

**Remarks by Commissioner Margarette May Macaulay, the President of the IACHR
during the presentation of the "Report on the Situation of Human Rights in Peru
in the Context of Social Protests"**

Wednesday, May 3rd, 2023

1. Good afternoon to all the people connected. I would like to begin by expressing, once again, my solidarity with the families of those who lost their lives in the context of social protests, as well as with those who were injured.
2. I am Margarette May Macaulay, and I am remotely accompanied by my fellow Commissioners of the Inter-American Commission on Human Rights and by the Executive Secretary Tania Reneaum Panszi, the Special Rapporteur for Economic, Social, Cultural and Environmental Rights, the Special Rapporteur for Freedom of Expression, among other members of the Executive Secretariat who follow us online.
3. It is an honor for us to present this report that addresses the human rights situation in the context of the social crisis in Perú. The document was produced based on a field visit carried out in January 2023, and preparatory visits carried out in October 2022 and December 2022.
4. During these visits, the Commission carried out activities in the cities of Lima, Ica, Arequipa, Juliaca, Ayacucho and Cusco, and held more than 60 meetings with victims and their families, various public officials, as well as with civil society organizations, social movements, trade unions and business associations.
5. Regarding the methodology, the IACHR used primary and secondary sources to prepare the report. Primary sources, such as interviews with authorities and official information

provided by the Office of the Attorney General; the Institute of Legal Medicine; the Congress of the Republic; the National Police; the Ministry of Justice and Human Rights; as well as the periodic reports by the Ombudsperson and the Ministry of Health. Additionally, the Commission considered the testimonies of victims, family members, and civil society interviewed. In relation to secondary sources, the Commission resorted to reports from national and international agencies, from international financial entities, from the confederation of private companies; media; among others.

6. The social protests that began on December 7, 2022, have explicit and conjunctural political demands, such as the advancement of general elections and the call for a constituent assembly. At the base of these demands are fair demands of rural communities and indigenous peoples, such as access to rights without any type of discrimination, as well as greater political representation. The provinces far from the capital demand that the ethnic and racial diversity of the country be valued instead of stigmatized, be consulted about extractive projects that can have considerable impacts on their territory, and that the wealth they generate be distributed equitably. These demands must be addressed with respect for the rule of law and due process.

7. To ensure objectivity and balance, the report addresses, firstly, general information on Peru; then, it explains the background and context of the current political and social crisis. Subsequently, it presents a chronology of events, starting with the constitutional crisis of 2022 and a record of the most relevant events in the context of the protests, including acts of violence outside the right to protest or peaceful demonstration and the corresponding State response. Next, in a specific chapter, the report contains a legal analysis of alleged violations of human rights and effects derived from violence; to then formulate conclusions and recommendations addressed to the State. According to its mandate, the IACHR focused the report on the victims. For this purpose, the report includes a profile of each of the people who lost their lives in the protests.

8. The States of the region, including Peru, granted the Inter-American Commission the mandate to promote the observance and defense of human rights among the peoples of the Americas. Today we reiterate that democracy inspires, irradiates, and guides the application of the American Convention on Human Rights and other instruments of the Inter-American System. In this sense, the Commission appreciates the facilities provided by the State and emphasizes that it is typical of democratic governments to be open to international scrutiny.

9. The Commission spoke with a large number of people in various territories of the country and observed that there is strong tension between Lima and the regions, especially in the south of the country where the indigenous and peasant population predominate. In addition to this, the incessant confrontations between the public powers and the successive political crises have deepened the polarization and distrust of the citizens in the institutions of the State.

10. Between December 7, 2022, and January 23, 2023, thousands of people mobilized throughout the national territory exercising their right to protest. In this period of time, more than 477 demonstrations were registered in the country. In this regard, the IACHR reiterates that social and peaceful protest is an essential element for the existence and functioning of democracy and is a right that in contexts of sustained political crises can become the only means of political participation for communities over which it exerts structural discrimination, political and social exclusion.

11. Peru has a regulatory framework that, in general, protects the right to protest and regulates the exceptional use of force and the participation of the Army in citizen security tasks. The IACHR acknowledges that, during the time frame analyzed, there were situations of violence that are not protected by the right to protest and that do not exempt the State from responsibility regarding human rights violations.

12. In general terms, the Commission observes that the response of the State forces was not uniform throughout the national territory and that there were serious episodes of excessive use of force in specific cases. Indeed, from the information received in Lima, Ica, Arequipa, and Cusco, it appears that the State's response was characterized by the disproportionate, indiscriminate, and lethal use of force. This is confirmed by factors such as the high number of deaths and injured with injuries to the upper part of the body from firearms, including pellets; as well as the location of a significant number of victims who were not even participating in the protest or were in the area of the sources of conflict. These facts must be investigated, tried and sanctioned.

13. In the case of Ayacucho, there were serious human rights violations that must be investigated with due diligence and with an ethnic-racial approach. Being perpetrated by State agents, the deaths could constitute extrajudicial executions. In addition, as these are multiple deprivations of the right to life, given the circumstances of manner, time, and place, they could be classified as a massacre.

14. For its part, in the case of Juliaca, the IACHR observes that in that city there were situations of excessive and indiscriminate use of force by State agents, which would have resulted in serious human rights violations against both participants in the protests, as well as third parties. As indicated, all this within the framework of a complex violent situation, which began with clashes within the perimeter of the airport, where the security forces were attacked with stones, sticks and fireworks, such homemade fire weapons.

15. The IACHR verified a general deterioration of public debate with a strong stigmatization due to ethnic-racial and regional factors, through messages that allude to indigenous people and peasants as "terrorists", "terrucos", "senderistas", "cholos" or "indians", among other derogatory forms. These messages are not innocuous; on the contrary, they

contribute to the creation of an environment of permissiveness and tolerance towards discrimination, stigmatization and institutional violence against this population.

16. The serious human rights violations informed in this report must be diligently investigated by specialized human rights prosecutors. In addition, they must be judged by independent, competent, and impartial judges within a reasonable time and with observance of the guarantees of due process. If found responsible, the perpetrators should be subject to the corresponding criminal sanctions. Victims of human rights violations must be comprehensively repaired.
17. Overcoming the crisis in Peru requires effective dialogue and agreements within the framework of the rule of law. The dialogue must be broad, genuine, and inclusive, with an intercultural and territorial approach: where all sectors of society feel represented. Likewise, measures must be adopted to strengthen democratic institutions.
18. Based on the provisions of Article 41, paragraph b, of the American Convention on Human Rights, and based on the observations made during the visits, the Commission makes 36 recommendations to the State on the following matters: dialogue and overcoming the crisis; citizen security; reparation and attention to victims of human rights violations; fight against impunity; democratic institutionalism; and freedom of expression, assembly, and association.
19. The Inter-American Commission on Human Rights makes itself available to the Peruvian State to provide the technical cooperation required to implement the recommendations made in this report, including the establishment of a special follow-up mechanism.