



The state of civic space in Latin America

Guatemala, Honduras, El Salvador, Nicaragua, Peru
and Ecuador

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Peru and Ecuador**

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1

In recent years there has been a deterioration in democratic values, human rights, and civil and political liberties in numerous countries worldwide, enabling multiple attacks against civil society spaces and the defence of human rights. Civil society plays a crucial role in fighting back this trend and contributing to robust democracies and accountable governance, while states hold the primary responsibility for creating an enabling environment for civil society.

2

In Latin America, there is a clear trend towards civic space closure. The region is both the most unequal and the most dangerous for human rights defenders. Governments, private companies and organized crime groups continue to use legal, administrative, financial, and extra-legal methods to limit civic space. The implications of shrinking civic space are significant for democracy, human rights, and development.

3

There is a growing trend in the region towards authoritarianism, the erosion of rights and of rule of law, including growing criminalisation and repression of social protests, state surveillance, and militarisation. These pervasive patterns stem from shared strategies employed by authoritarian governments, and from similar contexts marked by inequality, insecurity, institutional weakness, and social discontent. The dominance of financial, political, and even criminal elites who, as de facto powers, deepen extractivist models further undermines the civic space in the region.

4

The shrinking of civic space in Latin America disproportionately affects indigenous communities, environmental defenders, women, and LGBTQ+ people, who are targeted for opposing extractive industries or policies that violate human rights. Many governments have implemented restrictive laws—such as NGO regulations, and “foreign agent” laws—that curtail civil liberties. In addition, some governments seek to manipulate judicial systems to criminalise activists, journalists, and political opponents while allowing impunity for state and corporate human rights violations. Despite the worsening situation, civil society organizations and human rights defenders continue to resist through mobilisation, advocacy, and international campaigns.

5

The European Union’s sustained commitment to democracy, human rights, and international solidarity is crucial to intensify pressure against authoritarian, repressive, and corrupt governments in the region. The EU must place this commitment at the core of its renewed partnership with Latin America, leveraging every opportunity to emphasise the centrality of open, secure, and robust civic space for building inclusive democracies. As highlighted in the EU’s New Agenda for Latin America and the Caribbean, both regions should prioritise the defence of human rights and civic space to construct a strong partnership. This commitment should also be reflected in trade and association agreements with the region, by upholding the binding nature of human rights and democracy clauses and creating real participatory spaces for civil society.

Introduction

According to the United Nations (UN), **civil society organisations (CSOs)** and **non-governmental organisations (NGOs)** are defined as “any group of voluntary citizens that is non-profit and organised at the local, national, or international level”. **Civil society** is defined as “associations of citizens (distinct from their families, friends, and businesses) voluntarily formed to promote their interests, ideas, and ideologies. The term does not include profit-making activities (the private sector) or government activities (the public sector)”¹

The UN also defines **human rights defenders** as “individuals or groups that act to promote, protect, or strive for the protection and realisation of human rights and fundamental freedoms”². Many human rights defenders and their collectives are part of civil society, although this is not a requirement (just as defending human rights is not a requirement for being part of civil society). The Office of the High Commissioner for Human Rights (OHCHR) explains that “every day, in every part of the world, civil society contributes

to the promotion, protection, and advancement of human rights. Whether they are called human rights defenders, human rights NGOs, bar associations, student unions, trade unions, academic institutions, or charitable organisations working with vulnerable groups, countless civil society actors share the same pursuit of justice, equality, and respect for human dignity”³

OHCHR defines **civic space** as “the environment that enables civil society to play a role in the political, economic, and social life of our societies, allowing individuals and groups to contribute to the development of policies affecting their lives. This is achieved by providing access to information, participating in dialogue, expressing dissent or disagreement, and coming together to voice opinions. An open and pluralistic civic space that guarantees freedom of expression and opinion, as well as freedom of assembly and association, is an essential requirement for sustainable development and peace”⁴



Figure 1. Dimensions of Civic Space (OECD, 2022)⁵

1 A/58/817, 11 June 2004: We the Peoples: Civil Society, the United Nations, and Global Governance. Report of the Panel of Eminent Persons on United Nations–Civil Society Relations.

2 Declaration on human rights defenders, Special Rapporteur on human rights defenders. OHCHR

3 [Civil Society](#). OHCHR

4 [Civic space](#). OHCHR

5 OECD. (2022). The protection and promotion of civic space: strengthening alignment with international standards and guidance. In OECD. https://www.oecd.org/en/publications/the-protection-and-promotion-of-civic-space_d234e975-en/full-report.html

This definition identifies the key elements that define **civic space** as a set of human rights and fundamental freedoms: the right to participate in the public affairs of a country, the rights to association and peaceful assembly, freedom of expression, and access to information, among others. The extent to which these rights are guaranteed in a given context determines the degree of openness of civic space: when the enjoyment of these rights is possible, civil society is considered to operate in an **“open civic space”** or an **“enabling environment.”** Conversely, the more barriers limit access to these rights, the more restricted the space is deemed to be, and it is often referred to as a **“shrinking civic space”**.⁶

This dynamism is a key element in the concept of civic space (*shifting civic space*): *“we are speaking of a phenomenon that changes according to the actions (or inaction) of governments and other state authorities; the influence and activities of legal and illegal non-state actors; and the efforts of civil society organisations (CSOs) and movements”*.⁷

The primary responsibility for creating an enabling environment for civil society rests with states, as it is their duty to establish the political and legal conditions that ensure everyone can enjoy their rights and freedoms⁸. Enabling environments or open civic spaces are built through the combination of effective

legislation, public policies, institutional frameworks, mechanisms, and guidelines that protect and promote the role of civil society and its rights. That said, an enabling environment is also shaped by social and cultural norms and practices, economic factors, and the values promoted by both the state and civil society as a whole, in collaboration with other non-state actors, such as businesses and the media.

Today, civic space⁹ is being systematically closed worldwide, according to various indicators, with severe consequences for democracy, human rights, social justice, and sustainable development.

Data from the V-Dem Institute¹⁰ indicates that the global “gains” achieved during the 1990s have been reversed in what some call a “third wave of autocratisation”¹¹. According to the latest CIVICUS report, in the Americas, for example, around 30% of people live in countries with closed or repressed civic space¹². However, although global in nature, the problem of shrinking civic space does not affect all social actors equally, and data shows that repressive measures have a “disproportionate impact” on the most marginalised¹³ groups, as well as on individuals and organisations defending specific rights, such as the promotion of social and economic justice by or on behalf of the most dispossessed sectors.

6 For more information on the concept of civic space, consult the following references: *CIVICUS Monitor* and 2020 ACNUDH orientative note, *Protection and Promotion of Civic Space*.

7 Protection International. (2024). Towards a Safe and Enabling Environment for the Right to Defend Human Rights. In *Protection International*. <https://www.protectioninternational.org/researchpublications/safe-and-enabling-environment/>

8 Charter of the United Nations (1945, October 24)

9 The Inter-American Commission on Human Rights (IACHR) has defined civic space as “the specific circumstances that enable citizen participation in a society at a given moment and time. It consists of the legal, political, administrative, economic, and cultural factors that shape the form and operational, physical, and digital modalities of the arena in which various civil society actors effectively participate in the life of their community”: https://www.oas.org/en/iachr/reports/pdfs/2023/Cierre_espacio_civico_Nicaragua_ENG.pdf

10 V-DEM Institute: Department of Political Science. (2023). Democracy Report 2023: Defiance in the face of authoritarianism. In *V-DEM Institute*. University of Gothenburg. https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf

11 Lührmann, A., & Lindberg, S. I. (2019). A third wave of autocratization is here: what is new about it? *Democratization*, 26(7), 1095–1113. <https://doi.org/10.1080/13510347.2019.1582029>

12 CIVICUS. (n.d.). *Monitor. Tracking civic space: Americas*. https://monitor.civicus.org/globalfindings_2024/americas/

13 OHCHR. (n.d.). *Call for Inputs: Global Study on the Impact of Counter-Terrorism Measures on civil Society and civic space*. The United Nations. OHCHR.



© **Entrepueblos**. “Civil society plays a crucial role, contributing to robust democracies and accountable governance. However, they continue to work in an increasingly restrictive and hostile environment in many parts of the world”.¹⁴

Shrinking civic space in Latin America

What is happening with civic space in Latin America?

The state of civic space is especially concerning in Latin America, where there is a clear trend towards closure¹⁵. Moreover, Latin America is simultaneously the most unequal region in the world¹⁶ and the most dangerous for human rights defenders¹⁷. Maintaining such unequal and unjust social relations has frequently required the use of state force against those who protest or resist the status quo, including the restriction of human rights. As noted in a recent open letter by Amnesty International, the repression of civic space in the region has led to a rollback of rights that has particularly affected “human rights defenders, including grassroots communities and organisations, journalists, and individuals perceived as political opponents”¹⁸.

¹⁴ European Union External Action Service (EEAS). (2024, February 27). *World NGO Day: Statement by the High Representative/Vice-President Josep Borrell* [Press release].

¹⁵ Oxfam. (2021). *Crisis y Captura: El descontento social en tiempos de pandemia en América Latina y el Caribe*. In Oxfam (No. 978-1-78748-775-8). <https://doi.org/10.21201/2021.7758>

¹⁶ According to the Inter-American Development Bank, in Colombia, Chile, and Uruguay, approximately one percent of the population controls between 37% and 40% of total wealth, while the poorest half of the population controls only one-tenth of the wealth. IDB Fact Sheet, *The Complexities of Inequality in Latin America and the Caribbean*: <https://www.iadb.org/en/news/complexities-inequality-latin-america-and-caribbean>

¹⁷ Front Line Defenders. (2023). *Global Analysis 2022*. In *Front Line Defenders*. <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2022>; *Standing firm: The Land and Environmental Defenders on the frontlines of the climate crisis*. (2023, September 13). Global Witness. <https://globalwitness.org/en/campaigns/land-and-environmental-defenders/standing-firm/#top-findings-2022>

¹⁸ Amnesty International. (2024, June 24). *Americas: Open letter to the heads of state of American states on the occasion of the 54th regular session of the OAS general assembly* [Open letter].

What are the implications on democracy, human and sustainable development?

The implications of the shrinking civic space are significant for both democracy and human and sustainable development. Firstly, research indicates that when civic space is repressed, the quality of democracy deteriorates. This is evidenced by data from the 2023 Latinobarómetro survey, which shows that support for democracy in the region has fallen by 15% since 2010¹⁹. Secondly, threats against human rights defenders have a chilling effect on civil society as a whole, reducing activism and negatively impacting society. For instance, many of the achievements in advancing the rights of women, LGBTQ+ people, and Indigenous peoples are under threat from the current wave of restrictive measures.²⁰

Of particular importance in the region, due to their perpetually high risk, are defenders of climate and environmental justice as well as Indigenous peoples, especially those opposing megaprojects that have significant impacts on the environment, water, or biodiversity in their territories, such as extractive industries, infrastructure projects, or agribusiness. Data from the Business & Human Rights Resource Centre (BHRRC) identified nearly 2,000 attacks on human rights defenders in Latin America and the Caribbean, accounting for 42% of all attacks worldwide, between January 2015 and December 2022²¹. Approximately 35% of these attacks targeted Indigenous defenders, with most linked to extractive activities such as mining and agribusiness.

What is driving the shrinking of civic space in Latin America?

While it is not possible to identify a single specific cause for the shrinking of civic space across the region, several studies indicate that global factors and regional dynamics heavily influence attitudes toward civic space, while national power dynamics determine the methods, targets, and degree of repression²².

The following chapters of this report will, by way of example, focus on specific countries in the region, examining in detail the national-level factors. In the **context of Latin America**, however, it is possible to identify a series of common drivers contributing to the trend of shrinking civic space.

Firstly, the influence of the globalised neoliberal economic system, which was largely imposed on the region through Structural Adjustment Programme that pressured governments into privatising public assets, deregulating industries, and liberalising trade and investment. Under this system, Latin America was reaffirmed as a supplier of raw materials²³ and encouraged to seek a “competitive advantage” by cheapening labour and natural resources.

19 Corporación Latinobarómetro. (2023). Informe 2023: La recesión democrática de América Latina. In Fundación Carolina. https://www.fundacioncarolina.es/wp-content/uploads/2023/11/Latinobarometro_Informe_2023.pdf

20 Ford Foundation. (2023, May 18). How Civic Space Helped Latin America's Feminists Achieve Historic Wins. Ford Foundation. <https://www.fordfoundation.org/news-and-stories/stories/how-civic-space-helped-latin-america-s-feminists-achieve-historic-wins/>

21 *Guardians at risk: Confronting corporate abuse in Latin America and the Caribbean*. (2023, September 27). Business & Human Rights Resource Centre. <https://www.business-humanrights.org/en/from-us/briefings/guardians-at-risk-confronting-corporate-abuse-in-latin-america-and-the-caribbean>

22 *Eco Nuestra: Time for an economy for everyone*. (2024). In Oxfam. Oxfam.

23 Lang, M. (2013). “Complementary and conflicting transformation projects in heterogeneous societies”. In: *Beyond development: Alternative Visions from Latin America*. Edited by Miriam Lang and Dunia Mokrani, 87-104. Fundación Rosa Luxemburgo/Transnational Institute.



This deepening and consolidation of Latin America's role as a raw material supplier led to a sharp rise in inequality,

while promoting an extractivist development model, granting disproportionate power to the private sector—particularly large corporations and multinationals—and contributing to a loss of trust in democratic models in the region²⁴. As a result, land and environmental defenders—especially those opposing resource extraction, infrastructure projects, or agribusiness—are increasingly silenced and threatened by both state and private actors.

Secondly, there is the **impact of the so-called “war on terror”**. There is clear evidence linking counter-terrorist and anti-money laundering measures to the weakening of human rights and civil liberties²⁵.

The Global Study by former UN Special Rapporteur Fionnuala Ni Aolain shows that governments often abuse legislative, financial, and other measures to repress those they dislike, and such measures are not only adopted by autocratic regimes but also by hybrid and full democracies²⁶.

Although security concerns are among the political priorities of several Latin American countries, the pretext of fighting “terrorism” (which in the region has been defined to include organised crime) and money laundering is often used to repress social movements and organisations, and weaken fundamental rights.

Organised Crime

*Latin America is the most violent region in the world. “Iron fist” public policies, implemented by right-wing and left-wing governments, are very popular among the public, despite their dubious effectiveness. More and more studies show that organized crime is only possible with the tolerance and cooperation of state actors linked to security and intelligence forces. Therefore, public policies against state impunity are key to combating it.*²⁷

²⁴ OHCHR. (n.d.). *Call for Inputs: Global Study on the Impact of Counter-Terrorism Measures on civil Society and civic space*. The United Nations. [OHCHR](#).

²⁵ For example, of the 211 charges against human rights defenders documented by Front Line Defenders in 2022, 44% were related to the fight against terrorism or national security.

²⁶ OHCHR. (n.d.). *Call for Inputs: Global Study on the Impact of Counter-Terrorism Measures on civil Society and civic space*. The United Nations. [OHCHR](#).

²⁷ Albarracín, J. (2023). *Paz y Seguridad: Crimen organizado en América Latina*. In Friedrich Ebert Stiftung. <https://library.fes.de/pdf-files/bueros/la-seguridad/20017.pdf>

Estos factores se han visto agravados por una serie de cambios socioeconómicos y políticos ocurridos en las últimas décadas. Entre ellos cabe citar: la creciente demanda global por las materias primas; la legitimación del modelo de desarrollo extractivista por parte de gobiernos tanto de izquierdas como de derechas y la consiguiente estigmatización de las comunidades, movimientos y organizaciones que se oponen a las actividades extractivas; las repercusiones de la pandemia de Covid-19, que agravó las desigualdades al tiempo que aumentaba la represión, restricción de libertades y la corrupción, la migración forzada interna y externa, y el aumento del uso de tecnología como medios de ataque o diseminación de falsas narrativas.



El resultado ha sido una mayor polarización económica y política, que ha abierto el camino a niveles récord de desigualdad, corrupción generalizada entre las élites de algunos países, impunidad ante violaciones de DDHH, “captura política” (captura del Estado por actores no estatales) que en muchos casos incorpora al sistema de justicia, y un espacio cívico con tendencia al cierre.²⁸

La conciencia de que el espacio de la sociedad civil es un «blanco móvil» –que el espacio puede abrirse para algunos aunque se cierre para otros actores, a menudo más vulnerables, pone de relieve la necesidad de un análisis histórico político interseccional y de un abordaje cuidadoso y basado en la práctica²⁹.

28 Oxfam. (2021a). Crisis and Capture: Reclaiming democracy and fighting inequality in Latin America and the Caribbean. In [Oxfam](#).

29 Buyse, A. (2018). Squeezing civic space: restrictions on civil society organizations and the linkages with human rights. *The International Journal of Human Rights*, 22(8), 966–988. <https://doi.org/10.1080/13642987.2018.1492916>

What mechanisms are used to close civic space in the region?

In Latin America, a range of different mechanisms are used to repress civic space, involving powerful actors—often the state, but also large private companies and organised crime groups—and analysis reveals certain “consistent and constant”³⁰ elements. These include the use of stigmatisation and defamation, the criminalisation of activism or social protest, physical or digital attacks, the misuse of the penal system, the capture of justice systems, or a combination of these mechanisms.

The following is a non-exhaustive list of the most commonly used mechanisms:

LEGAL METHODS	<u>Legislative:</u> Includes both “NGO laws” with vague terms and broad scope, often citing the FATF³¹, as well as “foreign agent” laws that grant wide powers and include “draconian” penalties, often citing national security, and other laws aimed at criminalising actions in defence of rights, such as sit-ins, publications criticising officials, and others. <u>Judicial:</u> Criminalisation, intimidation or judicial harassment, arbitrary detentions, abusive legal actions against public participation (SLAPPs³²), unfair or disproportionate sentences. <u>Administrative:</u> Disproportionate and burdensome requirements for NGOs such as registration and reporting, but also specific measures like travel bans. Obstacles to organising protests. Obstacles to or prohibitions on contact with human rights mechanisms. <u>Financial:</u> Restrictions imposed by the state and the private sector on sources or types of funding, citing the fight against terrorism (FATF) or money laundering; bank account closures, sanctions, and donor restrictions.
TECHNOLOGICAL METHODS	<u>Direct:</u> Surveillance, drones, facial recognition software, hacking, online defamation campaigns, doxing³³. <u>Indirect:</u> Slowdowns or cuts to internet access, blocks on specific programmes or applications, restriction to access to social media.
EXTRALEGAL METHODS	<u>Stigmatisation:</u> Especially by the authorities towards individual social actors or entire sectors, or marginalised groups within civil society in general, in order to marginalise and delegitimise them, potentially justifying more extreme measures. <u>Active:</u> Harassment, intimidation, threats, violent attacks, and extrajudicial executions of defenders by state and non-state agents, either separately or acting in concert. <u>Passive:</u> Failing to respond to complaints and crimes, failing to enact appropriate legislation, or not enforcing existing laws. Corruption in justice systems and widespread impunity for attacks against civil society.

30 OHCHR. (n.d.). *Call for Inputs: Global Study on the Impact of Counter-Terrorism Measures on civil Society and civic space*. The United Nations. OHCHR.

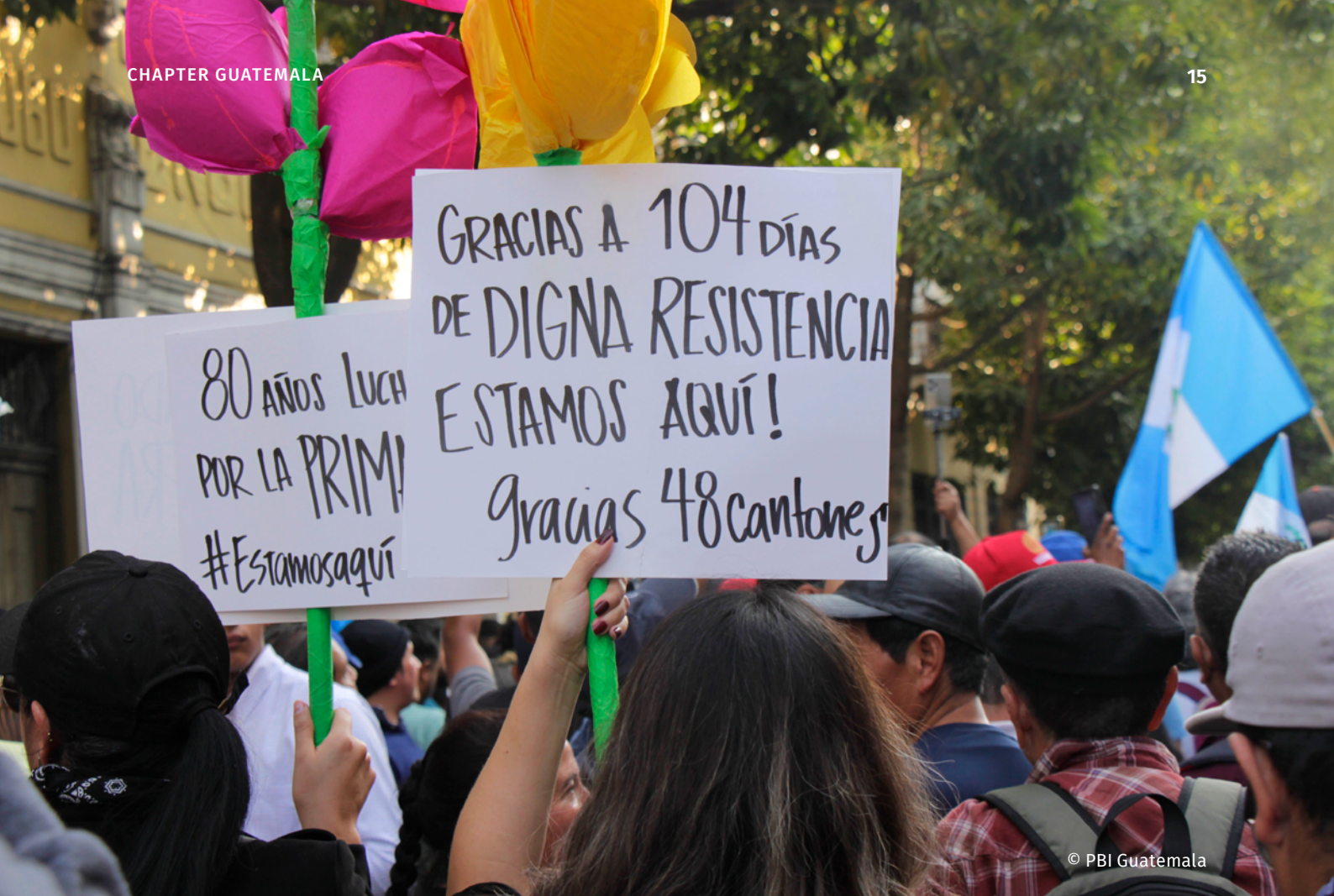
31 Financial Action Task Force (see <https://www.seplac.es/en/publications/other-institutions/>).

32 Strategic Lawsuits Against Public Participation.

33 According to *PEN America*, “Doxing o doxing is the act of publicly disclosing private or confidential information, a tactic used on the internet by perpetrators who wish to intimidate and make their victims vulnerable to further attacks”.

01

Chapter **Guatemala**



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PROTEST IN GUATEMALA. Thanks to the mobilisation of indigenous peoples and other social groups, along with strong support from the international community, the elected government of President Bernardo Arévalo was able to take office.

General context

Guatemala started 2024 with the rule of law dismantled, strong attempts to prevent the democratic transfer of power and the assumption of the elected government, a widespread practice of co-optation and clientelistic use of the justice system, and active and coordinated corruption and organised crime networks³⁴. According to a report by Oxfam, Guatemala has “a complex system in which informal power networks (involving businessmen, politicians, officials, and criminal groups) dispute control of the state for their benefit. In 2023, the Elite Quality Index classified Guatemala’s elite as rent-seeking, using its power to extract more value than it creates, and defines it as the second worst in Latin America”³⁵.

In the words of Jordán Rodas, former Human Rights Ombudsman in exile, it is a “predatory elite” with a legacy linked to the colonialism that still prevails in the country.³⁶

34 Casas, T., & Cozzi, G. (2023). Elite Quality Report 2023: Country Scores and Global Rankings. Sitio web de Seísmo. Disponible en: <https://www.seismoverlag.ch/en/daten/elite-quality-report-2023/>

35 Oxfam. (2021a). Crisis and Capture: Reclaiming democracy and fighting inequality in Latin America and the Caribbean. In Oxfam. (page 32)

36 Tres claves para entender la voraz corrupción que corroe a Guatemala. (2024, January 11). SWI swissinfo.ch. <https://www.swissinfo.ch/spa/tres-claves-para-entender-la-voraz-corrupcion-que-corroe-a-guatemala/71258770>

Central to this process of institutional degradation have been the Attorney General, María Consuelo Porras, and the Director of the Special Prosecutor's Office Against Impunity (FECI), Rafael Curruchiche³⁷. This was confirmed by the European Council, which in February 2024 decided to impose restrictive measures on them for actions that undermine democracy and the rule of law, as well as for their roles in obstructing the transfer of power.³⁸

Thanks to the mobilisation of indigenous peoples and other social groups, along with strong support from the international community, the elected government of President Bernardo Arévalo was able to take office. However, as UN High Commissioner for Human Rights Volker Turk lamented at the end of his visit to Guatemala in July 2024,

any initiative from the Executive aimed at restoring governance, fighting corruption, and respecting human rights⁴⁰. These power brokers, of a political, economic, and military nature, aim to maintain structural impunity, both for crimes committed during the armed conflict and for cases of corruption; and act in coordination with private actors, such as the Property Observatory or the Foundation Against Terrorism⁴¹.

As a result, progress in defending space for civil society is still weak, sporadic, and often sabotaged by the justice system and Congress. According to the CIVICUS classification, Guatemala has a “repressed” civic space⁴².

For a state to function, the three powers must work in harmony. And for now, that is not happening”.³⁹

UN HIGH COMMISSIONER FOR HUMAN RIGHTS
VOLKER TURK, VISIT TO GUATEMALA, JULY 2024

Both the justice system and Congress are still dominated by what is known in Guatemala as the “pact of the corrupt” which seeks to hinder and stop

37 Both included in the U.S. State Department's Engel List for corruption and sanctioned since February 2024 by the European Union for obstruction of democracy.

38 Council of the European Union. (2024, February 2). *Guatemala: Council sanctions five individuals for undermining democracy and the rule of law* [Press release]. <https://www.consilium.europa.eu/en/press/press-releases/2024/02/02/guatemala-council-sanctions-an-additional-five-individuals-for-undermining-democracy-and-the-rule-of-law/>

39 UN High Commissioner for Human Rights. (2024, July 19). *UN Human Rights Chief Volker Türk concludes official visit to Guatemala. Official Visit, Guatemala.* <https://www.ohchr.org/en/statements-and-speeches/2024/07/un-human-rights-chief-volker-turk-concludes-official-visit-guatemala>

40 Central American Federation of Judges for Democracy (FECAJUD) & The Cyrus R. Vance Center for International Justice. (n.d.). *Judicial resilience: Judicial Independence in Central America Assessment*. In FECAJUD. <https://fecajud.org/wp-content/uploads/2024/09/FECAJUD-Regional-Assessment-Judicial-Independence.pdf>

41 Cerqueira, D. (2024, August 6). *Guatemala: judicial kleptocracy at war with Indigenous peoples. Due Process of Law Foundation.* <https://dplfblog.com/2024/08/06/guatemala-judicial-kleptocracy-at-war-with-indigenous-peoples/>

42 CIVICUS. (n.d.-b). *Monitor. Tracking civic space: Guatemala.* <https://monitor.civicus.org/country/guatemala/>

The situation of human rights defenders and civic space

According to the Protection Unit for Human Rights Defenders in Guatemala (UDEFEUGA), 2023 saw 9,496 attacks against human rights defenders, making it the worst year for human rights defence⁴³ since it began documenting incidents in 2000.

In addition to extra-legal measures including intimidation, defamation, harassment, and direct attacks, the misuse of the criminal justice system to criminalise human rights defence work has been one of the most recurring patterns. The primary targets of these practices have been judicial operators⁴⁴ and journalists, as well as land and territory defenders – all of whom continue to suffer attacks.

A special mention is also needed for justice system operators in Guatemala who suffered threats from the Public Ministry and associated political spheres, forcing them into exile, particularly in the United

States. The victory of Bernardo Arévalo brought hope to this group of specialists in the rule of law and the legal system, but they have not yet seen the possibility of returning to their country⁴⁵.

Within the country, there are still individuals who have been not only threatened but also imprisoned without sufficient evidence by the Public Prosecutor's Office, subjecting them to political trials for having done their jobs in the justice system or in areas like journalism, as seen in the cases of the arbitrary detentions of Virginia Laparra⁴⁶ and José Rubén Zamora⁴⁷.

Mechanisms that reduce civic space

Legislative methods

In Guatemala, several laws or legislative initiatives have been promoted that aim to legitimately regulate civil society space, but which contain provisions that

could potentially be exploited to improperly close and criminalise civil society organisations and limit fundamental rights.

43 UDEFAGUA. (2024, April 30). LA DEFENSA DE LOS DERECHOS HUMANOS, EN 2023, ESTUVO BAJO ASEDIO SISTEMÁTICO. <https://udefegua.org.gt/comunicados/la-defensa-de-los-derechos-humanos-en-2023estuvo-bajo-asedio-sistemático/>

44 Legal professionals involved in administering justice, including judges, prosecutors, and court officials, ensuring the rule of law and human rights protection. UNESCO. (n.d.). *Training judicial operators*. <https://www.unesco.org/en/freedom-expression-rule-law/training-security-forces-judiciary/training-judicial-operators>

45 Guevara, T. (2023, August 25). Fiscales exiliados ven triunfo de Arévalo como una “ilusión amenazada” en Guatemala. *Voz De América*. <https://www.vozdeamerica.com/a/guatemala-fiscales-exiliados-ven-en-el-triunfo-de-arevalo-una-ilusion-amenazada/7240110.html>

46 En julio 2024 Virginia Laparra tuvo que salir al exilio después de haber sido indebidamente sentenciada a una pena de prisión de varios años por hechos jamás cometidos: Maldonado, A. (2024, July 19). «Yo, Virginia Laparra, decidí salir al exilio para preservar mi vida». *Agencia Ocote*. <https://www.agenciaocote.com/blog/2024/07/19/yo-virginia-laparra-decidi-salir-al-exilio-para-preservar-mi-vida/>

47 José Rubén Zamora: Ordenan el regreso a prisión del periodista conoído por destapar escándalos de corrupción en Guatemala. (2024, November 15). *BBC News Mundo*. <https://www.bbc.com/mundo/articles/ce31e0d5n4xo>

1

One example is Decree 04-2020, the so-called NGO Law, which came into effect in June 2020. Among other powers, this law grants the government the authority to revoke an NGO's registration without the need for judicial proceedings and establishes control over funds from international cooperation. With only a small modification to its text by a ruling from the Constitutional Court⁴⁸, the law continues to hang as a sword of Damocles over NGOs and possibly other organisational entities, exposing them to the risk of having their legal status revoked from one day to the next, depending on the interests of the current government.

2

At the end of 2022, 'Initiative 6155', the Law on Rational and Legitimate Use of Force, was tabled. This Initiative seeks to approve, under a new name, the previous Initiative 6067 for the Strengthening of Public Security Forces and the Army, designed to limit fundamental freedoms and guarantee impunity for the violent actions of security forces (military police) during protests⁴⁹. In March 2023, the Initiative was passed to the National Defence and the Governance Commissions of Congress for review.

3

In November 2024, the so-called National Civil Police Law, Decree 35-2024, came into effect, focusing on regulating the organisation, functionality, police career, and management of resources, among other aspects. However, it contains articles that raise concern among civil society organisations, such as the assignment of investigative tasks to the police, the possibility of agents using their weapons against individuals they deem criminals, as well as the explicit non-criminalisation of agents who claim to have used their weapons to defend their life, the integrity of goods, or the life of another person, even in cases where they have killed someone.⁵⁰

48 CC declara inconstitucional parcialmente un artículo de Ley de Oenegés. (2023, February 2). *Prensa Libre*. <https://www.prensalibre.com/guatemala/politica/cc-declara-inconstitucional-parcialmente-un-articulo-de-ley-de-oeneges/>

49 Álvarez, A. (2022, October 25). Tras rechazo de ley antiprotestas, presentan iniciativa de "uso racional y legítimo de la fuerza" - La Hora. *La Hora*. https://lahora.gt/nacionales/anaite_alvarez/2022/10/25/tras-rechazo-de-ley-antiprotestas-presentan-iniciativa-de-uso-racional-y-legitimo-de-la-fuerza/

50 Aguilar, D. (2024, November 27). Los artículos de la nueva Ley de la PNC que causan polémica. *EP Investiga*. <https://epinvestiga.com/actualidad/los-articulos-de-la-nueva-ley-de-la-pnc-que-causan-polemica/>

Judicial methods

However, the most serious element regarding the restriction of civic space is the misuse of the justice system by the Attorney General and a group of prosecutors and judges linked to the co-optation and corruption of the system. As stated by the IACHR, *“In Guatemala, the criminal justice system has been used against human rights defenders, as well as against those who have participated or are participating in protests and peaceful social mobilisations in defence of democracy and the rule of law or have been part of the fight against corruption and impunity”*.⁵¹

In July 2024, the UN High Commissioner for Human Rights, Volker Türk, stated publicly: *“I am deeply concerned about the misuse of criminal legislation for the purpose of persecuting human rights defenders, justice operators, journalists, students, and indigenous authorities. (...) Dozens have been criminalised and face judicial proceedings based on spurious arguments. More than fifty have been forced to leave the country fearing for their safety and live isolated in exile. They are victims of persecution, and their cases have become an international concern”*.⁵²

In 2023, UDEFEGUA highlighted the following patterns in this context:

- Illegal politico-economic networks coordinate actions to ensure that criminal investigations and prosecutions destroy social and popular movements, indicating a cooperation between non-state actors and corrupt agents within the justice system.
- The Public Ministry (MP) and the High Courts are key players in this criminal prosecution scenario. What were once political police forces, in 2023, were replaced by the MP and the courts in performing this role.
- Political imprisonment, clandestinity, or exile are the objectives of the development of these patterns of aggression.⁵³

51 Inter-American Commission on Human Rights (IACHR). (2024, July 26). *Conferencia de prensa de la CIDH tras su visita in loco a Guatemala*. [Press release]. <https://elobservadorgt.org/2024/07/26/conferencia-de-prensa-de-la-cidh-tras-su-visita-in-loco-a-guatemala/>

52 UN High Commissioner for Human Rights. (2024, July 19). *UN Human Rights Chief Volker Türk concludes official visit to Guatemala*. Official Visit, Guatemala. <https://www.ohchr.org/en/statements-and-speeches/2024/07/un-human-rights-chief-volker-turk-concludes-official-visit-guatemala>

53 *Guatemala entre la democracia y la dictadura*. (n.d.). UDEFAGUA. <https://udefagua.org.gt/noticia/guatemala-entre-la-democracia-y-la-dictadura/>

Prosecutor's Office Against Usurpation, and the "Observatory of Private Property"

Within this framework, another particularly concerning element is the creation of institutional tools which, working alongside non-state actors, have focused their efforts against indigenous peoples and land, territory, and environmental defenders. Two specific entities were established in 2021, almost simultaneously: the Prosecutor's Office Against Usurpation, created by the Attorney General of the MP, and the so-called "Observatory of Private Property", created by the business sector gathered in the CACIF. Both entities quickly agreed to collaborate. At the same time, in northwestern Guatemala (where the highest number of violent evictions of indigenous communities occur), the so-called Association in Defence of Private Property was formed, bringing together local landowners⁵⁴.

Since then, the number of evictions in these regions has significantly increased, often being carried out in violation of international standards and without exhausting legal avenues regarding land ownership⁵⁵. In many cases, arrest warrants are issued against multiple members of the evicted communities. These warrants serve to intimidate the population, who fear being imprisoned when presenting themselves before the courts. Evictions also contribute to worsening the precarious living conditions of the communities, often leaving them in situations of humanitarian emergency⁵⁶.

After its visit to the country in July 2024, the IACHR reported that *"civil society organisations expressed concern about the actions of the Prosecutor's Office Against Usurpation in collaboration with judicial authorities for the benefit of private interests, through criminalisation, eviction, and dispossession of land from indigenous communities, causing their internal displacement in conditions incompatible with international standards"*.⁵⁷

⁵⁴ ACDEPRO. (n.d.). <https://acdepro.org/>

⁵⁵ See the 2023 report by an Independent Delegation of International Lawyers in Guatemala: DPLF. (2023). "No somos usurpadores: esta es nuestra tierra" Conflicto agrario y derechos de los pueblos indígenas en Alta Verapaz: Informe de la Delegación Independiente de Abogados Internacionales a Guatemala. In *Due Process Law Foundation*.

⁵⁶ Dudley, S., Alex Papadovassilakis, & García, J. (2024, February 7). Ricardo Méndez Ruiz and the Art of Lawfare in Guatemala. *InSight Crime*. <https://insightcrime.org/investigations/ricardo-mendez-ruiz-art-lawfare-guatemala/>

⁵⁷ Inter-American Commission on Human Rights (IACHR). (2024, July 26). *Conferencia de prensa de la CIDH tras su visita in loco a Guatemala*. [Press release]. <https://elobservadorgt.org/2024/07/26/conferencia-de-prensa-de-la-cidh-tras-su-visita-in-loco-a-guatemala/>

Extralegal methods

Other methods used to close space for individuals, communities, and organisations include intimidation, defamation, harassment, and direct attacks – methods that are widespread in Guatemala.

Through net centres, as well as via blogs from private associations such as the Foundation Against Terrorism and the Association in Defence of Private Property and Against Malpractice, defenders and entire organisations are defamed. The members of these associations are part of Guatemala's economic and military power sectors and enjoy impunity for their actions. In their discourse, they link human rights defence with terrorism, promoting land usurpations, organised crime, or alleged acts of corruption.

In this way, they create a climate of fear and intimidation, aiming to paralyse and inhibit the defence of rights⁵⁸.

Another widely used method of intimidation includes anonymous phone calls to defenders with direct threats or warnings that the person is at risk due to their work defending rights. It is also common for defenders to experience surveillance and being followed by unmarked vehicles.



As mentioned, in 2023, the UDEFEGUA recorded a total of 9,496 aggressions. Notably, the assassination of 77 people involved in defending the environment, land, and natural resources occurred between 2012 and 2020; between 2019 and 2022, UDEFEGUA recorded 32 people killed⁵⁹.

58 Comisión Interamericana de Derechos Humanos (CIDH) & Organisation of American States. (2024). Observaciones preliminares. Visita in loco a Guatemala.: 22 al 26 de julio de 2024. In Organisation of American States (DOC. 124/24). https://www.oas.org/es/cidh/informes/pdfs/2024/observaciones_preliminares_guatemala.pdf

59 UDEFAGUA. (2024, April 30). LA DEFENSA DE LOS DERECHOS HUMANOS, EN 2023, ESTUVO BAJO ASEDIO SISTEMÁTICO. <https://udefegua.org.gt/comunicados/la-defensa-de-los-derechos-humanos-en-2023estuvo-bajo-asedio-sistemico/>

Advances and good practices

Despite the complex situation outlined, there have also been some advances and opportunities for good practice. First, the immense commitment of indigenous peoples and broad sectors of civil society to defend democracy and the rule of law, as well as their willingness to establish cooperation with the new government in this regard, is a source of huge optimism.

The relaunch of the Land Fund as a more participatory body, politically supported by the government and civil society organisations, is another hopeful sign. From civil society, various indigenous ancestral authorities participate in monthly dialogues⁶⁰ convened by the Presidency, with the aim of establishing action and development routes for their communities.



Another positive element is the executive branch's willingness to guarantee civic space and promote social programmes that had been abandoned for decades, in areas such as health, education, food, housing, and road infrastructure.

In mid-2024, civil society presented a draft bill to the Congress of the Republic for the approval of a new NGO Law based on a model that guarantees the freedom and right of association in line with international standards. Along with this, civil society has initiated a process to influence the Financial Action Task Force (FATF) and the Superintendence of Banks (SIB)

so that Guatemala is evaluated on the application of its regulations regarding money laundering and the financing of terrorism, and to approve a new regulatory proposal that cannot be used against social organisations. The reform of the Public Ministry Law remains pending⁶¹.

In addition, the Executive has resumed and promoted several initiatives aimed at protecting civic space and the right to defend human rights. These include active work on a “public policy for the protection of human rights defenders”⁶², an obligation pending since the 2014 ruling of the Inter-American Court, which was worked on at the time by civil society and various state entities but discarded in 2020. Active work is also being done in terms of protection for defenders through the Pattern Analysis Unit for Attacks on Defenders, located in the Ministry of the Interior, promotion by the Private Secretariat of the Presidency of negotiated solutions to agrarian conflicts, and the creation of the Anti-Corruption Commission, among others.

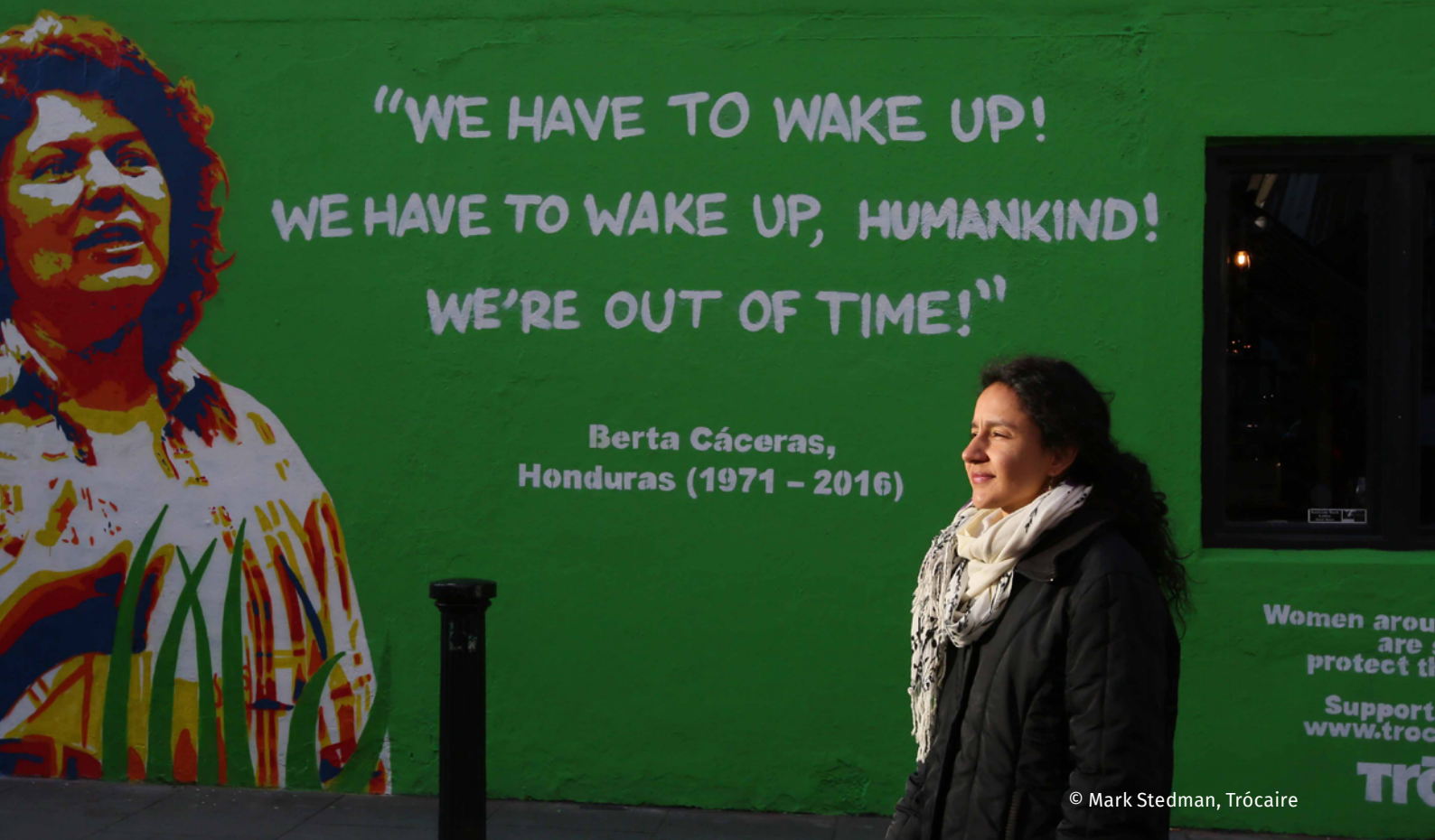
60 Larios, B. (2024, August 29). Gobierno de Arévalo ha firmado acuerdos de trabajo con cinco pueblos indígenas. *Agencia Guatemalteca De Noticias*. <https://agn.gt/gobierno-de-arevalo-ha-firmado-acuerdos-de-trabajo-con-cinco-pueblos-indigenas/>

61 Arellano, P. (2024, May 5). Arévalo propondrá reforma a ley orgánica del MP para destituir a Consuelo Porras, mientras fiscal acciona ante la CC. *Prensa Libre*. <https://www.prensalibre.com/guatemala/politica/arevalo-propondra-reforma-a-ley-organica-del-mp-para-destituir-a-consuelo-porras-mientras-fiscal-acciona-ante-la-cc-breaking/>

62 *Por el derecho a defender derechos humanos*. (2024, February 5). COPADEH. <https://copadeh.gob.gt/2024/02/05/por-el-derecho-a-defender-derechos-humanos/#>

02

Chapter **Honduras**



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GUAPINOL ACTIVISTS AND BERTA CÁCERES WERE FINALISTS FOR THE 2020 **SAKHAROV PRIZE FOR FREEDOM OF THOUGHT**, AWARDED EACH YEAR BY THE EUROPEAN PARLIAMENT. Berta's murder in 2016 sheds light on the risks faced by thousands of people who work to defend human rights and the environment in Honduras.

General context

Since the 2009 coup, Honduras has gone through various socio-political and institutional crises that have deepened structural issues such as poverty, inequality, violence, corruption, and systemic impunity, political interference in justice, an extractivist economic model, agrarian and socio-environmental conflicts, and the lack of protection for human rights defenders, among others. These challenges were the ones faced by the government of Xiomara Castro, from the Liberty and Refoundation Party (Libre), when she took power in January 2022 after twelve years of government by the National Party (PN). Despite the efforts and progress made, restrictions on the full enjoyment of human

rights and the right to defend rights continue to be observed.

While poverty rates dropped by ten percentage points in 2023 compared to 2021⁶³, they remain alarmingly high, particularly among rural populations, including indigenous and Afro-Honduran communities. Moreover, there is still a high level of income inequality and a large concentration of wealth in the hands of a few actors. According to the 2023-24 Human Development Report, Honduras dropped six positions in this indicator, ranking 138th out of 193 countries⁶⁴.

63 INE Honduras. (2024, November 28). *Reducción de la pobreza y el desempleo avances positivos en 2024 - Estadísticas Oficiales*. Instituto Nacional De Estadística Honduras. <https://temp.ine.gob.hn/2024/11/28/reduccion-de-la-pobreza-y-el-desempleo/>

64 Dinero HN. (2024, March 18). *Honduras cae en desarrollo humano a la posición 138 entre 193 naciones*. <https://dinero.hn/honduras-cae-en-desarrollo-humano-a-la-posicion-138-entre-193-naciones/>



Although the homicide rate also decreased from 35.8 in 2022 to 31.1 per 100,000 inhabitants in 2023, Honduras is still considered the most violent country in Central America⁶⁵.

This situation is further exacerbated by the multiple expressions of violence against women⁶⁶. Another factor continuing to affect **the country's socio-economic situation is its exposure and lack of capacity to adapt to climate change, making Honduras one of the most climate-vulnerable countries**. During his 2023 visit to Honduras, the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry, noted that, as a consequence of climate change, *“significant delays have occurred in the country’s economic and social development, and it has important implications for the enjoyment of human rights by its population”*.⁶⁷

A survey by ERIC-Sj, published in May 2024⁶⁸, found that over 40% of the population is considering leaving the country. Additionally it found that **eight out of ten Hondurans have no trust in political parties or institutions, which remain politicized, with positions typically negotiated based on partisan rather than national interests**. Furthermore, despite the change in Supreme Court judges in February 2023, two-thirds of the population surveyed believes that the justice system has not improved. However, this Supreme Court selection, where no party could secure an absolute majority, “opens the possibility for the country to have a Court with a higher degree of independence and suitability compared to the previous one” according to the Center for Studies for Democracy (CESPAD)⁶⁹.

Also, in the judicial realm, at the end of 2023, amidst public questionings and without consensus, Johel Zelaya was sworn in as the Attorney General and Mario Morazán as the Deputy Attorney General. In October

65 Statista. (2024, September 12). Honduras: tasa de homicidios 2014-2023. <https://es.statista.com/estadisticas/1289858/tasa-de-homicidios-honduras/>

66 Centro de Derechos de Mujeres. (2024). Violencias contra las mujeres en Honduras – 2024. Centro De Derechos De Mujeres. <https://derechosdelamujer.org/project/2024/>

67 Office of the United Nations High Commissioner for Human Rights (OHCHR). (2023, September 27). Statement at the conclusion of the country visit to Honduras by the Special Rapporteur on the Promotion and Protection of Human Rights in the context of Climate Change, Mr. Ian Fry. Tegucigalpa, September 27th, 2023 [Statement]. <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/eom-statement-honduras-sr-climate-2023-09-27-en.pdf>

68 Equipo de Reflexión, Investigación y Comunicación. (2023). Boletín 2024: Sondeo de Opinión Pública. In *Compañía De Jesús*. https://www.sop-eric.org/files/ugd/36c4aa_36b5d604fa684e7289f8701d6b9daf3d.pdf

69 CESPAD, Due Process of Law Foundation, & Abogados sin Fronteras. (2023). Informe final de Veeduría Proceso de Elección y Selección de Magistrados/as de la Corte Suprema de Justicia: lecciones aprendidas y recomendaciones para futuros procesos de elección de altos funcionarios públicos. In CESPAD. https://cespad.org.hn/wp-content/uploads/2023/05/Informe-final-veeduria-CSJ_compressed.pdf

2024, Attorney General Zelaya announced that he would resume the cases left by the Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) in the hands of the Public Ministry, including the investigation of former mayor Nasry Asfura, who is accused of several crimes in his capacity as a public official.⁷⁰



Given that Honduras is the fourth most corrupt country in the Latin American region, there is a widespread demand that the current government take action to fight impunity and corruption⁷¹.

The demilitarisation of society, another of President Castro's goals in her government plan, also appears to have been weakened following the adoption of a state of emergency in various areas of the country in December 2022, aimed at addressing violence from gangs and criminal groups (PCM 29-2022). The state of emergency has been renewed every 45 days up until the present, resulting in the suspension of fundamental rights such as freedom of association, assembly, and movement, as well as allowing the Military Police to continue performing public security duties. In response, the Office of the UN High Commissioner for Human Rights (OHCHR) has expressed concern, stating that the prolonged duration of the state of emergency was unjustified and lacked proper judicial oversight⁷².

70 Fiscal General Joel Zelaya anuncia que ha retomado los casos que en manos del MP dejó la MACCIH. (2024, October 22). *Honduras al 100*. <https://www.hondurasal100.hn/nacionaleshn100/fiscal-general-joel-zelaya-anuncia-que-ha-retomado-los-casos-que-en-manos-del-mp-dej%C3%B3-la-maccih>

71 Honduras sigue siendo el cuarto país más corrupto de Latinoamérica. (2024, January 30). *El Heraldo*. <https://www.elheraldo.hn/honduras/honduras-sigue-siendo-cuarto-pais-mas-corrupto-latinoamerica-indice-percepcion-2023-OH17237283>

72 Office of the United Nations High Commissioner for Human Rights (OHCHR). (2023, December 6). *A un año del estado de excepción en Honduras, OACNUDH llama al Estado a reconsiderar el uso de medidas excepcionales Y a abordar la inseguridad de manera integral y con énfasis en la prevención* [Statement].

The situation of human rights defenders and civic space

In 2023, Honduras recorded the highest per capita murder rate of land and territory defenders in the world, according to Global Witness⁷³.

This ongoing risk has persisted in recent years due to various forms of violence perpetrated by both state and non-state actors. In 2023, the OHCHR documented at least 363 attacks against 453 organisations and individuals defending human rights. Over half of these were related to the defence of land, territory, and the environment, and more than a third involved indigenous and Afro-Honduran individuals or organisations.

Additionally, during the past year, OHCHR documented at least 15 murders of human rights defenders and two journalists. This makes 2023 the second deadliest year for defenders recorded by OHCHR since its establishment in the country in 2015, surpassed only by 2019.⁷⁴

The situation for journalists and social communicators has not shown structural improvements under the new administration⁷⁵. The new Penal Code, approved in 2020, affects the entire information chain, imposing fines and prison sentences not only on journalists but also on those who share their reports. According to Reporters Without Borders, *“the code violates international human rights standards and poses a threat to press freedom”*.⁷⁶

Structural impunity in the country stands at 90%, exceeding 95% in cases involving crimes committed against human rights defenders, journalists, and social communicators. For instance, data from OACNUDH⁷⁷ reveal that, of the 14 cases of killings of human rights defenders documented in 2022, only two have resulted in convictions. Even high-profile cases with international coverage and advocacy efforts have not been fully prosecuted, such as the assassination of indigenous leader Berta Cáceres in 2016 and that of environmental defender, Juan López, in 2024. These high levels of impunity risk perpetuating, and in some cases even encouraging, the recurrence of such acts.

The National Protection Mechanism for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators, established in response to demands from Honduran civil society and the recommendations made during the Universal Periodic Review (UPR) cycle in 2015, continues to face significant obstacles. As reported by the Inter-American Commission on Human Rights (IACHR) in 2023, the mechanism experiences *“various challenges that erode the institution and its capacity to effectively respond to the risks faced by these groups”*⁷⁸.

⁷³ *The violent erasure of land and environmental defenders*. (2024, September 10). Global Witness. <https://globalwitness.org/en/campaigns/land-and-environmental-defenders/missing-voices/>

⁷⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR). (2024). Report on the situation of human rights in Honduras. 2023. In *Office of the United Nations High Commissioner for Human Rights (OHCHR)*. (A/HRC/55/22). https://oacnudh.hn/wp-content/uploads/2024/03/Informe-OACNUDH-2023_19.03.2024.pdf

⁷⁵ *“Journalists have continued to face challenges similar to those encountered under previous governments – disparaging comments by officials, access to information denied to journalists who do not support the government, and a lack of protection against threats.”* In *Reporters Without Borders*: <https://rsf.org/en/country/honduras>

⁷⁶ RSF. (n.d.). *Honduras*. Reporters Without Borders. <https://rsf.org/en/country/honduras>

⁷⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR). (2024). Report on the situation of human rights in Honduras. 2023. In *Office of the United Nations High Commissioner for Human Rights (OHCHR)*. (A/HRC/55/22). https://oacnudh.hn/wp-content/uploads/2024/03/Informe-OACNUDH-2023_19.03.2024.pdf

⁷⁸ Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2024b). Situation of human rights in Honduras. In *Organisation of American States* (ISBN 978-0-8270-7824-6). <https://www.oas.org/es/cidh/informes/pdfs/2024/informe-honduras.pdf>

Mechanisms that reduce civic space

Legal methods

According to CIVICUS, Honduras is classified as having a “repressed” civic space⁷⁹. Similarly, The Global State of Democracy (GSOD) index places Honduras in the mid-range across all democracy categories, noting slight improvements in civil liberties, press freedom, and the rule of law.⁸⁰ These indices indicate that, while Honduras’s civic space is not deteriorating, it remains restricted after twelve years of progressive closure following the 2009 coup d’état. In the specific case of press freedom, however, data from Reporters Without Borders highlights that it has been deteriorating for many years and that this trend continues.⁸¹

Several legislative initiatives have contributed to the restriction of civic space in Honduras.

- Notably, the state of exception (PCM 29-2022), in effect since 6 December 2022, has played a significant role. According to the National Commissioner for Human Rights (CONADEH), over 400 complaints were filed against State security forces between December 2022 and February 2024 under this measure⁸². In October 2024, the Ministry of Security announced that the National Police would take action to address public road blockages, including detaining protest participants and referring them to the Public Prosecutor’s Office for accountability.⁸³ Nevertheless, a reduction in the repression of protests has been observed as progress.

- Honduras also exhibits a reluctance to enact legislative advancements that could open civic space. Despite civil society efforts, such as those by the Honduran Network for Escazú, to engage in dialogue with State institutions, Honduras has yet to ratify the Escazú Agreement.⁸⁴ Furthermore, despite repealing the Law on the Classification of Public Documents Related to National Security and Defence (Secrecy Law) and initiating transparency measures, the 2023 Annual Report by OACNUDH notes that “numerous civil society organisations and media outlets were unable to access information of public interest due to inadequate or untimely responses from competent authorities or outright denials, often citing that the requested information was ‘classified’ or ‘confidential’”.⁸⁵

- The failure to enact a law on free, prior, and informed consent (FPIC) remains a critical issue. Although Honduras ratified the International Labour Organisation’s Convention 169 in 1994, the State has yet to fulfil its implementation obligations. A draft FPIC law has been stalled in the National Congress since 2018 due to a lack of support from all indigenous organisations, which insist that their participation and consultation are essential in developing laws affecting their protection and territories. Despite movements in the National Congress and appeals by civil society to repeal or amend the new Penal Code introduced in May 2019 and its reforms in 2021⁸⁶, no changes have been made to the repressive articles that facilitate the criminalisation and restriction of civic space. National and international organisations have repeatedly expressed concern about the misuse of criminal law to harass and criminalise defenders through charges such as usurpation, public disorder, unlawful assemblies, incitement to violence, terrorist association, and forced displacement, among others.

79 Civicus Monitor. (n.d.). Civicus Monitor. <https://monitor.civicus.org/country/honduras/>

80 IDEA. (n.d.). *The Global State of Democracy Indices. Honduras*. <https://www.idea.int/gsod-indices/sites/default/files/profile-pdfs/2021/country/honduras.pdf>

81 RSF. (n.d.). Honduras. Reporters Without Borders. <https://rsf.org/en/country/honduras>

82 CONADEH. (2024, April 29). CONADEH reitera llamado para que se derogue decreto que da vida al estado de excepción [Press release]. <https://conadeh.hn/?p=2704>

83 Secretaría de Seguridad Honduras. (2024, October 18). *Comunicado de prensa seds n.71-2024 sobre la toma de vías públicas*. X. <https://x.com/SSEGURIDADHN/status/1847102407492489534/photo/1>

84 CESPAD. (2024, August 12). Así se mueve Centroamérica de cara al Acuerdo de Escazú. In *Cespad - Centro de Estudio para la Democracia*. <https://cespad.org.hn/asi-se-mueve-centroamerica-de-cara-al-acuerdo-de-escazu/>

85 Office of the United Nations High Commissioner for Human Rights (OHCHR). (2024). Report on the situation of human rights in Honduras. 2023. In *Office of the United Nations High Commissioner for Human Rights (OHCHR)*. (A/HRC/55/22). https://oacnudh.hn/wp-content/uploads/2024/03/Informe-OACNUDH-2023_19.03.2024.pdf

86 CESPAD. (2019, May 20). Los castigos y premios del nuevo Código Penal. In *Cespad - Centro de Estudio para la Democracia*. <http://v1.cespad.org.hn/2019/05/20/cronologia-los-castigos-y-premios-del-nuevo-codigo-penal/>; CESPAD. (2021, December 4). *La herencia del gobierno saliente: las aberraciones aprobadas y derogadas en el Código Penal*. <https://v1.cespad.org.hn/2021/12/04/la-herencia-del-gobierno-saliente-las-aberraciones-aprobadas-y-derogadas-en-el-codigo-penal/>

Impunity contrasts sharply with its swiftness in criminalising defenders

A pattern of ignoring complaints from defenders is also evident within the National Police and the Public Prosecutor's Office. Since the creation of the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators (FEPRODDHH) in 2018, 266 complaints were filed by 2023. Of these, 96% were administratively closed, and only three resulted in formal charges.⁸⁷ This inaction contrasts sharply with the swiftness of the Honduran justice system in criminalising defenders.

Extralegal methods

The lack of investigation, widespread impunity, and the Honduran state's inefficiency in ensuring the protection of defenders create a permissive environment for the use of these extralegal methods.

In Honduras, these methods often impose the greatest restrictions on civic space. Alongside criminalisation, human rights defenders face processes of stigmatisation and delegitimisation of their advocacy work, which further exacerbates their vulnerability. These processes frequently involve collusion between legal actors (businesspeople, politicians, police and military officers, private security companies, etc.) and illegal actors (criminal gangs, organised crime networks, etc.).

According to Insight Crime, the links between Honduran elites and organised crime representatives are forged through social, commercial, and political interactions in the various spaces where politics and business intersect in the country.⁸⁸

Land, territory, and environmental defenders, as well as women's rights advocates, are particularly targeted by negative narratives generated by media outlets and social media profiles aligned with private companies. These narratives often portray them as disruptive, criminal, anti-development, and even opposed to family values⁸⁹.

⁸⁷ ASJ Honduras. (2024, September 13). *Debilidad institucional pone en riesgo la vida de defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia en Honduras*. Facebook. https://www.facebook.com/story.php/?story_fbid=863783815855656&id=10006672136894

⁸⁸ InSight Crime & IDRC. (n.d.). Honduras elites and organized crime. In *InSight Crime*. https://insightcrime.org/wp-content/uploads/2023/08/Honduras_Elites_Organized_Crime.pdf

⁸⁹ Honduras: Estigmatización y amenazas contra defensores del medioambiente de Tocoa. (n.d.). Federación Internacional Por Los Derechos Humanos (FIDH). <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/honduras-estigmatizacion-y-amenazas-contra-defensores-del>

Advances and good practices

Despite the numerous barriers and challenges in the Honduran context, some progress can be observed that may contribute to less restriction and greater openness of civic space. A notable development is the declaration of unconstitutionality of the Employment and Economic Development Zones (ZEDEs) by the Supreme Court of Justice in September 2023.⁹⁰

The ZEDEs were a proposal from the second government of President Juan Orlando Hernández, which aimed to establish special regimes in closed-off territories for investors, granting them control over security, fiscal policy, and conflict resolution, among other powers that traditionally belong to the State. Related to territorial protection, the approval and publication of Decree 18-2024⁹¹ stands out, which restores protected areas and repeals mining concessions in all the country's protected areas, although effective implementation of the decree is still pending.

Additionally, between July and August 2023, the National Congress amended and repealed several decrees introduced by the so-called “Pact of Impunity”, which hindered prosecutors from obtaining key documents in corruption investigations or pursuing money laundering charges, among other issues.⁹² As a result, various articles of Decree 93-2021 were repealed and reformed, including one that had classified civil society organisations managing foreign cooperation funds as Politically Exposed Persons (PEP).

90 Honduras: La Corte Suprema de Justicia declara inconstitucionales los decretos que formaron las Zonas de Empleo y Desarrollo Económico (ZEDE). (2024, September 23). *Business & Human Rights Resource Centre*. <https://www.business-humanrights.org/en/latest-news/honduras-la-corte-suprema-de-justicia-declara-inconstitucionales-los-decretos-que-formaron-las-zonas-de-empleo-y-desarrollo-econ%C3%B3mico-zede/>

91 Diario oficial de la República de Honduras. (2024). DECRETO No. 43-2024. In *La Gaceta*. <https://edgnrnfypo5.exactdn.com/wp-content/uploads/2024/05/decreto-18-2024.pdf>

92 CESPAD. (2023, September 25). ¿Qué significa la derogación de algunos decretos que formaban parte de los denominados pactos de impunidad? *Cespad - Centro de Estudio para la Democracia*. <https://cespad.org.hn/que-significa-la-derogacion-de-algunos-decretos-que-formaban-parte-de-los-denominados-pactos-de-impunidad/>

Furthermore, Decrees 57-2020 and 116-2019 were repealed, the latter being considered the cornerstone of impunity, and its repeal was a condition requested by the United Nations for the establishment of the International Commission Against Impunity and Corruption in Honduras (CICIH). However, the creation of the CICIH, one of the main commitments of the current government, could be at risk. The decision by the Supreme Court of Justice in October 2024 to declare the Political Amnesty Law constitutional distances the arrival of this commission.⁹³

In addition, the establishment of a State Secretariat in the Office of Transparency and the Fight Against Corruption in 2022 and the development of the National Strategy for Transparency and the Fight Against Corruption (ENTAH) 2022-2026 stand out, focused on preventing, detecting, investigating, and sanctioning corruption.

While progress is visible, these are isolated examples, and the overall state of civic space in Honduras remains restricted.

Political Amnesty Law

This law is considered by some sectors of society as one of the main democratic obstacles favouring impunity, as it grants benefits to former officials of the administration of Manuel “Mel” Zelaya who have been linked to acts of corruption. Although it has been widely criticised by the political opposition and other sectors of the population, the approval of this law, known as the Amnesty Law (Decree 04-2022), has resulted in the annulment of judicial processes against over one hundred people who the current government believes to have been politically persecuted since the 2009 coup, as well as processes involving human rights defenders, peasants, and students. Also notable is the creation of the Programme for Memory, Truth, Justice, Reparation, and Non-Recurrence, aimed at providing comprehensive support to victims of serious human rights violations.

⁹³ Una lápida para llegada de la CICIH es vigencia de pacto de impunidad. (2024, October 10). *El Heraldo*. <https://www.elheraldo.hn/honduras/una-lapida-para-llegada-cicivigencia-pacto-impunidad-ley-amnistia-politica-dicen-sectores-FM21962272>

03

Chapter **El Salvador**



© ACAFREMIN. Santa Marta, a notable case highlighting judicial abuse and the resilience of the communities.

General context

El Salvador is currently immersed in a context of severe human rights violations and a profound deterioration of the rule of law. The process of concentrating power that began on May 1, 2021, with the removal of judges from the Constitutional Chamber and the Attorney General of the Republic, followed by the appointment of magistrates and officials aligned with the government. This process has deepened with the unconstitutional re-election of President Nayib Bukele for the 2024-2029 term. One of the most significant actions was the amendment of Article 284 of the Salvadoran Constitution in April 2024. This amendment was carried out via a fast-track process without legislative debate, altering the regulation of constitutional reform itself. This “made-to-order” constitution significantly limits opportunities for debate, reflection, and citizen participation⁹⁴.

These and other amendments, implemented with the approval of a Legislative Assembly dominated by the Nuevas Ideas (New Ideas) party, often through urgent procedures, have eroded judicial independence, accountability mechanisms, and procedural safeguards that align with international standards. Since March 27, 2022, a state of emergency has remained in force, extended 32 times by the Legislative Assembly.⁹⁵ Under this state of emergency, a range of constitutional rights have been suspended, including limitations on freedom of association and assembly, the time limits for administrative detention, the right to legal defence in initial proceedings, and the inviolability of correspondence and communications. Investigations suggest there is a pact between the current government and criminal gangs⁹⁶, classified as terrorist groups which has been a central narrative for President Nayib Bukele’s administration. This alleged agreement has been portrayed as a successful security model, bolstering Bukele’s popularity, but also exposing significant cracks in his credibility.

⁹⁴ Rosales, M. (2023, October 26). Reección presidencial: seis artículos de la Constitución salvadoreña que la prohíben. *Alharaca*. <https://www.alharaca.sv/democracia/reeleccion-presidencial-seis-articulos-de-la-constitucion-salvadorena-que-la-prohiben/>

⁹⁵ Extension 32 was approved on November 5, 2024. Monthly approval of extensions is required for this regime to remain in effect.

⁹⁶ Lucumí, J. P. (2022, May 19). *Investigación dice que masacre en El Salvador fue por ruptura del pacto entre maras y Gobierno*. *France 24*. <https://www.france24.com/es/am%C3%A9rica-latina/20220519-investigaci%C3%B3n-violencia-el-salvador-ruptura-pacto-pandillas-bukele>

The highest incarceration rate globally

According to unverified official data, El Salvador currently has a total of 109,519 incarcerated individuals, with an incarceration rate of 1,728 per 100,000 people (representing 1.7% of the total population and 2.5% of the adult population), the highest rate globally.⁹⁷ The Forum of Solidarity International Cooperation Organisations (FOCIS) argues that the state of emergency disproportionately impacts young people from El Salvador's popular and marginalised sectors, exacerbating criminalisation and leading to arbitrary detentions. As of mid-2024, the Humanitarian Legal Aid organisation documented the deaths of 317 incarcerated individuals during the state of emergency.⁹⁸ Additionally, they reported 327 cases of short-term enforced disappearances and 6,400 complaints of human rights violations⁹⁹, with daily increases. Notably, at least 34 human rights defenders have been detained.¹⁰⁰ A particularly concerning development is the reform to the Law Against Organised Crime, passed under the state of emergency, which officially institutionalised the practice of "Mass Trials".¹⁰¹

Civil society organisations defending human rights, including CRISTOSAL, SPASS, and FESPAD, have published a report on the two-year period of the state of emergency.¹⁰² The report is based on 6,305 complaints of human rights violations, which correspond to 15,289 incidents or rights infringements recorded between 27 March 2022 and 15 March 2024. The National Civil Police (PNC) is implicated in 90% of the documented human rights violations.

According to data presented by various organisations to the IACHR, between 2019 and June 2022, there were 6,443 reports of disappearances¹⁰³, of which 2,397 were considered active cases. Disappearance alerts increased by 18.9% between 2021 and 2022, and in 2021 alone, INFOSEGURA reported 664 women missing¹⁰⁴.

97 Arévalo, K. (2024, April 8). El 2,5 % de la población de El Salvador está en prisión: informe. *Voz De América*. <https://www.vozdeamerica.com/a/elsalvador-prision-informe/7557856.html>

98 Bernal, D. (2024, October 8). Socorro Jurídico ya tiene registro de 317 muertes en penas durante régimen de excepción. *La Prensa Gráfica*. <https://www.laprensagrafica.com/elsalvador/Socorro-Juridico-ya-tiene-registro-de-317-muertes-en-penas-durante-regimen-de-excepcion-20241008-0088.html>

99 Denuncian más de 6,400 violaciones a derechos humanos durante el régimen de excepción en El Salvador. (2024, July 25). *La Prensa Gráfica*. <https://www.laprensagrafica.com/elsalvador/Denuncian-mas-de-6400-violaciones-a-derechos-humanos-durante-el-regimen-de-excepcion-en-El-Salvador-20240725-0048.html>

100 Sandoval, W. (2024, March 17). Ya suman 34 los defensores de derechos humanos detenidos en el régimen de excepción. *La Prensa Gráfica*. <https://www.laprensagrafica.com/elsalvador/Ya-suman-34-los-defensores-de-derechos-humanos-detenido-en-el-regimen-de-excepcion-20240315-0100.html>

101 EL MODELO BUKELE: SEGURIDAD SIN DERECHOS HUMANOS. EL SALVADOR a DOS AÑOS DEL RÉGIMEN DE EXCEPCIÓN | SSPAS. (n.d.). <https://sspas.org.sv/sspas/project/seguridad-sin-ddhh/>

102 Presentación informe «El Silencio no es opción». (n.d.). Cristosal. <https://cristosal.org/ES/presentacion-informe-el-silencio-no-es-opcion>

103 Corte Interamericana de Derechos Humanos. (n.d.). Cuadernillo de jurisprudencia de la Corte Interamericana de Derechos Humanos No 6: Desaparición forzada. [Report] <https://observatoriodeviolenciaormusa.org/wp-content/uploads/2022/11/Numero-de-mujeres-desaparecidas-aumento-en-2021.pdf>

104 Ibid

In 2023, the José Simeón Cañas University (UCA) received 327 complaints¹⁰⁵, identifying the PNC as the primary perpetrator of disappearances and internal displacements, followed by the Armed Forces. The Observatory on Violence Against Women (ORMUSA) highlights that in 2021, the Attorney General's Office documented 132 cases of femicide and 373 reports of missing women.¹⁰⁶

In February 2024, during his participation in the Conservative Political Action Conference, President Nayib Bukele publicly declared his opposition to what he refers to as “gender ideology”¹⁰⁷. He instructed state institutions to eliminate all mentions and content related to it.

The weakening of the state's capacity to fulfil its public functions is occurring amid an economic crisis, fiscal deficit, and severe indebtedness.



By 2023, the national debt had reached the equivalent of 83.7% of GDP,

prompting warnings of unsustainability from entities such as the IMF. Oxfam data reveals that in 2022, the richest 1% of Salvadorans controlled nearly 25% country's wealth, while the poorest 50% accounted for just 4.8%. This extreme polarisation not only jeopardises the well-being of the majority but also entrenches an economic and political system where traditional and emerging elites wield disproportionate influence over public policy.¹⁰⁸ The Bitcoin Law¹⁰⁹, far from being a solution for El Salvador's economic recovery, has served primarily as government propaganda. In reality, it has opened opportunities for the misappropriation of public funds by the executive branch while offering benefits to international bitcoin enthusiasts, particularly in the historic centre of San Salvador.

105 Sendoval, W. (2024b, April 17). El OUDH registró 327 denuncias de desapariciones forzadas en 2023. *La Prensa Gráfica*. <https://www.laprensagrafica.com/elsalvador/El-ODUH-registro-327-denuncias-de-desapariciones-forzadas-en-2023-20240417-0086.html>

106 Ramírez, A. (2022, February 15). «Raquel»: un grito de esperanza para las madres que buscan a sus hijas desaparecidas. *Alharaca*. <https://www.alharaca.sv/derechos-de-las-mujeres/raquel-un-grito-de-esperanza-para-las-madres-que-buscan-a-sus-hijas-desaparecidas/>

107 Maldonado, C. (2024, February 29). Bukele arremete contra la perspectiva de género y la saca de las escuelas públicas de El Salvador. *El País*. <https://elpais.com/america/2024-02-29/bukele-arremete-contra-la-perspectiva-de-genero-y-la-saca-de-las-escuelas-publicas-de-el-salvador.html>

108 Oxfam. (2014). Fiscal Justice to Reduce Inequality in Latin America and the Caribbean. In *Oxfam*. https://oi-files-d8-prod.s3.eu-west-2.amazonaws.com/s3fs-public/file_attachments/fiscal_justice_to_reduce_inequality_in_latin_america_and_the_caribbean.pdf

109 Vilaltella, X. (2024, October 11). Fracasa el experimento bitcoin de Bukele: sigue siendo residual en El Salvador a pesar del reconocimiento I. *Diario ABC*. <https://www.abc.es/economia/fracasa-experimento-bitcoin-bukele-sigue-residual-salvador-20241011103415-nt.html?ref=https%3A%2F%2Fwww.abc.es%2Feconomia%2Ffracasa-experimento-bitcoin-bukele-sigue-residual-salvador-20241011103415-nt.html%3Fref%3Dhttps%3A%2F%2Fwww.google.com%2F>



This economic mismanagement is exacerbating an already dire food crisis in a country facing increasing poverty.

According to the Food and Agriculture Organisation (FAO), between 2020 and 2022, 48.4% of Salvadorans were in a state of food insecurity, with 14% in critical or emergency phases¹¹⁰. This equates to approximately 3.39 million people consuming insufficient quantities of food. Despite this, the state continues to promote a neoliberal political agenda that worsens the situation. In areas crucial for addressing these crises, such as environmental preservation and climate resilience, the outlook is equally troubling. El Salvador is experiencing a rapid decline in ecological conditions, driven by the accelerated expansion of extractivist production models.¹¹¹ Territories are viewed solely as sites for real estate, tourism, hotel, and investment projects, which generate substantial profits for private actors at the expense of environmental degradation. The resulting costs—poverty, exclusion, and environmental destruction—are borne collectively by rural, indigenous, and campesino communities¹¹², increasing their vulnerability of, heightening risks for environmental defenders and intensifying the threats they face.

110 Food and Agriculture Organization of the United Nations. (n.d.). El Salvador. <https://www.fao.org/countryprofiles/index/en/?iso3=SL>

111 MISEREOR & Mesa Nacional Frente a la Minería Metálica. (2024). Extractivismo en El Salvador. In *Mesa Nacional Frente a La Minería Metálica*. <https://noalamineria.org.sv/wp-content/uploads/2024/11/El-Extractivismo-30-nov-para-web-2024.pdf>

112 Chávez, S. (2024, October 17). La familia que construye apartamentos de lujo prosperó en el Gobierno Bukele. *Factum*. <https://www.revistafactum.com/familia-apartamentos-lujo-bukele>

The situation of human rights defenders and civic space

The situation described above highlights a clear and worrying regression in the process of democratic and institutional improvement that had been gradually but progressively developed in El Salvador following the country's 1992 Peace Accords. In 2024, the unconstitutional re-election of President Bukele has allowed him to consolidate his power, using strategies such as the implementation of a state of emergency suspending constitutional rights and the reform of laws to toughen the regulation of civil society. According to the Salvadoran Association of Journalists (APES), the government has sought to impose a single narrative of events, focusing its efforts on combating independent media. These strategies include attacks, discrediting, and criminalising the press. The 2023 Freedom of the Press in El Salvador report notes a 66% increase in attacks compared to 2022, with 50.1% of these assaults carried out by state actors, including the President of the Republic and the President of the Legislative Assembly¹¹³.

Since Nayib Bukele's popular yet unconstitutional re-election, the trend has been toward a marked closing of civic space and persistent threats against organisations and movements that report human rights violations, lack of citizen participation in government policies, democratic dismantling, and state authoritarianism.

At least 128 organisations have reported self-censorship fostered by the current government, the closure of public spaces, and communication with state institutions.

113 Asociación de Periodistas de El Salvador (APES). (2024). Informe sobre Libertad de prensa en El Salvador 2023. In *Asociación De Periodistas De El Salvador*. <https://apes.org.sv/wp-content/uploads/2024/05/Informe-LE-2023.pdf>

Additionally, 24 individuals from civil society organisations have been detained under the state of emergency.¹¹⁴ According to CIVICUS, civic space in El Salvador is “obstructed” and continues to deteriorate.¹¹⁵

Oxfam’s research¹¹⁶ documented an increase in criminalisation and human rights violations against environmental defenders over the past five years. Of the 58 cases studied, the most common impact on environmental defenders in El Salvador is arrest and imprisonment, affecting 49% of the defenders or their family members. Unorganised populations remain the primary victims of the state of emergency.

The Foundation for Studies on the Application of Law (FESPAD), along with various organisations, has established a platform to monitor civic space in El Salvador. According to its first report, over 70 violations of civic space were recorded between January and August 2024¹¹⁷, perpetrated by state institutions and agents against organisations, human rights defenders, journalists, and citizens. According to FOCIS, the conditions for NGOs to carry out their work in the country are deteriorating, with increased risks to their activities and the safety of individuals. There is a gradual closure of dialogue spaces between Salvadoran and international civil society and state representatives. This restriction of spaces is compounded by a hostile environment for NGOs and international cooperation.

Official narratives and statements frequently categorise these actors as part of the opposition, discrediting and undermining the role of civil society as a watchdog, its contributions to development, and its defence of human rights¹¹⁸.

114 Cristosal. (2024, October 29). “Ver, oír y callar”: 128 organizaciones denuncian censura, cierre de espacios y persecución en El Salvador. [Statement]. <https://cristosal.org/ES/ver-oir-y-callar-128-organizaciones-denuncian-censura-cierre-de-espacios-y-persecucion-en-el-salvador/>

115 CIVICUS. (2024, February 2). *Civic space conditions continue to worsen under the state of emergency in El Salvador* - Civicus Monitor. Civicus. <https://monitor.civicus.org/explore/civic-space-conditions-continue-to-worsen-under-the-state-of-emergency-in-el-salvador/>

116 Oxfam. Voces en Resistencia por el Territorio. Estudio sobre los riesgos que enfrentan las personas defensoras ambientales en El Salvador.

117 Comunicado | Más de 70 vulneraciones al espacio cívico entre enero y agosto de 2024 – FESPAD

118 Cristosal (2023). Sociedad civil en alerta: investigación sobre afectaciones al derecho de organización. In Cristosal. <https://cristosal.org/ES/wp-content/uploads/2023/11/Sociedad-civil-en-alerta-informe.pdf>

Mechanisms that reduce civic space

Legal methods

The results of the 2024 legislative elections, which reduced the number of seats from 84 to 60, maintained the ruling party's total control over the legislative body. This facilitates the continuation of reforms to legal frameworks, most of which are carried out without adhering to proper legislative procedures. Among the most recent reforms affecting public participation are amendments to the Law on Access to Public Information¹¹⁹. These amendments grant state entities the authority to classify official information as confidential, imposing a seven-year confidentiality period on matters of national interest, including violence¹²⁰, public security¹²¹, health¹²², and integrity¹²³, among others.

In 2021, a legal reform by the Legislative Assembly, controlled by the executive, removed one-third of the judges in El Salvador's judicial system, using retirement as the main justification.¹²⁴ This move has facilitated the government's co-optation of the judiciary, further contributing to the gradual erosion of the rule of law.

The alarming lack of transparency undermines government accountability in relation to key public policies, such as the so-called "Territorial Control Plan". which has remained classified since its announcement.¹²⁶

On the administrative front, civil society organisations face increased requirements stemming from the Attorney General's Office Directive #380 on anti-money laundering and counter-terrorism financing. This directive creates opportunities to target organisations critical of the government. A 2023 FESPAD study¹²⁵ highlighted concerns from the non-profit sector regarding the existence of a general regulatory framework that imposes disproportionate and excessive legal measures.

Other examples include the dissolution of the Public Information Access Institute and the sealing of public officials' asset declarations, including that of President Bukele, raising serious concerns about high levels of corruption¹²⁷. Additionally, a legislative decree was passed exempting the government from complying with legal procedures for state procurement and contracting while the state of emergency remains in effect.

119 [Aprueban reforma a la LAIP que facultará reservar información oficiosa - Diario El Mundo](#)

120 [Policía y Fiscalía declaran reservada e inexistente denuncias de hechos delictivos - La Prensa Gráfica](#)

121 [Oculta por siete años: Incrementa reserva de información relacionada a Seguridad Pública - La Prensa Gráfica](#)

122 [Ministry of Health extends information reserve on pandemic management — Ministerio de Salud prorroga reserva de información de manejo de pandemia - El Salvador Now](#)

123 [CSJ declara reserva a la información de Probidad - Diario El Mundo](#)

124 Miranda Aburto, W. (2021, September 2). Nayib Bukele jubila a un tercio de los 690 jueces de El Salvador. *El País*. <https://elpais.com/internacional/2021-09-02/nayib-bukele-jubila-a-un-tercio-de-los-690-jueces-de-el-salvador.html>

125 [Análisis sobre el nivel de riesgo para las organizaciones en El Salvador, a la luz de la recomendación 8 del GAFI – FESPAD](#)

126 Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2021). Situación de derechos humanos en El Salvador. In *Organisation of American States (OEA/Ser.L/V/II.)*. http://www.oas.org/es/cidh/informes/pdfs/2021_ElSalvador-ES.pdf

127 BBC. (2023, November 29). Bukele: Qué se sabe de la guerra del mandatario contra la corrupción en El Salvador para la que construirá una nueva cárcel. *BBC*. <https://www.bbc.com/mundo/articles/c843503582wo>

Technological and extralegal methods

Other actions to close civic space have been implemented using various technological and extralegal methods. Between 2022 and 2023, the Legislative Assembly approved a series of reforms to the Telecommunications Law, the Special Law on Telecommunications Interventions¹²⁸, and the Special Law on Cybercrime and Related Offenses. According to the Association of Journalists of El Salvador (APES)¹²⁹, these reforms create the potential for illegal surveillance of citizens, granting significant power to the Attorney General's Office, which could undermine press freedom, journalistic work, and freedom of expression.



A recent CRISTOSAL report¹³², involving 128 organisations, identified three primary patterns in the government's policies and practices towards organised groups: censorship and self-censorship, closure of civic spaces, and persecution.

APES, in its 2023 report, recorded a 63% increase in attacks on the press compared to the previous year. Over half of these attacks were carried out by state actors, including elected officials, employees appointed by the Legislative Assembly, public servants, members of security forces, public institutions, or university professors. One of the most emblematic cases was the relocation of the El Faro newspaper headquarters to Costa Rica. This move followed a prolonged period of state harassment and attacks, including discrediting and defamation campaigns, physical surveillance and threats, espionage through Pegasus software, intimidation of advertisers, and multiple audits by the Ministry of Finance, which involved fabricated accusations.¹³⁰

Similar situations have been reported through alerts from the Salvadoran Network of Women Human Rights Defenders¹³¹, including arbitrary arrests and defamation.

¹²⁸ Asamblea Legislativa aprueba eliminar controles a escucha telefónica - La Prensa Gráfica

¹²⁹ Asociación de Periodistas de El Salvador (APES). (2023). Informe sobre libertad de prensa en El Salvador 2022. In *Asociación De Periodistas De El Salvador*. <https://apes.org.sv/wp-content/uploads/2024/02/APES-Informe-libertad-de-prensa-2022-1.pdf>

¹³⁰ Duchiade, A. (2023, May 8). "Salimos de El Salvador para poder seguir en El Salvador": cómo El Faro decidió trasladar su administración a Costa Rica. *LatAm Journalism Review*. <https://latamjournalismreview.org/es/articles/salimos-de-el-salvador-para-poder-seguir-en-el-salvador-como-el-faro-decidio-trasladar-su-administracion-a-costa-rica/>

¹³¹ Red Salvadoreña de Defensoras de Derechos Humanos. (2024, February 5). *IM-Defensoras*. <https://im-defensoras.org/categoria/redes/el-salvador/>

¹³² Cristosal. (2024, October 29). "Ver, oír y callar": 128 organizaciones denuncian censura, cierre de espacios y persecución en El Salvador. [Statement]. <https://cristosal.org/ES/ver-oir-y-callar-128-organizaciones-denuncian-censura-cierre-de-espacios-y-persecucion-en-el-salvador/>

Advances and good practices

Despite this hostile environment, the report highlights the continued commitment of organisations to building a fairer and more equitable country.

Santa Marta, a notable case highlighting judicial abuse and the resilience of the communities

Five environmentalists from the Santa Marta community—known for its anti-mining activism and leftist ties, and considered an opposition group—faced prosecution. They were accused of a homicide that occurred during the civil war in 1989. Although the defendants were acquitted¹³³, the Attorney General's Office appealed the ruling, seeking to overturn the acquittal¹³⁴. According to human rights organisations¹³⁵, the arrests and military presence in Santa Marta reflect a broader trend of militarisation in the country, particularly targeting historically organised communities fighting to defend their land and rights. This criminalisation appears to aim at weakening social organisation to favour private and public interests in reactivating metallic mining in the region.¹³⁶

Although no democratic progress can be observed in a country governed by authoritarian tendencies, it is worth noting that organisations, entities, movements, and collectives continue to tirelessly defend human rights for marginalised sectors. Additionally, El Salvador is recognised for its investigative journalism, which, despite threats and limited access to information, persists in holding those in power accountable. At the same time, health and education sectors are beginning to protest against mass layoffs, compounded by the growing number of people living in extreme poverty and suffering under the multiple forms of violence perpetrated by the government and its legal and illegal allies.

133 “Los 5 de Santa Marta”: absuelven en El Salvador a los acusados del asesinato de una mujer en 1989 tras una campaña internacional por su inocencia - BBC News Mundo

134 Fiscalía de El Salvador apela el fallo del caso Santa Marta – DW – 31/10/2024

135 Ambientalistas encarcelados de Santa Marta trasladados a arresto domiciliario | CISPES: Committee in Solidarity with the People of El Salvador

136 Magaña, Y. (2024, November 28). Bukele plantea levantar la prohibición total a la minería en El Salvador para obtener recursos. AP News. <https://apnews.com/article/bukele-mineria-metales-pese-a-prohibicion-total-el-salvador-8c244f6fdcf70538a301e0c3d6986e6e>

04

Chapter **Nicaragua**



© PBI Nicaragua. Activism from the exile: Exiled Nicaraguan women in San José, Costa Rica, during the Demonstration against Violence towards Women, November 25, 2023.

General context

Since April 2018, Nicaragua has faced a severe political and social crisis, triggered by mass protests against reforms proposed by the government of Daniel Ortega and Rosario Murillo. The violent repression of these demonstrations, carried out by both state agents and non-state actors aligned with the regime, marked the beginning of systematic human rights violations and crimes against humanity that have persisted for over six consecutive years¹³⁷. These include arbitrary detentions, extrajudicial executions, torture and other cruel, inhuman, or degrading treatment or punishment, deportation, arbitrary deprivation of nationality, and the disproportionate use of force by police and paramilitary forces. These actions have created a climate of fear and repression, which has worsened over time.¹³⁸

The Ortega–Murillo government has tightened its grip on state institutions, consolidating an authoritarian regime that has moved away from dialogue and participatory democracy.¹³⁹ The progressive closure of civic space and the suspension of fundamental freedoms have further isolated Nicaragua from the international community. This isolation has resulted in the severing of diplomatic ties with regional organisations and a surge in forced migration, particularly to Costa Rica and the United States.

¹³⁷ The United Nations Office of the High Commissioner for Human Rights (OHCHR). (2024). Situación de los derechos humanos en Nicaragua: Informe del Alto Comisionado de las Naciones Unidas para los Derechos Humanos. In OHCHR (A/HRC/57/20). <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance-versions/A-HRC-57-20-aev-es.pdf>

¹³⁸ Inter-American Commission on Human Rights (IACHR). (2024, April 18). Nicaragua: Six years after social protests, IACHR urges reestablishment of democracy, end to repression and impunity [Press release]. https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/075.asp

¹³⁹ Swissinfo (SWI). (2024, November 27). CIDH condena reforma constitucional de Nicaragua que «consolida un régimen autoritario». SWI. <https://www.swissinfo.ch/spa/cidh-condena-reforma-constitucional-de-nicaragua-que-%22consolida-un-r%c3%a9gimen-autoritario%22/88358322>

Forced migration to Costa Rica has been a growing phenomenon. From 2017 to 2018, there was a 1,376% increase in asylum applications from Nicaraguan nationals compared to global figures.

In 2021, 111,600 new asylum applications were submitted by Nicaraguans, making Nicaragua the second-highest country globally in terms of the number of applicants for international protection.¹⁴⁰

Between August 2021 and March 2022, the number of Nicaraguan refugees and asylum seekers in Costa Rica doubled, totalling over 150,000 displaced individuals—a figure that represents 3% of Costa Rica's total population.¹⁴¹ From May 2018 to May 2024, 232,688 Nicaraguans applied for asylum in Costa Rica, according to data from the General Directorate of Migration and Immigration (DGME) provided to Nicas Migrantes, via CONFIDENCIAL. However, only 6.13% of these applications have received a response.¹⁴²

In the United States, the Biden Administration launched the Humanitarian Parole Programme for Venezuela in October 2022. Three months later, in January 2023, the programme was expanded to include Haiti, Nicaragua, and Cuba, as citizens from these countries were crossing the southern border in record numbers at the time.

Two years later, according to the latest figures from the Department of Homeland Security (DHS) as of late August 2024, 93,000 Nicaraguans have benefited from this programme¹⁴³. However, their situation remains highly complex, as protection under the programme has expired. This means they must apply for alternative options, leaving them at risk of deportation if deemed ineligible. According to CONFIDENCIAL, nearly half a million Nicaraguans had arrived in the United States by April 2024.¹⁴⁴

The socio-economic situation for most Nicaraguans remains critical, starkly contrasting with the wealthiest elite of the country. **While macroeconomic indicators point to growth, a significant portion of the population is unable to afford the basic food basket or meet their monthly essential needs¹⁴⁵.** This has led to increased migration as a survival strategy, compounded by the political crisis created by the regime. This migration flow continues to grow, resulting in a greater reliance on and receipt of remittances in Nicaragua¹⁴⁷.

140 CEJIL. (2024). Contexto de movilidad humana en Nicaragua. In CEJIL. <https://cejilmovilidadenmesoamerica.org/wp-content/uploads/2024/05/2024-01-11-Informe-pais-Nicaragua.pdf>

141 ACNUR: El número de refugiados nicaragüenses en Costa Rica se ha duplicado en los últimos meses. (2022, March 30). Noticias ONU. <https://news.un.org/es/story/2022/03/1506222>

142 Confidencial, Nicas Migrantes

143 El País, Inmigración en US

144 Orozco, M. (2024, May 13). Los migrantes nicaragüenses en Estados Unidos están entre la espada y la pared. *Confidencial*. <https://confidencial.digital/opinion/los-migrantes-nicaraguenses-en-estados-unidos-estan-entre-la-espada-y-la-pared/>

145 Nicaragüenses sólo pueden cubrir la mitad de la canasta básica revela informe. (2025, July 12). *Divergentes*. <https://www.divergentes.com/nicaraguenses-solo-pueden-cubrir-mitad-de-la-canasta-basica/>

146 Daniel Ortega causa la peor migración en décadas en Nicaragua. (2024, January 2). *Expediente Público*. <https://www.expedientepublico.org/daniel-ortega-causa-la-peor-migracion-en-decadas-en-nicaragua/>

147 García, Y. (2024, May 6). Más de 435.000 nacionales de Cuba, Nicaragua, Venezuela y Haití han llegado a EEUU con parole humanitario. *Voz De América*. <https://www.vozdeamerica.com/a/cuba-nicaragua-venezuela-y-haiti-eeuu-parole-humanitario-435000-abril-2024/7599862.html>

In November 2024, constitutional reforms were approved in Nicaragua, which were widely criticised by international organisations such as the Organisation of American States (OAS). These reforms have further entrenched the Ortega–Murillo regime’s authoritarianism, representing a significant setback to democratic principles in the country. The changes go beyond administrative adjustments; they are a calculated tool to solidify executive control, dismantle democratic guarantees, and consolidate an authoritarian state, according to the OAS¹⁴⁸ and the IACHR¹⁴⁹.

Constitutional reforms approved in november 2024 eliminate any semblance of political plurality and represent a serious weakening of the rule of law.

Key aspects of the reforms include:

ABSOLUTE CONSOLIDATION OF CONTROL:	The amendments significantly expand the powers of the Executive, allowing interference in electoral and judicial processes, effectively erasing any institutional independence. This centralisation of power eliminates the few remaining checks and balances on the regime.
SUPPRESSION OF FUNDAMENTAL RIGHTS:	The reforms legitimise mechanisms to criminalise government critics by labelling them as “traitors to the homeland”. Combined with existing laws, such as Law 1055, these measures create a climate of legal terror that curtails freedoms of expression and association. ¹⁵⁰
ATTACKS ON POLITICAL PLURALITY:	The reforms strengthen the regime’s control over the Supreme Electoral Council, a body already instrumentalised by the government. This enables the arbitrary exclusion of opposition parties and ensures elections devoid of genuine competition, consolidating the dominance of the Sandinista National Liberation Front (FSLN) and erasing any possibility of political alternation ¹⁵¹ .
EROSION OF JUDICIAL GUARANTEES:	By eliminating judicial independence, the reforms create a system in which courts are used to legitimise state repression and persecute dissidents. This effectively closes institutional avenues for citizens to seek recourse in cases of human rights violations.
CONCENTRATION OF POWER WITHIN THE RULING FAMILY:	The introduction of a co-presidency is not a democratic necessity but a move to consolidate authoritarian rule, concentrating power within the Ortega–Murillo family. This institutional design reinforces the dynastic and centralised nature of the government, undermining the principles of power alternation and balance essential to democracy. International critics have noted that this figure not only perpetuates authoritarianism but also undermines the prospects for a legitimate political transition in Nicaragua.

¹⁴⁸ Comunicado OEA, noviembre 2024.

¹⁴⁹ Inter-American Commission on Human Rights (IACHR). (2024b, November 27). *Nicaragua: IACHR condemns constitutional amendments that eliminates democratic checks and balances* [Press release]. https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/295.asp&utm_content=country-nic&utm_term=class-mon

¹⁵⁰ CIDH, Nicaragua: Concentración del Poder y Debilitamiento del Estado de Derecho, octubre 2021.

¹⁵¹ Castillo Vado, H. (2024, August 28). Gobierno de Nicaragua acusa de injerencista a UE tras críticas a cierre de cientos de ONG. *Voz De América*. <https://www.vozdeamerica.com/a/union-europea-expresa-profunda-preocupacion-por-cierre-de-ong-en-nicaragua/7762608.html>

Constitutional reforms: a broader strategy of power consolidation

These constitutional reforms reflect a broader strategy of power consolidation, transforming Nicaragua into a police state where fundamental rights are eradicated in favour of an authoritarian structure. Currently, no signs of improvement are visible in Nicaragua. Dialogue has not resumed, and harassment against dissenters has expanded to include the families of exiled opposition members¹⁵². The government continues to ignore international calls for accountability and has further isolated itself by severing diplomatic ties with former allies who have criticised its human rights abuses.¹⁵³

The situation of human rights defenders and civic space

The closure of civic space in Nicaragua is one of the most striking manifestations of state repression under the Ortega–Murillo regime. According to CIVICUS, Nicaragua's civic space is classified as “closed”, holding the worst rating in the Americas¹⁵⁴. Since 2018, a systematic and multifaceted approach has been implemented to dismantle civil society, suppress dissent, and consolidate state control.

This strategy includes the establishment of a restrictive legal framework, the criminalisation of activism, the elimination of independent media, the targeted repression of vulnerable groups, and the displacement of resistance into exile. This section examines the methods employed and their broader implications in detail.

In September 2024, the expatriation of 135 political prisoners to Guatemala once again highlighted the government's strategy of persecution and forced displacement.¹⁵⁵ This approach has automatically

triggered waves of exile, as family members seek reunification while also fleeing persecution in Nicaragua. Since February 2023, the Ortega regime has released, exiled, stripped of nationality, and ordered the confiscation of property for approximately 400 prisoners of conscience, sending them to the United States, the Vatican, and Guatemala¹⁵⁶. The order to revoke nationality is consistently accompanied by the confiscation of assets.

According to the Mechanism for the Recognition of Political Prisoners, following the release of the 135 individuals, at least 46 people remain detained for political reasons, including 38 men and 8 women¹⁵⁷.

As of April 2023, the IACHR recorded over 2,000 people arbitrarily detained since 18 April 2018¹⁵⁸. Families of these detainees have reported inhumane conditions, denial of contact with their children, and lack of access to medication and reading materials.

152 *En Nicaragua, los derechos humanos retroceden de manera “constante y generalizada.”* (2024, September 10). Noticias ONU. <https://news.un.org/es/story/2024/09/1532631>

153 Echeverry, L. a. A. (2024, August 27). Nicaragua da por rotas las relaciones con Brasil y Ortega tilda a Lula de «arrastrado». *EFE Noticias*. <https://efe.com/mundo/2024-08-27/nicaragua-da-por-rotas-las-relaciones-con-brasil/>

154 *Civics Monitor*. (n.d.). Civics. <https://monitor.civics.org/country/nicaragua>

155 *Expulsan a 135 personas presas políticas y cierran 1500 OSC en un mes - Civics Monitor*. (n.d.). Civics. <https://monitor.civics.org/explore/expulsan-a-135-personas-presas-politicas-y-cierran-1500-osc-en-un-mes/>

156 *Arrebatan nacionalidad y ordenan confiscar a 135 presos políticos desterrados a Guatemala*. (2024, September 10). *Confidencial*. <https://confidencial.digital/nacion/arrebatan-nacionalidad-y-ordenan-confiscar-a-135-presos-politicos-desterrados-a-guatemala/>

157 Swissinfo (SWI). (2024, November 12). Organismo avalado por la CIDH registra 46 presos políticos en Nicaragua. *Swissinfo*. <https://www.swissinfo.ch/spa/organismo-avalado-por-la-cidh-registra-46-presos-politicos-en-nicaragua/88118453>

158 Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2023). Cierre del espacio cívico en Nicaragua. In *Organisation of American States* (OEA/Ser.L/V/II). https://www.oas.org/es/cidh/informes/pdfs/2023/Cierre_espacio_civico_Nicaragua_SPA.pdf

Mechanisms that reduce civic space

Legal methods

The regime has exploited the legal system to justify and execute repression, crafting laws that grant extensive powers to the executive branch and criminalise the legitimate activities of civil society organisations.

Among the most significant regulations are:

LAW 1040 ON FOREIGN AGENTS AND LAW 977 AGAINST MONEY LAUNDERING

These laws require organisations receiving foreign funding to register as foreign agents, subjecting them to strict controls and sanctions. They have served as the basis for cancelling the legal status of over 5,500 NGOs as of August 2024¹⁵⁹, a figure that underscores the systematic use of these regulations to eliminate any space for criticism or resistance to the regime¹⁶⁰.

LAW 115 (2022)

This law grants the Ministry of the Interior the power to dissolve organisations without solid evidence or due legal processes. It also permits the confiscation of assets, dismantling the infrastructure of many organisations and leaving thousands of people without the support previously provided by their projects.

The enforcement of these laws has not only dismantled existing organisations but has also closed the door to the creation of new initiatives. The government's refusal to grant permits to new NGOs has contributed to an almost total vacuum of organised civil society within the country.

Extralegal methods

Since the outbreak of protests in 2018, repression against human rights defenders and activists has been brutal and systematic¹⁶¹. Repressive mechanisms include legal measures, such as arbitrary detentions or judicial harassment, and extrajudicial tactics, such as intimidation, direct attacks, torture, defamation campaigns, and stigmatisation¹⁶².

159 Interior continúa con la “barrida” de oenegés evangélicas y gremiales. (2024, August 29). *Confidencial*. <https://confidencial.digital/nacion/interior-continua-con-la-barrida-de-oeneges-evangelicas-y-gremiales>

160 Como ha señalado el Alto Comisionado de las Naciones Unidas para los Derechos Humanos “existe un esfuerzo sistemático por dismantelar las organizaciones de la sociedad civil, en particular las que defienden los derechos de las mujeres, lo que exacerba la represión de las voces disidentes y la restricción del espacio cívico”: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session57/advance_versions/A-HRC-57-20-aev-es.pdf

161 Nicaragua: Saldo letal en protestas. (2020, October 25). *Human Rights Watch*. <https://www.hrw.org/es/news/2018/04/27/nicaragua-saldo-letal-en-protestas>

162 Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2023). Cierre del espacio cívico en Nicaragua. In *Organisation of American States* (OEA/Ser.L/V/II). https://www.oas.org/es/cidh/informes/pdfs/2023/Cierre_espacio_civico_Nicaragua_SPA.pdf

Some illustrative examples:

PUBLIC STIGMATISATION:

Human rights defenders are labelled as “terrorists” or “traitors to the nation”, legitimising state persecution and fostering public mistrust towards them. This narrative of the “internal enemy”¹⁶³ reinforces the isolation of activists and discourages public solidarity. Such rhetoric not only dehumanises critics of the government but also deters citizens from aligning with opposition movements for fear of association. This phenomenon is well-documented in authoritarian regimes, where controlling public discourse is a key tool for consolidating power.

TARGETED ATTACKS ON WOMEN HUMAN RIGHTS DEFENDERS:

Women activists, particularly those working on environmental or indigenous issues, face dual vulnerabilities. In addition to the common risks of activism, they are victims of gender-based violence, including sexual, psychological, and physical abuse by state forces and actors linked to extractive projects¹⁶⁴. **The closure of independent media outlets has been a key strategy to silence dissent and control the public narrative.** To date, 56 media outlets have been shut down¹⁶⁵, forcing journalists and entire newsrooms to operate from exile or cease activities. This total control over information has established a single state-dominated narrative, making it increasingly difficult for citizens to access truthful and diverse information.

State repression does not affect everyone equally

Women, indigenous peoples, and environmental defenders have suffered disproportionately, facing additional risks due to their gender, identity, and the nature of their work. This differential repression reflects the intersection of state authoritarianism with other forms of structural oppression. According to reports from CIVICUS and Freedom House, women have experienced physical, sexual, and psychological violence, often lacking effective protection mechanisms from the international community¹⁶⁶. Similarly, feminist organisations have faced particular repression, with the IACHR noting that “this forms part of a systematic pattern of repression against women human rights defenders, aiming to dismantle the political and social organisation of this group”.¹⁶⁷

163 CENIDH. (n.d.). Las nuevas leyes de la represión en Nicaragua: Resumen ejecutivo. In *Nicaraguan Center for Human Rights*. https://cenidh.org/media/documents/docfile/resumen_informe.pdf

164 Amnesty International. (2023, 24 abril). *Nicaragua: A continuum of repression and systematic human rights violations under the Ortega-Murillo government*. <https://www.amnesty.org/es/latest/news/2023/04/nicaragua-systematic-human-rights-violations-ortega-murillo/>

165 Sánchez, F. M. (2024, August 17). Nicaragua se va quedando sin periodismo: medios y cronistas no logran sobrevivir en el exilio. *Infobae*. <https://www.infobae.com/america/america-latina/2024/08/17/nicaragua-se-va-quedando-sin-periodismo-medios-y-cronistas-no-logran-sobrevivir-en-el-exilio/>

166 Coalición Nicaragua Lucha. (2024). *Violencia contra la mujer: impunidad, feminicidios y falta de acceso a información en Nicaragua*. In *Coalición Nicaragua Lucha*. <https://nicaragualucha.org/wp-content/uploads/2024/05/CC16Finalmayo.pdf>

167 Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2023). *Cierre del espacio cívico en Nicaragua*. In *Organisation of American States* (OEA/Ser.L/V/II). https://www.oas.org/es/cidh/informes/pdfs/2023/Cierre_espacio_civico_Nicaragua_SPA.pdf

Forced exile and fragmentation of resistance

The situation in Nicaragua is exceptionally critical compared to other countries in the region. Faced with the total closure of civic space, many activists and organisations have sought refuge abroad¹⁶⁸.

However, this displacement carries significant implications:

STRENGTHS AND WEAKNESSES OF EXILE

From outside the country, these organisations have succeeded in maintaining international advocacy and mobilising resources. However, the fragmentation of the resistance has hindered their ability to coordinate and exert direct impact within Nicaragua.

LAW 1040 ON FOREIGN AGENTS AND LAW 977 AGAINST MONEY LAUNDERING

Exiled individuals report continued exposure to transnational repression, including surveillance, intimidation, and threats, even beyond Nicaragua's borders¹⁶⁹.

PRECARIETY OF EXILED INDIVIDUALS:

The majority of exiled individuals live in extremely precarious conditions. Many have not received international support and lack the means to meet their most basic needs. In this context, activism and organisation become substantial challenges.¹⁷⁰

168 Moreno, M. I. (2024, September 3). 'Nadie se va porque quiere', el informe que revela el drama de los exiliados nicaragüenses. *EFE Noticias*. <https://efe.com/mundo/2024-09-03/nicaragua-informe-exiliados/>

169 Represión transnacional: el "largo brazo de terror" de los Ortega-Murillo contra los exiliados. (2024, July 12). *Centroamérica360*. <https://www.centroamerica360.com/politica/represion-transnacional-el-largo-brazo-de-terror-de-los-ortega-murillo-contra-los-exiliados/>

170 Informe recoge testimonios de hostigamiento y vigilancia a exiliados en Costa Rica. (2024, September 3). *La Prensa*. <https://www.laprensani.com/2024/09/02/derecho-humano-ni/3374288-informe-recoge-testimonios-de-%20hostigamiento-y-vigilancia-a-exiliados-en-costa-rica>

Resistance and international responsibility

Despite the repression, resistance remains alive both within and outside Nicaragua. Digital platforms, transnational networks, and alliances with international actors have become crucial tools to expose human rights violations and advocate for justice. However, the international community faces the challenge of translating its solidarity into concrete actions that can produce tangible results.

Measures such as economic and diplomatic sanctions have had limited impact¹⁷¹, underscoring the need for innovative approaches, including direct support for initiatives in exile and the creation of protection mechanisms for human rights defenders.

Traditional cooperation models have fallen short of addressing the realities faced by civil society under regimes that entirely close civic space.

In this context, the support of the international community and the resilience of Nicaraguan civil society will be crucial to safeguarding democratic principles and human rights.¹⁷² However, the current situation demands more decisive and coordinated international action to prevent further deterioration of the rule of law in Nicaragua.

The closure of civic space in Nicaragua exemplifies how an authoritarian regime can combine restrictive laws, violent repression, and media control to silence dissent and consolidate power.

“In Nicaragua, conditions do not exist for civil society to participate in social and political life freely and safely. (...) A policy of systematic repression and persecution currently prevails against anyone considered an opponent of the Government”¹⁷³

IACHR

Nevertheless, the resilience of civil society is evident, as it continues to seek ways to resist and expose abuses, even under extreme adversity. Moving toward a more democratic future will require a renewed commitment from the international community, focused on accountability, support for local actors, and the promotion of human rights as a universal and central value.

171 Nicaragua: el PE pide sancionar a Daniel Ortega, su círculo, jueces y fiscales | Noticias | Parlamento Europeo. (n.d.). <https://www.europarl.europa.eu/news/es/press-room/20230609IPR96205/nicaragua-el-pe-pide-sancionar-%20a-daniel-ortega-su-circulo-jueces-y-fiscales>

172 Nicaragua: Comunidad Internacional debe rechazar las privaciones arbitrarias de la nacionalidad. (n.d.). Federación Internacional Por Los Derechos Humanos. <https://www.fidh.org/es/region/americas/nicaragua/nicaragua-comunidad-internacional-debe-rechazar-las-privaciones>

173 Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2023). Cierre del espacio cívico en Nicaragua. In *Organisation of American States* (OEA/Ser.L/V/II). https://www.oas.org/es/cidh/informes/pdfs/2023/Cierre_espacio_civico_Nicaragua_SPA.pdf

05

Chapter **Peru**

Peru's civic space has shifted from 'obstructed' to 'repressed', CIVICUS (2024).

General context

Peru is undergoing a period of profound political crisis that has led to the deterioration of democratic institutions and the rule of law. This has had severe repercussions on civic space, as legislative measures and practical barriers have been used to consolidate the closure of civil society spaces. These actions have undermined the full exercise of human rights and fundamental freedoms, criminalising any criticism or questioning of power. According to the latest CIVICUS report, Peru's civic space status has shifted from "obstructed" to "repressed" highlighting the risks faced by those who challenge power structures, including harassment, intimidation, imprisonment, injury, and death.¹⁷⁴

The political crisis reached its peak at the end of 2022, following repeated attacks from Congress on the increasingly embattled and disoriented government of Pedro Castillo¹⁷⁵. On December 7th, the then-president announced the dissolution of Congress, intervention in the judiciary and public prosecutor's office for reorganisation, and his intention to govern by decree¹⁷⁶. These actions were widely condemned as a coup d'état by institutions from various branches of government and elicited critical responses from several countries in the region¹⁷⁷. Castillo's subsequent impeachment and arrest¹⁷⁸ were carried out as per the provisions of the Peruvian Constitution, triggering the presidential succession of then-Vice President Dina Boluarte.



Boluarte's assumption of the presidency sparked widespread social protests, which were met with brutal repression by the incoming government. Reports indicate that these events resulted in the deaths of at least 65 people, including 50 at the hands of public armed forces, over 1,335 injuries, raids, attacks on journalists, and other rights violations^{179 180}.

174 CIVICUS. (2024b, December 4). *The Civicus Monitor downgrades Peru's civic space to be "repressed" amid escalating violence against civil society* [Press release]. Civicus. https://monitor.civicus.org/press_release/2024/peru/

175 "Perú: Avance del autoritarismo y regresión de derechos", FIDH, Julio de 2023 / N° 809e, https://www.fidh.org/IMG/pdf/peru_avance_del_autoritarismo_y_regresion_de_derechos.pdf

176 Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2023a). Situación de derechos humanos en Perú en el contexto de las protestas sociales. In *Organisation of American States* (OEA/Ser.L/V/II.). <https://www.oas.org/es/cidh/informes/pdfs/2023/informe-situacionddhh-peru.pdf>

177 Al respecto, véase la sesión extraordinaria del Consejo Permanente de la OEA ante el anuncio del expresidente Pedro Castillo de disolver el Congreso, realizada el 7 de diciembre de 2022. Acceso disponible en: https://www.youtube.com/watch?v=uNNYhh2_Wls

178 *Pedro Castillo: destituyen y detienen por rebelión al presidente de Perú después de que disolviera el Congreso en una jornada de caos político*. (2022, December 7). BBC. <https://www.bbc.com/mundo/noticias-america-latina-63895102>

179 Inter-American Commission on Human Rights (IACHR) & Organisation of American States. (2023a). Situación de derechos humanos en Perú en el contexto de las protestas sociales. In *Organisation of American States* (OEA/Ser.L/V/II.). <https://www.oas.org/es/cidh/informes/pdfs/2023/informe-situacionddhh-peru.pdf>

180 Informe Defensorial n° 190: Crisis política y protesta social: balance defensorial tras tres meses de iniciado el conflicto (Del 7 de diciembre de 2022 al 6 de marzo de 2023). In *Defensoría Del Pueblo*. <https://www.defensoria.gob.pe/wp-content/uploads/2023/03/Informe-Defensorial-n%C2%B0-190-Crisis-poli%C3%81tica-y-protesta-social.pdf>

The majority of protesters following Castillo's removal came from the southern regions of Peru, such as Puno, Arequipa, and Ayacucho. These areas, predominantly inhabited by impoverished communities and high percentages of Indigenous or native populations, voiced their frustration with a political and economic order that appears to benefit only the ruling elites.

The violence used by the armed forces and the national police to suppress protests, followed by President Dina Boluarte's refusal to take responsibility for the events that occurred between December 2022 and March 2023, continues to provoke outrage among Peruvian civil society. These groups have turned to international mechanisms to seek justice. **Human rights organisations have submitted a complaint to the International Criminal Court against President Boluarte, requesting an investigation into crimes against humanity committed during the protests.**¹⁸¹ According to the latest public opinion surveys, Boluarte's approval rating is at 3%, the lowest ever recorded for any Peruvian president since 1998.¹⁸² This highlights the government's weakness, revealing that its position is sustained solely by Congress, which is growing in power and currently sees it as beneficial for Boluarte to remain in office.

In parallel, poverty levels in Peru have risen significantly in recent years, affecting 29% of the population in 2023. This marks an increase of nearly 9% since 2019¹⁸³, equating to approximately 9.78

million people, with the majority living in the regions of Cajamarca, Loreto, Puno, and Pasco. Extreme poverty has reached 5.7%¹⁸⁴, and malnutrition rates are also alarming, with 43.6% of children aged 6 to 36 months suffering from anaemia¹⁸⁵. Furthermore, Peru is among the most unequal countries in the world¹⁸⁶.

The poverty levels and the overall human rights situation are, in part, the consequences of the current political instability in the country. The lack of effective state institutions in remote areas, where Indigenous and rural communities live, coupled with pervasive corruption at all levels of government, contributes to the vulnerability of these communities. They constantly battle to defend their territories against the encroachment of illegal economies, including drug trafficking, illegal mining, illegal logging, human trafficking, and contract killings. **The absence of effective policies** to halt these incursions and protect those defending their land **has made certain regions of the Peruvian Amazon dangerous for environmental and territorial defenders, especially at-risk populations**¹⁸⁷.

High levels of corruption have also undermined the effectiveness of Peru's judiciary, as demonstrated in recent years. Its power and independence have been further weakened by attempts from Congress to influence judicial decisions in order to protect and promote their own interests, particularly in relation to the Attorney General's Office¹⁸⁸.

181 Government seeks to combat claim about Boluarte's human rights record | Peru Support Group. (n.d.). <https://perusupportgroup.org.uk/2024/06/government-seeks-to-combat-claim-about-boluartes-human-rights-record/>

182 Soto, M. T. (2024, December 15). Dina Boluarte se hunde en 3% de aprobación: críticas a Adrianzén por haber pedido que “esperemos la encuesta después de APEC.” *Infobae*. <https://www.infobae.com/peru/2024/12/15/dina-boluarte-se-hunde-a-3-de-aprobacion-adrianzen-pide-esperar-encuestas-despues-de-apec/>

183 Inei. (n.d.). Instituto Nacional de Estadística e Informática. <https://m.inei.gob.pe/prensa/noticias/pobreza-monetaria-afecto-al-290-de-la-poblacion-el-ano-2023-15137/>

184 Persistencia de la pobreza. (2024). Observatorio CEPLAN. <https://observatorio.ceplan.gob.pe/ficha/t9>

185 La triple carga de la malnutrición en el Perú. (n.d.). Noticias | Diario Oficial El Peruano. <https://www.elperuano.pe/noticia/234563-la-triple-carga-de-la-malnutricion-en-el-peru>

186 WID - Wealth and Income Database. (2024, November 22). 10 facts on global inequality in 2024 - WID - World Inequality Database. WID - World Inequality Database. <https://wid.world/news-article/10-facts-on-global-inequality-in-2024/>

187 Pérez, R., & Hoetmer, R. (2024, June 27). Mujeres indígenas denuncian violencia y piden justicia de género en la Amazonía peruana. *Amazonia Watch*. <https://amazonwatch.org/es/news/2024/0627-indigenous-women-denounce-violence-and-call-for-gender-justice-in-the-peruvian-amazon>

188 Silva, R. (2024, June 10). Asociación de Jueces denuncia ataques contra la JNJ e intentos de “control político del Congreso sobre el Poder Judicial.” *Infobae*. <https://www.infobae.com/peru/2024/06/10/asociacion-de-jueces-denuncia-ataques-contr-la-jnj-e-intentos-de-control-politico-del-congreso-sobre-el-poder-judicial/>



THE ESPINAR CASE IN PERU. This paradigmatic case demonstrates the need to ensure that European companies respect human rights and the environment in Latin America and worldwide.

The situation of human rights defenders and civic space

Social conflicts in Peru continue to escalate. In November 2024, the Ombudsman's Office recorded 194 social conflicts, with 52.1% of them being socio-environmental in nature.¹⁸⁹

The majority of these conflicts are related to extractive industries and the adverse impacts their activities have on the communities living alongside them. In recent years, protests have also become increasingly linked to a growing sense of dissatisfaction and frustration with the current political system, as seen in the protests from December 2022 to March 2023. Notably, the most recent wave of nationwide protests began in September 2024 in Lima, where transport workers demanded that the Peruvian state address the rise in extortions from organised crime. The state's response was the imposition of states of emergency in Lima and Callao¹⁹⁰.

The state's response to social protests, marked by excessive use of force, states of emergency, and the stigmatisation and criminalisation of protesters, has intensified in recent years. This has been accompanied by a rising antagonistic and disparaging rhetoric, as well as legal measures that facilitate the use of force by and impunity for law enforcement.

The situation for human rights defenders, particularly those advocating for the most vulnerable populations, such as Indigenous peoples, women, and the LGBTI community, is increasingly precarious. Threats and intimidation against journalists have also risen.

¹⁸⁹ Reporte de conflictos sociales n° 249. (2024). In Defensoría Del Pueblo. <https://www.defensoria.gob.pe/wp-content/uploads/2024/12/3.pdf>

¹⁹⁰ Transport strike and criminal extortion prompt state of emergency | Peru Support Group. (n.d.). <https://perusupportgroup.org.uk/2024/09/transport-strike-and-criminal-extortion-prompt-state-of-emergency/>

The intersectoral mechanism for the protection of at-risk defenders

This mechanism aims to implement an effective coordination system between various state ministries, ensuring that defenders at risk can access appropriate protection measures. However, the mechanism has faced criticism for several limitations, including a lack of adequate funding for the implementation of protective measures and an ineffective response in providing the necessary support to protect individuals in danger. Another criticism of the protection mechanism is its narrow focus on cases tied solely to illegal economic activities. While the risks posed by these activities are not underestimated, human rights organisations have highlighted that other cases, such as criminalisation or threats linked to activities associated with extractive industries (e.g., mining), are not considered as sufficiently risky for inclusion in the protection system.

Environmental and territorial defenders are among the most at-risk and vulnerable groups, due to the complexity and vested interests surrounding socio-environmental conflicts. According to figures from AIDSEP, **since 2012, 35 Indigenous leaders have been killed for defending their territories**¹⁹¹ with little to no justice achieved for the majority of these cases. Environmental defenders play a crucial role in protecting their communities from the encroachment of predominantly illegal economies, such as drug trafficking and illegal logging, particularly in Amazonian regions like Ucayali, Loreto, and Madre de Dios, where they are constantly at risk for exposing these illicit practices. They also defend their territories against the environmental consequences of extractive activities, including hydrocarbon exploitation and mining.¹⁹²

Despite the existence of a government mechanism for the protection of human rights defenders since 2019, the lived reality demonstrates that risk levels have increased. Many Indigenous leaders who reported receiving death threats were later murdered, and numerous victims had requested protection measures or were already recipients of such support¹⁹³. Following the death of an Indigenous leader in the Ucayali province of the Peruvian Amazon in June 2024, the national Indigenous federation, AIDSEP, and other territorial autonomous federations and governments declared a state of emergency in the Peruvian Amazon. They also announced the creation and strengthening of organisations to defend their territories, implement self-protection measures, and administer justice through traditional means.^{194, 195}

191 ¡El asesinato de Mariano Isacama Feliciano desborda la inacción del Gobierno! Declaramos en emergencia el territorio de los pueblos indígenas amazónicos. (2024, July 17). [Statement]. https://aidsep.org.pe/wp-content/uploads/2024/07/Declaracion-AIDSEP-defensa-propia_VFok-1.pdf

192 De acuerdo a Oxfam, hubo 474 derrames de petróleo registrados en la Amazonía peruana entre los años 2000 y 2019. <https://peru.oxfam.org/lo-%C3%BAltimo/publicaciones/shadow-oil>

193 Gomez, T. (2023, September 21). Líderes asháninkas criminalizados recibían amenazas de mafias que operan en la selva central de Perú. Mongabay. <https://es.mongabay.com/2023/09/lideres-ashaninkas-criminalizados-recibian-amenazas-de-mafias-selva-central-peru/>

194 Sierra Praeli, Y. (2024, July 13). Líder indígena desaparecido en medio de ola de violencia que amenaza a 32 defensores más de la selva central de Perú. Mongabay. <https://es.mongabay.com/2024/07/lider-indigena-mariano-isacama-desaparecido-violencia-amenaza-defensores-selva-central-peru/>

195 ¡Amazonía en emergencia! Aplicarán “defensa propia.” (n.d.). Servindi - Servicios De Comunicación Intercultural. <https://www.servindi.org/actualidad-noticias/17/07/2024/pueblos-indigenas-se-declaran-en-emergencia>

Mechanisms that reduce civic space

Legal methods

In the last two years, the Peruvian Congress has promoted a series of legislative measures aimed at co-opting the judicial and executive powers, approving more than 25 laws that have raised concerns about their impact on the country's institutions¹⁹⁶ in various areas, including justice, the economy, education, and human rights. These measures also include reforms affecting the party system and elections, parliamentary re-election, and the selection of members of the National Justice Board.

- One of the most controversial is Law 32138, which amends Law 30077 against organised crime, stipulating that a group will only be classified as a 'criminal organisation' if it has committed crimes with sentences exceeding six years in prison, thus excluding several serious crimes and weakening criminal investigations by requiring the presence of the accused and their lawyer during searches. This represents a setback in human rights and justice in Peru, benefiting political and military figures involved in crimes against humanity¹⁹⁷, and has been criticised by the Inter-American Court of Human Rights, among other organisations, for jeopardising victims' access to justice

- Furthermore, the Congress, dominated by the far-right, has sought to introduce legislative measures that aim to weaken and control key institutions such as electoral institutions, the Ombudsman's Office, and the Constitutional Court, the latter having the final say on what is considered constitutional or not. Many members of Congress (67 congresspeople¹⁹⁸) are accused of crimes against public administration, including maintaining ties with illegal activities. At the same time, Congress has promoted legislation that benefits economic interests at the expense of indigenous peoples' rights and environmental protection, such as the so-called 'Anti-Forest Law' which facilitates land-use changes, stimulating deforestation and soil degradation, and putting the security of those defending their territory from illegal incursions at risk.¹⁹⁹

- Another deeply concerning law is Law 32107, approved in August 2024, which seeks to grant amnesty to anyone who committed crimes against humanity before 2002. This decision jeopardises the right to truth, justice, and reparation for the victims of Peru's internal armed conflict and contravenes the decision of the Inter-American Court of Human Rights, which had issued provisional measures for the victims of the Barrios Altos and La Cantuta massacres.²⁰⁰

196 OjoPúblico. (2024, July 7). Congreso aprobó más de 25 leyes que afectan la institucionalidad. *Ojo Público*. <https://ojo-publico.com/5201/congreso-aprobo-mas-25-leyes-que-afectan-la-institucionalidad>

197 Gómez Vega, R. (2024, August 9). Perú aprueba leyes que favorecen a responsables de crímenes de lesa humanidad. *El País*. <https://elpais.com/america/2024-08-09/peru-aprueba-leyes-que-favorecen-a-responsables-de-crimes-de-lesa-humanidad.html>

198 Giraldo, C. (2024, May 28). Más de la mitad de congresistas son investigados por la Fiscalía de la Nación. *Infobae*. <https://www.infobae.com/peru/2024/05/28/mas-de-la-mitad-de-congresistas-son-investigados-por-la-fiscalia-de-la-nacion/>

199 Gonzales, M. (2024, January 23). Países socios alertan del riesgo ambiental por cambios en la Ley Forestal peruana. *Infobae*. <https://www.infobae.com/peru/2024/01/20/embajadas-de-cuatro-paises-expresan-preocupacion-por-situacion-en-peru-sobre-ley-antiforestal-aprobada-por-el-congreso/#%3A-%3Atext%3DLas%20embajadas%20de%20Noruega%2C%20Inglaterra%2C%20Canad%C3%A1%20y%20Alemania%2CAmazon%C3%ADa%20y%20promover%20actividades%20delictivas%20en%20territorios%20ind%C3%ADgenas>

200 Castillo, M. (2024, July 2). Corte IDH concede medidas provisionales a víctimas de Barrios Altos y La Cantuta contra ley de impunidad. *La República*. <https://larepublica.pe/politica/2024/07/02/corte-idh-concede-medidas-provisionales-a-victimas-de-barrios-altos-y-la-cantuta-contra-ley-de-impunidad-141170>

- A legislative initiative that would directly affect human rights organisations and international cooperation is the proposed amendment to the Law of the Peruvian Agency for International Cooperation (APCI)²⁰¹. Four of the proposed bills aim to promote greater state control over the financial support NGOs receive from international cooperation; a fifth promotes decentralising the APCI to support state entities; and the last seeks to promote agricultural development through APCI funds. These restrictions on international cooperation could lead to increased interference in the structure and operation of NGOs. This issue has already been highlighted by international organisations, including a joint statement from 16 countries, many of which are European Union member states, expressing concern about these measures.²⁰²

The actions of the armed forces and police in confronting protesters during social protests also play a significant role in the weakening of human rights and the civic state in Peru. In carrying out their duties, public forces have repeatedly demonstrated a lack of compliance with international standards of proportionality, necessity, and legality. A recent emblematic example is their role during the protests from December 2022 to March 2023²⁰³.

States of emergency have become a widely used instrument, especially since December 2022, with the government declaring states of emergency at least 19 times.²⁰⁴ Currently, there is a permanent state of emergency in the province of Cusco, introduced in 2017 and still in effect.²⁰⁵ This situation has been highlighted by various international organisations, such as the UN Human Rights Committee, which expressed concern about the frequency of emergency declarations and suspension of rights, despite these suspensions only being allowed in truly exceptional situations.²⁰⁶

It is also important to highlight recent statements from the Executive regarding their intention to introduce a law that would give institutions of military justice exclusive authority to investigate any case of abuse by the police or military.²⁰⁷

201 Instituto de Democracia y Derechos Humanos (IDEHPUCP). (2024, June 18). *Autoritarismo encubierto: la modificación de la ley APCI como un ataque al derecho de asociación en el Perú* - IDEHPUCP. Pontificia Universidad Católica Del Perú. <https://idehpucp.pucp.edu.pe/boletin-eventos/autoritarismo-encubierto-la-modificacion-de-la-ley-apci-como-un-ataque-al-derecho-de-asociacion-en-el-peru/>

202 Embajadas de 16 países cuestionan modificaciones a ley de la APCI. (2024, June 11). *Gestión*. https://gestion.pe/peru/embajadas-de-16-paises-cuestionan-creacion-de-la-apci-aprobada-por-comision-de-relaciones-exteriores-usa-uk-alemania-noticia/#google_vignette

203 Office of the High Commissioner for Human Rights (OHCHR). (2023, October 19). *Peru: UN Human Rights Office calls for meaningful reforms to guarantee right to peaceful assembly, ensure inclusive dialogue* [Press release]. <https://www.ohchr.org/en/press-releases/2023/10/peru-un-human-rights-office-calls-meaningful-reforms-guarantee-right>

204 Perú – ACNUDH. (n.d.). <https://acnudh.org/peru/>

205 “Alerta en Cusco”: segundo departamento a nivel nacional con mayor conflicto social. (2024, April 23). Derechos Humanos Sin Fronteras. <https://derechosinfronteras.pe/alerta-en-cusco-segundo-departamento-a-nivel-nacional-con-mayor-conflicto-social/>

206 Office of the High Commissioner for Human Rights (OHCHR). (2023). Observations on the human rights situation in the context of the protests in Peru. In *The United Nations*. <https://www.ohchr.org/en/documents/concluding-observations/observations-human-rights-situation-context-protests-peru>

207 *Government lends support to moves likely to reinforce police and military impunity*. (2024, November 9). Peru Support Group. <https://perusupportgroup.org.uk/2024/11/government-lends-support-to-moves-likely-to-reinforce-police-and-military-impunity/>

Criminalisation or the use of the legal system to intimidate human rights defenders is one of the most widely used tools in Peru²⁰⁸. Despite human rights organisations urging the authorities to consider criminalisation as a threat within the threat and risk analysis system, the government has not yet acknowledged it.

Extralegal methods

Other important non-state actors that have gained prominence for the role they play in intimidating and threatening human rights defenders are far-right groups that have deliberately attacked, through social media and protests in front of offices and/or residences, key figures in the defence of human rights, feminists, and journalists. Groups self-identified as “La Resistencia”²⁰⁹ are using social and traditional media to threaten and stigmatise human rights defenders, labelling them as “terrorists” or “communists.” The personalised attacks against representatives of the CNDDHH, Aprodeh, IDL, Demus, among others, are particularly concerning, involving explicit threats, doxing, defamation, and other tactics.

Advances and good practices

In the current crisis in Peru, there do not appear to be many avenues for resolution, although there are social movements, indigenous forces, and organisations that continue to fight tirelessly for human rights and resist state co-optation. Political participation, free elections, and the recovery of constitutional order are some of the major challenges for the Peruvian citizenry. With the support of the international community and entities that seek to uphold the rule of law, these resistance forces hope to achieve these goals.

208 Defensores y defensoras indígenas alertan que situación de violencia y criminalización es cada vez más crítica en Perú y otros países de la región. (2024, July 10). DAR. <https://dar.org.pe/defensores-y-defensoras-indigenas-alertan-que-situacion-de-violencia-y-criminalizacion-es-cada-vez-mas-critica-en-peru-y-otros-paises-de-la-region/>

209 Meza, A. (2024, May 24). ‘La Resistencia’ ataca la memoria de la violencia estatal. Estudio Para La Defensa De Los Derechos De La Mujer (DEMUS). <https://www.demus.org.pe/la-resistencia-ataca-la-memoria-de-la-violencia-estatal/>

06

Chapter **Ecuador**



© FIAN Ecuador. The freedoms of association and peaceful assembly in Ecuador are also threatened through the criminalisation and military repression of social protests.

General context

In May 2023, the former President of Ecuador, Guillermo Lasso, dissolved the National Assembly and called for elections, resulting in Daniel Noboa being elected president, along with the 137 members of the National Assembly. These elections were held in a climate of violence and insecurity, during which presidential candidate Fernando Villavicencio was assassinated²¹⁰.

Indicators show a significant increase in homicide rates in recent years, the worsening and degradation of intra-prison violence, and the intensification of political violence linked to drug trafficking and organised crime, which the IACHR described as an attack on democracy and the rule of law.

The homicide rate in Ecuador rose from 13.7 per 100,000 inhabitants in 2021 to 25.9 in 2022²¹¹. In 2023, it increased to approximately 43 homicides per 100,000 inhabitants, placing Ecuador among the most violent countries in Latin America.

According to UNICEF, the homicide rate of minors increased by 640% over four years, from 104 cases in 2019 to 770 in 2023²¹². This rise in violence and the presence of organised crime has occurred in a context of fragility in democratic institutions, fostered by corruption, state capture, and unresolved historical structural problems, including limited access to economic, social, cultural, and environmental rights (ESCER).

210 Turkewitz, J., & León Cabrera, J. (2023, August 10). Ecuador, reeling from a candidate's assassination, is forever changed. *The New York Times*. <https://www.nytimes.com/2023/08/10/world/americas/ecuador-fernando-villavicencio-assassination.html>

211 Ecuador. (2024, January 11). Human Rights Watch. <https://www.hrw.org/es/world-report/2024/country-chapters/ecuador#f22cea>

212 UNICEF. (2024, January 15). Ecuador: Homicide rate among children and adolescents soars 640 per cent in four years [Press release]. <https://www.unicef.org/lac/en/press-releases/ecuador-homicide-rate-among-children-and-adolescents-soars-640-cent-four-years>

Following his predecessor's line, President Daniel Noboa's response has been to declare a state of emergency²¹³, with the subsequent suspension of constitutional rights, and to label the country's situation as an "internal armed conflict". As a result, organised crime groups were identified as terrorists, and military operations were ordered. Despite approval from the Constitutional Court, there are doubts about the reasonableness and sufficient justification for declaring the state of emergency. As documented by INREDH, this context has led to serious human rights violations, such as extrajudicial executions, forced disappearances, cruel, inhuman, and degrading treatment, illegal and arbitrary detentions, as well as violations in territories inhabited by indigenous, , or Afro-descendant communities²¹⁴.

In recent years, Ecuador has become one of the largest exporters of cocaine to the EU and the United States. Situated between the main producers, Colombia and Peru, it offers favourable conditions for this, with its extensive coastline and dollarised economy.

In this context, organised crime groups linked to drug trafficking have emerged as new actors threatening and violating human rights in Ecuador. The militarised response by the government, focused on urban areas, has forced these gangs to move to rural zones, expelling indigenous and rural communities from their lands and territories. In the canton of Santa Elena, extortion, murders, and piracy have proliferated in the artisanal fishing sector. Farmers dedicated to cocoa production have been extorted and kidnapped by groups that

steal their crops, due to the rise in the price of this commodity since March 2024.²¹⁵

Organised crime also operates in collaboration with private sector actors, such as agribusiness companies (banana and shrimp farms) or extractive industries (mining), guaranteeing infrastructure for drug trade.

At the same time, private actors use organised crime to threaten and intimidate those who oppose their interests²¹⁶. The increasing interest in land and territory by organised crime groups has led to the displacement of families, communities, and associations, whose leaders face death threats to force them to leave or sell their land at rock-bottom prices.

Furthermore, the state passively promotes another form of dispossession by failing to resolve land and territory conflicts, causing families to succumb to pressure from economic groups linked to agribusiness, extractivism, and real estate sectors, who are protected by violent gangs. Under this pressure, families end up abandoning their land and livelihoods, resulting in a new wave of migration. The cause is no longer just poverty, but also levels of insecurity never seen before. In 2023, it was **the highest number of Ecuadorians "found" or detained at the US border with more than 125,159.**²¹⁷ It is important to note that this situation occurs in a context where land access is already highly unequal (GINI of 0.456)²¹⁸.

213 Ecuador declara estado de excepción en seis provincias. (2024, October 3). DW. <https://www.dw.com/es/ecuador-declara-estado-de-excepci%C3%B3n-en-seis-provincias-por-grave-conmoci%C3%B3n-interna/a-70397076>

214 Informe sobre los hechos de violencia policial y militar durante la declaratoria del decreto 111: Ecuador 2024. (2024). In *Fundación Regional De Asesoría En Derechos Humanos (INREDH)*. <https://inredh.org/archivos/pdf/informe-inredh-vulneraciones-decreto111cani.pdf>

215 Afp. (2024, June 26). El cacao cotiza como "oro" en Ecuador y atrae al crimen organizado. *France 24*. <https://www.france24.com/es/minuto-a-minuto/20240625-el-cacao-cotiza-como-oro-en-ecuador-y-atrae-al-crimen-organizado>

216 Iezzi, G. (2024, January 17). Crimen organizado transnacional: mediciones y tendencias acerca de su empoderamiento en la región. *Infobae*. <https://www.infobae.com/opinion/2024/01/17/crimen-organizado-transnacional-mediciones-y-tendencias-acerca-de-su-empoderamiento-en-la-region/>

217 2023 will close with the highest number of Ecuadorians detained at the US border. (2023, December 27). *Ecuador Times*. <https://www.ecuadortimes.net/2023-will-close-with-the-highest-number-of-ecuadorians-detained-at-the-us-border/>

218 INEC. (2024, June). *Encuesta Nacional de Empleo, Desempleo y Subempleo (ENEMDU)* [Slide show]. Ecuador en cifras. https://www.ecuadrencifras.gob.ec/documentos/web-inec/POBREZA/2024/Junio/202406_PobrezayDesigualdad.pdf

The situation of human rights defenders and civic space

The situation of civic space in Ecuador has been experiencing a constant deterioration in recent years. According to the CIVICUS monitor, the country has “an obstructed civic space”.²¹⁹

According to the organisation Reporters Without Borders, journalists, particularly those investigating corruption cases, are the ones most suffering from the escalation of violence amid the inaction of the authorities. Between January and July 2024, at least 145 assaults against journalists were recorded in the country²²⁰. The manipulation of discourse and information, the application of restrictive laws, the intimidation of journalists who are critical, and the control of the media have been characteristic features of political power in Ecuador, which have deepened over the years.²²¹

The freedoms of association and peaceful assembly are also threatened through the criminalisation and military repression of social protests. Criminalisation has been used as a mechanism of social control to intimidate, neutralise, or inhibit any behaviour that contradicts the state’s official discourse, especially since Rafael Correa’s last government (2013-17), when civil organisations, indigenous nationalities, and peoples were criminalised and labelled as terrorists for their protests against extractivist policies.

219 *Civics Monitor*. (n.d.-b). Civics. <https://monitor.civics.org/country/ecuador/>

220 Bloqueo informativo: la principal agresión de julio del 2024. (2024, August 5). *Periodistas sin cadenas*. <https://www.periodistassin cadenas.org/bloqueo-informativo-periodistas-julio/>

221 Almeida, M. F. (2025, February 12). El retorno de la censura. *Periodistas sin cadenas*. <https://www.periodistassin cadenas.org/el-retorno-de-la-censura-gubernamental/>



During the national strikes of 2019 and 2022, thousands of detentions were recorded, more than eight hundred legal processes against civilians and indigenous leaders, 1,800 injuries, and 13 extrajudicial executions.²²²

In response to increased insecurity and violence, the current government is responding with further criminalisation of protest and militarisation, including, among other measures, declaring an internal armed conflict and suspending constitutional guarantees through successive declarations of states of emergency.

However, it is not only the state that is responsible for the closing of civic space in Ecuador. Private actors, often linked to organised crime, also pose a threat to social protest and the defence of human rights. The situation of violence in the coastal provinces is particularly alarming, where ports used for the export of products such as bananas or shrimp are also utilised by illegal groups to send drugs to Europe, the US, and Asia²²³. In rural areas, peasant and fishing communities, as well as land, territory, and environmental defenders, are the most threatened. In urban areas, community defenders have become the target of extortion, threats, and attacks by criminal groups²²⁴ due to their connection with public institutions and organisations implementing social development projects. In the context of extractive projects, violence and criminalisation against human rights defenders by both state and non-state actors²²⁵ have also intensified.

222 INREDH. (2023). Informe sobre la criminalización de la protesta: Ecuador 2023. In INREDH [Report]. https://inredh.org/archivos/pdf/informe_criminalizacionprotesta2023.pdf

223 Beltrán, J. (n.d.). *Con sobornos y varias rutas: Así operaba una poderosa red de narcotráfico vinculada a envíos de droga desde Ecuador*. Primicias. <https://www.primicias.ec/seguridad/organizacion-criminal-narcotrafico-drogas-cocaina-envios-ecuador-europa-84179/>

224 Mella, C. (2023, December 14). Los tentáculos del crimen organizado se esparcen a todo Ecuador. El País. <https://elpais.com/america/2023-12-14/los-tentaculos-del-crimen-organizado-se-esparcen-a-todo-ecuador.html>

225 Dussart, J. (2024, July 31). *Ecuador: actos de violencia y criminalización en contra de defensores de derechos humanos en el marco de consultas ambientales para proyectos mineros (comunicación conjunta)*. UN SR Human Rights Defenders. <https://srdefenders.org/ecuador-actos-de-violencia-y-criminalizacion-en-contra-de-defensores-de-derechos-humanos-consultas-ambientales-proyectos-mineros-comunicacion-conjunta/>

Mechanisms that reduce civic space

Legal methods

During Guillermo Lasso's government, a series of laws and legal reforms were implemented to suppress social protests.

- For example, Decree 730, approved on 3 May 2023, ordered the Armed Forces to begin actions to repress organised crime as a “terrorist threat”. The lack of precision in defining “terrorist threat” has led to the criminalisation of the legitimate exercise of human rights defence²²⁶.

- Meanwhile, Article 43.1 of the Public Security and State Law enables special security clauses to allow the Armed Forces to support public and private companies in strategic sectors and basic services. This provision can be exploited by companies to suppress opposition to their projects. Likewise, the amendment to Article 5 of the National Defence Law expanded the powers of the Armed Forces in cases of a state of emergency, which could also lead to excessive measures to suppress social protests²²⁷. This trend has continued under the current administration, with the declaration of a state of emergency on four occasions and the classification of an internal armed conflict.

- On July 8th, 2024, Ministerial Agreement No. PR-SGIP-2024-0002-A was published in the Official Register, issuing the Integrity Strategy for Civil Society Organisations / NGOs, regulated by Executive Decree No. 193 of 23 October 2017. This strategy was not published together with the agreement that issued it and was conceived and designed without consultation or participation from civil society. Furthermore, it jeopardises the work of human rights defenders by including arbitrary criteria for granting legal status or dissolving organisations and requiring them to direct their actions uniformly and report them according to discretionary criteria. Non-compliance with these obligations would result in the application of administrative, civil, and criminal measures. This strategy constitutes an unconstitutional restriction of the right to association, undermines legal certainty, and threatens the work of defenders in Ecuador.²²⁸

226 INREDH. (2023). Informe sobre la criminalización de la protesta: Ecuador 2023. In *INREDH* (p. 4) [Report]. https://inredh.org/archivos/pdf/informe_criminalizacionprotesta2023.pdf

227 Ibid.

228 Estrategia de Integridad para las Organizaciones de la Sociedad Civil expedida por el gobierno el 8 de julio de 2024 restringe el derecho de asociación y pone en riesgo la labor de personas defensoras. (2024, August 12). *INREDH*. <https://inredh.org/estrategia-de-integridad-para-la-sociedad-civil-restringe-y-pone-en-riesgo/>

Technological methods

During Guillermo Lasso's government, reforms were implemented to facilitate the surveillance of journalists, activists, and political figures. The Comprehensive Penal Code introduced a section dedicated to legalising cyber surveillance, enabling cooperation in technological interventions by other states, such as the involvement of federal agencies from the United States or the implementation of Pegasus software. While the Personal Data Protection Law stipulates the creation of a Data Protection Superintendency to oversee any violations, this body has not yet been established, meaning the state could arbitrarily utilise these reforms without any limitations or regulation.²²⁹

Extralegal methods

There is an official discourse that labels human rights defenders or organisations as “unpatriotic” and complicit with terrorists, equating human rights defenders with illegal groups and organised crime.

In the president Noboa's own words: *“And let no anti-patriot come and tell us that we are violating anyone's rights when we are protecting the rights of the vast majority”*.²³⁰

These statements were made after a constitutional judge granted a habeas corpus petition filed by the Permanent Committee for the Defence of Human Rights, claiming that the Armed Forces had violated the rights of prisoners during the internal armed conflict.

Advances and good practices

In this section, we highlight some examples of community resistance in response to the country's complex situation.

La Pampas and Palo Quemado²³¹

Two parishes located in the Sigchos canton, in the northern part of Cotopaxi province, where the mining company La Plata, a subsidiary of the Canadian mining firm Atico Mining, plans to extract gold, copper, silver, and zinc. Nearly 10% of the territory of both parishes, totalling 2,300 hectares, has been concessioned to this company. Indigenous and campesino communities oppose the project and reject the environmental consultation that the government of Daniel Noboa is seeking to carry out, considering it to be conducted in bad faith.

229 INREDH. (2023). Informe sobre la criminalización de la protesta: Ecuador 2023. In INREDH (p. 4) [Report]. https://inredh.org/archivos/pdf/informe_criminalizacionprotesta2023.pdf

230 Jara, F. (2024, February 15). 'Que ningún antipatria nos venga a decir que nosotros estamos violando los derechos de nadie, cuando estamos protegiendo los derechos de la mayoría', dice el presidente Daniel Noboa. *El Universo*. <https://www.eluniverso.com/noticias/ecuador/que-ningun-antipatria-nos-venga-a-decir-que-nosotros-estamos-violando-los-derechos-de-nadie-cuando-estamos-es-protegiendo-los-derechos-de-la-mayoria-dice-el-presidente-daniel-noboa-nota/>

231 Ecuador: Oficina dialogó con representantes de comunidad de Las Pampas sobre consulta ambiental de proyecto minero en Palo Quemado – ACNUDH. (2024, March 18). <https://acnudh.org/ecuador-oficina-dialogo-con-representantes-de-comunidad-de-las-pampas-sobre-consulta-ambiental-de-proyecto-minero-en-palo-quemado/>

In March 2024, military forces, private security personnel from the company, and local police occupied both parishes to forcibly impose the consultation. This led to clashes that resulted in around 20 people being injured, including children and young people, and 72 campesinos accused of terrorism. Social media posts circulated exposing the names and faces of at least three defenders from Las Pampas and Palo Quemado, who were also labelled as terrorists, putting their physical and psychological integrity at risk.

While the competent judge in the case decreed precautionary measures that temporarily suspended the environmental consultation and ordered the withdrawal of military and police forces, these

measures were lifted on 2 August, leaving the communities once again in a vulnerable situation. This occurred despite the fact that in May 2024 a group of UN experts, including the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, and the Special Rapporteur on indigenous peoples, Francisco Calí Tzay, sent a communication to the governments of Ecuador and Canada²³², as well as the mining companies of both countries, alerting them about the increase in violence and the improper use of criminal law against environmental and human rights defenders in the context of environmental consultations. Campesino families continue to resist, supported by human rights organisations, local authorities, and the Catholic Church.

Yasuní National Park

Another clear example of resistance comes from the social organisations and indigenous peoples of the Yasuní National Park²³³, who, after more than ten years of struggle, decided through a popular consultation in August 2023 to halt oil extraction²²⁹ in the Yasuní Park. However, one year after this binding decision, oil extraction continues in this highly biodiverse area. According to Petroecuador, October 2023 was the month in which the most barrels of oil were produced in this extraction²³⁴. The gradual and orderly dismantling required to generate “*the least possible legal, economic, social, and environmental impact*,” as mandated by the Constitutional Court, continues to be unmet.

²³² The United Nations Office of the High Commissioner for Human Rights (OHCHR). (2024a, May 13). *UN experts call for meaningful consultations on Ecuador's mining projects* [Press release]. <https://www.ohchr.org/en/press-releases/2024/05/un-experts-call-meaningful-consultations-ecuadors-mining-projects>

²³³ *Cumplimiento de consulta popular del Yasuní para detener explotación petrolera enfrenta serios obstáculos en Ecuador | Cinco lecturas sobre el tema*. (2024, June 23). Mongabay. <https://es.mongabay.com/2024/06/cumplimiento-de-consulta-popular-yasuni-para-detener-explotacion-petrolera-enfrenta-obstaculos-ecuador/>

²³⁴ EP PETROECUADOR – Empresa Pública de Hidrocarburos del Ecuador. (n.d.). <https://www.eppetroecuador.ec/wp-content/uploads/downloads/2024/01/INFORME-ESTADISTICO-%20DICIEMBRE-2023.pdf>, (Page 10)

Conclusions and Recommendations

From a global perspective, recent years have witnessed a deterioration in democratic values, rights, and civil and political liberties across numerous countries worldwide.

This has manifested in various forms of aggression against civil society spaces and the defence of human rights. Contributing factors to these trends include the rise of authoritarianism, populism, and the growing influence of certain non-state actors, both legal and illegal, such as transnational corporations and organised crime.

An increasing instrumentalization of state power in support of corporate and/or criminal interests and the phenomenon of corruption pose additional challenges to democratic governance and the rule of law. Other significant factors include the unprecedented concentration of wealth, contemporary geopolitical tensions, and, broadly speaking, the decline of the United Nations' multilateral system.

As a result nearly 30%

of the global population²³⁵ lives in countries where civic space is closed, depriving them of most civil and political rights.

While over 42%

reside in countries where civic space is considered “restricted.”

Alarming, in the past five years

Europe has also reported a consistent and concerning decline in civic space.²³⁶

In Latin America, patterns of civic space closure are linked to the dominance of financial, political, and even criminal elites who, as *de facto* powers, replicate and deepen extractivist models that exploit marginalised groups and harness state resources for personal gain or to increase profitability. Dominant economic actors often contribute to and exploit democratic weaknesses to further their interests, particularly through the cheapening of labour and nature, exemplified by the violent extraction of natural resources. These actors, alongside criminal groups that flourish in areas without state presence and conservative elites that promote punitive policies in response to public demands, form a mutually reinforcing nexus that exacerbates crises.

In Central America, the closure of civic spaces has been facilitated by the rise of authoritarianism, a complex phenomenon driven by a combination of institutional weakness, insecurity, corruption, and perhaps a lack of entrenched democratic culture. This trend has historical roots, such as the US interference, including various invasions and the sponsoring of anti-democratic groups, as well as decades of impunity which have allowed widespread criminality in both public and private spheres.

Central America exhibits varying degrees of democratic dismantling, with Nicaragua standing as the clearest example of a dictatorial regime, having eliminated democratic checks and balances. The erosion of stable rule-of-law conditions is compounded by the ongoing inability to address the basic needs of the majority, including security, food, and healthcare.

²³⁵ Global Findings 2024 - Civicus Monitor. (n.d.). Civicus. https://monitor.civicus.org/globalfindings_2024/

²³⁶ European Civic Forum. (2024, November 25). *Civic Space Report 2024 - European Civic Forum*. European Civic Forum - Democracy, Solidarity, Rights FOR ALL! <https://civic-forum.eu/civic-space-report-2024>

Citizens often demand radical measures to address their main issues, potentially losing sight of the gradual loss of rights under corrupt and populist governments. Institutional weakness, violence in all its forms, and the ineffectiveness and co-optation of judicial bodies further perpetuate cycles of historical impunity.

Several common patterns in methods and narratives associated with the restriction of civic space can also be observed in other Latin American countries, particularly in the Andean region. These patterns reveal troubling trends towards authoritarianism, polarisation, and the erosion of democratic rights. Such dynamics stem not only from shared strategies employed by authoritarian governments, but also from similar contexts marked by inequality, insecurity, institutional weakness, and social discontent.

In these countries, there is a **progressive concentration of power within the executive branch**, often facilitated by the dismantling of checks and balances through the co-optation of the rule of law. Examples include fraudulent or illegitimate elections via control of electoral bodies, the misuse of state resources for official campaigns, or the disqualification of opposition candidates to secure electoral victories. These tactics often align the legislative and judicial branches with personal, commercial, familial, or authoritarian elite interests. Other strategies include constitutional amendments, congressional co-optation, persecution of judges or prosecutors, and reforms that undermine the independence of the judiciary. Frequently, these actions occur with the complicity of local and international financial elites who benefit from such.

A **latent and progressive pattern in the region involves identifying an “oppositional enemy”**, often extending beyond political opposition to include human rights defenders, environmental activists, and investigative journalists. Criminalising those labelled as “opponents” by official narratives increases repression of rights such as freedom of the press, association, and assembly. Human rights and environmental defenders, as well as movements and

organisations engaged in resistance, denunciation, and solidarity with victims, remain primary targets. Traditional repressive methods are now complemented by new technological tools, such as the use of Pegasus spyware in countries like Ecuador and El Salvador.

Furthermore, policies aimed at **delegitimising and criminalising dissent and activism** are spreading across the region. Governments discredit NGOs, defenders, opposition figures, activists, and journalists, accusing them of conspiring with foreign powers, advancing international political agendas, or destabilising the country. Media manipulation amplifies the criminalisation and stigmatisation of these groups. For instance, legislative measures that threaten, weaken, or hinder the formation, funding, and activities of civil society organisations are proliferating in countries such as El Salvador, Guatemala, Nicaragua, Peru, and Ecuador.

A **growing common reality of repression and militarisation** is also evident, often justified on grounds of security, order, combating organised crime, terrorism, or social instability. Governments present these measures as essential for ensuring economic and political stability, appealing to segments of the population frustrated by corruption, insecurity, or disorder.

Increasingly common techniques include the establishment of constitutional states of exception (as seen in Honduras, El Salvador, Peru, and Ecuador), populist “tough-on-crime” policies, violations of due process, and the use of military forces for policing duties.

These measures are ostensibly aimed at addressing violence caused by criminal groups but are often instrumentalised to suppress resistance movements and criminalise protests. Nicaragua, El Salvador, Honduras, Peru, and Ecuador exemplify this dual use of state force. This alarming trend has historically failed to achieve its stated objectives and instead poses a significant threat to human rights, particularly for the most impoverished and marginalised sectors of society.

Recommendations

In this context, resistance movements across Latin America face a long and arduous journey ahead. Protecting human rights defenders, fostering multilateral cooperation, and promoting international solidarity are essential to safeguarding life, human rights, and the environment.



On the 13th and 14th of July 2023, the EU-LAT Network was invited to participate at the EU-CELAC Civil Society, Youth and Local Authorities Forum – ahead of the EU-CELAC Summit.

The commitment of various European Union countries and other regions to democracy, justice, and individual and collective freedoms must remain steadfast, intensifying pressure and advocacy against authoritarian, repressive, and corrupt governments (or moving towards these tendencies). Every opportunity should be seized to **push for greater respect for democracy, the rule of law, and human rights in the region.**

The renewed EU-Latin America relationship represents a critical opportunity for the EU to emphasise the **importance of an open, secure, and robust civic space** as a central element in building inclusive democracies. As highlighted in the EU's New Agenda for Latin America and the Caribbean, the shared principles and values between both regions necessitate prioritising the defence of human rights and civic space to construct a strong partnership. This also entails enabling institutions and CSOs to co-create protection mechanisms at the bi-regional level.

Below are **10 recommendations for European institutions**, as key actors in maintaining a healthy and vibrant civic space in Latin America:



1. CONTINUE SUPPORTING HUMAN RIGHTS DEFENDERS IN THE REGION

by strengthening existing programmes, ensuring mechanisms reach rural and hard-to-access areas, holding regular meetings with defenders, observing trials against HRDs, visiting them in jail, systematically visiting high-risk communities, and pairing protection programmes with public political commitments, especially in cases of criminalisation or imprisonment.



2. PROMOTE PREVENTIVE PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS THROUGH:

(i) training EU delegation staff in the region to conduct risk assessments; (ii) supporting investigations into threats against defenders; legal strategic litigation; (iii) facilitating safe spaces for interactions among defenders and relevant stakeholders, and (iv) establishing local human rights working groups within EU delegations. Strengthening the presence and capacity of EU delegations on the ground is essential to achieving this.



3. ADVOCATE DECISIVELY AND PROVIDE SUPPORT TO LAC GOVERNMENTS FOR THE ADOPTION OF EFFECTIVE LEGISLATION TO PROTECT DEFENDERS,

as well as the creation of effective protection policies with adequate funding.



4. REVIEW AND UPDATE THE EU GUIDELINES FOR HUMAN RIGHTS DEFENDERS BY CREATING MORE ROBUST PREVENTION AND EARLY WARNING MECHANISMS.

These guidelines should include clear recommendations for EU delegations on responding to risks faced by defenders due to business activities, aligning with the UN Guiding Principles on Business and Human Rights and the European Corporate Sustainability Due Diligence Directive.

**5. ACTIVELY PROMOTE A POSITIVE NARRATIVE ABOUT THE RIGHT TO DEFEND HUMAN RIGHTS AND INTERNATIONAL SOLIDARITY,**

through public campaigns to counter narratives framing such activities as “foreign interference”, which are gaining traction in some countries.

**6. SIGNIFICANTLY INCREASE SUPPORT FOR CSOS IN THE REGION**

by enhancing bridges between various programmes and mechanisms; increasing financial and capacity-building support; promoting greater political dialogue with EU delegations to improve the implementation of human rights tools. Similarly, urge the EU to pay special attention to individuals engaged in activism and human rights defence from exile, by creating special mechanisms to support their work.

**7. LEVERAGE UE COOPERATION PROGRAMMES WITH A PARTICULAR FOCUS ON COUNTERING THE RESTRICTION OF CIVIC SPACE.**

When necessary, invoke the principle of conditionality on EU funding to hold states accountable for attacks on the rule of law.

**8. REVIEW AND INVESTIGATE PENDING LOANS OR AID FROM EUROPEAN FINANCIAL INSTITUTIONS AND COOPERATION PROGRAMMES IN THE REGION,**

ensuring that funds are not granted—directly or indirectly—to individuals or entities involved in corruption, illicit political campaign financing, or human rights violations.



9. ENSURE ALL EUROPEAN INVESTMENTS IN THE REGION—

such as those under the Global Gateway or strategic agreements on critical raw materials—**include robust, transparent, and sufficient mechanisms for ensuring meaningful engagement with civil society and robust mechanisms for measuring and preventing impacts on human rights and the environment.** This will prevent such projects from contributing to the restriction of civic space or benefiting corrupt actors or organised crime.



10. PLACE DEMOCRACY AND HUMAN RIGHTS AT THE CORE OF EU-LATIN AMERICA RELATIONS,

demanding that regional governments respect civic and political rights, democracy, and civil society, and protect human rights defenders in all instances of dialogue and exchange. This commitment should be particularly reflected in **trade and association agreements with the region, by upholding the binding nature of human rights and democracy clauses and creating real participatory spaces for civil society.**



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