

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
The State of Exception in El Salvador: Taking Stock

December 10, 2024 - 2:00 p.m.
2360 Rayburn House Office Building

Statement of Juan Pappier
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I am honored to appear before this commission to testify, on behalf of Human Rights Watch, regarding the human rights situation in El Salvador during the ongoing state of emergency.

For years, El Salvador has struggled with endemic gang violence perpetrated by groups like MS-13 and Barrio 18. These criminal organizations have terrorized communities through extortion, murder, child recruitment, and other atrocious crimes. As Human Rights Watch has documented, previous administrations repeatedly failed to effectively address this violence and to protect Salvadorans' rights to life and physical integrity.

In March 2022, President Nayib Bukele's administration declared a "war on gangs" following an unprecedented wave of homicides. His supporters in the Legislative Assembly passed a "state of emergency," which remains in place. Since then, security forces have conducted hundreds of raids, and report arresting over [83,000 people](#).

Homicide rates have dropped significantly and in our interviews across the country people consistently report feeling safer from gang-related violence.

At the same time, security forces have committed widespread human rights violations.

Human Rights Watch's recent investigation, "[Your Child Does Not Exist Here](#)," documents human rights violations against children aged 12 to 17.

Human Rights Watch researchers visited San Salvador, Sonsonate, and Cuscatlán states. We reviewed official records and interviewed over 90 people, including victims of abuse, judges, police officers, security experts, and others. We also repeatedly requested information from the government, requests which in most cases never received a substantive response.

We documented dozens of arbitrary arrests of children, boys and girls. Many arrests appear to be based on the detainees' appearance or anonymous complaints, rather than on credible evidence. Police officers told Human Rights Watch that some arrests are driven by a policy of "[quotas](#)," requiring officers to arrest a certain number of people per day.

These arbitrary arrests especially impact youth from communities already affected by poverty and social exclusion—many of whom were previously victims of gang violence themselves.

Our report also documents cases of torture and inhumane treatment, including burnings, beatings, suffocation, and mock executions. We also documented cases where children were punished for another detainee's misbehavior, an arbitrary, inherently degrading and collective punishment in violation of international human rights law.

Authorities in El Salvador have failed to protect detained children from violence by other detainees, including credible reports of sexual abuse.

Children held in detention facilities in 2022 and 2023 reported appalling conditions including often overcrowded and unsanitary cells, inadequate nutritious food, and lack of—or denial of—access to medication, medical care, and education. In some cases, they were held in cells alongside adults.

The government and other sources claim that prison conditions in juvenile detention centers have progressively improved in part due to efforts by humanitarian organizations and foreign embassies. However, the government has in practice denied Human Rights Watch's request to visit the centers, despite an initial proposal that our researchers verify conditions there.

Children have also been subjected to serious due process violations and unfair trials. Court records show that many have been sentenced solely on the basis of uncorroborated police statements or have been abusively pressed to plead guilty in groups.

The latest official figures available, from January 2024, indicate that 841 children remain in detention out of 3,319 who have been detained during the emergency. This included 262 children awaiting trial and 579 serving sentences. However, many of the children released continue to suffer stigmatization by members of security forces, who threaten with rearrest.

There are no indications that the government of El Salvador is holding security forces accountable for these and other abuses committed during the state of emergency. In a letter sent to Human Rights Watch following the release of our report, the government refused to investigate the cases we documented. Simultaneously, authorities have so far failed to ensure any meaningful accountability for atrocities committed by gangs.

This Congress and the US government can take specific actions to promote effective and rights-respecting security polices to address gang violence in El Salvador.

Congress should condition any funding to Salvadoran government entities implicated in abuses, including police and the military, on specific steps to prevent and investigate rights abuses. The US government should increase support to independent media outlets and civil society groups, who play a critical role in promoting democracy and human rights in El Salvador.

This Congress and the US government should also urge Salvadoran authorities to create a review mechanism for detention cases occurring during the state of emergency, to ensure the release of people, including children, who were arbitrarily detained. The Salvadoran government should shift its focus toward holding to account higher-level gang leaders and other perpetrators of violent crimes.

Salvadorans should not be forced to choose between security and other fundamental rights.

Thank you.