

Report

El Salvador Elections:

Militarization and Fear



Cristosal

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Historical Background on Presidential Elections in El Salvador

by Héctor Lindo

The history of presidential elections in El Salvador shows multiple deviations from an ideal in which the citizenry, free of any coercion, chooses among the candidacies of individuals and parties having competed under its constitutionally established legal framework: based on clear ground rules, equal conditions, in a campaign in which different visions of the future have been freely discussed, and within a process administered with full transparency.

From the early twentieth century until 1979, El Salvador has never held an election in which the people and the government did not already know who was going to be the next president. The breaks in the chain of presidential successions came not from elections, but from coups d'état that involved violence or the threat of violence.

Important principles such as the freedom to elect and be elected, universal suffrage, procedural transparency, respect for the laws, and guarantee of privacy have been absent or very imperfectly present in most elections since the beginning of the 20th century. One common element underlying the irregularities in the electoral proceedings was a ruling elite willing to use its control over legislatures to change laws and the coercive power of the state to intimidate candidates and voters. Their ultimate goal was to keep political control in the hands of the ruling elite.

Some of the main characteristics of the 25 elections that have occurred since the beginning of the 20th century up to 2019 are included in Table 1. The first two columns refer to an electoral atmosphere characterized by constraints on constitutional guarantees and violence potentially introducing an element of fear and thus restricting the freedom to run for office or to exercise the right to vote. Electoral choices are shown in categories in columns 3, 4, and 5 identifying elections with single candidacies, candidacies with fabricated competition, and elections in which candidates have been excluded to avoid genuine competition. The sixth column identifies elections in which documentary evidence indicates fraud occurred during the counting of the votes. Finally, the constitutionality of candidacies is included in the seventh column.

This table outlines the serious difficulties that the Salvadoran electoral system has had in approximating the ideal described above. Almost one-third of the elections included in the table (7 out of 25) took place under a state of siege. This phenomenon was most prevalent during the first half of the twentieth century. Cases of serious pre-electoral violence occurred during the same

period, with notorious examples in 1915, 1919, and 1923 and, later, in 1977, on the threshold of the armed conflict.

The Salvadoran population did not have a choice in eight elections: the ballots included only one candidate. Added to this are the five elections in 1903, 1906, 1911, 1945, and 1956 in which the opposition candidacies were merely symbolic, either because they were allies of the group in power who were willing to play the game, or they were authentic opposition that did not compete on equal terms.

The right to run for office was not universal throughout the 20th century. Prior to the 1956 elections, women were not eligible to run for president in any presidential campaign. Salvadoran women did not vote until the 1950 elections. Beginning in 1931, the dynamics of the Cold War prevented overtly leftist ideological candidacies. The military governments made liberal use of the 1950 and 1962 constitutions' prohibition of “propaganda of anarchic doctrines or doctrines contrary to democracy” to limit political participation.

Table 1

Presidential Elections 1903-2019

Year	1 State of Siege	2 Pre-election violence	3 Single Candidate	4 Symbolic opposition % of votes	5 Exclusion of candidates	6 Vote count fraud	7 Reelection
1903				78	Women	X	
1906		x		99.8	Women	X	
1911	x			n.a.	Women	X	
1915		x	x		Women		
1919		x	x		Women		
1923	x	x	x		Women	X	
1927	x		x		Women		

1931					Women		
1935	x		x		Women, Left		
1939	X		X		Women, Left		x
1944	x		x		Women, Left		x
1945	x			99.7	Women, Left	x	
1950					Women, Left		
1956				95.2	Left	x	
1962			x		Left		
1967					Left		
1972					left	X	
1977		x			Left	X	
1984					Left		
1989					Left		
1994							
1999							
2004							
2009							
2014							
2019							

Source: Prepared by the authors

In most cases, the different administrations tipped the scales in their favor with pre-election day tactics. Below are examples of how they succeeded in winning favorable results by changing laws, limiting constitutional guarantees, taking advantage of an atmosphere of violence, excluding political groups from the right to vote, censoring the press, and using public resources to support the candidacies of the official party.

Control of Municipalities and Changes in the Legislature

Control over municipalities was a key element in ensuring favorable results at the polls. Up until 1948, the law regulating elections granted management of the voter registry to the mayor's offices. An example of the importance of local government is found in the dictatorship of Maximiliano Hernández Martínez. His administration made sure it controlled the municipal authorities before the elections so that it could exercise political dominance over the entire territory. Before the presidential elections of 1935, the official Pro Patria party made sure that all the mayors of the country were among its members.¹ Then, in 1939, a Legislative Assembly controlled by Martínez added Art. 135 to the Constitution of that year, establishing that the appointment of all mayors would correspond to the executive branch. The dictator thus ensured the results of the electoral processes of 1935, 1939, and 1944.

Even after the 1950 reforms to the election rules control over municipalities continued to be important. The Christian Democratic Party cited as one of its reasons for not participating in the 1962 presidential elections the intervention of the Legislative Assembly authorizing “the Executive Power to appoint the mayors of the entire Republic with the malicious intent to have total control over the civil authorities in the Republic and to dictate the rules for the next presidential campaign”.²

¹ Gerardo Monterrosa Cubías. *La sombra del martinato. Autoritarismo y lucha opositora en El Salvador 1931-1945* (San Cristóbal de las Casas, Mexico: UNAM-CIMSUR, 2019) p. 89.

² Partido Demócrata Cristiano. *Historia de una farsa*. (San Salvador: Partido Demócrata Cristiano, 1963) p. 13. Ejemplo de pie de página,

Abrupt legislative changes favoring the military's 1962 candidate, Julio Rivera, went far beyond municipal government. The Constituent Assembly changed the Constitution specifically to favor Rivera's candidacy. Article 165 of the 1962 Constitution stated that "In the absence of the President of the Republic, due to death, resignation, removal or any other cause, the Vice-President shall replace him; in his absence, one of the Appointees in the order of his nomination, and if all of them are absent for any legal cause, the Assembly shall designate the person who shall replace him. Should the disqualifying circumstance prevent the President from holding office for more than six months, the person who replaces him in accordance with the preceding clause shall complete the term of office of the President. If the reason for the temporary unfitness of the President is temporary, the substitute shall hold office only for the duration of such unfitness. The citizen who has held the office of President of the Republic under any of the titles mentioned in this article may not be President, Vice-President, or Designate in the consecutive presidential term". Note that the article said "in any of the titles mentioned in this article", which did not include members of a government junta. In contrast, Art. 65 of the 1950 Constitution read: "The citizen who has served in any capacity as President of the Republic may not be President, Vice-President or Designate in the consecutive presidential term". Julio Rivera, who was a member of the Civic Military Directorate that presided over the Executive Power, fell into this category. The specificity of the new wording of the Magna Carta excluded him from the prohibition.

State of Siege: Violence and Intimidation

The suspension of constitutional guarantees during elections was particularly frequent up until 1945. The most frequent reason for declaring a state of siege was the desire of authoritarian governments to maintain maximum control throughout the campaign process, which was the case in 1923, 1927, 1935, 1939, and 1944. The first two examples occurred during the Meléndez-Quiñónez dynasty era. Jorge Meléndez imposed a state of siege in February 1922 after a military uprising at the Polytechnic School. The suspension of constitutional guarantees was in force for more than five consecutive years, until May 1927. That is why the elections of Alfonso Quiñónez Molina (1923) and Pío Romero Bosque (1927) were held under these abnormal conditions.

Another characteristic of the Meléndez-Quiñónez dynasty was the violence that preceded the presidential elections. In the months leading up to the election of Carlos Meléndez in 1915, there was considerable political violence and rumors of a coup d'état. Alfonso Quiñónez Molina was the

provisional president and, anxious to guarantee the victory of his brother-in-law Melendez, “let the political agitators know that he would not tolerate any opposition to the Melendista ticket, nor would he allow hostile demonstrations”, according to a confidential report by the US envoy.³ Faced with these threats, Carlos Meléndez ran as the only candidate and won 100% of the votes. Matters were more serious before the 1919 elections in which Jorge Meléndez became president. There were many deaths on that occasion, as many as 50, according to one report. The opposition candidate withdrew from the race and the second member of the Meléndez family to become president did so with the total number of votes.

The violence leading up to the 1923 presidential elections that brought Quiñonez Molina to power was even worse. During the election campaign at the end of 1922, the opposition candidate, Miguel Tomás Molina, received strong support from the women's movement who wanted women's suffrage. On Christmas Day, the government attacked a women's demonstration with machine guns, rifles, and machetes, leaving many dead. At the same time, the authorities arrested, beat, or expelled many opponents from the country. Molina ended up taking refuge in the Spanish legation and Alfonso Quiñonez Molina received the totality of the votes on voting day.

The other examples of elections under a state of siege occurred during the dictatorship of Maximiliano Hernández Martínez. The dictator was a candidate in three presidential elections. The first was held in 1935 at the end of the presidential term of Arturo Araujo who he had replaced following the 1931 coup d'état. In 1935, the suspension of constitutional guarantees imposed in January 1932 during the peasant uprising was still in force. In 1935 the state of siege was suspended for a few months but was reinstated that same year in response to an attempted coup d'état. The situation was unchanged in 1939 when a Constituent Assembly was convened, which in addition to approving a new Constitution, reelected Martínez, making use of the special powers of the Constituent Assembly. On that occasion, the Assembly received numerous petitions to restore the constitutional guarantees, but the government refused to do so, alleging the persistence of the “communist threat”. In 1941, after the attack on Pearl Harbor, the government declared war on the Axis countries, which served as an excuse to restore the state of siege that had been suspended for a short time. This was renewed 13 times and was still in force when the dictator was re-elected again in February 1944 and on the day the dictatorship ended in May of the same year.

The public knew that voting was dangerous. The problem went beyond the lack of guarantees due to the state of siege or an atmosphere of electoral violence. The vote was not secret. The legislation in force during the first half of the 20th century stipulated that the vote had to be cast

³ Boaz Long to the Secretary of State, January 14, 1915. M-658 Internal Affairs.

out loud. The 1939 Law Regulating Elections, repeating what the 1886 law said, described the voting process in the following terms:

“Article 18. The citizens shall approach the polling station one at a time and shall say aloud for whom they are casting their vote for the office of deputy and alternate deputies, and for president of the Republic (as the case may be), and the voter shall write his name and signature and that of the person chosen; but if anyone does not know how to do so, he shall be obliged to ask someone else to do so at his request.”⁴

This form of voting was particularly intimidating in an authoritarian atmosphere full of spies ready to write down the names of those who refused to support the official candidate, in which military chiefs were present at the polls and farm owners knew who their farmhands were voting for.

The Right to Vote

During the first half of the twentieth century, the open intimidation embedded in the system described above cast doubt on the possibility of freely exercising the right to vote. High percentages of votes for official candidates (when there was no single candidate) are the result of a complete lack of voter secrecy. Moreover, during this entire period, women did not have the right to vote.

The legal modernization that accompanied the 1950 Constitution introduced the secret ballot and women acquired the right to vote. The creation of the Central Elections Council was part of the reforms. Faced with these changes, the military governments that exercised power from 1950 to 1979 resorted to different mechanisms to influence presidential succession. This new situation is summarized in a confidential document of the Central Intelligence Agency, which analyzes all Salvadoran presidential elections between 1956 and 1977 and classifies all of them, except for 1967, as fraudulent.⁵

The main forms of fraud were pre-electoral manipulations. In 1956, the military guaranteed the election of Lemus by disqualifying candidates. Six years later, authorities' maneuvers prior to Julio Rivera's election were so obvious that all the opposition parties withdrew from the race.

⁴ Election Regulatory Law, Diario Oficial, February 24, 1939.

⁵ Central Intelligence Agency. “Patterns of Regime and Leadership Change in the Third World”, CIA document GI 86-10080, December 1986, P. 22.

In 1972 and 1977, electoral fraud took the form of direct intervention in the tallying of votes. During the 1972 count, the election tallies in San Salvador showed such an advantage for José Napoleón Duarte, the opposition candidate, that the government became alarmed and halted all public announcements of the results. Protracted vote counting and the silence of the Central Elections Council were the prelude to a drastic change in the reported results which declared victory to Arturo Armando Molina. The international community and scholars who study Salvadoran politics agree that the elections were fraudulent.

The 1977 case is even more well-documented. The public went to the polls in large numbers despite an atmosphere of violence and intimidation of the rural population by the Nationalist Democratic Organization (ORDEN), the paramilitary group that routinely spied on and terrorized the peasantry to prevent them from supporting opposition groups. A 1978 Organization of American States report includes transcripts of internal government communications on election day giving orders to stuff ballot boxes with false ballots. Government operatives used a code in which “Tamales” meant fraudulent ballots, “gas stations” meant polling stations where opposition party inspectors were not present, and “giving lessons” referred to the use of force against opposition representatives, inspectors, and voters.⁶

The Right to be Elected

Before the Peace Accords, the right to be elected had been constrained in several ways. The most significant of these was denying women the right to vote and to be elected. As stated earlier, women were finally able to vote in 1950 during the presidential and Legislative Assembly elections of that year. It is worth noting that several laws, including the Federal Constitution of 1921, the Constitution of 1939, and the Decree of the three branches of government of 1944, recognized this right, but Salvadoran women never had the opportunity to exercise it before 1950.

The right to be elected was violated on several occasions either by individual coercion, which occurred twice during the Meléndez-Quiñónez dynasty, abusing the legal system, as happened during the military governments, or due to the prohibition of the 1950 and 1962 constitutions against “anarchic or anti-democratic doctrines”, used to marginalize rivals of the government from the political system. Although the 1983 Constitution does not contain this idea, the 1984 and 1989 elections did not include the FMLN, a party in the armed conflict that eventually became a party and won the presidency twice (2009-2019).

⁶ Organization of American States. “Informe sobre la situación de los derechos humanos en El Salvador”. OEA/Ser.L/V/II.46 doc.23 rev. 1, chapter 9. November 17, 1978.
<https://cidh.oas.org/countryrep/ElSalvador78sp/cap9.htm>

Censorship

Before the Peace Accords, the political system interfered with and limited the broad and pluralistic debate necessary for citizens to learn about different alternatives for their future and to choose their rulers. Rulers exercised both formal and informal censorship under the state of siege regime. During the Meléndez-Quiñónez dynasty and the Martinato years, the government had formal censorship mechanisms, appointed censors, and exercised prior and a posteriori censorship of information appearing in the press. Governments also backed newspapers such as *El Salvadoreño* and *Diario Nuevo*, which disseminated the official version of events. Dissenting voices often ended up in exile, as was the case with many journalists and writers. There were also many spies (they were called “orejas”) and notable cases of imprisonment and exile of dissident voices, which encouraged self-censorship.⁷

Under the military governments, and even after the Peace Accords, the methods of press control were more subtle. The government-backed media outlets used the strategic placement of paid government propaganda as an instrument of manipulation. At times, the government also exerted pressure by regulating access to paper and ink. As the political situation worsened in the 1970s, pro-government groups went so far as to bomb radio stations such as the Catholic Church radio station, YSAX, in 1980.

Different administrations also restricted the circulation of ideas by limiting the freedom of expression in the academic world. Attacks on intellectuals at major universities took on extremely serious proportions in the 1970s, 1980s, and 1990s. Among the most serious attacks on academic freedom were the occupations of the University of El Salvador in 1960 and 1972, the assassination of the university rector, engineer Félix Ulloa, in 1980, and the assassination of the leadership of the Universidad Centro Americana José Simeón Cañas in 1989.

Use of Public Funds for Campaign Purposes

Opposition leaders routinely complained that the ruling parties were taking advantage of public resources for partisan activities. Records reveal numerous occasions when their complaint was justified. The use of public resources could take many forms, from taking advantage of state vehicles and premises to the use of funds from the national coffers.

There are plenty of examples of this problem. In 1914, the U.S. representative informed his superiors that one of the reasons for electing Carlos Meléndez was to recover the considerable

⁷ Walter René Molina “La censura de prensa desde la implantación hasta la consolidación del régimen de Maximiliano Hernández Martínez. (El Salvador, 1931-1935)” (Tesis doctoral, UNAM, 2023). José Figeac, *La Libertad de imprenta en El Salvador* (San Salvador, Universidad Autónoma de El Salvador, 1947).

expenses that had been incurred during the campaign.⁸ They assumed that after the election victory they could recover the investment by participating in the numerous corruption schemes characteristic of the time.

President Alfonso Quiñonez Molina introduced radio to El Salvador. The sole radio station was owned by the government, its acronym was AQM, the president's initials, and its main mission was to promote Quiñonez during his failed campaign for reelection in 1926. Opposition parties did not have access to the radio. Maximiliano Hernández Martínez also used national radio periodically in a national broadcast to transmit his messages. In the 1960s and 1970s, the governments of the National Conciliation Party used public vehicles for electoral activities and to transport supporters.

Elections in El Salvador: Militarization and Fear

“To see so many military agents in the streets made me feel intimidated instead of safe. People were afraid to vote because under the state of exception if you are detained, no one will come to advocate for you”—resident of the Victoria municipality, Cabañas department.

The Salvadoran people went to the polls for the first time in recent democratic history, under a regime that not only sustains a suspension of fundamental rights but has also served to intimidate and curtail freedom of expression for anyone who thinks differently. In the weeks leading up to and on the days of elections, February 4 and March 3, 2024, Cristosal's investigation team observed an increase in reports of arbitrary detentions, arrests of community leaders, quotas of daily arrests for law enforcement, the re-arrest of people released from prison, the establishment of military and police cordons in communities, as well as military presence in polling stations and intimidation of supporters and activists from opposition parties.

Initially, reports of incidents were compiled through detailed media monitoring and then, after verification in the field, a survey was conducted⁹ along with testimonies from community leaders. Cristosal identified a range of human rights violations throughout the country. It is important to note that it is common for dictatorships and authoritarian regimes to restrict human rights, making it urgent to call for the respect of the rule of law. Therefore, it is urgent to point out the urgent

⁸ Boaz Long to the Secretary of State, April 12, 1914, M-658 Internal Affairs.

⁹ The first survey was conducted between February 4 and 6, and the second between March 3 and 7, 2024.

need to respect the rule of law in a context in which, once again, a president violates the Constitution by running for immediate reelection, even though this is prohibited in at least six articles, an action not seen since 1935.

The patterns detailed in this report demonstrate that the right of Salvadorans to vote was not exercised freely. First, it is not possible to speak of free and fair elections when there are communities that have been subjected to intimidation and abuses by state authorities under a state of exception that restricts rights since March 27, 2022. The latent fear of being a victim of arbitrary detention just for opposing government policies is present in the population, which prefers to remain silent for fear of being victims of arbitrary detentions.

On the other hand, the actions of the Salvadoran Armed Forces (FAES) and the National Civil Police (PNC), as well as the Constitution's violations and the State's use to influence voting, have severe implications for human rights in general and political rights in particular. For any election to be considered democratic, it is not enough for it to be universal; it must take place in an atmosphere of freedom and transparency and without coercion.

Elections Under a State of Exception

As outlined above, El Salvador held elections on February 4 and March 3, 2024 in a process widely questioned because of the unconstitutional reelection for a second term of Nayib Bukele¹⁰ as president. This was permitted with the complicity of the Supreme Electoral Tribunal (TSE) which remained silent about the anomalies and irregularities that were reported¹¹ on both election days. The anomalies resulted in violations of human rights, particularly political rights. This document analyzes the impact on human rights caused by the failure of the State to guarantee the right to vote, the right to participate, as well as the right to freedom of expression and association.

Bukele's reelection opened a new page in the recent history of El Salvador, where a frail democracy built after the cooptation of public institutions has undermined the Peace Accords. Dissent comes with a price in a country where anyone can be arrested without evidence or proof of a crime.

The will of the voters was conditioned by the campaign of the ruling party and the military presence in the streets in the days before the elections and during the voting process. Although

¹⁰ Nayib Bukele was unconstitutionally reelected with 82.66% of the total valid votes (2,701,725). In the February 4 elections, 52.60% (3,268,466) of the eligible voting population voted, or 43.48 % of the total electoral roll.

¹¹ Gabriel Labrador, "Magistrados suplentes": "We are no longer in a position to accept decisions not emanating from a legal form" Available at: https://elfaro.net/es/202402/el_salvador/27246/magistrados-suplentes-ya-no-estamos-en-posicion-de-aceptar-decisiones-no-emanadas-de-forma-legal. El Faro, February 12, 2024.

Article 78 of the Constitution stipulates that “the vote shall be free, direct, equal and secret,” Salvadorans faced an electoral campaign in which the ruling party appealed to fear to seek favorable results. From the moment Nayib Bukele called for the vote, arguing that “with a deputy won by the opposition, his party would lose control of the Legislative Assembly and therefore the war against gangs would be put at risk,” the freedom to choose was not respected.

The Constitutional Chamber¹² states that “the suffrage is free because no one, be it the State or a private individual, can legitimately coerce people when declaring their will, that is, when casting their vote, to incline it in a certain direction or to prevent a certain aspect of their decision.”

It should also be noted that the unconstitutionality ruling 6-2020 explained that “the disposition of arms and the position of authority in which active-duty military personnel find themselves are likely to cause intimidation and influence the mood of people for reasons other than their political convictions.”¹³ In particular, in areas where serious war crimes and crimes against humanity were perpetrated. According to a publication by Divergentes,¹⁴ the number of Salvadoran military personnel went from 7,900 in 2017 to 18,000 in May 2022. The mere presence of the military can create a kind of violence even when there is no physical violence involved. This can be defined as symbolic violence,¹⁵ which resorts to manipulating people's common sense to justify and legitimize the kinds of control power exercises, even when they are arbitrary and authoritarian. Symbolic violence is an additional form of violence on top of physical violence.

Fear Within the Communities

A survey published by the Instituto Universitario de Opinión Pública (IUDOP)¹⁶ showed that by the end of 2023, 30 out of every 100 Salvadorans expressed fear of the regime of the state of exception, which reflects a positive evaluation of the measure by a large part of the population. However, a third of the Salvadorans surveyed have their reservations.

¹² Constitutional Chamber. Unconstitutionality Ref. 16-99. June 26, 2000. Consulted on March, 2024: <https://www.jurisprudencia.gob.sv/busqueda/showFile.php?bd=1&data=DocumentosBoveda%2FD%2F1%2F2000-2009%2F2000%2F06%2F2A3C.PDF&number=10812&fecha=26/06/2000&numero=16-1999&cesta=0&singlePage=false%27>

¹³ Concerning the unconstitutionality sentence XVI. 1.A. issued by the Constitutional Chamber on October 23, 2020, with reference 6-2020/7-2'2'/10-2020/11-2020. Available at: https://www.jurisprudencia.gob.sv/sctter/l_6-2020

¹⁴ Roberto Valencia, “La ‘Nueva’ Fuerza Armada de Nayib Bukele” <https://www.divergentes.com/la-nueva-fuerza-armada-de-nayib-bukele/>, Divergentes, June 13, 2022.

¹⁵ Manuel Fernández (2005). La noción de violencia simbólica en la obra de Pierre Bourdieu: una aproximación crítica. Cuadernos de Trabajo Social, 18, 7-31. <https://revistas.ucm.es/index.php/CUTS/article/view/CUTS0505110007A/7582>

“I didn’t (feel free) because of the state of exception being a way to coerce people considered to be in opposition”—a voter in San Salvador.

Cristosal identified 13 communities or neighborhoods where there was a strong military presence during the electoral period, a fact that limited the right to participate in the presidential and legislative elections, as well as in the elections of municipal councils and the Central American Parliament (PARLACEN).

Based on field visits, the research team confirmed an increase in arbitrary detentions, which is a clear violation of the right to liberty. Cases of detained community leaders were documented.

Reports from different areas of the country also verified the reactivation of daily quotas of previously arrested people, as demanded by leadership in the police and FAES. At the same time, the re-arrests of persons detained under the regime of the state of exception and released by judges with alternative measures to pretrial detention began again. In at least five communities, this resulted in young men and family members of detainees being forced to migrate.

To put the number of arrests during the election period in perspective, Cristosal monitored the arrests reported through the official accounts of the Police and the Armed Forces. While 513 arrests were recorded in January, the number of detainees decreased in February, closing with 255 arrests and 12 arrests between March 1 and 2.

The departments with the highest number of arrests in February were the same as in January: San Salvador, which had 109 arrests in January, registered 46 in February; La Libertad went from 57 to 39; and Santa Ana, with 65 in January, had 24 in February. Arrests were held in San Salvador, La Paz, Usulután, La Libertad, San Vicente, and Santa Ana two days before the elections.

Regarding re-arrests upon prison release, 14 were recorded in January, 7 in February, and only one case was recorded up to March 2. These are cases of people who had served their sentences. However, when they left the prison, they were charged and arrested with new charges for illicit association, and a new criminal proceeding was initiated against them. As Cristosal has denounced in previous reports, re-arrests upon release from prisons are a common practice of a judicial system that does not guarantee due process.

In the month before the presidential and legislative elections, the Minister of Justice and Security, Gustavo Villatoro, reported four operations by the Police and the Armed Forces. The first was carried out on January 14 against alleged gang collaborators, with a total of 15 arrests.¹⁶ The second and third were on January 18, with the arrest of 15 persons linked to the 18th Street

¹⁶ Publication by Minister Gustavo Villatoro (@Vi11atoro) on X social network. January 14, 2021. Available at: <https://twitter.com/Vi11atoro/status/1746573490679845022>

Sureños gang.¹⁷ Six persons were linked to the MS-13 gang.¹⁸ The last operation of the month, called “Operación La Cabaña I, II, III,” was carried out on January 31¹⁹ and resulted in a total of 70 arrests. Even though this last operation led to the arrest of several people the number of arrests was not greater than those made on January 11, when 79 arrests were reported at the national level. This is an alarming figure given that on this day there were no operations carried out by law enforcement, but only routine patrols. These arrests only confirm that mass arrests continue to be a practice that lacks due process.

Even if February registered a reduction of arrests compared to January, this month reveals a distinctive pattern regarding the profile of the persons arrested because juveniles were arrested. Many of the people arrested had the photos with their faces published. This is not permitted in the case of juveniles under the child protection law called, Ley Crecer Juntos para la Protección Integral de la Primer Infancia, Niñez y Adolescencia.²⁰ Out of the 255 arrests in February, 15 involved persons under 18 years old, of which two were exposed in social networks.²¹ The territories where the detentions took place were San Miguel Tepezontes, La Paz (1); San Pedro Perulapán, Cuscatlán (1); Chalatenango (10); and three in which the place of detention was not specified.

Additionally, four voting stations with military presence were reported in Las Margaritas, Soyapango (San Salvador); Zamorán and San Juan del Gozo, Jiquilisco (Usulután); and San Francisco Gotera (Morazán).

Cristosal interviewed 14 leaders in the areas that witnessed mass arrests. They stated that authorities had captured eight people with no gang ties, two of whom were community leaders. The people interviewed said that these arrests resulted from the quotas demanded by the FAES and PNC high commands. There is a generalized fear of denouncing violations committed by state security agents in all the territories consulted. In the electoral context people were publicly affirming that they would support the ruling party when this was not the case.

¹⁷ Publication by Minister Gustavo Villatoro (@Vi11atoro) on X social network. February 18, 2024. Available at: <https://twitter.com/Vi11atoro/status/1748054631924515239?s=20>

¹⁸ Publication by Minister Gustavo Villatoro (@Vi11atoro) on X social network. February 18, 2024. Available at: <https://x.com/Vi11atoro/status/1748152947282788712?s=20>

¹⁹ Publication by Minister Gustavo Villatoro (@Vi11atoro) on X social network. January 31, 2024. Available at: <https://twitter.com/Vi11atoro/status/1752699066209984633?s=20>.

²⁰ Article 78, literal b, of the Growing Together Act establishes the prohibition to use the image of teenagers prosecuted or sentenced for crimes or misdemeanors. Available at: https://crecerjuntos.gob.sv/dist/documents/DECRETO_LEY.pdf

²¹ Publication by the National Civil Police (@PNCSV) on X social network. February 26, 2024. Available at: <https://twitter.com/PNCSV/status/1762276526630867204?s=20>.

“I told everyone that I was going to vote for him (Nayib Bukele), but I did not give him my vote.”—mother of a detainee arrested under the state of exception.

Military Presence Curtails Freedom of Movement

In the days leading up to February 4, residents of the communities we were monitoring noted an increase in the deployment of state security forces with police checkpoints and military cordons at the main transit points. This action limited the right to free circulation in those areas. According to the people we consulted, these measures were intended to detain, search, and intimidate passersby on their way to work, especially young cattle ranchers and farmers. Night patrols and police and military patrols in private vehicles were also identified.

During the detentions, there were reports of excessive use of force, re-arrests of people who had already been released or who had received alternative measures to pre-trial detention, as well as harassment against community organizations. Because these actions were frequent in the communities, the work dynamics of the residents changed in order to avoid being arbitrarily arrested. This included taking alternate routes, which, although longer, prevented them from traveling through militarized areas, but some even decided not to go out to work.

As part of a second phase, the monitoring carried out by Cristosal also included field visits to identify areas of the country where there was a targeted and permanent military presence in the communities, among them the neighborhoods of Valle Verde, in Apopa, and La Campanera, in Soyapango, both in the department of San Salvador. The same situation was also identified in the district of San Isidro Labrador, in Chalatenango, San Juan del Gozo, in Jiquilisco, and various communities of Puerto El Triunfo, in Usulután. Other areas were also identified where, although there is not a strong military presence today, fear is an ongoing issue. Such is the case of the community of Santa Marta, Victoria, department of Cabañas.

Usulután is among the areas where people were afraid to leave their homes to work or carry out daily activities because of police checkpoints. Residents of San Nicolás Lempa, El Zamorán, the Amando López community, La Canoa, and San Juan del Gozo, among other nearby villages, have seen their freedom of movement affected by the police presence. According to testimonies gathered, people are stopped at every police and/or military checkpoint. They must leave the vehicle, remove their shirts, show all their belongings, and hand over their identity cards (Documento Único de Identidad, DUI). Individuals and representatives of organizations working

with victims of the state of exception regime told us that this situation is particularly risky for relatives of arbitrarily detained persons, so much so that they prefer not to carry their DUI to avoid being identified and arbitrarily detained themselves.

Cristosal also interviewed residents of the La Campanera neighborhood in Soyapango to learn about the police and military deployment in the area before February 4 elections. Residents of La Campanera commented that the community remains under heavy military presence, especially in the area where a 7-year-old girl was killed²² on October 9, 2023.

The interviewees also said that they understood that orders had been given to re-arrest all the people who had previously been imprisoned in the context of the state of exception. They also point out that the residents of the community are afraid that this will continue and that more abuses of power will be committed against the people, as they told had happened recently to a young man whom police officers beat.

In the Las Margaritas neighborhood, and Soyapango, a community leader who was interviewed confirmed that the military presence before the elections increased, with up to 50 military agents present in the community. This leader added that the authorities continue to carry out searches, especially of those with tattoos. However, he did not report any new arrests. The leader highlighted the military presence in polling stations on the day of elections.

All the cases presented above demonstrate that the actions carried out by the security forces during the campaign period generated an atmosphere of insecurity and fear in the population of the areas that we monitored.

Victim Profiles

According to those consulted, from January 10 to February 1, the police and military targeted men engaged in agricultural work, livestock, or small business. The profile almost includes community leaders who have been detained during this period. This trend has continued since the beginning of the state of exception in March 2022. However, they are not the only ones. According to information gathered by Cristosal, in recent weeks, the authorities have also arrested the partners of men already in prison.

In the case of Guarjila, in Chalatenango, the community confirms that men, young people, and adults from the community have been arrested on different occasions. Because of this, their

²² Claudia Espinoza, Beatriz Calderón, Michael Huezo, EFE, “Asesinan a una niña de 7 años en La Campanera y reportan las primeras capturas”,

<https://www.laprensagrafica.com/elsalvador/Policia-confirma-homicidio-de-una-nina-en-La-Campanera-20231010-0019.html>. La Prensa Gráfica, October 10, 2023.

families decided that relatives who were victims of detention should leave the country, something that has continued to happen both here and elsewhere. Cristosal found that, in at least five areas, the alternative for young and adult men to avoid arrest is, first and foremost, migration.

In addition to this pattern of migration, there is also a pattern of forced internal displacement, as several families flee their communities to avoid being victims of repressive actions by the police or military.

In San Juan del Gozo, in the area near Jiquilisco, residents claim that most of the men living in that community have been detained. It has been verified that there is currently a strong military presence in the area, which, according to testimonies, threatens and intimidates those who remain free. According to the people consulted, the military is harassing farmers and dairy farmers in the area, who are made to load both the milk tank and an extra empty tank so that, every time they pass a police or military checkpoint, they move the milk from one tank to another so that the security agents can verify that no weapons are being transported. If the dairy farmer does not have an extra container, the agents inspect the liquid with their hands without using any kind of hygienic protection. When they do this, the dairy farmers are left with no chance of selling the product directly affecting the already deteriorated economy of the families in the area.

Regarding the community of La Campanera, Soyapango, which has been militarized since October 2023, the people consulted said that during the weeks before the elections there were young people who were detained, searched, and even beaten or captured by the military. The stories coincide with those reported in other communities, in which there were cases of re-arrest of people already under alternative measures to imprisonment granted by judicial authorities, which also violates the right to due process.

The Montreal neighborhood in the municipality of Mejicanos is another community that has been under militarization since January. According to the sources, this community is still afraid to denounce human rights violations or talk to people outside the community. They also confirm the existence of daily detention quotas, even if this means detaining people who have no links to gangs, as has happened in other communities.

What Contributed to these Election Issues?

Human rights violations during the past elections resulted from a series of reforms and modifications in regulatory frameworks including the Constitution.

The progressive elimination of boundaries between state powers began on February 9, 2020, when Bukele burst into the Legislative Assembly accompanied by the military. After his party took control of the Legislative Assembly on May 1, 2021, a series of constitutional interpretations and

reforms to secondary laws paved the way for elections that lacked transparency and had limitations to the freedoms and rights of the Salvadoran people.

For an overview of everything that has led us to these elections, which culminated with what was called a “structural fraud,” that is to say, “serious deficiencies in the 'electoral playing field'”²³ that may include the modification of the regulations, as with low voter turnout, the following points should be mentioned:

- **May 1, 2021.** The Nuevas Ideas party obtained complete control of the Legislative Assembly after winning enough votes in that year's elections, which guaranteed it the qualified majority (56 out of 84 deputies) required for certain legislative proceedings. After this, its first action was to dismiss the magistrates of the Constitutional Chamber of the Supreme Court of Justice (CSJ) and the Republic's Attorney General without legal basis and then to appoint magistrates and Attorney General aligned with the President. This led to the cooptation of the rest of the public institutions, such as the Human Rights Ombudsman's Office (PDDH), the Supreme Electoral Tribunal (TSE), and the security institutions, such as the National Civil Police and the Armed Forces, were subsequent to this control scheme.

There were also reforms at the level of secondary laws on electoral, territorial, and access to public information issues. This facilitated an early manipulation of both elections held in 2024 so the results could favor the numbers favoring the incumbent party.

- **September, 2021.** The Constitutional Chamber imposed by Bukele issued a decision²⁴ allowing reelection after an interpretation contrary to the Constitution. The same year, a law regulating the exercise of voting abroad was approved. However, it was repealed by the one approved in [October](#) 2022, ensuring that all votes of Salvadorans who live and have lived abroad would be valid for the department of San Salvador, this only in presidential and legislative elections. Using the electoral register to vote abroad would also not be necessary if the voter had a document proving current residence in El Salvador. Information on voting abroad was placed under reserve by the Supreme Electoral Tribunal.²⁵

²³ Schmidt, Gregory D. (2005). ¿“Crimen perfecto”? Personeros, observadores y fraude en el escrutinio de la elección presidencial del año 2000 en el Perú. Available at: <https://revistas.onpe.gob.pe/index.php/elecciones/article/view/49/45>

²⁴ Constitutional Chamber. Process of loss of rights Ref. 1-2021. February 19, 2021. Consulted on March 2024 at: <https://www.jurisprudencia.gob.sv/sctter/1-2021P.pdf>

²⁵ Verónica Crespín, "TSE reserva informes de auditoría de voto del exterior y correspondencia de Indra sobre voto electrónico,"

- **September, 2022.** Nayib Bukele announced he would run for [reelection](#) to the presidency for the 2024- 2029 period.
- **January, 2023.** Reform to Article 295 of the Penal Code establishing a penalty of 10 to 15 years imprisonment for electoral fraud for anyone who prevents or obstructs the registration of candidacies that comply with the requirements established in the laws.
- **July, 2023.** The most important changes regarding electoral reforms occur. The Legislative Assembly approved more than a dozen reforms shortly before the elections. This was possible because, previously, the Electoral Code prohibited any change in the provisions and regulations related to elections when these were made less than one year before the date established for them to occur, this was repealed in March 2023. Articles 10, 13, and 217 of the Electoral Code were reformed, which mandated a reduction in the number of deputies in each departmental electoral district from 84 to 60. The Special Law for Municipal Restructuring (Legislative Decree 762)²⁶ was also approved, which changed the electoral landscape of El Salvador: 262 municipalities were reduced to only 44 municipalities.
- **December, 2023.** One month before the elections, the Assembly authorized voting with expired DUIs without establishing criteria for their admissibility or guidelines, such as the period between the expiration date and the elections.

The remaining reforms, among other things, were oriented toward extending deadlines for internal elections within the political parties, incorporating photographs in the ballots, address changes, and budget increases.

Guaranteeing Citizens' Political Rights in the 2024 Elections

The right to vote and be elected

In Article 4, the Electoral Code clearly states that “no one may prevent, restrict or disturb the exercise of suffrage. The competent authorities are obliged to guarantee the freedom and purity of

<https://diario.elmundo.sv/politica/tse-reserva-informes-de-auditoria-de-voto-del-exterior-y-correspondencia-de-indra-sobre-voto-electronico>. El Mundo March 6, 2024.

²⁶ Legislative Decree 762. Available at:

<https://www.asamblea.gob.sv/sites/default/files/documents/decretos/4194112C-1F6E-4E24-808E-9854A3D081AD.pdf>

suffrage and facilitate its exercise. Violators shall be punished under the law”. However, as we have stated throughout this report, in the 2024 elections, these constitutional guarantees were not respected, nor did the official Government party respect the electoral legislation since it exerted pressure and control over the voters and the voting stations weeks before the election days.

Patterns detected through election observation: intimidation, attacks, and confrontation

Bukele's government has been characterized by systematic attacks against any organization, journalist, activist, or voice considered critical of his administration. The electoral process was not exempt from this. As Spanish jurist Manuel Aragón has pointed out and by applying the parameters established by international human rights standards to the Salvadoran reality, Cristosal believes that the minimum standards were not met to assert that the elections were free in El Salvador because the State did not guarantee the transparency of the elections. On the contrary, we were able to document reports of multiple people who were threatened with arrest under the state of exception regime if they continued to question the electoral process.

The Cristosal team documented the violations that took place during the election days, such as threats to supporters and candidates of opposition parties, monitoring, blocking, and taking photographs of election observers and journalists, and confrontation in voting stations by members of the ruling party.²⁷

Both the monitoring carried out by Cristosal and the media reports, indicate that the 2024 electoral process was marked by intimidations and threats made by some ruling party members, especially on election day. Taking into account the definition of electoral violence presented by the National Office of Electoral Processes of Peru (ONPE)²⁸, which considers it as “a type of political violence that occurs during the electoral process,” and that is “directed by the actors participating in it in order to win the election or to affect through it the culmination of the electoral process,” it can be concluded that the imposition by the ruling party sought precisely to destabilize the work of the members of the JRVs. This practice was common on February 4 and was repeated on March

²⁷ Gabriela Villarroel, “Nuevas Ideas incumple reglas del TSE para conteo de votos por diputados”, <https://www.laprensagrafica.com/elsalvador/Nuevas-Ideas-incumple-reglas-del-TSE-para-conteo-de-votos-por-diputados-20240214-0097.html>. La Prensa Gráfica, February 15, 2024.

²⁸ Laboratorio Electoral, 2018. Available at: https://laboratorioelectoral.mx/leerdocumento/Violencia_electoral_en_Mexico_2018

3 in other voting stations, with the difference that there were voting stations where polling members closed ranks to avoid intimidating acts.

Absenteeism: lack of knowledge of the candidacies and distrust regarding the process

The Supreme Electoral Tribunal launched a campaign with the message “Every vote counts,” intended to motivate people to participate in the election process. Testimonies we collected have confirmed that this message did not achieve its objective. Although it is necessary to deepen all the factors that led more than half of the population not to cast their vote.²⁹ It is also important to highlight that the population faced limitations in getting to know thoroughly the existing electoral offer, which also affected their decision to go to the polls.

“If you ask me, nobody here knows the GANA candidate; I don't know who he is or what his name is”—GANA party monitor, Complejo Educativo Florinda de Juarez Alemán, Jocoaitique.

The electoral reforms that reduced the number of seats and municipalities are only one aspect of everything that led to the fact that the population's vote did not have the same value. As Manuel Aragón mentions: “The citizens' vote must be of equal value, must be cast without intermediaries and must be the manifestation of a free decision, that is, of an uncoerced will. The secrecy of the vote guarantees the freedom to cast it.”

The low voter turnout was a distinctive characteristic that marked the 2024 municipal council elections. On March 3, Cristosal verified the low turnout between elections in the districts of five departments. According to the Supreme Electoral Tribunal information, 2.9 million people voted in the presidential and legislative elections, and only 1.6 million voted in the municipal council and Central American Parliament (PARLACEN) elections. The drop in voter turnout in the last election was the greatest in the country's recent history.

²⁹ The absenteeism rate for the February 4 elections was 47.4%; for the March 3 elections it was 70%.

Cristosal distributed a form to the voters during both election days to register what had happened. Absenteeism was a recurrent observation among those who went to vote, who also pointed out the difference in voting between one election and the other.

For municipal council and PARLACEN elections, the form asked if people felt motivated to go out to vote: 51% said they felt either not motivated at all or not very motivated, 24% said they felt indifferent, and 25% felt somewhat motivated or very motivated to go out to vote.

According to the forms' responses, the main justifications for this lack of interest were:

1. Distrust in the electoral process, exacerbated by the numerous anomalies that were identified in the voting and the scrutiny of February 4, which fed the generalized perception of possible electoral fraud;
2. The generalized feeling that the results were already defined and that they would be mainly favorable to the official party, Nuevas Ideas;
3. The lack of knowledge of the candidacies for municipal councils and PARLACEN; and
4. The generalized feeling that their vote would have no impact or would not make any difference was further exacerbated by the restructuring of municipalities.

Although the level of motivation to turn out to vote was low, we can assert that this goes beyond a simple lack of enthusiasm or interest in the electoral process: the high absenteeism registered in these elections is based on the constant violations of rights, the instrumentalization of the judicial system and the state of exception. In addition to a weak institutional framework and the cooptation of entities such as the TSE. This is exemplified by the following responses gathered during the observation in the field:

“People have been unmotivated by the lack of guarantees, the process design, and the unnecessary and blatant fraud”—a resident of San Francisco Gotera.

“People did not want to come to vote because they did not know who the candidates were, other people because they did not want to elect a candidate from another municipality, like these people who are not from here”—JRV member in San Francisco Gotera voting station.

“There are people who say, ‘Why go vote? It doesn't matter.’ They don't know the candidates, and they also say it makes no sense since we won't have a mayor here...” —a resident of San José Las Flores.

“People didn't want to come to vote this time because of what happened in the last elections (February 4). They no longer trust the process”—JRV member at the voting station in Perquín.

Freedom to participate in the political process on equal terms

The lack of knowledge among the Salvadoran population regarding the candidacies is partly related to the resources that a political party has for an electoral campaign, presenting its platforms, and establishing a logistical support team during the elections. This is indispensable for an equitable offer on the ballot. As long as all political parties have equal access to resources and financing, party participation is guaranteed under equal conditions, and the population is widely aware of their different political options. Article 210 of the Constitution establishes that the State must guarantee campaign finances as a financing mechanism for political parties “aimed at promoting their freedom and independence.”

However, according to media and party reports, during the campaign, the Salvadoran government did not comply with the timely delivery of the political funding to the opposition parties. The organization Acción Ciudadana³⁰ has verified this practice in recent years: “The opposition has less support from the big political contributors, which makes it difficult for them to compete and to transmit their propaganda during the electoral campaign; the lack of financing generates repercussions in the fairness of the electoral contest.” Political parties' rights were also not respected before the elections.

“Campaigning has been difficult for us because we lack the resources. We had to focus on only four municipalities, Cacaopera, Jocoaitique,

³⁰ Acción Ciudadana. Evolución de los apoyos económicos de los partidos políticos salvadoreños 2014-2021. <https://accion-ciudadana.org/informes/informe.-evolucion-de-los-apoyos-economicos-de-los-partidos-politicos-accion-ciudadana.-2023.pdf>. June, 2023.

Meanguera, and Corinto because we believe they are decisive. The campaign has only involved house-to-house visits. They have thrown a lot of money down there (referring to Morazán Sur) because both candidates are strong,” —a political party representative from Meanguera.

It was not until March 7 that the Ministry of Finance issued a statement³¹ confirming the partial delivery of the political debt to the ARENA and FMLN parties. According to the statement, \$750,000 was assigned to ARENA for municipal council and PARLACEN elections and \$1,466,828.84 to the FMLN for presidential, legislative, municipal, and PARLACEN elections. However, the former presidential candidate of the FMLN, Manuel Flores, and the President of ARENA, Carlos García Saade, claimed that the disbursement was made only a couple of days before the respective elections,³² preventing its effective use for political campaigning. The statement did not mention whether other parties, including the Nuevas Ideas party, received funds.

The provision of financing to the parties not only complies with minorities' right to choose but also with their right to know the existing political options.

Cooptation of Institutions: The Absence of an Arbiter

The various human rights violations listed in this report occurred under the responsibility of the Supreme Electoral Tribunal, which, even though the Electoral Code³³ obliges it to “ensure faithful compliance with the Constitution and laws that guarantee the right of organization and political participation of citizens and political parties,” did not exercise its role as arbiter and highest authority in electoral matters.

³¹ Ministry of Finance. “Hacienda confirma que se pagó a ARENA y FMLN el Anticipo de Deuda Política”, published on March 7, 2024. Available at: <https://www.mh.gob.sv/hacienda-confirma-que-se-pago-a-arena-y-fmln-el-anticipo-de-deuda-politica/>

³² YSUCA, “Hacienda entrega tarde deuda política al FMLN y ARENA”. Available at: <https://ysuca.org.sv/2024/03/hacienda-entrega-tarde-deuda-politica-al-fmln-y-arena/>. YSUCA, March 8, 2024.

³³ Electoral Code, Article 63, paragraph a.

International observers³⁴ the intimidating role played by the official party. So much so that during the election days, sympathizers chose not to wear symbols of an opposition party to avoid being attacked and intimidated.

“People did not want to participate as JRV observers for fear of intimidating attacks from members of Nuevas Ideas”— head of the FMLN party's center.

Cristosal observed the elections and registered reports about the role played by members of the official party inside the polling stations. The superiority with which they acted led them to take powers that only belonged to the collegiate body, such as the total control of the voting stations, the conformation of the JRVs, and the constant intimidation they exercised against representatives of other political parties.

For example, in the polling station at the *Complejo Educativo Concha Viuda de Escalón*, located in the department of San Salvador, the person who decided the conformation of the tables and the moment of entry, with the support of the police, was the head of the center of the official party. This same person reviewed the accreditations and gave indications to the person in charge of the TSE center. This case is similar to others observed in different voting stations during Election Day. The absence of a Supreme Electoral Tribunal, which also failed to exercise control over the presence of electoral propaganda—mainly of the Nuevas Ideas party and, to a lesser extent, of the ARENA party—is an action contrary to Article 246 of the Electoral Code.

In general, the people who acted as station coordinators for the New Ideas party usurped the functions of the TSE station managers, such as opening the voting stations, checking credentials, giving instructions to the JRV members, closing the centers, and restricting the entrance of journalists who were covering the elections. Some media were even denied access while the center was not open to the citizens, even though it is a right of the media to “give informative coverage before, during and after the electoral process,” according to the instructions of the Municipal Electoral Boards (JEM). The Asociación de Periodistas de El Salvador (APES),³⁵ documented restrictions to journalistic work, which counted 319 blockades during the entire electoral process.

³⁴ Mario González, “Observadores de OEA denuncian ‘intimidaciones’ de Nuevas Ideas”, EDH, <https://www.elsalvador.com/noticias/nacional/observadores-de-oea-denuncian-intimidaciones-nuevas-ideas/1123914/2024/>. February, 2024.

³⁵ Asociación de Periodistas de El Salvador (APES), <https://apes.org.sv/monitoreo-electoral-2024/>.

A Blow to Minorities: Loss of rights with the change in the electoral map

Reduction of seats and municipal councils: Impact on representativeness, pluralism, and proportionality

Low voter turnout makes it necessary to pay attention to political minorities' freedom of participation. The reforms that changed the electoral map of El Salvador, which reduced the number of seats and municipalities, may lead to minorities having fewer possibilities of representation. Also, the deficient role of the electoral arbiter did not allow the regulations to be binding to guarantee the citizens' political rights. Article 79 of the Constitution of the Republic of El Salvador stipulates that “for the elections of Deputies, a proportional representation system shall be adopted.” With Legislative Decree No. 755³⁶ approved in June 2023, reforms that significantly affected the right to representation, pluralism, and proportionality were made.

On the one hand, the number of deputies was reduced from 84 to 60, decreasing the representation for each electoral district. Article 217 of the Electoral Code was amended in the same decree, changing the *Hare-Niemeyer* formula for allocating seats to the *D'Hondt* formula. Because the latter does not allow the allocation by residual votes, it favors the consolidation of a hegemonic party in a political system such as the Salvadoran one.

In this context, the consequences for citizens in terms of representation and pluralism are counterproductive since, by limiting the possibility of seats for other parties, the representation of the interests of all people is also limited. In order to guarantee the representation of these minorities, it is necessary to have a plurality of parties and, therefore, to ensure a democracy that, in its procedural dimension, makes this representation and plurality possible. Among the most important tools for this purpose is a formula that translates votes into seats in the most proportional way possible. Considering the hegemony of the ruling party in the legislative elections, it can be argued that the *D'Hondt* formula for the Salvadoran context does not allow this proportionality, but quite the opposite: it only favors the ruling party because it is a majority party.

Something similar happened with the reform to reduce municipalities through the Special Law for Municipal Restructuring, which determined that the 262 existing municipalities in El Salvador will become districts and be grouped into 44 municipalities as of May 1, 2024. According to this law,

³⁶ Legislative Decree No. 755. Available at: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/F53234F8-8733-465A-8BA8-38AC721080EA.pdf>

the distribution would be based on the last population census, carried out in 2007, which does not provide updated data on population density and favors scenarios such as gerrymandering, an effect that uses the redistribution of districts for electoral convenience. Added to this is the decrease of plural representation in the municipal councils and the proportionality with which these spaces were distributed, causing the various districts to be unrepresentative in decision-making for their geographic area.

In this sense, the lack of proximity generates ignorance and a lack of identification between the candidates and the people who must elect them. This favors a disconnection with the territory and a distance between guarantors (government) and rights holders (population). In this municipal scenario, there is a danger that local governance (i.e., the closeness of municipalities to their territories) may be less prone and hinder territorial development processes, such as the lack of guarantees for the fulfillment of rights like those related to participation, association, decent housing, access to water, a healthy environment and food security.

“Not having councilors within a municipality will not only affect the representativeness or the fact that the municipal administration will be far away. If we talk about the reduction (of municipalities), we must talk about municipal fees, taxes, and projects. How will this be managed? It is difficult not to think that the reduction will hurt us in this other way”—an Arcato resident.

On the other hand, it is necessary to remember that although there are numerous definitions of democracy, in current contexts, democracy has become more complex and cannot be defined only as “the will of the majority.” Leaving out the interests of minorities can be wielded as a convenient argument to support a “tyranny of the majority,” as defined by Kelsen,³⁷ which does not take into account minorities' representation, whose interests and guarantees are also vital, and whose vote is as valuable as that of a person who supports a majority party.

The procedural minimums necessary to consider a context as democratic can be added to this mix. According to Dahl, every government must respond to the citizens' demands by generating a mechanism that offers equal opportunities to formulate these demands and receive an equal response to them. In this sense, the basic elements for a context to be considered democratic include the fact that the people who exercise public functions reach their positions through free, fair, and competitive elections, that suffrage is universal, and that anyone who wants to vote or be a candidate can do so. Other basic requirements are the existence of freedom of expression and association, access to diverse sources of information, confidence in the electoral process and that

³⁷ Sendín Mateos, José Antonio. (2020). *Pluralismo político y derechos de las minorías en la teoría de la democracia de Hans Kelsen*. Available at: <https://revistaibericadodireito.pt/index.php/capa/article/view/23/25>

elections are carried out within a framework of human rights, that the terms of office be respected, and that there is an impartial electoral arbiter.³⁸

The state of exception during elections only helped intimidate political minorities, while all the legal reforms and the few guarantees of the procedural minimums previously mentioned limit the right to political plurality.

Community organization and militarization

“I will show you the people on the ballot who are no longer there because the regime has taken them away: this one, this one, this one, this one and this one... and her too”—an El Mozote resident indicated that more than 20 detained people were on the voter registry for the JRV 7873 of Meanguera, Morazán.

Cristosal openly distributed an electoral observation form for the February 4 and March 3 elections. The purpose was to gather citizens' opinions from different districts on security, electoral procedures, and propaganda activities during the voting period.

Participation was voluntary, and no sample selection process was applied. Even if the results are not representative, they do provide a general perspective of citizen perception. It should be noted that the questions asked in the March 3 form varied slightly from those of February 4 because of the needs identified during the first election and incorporated for the last one.

During the February 4 election, 412 responses were received and we received 110 responses for March 3 election. Even though the reduction in the number of responses is mainly attributed to the open and voluntary nature of the form, these figures can also be interpreted as a manifestation of the absenteeism that characterized the municipal and PARLACEN elections.

Based on this survey,³⁹ we selected some contacted or visited areas to inquire about the conditions before and after the electoral processes. Additionally, we analyzed the election results of the 2021 municipal and legislative councils and the 2019 presidential elections. This exercise helped us identify a notable change in the results compared to other elections, confirming a

³⁸ Dahl, Robert A. (1966). La poliarquía. Participación y oposición. Available at: https://edisciplinas.usp.br/pluginfile.php/4229936/mod_resource/content/1/RobertDahl_Poliarquia_espanhol.pdf

³⁹ Most survey responses came from the department of San Salvador.

variation in voter turnout or preference. The areas that stood out in our analysis were those of historically organized communities.

We also consulted with residents of the selected places to understand the implications of how the state of exception was a determining factor in whether or not people went out to vote. This reinforced the thesis that these results reflect the population's dissatisfaction with a specific policy, particularly the militarization of the territories, and that this impacted the electoral results of February 4.

Fear was a determining factor that led the people we consulted to ask for their names to be withheld. They described the context of constant intimidation, which takes many of these communities back to the times of the civil war, saying it was a decisive factor in their decision to vote against Bukele's punitive policies. However, we also saw that these measures made people afraid to go out to vote, considerably reducing their participation. The answers also revealed that some people preferred not to vote simply out of discouragement, for they believed their vote was insufficient to generate real change.

“These boys are twins and have not come to vote because the state of exception imprisoned one, and the other had to leave his house for fear of being arrested”—a resident of El Mozote, Meanguera.

Survey Results: Key Findings

Presidential and Legislative Elections

Of the 412 people who responded to the election observation form, 54% reported the presence of military members in their places of residence, surroundings, and inside the voting stations, where they were observing and checking passersby's documents. In 11% of these reports, people indicated there were detentions and intimidation.

In addition, 33 people reported observing security forces (Armed Forces, PNC, CAM) taking photographs of people going to the voting stations, which generated fear. Also, 22 people stated that the secrecy of the ballot was not respected, pointing out the layout of the voting tables and screens and the presence of political party security guards as the main reasons.

“The ballot boxes were different from the previous ones; that is, it was like a box on top of a desk, and while I stood in line, I could see the ballots of the girl who was in the ballot box (it was too open) and behind it the NI guards. Although they did not say anything to me, I was intimidated by them, but I had them behind me. With my long hair, I did everything possible to prevent anyone from seeing my vote”—a voter who voted in San Salvador.

Municipal Council and PARLACEN Elections

Out of the 110 people who responded to the observation form, 59% reported the presence of military personnel where they lived, in the surroundings, and inside the voting stations, where they observed and reviewed passersby's documents.

Eleven people stated that they observed members of the security forces taking photographs, the most prominent actor being police officers.

For the election of municipal councils and PARLACEN, people were asked through the form if they felt motivated to go out to vote: 51% said they felt between not motivated and not very motivated, 24% said they felt indifferent, and 25% felt somewhat motivated and very motivated to go out to vote.

Freedom of expression and association: Case studies

Victoria, Cabañas

The election results show that in the community of Santa Marta, which has a strong defense of historical memory and community organization in the area, voted for the leftist party, FMLN, despite the military cordon installed in the area. However, paradoxically, most of the residents of Santa Marta who did not vote are those most committed to organizing in the territory. Vidalina Morales, president of the *Asociación de Desarrollo Comunitario* (ADES), attributes this low voter turnout to the fear generated, not only by the military presence but also by the threats that many residents received to vote for the official party or be arrested, which violates, as we have pointed out earlier in this report, the right to the free exercise of the vote.

“Some people were afraid to go to vote. In Santa Marta, it was evident: in the past, the number of voters was more than a thousand, between 1,100 and 1,200, and now

it is about 700. We believe, I have heard comments from people close to San Isidro, that there were threats to people who have family members in custody, that if they went out to vote for another party, there would be consequences” —Vidalina Morales, president of ADES.

The data from the voting station at the “10 de Octubre de 1987” school confirms what the president of ADES said. In the presidential elections, although the voting preference is preserved, the percentage of participation drops significantly. In 2019, 51.5% of the residents went to the polls, but in 2024, only 41.9% voted; the participation decreased by more than ten percentage points. A similar pattern shows turnout in legislative and municipal elections, which dropped from 50.9% and 51.3% in 2021, respectively, to 41.6% and 38.4% in 2024.

“Seeing so much military on the streets instead of giving me security, intimidated me. People were afraid to vote because with the state of exception if you are detained, no one will come to advocate for you”—resident of Victoria, Cabañas

Jiquilisco, Usulután

Community leaders in the Bajo Lempa area, where historically organized people live and many of whom support the FMLN, pointed out that in the weeks prior to the February 3 election day, it was common to face police checkpoints, which negatively impacted the right to vote freely, as people expressed fear of going to vote. In this community, military presence increased in the days before the elections, and military presence could be observed in the voting stations on election day.

In Jiquilisco, we interviewed a community leader who pointed out several irregularities in the voting stations in the school centers “Caserío Ciudad Romero” and “Cantón La Canoa.” Among the irregularities pointed out by the interviewee, many violate political rights and attempt against the independence and transparency that should characterize an electoral process in a democratic system. For example, the obstruction of freedom of the press by restricting the access of the media to the voting stations; the impersonation of JRV members by people linked to the official party, Nuevas Ideas; failures in the computer system and the low presence of monitors from other political parties, among others.

According to testimonies gathered by observers and researchers of Cristosal, voter turnout decreased by more than 15 percentage points in both voting stations compared to the elections held in 2019 and 2021. The people interviewed for this report attribute these results to fear of the

area's militarization and a generalized belief in the communities that their vote would not make any difference in the election results.

Arcatao, Chalatenango

Despite being considered a district with an organized community, Arcatao registered a slight drop in these elections compared to previous years. While having been a militarized zone, one person consulted said that the low turnout this time may have been due to resentment toward the government over the security measures implemented. Many families may have used their vote as a protest because their children are in jail, they have had to migrate, or even because of the high cost of basic consumer goods.

“ People are looking for who can govern with more understanding and inclusion”—an Arcatao resident.

In consultations with community leaders and people who went to vote, the perception in the area is that there is a fear that is not expressed. This fear is the product of a systematic violation of human rights after the militarization that took place at border points could have generated a significant drop in electoral participation. Arrests of peasants and criminalization were experienced in 2020, according to media reports.⁴⁰ The militarization of the border has affected communities, known as “exbolsones,”⁴¹ by limiting their right to freedom of movement. This even caused Salvadoran people living in these border communities to be unable to vote.

“During the elections, the military post in that area was more marked. It did not let the population pass through easily. People living on the Zazalapa River side could not come to vote. In the February 4 election, an international observer came. She went to the place and asked the police post why they did not let people from those communities pass”—an Arcatao resident.

⁴⁰ Nelson Rauda Zablah, “La Fuerza Armada vuelve a perseguir campesinos en Chalatenango”, Available at: https://elfaro.net/es/202012/el_salvador/25062/La-Fuerza-Armada-vuelve-a-perseguir-campesinos-en-Chalatenango.htm. El Faro, December 6, 2020.

⁴¹ The UN International Court of Justice granted 446 square kilometers to Honduras in 1992. Available at: <https://ri.ufg.edu.sv/jspui/handle/11592/8441>.

Regarding electoral participation data, the case of the voting station “*Instituto Nacional de Arcatao*” stands out. The 2019 presidential elections had a turnout of 63.8%, while in 2024 it had a turnout of 55.9%, representing a decrease in electoral participation of 7.9%. There was also a decrease in the legislative elections since the 2021 elections had an electoral participation of 57.1% while the 2024 elections had a participation of 55.8%. On the other hand, for the municipal council elections, in 2021, the participation was 57.1%, while in 2024, it was 46.4%, a reduction of 10.7%. These facts show, once again, that citizens' right to vote, under conditions of freedom and transparency, was affected. Also, they could not identify a political option that would solve the community's problems.

Nueva Granada, Usulután

Nueva Granada is inhabited by people with strong community organizations. In Nueva Granada, Usulután, residents reported a strong military presence that began 15 days before the February elections. According to sources consulted, including a community leader from Nueva Granada, two trucks full of military officers arrived in areas such as Palomilla, Nuevo Gualcho, and Azacualpilla every day before the elections. He also commented that a military-guarded rally of Nuevas Ideas was held during the electoral silence, even when the Electoral Code prohibited this.

In the surveys, it was detected that the population of Nueva Granada lived under constant fear of going to vote for fear of the regime of exception and the military presence. The community leader assured that the zone had very low electoral participation due to this fear and the military siege. In all the stations he observed, he said there was a military presence, and police agents were inside the stations while counting the JRVs, acting as if they were guards working for a political party.

Arambala, Morazán

In the district of Arambala, in the middle of an environment controlled by police inside the schools and the military outside, most of the population voted for Nuevas Ideas. According to this district's residents, the police posts were reinforced in the days prior to the elections, but then they left. They emphasized that the results of February 4 reflect fewer voters than in previous years, and they attribute this to the fact that the area's population already had a clear idea of the electoral result.

Data from the voting station of the communal house of Arambala confirm what the community said since the number of voters in the presidential and legislative elections differed from their corresponding numbers in previous years. In the 2019 presidential elections, there was a turnout

of 49.9%, while in the 2024 presidential elections, there was a turnout of 38.5%, a difference of 11.4 percentage points. In the case of the legislative elections, it was much more notorious, as in 2021, there was a turnout of 53.5%, while in 2024, there was a turnout of 38.5%, decreasing by 16.1% on the recent election day.

The people consulted added that this low participation would not be reflected in the municipal elections. *"This will not be the case with the municipal elections,"* they said, explaining that the population was more interested in determining who would form the area's municipal councils. However, participation in the March 3 elections in this area dropped, with only 20% of the population turning out to vote.

The most significant number of votes in Arambala went to the New Ideas party: the number of military sieges or deployments was not more significant than what was usual during the period of the state of regime of the state of exception. Although the official party won, attention should be paid to the percentage of participation: this can be considered a response to how the presence of the military, even if there was no coercion, can generate electoral pressure and influence the vote.

It is also worth noting that, although the population's perception of the military presence was measured since the effects of the regime of the state of exception were minor if compared to those presented in other districts that have historically been left-wing, it is vital to highlight the discouragement about the certainty of the presidential results among citizens. Knowing the results of the elections beforehand influenced the lack of turnout of citizens at the time of voting, which evidences the lack of guarantees for a free exercise of the vote.

San Isidro, Morazán

It is important in the analysis to explore what happened in territories such as San Isidro in Morazán. San Isidro is the only district with a mayor from the Vamos party, whose term ends on April 30. Additionally, the current government built its first infrastructure in San Isidro: the Chichilco Bridge.

According to data from Cristosal's electoral observation form, a military fence was installed, and police were present around the Cantón El Rosario school center, where the voting station was located.

Likewise, there was a decrease in the number of voters on this election day. For example, in the 2019 presidential elections, this voting station had a participation rate of 53.2%, while in 2024, it was 45.5%. In the 2021 legislative elections, the electoral participation was 57.3%, but in 2024 it was 45.4%, a decrease of 12.4%. As for municipal council elections, the turnout in 2021 was 57.9%,

and in 2024 it was 33.4%, a decrease of 24.5%. This behavior adds to the trend in other districts of northern Morazán, such as Arambala.

The low voter turnout could respond both to the military presence focused on a district with an opposition local government, as well as to the possible discouragement due to the lack of competition on equal terms from candidates other than the official party, which would cause citizens to take for granted the results of this election day in favor of the ruling party. This adds to the lack of guarantees for the right to vote, which should be exercised with full civil liberties and under full electoral competition, as it happens in democratic contexts, where citizens' political rights are respected.

General Conclusions

Conducting elections under a state of exception has been a practice in El Salvador's history. The common denominator has always been restricting rights and seeking permanence in power.

The practices registered during 2024's electoral days present patterns of political rights violations, such as limitations to free suffrage, freedom of association, participation, and expression, and the lack of timely public funding to support campaigns.

The state of exception was used as a political instrument of coercion of the population, which, together with the idea instilled by the official party that losing the majority of seats in the Legislative Assembly would increase the levels of criminality and violence, ended up affecting the free exercise of the vote.

The strong military presence in different territories and zones of the country since the days before the elections of February 4 and March 3 created an atmosphere of fear in several communities we monitored. Fear was one of the elements that favored absenteeism on election days, although it should be mentioned that the military deployment was not the same in all the territories monitored.

Men engaged in agricultural and livestock work and small businesses were the most affected population by the electoral use of militarization. The impact was also notable on women, especially those whose partners are incarcerated.

The TSE's duty to inform and educate was deficient during the campaign period, as the lack of knowledge of the constituencies, the candidacies, or the identification of such candidacies made it difficult for the population to exercise their right to vote. In addition, there was a lack of the necessary guarantees for candidates to participate under equal conditions. It should be noted that limiting the right to broad political representation hinders the fulfillment and respect of other rights, such as access to water, food security, access to health, and addressing the structural causes that make forced displacement and migration possible.

Reforms to regulations that affected election proceedings limited plurality and proportionality of representation in the Salvadoran political system, which would further affect the rights and representation of political minorities in the public agenda. The construction of a hegemonic party favors the simplistic idea of democracy as a "tyranny of the majority." It ignores other voices of the population and their struggles and rights. This is a clear setback to the rights won by the population.

When analyzing the election results of selected zones through monitoring, especially in those zones controlled by gangs, it is evident that citizen participation in these elections was very similar and, in many cases, lower than in past elections. It remains a pending task to delve deeper into all the causes that led Salvadorans not to go to the polls. The right to suffrage and full participation have been affected by the role of the Supreme Electoral Tribunal as administrator of the electoral process since there were a series of irregularities, such as the lack of transparency in the adjudication processes for the execution of the vote abroad, the lack of clarity in the rules that regulated the process, the delays in the payment of the political debt, among others.

The role of the Tribunal as electoral judge did not guarantee the clarity of the rules either. Its passive role in the face of institutional candidacy and the constant variation in vote counting rules at the end of the February 4 election day undermined confidence in the process. The strengthening of voter and citizen education becomes more vital than ever to defend the political rights of the population. Citizens need to know and understand the electoral process to exercise their right to vote and to be elected and to have transparent scrutiny strengthens the right to representation, especially of political minorities.

There was a widespread feeling among the population that their vote would have no impact or make no difference, which affected voter turnout. This was compounded by the restructuring of municipalities and flaws in the electoral process.

The research leads us to conclude that conditions did not exist for a free, informed, and equal vote. The absence of democratic institutionality to control the abuses of power has been evidenced, as has been exacerbated by the use of the Armed Forces and the state of exception as a political instrument.