

## PERU

### Joint Report on the Situation of Justice Operators

#### I. Introduction and purpose of the report

1. In the context of the fourth cycle of the Universal Periodic Review carried out by the United Nations Human Rights Council, the Due Process of Law Foundation -DPLF<sup>1</sup>, the Instituto de Defensa Legal IDL<sup>2</sup> and the Center for Justice and International Law -CEJIL<sup>3</sup>, submitted a joint report on **the situation of justice operators in Peru<sup>4</sup> and the consequences of the lack of recognition as human rights defenders** in that State.

2. The relevance of this report arises from noting the invisibility of the risks faced by justice operators in Peru. As we will develop, in recent years, Peru has gone through various democratic and institutional crises, which have affected justice operators. In a context where there are great challenges in the election of the people who make up the judiciary, there are also more and more documented and denounced aggressions, intimidations, and threats against judges and prosecutors related to the exercise of their functions. In recent cases, citizens have been incited through smear campaigns and mobilizations that promote hatred and violence against justice operators who carry out processes of public relevance, such as electoral processes or the fight against corruption. In the face of this, the responses of the Peruvian State are insufficient, scarce, and do not take into account the fundamental role that justice operators have in a democratic society as defenders. For example, justice operators –even though Peru has not passed a law on the recognition and protection of

---

<sup>1</sup> DPLF is a Washington, D.C.-based non-governmental organization dedicated to promoting the rule of law and human rights in Latin America through applied research, monitoring and strategic alliances with actors in the region, and advocacy with actors in the international community, using international and comparative law. For a better understanding of this organization, see: <http://dplf.org/>

<sup>2</sup> IDL is a civil society institution whose purpose is the promotion and defense of human rights, democracy and peace in Peru and Latin America. It is characterized as an autonomous organization, independent of any party or political affiliation, which has generated pressure and attacks from different political and social sectors. For a better understanding of this organization, please consult: <https://www.idl.org.pe>

<sup>3</sup> CEJIL is an organization that uses international human rights law to strategically litigate before international forums, primarily the Inter-American Human Rights System, to combat the impunity that prevails in the region. It works to reduce discrimination, inequality and violence by strengthening democracy and representing diverse cases in the Americas, including cases from Peru. For a better understanding of this organization, please consult: <https://cejil.org/>

<sup>4</sup> The Peruvian State signed and ratified the International Covenant on Civil and Political Rights (ICCPR) on August 11, 1977 and April 28, 1978, respectively. See: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en) Likewise, by means of Decree Law 22129 of March 28, 1978, the Peruvian State carried out its internal process for the signature and ratification of the aforementioned treaty. For the purposes of this report, Articles 2.3, 12, 14, 19, 23 and 26 will be taken into account.

human rights defenders<sup>5</sup>— are not considered as human rights defenders. Therefore, they cannot make use of the existing institutional protection mechanisms<sup>6</sup>. In this sense, the ultimate objective of this report is to make visible the need to issue recommendations to the Peruvian State that lead to the recognition and inclusion of justice operators as human rights defenders in order to allow them to exercise their functions adequately.

3. In this report, we first present Peru's international obligations under the ICCPR concerning justice operators. Secondly, we refer to the current situation faced by justice operators in Peru, beginning with a brief account of the institutional weaknesses they face in the selection processes, followed by a presentation of the threats, harassment, stigmatization, and criminalization that they meet for the work they do. Finally, we point out how these facts are generated by the lack of recognition as defenders and, specifically, the lack of a protection mechanism that expressly includes them. Finally, we detail several recommendations that the States that conform the Human Rights Council could make to Peru in the fourth Universal Periodic Review.

4. It is worth noting that the previous UPR made recommendations to the Peruvian State to ensure that its National Human Rights Plan progresses and is implemented following international standards<sup>7</sup>, to continue the fight against corruption in government bodies<sup>8</sup>, to approve and implement the protocol on the protection of human rights defenders<sup>9</sup>, introduce comprehensive public policies for the recognition of the role of human rights defenders<sup>10</sup>, implement measures to promote the rights of human rights defenders<sup>11</sup>, intensify efforts to prevent aggressions against human rights defenders<sup>12</sup> and consider measures to protect them against threats and intimidation that prevent them from carrying out their functions properly<sup>13</sup>, among others. To date, no specific recommendations have been made regarding the role of rights defenders as justice operators, the special protection that should be provided to them, and the creation of adequate spaces that allow them to carry out their work autonomously, independently, and free from external and internal pressures.

## **II. Peru's international obligations concerning human rights defenders, especially justice operators as human rights defenders**

---

<sup>5</sup> In December 2020, a group of congressmen presented a bill that "promotes the recognition and protection of human rights defenders". However, to date no legislation has been passed. In this regard, see: [https://leyes.congreso.gob.pe/Documentos/2016\\_2021/Proyectos\\_de\\_Ley\\_y\\_de\\_Resoluciones\\_Legislativas/PL06762-20201210.pdf](https://leyes.congreso.gob.pe/Documentos/2016_2021/Proyectos_de_Ley_y_de_Resoluciones_Legislativas/PL06762-20201210.pdf)

<sup>6</sup> As we will see in section III.C., although a mechanism for the protection of human rights defenders was sanctioned in 2021, to date it has hardly been implemented and justice operators have not been considered in practice for its use.

<sup>7</sup> UN - General Assembly, Human Rights Council, 37th Session. *Report of the Working Group on the Universal Periodic Review: Peru*. A/HRC/37/8. 27 December 2017. Para. 111.14.

<sup>8</sup> *Ibid.* para. 111.48.

<sup>9</sup> *Ibid.*, para. 111.67.

<sup>10</sup> *Ibid.*, para. 111.70.

<sup>11</sup> *Ibid.* para. 111.71.

<sup>12</sup> *Ibid.*, para. 111.72.

<sup>13</sup> *Ibid.* para. 111.73.

5. The United Nations Universal System establishes that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels<sup>14</sup>". Therefore, States have the duty to protect, promote and give effect to the fundamental guarantees of their associates<sup>15</sup>, as well as the free exercise, individually or collectively, of the right to engage in activities of opposition to actions or omissions by States that cause harm to human rights and fundamental freedoms, or by any group or enterprise engaged in activities in the same direction<sup>16</sup>. These mandates have been endorsed on multiple occasions by the Human Rights Council, the United Nations General Assembly, the Office of the United Nations High Commissioner for Human Rights OHCHR<sup>17</sup>, and the Office of the Special Rapporteur on the situation of Human Rights Defenders<sup>18</sup>.

6. In fact, the Office of the United Nations High Commissioner for Human Rights (OHCHR), in an interpretation given to Article 1 of the United Nations Declaration on Human Rights Defenders, considered that one of the tools to identify a person as a human rights defender is their activity to protect or promote rights, whether civil, political, economic, social, or cultural, on behalf of any person or groups of persons<sup>19</sup>. Also, Resolution 22/6 of 2013 on the protection of rights, adopted by this Human Rights Council, among other things, urges States to "create a safe and enabling environment in which human rights defenders can work without hindrance or insecurity, throughout the country and in all sectors of society"<sup>20</sup>.

7. For its part, the Inter-American Human Rights System (hereinafter, the IAHR) shares this same conception of a human rights defender. In fact, the pronouncements of its organs have extended this definition to include "individuals, groups and organizations involved in the protection and promotion of various rights, whether from civil society or from the position they occupy in state institutions"<sup>21</sup>.

8. In its first report on human rights defenders' situation in the Americas, the IACHR emphasized that the identifying criterion for considering a person to be a human rights defender is the activity that he or she carries out. Therefore, persons who, from their position within the State, carry out activities that promote and protect human rights must be

---

<sup>14</sup> UN - General Assembly. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. A/RES/53/144. 8 March 1999, art. 1.

<sup>15</sup> Ibid. art. 2.

<sup>16</sup> Ibid. art. 12.

<sup>17</sup> UN - United Nations High Commissioner for Human Rights (OHCHR), Fact Sheet No. 29 - Human Rights Defenders: Protecting the Right to Defend Human Rights, April 2004, available at: <https://www.ohchr.org/Documents/Publications/FactSheet29sp.pdf>.

<sup>18</sup> See, for example: UN - General Assembly. *Report of the Special Rapporteur on the Situation of Human Rights Defenders*. A/63/288. 14 August 2008; UN - General Assembly. *Report of the Special Rapporteur on the Situation of Human Rights Defenders*. A/66/203. 28 July 2011.

<sup>19</sup> UN - United Nations High Commissioner for Human Rights (OHCHR), Fact Sheet No. 29 - Human Rights Defenders: Protecting the Right to Defend Human Rights, April 2004, available at: <https://www.ohchr.org/Documents/Publications/FactSheet29sp.pdf>.

<sup>20</sup> UN - Human Rights Council, Protection of human rights defenders, A/HRC/RES/22/6, 12 April 2013.

<sup>21</sup> IACHR. *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124, Doc. 5 rev. 1, 7 March 2006, para. 14.

considered, for the purposes of protection, in the same way as persons who, from civil society, carry out the same activity. This is what the IACHR stated in its report presented in 2006:

In this sense, those persons who, from State institutions, have functions related to the promotion and protection of human rights and who, as a result of this work, are victims of acts that directly or indirectly impede or hinder their tasks, must receive the same protection as those persons who, from civil society, work for the defense of human rights. This is because such acts affect the enjoyment and exercise of human rights by society in general<sup>22</sup>.

9. Furthermore, the IACHR has ordered States to pay special attention to certain groups of rights defenders who, due to their essential activities, are exposed to special risks, such as justice operators who handle cases of human rights violations<sup>23</sup>, high-impact cases<sup>24</sup>, or electoral matters. When justice operators are attacked, the democratic stability of a nation is at stake, and the entire community is indirectly impacted:

It is the responsibility of each State to protect justice operators from attacks, acts of intimidation, threats, and harassment, investigating those who commit violations of their rights and punishing them effectively. If States do not guarantee the security of their justice operators against all kinds of external pressures, including reprisals directly aimed at attacking their person and family, the exercise of the jurisdictional function can be seriously affected, frustrating access to justice. For this reason, on other occasions, the Commission has granted precautionary measures in favor of justice operators who find themselves in a situation of risk to their lives and personal integrity, allegedly in retaliation for the performance of their duties<sup>25</sup>.

10. Thus, if one considers their activity, justice operators materialize certain fundamental rights, such as the right of access to the administration of justice for those who have suffered a violation of other human rights<sup>26</sup>, or the right to due process<sup>27</sup>, which is essential in the jurisdictional development and justice of the State. In addition, in a democratic State, their work is critical to the extent that they can monitor the acts of the other branches of government and guarantee the legality, constitutionality, and conventionality of those acts<sup>28</sup>. Thus, their activity is fundamental to protecting, respecting, and guaranteeing other rights,

---

<sup>22</sup> Ibid. para. 19.

<sup>23</sup> Ibid. para. 336.

<sup>24</sup> IACHR. Resolution 61/2016. Precautionary Measure No. 52-16. María Dolores López Godoy, Nelly Lizeth Martínez Martínez and family regarding Honduras. December 6, 2016, para. 12; Resolution 40/2016. Precautionary measure No. 497-16. Case of Thelma Esperanza Aldana Hernández and family regarding Guatemala. 22 July 2016, para. 9.

<sup>25</sup> IACHR. Resolution 27/2017. Precautionary Measure No. 449-17. Luisa Ortega Díaz and family regarding Venezuela. August 3, 2017, para. 34. IACHR. Guarantees for the Independence of Justice Operators. Toward Strengthening Access to Justice and the Rule of Law in the Americas. OEA/Ser.L/V/II. Doc. 44, December 5, 2013, paras. 17 and 147.

<sup>26</sup> OAS - IACHR. *Guarantees for the independence of justice operators. Towards strengthening access to justice and the rule of law in the Americas*. OEA/Ser.L/V/II. Doc. 44. December 5, 2013.

<sup>27</sup> IACHR. *Second Report on the Situation of Human Rights Defenders in the Americas*. OEA/Ser.L/V/II, Doc. 66. 31 December 2011, para. 350.

<sup>28</sup> Ibid. para. 16.

especially those recognized in Articles 2, 9, 14, 15, and 25.C of the International Covenant on Civil and Political Rights.

11. In sum, justice operators must have the autonomy and independence that allows them to exercise their function correctly, without external pressures<sup>29</sup>, unnecessary burdens, unfounded trials or judgments, and without fear of retaliation, both personal and family, for the decisions taken in the exercise of the judicial function. These international endorsements of the administration of justice take the form of positive obligations for States, which have a duty to offer reinforced and comprehensive guarantees that exalt and promote the necessary independence of the judiciary<sup>30</sup>.

### **III. The current situation of justice operators in Peru: institutional weaknesses in the selection of high authorities, aggressions, and attacks linked to the lack of recognition as human rights defenders.**

#### **A. Selection of high-level authorities in the justice system**

12. Article 14(1) of the ICCPR guarantees the right of everyone to be heard by a "competent, independent and impartial tribunal", while the United Nations Basic Principles on the Independence of the Judiciary provide that "persons selected for judicial office shall be persons of integrity and ability with appropriate training or qualifications in law " and that " any method of judicial selection shall safeguard against judicial appointments for improper motives."

13. Likewise, the IACHR has established the need to incorporate reinforced safeguards<sup>31</sup> when political bodies intervene in the selection processes of justice operators due to the high risks that these processes entail<sup>32</sup>. In Peru, this is especially important, as some of its processes for selecting high-level authorities in the justice system are the responsibility of the Congress of the Republic. Below, we will briefly refer to some of the most important and recent selection processes in which Peru has failed to observe these standards:

#### **1. Election of Judges and Magistrates of the Constitutional Court**

14. According to the Constitution (art. 201) and the Constitutional Court Organization Act (art. 8), the selection process for judges of the Constitutional Court must be carried out by means of an open public competition, which is conducted exclusively by Congress without the involvement of other State bodies or branches of Government. This process, aimed at appointing six of the seven judges of the Constitutional Court, was called three times. The last of these culminated in the appointment of six male and one female judge, in a process that was highly questioned for various reasons, which are discussed below.

---

<sup>29</sup> I/A Court H.R., Case of the Constitutional Tribunal v. Peru. Merits, Reparations and Costs. Judgment of January 31, 2001, Series C No. 71, para. 73-75.

<sup>30</sup> I/A Court H.R., Case of Reverón Trujillo v. Venezuela. Case of Reverón Trujillo v. Venezuela. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 30, 2009. Series C No. 197, para. 67.

<sup>31</sup> /*ibid.* para. 104-106.

<sup>32</sup> IACHR, Guarantees for the Independence of Justice Operators: Toward Strengthening Access to Justice and the Rule of Law in the Americas. OEA/Ser.L/V/II. Doc. 44, 5 December 2013, paras. 101-103.

15. First of all, the Regulation approved by the Special Commission (SC) formed by the Congress, established an excessive weight to the interview stage (40%), which was developed without a protocol that established objective rules for assigning scores<sup>33</sup>, which led to a biased evaluation, with differences in treatment, and useless to fulfill its objectives<sup>34</sup>. Likewise, the process had severe shortcomings in terms of transparency: the SC refused to publish key documents, such as the reports issued by the Comptroller General of the Republic regarding the applicants, and when it did so –when ordered to do so by the Transparency Tribunal– it delivered enclosed documents.<sup>35</sup>

16. The process showed obstacles to women's equal participation: underrepresentation of women in the evaluation body (2 women out of 9 members) and among the participants (13 out of 76 applicants)<sup>36</sup>, differences in treatment during the interview stage (less time allocated, bias in the questions)<sup>37</sup>, and underrepresentation in the final election (only 1 of the six vacancies was assigned to a woman).

17. In addition, there were well-founded allegations of conflicts of interest in the selection process between evaluators and applicants, which were not duly addressed by the SC<sup>38</sup>, being finally appointed as members of the Constitutional Court, two of the applicants whose conflict of interest was publicly denounced by civil society organizations<sup>39</sup>. In addition to this, there were questions about the profile of the candidates<sup>40</sup>, on which the selection process did not carry out a due evaluation taking into account the requirements of ethics, guarantee of independence and impartiality, and suitability; finally resulting that two of the candidates with questioned profile were elected to integrate the highest court of constitutional justice.

---

<sup>33</sup> DPLF. *Evaluating the Evaluator: How did the Special Selection Commission of the Peruvian Congress interview the candidates to fill the vacant judgeships of the Constitutional Tribunal of Peru?* April 18, 2022, p. 4. Available at: <https://www.dplf.org/es/resources/evaluando-al-evaluador-como-entrevisto-la-comision-especial-de-seleccion-del-congreso>.

<sup>34</sup> Ibid. p. 5.

<sup>35</sup> The Republic. "Comisión del Congreso censura páginas enteras de informes de la Contraloría sobre candidatos al TC". Retrieved from: <https://larepublica.pe/politica/2022/05/10/tribunal-constitucional-comision-del-congreso-censura-paginas-enteras-de-informes-de-la-contraloria-sobre-candidatos-al-tc/>

<sup>36</sup> DPLF. *Evaluating the Evaluator: How did the Special Selection Commission of the Peruvian Congress interview the candidates to fill the vacant judgeships of the Constitutional Tribunal of Peru?* April 18, 2022, p. 12. Retrieved from: <https://www.dplf.org/es/resources/evaluando-al-evaluador-como-entrevisto-la-comision-especial-de-seleccion-del-congreso>.

<sup>37</sup> Ibid. p. 13.

<sup>38</sup> IDL. *Comisión Especial del TC ignora denuncia de conflicto de interés contra Jorge Montoya*, 14 June 2022. Retrieved from: <https://www.idl.org.pe/comision-especial-del-tc-ignora-denuncia-de-conflicto-de-interes-contra-jorge-montoya/>

<sup>39</sup> IDL. *They denounce conflict of interest and request the departure of Congressman Jorge Montoya from the Special Commission of Congress for the selection of candidates for the Constitutional Court*. March 15, 2022. Retrieved from: <https://www.idl.org.pe/denuncian-conflicto-de-interes-y-piden-la-salida-del-congresista-jorge-montoya-de-la-comision-especial-del-congreso-para-la-seleccion-de-candidatos-y-candidatas-al-tribunal-constitucional/>

<sup>40</sup> IDL. *"Some worrying profiles of male and female candidates for the Constitutional Court"*, 30 March 2022. Retrieved from: <https://www.idl.org.pe/algunos-perfiles-preocupantes-de-candidatos-y-candidatas-al-tribunal-constitucional/>

18. Finally, despite the public discourse of the SC, citizen participation was in many cases disdained during the selection process under the discourse that the members of the SC are congressmen and already represent the people, denying the observations and ignoring public questioning. Indeed, before a public pronouncement<sup>41</sup> from more than 150 civil society organizations, where it was pointed out, for example, that "There are essential requirements that have not been considered, such as "solvency and moral suitability," or that "some finalists have a party and/or labor ties with members of the benches that seek to elect them" which "is a lethal blow to citizen confidence," and that "For this reason, we demand that the representatives of the Congress of the Republic not endorse with their vote the election of candidates who have a conflict of interest and prevent this selection process from becoming a new distribution." The president of the SC downplayed the importance of this and said that the organizations would not have "any representation."

## 2. Election of the Ombudsman

19. The Peruvian Constitution establishes (art. 161) that the Ombudsman election is the Congress's responsibility<sup>42</sup>. At the end of May of this year, this process was initiated, and the creation of the Special Commission (SC) was established. It also established that there would not be an open public competition, but a "competition by invitation," in which the election is made among candidates proposed by the parliamentary benches<sup>43</sup>.

20. The process had multiple irregularities from the beginning. Although Article 3 of the Organic Law of the Ombudsman's Office establishes that the SC should be composed of a maximum of nine (9) members, it was composed of ten (10) members of Congress, the tenth being the President of Congress herself, who directed the sessions, directing and influencing the agenda and decisions of the SC. On the other hand, the Regulations of the competition by invitation, approved by the SC, did not contain any space for the civil society to participate and provide important information about the background of the invited persons. Likewise, the established timetable contemplated that on the same day, the candidates would be interviewed, the evaluation would be debated, an opinion would be issued, and a proposal would be made to the Plenary.

21. This type of irregularities prompted the Union of Workers of the Ombudsman's Office to file an amparo action, joined by the National Human Rights Coordinating Committee and the

---

<sup>41</sup> CNDDHH. *Joint pronouncement by social organizations for a an honest and impartial Constitutional Tribunal; "Only an honest and impartial Constitutional Tribunal guarantees democracy and human rights for all"*. April 18, 2022. Retrieved from: <https://derechoshumanos.pe/2022/04/solo-un-tribunal-constitucional-probo-e-imparcial-garantiza-la-democracia-y-los-derechos-humanos-de-todas-y-todos/>

<sup>42</sup> To this end, the Organic Law of the Ombudsman's Office (art. 3) provides that a special parliamentary commission must be formed to evaluate the merits of the candidacies and issue an opinion to the Plenary of Congress, which makes the final choice. However, at the end of May of this year, this process was initiated and the Special Commission (EC) was formed. It also established that there would not be an open public competition, but a "competition by invitation", in which the election is made among candidates proposed by the parliamentary benches.

<sup>43</sup> This modality is provided for in the Organic Law of the Ombudsman's Office (art. 3) and directly violates the right of every person to have access to public office under equal conditions.

Institute for Legal Defence<sup>44</sup>, to obtain judicial control of the validity of the selection process underway. In this process, the judge issued a precautionary measure, ordering Congress to suspend the process of electing the new Ombudsman in order to avoid the damage of an improper election<sup>45</sup>. Faced with this, Congress decided to form a new SC and start the procedure again without real public scrutiny and a proper evaluation of the merits of the nominations. In this process, eight people were invited, seven men and only one woman.<sup>46</sup>

#### B. Aggressions, harassment, stigmatization, and criminalization faced by justice operators for the work they perform

In recent years, Peru has been facing various institutional and democratic crises. Among the most recent crises that have had an impact on the situation of justice operators are, for example, the accusations of fraud in the 2021 presidential elections and the call by certain political figures and other opinion makers to disregard the decisions adopted by judges and prosecutors in Peru<sup>47</sup> or to accuse them of interfering in the elections<sup>48</sup>. In addition, this type of situation has led to the reappearance of extremist groups and to the mobilization of some sectors of the population to disregard such decisions<sup>49</sup>, to an increase in false news against justice operators, exposing them to an increased risk for their lives, integrity, and the fulfillment of their functions<sup>50</sup>.

---

<sup>44</sup> IDL. *Congress must suspend the election of the new Ombudsman until the Judiciary resolves the amparo action*. June 30, 2022. Retrieved from: <https://www.idl.org.pe/congreso-debe-suspender-eleccion-del-nuevo-defensor-del-pueblo-hasta-que-el-poder-judicial-resuelva-accion-amparo/>

<sup>45</sup> IDL. *Congress must suspend the election of the new Ombudsman until the Judiciary resolves the amparo action*. Retrieved from: <https://www.idl.org.pe/congreso-debe-suspender-eleccion-del-nuevo-defensor-del-pueblo-hasta-que-el-poder-judicial-resuelva-accion-amparo/>

<sup>46</sup> UN - Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, *Report on Women's Participation in the Administration of Justice*, p. 3-4. Retrieved from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/196/64/PDF/N2119664.pdf?OpenElement>

<sup>47</sup> For a better understanding, see the article published by the IDEELE magazine of the Instituto de Defensa Legal, entitled "Placing the focus on political polarization", written by Yerel Vásquez in the April and May 2022 edition. Available at: <https://www.revistaideele.com/2022/05/10/colocando-el-foco-sobre-la-polarizacion-politica/>

<sup>48</sup> See, for example: JusticiaTV - Poder Judicial, #En Vivo: Revocatoria de comparecencia con restricciones a prisión preventiva en contra de Keiko Fujimori por el presunto delito de lavado de activos: Fourth National Preparatory Investigation Court of the CSNJPE, June 21, 2021. (Minute 1:18:02) Available at: [https://www.facebook.com/justiciatv/videos/4027307364014138/?extid=NS-UNK-UNK-UNK-AN\\_GK0T-GK1C](https://www.facebook.com/justiciatv/videos/4027307364014138/?extid=NS-UNK-UNK-UNK-AN_GK0T-GK1C)

<sup>49</sup> La República. Fujimorista Rosa Bartra to 'La Resistencia': "You are not trolls and have not come for a táper". 20 July 2019. Available at: <https://larepublica.pe/politica/2019/07/19/rosa-bartra-fuerza-popular-me-encantaser-parte-de-la-resistencia/>; La Mula. Fujimoristas attack Pedro Castillo's supporters Members of 'La Resistencia' went to the 'Casa del Maestro' in Cercado de Lima, where Castillo was meeting with social leaders. May 12, 2021. Available at: <https://redaccion.lamula.pe/2021/05/12/fujimoristas-la-resistencia-pedro-castillo-simpatizantes-casa-del-maestro-reunion-lima/redaccionmulera/>; Ojo Público, Salazar-Vega Elizabeth, En Perú se extienden acciones de grupos extremistas que desinforman y acosan, June 19, 2021. Available at: <https://ojo-publico.com/2822/se-extienden-acciones-de-grupos-extremistas-que-desinforman-y-acosan/>; La República. Member of "La Resistencia" rented mobility for fujimorista hostilities. June 22, 2021. Available in Spanish at: <https://larepublica.pe/elecciones/2021/06/22/elecciones-2021-integrante-de-la-resistencia-alquilo-movilidad-para-hostilizaciones-fujimoristas-pltc/?ref=lre>

<sup>50</sup> See, for example: IACHR, La CIDH, La CIDH expresa preocupación por reportes de actos de hostigamiento y mensajes estigmatizantes que alientan la discriminación en el contexto electoral en Perú, June 22, 2021. Available at: <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/155.asp>; La

23. In this way, smear campaigns have become common on social networks such as Twitter, Facebook, and WhatsApp, where judicial operators have been labeled as illegal, abusive, incompetent, mafia-like, and corrupt<sup>51</sup>. Likewise, they have been associated with hateful ideas, such as: "communist parasite, underhanded, defender of terrorists and their Marxist, Leninist and Maoist ideology<sup>52</sup>" or "caviar prosecutor, red puppet, etc."; they are often linked to guerrilla groups such as "Sendero luminoso<sup>53</sup>" or labeled as "terrorists"<sup>54</sup>.

24. On the other hand, as documented by the Inter-American Commission on Human Rights, in Peru the practice of doxing<sup>55</sup> has been used to disclose personal information on justice operators<sup>56</sup>. This practice, which has divulged the personal addresses of some justice operators, has caused them and their families to receive constant threats and demonstrations at their private residence. In fact, this intimidating environment for them and their families has meant that, in some cases, they have been forced to change their homes, separate from their families, and fracture their family dynamics<sup>57</sup>. Thus, for example, the president of the National Electoral Jury, Jorge Luis Salas Arenas, has counted more than 16 sit-ins outside his residence and workplace and 32<sup>58</sup> acts of harassment, where supporters of the then presidential candidate Keiko Fujimori and her political party Fuerza Popular, as well as extremist political groups,<sup>59</sup> hurl insults, hate messages and incitement to violence and defamation against him.

25. Prosecutor José Domingo Pérez Gómez, who is part of the group of prosecutors investigating the so-called "Lava Jato" case that involves former presidents of the republic,

---

República.pe, Ex altos mandos militares en retiro instigan a la rebelión de institutos armados, June 18, 2021. Available in Spanish at: <https://larepublica.pe/elecciones/2021/06/18/elecciones-2021-ex-altos-mandos-militares-en-retiro-instigan-a-la-rebelion-de-institutos-armados-pltc/?ref=ire>

<sup>51</sup> See, for example: IACHR. Resolution 56/2021 Precautionary Measure No. 607-21. Jorge Luis Salas Arenas and family regarding Peru. July 25, 2021 and IACHR. Resolution 55/2021 Precautionary Measure No. 576-21. José Domingo Pérez Gómez and family with respect to Peru. July 25, 2021.

<sup>52</sup> IACHR. Resolution 56/2021 Precautionary Measure No. 607-21. Jorge Luis Salas Arenas and family regarding Peru. July 25, 2021, para. 7. 7.

<sup>53</sup> IACHR. Resolution 55/2021 Precautionary Measure No. 576-21. José Domingo Pérez Gómez and family regarding Peru. July 25, 2021.

<sup>54</sup> A term used in Peru to associate someone with terrorist or criminal organizations.

<sup>55</sup> IACHR. Resolution 55/2021 Precautionary Measure No. 576-21. José Domingo Pérez Gómez and family regarding Peru. July 25, 2021, para. 44; IACHR. Resolution 56/2021 Precautionary Measure No. 607-21. Jorge Luis Salas Arenas and family with respect to Peru. July 25, 2021, para. 36. See also: IACHR. Press release of June 22, 2021. *The IACHR expresses concern about reports of acts of harassment and stigmatizing messages that encourage discrimination in the electoral context in Peru*. With regard to doxing, the IACHR has stated: "The IACHR emphasizes that this category of digital harassment, known as "doxing," consists of the disclosure of confidential personal information for intimidating or extortive purposes. *Doxing* has the potential to expose individuals to digital attacks and, in addition, to violations in the physical sphere, including attacks on life and personal integrity, encouraged by the disclosure of personal information in the digital sphere.

<sup>56</sup> ICCPR, art. 12.

<sup>57</sup> *Ibid.*, art. 23.

<sup>58</sup> IACHR. Resolution 56/2021 Precautionary Measure No. 607-21. Jorge Luis Salas Arenas and family regarding Peru. July 25, 2021, para. 7. 7.

<sup>59</sup> In the last year, these attacks have been mainly carried out by organizations linked to certain political sectors. Among these, the group "La Resistencia" and "Los Combatientes" stand out.

legislators, national authorities, and especially Keiko Fujimori in acts of corruption by the company Odebrecht and other construction companies, has also been the target of threats by members of congress from the political party Fuerza Popular, extremist groups such as "La Resistencia" and "Los Combatientes" and, in general, citizens who do not agree with the decisions made by the prosecutor; He has also been the object of threats from congressmen of the political party Fuerza Popular, extremist groups such as "La Resistencia" and "Los Combatientes" and, in general, citizens who do not agree with the decisions he has made in the course of his work as Public Prosecutor<sup>60</sup>. He has also been attacked by mobs of demonstrators, insulted and intimidated, and sit-ins have been held outside his residence<sup>61</sup>.

26. Conversely, the constant and repeated administrative, disciplinary, judicial, and constitutional complaints against justice operators in Peru are incredibly worrying. For example, prosecutor José Domingo Pérez Gómez recently had more than 94 criminal and disciplinary investigations against him, almost all related to his activities as prosecutor<sup>62</sup>. Another example of these intimidating actions to discourage the fulfillment of their functions are the constitutional complaints to suspend or dismiss justice operators. This is the case of the president of the National Jury of Elections, Jorge Salas Arenas, and the president of the Supreme Court of Justice, Elvia Barrios Alvarado, who face this type of process for exercising their functions concerning a former supreme prosecutor, today dismissed for attempting against the electoral process<sup>63</sup>.

27. A similar situation faced and continues to meet Rocío Sánchez (now former prosecutor), Sandra Castro (prosecutor), and Jacqueline Pérez (prosecutor), who began investigations into what became a corruption network called "Cuellos Blancos del Puerto" (White Collars of the Port) involving more than 60 judges, 15 prosecutors, members of the then Council of the Magistrature, lawyers, public officials, businessmen and even a then congresswoman of the Fuerza Popular party; this network trafficked in judicial decisions, favors, and appointments of magistrates, prosecutors, among others<sup>64</sup>. For example, at the time, after informing about these findings, the then Prosecutor of the Nation questioned the permanence of their positions, and in the investigation, they began to restrict the logistic resources necessary to

---

<sup>60</sup> IACHR. Resolution 55/2021 Precautionary Measure No. 576-21. José Domingo Pérez Gómez and family regarding Peru. July 25, 2021, para. 7.

<sup>61</sup> La República. Simpatizantes de Keiko realizaron plantón en los exteriores de la casa del Fiscal Domingo Pérez. Available at: <https://larepublica.pe/elecciones/2021/06/12/simpatizantes-de-keiko-realizan-planton-en-las-afueras-de-la-casa-de-fiscal-domingo-perez-pltc/> last accessed on July 6, 2022.

<sup>62</sup> IACHR. Resolution 55/2021 Precautionary Measure No. 576-21. José Domingo Pérez Gómez and family regarding Peru. July 25, 2021, para. 8.

<sup>63</sup> See: Congreso del Perú, Denuncia Constitucional Nro. 106, available at: [https://leyes.congreso.gob.pe/Documentos/2021\\_2026/Acusaciones\\_Constitucionales/Escritos/ESCRITO\\_107\\_JORGE\\_SALAS\\_ARENAS.pdf](https://leyes.congreso.gob.pe/Documentos/2021_2026/Acusaciones_Constitucionales/Escritos/ESCRITO_107_JORGE_SALAS_ARENAS.pdf) La República. Destituyen a ex fiscal supremo Luis Arce Córdova por declinar a su cargo en el JNE, June 22, 2022, available at: <https://larepublica.pe/politica/judiciales/2022/06/22/luis-arce-cordova-junta-nacional-de-justicia-destituye-a-ex-fiscal-supremo-por-declinar-su-cargo-en-el-jurado-nacional-de-elecciones/>; RPP.pe, Luis Arce Córdova presentó su declinación al pleno del Jurado Nacional de Elecciones, June 23, 2021. Available at: <https://rpp.pe/peru/actualidad/luis-arce-cordova-renuncio-al-pleno-del-jurado-nacional-de-elecciones-noticia-1343891?ref=rpp>

<sup>64</sup> El País. Peru reactivates investigation against judicial mafia. Available at: <https://elpais.com/internacional/2020-07-13/peru-reactiva-la-investigacion-contra-una-mafia-judicial.html> last accessed on July 6, 2022.

advance. Some congressmen and state officials publicly defamed them. Later, they were removed from the case due to the impossibility of the institution to maintain the original team that promoted such an important investigation, among others<sup>65</sup>. Today, concerning the prosecutor Sandra Castro and the former prosecutor Rocío Sánchez, there is a disciplinary investigation procedure that could lead to their dismissal (which means the prohibition of re-entry to the prosecutorial career), if the particular scenario of corruption, even institutional, in which both carry out their prosecutorial functions, is not taken into account.

28. Similarly, it is pertinent to highlight the case of Prosecutor Paulina del Rocio Roque Soplapuco<sup>66</sup>, who, on April 1, 2022,<sup>67</sup> reported that after returning home from work, she found that the front door of her house had been broken into and a computer belonging to the Public Prosecutor's Office had been stolen from her living room, which she used to carry out activities related to the aforementioned Lava Jato case.

29. For his part, Prosecutor Marcial Paucar<sup>68</sup>, also of the Lava Jato case, in April 2018 denounced that a dead bird without a head was thrown to the balcony of his apartment<sup>69</sup>. According to police investigating the case, sending dead animals is a form of intimidation commonly used by the construction industry.

30. Another incipient concern that could lead to the criminalization of the defense work of judicial operators in Peru is the recent bill that the Executive Branch sent to Congress to create the crime of disseminating confidential information in criminal investigations<sup>70</sup>. This bill represents, in fact, the criminalization of judges, judges, prosecutors, police, lawyers, administrative assistants or prosecutors and any procedural party that leaks "confidential information in criminal investigations. This bill represents, in fact, the criminalization of judges, prosecutors, police, lawyers, administrative assistants or prosecutors and any procedural party that leaks information "reserved in the terms provided by law" of fiscal or judicial processes<sup>71</sup>, "jeopardizing the purposes of the criminal investigation".

31. For a judge, prosecutor, judicial assistant, administrative or prosecutorial assistant, or member of the police, the bill proposes between 1 and 3 years imprisonment. But in addition, in general, it is proposed that if any of the aforementioned, directly or indirectly, disseminates such information through the media or other mass media, the prison sentence shall be between 2 and 4 years.

---

<sup>65</sup> Id.

<sup>66</sup> Who also serves as Deputy Prosecutor in the Lava Jato case.

<sup>67</sup> Report published on Twitter by journalist Jacquelin Fowks. Disponible en: <https://twitter.com/jfowks/status/1512791040113192968?s=21&t=4k5ar26DaZXVbkiEd5wW-A>

<sup>68</sup> Also related to the Lava Jato case.

<sup>69</sup> CNN. A decapitated bird on the balcony of his house: the alleged threat to a prosecutor in Peru. Available at: <https://cnnespanol.cnn.com/2018/04/19/amenaza-fiscal-peru-ave-decapitada-balcon-casa/> last accessed on July 6, 2022.

<sup>70</sup> See: Annex 2.

<sup>71</sup> Panam Post. Sinister enemies of press freedom. Available at: <https://panampost.com/elcato/2022/06/23/enemigos-libertad-de-prensa/> last accessed on July 6, 2022.

32. In this regard, the Peruvian press association highlighted the way in which the executive and legislative branches have been working "to promote secrecy in the processes of effective collaboration, in which politicians involved in cases of public relevance are involved.<sup>72</sup>". The Ombudsman's Office has also expressed its concern with the processing of this bill<sup>73</sup> which would also affect the right of citizens to be informed on matters of public interest.

33. Finally, it should be noted that although most of these justice operators have police accompaniment and are covered by protection measures from the State, they do not have the possibility of knowing the actual state of their security situation because the risk assessment reports are confidential and cannot even be shared with the person directly involved<sup>74</sup>. They end up being referred to prosecutors who do not have the necessary expertise to investigate these events that directly compromise political and business power, investigate in isolation, and end up with the investigations being shelved, not to mention the burden on the harassed and assaulted prosecutors to carry out these investigations on their own. It is worth mentioning that other effects that the state system fails to address and avoid are those that impact on the families of justice operators, on whom doxing also weighs, or for example the violation of other rights such as labor rights.

### C. Lack of recognition of justice operators as human rights defenders

34. Peru still has an outstanding debt with human rights defenders, as it does not have a comprehensive public policy to guarantee and protect the defense of human rights. This, in part, leads to the fact that attacks continue to occur and to a certain invisibility and lack of recognition of the importance of defending rights.

Although the situation of human rights defenders in Peru is of great and growing concern<sup>75</sup>, since December 2020 there has been a draft law on human rights defenders before Congress that has not been debated or given any further impetus. To date, Peru only has a protocol for the protection of human rights defenders that operates under the Ministry of Justice<sup>76</sup> and

---

<sup>72</sup> National Association of Journalists of Peru. Pronunciamiento sobre rechazo de proyecto de ley del ejecutivo que afecta derecho a la información y lucha contra la corrupción (Statement on rejection of executive bill that affects the right to information and the fight against corruption). Available in Spanish at: <https://larepublica.pe/politica/actualidad/2022/06/30/congreso-defensoria-del-pueblo-expresamos-preocupacion-por-pl-que-crea-el-delito-de-difusion-de-informacion-fiscal/>

<sup>73</sup> The Republic. Ombudsman's Office: "Expresamos preocupación por PL que crea el delito de difusión de información fiscal". Available at: <https://larepublica.pe/politica/actualidad/2022/06/30/congreso-defensoria-del-pueblo-expresamos-preocupacion-por-pl-que-crea-el-delito-de-difusion-de-informacion-fiscal/> last accessed on July 7, 2022.

<sup>74</sup> HRC. Resolution 55/2021 Precautionary Measure No. 576-21. José Domingo Pérez Gómez and family regarding Peru. July 25, 2021, para. 6.

<sup>75</sup> See, for example: Amnesty International, Annual Report 2021/22, Peru, p. 5, available at: <https://amnistia.org.pe/descargar/InformeAnual2021-2022.pdf> ; IACHR, Annual Report 2021, Chapter IV.a., Human Rights Developments in the Region, paras. 807 and 808, available at: <https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap4A-es.pdf>.

<sup>76</sup> Ministry of Justice and Human Rights, MINJUSDH approves Protocol to guarantee the protection of human rights defenders, 29 April 2019, available at: <https://www.gob.pe/institucion/minjus/noticias/27931-minjusdh-aprueba-protocolo-para-garantizar-la-proteccion-de-personas-defensoras-de-derechos-humanos>.

an inter-sectoral mechanism for the protection of human rights defenders<sup>77</sup>. The mechanism created a set of "principles, measures and procedures that seek to guarantee prevention, protection and access to justice for human rights defenders in situations of risk that arise as a result of their activities<sup>78</sup>". According to civil society organizations, this mechanism presents great challenges in its implementation<sup>79</sup>, and although it does not expressly exclude justice operators, the authorities do not seem to take them into account in situations of risk such as those described here.

36. As the IACHR has verified, justice operators face risks in the exercise of the defense of rights. For this reason, the Commission has been emphatic in reminding the State of its obligation to protect justice operators from attacks, acts of intimidation, threats, and harassment, and to investigate those who commit violations of their rights and punish them effectively<sup>80</sup>. In effect, the IACHR has asked the State to adopt measures to guarantee the security of its justice operators, to provide adequate environments for the normal development of their judicial functions, free from external pressures or risky contexts, since, if this is not done, judicial activity would be seriously affected, spaces of impunity and corruption are favored, and in general, access to justice is seriously obstructed, which triggers other violations of the fundamental rights of society<sup>81</sup>.

37. The lack of recognition by the Peruvian State of the work of justice operators as human rights defenders is contrary to its international obligations at the universal<sup>82</sup> and regional level<sup>83</sup>, which has classified them as subjects especially exposed to strong pressures, attacks and threats. This, in addition, puts democracy and the fundamental principle of independence

---

<sup>77</sup> Supreme Decree Supreme Decree Creating the Intersectoral Mechanism for the Protection of Human Rights Defenders, No. 004-2021-JUS, available at: <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-crea-el-mecanismo-intersectorial-para-la-decreto-supremo-n-004-2021-jus-1946184-4/>.

<sup>78</sup> *Ibid.*, art. 1.

<sup>79</sup> See, for example: Ojo Público, Los retos para proteger a los defensores de derechos humanos en el Perú, 1 May 2022, available: <https://ojo-publico.com/3459/los-retos-para-proteger-defensores-de-derechos-humanos-en-el-peru>; as well as: IDL and Proética, "Mecanismo en emergencia. Balance del primer año de funcionamiento del 'Mecanismo Intersectorial para la protección de las personas defensoras de derechos humanos' en los pueblos indígenas de la Amazonía peruana", July 9, 2022, available: [https://drive.google.com/file/d/1LUd8COK7AvKulm\\_9grrrQTUmCqfG\\_iYd/view](https://drive.google.com/file/d/1LUd8COK7AvKulm_9grrrQTUmCqfG_iYd/view)

<sup>80</sup> IACHR. Resolution 55/2021 Precautionary Measure No. 576-21. José Domingo Pérez Gómez and family regarding Peru. July 25, 2021 and Resolution 56/2021 Precautionary Measure No. 607-21. Jorge Luis Salas Arenas and family with respect to Peru. July 25, 2021.

<sup>81</sup> *Id.*

<sup>82</sup> UN - Commission on Human Rights. Report submitted by the Special Representative of the Secretary-General on Human Rights Defenders, Ms. Hina Jilani, Annual Report 2004, Doc. E/CN.4 /2004/94, para. 30. United Nations High Commissioner for Human Rights (OHCHR), Fact Sheet No. 29 - Human Rights Defenders: Protecting the Right to Defend Human Rights, April 2004, available at: <https://www.ohchr.org/Documents/Publications/FactSheet29sp.pdf> UN - General Assembly, Report of the Special Rapporteur on the situation of human rights defenders, 30 July 2015, UN Doc. A/70/217, para. 69.

<sup>83</sup> IACHR. Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II.124, Doc. 5 rev. 1, 7 March 2006, para. 19; IACHR. Second Report on the Situation of Human Rights Defenders in the Americas, 31 December 2011, OEA/Ser.L/V/II, Doc. 66, para. 352; Resolution 27/2017. Precautionary Measure No. 449-17. Luisa Ortega Díaz and family regarding Venezuela. 3 August 2017; Resolution 40/2016. Precautionary measure No. 497-16. Matter of Thelma Esperanza Aldana Hernández and family regarding Guatemala. July 22, 2016.

of the judiciary at risk, on the understanding that the facts and situations that endanger the realization of the fundamental right of citizens to access to the administration of justice are not adequately addressed.

38. In relation to threats, the Peruvian State should be urged to advance a public policy that addresses them from their role as human rights defenders, and that includes a criminal policy aimed at ensuring effective investigation, prosecution, and punishment. Such a policy must understand threats as a pressing and serious human rights problem that often goes unpunished. We highlight instruments such as the Esperanza Protocol<sup>84</sup>, which includes considerations of international human rights law that must be taken into account when responding to threats against human rights defenders, including key aspects of the legal analysis of threats, public and criminal policy considerations, and the evaluation of due diligence in the investigation, prosecution, punishment and reparation of threats against human rights defenders. This was highlighted by the UN Special Rapporteur on the Situation of Human Rights Defenders<sup>85</sup> and by the UN Special Rapporteur on the Independence of Judges and Lawyers in his report on Protecting lawyers from undue interference with the free and independent exercise of the legal profession<sup>86</sup>.

39. On the other hand, it is necessary for the Peruvian State to take into account the recommendations made by the former Special Rapporteur on human rights defenders during his visit to Peru, especially those related to recognizing and promoting the work of defending rights and fighting against stigmatization. In this sense, we consider that this recommendation should reach the authorities themselves, so that they can assess the current needs of the various human rights defenders in Peru<sup>87</sup>.

40. In conclusion, it is essential for the Peruvian State to adopt differentiated legal and institutional tools, in the context of the defense of human rights, that outline the actions of the authorities in cases of threats and other types of aggressions against justice operators. In addition, it is important that they contribute to the adoption of preventive measures that foster appropriate environments for the full development of their activities and rights. It is also important for Peru to adapt its protection and risk assessment mechanisms both for justice operators and for society as a whole, which is affected by the obstruction of the work they carry out to defend and protect rights. Likewise, as part of the adjustments, the effectiveness of the investigations into these events must be guaranteed, as well as full access to the risk analyses carried out on defenders, as the existing impediment in the current regulations is

---

<sup>84</sup> Esperanza Protocol, 2021. Available at: <https://esperanzaprotocol.net/wp-content/uploads/2022/06/Protocolo-Esperanza-ES-2.pdf>

<sup>85</sup> UN - Human Rights Council, Office of the High Commissioner for Human Rights. *Special Rapporteur on the situation of human rights defenders A/HRC/46/35*. 10 December 2020, para. 13.

<sup>86</sup> UN - Human Rights Council, Office of the High Commissioner for Human Rights. *Report of the Special Rapporteur on the independence of judges and lawyers, Diego García Sayán. A/HRC/50/36*. 22 April 2022. Para. 40. Available at: <https://independence-judges-lawyers.org/wp-content/uploads/2022/06/Espanol.pdf>.

<sup>87</sup> UN - Special Rapporteur on the situation of human rights defenders, Michel Forst, visit to Peru, Report, A/HRC/46/35/Add.2, 22 December 2020, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/353/32/PDF/G2035332.pdf?OpenElement>.

contrary to international standards that allow a person to know personal information in the possession of the State<sup>88</sup>.

#### **IV. Recommendations**

41. Considering the arguments set forth herein, we propose that a recommendation be made to the Peruvian State:

1. Adopt regulations on the promotion and protection of human rights defenders, in accordance with its international obligations under the ICCPR, the ACHR and other international instruments ratified by Peru.
2. Recognize that justice operators are human rights defenders who carry out fundamental activities in a democratic society.
3. Include in the mechanisms of protection and comprehensive care for justice operators who are threatened, harassed, or intimidated for exercising their activities as administrators of justice, in particular analyzing instruments such as the Esperanza Protocol on the relevance of a public policy of protection for justice operators in their role as defenders and the effective investigation of threats against them.
4. Ensure the principle of judicial and prosecutorial independence and provide safe and appropriate environments for transparent, impartial investigations and judicial decisions, free from external and internal pressures.
5. Take concrete steps to prosecute and bring to justice the perpetrators and perpetrators of violence against justice operators by conducting timely, thorough, differential, and impartial investigations.
6. Guarantee justice operators and all defenders access to their risk analyses.
7. Establish transparent, public, merit-based, and participatory procedures for the selection and appointment of justice operators, especially in processes that involve high-level authorities of the justice system and that have the participation of political bodies.

---

<sup>88</sup> Protection International and CEJIL, *It's Time Now. Effective Public Policies for the Right to Defend Human Rights* (2017), p. 91, available at: [https://cejil.org/wp-content/uploads/pdfs/es\\_tiempoya\\_interactivo.pdf](https://cejil.org/wp-content/uploads/pdfs/es_tiempoya_interactivo.pdf).