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PRELIMINARY REPORT

VISIT BY THE HIGH-LEVEL GROUP OF THE PERMANENT COUNCIL OF THE OAS
TO THE REPUBLIC OF PERU FROM NOVEMBER 20 TO 23, 2022

(Presented by the Spokesperson of the High-Level Group and Representative of the Secretary General, the former Minister of Foreign Affairs of Paraguay, Mr. Eladio Loizaga during the special meeting held on December 1, 2022)

**PRELIMINARY REPORT**

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**I. Request from the Government of Peru to the OAS Secretary General**

On October 12, 2022, the General Secretariat of the Organization of American States (GS/OAS) received a note from the President of the Republic of Peru, His Excellency José Pedro Castillo Terrones, and the Minister of Foreign Affairs, Dr. César Rodrigo Landa Arroyo, requesting the application of Articles 17 and 18 of the Inter-American Democratic Charter in order to “activate this collective guarantee mechanism to preserve democratic institutionality and the legitimate exercise of power.”[[1]](#footnote-1)/

Those articles of the Inter-American Democratic Charter (IADC) provide as follows:[[2]](#footnote-2)/

* “Art. 17: When the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.
* “Art. 18: When situations arise in a member state that may affect the development of its democratic political institutional process or the legitimate exercise of power, the Secretary General or the Permanent Council may, with prior consent of the government concerned, arrange for visits or other actions in order to analyze the situation. The Secretary General will submit a report to the Permanent Council, which will undertake a collective assessment of the situation and, where necessary, may adopt decisions for the preservation of the democratic system and its strengthening.”

The letter sent to the GS/OAS refers to a series of situations that, according to the Peruvian Government, “have given rise to a process aimed at altering the democratic order and institutionality.”

**II. Response of the OAS Secretary General to the Government of Peru’s request**

In response to the note sent by the Government of Peru, and in accordance with the provisions of Article 18 of the Inter-American Democratic Charter, the Peruvian Government’s request was conveyed to the Permanent Council for it to apprise itself of the document in question, analyze the situation, and arrange the visits or other actions deemed necessary. The Secretary General also requested the convening of a special meeting of the Permanent Council, which was held on October 20.[[3]](#footnote-3)/

**III. Permanent Council, October 20, 2022**

The special meeting held on October 20, 2022, in the Hall of the Americas, heard presentations by Commissioner Edgar Stuardo Ralón Orellana, First Vice President and Rapporteur for Peru of the Inter-American Commission on Human Rights (IACHR), and H.E. César Rodrigo Landa Arroyo, Minister of Foreign Affairs of the Republic of Peru.

At that meeting, the Permanent Council adopted, by acclamation, resolution CP/RES. 1208 (2400/22), “Supporting the Preservation of the Democratic System and Representative Democracy in Peru,”[[4]](#footnote-4) which resolved, *inter alia*, to appoint a high-level group made up of representatives of the member states, in keeping with the Inter-American Democratic Charter, to visit Peru in order to analyze the situation and report back to the Council.

In line with the resolution adopted and with the efforts of the Organization of American States to support its member states in strengthening their democratic institutions, on October 28 the OAS Permanent Council announced the composition of the High-level Group that was to analyze the situation in Peru.[[5]](#footnote-5)/

The following representatives were appointed to serve as members of that group:

* Mr. Santiago Cafiero, Minister of Foreign Affairs, International Trade, and Worship, Argentina
* Mr. Eamon Courtenay, Minister of Foreign Affairs, Foreign Trade, and Immigration, Belize
* Mr. Juan Carlos Holguín, Minister of Foreign Affairs and Human Mobility, Ecuador
* Mr. Mario Adolfo Búcaro, Minister of Foreign Affairs, Guatemala
* Mr. Julio César Arriola, Minister of Foreign Affairs, Paraguay
* Ms. Laura Gil, Vice Minister of Multilateral Affairs, Colombia
* Mr. Christian Guillermet, Vice Minister of Foreign Affairs, Costa Rica
* Mr. Eladio Loizaga, former Minister of Foreign Affairs of Paraguay (2013-2018), representing the OAS General Secretariat

The Argentine Ministry of Foreign Affairs, International Trade, and Worship informed the OAS that Foreign Minister Cafiero would not be able to participate in the visit and appointed Vice Minister Pablo Tettamanti to serve in his stead. Similarly, the Ministry of Foreign Affairs and Worship of Costa Rica informed the OAS that Vice Minister Christian Guillermet would be replaced by the Minister of Foreign Affairs and Worship, Dr. Arnoldo André.

The final composition of the High-Level Group of the Permanent Council included the following foreign ministers and deputy foreign ministers:

* Mr. Eamon Courtenay, Minister of Foreign Affairs, Foreign Trade, and Immigration, Belize
* Mr. Arnoldo André, Minister of Foreign Affairs, Costa Rica
* Mr. Juan Carlos Holguín, Minister of Foreign Affairs and Human Mobility, Ecuador
* Mr. Mario Adolfo Búcaro, Minister of Foreign Affairs, Guatemala
* Mr. Julio César Arriola, Minister of Foreign Affairs, Paraguay
* Ms. Laura Gil, Vice Minister of Multilateral Affairs, Colombia
* Mr. Pablo Anselmo Tettamanti, Vice Minister of Foreign Affairs, International Trade, and Worship, Argentina
* Mr. Eladio Loizaga, former Minister of Foreign Affairs of Paraguay, representing the OAS General Secretariat

**IV. Purpose of the visit by the OAS High-level Group (HLG)**

Resolution CP/RES. 1208 (2400/22), “Supporting the Preservation of the Democratic System and Representative Democracy in Peru,” adopted by the Permanent Council at its special meeting of October 20, 2022, resolved “to appoint a High-level Group, consisting of representatives of member states, and consistent with the Inter-American Democratic Charter, to visit Peru in order to analyze the situation and report to this Council.”

The goal of the HLG is to implement the resolution, the operative part of which reads as follows:

1. To express its solidarity and support for the democratically elected Government of the Republic of Peru, as well as for preservation of the democratic political institutional process.

2. To call upon all actors to frame their actions with the respect for the rule of law, recognizing that Article 2 of the Inter-American Democratic Charter states that “the effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States”.

3. To express the willingness of the Organization of American States to give support and cooperation, at the request of the Government of Peru, furthering efforts aimed at promoting dialogue and strengthening its democratic system of government.

4. To appoint a High-level Group, consisting of representatives of member states, and consistent with the Inter-American Democratic Charter, to visit Peru in order to analyze the situation and report to this Council.

The HLG is to make recommendations based on what it hears at its various meetings with different stakeholders, from an impartial point of view and with the utmost objectivity.

**V. Activities undertaken by the OAS High-level Group**

The HLG arrived in Peru on November 20, with a work agenda that it discharged between November 20 and 23, 2022. Twenty-nine meetings were held so that as many representative Peruvian voices as possible could be heard. All those meetings took place in an atmosphere of cordiality and expressions of respect for the Constitution, sovereignty, rule of law, institutions, and, above all, the citizens of Peru. The mission met with the country’s president, vice president, and some members of the cabinet; the speaker and deputy speakers of Congress; the president of the Judicial Branch and two Supreme Court justices; the president and five judges of the Constitutional Court; the nation’s attorney general; the 13 parliamentary groups represented in Congress and the unaffiliated deputies; electoral authorities; the ombudsman’s office; the Peruvian Episcopal Conference; professional organizations of lawyers and journalists; trade union confederations; and civil society organizations.

**VI. Findings of the OAS High-level Group**

The findings listed below are derived from information shared with the HLG at the 29 meetings held with different governmental, public, private, and civil society bodies. Quotations are given without personally identifying the speakers in question.

The HLG concludes that the set of factors described below poses a risk to democratic institutions in Peru.

1. Democratic instability. All the actors interviewed highlighted the high level of instability that makes it difficult to govern the country and attend to its most urgent issues. The origin of this state of affairs was identified in a combination of several factors, including: the highly fragmented nature of political forces; constant cabinet reshuffles; the questioning regarding the appointment of officials considered unsuitable for their posts; obstruction of the exercise of power; alternating calls for term reductions and early elections; requests for the office of the president to be declared vacant (three up to date); the use of votes of confidence; the dissolution of Congress; the criminal investigations filed against the president and other members of the Executive Branch; and a lack of dialogue among the key political players.

The branches of government contend that the risk to governance is due to one of the other branches, and not to themselves. Each branch of government blames the others for generating an absence of governance. The HLG heard with concern statements such as “Peru’s prognosis is uncertain” and “Peruvian democracy is in intensive care.”

The HLG also notes the clashes between the branches of government, absence of majorities, and the breakup of blocs in Congress.

1. Highly polarized environment. Polarization is reflected in internal strife between the branches of government and in certain parts of the country. That is leading to rising levels of confrontation in Peruvian society, which may impair the way institutions normally operate and generate greater conflict and division in Peruvian society. According to one of the stakeholders interviewed, there is currently a “civil war between public institutions.”

Various actors identified the consequences that this polarization could have in the short and medium terms, including public demonstrations between government supporters and opponents, which could compromise the peace of society: several stakeholders spoke of the proliferation of firearms in remote, largely rural regions of the country far away from the capital.

According to information gathered by the HLG, this polarization can be seen between the branches of government and in certain regions of the country. The HLG was warned by some of those interviewed that decisions that the branches of government could adopt might lead to acts of violence by social groups.

1. Permanent harassment and confrontation between authorities. Constant confrontation has triggered a loss of credibility among the population, which sees the branches of government as uninterested in its well-being. Mutual questioning and confrontation exists among various political bodies, which may be attributed to mutual distrust among the political stakeholders who level accusations at each other. The examples given included delays in dealing with legislative initiatives, including the failure to pass laws that do not contain spending initiatives, which affects the well-being of vulnerable groups and public works in a state of paralysis, to mention just a few.
2. Excessive use of political control mechanisms. Concerns were conveyed to the HLG about the indiscriminate use of vacancy motions, the refusal to let the president travel abroad, constitutional complaints, legal challenges, votes of no confidence, and threats of impeachment. The HLG was also told of an ongoing process whereby “politics is judicialized and justice is politicized,” which distorts the roles of the branches of government and the balance between them. Although the separation of powers is enshrined in the Peruvian constitution, the branches of government accuse each other of violating the jurisdiction of the others by taking actions outside their spheres of competence.
3. Questions about the role of the press and media. The HLG learned that ownership of the mass media is highly concentrated, and the media were called into question by several of the stakeholders interviewed for their lack of objectivity. Some even claimed that they are not truthful, and, in some cases, are even inciting destabilization. The HLG was also told that in Peru there is “excess freedom of expression,” and that the media are free to inform or misinform without any type of censorship. Similarly, some interviewees said that the news stories reported by the media are used to open legal investigations against political actors, absent the necessary legal formalities. In contrast, the media questioned the executive branch’s lack of openness, since it has no relationship with the media, no one knows the presidential agenda, and media outlets are shunned and treated with contempt. There is evidence of a confrontation between the executive branch and the media, with the president being accused of a lack of transparency in the performance of his functions.
4. Social crisis. All the people with whom the HLG spoke identified various ways in which the governance crisis has impacted and exacerbated Peru’s social crisis. Several remarks were made about the ongoing health and food crisis in different regions of the country. No less worrying were those who spoke of the situation in the education sector, with reductions in coverage and lengthy school closures on account of the health crisis caused by the COVID-19 pandemic. There were also people who complained about the reluctance of the legislative branch to process bills benefiting social sectors like agriculture or health.

A call was made for progress toward development to resume and for a government and legislature for the people, with demands for a cessation of political strife in order to start governing for Peruvian society.

Some of those interviewed underscored their fear that the overall situation could lead to conflict, including armed conflict.

1. Racism and discrimination. Several of those interviewed complained that the election of President Pedro Castillo revealed the existence of sectors promoting racism and discrimination, who do not accept the presidency being held by someone from outside traditional political circles. This has translated into invectives and insults toward the president’s image.

It can also be seen that respect in relations between actors—an indispensable condition for building effective channels of communication—has been lost. In this context, some of those interviewed claim that discrimination has also been wielded against the 55 native peoples and 48 languages that make up the country’s cultural heritage and that deserve due respect and consideration.

The HLG was also informed of backsliding in gender equality policies and efforts to deny acquired rights, as well as of attacks on women in the form of intolerable misogynistic and homophobic remarks.

1. Commitment to dialogue. These stakeholders interviewed generally maintained their willingness to engage in dialogue as an essential part of the exercise of democracy. However, several representatives of key institutions stressed that such dialogue is not possible with other counterparts they consider questionable either because of their political positions or lack of them or even because of doubts about their honesty/respectability. In practice, that has led to difficulties, not only in formal relations between the branches of government, but also with respect to having recourse to traditional informal institutions in Peru that were expressly intended to foster dialogue, such as the Council of State and the National Agreement mechanism, but have not been convoked.

Some stakeholders also proposed channeling dialogue through an intermediary, other than the two mentioned above, with roundtable discussions ensuring broader participation by civil society, with a gender perspective.

**VII. Recommendations and/or actions that could help overcome the crisis**

Despite the difficulties and the criticisms among stakeholders, several aspects they have in common need to be emphasized: that there is broad consensus on the need to maintain democracy as the best system of government; that it is necessary to stop maneuvers by any stakeholder seeking to destabilize the country; that the country needs reconciliation and to grow in peace; and that any course of action must be pursued within the framework of the constitution.

As a corollary to this presentation of findings, the HLG highlights the provisions of Article 1 of the Inter-American Democratic Charter: “The peoples of America have a right to democracy and their governments have an obligation to promote and defend it.” The recommendations below are committed to the full exercise of democracy, to respect for the will of the people; to safeguarding respect for the rules established in Peru’s legal system; to the principle of the separation of powers; and to upholding the rule of law. The three branches of government—executive, legislative, and judiciary—are pillars of democracy and the rule of law. They must work with absolute independence from each other, without invading the jurisdiction of the others, with absolute mutual respect, and in pursuit of consolidating the general well-being of the Peruvian people.

The stakeholders interviewed presented various options which, in their opinion, could help resolve the country’s political crisis, ranging from early elections to a reform of the legislation governing political parties or constitutional amendments. It is not up to the HLG to say what options the Peruvian authorities themselves must adopt. Nevertheless, it is pleased to present its own recommendations based on the findings set out above.

The HLG emphasizes that, irrespective of differences, the fundamental consensus it found, namely the generalized conviction regarding the need to preserve democracy and respect the constitution and the laws, constitutes the path toward overcoming the crisis.

The HLG’s recommendations are presented below:

1. Channeling the dialogue. The HLG recommends the convening of a formal unrestricted dialogue process involving the office of the president, the legislature, senior courts, representatives of political parties, and members of civil society. The dialogue could be assisted by a third party (to facilitate or accompany it) and it could be supported by appropriate bodies pertaining to international organizations, and the question. A home gardener cluster is one of the key which people if deemed appropriate.

The executive branch must promote a democratic dialogue to agree on rules of the game for reaching agreement on a government agenda.

The dialogue must be inclusive, geared toward the population’s well-being, binding, and respectful of all, and it must guarantee credibility and inspire confidence.

1. Political truce. The HLG recommends initiating a political truce until a dialogue is established and convened and a minimum consensus is reached to ensure governability. A commitment by political stakeholders is required to establish a peaceful atmosphere to advance dialogue and conduct the judicial proceedings that must continue to unfold within the legal deadlines.
2. Constitutional justice. Peruvian institutions provide for a judicial system, including the Constitutional Court, that, are subject to the Constitution, which establishes legal procedures. Therefore, it is recommended that this be borne in mind should it prove impossible to reach agreements.

 In Peru, the Constitutional Court is the guardian of the constitution and has sole responsibility for enforcing the constitution’s provisions. If an impasse arises between the branches of government, action must be taken by the Constitutional Court, which is, according to Law No. 28301, the “supreme body for interpreting and overseeing the constitution. It is autonomous and independent, because in the exercise of its powers it does not depend on any constitutional body. It is subject only to the constitution and its organic law.”[[6]](#footnote-6)/ The HLG recommends strengthening constitutional justice.

1. Racism and discrimination. It is essential to ensure full respect for human rights and, in connection with the national dialogue, to address the issue of tolerance and respect for all citizens, without discrimination, in accordance with the international obligations of the Peruvian State under the Universal Declaration of Human Rights, Article 2 of which establishes that: *Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

Moreover, in 2016, the Peruvian State signed the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, which has not been ratified and deposited. Care needs to be taken to ensure its effective enforcement.

1. Right to freedom of expression and the media. Pursuant to the Inter--American Democratic Charter, respect for fundamental freedoms is an essential element of representative democracy. The HLG calls for freedom of expression to be exercised constructively, responsibly, impartially, and with respect for all stakeholders. The lack of objectivity and veracity that may characterize certain media and/or journalists is no excuse for inciting discourse that could endanger such a vital right for democracy as freedom of expression.

The information contained in this preliminary report will be expanded upon when the Mission presents its final report. This preliminary report is presented in view of the serious circumstances Peru is facing.

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1. . Note from the Government of Peru requesting the triggering of Articles 17 and 18 of the IADC. [CPSC10711SCP.pdf (oas.org)](http://scm.oas.org/pdfs/2022/CPSC10711SCP.pdf) [↑](#footnote-ref-1)
2. . Inter-American Democratic Charter. [Inter-American Democratic Charter (oas.org)](https://www.oas.org/en/democratic-charter/pdf/demcharter_en.pdf) [↑](#footnote-ref-2)
3. . Note from SG/OAS requesting the convening of a special meeting of the Permanent Council in response to the note from the Government of Peru regarding the application of Articles 17 and 18 of the Inter-American Democratic Charter. [CP/INF.9504/22](http://scm.oas.org/doc_public/english/HIST_22/CP46710e07.docx) [↑](#footnote-ref-3)
4. . “Supporting the Preservation of the Democratic System and Representative Democracy in Peru.” [CP/RES. 1208 (2400/22)](https://scm.oas.org/doc_public/english/hist_22/cp46721e03.docx) [↑](#footnote-ref-4)
5. . [Chair of the OAS Permanent Council announces composition of the high-level group that will analyze the situation in Peru (oas.org)](https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-064/22) [↑](#footnote-ref-5)
6. . <https://www.gob.pe/institucion/tc/organizacion> [↑](#footnote-ref-6)