

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
The State of Exception in El Salvador: Year Five

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In El Salvador, President Nayib Bukele's government has achieved dramatic gains against the violent gangs that once terrorized the Salvadoran people. In 2015, El Salvador held the grim distinction of being the world's most violent nation, as narco-terrorist gangs like MS-13 and Barrio 18 operated with virtual impunity. Over 1% of the population of El Salvador was a gang member, terrorizing the rest of population through extortion, sex trafficking, and heinous violence while supporting the trafficking of deadly drugs and mass migration to the U.S.

In 2022, Bukele's administration launched a sweeping campaign against these gangs adopting the so-called Mano Dura—tough-on-crime—approach that many activists and academics have spent years working to discredit.<sup>1</sup> These measures ran directly counter to the NGO-led development model that the expert class in Washington and beyond continued to push on countries like El Salvador even as violence and spiraled out of control.

El Salvador's strategy relied on granting broad emergency authorities to police and security forces, significantly expanding their resources and deploying them directly against the narco-terrorist groups of the country, incarcerating tens of thousands of gang members in a new maximum-security prison.

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<sup>1</sup> Martínez-Fernández, Andrés. "Gangland Killings: Violent Nonstate Actors and Naive Policies Are Destabilizing the Globe." *The Heritage Foundation*, 14 Aug. 2024, [www.heritage.org/crime-and-justice/commentary/gangland-killings-violent-nonstate-actors-and-naive-policies-are](http://www.heritage.org/crime-and-justice/commentary/gangland-killings-violent-nonstate-actors-and-naive-policies-are). Accessed 14 Apr. 2026.

The results have been striking. Just two years after the crackdown began, El Salvador shifted from being the global murder capital to the safest country in the Western Hemisphere, second only to Canada. Annual homicide totals in El Salvador are lower than what one week of homicides reached in the country a decade ago.<sup>2</sup>

The Bukele government's success against the gangs lies in part in treating these armed groups like MS-13 not simply as a traditional law enforcement matter, but rather as the international narco-terrorist insurgencies that they are. As with similar contexts around the world, El Salvador's emergency state of exception and modification of traditional judicial processes was a necessary and appropriate measure.

The necessity of this framework shift in the government's approach away from the wholly criminal justice enforcement framework for the gang threat has been borne out by the remarkable success of El Salvador's security strategy. On February 20<sup>th</sup>, 2025, the Trump Administration also reinforced and broadened this dynamic, designating MS-13 and 7 other armed groups as Foreign Terrorist Organizations.

### **Fragile Security?**

El Salvador's days of helplessly facing a massively destabilizing gang threat are not distant history. Indeed, since the state of exception was implemented, many foreign academics and critics of the Bukele government have repeatedly warned that El Salvador's security gains are precarious or illusory.

One Mexican academic recently told journalists that Bukele's "*peace is notoriously unstable.*"<sup>3</sup> And just last year, Foreign Affairs magazine declared that "*the Salvadoran state's apparent strength sits atop an extremely fragile foundation.*"<sup>4</sup> Given these dire warnings, it goes to reason that the government of El Salvador maintains emergency measures and high levels of vigilance against the possible resurgence of gang violence.

Of course, most of these assessments of El Salvador's new security environment themselves have dubious footing and are clearly painted by the political bias of the expert class. Notably, most of the loudest voices suggesting El Salvador's transformation is tenuous were the same experts who previously claimed that aggressive security operations like those of the Bukele government would only lead to widespread outbreak of violence.

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<sup>2</sup> *ibid*

<sup>3</sup> "'Trapped in This Hell': How One El Salvador Town Transformed under Bukele." *Al Jazeera*, 2 Feb. 2024, [www.aljazeera.com/news/2024/2/2/trapped-in-this-hell-how-one-el-salvador-town-transformed-under-bukele](http://www.aljazeera.com/news/2024/2/2/trapped-in-this-hell-how-one-el-salvador-town-transformed-under-bukele).

<sup>4</sup> Magaloni, Beatriz, and Alberto Díaz-Cayeros. "Does the Bukele Model Have a Future?" *Foreign Affairs*, 11 Sept. 2025, [www.foreignaffairs.com/salvador/does-bukele-model-have-future](http://www.foreignaffairs.com/salvador/does-bukele-model-have-future).

These doomsaying analysts have lost much of their credibility. However, we should recognize that there is nothing inherently permanent about the effects of Bukele's security measures. El Salvador's narco-terrorist threats were extraordinary, and, in many ways, they continue to threaten the country. It is not difficult to imagine, for example, how the wholesale or imperfect unwinding of the Bukele government's security measures could lead to a rapid resurgence of gang activity.

Major elements of El Salvador's narco-terrorist gangs remain highly active across the border in neighboring Central American countries and could easily accelerate the reestablishment of gang activity in El Salvador under the right conditions.

Indeed, El Salvador's neighbors continue to contend with these extraordinary narco-terrorist threats. Earlier this year in January, Guatemala faced a series of coordinated attacks against security targets by the Barrio 18 gang.<sup>5</sup> Notably, Guatemala's President Bernardo Arévalo is taking many steps that mirror El Salvador's approach, including suspending certain civil and judicial rights under a state of emergency, launching mass arrests, and building a major new prison for gang members.

### **Contextualizing El Salvador's Emergency Measures**

Of course, a security campaign and offensive against the gangs as massive as that of El Salvador's is not free of failings. For example, the Bukele government has acknowledged and released some 8,000 individuals from detention after determining their innocence. The emergency suspension of rights also raises important questions about their permanence and impact on judicial institutions.

However, too many seek to exaggerate the nature and scale of these concerns in El Salvador, removing them from the context of the country's violent narco-terrorist threats and the broader challenges of judicial institutional capacities and resource limitations which are far from unique in Latin America.

For example, El Salvador's Terrorism Confinement Center (CECOT) has been held out by critics as a uniquely harsh and inhumane prison. However, this claim does not survive basic scrutiny. Across the western hemisphere, prisons are dens of impunity, corruption, and violence where guards often lack basic control and effectively cede authority to prison gangs. Latin American

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<sup>5</sup> "Guatemala Begins Building Maximum Security Prison for Gang Members." *The Tico Times*, 27 Mar. 2026, [ticotimes.net/2026/03/28/guatemala-begins-building-maximum-security-prison-for-gang-members](https://ticotimes.net/2026/03/28/guatemala-begins-building-maximum-security-prison-for-gang-members).

prisons also suffer from severe overcrowding, with inmate populations reaching 150% of capacity on average, and many countries exceeding 200%.<sup>6</sup>

CECOT, by contrast, has a population under 50% of the prison's capacity. Guards also maintain effective control of CECOT, keeping it free of massacres and mass prison violence. Even human rights activists in El Salvador concede that CECOT offers far better conditions than other facilities.<sup>7</sup>

Those who lament that El Salvador has the highest incarceration rate in the world too often seem to forget that, until recently the country also had the highest homicide rate in the world.

### **Security and Increased Human Rights Guarantees**

At the same time, when discussing the human rights situation in El Salvador and alleged violations of international law, we must recognize that the primary violators of civil, political, and human rights have overwhelmingly been El Salvador's narco-terrorist gangs. Indeed, international organizations and experts have historically recognized this and often called on the government to take urgent action.

For example, in 2016, one United Nations human rights expert reported being "deeply shocked" at the forced recruitment of children as young as nine by gangs in El Salvador as well as the coercion of girls, adolescents and women into sexual activity with gang members.<sup>8</sup> The United Nations called these "*prima facie (...) violations of human rights law*" which "obligated" the government to "*take measures that eliminate these practices.*"

By any fair assessment, El Salvador's human rights guarantees have been dramatically strengthened by the government's offensive against the narco-terrorist gang threat. Prior to the government's crackdown on gang's, Salvadoran's were extorted for over \$750 million USD annually, roughly equivalent to 3% of the country's GDP. The victims of extortion included roughly half of El Salvador's small businesses and working-class Salvadorans like bus and cab drivers.<sup>9</sup>

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<sup>6</sup> "Latin America Is an Overcrowded Prison." *Vist Projects*, 10 July 2023, [vistprojects.com/en/latin-america-is-an-overcrowded-prison/](https://vistprojects.com/en/latin-america-is-an-overcrowded-prison/).

<sup>7</sup> "The Conditions Inside the Infamous El Salvador Prison Where Deported Migrants Are Held." *PBS NewsHour*, 8 Apr. 2025, [www.pbs.org/newshour/show/the-conditions-inside-the-infamous-el-salvador-prison-where-deported-migrants-are-held](https://www.pbs.org/newshour/show/the-conditions-inside-the-infamous-el-salvador-prison-where-deported-migrants-are-held).

<sup>8</sup> "Protect the Victims, Particularly Women and Children" – UN Expert on Contemporary Slavery Urges El Salvador." *Office of the United Nations High Commissioner for Human Rights (OHCHR)*, 28 Apr. 2016, [www.ohchr.org/en/press-releases/2016/04/protect-victims-particularly-women-and-children-un-expert-contemporary](https://www.ohchr.org/en/press-releases/2016/04/protect-victims-particularly-women-and-children-un-expert-contemporary).

<sup>9</sup> Ruiz, Pamela. *Gangs, Violence, and Extortion in Northern Central America*. Latin American and Caribbean Center, Florida International University, 28 Jan. 2022, [lacc.fiu.edu/research/the-street-gangs-in-central-america-research-initiative-scrain/gangs-violence-and-extortion-in-northern-central-america](https://lacc.fiu.edu/research/the-street-gangs-in-central-america-research-initiative-scrain/gangs-violence-and-extortion-in-northern-central-america).

Confronting the gangs in El Salvador led to a 54% reduction in extortion complaints in 2023 compared to before the state of exception.<sup>10</sup> Similarly, homicide rates fell a stunning 98% from 2015 to 2024, with the homicide going from the highest in the world in 2015 at 106 per 100,000 people to just 1.9 in 2024. Other forms of crime, including sexual assaults, robbery, and human trafficking that once plagued the people of El Salvador have also fallen dramatically following the government's security measures.

### **Fair Standards and Scrutiny**

Finally, I feel it is important to offer a note of caution as to the consequences of disproportionate criticism and double standards that target U.S. partners and allies in our hemisphere. For over a decade, I have had the opportunity to engage with current and former officials and political leaders across the Americas. Unfortunately, one of the common experiences for many Latin American officials is that cooperation and alignment with the United States often makes them disproportionately a target for U.S. criticism and even punitive measures.

This is the fourth hearing this Commission has convened to discuss alleged human rights abuses in El Salvador since President Bukele won election in 2019. Notably that first hearing took place before Bukele even took office.

Such perceived double standards from the U.S. not only give a pass to the world's worst human rights abusers, but they also discourage countries from partnering and aligning with the United States, thus undermining the security and welfare of the United States and often for those abroad as well.

Thank you very much for your time and attention.

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<sup>10</sup> *Country Policy and Information Note: Fear of Gangs, El Salvador*. Version 4.0, UK Home Office, 11 Dec. 2025, [www.gov.uk/government/publications/el-salvador-country-policy-and-information-notes/country-policy-and-information-note-fear-of-gangs-el-salvador-december-2025-accessible](https://www.gov.uk/government/publications/el-salvador-country-policy-and-information-notes/country-policy-and-information-note-fear-of-gangs-el-salvador-december-2025-accessible).

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