

El Salvador's State of Exception and U.S. Interests

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Salvadoran President Nayib Bukele (2019-present) has implemented tougher security policies in El Salvador since 2022 in response to gang violence. The security policy that has garnered the most attention from observers is the *state of exception*, in which Salvadoran security forces have cracked down on individuals suspected of being gang members or affiliates, resulting in mass detentions. While Bukele's government claims the state of exception has improved security in El Salvador by significantly reducing gang violence and homicides, some human rights advocates have reported abuses under the policy.

Some Members of the 118th Congress [acknowledged the effectiveness](#) of the Bukele government's security policies. Some Members [raised concerns](#) about possible associated human rights violations. Hearings on the effects of the state of exception were held in the 117th and 118th Congresses. Members of the 119th Congress may be interested in evaluating the Salvadoran government's security policies and their implications for U.S. interests.

(See also CRS Report R47083, *El Salvador: Background and U.S. Relations*.)

State of Exception

Since the 1990s, gangs with origins in Southern California have undermined citizen security in El Salvador through local drug distribution, extortion, money laundering, and weapons smuggling. Gang-related violence has [contributed](#) to [irregular migration](#) from the country. When negotiations between Bukele officials and gang leaders failed and a deadly [outbreak of violence occurred](#) in March 2022, Bukele [called](#) for a 30-day state of exception, which the Legislative Assembly approved. The security measure—which was most recently [extended](#) for the 35th time until March 6, 2025—[allows](#) Salvadoran security forces to arrest anyone suspected of belonging to or aiding gangs.

Under the state of exception, certain constitutionally protected civil liberties have been [suspended](#), including the rights to free association and assembly, due process, and access to legal counsel. Authorities [reportedly](#) have carried out mass arrests and lengthy detentions of suspects while presenting little or no evidence of criminal wrongdoing. From March 2022 through January 29, 2025, Salvadoran authorities [reported](#) that they detained 84,000 individuals allegedly associated with criminal groups. In November

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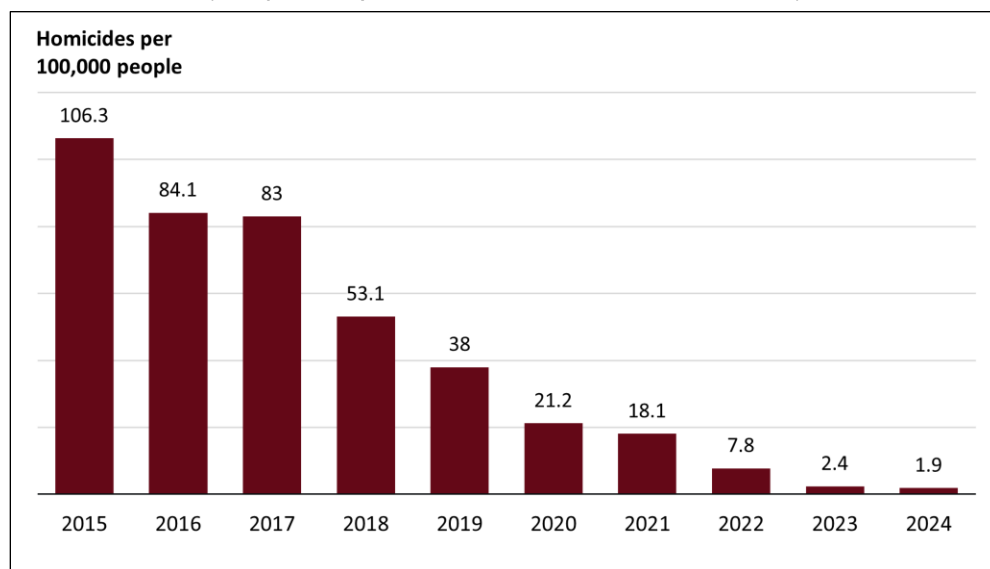
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2024, Bukele [stated](#) that 8,000 innocent individuals detained under the state of exception had been released.

Decrease in Homicides

Data from Salvadoran police authorities suggest the state of exception has contributed to a measurable reduction in homicides in the country. From 2015 through 2024, the homicide rate declined by more than [98%](#), according to Salvadoran security officials (see **Figure 1**). The Bukele government claimed its crackdown on gang activity reduced El Salvador's homicide rate to [1.9 homicides per 100,000](#) people in 2024, down from [53.1 per 100,000](#) in 2018, the year before Bukele took office.

Figure 1. Homicide Rates in El Salvador (2015-2024)
(as reported by the National Civil Police of El Salvador)



Source: Created by CRS, with data from Policía Nacional Civil de El Salvador.

Some analysts have argued that the Bukele government has not included police killings, prison deaths, or the discovery of remains as homicides in recent data collection. If these incidents were added to the government's reported homicides, these analysts noted, the 2023 homicide rate would be up to [47%](#) higher than the government's reported rate.

Reported Human Rights Violations

The state of exception has coincided with an increase in reported human rights violations and exacerbated [prison overcrowding](#). Human rights organizations have [documented](#) cases of torture, arbitrary detention, verbal and physical abuse, and the denial of inmates' access to food and/or medicine by security forces. One group reported that as of December 2024, more than [350 individuals](#) had died while in custody under the state of exception.

The Legislative Assembly has adopted several pieces of legislation under the state of exception that reportedly violate human rights. One law [lowered](#) the age of criminal responsibility for children accused of belonging to a gang from 16 to 12 years; another reportedly [allowed](#) for some mass trials of up to 900 individuals.

U.S. Policy and Congressional Actions

The Biden Administration [expressed](#) concerns about the state of exception's effects on human rights and [due process](#) in El Salvador. It also acknowledged a significant decrease in the rates of violent crimes and murders. In November 2024, the State Department [downgraded](#) its travel advisory to El Salvador due to decreased gang-related crime. In January 2025, President Trump [spoke](#) to President Bukele and discussed cooperation on immigration and combating transnational criminal organizations. In February 2025, Secretary of State Marco Rubio [met](#) with Bukele in El Salvador; Bukele reportedly [agreed](#) to accept deportees of any nationality from the United States [and offered](#) the United States the “opportunity to outsource part of its prison system” in exchange for a fee.

Members of Congress have sought to shape U.S. policy toward El Salvador through appropriations legislation, resolutions, and oversight. The Further Consolidated Appropriations Act, 2024 ([P.L. 118-47](#), Division F), prohibits Foreign Military Financing for El Salvador and requires the State Department to withhold 60% of Economic Support Fund and international security assistance for the Salvadoran government until the U.S. Secretary of State certifies that the Salvadoran government has met certain criteria (e.g., strengthening rule of law, protecting human rights).

In the 118th Congress, some Members in the [House](#) and the [Senate](#) raised concerns about reported human rights violations under the state of exception to the Secretary of State. During a December 2024 [hearing](#), one Member [remarked](#) that the state of exception is “not sustainable” and that under the policy “the list of rights abuses is extensive”; another Member [expressed](#) support for “a return out of the state of exception” while observing that life in El Salvador “was dramatically improved.” Some Members, who [formed](#) an El Salvador Caucus, considered Bukele’s policies to have made El Salvador a stable, reliable security partner for the United States.

Members of the 119th Congress could consider whether to address the Bukele government’s security policies through foreign aid provisions and conditions. Congress could continue to oversee bilateral relations with El Salvador and their implications for U.S. interests, including any Trump Administration efforts to cooperate with the Bukele government on issues including, for example, irregular migration, transnational crime, and [nuclear cooperation](#).

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