

World Report 2024



El Salvador

Events of 2023

People display pictures of their relatives detained during the state of emergency established by the government to curb gang violence, as they participate in a protest in San Salvador, El Salvador, September 15, 2023.

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President Nayib Bukele and his majority in the Legislative Assembly have systematically dismantled democratic checks and balances. In October, despite a constitutional prohibition on immediate re-election, Bukele registered as a candidate for the 2024 general elections. In November, the assembly granted Bukele a six-month leave of absence from the presidency and named Claudia Rodríguez, the current head of the National Directorate of Municipal Works, as his substitute.

A state of emergency adopted in March 2022 that suspended basic rights remains in force. Authorities have committed widespread human rights violations, including mass arbitrary detention, enforced disappearances, ill-treatment in detention, and due process violations.

The country's longstanding high levels of gang violence, including homicides and extortion, have significantly decreased in the past two years.

Human rights challenges include high levels of poverty and social exclusion, limited transparency and accountability, and violence against women and lesbian, gay, bisexual, and transgender (LGBT) people.

Security Measures

In March 2022, after a spike in gang violence, the Legislative Assembly adopted a 30-day state of emergency that suspended certain basic rights. The state of emergency has been extended 20 times and remained in force at time of writing.

The assembly also approved a series of measures to address gang violence that allow collective trials, let judges imprison children as young as 12, and dangerously expand the use of counterterrorism legislation and pretrial detention.

During the state of emergency, police and soldiers have conducted hundreds of indiscriminate raids, particularly in low-income neighborhoods, arresting over 73,000 people, including more than 1,600 children. Authorities reported that 7,000 people had been released from prison since the start of the state of emergency.

Many arrests appear to be based on the appearance or social background of detainees or on anonymous calls, and Salvadoran and international human rights groups have documented detentions of hundreds of people with no connections to gangs. Detainees include union and community leaders as well as environmental human rights defenders.

The arrests raised El Salvador's incarcerated population to about 104,000, which is roughly 30,000 more than prisons' capacity. Historically poor conditions in detention—overcrowding, violence, and inadequate access to basic services, including food and drinking water—deteriorated.

In February, the government began holding detainees in a new mega prison, known as the “Center of Confinement of Terrorism,” with a capacity of 40,000. Over 12,000 detainees were held there as of August.

At least 189 detainees have died in prison during the state of emergency, human rights groups reported in October. Attorney General Rodolfo Delgado said in June that all investigations into such deaths had been closed.

Gang Violence

Gang violence appears to have significantly decreased following the government's crackdown.

For decades, gangs exerted territorial control over areas throughout the country, committing homicides, forced recruitment of children, rapes and sexual assaults, abductions, extortion, and displacement. Official estimates place the number of gang members between 60,000 and 86,000.

The country's longstanding high homicide rate, which peaked at 105 per 100,000 people in 2015, has sharply diminished since 2019, reaching a historic low in 2022, according to official figures. Extortions have also decreased, authorities reported. However, the lack of transparency and reports of manipulation make it hard to determine the accuracy of government reports or to estimate the true extent of the decrease in violence.

Past administrations' responses to criminal violence have oscillated between obscure negotiations with gangs and iron-fisted security policies. Both have resulted in renewed cycles of violence and human rights violations.

Prior to the crackdown, the Bukele administration negotiated with the country's three largest gangs, the prestigious digital outlet *El Faro* reported, offering prison privileges and employment opportunities in exchange for lowering the homicide rate and for electoral support during 2021 elections. Collapsed government negotiations with the MS-13 gang sparked the wave of violence in March, *El Faro* reported.

The media also reported that in November 2021, a prominent MS-13 leader, Elmer Canales, known as “Crook,” was released from prison, where he was serving a 40-year sentence. He was reportedly escorted to Guatemala by a high-level government official. In November, Canales was detained by Mexican authorities and sent to the United States where he was placed in custody. In 2020, Canales, along with 13 other MS-13 members, had been indicted in the US on terrorism charges relating to his alleged involvement in organized crime in the US, Mexico, and El Salvador.

According to the media, at least three other MS-13 leaders have been released, but their whereabouts are unknown.

Economic, Social, and Cultural Rights

Persistent poverty—along with limited access to services and goods, such as housing, health care, education, and food—hinders the realization of economic, social, and cultural rights, especially for women, Indigenous communities, children, older people, LGBT people, and rural people.

Between 2021 and 2022, poverty decreased by 0.5 percent, affecting 29.8 percent of Salvadorans and extreme poverty rose by 0.3 percent, affecting 8.7 percent.

In 2022, working-age Salvadorans completed an average of 8.8 years of schooling, significantly lower than the Latin American average of 10.1. Additionally, 23.5 percent of Salvadorans aged 15-24 were neither employed nor in school in 2022.

Poverty and social exclusion contribute to children and young people joining gangs, increasing risks of violence at home and leading to high levels of migration.

Judicial Independence

In May 2021, the Legislative Assembly, with Bukele’s party holding a two-thirds majority, summarily removed and replaced the attorney general and all five judges of the Supreme Court’s Constitutional Chamber. The assembly appointed five additional supreme court judges, for a total of 10 of the 15, although each legislative session is only allowed to appoint 5.

In September 2021, legislators [passed laws](#) allowing the Supreme Court and the attorney general to dismiss judges and prosecutors who are over 60 years old and expanding their powers to transfer judges and prosecutors to new posts. The laws contradict international human rights standards on judicial independence and have been used to dismiss or transfer independent judges or prosecutors.

A 2021 ruling by the new Constitutional Chamber allowed President Bukele to run for re-election, departing from longstanding jurisprudence interpreting the constitution as forbidding immediate re-election.

Disappearances

For years, gangs and security forces have used disappearances to hide homicides and ensure impunity for abuses.

There is no single registry of missing people, and figures vary by institution. The Attorney General’s Office registered over 22,000 reports of missing people between 2014 and 2019. The National Civil Police registered over 12,000 reports during that period. The figures are higher than the estimated 8,000 to 10,000 disappeared during the 12-year civil war (between 1980 and 1992).

Transparency and Anti-Corruption

In August, the Legislative Assembly appointed Roxana Soriano as president of the Court of Accounts, which audits public finances. Soriano had run as a candidate for Congress for President's Bukele's party, Nuevas Ideas, in 2020, which prompted questions about her independence.

In January, the assembly passed a public procurement law that limits scrutiny of "strategic projects of public utility," as defined by a Council of Ministers. The law prevents oversight of public spending and increases opportunities for corruption.

At the time of his removal in May 2021, Attorney General Raúl Melara was investigating six government officials for corruption and irregular purchases related to the Covid-19 response. In January 2022, the Attorney General's Office raided prosecutors who were investigating allegations of corruption and officials' negotiations with gangs. At least four prosecutors fled the country, fearing persecution.

In June 2021, newly named Attorney General Rodolfo Delgado ended a cooperation agreement with the Organization of American States (OAS) to establish an International Commission against Impunity in El Salvador. The commission, which started operating in September 2019, said the government had hindered investigations into corruption involving government officials.

The Bukele administration has weakened the role of the Access to Public Information Agency, including by dismissing one of its members and reforming its regulations in ways that undermine its autonomy.

Freedoms of Expression and Association

The government has created a hostile environment for journalists and members of civil society and discredited their work, including by labeling them as "gang defenders."

The Association of Journalists of El Salvador (APES) reported 147 "press freedom violations" during 2022, including digital harassment, stigmatizing statements targeting journalists, and restrictions on journalists' work and access to public information. In July, APES reported that 17 journalists had fled the country fearing harassment and arbitrary arrest during the state of emergency.

In November, the assembly repealed a law that allowed criminal charges against people who reproduced messages allegedly produced by gangs.

In April, the online outlet *El Faro* announced that it was moving its staff and finances from El Salvador to Costa Rica due to intimidation and smear campaigns. In May, a judge released journalist Víctor Barahona, who was accused of the crime of "unlawful association" and had been detained for almost one year in the context of the state of emergency. He reported experiencing ill-treatment in detention.

In December 2022, El Salvador's Ministry of Economy revoked a permit that allowed Cristosal, a leading human rights organization, to be exempt from paying income tax for being a "public interest" nonprofit. Cristosal took the case to the courts, which have yet to rule.

Access to Abortion

El Salvador criminalizes abortion under all circumstances. Women and girls living in poverty are disproportionately affected. Women have been sentenced to up to 50 years in prison on related charges, including after miscarriages or obstetric emergencies.

In March 2023, the Inter-American Court of Human Rights held a hearing concerning the case of Beatriz, who was denied an abortion by El Salvador in 2013 despite her high-risk pregnancy. The ruling is still pending.

Disability Rights

El Salvador's legislative framework remains inconsistent with international disability rights law, restricting legal capacity of people with intellectual and psychosocial disabilities and lacking measures to improve physical and communications access. Criminal gangs have attacked children with disabilities with high levels of impunity. Bukele's strategy to combat gangs and criminality has disproportionately endangered the rights of people with disabilities to liberty and due process, including the provision of procedural accommodation.

Sexual Orientation and Gender Identity

LGBT people remain targets of homophobic and transphobic violence and discrimination by police, gangs, and the general public. In many cases, LGBT people flee, seeking safety abroad, often to the US.

In February 2022, the Supreme Court ordered the legislature to create a procedure for transgender people to change their names on identity documents to reflect their gender identity. Legislators failed to meet the one-year deadline given by the court and had not complied with the ruling at time of writing.

Key International Actors

For fiscal year 2023, the US provided over US\$100 million in bilateral aid to El Salvador, predominantly for strengthening governance and civil society as well as for emergency humanitarian assistance.

In December 2022, the US Department of Treasury sanctioned the presidential legal secretary and the minister of labor under the Global Magnitsky Act, which targets individuals who have engaged in serious rights abuses and corruption. In July 2023, the US Department of State released its *Corrupt and Undemocratic Actors Report*, which imposed sanctions on several former Salvadoran government officials, including two of the country's former presidents.

In October, US Assistant Secretary for Western Hemisphere Affairs, Brian Nichols, traveled to El Salvador and met with President Bukele. They discussed "El Salvador's support for the international mission in Haiti ... bilateral cooperation on rule of law, and mutual efforts to address irregular migration."

More than 122,000 Salvadorans were seeking asylum in other countries in 2022, mostly in the US.

In February, a US federal indictment of MS-13 gang members said that, as part of a negotiated truce, the Bukele administration had protected gang leaders by blocking their extradition and releasing one from prison before he had finished his sentence.

Various United Nations bodies and experts have expressed concern about abuses committed during the state of emergency. In May, three UN experts said the "prolonged state of emergency ... carries the risk of mass violations of the right to a fair trial." In September, the UN High Commissioner for Human Rights expressed concern about the "excessive duration of the current state of emergency, and mass detentions which have occurred in this context." The Salvadoran government has repeatedly abstained on UN General Assembly resolutions condemning Russia's invasion of Ukraine.

In July, a memorandum of understanding between the European Union and El Salvador established a political dialogue on areas of cooperation, including “prevention of violence.”

El Salvador announced it has been renegotiating a US\$1.3 billion loan with the International Monetary Fund (IMF). Negotiations stalled, seemingly due to El Salvador’s September 2021 adoption of bitcoin as a legal tender and concerns about the weakening of judicial independence and the reduction of transparency and accountability. The Inter-American Development Bank approved over US\$1.3 billion for El Salvador for 2021-2024. The Central American Bank for Economic Integration has 14 active loans to El Salvador, with funds approved for a total of over US\$1.6 billion, including some to government bodies involved in human rights violations, such as the Attorney General’s Office and the National Police.