mechanisms for enforcing the exercise of the right of petition and response, the Constitution provides protection at Article 247, which establishes that every person may request *amparo* before the corresponding mechanisms for violation of the prerogatives enshrined in the Constitution. In addition, Article 3(b) of the Law on the Contentious-Administrative Jurisdiction notes that one may also bring a contentious-administration action against the presumptive denial²⁰ of a petition.

According to its response, El Salvador also has more than 200 websites for centralized and decentralized state institutions, whose objective, among others, is to facilitate access to government information to private citizens.²¹

4.2.2. Adequacy of the legal framework and/or other measures

The laws regarding the mechanisms for access to information that the Committee has analyzed, in light of the information available to it, are relevant for promoting the purposes of the Convention.

Nonetheless, and notwithstanding the right of access to government information through the right of petition and response, the Committee is of the view that El Salvador could benefit from the promulgation and systematization of a law or laws fostering the public access to government information. The foregoing answers to the importance, in modern society, of protecting the exercise of this right and the need for it to be well-known, both by the citizens and by the public authorities. An instrument such as that suggested would facilitate its understanding and application, addressing the matter in a more systematic and comprehensive manner. It is possible that this would also help limit the use of judicial remedies for those acts of authority that deny or hinder the exercise of this right, such as the right to *amparo* or a contentious-administrative action, when for reasons that are hard to understand, stemming, perhaps, from a lack of regulation, public servants deny citizens access to government information without justification. The Committee will make a recommendation bearing this in mind.

In addition, the Committee is of the view that the Republic of El Salvador could further strengthen the mechanisms that ensure the exercise of this right, by creating and regulating a procedure designed exclusively to protect it. Such a procedure could include aspects such as the procedures for receiving requests and responding to them in a timely fashion; the admissibility requirements and the consequences if they are not met; the reasons why a request might be rejected; the way in which the decision is communicated to the regulated party; the expeditious and specialized remedies that make it possible, in the administrative jurisdiction, to appeal the decision of a public servant who

²⁰ There is presumptive denial when the authority or official does not report his or her decision to the interested party within 60 days, counted from the date the request was submitted.

²¹ Updated response from the Republic of El Salvador to the questionnaire, p. 18.

improperly denies access to information requested; and the implementation of a regime of sanctions – administrative and criminal – for those public servants who hinder, delay, or thwart the exercise of this right. In light of this situation, the Committee will make a recommendation.

With regard to the limitations on access to information provided for in the legal system of El Salvador, the Committee suggests that the country under analysis study the possibility of expressly defining those limitations. The Committee will make a recommendation in this respect.

In addition, the Committee observes with satisfaction the wide array of information resources that the Republic of El Salvador maintains through the websites of its government entities and offices, centralized and decentralized, which provide access to a considerable amount of government information; accordingly, the Committee urges El Salvador to continue strengthening these systems. The Committee will make a recommendation taking this situation into account.

Finally, the Committee considers that the Republic of El Salvador could benefit from the implementation of training and continuing education programs for public servants. Such programs could be used to train public servants so that they can apply in proper and timely fashion the provisions that protect access to information. The Committee will make a recommendation in this regard.

4.2.3. Results of the legal framework and/or other measures

The absence of a specific law on the subject, for example on information regarding objective results in this area, stands in the way of making a comprehensive assessment of those results. The Committee will make a recommendation taking this circumstance into account.

4.3. CONSULTATIVE MECHANISMS

4.3.1. Existence of provisions in the legal framework and/or other measures

The Republic of El Salvador has provisions on consultative mechanisms, including the following:

- Statutory provisions, such as those contained in Chapter I of Title IX of the Municipal Code, which establishes the town meetings (*cabildos abiertos*) and the public consultation. The *cabildos abiertos* (Article 115) must be held at least once every three months, in order to report publicly on the conduct of municipal affairs; they may be attended by the residents of the municipality, who are empowered to participate in the discussion and make suggestions about the items on the agenda. A public consultation (Article 116) is to take place when the Council deems advisable, or to learn the wishes of the citizens with respect to a given project or policy that is under consideration.

- Statutory provisions, such as those contained in Chapter II of Title II of the Law on the Environment, which establishes that the institutions that make up the National Environmental Management System will consult regional, departmental and local level organizations prior to adopting their policies, plans, and programs (Article 8).

- Various types of provisions, such as municipal ordinances on transparency, participation, and access to information in San Salvador, El Carmen, and Olocuitla, as well as the citizen oversight ordinances for the local governments of San Isidro Labrador, San Antonio de la Cruz, Nueva Trinidad, Arcatao, Dulce Nombre, San Antonio del Monte, and Concepción Batres.

4.3.2. Adequacy of legal framework and/or other measures

The provisions and mechanisms the Committee has examined regarding consultation, based on the information that has been available to it, are relevant for promoting the purposes of the Convention.

Nonetheless, the Committee considers that those provisions refer to specific areas, such as municipal and environmental affairs, while also recognizing the importance of having such mechanisms in place for those areas.

As for the mechanisms established by the Central Government, “Probity,” as a civil society organization, notes that “*generally they are set in motion for certain situations and generally are hardly sustained in time*”²² in addition to stating that these mechanisms refer mainly to political and social aspects, whereas for economic issues the will of the State appears to diminish. In this respect, the Committee is of the view that the Republic of El Salvador could benefit by implementing systems that allow for broader and more widespread participation of civil society. It should consider the possibility of creating, at the national level, opportunities for participation when certain issues are discussed, including those that have to do with economic matters – with respect to which there is considerable interest and/or that impact the community at large. This could make it possible for more interests and social groups to be taken into account when decisions are made and which then might enjoy greater social support and approval. The Committee will make a recommendation in this regard.

Even so, the Committee is pleased to learn of the establishment of sectoral roundtables to discuss with different actors of civil society and nongovernmental organizations, political parties and private initiatives on some areas soon to be reformed, such as the security and the juvenile criminal justice, the health care system, and public transportation. Nonetheless, and as mentioned by “*Probidad*” in its independent report, “*important aspects such as the reforms of the electoral system have not been given consideration for discussion with civil society,*”²³ accordingly the Committee suggests continuing to implement these mechanisms for consultation, encompassing, if possible, a larger number of issues that affect civil society. The Committee will formulate a recommendation.

As regards the municipal mechanisms – town meetings (*cabildos abiertos*) and public consultation – the Committee considers that it could be beneficial for the Republic of El Salvador to consider the possibility of applying such mechanisms at the national level and promote citizen participation on issues of general interest, such as the design, implementation, or evaluation of the policies and programs of a particular entity, or the consideration of legal provisions or laws. The Committee will make a recommendation in this regard.

²² Document, “*Informe independiente sobre la Implementación de la Convención Interamericana contra la Corrupción en El Salvador,*” presented by “*Probidad*” as a civil society organization, p. 21.

²³ *Id.*, p. 22.

Similarly, the Republic of El Salvador has consultative mechanisms related to specific areas, such as the environment. In this regard, the Committee considers that it could be favorable for El Salvador to consider the possibility of applying these mechanisms for consultation to other situations in which it considers their use might be advisable. For this reason, the Committee will make a recommendation in this regard.

Finally, the Committee considers that El Salvador should consider the possibility of designing and implementing programs to publicize these mechanisms, and when appropriate, providing training in their use for civil society and nongovernmental organizations, as well as public officials and employees. The Committee will make a recommendation on this point.

4.3.3. Results of the legal framework and/or other measures

The updated response of the Republic of El Salvador does not provide information on the objective results of the consultative mechanisms. This lack of information makes it impossible to make a comprehensive assessment of the results in this area. The Committee will make a recommendation mindful of this circumstance.

4.4. MECHANISMS TO ENCOURAGE PARTICIPATION IN PUBLIC ADMINISTRATION

4.4.1. Existence of provisions in the legal framework and/or other measures

As regards the existence of mechanisms to encourage participation in the public administration, the Republic of El Salvador states as follows in its response: *“Such mechanisms do not exist at this time, but there is a proposal to establish an Ethics Commission for the Public Function in El Salvador, whose essential objective would be, in addition to preventing and combating the corruption of public servants, the participation of private citizens in the process whereby public agencies reach decisions, in controlling their execution, and in monitoring their governmental activity. The Commission would establish this channel for private citizens, as currently, participation is scarce as there is a lack of adequate legal instruments.”*²⁴

4.4.2. Adequacy of the legal framework and/or other measures

Based on the foregoing information, which is the information available to it, the Committee is of the view that the Republic of El Salvador should consider the possibility of adopting, through the corresponding agencies and entities, measures such as those proposed in the previous section, to establish those mechanisms that facilitate, promote, and obtain the active participation of civil society and nongovernmental organizations in the process of adopting public policies and decisions, to attain the purposes of the Convention. The Committee will make a recommendation mindful of the foregoing.

²⁴ Updated response of the Republic of El Salvador to the questionnaire, p. 19.

In addition, the Committee considers that El Salvador should consider the advisability of creating and implementing laws and mechanisms that encourage the participation in the public administration by civil society and nongovernmental organizations, in efforts to prevent corruption, including other forms of participation in addition to those already provided for. The Committee will make a recommendation in view of the foregoing.

4.4.3. Results of the legal framework and/or other measures

Mindful of the foregoing considerations, and of what is stated in the respect from the Republic of El Salvador when it states “*statistical data do not exist*,”²⁵ it is not possible to make a comprehensive assessment of the results in this area, accordingly the Committee will make a recommendation in this regard.

4.5. MECHANISMS FOR PARTICIPATION IN MONITORING PUBLIC ADMINISTRATION

4.5.1. Existence of provisions in the legal framework and/or other measures

The Republic of El Salvador has provisions regarding the mechanisms for participation in monitoring the public administration, of which special mention should be made of the following:

- Statutory provisions, such as those contained in the Municipal Code, which in Chapter I of Title IX provides for the town meetings (*cabildos abiertos*) (Article 115), which were already considered at section 4.3.1 of this report.
- Other provisions, such as ordinances regulating citizen participation in issues specific to municipal government, such as environmental conservation, land use and occupation, and social housing projects, among others.

4.5.2. Adequacy of the legal framework and/or other measures

The provisions and mechanisms for participation in monitoring the public administration that the Committee has examined, based on the information available to it, are relevant for promoting the purposes of the Convention.

Nonetheless, the Committee considers it advisable for the Republic of El Salvador to consider strengthening and implementing mechanisms that encourage civil society and nongovernmental organizations to participate in monitoring the public administration. Previously, the Committee observed that the mechanisms provided for in the previous section referred to the municipal level, and accordingly the considerations set forth in section 4.3.2. of this report should be reiterated, and urge once again that El Salvador consider the possibility of incorporating these mechanisms at the national level, covering issues of general interest, such as monitoring the design, implementation, and evaluation of policies and programs of state entities or agencies in the control of budgetary policies, in the approval of statutory norms, etc. This would contribute to the strengthening of public policies, offering greater opportunity and institutionalized mechanisms for the participation of civil society in monitoring the management of the State, not only at the municipal level, but also at the national level. The Committee will make a recommendation in this regard.

²⁵ *Id.*, p. 20.

The Committee also considers it advisable that implementation of the system suggested here be accompanied by a program to publicize these mechanisms as a way of training civil society and nongovernmental organizations, and public officials and employees in their adequate use. The Committee will make a recommendation considering this circumstance.

4.5.3. Results of the legal framework and/or other measures

In the response from the Republic of El Salvador, the following is noted: “*There is no further information in this respect.*”²⁶ Bearing this in mind, the Committee will make a recommendation.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV)

5.1. MUTUAL ASSISTANCE

5.1.1. Existence of provisions in the legal framework and/or other measures

The Republic of El Salvador has a set of provisions on mutual legal assistance as referred to in Article XIV(1) of the Convention. Of these, special mention should be made of those in the Constitution; the Criminal Code, Code of Criminal Procedure, and Code of Civil Procedure; as well as the Convention on Private International Law (*Bustamante Code*) and international treaties it refers to in its response.²⁷

5.1.2. Adequacy of the legal framework and/or other measures

The provisions referred to by the Republic of El Salvador, in its response, may contribute to the purposes of the Convention of promoting and facilitating mutual assistance among the states party, and may serve its specific purposes in relation to investigation and prosecuting acts of corruption, to the extent they are used to that end.

The Committee also considers that to ensure the effective application of the mutual legal assistance provisions in the Convention, and other treaties signed by the Republic of El Salvador related to the matters to which it refers, El Salvador could benefit from the design and implementation of a comprehensive program of publicity and training specifically geared to the competent authorities, to ensure they are familiar with and can apply these provision to the specific cases of which they have knowledge. The Committee will make a recommendation in this respect.

5.1.3. Results of the legal framework and/or other measures

No information is provided such as would make it possible to make a comprehensive assessment of the results in this area. The Committee will make a recommendation, mindful of this circumstance.

²⁶ *Id.*

²⁷ *Id.*, p. 21.

5.2. MUTUAL TECHNICAL COOPERATION

5.2.1. Existence of provisions in the legal framework and/or other measures

In its response, the Republic of El Salvador notes that the mechanisms it has for making possible wide-ranging mutual technical cooperation with other State Parties on the most effective ways and methods to carry out the purposes of the Convention are also described in section 5.1.1., and in the international treaties on legal assistance to which El Salvador is a party, and which include legal cooperation.²⁸

Similarly, El Salvador states in its response²⁹ that it signed an Anticorruption Cooperation Agreement with the Government of the United States of America (Legislative Decree No. 197 of November 16, 2000), to strengthen the capacity of the Government of the Republic to prevent, control, and combat corruption.

Under that agreement, with the economic support of the United States Agency for International Development (USAID), two important preliminary drafts of executive decrees for fighting corruption were drawn up; they refer to the creation of an office on ethics in government employment and the adoption of a code on the same subject.

5.2.2. Adequacy of the legal framework and/or other measures

The laws and mechanisms that the Committee has examined in the area of mutual technical cooperation are relevant for promoting the purposes of the Convention.

In addition, the Committee is of the view that the Republic of El Salvador could take into account – as a useful step forward to further strengthen its capacity to prevent, detect, investigate, and punish acts of corruption – determine, and prioritize the specific areas where it considers it could receive technical cooperation from other states, and from the financial institutions or agencies engaged in international cooperation; and redouble its efforts to exchange technical cooperation with other State Parties, regarding the most effective ways and means to comply with the purposes of the Convention. The Committee will make recommendations in this respect.

The Committee also considers it positive that El Salvador, as indicated in its response, has entered into agreements for and undertaken technical cooperation related to fighting corruption, and that it has associated, to those ends, with international organizations and cooperation agencies, and other states party, which is considered advisable for the purposes set forth in the Convention regarding mutual technical cooperation.

5.2.3. Results of the legal framework and/or other measures

Attentive to what is stated in section 5.2.2, the Committee considers it positive that in the Republic of El Salvador, cooperation programs have been undertaken related to efforts to fight corruption, and considers it advisable for the efforts this entails to continue.

²⁸ Updated response of the Republic of El Salvador to the questionnaire, p. 22.

²⁹ *Id.*

In addition, the Committee considers that it would be useful to El Salvador to consider the possibility of measuring, evaluating, and analyzing the results of the technical cooperation it has received, so as to ensure its effectiveness and efficiency, and to continue obtaining technical cooperation from international organizations and cooperation agencies to fight corruption. The Committee will make a recommendation taking into account this consideration.

6. CENTRAL AUTHORITIES (ARTICLE XVIII)

6.1. EXISTENCE OF PROVISIONS IN THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

Although the response from the Republic of El Salvador in this respect³⁰ states that central authorities have not been designated for the purposes of channeling mutual assistance and mutual technical cooperation referred to in the Convention, it does state that the Office of the Vice-President of the Republic has coordinated the programs related to fighting corruption, noting that the Vice-President of the Republic also serves as the President of the National Council for Sustainable Development, and that on July 3, 2003, he designated this agency the coordinating unit in the context of the MESICIC, and in charge of answering the respective questionnaires.

In addition, El Salvador notes that considering that no Central Authority has yet been designated for the purposes set forth in the Convention, it will continue using the diplomatic channel by way of the Minister of Foreign Affairs.

6.2. ADEQUACY OF THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

Although the diplomatic channel and the National Council for Sustainable Development, as mentioned by the Republic of El Salvador in its answer, may be used to carry out the purposes of the Convention in terms of mutual assistance and mutual technical cooperation, the Committee will make a recommendation calling for the express designation of the central authority or authorities for those purposes, and communication of that designation to the General Secretariat of the OAS, to facilitate communication and coordination with the central authorities of other states party, for those purposes.

Accordingly, the Committee suggests that once that authority is designated, the Republic of El Salvador might wish to consider that possibility of providing it with sufficient resources to enable it to do its work. The Committee will make a recommendation in this regard.

6.3. RESULTS OF THE LEGAL FRAMEWORK AND/OR OTHER MEASURES

The Committee notes that the Republic of El Salvador has not designated central authorities for the purposes of channeling mutual assistance and mutual technical cooperation referred to in the Convention. This renders impossible any comprehensive assessment with regard to the legal framework and other measures. Mindful of this, the Committee will make a recommendation in the final chapter of this document.

³⁰ *Id.*, p. 23.

III. CONCLUSIONS AND RECOMMENDATIONS

Based on the review in Chapter II of this report, the Committee offers the following conclusions and recommendations regarding the implementation by the Republic of El Salvador, of the provisions in Articles III(1) and (2) (standards of conduct and mechanisms for their enforcement); Article III(4) (systems for registering income, assets, and liabilities); Article III(9) (oversight bodies, solely with respect to the exercise by such bodies of functions related to compliance with the provisions contained in Article III(1), (2), (4), and (11) of the Convention); Article III(11) (mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption); Article XIV (Assistance and Cooperation); and Article XVIII (Central Authorities) of the Convention, which were selected for review in the framework of the first round.

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)

1.1. Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms

The Republic of El Salvador has considered and adopted measures to establish, maintain and strengthen standards of conduct with respect to the prevention of conflicts of interest and enforcement mechanisms, as described in Chapter II, Section 1.1 of this report.

In view of the comments made in the above section, the Committee suggests that the Republic of El Salvador consider strengthening the implementation of laws and regulatory systems related to conflicts of interest, in order to permit the effective and practical enforcement of a system of public ethics. To comply with this recommendation, the Republic of El Salvador may take into account the following measures:

- a. Consider the possibility of legislating, through the appropriate legal and administrative procedures, conduct aimed at preventing conflicts of interest so as to ensure the correct, honorable, and proper fulfillment of the public functions referred to in the Convention, including, among others, adopting a legal instrument applicable to all public officials, which enables them to know their duties and rights in precise terms. This is irrespective of the fact that given the doctrine of the separation of powers and the existence of autonomous bodies, consideration could be given to the establishment of specific regimes aimed at particular sectors which, on account of their specializations and spheres of competence, could require the establishment of especially restrictive norms that define their duties and rights.
- b. Consider the possibility of creating or strengthening preventive mechanisms in the access to public-sector positions, applicable to all public officials, in accordance with the scope determined in the law itself, and in relation to the positions it may determine, taking into account the following aspects:
 - i. Supplement the standards of general applicability for entry into the public-sector, strengthening the preventive mechanisms that facilitate the detection of possible conflicts of interests.

To this end, consideration could be given to the provisions set forth in Articles 18 and 19 of the Civil Service Law, as a point of reference for the development of such legal provisions, in order to ensure the impartiality that civil servants must observe in discharging their positions, posts or commissions and after the conclusion thereof.

- ii. Develop other mechanisms that identify those cases that may arise in the course of the performance of public functions, and which could constitute conflicts of interest.
- c. Consider the possibility of creating and implementing mechanisms that make it possible to determine in specific cases whether those who perform public functions have conflicts of interest, and which at the same time make it possible to take the measures needed to protect the public interest, such as separation from their functions, official repudiation of the matter, their renouncing any private interests in the conflict, or the invalidity of the decisions by those who are in such a position.
- d. Consider strengthening appropriate and relevant restrictions for those who cease to hold public positions and the measures for the enforcement thereof, upholding due balance with an individuals' constitutional right to freedom of employment, for a reasonable period (see section 1.1.2 of Chapter II of this report) and considering, *inter alia*, the following possibilities:
 - i. Establish terms and conditions on how a former employee may use information or documents to which he or she had access in public service.
 - ii. Refrain from participating in matters directly related to the formerly held position.
 - iii. Consider the possibility for the oversight body to provide former public employees with guidance and to clarify any doubts that might arise from the specific activities in which they are engaged.
- e. Consider the possibility of establishing, implementing or improving, as appropriate, mechanisms to disseminate and train all public servants in the standards of conduct with a view to preventing conflicts of interest in the performance of public functions, and providing training and periodic updating with respect to those standards.
- f. The Committee encourages the Republic of El Salvador to continue supporting the work of the Court of Accounts by establishing indicators that make it possible to determine its results more precisely.

- g. Compile information regarding conflict-of-interest cases, to establish mechanisms of evaluation that make it possible to verify the results in this area (see section 1.1.3.).

1.2. Standards of conduct and mechanisms to ensure the proper conservation and use of resources entrusted to government officials in the performance of their duties

The Republic of El Salvador has considered and adopted measures designed to establish, maintain and strengthen standards of conduct to ensure the proper conservation and use of resources entrusted to government officials in the performance of their duties, as mentioned in Chapter II, Section 1.2 of this report.

In view of the comments made in the above-mentioned section, the Committee suggests that the Republic of El Salvador consider strengthening the implementation of statutes and regulatory systems with respect to the control of resources of the public administration. To carry out this recommendation, the Republic of El Salvador could take into account the following measures:

- a. Consider the possibility of legislating, taking into account the appropriate procedures, conduct aimed at ensuring the proper conservation and use of resources entrusted to government officials in the performance of their functions, including aspects such as preparing a legal instrument that offers the Republic of El Salvador a uniform legal regime on the basis of normative conditions that are adapted to the specificities, degree, and practical requirements of each of the entities that makes up the public administration, and which also provides equal treatment in regulating the conduct of public servants, providing legal security in the performance of public functions and to the proper conservation and use of government property.

This is irrespective of whether or not the applicable specific provisions place obligations on each of the branches of government, municipalities and, if relevant, those applicable to the autonomous institutions.

- b. Design and implement mechanisms for disseminating and training all public servants on the standards of conduct to ensure the proper conservation and use of public resources, and to resolve their consultations in this respect, as well as to provide training and periodic updating with respect to those standards.
- c. Perform an evaluation of the use and effectiveness of the standards of conduct for ensuring the proper conservation and use of public resources and of the mechanisms for compliance with them in the Republic of El Salvador, and instruments for preventing corruption and, based on the results of that evaluation, consider adopting measures to promote, facilitate and consolidate or ensure the effectiveness of them, for that purpose.

1.3. Standards of conduct and mechanisms concerning measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

The Republic of El Salvador has considered and adopted measures designed to establish, maintain and strengthen standards of conduct and mechanisms related to measures and systems that require government officials to report to the appropriate authorities acts of corruption in the performance of public functions of which they are aware, in accordance with the comments in Chapter II, Section 1.3 of this report.

In view of the comments made in this section, the Committee suggests that the Republic of El Salvador consider strengthening the mechanisms it has to require government officials to report to the appropriate authorities acts of corruption in the performance of public of which they are aware. To carry out this recommendation, the Republic of El Salvador might take into account the following measures:

- a. Facilitate the performance of the obligation to report acts of corruption through the means it deems appropriate, and in particular, regulate the submission of such reports so as to further facilitate their submission, establishing requirements that do not cause potential whistleblowers to become inhibited, and including the possibility that these reports keep confidential the names of the whistleblowers during administrative proceedings.
- b. Consider adopting and implementing measures of protection for public officials who report acts of corruption in good faith, including those who report corruption by their superiors, such that they find assurances in the face of the threats or reprisals to which they may be subject as a result of carrying out this obligation.
- c. Provide that the scope of the obligation contained in Article 312 of the Criminal Code refer both to punishable acts the public servant learns of in the performance of public functions, and on occasion of them, and acts of corruption that they become aware of not in the performance of said functions.
- d. Advance in efforts aimed at training public officials in relation to the existence and purpose of the responsibility to report to the appropriate authorities acts of corruption in the performance of public functions of which they are aware, including the corresponding protection regime in these cases, and to motivate the Republic of El Salvador to consolidate the advances in this regard already made by the Citizen Participation Section of the Court of Accounts.
- e. Consider the possibility of strengthening those administrative and legal proceedings related to the effective application of the applicable sanctions to those public officials and employees who engage in acts of corruption.

- f. Compile information on the submission of reports of acts of corruption by public officials or employees that make it possible to verify the results in this area (see section 1.3.3. above).

2. SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)

The Republic of El Salvador has considered and adopted measures designed to establish, maintain and strengthen systems for registering the income, assets and liabilities of persons who perform public functions in certain posts as specified by law, in accordance with the comments in Chapter II, Section 2.1 of this report.

In view of the comments made in this section, the Committee suggests that the Republic of El Salvador consider expanding and complementing the systems for registering the income, assets and liabilities, and regulate their publication, as appropriate, through pertinent provisions. To comply with this recommendation, the Committee suggests that the Republic of El Salvador take into account the following recommendations:

- a. Consider the advisability of implementing a specific law that includes time frames and reasonable circumstances for demanding the periodic and updated submission of declarations of net worth by those persons obligated to do so, so as to diminish opportunities for corruption and to prevent and detect crimes against government property during the performance of public functions.
- b. Consider the possibility of developing Article 8, section 1 of the Law on Illicit Enrichment of Public Officials and Employees, such that the Supreme Court, through its Probity Section, may have systems that make it possible to promote and timely verify the declarations, setting time frames and occasions for doing so, and providing for those decisions that make it possible to collaborate with this and other entities of the State, such as the financial or tax authorities, so as to facilitate this task.
- c. Take into consideration that the systems for registering the income, assets and liabilities of those who hold public office may constitute an effective instrument not only for determining their illicit enrichment, but also for preventing and detecting other acts of corruption.
- d. Regulate the conditions, procedures and other aspects relating to the public disclosure, as appropriate, of the declarations of income, assets and liabilities, subject to the Constitution and the fundamental principles of the legal system of El Salvador.
- e. Consider the possibility of expanding the regime of sanctions, so as to cover other types of conduct, such as the failure to disclose information when making the declaration, including, among other measures, imposing sanctions additional to those that exist.

- f. Implement training programs for public servants on the regulations applicable to the system for registering income, assets, and liabilities, and design mechanisms for disseminating that system among the public servants obligated to comply with it, to assure that the current regulations are known.
- g. Implement the procedures needed to perform effective control of compliance with the obligation to submit these declarations, so as to make it possible to verify the results in this area.

3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4 and 11 OF THE CONVENTION)

The Republic of El Salvador has considered and adopted measures designed to create, maintain and strengthen oversight bodies to develop functions with respect to effective compliance with the provisions selected for review in the context of the first round (Article III, paragraphs 1, 2, 4 and 11 of the Convention), as stated in Chapter II, section 3 of this report.

Taking into account the considerations expressed in that section, the Committee suggests that the Republic of El Salvador consider the following recommendations:

- 3.1. Strengthen the oversight bodies, especially the Supreme Court of Justice and the Court of Accounts, in terms of the functions they perform in relation to monitoring effective compliance with the provisions set forth at paragraphs 1, 2, 4, and 11 of Article III of the Convention, for the purpose of ensuring the effectiveness of such monitoring, providing them with the resources they need to fully perform their functions and establishing mechanisms that make possible the institutional coordination of their actions, and an ongoing evaluation and monitoring of them.
- 3.2. Implement the mechanisms needed to gather the information related to the functions performed by the oversight bodies aimed at establishing elements for evaluating this area.
- 3.3. Establish a body, or provide additional authority to an existing body, in order to ensure appropriate monitoring of the mechanisms recommended in section 4 below (Article III, paragraph 11).

4. MECHANISMS TO ENCOURAGE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11)

The Republic of El Salvador has considered and adopted certain measures to establish, maintain, and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption, as noted in section 4 of Chapter II of this report.

In view of the comments made in that section, the Committee suggests that the Republic of El Salvador consider the following recommendations:

4.1. General participation mechanisms

No recommendations were considered in this section.

4.2. Mechanisms for access to information

Institute legal provisions and measures to support access to government information. To comply with this recommendation, the Republic of El Salvador could consider the following measures:

- a. Consider the advisability of issuing law or laws, the provisions of which specifically ensure access to government information.
- b. Strengthen the provisions and mechanisms that ensure the right of access to government information, by creating and regulating a procedure designed to protect this right, that could include provisions such as: (i) the procedures for accepting requests and responding to them on a timely basis; (ii) the admissibility requirements and consequences when such requirements are not met; (iii) the reasons why a request may be denied; (iv) the method for communicating the decision to the applicant; (v) prompt and specialized administrative remedies for appealing a decision made by a public servant who improperly denies access to the information requested; (vi) the implementation of a regime of sanctions – administrative and criminal – for public servants who may hamper, delay, or prevent the exercise of this right; and (vii) exceptions to the right of access to government information.
- c. Expressly define the limitations for access to information provided for in the Legal System of El Salvador.
- d. Continue strengthening and expanding the information systems that operate through the different web pages created by the public institutions, as an effective means of disseminating the everyday management of the State. In this respect, the Committee recognizes the considerable collection of computerized resources fostered by the Republic of El Salvador, allowing access to ample government information.
- e. Ensure, through training and updating programs, that public officials are knowledgeable of and can apply, properly and in timely fashion, the laws and regulations that protect access to government information.
- f. Consider the usefulness of having the applicable law ensure access to information held by the Branches of the Government, municipalities, and by the autonomous institutions.
- g. Consider establishing a mechanism with autonomy in its operations, charged with promoting and disseminating the right to and access to government information, resolving denials to furnish access to information, and protecting personal data held by the government offices and agencies.

4.3 Consultative mechanisms

Supplement the existing consultative mechanisms, establishing, as appropriate, procedures that will offer greater opportunities to hold consultations between society in general prior to designing public policies and approving legal provisions. To comply with this recommendation, the Republic of El Salvador could consider the following measures:

- a. Consider applying national-level consultation instruments that are similar to those considered in the municipal realm, to provide an appropriate role to civil society in its consultative activity.
- b. Consider the possibility of applying consultation instruments with characteristics similar to those already in place in specific areas, such as the environment, to other areas, or develop other suitable mechanisms that make it possible to engage in those consultations in other settings, additional to those in which they are already contemplated.
- c. Continue implementing the system of sectoral roundtables, considering the possibility of expanding their use to encompass a larger number of areas of interest to civil society.
- d. Consider the advisability of designing and implementing programs for dissemination on the consultative mechanisms, training and facilitating civil society and nongovernmental organizations, as well as public officials and employees, on their use.

4.4. Mechanisms to encourage participation in public administration

Implement mechanisms that encourage civil society and nongovernmental organizations to participate in the conduct of public affairs. To comply with this recommendation, the Republic of El Salvador could consider the following measures:

- a. Consider the possibility of adopting, through the respective mechanisms and procedures, measures such as those provided for in the Draft Executive Decree for the establishment of the Ethics Commission for the Public Function.
- b. Consider the advisability of creating and implementing laws and mechanisms to encourage the participation of civil society and nongovernmental organizations in efforts to prevent corruption, including aspects of participation in addition to those that already exist.
- c. Take actions which encourage the prevention and reporting of acts of corruption, and which allow the Government to identify those areas in which such acts are likely to arise more frequently.

4.5. Mechanisms for participation in monitoring public administration

Strengthen and continue implementing mechanisms that encourage civil society and nongovernmental organizations to participate in monitoring public administration. To comply with this recommendation, the Republic of El Salvador could consider the following measures:

- a. Consider applying mechanisms of participation in monitoring public administration at the national level, similar to those contemplated in the municipal regime, in those areas where the State considers they may be useful, including the possibility of such mechanisms being convoked by civic initiative at the local and national levels.
- b. Consider the implementation of awareness and training programs directed at civil society and nongovernmental organizations on the aspects dealt with in sections 4.1 to 4.5 of this report.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV)

The Republic of El Salvador has adopted measures in relation to mutual assistance and mutual technical cooperation, in accordance with the provisions of Article XIV of the Convention, as described and reviewed in Chapter II, Section 5 of this report.

In view of the comments made in the above-mentioned section, the Committee suggests that the Republic of El Salvador consider the following recommendations:

- 5.1 Determine those specific areas in which the Republic of El Salvador sees the need for technical cooperation with other States Parties in order to strengthen its capacities to prevent, detect, investigate and punish acts of corruption. As well, the Republic of El Salvador should determine and prioritize requests for mutual assistance that are received in investigating or prosecuting cases of corruption.
- 5.2 Continue efforts to exchange technical cooperation with other State Parties on the most effective ways and means of preventing, detecting, investigating and punishing acts of corruption.
- 5.3 Design and implement a comprehensive information and training program for responsible authorities and officials, with the objective of ensuring that they are aware of and can apply mutual assistance provisions for the investigation or prosecution of acts of corruption provided for in the Convention and in other treaties signed by El Salvador.
- 5.4 Design and implement an information program with which the authorities of El Salvador can ensure follow-up to requests for mutual assistance relating to acts of corruption and, in particular, those covered by the Inter-American Convention against Corruption.

6. CENTRAL AUTHORITIES (ARTICLE XVIII)

The Republic of El Salvador has adopted certain measures regarding the designation of the central authorities referred to in Article XVIII of the Convention, in keeping with what is stated in section 6 of chapter II of the present report.

In view of the comments made in that section, the Committee suggests that the Republic of El Salvador consider the following recommendations:

- 6.1 Designate, through the procedures established for the purpose, the central authority or authorities for the purposes of the international assistance and cooperation provided for in the Convention.
- 6.2 Inform the General Secretariat of the OAS of the appointment of the authority or authorities alluded to in the previous point, in keeping with the formalities provided for to this end.
- 6.3 Ensure that once that authority is designated, it has the resources needed to adequately carry out its functions.

7. GENERAL RECOMMENDATIONS

Taking into account the comments made throughout this report, the Committee suggests that the Republic of El Salvador consider the following recommendations:

- 7.1 Design and implement, when appropriate, training programs for public servants in charge of applying the systems, standards, measures and mechanisms considered in this report, with the objective of guaranteeing adequate knowledge, handling and implementation of the above.
- 7.2 Select and develop procedures and indicators, as appropriate, which enable verification of the monitoring of the recommendations contained in this report, and communicate the results of this follow-up to the Committee through the Technical Secretariat. With this in mind, consider taking into account the list of more general indicators applicable within the Inter-American system that were available for the selection indicated by the State under review and posted on the OAS website by the Technical Secretariat of the Committee; as well, consider information derived from the review of the mechanisms developed in accordance with recommendation 7.3 below.
- 7.3 Develop, as appropriate and where they do not yet exist, procedures designed to analyze the mechanisms mentioned in this report, and the recommendations contained in it.

8. FOLLOW-UP

The Committee will consider the periodic reports by the Republic of El Salvador, on its progress in implementing the recommendations contained in this report, in the context of its plenary meetings, as provided for in Article 30 of the Rules of Procedure and Other Provisions of this Committee.

In addition, the Committee will analyze advances in the implementation of the recommendations made in this Report, in keeping with Article 31 and, when applicable, Article 32 of those Rules of Procedure.

**APPENDIX TO THE REPORT ON THE IMPLEMENTATION IN THE
REPUBLIC OF EL SALVADOR OF CONVENTION PROVISIONS
SELECTED FOR REVIEW IN THE FRAMEWORK OF THE FIRST ROUND**

The Republic of El Salvador sent, along with its response, attachments in the form of the following provisions and documents:

1. Constitution of the Republic of El Salvador (DL. No. 38, DO. 234, T. 281, of 16 December 1983, updated as of the reform introduced by DL. No. 56 of 6 July 2000).
2. Inter-American Convention against Corruption (Approved by the Legislative Assembly 9 July 1998, DO. 150, T. 340, of 17 August 1998 and ratified by the Executive 26 October 1998).
3. Inter-American Convention against Terrorism (Approved by the Legislative Assembly 12 February 2003, DO. 48, T. 358, of 12 March 2003 and ratified by the Executive 13 March 2003).
4. Inter-American Convention on Mutual Assistance in Criminal Matters (Ratified 21 April 2004).
5. Inter-American Convention on Letters Rogatory (Approved by the Legislative Assembly 19 May 1980, DO. 98, T. 267, of 27 May 1980 and ratified by the Executive on 27 June 1980).
6. Treaty for Mutual Legal Assistance in Criminal Justice Matters among the Republics of El Salvador, Guatemala, Honduras, Nicaragua, Costa Rica, and Panama (Approved by the Legislative Assembly 21 July 1994, DO. 156, T. 324, 25 August 1994).
7. Code of International Private Law (Bustamante Code) (Approved by the Legislative Assembly 30 March 1931, DO. 133, T. 110, of 10 June 1931, and ratified by the Executive 27 May 1931).
8. Central American Uniform Customs Code (Signed 13 December 1963, in Guatemala City).
9. Anti-Corruption Cooperation Agreement between the Government of the Republic of El Salvador and the Government of the United States of America (Signed 14 April 2000).
10. Criminal Code (DL. No. 1030, DO. No. 105, T. 335, 10 June 1997 as amended).
11. Code of Criminal Procedure (DL. No. 904, DO. 11, T. 334, 20 January 1997 as amended).
12. Code of Civil Procedure (DE. S/N, DO. 1, T. 12, 1 January 1882 as amended).
13. Electoral Code (DL. No. 417, DO. 16, T. 318, 25 January 1993 as amended).
14. Municipal Code (DL. No. 274, DO. 23, T. 290, 5 February 1986 as amended).
15. Tax Code (DL. No. 230, DO. 241, T. 349, 22 December 2000 as amended).
16. Law against Money- and Asset Laundering (DL. No. 498, DO. 240, T. 341, 23 December 1998 as amended).
17. Law on Procurement and Contracting of the Public Administration (DL. No. 868, DO. 88, T. 347, 15 May 2000 as amended).
18. Law on Associations and Non-Profit Foundations (DL. No. 894, DO. 238, T. 333, 17 December 1996).
19. Law on non-Bank Financial Intermediaries (DL. No. 849, DO. 65, T. 346, 31 March 2000 as amended).

20. Law on the Court of Accounts of the Republic (DL. No. 438, DO. 176, T. 328, 25 September 1995 as amended).
21. Law on the Contentious-Administration Jurisdiction (DL. No. 81, DO. 236, T. 261, 19 December 1978 as amended).
22. Law on the Environment (DL. No. 233, DO. 79, T. 339, 4 May 1998 as amended).
23. Law on Consumer Protection (DL. No. 666, DO. 58, T. 330, 22 March 1996).
24. Civil Service Law (DL. No. 507, DO. 239, T. 193, 27 December 1961 as amended).
25. Special Law for Punishing Customs Infractions (DL. No. 551, DO. 204, T. 353, 29 October 2001 as amended).
26. Organic Law on the Bureau of Internal Taxes (DL. No. 451, DO. 56, T. 306, 7 March 1990 as amended).
27. Organic Law on the Superintendency of the Financial System (DL. No. 628, DO. 278, T. 309, 10 December 1990 as amended).
28. Law Regulating Drug-related Activities (DL. No. 728, DO. 52, T. 310, 15 March 1991 as amended).
29. Law to Repress Contraband in Merchandise and Fraudulent Evasion of Customs Duties (DL. No. 551, DO. 204, T. 353, 29 October 2001).
30. Law on the Illicit Enrichment of Public Officials and Employees (DL. No. 2883, DO. 87, T. 183, 18 May 1959 as amended).
31. Law on the Superintendency of Mercantile Obligations (DL. No. 825, DO. 40, T. 346, 25 February 2000).
32. Law on Banks (DL. No. 697, DO. 181, T. 344, 30 September 1999 as amended).
33. Reforms to the Law on Banks (DL. No. 955, DO. 178, T. 356, 25 September 2002).
34. Internal Regulation of Personnel of the Court of Accounts of the Republic (D. de la Corte de Cuentas No. 11, DO. 59, T. 342, 25 March 1999).
35. Code of Ethics of Public Servants of the Court of Accounts of the Republic (D. de la Corte de Cuentas S/N, DO. 53, T. 350, 14 March 2000).
36. Regulation for Servicing Citizen Complaints (D. de la Corte de Cuentas No. 1, DO. 129, T. 352, 10 July 2001).
37. Regulation for Controlling the Use of National Vehicles (D. de la Corte de Cuentas No. 4, DO. 238, T. 353, 17 December 2001).
38. Regulation to Control the Distribution of Fuel in the Entities of the Public Sector (D. de la Corte de Cuentas No. 5, DO. 238, T. 353, 17 December 2001).
39. Regulation of the Organic Law on the Financial Administration of the State (DE. No. 82, DO. 161, T. 332, 30 August 1996 as amended).
40. Decree Creating the National Center for Registry and its Administrative Regime (DE. No. 62, DO. 227, T. 325, 7 December 1994).

41. Ordinance for the Functioning of the Municipal Citizen Oversight Commissions, San Isidro Labrador, Department of Chalatenango (DM. 1, DO. 152, T. 356, 20 August 2002).
42. Ordinance for the Functioning of the Municipal Citizen Oversight Commissions, San Antonio del Monte, Department of Sonsonate (DM. No. 3, DO. 152, T. 356, 20 August 2002).
43. Ordinance for the Functioning of the Municipal Citizen Oversight Commissions, Nueva Trinidad, Department of Chalatenango (DM. No. 3, DO. 152, T. 356, 20 August 2002).
44. Ordinance for the Functioning of the Municipal Citizen Oversight Commissions, Nombre de Jesús, Department of Chalatenango (DM. No. 4, DO. 152, T. 356, 20 August 2002).
45. Ordinance for the Functioning of the Municipal Citizen Oversight Commissions, Concepción Batres, Department of Usulután (DM. No. 8, DO. 152, T. 356, 20 August 2002).
46. Ordinance for the Functioning of the Municipal Citizen Oversight Commissions, Arcatao, Department of Chalatenango (DM. No. 8, DO. 152, T. 356, August 20, 2002).
47. Ordinance for the Functioning of the Municipal Citizen Oversight Commissions, San Francisco Javier, Department of Usulután (DM. No.5, DO. 162, T. 356, 3 September 2002).
48. Ordinance for Citizen Participation of the Municipality of Santo Tomás, Department of San Salvador (DM. No. 2, DO. 226, T. 357, 2 December 2002).
49. Ordinance for Transparency in Municipal Management and Citizen Participation of the Municipality of San Salvador (DM. No. 11, DO. 92, T. 355, 22 May 2002).

The Committee's Technical Secretariat obtained, from the website of the Judicial Documentation Center of the Supreme Court of the Republic of El Salvador (www.jurisprudencia.gob.sv) the following documents:

1. Ley Orgánica Judicial (DL. No. 123, DO. 115, T. 283, of 20 June 1984 as amended).
2. Ley Orgánica del Ministerio Público (DL. No. 603, DO. 54, T. 154, 18 March 1952 as amended).
3. Ley Orgánica de Administración Financiera del Estado (DL. No. 516, DO. 7, T. 330, 11 January 1996 as amended).
4. Ley de la Superintendencia de Obligaciones Mercantiles (DL. No. 825, DO. 40, T. 346, 25 February 2000).
5. Reglamento Interno del Órgano Ejecutivo (DE. No. 24, DO. 70, T. 303, 18 April 1989 as amended).
6. Reglamento Orgánico Funcional de la Corte de Cuentas de la República (DE. No. 12, DO. 109, T. 343, 14 June 1999 as amended).
7. Ordenanza de Participación Ciudadana sobre el Acceso a la Información Pública, para la Transparencia de la Administración Municipal, del Municipio de Olocuitla, Departamento de la Paz (DM. No. 7, DO. 138, T. 356, 25 July 2002).
8. Ordenanza para la Participación Ciudadana en la Gestión del Gobierno Municipal de San Lorenzo, Departamento de Ahuachapán (DM. No. 5, DO. 224, T. 357, 28 November 2002).
9. Ordenanza para la Participación Ciudadana en la Gestión del Gobierno Municipal de Armenia (DM. No. 4, DO. 224, T. 357, 28 November 2002).

10. Ordenanza para la Participación Ciudadana en la Gestión del Gobierno Municipal de Chalchuapa, Departamento de Santa Ana (DM. No. 9, DO. 224, T. 357, 28 November 2002).
11. Ordenanza para la Participación Ciudadana en la Gestión del Gobierno Municipal de Atiquizaya (DM. No. 4, DO. 224, T. 357, 28 November 2002).