



The State of Exception in El Salvador: Taking Stock
Tuesday, December 10, 2024, 2:00 – 4:00 p.m.
2360 Rayburn House Office Building
Rep. Christopher H. Smith

Good afternoon, and welcome to everyone joining us for this hearing.

In February of this year President Bukele was re-elected with over 84% of the vote – a truly impressive result, and a testimony to great popular support for his government.

His political support is based on his success in fighting violent crime. In 2018, the year before President Bukele’s election, El Salvador was one of the most dangerous and violent countries in the world, overrun by gang violence. The murder rate in El Salvador stood at **53.1 per 100,000**. Bukele fought the gangs, eventually by initiating a “state of exception” that suspended certain constitutional rights, mostly having to do with criminal and judicial processes, in order to round up gang members.

For this he was heavily criticized by the U.S. and the international NGO community, some of which is funded by the Biden administration.

In 2023 the murder rate stood at **2.4 per 100,000** – that is, life in El Salvador was dramatically improved, becoming one of the safest countries in the world.

As the U.S. State Department stated frankly in the first paragraph of its 2023 *Country Report*, Bukele’s success in crime-fighting allows “citizens to exercise their right to life, liberty, and security of person, and to engage in daily activities and commerce without the constant threat of violence and extortion.”

The support of the people of El Salvador for President Bukele, his astonishing election, is a basic fact that everyone who believes in representative government should respect.

It’s equally true that human rights and rule of law cannot be cancelled by democratic majorities. Concerns have been raised by the U.S. State Department’s Country Report on El Salvador, particularly regarding the repeated extension of the state of exception, which suspends many civil and procedural rights, denial of fair public trials, prison conditions. Concerns have also been raised by human rights defenders, including international NGOs.

At the same time, President Bukele has many defenders, people deeply knowledgeable about El Salvador who have sought to balance and correct the picture drawn by critics of his government.

In that vein, the U.S. State Department's Country Report notes that elections in El Salvador are "fair and free," and that the government of El Salvador "generally respected" freedom of expression, "including for members of the press and other media", and that the government did "not restrict or disrupt access to the internet or censor online content".

The people of El Salvador must be the principal judges of their government, and they have passed an overwhelmingly favorable judgment on President Bukele. Out of respect for that, I hope our government can work well and constructively with President Bukele to support his achievements in restoring order, and to consolidate this achievement and anchor it firmly in the genuine civil society of El Salvador, and move toward a return out of the State of Exception toward judicial processes and protections that provide social order and protections of civil liberties and individual rights.