



**Follow-Up of
Recommendations
in Country or
Thematic Reports**

Peru

CHAPTER V: PERU

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CHAPTER V

FOLLOW-UP TO RECOMMENDATIONS MADE BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

FIRST FOLLOW-UP REPORT ON THE RECOMMENDATIONS MADE BY THE IACHR IN THE 2023 REPORT ON THE SITUATION OF HUMAN RIGHTS IN PERU IN THE CONTEXT OF SOCIAL PROTESTS

I. INTRODUCTION

1. The purpose of this chapter is to follow up on the recommendations issued in the Report on the Situation of Human Rights in Peru in the Context of Social Protests, which was approved on April 23, 2023 by the Inter-American Commission on Human Rights (hereinafter "Commission", "Inter-American Commission" or "IACHR"), in compliance with paragraph 9 of Article 59 of its Rules of Procedure. In accordance with this provision, the Commission will follow-up, through Chapter V of its Annual Report, on the measures adopted by the member states of the Organization of American States (hereinafter "OAS") to comply with the recommendations made in the IACHR's country or thematic reports.

2. With respect to the background to this follow-up report, in the context of the 2022 crisis of democratic and social institutions in Peru, the IACHR carried out a working visit to the country from January 11 to 13, 2023, which was preceded by a preparatory technical mission of the Executive Secretariat, which took place from December 20 to 22, 2022.

3. In 2023, the IACHR issued the Report on the Situation of Human Rights in Peru in the Context of Social Protests (hereinafter "Country Report").¹ In accordance with the provisions of Article 59(5) of its Rules of Procedure, in preparing this report, the Commission relied on the findings and information obtained before, during, and after the aforementioned visit and, in the investigations carried out ex officio, information provided by the State, inputs from the different mechanisms through which the IACHR has followed up on the situation in the country, as well as journalistic articles, decisions and recommendations of specialized international organizations, among others.

4. In the Country Report, which includes events that occurred between December 7, 2022 and January 23, 2023, the Commission addressed the human rights situation in Peru, in the context of numerous and massive peaceful demonstrations, as well as acts of violence that occurred outside the right to protest. The Commission recorded complex situations of social conflict that ended with dozens of deaths and hundreds of injuries, reporting acts of disproportionate use of force, attacks on journalists, as well as mass arrests of demonstrators. The IACHR's findings were recorded in the context of the country's structural problems, such as inequality or historical discrimination against certain groups.²

5. Based on the IACHR's findings, the Country Report issued 36 recommendations addressed to the State, in accordance with the following six thematic axes: (i) Dialogue and overcoming the crisis, (ii) citizen security, (iii) reparation and attention to human rights victims, (iv) fight against impunity, (v) democratic institutions, and (vi) freedom of expression, meeting and partnership.

¹ IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023.

² IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023, para. 26.

6. This is the first IACHR report to follow up on compliance with the recommendations of Peru's latest Country Report. In particular, it identifies the State measures adopted to comply with the Commission's recommendations, as well as the pending challenges in terms of implementation, based on the information provided by the State, civil society organizations, and publicly available information.

7. In the process of following up on the recommendations of the Country Report, on May 3, 2023, the IACHR requested information from the State of Peru on their compliance, which it received from the State on January 8, 2024 and which it published through the Inter-American SIMORE. In addition, on the occasion of the preparation of this follow-up report, on November 8, 2024, the IACHR again requested the State to submit, within 30 days, information on compliance with the recommendations contained in the Country Report. Consequently, the State provided the requested information on December 11, 2024³, which it also published through the Inter-American SIMORE, so it can be consulted by anyone through this computer tool⁴. The Commission appreciates and is grateful for the information received, which, as relevant, was included in the present report.

8. In addition, the IACHR conducted a high-level visit to the Peruvian State on August 12 and 13, 2024, to hold meetings with the Executive Branch, the Congress of the Republic, the Judiciary, the Ombudsman's Office, the Public Prosecutor's Office, the electoral bodies, and the Constitutional Court. These meetings allowed the IACHR to gather information on the progress and challenges in implementing the recommendations.

9. For its part, the IACHR also sent a questionnaire to civil society organizations in order to provide relevant information for the follow-up to the recommendations. Part of these responses were published through the Inter-American SIMORE, so they can also be consulted through this computer tool⁵. The IACHR is grateful for the information provided, which was taken into account as pertinent to the follow-up to the recommendations of the Country Report.⁶

10. On February 14, 2025, the Commission transmitted to the State a copy of the preliminary draft of this report, in accordance with Article 59(10) of its Rules of Procedure, and requested that its observations be forwarded. On March 14, 2025, the Commission received the State's comments; which, as appropriate, were incorporated into this version and whose document is annexed to this Report. The final version of this Report was approved by the Commission on 26 March 2025.

11. This follow-up report analyzes the measures adopted by the State to comply with the Commission's recommendations and the challenges pending their implementation. The level of compliance with the recommendations is evaluated in accordance with the General Guidelines for Follow-up on Recommendations and Decisions of the IACHR,⁷ following the thematic structure incorporated in the Country Report. The preparation of this document is consistent with the IACHR's practice in following up on recommendations.

³ State of Peru, [Note 7-5-M/236, Response to IACHR Questionnaire](#), December 11, 2024.

⁴ Inter-American SIMORE, [Response to the questionnaire of the Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights"](#), December 2024.

⁵ Inter-American SIMORE, [Response to the follow-up questionnaire to the Report on the situation of human rights in Peru](#), December 2024.

⁶ The Association for Human Rights (Aprodeh), the Episcopal Commission for Social Action (CEAS), the National Coordinator of Human Rights (CNDDHH), the Institute of Legal Defense (IDL), the Study for the Defense of Women's Rights (Demus), the Ecumenical Foundation for Development and Peace (Fedepaz), Peace and Hope and the Center for Justice and International Law (CEJIL). Response to the follow-up questionnaire to the Report on the situation of human rights in Peru, December 17, 2024. Institute of Democracy and Human Rights of the Pontificia Universidad Católica del Perú, Report on compliance with recommendations established by the IACHR in its Report on the Human Rights Situation in Peru in the Context of Social Protests, December 9, 2024.

⁷ IACHR, [General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.385/23 (second edition), November 20, 2023.

12. This report is divided into four sections in accordance with the thematic axes of the recommendations being followed. With respect to each recommendation under follow-up, the report presents: (i) the information that has been known to the IACHR since the publication of the Country Report reported by the State and civil society organizations, as well as that collected in the monitoring of the general human rights situation in the country;⁸ (ii) the analysis of the level of compliance and refers to the main progress and implementation challenges identified by the Commission, according to the information known since the publication of the Country Report until 2024; (iii) a diagnosis by the IACHR of the specific information that the State has not submitted or of the measures that remain to be adopted to determine progress in the level of compliance with the recommendation; and (iv) its conclusions regarding the progress and challenges of compliance with the set of recommendations of the Country Report analyzed.

13. Full compliance with the IACHR's recommendations is essential to ensure the full observance of human rights in the OAS member states and to strengthen the Inter-American Human Rights System (hereinafter "IAHRS"). The current international scenario requires that the actors involved actively participate by reporting information on measures to comply with the decisions adopted by international organizations.

14. The IACHR reiterates the importance of full compliance with the recommendations made in the report and that the follow-up make it possible to establish a process of dialogue with the State of Peru in order to achieve suitable, timely, and effective measures that achieve the objectives of each recommendation that the Commission has formulated for the promotion and protection of human rights.

II. FOLLOW-UP TO RECOMMENDATIONS

A. Dialogue and overcoming the crisis

Recommendation No. 1. Design and implement, from the highest level of the State, a strategy of genuine dialogue, with an ethnic and territorial approach, which allows listening to all sectors and levels of the political and administrative division, especially those that have been most affected by historical, social and structural discrimination in the country.

Compliance Information

15. In 2024, the State reported on the implementation of the Together for Peace and Governance Strategy⁹, at the time of the political crisis, which included the preparation of an intervention guide called "Dialogue Tables: Together for Social Peace and Governance".¹⁰ It also stated that, between January and March 2023, spaces for Dialogues for Peace and Governance were installed in the regions of Huancavelica (February 10), Pasco (February 9), Huánuco (January 17), Junín (January 23), Loreto, San Martín, Ucayali, Amazonas (January 31), Ica (February 9) and Lambayeque (February 24). These spaces were convened in response to the need to work together to recover social stability and initiate efforts to address the main challenges of the territories. At a later time, these spaces for dialogue focused on addressing the department's priorities on public policies, public investments or other types of interventions, which was called the "departmental agenda".

16. Peru noted that, for these dialogues, the "Guidelines for the Promotion of Women's Meaningful Participation in Dialogue Processes for the Attention of Social Conflicts" (2021)¹¹ and the "Guidelines and protocols for the intervention of the Executive Branch, regional and local governments in matters of social

⁸ To this end, the IACHR has made use of information gathered during public hearings, investigations conducted ex officio, inputs from the petition and case mechanisms and precautionary measures, and responses to requests for information submitted under the authority established in Article 41 of the American Convention on Human Rights; as well as information collected from other public sources, and the decisions and recommendations of specialized international organizations, among others.

⁹ State of Peru, Note No. 7-5-M/010, Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights," January 18, 2024, para. 11.

¹⁰ Guide prepared on December 11, 2023.

¹¹ Resolution No. 009-2021-PCM/SGSD.

management and dialogue" (2021)¹² were used. The State has reported that the latter are in the process of being updated through the organization of a working group made up of public entities¹³. The State also reported that an update of the "Protocol for Monitoring and Management of Commitments of the Secretariat of Social Management and Dialogue" has been approved.

17. In relation to the implementation of a policy of permanent dialogue, the State reported that in 2024 around 1900 meetings had been promoted; this includes those of a preventive nature, coordination, and dialogue with local authorities in Apurímac, Cusco, Puno, Arequipa, and Lima. In addition, the meetings of Committees for the Prevention and Management of Social Conflicts in Amazonas, Callao, Lima Provinces, Ayacucho, Pasco, Junín, Arequipa, Lambayeque, Piura and other regions, which aim to develop an articulated analysis between the Executive and local authorities of the conflict scenarios in each region, propose preventive actions and jointly address the specific problems of these regions. In the same vein, the Commission was informed that efforts were made to strengthen and create Dialogue Offices in the Regional Governments.

18. The State reported to the IACHR that the process of formulating the National Multisectoral Policy for the Prevention and Management of Social Conflicts was formalized, which created the Multisectoral Working Group (GTM) in charge of preparing the policy proposal, which was installed on December 3, 2024.¹⁴ Likewise, with regard to capacity-building in conflict prevention and social management, it indicated that the development of a Diploma Program in Dialogue, Prevention and Management of Social Conflicts aimed at public officials of the central and regional governments had begun.

19. For its part, civil society reported the importance of designing spaces for dialogue that have the institutional capacity to address the demands identified in each region; To this end, efforts must be made to implement the agreements reached, particularly in relation to public services that are essential to meet social demands, such as health, education, justice and economic development. Likewise, the lack of participatory follow-up mechanisms for the results that emerge from these tables was stressed, and the necessary strengthening of the autonomy of local and regional governments to lead the dialogues in each of their territories and specific contexts was highlighted.

Analysis and level of compliance with the recommendation

20. The IACHR thanks the State and civil society for the information provided and recognizes the State measures adopted within the framework of the Together for Peace Strategy to generate channels of dialogue, based on the normative instruments approved and updated (Guides and Guidelines), and the spaces for dialogue organized. In this regard, the IACHR identifies that the actions implemented seek to address issues such as social peace, governance, conflict prevention, and social management.

21. The IACHR identifies the need for more information about the contents of the dialogues that have taken place since 2023 in the different regions, the objectives they have addressed, which sectors have been heard and whether they belong to groups that have historically been discriminated against, what their demands have been, and the agreements reached, and whether they have had an impact on the formulation of public policies.¹⁵ It is essential that the dialogues are carried out in a decentralized manner and that the strategy includes not only the organization of spaces for exchange but also actions so that these have a tangible impact on decision-making processes and public policy formulation,¹⁶ with concrete agreements and clear, transparent and participatory mechanisms or monitoring instruments. Likewise, although the dialogue

¹² Resolution No. 008-2021-PCM-SGSD.

¹³ Multiple Memorandum No. D000005-2024-PCMSGSD.

¹⁴ Ministerial Resolution No. 308-2024-PCM, of November 24, 2024. State of Peru, [Note No. 7-5-M/236](#), Response to the questionnaire of the Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights", December 11, 2024.

¹⁵ IACHR, [Report on Public Policies with a Human Rights Approach: Approved by the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.191/18, September 15, 2018, para. 61.

¹⁶ IACHR, [Report on Public Policies with a Human Rights Approach: Approved by the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.191/18, September 15, 2018, para. 61.

strategy is an obligation of means, and not of results, for the Commission it is essential that its main motivation is an adequate approach to the prevention and resolution of conflicts, as well as genuine channels of encounter between actors and institutions.

22. Recognizing the State's actions and taking into account that the IACHR needs additional specific information on the development of the qualities required to guarantee a genuine and effective dialogue strategy with results, it calls for the strengthening of the mechanisms for monitoring the agreements and the impact of these channels on effective decision-making. In the meantime, the Commission identifies that the recommendation has been **partially complied with**.

Measures and information to advance the implementation of the recommendation

23. The Commission urges the State to continue strengthening decentralized channels of dialogue, focused on groups particularly affected by the protests that occurred between 2022 and 2023. It also highlights the need for these spaces of dialogue to generate agreements that allow an adequate approach to conflicts between public institutions and citizens. In order to move forward with the fulfillment of the recommendation, it will be necessary to have the text of the Together for Peace Strategy, as well as its instruments and the details of the actions implemented; in particular, to know the regional or local authorities with which these dialogues have been carried out, and how the presence of those who have been the most affected by historical, social and structural discrimination in the country has been ensured.

Recommendation No. 2. Guarantee the participation of indigenous peoples and peasant communities in decision-making spaces on policies, programs, and other measures related to matters of national interest, including those related to development.

Compliance Information

24. In 2024, the State reported that, since 2023, three working meetings have been organized within the framework of the "Permanent Multisectoral Commission in charge of proposing, monitoring, and overseeing the implementation of strategic measures and actions for the comprehensive development of indigenous or native peoples in the country."¹⁷ The Multisectoral Commission is made up of 12 sectors of the Executive Branch and seven indigenous organizations of national scope, which seeks to articulate and develop proposals for actions between indigenous organizations and public entities.

25. The State reported the creation of the Multisectoral Commission in charge of proposing and overseeing the implementation of strategic measures and actions for the sustainable and integral development of the indigenous or native peoples of the Central Jungle,¹⁸ in which 13 sectors of the Executive Branch, four regional governments, and two regional indigenous organizations participate. This commission held internal coordination meetings and prepared its Work Plan.¹⁹

26. The State also highlighted the request for the incorporation of organizations representing indigenous or native peoples and the Afro-Peruvian people into the National Accord Forum held by the Executive Branch. This forum is a space for dialogue and consensus-building, which seeks to represent the interests of different sectors of the country. In response to this request, indigenous peoples' organizations were invited to the Second Decentralized Meeting of the Agreement.²⁰

¹⁷ As reported, it was created by Supreme Decree No. 005-2021-MC and has as its antecedent the Working Group of a permanent nature, in charge of coordinating, proposing and monitoring public policies that involve indigenous peoples and/or require an intercultural approach, in a participatory manner, between representatives of the Vice Ministry of Interculturality and indigenous peoples. through its national representative organizations - GTPI, which was created with Ministerial Resolution No. 403-2014-MC of November 6, 2014.

¹⁸ Supreme Decree No. 040-2023-PCM, March 24, 2023.

¹⁹ The Work Plan was approved at a meeting held in the city of Satipo, on July 18, 2024.

²⁰ It was held on November 2, 2023 in the city of Iquitos, department of Loreto.

27. The Commission received information from civil society regarding the alleged lack of dialogue or consultation for the approval of Law No. 31973²¹, which amends the Forestry and Wildlife Law (Law No. 29763). According to information provided by civil society organizations, this law would reduce the mechanisms of control and oversight of illegal activities and would make it possible to legalize the territory of those who exploit forests without permission, affecting the collective rights of indigenous peoples, as well as biodiversity in the Amazon. Likewise, the UN Special Rapporteur on the rights of indigenous peoples pointed out, in a press release of January 31, 2024, that this law "could legalize and encourage the dispossession of indigenous peoples' lands and even threaten their physical and cultural survival."²² In the same vein, it was pointed out to the IACHR that Supreme Decree No. 005-2024-MINAM,²³ which would limit the work of the National Environmental Certification Service (SENACE)²⁴ with respect to the approval of investment projects, had been approved without consultation or participation of indigenous organizations.

28. In relation to the quality of the participation of indigenous peoples' organizations, civil society expressed concern about the questions that exist about the timing of prior consultation, the interlocutors who are summoned, or the scope of what is being discussed; especially in relation to extractive activities and their impact on the exercise of indigenous peoples' rights. In this way, the IACHR was told that, although the right to consultation and participation of indigenous peoples in different public projects involving their communities has been recognized²⁵, these mechanisms of indigenous participation are perceived as a formal or symbolic process, rather than as a central pillar in the country's governance. This, to the extent that they would not guarantee the inclusion of the protection of the collective rights of indigenous peoples in the norms or in the adoption of public policies.

Analysis and level of compliance with the recommendation

29. The IACHR has taken note of the spaces for dialogue with registered indigenous peoples' organizations, and of the requests made for the incorporation of the organizations into the National Agreement, and thanks the State for the information reported. The Commission has also received information provided by civil society on the laws that have been approved and that affect the collective rights of indigenous peoples, without allegedly implementing adequate and timely mechanisms for consultation or dialogue with indigenous peoples.

30. For the purposes of analyzing the guarantees of participation of indigenous peoples in the decision-making processes on measures of national interest established in the recommendation, it is relevant to note that the jurisprudence of the IACHR has established, as part of the obligations of the States, the importance of implementing mechanisms for consultation and participation with indigenous peoples, whenever measures are taken that affect their collective rights.²⁶ The main function of these mechanisms is the adequate protection of the rights affected, and their inclusion in the construction of national development models. Therefore, these must have some essential characteristics: (i) that they are prior to the decision, (ii) free of pressure, (iii) with adequate information on the measure to be adopted. Likewise, the mechanisms of participation must be carried out in good faith; that is, they are aimed at reaching agreements or obtaining the consent of members of indigenous peoples.²⁷ This obligation would not only be an obligation of result; rather,

²¹ Congress of the Republic of Peru, [Law No. 31973](#), January 11, 2024.

²² [UN Human Rights Council Special Rapporteur on the Rights of Indigenous Peoples, Communiqué of 31 January 2024](#).

²³ [Supreme Decree No. 005-2024-MINAM](#), July 25, 2024.

²⁴ Entity in charge of approving Environmental Impact Assessments (EIAs) and issuing certifications for large-scale mining projects.

²⁵ Peruvian Constitutional Court, Judgment of Exp. No. [00151-2021-PA/TC](#), February 28, 2024.

²⁶ Inter-American Court H.R., Case of the Saramaka People. v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28, 2007, Series C No. 172, para. 133; Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and Reparations, Judgment of June 27, 2012, Series C No. 245, para. 17.

²⁷ International Labour Organization, [Convention No. 169](#), Article 6.2.

in order to be achieved, it must have measures that demonstrate that the needs and interests of indigenous peoples have been valued and incorporated at the time of adopting such measures.²⁸

31. Although the IACHR recognizes the information provided by the State, it does not have specific data after the protests that occurred between 2022 and 2023 that would corroborate the adoption of strategies, or the strengthening of existing ones, aimed at guaranteeing the participation of indigenous peoples and communities. Therefore, pending information indicating progress in guaranteeing the participation of indigenous peoples, it considers that compliance with the recommendation is **pending**.

Measures and information to advance the implementation of the recommendation

32. The Commission recalls the importance of guaranteeing mechanisms for the participation and prior consultation of indigenous peoples and communities in decision-making spaces, the omission of which was one of the factors that favored the escalation of the social conflicts that led to the protests between 2022 and 2023. The Commission urges the State to improve existing channels of dialogue and generate new ones, that allow for the effective inclusion of the needs and interests of indigenous peoples in decision-making processes, and that comply with the characteristics determined in the judgments of the Inter-American Court of Human Rights and in the framework of Convention No. 169 of the International Labor Organization.

Recommendation No. 3. Design a public policy with a national scope and with a human rights perspective, which is aimed at the elimination and prevention of discrimination and stigmatization of persons based on their ethnic-racial origin or socioeconomic condition. This public policy must include, among others, the design and implementation of a pedagogical plan that is integrated into the country's permanent education policy.

Compliance Information

33. In 2024, the State reported the approval of the 2023 "Peru without Racism" Strategy²⁹; which contained a plan of activities that included: (i) technical assistance for the preparation of ordinances; ii) development of "Peru without racism" fairs; (iii) development of actions for the strengthening of intercultural capacities; (iv) technical assistance to police stations for dealing with cases of ethnic-racial discrimination; v) recognition of "Good Intercultural Practices in Public Management"; (vi) "Peru without racism" communication strategy; and (vii) strengthening of the Guidance Service against Ethnic-Racial Discrimination (ORIENTA).³⁰ In the same vein, the State reported that, for 2024, it formulated a proposal for a Multisectoral Strategy "Peru without Racism" for 2030, which is being evaluated by the different sectors of the Executive Branch before its approval.

34. The State indicated that, since 2013, it has implemented an Alert Platform against Racism that aims to generate information on acts of ethnic-racial discrimination and encourage active citizens to report these acts. It also stressed that the ORIENTA service was established³¹ to provide attention to people who report cases of discrimination. In addition, the implementation of capacity-building actions for the intercultural approach of public servants through MOOC courses, and for school audiences, with recreational educational activities, was reported.

35. In addition, the State highlighted the preparation and submission to Congress of the Bill for the Promotion of Cultural Diversity for the Prevention, Eradication, and Punishment of Ethnic-Racial Discrimination, promoted by the Executive Branch, which seeks to promote positive recognition of the identities and contributions of the different ethnic-cultural groups, to implement mechanisms with cultural and differentiated relevance, to promote and disseminate the worldview, history, culture, traditions, knowledge

²⁸ Inter-American Court H.R., Case of the Saramaka People. v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment of November 28, 2007, Series C No. 172, para. 133.

²⁹ [Ministerial Resolution No. 000187-2023-MC](#), May 16, 2023.

³⁰ Directorial Resolution No. 000002-2023-DGCI/MC, September 27, 2023.

³¹ [Supreme Decree No. 013-2021-MC](#), July 20, 2021.

and traditional knowledge and to guarantee bilingual intercultural education.³² The project is still being discussed, without yet having a favorable pre-opinion from the commissions that review it.

36. The State reported on the preparation of the National Policy on Indigenous or Native Peoples (PNPI), which contains intercultural public services. The policy is being debated in working meetings with indigenous organizations, prior to the development of a prior consultation process.³³ The State also referred to the process of updating the Intercultural Bilingual Education Policy (EIB), which incorporates cultural and linguistic diversity into the educational system as a learning opportunity, and the construction of a plural society free of racism.

37. Likewise, the State stated that, on December 4, 2024, it approved the National Multisectoral Human Rights Policy,³⁴ which seeks to reduce inequality and structural discrimination, guaranteeing the full exercise of people's rights. It was prepared through a participatory process with public entities, the Roundtable for Poverty Reduction, civil society and private sector institutions, as well as the Office of the United Nations High Commissioner for Human Rights (OHCHR), which were part of the Multisectoral Working Group organized for the approval of the Policy. According to the information received by the State, the contribution of inputs was reportedly requested from civil society organizations that are part of the Group, but none had been received. Likewise, at the last meeting of the Plan in the Working Group, the entity representing civil society voted against its approval.

38. For its part, the IACHR took note of information sent by civil society on the "Peru Without Racism" strategy and the process of approval in the Legislative Branch of the bill on the Promotion of Cultural Diversity. According to civil society, both the implementation of the strategy and the approval and implementation of this bill require the strengthening of effective monitoring and evaluation mechanisms to measure its impact, and the necessary participation mechanisms.

39. In relation to the National Policy on Indigenous or Native Peoples (PNPI) and the approval of the National Multisectoral Human Rights Policy (PNDH), civil society emphasized the alleged lack of real dialogue for its approval. This is particularly true in the case of the PNDH, since the lack of attention to the observations submitted by civil society and its limited participation in the Multisectoral Commission in charge of preparing it were questioned. In addition, civil society criticized the fact that the process of developing these policies had been marked by the acts of violence included in the Country Report, as well as the approval of norms that go against Peru's international obligations in the field of human rights, such as the release of Alberto Fujimori.

Analysis and level of compliance with the recommendation

40. The IACHR has insisted that the principle of non-discrimination is one of the pillars of any democratic system and one of the fundamental foundations of the system for the protection of human rights, particularly in relation to groups that have historically been discriminated against.³⁵ In this sense, discrimination constitutes a way of perpetuating a situation of social vulnerability against a group based on its ethnic, racial origin or socioeconomic condition. For this reason, a policy aimed at the elimination and prevention of discrimination and stigmatization must have mechanisms for reporting and punishing specific situations of violence and must address situations of structural racism through awareness-raising and information plans, in particular their inclusion in the educational policies that are taught in education systems in general.

41. The Commission welcomes the approval of the 2024 National Multisectoral Human Rights Policy and the approval of the 2023 "Peru without Racism" Strategy. In this regard, the Commission notes the

³² Bill No. 6311/2023-PE, November 6, 2023.

³³ The last meeting of 2024 was held on November 29, 2024.

³⁴ Supreme Decree No. 018-2024-JUS, approving the National Multisectoral Human Rights Policy for 2040, December 4, 2024.

³⁵ IACHR, [Compendium on Equality and Non-Discrimination. Inter-American Standards](#), OEA/Ser.L/V/II.171. Doc. 31, February 12, 2019, para. 2.

need for information that would make it possible to know the scope of the implementation of these documents. In addition, it takes note of the existence of the "Alert Against Racism" program and ORIENTA; and notes the progress made in the approval of national policies on indigenous or native peoples and on bilingual intercultural education, in addition to the process of approval of the bill on the Promotion of Cultural Diversity.

42. The Commission identifies that, although work is being done to strengthen the methodology of Intercultural Bilingual Education (EIB), this policy is specifically aimed at the indigenous population who study in EIB schools distributed in different regions of the country, but not in a general way for all educational centers through their curriculum. Considering that the implementation of this recommendation can be strengthened with measures of a more general scope for the population, the Commission qualifies this recommendation as **partially compliant**.

Measures and information to advance the implementation of the recommendation

43. To move forward with compliance with this recommendation, the IACHR emphasizes that the objective is to design a public policy with a national scope and with a human rights perspective, aimed at eliminating and preventing discrimination and stigmatization of persons based on their ethnic, racial, or socioeconomic status. In this regard, the IACHR expects to learn about the update of the strategy implemented in 2023, and the adoption of the measures of the National Multisectoral Human Rights Policy aimed at meeting this objective in accordance with the principles of the human rights approach to public policies.³⁶

44. The recommendation also establishes the need for public policy to include the design and implementation of a pedagogical plan that is integrated into the country's continuing education policy. In this regard, the IACHR urges the State to work on ethnic, racial discrimination, or socioeconomic status in its educational curriculum. Likewise, to maintain and expand pedagogical actions to address cases of discrimination, and to address the structural discrimination still present in society.

B. Citizen Security

Recommendation No. 4. Adopt a permanent and mandatory training and evaluation plan for the security forces involved in the development of demonstrations and in the context of social protests so that their actions prioritize the defense of the life and integrity of all people.

Compliance Information

45. In 2024, the State announced the approval of the "Guidelines for Strengthening the Capacities of Police Personnel in the Use of Force Aimed at Continuous Improvement with a Human Rights Approach" (2023).³⁷ This initiative includes two instruments for the training of police personnel by instructors in human rights applied to the judicial function: (i) a virtual module on human rights and the use of force in the exercise of police functions; and ii) a methodological guide for instruction in police techniques and procedures with a human rights approach. The first of them is carried out asynchronously and contains interactive videos, mandatory and complementary readings. At the end of the module, you must pass a written exam, for which you have up to two opportunities. If approved, it grants an accreditation for one year. Likewise, the methodological guide is based on the fact that training development is a practical training with activities that recreate the police service and serves as the basis for the approval of updating programs by each territorial training secretariat of the Police.

46. The State reported that the General Command of the National Police of Peru appointed the Permanent Coordinator on Issues Related to Human Rights and the Use of Force, in order to assume control over the preparation, review, evaluation, and execution of training courses for instructors in human rights

³⁶ IACHR, [Report on Public Policies with a Focus on Human Rights](#), September 15, 2018, OEA/Ser.L/V/II, Doc. 191.

³⁷ Directive No. 014-2023-CG PNP/EMG, July 19, 2023.

applied to the police and public order function.³⁸ In addition, it created the Human Rights Directorate of the General Staff of the National Police of Peru.³⁹

47. In the same vein, the State reported the implementation of the "Refresher Program aimed at strengthening capacities in police interventions and operations against criminal acts," and other training and capacity-building courses in this area⁴⁰, in collaboration with the International Committee of the Red Cross. In addition, it reported on the implementation of the "Strategic Plan for the Mainstreaming of Human Rights in the Police Function of the National School of Police Professional Training 2023", with workshops held at the decentralized level,⁴¹

48. For its part, civil society expressed concern that the training and plans approved by the Peruvian National Police had not developed independent and technically competent monitoring mechanisms to supervise their application during the protests.

Analysis and level of compliance with the recommendation

49. The Commission welcomes the approved Guidelines for Capacity Building, the creation of the Human Rights Directorate of the Police General Staff, and the training programs implemented for police agents and officers with a reach of approximately 150 people in 2024. However, it also identifies the lack of mechanisms for transparency of information that allows monitoring the use of such knowledge during the exercise of the use of force. In this regard, the IACHR observes that the information provided by the State indicates that this recommendation has a level of **substantial partial compliance**.

Measures and information to advance the implementation of the recommendation

50. The IACHR requests the State to provide information on the mechanisms and instruments used to ensure the publication of information on the training of police officers, the mechanisms for monitoring the human rights policies used by police officers, and the results.

Recommendation No. 5. Adopt measures to ensure that the use of force by state agents is in accordance with the principles of legality, necessity and, especially, proportionality. Likewise, adopt the necessary measures to permanently train and evaluate all state agents involved in the protests on the implementation of the protocols for the use of force.

Compliance Information

51. For the year 2024, the State reported the validity of various norms that regulate the use of force such as Legislative Decree No. 1186⁴² (2015), Legislative Decree No. 1095⁴³ (2010) and their regulations. In addition, it reported on the validity of the Manual of Operational Law for the Armed Forces (2022)⁴⁴ and the

³⁸ Multiple Memorandum No. 11-2023-CG PNP/SECPRI, May 31, 2023.

³⁹ Ministry of Defense, Official Letter No. 00465-2024-MINDEF/VPD-DIGEDOC-CDIH-DDHH-FFAA, August 7, 2024.

⁴⁰ Seminar Workshop on the police function and use of force, within the framework of international standards, held on March 25 and 26, 2024 and aimed at 63 General Officers of the National Police of Peru; Workshop on Use of Force and Maintenance of Public Order, held from April 1 to 4, 2024 and aimed at 50 police officers; Seminar "Post-Police Operations Evaluation", held on May 6 and 7, 2024 and aimed at Senior Officers of the National Police of Peru; Training course for instructors in human rights applied to the police function, starting on August 12, 2024 and aimed at 30 police officers.

⁴¹ Training course for instructors in human rights applied to the police function, held from March 27 to April 24, 2023, aimed at 25 police officers; Workshop "After-Action Evaluation" for Senior Officers; Workshop on the use of force and human rights applied to the police function, aimed at 60 PNP General Officers. Cf. State of Peru, Note No. 7-5-M/010, Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the Context of the Social Protests of the Inter-American Commission on Human Rights," January 18, 2024, para. 76 et seq.

⁴² [Legislative Decree No. 1186](#), August 16, 2015

⁴³ [Legislative Decree No. 1095](#), July 3, 2010.

⁴⁴ [Operational Law Manual for the Armed Forces](#), February 3, 2022

Manual of Human Rights and International Humanitarian Law of the Armed Forces of Peru (2022);⁴⁵ the latter in force for the period in which the acts of violence addressed in the Country Report occurred.

52. The State informed the IACHR of the approval of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations to Control, Maintain, and Restore Public Order" (2023),⁴⁶ with the aim of strengthening the legal framework that regulates police action, particularly in the context of social protests. In addition, it indicated that the Joint Manual of Rules of Operational Conduct of the Armed Forces⁴⁷, which contains the Rules of Engagement and the Rules of Use of Force, has been updated.

53. The State reported the existence of a methodological guide for instruction in police techniques and procedures with a rights-based approach, which promotes practical training, with activities that recreate the police service, and serves as a basis for the design of refresher programs in each territorial training secretariat (see para. 44).

Analysis and level of compliance with the recommendation

54. The IACHR takes note of the approval of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations for the Control, Maintenance, and Restoration of Public Order" and of the updating of the Joint Manual of Rules of Operational Conduct of the Armed Forces. It also recognizes the norms indicated by the State, although it observes that these were approved prior to the acts of use of force that occurred during the protests of 2022 and 2023. It also notes the existence of a methodological guide that seeks to apply the contents in situations that recreate the police service.

55. The IACHR emphasizes that progress in the level of compliance with this recommendation depends on the State adopting and applying a clear and coherent regulatory framework that guarantees the principles of legality, necessity, and proportionality in the context of social protests. In this sense, the regulations must not only include the mention of these principles, but must also be adapted to their contents to generate the appropriate prevention mechanisms, which should include the implementation of specific training aimed at updating and applying the conditions in which security mechanisms occur in the context of social protests, the mechanisms to ensure the inclusion of these principles in the operational plans that are designed for each intervention, and the institutional mechanisms that guarantee that the documents and protocols are reviewed periodically, in a transparent and participatory manner, taking into account the new logistical and social conditions in which they are applied. Consequently, pending specific information on compliance measures adopted after the events recorded in the Country Report and the formulation of this recommendation, the Commission identifies that compliance is **pending**.

Measures and information to advance the implementation of the recommendation

56. The IACHR asks the State to report on the implementation of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations for the Control, Maintenance, and Restoration of Public Order" and the Joint Manual of Rules of Operational Conduct of the Armed Forces. In addition, to report on the measures that have been adopted to respond to the concern expressed in the Country Report, in relation to the use of force and detentions in the context of protests, such as the strengthening of capacity-building mechanisms for the agents who are in charge of controlling social protests, the mechanisms for the application of this regulatory framework, in accordance with the needs in each context, and the periodic updating of these documents, carried out in a participatory manner.

Recommendation No. 6. Take the regulatory or other measures that are necessary to ensure that firearms are excluded from the devices used to control social protests, as well as establish guidelines aimed at guiding the use of potentially lethal weapons.

⁴⁵ [Manual of Human Rights and International Humanitarian Law of the Armed Forces of Peru](#), February 3, 2022.

⁴⁶ Directive No. 013-2023-CG PNP/EMG, July 19, 2023.

⁴⁷ [Ministerial Resolution No. 1098-2024-DE](#), October 5, 2024.

Compliance Information

57. In 2024, the State reported that, in accordance with Legislative Decree No. 1095 (2010), which regulates the rules for the employment and use of force in the context of protests, police personnel would only use firearms when strictly necessary to defend their own lives or those of third parties; otherwise, it would be an arbitrary use of force. In turn, the State pointed out that the update of the Joint Manual of Rules of Operational Conduct of the Armed Forces, cited in the framework of the follow-up to recommendation 5 of the Country Report, includes details and actions on the principles of the use of force, the use of less lethal means, the exceptional use of firearms and the protection of public or private property.

58. The State referred to the IACHR the approval of the "Directive for the Appropriate Use of Non-Lethal or Less-Lethal Police Means in Police Operations for the Control, Maintenance, and Restoration of Public Order" (2023),⁴⁸ in order to strengthen the legal framework that regulates police action, particularly in the context of social protests. This Directive establishes that "Body protection equipment and police means for the control, maintenance and restoration in public order operations includes lethal and non-lethal firearms, as well as other non-lethal means to be used by duly trained personnel and according to the function they perform".

59. For its part, civil society conveyed that the practical implementation of these rules would be controversial and ineffective since they were the ones in force at the time of the protests that were the subject of the IACHR Country Report, in which the disproportionate use of force, including the use of firearms, was documented, resulting in injuries and deaths⁴⁹. In the same vein, as mentioned in recommendation 5, Law No. 32181⁵⁰, approved in 2024, prevents the Public Prosecutor's Office, under functional responsibility, from requesting preliminary judicial detention or preventive detention against police personnel in a situation of activity when they use their weapons or means of defense in a regulatory manner, even if injuries or deaths of third parties have been caused. According to civil society, this measure affects the lack of independent and technically trained mechanisms to monitor the use of weapons in protest control operations.

Analysis and level of compliance with the recommendation

60. With regard to the use of force, the IAHRS has cited the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials in the case of Women Victims of Sexual Torture in *Atenco v. Mexico*⁵¹. In this regard, it noted that law enforcement officials will refrain from using firearms when dispersing gatherings "except in self-defense or defense of others, in case of imminent danger of death or serious injury, or for the purpose of preventing the commission of a particularly serious crime involving a serious threat to life, or for the purpose of arresting a person who represents such a danger and resists his authority, or to prevent his escape, and only in the event that less extreme measures are insufficient to achieve those objectives."⁵² In this regard, considering that the use of lethal weapons constitutes an exception based on the seriousness of the human rights impact of the crime to be prevented, and the absence of other less extreme measures; the Commission has indicated that States must implement mechanisms to effectively prohibit the use of lethal force as a means of public demonstrations, and guarantee the appropriate and proportionate use of less-lethal weapons, through the development of clear protocols of action that respect inter-American standards in this area.⁵³ That is why the recommendation aims to analyze all the regulatory or other measures necessary to exclude the use of firearms for the control of social protests, that is, those aimed at preventing their use, and punishing those agents who do not comply with them.

⁴⁸ Directive No. 013-2023-CG PNP/EMG, July 19, 2023.

⁴⁹ According to the information provided by civil society, the facts contained in the Country Report in question show the use of firearms during the use of force by security agents.

⁵⁰ [Law No. 32181](#), December 11, 2024.

⁵¹ Inter-American Court of Human Rights. Case of Women Victims of Sexual Torture in *Atenco v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 371, para. 159.

⁵² Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. 1990. Principle 9.

⁵³ IACHR, [Report on Social Protest and Human Rights](#), Standards on the Rights Involved in Social Protest and the Obligations that Should Guide the State's Response. OEA/Ser.L/V/II.IACHR/RELE/INF.22/19, September 2019, para. 127.

61. Along these lines, the Commission values the adoption of the "Directive for the appropriate use of non-lethal or less-lethal police means in police operations for the control, maintenance and restoration of public order" which seeks to influence the exclusion of firearms from the devices used to control social protests. However, the regulatory framework approved (Law No. 32181) could make it difficult to adopt sanction measures against those agents who make improper use of firearms. Consequently, the Commission considers that this recommendation is **pending compliance**.

Measures and information to advance the implementation of the recommendation

62. The IACHR will declare progress in the level of compliance with this recommendation when the State presents measures that have been adopted to prohibit the use of firearms in the use of force in the context of social conflicts, considering the facts and complaints in the context of the facts contained in the Country Report. These measures should be aimed at generating mechanisms to sanction those agents who use them, which allow the chain of command and execution of this type of order to be identified within the security institutions, if applicable.⁵⁴ To this end, the IACHR remains attentive to the implementation that may be given to Law No. 32181 in accordance with the corresponding national and international framework on the use of force and the right to protest.

Recommendation No. 7. Adopt the necessary regulatory or institution-strengthening measures to ensure that the maintenance of internal public order and citizen security is primarily reserved for civilian security forces.

Recommendation No. 8. Ensure that the participation of the armed forces in security tasks is extraordinary, subordinate, and complementary to the work of civilian authorities. Similarly, adopt regulatory or institutional strengthening measures to ensure that this participation is regulated and supervised by competent, independent, and technically capable civilian bodies.

Compliance Information

63. In 2024, the State reported that the Political Constitution of Peru establishes that the purpose of the National Police is to guarantee, maintain, and restore internal order,⁵⁵ and that the Armed Forces can only act in the control of internal order in support of the National Police, when the Presidency of the Republic so provides through the declaration of a State of Emergency.⁵⁶ In view of the foregoing, the State asserted that the participation of the Armed Forces in the control of internal law and order constitutes an exceptional measure and of last resort.

64. In addition, Peru highlighted the creation of the "Multisectoral Commission of Temporary Nature in charge of monitoring the implementation of Legislative Decree No. 1095 and its Regulations",⁵⁷ in which different sectors of the Executive Branch, the National Police and the Armed Forces participate, and whose function is to propose and recommend specific measures and actions for its implementation and to monitor it.

65. The State also reported on the approval in 2023 of various regulations that strengthen the role of the Peruvian National Police⁵⁸: (i) Legislative Decree No. 1604, which modifies Legislative Decree No. 1267, Law of the National Police of Peru⁵⁹; (ii) Legislative Decree No. 1605⁶⁰, which modifies the New Code of

⁵⁴ IACHR, Press Release No. 174/23, [IACHR and Special Rapporteur for Freedom of Expression: Peru Must Respect Standards of Use of Force and Freedom of Expression During Social Protests](#), August 3, 2023.

⁵⁵ Political Constitution of Peru, 1993, Article 166.

⁵⁶ Political Constitution of Peru, 1993, Article 137.

⁵⁷ [Supreme Resolution No. 032-2023-DE](#), July 4, 2023.

⁵⁸ [Law No. 31880](#), which delegates to the Executive Branch the power to legislate, among others, on matters of citizen security, September 23, 2023.

⁵⁹ [Legislative Decree No. 1604](#), December 21, 2023.

⁶⁰ [Legislative Decree No. 1605](#), December 21, 2023.

Criminal Procedure, to optimize the legal framework that regulates the investigation of crime and the intervention of the National Police of Peru and the Public Prosecutor's Office; (iii) and Legislative Decree No. 1606⁶¹, which amends Legislative Decree No. 1219, on strengthening the police criminalistic function.

66. The State reported that states of emergency with the participation of the Armed Forces in the context of social protest had only been used once after the issuance of the Country Report. In this sense, it stressed that states of emergency are employed with the use of the Armed Forces not in the context of social protest but in the fight against crime.

67. For their part, civil society organizations told the IACHR that the use of states of emergency has been repeated and recurrent, and that on certain occasions it includes the participation of the Armed Forces, including in operations to control protests, especially in regions such as Ayacucho and Puno⁶². This comment is consistent with the conclusions of the Country Report, where the IACHR stated that: "in regions characterized by a considerable presence of indigenous and peasant populations, as well as by accentuated challenges in guaranteeing their ESCERs, the episodes of greatest lethality were recorded, as well as the most serious allegations of excessive use of force. The main deployments also took place within the framework of the declaration of states of emergency, arrests and preventive identity control tactics."⁶³

Analysis and level of compliance with the recommendation

68. The Commission appreciates the information provided by the State, in particular the creation of the Multisectoral Commission for the implementation of the rules on the use of force. In this regard, it identifies that the constitutional framework reported by the State was in force at the time of the occurrence of the events included in the Country Report in 2022 and 2023, and of the issuance of the recommendation under follow-up.

69. In addition, the IACHR emphasizes that none of the measures indicated by the State, in relation to the regulatory modifications described, are intended to guarantee that the maintenance of internal public order and citizen security is primarily reserved for civilian security forces. In the same vein, no measures have been identified that would allow us to know the state of progress to ensure that the participation of the armed forces in security tasks is extraordinary, subordinate and complementary to the work of the civilian authorities. In addition, no measures have been highlighted aimed at adopting normative or institutional strengthening measures to ensure that this participation is regulated and supervised by competent, independent and technically capable civilian bodies.

70. It should be noted that the Inter-American System has coincided with the two main international instruments to specifically regulate the use of force:⁶⁴ the Code of Conduct for Law Enforcement Officials⁶⁵ and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,⁶⁶ in affirming that the participation of the Armed Forces in the maintenance of public order should be limited as much as possible, since "the training they receive is aimed at defeating the enemy, and not at the protection and control of civilians, training that is typical of police entities."⁶⁷

⁶¹ [Legislative Decree No. 1606](#), December 21, 2023.

⁶² Supreme Decree No. 067-2024-PCM, published on July 5, 2024. This measure was given by the announcement of different unions that call for social mobilizations. It was expanded by Supreme Decree No. 079-2024-PCM.

⁶³ IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023, para. 220.

⁶⁴ Inter-American Court H.R., Case of Women Victims of Sexual Torture in Atenco v. Mexico, Preliminary Objection, Merits, Reparations, and Costs, Judgment of November 28, 2018, Series C, No. 371, para. 165.

⁶⁵ It can be found in: <https://www.ohchr.org/es/instruments-mechanisms/instruments/code-conduct-law-enforcement-officials>

⁶⁶ It can be found in: <https://www.ohchr.org/es/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>

⁶⁷ I/A Court H.R., [Case of Montero Aranguren et al. \(Retén de Catia\) v. Venezuela](#), Preliminary Objection, Merits, Reparations, and Costs, Judgment of July 5, 2006, Series C, No. 150, para. 78.

71. The IACHR has expressed its concern over the report of the use of states of emergency in the context of social protests. In this regard, the IACHR has maintained that "states of emergency should be reserved exclusively for truly exceptional cases, situations of extreme gravity, that endanger the life of the Nation. For other situations, ordinary administrative measures must be adopted."⁶⁸ In this regard, in light of the information available, the Commission identifies that this recommendation is **pending compliance**.

Measures and information to advance the implementation of the recommendation

72. The IACHR will declare progress in the level of compliance with this recommendation when the State proves that it has adopted the necessary normative or institution-strengthening measures to ensure that the maintenance of internal public order and citizen security is primarily reserved for civilian security forces. In addition, in order to evaluate compliance with the recommendation, the IACHR will evaluate that the support of the Armed Forces has not been used, in any case, in the context of social protests. In this way, the Commission requires that it be able to report on the states of emergency that have occurred in Peru after the events included in the Country Report. In particular, it is necessary for the information to explain the development of the requirements needed for the proper use of states of emergency and the temporary suspension of rights that it entails (norm that approves it, justification of the measure, time frame that is applied, definition of the rights that are going to be restricted, among others), as well as the application of the criteria of complementarity and exceptionality when deciding on the support that the Armed Forces provide in such contexts.

C. Reparation and care for victims of human rights violations

Recommendation No. 9. Adopt comprehensive reparation measures for victims of human rights violations in the context of social protests, which should include measures of compensation; satisfaction; medical and psychological rehabilitation; social rehabilitation; truth and justice, and guarantees of non-repetition.

Compliance Information

73. In 2024, the State reported that the "Multisectoral Commission of temporary nature was created to follow up on actions and measures aimed at assisting the relatives of the deceased, as well as for the people who suffered serious injuries in the mobilizations that occurred between December 8 and 21, 2022,"⁶⁹ which extended its purpose and functions until January 26, 2023⁷⁰, due to subsequent mobilizations. In this way, it pointed out that, on August 1, 2023, the Multisectoral Commission ended its mandate, although the Ministry of Justice and Human Rights has continued its efforts with different sectors to guarantee the timely care of those seriously injured in the context of the protests, until their full recovery.

74. The State reported that the Multisectoral Commission identified a total of 111 relatives of 63 deceased people and 155 seriously injured people. In this regard, he remarked that, in order to identify the beneficiaries, the National Institute of Family Welfare (INABIF) interviewed the families of the deceased on aspects such as family composition, economic situation, housing, health, education, among others. The State said that this registry made it possible to have comprehensive information on families to specify the services and programs with which they can benefit, including health, education, housing, development and inclusion in social programs, agrarian development, among others.

75. With regard to the number of persons killed, according to the State, the following figures were determined: (i) 49 persons died as a direct result of the protests; (ii) seven people died as an indirect result of

⁶⁸ IACHR, [Report on Social Protest and Human Rights](#), Standards on the Rights Involved in Social Protest and the Obligations that Should Guide the State's Response, OEA/Ser.L/V/II.IACHR/RELE/INF.22/19, September 2019, para. 322.

⁶⁹ [Supreme Resolution No. 264-2022-IUS](#), January 3, 2023.

⁷⁰ [Supreme Resolution No. 027-2023-IUS](#), May 19, 2023.

the protests (traffic accident or health complications due to road blockades); (iii) one PNP officer deceased, and (iv) six members of the Army deceased.

76. The State affirmed that the Multisectoral Commission established five criteria to determine the seriously injured persons who would be beneficiaries of its actions; namely, those who: (i) remained in the Intensive Care Unit; (ii) were hospitalized for more than 10 calendar days; (iii) have required or require major surgical intervention; (iv) have acquired a permanent disability as a result of the injuries; as well as (v) other cases that are approved by the Commission such as those of those persons who, due to the type of injury suffered or its severity, will have sequelae that will limit normal performance in daily or work activities.

77. The State indicated that, on February 21, 2023, the Ministry of Justice and Human Rights was authorized to grant, on an exceptional and one-time basis, economic support in favor of the beneficiaries determined by the Multisectoral Commission; namely, relatives of civilians or police officers who died and were seriously injured in the mobilizations that occurred between December 8, 2022 and February 10, 2023⁷¹. The amount to be delivered is 50,000 soles per deceased person, and 25,000 soles for each seriously injured person, having budgeted a total of 7,025,000 soles. In addition, the State reported that this economic support is not compensatory or reparative in nature, and that the benefit has no implications for the determination of possible administrative, civil, or criminal responsibilities.

78. In addition, the State reported the following actions taken:

- The Public Defender's Service of the Ministry of Justice and Human Rights provided 112 legal orientations and 20 sponsorships in 11 regions or areas of Peru (Apuímac, Arequipa, Ayacucho, Cusco, Huancavelica, Ica, La Libertad, Lima, Madre de Dios, Puno and Selva Central).
- The Ministry of Education included the affected people in the National Cooperation Management Scholarship (Peru Scholarship) – 2023 Call and assigned them additional points in the calls.
- The Ministry of Housing, Construction and Sanitation evaluated the affected people in order to identify the potential beneficiaries of the housing programs, providing them with information and guidance so that they can access them.
- The Ministry of Agrarian Development and Irrigation has been providing attention to families incorporated in the Registry of Agricultural Producers (PPA) so that they can access the bonuses of that program.

79. Civil society informed the IACHR that the criteria for qualifying and identifying the victims included in the registry had not been determined in a transparent manner, since there was no information mechanism on the criteria that have been used for this purpose. Civil society also highlighted the lack of an independent system to monitor the process of identifying affected people. In addition, civil society requested that the measures adopted aim to cover the comprehensiveness of reparations aimed at addressing the damage caused to the victims.

Analysis and level of compliance with the recommendation

80. The IACHR thanks the State for the information it has submitted and takes careful note of the creation of the Multisectoral Commission, and the current role of the Ministry of Justice and Human Rights in continuing its mandate, as well as the financial support granted to the families of the deceased and seriously injured. It also notes the efforts to identify affected persons and incorporate them into sectoral policies in education, housing and agrarian development.

⁷¹ [Emergency Decree No. 006-2023](#), February 21, 2023.

81. The State's obligation to provide reparations to victims of human rights violations derives from the obligation to ensure, that is recognized in Articles 1(1) and 63(1) of the American Convention on Human Rights. In this regard, the Inter-American Court of Human Rights has mentioned that "the duty to make reparation is proper to the State, so that although the victims or their relatives must also have ample opportunities in the search for fair compensation, this duty cannot rest exclusively on their procedural initiative or on the private provision of evidence."⁷² In this regard, the Commission has maintained that the "principle that should guide the implementation of reparations for human rights violations is that of effectiveness, both in the sense of achieving full compliance with the measure, and in that of duly taking into account the needs of the beneficiaries"⁷³. Therefore, in order for states to comply with this obligation, the IACHR has contemplated that "in serious, systematic, and prolonged situations of human rights violations, States may create administrative reparation programs that allow affected persons to have recourse to expeditious and effective mechanisms."⁷⁴ Thus, "both organs of the inter-American system (IACHR Commission and Court) have understood that the administrative and judicial remedies are complementary and not exclusive, making it possible for the two to converge and allowing the judicial channel to discount or compensate what has already been paid in the administrative channel"⁷⁵.

82. In relation to the nature of the reparations and the provisions of Emergency Decree No. 006-2023, it should be noted that the reparations referred to in the Country Report are of an administrative nature, without prejudice to those that may be determined by a court. Thus, in previous situations, the Commission has differentiated between administrative and judicial reparations, so that the State's mandate for reparation can be developed through a Comprehensive Care Plan for victims and their families, regardless of the reparation measures for the damages caused by such violations ordered by national and international courts. In this regard, the IACHR has specified that reparation mechanisms of an administrative nature have the capacity to compensate a wider number of beneficiaries and to incorporate reparation measures of a different nature that allow for comprehensive and transformative reparation. To that end, they must cover the damage suffered by all victims, even if the State's responsibility for such damage has not been legally established⁷⁶.

83. In relation to the amounts provided as one-time financial support, the IACHR identifies that this aid is essential to respond to the emergencies of the victims. However, the Commission considers it appropriate to emphasize that the right to reparation is not exhausted and cannot be confused with humanitarian aid or the satisfaction of other shortcomings that victims have,⁷⁷ so it is crucial to address comprehensive reparation mechanisms.

84. In addition, with regard to the additional measures reported, the IACHR identifies that these have not yet led to concrete actions for reparation, since only evaluation mechanisms, incorporation into calls for proposals, or information processes to access additional benefits have been reported. Considering that the information provided indicates that reparation measures have not yet been granted to the victims referred to in this recommendation, the Commission concludes that compliance with this recommendation remains **pending**.

⁷² I/A Court H.R., Case of García Lucero et al. v. Chile. Preliminary Objection, Merits, and Reparations. Judgment of August 28, 2013. Series C No. 267, para. 183; Case of the Massacre of Pueblo Bello v. Colombia. Merits, Reparations and Costs. Judgment of January 31, 2006. Series C No. 140, paragraph 209; Case of the Ituango Massacres v. Colombia. Judgment of July 1, 2006. Series C No. 148, para. 340. In the same vein: Case of Goiburú et al. v. Paraguay. Merits, Reparations and Costs. Judgment of September 22, 2006. Series C No. 153, paras. 117 and 122; and Case of Miguel Castro Castro Prison v. Peru. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, para. 400.

⁷³ IACHR, [Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice, and Reparation in Transitional Contexts](#), adopted April 12, 2021, para. 169

⁷⁴ IACHR, [Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice, and Reparation in Transitional Contexts](#), adopted April 12, 2021, para. 170

⁷⁵ IACHR, [Compendium of the Inter-American Commission on Human Rights on Truth, Memory, Justice, and Reparation in Transitional Contexts](#), adopted April 12, 2021, para. 174

⁷⁶ IACHR, [First MESEG Report: Follow-up to the recommendations of the GIEI – Bolivia](#), OEA/Ser.L/V/II., Doc.196, September 18, 2023, para. 35.

⁷⁷ United Nations (UN), Special Rapporteur on truth, justice, reparation and guarantees of non-repetition, Promotion of Truth, justice, reparation and guarantees of non-repetition, A/69/518, (2014), para. 60.

Measures and information to advance the implementation of the recommendation

85. In order to move forward with compliance with this recommendation, the Commission would like to have detailed information on the registry of persons who are being identified as victims within the facts included in the Country Report. It also needs to have information on the comprehensive reparation mechanisms that are being designed and applied within the framework of the instruments generated by the Multisectoral Commission reported. In this regard, the IACHR emphasizes that the State must adopt effective and timely administrative measures to guarantee access to comprehensive reparation for the persons affected by the events recorded in the Country Report. To this end, it is essential that the competencies for the identification and determination of the damages to be repaired, and for the coordination mechanisms between the relevant sectors for their award be strengthened. It should be noted that these mechanisms must be designed and implemented in a participatory manner, considering the particular characteristics of the victims, taking into consideration the intersectional approach, and the types of individual damages of the victims and the types of collective damages of the communities.

Recommendation No. 10. Provide comprehensive reparations to victims of human rights violations in the context of social protests. This requires that all those who may be held responsible for human rights violations be investigated, prosecuted, and punished.

Compliance Information

86. In 2024, the State reported that it created the Special Team of Prosecutors for Cases with Victims during Social Protests (EFICAVIP)⁷⁸, which investigates the cases of victims during the protests between December 2022 and March 2023. In this regard, it indicated that this team has national and exclusive competence for the investigation of crimes committed during social protests, including those against humanity, provided for in chapters I, II and III of Title XIV-A of the Penal Code, or common crimes that have constituted cases of violation of human rights and others. It also pointed out that the EFICAVIP has a specialized group of experts and another for the accompaniment and protection of victims and relatives, including psychologists. In addition, the State reported on the operation of the Program for Protection and Assistance to Victims and Witnesses, through a District Unit for Protection and Assistance to Victims and Witnesses (UDAVIT) or a Unit for Protection and Immediate Assistance to Victims and Witnesses (UAIKIT).

87. Civil society highlighted some challenges that would be occurring in the processing of investigations. On the one hand, it reported delays and lack of information on procedural progress. In addition, it underlined the high level of rotation that prosecutors and special team personnel would be having, making it difficult to continue in the development of investigations. With regard to barriers to access to justice for the persons affected, the Commission was informed that, in the case of virtual hearings, there would be limited access to the internet and, in the case of face-to-face hearings in Lima, there would be economic obstacles to physical travel, in addition to the fact that some proceedings are canceled on the same day.

Analysis and level of compliance with the recommendation

88. The Commission thanks the State for the information presented and takes careful note of the creation of the EFICAVIP to investigate the cases of the victims during the protests of December 2022 and March 2023. In this regard, it recalls that having a serious investigation that leads to a pertinent sanction and adequate reparation is part of the basic content of the obligation of States to guarantee human rights.⁷⁹

89. This recommendation focuses on analyzing the institutional measures that would have been implemented to address the need for investigation, prosecution, and punishment of the facts, and the

⁷⁸ Attorney General's Office, Resolution No. 790-2023-64 of March 31, 2023.

⁷⁹ I/A Court H.R., Case of Velásquez Rodríguez v. Honduras. Merits, Judgment of June 29, 1988. Series C No. 4, para. 176.

determination of responsibilities. It should be emphasized that a detailed analysis of the judicial processes will be addressed in recommendation 15 of this report.

90. In this regard, the Commission stresses the importance of having the institutional conditions in place to carry out the investigations and proceedings referred to in this recommendation and takes note of the concerns that exist in relation to remedies and the need to strengthen transparency mechanisms in the progress of judicial proceedings. It is also important to address in a timely manner the barriers to access to justice that are reported by the people affected, in particular, by members of groups in situations of particular vulnerability. For all these reasons, the Commission understands that this recommendation has a **partial level of compliance**.

Measures and information to advance the implementation of the recommendation

91. The IACHR warns that compliance with this recommendation must be accompanied by a diagnosis of the barriers to access to justice that the affected persons report in relation to the relevant judicial processes and prosecutorial investigations. Likewise, the mechanisms for transparency of information in relation to the progress of investigations must continue to be strengthened, so that the reasons and difficulties can be known in the event that judicial delays are reported.

Recommendation No. 11. Provide immediate and comprehensive medical care to victims of human rights violations and their families, both specialized medical and psychological.

Compliance Information

92. In 2024, the State informed the IACHR that the Multisectoral Commission of Temporary Nature to follow up on actions in favor of the relatives of the deceased and of the people who suffered serious injuries as a result of the mobilizations carried out at the national level, from December 8 until the end of the state of emergency⁸⁰, identified 111 relatives of 63 deceased people, and 155 people seriously injured. In this regard, the State verified that, of the 111 family members, 91 are affiliated to the Comprehensive Health Insurance (SIS) in active status, and that, of 155 injured persons, 117 are affiliated in active status. Therefore, as of December 2024, the State registered 414 services for the relatives of the deceased victims, and 882 services for the seriously injured. It should be noted that the State explained that registered persons are guaranteed free access to the preventive, promotional, recuperative and rehabilitation health benefits they require, which includes medical and sanitary procedures, pharmaceutical products, medical devices and health products.

93. In addition, the State indicated that five virtual macro-regional meetings were held for health professionals to provide psychosocial support and mental health care to relatives of the deceased and injured during social conflicts, in which a total of 345 people from the South, Center, East, North, and Lima regions participated.

94. The State reported that the "Sectoral Working Group of a temporary nature, under the Ministry of Health, was created to assist in actions regarding the strategic defense of the Peruvian State in cases in which the Health Sector is linked; which is being carried out by the Public Prosecutor's Office of the Ministry of Health, in coordination with the Supranational Specialized Public Prosecutor's Office."⁸¹. And that this Group has prepared the draft "Guidelines for health care for persons affected by violations of the Right to Health, Personal Integrity and Dignified Life, declared by the Inter-American Court of Human Rights through a judgment."

⁸⁰ Supreme Resolution No. 264-2022-JUS and its amendments.

⁸¹ Ministerial Resolution No. 100-2023-MINSA, of January 30, 2023.

95. For its part, civil society expressed its concern about the alleged gaps in health care that exist in the affected regions, which would be related to insufficient resources and lack of medical specialization. These would have generated delays in critical procedures and deficient care for many victims, even having to transfer people to Lima without considering their economic and cultural needs. In addition, the organizations reported on the absence of comprehensive psychological care for victims and their families.

Analysis and level of compliance with the recommendation

96. The IACHR notes positively that the State has been concerned about the provision of health services for a group of victims and their families. In this sense, since the provision of health is a fundamental public service, it calls on the State to guarantee this right through timely and appropriate care in accordance with the principles of availability, accessibility, and acceptability.⁸² With regard to accessibility, it should be noted that its elements require that health facilities, goods and services be within geographical reach of all sectors of the population, especially vulnerable or marginalized groups⁸³.

97. Based on the information received, the IACHR concludes that the information provided does not provide evidence of whether the State has guaranteed immediate and comprehensive medical care to all victims or whether differentiated care has been guaranteed based on particular economic, social, and cultural conditions. The Inter-American Court of Human Rights has established that health reparations must involve "differentiated treatment in relation to the process and procedure that should be carried out to be treated in public hospitals."⁸⁴ In addition, it has indicated that "treatments should be provided, as far as possible, in the centers closest to their place of residence [that of the victims]."⁸⁵ For the Commission, it is essential to highlight this criterion in order to note that, as long as the public health network does not have prioritization mechanisms for victims, these services will be inaccessible to people who are in a situation of vulnerability. Along the same lines, information is required on the psychological care provided to victims, since there would only be information of the five Macro-Regional virtual meetings, aimed at health professionals, to provide psychosocial accompaniment and mental health care. Therefore, the Commission warns that, based on the information to which it has had access, this recommendation has a **partial level of compliance**.

Measures and information to advance the implementation of the recommendation

98. In order to determine that progress has been made in complying with this recommendation, it is essential that the State ensure the provision of immediate and comprehensive medical care, including physical and psychosocial health, which implies the satisfaction of the essential elements of availability, accessibility, acceptability, and quality. In this regard, the IACHR urges the State to establish specific measures of access and follow-up for each of the affected persons and their families, weighing up any economic, social, and cultural barriers that may exist. It is essential that these measures include adequate, sustainable psychological support mechanisms with an intercultural approach, and that information is provided that accounts for compliance with these criteria.

Recommendation No. 12. Ensure that reparation measures have a focus on cultural, gender, and intersectional relevance in human rights, taking into account both the individual harms suffered and the differentiated collective effects on their respective families, communities, and peoples, as well as the differentiated impacts on women; children; and adolescents; indigenous people; older people; and people with disabilities.

⁸² Committee on Economic, Social and Cultural Rights, General Comment 13. E/C.12/1999/10, 8 December 1999; and Inter-American Court H.R., Case of Poblete Vilches et al. v. Chile, Merits, Reparations and Costs, Judgment of March 8, 2018, Series C No. 213.

⁸³ Inter-American Court of Human Rights, [Booklet 28: Right to Health](#), 2022, p. 21.

⁸⁴ Inter-American Court H.R., Case I.V. v. Bolivia Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329, para. 332.

⁸⁵ Inter-American Court H.R., Case I.V. v. Bolivia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 30, 2016. Series C No. 329, para. 332.

Compliance Information

99. In 2024, the State reported that the entity in charge of implementing measures with a focus on cultural relevance is the Ministry of Culture, which has various regulations previously designed for the implementation of the intercultural approach in the provision of public services, namely: (i) National Policy for the Mainstreaming of the Intercultural Approach (2015)⁸⁶; (ii) Guide for the application of the intercultural approach in the management of public services (2015)⁸⁷; (iii) Guidelines for incorporating the intercultural approach in the prevention, care and protection against sexual violence towards children, adolescents and indigenous or native women (2019)⁸⁸; and (iv) the Indigenous Peoples Database (2011).⁸⁹

100. The State stated that it made a list of beneficiaries of reparations, taking into account the particularities of each person, with the aim of designing and implementing mechanisms that respond to their characteristics. In this regard, it pointed out that criteria such as family composition, economic situation, housing, health, education, among others, were taken.

101. For its part, the Commission received information from civil society according to which there are no known measures for reparation purposes that respond to the specific challenges of women, children, the elderly, or persons with disabilities. The Commission was also informed that there is no known mechanism that responds to the collective demands of the affected groups, including the communities. In addition, civil society insisted on the absence of independent mechanisms to monitor the measures to be adopted in relation to reparation mechanisms.

Analysis and level of compliance with the recommendation

102. The Commission identifies that no specific measures have been reported to conclude progress in compliance with this recommendation. The information reported by the State regarding the various norms for the implementation of the intercultural approach is pertinent to the framework in which the recommendation should be applied, but not to analyze compliance in itself, since they were approved prior to the events that are the subject of the Country Report and the issuance of this recommendation. Finally, it is important to highlight that for the advancement of this measure it is crucial to have reparation mechanisms designed or implemented. In view of the foregoing, the Commission notes that compliance with this recommendation remains pending.

Measures and information to advance the implementation of the recommendation

103. The IACHR asks the State to ensure that the reparation measures that are implemented in an adequate and timely manner are designed and adopted taking into account the approaches of cultural relevance, gender, and intersectionality in human rights. To this end, there must be a consideration of the dimension of the damage caused to each person, taking into account their particular characteristics.

Recommendation No. 13. Ensure that reparation measures adopt a gender approach that recognizes the differentiated impacts of the loss of human life on women who, as a result of the events, were left in charge of family support and the search for justice.

⁸⁶ [Supreme Decree No. 003-2015-MC](#), October 28, 2015.

⁸⁷ [Ministerial Resolution No. 124-2015-MC](#), April 8, 2015.

⁸⁸ [Supreme Decree No. 009-2019-MC](#), August 8, 2019.

⁸⁹ [Database of Indigenous or Native Peoples](#).

Compliance Information

104. For the year 2024, the State informed the IACHR that the Economic Assistance Task Force of the Ministry of Women and Vulnerable Populations registered 53 deaths in the context of the mobilizations carried out nationwide: six in Apurímac; four in Arequipa; 10 in Ayacucho; three in Cusco; three in Junín; three in La Libertad; two in Lima, and 22 in Puno. Of these cases, 33 children and adolescents (NNA) were identified as orphans as a result of the death of their mother, father, both, or legal guardian in the context of the mobilizations that began in December 2022, so that they can have the information to submit requests for economic assistance in compliance with the law that promotes the protection and comprehensive development of girls, children and adolescents.⁹⁰ The State indicated that, to date, they have accepted the applications of 19 of the 33 children and adolescents to be beneficiaries of economic assistance, for administrative reasons, such as: having reached the age of majority, receiving an orphan's pension from another institution, errors in the application, or lack of socioeconomic classification. The State stressed that the information is being provided so that the families can correct the observations.

105. According to the information provided by the State, the 19 beneficiaries of the economic assistance and their families, listed in the previous paragraph, have the prioritized professional accompaniment, which consists on helping to guarantee access to health, educational continuity, protection services and the development of the life project of the child and adolescent. To this end, according to the State, the identification of actors, the application of diagnostic instruments, the measurement of vulnerability, the application of family welfare plans and the management of access to services are carried out. In addition, it was reported that the follow-up of the measures granted is carried out through face-to-face and non-face-to-face visits by a professional trained to provide accompaniment.

106. For its part, civil society told the IACHR that it is not aware of reparation measures provided by the State that respond to the specific needs of women and children.

Analysis and level of compliance with the recommendation

107. The Commission appreciates the information provided by the State and takes note of the progress made in covering the 19 children and adolescents who were orphaned as a result of the events related to the protests that took place between December 2022 and March 2023. In this regard, the IACHR welcomes the adoption of protection measures and economic assistance due to the particular situation in which these people find themselves.

108. However, the IACHR stresses the State's obligation to adopt urgent measures to ensure that all affected children and adolescents are covered, taking into account the economic, social, cultural, or other barriers that restrict their access. This implies not waiting for the submission of specific applications, since it is a group in a situation of vulnerability such as children and adolescents in a situation of orphanhood. The IACHR also stresses that comprehensive reparation measures must be adopted, which do not consist only of essential economic assistance. Therefore, considering that they are reparation mechanisms implemented for a particular group of high social vulnerability, the Commission notes that this recommendation is **partially complied with**.

Measures and information to advance the implementation of the recommendation

109. In order to make progress in complying with this recommendation, it is important to report on the design and implementation of the comprehensive reparation measures that will be granted to respond to the particular situation of the people affected. The State must also specify how these measures have been adapted to the needs of the women who, as a result of the events, were left in charge of supporting their families and seeking justice. Finally, the IACHR hopes to collect information on the progress in the coverage of children

⁹⁰ [Law No. 31405](#), February 4, 2022.

and adolescents who have been identified as orphans due to the events that occurred in the protests of 2022 and 2023.

Recommendation No. 14. Adopt the necessary measures to incorporate the approach of the best interests of children both in policies, protocols and operational plans relating to the control of citizen security, and in their practical application, particularly in cases of attention to social conflict.

Compliance Information

110. For 2024, the State reported the approval of the "Protocol for joint action by the State for the articulation of services in contexts of detention, retention, and police intervention for women and people in vulnerable conditions" (2023),⁹¹ which establishes that, in situations of negligence and violation of rights by parental care in social protests, the affected children and adolescents must be transferred to the Special Protection Unit. It also indicated that an annual course has been held since 2022 on the Rights of Persons in Vulnerable Situations for police personnel in a decentralized manner, where the situations of people with disabilities, senior citizens, LGBTI and children and adolescents are discussed, as well as their repercussions on the exercise of their fundamental rights and police work.

111. The State stated that, within the framework of the "Administrative and Operational Guidelines for the Planning, Direction, Conduction, and Execution of Police Operations for the Control, Maintenance, and Restoration of Public Order" (2022),⁹² police personnel have criteria in accordance with international obligations to adopt the most appropriate means of deterrence, protection, and/or controls in the context of social protests, where the participation of women, children, the elderly, people with disabilities or other vulnerable groups within the demonstrations is evaluated.

112. For its part, the Commission learned of information provided by civil society according to which there had been no evidence of concrete policies to protect children and adolescents in the context of social protests. On the contrary, the approval of a bill on a legal reform that allows adolescents of 16 and 17 years of age to be tried as adults for serious crimes, including the crimes of terrorism, aggravated homicide, kidnapping, extortion, among others,⁹³ was reported. In this regard, the Commission was informed that the approval of this reform aggravates situations of detention of children and adolescents and stigmatizes certain groups in vulnerable situations (indigenous people, Afro-Peruvian population, adolescents in situations of mobility, among others). According to what has been reported by civil society organizations, this law would show a lack of comprehensive vision in juvenile justice policy.

Analysis and level of compliance with the recommendation

113. The IACHR appreciates the information provided by the State. However, it observes that the "Protocol for joint action by the State for the articulation of services in contexts of detention, retention and police intervention of women and people in vulnerable conditions" is applied when these people are detained by the police, in any type of context, but once the person is detained. However, it would not be specifically designed to prevent situations of detention from occurring in the context of the use of force in protests or demonstrations. In this sense, in the context of the recommendation, the measure applies only to the cases of people detained in the context of protests. The IACHR also takes note of the application of the "Administrative and Operational Guidelines for the Planning, Direction, Conduction, and Execution of Police Operations for the Control, Maintenance, and Restoration of Public Order" and its regulation on specific measures for the protection of vulnerable populations during and after the aforementioned operations, although it identifies that these were approved in the months prior to the protests between December 2022 and March 2023.

⁹¹ [Supreme Decree No. 002-2023-MIMP](#), February 7, 2023.

⁹² National Police of Peru, [Resolution of the General Command of the National Police No. 418-2022-CG PNP/EMG](#), October 13, 2022.

⁹³ [Bill 618 modifies numeral 2 of article 20 of the Penal Code](#).

114. The Commission has established that "a public policy on citizen security with a human rights approach is one that incorporates the development of simultaneous actions in three strategic areas: the institutional area, the normative area, and the preventive area." In this sense, the normative area of the public policy on citizen security refers to the "adaptation of the legal framework, both to the needs for the prevention or repression of crime and violence, and for the development of criminal procedure or prison management".⁹⁴

115. For this reason, the IACHR expresses its concern over the information provided by civil society regarding the normative measures that are in the process of being approved and that indicate that minors should be tried as adults for serious crimes. The IACHR identifies that this measure could contradict international human rights standards, which establish that any person under 18 years of age at the time of the alleged commission of a crime must receive differentiated treatment from persons of legal age⁹⁵. The IACHR calls on the State to avoid adopting laws that criminalize minors. In view of the foregoing, the Commission concludes that compliance with this recommendation is **pending**.

Measures and information to advance the implementation of the recommendation

116. The IACHR maintains that in order to move forward with this recommendation, it is necessary to incorporate special State measures related to the best interests of children in the policies, protocols, and operational plans related to the control of citizen security, particularly in cases of attention to social conflict. To this end, it is essential that the norms that are approved, related to the exercise of the right to protest or the criminal responsibility of children, are in accordance with international standards on the matter.

D. Combating impunity

Recommendation No. 15. Investigate all the facts recorded in this report, in particular the alleged violations of human rights, in a prompt, serious, effective, independent manner, and with attention to due judicial guarantees. To this end, the State may evaluate and request technical assistance from the IACHR through training for public officials, mechanisms for follow-up on recommendations, or even the creation of an interdisciplinary group of independent experts.

Compliance Information

117. For the year 2024, the State reported the creation of the Special Team of Prosecutors for cases with victims during social protests (EFICAVIP)⁹⁶ and the following progress indicators as of December 2024:

- a. 72 fiscal folders: 20 formalized, 46 in the preliminary investigation stage and six in the qualification process. In this regard, he pointed out that the files refer to 50 deceased people and 729 people aggrieved by other crimes (injuries, abuse of authority, torture, etc.). In addition, it was noted that the Task Force is in charge of 16 emblematic and highly complex cases.
- b. 338 defendants, of which 35 are members of the Armed Forces of Peru and 303 are members of the National Police of Peru.
- c. 14,611 investigative acts carried out, including statements, inspections, expert opinions, recreations, exhibitions, seizures, among others.
- d. It was noted that the prosecutors of the Special Team have traveled to the places where the events occurred, including the regions of Ayacucho, La Libertad, Cusco, Puno, Apurímac, Junín, Arequipa and Ucayali.

118. The State reported that the Office of the Area of Illicit Enrichment and Constitutional Complaints of the Office of the Attorney General of the Nation filed a constitutional complaint with the

⁹⁴ IACHR, [Report on Citizen Security and Human Rights](#), OEA/Ser.L/V/II. Doc.57, December 31, 2009.

⁹⁵ Committee on the Rights of the Child, General Comment 10, CRC/C/GC/10, 25 April 2007, para. 37.

⁹⁶ [Resolution of the Attorney General's Office No. 790-2023](#), March 31, 2023.

Presidency of the Congress of the Republic for crimes against the lives of the persons affected in the context of the protests against the current President of the Republic and other high-ranking officials of the State. In addition, it reported 19 administrative-disciplinary files related to the death or injuries of civilians and police personnel, in the context of the social protests updated to October 2023, namely:

- a. Eight pending in "Previous Actions": one in the Apurímac region, two in Arequipa, two in Junín, two in Cusco and one in Puno.
- b. Seven were referred to the MININTER's Office of Internal Affairs: three in the Apurímac region, one in Ayacucho and three in Puno.
- c. Four resolved and filed in the Disciplinary Offices and Archive Area: two in La Libertad, one in Arequipa and one in Lima.

119. With respect to the technical assistance component referred to in the recommendation under follow-up, the State stated that the "Memorandum of Understanding (MoU) on a Work Plan between the Republic of Peru and the Office of the United Nations High Commissioner for Human Rights" was signed⁹⁷. In this regard, he pointed out that, within the framework of this measure, training for prosecutors has been carried out focused on human rights, international standards for prosecutorial action, procedural techniques, interculturality and approaches in investigations into the abuse of force. In addition, the State reported on other capacity-building actions for officials of the Public Prosecutor's Office.

120. For its part, civil society sent the IACHR the following information on the follow-up it has given to the ongoing judicial proceedings for the events related to the protests recorded in the Country Report:

Region	Case	Charged	State
Puno	Death of 18 people and 108 injured in the vicinity of the Inca Manco Cápac Airport.	20 members of the Peruvian Army and the National Police	Formalized preparatory investigation
	Death of Salomón Valenzuela Chua and Sonia Aguilar Quispe during the social protest in Macusani.	24 members of the National Police	Formalized preparatory investigation
	Events recorded on Av. Independencia, in the town of San Román (Juliaca).	Three members of the National Police	Formalized preparatory investigation
Ayacucho	Fiscal Folder No. 25-2023 Acts committed to the detriment of 10 fatal victims and 40 victims of injuries.	36 alleged perpetrators	Formalized preparatory investigation
Apurímac	Fiscal Folder No. 8-2023 Homicide of Denilson Huaraca Vélchez and serious injuries to 4 citizens in Andahuaylas during the protests of February 8, 2023.	PNP Gen. Luis Flores Solís and 14 other police officers	Formalized preparatory investigation
	Fiscal Folder No. 04-2024 Aggravated homicide of the minor R.P.M.L. and the injuries committed to the detriment of the minor E.G.Q.N. and Alcides Barzola Huamán.	Five police officers	Formalized preparatory investigation
	Fiscal Folder No. 10-2023 Aggravated homicide of five people, of which at least two were minors, and the injuries of another 33 citizens.	24 police officers	Formalized preparatory investigation
Cusco	No information.	20 members of the National Police	No information

⁹⁷ Memorandum of Understanding (MoU) on a Work Plan between the Republic of Peru and the Office of the United Nations High Commissioner for Human Rights, February 27, 2023.

	Acts committed against about 30 citizens during the protests that took place on 28 de Julio Avenue, on January 11, 2023.	Two police officers	No information
Lima	Death of Víctor Raúl Santisteban Yacsavilca, which occurred on January 28, 2023, as well as the injuries of three people.	Four police officers	No information
	Acts of violence that occurred on December 12, 2022, and on January 4 and March 2, 2023 at the intersection of Av. Bolivia with Paseo de la República in the city of Lima.	Eight police officers	Formalized preparatory investigation
Junín	Aggravated homicide of the minor J.W.T.C. (17 years old), Diego Armando Galindo Vizcarra and Ronaldo Franly Barra Leiva; as well as serious injuries against seven people and minor injuries to 14 citizens, which occurred on December 16, 2022, in the district of Pichanaqui.	Three officers who include the head of the VI Macro Police Region of Junín, Gregorio Villalón Trillo; the head of the Chanchamayo Police Division, César Chávez Navarro, and the commissioner of Pichanaqui, Jonny Vargas Ontón	Formalized preparatory investigation
Ucayali	Perpetrators (commission by omission) of the alleged crimes of serious injuries, minor injuries and abuse of authority against eight people during the events recorded on December 17, 2022, in the district of Huipoca, province of Padre Abad.	Former Chief of the Directorate of Special Units (DUE) of the National Police of Pucallpa, Manuel Barreto Gonzales, and the former head of the Department of Special Operations 02 - PNP, Juan Pablo Tardío Alarcón	No information
Arequipa	Death of Miguel Arcana occurred on December 12, 2022, in the district of Cerro Colorado.	Municipal City Commissioner, Marvin Antonio Vergaray Saldarriaga, and SO2 PNP Paúl Qquenta Huamán	No information
	Four citizens for the events that occurred during the protests of December 17, 2022 in the district of Ocoña.	PNP Colonel Francis Javier Alarcón Gallegos	No information
	Two injured registered in the demonstrations of January 19, 2023, in the Uchumayo Bypass.	No information	No information
La Libertad	Death of Carlos Huamán Cabrera and Segundo Sánchez Huaynacari, and the injuries to three people that occurred during the mobilizations of January 13 and January 20, 2023, in the district of Chao.	Two police officers	Formalized Preparatory Investigation

Table 1. Summary of case-by-case information submitted by civil society in the context of the follow-up to the recommendation

121. Based on the above information, civil society told the IACHR that the vast majority of the investigations are in the preliminary stage, and only some have been formalized. As a result, it noted that no

public official had yet been criminally charged and that the investigations had excluded elements of the chain of command, particularly with regard to the highest positions.

122. In relation to the constitutional complaint filed, civil society remarked to the IACHR that it would suffer from errors of form and substance, since the total number of fatalities and serious injuries would not be included, although there would be sufficient evidence to do so. According to what was expressed to the Commission, this would respond to the lack of a serious investigation, since it would have been presented prior to the suspension of the prosecutor who filed it for accusations of corruption. It was clarified that the constitutional complaint was rejected in July 2024 by the Subcommittee on Constitutional Accusations of the Congress of the Republic of Peru. However, in July 2024, a new constitutional complaint was filed against President Dina Boluarte, former Premier Pedro Angulo and former Premier and former Minister of Defense Luis Otárola, and three other former ministers, which was admitted for processing in November 2024 by the same Subcommittee of Congress.

123. In turn, the Commission learned of information provided by civil society according to which, in January 2023, a Multiparty Investigative Commission was created in Congress to determine the alleged criminal and political responsibilities for the serious violations of human rights committed since December 7, 2022. However, there is still no progress in the results of the Congressional Commission.

124. Civil society, for its part, reported that regulations continue to be approved or discussed that would result in the reduction of mechanisms for controlling the actions of the police, both in the context of protests and demonstrations, and in the framework of investigations against detainees. In this regard, it was reported that Law No. 32130 had been approved,⁹⁸ which grants the PNP the power to carry out a preliminary investigation of the crime, subordinating the prosecutor's work to police activity, as has been expressed in the request for unconstitutionality filed by the Attorney General against that law.⁹⁹ Also noteworthy was the approval and enactment of Law No. 32181¹⁰⁰, by which the Public Prosecutor's Office, under functional responsibility, may not request preliminary judicial detention or preventive detention against police personnel in a situation of activity when they use their weapons or means of defense in a regulatory manner, even if injuries or deaths have been caused to third parties.

125. Civil society also informed the Commission about the Council of State held in November 2024 between the different branches of government and public institutions, in which it was agreed, as a measure to combat crime and organized crime, to formulate a legal framework that would allow the Police and the Armed Forces to use force in the performance of their functions. And that it would establish courts in the military police jurisdiction when its regulation weapons are used, under the control of the Inspector General of the Police. Based on this, a bill that is under debate in Congress was presented.¹⁰¹

Analysis and level of compliance with the recommendation

126. The Commission appreciates the information received from the State and civil society on the status of the various judicial processes and fiscal investigations. In this sense, it values the progress in each of these processes. However, it is important to emphasize that access to justice for victims must be given quickly, considering the complexities of the cases, and seeking to determine the corresponding criminal responsibilities. Therefore, it is essential that the State be able to take measures to guarantee the logistical and personnel resources essential to move forward with these investigations.

127. The Commission also identifies that the legislative measures approved highlighted by civil society would have the effect of reducing the mechanisms of external and internal control of the actions of the police in the context of social conflicts, while reducing the capacity to ensure the application of the principles

⁹⁸ Law No. 32130, October 10, 2024.

⁹⁹ Public Prosecutor's Office, Lawsuit of unconstitutionality against Law 32130, Law that modifies the Code of Criminal Procedure, Legislative Decree 957, filed on December 20, 2024.

¹⁰⁰ [Law No. 32181](#), December 11, 2024.

¹⁰¹ Bill No. 09187/2024-CR.

of legality, necessity and, especially, proportionality. In this way, they have a direct impact on compliance with the recommendation under analysis.

128. At the same time, it should be noted that one of the objectives of the investigations is to provide a mechanism of truth, justice and reparation to the victims, within a reasonable time, so it is essential that they participate in the investigation stages and have clear and accessible information on the progress of the process. Consequently, the Commission concludes that this recommendation is considered to be **pending compliance**.

Measures and information to advance the implementation of the recommendation

129. The IACHR will consider progress in complying with this recommendation when it has sufficient and clear information to conclude that the State is making progress in the process of investigating the different cases, identifying those responsible, and opening judicial proceedings. To this end, the IACHR requests that detailed information be sent on all judicial processes and their progress. In addition, for the IACHR, it is essential that the State address the logistical and personnel needs that may generate delays in the processing of these cases and that it has mechanisms in place to foresee economic or technological barriers for the affected persons to participate actively in the development of the processes. Finally, the IACHR recalls that, in a democratic state governed by the rule of law, military criminal jurisdiction must be "restrictive and exceptional so that it applies only to the protection of special legal rights of a military nature that have been violated by members of the military forces in the exercise of their functions..."; and that "it is not the competent forum to investigate and, where appropriate, judge and punish the perpetrators of human rights violations, but rather the prosecution of those responsible always corresponds to the ordinary justice system."¹⁰² Therefore, it remains attentive to the information on the bills presented in this regard.

Recommendation No. 16. Increase the resources of the Public Prosecutor's Office to ensure the full performance of its functions of crime prevention and investigation.

Compliance Information

130. For the year 2024, the State reported that, in 2023, it made an additional transfer of items¹⁰³ in the Public Sector Budget amounting to 99,001,010 soles in favor of the Public Prosecutor's Office, to finance the creation of Human Rights and Interculturality Prosecutor's Offices in each Fiscal District at the national level. It also reported that the budget for the EFICAVIP is 474,135 soles, as well as an additional 25,865.02 soles.

131. For its part, civil society conveyed to the IACHR the importance of EFICAVIP being able to have a greater presence in all the regions where the investigations are carried out, particularly in rural and indigenous areas where the victims are located. It also indicated that there would be difficulties for the Public Prosecutor's Office to coordinate with key institutions such as the National Police and the Judiciary, and pointed out that these shortcomings would have an impact on the speed and quality of the investigations.

Analysis and level of compliance with the recommendation

132. With regard to the creation and specific budgetary allocation for the EFICAVIP, the IACHR considers that this measure constitutes a step forward in ensuring the performance of its functions of crime prevention and investigation. As mentioned above, for the Commission, it is essential that the resources granted are sufficient and adequate. In this way, the State must guarantee the correct use of these resources or that the

¹⁰² I/A Court H.R., Case of Argüelles et al. v. Argentina, Judgment on Preliminary Objections, Merits, Reparations and Costs, Series C No. 288, November 20, 2014, para. 148.

¹⁰³ [Supreme Decree No. 109-2023-EF](#), July 4, 2023.

pertinent budgetary adaptation is developed to cover possible logistical and personnel shortages for the investigation of cases. Therefore, it is concluded that the recommendation has **partial compliance**.

Measures and information to advance the implementation of the recommendation

133. The IACHR requests that the allocation of resources be strengthened to ensure that attention is paid to the obstacles that have arisen in the investigation and prosecution processes, taking into account the particularities of the people affected in the different regions where the investigation processes take place. Likewise, that their adequate participation in the different acts of the processes can be guaranteed.

Recommendation No. 17. Adopt institution-building measures aimed at providing security conditions to officials of the Public Prosecutor's Office for the full performance of their functions of crime prevention and investigation.

Compliance Information

134. In 2024, the State stated that, after the attacks suffered in the protests, the Public Prosecutor's Office issued instructions on security measures to the guards in charge of covering the entry and exit control posts of the main and central headquarters of the Public Prosecutor's Office, as well as the headquarters of this entity in each fiscal district. It was also reported that the private security personnel who are in charge of the security of the fiscal headquarters are being evaluated and that talks are being given with personnel trained in security, registrations, control, verifications and identifications.

135. In addition, the State reported on the Regulations on Security and Protection of Public Officials, Dignitaries, and Personalities,¹⁰⁴ which establishes three types of protection aimed at guaranteeing the security of various authorities, such as the President of the Republic, the President of the Congress of the Republic, the President of the Judiciary, the Vice Presidents of the Republic, the Ministers of State, and the heads of Autonomous Constitutional Bodies. In addition, it can be extended to other public officials, dignitaries and personalities, upon request and evaluation.

136. For its part, civil society told the Commission that, for some years now, justice operators have been facing a hostile context in the exercise of their work, exposing themselves to threats, attacks, sit-ins, disinformation campaigns, among other risks. Faced with this situation, it alleged an alleged lack of capacity to carry out concrete actions aimed at improving the physical and psychological security conditions of the Public Prosecutor's Office in situations of high polarization.

Analysis and level of compliance with the recommendation

137. The Commission thanks the State for the information reported and takes note of the internal security measures that have been adopted to protect the headquarters of the Public Prosecutor's Office, both at the central and decentralized levels, which show a first step towards providing security conditions for officials of the Public Prosecutor's Office. In this regard, the IACHR emphasizes the need for security that the officials of this entity must have in order to fully carry out their functions of crime prevention and investigation.

138. In this regard, the IACHR expresses its concern over the reports of threats that have been made against prosecutors who are investigating cases of great public importance, both in the physical space of the prosecutor's office and outside of it. In this regard, the Commission recalls that various precautionary measures have been granted related to the protection of these prosecutors. For the Commission, it is necessary to know the actions that have been taken to implement the precautionary or protective measures already granted in favor of the prosecutors who have suffered the threats, as well as those that have been taken to

¹⁰⁴ Supreme Decree No. 004-2022-IN, May 7, 2022.

prevent any future action. Pending this information, the Commission considers that this recommendation has been partially implemented.

Measures and information to advance the implementation of the recommendation

139. The IACHR warns that progress in complying with this recommendation requires additional detailed information on the measures adopted to guarantee the safety of officials of the Public Prosecutor's Office; in particular of those people who hold positions that may be sensitive for high-risk cases and who have suffered or may suffer threats against them or their relatives outside the space of the Public Prosecutor's Office. In this sense, it requests to know the measures promoted to identify the levels of risk of people, as well as the mechanisms both to report such actions and to respond and those that are activated after the complaint is filed.

Recommendation No. 18. Increase the number of specialized human rights prosecutors' offices so that they have a presence throughout the country.

Compliance Information

140. In 2024, the State reported that, in order to strengthen the prosecutorial work team, the Board of Supreme Prosecutors created 29 prosecutors' offices, including superior and provincial, and 216 prosecutorial positions on a permanent and temporary basis.¹⁰⁵ In this regard, the State confirmed that specialized prosecutors' offices on human rights and interculturality have been implemented in the largest number of prosecutorial districts in the country. It also pointed out that those positions on a provisional basis will be filled by incumbent prosecutors through three competitions.

141. The State also reported that six *Supraprovincial Criminal Prosecutors' Offices Specializing in Human Rights* have been inaugurated (Arequipa, Lambayeque, La Libertad, Loreto, Ica, and Cusco); although it affirmed that, currently, prosecutorial offices specialized in human rights and interculturality are in operation in the 34 fiscal districts.

142. For its part, civil society stressed to the Commission that, although specialized prosecutors' offices have been created, there are still barriers to access to justice related to the absence of prosecutors' offices in remote places in the territory, or the need to improve training mechanisms for members of the Prosecutor's Office.

Analysis and level of compliance with the recommendation

143. The IACHR observes that the State has made progress in covering specialized human rights prosecutors' offices in a decentralized manner. In this regard, it has reported the presence of *Supraprovincial Criminal Prosecutor's Offices Specialized in Human Rights* in seven regions; and that, in all 34 fiscal districts, there are specialized fiscal offices. In addition, the IACHR notes positively that, with the creation of the EFICAVIP, it has been possible to deal with complex cases in situations that go beyond specific jurisdictions. In this regard, the IACHR welcomes the progress made in relation to the objective of the recommendation. Therefore, it maintains that this recommendation is in **full compliance**.

Measures and information to advance the implementation of the recommendation

144. The IACHR welcomes the State's efforts to comply with this recommendation and highlights the need to ensure and maintain a budget adequate to the needs of the Subsystem for Human Rights and Interculturality.

¹⁰⁵ [Resolution No. 045-2023-MP-FN-JFS](#), July 3, 2023.

Recommendation No. 19. Adopt additional measures to strengthen the institution of the Institute of Legal Medicine and Forensic Sciences in order to provide it with human, technical, and scientific resources for the full performance of its functions in the various provinces of the country and, especially, with respect to the investigations corresponding to the facts contained in this report.

Compliance Information

145. In 2024, the State stated that the budget allocated for the institutional strengthening of the Institute of Legal Medicine and Forensic Sciences (IMLCF) amounts to 26,832,820 soles.¹⁰⁶ In this sense, he indicated that, currently, there are 285 professionals incorporated at the national level in 32 fiscal districts, including doctors (auditors, psychiatrists, pathologists, radiologists), anthropologists, archaeologists, biologists, psychologists, pharmaceutical chemists, administrative specialists, computer operators, computer analysts, medical technologists and administrative operators.

146. The State also reported that training was provided to IMLCF officials on the Istanbul Protocol, which has made it possible to schedule evaluations using this instrument, to carry out *post-facto case studies* in Lima and in regions of the country, and to carry out forensic medical examinations physically and in hospitals.

147. For its part, the Commission learned of information provided by civil society according to which, during a session of the Congressional Oversight and Comptroller Commission on May 24, 2024, the National Head of the IMLCF informed the congressmen about the lack of supplies for the processing of samples in the toxicology laboratory, as well as deficiencies in infrastructure and maintenance of various services.¹⁰⁷

Analysis and level of compliance with the recommendation

148. The IACHR thanks the State for the information sent and takes note of the budget allocated to the IMLCF, which was used to hire personnel at the decentralized level. It also welcomes the implementation of training related to the Istanbul Protocol. However, in order to measure the progress of the recommendation, the Commission needs to know how working conditions have changed over time. It also considers that institutional strengthening actions can be adopted, such as budget allocations, training, and cooperation with other entities, in particular, to help address the investigations corresponding to the facts contained in the Country Report. In the meantime, the Commission concludes that the recommendation is pending implementation.

Measures and information to advance the implementation of the recommendation

149. In order to make progress in complying with the recommendation, the IACHR needs to know comparatively, with respect to previous years, the strengthening of the institution. To this end, it is necessary to have comparative information in recent years (at least since the adoption of the recommendation) on the strengthening of staff capacities, on the situation in human resources, on budgetary resources, infrastructure, among others. It is important that the comparative information makes it possible to know, in a decentralized manner, the needs in each region, considering the prioritization of cases related to responsibilities for the disproportionate use of force.

Recommendation No. 20. Systematize through a comprehensive registry the data on deceased, injured, detained and victims of gender violence in the context of social protests in a transparent, updated, clear, concise and contrasted manner with the information provided by civil society. The registry must be specific and take into account data disaggregated by ethnic-racial origin, age, sex, sexual orientation, gender identity and/or expression.

¹⁰⁶ [Supreme Decree No. 109-2023-EF](#), June 4, 2023.

¹⁰⁷ [IMLCF requests more specialists and equipment](#).

Compliance Information

150. In 2024, the State reported on the implementation of the Public Prosecutor's Office's Data Registry of Victims of Social Protests (REDAVIP), which must contain data disaggregated by racial ethnic origin, age, sex, sexual orientation, gender identity and/or expression of all affected persons. In addition, the EFICAVIP Fiscal Action Bulletin was published, where the proceedings and statistical data of the victims by gender, age, place and year were recorded.

151. On the other hand, the State highlighted that, in 2023, the Monitoring and Alert Center of the Crime Observatory of the Public Prosecutor's Office prepared reports on institutional monitoring, which detail the number of detainees in the context of the latest protests.

152. The State also stated that the Ministry of Health consolidated the details of the 1,398 citizens affected in the context of the development of social conflicts, of which 1,335 correspond to injured and 63 to deaths. In addition, MINSA has established an application called "System for the Registration and Monitoring of People Affected in Health by Social Conflicts (SISREMACS)", which systematizes information on citizens affected during the development of social conflicts. In this regard, it was specified that this application interoperates with RENIEC, for the registration of personal data, and with the National Death System (SINADEF).

153. For its part, civil society informed the Commission that REDAVIP does not have an update and verification mechanism accessible to human rights organizations and the general public. He also stated that the aforementioned registries have not collected data disaggregated by ethnic origin or others, which would limit the ability to analyze the particular conditions of the victims; therefore, in his opinion, an intersectional approach needs to be incorporated in the collection of this information.

Analysis and level of compliance with the recommendation

154. The IACHR appreciates the information provided and appreciates the creation of REDAVIP as an action aimed at having a consolidated registry of victims. It also takes note of the efforts of other entities, such as the Ministry of Health, to consolidate information to verify and supplement the Register.

155. This recommendation is not only aimed at having a comprehensive data registration system, but also establishes some characteristics that must be taken into account for its implementation. Firstly, it must identify those who have died, been injured, detained and victims of gender-based violence. In relation to this matter, the IACHR notes that it is important for REDAVIP to expand its coverage to include other human rights violations committed (such as those perpetrated against detainees).

156. Second, the registry must be transparent, updated, clear, concise and contrasted with the information provided by civil society. In this sense, the exchange of information between public institutions, and between them and third parties, is essential to guarantee the due inclusion of the different people affected in the framework of the protests. However, in the specific case, mechanisms for transparency of information or contrast between different entities have not been reported and cannot be verified.

157. Finally, thirdly, the registry must be specific and take into account data disaggregated by ethnic-racial origin, age, sex, sexual orientation, gender identity and/or expression. This will allow the appropriate reparation measures to be designed and implemented to respond to each of the types of damage that may have been generated. From the information presented, it can only be identified that one variable has been used by biological sex and by household, with some variables still pending.

158. Considering that the established registry requires several actions to meet the objective of the recommendation, the Commission concludes that this recommendation is partially complied with.

Measures and information to advance the implementation of the recommendation

159. To move forward with compliance with this recommendation, it is essential that the State implements a Registry that includes all affected persons, which includes, at least, the types of violations included in the Country Report. Likewise, that this instrument be implemented in a transparent and collaborative manner with victims' organizations and other civil society entities. It should be noted that, in addition, it must have a clear regulatory mechanism, which regulates the way to request inclusion in the registry, and the clear criteria to determine who is going to be included in it. Finally, it is essential that this tool complies with having disaggregated data that allows for the design and implementation of comprehensive reparation mechanisms that respond to the needs detected.

E. Democratic institutions

Recommendation No. 21. To take measures in order to reinforce and strengthen the confidence of citizens in the State based on the separation and practical, real and effective independence of the public powers, control entities and the Electoral System.

Compliance Information

160. In 2024, the State reported that the Council for the Reform of the Justice System¹⁰⁸ was created in 2019 in order to promote a reform of the justice system. The State indicated that, in this space, the highest representatives of the three branches of the State (Executive, Legislative and Judicial Powers), and the heads of entities such as the Constitutional Court, the Public Prosecutor's Office, the Ombudsman's Office, among others, participate. In this regard, the State reported on the meetings and measures carried out by the Council in 2024, including the beginning of the process of updating the Justice System Reform Policy¹⁰⁹, or the beginning of the process of formulating the National Multisectoral Policy of the Justice System¹¹⁰.

161. In addition, the State detailed the organization of the Council of State, with the participation of the Presidency of the Republic and its ministers, and the heads of the Congress of the Republic, the Judiciary, the Office of the Ombudsman, the Office of the Comptroller General of the Republic, and the Office of the Attorney General, where various measures aimed at improving the justice system were agreed upon (see para. 52).

162. For its part, the Commission learned of information from civil society that highlights that various measures have been approved or proposed that would constitute political interference against different bodies that are fundamental to guaranteeing the rule of law, such as the Public Prosecutor's Office, the National Board of Justice (JNJ), the National Jury of Elections (JNE), the Ombudsman's Office and the Constitutional Court. In relation to the above, regarding the JNE, Congress would have promoted at least 29 legal initiatives aimed at changing the electoral rules, and that some would propose reforming the Constitution to modify the mechanism for electing the President of the JNE or incorporate the heads of the electoral system into the functional prerogative of impeachment and preliminary immunity process.

163. On the other hand, with regard to the JNJ, civil society reported two constitutional complaints and summary motions aimed at massively removing its entire composition, which resulted in the removal of two of its members, although it was specified that this decision has been questioned by the Judicial Branch. In view of this, the Legislative Branch filed a competence lawsuit against the Judicial Branch, which was rejected by the Constitutional Court, however, the process on the precautionary measure that leaves them in their functions remains in force. In addition, it was reported to the Commission that there is a constitutional reform initiative with a favorable opinion that proposes to deactivate the JNJ and replace it with a National School of

¹⁰⁸ [Law No. 30942](#), May 8, 2019.

¹⁰⁹ [Supreme Decree No. 012-2021-IUS](#), July 15, 2021.

¹¹⁰ [Ministerial Resolution No. 0179-2024-IUS](#), July 18, 2024.

Magistracy. In this sense, civil society affirmed that it has insisted on the lack of transparency, meritocracy and participation in the selection process of the new JNJ, who will take office in January 2025.¹¹¹

164. Likewise, in relation to the Constitutional Court, whose members were elected by the current Congress, civil society informed the IACHR that this body would have ceased to act as a counterweight in decisions that weaken the protection of human rights, such as in the decision that allowed the release of Alberto Fujimori in December 2023,¹¹² even in contempt of the decisions of the Inter-American Court.

165. As for the Public Prosecutor's Office, civil society affirmed that this entity would have been subject to attacks and undue external interference through unjustified dismissals or disqualifications of prosecutors in charge of high-impact cases, particularly during the management of a Prosecutor of the Nation with serious questions of corruption. For its part, it was alleged that the Judicial Branch had been affected by laws that affect its independence, such as those that increase penalties for prevarication,¹¹³ the amount of compensation for judicial error and the catalog of serious offenses that may lead to its dismissal.

166. Finally, civil society expressed to the Commission its concern about the constitutional reforms approved; Specifically, those that were directly rejected through a referendum in 2018, such as the approval of bicamerality and the functions of each of its chambers, while measures are being adopted that would not respond to the interests of society as a whole.

Analysis and level of compliance with the recommendation

167. In various statements, the Commission has expressed its concern about the situation of the separation and practical independence of the powers in the Peruvian State¹¹⁴, which have been compromised by various normative measures and decisions that have been adopted in recent years. These have been aimed at promoting investigations against justice operators or officials of the electoral system¹¹⁵ or to seek to determine the political responsibilities of representatives of other branches or institutions of the State,¹¹⁶ or to modify the powers of the entities through mechanisms for electing the heads of such entities, as in the case of the Ombudsman's Office or the National Board of Justice.

168. In this regard, the IACHR has established, in various pronouncements, that representative democracy is the form of organization explicitly adopted by the member states of the Organization of American States and expressly included in Article 3(d) of its Constitutive Charter¹¹⁷. In this sense, the Commission has insisted on the intrinsic relationship that exists between democracy and the validity and respect of human rights¹¹⁸. Likewise, with regard to the basic characteristics that representative democracy must have, the Commission has determined that, in order for its consolidation, it is essential to have an institutional framework guided by the separation, independence, and balance of powers; as well as for the effective exercise of political rights, through free and fair elections, and respect for and promotion of pluralism in society.¹¹⁹

¹¹¹ IACHR, Thematic Hearing, "Peru: Democracy and the Effects of the National Board of Justice Selection Process," 191st Regular Period of Sessions, Washington, DC, United States, November 15, 2024, information provided by IDL and others.

¹¹² IACHR, Press Release No. 281/23, [IACHR Rejects Decision of the Constitutional Court of Peru Implementing the Pardon of Alberto Fujimori](#), December 8, 2023.

¹¹³ [Law No. 32182](#), December 11, 2024.

¹¹⁴ IACHR, Press Release No. 130/24, [IACHR Expresses Concern over Congressional Interference in the Functioning of Other Public Branches](#), June 7, 2024.

¹¹⁵ IACHR, Press Release No. 222/23, [IACHR Expresses Concern over Investigation of National Board of Justice and Calls for Respect for Due Process](#), September 25, 2023.

¹¹⁶ IACHR, Press Release No. 129/23, [IACHR Expresses Concern over Constitutional Accusations Against Justice Operators and Calls for Respect for Due Process Guarantees](#), June 21, 2023.

¹¹⁷ IACHR, Compendium on Democratic Institutions, the Rule of Law, and Human Rights, OEA/Ser.L/V/II, Doc. 318/23, November 30, 2023, para. 31., OEA/Ser.L/V/II, Doc. 318/23, November 30, 2023, para. 31.

¹¹⁸ IACHR, [Compendium on Democratic Institutions, the Rule of Law, and Human Rights](#), OEA/Ser.L/V/II, Doc. 318/23, November 30, 2023, para. 29.

¹¹⁹ IACHR, Annual Report of the Inter-American Commission on Human Rights, 2022, Chapter IV. Nicaragua, April 1, 2023, para. 25., April 1, 2023, para. 25.

169. Therefore, the Commission considers that no measures have been reported by the State aimed at reinforcing and strengthening the confidence of citizens in the State based on the separation and practical, real, and effective independence of the public powers, control entities, and the electoral system. The Commission also expresses its concern about the various measures that have been observed (mentioned in the present recommendation) that could affect the independence and balance of powers.

170. In this sense, it is necessary that, within the framework of the principle of separation of powers, the legal norms that are presented or approved do not have the objective or effect of restricting the action of said entities or their decisions. On the other hand, it is essential that real control be exercised over the norms that are to be approved through existing constitutional mechanisms, such as the power to observe norms that violate these principles. In addition, for the IACHR, it is essential that oversight entities such as the Constitutional Court or the Ombudsman's Office comply with the application of international criteria and standards for the protection of human rights in the framework of their actions. Finally, that the entities of the justice system and the electoral system can exercise their powers, in accordance with their internal and external independence, so that citizens' confidence in the institutions is strengthened. Consequently, the Commission identifies that this recommendation is **pending compliance**.

Measures and information to advance the implementation of the recommendation

171. The IACHR will conclude progress in the level of compliance with this recommendation when it has information that accounts for the adoption of measures that guarantee the separation and independence of the different branches and organs of the State.

Recommendation No. 22. Refrain from adopting legislative or constitutional reforms that weaken the autonomy and independence of the National Electoral System or the Judiciary.

Compliance Information

172. In 2024, the State reported that no legislative initiative has been approved in Congress that weakens the autonomy and independence of the Electoral System.

173. The Commission received information provided by civil society according to which various legislative initiatives or judicial decisions had been presented that would contravene this recommendation. In this regard, it expressed concern about Law No. 32153,¹²⁰ approved on November 5, 2024, which incorporated modifications that could harm the independence of the Judiciary, limiting the diffuse control of the rules, modifying the majority requirement for rulings in competency processes or limiting the ability of the Supreme Court to issue binding precedents, regardless of the interpretations of the Constitutional Court.

174. On the other hand, civil society expressed its concern in relation to the functioning and independence of the electoral bodies; since, in the first vote, a constitutional reform was approved that would change the form of election of the President of the JNE and that would reduce his term to two years.¹²¹ According to what was transmitted to the Commission, the foregoing would have generated a pronouncement against the President of the JNE himself. In addition, the IACHR was informed that at least 29 bills have been promoted that seek to change electoral rules.

175. In addition, the IACHR learned of other laws that could have the effect of weakening the independence and autonomy of the justice system, such as Law No. 32182¹²², which establishes sanctions for prosecutors and judges, modifying the laws on judicial and prosecutorial careers. Law No. 32108¹²³, which

¹²⁰ [Law No. 32153](#), November 5, 2024.

¹²¹ [Bill 9095/2024-CR amends Articles 179, 180, 182 and 183 of the Political Constitution of Peru.](#)

¹²² [Law No. 32182, of December 11, 2024.](#)

¹²³ [Law No. 32108, of August 9, 2024.](#)

excludes crimes such as extortion and illegal mining from the definition of organized crime and introduces new categories that make it difficult to classify and punish criminal activities, requiring more detailed evidence. Law No. 32130,¹²⁴ which grants the National Police of Peru the conduct of preliminary investigations of the crime. Law No. 31990,¹²⁵ on effective collaboration, which reduces the time to corroborate information from effective collaborators, making investigations in complex cases more difficult. Law No. 31751,¹²⁶ which cuts the statute of limitations in the Penal Code. Law No. 32107,¹²⁷ which redefines the application of crimes against humanity, restricts the ability to guarantee final sentences in cases of serious human rights violations.

Analysis and level of compliance with the recommendation

176. The Commission considers that no information has been provided on concrete measures by the State that would make it possible to identify progress in complying with this recommendation. The IACHR expresses its concern considering that this recommendation was prepared after identifying a context of questioning and weakening of the national electoral system and the judiciary. In this regard, the IACHR has warned that regulations that directly affect its functioning have continued to be discussed or approved¹²⁸, and therefore maintains that this recommendation is **still pending compliance**.

Measures and information to advance the implementation of the recommendation

177. To guide compliance with this recommendation, the IACHR emphasizes the importance of the State refraining from adopting legislative or constitutional reforms that weaken the autonomy and independence of the National Electoral System or the Judiciary. In this regard, the IACHR awaits the results of the pronouncements of the internal oversight bodies in relation to the measures already promoted, such as the extension of the constitutional accusation to the authorities of the electoral system, or those aimed at restricting diffuse control by justice operators.

Recommendation No. 23. To delimit the figures of constitutional impeachment, presidential vacancy due to permanent moral incapacity and unilateral dissolution of Congress, so that they specify, with clear and objective parameters, the punishable conducts and their corresponding consequences.

Compliance Information

178. In 2024, the State reported that the Legislative Branch has presented various bills in order to regulate the figures of constitutional impeachment, presidential vacancy due to permanent moral incapacity, and unilateral dissolution of Congress. It pointed out that, in all cases, the bills are in the process of discussion within the mechanisms established by the Congress of the Republic of Peru.

Analysis and level of compliance with the recommendation

179. The IACHR believes that no concrete measures have been taken to comply with this recommendation and that the reported efforts are in their infancy. Therefore, it concludes that this recommendation is **pending compliance**.

Measures and information to advance the implementation of the recommendation

180. The IACHR will declare progress in complying with this recommendation when it learns of the outcome of the discussions in the Legislative Branch, through the approval of these norms and their

¹²⁴ [Law No. 32130 of October 10, 2024.](#)

¹²⁵ [Law No. 31990 of March 31, 2024.](#)

¹²⁶ [Law No. 31751, of May 25, 2023.](#)

¹²⁷ [Law No. 32107, of August 9, 2024.](#)

¹²⁸ IACHR, Press Release No. 206/24, [IACHR Warns of Effects on Access to Justice Following Approval of Law on Crimes Against Humanity in Peru](#), September 3, 2024.

promulgation by the Executive Branch. In this regard, the IACHR remains attentive to the content that is approved.

Recommendation No. 24. Adopt measures to strengthen the institutional structure of the Office of the Ombudsman, taking into account the important work it performs; and provide it with adequate human and material resources for the full performance of its functions in the various provinces of the country.

Compliance Information

181. For the year 2024, the State reported that, on May 17, Law No. 32028 was enacted¹²⁹ with the objective of promoting the institutional strengthening of the Ombudsman's Office (DP), including its functions of monitoring and preventing social conflicts and the peaceful resolution of such conflicts. In this regard, the State reported that a supplementary credit was approved in favor of this entity to finance the supervision and monitoring of agreements within the framework of conflict prevention and management and that the new remuneration scale for servants included in the labor regime of Legislative Decree No. 728 of the DP was approved.

182. For its part, civil society expressed to the IACHR its concern about the different questions that have been raised about the management of the current Ombudsman. These would be linked to the use of the institution's resources in international representation trips or in the organization of regional activities that are not part of the entity's competencies. Likewise, the resignation of several high-profile officials, the alleged appointment of people with political ties close to political parties that appointed the current Ombudsman, the lack of transparency in personnel contracts, and the priorities shown in the pronouncements that have been made in recent months¹³⁰ were reported. According to what was pointed out to the IACHR, this would be generating concern about an alleged loss of legitimacy of the entity and an alleged lack of independence and autonomy.

Analysis and level of compliance with the recommendation

183. The IACHR appreciates the information provided by the State and welcomes the approval of an amendment that strengthens the powers of the Office of the Ombudsman, the granting of a supplementary loan for this purpose, and the approval of a new remuneration scale. The Commission highlights the role played by national human rights institutions, in particular in generating mechanisms that strengthen the international obligations of States regarding the rights of their citizens. In this sense, it recalls that entities such as the Ombudsman's Office of Peru must have adequate logistical and personal resources for the fulfillment of their functions, guaranteeing their work throughout the territory, and generating mechanisms for coordination and dialogue with civil society.

184. For the IACHR, it is important that the strengthening measures referred to in the recommendation under follow-up be aimed at improving confidence in the institution's role in the protection of human rights; therefore, it is important to continue observing the role of the Ombudsman's Office, and its full fulfillment of its functions in the different provinces of the country. Consequently, the Commission considers that this recommendation has been partially complied with.

Measures and information to advance the implementation of the recommendation

185. The IACHR identifies that progress in complying with this recommendation requires specific measures and reported information that make it possible to know whether the human and material resources that have been assigned to the Ombudsman's Office are sufficient for the adequate fulfillment of the entity's

¹²⁹ [Law No. 32028](#), May 17, 2024.

¹³⁰ Statement by former Ombudsmen and former workers of the Ombudsman's Office <https://www.infobae.com/peru/2024/09/10/cuotas-de-poder-impunidad-y-silencio-el-fuerte-mensaje-de-exdefensores-contra-la-labor-e-intereses-de-josue-gutierrez/>

role in a decentralized manner. Therefore, the State is requested to prepare a diagnosis on what resources the entity must have to ensure an adequate exercise of functions. It is also essential to have information that allows us to evaluate how these resources have helped to improve the levels of trust of citizens in the work of the Ombudsman's Office, improving the channels of dialogue between all actors.

Recommendation No. 25. Adopt measures to ensure that the selection process for the head of this entity (Ombudsman's Office) is participatory, transparent, pluralistic, and based on the merits and professional qualities of the applicants.

Compliance Information

186. For the year 2024, the State reported the presentation of various legislative initiatives on the selection process of the Ombudsman, some of which are still under debate. It also indicated that, on May 17, 2024, Law No. 32028 was published,¹³¹ which amended the Organic Law of the Ombudsman's Office, which established that the Ombudsman will cease to hold office due to the expiration of the term, provided that his successor has been elected, to facilitate the continuity of the position, despite the fact that there has not been an election within the Congress of the Republic. In addition, the regulation added the function to the Ombudsman's Office of preventing and monitoring social conflicts, as well as mediating to promote dialogue and its solution.

187. The Commission received information provided by civil society according to which no concrete progress has been observed in the reform of the selection procedures referred to in this recommendation. In this regard, it was reiterated that they have been criticized for limited social participation and for having a political focus, prioritizing obtaining votes over meritocracy.

Analysis and level of compliance with the recommendation

188. The IACHR believes that no specific progress has been reported to ensure that the selection process for the head of this entity is participatory, transparent, pluralistic, and based on merit and professional qualities. In this regard, the Commission is attentive to the progress of the legislative initiatives that have been presented, so that the content of the measures that are approved can be analyzed. Pending this information, the Commission understands that this recommendation is pending compliance.

Measures and information to advance the implementation of the recommendation

189. The IACHR identifies that progress in complying with this recommendation depends on the legislative initiatives that are approved containing mechanisms for electing the person in charge of the Ombudsman's Office, which reinforce participation and transparency, and are based on merit and objective professional qualities. In this way, the selection must have the appropriate procedures to prevent this election from being perceived as merely political, that it has criteria that can be objectively applied, avoiding phrases that can be interpreted arbitrarily, and that it has instruments of transparency and exchange of information with other civil society entities.

Recommendation No. 26. Ratify the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance.

Compliance Information

190. For the year 2024, the State reported that the Ministry of Foreign Affairs is preparing the report on the referral of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance and the file for ratification to be sent to the Legislative Branch. To this end, he indicated

¹³¹ [Law No. 32028](#), May 17, 2024.

that the different sectors of the Executive Branch have presented technical reports and have held coordination meetings.

191. For its part, the Commission received information provided by civil society according to which there are no known measures to ratify the Convention, despite having been signed by the State on October 25, 2016.

Analysis and level of compliance with the recommendation

192. The IACHR appreciates the State's reporting regarding the coordination that is being carried out in the Executive Branch. With regard to the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, the IACHR recalls that this instrument consolidates international standards on the subject set forth in the International Convention on the Elimination of All Forms of Racial Discrimination, and advances in the legal definition of contemporary forms of racism¹³².

193. On the basis of the information sent, the Commission finds that no measures have been transmitted to ratify the Convention in question and therefore considers that compliance with this recommendation remains **pending**.

Measures and information to advance the implementation of the recommendation

194. In order to make progress in complying with this recommendation, the IACHR invites the State to ratify the Convention in question. To this end, it warns that it is necessary to present the progress of the parliamentary process, including the presentation of the legislative initiative, the discussion in specialized commissions, the issuance of opinions, the scheduling in the Plenary and, finally, its approval and promulgation.

Recommendation No. 27. Adopt measures aimed at improving and guaranteeing the representative political participation of indigenous peoples and peasant communities in the different regions of Peru.

Compliance Information

195. In 2024, the State highlighted that the National Elections Jury (JNE) prepared the document "(Sub)Political Representation of Indigenous Peoples in Peru, a proposal for reserved seats in the Peruvian Congress," which seeks to contribute to the debate on the need to strengthen the political representation of these actors. In this sense, on December 14, 2023, it organized an event to present the study in the Congress of the Republic.

196. For its part, civil society informed the Commission about the existence of electoral quotas in favor of indigenous peoples and communities in the case of regional and municipal elections. According to the information, the application of quotas has had some implementation problems that have not made it possible to meet the following objectives: (i) to address structural barriers such as institutionalized racism or inequalities in access to resources; and (ii) to incorporate the demands and needs of indigenous peoples into municipal and regional management. Likewise, civil society stated that there are no known efforts to contemplate a mechanism for the representation of indigenous peoples and communities in the Legislative Branch.

Analysis and level of compliance with the recommendation

197. The Commission recalls that the follow-up to this recommendation is aimed at establishing whether the State has adopted measures to promote the representation of indigenous peoples and peasant

¹³² IACHR, Press Release No. 117/16, [IACHR Welcomes Costa Rica's Ratification of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance](#), August 18, 2016.

communities in the system of political representation at the national and regional level. In this regard, the IACHR requests information that will allow it to learn about the measures that have been taken to guarantee the active participation of members of indigenous peoples in electoral political representation and in mechanisms aimed at incorporating the indigenous peoples' agenda into the public debate.

198. The IACHR thanks the State for the information on the document prepared by the JNE to encourage discussion on the system of political representation of indigenous peoples, as well as for the inclusion of a formula of reserved seats as an option to guarantee their representation. It also notes the existence of electoral quotas in the regional and municipal representation system (existing since 2002), identifying that this precedes the Country Report presented¹³³. In this regard, the Commission considers that no effective measures have been reported that seek to take concrete steps towards compliance with the recommendation and therefore concludes that compliance with the recommendation is pending.

Measures and information to advance the implementation of the recommendation

199. In order to analyze the progress of this recommendation, the Commission considers it important to know the scope of the discussion on the electoral system for the political representation of indigenous peoples and peasant communities in the Legislative Branch. In addition, it expects to know the contents of these proposals, and the discussion and approval processes that are taking place in Congress. On the other hand, the Commission requests specific information that will make it possible to identify, if applicable, how the objectives of the electoral quotas established in the regional and municipal representation system are being met.

F. Freedom of expression, assembly and association

Recommendation No. 28. Design and implement a permanent national public policy aimed at protecting the rights to peaceful assembly, freedom of expression, and freedom of association. Such a policy must have the participation of all sectors of society and contemplate the updating of protocols and training programs in State institutions; the design and implementation of negotiation, mediation and other alternative means of conflict; and the implementation of measures to protect human rights defenders and journalists.

Compliance Information

200. In 2024, the State reported on the approval of the Intersectoral Mechanism for the Protection of Human Rights Defenders¹³⁴ (hereinafter "Intersectoral Mechanism"), with the aim of protecting, recognizing, and guaranteeing access to justice for human rights defenders. According to the State, this mechanism covers the protection of journalists as long as they carry out activities in defense of human rights. This mechanism carries out permanent monitoring that generates a report of possible risk situations, and receives requests for the activation of the Early Warning Procedure (PAT). According to the State, as a result of this measure, 373 situations of risk have been registered that directly involved 656 human rights defenders and family members, in 20 departments and one constitutional province, between June 2019 and May 2024. Of the 373 risk situations, 27 involve 30 journalists (4.84%), whose cases have been dealt with within the framework of the Intersectoral Mechanism.

201. The State also reported on the approval of the "Protocol of Prosecutorial Action for the Prevention and Investigation of Crimes against Human Rights Defenders."¹³⁵

202. For its part, in relation to the Intersectoral Mechanism for the Protection of Human Rights Defenders, civil society highlighted the installation of Regional Roundtables for the Protection of Human Rights

¹³³ [Law No. 27683](#) of 15 March 2002

¹³⁴ [Supreme Decree No. 004-2021-JUS](#), April 22, 2021.

¹³⁵ [Resolution of the Attorney General's Office No. 439-2022-MP-FN](#)

Defenders, as a territorial strategy that allows for coordination and articulation of decision-making. However, he expressed his concern about the alleged budgetary problems that would exist, which would affect the implementation of protection measures for the attention of risk situations.

203. Civil society commented that, since the approval of the Report, policies for the protection of human rights defenders and journalists have not been updated or strengthened. According to what was stated to the Commission, this would be aggravated by the alleged increase in attacks against defenders belonging to civil society organizations, demonstrators, journalists, justice operators, and public authorities, who would be publicly accused of being "terrorists" or "*terrucas*" by government authorities and civil society groups¹³⁶, inciting violence against them in order to intimidate and frighten them. The Committee to Protect Journalists has indicated that repeated accusations of defamation of journalists have been used to prevent them from reporting on matters of public interest.¹³⁷

204. In addition, civil society expressed concern about the legislative initiatives for the weakening of civil society organizations, which would seek to restrict and control the work of those that receive funds from abroad, which could generate arbitrary sanction mechanisms against civil society organizations and their members.¹³⁸

Analysis and level of compliance with the recommendation

205. The IACHR appreciates the information provided by the State and welcomes the approval and implementation of the Intersectoral Mechanism for the Protection of Human Rights Defenders, as well as the installation of Regional Roundtables for the Protection of Human Rights Defenders. The Commission also recalls that the objective of the follow-up to this recommendation is to learn about the measures adopted after the approval of the recommendations contained in the Country Report under analysis, so that they respond to the challenges exposed during the political and social crisis in the time frame covered by the Report.

206. Considering the above, the Commission observes that the Intersectoral Mechanism was approved in 2021 and has been implemented before, during, and after the crisis analyzed. In this regard, the State must strengthen the measures adopted with the aim of adapting the Mechanism and its instruments to the contexts of social protest that may arise in the future. It is also essential that the Intersectoral Mechanism, and its decentralized tables, have the institutional resources essential to respond to the urgencies of protection in situations of risk.¹³⁹

207. On the other hand, the IACHR considers it essential to have more details on when the Intersectoral Mechanism considers that a journalist or other person is carrying out human rights defense activities, in order to determine the framework for effective protection in the context of social protests.

208. In addition, in the context of the follow-up to this recommendation, the IACHR has taken note of the information provided by the State and positively values the existence of the Mechanism. However, it does not find specific compliance measures that show that progress has been made in the design, discussion, approval or application of a permanent national public policy aimed at protecting the rights to peaceful assembly, freedom of expression and freedom of association, which includes the implementation of measures

¹³⁶ He cited newspaper articles that include statements by public authorities: <https://www.nytimes.com/es/2023/02/02/espanol/peru-protestas-gervasi.html>, <https://elcomercio.pe/politica/actualidad/asociacion-nacional-de-periodistas-rechaza-expresiones-de-dina-boluarte-sobre-el-terrorismo-de-imagen-anp-ultimas-noticia/>

¹³⁷ Human Rights Watch, World Report 2024, Peru. Available in: <https://www.hrw.org/es/world-report/2024/country-chapters/peru>

¹³⁸ Congress of Peru, Opinion on bills 6162, 7140 and others that propose to amend the Law creating the Peruvian Agency for International Cooperation (APCI) to contribute to transparency and supervision of the execution of the resources received by the entities that manage international technical cooperation, such as non-governmental organizations (NGOs). Available in <https://wb2server.congreso.gob.pe/spley-portal-service/archivo/MTkzNDEw/pdf>

¹³⁹ IACHR, [Report Towards a Comprehensive Policy for the Protection of Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 246.

of negotiation, mediation and other alternative means of conflict; and the implementation of measures to protect human rights defenders and journalists. In this regard, it concludes that this recommendation is still **pending compliance**.

Measures and information to advance the implementation of the recommendation

209. The IACHR urges the State to approve or strengthen a permanent national public policy that includes training programs in State institutions and contains alternative means of conflict resolution, and mechanisms for the protection of human rights defenders and journalists in the context of the defense of the rights to peaceful assembly, freedom of expression and freedom of association. This would imply clearly delimiting the scope of the mechanism's protection in the context of social protests and determining the protection of journalists and the role they play in such contexts.

Recommendation No. 29. Develop educational campaigns of national scope so that citizens know their rights and protection alternatives and create inter-institutional missions so that, in the context of protests and demonstrations, they observe and, if necessary, provide support to people who require some type of assistance or protection.

Compliance Information

210. In 2024, the State reported that, within the framework of the "Peru without Racism" Strategy for 2023, six information and awareness fairs were organized in Arequipa, Huancavelica, Huánuco, Loreto, and Puno. In addition, it indicated that an information stand against racism was set up in 22 fairs or festivals. In addition, as part of the Intersectoral Mechanism for the Protection of Human Rights Defenders, the State indicated that training workshops were organized for indigenous defenders in seven regions with the highest risk alerts, namely, in San Martín, Ucayali, Huánuco, Madre de Dios, Loreto, Pasco, and Amazonas.

211. For its part, civil society stressed to the Commission that it does not know of information on the activities promoted by the State to comply with this recommendation.

Analysis and level of compliance with the recommendation

212. The Commission appreciates the information provided by the State. In this regard, it recalls that the purpose of this recommendation is to learn about pedagogical actions on rights and protection mechanisms, as well as the creation of inter-institutional missions aimed at observing and providing care to people in the context of protests and demonstrations. Therefore, it warns that the training on the intersectoral mechanism of defenders, and the fairs on racial discrimination reported contribute to the fulfillment of this recommendation, considering that they strengthen knowledge about some of the rights of people and their protection alternatives. In view of the foregoing, the Commission considers that this recommendation has been **partially complied with**.

Measures and information to advance the implementation of the recommendation

213. To move forward with compliance with this recommendation, the IACHR stresses that there must be institutionalized mechanisms aimed at promoting educational campaigns of national scope, such as fairs, workshops, advertising spots, or others, aimed at addressing the rights of citizens and protection mechanisms, and that include the fight against discrimination as one of their components. It also recalls that it is necessary to implement inter-institutional actions aimed at observing and paying attention to people in the context of protests and demonstrations, which must include various public actors and civil society, and involve entities such as the Ombudsman's Office.

Recommendation No. 30. Refrain from making statements that stigmatize or incite violence against people participating in the protests. In this regard, adopt pedagogical measures aimed at socializing with

the state authorities their duty to refrain from making stigmatizing statements or statements that incite violence against people participating in the protests.

Compliance Information

214. In 2024, the State indicated that, since 2013, an Alert Platform against Racism has been implemented, which aims to generate information on acts of ethnic-racial discrimination and promote active citizenship that reports these facts. The State also indicated that has established the ORIENTA service¹⁴⁰, to provide attention to people who report cases of discrimination. In this context, it stated that 39 capacity-building activities on the identification and prevention of ethnic-racial discrimination were carried out at the decentralized level, aimed at public servants and officials. and that a free virtual MOOC course called "Let's Talk About Racism" was implemented.

215. For its part, civil society informed the Commission of the alleged issuance of statements that stigmatize and incite violence against people who participate in the protests. In this regard, the IACHR was informed of statements issued by members of the Council of Ministers,¹⁴¹ spokesmen for the Executive Branch,¹⁴² and congressmen¹⁴³ who would have issued qualifiers such as "urban terrorism," "traitors to the interests of the homeland," or "criminals" linked to the demonstrators in the context of the October 2024 mobilizations. Likewise, civil society stressed that, in the context of the protests of these mobilizations in October 2024, the Ombudsman's Office issued a statement stating that "the obligation to contribute to the national interest" is above the right to protest.

216. On the other hand, civil society commented that it does not have public information on specific campaigns or educational programs aimed at training authorities on the importance of avoiding statements that incite violence or stigmatize demonstrators, human rights defenders or journalists.

Analysis and level of compliance with the recommendation

217. The Commission is grateful for the information provided by the State regarding the training provided to public servants and public officials on ethnic-racial discrimination. In this regard, the IACHR emphasizes that the purpose of this recommendation is to strengthen educational measures aimed at state authorities regarding their duty to refrain from making statements that stigmatize or incite violence against people who participate in the protests. In this regard, the IACHR has said that "officials have the duty to ensure that when exercising their freedom of expression they do not incur in the disregard of fundamental rights, which includes that they do not harm or inhibit the right to social protest."¹⁴⁴

218. The IACHR is also concerned about the stigmatizing statements made by various State officials in relation to people who participated in the protests of 2022 and 2023. Pending further information, the Commission concludes that compliance with this recommendation is **pending**.

Measures and information to advance the implementation of the recommendation

219. On the one hand, the Commission considers it essential that authorities and officials refrain from making stigmatizing statements about people who participate in the protests. In addition, it recalls that, in order to move forward in complying with this recommendation, not only must it stop issuing this type of

¹⁴⁰ [Supreme Decree No. 013-2021-MC](#), July 20, 2021.

¹⁴¹ [RPP, Adrianzen criticizes call for indefinite strike of the transport sector: "It is not union, it is a political mobilization"](#), October 17, 2024.

¹⁴² Infobae, [Dina Boluarte's spokesman, called those who call for protests during the APEC summit "traitors to the homeland"](#), October 20, 2024.

¹⁴³ Successful, [Fernando Rospigliosi criticizes national strike of transporters: "It seeks to create more instability"](#), October 22, 2024.

¹⁴⁴ IACHR, [Report on Protest and Human Rights](#), OEA/Ser.L/V/II, IACHR/RELE/INF.22/19, September 2019, para. 242.

assessment, but the State must seek mechanisms of accountability in the face of the latter, as well as provide pedagogical measures so that the authorities and officials know and apply this prohibition.

Recommendation No. 31. Ensure that limitations on the right to peaceful assembly are exceptional and observe the principles of legality, legitimacy, necessity, and proportionality.

Compliance Information

220. For the year 2024, the State reported that Article 12 of the Political Constitution of Peru, the rulings of the Constitutional Court¹⁴⁵ and the Administrative and Operational Guidelines applicable to operations to control, maintain, and restore public order¹⁴⁶ recognize the right to protest. In this regard, it stated that the legal framework applicable to policing in the context of protests provides that limitations on this right must be expressly set by law and be aimed at achieving legitimate authorized objectives, including the protection of national security, public safety, public order, public health, public morality and respect for the rights and freedoms of all members of the community.

221. The State also indicated that the legislation in force provides that, during expressions of violence in social conflicts, it is essential to take the strictly necessary and proportionate measures to control individual or collective conduct that endangers public order or the rights of individuals, without restricting or limiting the free exercise of the right to protest by those who demonstrate peacefully.

222. For its part, the Commission learned of information provided by civil society, according to which the government has resorted to declaring states of emergency in various demonstrations, allowing the intervention of the armed forces in the control of public order. In this regard, it was indicated that an example of this would have occurred in September 2024, when the government declared a state of emergency in eleven districts of Metropolitan Lima and Callao for 60 days in response to a transport strike.

223. In turn, the State remarked that the declaration of the State of Emergency in September 2024 was based on the increase in criminal actions and citizen insecurity (commission of crimes of homicide, contract killings, extortion, among others), as indicated in Supreme Decree No. 100-2024-PCM¹⁴⁷.

Analysis and level of compliance with the recommendation

224. The Commission considers that no information has been provided on any measure that could signify progress in complying with the recommendation, since the measures referred to do not take place after the issuance of the Country Report. The IACHR has also observed that the State has declared states of emergency on several occasions, allowing the temporary restriction of some rights, as a mechanism to address protests or demonstrations. As commented in the analysis of compliance with recommendation number 7 of this report, the Commission recalls that "states of emergency should be reserved exclusively for truly exceptional cases, situations of extreme gravity, that endanger the life of the Nation. For other situations, ordinary administrative measures must be adopted."¹⁴⁸ In light of the foregoing, the Commission concludes that specific measures must be taken to ensure that limitations on the right to peaceful assembly are exceptional and observe the principles of legality, legitimacy, necessity, and proportionality. Therefore, compliance with this recommendation is **pending**.

¹⁴⁵ Constitutional Court, [Judgment in Case No. 4677-2004-PA/TC](#), December 7, 2005, para. 9.

¹⁴⁶ National Police of Peru, [Resolution of the General Command of the National Police No. 418-2022-CG PNP/EMG](#), October 13, 2022.

¹⁴⁷ [Supreme Decree No. 100-2024-PCM, of September 27, 2024](#)

¹⁴⁸ IACHR, [Report on Social Protest and Human Rights](#), Standards on the Rights Involved in Social Protest and the Obligations that Should Guide the State's Response. OEA/Ser.L/V/II.IACHR/RELE/INF.22/19, September 2019, para. 322.

Measures and information to advance the implementation of the recommendation

225. The IACHR notes that the analysis of compliance with this recommendation lies in identifying the concrete State measures that implement inter-American standards related to the exceptional nature of limitations on the right to peaceful assembly, based on the principles of legality, legitimacy, necessity, and proportionality. Therefore, not only must the existence of these principles be established in the regulatory framework, but regulation and practice must be sought in accordance with their content.

Recommendation No. 32. Adopt the necessary measures to ensure that the dissolution of protests is of an exceptional nature, so that it only proceeds in the event of a serious risk to the life or physical integrity of people and when other less restrictive measures are not possible.

Compliance Information

226. For the year 2024, the State reiterated the rules detailed in recommendation 31. The State also stressed that domestic legislation provides that, during expressions of violence in social conflicts, it is essential to take the strictly necessary and proportionate measures to control individual or collective conduct that endangers public order or the rights of individuals, without restricting or limiting the free exercise of the right to protest by those who demonstrate peacefully.

227. For its part, the IACHR learned from civil society about the enactment of Legislative Decree No. 1589 of December 2023¹⁴⁹ which increases prison sentences to 15 years for crimes such as rioting and obstructing public services, and which would represent a possible criminalization of social and peaceful protest by criminalizing acts such as blocking roads. In addition, the Commission was informed that, in May 2023, the Constitutional Court issued a ruling that would criminalize demonstrations, prohibiting peaceful protests by declaring that they are not protected by the Constitution¹⁵⁰. In the same sense, it was pointed out that the Supreme Court ratified a criminal conviction stating that the occupation of roads constitutes a crime, especially when it affects third parties and there are no alternatives.

Analysis and level of compliance with the recommendation

228. The Commission notes that no measure has been provided that could mean progress in complying with the recommendation, since no measure is subsequent to the issuance of the recommendation. It is also concerned about the enactment of laws and judicial decisions that reduce the protection of persons participating in protests and demonstrations, such as Legislative Decree No. 1589 or the ruling of the Constitutional Court. In this regard, it should be mentioned that the objective of the recommendation is to guarantee the exercise of the right to protest and to establish, in a clear manner, that the adoption of measures for its dissolution should only be carried out if there is a serious risk to the life or physical integrity of people, and provided that other less restrictive measures are not possible. Therefore, the Commission considers that compliance with this recommendation is **pending**.

Measures and information to advance the implementation of the recommendation

229. The Commission calls on the State to take concrete measures aimed at protecting the right to protest, avoiding criminalizing or creating a regulatory framework that makes the protection of the people who participate in them precarious. In this regard, it is requested that the normative measures and judicial decisions issued be evaluated in relation to international standards. In this way, the protection framework in relation to protests and the protection of human rights defenders can be strengthened.

¹⁴⁹ [Legislative Decree No. 1589](#), December 4, 2023.

¹⁵⁰ [Cassation Judgment 1464-2021/Apurimac](#), May 15, 2023, Twenty-first "It is not possible, under the pretext of assembly or dissent (to think or think differently), to justify the impediment, hindrance or hindrance to transport or the provision of public or private service, much less the endangerment of life, integrity or personal liberty or damage to public or private property".

Recommendation No. 33. Respect and guarantee the right to record and disseminate any incident in the context of protests, especially taking into account the role that cameramen, photojournalists, and journalists who cover protests play in the social control of events in demonstrations and the actions of the State.

Compliance Information

230. For the year 2024, the State reported that the National Police of Peru has indicated, through its communication channels, that anyone who is part of a police intervention or witness to it can take photographs and/or videos, without interfering with police work. It also reiterated that journalists are included in the protection framework of the Intersectoral Mechanism for the Protection of Human Rights Defenders and in the Protocol of Prosecutorial Action for the Prevention and Investigation of Crimes against Human Rights Defenders (see recommendation 28).

231. For its part, the Commission was made aware of the concern of civil society regarding the normative, jurisprudential, and social framework that criminalizes and stigmatizes social protest (see recommendation 30), since it affirms that not only would the protests be delegitimized, but also the media coverage and objective recording of the facts. In this sense, the report of the Office of Human Rights of Journalists (OFIP) of the National Association of Journalists (ANP) registered, between January and May 2024, 119 attacks on journalists, which include threats (62), physical or verbal aggression (23), judicial intimidation (10), and obstacles to access to information (9), among others.¹⁵¹

Analysis and level of compliance with the recommendation

232. The IACHR welcomes and appreciates the report by the National Police of Peru regarding the right to record and disseminate any incident in the context of the protests. However, the Commission notes that, according to the facts gathered in the Country Report, situations arose that made it impossible to exercise these rights due to actions carried out by the security agents themselves.¹⁵² Therefore, in order to follow up on compliance with this recommendation, it is important to know the subsequent concrete actions that have been adopted to guarantee the protection of cameramen, photojournalists, and journalists who cover the protests. In fact, the Commission considers that the recommendation still requires concrete actions to be implemented. Therefore, it concludes that compliance is still **pending**.

Measures and information to advance the implementation of the recommendation

233. The IACHR will assess progress in complying with the recommendation when the State reports on actions taken to ensure the dissemination and recording of events during social protests. These actions may include the implementation of specific public policies, measures to strengthen the institutions of both security agents and the entities in charge of protecting the rights of journalists, the accountability of those officers who violate these rights, or pedagogical actions aimed at knowing and promoting their exercise.

Recommendation No. 34. Review and update the protocols for the protection of journalists, communicators, and media workers from persecution, detention, intimidation, harassment, and aggression of any kind; as well as cease state actions that interfere with the free functioning of the media. Protocols must be endowed with institutional capacity, human and financial resources for the protection of journalists.

¹⁵¹ National Association of Journalists, Press Freedom Thermometer, January to May 2024. See: <https://fiplatina.press/pdfs/peru-termometro-de-libertad-de-prensa-enero-mayo-2024.pdf>

¹⁵² IACHR, [Report on the Situation of Human Rights in Peru in the Context of Social Protests](#), OEA/Ser.L/V/II. Doc. 57/23, April 23, 2023, para. 258.

Compliance Information

234. In 2024, the State reported the approval of the Protocol of Action for the Legal Guidance and Sponsorship of Journalists and Social Communicators¹⁵³, with the aim of establishing guidelines for the provision of services for the public defense of these people. In this regard, the State reported that, since its approval, the victim defense service has been provided to seven journalists, and the criminal defense system to 26 people. In addition, the State pointed out that the victim defense service has 497 public defenders nationwide and 1262 criminal public defenders distributed in 34 District Directorates, Public Defense and Access to Justice nationwide. The State also explained about the free legal assistance service by telephone through the "Fono Alegra 1884," where you can receive guidance, answer questions, and, if necessary, have the case referred to the corresponding district directorate.

235. In addition, the State announced the preparation of the draft "Protocol for Inter-Institutional Action for the Coordination and Assistance of Journalists and Social Communicators in the Context of Disturbance of Public Order,"¹⁵⁴ which proposes mechanisms for attention and coordination on security, health, and public defense. This project is under review by the different sectors of the Executive Branch.

236. For their part, civil society organizations reported that the draft "Protocol of inter-institutional action for the coordination and attention to journalists and social communicators in the context of disturbance of public order" was criticized by various civil society actors for placing journalistic coverage of the protests under state supervision, representing an attack on freedom of expression. Likewise, the National Association of Journalists questioned that the document would not delimit the scope of the concept of "alterations to public order"; it would not consider the mechanisms to deal with cases in which the aggression is carried out by members of the Police; and it would not include non-collegiate journalists or members of the foreign press.¹⁵⁵

237. Civil society also expressed its concern about various legislative initiatives promoted by the Congress of the Republic in relation to freedom of the press. In fact, it highlighted the initiative to modify the structure of the National Institute of Radio and Television of Peru (hereinafter "IRTP"), incorporating representatives of Congress and the Judiciary as part of its board, which could be a risk to the editorial independence of state media. On the other hand, it emphasized a legislative initiative that would seek to sanction journalists who publish information from statements of effective collaborators in judicial cases, which would be aimed at protecting people related to cases of corruption and criminal organization.

238. Likewise, in 2024, the Commission and its Office of the Special Rapporteur for Freedom of Expression (SRLE) learned of legislative initiatives that could unduly restrict the rights to freedom of expression and association. Among them, a proposal to create the "Professional College of Communicators of Peru" was known, which would establish a mandatory registry for the practice of journalism¹⁵⁶. In addition, on April 2, 2024, a bill was presented that would seek to prohibit journalists and their relatives up to the second degree of consanguinity from signing contracts with the Peruvian State.¹⁵⁷

Analysis and level of compliance with the recommendation

239. The IACHR appreciates the information provided by the State and welcomes the approval of the Protocol of Action for Legal Guidance and Sponsorship of Journalists and Social Communicators, as well as the implementation of legal defense services. In addition, it takes note of the preparation of the draft "Protocol

¹⁵³ [Ministerial Resolution No. 102-2023-IUS](#), February 22, 2023.

¹⁵⁴ Draft Ministerial Resolution No. 0277-2023-IN, of February 28, 2023.

¹⁵⁵ ANP (March 1, 2023), ANP on "express" protocol for the protection of journalists: it does not protect us. Available in: <https://anp.org.pe/anp-sobre-protocolo-express-para-proteccion-de-periodistas-no-nos-protege/>

¹⁵⁶ IPYS, Peru: [Congressman presents bill to create a college of communicators that requires tuition to practice the profession](#), April 5, 2024; Express, [Acción Popular seeks to subdue the press: creation of a College of Communicators would restrict the exercise of the profession](#), April 5, 2024.

¹⁵⁷ IPYS, Peru: [Congressman introduces bill to prevent journalists' relatives from contracting with the state](#), April 3, 2024.

for inter-institutional action for the coordination and assistance of journalists and social communicators in the context of disturbance of public order"; although, taking into account the concerns expressed by civil society about the independence of the role of journalism, especially in situations of high conflict such as in the case of protests, and the implications of allowing control of the media for their protection, it requests information from the State that allows it to understand the scope of state supervision to which journalistic activity would be subject. In turn, the IACHR believes that it is essential that these instruments be developed in a participatory manner, with the aim of collecting and incorporating the needs of the actors it seeks to protect.

240. In this regard, the IACHR recalls that the protection of freedom of information and expression is based on the construction of a regulatory framework that guarantees their independence and the protection of the sources of information they use, emphasizing that "access to public information must always be governed by the principle of maximum disclosure, according to which the right of access to information is the rule and secrecy is the exception."¹⁵⁸ Considering the importance of guaranteeing this protection in order to achieve the objective indicated in the recommendation, the IACHR identifies that this recommendation has been **partially complied with**.

Measures and information to advance the implementation of the recommendation

241. The Commission believes that it is important for progress in complying with this recommendation that progress can be made in the adoption and strengthening of a regulatory framework that includes the adoption of protocols that respond to the needs of journalists, communicators, and media workers in the face of persecution, detentions, intimidation, harassment, aggressions of any kind; as well as to cease state actions that intervene with the free functioning of the media.

Recommendation No. 35. Carry out campaigns and other measures to influence the institutional culture on the duty of officials to refrain from stigmatizing and hindering the work of human rights defenders and journalists, as well as the importance of publicly recognizing the role of their work in contexts of social protests.

Compliance Information

242. In 2024, the State reported that various workshops¹⁵⁹ on the operation of the Intersectoral Mechanism for the Protection of Human Rights Defenders were held for police officers, judges, and prosecutors. Among the topics addressed in the workshops were the role of press workers, and the right to freedom of expression and opinion. The State also reported on spaces for dialogue with national journalists and international specialists in the field of freedom of expression. In addition, the State highlighted the organization of commemorative events for three indigenous women leaders who are human rights defenders, granting them recognition as "meritorious personality of Culture."

243. The State also transmitted the approval of the National Multisectoral Human Rights Policy in 2024,¹⁶⁰ which establishes a "training service on prevention and protection for human rights defenders with cultural relevance aimed at civil society organizations and indigenous or native peoples and the Afro-Peruvian people, officials and public servants."

¹⁵⁸ IACHR and Special Rapporteurship for Freedom of Expression, [Right to Information and National Security](#), OEA/Ser.L/V/II. IACHR/RELE/INF.24/20, July 2020, para. 74.

¹⁵⁹ Activities were reported such as: (i) Course on the role of human rights defenders and their police protection in situations of risk, aimed at members of the National Police of Peru; (ii) Training workshop on "Environmental crimes and risk situations in the Peruvian Amazon", (iii) Specialization programme on "The role of human rights defenders, with emphasis on indigenous and environmental defenders in the Amazon, and the action of the State in the prevention, protection and response to risk situations that affect them", among others.

¹⁶⁰ Ministry of Justice and Human Rights, Supreme Decree No. 018-2024-JUS, Supreme Decree approving the National Multisectoral Human Rights Policy as of December 204, December 7, 2024.

244. For its part, civil society indicated that the Intersectoral Mechanism would be focusing mainly on threats from illegal activities, excluding other contexts such as cases related to social protest and its criminalization.

245. In addition, in 2024, the Commission and its Special Rapporteur for Freedom of Expression received various reports on alleged cases of judicial persecution against human rights defenders in the context of social protests, as well as journalists and press workers. They also referred to alleged obstacles to journalistic coverage, restrictions on access to information and stigmatizing statements by state officials against the press¹⁶¹. In this context, the decision of the Constitutional Court of Peru was taken cognizance, which instructed the Presidency to respond to the recommendations issued by the Ombudsman's Office, with the aim of guaranteeing the free exercise of journalism.¹⁶² In addition, it was reported that security schemes were implemented at official events, which included the installation of perimeters and barriers, which would have limited journalists' access and their ability to ask questions during coverage.¹⁶³

Analysis and level of compliance with the recommendation

246. The IACHR appreciates the information provided and highlights the organization of spaces for capacity building and dialogue with members of the press and human rights defenders. It also takes note of the concern of civil society in relation to the protection of these actors in the context of social protest, which is one of the contexts where situations of greater vulnerability occur. In this regard, the IACHR recalls that contexts of social protest and its criminalization are one of the obstacles faced by human rights defenders¹⁶⁴, so it is essential to assess and understand the role and risks suffered by journalists and human rights defenders in the context of social protests. The Commission also takes note of the numerous reports received in 2024, both from civil society organizations and journalists, which point to the persistence of stigmatizing statements, including by State officials, and of alleged obstacles to the exercise of the work of journalists and human rights defenders. For this reason, the IACHR maintains that compliance with this recommendation is **pending**.

Measures and information to advance the implementation of the recommendation

247. For the IACHR, in order to evaluate the progress made in complying with this recommendation, it is important that the role that human rights defenders and journalists play in contexts of social protest be strengthened and specified in campaigns and other institutional advocacy measures, so that future violations in the exercise of their rights can be avoided. In this way, the State must promote the use of

¹⁶¹ Infobae, [Minister of Health confirms Dina Boluarte's decision to "stay away from the press" to avoid alleged "political harassment"](#), June 2, 2024; Infobae, [Altercation in Cusco: Minister of Foreign Trade gets upset, snatches reporter's microphone and throws him to the floor](#), April 23, 2024; IPYS, [@IPYS], (June 4, 2024), Peru: journalists from several media outlets are again cordoned off to avoid questions, X, https://x.com/IPYS/status/1798075359726022916?t=SaUcxZk3m_pfacSioc4htQ&s=19; ANP Peru, [@ANP_periodistas], (June 4, 2024), Journalists from various media outlets were once again detained, this time on a platform intended for the press, X, https://x.com/ANP_periodistas/status/1798045674451394710; IPYS, [@IPYS], (July 24, 2024), Peru: President of Congress @AlejandroSotoRe prevents press access to the session of the permanent commission; <https://x.com/IPYS/status/1816162008661708932?t=a1-w5mPwsZr0deMwjumkwQ&s=08>; ANP Peru, [@ANP_periodistas], (July 24, 2024), The @ANP_periodistas rejects the decision of the president of the @congresoperu @AlejandroSotoRe to prohibit access to the press to the last session of the permanent commission, X, https://x.com/ANP_periodistas/status/1816145884926574939; RSF in Spanish, [@rsf_esp], (December 18, 2024), RSF expresses its solidarity with journalist Carol Gonzales Muniz of the Visión Informativa de Cusco program, who was verbally assaulted by the Minister of Economy, José Arista, during a news coverage, X, https://x.com/RSF_esp/status/1869429461822882301; Swissinfo, [Peru's journalists' guild rejects "stigmatizing" speech to Boluarte's press](#), March 31, 2024; La República, [Dina Boluarte completed 100 days without speaking to the press amid citizen insecurity and disapproval of the population](#), October 17, 2024; El Comercio, [Dina Boluarte has gone 100 days without declaring to the press amid investigations and high disapproval](#), October 17, 2024.

¹⁶² IPYS, [TC orders the Presidency of the Republic to respond to recommendations of the Ombudsman's Office that guarantee the work of the press](#), December 16, 2024; Ombudsman's Office, [Ombudsman reiterates the importance of unrestricted respect for press freedom](#), May 3, 2024.

¹⁶³ IPYS, [Peru: Dina Boluarte's staff and security lock journalists in waiting room to prevent them from asking questions](#), May 31, 2024; Infobae, [Dina Boluarte's Security locks up journalists in the middle of a multi-hazard drill and restricts their work](#), May 31, 2024.

¹⁶⁴ IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011.

existing protection mechanisms in favor of these groups and influence the appreciation of the role they play in these contexts.

G. Other

Recommendation No. 36. Adopt the necessary measures to guarantee the life, personal integrity, and security of each and every one of the persons who spoke and testified before the Inter-American Commission during its visits. Likewise, refrain from retaliating and/or allowing retaliation to be taken by third parties against them.

Compliance Information

248. During 2024, the State affirmed that, within the framework of the various investigations conducted by the Supraprovincial Criminal Prosecutor's Offices specializing in Human Rights and Interculturality, it has been arranged that the affected persons be incorporated into the Program for the Protection and Assistance of Victims and Witnesses, managed by the Office of the Central Unit for the Protection and Assistance of Victims and Witnesses (OUCAVIT), and implemented by the District Units (UDAVIT). In this regard, the State reported that, as of August 9, 2024, 68 aggrieved persons have been included in said Program. In addition, the State reported that 3,359 psychological interventions have been carried out on behalf of victims of social protests and their families.¹⁶⁵

249. For its part, civil society expressed its concern about the alleged lack of concrete measures for the people who testified or spoke with the IACHR during the visits, and through other means, such as public hearings. In this regard, it pointed out that stigmatization and "terrorization" campaigns have been carried out, which, according to what was expressed to the Commission, are fomented by authorities and civil society groups (groups such as "*La Resistencia*" or "*La Insurgencia*") against human rights defenders, both against victims of human rights violations during the 1980-2000 armed conflict. and against members of civil society organizations that work for the protection of human rights (see recommendation 30).¹⁶⁶

Analysis and level of compliance with the recommendation

250. The Commission emphasizes that the protection of those persons who spoke and testified with the IACHR in the context of the preparation of the Country Report is an essential element for the fulfillment of the international obligations of the States contained in the OAS Charter and the American Convention on Human Rights, and the fulfillment of the role assigned to the IACHR. Consequently, the State must not only avoid violating the life, integrity and security of people; but, in addition, to adopt measures to prevent, investigate and punish any action carried out by third parties to violate these rights.

251. The IACHR welcomes the inclusion of the victims in the context of the facts contained in the Report in the Program for the Protection and Assistance of Victims and Witnesses. However, it expresses its concern over the above-mentioned complaints from civil society regarding the continuation of attacks and harassment against human rights defenders by civil society groups, without mechanisms for control, investigation, or punishment by security agents. Therefore, it calls on the State to respond in a timely and effective manner to the complaints, implementing mechanisms for prevention, protection, and guarantee of access to justice, in accordance with the particularities of each case.

¹⁶⁵ State of Peru, [Note No. 7-5-M/236](#), Response to the questionnaire of the Report of the Peruvian State on the implementation of recommendations of the country report "Situation of Human Rights in Peru in the context of the social protests of the Inter-American Commission on Human Rights", December 11, 2024.

¹⁶⁶ The Association for Human Rights (Aprodeh), the Episcopal Commission for Social Action (CEAS), the National Coordinator of Human Rights (CNDDHH), the Institute of Legal Defense (IDL), the Study for the Defense of Women's Rights (Demus), the Ecumenical Foundation for Development and Peace (Fedepaz), Peace and Hope and the Center for Justice and International Law (CEJIL). Response to the follow-up questionnaire to the Report on the situation of human rights in Peru, December 17, 2024.

252. Considering the concerns expressed and the urgency of protecting human rights defenders and journalists, the Commission identifies that the information sent by the State needs to be complemented with actions aimed not only at the victims of the events contained in the report, but must also include all those persons and organizations that supported the report with information and their testimonies, and those that provide information for the current monitoring process. Pending specific information on compliance measures, the Commission notes that this recommendation is **pending compliance**.

Measures and information to advance the implementation of the recommendation

253. The IACHR emphasizes that progress in complying with this recommendation requires the adoption of practical measures that: (i) protect the right to life, integrity, and security of the persons who spoke and testified before the IACHR; (ii) avoid their stigmatization as human rights defenders, and (iii) protect them from the actions of civil groups that seek to intimidate or attack them.

III. SUMMARY TABLE OF THE LEVEL OF COMPLIANCE WITH THE RECOMMENDATIONS

254. The following table shows the level of compliance by the State of Peru with respect to the 36 recommendations of the Report on the Situation of Human Rights in Peru in the context of the social protests that were analyzed in this follow-up report:

Subject of the recommendation	Recommendation number	2024 Level of compliance
Dialogue and overcoming the crisis	1	Partial
	2	Pending
	3	Partial
Citizen Security	4	Substantial Partial
	5	Pending
	6	Pending
	7	Pending
	8	
Reparation and care for victims of human rights	9	Pending
	10	Partial
	11	Partial
	12	Pending
	13	Partial
	14	Pending
Fight against impunity	15	Pending
	16	Partial
	17	Partial
	18	Total
	19	Pending
	20	Partial
Democratic institutions	21	Pending
	22	Pending
	23	Pending
	24	Partial
	25	Pending
	26	Pending
	27	Pending
	28	Pending

Freedom of expression, assembly and association	29	Partial
	30	Pending
	31	Pending
	32	Pending
	33	Pending
	34	Partial
	35	Pending
Other	36	Pending

IV. CONCLUSIONS

255. Full compliance with the IACHR's recommendations by OAS member states is essential to ensure the full observance of human rights in the region and to strengthen the effectiveness of the inter-American human rights system. In the exercise of its mandate to follow up on these decisions, the Commission prepares reports in which it identifies the progress, challenges, and setbacks in the adoption of compliance measures that, through its various working mechanisms, it has requested from the States.

256. This follow-up report develops the implementation of the recommendations that the Commission issued in the Report on the Situation of Human Rights in Peru in the Context of Social Protests, which was approved on April 23, 2023 by the IACHR. The recommendations contained therein were formulated based on the findings and information obtained by the IACHR before, during, and after its *on-site* visit carried out in the context of the crisis of democratic and social institutions in Peru between January 11 and 13, 2023, which was preceded by a preparatory technical mission of the Executive Secretariat. which took place from December 20 to 22, 2022.

257. In the aforementioned Country Report, the IACHR included 36 recommendations addressed to the State, in accordance with the following six thematic axes: (i) Dialogue and overcoming the crisis, (ii) citizen security, (iii) reparation and attention to victims of human rights, (iv) fight against impunity, (v) democratic institutions, and (vi) freedom of expression, assembly, and association.

258. Based on the IACHR's General Guidelines for Follow-up on Recommendations and Decisions, this follow-up report identifies the compliance measures adopted, progress made, and challenges in the implementation of the recommendations analyzed¹⁶⁷. For its preparation, the IACHR received information from the State on January 8, 2024, which it published through the Inter-American SIMORE. In addition, on November 8, 2024, the IACHR again requested information from the State. Consequently, the State provided the requested information on December 11, 2024 and published it through the Inter-American SIMORE. For its part, the IACHR also sent a questionnaire to civil society organizations in order to provide relevant information for the follow-up to the recommendations. Part of these responses were published through the Inter-American SIMORE.

259. For this follow-up report, the Commission concluded that, of the 36 recommendations analyzed, one has a level of total compliance (2.7%); one has a level of substantial partial compliance (2.7%); 11 are partially fulfilled (30.6%), and 23 are pending compliance (63.9%). The IACHR reiterates to the State the importance of effectively complying with recommendations that have not been fully complied with. The following are the main findings of the IACHR regarding compliance with the recommendations, according to the following thematic axes.

260. Regarding the recommendations on dialogue and overcoming the crisis:

¹⁶⁷ IACHR, [General Guidelines for Follow-up on Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II. Doc.385/23 (second edition), November 20, 2023.

- A genuine and effective dialogue strategy with results must be guaranteed, for this purpose the mechanisms for monitoring the agreements and the impact of these agreements on effective decision-making must be strengthened.
- New or improved channels of dialogue between indigenous peoples and the State should be created to effectively include the needs and interests of indigenous peoples in decision-making processes, and to comply with the characteristics determined in the judgments of the Inter-American Court of Human Rights and in the framework of Convention No. 169 of the International Labour Organization.
- The implementation of the National Multisectoral Human Rights Policy and other reported measures aimed at combating ethnic and racial discrimination are still unknown. In addition, work must be done in their educational curriculum with regard to ethnic and racial discrimination or socioeconomic condition.

261. Regarding the recommendations on citizen security:

- The mechanisms for training and evaluating the security forces must be strengthened so as to guarantee the defense of the life and integrity of all people. In addition, public information on these training mechanisms must be ensured.
- The regulatory framework must adapt its contents to implement the principles of legality, necessity and proportionality. To this end, the use of force and the right to protest must be regulated, guaranteeing adequate prevention and punishment mechanisms for the actions of the security forces, the prohibition of firearms in the context of protests, the exceptional nature of the use of "states of emergency", the protection and non-criminalization of people who participate in demonstrations, and to guarantee the transparency, impartiality and control of such actions by competent and independent actors.

262. With respect to the recommendations on reparation and attention to victims of human rights:

- The process of implementing comprehensive reparations for all those affected in the context of the facts set out in the Country Report must begin as soon as possible. To this end, reparation mechanisms must be put in place to accompany the non-reparative economic assistance that was delivered, and to implement the additional measures that have been reported. Likewise, the State must guarantee health support to the affected people, which is not fulfilled only by their affiliation to a universal national health insurance.
- It is important to implement a registration mechanism that collects information from public entities, and that coordinates with victims' associations and their representatives, to provide adequate information for registration.
- Psychosocial support mechanisms should be adopted for victims and their families.

263. With regard to the recommendations on combating impunity:

- It is necessary to move forward in the process of investigation, punishment and reparation for the human rights violations committed in the context of the events included in the Country Report.
- The State's strategy to guarantee the investigation must be analyzed, so as to avoid unjustified delays, or lack of attention to the possible barriers to access to justice that may arise, especially for those people with greater difficulties in appearing at the procedural acts (people who live very far away, or in a situation of poverty, who do not speak Spanish, women with care work, among others).

264. With respect to the recommendations on democratic institutions:

- There have been no actions aimed at strengthening the lack of confidence in the separation of powers. On the contrary, various measures have been reported that would have an inverse effect.
- Within the framework of the principle of separation of powers, the legal norms that are presented or approved must not have the objective or effect of restricting the action of other entities or their decisions. In addition, it is essential that real control be exercised over the norms that are to be approved through existing constitutional mechanisms, such as the power to observe norms that violate these principles.
- Control entities such as the Constitutional Court or the Ombudsman's Office must fulfill their role, applying international criteria and standards for the protection of human rights.

265. Regarding the recommendations on freedom of expression, assembly and association:

- The State should work on the design, discussion, approval, or application of a national public policy aimed at protecting the rights to peaceful assembly, freedom of expression, and freedom of association, including the implementation of measures of negotiation, mediation, and other alternative means of conflict; and the implementation of measures to protect human rights defenders and journalists.
- Authorities and officials should refrain from issuing stigmatizing statements about people who participate in protests, and seek accountability mechanisms when they occur. In addition, it is necessary to provide pedagogical measures so that the authorities and officials are aware of and apply this prohibition.
- Measures must be taken to guarantee the exercise of the right to protest and clarify that the adoption of measures for its dissolution should only take place when there is a serious risk to the life or physical integrity of people, provided that other less restrictive measures are not possible.
- Concrete measures are required with the aim of protecting the right to protest, avoiding criminalizing or generating a regulatory framework that makes the protection of the people who participate in them precarious.
- It is essential to adopt and strengthen a regulatory framework that responds to the needs of journalists, communicators and media workers in the face of persecution, detention, intimidation, harassment, aggression of any kind; as well as to cease state actions that intervene with the free functioning of the media.
- It is necessary to strengthen, in campaigns and other measures of institutional advocacy, the role that human rights defenders and journalists play in the contexts of social protest, so that future violations in the exercise of their rights can be avoided.

266. Finally, the Commission appreciates the information provided by both the State and civil society organizations for the preparation of this follow-up report. It also reiterates its willingness to provide technical assistance to promote the implementation of the recommendations analyzed, in accordance with applicable inter-American standards.