

San Salvador, El Salvador, March 21, 2022

Open Government Partnership
1100 13th Street, NW, Suite 800
Washington, DC, 2005
United States of America

Subject: Communication from Salvadoran civil society to the Steering Committee of the Open Government Partnership related to El Salvador's inactivity resolution

Open Government Partnership Steering Committee,

We are contacting you in regard to the letter published on March 1, 2022 announcing that the Criteria and Standards Subcommittee decided to recommend that El Salvador be placed on inactive status in the Open Government Partnership (OGP), and to the letter from the Government of El Salvador to OGP on March 10, 2022, in which this same Committee is informed that the OGP portfolio is transferred from the Presidency of the Republic to the Institute for Access to Public Information (IAIP).

The subscribing organizations consider that the systematic non-observance of the OGP procedural rules by the Government of El Salvador and the non-compliance with the basic eligibility criteria for two consecutive year, is equivalent to the the government of El Salvador's abandonment of the values of open government and the commitments made through the Partnership. For this reason, we support the recommendation of the Criteria and Standards Subcommittee - under the terms of the draft resolution published on March 14, 2022 - to request the Steering Committee to declare the Government of El Salvador as inactive in OGP.

Although we regret the exclusion from the group of active countries in this global platform, we are convinced that said decision adequately describes the state of transparency, accountability, citizen participation and, in general, democracy in our country.

In the letter of May 4, 2021, signed by several of our organizations, we even requested "the activation of the OGP Rapid Response Protocol, in the face of serious violations of the constitutional and democratic order", due to the unconstitutional removal of the magistrates of the Constitutional Chamber of the Supreme Court of Justice and the Salvadoran Attorney General on May 1, 2021.

As a result, the CEO of OGP, Sanjay Pradhan, issued a statement dated May 19, 2021, in which he expressed his concern about the events that occurred in the country, pointing out the democratic regression of El Salvador and calling I on the Salvadoran State to develop a new action plan that contributes to "implement democratic reforms that respect the rule of law, ensure the separation of powers and protect civic space."

Several members of the OGP Steering Committee - including representatives of 7 governments and several representatives of global civil society organizations - also signed a letter on June 10, 2021, expressing their concern about the events of May 1st, about closing civic space and about the country's democratic backsliding. In addition, they pointed out that "El Salvador has failed to meet the minimum eligibility criteria in OGP" since 2020.

On the other hand, we received with cautious attention the news that the Salvadoran government has communicated the decision to change the focal point of the Presidency of the Republic to the Institute for Access to Public Information (IAIP). It is important to point out that a relevant aspect of the authoritarian backsliding in El Salvador has been the

capture of accountability institutions, including the IAIP itself. We attach eight reports that describe the deterioration in the state of transparency, access to information and fight against corruption in the country, as well as about the backsliding in the IAIP's independence and effectiveness, just as many civil society organizations have publicly denounced.

For these reasons, in the current anti-democratic context in El Salvador, a communication such as the one recently sent by the government is not a sufficient indicator that a genuine dialogue with civil society will begin and that a true process of co-creation will be sustained, as requested by the members of the Steering Committee in the aforementioned communication. For this to happen, certain minimum conditions of respect for civic space and the role of civil society organizations are necessary.

In this sense, in order to re-establish dialogue and initiate a co-creation process that allows our country to once again be part of the countries active in the Partnership, we request your support to emphasize compliance with the following minimum conditions that, as organizations that have participated in OGP processes since 2011, we ask of the government of El Salvador and the IAIP as a new focal point:

1. Immediately and permanently stop attacks against civil society organizations, human rights defenders, and journalists by Salvadoran government officials, including the President of the Republic.
2. Discard the reforms to the Law of Access to Public Information promoted by the ruling party and publicly supported by the Commissioner President of the IAIP and that, in the opinion of many civil society organizations, constitute real limitations to the right of citizenship to access public information.
3. Discard the draft of the Foreign Agents Law presented by the government to the Legislative Assembly and whose approval would imply serious limitations on the activity of civil society organizations like ours and a frontal attack on civic space in El Salvador.
4. Guarantee a transparent dialogue process that is fully guided by civil society organizations for the selection of civil society representatives to participate in the OGP process, in accordance with the good practices recognized by OGP, and the possibility of inviting international cooperating organizations and experts as observers and thematic mentors.
5. Guarantee the participation of ministerial-level representatives in the multi-stakeholder forum that has to be established to guide the OGP processes at the national level, and the participation during the co-creation tables of high-level representatives of each implementing agency that assumes responsibility to lead a commitment in the action plan.
6. Convene thematic tables that allow the elaboration of commitments for the next action plan of El Salvador in terms of government accountability, fight against corruption and respect for civic space. We consider it crucial that the development of commitments to:
 - a. Establish democratic controls on the surveillance and intervention of communications by the State, to prevent in the future illegal surveillance and espionage actions against journalists and civil society activists through the use of technologies -such as Pegasus malware- as confirmed by the Access investigation Now and Citizen Lab, verified by Amnesty International.
 - b. Carry out a review of the legal and public policy framework of civic space, to guarantee the free exercise of freedom of association, freedom of expression and freedom of the press.
 - c. Create independent anti-corruption instances to investigate irregularities in the use of public resources, and establish periodic accountability mechanisms with citizens"

- d. Create mechanisms to verify compliance with international standards on access to public information and transparency, strengthen existing regulations on the matter and guarantee the principle of maximum publicity.
- e. Guarantee access to detailed information on the income and expenses of the Salvadoran State, allowing citizens to exercise social control and auditing entities to identify opportunities that contribute to an efficient use of public funds, as well as sanctions for their inappropriate use.

Fulfillment of the conditions presented would demonstrate a real commitment to the openness agenda and a genuine desire for dialogue, collaboration and co-creation that are at the heart of OGP. We ask that you help us reinforce our request to the Salvadoran government and, if necessary, facilitate dialogue between us.

Sincerely,