



Reduction of Civic Spaces in Latin America: Brief on the Republic of Peru

A Discussion Paper by

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The CIVICUS platform conducts periodic tracking of civic space at the global level, assessing respect for freedoms of association and assembly for peaceful purposes and expression, both in the laws and practices of the state.¹ In this sense, at the end of July 2020, it concluded that the Republic of Peru represents an obstructed civic space.² This is the same rating given to the country in 2017, referencing that the space for civic participation is “profoundly challenged by those wielding power, who impose a combination of legal and de facto limitations on the enjoyment of fundamental rights.”³ Other countries in Latin America that share this classification for 2020 are Bolivia, Brazil, Paraguay, and Guatemala.⁴ In this brief, we refer to three inherent problems with obstructing civic space in Peru. In order of least to greatest severity they are the present weak incorporation of contributions from civil society in public policies, the exclusion of social groups, and the repression of citizen protests by police forces.

First, although there are formal spaces for the inclusion of civil society in the democratic development of public policies, the discussion that is held in those spaces often does not result in specific policies that incorporate proposals from civil society. This is because of the weak bureaucratic capacity of the Peruvian state and the lack of political willingness to prioritize certain themes.

An example of this issue is the relationship between the state and the organizations focused on integrating the immigrant population. The topic of immigration has taken on relevance in Peruvian society, since Peru is the second-largest recipient country of the Venezuelan population at the global level,⁵ with more than a million Venezuelans added to 32 million Peruvians. However, the space for participation by those organizations is still being reduced. The Intersectoral Roundtable for Immigration Management (*Mesa de Trabajo Intersectoral para la Gestión Migratoria*), under the

leadership of the Ministry of Foreign Affairs, joins representatives from several sectors of the state and of civil society. However, the ministry has not called a plenary session of the roundtable since the end of August 2020. The prior call for March was canceled because of the COVID-19 pandemic, and the calls often correspond to protocol-related topics, lacking specific content for immigration policy. Likewise, the impact of organizations is limited because the state lacks the capacity to effectively consider and incorporate its primary contributions.

The second problem which affects civic space in Peru is the idea of excluding the citizens, which still persists in the fragile Peruvian democracy. Some social groups in Peru have still not achieved effective recognition of their rights to civic participation, despite progress made in the formal recognition of these rights.⁶

Thus, for example, there is a long path ahead as far as the effective recognition of indigenous people's rights to participation. Extractive industries form an important part of the Peruvian economy, and in recent years conflicts have arisen in connection with the social opposition against mining investment.⁷ Specifically, one of these, Las Bambas, was included in the CIVICUS report for 2017 to highlight the repression of demonstrators by the state.⁸ Likewise, four environmental leaders were killed during the emergency period generated by the pandemic in the regions of Huánuco, Junín, Madre de Dios, and Amazonas. A journalistic investigation concluded that three of them had asked for guarantees to protect their lives, but they were not granted by the state, which offers a glimpse into the situation of defenselessness they find themselves in.⁹

Sexual orientation and gender are also motives for exclusion in the participation space in Peru. Despite the existence of two roundtables that join 20 organizations defending the rights of



the LGBTQ+ population, there is still “more active performance” lacking from the Ministry of Women and Vulnerable Populations to articulate the proposals of those organizations and transform them into specific measures.¹⁰ The organizations dedicated to promoting women’s sexual and reproductive rights are also facing challenges. Interviews held by members of CIVICUS with women leaders from DEMUS (Estudio para la Defensa de los Derechos de la Mujer, or Study for the Defense of Women’s Human Rights) and Catholics for the Right to Decide show that despite legal progress on women’s rights, these organizations find their work obstructed because of the powerful position of some Catholic and evangelical groups against the decriminalization of abortion and even their approach toward gender in public education.¹¹

Third, the most serious problem we identify is repression by police forces within the framework of citizen protests. Some examples gathered by CIVICUS are the protest against the Trans-Pacific Partnership Agreement in 2016, the strike of public school teachers in 2017, mobilizations against the pardon of former President Alberto Fujimori in 2018, and the national protests that followed the vacancy of former President Martín Vizcarra in 2020.¹²

In the framework of the November 2020 protests in Lima, the deaths of youths Jack Pintado Sánchez and Inti Sotelo Camargo, as well as the numerous cases of injuries, people detained without water or food, and the spread of images and videos proving the police violence generated national and international indignation. On November 18, approximately one week after the start of these mobilizations, the National Coordinator of Human Rights (Coordinadora Nacional de Derechos Humanos) issued a communiqué demanding that the transition government of President Francisco Sagasti conduct an “exhaustive and independent” investigation into these events, and give care and reparations to the affected individuals or their families.¹³ These recent social mobilizations have shown that there is a strong demand for a more institutionalized and inclusive democracy, which contrasts with the ideas of some political parties and groups in power that maintain an attitude of rejection and extreme suspicion toward the protests, even coming to identify any left-wing movement as a terrorist group.¹⁴

Recommendations

- Those representing state powers during the transition government and the candidates that will compete in the general elections in April 2021 should adopt an attitude of being open to dialogue. It is essential for citizens’ demands to be received adequately, guaranteeing the rights of free expression and peaceful protest.
- The state must guarantee effective access to rights to information, citizen participation, and justice in environmental matters, which is currently not happening. The failure to ratify the Escazú Agreement in October 2020 indicates a contradictory trend.

- The state should have sufficient organizational capacity not only to establish mechanisms for dialogue with civil society organizations but also to analyze their contributions and include whatever is deemed appropriate in the public policies.

Endnotes

- 1 CIVICUS, CIVICUS Monitor Methodology Paper, May 2018, <https://www.civicus.org/documents/civicus-monitor-methodology-paper.pdf>.
- 2 CIVICUS, Monitor Tracking Civic Space, World Map, Peru, 2020, <https://monitor.civicus.org/country/peru/>. The CIVICUS classification includes five categories: closed, repressed, obstructed, narrow, and open. CIVICUS, CIVICUS Monitor Methodology Paper, May 2018.
- 3 CIVICUS, *El espacio cívico en las Américas* [Civic space in the Americas], July 2017, https://www.civicus.org/documents/CIVICUSMonitor_CivicSpaceAmericas_Espanol.pdf.
- 4 CIVICUS, Monitor Tracking Civic Space, World Map, Peru, 2020.
- 5 Regarding figures for the Venezuelan population, see data from the R4V platform, <https://r4v.info/es/situations/platform>.
- 6 J. Ruiz, “Estado sin ciudadanos: la ciudadanía política en las Constituciones Políticas del Perú” [State without citizens: political citizenship in the Political Constitutions of Peru], *Pensamiento Constitucional* [Constitutional Thought] 10 (2004): 263–318; N. Valdivia; M. Benavides, and M. Torero, “Exclusión, identidad étnica y políticas de inclusión social en el Perú: el caso de la población indígena y la población afrodescendiente” [Exclusion, ethnic identity and social inclusion policies in Peru: the case of the indigenous and Afro-descendant populations], in *Investigación, políticas y desarrollo en el Perú* [Investigation, policies and development in Peru] GRADE, (Lima: GRADE, 2007), <http://biblioteca.clacso.edu.ar/Peru/grade/20100513031739/InvPolitDesarr-14.pdf>.
- 7 Observatorio de Conflictos Mineros de América Latina, “Conflictos Mineros en América Latina,” https://mapa.conflictosmineros.net/ocmal_db-v2/. This regional observatory, which contains detailed information about the social conflicts linked to mining in Latin America, shows that Peru has the third-most incidences of such conflicts after Mexico and Chile.
- 8 CIVICUS, *El espacio cívico en las Américas* [Civic space in the Americas], 12–13.



- ⁹ Ojo Público, “Protección tardía: tres líderes ambientales solicitaron garantías antes de ser asesinados” [Delayed protection: three environmental leaders seek guarantees before being killed], September 24, 2020, <https://ojo-publico.com/2133/tres-lideres-ambientales-pidieron-proteccion-antes-de-ser-asesinados>.
- ¹⁰ Defensoría del Pueblo, *A dos años del Informe Defensorial N° 175. Estado actual de los derechos de las personas LGBTI* [Two Years after Defense Report No. 175. Current status of LGBTI rights], Assistant Professorship Report No. 007-2018-DP/ADHPD, 2018, <https://www.defensoria.gob.pe/wp-content/uploads/2018/12/Informe-Defensorial-N%C2%B0-007-2018-DPADHPD-%E2%80%9CA-2-a%C3%B1os-del-Informe-Defensorial-N%C2%B0-175.-Estado-actual-de-los-derechos-de-las-personas-LGBTI%E2%80%9D.pdf>.
- ¹¹ CIVICUS, “Advocating for Women’s Sexual and Reproductive Rights in Peru, a Risky Fight against Powerful Enemies,” interview with María Ysabel Cedano, director of DEMUS. May 4, 2017, <https://www.civicus.org/index.php/media-resources/news/interviews/2833-advocating-for-women-s-sexual-and-reproductive-rights-in-peru-a-risky-fight-against-powerful-enemies>; CIVICUS, “PERU: ‘The Ultra-Conservative Tide Is Affecting Democratic Life and Fundamental Rights,’” <https://www.civicus.org/index.php/media-resources/news/interviews/3952-peru-the-ultra-conservative-tide-is-affecting-democratic-life-and-fundamental-rights>.
- ¹² CIVICUS, Monitor Tracking Civic Space, World Map, Peru, 2020.
- ¹³ Coordinadora Nacional de Derechos Humanos, “Verdad y justicia para la Generación del Bicentenario y para todo el país” [Truth and Justice for the Bicentennial Generation and the entire country], November 18, 2020, <https://derechoshumanos.pe/2020/11/verdad-y-justicia-para-la-generacion-del-bicentenario-y-para-todo-el-pais/>.
- ¹⁴ See, for example, the declarations of Popular Force Congresswoman Martha Chávez about the demonstrators at the November 2020 marches in La Republica, “Martha Chávez llama terroristas a manifestantes en contra del Gobierno de facto de Merino” [Martha Chávez calls demonstrators against the de facto Merino Government “terrorists”], November 15, 2020, <https://larepublica.pe/politica/2020/11/15/martha-chavez-llama-terroristas-a-manifestantes-en-contra-del-gobierno-de-facto-de-merino/>.



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