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**Review of implementation of the United Nations
Convention against Corruption**

Executive summary

Note by the Secretariat

Addendum

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II. Executive summary

El Salvador

1. Introduction: Overview of the legal and institutional framework of El Salvador in the context of implementation of the United Nations Convention against Corruption

El Salvador signed the Convention on 10 December 2003, ratified it on 28 June 2004 and deposited its instrument of ratification on 1 July 2004.

International treaties constitute laws of the Republic; the Convention can therefore be applied directly.

El Salvador has a civil-law system. Criminal procedure combines elements of both the accusatorial and the inquisitorial systems and consists of preparatory proceedings, a formal investigation phase and trial.

The key institutions in the fight against corruption are the Office of the Under-Secretary for Transparency and Prevention of Corruption, attached to the Office of the President of the Republic; the Office of the Attorney General (which has a unit that specializes in the combating of corruption); the Financial Investigation Unit (attached to the Office of the Attorney General); the Government Ethics Tribunal; the Court of Audit; the Office of the Superintendent of the Financial System; the Coordinating Commission for the Judiciary; and the Executive Technical Unit of the Judiciary (Witness Protection Directorate).

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

The active bribery of public officials is covered by article 335 (on active bribery) and article 310 (on malfeasance) of the Criminal Code; those provisions do not refer to advantage or benefit for a third party. The definition of “public official” set out in article 39 of the Criminal Code does not contain a specific reference to persons who serve a legislative or judicial entity.

With regard to the passive bribery of public officials, the Criminal Code provides for the acceptance of a bribe in exchange for malfeasance (art. 330), acceptance of a bribe in exchange for abuse of functions (art. 331) and extortion (art. 327); those provisions do not incorporate the element of advantages or benefits for third parties.

Active bribery of a foreign public official or an official of a public international organization is covered by article 335 A of the Criminal Code (transnational bribery); to date there have been no criminal cases involving that offence. The aforementioned provision does not incorporate the element of advantages or benefits for third parties. There are no legislative provisions dealing with passive transnational bribery.

Active trading in influence has not been criminalized. Passive trading in influence is covered by article 336, which does not explicitly express the element “directly or indirectly”.

El Salvador has not established legislative provisions on bribery in the private sector.

Money-laundering, concealment (arts. 23 and 24)

Articles 4, 5 and 7 of the Act against the Laundering of Money and Other Assets cover the laundering of the proceeds of crime; those provisions are complemented by articles 214 and 214 A of the Criminal Code. In accordance with article 4, paragraph 4, of the Act, persons who cooperate in the investigation or prosecution of a money- or asset-laundering offence are accorded a privilege that in practice constitutes immunity from prosecution, since the granting of that privilege is almost automatic. El Salvador has not criminalized association with or conspiracy to commit the offence of money-laundering. Its legislative provisions on money-laundering apply whether the illicit acts in question are committed within El Salvador or abroad. El Salvador has not established provisions to the effect that the offence of money-laundering does not apply to persons who commit the predicate offence.

Concealment is covered by articles 7 (on special cases of concealment) and 8 (on concealment through negligence) of the above-mentioned Act; those provisions do not incorporate the element of “continued retention”.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

The Criminal Code establishes provisions on misappropriation and embezzlement in its articles 217 (on misappropriation or unlawful retention), 250 (on misappropriation of tax withholdings or levies*), 325 (embezzlement), 326 (embezzlement through wilful negligence) and 332 (misappropriation).

Abuse of functions is an offence under articles 320 (on arbitrary acts), 321 (on failure to perform duties), 327 (on extortion) and 329 (on exaction) of the Criminal Code.

El Salvador has established illicit enrichment as an offence both in its Criminal Code (art. 333) and in its Act on Illicit Enrichment of Public Officials and Civil Servants. However, those provisions are insufficient to yield satisfactory results, since the Probity Section of the Supreme Court of Justice does not have the power to lift bank secrecy and the results of pretrial investigation require endorsement by the plenum of the Supreme Court of Justice.

Articles 217 (misappropriation or wrongful retention) and 218 (fraudulent administration) of the Criminal Code cover only some elements of misappropriation or embezzlement in the private sector; for example, article 217 refers only to movable property and article 218 deals with the fraudulent altering of contract conditions or prices.

* *Translator's note:* In the original Spanish text, the title of article 217 is “misappropriation of tax withholdings or levies” and the title of article 250 is “misappropriation or unlawful retention”; this appears to be an error.

Obstruction of justice (art. 25)

Articles 153 to 155 (on coercion, threats and special aggravating circumstances, respectively) and 307 (on bribery) of the Criminal Code cover inducement to give false testimony and interference in the giving of testimony; no reference is made to interference in the production of evidence.

There is no specific legislation criminalizing the obstruction of justice or establishing measures to protect justice or law enforcement officials.

Liability of legal persons (art. 26)

The law of El Salvador does not establish the concept of criminal liability of legal persons.

Articles 38, 116 and 118-121 of the Criminal Code provide for the subsidiary civil liability of legal persons in certain cases, while articles 343, 344, 350-353 and 355 of the Code of Commerce provide for administrative liability and the possibility of dissolution of a legal person that has been established for illicit purposes or has illicit origins.

Participation and attempt (art. 27)

The Criminal Code deals with participation (arts. 32 to 37) and attempt (art. 62). The preparation of a corruption offence is not covered.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

All offences established in accordance with the Convention are punishable by deprivation of liberty for a term of 2 to 15 years.

The Constitution (arts. 236-238) and the Code of Criminal Procedure (arts. 419 and 420) accord jurisdictional privileges to high-ranking officials, members of parliament and judges; there is a perception that the requirements for revoking privileges may pose obstacles.

Prosecutorial discretion is provided for in a limited number of cases that take into account the impact on a legally protected interest.

The extension of periods of provisional detention in spite of the availability of alternative measures is noted with concern.

While there are regulations concerning parole and conditional early release, there is limited capacity to implement them.

A public official accused of corruption may be suspended if he or she is subject to a penalty imposed by the Government Ethics Tribunal or enjoys jurisdictional privileges.

The Criminal Code provides for the sanctions of absolute disqualification and special disqualification; those sanctions do not apply to all corruption offences.

In addition to the criminal-law system, penalties may also be imposed under the administrative, ethics and disciplinary regimes (which fall under the responsibility

of the Court of Audit, the Government Ethics Tribunal and the Civil Service Commissions, respectively).

With regard to cooperation with the judicial authorities, article 18, paragraph 1, of the Code of Criminal Procedure provides for the possibility of granting immunity from prosecution to persons who provide relevant information; assistance in depriving offenders of the proceeds of crime is not explicitly mentioned. Article 4 of the Act against the Laundering of Money and Other Assets contains specific regulations. The mitigation of punishment in the case of persons who provide assistance and cooperation to the competent authorities of another State Party is not provided for.

Protection of witnesses and reporting persons (arts. 32 and 33)

El Salvador has adopted an act on the protection of victims and witnesses and a victim and witness protection programme; it has also established evidentiary rules that permit witnesses to give testimony in a manner that ensures their safety. The participation of victims in appropriate stages of criminal proceedings is provided for by article 106 of the Code of Criminal Procedure.

Legislative provisions relating to the protection of reporting persons do not cover general labour protection.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Articles 126 (on forfeiture) and 127 (on confiscation) of the Criminal Code provide for confiscation of the proceeds of crime and instrumentalities used in the commission of an offence; those provisions do not apply to instrumentalities intended for use in the commission of an offence.

El Salvador has prepared a draft law on termination of ownership.

Article 283 of the Criminal Code regulates the seizure of objects and documents “relating to the commission of a criminal act”, which appears not to include the proceeds of an offence. It is only with respect to money-laundering that all of the elements provided for in the Convention with regard to seizure are covered. There are no general regulations governing the administration of seized and confiscated property that are applicable to corruption offences.

There is no legislation on the confiscation of proceeds of crime that have been transformed or converted into other property or intermingled with property acquired from legitimate sources nor, consequently, on income or other benefits derived from property into which such proceeds have been transformed or converted.

Article 21 of the Act against the Laundering of Money and Other Assets incorporates the provisions of article 31, paragraph 8, of the Convention with respect to the offence of money-laundering.

Article 127 of the Criminal Code provides that confiscation is without prejudice to the rights of bona fide third parties; however, no such provision is in place with respect to forfeiture.

Bank secrecy may be lifted by court order or by order of the Attorney General (art. 277 of the Code of Criminal Procedure; art. 232 of the Banking Law).

Statute of limitations; criminal record (arts. 29 and 41)

The current statute of limitations period appears to be short and the possibilities for suspension limited (art. 242 of the Constitution; arts. 32, 33, 36 and 86 of the Code of Criminal Procedure).

El Salvador does not have legislation providing for the consideration of previous convictions in another State of alleged offenders.

Jurisdiction (art. 42)

El Salvador has established its jurisdiction with respect to most of the circumstances referred to in article 42 of the Convention, but has not established clearly its jurisdiction over corruption offences committed by one of its nationals; participation, preparation, attempt and other acts committed outside its territory with a view to the commission of a money-laundering offence; or offences committed against the State Party. Furthermore, El Salvador has not established its jurisdiction over offences committed when the alleged offender is present in its territory and it does not extradite him or her.

El Salvador has not presented legislation providing for consultation with the competent authorities of other States Parties as provided for in article 42, paragraph 5, of the Convention, nor has it provided details of cases in which such consultations have been held.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

El Salvador does not have any legislation on the consequences of acts of corruption but has established regulations governing compensation for damage (art. 245 of the Constitution; arts. 115 to 121 of the Criminal Code and arts. 42 and 43 of the Code of Criminal Procedure).

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

El Salvador has established bodies specialized in combating corruption. It should be noted that the national police does not have a specialized unit for the investigation of financial assets.

Measures are in place to facilitate cooperation between national authorities; however, it is noted with great concern that there are legal and practical obstacles to the flow of information between institutions and a lack of ease of communication between authorities responsible for investigating and prosecuting criminal offences and public authorities.

There appears to be no structured cooperation between investigating authorities and the private sector. There are some mechanisms for the reporting of corruption offences.

2.2. Successes and good practices

- With respect to the statute of limitations, it is noted as a good practice that the statute of limitations period for offences and minor offences committed by a public official begins at the time that the official in question leaves his or her post.

- The efforts made by El Salvador to enable the implementation of social reintegration programmes on a pilot basis are noted.

2.3. Challenges in implementation

General observations

- The creation of a mechanism for the publication of statistics on investigated and adjudicated cases is recommended.
- It is recommended that efforts be made to ensure full membership of the Government Ethics Tribunal in order to achieve a quorum, and that the Tribunal be provided with the necessary resources and personnel specialized in investigation.
- The parallel system of penalties under administrative, disciplinary and ethics regimes is noted with concern, and it is recommended that ways of avoiding impunity or duplication of sanctions be sought.
- The need to continue implementing an active policy of prison reform and to assign, to the extent possible, the budgetary resources necessary for that purpose is emphasized.
- It is recommended that the definition of “public official or employee” be amended to include persons who perform services for a legislative or judicial entity.

Criminalization

With respect to criminalization, it is recommended that El Salvador:

- Modify its provisions relating to the offences of active and passive bribery and active transnational bribery to cover advantages for third parties (art. 15, paras. (a) and (b); art. 16, para. 1); and consider the possibility of criminalizing passive transnational bribery (art. 16, para. 2).
- Consider the possibility of establishing active trading in influence as an offence (art. 18, para. (a)).
- Ensure that article 336 of the Criminal Code is applied in cases of indirect solicitation or acceptance; if the courts do not interpret the law in this manner in the future, the law may need to be clarified through legislative reform (art. 18, para. (b)).
- Authorize the Probity Section of the Supreme Court of Justice to lift bank secrecy in cases in which irregularities are detected in the asset declarations of public officials. In addition, the Supreme Court is encouraged to assign a greater number of specialized personnel to the verification of asset declarations, and it is suggested that consideration be given to better coordination between the Probity Section and the Office of the Attorney General be considered and, in particular, to the possibility of the latter’s reporting to the Probity Section with regard to the follow-up of possible cases of illicit enrichment (art. 20).
- Consider the possibility of criminalizing bribery in the private sector (art. 21).

- Consider the possibility of including embezzlement in the private sector as a general offence in the Criminal Code (art. 22).
- Ensure that exemption from criminal liability for money-laundering (article 4, paragraph 4, of the Act against the Laundering of Money and Other Assets) is subject to assessment of each individual case and is not applied automatically; if the courts do not interpret the law in this manner in the future, the law may need to be clarified through legislative reform (art. 23, para. 1).
- Criminalize, subject to the basic concepts of its legal system, association with and conspiracy to commit money-laundering (art. 23, subpara. (b) (ii)).
- Consider the possibility of amending articles 7 and 8 of the Act against the Laundering of Money and Other Assets to incorporate the element of “continued retention” (art. 24).
- Include, in articles 153 to 155 and 307 of the Criminal Code, interference in the production of evidence (article 25 (a)), and establish specific offences in order to avoid the obstruction of justice and to protect justice or law enforcement officials specifically (art. 25 (b)).
- Consider the possibility of including in its legislation the criminal liability of legal persons; adopt a less restrictive definition of civil liability of legal persons (art. 119 of the Criminal Code); provide for the joint liability of legal and natural persons for all offences established under the Convention; and establish, in the Code of Commerce, the power to dissolve legal persons for offences committed by their representatives (art. 26, paras. 1 and 2).
- Consider adopting the measures necessary to criminalize preparation for a corruption offence (art. 27, para. 3).

Law enforcement

With regard to law enforcement, it is recommended that El Salvador:

- Consider extending the statute of limitations period for corruption offences or providing for suspension of the statute of limitations in an extended range of situations (art. 29)
- Consider reviewing its procedure for revoking jurisdictional privileges and immunities (art. 30, para. 2)
- Dedicate the resources necessary for the efficient administration of justice and step up its efforts to raise awareness among judges with regard to alternatives to custody (art. 30, para. 4)
- With regard to parole and conditional early release, and to the extent possible, increase the number of sentence enforcement judges nationwide and establish specialist capacity to carry out the relevant assessments (art. 30, para. 5)
- Consider establishing procedures for the suspension of public officials accused of corruption offences, including in cases in which such officials have not yet been sentenced (art. 30, para. 6)

- Include disqualification, including disqualification from holding office in an enterprise owned in whole or in part by the State, as a sanction for all offences established in accordance with the Convention (art. 30, para. 6)
- Adopt legislation on the confiscation of instrumentalities destined for use in the commission of an offence (article 31, subparagraph 1 (b)) and amend article 283 of the Code of Criminal Procedure to provide explicitly for confiscation of the proceeds of and instrumentalities used in the commission of corruption offences (art. 31, para. 2)
- Adopt regulations governing the administration of frozen, seized or confiscated property that apply to corruption offences and cover all of the elements provided for in article 31, paragraph 3
- Adopt legislation on the confiscation of proceeds of crime that have been transformed or converted into other property (art. 31, para. 4) or intermingled with property acquired from legitimate sources (art. 31, para. 5) and the confiscation of income or other benefits derived from property into which such proceeds have been transformed or converted (art. 31, para. 6)
- Consider establishing the requirement that offenders in corruption cases demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of its domestic law (art. 31, para. 8)
- Establish a procedure for bona fide third parties that applies to forfeiture (art. 31, para. 9)
- Continue to seek to conclude agreements or arrangements with other States for the international relocation of witnesses and experts, taking into account the fact that such agreements and arrangements have already been concluded (art. 32, para. 3)
- Extend the labour protection accorded to persons who report corruption offences to all public officials and private-sector employees (art. 33)
- Adopt, in accordance with the fundamental principles of its domestic law, measures to address consequences of corruption in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action (art. 34)
- Amend its legislation on cooperation with law enforcement authorities to refer explicitly to specific help that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds (art. 37, para. 1)
- Consider the possibility of providing for the mitigation of punishment of an accused person who provides substantial cooperation in the investigation or prosecution of corruption offences (art. 37, para. 2)
- Consider the possibility of entering into agreements or arrangements concerning cooperation with the law enforcement authorities of another State (art. 37, para. 5)
- Establish channels for coordination and exchange of information, particularly in cases in which the Office of the Attorney General participates, and consider possible ways of facilitating a more efficient coordination process (art. 38)

- Take such measures as may be necessary to encourage cooperation between, on the one hand, national investigating and prosecuting authorities and the Public Legal Service, and, on the other hand, entities of the private sector, in particular financial institutions, relating to matters involving the commission of corruption offences (art. 39, para. 1), and consider the possibility of extending measures to encourage its nationals to report the commission of corruption offences (art. 39, para. 2)
- Adopt such measures as may be necessary to take into consideration any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to a corruption offence (art. 41)
- Adopt such measures as may be necessary to establish its jurisdiction over:
 - Any corruption offence committed by one of its nationals or by a stateless person who has his or her habitual residence in its territory (art. 42, subpara. 2 (b));
 - Acts of participation, preparation, etc., committed outside its territory with a view to the commission of a money-laundering offence (art. 42, subpara. 2 (c));
 - Cases in which the offence is committed against the Republic of El Salvador (art. 42, subpara. 2 (d));
 - Offences established in accordance with the Convention when the alleged offender is present in its territory and it does not extradite him or her (art. 42, para. 4).

El Salvador is encouraged, if it has learned that any other States Parties are conducting an investigation or judicial proceeding in respect of the same conduct, to consult with the other State or States with a view to coordinating actions (art. 42, para. 5).

2.4. Technical assistance needs identified to improve implementation of the Convention

El Salvador has requested technical assistance in order to take action in accordance with the aforementioned observations:

- Legislative assistance (inter alia, arts. 15-25, 29-31, 33, 34 and 37)
- Strengthening of specialized capacity (inter alia, arts. 30 and 31)
- Assistance to improve interinstitutional coordination (arts. 38 and 39)
- Support in the area of reintegration of offenders (art. 30, para. 10).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

The requirements for extradition are set out in article 28 of the Constitution and the treaties that El Salvador has ratified. However, except in cases in which El Salvador extradites a person present in its territory, a treaty is not required. The principle of reciprocity has been applied, albeit in exceptional cases. The Convention cannot be used as a legal basis for extradition.

Dual criminality is a requirement for extradition.

Owing to the limited number of extradition cases, case law is still evolving.

The extradition of nationals is generally not permitted unless El Salvador has concluded a treaty that provides specifically for such extradition and stipulates reciprocity as a requirement.

With regard to extraditable offences, some bilateral treaties concluded by El Salvador set out lists of such offences but do not include all corruption offences. However, El Salvador considers the offences established in the Convention to be extraditable offences and has provided details of a relevant case.

Requests are processed through diplomatic channels. The power to authorize the extradition of a person from the territory of El Salvador is vested in the Supreme Court of Justice.

In cases in which extradition is refused on the ground of nationality, the legislation of El Salvador does not establish any requirement that the case be referred to its national competent authorities.

There is no national legislation on the enforcement of a sentence in accordance with the legislation of another State party, but such enforcement is not prohibited.

With regard to the transfer of sentenced persons, El Salvador has ratified a number of bilateral and multilateral agreements.

El Salvador has no legislation and has concluded no treaties on the transfer of criminal proceedings.

Mutual legal assistance (art. 46)

Article 182 (3) of the Constitution provides the basis for rendering and receiving mutual legal assistance in El Salvador. El Salvador has concluded numerous bilateral, regional and international treaties and conventions on mutual legal assistance and can also provide assistance on the basis of reciprocity.

Paragraphs 7 and 9-29 of article 46 can be applied directly (article 144 of the Constitution), and were applied in one recent case. The limits of direct application of those provisions in the absence of a treaty are not clearly defined, and legislative provisions do not make clear whether the aforementioned paragraphs can be applied in lieu of the corresponding provisions of a treaty of mutual legal assistance.

The central authority for mutual legal assistance is the Ministry of Foreign Affairs. Requests are not required to be processed through diplomatic channels, and in the most urgent cases may be processed through the International Criminal Police Organization (INTERPOL). With regard to other mutual legal assistance treaties, other institutions have been designated as central authorities. From January to June 2012, the central authority processed 83 mutual legal assistance requests (both requests made and requests received).

The processing of mutual legal assistance requests is carried out by a dedicated mutual legal assistance unit within the Supreme Court of Justice, which submits requests to the Supreme Court in plenary. Requests are accepted only if a quorum of 8 (of 15) judges unanimously so decide.

Dual criminality is not required unless provided for by a treaty, for example, when the request is for assistance involving coercive action.

El Salvador is currently working on bilateral agreements with five countries.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

The police of El Salvador cooperates with the police forces of other States directly or through INTERPOL, and cooperation is also carried out on the basis of cooperation agreements between prosecutors' offices, the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States, the Ibero-American Network for International Legal Cooperation (IberRed), the Network of Prosecutors against Organized Crime (REFCO), the Egmont Group of Financial Intelligence Units and the World Customs Organization.

Article 78 of the Code of Criminal Procedure regulates international investigations; the extent of cooperation in that area is limited to investigations and does not include judicial proceedings.

El Salvador has a basic legal framework for the application of special investigative techniques to "grave criminal acts"; no bilateral or multilateral agreements or arrangements for using such techniques have been concluded.

3.2. Successes and good practices

- El Salvador has reported that it plans to adopt a law on international cooperation (arts. 44 and 46).
- El Salvador is party to regional agreements that serve as the legal basis for extradition (art. 44, para. 6).
- As a member of the Organization of American States, El Salvador uses the Secure Electronic Communication System (art. 46).
- The mutual legal assistance unit of the Supreme Court of Justice has resolved its case backlog problem by using a system that prioritizes the oldest cases (art. 46).

- El Salvador has a mutual legal assistance treaty with the Argentine Republic in which there is a specific provision establishing explicitly that assistance may not be declined on the ground of bank secrecy (art. 46, para. 8).
- Article 46 was invoked in two recent cases (art. 46, paras. 9-29).
- The authorities of El Salvador have used various channels, including communication by telephone, as a means of consulting with regard to the progress of mutual legal assistance requests (art 46, paras. 9-29).

3.3. Challenges in implementation

- It is recommended that El Salvador adopt legislation clarifying the procedures and legal basis for extradition; such legislation could establish mechanisms for expediting procedures and simplifying evidentiary proceedings, and establish the obligation to prosecute in cases in which the extradition is refused on the ground of nationality (art. 44).
- It is recommended that El Salvador continue to ensure that the principles set forth in article 44 are applied, for example, that all corruption offences are considered extraditable offences (art. 44).
- El Salvador may wish to grant extradition in the absence of dual criminality (art. 44, para. 2).
- El Salvador may wish to apply directly the principle of extradition for offences related to those established by the Convention (art. 44, para. 3).
- It is recommended that any new treaties concluded by El Salvador in the future include all corruption offences and establish that those offences are not considered to be political offences (art. 44, para. 4).
- It would be desirable for El Salvador to conclude extradition treaties with other States Parties, given that it does not take the Convention as the legal basis for extradition (art. 44, para. 6).
- El Salvador is encouraged to consider the direct application of article 44, paragraph 13, in cases in which extradition sought for the purpose of enforcing a sentence is refused on the ground of nationality (art. 44, para. 13).
- With regard to the transfer of sentenced persons, El Salvador mentioned difficulties encountered when transferring prisoners to countries where similar sentences do not exist. It would also be useful if there were national guidelines on deadlines for the adoption of relevant decisions. Challenges relating to the costs of transfer, and to the fact that the transfer of prisoners can break up the family unit, were reported; measures to mitigate such effects would be desirable (art. 45).
- It is recommended that El Salvador consider establishing a proper centralized system for monitoring and compiling statistics on mutual legal assistance and a written standard operating procedure for the processing of mutual legal assistance requests (art. 46).
- It is recommended that El Salvador consider harmonizing its legislative framework and its various treaties with respect to dual criminality and

offences involving fiscal matters in order to fully implement paragraphs 2, 9 (a) and 22 of article 46.

- El Salvador is encouraged to transmit information to a competent authority in another State party without prior request where it believes that such information could assist that authority, taking into account that its legislation does not prohibit such action, and to adopt specific legislation and to apply paragraph 5 directly in cases in which it receives information (art. 46, paras. 4 and 5).
- El Salvador is encouraged to consider the direct application of paragraphs 9-29 of article 46 both in the absence of a treaty and on the basis of agreement with State Parties with which it has concluded a treaty to apply those paragraphs in lieu of the corresponding provisions of the treaty between them (art. 46, paras. 9-29).
- El Salvador may wish to consider and explore (with the help of statistics, if available) whether there is a need to establish a common central authority for all mutual legal assistance treaties (art. 46, para. 13).
- It is recommended that El Salvador adopt legislation or sign agreements with other States to allow the transfer of criminal proceedings to and from those States (art. 47).
- El Salvador is encouraged to consider entering into bilateral or multilateral arrangements on direct cooperation between its law enforcement agencies and their counterparts (art. 48, para. 2).
- It is recommended that El Salvador sign bilateral or multilateral agreements or arrangements for the use of special investigative techniques in the context of cooperation at the international level (art. 50).

3.4. Technical assistance needs identified to improve implementation of the Convention

El Salvador has requested technical assistance in improving its international cooperation:

- Assistance in the development of legislation on international cooperation (arts. 44 and 46)
- Elaboration of new treaties and agreements (arts. 44, 47, 48 and 50)
- Strengthening of specialized capacity (arts. 44, 46 and 50).