



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

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Just Atonement Inc. (JAI) is a legal non-profit that connects and trains advocates to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Peru.

SUMMARY OF CONCLUSIONS

1. **Peru's unique environmental landscape makes the country highly vulnerable to the climate crisis.** The country has witnessed a sharp increase in major flooding and prolonged droughts that negatively impact the livelihoods of millions of people, as well as hamper economic growth and development.
2. **The Peruvian government has taken several commendable steps to confront the climate challenge.** In recent years, the government has made public commitments to carbon-neutrality by 2050, announced efforts to reduce emissions and transition to a low-carbon economy, and developed a National Adaptation Plan to strengthen the country's climate resiliency.¹
3. **Peru should center climate justice in its environmental policies and take affirmative action to safeguard human rights within its borders.** This includes protecting human

¹ Peru, Ministerio del Ambiente, *Plan Nacional de Adaptación al Cambio Climático del Perú: Un Insumo Para la Actualización de la Estrategia Nacional ante el Cambio Climático*, 7 June 2021. Available at: <https://www.gob.pe/institucion/minam/normas-legales/1955977-096-2021-minam>



rights defenders, peaceful protesters, and journalists who are working to end and prevent law enforcement impunity and other human rights abuses. This also includes pursuing accountability for both past abuses and current harms to indigenous communities.

CHALLENGES

Impacts of Climate Change

Biodiversity

4. Changes in temperature and precipitation threaten Peru's diverse marine coastal, Andean highlands, and Amazonian ecosystems.
5. Peru features seven of the nine characteristics of vulnerability identified in the United Nations Framework Convention on Climate Change. These include: (1) low coastal areas; (2) arid and semi-arid areas; (3) zones susceptible to deforestation or erosion; (4) natural disasters; (5) drought and desertification; (6) fragile ecosystems; and (7) highly polluted urban areas.²

Rising Sea Levels & Extreme Weather Events

6. **Rising sea levels are likely to increase flooding and beach erosion.** The Peruvian Navy has also warned that rising sea levels may make some areas along the Peruvian coastline uninhabitable in 80 years.³
7. More intense weather events will further threaten coastal settlements.

Glacial Melt

8. **Increasing temperatures will accelerate glacial melt in Peru.** The country hosts 70% of the world's tropical glaciers, which have already lost about 40% of their surface area since the 1970s.⁴ Glacial retreat has significant consequences for people who live near them. Not only do people rely on glacial runoffs for water, food, and hydroelectricity, but

² United Nations, Economic Commission for Latin America and the Caribbean, "Climate Change in Peru Seen Affecting the Fishing, High Andes' Livestock and Agricultural Sectors the Most," ECLAC (10 December 2014), Available at: <https://www.cepal.org/en/pressreleases/climate-change-peru-seen-affecting-fishing-high-andes-livestock-and-agricultural#:~:text=The%20study%20underscores%20that%20Peru,zones%20that%20are%20susceptible%20to.>

³ Tony Dunnell, "The Effects of Climate Change in Peru: Problems and Solutions," The New Peruvian (August 25, 2018). Available at: <http://www.newperuvian.com/effects-of-climate-change-in-peru/>

⁴ Jeremy Hinsdale, "Vanishing Glaciers: The Future of Water in Peru's High Andes," Columbia Climate School: State of the Planet (12 June 2018). Available at: <https://news.climate.columbia.edu/2018/06/12/vanishing-glaciers-future-water-perus-high-andes/>



glacial melting can also trigger increased floods and avalanches.⁵ Coupled with diminished precipitation, glacial melt is likely to create acute water shortages.⁶ The impacts of glacial melt could impact the right to health, the right to life, the right to water, and the right to a clean, healthy, and sustainable environment, among other human rights.

Deforestation

9. **Damages to the Amazon could worsen the effects of climate change as more than half of the tropical forest is under pressure** from extractive activities like mining, agriculture, and infrastructure construction. Indigenous stewardship helps to guard against deforestation. However, many indigenous communities still lack legal recognition and title of their lands,⁷ impacting their right to self-determination under international law, including rights that are recognized under the United Nations Declaration on the Rights of Indigenous Peoples.

Natural and Environmental Disasters

10. **Half of Peruvian territory is exposed to recurring environmental hazards.** More than 9 million people are exposed to heavy rains, floods, flash floods and landslides, 7 million people are exposed to low or very low temperatures, and nearly 3.5 million people are exposed to droughts. Due to climate migration and population growth, the population of exposed people is likely to increase.⁸
11. Oil spills have devastated Peru's marine biology and waterways, jeopardizing the livelihoods of coastal and indigenous communities, and thus impacting their right to self-determination, right to life, and other human rights. In January 2022, Peru suffered its worst-ever environmental disaster when a ruptured underwater pipeline spilled more than 10,000 barrels of crude oil, affecting around 5,000 families.⁹ The spill is part of a two-decades-long pattern of oil spills that especially harm indigenous communities.¹⁰

Economic Losses

⁵ Nick Miroff, "A Flood of Problems," The Washington Post (7 August 2017.) Available at: https://www.washingtonpost.com/sf/world/2017/08/07/perus-glaciers-have-made-it-a-laboratory-for-adapting-to-climate-change-its-not-going-well/?utm_term=.f358cb50873c

⁶ Barbara Fraser, "Melting in the Andes: Goodbye Glaciers," Nature, 491, 180-182 (2012). Available at: <https://www.nature.com/articles/491180a>

⁷ Gonzalez Torrico, "Communities in Peru Tackle Deforestation with Technology," Diálogo Chino (8 September 2021). Available at: <https://dialogochino.net/en/climate-energy/45997-perus-indigenous-amazon-communities-embrace-technology-to-tackle-deforestation/>

⁸ Bergmann, J., K. Vinke, C.A. Fernández Palomino, C. Gornott, S. Gleixner, R. Laudien, A. Lobanova, J. Ludescher and H.J. Schellnhuber (2021). *Assessing the Evidence: Climate Change and Migration in Peru*. Potsdam Institute for Climate Impact Research (PIK), Potsdam, and International Organization for Migration (IOM), Geneva

⁹ Dan Collins, "Postcard from Lima: The Curse of Black Gold," Chatham House (1 April 2022). Available at: <https://www.chathamhouse.org/publications/the-world-today/2022-04/postcard-lima-curse-black-gold>

¹⁰ *Ibid.*



12. Climate risks spurred by agricultural expansion, deforestation, illicit mining, and environmental pollution threaten Peru's efforts at sustainable development.
13. **Climate change threatens to generate notable economic losses in multiple sectors of the Peruvian economy.** The fishing, agricultural, and livestock sectors – especially in the High Andes—are likely to be the most impacted, but hydroelectric power and tourism will also be affected.¹¹ In addition to generating economic losses, climate change will also necessitate increased public spending on infrastructure maintenance and repair, and healthcare.¹²

HUMAN RIGHTS IMPACTS

Challenges to Indigenous Communities

14. Barriers to political and economic participation, lack of access to drinking water, and environmental pollution have compromised the well-being of indigenous communities.
15. **Rainforest oil spills have poisoned indigenous communities.** About 474 oil spills have been recorded over the last two decades in Peru's Amazon region. These spills have contaminated local water and food systems, poisoning indigenous adults and children with toxic heavy metals.¹³
16. **Indigenous rights to health are in jeopardy.** Members of the indigenous K'Ana People's communities in Espinar province have high levels of metals and toxic substances in their bodies, which can cause a significant number of health defects.¹⁴
17. **Andean communities' rights to water and sanitation are at risk due to water sources drying up.** Continuing to partner with and invest in community efforts to restore ancestral water-management systems can improve access to water and increase climate resiliency.¹⁵

Challenges to Environmental Human Rights Defenders

18. **Environmental and land defenders in Peru face dire threats to their health and wellbeing.** Prominent advocates protesting environmental pollution and demanding

¹¹ United Nations, Economic Commission for Latin America and the Caribbean, “La Economía del Cambio Climático en el Perú,” ECLAC (2014). Available at: <https://repositorio.cepal.org/handle/11362/37419>

¹² *Ibid.*

¹³ See *supra* footnote 9.

¹⁴ Amnesty International, “Peru: New Evidence Confirms Health Crisis Due to Toxic Metals in Espinar,” (18 May 2021). Available at: <https://www.amnesty.org/en/latest/news/2021/05/peru-crisis-de-salud-metales-toxicos-espinar/>

¹⁵ Elda Cantú, “Climate Change is Bad for Peru's Pastures... But There's a 1,200-Year-Old Fix,” NPR (2 January 2019). Available at: <https://www.npr.org/sections/goatsandsoda/2019/01/02/600833370/climate-change-is-bad-for-perus-pastures-but-theres-a-1-200-year-old-solution>



greater environmental protections have been killed.¹⁶ In 2021, Peru was the third most lethal country in South America for human rights defenders.¹⁷ Extrajudicial and arbitrary killings of human rights defenders violate the right to freedom of expression, the right to life, and other human rights.

19. The Peruvian government has criminalized environmental human rights defenders, particularly those who oppose large mining projects.¹⁸ These human rights defenders are vital to highlighting environmental and community impacts and advancing Peru's ambitious climate agenda.

Challenges to Democracy and Peaceful Assembly

20. **Security forces in Peru have been accused of using excessive force when responding to largely peaceful protests.** Recent laws in Peru have protected police abuse by including a presumption in favor of the police regarding the reasonableness of deploying lethal force, contrary to human rights standards.¹⁹ For example, in 2020, human rights organizations found that Peruvian National Police committed multiple abuses against mostly peaceful protesters.²⁰
21. **The Peruvian government has also been criticized for taking excessive action to quell political protests.** For example, the government responded to protests over rising fuel and fertilizer prices triggered by Russia's invasion of Ukraine by imposing a widespread curfew in Lima which has been described as unconstitutional and disproportionate by Peru's human rights ombudsman.²¹
22. Human rights organizations have called on Peru to ensure that security forces deploy proportionate force when responding to social protests, prevent human rights violations, and ensure accountability for instances of abuse.²² Safeguarding the right to peaceful assembly is vital to maintaining Peru's commitments under Article 21 of the International

¹⁶ CIVICUS, "Peru: Protests Over Price Rises and Violence Against Human Rights Defenders," (12 April 2022). Available at: <https://monitor.civicus.org/updates/2022/04/12/peru-protests-over-price-rises-and-violence-against-human-rights-defenders/>

¹⁷ Amnesty International, "Peru 2021," (2021). Available at: <https://www.amnesty.org/en/location/americas/south-america/peru/report-peru/>

¹⁸ United Nations, Office of the High Commissioner, "Peru: Criminalization of Environmental Human Rights Defenders Must Stop," (18 May 2021). Available at: <https://www.ohchr.org/en/press-releases/2021/05/peru-criminalisation-environmental-human-rights-defenders-must-stop-un>

¹⁹ See *supra* footnote 17.

²⁰ Human Rights Watch, "Peru: Serious Police Abuses Against Protestors," (17 December 2020). Available at: <https://www.hrw.org/news/2020/12/17/peru-serious-police-abuses-against-protesters#>

²¹ Dan Collins and Tom Phillips, "Fuel Protests Prompt Lima Curfew as Ukraine Crisis Touches South America," *The Guardian* (5 April 2022). Available at: <https://www.theguardian.com/world/2022/apr/05/peru-lima-curfew-brazil-ukraine-fuel-fertiliser>.

²² Amnesty International, "Peru: President Castillo Must Ensure Proportionate Use of Force in Response to Social Protests and Prevent Human Rights Violations," (8 April 2022). Available at: <https://www.amnesty.org/en/latest/news/2022/04/peru-president-castillo-must-ensure-proportionate-use-of-force-in-response-to-social-protests-and-prevent-human-rights-violations/>



Covenant on Civil and Political Rights, which Peru has both signed and ratified.

Challenges to Displaced People

23. **Rising sea levels, natural disasters, and changing climate will spur climate migration and displacement.** Peru also hosts refugees and migrants from other countries fleeing political crises and instability. According to the UN High Commissioner for Refugees, over 800,000 refugees and migrants in Peru are extremely vulnerable and require support for food, health, shelter, and other basic needs.
24. **Peru's framework climate change legislation requires government planning for forced migration and temporary displacement.** Any plan must account for water and food insecurity, as well as preexisting inequities that increase displaced people's vulnerability.
25. **Peru hosts over one million displaced Venezuelans, with over 500,000 seeking asylum.** Venezuelan asylum seekers and migrants have faced discrimination, abuse, and gender-based violence. Additionally, with nearly one quarter of Venezuelans migrant children not attending school in two of Peru's most populated regions.²³

Peru's Climate Policies

26. **Peru importantly recognizes the existence and seriousness of the climate emergency.** In addition to pledging to become a carbon-neutral country and reducing greenhouse gas emissions, Peru has issued a governmental decree prioritizing climate governance, climate education, climate monitoring, climate finance, and human rights and climate justice.²⁴
27. **Peru passed strong framework legislation on climate change.**²⁵ Working collaboratively with international partners and local communities, Peru has developed national laws that require government planning for climate migration, annual reporting, recognition of the participation of non-state actors, guidelines for climate financing, and more.²⁶

²³ Save the Children, "One in Four Venezuelan Migrant Children in Peru Not in School," (11 April 2022). Available at: <https://www.savethechildren.net/news/one-four-venezuelan-migrant-children-peru-not-school>

²⁴ Doris Balvin, "Declaration of Climate Emergency: an Answer to the New Generations," *Pressenza* (2 April 2022). Available at: <https://www.pressenza.com/2022/02/declaration-of-climate-emergency-an-answer-to-the-new-generations/>

²⁵ NDC Partnership, "Peru is Adapting Its National Regulation to Climate Change," (9 December 2020) <https://ndcpartnership.org/news/peru-adapting-its-national-regulation-climate-change>

²⁶ Sabin Center for Climate Change Law, "Peru Passes New Framework Climate Change Law: Top Nine Developments," *Columbia Law School* (26 April 2018). Available at: <https://blogs.law.columbia.edu/climatechange/2018/04/26/peru-passes-new-framework-climate-change-law-top-nine-developments/>



28. Peru created an Indigenous Climate Platform to recognize and empower the work of indigenous peoples in conserving biodiversity and fighting climate change.²⁷ Such efforts to uplift indigenous communities are commendable and worthy of expansion.
29. Peru is a signatory of the Glasgow Leaders' Declaration on Forests and Land Use, which seeks to end deforestation by 2030. Mechanisms that safeguard forest land and indigenous people will be necessary to follow through on that commitment.
30. **In the wake of the COVID-19 pandemic, Peru is working toward a green economic recovery.** With the support of the World Bank, Peru has focused on financing sustainable investments, increasing the country's climate adaptation and resilience to national disasters, and advancing more efficient use of national resources and low-carbon technologies.²⁸

RECOMMENDATIONS

31. Peru should follow through on its laudable commitments to combat climate change, which offer a solid starting point for addressing the crisis. Peru should enhance and expand upon existing frameworks and integrate affected communities in the drafting and planning processes.
32. Peru should increase legal recognition and titling of indigenous territories and offer communities support to guard their land against deforestation and illegal mining, consistent with the right to self-determination of indigenous peoples.
33. Peru must end a culture of corporate impunity in the oil industry by holding polluters responsible and demanding companies guard against corrosion and improve maintenance on pipelines. Peru's efforts to ensure medical care to those exposed to toxic metals are commendable and should be expanded. Peru must also continue its transition into a green economy and decrease its reliance on oil and other extractive industries.
34. **Peru must support – not criminalize – environmental human rights defenders.** Peru must also strengthen its mechanisms for protecting human rights defenders, and promptly investigate any killings.
35. Peru must ensure criminal and disciplinary accountability for police abuse, revoke laws that embolden police impunity, and increase transparency in law enforcement. Its response to social conflict must guard against governmental overreach and treat protesters with dignity to protect the state's democratic political institutions and adhere to Peru's commitments under the International Covenant on Civil and Political Rights.

²⁷ IWGIA, "The Indigenous World 2020: Peru," (11 May 2020). Available at: (<https://www.iwgia.org/en/peru/3629-iw-2020-peru.html>)

²⁸ World Bank, "The World Bank Approved a US \$500 Million Loan to Strengthen the Foundations for a Green, Resilient Economy in Peru," (31 March 2022). Available at: <https://www.worldbank.org/en/news/press-release/2022/03/31/the-world-bank-approved-a-us-500-million-loan-to-strengthen-the-foundations-for-a-green-resilient-economy-in-peru>



36. **Peru must uphold the right to seek asylum and displaced people’s right to life by supporting their access to basic needs.** Peru should continue to process asylum claims and develop a regularization scheme for Venezuelans in Peru with irregular status, consistent with obligations under Peruvian and International law.²⁹

Acknowledgements

This submission was prepared by Dave-Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005), and Laila Ujayli (Ohio State University 2018, Harvard Law School 2024)

Word Count: 2530

²⁹ Amnesty International, “Peru: Unlawfully Turning Away Venezuelans Seeking Protection,” (4 February 2020). Available at: <https://www.amnesty.org/en/latest/news/2020/02/peru-rechazo-ilicito-de-personas-venezolanas-que-buscan-proteccion/>