



Republic of Peru

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**Submission by CIVICUS: World Alliance for Citizen Participation,
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And
Asociación Pro Derechos Humanos (APRODEH)**

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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 Asociación Pro Derechos Humanos (APRODEH) is a Peruvian CSO committed to the defence and promotion of human rights. Its mission is to contribute to legal and political processes conducive to guaranteeing the enjoyment of all rights, prioritising links with vulnerable and excluded groups.
- 1.3 In this submission, the authors examine the Government of Peru's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Peru's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2017. We assess Peru's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3rd UPR cycle, Peru received 18 recommendations relating to the space for civil society (civic space). Of these recommendations, 17 were accepted and one was noted. An evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the Government of Peru has partially implemented seven recommendations relating to civic space and not implemented six. While the government has implemented five recommendations, making significant strides in adopting policy measures to protect HRDs, the mechanisms implemented have been largely ineffective in promoting a safe and enabling environment for civil society and HRDs in practice.
- 1.5 We are deeply concerned by pervasive violence against HRDs, civil society groups and protesters, who continue to face attacks, harassment, stigmatisation and killings. Despite the newly adopted protection mechanisms, state and non-state actors perpetrating abuses have been able to escalate attacks with impunity.
- 1.6 We are further alarmed by the judicial harassment against journalists and gradual reduction of the space for a free and independent press.
- 1.7 As a result of these issues, civic space in Peru is currently classified as obstructed by the CIVICUS Monitor, indicating that civic space is constantly undermined.¹
 - Section 2 of this submission examines Peru's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
 - Section 3 examines the protection of HRDs, civil society activists and journalists.

¹ CIVICUS Monitor: Peru, <https://monitor.civicus.org/country/peru>.

- Section 4 examines the freedom of expression.
- Section 5 examines the freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised.
- An annex on the implementation of 3rd cycle UPR recommendations related to civic space is in Section 7.

2. Freedom of association

- 2.1** During Peru's examination under the 3rd UPR cycle, the government received three recommendations on the freedom of association and creating an enabling environment for CSOs. The government committed to 'take measures to foster a safe, respectful, enabling space for civil society, including through removing legal and policy measures unwarrantedly limiting the rights to freedom of expression and association'.² The government accepted two recommendations and noted one. As evidenced below, the government has failed to take adequate measures to realise these. Only one recommendation was partially implemented and two were not implemented.
- 2.2** Article 2, clause 13 of the Peruvian Constitution guarantees the right to the freedom of association. The Constitution ensures the right to establish foundations and other forms of not-for-profit legal organisations without prior authorisation and protects organisations against administrative dissolution. Article 28 of the Peruvian Constitution recognises 'the right of workers to join trade unions, to engage in collective bargaining, and to strike'.³ Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Peru is a state party, also guarantees the freedom of association.
- 2.3** CSOs in Peru are chiefly regulated by the 1984 Civil Code, which establishes fundamental norms for the creation, maintenance and dissolution of legal entities.⁴ The code does not detail registration procedures for organisations, leaving public registries in each jurisdiction to exercise discretion. Additional regulations concerning civil society groups are spread across several other legal instruments, including the Law of Technical Cooperation, the Law for the Creation of the Peruvian Agency for International Cooperation, the Income Tax and the Income Tax Exemption laws and norms concerning the Registry of Legal Entities and the prevention of money laundering and terrorist financing.⁵

² Paragraph 111.176, 'Report of the Working Group on the Universal Periodic Review : Peru' (A/HRC/37/8/), 27 December 2017, <https://digitallibrary.un.org/record/1466816?ln=en>.

³ Political Constitution of Peru, 1993 (amended 2021), https://www.constituteproject.org/constitution/Peru_2021?lang=en.

⁴ Civil Code, 1984, https://www.icnl.org/wp-content/uploads/Peru_civil.pdf.

⁵ Civic Freedom Monitor: Peru, International Center for Not-for-Profit Law, <https://www.icnl.org/resources/civic-freedom-monitor/peru>.

- 2.4** CSOs that receive international funding from state agencies are obliged to register with the Peruvian Agency for International Cooperation. Other organisations that manage international cooperation without state involvement, but receive benefits, tax exemptions or any other state resources domestically, must also register. According to the International Center for Not-for-Profit Law, these groups must provide extensive reporting about planned activities, sources of funding and other financial details.⁶
- 2.5** CSOs and activists dedicated to human rights face harassment and attacks in the context of increasing mobilisation by anti-rights groups. CSOs defending sexual and reproductive health, LGBTQI+ rights and gender equality are frequently targeted and discriminated against. They are subjected to social media smear campaigns, intimidation and legal action. Their members are sometimes threatened with sexual violence and stigmatised as ‘feminazi terrorists’, ‘promoters of gender ideology’ and a ‘threat to traditional family values’.⁷
- 2.6** Feminist organisation Catholics for the Right to Choose – Peru spent almost three years battling a complaint that sought the cancellation of its legal status.⁸ The case was filed in 2019 by an organisation linked to anti-rights collective Con Mis Hijos No Te Metas (Don’t Mess With My Children) using the argument that the feminist group had used the term ‘catholic’ in bad faith.⁹ The case was dismissed in May 2022.¹⁰
- 2.7** According to the International Trade Union Confederation (ITUC), workers’ rights are systematically violated. Among the legal restrictions, workers in small- and medium-sized enterprises are effectively prevented from forming unions, and the law governing workers in public administration restricts the scope for collective bargaining, excluding pay-related issues.¹¹ Under the Collective Labour Relations Act, the Ministry of Labour has the power to end a strike if it poses a serious risk to the

⁶ Ibid.

⁷ ‘End of mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders Visit to Peru, 21 January – 3 February 2020’, Office of the High Commissioner for Human Rights, 3 February 2020, <https://www.ohchr.org/en/statements/2020/01/end-mission-statement-michel-forst- united-nations-special-rapporteur-situation?LangID=E&NewsID=25507>.

⁸ ‘State of Civil Society Report 2019 - Part 3: Challenging exclusion and claiming rights’, CIVICUS, 2020, https://www.civicus.org/documents/reports-and-publications/SOCS/2020/SOCS2020_Exclusion_en.pdf.

⁹ ‘Organizaciones civiles rechazan demanda contra ‘Católicas por el Derecho a Decidir’ (RPP),’ Instituto de Defensa Legal, 17 June 2019, <https://www.idl.org.pe/organizaciones-civiles-rechazan-demanda-contra-caticas-por-el-derecho-a-decidir-rpp>.

¹⁰ ‘Poder Judicial declara infundada demanda que buscaba anular personería jurídica de CDD-Perú’, Católicas por el Derecho a Decidir – Perú, 26 May 2022, <http://cddperu.org/es/informacion/nota-de-prensa/poder-judicial-declara-infundada-demanda-que-buscaba-anular-personeria>.

¹¹ Global Rights Index: 2021, ITUC, <https://www.globalrightsindex.org/en/2021/countries/per>.

enterprise or the productive sector or if it could have serious consequences due to its size.¹²

- 2.8** Union leaders and members are also targeted by harassment, attacks and even killings. Jerson Henry Noé Suárez, a leader of the Union of Civil Construction Workers in Sullana, was shot and killed at his workplace by hired gunmen. Two leaders of the Federation of Civil Construction Workers of Peru were killed between 2017 and 2020.¹³
- 2.9** Union members also face retaliation in the form of unfair dismissals. During the COVID-19 pandemic, 22 warehouse workers were dismissed by their employer after requesting health and safety protections. In a separate case, a union leader was dismissed with a letter accusing him of damaging the image of his employer by pointing out the lack of health and safety measures provided against COVID-19.¹⁴

3. Harassment, intimidation and attacks against HRDs, civil society activists and journalists

- 3.1** Under Peru's previous UPR examination, the government received 11 recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to 'implement the necessary measures to promote the rights of human rights defenders' and to 'introduce a comprehensive public policy recognising the role of human rights defenders, providing mechanisms for their effective protection'.¹⁵ All recommendations were accepted. Peru has made some advances in implementing these, particularly from a policy and legislative standpoint. Five recommendations were implemented and five were partially implemented. One recommendation was not implemented.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. In 2018, Peru also signed the Escazú Agreement, which contains specific provisions on the protection of environmental defenders and access to justice.¹⁶ However, in October 2020 the Foreign Relations Commission of Congress shelved a proposal to ratify it,

¹² Collective Labour Relations Act, Decreto Supremo N° 010-2003-TR, [https://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/D8566D4EE46B526705257E2900588158/\\$FILE/1_DECRETO_SUPREMO_010_05_10_2003.pdf](https://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/D8566D4EE46B526705257E2900588158/$FILE/1_DECRETO_SUPREMO_010_05_10_2003.pdf).

¹³ 'Socavando Derechos', International Federation for Human Rights (FIDH), World Organisation Against Torture (OMCT) and National Human Rights Coordinator (CNDDHH), February 2021, <https://www.fidh.org/IMG/pdf/obs-peru-socavandoderechos-esp-250221-vf.pdf>.

¹⁴ ITUC, op cit.

¹⁵ Paragraphs 111.71 and 111.70, 'Report of the Working Group on the Universal Periodic Review : Peru' (A/HRC/37/8/), 27 December 2017, <https://digitallibrary.un.org/record/1466816?ln=en>.

¹⁶ Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, <https://observatoriop10.cepal.org/en/treaties/regional-agreement-access-information-public-participation-and-justice-environmental>.

arguing that Peru already had regulation on several of the issues covered by the Agreement.¹⁷

3.3 The 2018-2021 National Plan on Human Rights included HRDs among the groups in need of special protection. In this instrument, the Peruvian government set an objective to ‘guarantee the safe and equal exercise of the work of human rights defenders’ and established a goal to create a mechanism for their protection by 2021.¹⁸ In the following years, several policy measures were taken toward this goal, including the creation of the first official register of complaints of attacks, and of guidelines for the Ombudsperson’s Office action in cases regarding HRDs.¹⁹ In April 2019, the Ministry of Justice and Human Rights approved a Protocol to guarantee the protection of HRDs.²⁰ This Protocol was replaced in April 2021 by the creation of a Intersectoral Mechanism for the Protection of Human Rights Defenders.²¹ The Mechanism is tasked with the implementation of measures to protect HRDs in high-risk situations, to prevent hostility against them and to promote the recognition of their work. In 2021, Peru adopted a National Action Plan on Business and Human Rights 2021-2025, which takes into account international guidelines in promoting protection and respect for human rights in business activities.²²

3.4 While these are crucial positive steps toward the promotion of an enabling environment for HRDs, their implementation has been impaired by practical challenges such as the lack of staff and resources. Local activists report that the newly established Intersectoral Mechanism is ineffective and understaffed. For instance, it has been unable to meet deadlines established for responding to urgent cases.²³ More effort is needed to disseminate information on the mechanism and provide access for

¹⁷ ‘Upheaval in Peru as president removed’, CIVICUS Monitor, 19 November 2020, <https://monitor.civicus.org/updates/2020/11/19/upheaval-peru-president-removed>.

¹⁸ Plan Nacional de Derechos Humanos 2018-2021, <https://cdn.www.gob.pe/uploads/document/file/1539318/PLAN-NACIONAL-2018-2021.pdf.pdf>.

¹⁹ ‘Peru legislation enables disproportionate use of force by police’, CIVICUS Monitor, 22 July 2020, <https://monitor.civicus.org/updates/2020/07/22/peru-legislation-enables-disproportionate-use-force-police>.

²⁰ ‘MINJUSDH aprueba Protocolo para garantizar la protección de personas defensoras de derechos humanos’, Ministerio de Justicia y Derechos Humanos, 25 April 2019, <https://www.gob.pe/institucion/minjus/noticias/27931-minjusdh-aprueba-protocolo-para-garantizar-la-proteccion-de-personas-defensoras-de-derechos-humanos>.

²¹ Decreto Supremo que crea el Mecanismo intersectorial para la protección de las personas defensoras de derechos humanos (No. 004-2021-JUS), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-crea-el-mecanismo-intersectorial-para-la-decreto-supremo-n-004-2021-jus-1946184-4>; Decreto Supremo que modifica el Decreto Supremo N° 004-2021-JUS (N° 002-2022-jus), <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-modifica-el-decreto-supremo-n-004-2021-decreto-supremo-n-002-2022-jus-2058369-1/>.

²² National Action Plan On Business And Human Rights 2021-2025, <https://cdn.www.gob.pe/uploads/document/file/2467575/National%20Action%20Plan%20on%20Business%20and%20Human%20Rights%202021-2025.pdf>.

²³ ‘Balance de la política de protección de personas defensoras en Perú 2021’, CNDDHH, March 2021, <https://drive.google.com/file/d/1Qf6mzmNy4avWn2OXo67-okrIcuHCL6iy/view>.

those who need it, as well as to promote coordination among relevant authorities and a culturally-sensitive approach to cases involving Indigenous defenders.²⁴

- 3.5** There is a recurring pattern of misuse of criminal legislation against HRDs by state institutions and non-state actors. Peru's laws adopt excessively broad definitions for criminal offences, which enable their use against HRDs as well as journalists.²⁵ Under the Penal Code and the Law of Organised Crime, typical charges used to criminalise defenders include 'rioting', 'obstruction of the functioning of public services', 'aggravated damages', 'violence and resistance to authority', 'extortion', 'kidnapping', 'usurpation' and 'criminal association to commit a crime'.²⁶ As registered by the National Human Rights Coordinator (CNDDHH), between 2002 and 2021 over 960 HRDs were criminalised in Peru.²⁷
- 3.6** Indigenous leaders, land and environmental defenders are among those most frequently targeted by prosecutions on trumped-up charges. One emblematic case is that of César Estrada Chuquilín, an Indigenous communicator and rights defender with the Network of Indigenous Communicators of Peru, who was sentenced to 10 years in prison for alleged 'extortion'. The accusation related to the retention of a contractor's pick-up truck in an incident where Estrada Chuquilín was not present. In his work, he had denounced forced evictions, violence and environmental damage linked to a mining megaproject Conga in the Cajamarca region. The criminal proceedings against him were marked by due process violations and harassment against his family members. In March 2021, his appeal was dismissed by the Supreme Court and his sentence was confirmed.²⁸
- 3.7** Even when they do not lead to convictions, criminal investigations and proceedings are used to stigmatise and discredit the work of HRDs, and to intimidate them. Members of the campesino community of Muchik Santa Catalina de Chongoyape and the Save Chaparrí Defence Front group, which defend the conservation of the Chaparrí ecological reserve, were targeted by a smear campaign in local media after being accused of 'environmental damage' by the police in February 2021.²⁹ At least 30 community members were threatened with arrest during a police raid to investigate alleged environmental crimes and the community president was threatened with

²⁴ 'Los retos para proteger a los defensores de derechos humanos en el Perú', OjoPúblico, 1 May 2022, <https://ojo-publico.com/3459/los-retos-para-proteger-defensores-de-derechos-humanos-en-el-peru>.

²⁵ 'Peru: Human rights defenders stigmatised, criminalised and repressed', Observatory for the Protection of Human Rights Defenders, FIDH and OMCT, 26 June 2018, <https://www.fidh.org/en/issues/human-rights-defenders/peru-human-rights-defenders-stigmatised-criminalised-and-repressed>.

²⁶ Office of the High Commissioner for Human Rights (OHCHR), 3 February 2020, op. cit.

²⁷ FIDH, OMCT and CNDDHH, February 2021, op. cit.

²⁸ 'Uso indebido del derecho penal en contra personas defensoras del medio ambiente en Peru', UN Special Rapporteur on Human Rights Defenders, 13 July 2021, <https://srdefenders.org/uso-indebido-del-derecho-penal-en-contra-personas-defensoras-del-medio-ambiente-en-peru-comunicacion-conjunta>.

²⁹ 'Criminalization against environmental defenders in Peru', Front Line Defenders, 5 March 2021, <https://www.frontlinedefenders.org/en/case/criminalization-against-environmental-defenders-peru-0#case-update-id-13401>.

legal action.³⁰ A spokesperson for the Save Chaparrí Defence Front told Indigenous media outlet Wayka that since 2018, seven environmental defenders in the Lambayeque region have been prosecuted on similar accusations.³¹

- 3.8** Despite the policy advances of the recent years, the environment for HRDs continues to be marked by violence, with dozens of cases of intimidation, harassment, stigmatisation, physical attacks and murders. According to Front Line Defenders, 17 HRDs were killed in Peru between 2018 and 2021.³² Government inaction in the face of multiple attacks has allowed perpetrators to escalate violence with impunity.
- 3.9** In one example, defenders of the Tambopata National Reserve in Madre de Dios have faced threats and attacks by land grabbers and criminal groups since the construction of the Interoceánica roadway in 2012. On 11 September 2020, defender Roberto Carlos Pacheco was found dead, less than six months after warning authorities that his life was in danger.³³ His father Demetrio Pacheco, also an environmental defender, has continued to denounce threats against HRDs and the complicity of the authorities in deforestation and criminal activities taking place in the region.³⁴
- 3.10** The case of Roberto Pacheco reflects a wider pattern of repeated attacks against land and environmental rights defenders. As reported by Global Witness, nine land and environmental defenders were killed in Peru between 2018 and 2020.³⁵ Six of these killings happened in 2020, most of them amid the COVID-19 pandemic.³⁶ Those from Indigenous and ethnic communities are most at risk, in particular in the context of decades-long struggles for recognition of their right to their ancestral territories, drawn out land-titling processes and lack of compliance with their rights to free, prior and informed consent.³⁷

³⁰ 'Peru: Environmental rights defenders and their communities subjected to continued harassment', Front Line Defenders, 4 March 2021, https://www.frontlinedefenders.org/sites/default/files/peru_-_ua_-_chapparri_-_4_march_2021_eng.pdf.

³¹ 'Reserva de Chaparrí: Denuncian abuso de autoridad en operativo policial contra defensor ambiental', Wayka, 19 January 2021, <https://wayka.pe/reserva-de-chapparri-denuncian-abuso-de-autoridad-en-operativo-policial-contr-defensor-ambiental>.

³² 'Global Analysis 2018 – 2021', Front Line Defenders, <https://www.frontlinedefenders.org/en/global-analysis>.

³³ CNDDHH, Twitter, 13 September 2020, https://twitter.com/cnddhh/status/1305175613829980160?s=20&t=jTQQ-B40eHkNIT_ezeTUQ.

³⁴ 'Defensores ambientales sin protección', La Mula, 5 June 2022, <https://redaccion.lamula.pe/2022/06/05/defensores-ambientales-sin-proteccion/redaccionmulera>.

³⁵ 'In numbers: Lethal attacks against defenders since 2012', Global Witness, 2021, <https://www.globalwitness.org/en/campaigns/environmental-activists/numbers-lethal-attacks-against-defenders-2012>.

³⁶ CIVICUS Monitor, 19 November 2020, op cit.

³⁷ 'Defending indigenous communities from the deadly effects of corruption', Transparency International, 2 October 2020, <https://www.transparency.org/en/blog/defending-indigenous-communities-from-the-deadly-effects-of-corruption>.

- 3.11** In recent years, there have been multiple cases of extreme anti-rights groups harassing and attacking HRDs, human rights organisations and journalists.³⁸ On 21 September 2021, members of far-right collective La Resistencia physically assaulted victims of forced sterilisation who were holding a peaceful demonstration in front of the Supreme Court during the trial of former President Alberto Fujimori for these human rights violations.³⁹
- 3.12** Members of anti-rights groups have repeatedly adopted intimidatory practices such as surrounding the offices of organisations, harassing and attacking people entering and leaving the premises. The Legal Defence Institute has been a constant target of these attacks. In March 2022, APRODEH and CNDDHH filed a complaint against these groups, outlining their operation and showing the links between them.⁴⁰ On 21 April 2022, anti-rights groups stationed themselves outside the offices of APRODEH to intimidate staff.⁴¹ Despite the consistency of these practices, and the threats by these groups of escalating attacks using firearms, little has been done by the authorities to dismantle them and bring perpetrators to justice.
- 3.13** Journalists are targets of harassment and attacks for similar reasons as HRDs, including for exposing human rights abuses, denouncing corruption and public mismanagement, and covering conflict and protests. These attacks saw a significant jump in 2020 amid the COVID-19 pandemic and mass protests that followed the ousting of President Martín Vizcarra in November 2020. Voces del Sur registered alerts for 34 attacks and seven cases of stigmatisation of journalists during 2020.⁴²
- 3.14** This trend continued in 2021 in the context of highly polarised presidential elections. The National Association of Journalists of Peru (ANP) registered 206 attacks on journalists in 2021. At least 71 referred to incidents between 11 April and 6 June when the electoral campaign, voting and confirmation of results were underway. This included harassment, threats, stigmatisation, cyberattacks and physical and verbal attacks.⁴³

³⁸ Known anti-rights groups include La Resistencia, Los Patriotas, Los Combatientes, La Insurgencia and Movimiento anticomunista.

³⁹ 'Repudiamos Cobarde Ataque De Fujimoristas De La Resistencia', Asociación de Mujeres Peruanas Afectadas por las Esterilizaciones Forzadas, 29 September 2021, <https://www.facebook.com/ampaef/photos/6417086471664603>.

⁴⁰ 'Organizaciones de Derechos Humanos presentan denuncia penal contra violentos colectivos ultraderechistas', APRODEH, March 2022, <https://www.aprodeh.org.pe/organizaciones-de-derechos-humanos-presentan-denuncia-penal-contra-violentos-colectivos-ultraderechistas>.

⁴¹ '#Denuncia', APRODEH, 21 April 2022, <https://www.facebook.com/aprodeh/posts/10159853238622485>.

⁴² 'Shadow Report On The Implementation Of The United Nations Sustainable Development Goal Indicator 16.10.1 In Latin America In The Year 2020', Voces del Sur, February 2021, <http://www.vocesdelsurunidas.org/wp-content/uploads/2021/07/Reporte-Sombra-2020-1-1.pdf>.

⁴³ 'The Special Rapporteur For Freedom Of Expression Of The IACHR presents his preliminary observations and recommendations following his first visit to Peru', Inter-American Commission on Human Rights (IACHR), 2 June 2022, https://drive.google.com/file/d/1Vji_alPvcErRJmoP_B5J7QjMnLuv6RrW/view.

3.15 Members of the press have also been frequently targeted by extremist groups. In October 2021, members of La Resistencia assaulted a press team from Radio Exitosa when they were driving in Lima and threatened journalist René Gastelumendi as he was covering a book launch by former President Francisco Sagasti.⁴⁴

4. Freedom of expression, media freedom and access to information

4.1 Under the 3rd UPR cycle, the government received one recommendation relating to the freedom of expression, media freedom and access to information. Peru accepted the recommendation to ‘ensure the guarantee of freedom of expression and opinion’.⁴⁵ However, no significant measures were taken to improve the environment for the press, leaving this recommendation unimplemented.

4.2 ICCPR article 19 guarantees the right to the freedoms of expression and opinion. Article 2, clause 4 of the Constitution also guarantees the freedom of expression.⁴⁶ However, despite these legislative protections, the exercise of this right is undermined by practices such as judicial harassment, intimidation and attacks on the press.

4.3 Articles 130 to 138 in Peru’s Penal Code typify and establish sanctions for defamation, libel and slander. Defamation committed ‘by means of a book, the press or other means of social communication’ is punishable with prison sentences of one to three years and fines (article 132).⁴⁷ In the past four years, there were attempts to harden criminal defamation laws, but these initiatives stalled in Congress. In one example, Bill 4275/2018-CR introduced in May 2019 proposed modifying article 132 to increase penalties and include defamation over social media among the offences carrying higher sanctions.⁴⁸ The initiative was withdrawn in September 2019.⁴⁹

4.4 Lawsuits for ‘crimes against honour’ are frequently used to criminalise and judicially harass journalists, media outlets and publishers. Often these accusations are used to intimidate and drain resources of those exposing corruption, investigating human rights violations and expressing criticism of powerholders.⁵⁰ Convictions are not common but do take place.

⁴⁴ ‘Communities impacted by mining and oil extraction lead wave of protests in Peru’, CIVICUS Monitor, 2 February 2021, <https://monitor.civicus.org/updates/2021/12/02/communities-impacted-mining-and-oil-extraction-lead-wave-protests-peru>.

⁴⁵ Paragraph 111.65, ‘Report of the Working Group on the Universal Periodic Review : Peru’ (A/HRC/37/8/), 27 December 2017, <https://digitallibrary.un.org/record/1466816?ln=en>.

⁴⁶ Political Constitution of Peru, 1993 (amended 2021), op. cit.

⁴⁷ Penal Code (Legislative Decree No 635), <https://diariooficial.elperuano.pe/pdf/0034/codigo-penal-29.07.2020.pdf>.

⁴⁸ Bill 4275/2018-CR: Law Regulating the Improper Use of Social Media, https://static.legis.pe/wp-content/uploads/2019/05/PL-04275-20190503_Legis.pe_.pdf.

⁴⁹ Bills 2016 – 2021, Congress of Peru, <https://www.congreso.gob.pe/pley-2016-2021>.

⁵⁰ Voces del Sur, February 2021, op. cit.

- 4.5** On 10 January 2022, a criminal court in Lima found journalist Christopher Acosta and Penguin Random House Peru director Jerónimo Pimentel guilty of defaming politician César Acuña. They were both sentenced to two-year suspended prison terms. The ruling also ordered Acosta, Pimentel, and Penguin Random House Peru to pay Acuña approx. US\$100,000 in damages. Acuña filed his lawsuit in response to a book written by Acosta, in which numerous named sources allege that Acuña engaged in vote-buying, misappropriation of public funds and plagiarism throughout his political career.⁵¹ According to the Inter-American Commission on Human Rights Special Rapporteur for Freedom of Expression, the court ruling could set a negative precedent in Peru by limiting the citation of sources and other legitimate journalistic practices.⁵²
- 4.6** Another concerning case is that of journalists Pedro Salinas and Paola Ugaz, who have faced years of judicial harassment by people linked to religious organisation Sodalitium Christianae Vitae (SVC) after publishing a book on the group in 2015. Their investigation exposed alleged practices of physical, psychological and sexual abuse of minors by SVC members.⁵³ Ugaz faces five separate defamation lawsuits in civil and criminal courts brought by people with ties to SVC.⁵⁴
- 4.7** Reporters in Peru have reported facing pressure within news outlets to produce journalistic coverage following the political orientation of their editorial lines. The ANP reported that over 10 communicators and a director working with América Televisión and Canal N were forced to resign in the run-up to the 2021 presidential election after refusing to follow instructions to favour one presidential candidate over others.⁵⁵ According to Reporters Without Borders, there is plurality in Peruvian media but in Lima the predominant editorial line is politically and economically conservative.⁵⁶
- 4.8** Journalists in Peru were acutely impacted on by the COVID-19 pandemic. In February 2021, the ANP estimated that 108 journalists died from COVID-19 in Peru. Those in remote areas were disproportionately affected, with reporters more likely to work under high levels of fragility and informality, often without access to appropriate personal protective equipment. The pandemic also worsened journalists' economic

⁵¹ 'Peruvian court convicts author, publication director on defamation charges for book on politician', Committee to Protect Journalists (CPJ), 13 January 2022, <https://cpj.org/2022/01/peruvian-court-convicts-author-publication-director-on-defamation-charges-for-book-on-politician>.

⁵² IACHR, 2 June 2022, op. cit.

⁵³ 'Peru: Awajun leader killed as community resists mining in their territory', CIVICUS Monitor, 1 April 2020, <https://monitor.civicus.org/updates/2020/04/01/peru-awajun-leader-killed-community-resists-mining-their-territory>.

⁵⁴ 'Investigative journalist Paola Ugaz faces criminal defamation suit in Peru', CPJ, 22 September 2020, <https://cpj.org/2020/09/investigative-journalist-paola-ugaz-faces-criminal-defamation-suit-in-peru>.

⁵⁵ 'Peru: polarised elections lead to protests and attacks on journalists', CIVICUS Monitor, 5 August 2021, <https://monitor.civicus.org/updates/2021/08/05/peru-polarised-elections-lead-protests-and-attacks-journalists>.

⁵⁶ World Press Freedom Index 2022: Peru, Reporters Without Borders, <https://rsf.org/en/country/peru>.

situation, with traditional outlets hard hit by a reduction of advertising.⁵⁷ ANP recorded that at least 500 journalists and media workers had been dismissed by October 2020.⁵⁸

- 4.9** Peru has a Law on Transparency and Access to Public Information (No. 27,806), enacted in 2002.⁵⁹ Data from the Ministry of Justice and Human Rights shows that compliance with access to information legislation has advanced in recent years, with challenges remaining particularly at the level of local and regional authorities. In its 2021 report, the National Authority for Transparency and Access to Public Information (ANTAIP) stated that it lacks the power to apply sanctions on public officials and entities that fail to comply with their obligations.⁶⁰ In June 2021, the Council of Ministers approved a bill amending Law No. 27,806 and Law No. 29,733 on Protection of Personal Data to reduce loopholes that have led to power abuses, improve the processing of requests for access to public information and enhance the autonomy of the oversight agency. The bill was presented to Congress in the same month, but its consideration stalled in the Commission of Justice and Human Rights.⁶¹
- 4.10** In addition, access to information rights have been undermined by the authorities through bureaucratic restrictions. During the first months of Pedro Castillo's government, which began in July 2021, officials failed to provide information on the president's official agenda and members of the press were often refused access to important public events. Members of the president's security team sought to obstruct the work of journalists attempting to approach him during public events.⁶² On 2 June 2022, the Institute Press and Society (IPYS) warned that President Pedro Castillo had completed 100 days without responding or giving press statements.⁶³
- 4.11** On a positive note, in September 2018 the Constitutional Court ruled that Law 2,133 prohibiting the state from contracting state advertising with private media was unconstitutional.⁶⁴ The legislation, which was approved by Congress in June 2018

⁵⁷ Voces del Sur, February 2021, op. cit.

⁵⁸ 'Perú: 163 periodistas fallecidos y 500 despedidos durante la pandemia', International Federation of Journalists, 1 October 2020, <https://www.ifj.org/media-centre/news/detail/category/latin-america/article/peru-163-periodistas-fallecidos-y-500-despedidos-durante-la-pandemia.html>.

⁵⁹ Ley N° 27806: Ley de Transparencia y Acceso a la Información Pública, 2002, https://www.peru.gob.pe/normas/docs/LEY_27806.pdf.

⁶⁰ 'Informe anual sobre solicitudes de acceso a la información pública 2021', Autoridad Nacional de Transparencia y Acceso a la Información Pública, March 2022, <https://cdn.www.gob.pe/uploads/document/file/3103438/Informe%20Anual%202021.pdf>.

⁶¹ Bill 07870/2020-PE: https://www2.congreso.gob.pe/sicr/tradocestproc/Expvirt_2011.nsf/visbusqptramdoc1621/07870?opendocument.

⁶² IACHR, 2 June 2022, op. cit.

⁶³ 'Perú: se cumplen 100 días sin que el presidente responda a la prensa', Institute Press and Society (IPYS), 2 June 2022, <https://ipys.org/noticias/libertad-de-expresion/peru-se-cumplen-100-dias-sin-que-el-presidente-responda-a-la-prensa>.

⁶⁴ 'Constitutional Court decision regarding state advertising welcomed by CSOs', CIVICUS Monitor, 14 December 2018, <https://monitor.civicus.org/updates/2018/12/14/march-support-constitutional-reforms>.

with the stated aim of curbing public spending, would have undermined access for people in Peru to official information. It was viewed by experts as a mechanism for indirect press censorship.⁶⁵

5. Freedom of peaceful assembly

- 5.1** During Peru's examination under the 3rd UPR cycle, the government received three recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to ensuring that 'the use of force and fire arms by the security forces is regulated in accordance with the principles of necessity and proportionality and all cases of deaths and excessive use of force by security forces during civil protests are properly investigated. Revoke legal provisions that allow police personnel to provide extraordinary police services to private sector'.⁶⁶ All three recommendations were accepted, but none were effectively implemented.
- 5.2** Constitution article 2, clause 12 guarantees the right to the freedom of peaceful assembly. Assemblies held in squares and on public roadways do not require prior authorisation but relevant authorities must be given advance notification. Authorities may 'prohibit such meetings solely for proved reasons of safety or public health'.⁶⁷ ICCPR article 21 also guarantees this right. However, in practice, the exercise of the freedom of peaceful assembly continues to be constrained by repeated use of excessive force against protesters and legislation that enables the criminalisation of protesters.
- 5.3** Rather than promoting legislation and practices to guarantee the freedom of peaceful assembly, in recent years Peruvian authorities have sought to shield officers from prosecution for abuses committed in demonstrations. On 27 March 2020, Congress enacted the Police Protection Law (No. 31,012), which modified existing legislation to exempt officers and soldiers from criminal responsibility for deaths or injuries caused while 'fulfilling their constitutional duty'.⁶⁸ The reform revoked a provision on the regulation of the use of force which explicitly established that the use of force by security forces must be proportionate.⁶⁹ Experts called on authorities to repeal the law, arguing it did not comply with several international norms and standards of

⁶⁵ 'IPYS, Consejo de la Prensa Peruana y SNRTV rechazan la aprobación de la "Ley Mordaza', IPYS, 14 June 2018, <https://ipys.org/noticias/libertad-de-expresion/ipys-consejo-de-la-prensa-peruana-y-snrtv-rechazan-la-aprobacion-de-la-ley-mordaza>.

⁶⁶ Paragraph 111.49, 'Report of the Working Group on the Universal Periodic Review : Peru' (A/HRC/37/8/), 27 December 2017, <https://digitallibrary.un.org/record/1466816?ln=en>.

⁶⁷ Political Constitution of Peru, 1993 (amended 2021), op. cit.

⁶⁸ CIVICUS Monitor, 22 July 2020, op. cit.

⁶⁹ Police Protection Law (No. 31,012), <https://busquedas.elperuano.pe/normaslegales/ley-de-proteccion-policial-ley-no-31012-1865203-1>.

human rights law.⁷⁰ At least three bills were introduced to repeal or reform Law 31,012, but none have moved forward and the legislation remains in place.⁷¹

- 5.4** Article 200 of the Criminal Code broadly defines ‘extortion’ as any action that through violence, threats or by keeping someone hostage forces a person to concede any benefit or advantage, economic or otherwise. Since 2015, these charges have been used to criminalise protest actions that occupy premises, obstruct transportation routes and streets and disrupt public services. The offence carries penalties of between five and 10 years in prison. Responding to a constitutional challenge by the Puno Lawyers Association, in 2020 Peru’s Constitutional Court held that article 200 is constitutional but sought to reduce the potential for its application against the right to protest, recognising this as a protected right.⁷²
- 5.5** Despite this ruling, penal charges continue to be used to criminalise protests and their leaders. In 2020, a Cotabambas court acquitted 19 campesinos criminalised after protesting against the Las Bambas mine in 2015. The court referenced the Constitutional Court’s recognition of the right to social protest as a constitutional guarantee.⁷³ However, prosecutors appealed this decision and an Apurímac appeals court annulled the acquittal in July 2021. As of July 2022, the campesinos still face criminalisation.⁷⁴
- 5.6** In one emblematic case, Jesús Mariano Cornejo Reynoso, an environmental defender in the Tambo Valley, was convicted of ‘mutiny’ and ‘obstruction of public services’ and sentenced to seven years in prison for incidents that took place in protests against the Tía María mining project in Arequipa. Since 2011, Cornejo had coordinated actions

⁷⁰ ‘Perú: nueva ley de protección policial ‘abre espacios de impunidad’, alerta ONU Derechos Humanos’, OHCHR in Peru, 1 April 2020, <https://acnudh.org/peru-nueva-ley-de-proteccion-policial-abre-espacios-de-impunidad-alerta-onu-derechos-humanos>.

⁷¹ Bill 04970/2020-CR, https://www2.congreso.gob.pe/sicr/tradocestproc/Expvirt_2011.nsf/visbusgptramdoc1621/04970?opendocument; Bill 04986/2020-CR, https://www2.congreso.gob.pe/Sicr/TraDocEstProc/CLProLey2016.nsf/sicr/tradocestproc/CLProLey2016.nsf/d_ebusqueda/F8FF84D23CBEF78B0525853E005E3FB0?opendocument; Bill 04965/2020-CR, https://www2.congreso.gob.pe/Sicr/TraDocEstProc/CLProLey2016.nsf/sicr/tradocestproc/CLProLey2016.nsf/d_ebusqueda/C1EEFC72E413BDF80525853C005B2734?opendocument.

⁷² ‘Tribunal Constitucional reconoce por primera vez el derecho fundamental a la protesta’, Instituto de Defensa Legal, 7 July 2020, <https://www.idl.org.pe/tribunal-constitucional-reconoce-por-primera-vez-el-derecho-fundamental-a-la-protesta>.

⁷³ ‘Juzgado Penal Unipersonal de Cotabambas absuelve de responsabilidad penal a 19 comuneros criminalizados por las protestas del año 2015’, APRODEH, 28 October 2020, <https://www.aprodeh.org.pe/juzgado-penal-unipersonal-de-cotabambas-absuelve-de-responsabilidad-penal-a-19-comuneros-criminalizados-por-las-protestas-del-ano-2015>.

⁷⁴ ‘Las Bambas: anulan sentencia absolutoria a comuneros criminalizados’, Observatorio de Conflictos Mineros de Peru, 28 July 2021, <https://conflictosmineros.org.pe/2021/07/27/las-bambas-anulan-sentencia-absolutoria-a-comuneros-criminalizados/>.

against mining-related environmental contamination of the Tambo Valley.⁷⁵ In 2015, police repression of protests resulted in violent clashes. The Public Prosecutor's Office then sought to criminalise Cornejo Reynoso and another key local leader, former mayor Jaime Trinidad de la Cruz Gallegos, holding them responsible for these incidents.⁷⁶ They were sentenced by a lower court in January 2021 and their conviction was confirmed by an appeals court in February 2022.⁷⁷

5.7 Peru's legal framework also enables private sector companies to contract Peru's national police force to provide 'extraordinary police services'. Civil society monitoring shows that there were 138 such contracts signed between 1995 and 2018, 29 of which were still in effect in 2019. Most frequently, they involved services for extractive companies that have projects located in regions with social uprisings and localities where their projects face resistance from local communities.⁷⁸ For several years, CSOs have identified these agreements as a source of mistrust toward the police and evidenced their contribution to human rights violations.⁷⁹ A Constitutional Court ruling in September 2020 found that these agreements were constitutional, despite magistrates acknowledging they could affect the perception of the police's objectivity.⁸⁰

5.8 Security forces have repeatedly resorted to excessive force when policing protests. When thousands took to the streets in November 2020 to protest against the removal of President Martín Vizcarra by Congress, police repressed protesters with indiscriminate use of force.⁸¹ According to the Ombudsperson's Office, in some instances officers used banned ammunition, such as lead pellets and glass marbles, and shot directly at protesters, targeting the most sensitive parts of the body and high-risk areas, which resulted in fatal and serious injuries.⁸² On 14 November 2020, two young protesters, Bryan Pintado and Inti Sotelo, were killed by lead pellet shots.

⁷⁵ 'Perú: Condena del defensor medioambiental Jesús Mariano Cornejo Reynoso', FIDH and OMCT, 28 January 2021, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/peru-condena-del-defensor-medioambiental-jesus-mariano-cornejo>.

⁷⁶ UN Special Rapporteur on Human Rights Defenders, 13 July 2021, op. cit.

⁷⁷ 'Perú: Confirman condena contra Jesús Mariano Cornejo Reynoso', FIDH and OMCT, 22 February 2022, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/peru-confirmacion-de-la-condena-contra-jesus-mariano-cornejo-reynoso>.

⁷⁸ 'Convenios entre la Policía Nacional y las empresas extractivas en el Perú', EarthRights International, Instituto de Defensa Legal and CNDDHH, February 2019, <https://earthrights.org/wp-content/uploads/Informe-Convenios-entre-PNP-y-empresas-extractivas.pdf>.

⁷⁹ 'A Recipe For Criminalisation: Defenders Of The Environment, Territory And Land In Peru And Paraguay', Brave and Amnesty International, 2018, <https://www.amnesty.org/en/wp-content/uploads/2021/05/AMR0181582018ENGLISH.pdf>.

⁸⁰ CIVICUS Monitor, 19 November 2020, op. cit.

⁸¹ Ibid.

⁸² 'Informe Especial N° 01: Movilizaciones Sociales Noviembre 2020', Defensoría del Pueblo, March 2022, <https://www.defensoria.gob.pe/wp-content/uploads/2022/03/Informe-movilizaciones-.pdf>.

Between 10 and 14 November, at least 47 people were detained and 200 injured in the demonstrations. Forty journalists were attacked while covering the protests.⁸³

5.9 In October 2021, Peru's Attorney General presented a criminal complaint against former President Manuel Merino, and his cabinet ministers Antero Flores Aráoz and Gastón Rodríguez, to hold them responsible for the homicides and injuries that occurred during the November 2020 crackdown on protests.⁸⁴ However, a congressional investigation recommended the complaint be archived. Legislators approved this on 1 July 2022.⁸⁵ Eleven high officials in the National Police face charges over the repression of protests.⁸⁶

5.10 In this period, there also were multiple cases of repression of demonstrations by Indigenous peoples, unions, campesino communities and communities affected by extractive industries. In December 2020, for instance, repression of widespread protests by workers from the agro-export sector resulted in three deaths.⁸⁷ On 8 August 2020, three Indigenous people from the Kukama Kukamiria community were shot and killed by police during a protest calling for the suspension of oil extraction, and highlighting the abandonment of their community amid the COVID-19 pandemic.⁸⁸ In July 2019, government deployed hundreds of police officers to remove road blockades organised by farmers and communities affected by the Tía María mine. Local groups reported that several people were injured in clashes with the police, which used teargas and pellets to crack down on the protesters.⁸⁹

6. Recommendations to the Government of Peru

CIVICUS and APRODEH call on the Government of Peru to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

⁸³ 'Informe Anual De La Relatoría Especial Para La Libertad De Expresión 2020', IACHR, 30 March 2021, <https://www.oas.org/es/cidh/docs/anual/2020/capitulos/rele.PDF>.

⁸⁴ 'Fiscal de la Nación denunció constitucionalmente a Manuel Merino, Antero Flores y Gastón Rodríguez por caso Inti y Bryan', Government of Peru, 4 October 2021, <https://www.gob.pe/institucion/mpfn/noticias/542473-fiscal-de-la-nacion-denuncio-constitucionalmente-a-manuel-merino-antero-flores-y-gaston-rodriguez-por-caso-inti-y-bryan>.

⁸⁵ 'Informe final homicidio Inti Sotelo y Bryan Pintado / Comisión de acusaciones constitucionales', June 2022, <https://www.scribd.com/document/577712091/Informe-final-homicidio-Inti-Sotelo-y-Bryan-Pintado-Comision-de-acusaciones-constitucionales>; 'Perú: Congreso frena indagación a expresidente por homicidio', Associated Press, 2 July 2022, <https://apnews.com/article/noticias-774b30a96d095f7ca0f6f6761cf790ba>.

⁸⁶ IACHR, 2 June 2022, op. cit.

⁸⁷ 'Three defenders killed as attacks on Indigenous communities increase in the Peruvian Amazon', CIVICUS Monitor, 9 April 2021, <https://monitor.civicus.org/updates/2021/04/09/three-defenders-killed-attacks-indigenous-communities-increase-peruvian-amazon>.

⁸⁸ IACHR, 30 March 2021, op. cit.

⁸⁹ 'Peru's institutions in turmoil after Congress dissolution', CIVICUS Monitor, 22 October 2022, <https://monitor.civicus.org/updates/2019/10/22/perus-institutions-turmoil-after-congress-dissolution>.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

6.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Guarantee the effective and independent functioning of autonomous trade unions by removing proscriptions on the formulation of independent labour unions and undue limitations on the right to strike.

6.2 Protection of HRDs

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Strengthen the Intersectoral Mechanism for the Protection of HRDs, including by enhancing cooperation between relevant authorities and ensuring appropriate funding and other resources.
- Ratify the Escazú Agreement and implement activities outlined in the National Action Plan on Business and Human Rights to promote responsible business practices.
- Undertake a consolidated process of repeal or amendment of penal legislation that unwarrantedly restricts the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Immediately and unconditionally release all HRDs, including journalists and bloggers, detained for exercising their fundamental rights and review their cases to prevent further harassment.

- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs and activists.

6.3 Freedom of expression, media freedom and access to information

- Ensure the freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Reform legislation on defamation, including by removing provisions in the Penal Code, to ensure it is not used to censor journalistic work and bring it into conformity with ICCPR article 19.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government or other powerholders may deem sensitive.
- Take steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Implement legislative measures to improve access to information mechanisms in order to promote the full exercise of the rights to the freedoms of expression and opinion.

6.4 Freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Repeal the Police Protection Law (No. 31,012) in order to guarantee fully the right to the freedom of peaceful assembly.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.

- Publicly condemn at the highest levels all instances of the use of excessive and brutal force by security forces in response to protests, launch formal investigations into such instances and bring the perpetrators to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.5 Access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 2) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and 3) Special Rapporteur on extrajudicial, summary or arbitrary executions.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

7. Annex: Assessment of implementation of civic space recommendations under the 3rd cycle

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Freedom of Association			
111.176 Take measures to foster a safe, respectful, enabling space for civil society, including through removing legal and policy measures unwarrantedly limiting the rights to freedom of expression and association, and to ensure that the rights of indigenous communities to prior consultation on extractive projects are rigorously enforced (Ireland); Source of position: A/HRC/37/8/Add.1	Supported	D43 Freedom of opinion and expression D45 Freedom of association G3 Indigenous peoples S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Partially implemented
111.43 Apply for membership of the Voluntary Principles on Security and Human Rights, which facilitates the relations between companies of the extractive sector and civil society groups with regard to the prevention of human rights violations (Netherlands); Source of position: A/HRC/37/8/Add.1 - Para. 5	Noted	A43 Human rights policies B6 Business & Human Rights S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials	Not implemented
111.45 Incorporate the Guiding Principles on Business and Human Rights into the National Human Rights Plan in order to grant adequate protection of workers (Poland);	Supported	A46 National Plans of Action on Human Rights (or specific areas) B6 Business & Human Rights S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials	Partially implemented
Protection of Human Rights Defenders			
111.17 Continue the National Human Rights Plan with a new orientation derived from the United Nations framework to guide government policy on business and human rights (Indonesia);	Supported	A46 National Plans of Action on Human Rights (or specific areas) A23 Follow-up to treaty bodies B6 Business & Human Rights S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials	Implemented

111.41 Consider developing a national plan of action on business and human rights (State of Palestine);	Supported	A46 National Plans of Action on Human Rights (or specific areas) B6 Business & Human Rights S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials	Implemented
111.42 Continue efforts to ensure an institutional and policy framework on business and human rights, following the guidelines adopted by the United Nations (Chile);	Supported	A46 National Plans of Action on Human Rights (or specific areas) B6 Business & Human Rights S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials	Implemented
111.66 Adopt effective legislative measures to guarantee protection of human rights defenders (Ukraine); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partially implemented
111.67 Adopt and implement the protocol on the protection of human rights defenders that has been developed by the Ministry of Justice and Human Rights (Côte d'Ivoire); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A43 Human rights policies S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Implemented
111.68 Create and implement a specific mechanism that will provide comprehensive assistance and protection to human rights defenders, and include them in its design, especially those human rights defenders that help communities affected by mining and hydroelectric projects (Czechia); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Implemented

111.70 Introduce a comprehensive public policy recognizing the role of human rights defenders, providing mechanisms for their effective protection, and conduct through and impartial investigations into all cases of attacks, harassment and intimidation committed against them (Ireland); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partially implemented
111.71 Implement the necessary measures to promote the rights of human rights defenders, with the purpose of protecting them against harassment, intimidation or physical violence (Panama); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partially implemented
111.72 Strengthen efforts in order to prevent attacks on human rights defenders (Poland); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partially implemented
111.73 Consider taking steps to protect human rights defenders from threats and intimidation to ensure they can perform their functions properly (Australia); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partially implemented
111.74 Safeguard the activities of human rights defenders (Italy); Source of position: A/HRC/37/8/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Not implemented
Freedom of Expression			
111.65 Ensure the guarantee of freedom of expression and opinion and the prevention of child labour in its legislation (Indonesia); Source of position: A/HRC/37/8/Add.1	Supported	D43 Freedom of opinion and expression F33 Children: protection against exploitation S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Not implemented
Freedom of Peaceful Assembly			

<p>111.49 Ensure that the use of force and fire arms by the security forces is regulated in accordance with the principles of necessity and proportionality and all cases of deaths and excessive use of force by security forces during civil protests are properly investigated. Revoke legal provisions that allow police personnel to provide extraordinary police services to private sector (Czechia); Source of position: A/HRC/37/8/Add.1</p>	<p>Supported</p>	<p>D21 Right to life D25 Prohibition of torture and cruel, inhuman or degrading treatment D44 Right to peaceful assembly S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials</p>	<p>Not implemented</p>
<p>111.50 Ensure that the use of force and firearms is regulated in law in accordance with international standards (Finland); Source of position: A/HRC/37/8/Add.1</p>	<p>Supported</p>	<p>D21 Right to life D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials</p>	<p>Not implemented</p>
<p>111.69 Intensify efforts to protect environmental, indigenous and land rights defenders, in line with the Declaration on Human Rights Defenders, especially regarding the use of force and firearms at public assemblies and protests (Norway); Source of position: A/HRC/37/8/Add.1</p>	<p>Supported</p>	<p>H1 Human rights defenders G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - human rights defenders</p>	<p>Not implemented</p>