

## PRESS RELEASE – THE OBSERVATORY

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### **PERU: Human rights defenders stigmatised, criminalised and repressed**

#### *Preliminary findings of international fact-finding mission*

**Geneva-Paris, 26 June 2018 – Human rights defenders and social protestors in Peru face daily stigmatisation, criminalisation, punishment and repression. The Observatory for the Protection of Human Rights Defenders (OMCT-FIDH) which has carried out a fact-finding mission to the country, denounces a complete lack of protection from the authorities.**

The situation of human rights defenders in Peru is not well known among the international community despite the enormous difficulties faced by those who defend human rights in the country. According to figures from the National Human Rights Coordination Group (*Coordinadora Nacional de Derechos Humanos*), 119 defenders have been killed since 2011, and in 2017 more than 800 defenders faced criminal proceedings.

During its international fact-finding mission, the Observatory identified five main causes for defenders' vulnerability.

Firstly, the Observatory highlights the considerable stigmatisation of people and organisations that defend human rights, by both the media and public authorities and officials. The constant references to human rights defenders as agitators and to human rights organisations as defenders of terrorists creates an environment that facilitates attacks against them.

Secondly, a series of constitutional and legal modifications have been made in Peru over the last few years that have reduced guarantees for citizens and, in particular, have created a punitive legal framework for the defence of human rights. The types of crimes generally used against defenders have been modified and now have excessively broad definitions that lack the principle of legality. Another alarming aspect in the transformation of the Peruvian justice system is the creation of a system that enables "preventive complaints" to be filed with the Prosecutor's Office for the Prevention of Crime. The Observatory has documented the way in which this system has been used in a number of cases to intimidate people who plan to exercise their right to social protest, as they have been reported in advance for possible crimes that they could commit during protests, including extortion, kidnapping and damage to property. Although these criminal proceedings do not come to fruition, they are like swords of Damocles hanging over the heads of people who wish to exercise the right to protest.

Thirdly, the criminalisation of human rights defence work is particularly worrying. In Peru, this affects different kinds of defenders, including journalists, trade unionists, defenders of victims of the internal armed conflict and communities defending land and territory. Community leaders, indigenous defenders and peasant patrols (*ronderos*) are particularly affected by this criminalisation due to the use of criminal offences against them including extortion and kidnapping. In addition, there are concerns about the trend in using the crime of defamation against human rights defenders.

Fourthly, the mission has been able to confirm that the role of the security forces does not comply with international human rights standards, particularly in the mining region in the south of the country and in other conflictive areas. The mission has identified shortcomings in the structure of the security forces, their bias in favour of business groups as a result of agreements between companies and the police, as well as their tendency to use excessive force to suppress protest, as seen, for example, in regions like Espinar and Chumbivilcas in the Department of Cusco, and against the small-scale farming movement, the women's movement and the LGBTI movement. Finally, the fact that a State of Emergency has been

called preventively is cause for alarm and was one of the central issues addressed in meetings with the different Peruvian authorities. The Observatory welcomes the recent decision not to expand the state of emergency in the mining region but calls for clarification over which authorities were responsible for the previous declarations, and for guarantees of non-repetition.

Finally, the Observatory expresses concern about the alarming lack of action on the part of the Peruvian authorities to establish guarantees for the defence of human rights and to make progress in fighting against impunity in cases of attacks against human rights defenders. It is important to highlight the fact that Peru has no state protection mechanism or public policy on human rights defenders, despite the fact that a number of States in the region are making progress in this regard.

### **Context:**

The Observatory carried out an international fact-finding mission to evaluate the situation of people and organisations that defend human rights in the Republic of Peru. The mission was held between the 4 and 9 June in the Departments of Lima and Cusco, with the support of the National Human Rights Coordination Group (*Coordinadora Nacional de Derechos Humanos - CNDDHH*) and Human Rights without Borders (*Derechos Humanos Sin Fronteras - DHSF*).

The delegation was composed of Claudia Virginia Samayoa (from Guatemala, President of UDEFEGUA and member of the OMCT's Executive Board) and Miguel Martín Zumalacárregui (from Spain, Director of the OMCT's Brussels Office and OMCT's Human Rights Advisor for the Observatory). The mission was also accompanied by Jorge Bracamonte, Executive Secretary of the CNDDHH.

In the next few months the Observatory will publish a report detailing its findings and specific recommendations on the situation of human rights defenders in Peru.

*The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by OMCT and FIDH. The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.*

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