



SUPPORTING  
AN ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY

# Enabling Environment Snapshot

Peru

4 February 2025

## Context

Over the past year, Peru has experienced a political crisis and exhibited a [worrying](#) erosion of the rule of law, evidenced by the repression of protests and the criminalisation of dissent. The intention to control civil society actors, through various [restrictive laws](#) proposed in 2024, has posed a great threat to the enabling environment for civil society. The fractured relationship between government and civil society, marked by distrust and lack of dialogue, has also undermined the legitimacy of the democratic system and weakened its institutions. Government [discourses](#) on civil society actors have stigmatised social protests, deepening polarisation in the country.

## 1. Respect and protection of fundamental freedoms

Article 2 of the 1993 Peruvian Constitution guarantees the freedoms of association, expression and peaceful assembly. However, there are concerns about its implementation in practice. In June 2024, the International Federation for Human Rights (FIDH) and the Pro-Human Rights Association (APRODEH) asked the International Criminal Court to [investigate Peru](#) for [disproportionate use of force](#) by police and military during the 2022-2023 protests, in which at least 49 people were killed.

In addition, [peasant leaders continue to face judicial harassment, in some cases resulting in prison sentences and the payment of damages and civil reparations](#) for opposing extractive activities in their territories, leading some communities to [propose an amnesty law](#) due to their distrust in the judicial system. Amazonian indigenous peoples also continue to suffer from the consequences of socio-environmental conflicts and illicit activities such as mining, illegal logging and drug trafficking, with the [murders of at least five environmental defenders](#) in 2024. On a positive note, owing to pressure from civil society, [the State rescinded a decree](#) that attempted to classify trans identity as a mental illness.

At the same time, [restrictions on press freedom](#) and increasing [censorship](#) have been identified. Thus, data from V-Dem points to a [regression towards an autocratic regime](#), Freedom House warns about the compromise of [personal autonomy and individual rights](#), and CIVICUS Monitor categorises civic space in Peru as "[repressed](#)". This indicates [severe constraints and restrictions](#) of freedom of expression, peaceful assembly, and association.

## 2. Supportive legal framework for the work of civil society actors

The sixteenth edition of the [Peruvian Civil Code](#) published in 2015 establishes three types of legal entities: associations, foundations and committees (Articles 80, 99, 111). According to [Article 3 of Law 27692](#), the Peruvian Agency for International Cooperation (APCI), is responsible for controlling, supervising and [overseeing](#) non-governmental organisations

(NGOs) that receive international cooperation funding. Regarding the tax treatment of organisations that receive other types of donations, the [National Superintendency of Customs and Tax Administration-SUNAT](#) is responsible for overseeing their compliance with applicable tax regulations.

However, in 2024, the Congressional Foreign Relations Committee issued a report on [six bills formulated in 2023, that seek to "improve oversight of NGOs"](#). These proposals seek to modify the functions of the APCI, giving it the power to [impose excessive administrative sanctions](#), and the Executive Branch the authority to dissolve organisations by administrative decision.. This contradicts the Civil Code (articles 94, 95, 96), which attributes this power to the Judiciary.

These bills have generated concern among civil society organisations and the [international community](#), who have organised [press conferences](#) and issued statements to condemn these draft laws.

These initiatives [would not only silence dissenting voices in civil society](#), but would also increase the risk of government control over organised citizens and harm organisations that depend on international cooperation for their sustainability.

### 3. Accessible and sustainable resources

The main funding for non-governmental organisations (NGOs) in Peru comes from international donors. In order to access these funds, NGOs must [register](#) with the Peruvian Agency for International Cooperation (APCI), often also required by international donors. Registered organisations are subject to supervision and accountability to APCI through [declarations](#) of the activities and projects they carry out. Donations outside this framework are audited by [the National Superintendency of Customs and Tax Administration \(Superintendencia Nacional Tributaria-SUNAT\)](#).

However, the aforementioned NGO bills threaten civil society's role in promoting and defending rights. This is especially the case for CSOs working on sensitive issues, such as politics, corruption, fundamental rights, environment, indigenous communities, and sexuality and gender. If the bills are approved, civil society organisations that allocate resources from international technical cooperation or foreign donations to activities that have been administratively or judicially declared by the Executive as acts disturbing public order or political advocacy could be sanctioned with the loss of their registration in APCI, an indispensable requirement to receive international cooperation.

### 4. State openness and responsiveness

Despite Peru's commitments to citizen participation, such as the Ibero-American Charter for [Citizen Participation in Public Management](#) and the [National Policy for the Modernization of](#)

[Public Management](#), interaction and dialogue between government and civil society is limited. Consultations on government plans and [bills](#) are reduced to interaction on websites, and subnational governments only call on citizens and civil society for [planning processes](#) and [participatory budgeting](#).

Low levels of trust in the State generate scepticism, as the voices of civil society are minimized or rarely heeded in decision-making processes. Examples of this include:

- The discontent of indigenous communities regarding the inadequate [prior consultation](#) in the implementation of public policies in their territories.
- The [protests](#) against the possible [disappearance of the Ministry of Women's Affairs](#). The Ministry provides crucial spaces for dialogue between the State and civil society, including women's and LGBTQI+ organisations; its disappearance would result in the loss of these vital platforms.
- The [condemnation of Law 32107](#), which [prescribes for crimes against humanity](#). This law represents a new violation of the rights of victims of forced sterilisations and directly contradicts what was ordered by the [Inter-American Court of Human Rights](#), which required the Peruvian State to refrain from adopting this type of legislation.

Furthermore, the State has shown limitations in resolving the social conflicts that have arisen. As December 2024, less than half of the [196 social conflicts identified by the Ombudsman's Office](#) were in the dialogue process.

## 5. Political Culture and Public Discourses on Civil Society?

In the past year the Peruvian government has [justified the use of force](#) against demonstrators by calling them [intolerant](#) and using other [derogatory terms](#). Likewise, the Congress and some ministers have downplayed the importance of some of civil society's actions such as the [transport workers' strike, calling it a mistake](#) since the strike [coincided with the APEC 2024 Forum](#). The transport unions demanded guarantees of state protection against the wave of attacks and extortion suffered by the citizens, and [the repeal of Law 32108](#) called the Organised Crime Law.

In response to [protest and citizen mobilisation that started in September 2024](#), the following month, the Government presented a [bill that incorporates the crime of "urban terrorism"](#) within [Article 315](#) in the Penal Code of 1991, which already regulates the crime of rioting and punishes serious disturbance. As a result, [trade unions have denounced these proposed amendments](#), since it [increases the risk that demonstrators may be prosecuted](#) and that any demonstration could be improperly classified as "urban terrorism", posing a serious threat to the fundamental right to protest.

A 2024 [perception survey](#) shows that only 3% of the citizenry considers that organised civil society has some responsibility in the political crisis. Meanwhile, 24% believe that they would prefer the spaces for dialogue to be organised by NGOs or associations.

Furthermore, in December 2024, a magistrate of the Constitutional Tribunal raised questions regarding [the existence of Indigenous Peoples in Isolation \(PIACI\)](#), [generating indignation among environmental and indigenous organisations](#). In addition, following the approval in Congress of [a favourable opinion for the same-sex civil union](#), an [anti-LGTBIQ+ march called 'March for Life'](#) was organised against it, with the [support of the Metropolitan Municipality of Lima](#).

## Challenges and Opportunities

The main challenge in the upcoming months is to stop the approval of the NGO bills that seek to institute dangerous levels of state intervention on civil society organisations and seek to condition and sanction the activities of these organisations that work with international cooperation funds. Civil society must also be vigilant in the face of government efforts to criminalise protests.

This adverse situation is an opportunity for civil society to coordinate and collaborate among various different organisations of the civic ecosystem in the defence of an enabling environment. This includes empowering a conscious and democratic citizenry with the capacity to identify and respond to possible threats against fundamental freedoms and rights.

*This publication was funded/co-funded by the European Union. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union.*

**EU SEE**

SUPPORTING  
AN ENABLING ENVIRONMENT  
FOR CIVIL SOCIETY



Funded by  
the European Union

