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PERU 2020
Final Report



Early legislative elections
26 January 2020



PERU
EARLY LEGISLATIVE ELECTIONS
26 January 2020

FINAL REPORT
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ACRONYMS

ACHPR	African Commission on Human and Peoples' Rights
ACHR	American Convention on Human Rights
AmCPRW	Inter-American Convention on the Granting of Political Rights to Women
AP	<i>Acción Popular</i>
APP	<i>Alianza para el Progreso</i>
APRA	<i>Partido Aprista Peruano</i>
C169	Indigenous and Tribal Peoples Convention
CEDAW	Convention on the Elimination of Discrimination Against Women
CONADIS	National Council for the Integration of Persons with Disabilities (<i>Consejo Nacional para la Integración de la Persona con Discapacidad</i>)
CRPD	Convention on the Rights of Persons with Disabilities
DD	<i>Democracia Directa</i>
DNI	National Identification Card (<i>Documento Nacional de Identidad</i>)
EP	European Parliament
EU	European Union
EU EOM	European Union Election Observation Mission
FA	<i>Frente Amplio</i>
FP	<i>Fuerza Popular</i>
FREPAP	<i>Frente Popular Agrícola del Perú</i>
IACAC	Inter-American Convention against Corruption
IADC	Inter-American Democratic Charter
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
INDECOPI	National Institute for the Defence of Competition and Protection of Intellectual Property (<i>Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual</i>)
INEI	National Institute of Statistics and Computing (<i>Instituto Nacional de Estadísticas e Informática</i>)
JEE	Special Electoral Board (<i>Jurado Electoral Especial</i>)

JNE	National Electoral Board (<i>Jurado Nacional de Elecciones</i>)
JNJ	National Board of Justice (<i>Junta Nacional de Justicia</i>)
JPP	<i>Juntos por el Perú</i>
LGBTI	Lesbian, Gay, Bisexual, Transsexual and Intersexual
LPP	Law on Political Parties (<i>Ley de Organizaciones Políticas</i>)
LSTO	Locally-recruited short-term observer
LTO	Long-term observer
OAS	Organisation of American States
OCV	Out-of-country voting
ODPE	Decentralised Office for Electoral Processes (<i>Oficina Descentralizada de Procesos Electorales</i>)
ONPE	National Office for Electoral Processes (<i>Oficina Nacional de Procesos Electorales</i>)
OSCE	Organisation for Co-operation and Security in Europe
PL	<i>Perú Libre</i>
PM	<i>Partido Morado</i>
PN	<i>Perú Nación</i>
PPC	<i>Partido Popular Cristiano</i>
PPK	<i>Peruanos Por el Kambio</i>
PPP	<i>Podemos por el Progreso del Perú</i>
PPS	<i>Perú Patria Segura</i>
PwD	Persons with disabilities
RENIEC	National Identity and Civil Status Registry (<i>Registro Nacional de Identificación y Estado Civil</i>)
SEA	Automatized Tabulation System (<i>Sistema de Escrutinio Automatizado</i>)
SN	<i>Solidaridad Nacional</i>
SP	<i>Somos Perú</i>
SUNARP	National Superintendence of Public Registries (<i>Superintendencia Nacional de Registros Públicos</i>)
SUNAT	National Superintendence of Tax Administration and Customs (<i>Superintendencia Nacional de Aduanas y Administración Tributaria</i>)

TC	Constitutional Court <i>(Tribunal Constitucional)</i>
UDHR	Universal Declaration of Human Rights
UNCAC	United Nations Convention against Corruption
UNDRIP	United Nations Declaration on the Rights of the Indigenous Peoples
UNHRC	United Nations Human Rights Commission
UNIORE	Inter-American Union of Electoral Bodies
UNODC	United Nations Office on Drugs and Crime
UPP	<i>Unión por el Perú</i>
VEP	On-site Electronic Voting <i>(Voto Electrónico Presencial)</i>
VRAEM	Valley of the Apurímac, Ene and Mantaro Rivers

I. EXECUTIVE SUMMARY AND PRIORITY RECOMMENDATIONS

The 26 January early legislative elections, the first in Peru's history to be held separately from the presidential race, were assessed by the European Union Election Observation Mission (EU EOM) as credible and well-conducted. Led by Chief Observer and Member of the European Parliament from Spain, Leopoldo López Gil, the mission was deployed to Peru between 17 December 2019 and 20 February 2020 in response to an invitation from the Government of Peru and the National Electoral Board (JNE). These were the fourth elections observed by the EU in Peru.

The disillusionment with the political establishment as a result of the recent corruption scandals resulted in a low interest of the citizens towards these elections, which took place in a difficult political and security environment in several neighbouring countries, against the backdrop of mass protests in Chile, Colombia and Ecuador and the post-electoral crisis in Bolivia, as well as a critical situation in Venezuela which led to a mass exodus of its citizens, including to Peru. At national level, these elections were perceived as a part of a larger process culminating in next year's general elections, with a significant number of prominent political figures having chosen not to run due to constitutional provisions banning consecutive re-election.

In September 2019, concerns related to the integrity of candidates for the Constitutional Court (TC) prompted Prime Minister Salvador del Solar to link the issue of the selection of judges to a vote of confidence for his cabinet, which was denied. As a result, President Martín Vizcarra considered that the constitutional provision granting him authority to dissolve the Congress, following two no-confidence votes against the government, was fulfilled. Subsequently, on 30 September 2019, Vizcarra dissolved the Congress and called for new legislative elections to take place on 26 January 2020, within the four months deadline foreseen in the Constitution. The legitimacy of the elections was questioned following a claim on unconstitutionality filed by the speaker of the dissolved Congress on grounds that the motion of confidence was not formally voted. The claim was dismissed by the TC a few days before the elections, strengthening the position of the president.

The legal framework, although scattered in different laws and regulations, incorporates fundamental principles for transparent and genuine elections. However, it is characterised by frequent duplications in the laws and in the regulations, by vacuums on campaign financing regulations, and by a certain degree of vagueness in the definition of key electoral aspects, namely on provisions for appeals against decisions on the disqualification of candidates. The latter prompted to an uneven interpretation by the election authorities, undermining the legal certainty of the applicable laws and regulations. The legal framework is also characterised by a rigorous understanding of the laws, which led to uneven degrees of flexibility in its implementation. JNE's late decisions on essential legal issues not regulated for extraordinary elections provoked uncertainty well into the process as to the pertinent legislation in place.

The election administration is composed of three institutions, the National Electoral Board (*JNE, Jurado Nacional de Elecciones*) the highest authority on electoral matters with mainly jurisdictional functions, the National Office for Electoral Processes (*ONPE, Oficina Nacional de Procesos Electorales*), in charge of the organisation and implementation of electoral processes, and the National Identity and Civil Status Registry (*RENIEC, Registro Nacional de Identificación y Estado Civil*), responsible for the management and update of the voter register as well as the issuing of the national ID card (DNI). Each institution has decentralised bodies. The ONPE and the RENIEC showed a high degree of professionalism and transparency. EU observers reported that the Special Electoral Boards (*JEE, jurados electorales especiales*) and the Decentralised Offices

for Electoral Processes (*ODPE, oficinas descentralizadas de procesos electorales*) were generally evaluated as independent by party and civil society interlocutors.

Given the unprecedented character of the process, the timeframe for operational and logistical preparations was much shorter than usual, as there were only four months between the official call and election day. All electoral institutions made commendable efforts to prepare the elections and successfully adhered to the JNE calendar, as reported by the EU observers, against the backdrop of pressing time constraints and operational challenges due to weather conditions in the Andean and the Amazon regions.

Polling stations were managed by three members drawn from the voter list of the corresponding polling station by the ODPE. Poll worker service is a compulsory public duty. Members could not resign from their positions, received no remuneration and were subject to fines in case of no-show on election day. ONPE officials struggled to identify and locate appointed polling staff and used social networks to inform them about their appointment and the training calendar, disregarding protection of private data. The ONPE implemented both presential and online trainings for poll workers. However, the percentage of trained staff was low (52 per cent).

There was a total of 84,851 polling stations both in-country and abroad. In some remote and low-populated areas, mainly inhabited by indigenous populations, voters had to overcome considerable distances to reach their polling stations. EU observers reported that voters had to walk 12 hours in areas of Piura or travel several days on rivers in the regions of Amazonas, Loreto, Madre de Dios and Ucayali. Turnout in these four regions was ten per cent lower than the national average.

E-voting using voter-verifiable paper record machine was implemented in 5,620 out of 84,851 polling stations, concerning 6.6 per cent of the polling stations and 7.1 per cent of the electorate. The use of e-voting was criticised by some political parties on grounds that the system could be hacked and that it had not been externally audited. The ONPE made an effort to explain e-voting to parties and organised specific trainings in this regard. However, this did not dispel existing doubts, which were mostly based on the reliability of the system and experiences in other countries. The ONPE also implemented an automatized tabulation of elections results in some 3,000 polling stations, which significantly contributed to reduce the amount of erroneous results protocols.

The final voter register contained 24,799,384 voters, including 974,230 out-of-country voters (3.9 per cent of the total). The voter register is drawn from the civil register maintained by the RENIEC and generally enjoys a high level of confidence from political parties and voters. No major concerns on its accuracy and inclusivity were reported. A new legislation allowed voters turning 18 between the closing of the voter register and election day to vote, addressing a previous 2016 EU EOM recommendation. To facilitate the national ID card (DNI) renewal, the RENIEC extended its office hours throughout the country in the weeks prior to election day and adopted a resolution allowing the use of expired DNI for identification at the polling station.

Out of the 3,101 applications received, a total of 775 candidates were disqualified, accounting for 24.9 per cent. Rigorous requirements and the unrealistic deadlines for redress led to a high number of disqualifications. Applicants had to complete an affidavit with information on the educational and professional background, served sentences for gender violence, non-compliance with alimony agreements or contractual obligations, as well as data on assets and income. Failure to provide the required information in the affidavits led to non-registration. The exclusion of several candidates from the same party list limited the voters' choice in several constituencies as the final lists were

left incomplete. The JNE continued to disqualify registered candidates until one day before the elections.

Overall, the campaign was competitive and peaceful, with the 21 registered parties and their candidates being able to campaign freely and without undue restrictions, enjoying equal rights to freedoms of assembly, expression and movement. The JNE organised debates among candidates at national and regional levels, which were broadcast live by the state-owned radio and TV, ensuring full coverage across the country. Their format did not allow any form of interaction among the candidates.

The campaign activities were mainly conducted on television, online media and social networks, as well as through the use of billboards, posters, murals, distribution of leaflets and calendars, door-to-door visits and car caravans with loud-speakers. The online campaign was characterised by personal attacks among candidates. Several Facebook pages and public groups with the appearance of online media outlets disseminated false and demeaning information on candidates and their political platforms. Contesting political parties showed different approaches to social media as a campaign tool, with *Partido Morado* being the most active party in using the social media for campaign purposes. On the contrary, FREPAP (*Frente Popular Agrícola del Perú*) did not conduct any online campaign activity.

While the existing legislation on campaign finance appears to be in line with international instruments and good practice, the ONPE party and campaign financing unit is understaffed and lacks sufficient resources. In addition, the fact that parties are not obliged to submit reports on funding and expenses during the campaign, but only after the elections, renders finance monitoring and subsequent potential judicial actions less effective. The Criminal Code was amended in August 2019 to incorporate two new specific offences related to illegal party and campaign financing, partially addressing a 2016 EU EOM recommendation, but insufficient to tackle a long-standing and recurrent issue in Peru politics.

Peru enjoys good levels of freedom of expression and freedom of the media. For the first time, political parties were not allowed to campaign on radio and open TV channels outside the free airtime slots provided by the ONPE. This contributed to generating a level playing field, to reducing party advertisement in the media and also to increasing relevance of the social media as campaign tool. EU EOM monitoring findings highlighted that during the analysed period, state-owned media *TVPerú*, *Radio Nacional* and *El Peruano* made a balanced coverage of the elections by giving voice to candidates of all 21 political contestants through an equitable distribution of airtime/space. Most of the private media outlets monitored by the EU EOM also gave voice to all political parties, mainly through interviews or debates with candidates, but showed different degrees of bias in favour or against of specific candidates in their electoral coverage.

There is no campaign regulation on the use of social media in elections during elections. Paid political advertising on social media was allowed, enabling some candidates to boost campaign contents on Facebook to reach out to a large number of users. Around 80 per cent of the candidates used Facebook for campaign purposes, mainly for the dissemination of self-produced content. The overwhelming majority of the observed pages and accounts did not bear any symbol of authenticity, limiting voters' guarantee to know if they were official or not.

Forty per cent of the registered candidates were women. However, only 33 women were elected to Congress (26 per cent of its members), a decrease from 36 elected congresswomen in 2016. The female underrepresentation in Congress is partly the result of women being positioned in the lower

positions of the lists. Only 12 per cent of all the lists competing in the 2020 elections were headed by women, dropping from 22 per cent in the 2016 elections. As reported by EU observers, female candidates in Amazonas, Ayacucho, Piura, Puno, San Martín and Tumbes, experienced gender discrimination during their campaign activities. Addressing a 2016 EU EOM recommendation, the legal framework provides for a staggered introduction of gender parity in the party lists.

Most of the appeals filed during the election period were related to the disqualification of candidates. The excessive requirements for the registration prevailed over the general principle of the right to stand. Almost 50 per cent of the 3,301 applicants appealed against decisions of the JEE at any time during the registration period. In some cases, omitting data or stating false information in the affidavit could lead to an investigation for criminal offence. In addition, some JNE and JEE decisions on appeals against disqualification of candidates lacked consistency, with a number of excluded candidates successfully appealing to constitutional justice for redress.

Overall, election day was peaceful and orderly, with procedures well implemented in the observed polling stations. The opening was however characterised by delays, and closing and counting by a weak performance of polling staff. The circumstances in the voting centres were generally evaluated as positive by the EU observers, although 24 per cent of the observed polling stations were not accessible for persons with reduced mobility. Women constituted the majority of the polling station staff (53 per cent) and acted as polling station presidents in 57 per cent of the observed stations.

Final numbers show that voting, which is compulsory for citizens up to 70 years old, dropped to 74 per cent at national level (82 per cent in the 2016 Congress elections), with remarkable differences among constituencies. The percentage of invalid votes, although still high, decreased significantly in comparison to the 2016 Congress elections, disproving concerns about the high percentage of undecided voters in the weeks leading up to election day. However, invalid votes were higher than the winning party votes in 25 out of 26 constituencies (all but Arequipa).

Nine political parties have passed the five per cent threshold at national level needed to be represented in the Congress. This is the largest number of political parties in the Congress since the threshold was adopted in 2005. The difference between the first party, *Acción Popular* and the ninth party, *Somos Perú*, was at 4.2 per cent (622,471 votes). Such a situation will lead to a substantial fragmentation in the parliament. The parties that passed the threshold obtained 68,7 per cent of the valid votes, while those that failed got 31,3 per cent of the votes.

The EU has conducted election observation missions in Peru in 2001, 2011 and 2016. Out of the 33 recommendations offered by the EU EOM 2016, nine have been implemented, representing a significant progress for the democratic life of Peru. Among them, the non-implementation of election laws adopted in the year before an election, in line with international good practice; internal democracy within political parties; rules for the registration and exclusion of political parties; introduction of sanctions against violations of rules by political parties; limits for the private financing of political parties; voting by citizens who turn 18 between the closing of the voter register and election day, and a staggered introduction of gender parity and alternation in the party lists.

The priority recommendations of the European Union Election Observation Mission to Peru 2020 are:

- It would be advisable to adopt a unified and coherent electoral and procedural code to eliminate inconsistencies and legal voids, as well as to enhance access to the legislation and equality of treatment to stakeholders, and the accountability of responsible institutions.
- The ONPE should conduct full external independent audits to the e-voting solution and to have a consultative approach on the matter with political parties, with the aim to dispel doubts, increase transparency and foster confidence.
- The election institutions should ensure to facilitate the effective suffrage to all eligible voters, including those living far from voting centres, particularly in the case of indigenous communities in the Amazon region, those on duty on election day (police, armed forces, electoral workers), as well as to pre-trial detainees.
- In order to ensure the effective oversight of campaign funding and expenses, reports should be submitted to the ONPE also during the electoral period and not only after. An effective mechanism of monitoring and sanctions should be in place.
- It would be necessary to ensure ONPE's capacities to oversee campaign expenses for the next elections.
- The ONPE should increase the amount of airtime allocated to the free slots and apply different criteria for its distribution, in order to guarantee that citizens living in less populated regions receive sufficient information from political parties and candidates through the electronic media.
- The ONPE should introduce a requirement for candidates and political parties campaigning in the social networks to seek to obtain a symbol of authenticity in their accounts in order to guarantee voters' ability to identify official sources of online political information.
- A common effort should be made by the media, civil society and technology platforms to create a network to discredit false news in order to strengthen existing fact-finding initiatives for future elections.
- Complement the provision on vertical alternation of gender in the lists of candidates from 2021 onwards with a horizontal alternation rule (gender alternation on the top positions of all the candidate lists of one party).
- Consideration should be given to set reasonable deadlines for appellant candidates to challenge their disqualification against the JEE and the JNE.

II. INTRODUCTION

At the invitation of the government of Peru and the National Electoral Board (JNE), the European Union deployed on 17 December 2019 an Election Observation Mission to observe the 2020 early legislative elections. The mission was led by Chief Observer and Member of the European Parliament from Spain, Leopoldo López Gil. A Core Team of nine analysts arrived in the country on 17 December. The mission was strengthened with the arrival of 50 long term observers (LTO) on 26 December. In addition, the mission was joined by locally-recruited short-term observers (LSTO) from the EU member states diplomatic community resident in Peru. This brought the full number observers to 106. Observers were drawn from 24 EU member States and Norway.

The EU EOM remained in the country until 20 February to observe final results tabulation and post-election developments. The EU EOM assessed the whole electoral process against international standards for democratic elections as well as the laws of Peru. The EU EOM was independent in its findings and conclusions and adhered to the Declaration of Principles for International Election Observation signed at the United Nations in October 2015.

The EU EOM wishes to express its appreciation to the National Electoral Board, the National Office for Electoral Processes (ONPE), the National Identity and Civil Status Registry (RENIEC) and the Ministry of Foreign Affairs and all other institutions, authorities, civil society and political organisations of the Republic of Peru for their kind and forthcoming cooperation and assistance throughout the Mission's presence. The EU EOM also expresses its appreciation to the Delegation of the European Union in Peru and the diplomatic missions of EU Member States in the country for their continued support throughout the process.

III. POLITICAL CONTEXT

The elections were perceived as a part of a larger process culminating in next year's general elections, they drew little attention from the citizens, disillusioned with the political establishment after the recent corruption scandals.

The 26 January early legislative elections were the seventh parliamentary elections under the 1993 Constitution and the first in Peru's history to be held separately from the presidential race, which has always appealed to a broader public interest.¹ The disillusionment with the political establishment as a result of the recent corruption scandals, as well as the holiday season, resulted in a low interest of the citizens towards these elections. The elections took place in a difficult political and security environment in the region, against the backdrop of mass protests in Chile, Colombia and Ecuador, the post-electoral crisis in Bolivia as well as a critical overall situation in Venezuela which led to a mass exodus of its citizens, including to Peru.² These elections were perceived as part of a larger process culminating in next year's general elections, with a significant number of prominent political figures having chosen not to run due to constitutional provisions banning consecutive re-election.

¹ As a result of the last general elections held in 2016, Pedro Pablo Kuczynski representing *Peruanos Por el Kambio* (PPK) won the presidential race with a narrow margin of 41,057 votes (50.12 per cent vs 49.88 per cent) over Keiko Fujimori from *Fuerza Popular* (FP), while FP secured 73 out of the 130 seats in Congress. Other political movements obtained the following number of seats in Congress: *Frente Amplio* 20, PPK 18, *Alianza para el Progreso* 9, *Acción Popular* 5.

² According to the official report issued by the National Superintendence of Migration (*Superintendencia Nacional de Migraciones*) in July 2019, the number of citizens of Venezuela residing in Peru was 860,000.

In September 2019, concerns related to the integrity of candidates for the Constitutional Court (TC) prompted the Prime Minister, Salvador del Solar, to link the issue of the selection of judges to a vote of confidence for his cabinet, the second in the 2016-2021 legislative term,³ which was denied, although not through a formal vote of no-confidence. As a result, President Vizcarra considered that the constitutional provision granting him authority to dissolve the Congress, following two no-confidence votes against the government, was fulfilled. Subsequently, on 30 September 2019, he dissolved the Congress and called for new legislative elections to take place on 26 January 2020, within the four months deadline foreseen in the Constitution.⁴

On 13 January, the TC dismissed (by a majority vote of four out of the seven magistrates) a claim on unconstitutionality filed by the speaker of the dissolved Congress against the dissolution. The ruling dispelled doubts on the legitimacy of the elections, which would have taken place notwithstanding a TC decision in favour of the plaintiff, thus strengthening the position of the President.

IV. IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS

The EU has conducted election observation missions in Peru in 2001, 2011 and 2016. Out of the 33 recommendations offered by the EU EOM 2016, nine have been implemented, representing a significant progress for the democratic life of Peru. Among them, the non-implementation of election laws adopted in the year before an election, in line with international good practice; internal democracy within political parties; rules for the registration and exclusion of political parties; introduction of sanctions against violations of rules by political parties; limits for the private financing of political parties; voting by citizens who turn 18 between the closing of the voter register and election day; a staggered implementation of gender parity in the party lists and the introduction of free political advertisement in the electronic media at regional level.. Some of the recommendations still hold, including on the consolidation of the electoral legislation into a single code, the training of polling officers; the civic and voter education; the management of polling stations, and on the limitation of penalties for offences related to the freedom of expression.

V. LEGAL FRAMEWORK

The legal framework, although scattered in different laws and regulations, provides an adequate basis for transparent and genuine elections. The JNE was quick to clarify the laws in force for this election, but decided late on the applicability of other laws and regulations.

A. International principles and commitments

Peru has ratified the main international and regional instruments on civil and political rights, including the principles for democratic elections.⁵ As per article 55 of the Constitution, all

³ The first vote of confidence was requested by Prime Minister Fernando Zavala in September 2017.

⁴ Constitution of Peru, article 134.

⁵ Namely, the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1969 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 2006 Convention on the Rights of Persons with Disabilities (CRPD), the Indigenous and Tribal Peoples Convention (C169) and the 2005 United Nations Convention against Corruption (UNCAC), among other international instruments. At regional level, Peru has ratified the 1969 American Convention on Human Rights (ACHR), the 1948 Inter-American Convention on the Granting of Political Rights to Women (AmCPRW), the 1996 Inter-American Convention against Corruption (IACAC) and the 1999 Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

international treaties, once ratified, are incorporated to the national legislation. These international treaties have the same hierarchical level as Peru's Constitution and are legally binding. Peru is also a member of the European Commission for Democracy through Law (Venice Commission). In fact, at the request of the speaker of the Congress, the Venice Commission issued an opinion on the linkage of the motion of confidence to constitutional matters, which had led to the dissolution of the Congress by President Vizcarra. On 11 October, the Venice Commission informed that while the Peruvian Constitution does not set any limitation on this matter, “the threat of dissolution after a second vote on a question of confidence may make it difficult for Congress to resist attempts to alter [the required check and balances between the Executive and the Legislative] in favour of the President.”⁶

B. Constitutional human rights and electoral legislation

The Peruvian Constitution recognises the rights to freedom of expression, assembly, association, participation in the political life, as well as the rights to vote and to be elected. There is also the possibility for redress against violations to constitutional rights (*recurso de amparo*).

The legal framework for general, presidential and local elections in Peru is scattered in 14 laws, their amendments and regulations issued by the JNE, the ONPE and the RENIEC. Aiming to clarify the legislation in force for the 2020 early congressional elections, the JNE issued a resolution detailing the applicable laws, namely the Election Law (*Ley Orgánica de Elecciones*), the Political Party Law (*Ley de Organizaciones Políticas*), the JNE Law (*Ley del Jurado Nacional de Elecciones*) and the Law 30322 on the procedures for political parties and candidates to communicate with the JNE.⁷ Additionally the JNE included in the resolution 16 already existing regulations pertinent for the early congressional elections. Three laws on electoral reforms adopted few days before the dissolution of the Congress were not applicable, following legal provisions forbidding the implementation of election-related legislation approved within the year before an election.⁸ In addition, given the short timeframe for the preparation of the elections, a presidential decree allowed the JNE, the ONPE and the RENIEC to issue regulations to ensure that the process could take place within the four-months deadline provided for in the constitution for extraordinary elections, including the necessary financial resources.⁹

The legal framework for the 2020 early congressional elections provided sufficient basis for democratic elections. However, it was characterised by frequent duplications in the laws and in the regulations, as well as by vacuums on campaign financing regulations. In this regard, a recent amendment to the Penal Code strengthening sanctions on illegal political party finance was a positive, yet incomplete, step to address a recurrent issue in Peru.

The legislation was also characterised by a certain degree of vagueness in the definition of key electoral aspects, namely on provisions for a timely adjudication of incorrect election results protocols (*actas observadas*) by the JEE and on appeals against decisions on the disqualification of candidates. The latter prompted to an uneven interpretation of the law by the election authorities,

⁶ Opinion CDL-AD (2019) 022.

⁷ JNE Resolution 155/2019, issued on 10 October 2019, ten days after the dissolution of the Congress and the call for fresh elections.

⁸ On 27 August, the Congress passed four laws modifying existing provisions of the Election Law, the Law on Political Parties and the Penal Code. Three non-applicable laws were Law 30995 on the modalities of registration and de-registration of political parties; Law 30996 on increasing of gender quota in party lists, and Law 30998 on internal party primaries for the selection of candidates for presidential, legislative and local elections. The fourth law (Law 30997) incorporates two new offences to the Penal Code on illegal financing and on misrepresentation of contributions and expenditures of political organisations, was applicable to this election (*see section Campaign Finance*).

⁹ Presidential Decree 2/2019.

undermining the legal certainty of the applicable laws and regulations (*see section Candidate Registration*).

Also, the JNE's late decisions on essential legal issues not regulated for extraordinary elections provoked uncertainty until late into the process as to the pertinent legislation in place. One week before the end of the candidate registration process, the JNE decided that the prohibition of re-election for members of the Congress would not be applicable for this election, as the dissolution did not put an end to the 2016-2021 legislative period. Similarly, only eleven days before the elections, the JNE agreed that parties contesting the 2020 extraordinary elections would not be de-registered if they failed to pass the five per cent national threshold, as it would have been the case in general elections.¹⁰

It would be advisable to adopt a unified and coherent electoral and procedural code to eliminate inconsistencies and legal voids, to enhance access to the legislation and equality of treatment to stakeholders, as well as the accountability of responsible institutions.

C. Election system and boundary delimitation

The 130 members of the Congress were elected through a proportional system with optional preferential vote.¹¹ Voters could mark up to two preferences within the same list of candidates. For the legislative elections, Peru is divided into 26 constituencies, one for each of the 24 regions, one for Lima city and one for the province of Callao. The number of seats to be elected per constituency ranged from 36 in Lima to seven in La Libertad and Piura; six in Arequipa and Cajamarca; five in Áncash, Cusco, Junín, Lambayeque and Puno; four for Callao, Ica, Lima Provinces, Loreto and San Martín; three in Ayacucho and Huánuco; two in Amazonas, Apurímac, Huancavelica, Moquegua, Pasco, Tacna, Tumbes and Ucayali, and one in Madre de Dios.

The different size of the constituencies affected the equality of representation in four different manners. First, the maximum number of votes needed in order to obtain a seat ranged from 72,841 in Moquegua to 233,919 in Lima, with 12 constituencies deviating more than ten per cent from the national average of 190,794 votes.¹² Secondly, while seats in Congress are distributed among eligible candidate lists proportionally to the votes cast for the respective lists, the impact of the proportionality is reduced in those constituencies returning a small number of seats. In Peru, there are 21 constituencies electing five or less seats. For instance, the two seats returned by Huancavelica were allocated to *Unión por el Peru* (UPP) and *Democracia Directa* (DD) which obtained 28.6 per cent of the valid votes combined. Third, the combination of small constituencies with the national five per cent threshold had the effect of excluding the most voted parties in the constituencies of Junín (*Perú Libre*, 11.3 per cent), Cusco (*Democracia Directa*, 12.6 per cent) and Madre de Dios (*Avanza País*, 19.8 per cent) from the allocation of seats.¹³ Finally, parties that obtained the majority of their seats in Lima, the largest constituency in Peru, needed twice the

¹⁰ JNE resolution 0187/2019 of 11 November 2019 and JNE plenary decision of 15 January 2020, respectively.

¹¹ The Peruvian proportional system uses a slightly modified version of the D'Hondt method, called "distribution number method" (*método de cifra repartidora*), for the allocation of seats.

¹² The number of votes per seat can be approximated by the quotient of the number of registered voters divided by the number of seats returned by each constituency. Likewise, the national average is obtained by dividing the number of registered voters nationwide by the number of seats in the Congress (130). The 2002 Venice Commission Code of Good Practice on Electoral Matters suggests any admissible deviation should seldom exceed ten per cent of the distribution criterion and only 15 per cent in exceptional cases, such as in constituencies returning only one member to the Parliament or quotas for national minorities.

¹³ *Juntos por el Perú* would have also been allocated a seat, as the sixth most voted party in Junín. However, since it did not pass the five per cent national threshold, the seat was won by *Fuerza Popular*, the seventh most voted party in the constituency.

number of votes to gain representation than those that achieved the majority of their seats in other less populated constituencies (see Annex IV.B).¹⁴

VI. ELECTION ADMINISTRATION

The election institutions showed a high degree of professionalism and transparency, and adhered to the tight deadlines of the election calendar. The elections were well prepared by ONPE, notwithstanding recurrent problems of delays in the opening of polling stations and the transmission of results.

A. Structure and composition of the election administration

The election administration is composed of three institutions, the National Electoral Board (JNE, *Jurado Nacional de Elecciones*), the National Office for Electoral Processes (ONPE, *Oficina Nacional de Procesos Electorales*), and the National Identity and Civil Status Registry (RENIEC, *Registro Nacional de Identificación y Estado Civil*).

The JNE has mainly jurisdictional functions. It supervises the legality of the electoral process, registers candidates, announces official final results and it is the final instance for decisions on appeals. The JNE plenary is composed of five members serving a four-year mandate, elected by the Supreme Court, the Public Prosecutors, the College of Lawyers of Lima and the deans of the Faculties of Law from the public and private universities.

The ONPE is in charge of the organisation and implementation of electoral processes. The head of the ONPE is appointed by the National Board of Justice (JNJ, *Junta Nacional de Justicia*) for a four-year mandate. The main functions of the ONPE are to design and produce the ballot papers and results protocols, deploy the election material to the regions, appoint and train polling station members, and organise the counting and transmission of results. The RENIEC is responsible for the management and update of the voter register as well as the issuing of the National ID card (DNI), the only valid document for identification at the polling stations.

By law, the three election bodies are autonomous, but coordinate and collaborate to ensure electoral processes are carried out according to regulations. An Electoral Coordination Committee is formed for each electoral process, composed of highly qualified technical staff from the three bodies. In the forefront of the 2020 elections, the Committee met on a weekly basis and exchanged information about the current steps of the election preparations undertaken by each body.

Each electoral institution had decentralised bodies in the regions. The temporary 60 Special Electoral Boards (JEE, *Jurados Electorales Especiales*) were in charge of registering candidates, issuing credentials to party agents, and administering electoral justice at first instance. Appeals against resolutions or cancellation requests from the JEE were adjudicated by the JNE. The temporary Decentralised Offices for Electoral Processes (ODPE, *Oficinas Descentralizadas de Procesos Electorales*) decided on the location of polling stations, trained polling station staff,

¹⁴ For instance, *Partido Morado* obtained 6 out of its nine seats in Lima. Each of these nine seats had a “cost” of 121,721 votes. *Podemos Perú* needed 112,792 votes for each of its 11 seats (eight in Lima and three outside). Conversely, FREPAP, which received 632 fewer votes nationally than Podemos Perú, won 15 seats, of which five were in Lima and ten in the rest of the country. *Acción Popular* gained 20 out of its 25 seats outside Lima, with a “cost” of 60,727 votes. *Alianza para el Progreso* needed 53,546 votes for each of its 22 seats (two in Lima and 20 outside the capital).

distributed election materials to voting centres, and transmitted results from polling stations to the ONPE. RENIEC has 438 permanent registry offices throughout the country.

The ONPE and the RENIEC showed a high degree of professionalism and transparency. EU observers reported that the JEE and the ODPE were generally evaluated as independent by party and civil society interlocutors. The ONPE invited political parties, observers and civil society representatives to different key events of the preparatory phase, such as the results transmission test. Political parties however responded in low numbers to those invitations.

B. Administration of the elections

Given the unprecedented character of the 2020 elections, the timeframe for election preparations was much shorter than usual, as there were only four months between the call for elections and election day.¹⁵ Aiming to address the tight calendar, President Vizcarra issued an emergency decree on 9 October that included measures to accelerate the process of contracting goods and services for the election administration bodies. A JNE resolution established the electoral calendar, whose deadlines were adhered to by the three election bodies.

EU observers reported that election preparations in the departments were carried out according to schedule. The ONPE anticipated challenging logistics due to difficult weather conditions and prepared contingency plans in close collaboration with the Armed Forces and other State agencies. Several ODPE faced challenges because financial resources were not provided timely by the ONPE. EU observers reported cases in Lima as well as in the departments of Amazonas, Lambayeque and San Martín, of staff working without a contract nor being paid during the first week of the year, as well as a lack of travel funds which made it impossible for ODPE staff to reach out to polling station staff and voters living outside of the urban areas. According to the ODPE, these problems were caused by the fact that these elections reached over two fiscal years, which made budgeting more complicated and resulted in payments being delayed.

Polling stations were managed by three members drawn by the ODPE from a selection of 25 voters from the voter list of the corresponding polling station. Several criteria were used for the selection: including higher educational level or non-previous experience as polling staff. Poll worker service is a compulsory civic duty. Selected citizens could not resign from their positions,¹⁶ received no remuneration and were subject to fines in case of no-show on election day. The latter did however not prevent absenteeism. The EU EOM observed that appointed members had to be replaced by voters from the queue in eight per cent of the visited polling stations. The ONPE staff struggled to locate polling station members to inform them about their appointment, using the official residence information provided by RENIEC, but many people had changed their residence without prior notification. There were reports of the ONPE staff using social media to locate people, showing in some cases a lack of understanding of the protection of private data (*see section Digital Communication and Social Media*).

The ONPE implemented a variety of methods to train polling staff: personalised training at the ODPE, online training (videos and application for smartphones), and group training days on 12 and 19 January. EU observers reported that trainings were well organised and that high-quality material

¹⁵ General elections are scheduled every five years on the second Sunday of April and called not less than 270 days before. Articles 16 and 82, Election Law. Extraordinary elections are held within four months following the dissolution of the Congress. Article 85, Election Law.

¹⁶ Except in cases of serious physical or mental impairment, a need to leave the country, or being older than 70 years. Candidates, party agents, political authorities, or members of security forces could not act as polling staff.

was available. However, the percentage of polling staff that received training was low (52 per cent). The fact that almost half of the appointed polling station members were not trained impacted on the quality of the counting operations on election day (*see section Polling, Counting and Tabulation of Results*).

For these elections, there were a total of 84,851 polling stations. Polling stations had a maximum of 300 voters and a minimum of 200, with specific provisions in the Election Law for the creation of polling stations with less than 200 voters.¹⁷

The JNE and the ONPE should raise awareness on the importance of engaging in election activities and should motivate poll workers to participate in trainings and to take up duties on election day in order to avoid absenteeism and to ensure that polling and counting procedures are properly followed.

In some remote and low-populated areas, voters had to travel considerable distances to reach their polling stations. EU observers reported that voters had to walk 12 hours in areas of Piura or travel several days on rivers in the regions of Amazonas, Loreto, Madre de Dios and Ucayali. This appeared to influence the low voter turnout in some areas, mainly inhabited by indigenous populations. For example, while the voter participation at national level was 74.07 per cent, it was 60.6 per cent in Loreto and 62.3 per cent in Amazonas. Turnout was even lower in the provinces of Purus (Ucayali), 38.9 per cent, Putumayo (Loreto), 39.7 per cent, and Condorcanqui (Amazonas), 46.6 per cent.¹⁸

To establish polling stations, the ONPE has access to voter data on province and district level. This data is however not detailed enough in the case of remote districts or big areas with scattered population. Although there is a procedure allowing communities to request the establishment of a polling station in their area, this possibility is not well-known in remote zones, according to EU observers. Polling stations distant from populated centres limit the effective exercise of the right to vote.

The JNE and ONPE undertook good efforts to inform voters. The ONPE produced videos and audios in Spanish and indigenous languages, and its staff was present in public spaces to explain voting procedures. The JNE offered an online platform (*Voto Informado*) with information on candidates. Voter information platforms were also provided by the Comptroller's Office (Contraloría) and the civil society organisation *Transparencia*. Despite these efforts, EU observers reported a low level of information on voting procedures (particularly among indigenous groups and population in remote areas), a general apathy and disaffection towards political parties, candidates, and the electoral process as such.

It is recommended to reinforce voter education activities in remote areas with the aim to reduce the number of invalid ballots and increase turnout, targeting also indigenous populations.

Out-of-country voting (OCV)

Peruvian citizens living abroad were registered to vote in 3,374 out-of-country polling stations in 79 countries. The OCV was managed by the Ministry of Foreign Affairs in collaboration with the ONPE. The countries with most registered voters were the United States (304,860 voters), Spain (145,804), Argentina (141,566), Chile (113,083) and Italy (92,020). OCV election material was

¹⁷ Election Law, articles 52 and 54.

¹⁸ Putumayo province (45,928 km²) had a total of 6,730 voters. In Purus province (17,848 km²) there were a total of 2,974 registered voters.

deployed on 5 January. After election day, the results protocols were brought back to Peru by consular staff starting to arrive early on 27 January. They were processed in a dedicated ODPE (Lima Centro 2).

The votes of the 974,230 OCV voters were attributed to Lima constituency (8,421,082 voters),¹⁹ accounting for 12 per cent of the electorate of the constituency. As it is also the case for in-country voters, voting is compulsory for OCV voters, although no fine is imposed in case of abstention. In fact, turnout of the OCV was 22 per cent, significantly lower than the national average. The large number of voters residing abroad attributed to a single constituency could have impacted on the outcome of the elections in Lima. However, given the low turnout, OCV accounted for four per cent of the total votes cast for Lima, limiting *de facto* its influence on the overall results of the constituency.²⁰

Election Technologies

E-voting (VEP, *Voto Electrónico Presencial*) was implemented in 5,620 out of 84,851 polling stations, concerning 6.6 per cent of the polling stations and 7.1 per cent of the electorate.²¹ The e-voting solution was designed and built by the ONPE in-house and used voter-verifiable paper record machines, with voters being identified against a digital voter list. Compulsory cross-checks of results of the e-voting against the paper trails were conducted by the polling station staff in one randomly chosen e-voting station in each voting centre. Party agents had the right to ask for additional verifications of other polling stations.

The ONPE first introduced e-voting in a rural district of the constituency of Lima Provincias during the 2011 general elections. E-voting was then gradually expanded to other districts, taking the occasion of small district level elections in order to familiarise the electorate with the technology. These elections were the fourteenth in which e-voting was used.

Some elements of the e-voting solution have been audited in the past. In previous elections, external audits performed by private companies covered the security of the infrastructure and IT management processes, but not the source code. For these elections, the scope of the external audit was limited to an ethical hacking²² of the infrastructure, insufficient to address existing concerns. The JNE reviewed parts of the source code of all the technological solutions used by the ONPE during this electoral process. The JNE reports have however not been published. The publication of these reports would have contributed to increase transparency and address existing concerns.

The use of e-voting was criticised by some political parties on grounds that the system could be hacked and that it had not been externally audited. On 30 December 2019, *Fuerza Popular* requested the JNE to suspend e-voting as, according to them, the counting of electronic ballots does not allow the verification of the results. During the weeks before the elections, the ONPE made an effort to explain e-voting to parties and organised specific trainings in this regard. However, this did not dispel existing doubts, which were mostly based on the reliability of the system and experiences in other countries. Allegations that the ONPE had outsourced the implementation of

¹⁹ Election Law, article 21 and JNE resolution 000007/2020

²⁰ Venice Commission, Report on Out-of-Country Voting, para 95. Out of the 6,285,412 votes cast for Lima, 236,467 belonged to out-of-country voters.

²¹ E-voting concerns mainly Lima (22.8 per cent of the capital's electorate) and, to a lesser extent, the regions of Apurímac, Ayacucho, Callao, Cusco, Huancavelica, Huánuco, Tacna, and Ucayali.

²² An ethical hacking audit implies applying hacking techniques to identify weaknesses and vulnerabilities in the information systems for defensive purposes and on behalf of the owners of the information systems.

e-voting to a foreign company went viral on 19 January. The ONPE denied these quickly explaining that both software and devices were made in-house.²³

The ONPE should conduct full independent external audits to the e-voting solution and to have a consultative approach on the matter with political parties, with the aim to dispel doubts, increase transparency and foster confidence.

The ONPE also implemented an automatized tabulation of elections results from polling stations (SEA, *sistema de escrutinio automatizado*) in 2,999 out of 84,851 polling stations.²⁴ The SEA is a software developed by the ONPE whereby election results protocols are completed in a laptop at the polling station and digitally transmitted to the ONPE processing centre at national level for tabulation. The system was first introduced in the 2014 Regional and Municipal Elections and it is generally accepted by all stakeholders as it maintains the conventional form of voting and counting, but considerably reduces the amount of erroneous results protocols. For example, in the department of Ica, where SEA was implemented in all 1,937 polling stations, only 0.77 per cent of the results protocols showed errors, while at national level this percentage was 13.57. Moreover, the SEA only requires conventional laptops and printers, which makes the solution less sensitive to technology obsolescence and facilitates the reuse of the equipment outside the electoral context.

VII. VOTER REGISTRATION

The voter register enjoys a high level of confidence and the RENIEC increased efforts to ensure delivery of ID cards before Election Day.

A. The right to vote

The Constitution and the Election Law recognise the right to vote of every Peruvian citizen enjoying his or her civil rights and registered as a voter.²⁵ Polling is compulsory for citizens between 18 and 70 years of age, with fines imposed to those who fail to vote without a justification.²⁶ Following a constitutional amendment in 2005, members of the Army and the Police have the right to vote. However, as no provision was made by the ONPE to facilitate their voting while on duty on election day, those members of the Armed and Police forces who could not vote at their assigned polling station, were *de facto* disenfranchised.

The Constitution denies the right to vote to citizens whose political rights have been limited by court or a judicial injunction, and to persons serving prison sentence. The latter, by limiting the universality of suffrage, places Peru at odds with the International Convention on Civil and Political Rights (ICCPR) and with good international practice.²⁷

²³ The ONPE registered the intellectual property rights of the current e-voting software version at the Peruvian institution in charge of the protection of copyrights (INDECOPI) in 2016.

²⁴ The SEA was used in parts of 16 departments (Amazonas, Áncash, Apurímac, Arequipa, Ayacucho, Cajamarca, Cusco, Huancavelica, Huánuco, Ica, Lambayeque, La Libertad, Lima Provinces, Piura, Puno and Tacna).

²⁵ Constitution, article 31.

²⁶ JNE Resolution 461/2017-JNE.

²⁷ ICCPR Article 25(b), General Comment 25, para.10 and 11. ICCPR GC 21, para. 3. "Persons deprived from liberty may not be subjected to any (...) constraint other than that resulting from the deprivation of liberty." Venice Commission, Report on the Abolition of the Restrictions to the Right to Vote in General Elections, paras 41 and 61. *Hirst v. United Kingdom*, no. 74025/01 (6 October 2005). European Court of Human Rights (ECtHR).

The election institutions should ensure to facilitate the effective suffrage to all eligible voters, including those living far from voting centres, particularly in the case of indigenous communities in the Amazon region, those on duty on election day (police, armed forces, electoral workers), as well as to pre-trial detainees.

B. Voter registration procedures

The final voter register contained 24,799,384 voters, including 974,230 out-of-country voters (3.9 per cent of the total). There was a slightly larger number of female (50.3 per cent) than male voters. In comparison to the 2016 general elections, the number of voters increased by 1,897,430. A new legislation allowing voters turning 18 between the closing of the voter register and election day to vote benefitted 166,815 citizens, addressing a previous 2016 EU EOM recommendation.

The voter register is drawn from the civil register maintained by the RENIEC and generally enjoys a high level of confidence from political parties and voters. No major concerns on its accuracy and inclusivity were reported. In a regular electoral process, the voter register is closed 365 days before election day. However, for these elections, the JNE established the voter register to close on the same day of the call for elections (30 September). Voters had the opportunity to review the preliminary voter register during five days. According to the RENIEC, most of the received complaints concerned deceased voters or persons with a prison sentence, with 12,703 entries deleted from the preliminary voter register. Given the time constraints, the RENIEC allocated additional human resources to comply with the legal requirements on the publication of the final voter register due on 16 November.

The RENIEC is also responsible for issuing the National Identification Card (DNI), the only valid identification document for voting. To facilitate the DNI renewal, the RENIEC extended its office hours throughout the country in the weeks prior to election day. In order to enfranchise more voters, on 13 January, the RENIEC adopted a resolution allowing the use of expired DNI for voting.

VIII. REGISTRATION OF CANDIDATES

Rigorous requirements and the unrealistic deadlines for redress led to a high number of disqualifications (25 per cent of the applications). The disqualification of several candidates from the same party list limited the voters' choice in several constituencies as the final lists were left incomplete.

The legal framework for the registration of candidates is provided for in the Constitution, the Election Law (*Ley Orgánica de Elecciones*) and the Law on Political Parties (*LPP, Ley de Organizaciones Políticas*), as well as in different JNE resolutions. Citizens wishing to stand for congressional elections should be Peruvians by birth, above 25 years old and enjoy their voting rights. Candidacies must be submitted by any of the registered political parties. State, Armed Forces and Police officials, citizens serving prison sentences, as well as debtors of civil compensations and alimonies are excluded from the right to stand. The Election Law establishes a permanent disqualification to persons who have served sentences for terrorist activities, drug trafficking, sexual offences as well as to public officers with served corruption sentences.²⁸ Blanket exclusions from the right to stand, as well as additional penalties imposed without judicial remedy, are not

²⁸ Election Law, article 113.

aligned with international and regional instruments Peru has ratified on the right to stand, social reformation, rehabilitation and the right to redress.²⁹

Review criteria for disqualification of candidates in particular those based on incomplete information on income and assets in candidates' affidavits as well as the number of permanent exclusions to the right to stand provided for in the Election Law.

Additional legislation and subsequent JNE regulations set forth all administrative requirements for parties to register their candidates, including internal party procedures for their nominations and compliance with the gender quota. Applicants also had to submit an affidavit with personal information, educational and professional background, served sentences for gender violence, non-compliance with alimony agreements or contractual obligations, as well as data on assets and income.³⁰ In fact, it was the candidates' responsibility to provide information that the election authorities could easily obtain from other State institutions, namely the Ministry of Justice and the National Superintendence of Tax Administration and Customs (*SUNAT, Superintendencia Nacional de Aduanas y de Administración Tributaria*). Failure to provide the required information in the affidavits led to non-registration. Aiming at enhancing the transparency of the nomination process, affidavits were published on the JNE website for informative purposes. According to the JNE, 87 per cent of the applicants had to correct their affidavits prior to the conclusion of the period for application, which illustrates the difficulties candidates faced during the submission of their nomination documents. In general, the applicable legislation for the nomination of candidates is characterised by extensive regulation, rigorous requirements and unrealistic deadlines for redress.

A total of 2,326 candidates were registered for the 2020 early congressional elections, out of the 3,101 applications submitted.³¹ After the conclusion of the period for appeals on 27 December 2019, the JNE announced that 775 candidates were disqualified, accounting for around 24.9 per cent of the submissions, mainly for two reasons: 407 candidates were excluded for missing information in their affidavits and the remaining for not meeting other requirements provided for in the law such as pending sentences or debts for civil compensation. The number of disqualified candidates was not evenly distributed across constituencies. For instance, 40 per cent of the applications in Ayacucho and Huánuco were rejected, 38 per cent in Apurímac, 18 per cent in Lima, 10 per cent in Ica and six per cent in La Libertad. In some constituencies, the disqualification of several candidates from the same party list limited the voters' choice, as the final lists were left incomplete.

Decisions on the exclusion of candidates were in accordance with the legislation.³² However, rigorous requirements regarding the omission of non-relevant information in the affidavits – for example: un-registered sales of private utilities or inheritances– led to a high number of disqualifications, which it is at odds with international and regional standards as well as with good electoral practice on the right to stand.³³

²⁹ ICCPR, articles 2.3, 10.3 and 25(b). ACHR, articles 23.1(b) y 25.1

³⁰ Law on Political Parties, article 23.3

³¹ According to the JNE, only 13 per cent of the 3,301 applications received at the end of the application period (18 November) were complete. This percentage illustrates the difficulties applicants faced to submit all the required documentation.

³² In its final report, the Tribunal of Honor recommended to strengthen cooperation among the JNE, the Judiciary, the National SUNARP and SUNAT to validate candidates' information in real time to avoid potential problems with candidate exclusions.

³³ The American Convention on Human Rights, article 23.2, states that "The law may regulate the exercise of the rights and opportunities [...] only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings." The Explanatory Report of the Venice Commission Code of Good Practice establishes that "the conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them, as the holding of a public office is at stake and it may be legitimate to debar persons whose activities in such an office would violate a greater public interest" (Para 1.1.d).

Judgements on candidates' eligibility taken by JEE and the JNE after the list of candidates was final led to uncertainty. Furthermore, the deadlines for the publication of the final lists (3 December) and for exclusion and withdrawals (27 December) overlapped with the campaign. In addition, the legislation does not provide for replacement of disqualified candidates after the deadline for submission of the lists (18 November), limiting the political competition among candidates. Based on a regulation, and not on a provision in the law, the JNE continued to disqualify candidates who were found to have pending sentences until one day before the elections, undermining the certainty of the final list of candidates and the stability of the law.³⁴

JNE should strengthen cooperation with other State institutions to validate information on real time on candidates' criminal records in order to avoid disqualifying candidates outside the registration period.

IX. THE ELECTION CAMPAIGN

The campaign was competitive and peaceful and focused on the fight against corruption and, to a lesser extent, on inequality, infrastructure gaps and the lack of opportunities.

A. Election campaign environment

Overall, the campaign was competitive and peaceful, with the 21 registered parties and their candidates being able to campaign freely and without undue restrictions, enjoying equal rights to freedoms of assembly, expression and movement. The campaign was off to a very slow start due to the specific character of these elections, with no presidential race drawing the attention of the voters, as well as the holiday season, an extremely low confidence in the political institutions of the country, including the Congress, and the lack of interest of well-known politicians to run.³⁵ The campaign became more visible in the majority of regions in the week before the elections. It was substantially more vibrant in urban areas. The campaign officially began on 26 November and ended at midnight on the Thursday (23 January) before election day. Campaign period in the media finished one day later. While silence was generally respected by parties and candidates, as well as in the traditional media, campaign continued in the social media (*See sections Media and Digital Communication and Social Media*).

The JNE organised debates among candidates at national and regional levels. All contesting parties participated in the three national debates that took place in Lima and were broadcast live by the state-owned radio and TV, ensuring full coverage across the country. The debates allowed parties to disseminate their proposals on equal basis. However, their format did not allow any form of interaction among the candidates.

Nationally, *Alianza para el Progreso* (APP) was the most active party during the campaign, followed by *Acción Popular* (AP) and *Juntos por el Perú* (JPP), according to EU EOM observations. The campaign was more focused on personalities of candidates, many of them unknown to voters, than on their platforms, which were often vague and lacking clear and

³⁴ Article 38.2 JNE Resolution 0156/2019

³⁵ According to a poll conducted by the National Institute of Statistics and Computing (*INEI, Instituto Nacional de Estadística e Informática*) in November 2019, 90.5 per cent of Peruvians did not trust the Congress, 92.4 per cent had no confidence in the political parties, 82 per cent distrusted the judiciary system and 79.4 per cent local governors/governments. https://www.inei.gob.pe/media/MenuRecursivo/boletines/boletin_percepcion_gobernabilidad_may_oct19.pdf

comprehensive proposals. Main campaign topics were the fight against corruption, including the elimination of the parliamentary immunity, as well as a comprehensive political reform. The other nationwide topic was inequality in all its forms, mainly related to the infrastructure gap among regions and the lack of opportunities in education, health and sanitation, and employment. EU observers reported that contestants also focused on agriculture (Áncash, Ayacucho, Tumbes), mining (Amazonas, Arequipa, Ayacucho, Cajamarca, Huánuco, Pasco, Madre de Dios, Moquegua), oil extraction (Amazonas, Loreto), as well as water management and environment. Social-economic and security related issues (including gender violence) were also raised.

The campaign activities were mainly conducted on television, online media and social networks, as well as through the use of billboards, posters, murals, distribution of leaflets and calendars, door-to-door visits and car caravans with loud-speakers. In several regions, small-scale campaign gatherings were organised in public places such as markets or neighbourhoods. The EU EOM observers reported only six large rallies (out of 195 electoral events observed), half of them by APP. Despite some allegations, neither the misuse of state resources nor vote-buying schemes were observed.

The online campaign was characterised by personal attacks among candidates. *Partido Morado* and *Juntos por el Perú* candidates were subject to a large number of derogatory comments in the social media through candidates and ordinary users Facebook pages and Twitter profiles.³⁶ The EU EOM observed that several Facebook pages and public groups with the appearance of online media outlets disseminated false and demeaning information on candidates and their political platforms by a coordinated sharing of political *memes* and manipulated content. In some cases, these groups were administered by the same persons. On a smaller scale, this phenomenon was also observed on Twitter. Untrustworthy polls were published both on Twitter and Facebook, some of them were posted by candidates themselves. Disinformation on Facebook amplified anti-LGBTI sentiment (*see section Political Participation of the LGBTI Community*). Online campaign activities intensified in the final days of the campaign and an increase of paid political ads was noticed on Facebook, including during the election silence period and on election day. In this regard, the EU EOM observed 1010 instances of paid political advertising during the election silence period of all but FREPAP contesting political parties.

Contesting political parties showed different approaches to social media as a campaign tool, with *Partido Morado* being the most active party in using social media for campaign purposes. On the contrary, FREPAP did not conduct any online campaign activity. While most of the official party webpages provided information on their election activities, without explicitly calling for a vote, only six party websites (*Alianza para el Progreso, Fuerza Popular, Partido Morado, Podemos Perú, Frente Amplio, Somos Perú*) showed links to redirect visitors to corresponding social media accounts. The large majority of candidates campaigned on social networks through their personal Facebook pages and Twitter accounts, with parties playing a minor role to support their candidates' online campaign strategy. Facebook was considered the main online campaign tool by the majority of EU EOM political interlocutors, while Twitter's popularity for campaign purposes was limited to Lima. The EU EOM identified Instagram profiles associated with 17 parties and a number of candidates but campaign activity was low on this platform. A residual number of parties have YouTube accounts and only *Partido Morado* clearly used it as a campaign tool. Some parties and

³⁶ Examples of attacks among candidates: María Elena Ríos (*Fuerza Popular*) against Samuel Yáñez (*Juntos por el Perú*) on 11 January; Jota Maelo (*Solidaridad Nacional*) against Jorge Ríos (*Juntos por el Perú*), on 20 January, and *Fuerza Popular* supporters against Alberto de Belaunde (*Partido Morado*), on 21 January, among others.

candidates used WhatsApp to share news and campaign messages with party members and sympathizers.

On 8 November 2019, representatives of political forces contesting this electoral process signed a code of conduct (*Pacto Ético Electoral*) to determine the set of rules to be respected during the campaign. Compliance with the code of conduct was monitored by the JNE Tribunal of Honour.³⁷ Following an investigation against President Vizcarra opened by a JEE on the issue of breaching legal provisions on neutrality of public officials during the election campaign (related to his alleged support of candidates being in favour of banning parliamentary immunity), the Tribunal of Honour called all representatives of the state institutions to respect neutrality in the course of the current electoral process.

B. Campaign finance

Party and campaign finance are regulated by article 35 of the Constitution and in chapter sixth of the Law on Political Parties.³⁸ Public funding is established on the basis of equality and proportionality criteria. The LPP regulates direct public party funding only for parties that have participated in the allocation of seats in the previous legislative elections. Private in-kind donations have to be accounted for. All private donations must be received through the financial system, with a ceiling of 120 UIT per year and per donor (legal entities, persons and non-profit foreign legal entities).³⁹ However, there are no limits as per the total amount of private contributions a party can receive.

The Criminal Code was amended in August 2019 to incorporate two new specific offences related to illegal party and campaign financing.⁴⁰ This amendment created specific penalties for illegal financing of political parties and partially addressed a previous 2016 EU EOM recommendation. However, several EU EOM interlocutors considered that the modification would benefit politicians currently with charges for illegal party and campaign financing as the penalties for new criminal offence are more lenient than those existing in the Criminal Code for similar offences.

With regard to the monitoring of party and campaign financing, the Law on Political Parties was amended in 2018 to set deadlines for reporting to the ONPE, the responsible electoral institution for the verification of the party and campaign sources of funding and expenses. The legal framework on funding political parties and their activities, including election campaigns, establishes a range of rules imposing comprehensive control of funding sources. These sources must meet a number of legality and transparency requirements, which must be reflected in party accounting.

Parties and candidates are only obliged to submit reports on campaign funding and expenses 15 days after the publication of the official results of the elections. This renders finance monitoring and subsequent potential judicial action less effective. Furthermore, since there are no efficient sanctioning measures, candidates and parties do not always submit their reports.⁴¹ During the 2020 elections, The ONPE was controlling the reports of candidates who contested the 2018 regional

³⁷ The Tribunal of Honour (*Tribunal de Honor*) is a body created by the JNE to monitor compliance with the code of conduct and to admonish parties and candidates for failure to comply. It does not have coercive powers nor does it impose sanctions. Their five members are appointed by the JNE from citizens of good reputation and probity. Source: JNE Regulation on the Tribunal of Honour for the 2020 early parliamentary elections.

³⁸ Amended in 2019 to limit indirect public campaign funding to spots on radio and TV.

³⁹ The 2020 reference value of the UIT is PEN 4,300 (around 1,500 euros). Source: SUNAT.

⁴⁰ Law 30997.

⁴¹ More than 30 per cent of 2018 regional elections candidates did not submit their financial reports.

elections. In addition, the ONPE party and campaign financing unit is understaffed and lack sufficient resources.⁴² In a positive remark, the ONPE established in 2019 an online platform (*Claridad*) allowing for open real-time access to information on party financing. This showed progress in transparency and accountability of campaign finances. However, parties and candidates were not obliged to report on their sources of financing and expenses in the *Claridad* platform.

In order to ensure the effective oversight of campaign funding and expenses, reports should be submitted to the ONPE also during the electoral period and not only after. An effective mechanism of sanctions should be in place to discourage non-submission of reports.

It would be necessary to ensure ONPE's capacities to oversee campaign expenses for the next elections.

According to EOM interlocutors, the 2018 amendment to the LPP, the adoption of *Claridad* and the 2019 introduction of a new criminal offence for illegal party financing will neither solve the underlying problems related to the existence of clientele networks linking businessmen and politicians, nor the presence of ad-hoc political organizations deprived of meaningful programme that are often dissolved or sold after unsuccessful results in elections. The EU EOM interlocutors consider that these activities continued and will continue despite the new system in place.

On the other hand, managing party finances in the course of electoral campaign was a complex task. The candidates handled their own expenditures, and since there are no way to centralise electoral funding or spending, it largely remained the individual responsibility of a candidate and not of the party. These features do not facilitate the accountability of the candidates and the elaboration of coherent national programmatic platforms. Peruvian politics is thus perceived as a 'coalition of independents' with generally weak links between the candidates and the party.

Most candidates asserted that they were not financially supported by their respective parties. They claimed they financed their campaigns through their own means or via contributions from their friends and relatives as well as party sympathisers. Moreover, according to EU EOM interlocutors the current reform will not solve the underlying problems in Peruvian politics such as clientele networks, *ad-hoc* political parties, projects which can be bought and sold by their owners. The current sanctioning mechanism is insufficient to prevent candidates and political parties from taking the risks of illegal financing, according to EU EOM interlocutors.

The absence of provisions for online political advertisers to register on Facebook limited the transparency of online campaign spending. If that registration was compulsory in Peru, all electoral ads posted on Facebook would include a "paid for by" disclaimer, enhancing the transparency of the campaign and the accountability of parties and candidates. Besides, users would have the opportunity to access detailed information on the online campaign expenses, including contributors, as well as on the outreach of ads across multiple demographic indicators.⁴³ Since Facebook does not proactively identify electoral ads if their advertisers are not registered, detailed information on political advertising was not available. For the 2020 elections, the EU EOM identified only four candidates whose campaign ads were marked as such.⁴⁴

⁴² There were 39 permanent and seasonal auditors hired to review the 2018 regional elections' reports. The unit is called Gerencia de Supervisión de Fondos Partidarios.

⁴³ This is done through the Facebook Ad Library, an accessible database allowing to search ads running across Facebook products. Ads are stored in the Library for seven years.

⁴⁴ Saúl Barrera (*Somos Perú*, Lima), Silvia Chucchucan (*Somos Perú*, Cajamarca), Gerald Cuba (*Contigo*, Arequipa) y Dennys Cuba (*Juntos por el Perú*, Junín).

The EU EOM recommends the JNE and the ONPE to introduce the obligation for candidates and parties, wishing to conduct online campaigning, to register on Facebook as political advertisers, with a view to reinforcing transparency of campaign spending.

X. MEDIA

Freedom of expression and freedom of the press were generally respected. Broadcast of party advertisement only within the free airtime slots provided by the ONPE contributed to generating a level playing field, but had a limited impact on voters, especially in less populated regions.

A. Media environment

The media landscape in Peru is vast and lively. Some 5,600 radio stations, 1,800 TV channels and more than 1,000 newspapers currently operate in the country. Radio is the most important source of information for Peruvians and plays an important role in electoral processes, especially in rural areas. A large offer of news websites is also available in Peru, which has 73 percent of internet penetration.⁴⁵

This large media offer is characterised by a strong concentration of ownership at national level, as well as weak regional media, making local radio and TV stations vulnerable to political and economic influences. In addition, the lack of a solid media structure at regional level results in a media market dominated by the national private media based in Lima.

The state-owned media in Perú are *Instituto Nacional de Radio y Televisión del Perú* (IRTP, which includes *TVPerú*, *Canal IPE*, *Radio Nacional* and *La Crónica*), the daily newspaper *El Peruano* and *Andina* News Agency. On the private side, two main groups dominate the media market: *ECOMedia* (owner, among others, of *El Comercio*, *Perú 21*, *Correo*, *Trome* and majority shareholder of *América TV* and *Canal N*) and *La República* Group (*La República*, *El Popular*, *Líbero* and also shareholder of *América TV* and *Canal N*, among others). The radio market is dominated by *Grupo Radio Programas del Perú* (RPP), *Corporación Universal* (*Exitosa*, *Karibeña*, *La Kalle*) and *CRP Medios y Entretenimiento* (*La Inolvidable*, *Nueva Q*, *Radio Moda*), while the TV market is distributed among *América TV* (*ECOMedia* and *La República*), *Latina* (*Enfoca*) and *Andina TV* (ATV Group), among others.

Peru has good levels of freedom of expression and freedom of the media. However, Peruvian journalists and media outlets are not free from pressure and intimidation, mainly because of libel regulation, which have generated a certain degree of self-censorship. There also have been attempts to restrict the media. For example, a draft bill to increase prison sentences for libel in the media was submitted to the Congress in May 2019. Furthermore, a law aiming to prohibit government publicity in the private media was declared unconstitutional in October 2018.⁴⁶ Nevertheless, in 2019 Peru ranked 85 (out of 180 countries) in the Reporters Without Borders Press Freedom Index, descending from rank 82 in 2018.

⁴⁵ Source: We are social. Peru Digital Report 2019.

⁴⁶ Law 30793 on the regulation of State publicity expenses in the private media, known as *Ley Mulder*.

B. Legal framework for the media

The Constitution of Peru prohibits censorship and guarantees freedom of expression, freedom of the press and access to information, in line with international standards. However, the Peruvian Penal Code provides for sentences of up to three years of prison for libel crimes in the media. This provision represents a limitation to the freedom of expression according to standards....

In order to strengthen freedom of expression and reduce self-censorship among journalists and media, prison sentence for libel offences should be replaced with financial sanctions proportionate to the level of the offence.

The only laws related to the media in Peru are the 2003 Law on Transparency and Access to Public Information and the 2004 Radio and Television Law. There is no Press Law regulating the work of the media, its freedom as well as the editorial independence of the media, rights of response and rectification, nor a media regulatory body. The Court of Transparency and Access to Information, a body assigned to the Ministry of Justice and Human Rights, adjudicates complaints and appeals on access to public information. The Ministry of Transportation and Communications (MTC) is responsible for allocating broadcasting licenses, while the Consultative Council of Radio and Television (CONCORTV) monitors the referred process and makes non-binding comments on violations to media regulations by radio and TV channels.

Media coverage of the elections is regulated by the Election Law and the Law on Political Parties. None of these laws has specific provisions on the impartiality and neutrality of the media when informing on elections. The Electoral Law prohibits the publication of surveys seven days before elections and the dissemination of political advertising by the government after the call for elections. Both the Election Law and the Political Parties Law establish the allocation of free airtime slots (*franja electoral*) provided by the ONPE to all contestants in state-owned and private media to disseminate campaign messages during electoral periods.

For the 2020 early legislative elections, free airtime slots were broadcast in 60 national and regional electronic media outlets from 27 December 2019 until 24 January 2020, with a total budget of PEN 36 million (10 million euros). Airtime was allocated to political parties following both equality and proportionality criteria: half of the airtime available was equally divided by the 26 electoral districts, while the remaining half was proportionally distributed according to the number of seats allocated to each constituency. The latter criterion, however, was detrimental to the eleven smaller constituencies with three or less seats in dispute, and favoured Lima which elects 36 seats to the Congress.

As a result of the 2018 referendum on constitutional reform, political parties and candidates are not allowed to disseminate campaign spots on radio and open TV channels out of the free airtime slots provided by the ONPE.⁴⁷ Political advertisement and campaign spots in print and online media are allowed. Spots aired within the free airtime slots must not make inappropriate use of national symbols, refer to other political parties or candidates, incite violence, advocate for crime or use words or images that damage the honour or reputation of specific persons.⁴⁸ The ONPE may ask political parties to modify the spots if the content does not meet the established requirements, and may not allow broadcasting if such modifications are not made. During the 2020 early legislative elections, the ONPE requested four parties (*Juntos por el Perú*, *Frente Amplio*, *Solidaridad Nacional* and APRA) to rectify their spots due to derogatory language and contents damaging the

⁴⁷ Law 309905 of 9 January 2019, Election Law, article 194.

⁴⁸ Resolution N° 000025-2018-JN-ONPE

reputation of specific persons. The referred political parties either modified or replaced their spots and all 21 contestants had their messages broadcast in the free airtime slots.

C. Campaign in the media

Freedom of expression and freedom of the media were generally respected during the campaign period. Media outlets made commendable efforts to provide election information to voters by organising interviews and debates with candidates and disseminating voter education contents. Nevertheless, EU EOM interlocutors and observers reported a general lack of interest among citizens on the electoral process.

State-owned radio and television, *TVPerú* and *Radio Nacional*, allocated a total of 55 hours of airtime to present candidates and their proposals to the audience through the special program *Congreso 2020*. Similarly, private electronic and print media conducted interviews and debates with candidates on a daily basis. In a welcome initiative, media like *El Comercio*, *La República*, RPP or *Latina TV* elaborated sections on voter education, searching to sensitise voters or explain voting procedures.

Free airtime slots offered by the ONPE to political parties were broadcasted on a daily basis by designated TV and radio stations from 27 December 2019 to 24 January 2020. For the first time in Peru, political parties were not allowed to campaign on radio and open TV channels outside these slots. This contributed to generating a level playing field and to reducing party advertisement in the media. Nevertheless, the insufficient airtime made available by the ONPE and the criteria applied for its distribution limited the amount of campaign messages received by voters, especially by those living in less populated regions.⁴⁹ It also had the undesirable consequence of stimulating existing practices of private regional media asking candidates to pay for interviews or campaign coverage. EU observers reported this practice in Amazonas, Áncash, Arequipa, Ayacucho, Callao, Cusco, Ica, Junin, Lambayeque, Loreto, Moquegua, Piura and Puno.

The EU EOM recommends to increase the amount of airtime allocated to the free slots and apply different criteria for its distribution, in order to guarantee that citizens living in less populated regions receive sufficient information from political parties and candidates through the media.

D. Media monitoring findings

From 30 December 2019 to 25 January 2020, the EU EOM monitored 14 national media in order to assess whether or not political parties and candidates had free and equitable access to the media.⁵⁰ EU EOM monitoring findings highlighted that during the analysed period, state-owned media *TVPerú*, *Radio Nacional* and *El Peruano* made a balanced coverage of the elections by giving voice to candidates of all 21 political contestants through an equitable distribution of airtime/space. Reports were presented in a neutral tone.

Most of the private media outlets monitored by the EU EOM also gave voice to all political parties, mainly through interviews or debates with candidates, but showed different degrees of bias in their electoral coverage. *Partido Morado*, *Solidaridad Nacional* and *Fuerza Popular* were the parties receiving the largest amount of reports in negative tone. In total, *Partido Morado* received 41.3

⁴⁹ While Metropolitan Lima received 14.7 per cent of the total airtime, Amazonas, Apurímac, Ayacucho, Huancavelica, Huánuco, Madre de Dios, Moquegua, Pasco, Tacna, Tumbes and Ucayali received only 2.9 per cent each of the total airtime.

⁵⁰ The sample included state-owned media *TVPerú*, *Radio Nacional* and *El Peruano*, and private media *América TV*, *Andina TV*, *Latina*, *Panamericana TV*, *RPP*, *Exitosa*, *El Comercio*, *La República*, *Perú21*, *Correo* and *Trome*.

percent of all negative reports presented by the media monitored by the EU EOM, while *Solidaridad Nacional* received 23 per cent and *Fuerza Popular* 9.9 per cent.

Among the private print media, *El Comercio* made a proportionally balanced allocation of space among the different parties, with news generally presented in a neutral tone. *Correo* showed an unbalance by presenting 51.9 per cent of reports related to *Partido Morado* in a negative tone. *La República* favoured *Partido Morado* and *Juntos por el Perú* by allocating them 19 per cent of reports in positive tone, while 65.8 per cent of the information related to *Solidaridad Nacional* was presented in a negative tone. Among the electronic private media, *Andina TV*, *Latina*, *Panamericana TV* and RPP showed the largest disproportions on the allocation of their airtime among the different political parties (see Annex I: media monitoring results).

The campaign silence period was generally respected by the monitored media. Only *ATV+* violated the campaign silence on the morning of Election Day by airing pre-recorded interviews with candidates asking citizens to vote for them.

XI. DIGITAL COMMUNICATION AND SOCIAL MEDIA

The absence of a regulatory framework for online campaigning decreases the transparency of campaign spending, as well as voters' ability to identify official sources of political information.

A. Social media environment

Around 73 per cent of Peruvians are active on social media, with 97 per cent of them accessing through mobile phones.⁵¹ Facebook is the most popular social network, followed by YouTube, Instagram and Twitter.⁵² Instant-messaging apps are also quite popular, with WhatsApp largely leading in terms of penetration, followed by Facebook Messenger and Telegram.

The most popular conventional media outlets have their own online version and largely use social networks to reach their audience. Several media outlets have organised political debates disseminated through their websites and social networks profiles. The EU EOM noted the important role of Twitter in setting the political agenda, with media often drawing information from opinion leaders and politicians' accounts to build their stories.

B. Legal framework for the social media

The Constitution sets forth the fundamental right to privacy regarding information on personal and family data. Primary legislation on privacy is provided for in the 2011 Personal Data Protection Law.⁵³ A 2013 regulation developed the requirements of the Personal Data Protection Law, establishing specific rules, terms and provisions regarding data protection.⁵⁴ The Personal Data Protection Authority is the primary agency in charge of enforcing data protection matters.

There is no regulation on the use of social media on electoral coverage. Paid online political advertisement is allowed. A non-binding code of conduct signed by 22 parties in November 2019

⁵¹ Source: We are Social Peru Digital Report 2020.

⁵² Most popular social media websites in Peru in October 2019, based on share of visits. Source: online portal Statista.

⁵³ Amended in 2017.

⁵⁴ Supreme Decree 003/2013 JUS.

encouraged candidates, party members and sympathisers to use social networks in a responsible way during the election process.⁵⁵ Based on the campaign rules for traditional media, the JEE Lima Centro was responsible for adjudicating cases of violation of campaign rules on social media during the campaign period. While JEE is entitled to investigate violations to election regulations *ex officio*, the insufficient knowledge on online campaigning and the lack of resources limited the investigations. In fact, the 27 cases of campaign-related violations in the social media that the JEE investigated were randomly identified through information on the media, which indicates the lack of a systematic monitoring of the social networks by ONPE, JNE or their decentralised bodies.

With a view to allow an appropriate and timely judicial response, consideration could be given to enhance the capacities and human resources needed by the election authorities to conduct systematic social media monitoring.

The relevance of social media increased following the prohibition of political advertising on electronic media outside the free airtime slots provided by ONPE (*see section Media*). Paid political advertising on social media was allowed, enabling some candidates to boost campaign contents on Facebook to reach out to a large number of users.

C. Social media monitoring findings

Around 80 per cent of the candidates used Facebook for campaign purposes, mainly for the dissemination of self-produced content. Regional branches of party Facebook pages also contributed to disseminating campaign messages specifically focused on regional issues. The EU EOM identified a total of 1,484 Facebook pages and 682 Twitter accounts that were used for campaign purposes, with several cases of multiple accounts associated with a single party. Although Facebook allows creators to certify their pages, enabling users to distinguish between official and unofficial pages, the overwhelming majority of the observed pages and accounts were uncertified, limiting voters' ability to verify their authenticity.⁵⁶ Besides, this allowed for the dissemination of misleading information through unverified party and candidates pages and accounts.⁵⁷ During the campaign, the EU EOM identified that only the social media accounts of *Partido Morado* and of two candidates showed the Facebook symbol of authenticity (a blue verification badge).⁵⁸

The ONPE should introduce a requirement for candidates and political parties campaigning in the social networks to seek to obtain a symbol of authenticity in their accounts in order to guarantee voters' ability to identify official sources of online political information.

Instances of observed online disinformation included a campaign against the *Partido Morado* position in favour of same-sex marriage, several posts and tweets on the alleged involvement of a Venezuelan company in the e-voting system implemented by the ONPE, fake election polls, and on the alleged replacement of Mother's Day by a so-called Lesbian Day. Some media outlets developed fact-checking activities several months before the announcement of the elections, showing a shared concern about the disruptive role of misleading and false information, especially

⁵⁵ Pacto Ético Electoral.

⁵⁶ After the elections, a number of accounts pretending to belong to FREPAP appeared on Twitter and started to spread political contents. The party denied holding any official social network accounts.

⁵⁷ On 17 January, a false account associated to *Partido Morado* leader Julio Guzman appeared on Twitter and started publishing misleading messages. It was deleted shortly after.

⁵⁸ Alberto de Belaunde, from *Partido Morado* and Mauricio Mulder, from APRA.

during election periods, in the shaping of public opinion.⁵⁹ However, the lack of cooperation among fact-checkers limited their capacity to timely dismantle false narratives.⁶⁰ Ensuring that voters have access to fact-checked information is essential for election integrity.

The EU EOM recommends the development of a common effort by the media, civil society and tech platforms to build a network to debunk fake news in order to reinforce the existing fact-checking initiatives in view of future elections.

The EU EOM observed that ONPE staff reached out to polling station members through Facebook and Twitter to inform them about their appointment. In some cases, the posts disclosed personal data such as name, surname, picture, DNI number and last registered residency of the recipient, apparently without previous consent. This is at odds with legislation on personal data protection.⁶¹ The EU EOM was informed that ONPE temporary staff did not receive specific instructions on personal data protection.

In order to guarantee full respect of polling station members' personal data protection it is advisable to strengthen trainings for ONPE temporary staff by introducing specific guidelines on the legislation in force.

XII. POLITICAL PARTICIPATION OF WOMEN

Women made 40 per cent of the lists of candidates. However, the legal instruments in place are insufficient to ensure their political participation on equal terms as men.

Peru adopted national and international commitments to enhance the political participation of women.⁶² Women represent slightly more than half of the electorate (50.36 per cent), but they are underrepresented in political and public life. A 30 per cent gender quota for candidate lists applied for these elections. After the conclusion of the registration period, 40 per cent of the candidates were women.⁶³ However, only 33 women were elected to Congress (25 per cent of its members), a decrease from 36 elected congresswomen in 2016.

The female underrepresentation in Congress is result of women being positioned in the lower parts of the lists. Only 12 per cent of all the lists competing in the 2020 elections were headed by women, dropping from 22 per cent in the 2016 elections. Only 10 per cent of the female candidates in these elections had previous political experience in an elected position. EU observers reported that campaign activities of female candidates in Amazonas, Áncash, Arequipa and Ica, appeared to be less resourced than those of their male counterparts. For example, in Amazonas female candidates were less visible (fewer banners, fewer radio interviews) due to less financial resources, and they travelled less because they had no vehicles at their disposal.

⁵⁹ The EU EOM observed that credible fact-checking initiatives promoted by traditional and digital media debunked 45 false stories and statements by and about political figures during the campaign.

⁶⁰ During the week before the elections claims of an existing contract between ONPE and a Venezuelan e-voting company largely circulated in social media. These claims were denied by the ONPE. On 31 January AFP debunked the information: <https://factual.afp.com/no-hay-registros-publicos-de-un-contrato-entre-la-oficina-electoral-de-peru-y-la-empresa-smartmatic>

⁶¹ Law No. 29733 on personal data protection.

⁶² Peru ratified the Convention on the Political Rights of Women in 1975 and the Convention on the Elimination of All Forms of Discrimination against Women in 1982.

⁶³ The gender quota provisions do not foresee that excluded candidates are replaced by persons of the same gender.

As reported by EU observers, female candidates in Amazonas, Ayacucho, Piura, Puno, San Martín and Tumbes, experienced gender discrimination. In Tumbes, legal representatives (*personeros*) of several parties only supported the male candidates from the list and disregarded the female candidates. EU observers also reported that in Piura, female candidates were discriminated and told to abandon their candidacy and return back to their household duties. The Ombudsperson's Office, as well as the *Tribunal de Honor* created for these elections, called for the adoption of a special law that would make the phenomenon of political discrimination more visible and that would allow sanctions.

Results from the EU EOM media monitoring unit show that women had less media presence. In only 34 per cent of the monitored information, the protagonist of the news or interview was a woman. Women were well represented among the temporary ONPE staff and half of ONPE managerial positions are held by women. Also, the majority of polling station presidents were women (57 per cent). However, the heads of the ONPE and the RENIEC as well as all five JNE magistrates are men. Gender balance at the top level of the election bodies would positively influence the public awareness of equal representation.

Addressing a 2016 EU EOM recommendation, the legal framework provides for staggered increases of the gender quota to 40, 45 and 50 per cent for the 2021, 2026 and 2031 general elections. Also, from the 2021 elections onwards, there must be alternation between men and women on the lists.⁶⁴

Complement the provision on vertical alternation of gender in the lists of candidates from 2021 onwards with a horizontal alternation rule (gender alternation on the top positions of all the candidate lists of one party).

XIII. POLITICAL PARTICIPATION OF INDIGENOUS AND AFRO-PERUVIAN PEOPLES

There was a limited number of indigenous and Afro-Peruvian candidates

According to the 2017 census, some 30 per cent of the citizens considered themselves as indigenous or Afro-Peruvian. As the census was based on the self-identification principle it appears that a significant number of indigenous people chose to declare themselves as mixed race (*mestizos*). Poverty and unresolved social conflicts related to land property, private mining contracts, illegal logging and deforestation affect the majority of indigenous communities.

In 1995, Peru ratified the International Labour Organization's Convention 169 on Indigenous and Tribal Peoples. In 2007, Peru voted in favour of the United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP). Peru's multicultural heritage and its different ethnic groups are protected by the Constitution. Nevertheless, the level of discrimination against these groups remains high as reported by human rights and civil society organisations. There are 55 indigenous communities, all of them officially considered as peoples (*pueblos*) living in the mountainous areas and in the Amazon region, as well as in Lima, Afro-Peruvians, who do not have such a status predominantly live on the coast.

⁶⁴ Law 30996 of 26 August 2019.

A limited number of indigenous and Afro-Peruvian candidates ran for these elections, most of them in the central regions and representing left-wing parties (*Frente Amplio*, *Juntos por el Perú* and *Democracia Directa*), but also *Fuerza Popular*, *Perú Libre*, *Vamos Perú* and *APP*. Main campaign issues related to social and economic development of the indigenous population, as well as to their political representation. There are no quotas reserved for the indigenous populations and Afro-Peruvians in the Congress.

The vast majority of candidates representing the indigenous people ran their campaigns exclusively in the rural and remote areas as they had no hope to obtain any support in towns predominantly inhabited by a mixed population. Conversely, non-indigenous candidates did not conduct their campaign activities in areas populated by indigenous communities. EU EOM observers reported that the discussions on the rights of the indigenous communities were raised during campaign events in Amazonas, Cusco, Huánuco, Junín, Loreto, Pasco, Puno, San Martín and Ucayali.

XIV. POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES

The ONPE implemented measures to improve participation of persons with disabilities in the elections that partially addressed PwD concerns.

The National Council for the Integration of Persons with Disabilities (*Consejo Nacional para la Integración de la Persona con Discapacidad*, CONADIS) signed an agreement with the JNE whereby voters with disabilities would not be fined for not voting. In addition, CONADIS coordinated with the ONPE the installation of dedicated accessible polling stations for voters whose disability was stated in the voters list. For voters whose reduced mobility was not signalled in the lists, polling stations could be moved to designated accessible areas within the voting centre to allow these persons to vote, ensuring that voters with reduced mobility could vote without compromising their right to a secret vote. E-voting polling stations were provided with hearing aids. Braille templates were available for visually-impaired voters at conventional polling stations. CONADIS monitored the accessibility of 23 polling centres in Lima on election day and concluded that in general, basic conditions on accessibility to polling stations were not met, as only five of the monitored stations were fully accessible for persons with disabilities.⁶⁵

XV. POLITICAL PARTICIPATION OF THE LGBTI COMMUNITY

The proposed gender identity law would facilitate transgender and transsexual citizens to change their names and gender in accordance to their chosen identity. It would also allow members of the LGBTI community to achieve equality with other citizens in exercising their right to vote and to be elected.

Following a decision of the Constitutional Court (TC) in 2016, name and gender changes can only be decided by a competent court through an expedite process. Based on such judgements, the RENIEC proceeds to modify data in the civil register and issues the corresponding ID. While this has been generally considered as a partial improvement, the specific needs of the LGBTI community, especially of transsexual and transgender persons, are not addressed due to the lack of a law on gender identity. A gender identity bill project (790/2016-CR) was not debated in the corresponding Congress committee and has been actually put on hold.⁶⁶ Furthermore, a Legislative

⁶⁵ Report No. 013-2020- CONADIS.

⁶⁶ <https://wayka.pe/orgullo-lgtbi-cuatro-proyectos-de-ley-que-esperan-ser-debatidos/>

Decree amended article 323 of the Penal Code to strengthen penalties for discrimination based on sexual orientation.⁶⁷

Prior to election day, some LGBTI candidates suffered smear campaigns. The most striking one targeted a female transgender candidate from *Juntos por el Perú* in Lima who reported continuous insults, attacks, and derogatory messages during her campaign activities. A *Partido Morado* Lima candidate was victim of homophobic bullying messages posted on social media against his party's proposition to legalise same-sex marriages. There were no specific instructions provided to poll workers on the voting of transgender and transsexual voters whose DNI did not reflect their chosen gender and names. In this regard, several LGBTI groups reported that on election day, transgender and transsexual voters were subject to intimidation and derogatory attitudes in some polling stations.

Ensure transgender and transsexual people's dignity and full exercise of their active and passive voting rights by easing procedures for legally changing their names and gender according to their acquired identity.

XVI. CIVIL SOCIETY AND INTERNATIONAL OBSERVATION

The legal framework contains the necessary guarantees for domestic and international election observation. Around 3,000 domestic observers monitored the elections.

Overall, the legal framework contains the necessary guarantees for domestic and international observers to observe all phases of the electoral process.⁶⁸ The elections were observed by Peruvian and international organisations.

The civil society organisation *Transparencia* deployed around 2,000 observers throughout the country. During the two weeks prior to elections, they conducted voter education activities. *Transparencia* observed polling procedures, but not the important steps of counting and transmission of results. *Transparencia* published two reports on election day listing cases of delayed openings of polling stations, missing signposting, campaign material in polling stations, barriers for voters with special needs, discrimination of LGBTI voters and acts of violence.

The Ombudsperson's Office deployed more than 1,000 supervisors to 130 provinces of the country. Their observation focused on the political rights of vulnerable population groups (women, indigenous population, persons with disabilities, LGBTI). On election day, they published a report listing polling stations that did not guarantee barrier-free access to voters with reduced mobility.

As to international organisations, the Organisation of American States (OAS) deployed 35 observers and the Inter-American Union of Electoral Bodies (UNIORE), 33. Other international organisations accredited by the JNE were *Transparencia Electoral*, *Asociación Civil* from Argentina, *Clínica de Derechos Humanos de Sevilla*, *Comité Ecuatoriano de Derechos Humanos y Sindicales*, *Conferencia Permanente de Partidos Políticos de América Latina y el Caribe*, *Consejo de Expertos Electorales de Latinoamérica*, *Fundación Alianza Estratégica*, *Observatorio de Estudios Electorales y Político-Institucionales*, and the Andean Parliament.

⁶⁷ Legislative Decree 1323 of 6 January 2017

⁶⁸ Election Law, articles 336 to 340. Resolution 0085-2018-JNE.

XVII. ELECTORAL DISPUTES

Most of the appeals filed during the election period were related to the disqualification of candidates. The excessive requirements for the registration and the rigorous application of the legislation by the JEE and the JNE, prevailed over the right to stand.

The Election Law allows for filing complains and appeals at any stage of the electoral process, including for the accreditations of political parties and candidate representatives, the appointment of poll workers, registration of candidates, and for campaign violations, among others. Appeals can be filed at any of the 60 JEE, as the first instance of electoral justice, and the JNE for final redress. The Constitution recognises the role of the JNE as the highest authority on electoral justice and does not allow ordinary justice to decide on electoral matters. Complainants have the possibility lodge a claim against decisions violating constitutional rights (*recurso de amparo*). Deadlines for submission and adjudication of appeals vary between one to five days.

Most of the appeals filed during the election period were related to the disqualification of candidates, given the excessive requirements for the registration and rigorous application of the legislation by the JEE and the JNE, in which the sanctioning principle of the law prevailed over the right to stand. In fact, according to the JNE, almost 50 per cent of the 3,301 applicants appealed against decisions of the JEE at any time during the registration period. (*see section Registration of Candidates*). In some cases, omitting data or stating false information in the affidavit could lead to an investigation for criminal offence. The one-day deadline for appellants to prove their cases was unrealistic because obtaining the necessary documents normally took more time. This resulted in almost half of the claims being dismissed.⁶⁹ Some JEE implemented existing legislation in a more favourable manner to candidates, irrespective of their party affiliations, favouring their right to stand, and accepted proving documentation after the deadlines.

Consideration should be given to set reasonable deadlines for appellant candidates to challenge their disqualification against the JEE and the JNE.

In addition, some JNE and JEE decisions on appeals against disqualification of candidates lacked consistency, with a number of excluded candidates successfully appealing to constitutional justice for redress. On 17 January, a Lima constitutional court ordered the JNE to allow Pedro Gamio, (*Partido Morado*) to continue in the electoral race. A PPC candidate in Lima, Ricardo Vásquez, filed a civil claim with precautionary measure to overrule his exclusion, which was granted on 21 January. Although courts granted these two candidates their right to stand, the JNE did not reinstate them on the lists, citing constitutional jurisprudence and logistical constraints.⁷⁰ By the contrary, on 15 January, the JNE reinstated Daniel Urresti, former Interior Minister and Lima candidate for *Podemos por el Progreso del Perú* (PPP), who was disqualified by the Lima Centro JEE on grounds that he had a pending conviction sentence at the time of registration.

Capacities should be built on JEE and JNE staff aiming to achieve a consistent interpretation of the existing laws and regulations, especially on adjudicating appeals against disqualification of candidates.

The JEE and JNE also received complaints for campaign violations, mostly due to infringement of campaign regulations (1,697), State publicity (837) and lack of neutrality of public officials and State authorities (59). The legislation establishes that public officials and State authorities must

⁶⁹ Article 34.1 JNE Resolution 156/2019

⁷⁰ The JNE alluded to the impossibility to include the candidate's name on the list and on existing constitutional jurisprudence.

keep neutrality in election periods.⁷¹ In this regard, president Vizcarra was investigated for alleged breach of the neutrality.⁷² The JEE in Lima dismissed the case on 6 January 2020.

The National Prosecutor's Office (*Ministerio Público – Fiscalía de la Nación*) established a dedicated unit to address electoral offences on election day. This unit deployed around 7,000 prosecutors to receive complaints and initiate investigations for electoral offences. Between 24 and 27 January, the unit opened a total of 70 cases, half of them for breaching the banning on alcoholic beverages, 18 for impersonation of voters, eight for campaign activities during the silence period, five for influencing voters, three for violence against an authority and one for disenfranchisement of voters.

XVIII. POLLING, COUNTING AND TABULATION OF RESULTS

Election day was peaceful and orderly, with delays at the opening and an adequate polling staff performance during polling.

The EU observers visited 317 polling stations throughout the day in 25 constituencies. Opening was observed in 32 of these polling stations, voting in 256, and closing and counting in 29 polling stations, including four e-voting stations. The aggregation of results protocols and transmission of results was observed in 28 ODPE. EU observers could observe all these phases of the process without any restrictions. deficient

Overall, election day was peaceful and orderly, with polling procedures well implemented in the observed polling stations. The opening was however characterised by delays, and closing and counting by a weak performance of polling staff. The circumstances in the voting centres were generally evaluated as positive by the EU observers, although 24 per cent of the observed polling stations were not accessible for persons with reduced mobility. Women constituted the majority of the polling station staff (53 per cent) and acted as polling station presidents in 57 per cent of the observed stations. In eight per cent of the observed stations, voters from the queue replaced appointed polling station members who did not appear. EU observers reported that the presence of ONPE coordinators in the voting centres was essential in guiding and supporting the polling staff.

Throughout the day, EU observers reported a low presence of party agents. Overall, there were party agents in 57 per cent of the polling stations visited, with a lower presence during the opening and an increase during counting. The party with most representatives was *Alianza para el Progreso* (present in 22 per cent of the observed polling stations), followed by *Acción Popular* (13 per cent) and *Somos Perú* (12 per cent). *Frente Amplio*, *Fuerza Popular*, APRA, *Partido Morado* and *Podemos Perú* were present in less than five per cent of the visited polling stations. Most party agents (61 per cent) were women. EU observers also reported a low presence of observers: Transparencia observers were present in 15 per cent of the observed polling stations and international observers in one per cent. JEE supervisors were observed in 90 per cent of all voting centres and supervisors from the Ombudsperson's Office in 25 per cent.

⁷¹ Article 31 of the Constitution and article 346 of Election Law.

⁷² In a public event in Lambayeque on 20 December 2019, President Vizcarra requested citizens to vote for candidates who are in favor of the elimination of the parliamentary immunity, one of the main issues of the election campaign.

A. Overview of opening and voting

Overall, EU observers assessed the opening as good or very good in 25 out of the 32 polling stations and described the process as calm and orderly, but slow. The layout of all of the 32 polling stations allowed for the voting exercise (lighting, sufficient space) and all of them had the essential material needed for polling. However, none of the 32 observed polling stations opened at 08:00. In 25 of them, polling started within the first hour after the opening. Late opening was mostly caused by absence of polling staff.⁷³ Despite the delay, opening procedures were followed in 30 out of 32 polling stations observed. EU observers assessed the performance of polling staff as positive in 24 out of 32 polling stations and the opening as transparent in 31 out of 32 stations.

Adjust the timing provided for in the Election Law in order to guarantee a timely opening of the polling stations.

The EU EOM observed that polling procedures were generally followed and polling was assessed as good or very good in all observed polling stations. Procedures were respected in each of the 256 observed polling stations, including 28 with e-voting. The surroundings of the polling stations, the voters' understanding of polling procedures, the performance of polling staff as well as the transparency of the polling process received overall positive evaluations by EU observers.

B. Counting

Closing and counting was evaluated positively in 20 out of the 25 conventional polling stations and in all four e-voting stations observed by the EU EOM. 15 out of the 29 observed stations closed on time at 16:00 and 13 stations within 30 minutes after the foreseen closing time (16:00). In seven stations, the reason for the delayed closing was to allow voters still in the queue to vote, which is in accordance with the procedures and international good practice. While the closing procedures were strictly followed in the four observed e-voting polling stations, in three out of the 25 conventional stations no ballot paper reconciliation was done and in 11 polling stations the staff did not verify whether all the ballots had been signed by the president. In six out of 25 polling stations, observers witnessed errors or omissions during the counting procedures, related to determining the validity of the votes. EU observers assessed that polling station members had difficulties to fill out the results protocols in 24 per cent of the observed conventional polling stations.

While the general surroundings and the transparency of the counting were assessed positively in all the polling stations, the performance of the polling staff was evaluated as positive in only 56 per cent and the voters' understanding on how to mark the ballot in only 36 per cent.

C. Aggregation and transmission of results

EU observers sent 68 observation forms from 28 ODPE on the election night and during the following days. The aggregation of results protocols and the transmission of results was assessed as good or very good in each of the observed ODPE. Material arriving from the voting centres was intact and the results protocols were processed in the computing centres according to the procedures. Party agents were present in 63 per cent of the observations and domestic observers in three per cent. The results transmission from the ODPE to the national results processing centre

⁷³ Articles 249 and 250 of the Election Law stipulate that polling station members have to arrive at their polling station at 7:30 and that, if the three main members are not present, the substitutes have to wait for them until 8:30 before opening the polling station.

finished on 2 February with the transmission of the last results protocols from the VRAEM area in Ayacucho.

XIX. RESULTS AND POST-ELECTION ENVIRONMENT

The JNE announced final results on 28 February, 33 days after the elections, due to the lengthy adjudication of the 13 per cent incorrect results protocols.

During the evening of election day, the ONPE announced initial results and from there onwards continuously updated the results website. Results were broken down from constituency to polling station level and included downloadable scans of results protocols. National level results of votes per party were published from 29 January onwards.

Within 24 hours of the closing of the polling stations, 88 per cent of the results protocols had been digitalised at the ODPE computing centres, and the data from 78 per cent of the results protocols had been transmitted to the national level. Results protocols from the out-of-country voting and Amazon districts took longer to arrive at the ODPE, as well as protocols corresponding to the VRAEM area where the material had to be transported by air due to security reasons, and weather conditions delayed the air transport for several days. The last protocols were processed on 2 February, one week after election day.

Final numbers show that voter participation dropped to 74 per cent at national level (82 per cent in the 2016 Congress elections), with big differences among constituencies. The districts with the highest turnout were Ica (82.4 per cent), Tacna (81.1 per cent) and Lima (81 per cent).⁷⁴ The lowest turnout was registered in Loreto (60.6 per cent), Amazonas (62.3 per cent) and Huancavelica (64.7 per cent).⁷⁵ These patterns of participation in the different constituencies correspond to historic trends⁷⁶ and can be linked to the distances that voters need to overcome in order to reach the nearest polling station (*see section Election Administration*).

The percentage of invalid votes, although still high, dropped significantly in comparison to the 2016 Congress elections, disproving concerns about the high percentage of undecided voters in the weeks leading up to election day. However, invalid votes were higher than the winning party votes in 25 out of 26 constituencies (all but Arequipa, where UPP was the winning party). Northern regions of Tumbes and Piura were the most affected by the null and blank vote (30 and 25 per cent respectively). The most voted political parties APP in Tumbes and FP in Piura obtained 15.2 and 15.9 per cent respectively.

	2016	2020
Blank votes	12.75 %	2.35 %
Null votes	22.21 %	17.09 %
Invalid votes (blank and null)	34.96 %	19.44 %

Out of 84,851 results protocols from polling stations, 11,518 (13.57 per cent) showed errors and had to be forwarded to the corresponding JEE for correction and adjudication. Most of the incorrect results protocols (*actas observadas*) had arithmetic errors, unreadable numbers, lacked signatures,

⁷⁴ The turnout in Lima does not include out-of-country voters. Lima and OCV turnout combined was 74.6 per cent.

⁷⁵ The logistics in the Amazonian regions, the distance of populated areas from the polling centres and a general disenchantment with the political class were quoted among the main reasons of the weak turnout in some regions.

⁷⁶ For example, in the 2016 Congress elections, the districts with the highest participation were Ica, Lima and Callao, and the ones with the lowest participation Amazonas, Loreto and Huancavelica.

or a combination of the three. The majority of results protocols were resolved by individual JEE clerks and not in open sessions of the three JEE members. The EU EOM observed cases in Lima (JEE Lima Oeste 2, Oeste 3, Este 1 and Sur 1) in which JEE used different criteria to correct results protocols that showed the same type of errors, indicating that the JNE guidelines⁷⁷ on the matter are not comprehensive. On 30 January, the JNE president called the JEE to speed up the process, a request that was repeated in a JNE resolution published on 7 February.⁷⁸

Nevertheless, it took the JEE three weeks to adjudicate the incorrect results protocols and send them back to the ODPE for data entry. Out of the 11,518 JEE adjudications concerning incorrect results protocols, 52 were appealed and taken to the JNE. The adjudication process was finally finished on 14 February and on 15 February the ONPE concluded to processing all results protocols. On 28 February, the JNE announced final results and delivered credentials to the newly-elected members of the Congress. (*See annex III: Election Results*)

In order to avoid errors and delays in the counting, tabulation and announcement of results, the ONPE should reinforce training on counting and completion of polling station results protocols, using existing mechanisms and procedures for management of election results.

Nine political parties passed the five per cent threshold and will be represented in the future Congress.⁷⁹ This is the largest number of political parties in the Congress after the threshold was adopted in 2005. The difference between *Acción Popular*, who won the elections and the ninth party *Somos Perú* was 4.2 per cent, or 622,471 votes. This situation will lead to a substantial fragmentation in the parliament.

The Congress was elected by 40 per cent of the total number of voters. Out of those who voted, 17 per cent cast a null vote (more than three million citizens) and 2.3 per cent a blank vote.⁸⁰ More than eight million Peruvians (almost 33 per cent) voted for candidates whose parties did not pass the electoral threshold.

The results of the valid votes clearly responded to the main preoccupations of the population, that is corruption and public security.⁸¹ Voters also punished parties associated with recent corruption scandals. APRA, *Solidaridad Nacional* and *Contigo*, associated with the ousted president Kuczynski, did not pass the threshold. *Fuerza Popular*, which won 2016 parliamentary elections, remained the most voted party in only one region (Piura) and will have only 15 MPs, compared to 73 in 2016. The high and surprising score of UPP and FREPAP has been considered as a protest vote but is also a result of the grass root work performed by their candidates and in case of the latter also the institution standing behind.⁸²

Eleven political parties won at least in one constituency. *Unión por el Perú* (UPP) was the most voted in the southern part of the country (triumphing in the regions of Arequipa, Ayacucho,

⁷⁷ Resolution 0155-2019-JNE which determines the applicability of Resolution 0331-2015-JNE for these elections.

⁷⁸ Resolution 0083-2020-JNE.

⁷⁹ In the descending order from the most voted: *Acción Popular*, *Podemos*, *Frente Popular Agrícola del Perú*, *Alianza para el Progreso*, *Partido Morado*, *Fuerza Popular*, *Unión por el Perú*, *Frente Amplio* and *Somos Perú*.

⁸⁰ It is explained as a form of protest vote, but also as voters being unable to cast a proper ballot given the complexity of the preferential vote for certain groups of citizens.

⁸¹ According to 2019 study on the Conditions of Life and Poverty carried out by ENAHO-INEI, corruption was considered as the main problem of the country (64 per cent) followed by crime (40 per cent) and poverty (20 per cent). According to the IPSOS poll carried out in Lima in January crime and citizens security were the main preoccupations of the capital's inhabitants (72 per cent) followed by violence against women and immigration (from Venezuela).

⁸² Evangelist Association of the Israelite Mission of the New Universal Pact is a religious evangelist organization funded in 1968, present thorough the country and active in social assistance.

Huancavelica, Puno and Tacna) whereas *Alianza por el Progreso* and *Acción Popular* were the most voted in the Northern Coast and Central Andean region (APP won in Cajamarca, Ica, La Libertad, Loreto, Moquegua, Tumbes, and AP in Huánuco, Lambayeque, Pasco, San Martín).

XX. RECOMMENDATIONS

(Priority recommendations in bold)

- 1. It would be advisable to adopt a unified and coherent electoral and procedural code to eliminate inconsistencies and legal voids, as well as to enhance access to the legislation and equality of treatment to stakeholders, and the accountability of responsible institutions.**
2. The JNE and ONPE should raise awareness on the importance of engaging in election activities and should motivate poll workers to participate in trainings and to take up duties on election day in order to avoid absenteeism and to ensure that polling and counting procedures are properly followed.
- 3. The ONPE should conduct full external independent audits to the e-voting solution and to have a consultative approach on the matter with political parties, with the aim to dispel doubts, increase transparency and foster confidence.**
4. The JNE and the ONPE should reinforce voter education activities in remote areas with the aim to reduce the number of invalid ballots and increase turnout, targeting also indigenous populations.
- 5. The election institutions should ensure to facilitate the effective suffrage to all eligible voters, including those living far from voting centres, particularly in the case of indigenous communities in the Amazon region, those on duty on election day (police, armed forces, electoral workers), as well as to pre-trial detainees.**
6. Review criteria for disqualification of candidates in particular those based on incomplete information on income and assets in candidates' affidavits as well as the number of permanent exclusions to the right to stand provided for in the Election Law.
7. The JNE should strengthen cooperation with other State institutions to cross-check, during the registration period, information on real time on candidates' criminal records.
- 8. In order to ensure the effective oversight of campaign funding and expenses, reports should be submitted to the ONPE also during the electoral period and not only after. An effective mechanism of monitoring and sanctions should be in place.**
- 9. It would be necessary to ensure ONPE's capacities to oversee campaign expenses for the next elections.**
10. The JNE and the ONPE should introduce the obligation for candidates and parties, wishing to conduct online campaigning, to register on Facebook as political advertisers, with a view to reinforcing transparency of campaign spending.
- 11. The ONPE should increase the amount of airtime allocated to the free slots and apply different criteria for its distribution, in order to guarantee that citizens living in less**

populated regions receive sufficient information from political parties and candidates through the electronic media.

12. In order to strengthen freedom of expression and reduce self-censorship among journalists and media, prison sentence for libel offences should be replaced with proportionate economic sanctions.
13. **The ONPE should introduce a requirement for candidates and political parties campaigning in the social networks to seek to obtain a symbol of authenticity in their accounts in order to guarantee voters' ability to identify official sources of online political information.**
14. **A common effort should be made by the media, civil society and technology platforms to create a network to discredit false news in order to strengthen existing fact-finding initiatives for future elections.**
15. With a view to allow an appropriate and timely judicial response, consideration could be given to enhance the capacities and human resources needed by the election institutions to conduct systematic social media monitoring.
16. In order to guarantee full respect of polling station members' right to privacy, it is advisable that the ONPE develops awareness on the importance to comply with legislation on data protection.
17. **Complement the provision on vertical alternation of gender in the lists of candidates from 2021 onwards with a horizontal alternation rule (gender alternation on the top positions of all the candidate lists of one party).**
18. Ensure transgender and transsexual people's dignity and full exercise of their active and passive voting rights by easing procedures for legally changing their names and gender according to their acquired identity.
19. **Consideration should be given to set reasonable deadlines for appellant candidates to challenge their disqualification against the JEE and the JNE.**
20. Capacities should be built on the JEE and the JNE staff aiming to achieve consistent interpretation of the existing laws and regulations by JEE, especially on adjudicating appeals against disqualification of candidates.
21. Readjust the timing provided for in the Election Law, in order to guarantee a timely and unified opening of the polling stations.
22. In order to avoid errors and delays in the counting, tabulation and announcement of results, the ONPE should reinforce training on counting and completion of polling station results protocols, using existing mechanisms and procedures for management of election results.

ANNEXES

Annex I: Matrix of recommendations

(Priority recommendations in bold)

N°	CONTEXT (including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
LEGAL FRAMEWORK					
1	“The legal framework for general, presidential and local elections in Peru is scattered in 14 laws, their amendments and regulations issued by the JNE, the ONPE and the RENIEC. Aiming to clarify the legislation in force for the 2020 early congressional elections, the JNE issued a resolution detailing the applicable laws.” (Final Report, V. Legal framework, page 17)	It would be advisable to adopt a unified and coherent electoral and procedural code to eliminate inconsistencies and legal voids, as well as to enhance access to the legislation and equality of treatment to stakeholders, and the accountability of responsible institutions.	Drafting a unified Electoral Code	Congress of the Republic	<ul style="list-style-type: none"> • ICPPR, article 2.2: <i>Each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.</i> • ICPPR GC 34, para. 25: <i>A norm, to be characterized as a “law”, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public.</i> • Venice Commission, Code on Good Practice in Electoral Matters, para. 63: <i>Stability of the law is crucial to the credibility of the electoral process (...) Rules which change frequently - and specially rules that are complicated- may confuse voters.</i>
ELECTION ADMINISTRATION					
2	“(…) the percentage of polling staff that received training before election day was low (52 per cent). Poll worker service is a compulsory civic duty. Selected citizens	The JNE and ONPE should raise awareness on the importance of engaging in election activities and should motivate poll workers to	No legislative change required.	JNE, ONPE	PARTICIPATION IN PUBLIC AFFAIRS <ul style="list-style-type: none"> • ICPPR, article 25 (c): <i>Every citizen shall have the right and the opportunity (...) to have</i>

N°	CONTEXT (including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
	could not resign from their positions, received no remuneration and were subject to fines in case of no-show on election day. (...) The fact that almost half of the appointed polling station members were not trained impacted on the quality of the counting operations on election day (<i>Final Report, VI. Election Administration, page 20</i>)	participate in trainings and to take up duties on election day in order to avoid absenteeism and to ensure that polling and counting procedures are properly followed.			<p><i>access, on general terms of equality, to public service in his country.</i></p> <ul style="list-style-type: none"> • Venice Commission, Code on Good Practice in Electoral Matters, para. 104: <i>The quality of the voting and vote-counting systems and proper compliance with the electoral procedures depend on the mode of organisation and operation of the polling stations.</i>
3	<p>"The use of e-voting was criticised by some political parties on grounds that the system could be hacked and that it had not been externally audited. During the weeks before the elections, the ONPE made an effort to explain e-voting to parties and organised specific trainings in this regard. However, this did not dispel existing doubts." (<i>Final Report, VI. Election Administration, page 22</i>)</p>	<p>The ONPE should conduct full external independent audits to the e-voting solution and to have a consultative approach on the matter with political parties, with the aim to dispel doubts, increase transparency and foster confidence.</p>	<p>No legislative change required. Only changes at regulatory level</p>	ONPE	<ul style="list-style-type: none"> • ICCPR, article 19.2: <i>Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</i> • ICCPR GC34 para. 19: <i>States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.</i> • UN CAC, article 5.1: <i>Each State Party shall (...) promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.</i> • Venice Commission, Code on Good Practice in Electoral Matters, para. 104: <i>The quality</i>

N°	CONTEXT (including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
4	<p>“EU observers reported a low level of information on voting procedures (particularly among indigenous groups and population in remote areas), a general apathy and disaffection towards political parties, candidates, and the electoral process as such. (...) While the voter participation at national level was 74.07 per cent, it was 60.6 per cent in Loreto and 62.3 per cent in Amazonas. Turnout was even lower in the provinces of Purus (Ucayali), 38.9 per cent, Putumayo (Loreto), 39.7 per cent, and Condorcanqui (Amazonas), 46.6 per cent. (<i>Final Report, VI. Election Administration, page 21</i>).</p> <p>“Invalid votes were higher than the winning party votes in 25 out of 26 constituencies.” (<i>Final Report, XIX. Results and Post-Election Environment, page 42</i>).</p>	The JNE and the ONPE should reinforce voter education activities in remote areas with the aim to reduce the number of invalid ballots and increase turnout, targeting also indigenous populations.	No legislative change required.	JNE, ONPE	<p>of the voting and vote-counting systems and proper compliance with the electoral procedures depend on the mode of organisation and operation of the polling stations.</p> <p>RIGHT AND OPPORTUNITY TO VOTE, RIGHT OF ACCESS TO INFORMATION, PARTICIPATION IN PUBLIC AFFAIRS OF INDIGENEOUS PEOPLES.</p> <ul style="list-style-type: none"> • ICCPR, article 2.1: <i>Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</i> • ICCPR, article 19.2 <i>Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</i> • ICCPR, article 25 (b): <i>“Every citizen shall have the right and the opportunity (...) to vote and to be elected at genuine periodic elections (...).”</i> • ICCPR GC 25, para. 11: <i>“Voter education and registration campaigns are necessary to ensure the effective exercise of article 25</i>

N°	CONTEXT (including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
					<p><i>rights by an informed community.”</i></p> <p>ICCPR GC 25, para. 12: <i>Information and materials about voting should be available in minority languages. Specific methods, such as photo-graphs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice.</i></p> <p>● GC 34, para. 19: <i>To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.</i></p> <p>● C169, article 2: <i>Governments shall have the responsibility to ensure that that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population.</i></p>
RIGHT TO VOTE AND VOTER REGISTRATION					
5	<p>“Following a constitutional amendment in 2005, members of the Army and the Police have the right to vote. However, as no provision was made by the ONPE to facilitate their voting while on duty on election day, those members of the Armed and Police forces who could not vote at their assigned polling station, were <i>de facto</i> disenfranchised.” <i>(Final Report, VII. Voter Registration, page 23)</i></p>	<p>The election institutions should ensure to facilitate the effective suffrage to all eligible voters, including those living far from voting centres, particularly in the case of indigenous communities in the Amazon region, those on duty on election day (police, armed forces, electoral workers), as well as to pre-trial detainees.</p>	<p>No legislative change required</p>	<p>Ministry of Justice, JNE, ONPE, RENIEC</p>	<p>UNIVERSAL SUFFRAGE, RIGHT AND OPPORTUNITY TO VOTE</p> <p>● ICCPR, article 25(b) <i>“Every citizen shall have the right and the opportunity (...) to vote and to be elected at genuine periodic elections (...)”</i></p> <p>● ICCPR GC 21, para. 3: <i>Persons deprived of their liberty enjoy all the rights set forth in the Covenant, subject to the restrictions that are unavoidable in a closed environment.</i></p>

N°	CONTEXT (including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
	"In some remote and low-populated areas, voters had to travel considerable distances to reach their polling stations. EU observers reported for example that voters had to walk 12 hours in areas of Piura or travel several days on rivers in the regions of Loreto, Madre de Dios and Ucayali." (<i>Final Report, VII. A. Election Administration, page 21</i>)				<ul style="list-style-type: none"> ● ICCPR GC 25, para. 11: States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. ● ICCPR GC 25. Para. 14: Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote. ● Venice Commission, Code on Good Practice in Electoral Matters, para. 3.2.xii: (...) military personnel should vote at their place of residence whenever possible. Otherwise, it is advisable that they be registered to vote at the polling station nearest to their duty station." ● C169, article 2: Governments shall have the responsibility to ensure that that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population.
REGISTRATION OF CANDIDATES					
6	"(...) the JNE announced that 775 candidates were disqualified, accounting for around 24.9 per cent of the submissions, mainly for two reasons: 407 candidates were excluded for missing information in their affidavits and the remaining 368 for not meeting other requirements provided for in the law such pending sentences or debts for civil compensation." (<i>Final Report, VIII. Registration of Candidates, page 25</i>)	Review criteria for disqualification of candidates in particular those based on incomplete information on income and assets in candidates' affidavits as well as the number of permanent exclusions to the right to stand provided for in the Election Law.	Article 23.5, Law on Political Parties. Article 113, Election Law	Congress of the Republic	<ul style="list-style-type: none"> ● ICCPR, article 2.3: Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy (...); (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative
					<ul style="list-style-type: none"> ● UNIVERSAL SUFFRAGE, RIGHT AND OPPORTUNITY TO BE ELECTED, RIGHT TO AN EFFECTIVE REMEDY

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	<p>"Blanket exclusions from the right to stand, as well as additional penalties imposed without judicial remedy, are not aligned with international and regional instruments Peru has ratified on the right to be elected, social reformation, rehabilitation and the right to redress." (<i>Final Report</i>, VIII. <i>Registration of Candidates</i>, page 24)</p>				<p><i>authorities, or the possibilities of judicial remedy.</i></p> <ul style="list-style-type: none"> ● ICCPR, article 10.3: "The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation." ● ICCPR, article 25(b): Every citizen shall have the right and the opportunity (...) to vote and to be elected (...). ● ACHR, article 23.1(b): Every citizen shall enjoy the following rights and opportunities: (...) to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters. ● ACHR, article 23.2: The law may regulate the exercise of the rights and opportunities [...] only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings. ● ACHR, article 25.1: "Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention. ● ICCPR GC 25, para. 15: Any restrictions on the right to stand for election (...) must be justifiable on objective and reasonable criteria.

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7	<p>"The JNE continued to disqualify candidates who were found to have pending sentences until one day before the elections, undermining the certainty of the final list of candidates and the stability of the law." (Final Report, VIII. Registration of Candidates, page 26)</p>	<p>The JNE should strengthen cooperation with other State institutions to cross-check, during the registration period, information on real time on candidates' criminal records.</p>	<p>No legislative change required.</p>	<p>JNE Ministry of Justice</p>	<p>RIGHT AND OPPORTUNITY TO BE ELECTED</p> <ul style="list-style-type: none"> • ICCPR GC 34, para. 25: A norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. • Venice Commission, Code on Good Practice in Electoral Matters, para. 63: Stability of the law is crucial to the credibility of the electoral process (...) Rules which change frequently - and specially rules that are complicated- may confuse voters.
CAMPAIGN FINANCE					
8	<p>"Parties and candidates are only obliged to submit reports on campaign funding and expenses 15 days after the publication of the official results of the elections. This renders finance monitoring and subsequent potential judicial action less effective. Furthermore, since there are no efficient sanctioning measures, candidates and parties do not always submit their reports". (Final Report, VIII. Election Campaign, page 28)</p>	<p>In order to ensure the effective oversight of campaign funding and expenses, reports should be submitted to the ONPE also during the electoral period and not only after. An effective mechanism of monitoring and sanctions should be in place.</p>	<p>Article 34.6, Law on Political Parties.</p>	<p>Congress of the Republic</p>	<p>EQUAL RIGHTS, TRANSPARENCY, FAIRNESS IN THE ELECTION CAMPAIGN</p> <ul style="list-style-type: none"> • UNCAC, article 1: To promote integrity, accountability and proper management of public affairs and public property. • UNCAC, article 7.3: Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.

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9	<p>"The ONPE party and campaign financing unit is understaffed and lacks sufficient resources". (<i>Final Report VIII. Election Campaign, page 29</i>)</p>	<p>It would be necessary to ensure ONPE's capacities to oversee campaign expenses for the next elections.</p>	<p>No legislative change required</p>	<p>ONPE</p>	<p>EQUAL RIGHTS, FAIRNESS IN THE ELECTION CAMPAIGN, TRANSPARENCY</p> <ul style="list-style-type: none"> • UNCAC, article 1: <i>To promote integrity, accountability and proper management of public affairs and public property.</i> • UN CAC article 6.2: <i>Each State Party shall grant the body or bodies referred to in para.graph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.</i> • UNCAC, article 7.3: <i>Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.</i> • GC 25, para. 19: <i>Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.</i>

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					<ul style="list-style-type: none"> • UNHRC Res 2000/47, art. 1.d(iv): Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties as well as transparency and fairness of the electoral process, including through appropriate access to funds and free, independent and pluralistic media;
10	<p>"The absence of provisions for online political advertisers to register on Facebook limited the transparency of online campaign spending. If that registration was compulsory in Peru, all electoral ads posted on Facebook would include a "paid for by" disclaimer, enhancing the transparency of the campaign and the accountability of parties and candidates." (Final Report, VIII. Campaign Finance, page 29)</p>	<p>The JNE and the ONPE should introduce the obligation for candidates and parties, wishing to conduct online campaigning, to register on Facebook as political advertisers, with a view to reinforcing transparency of campaign spending.</p>	<p>No legislative change required.</p>	<p>JNE, ONPE</p>	<p>EQUAL RIGHTS, FAIRNESS IN THE ELECTION CAMPAIGN, TRANSPARENCY</p> <ul style="list-style-type: none"> • UNCAC, article 12.1: (...) to prevent corruption involving the private sector, enhance accounting and auditing in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures. • UNCAC, Article 12.2: Measures to achieve these ends may include, inter alia: (a) Promoting cooperation between law enforcement agencies and relevant private entities [...]. • GC 25, para. 19: Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party. • Venice Commission, Code of Good Practice in Electoral Matters, Explanatory Report,

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MEDIA					
11	“For the first time in Peru, political parties were not allowed to campaign on radio and open TV channels outside these slots. This contributed to generating a level playing field and to reducing party advertisement in the media. Nevertheless, the insufficient airtime made available by the ONPE and the criteria applied for its distribution limited the amount of campaign messages received by voters, especially by those living in less populated regions.” (<i>Final Report, IX. Media, page 32</i>)	The ONPE should increase the amount of airtime allocated to the free slots and apply different criteria for its distribution, in order to guarantee that citizens living in less populated regions receive sufficient information from political parties and candidates through the electronic media.	No legislative change required.	ONPE	<ul style="list-style-type: none"> • ICCPR, article 19.2: Everyone shall have the right to (...) seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. • Venice Commission, Code of Good Practice in Electoral Matters, Explanatory Report. Art 3.1.a b: Public authorities must also give the electorate access to lists and candidates standing for election. • UNHRC Res 2000/47, art. 1.d(iv): Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties as well as transparency and fairness of the electoral process, including through appropriate access to funds and free, independent and pluralistic media;
12	“The Peruvian Penal Code provides for sentences of up to three years of prison for libel crimes in the media. This provision represents a <i>de facto</i> limitation to the	In order to strengthen freedom of expression and reduce self-censorship among journalists and media, prison sentence for libel offences should be	Amendment of the Penal Code	Congress of the Republic	<p>FREEDOM OF EXPRESSION, RIGHT OF ACCESS TO INFORMATION</p> <ul style="list-style-type: none"> • ICCPR, article 19.2: Everyone shall have the right to freedom of expression.

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	freedom of expression.” (<i>Final Report, IX. Media, page 31</i>)	replaced with proportionate economic sanctions.			<ul style="list-style-type: none"> • ICCPR, article 19.3: <i>The exercise of the rights. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others</i> • ICCPR, GC 34, para. 3: <i>Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.</i> • ICCPR, GC 34, para. 47: <i>Defamation laws must be crafted with care to ensure that they comply paragraph 3, and that they do not serve, in practice, to stifle freedom of expression.</i>
DIGITAL COMMUNICATION AND SOCIAL MEDIA					
13	“Although Facebook allows creators to certify their pages (...) the overwhelming majority of the observed pages and accounts were uncertified, limiting voters’ ability to verify their authenticity.” (<i>Final Report, X. Digital Communication and Social Media, page 34</i>)	The ONPE should introduce a requirement for candidates and political parties campaigning in the social networks to seek to obtain a symbol of authenticity in their accounts in order to guarantee voters’ ability to identify official sources of online political information.	No legislative change required.	ONPE	<p>FAIRNESS IN THE ELECTION CAMPAIGN, RIGHT OF ACCESS TO INFORMATION</p> <ul style="list-style-type: none"> • ICCPR GC 25, para. 19: <i>“Voters should be able to form opinions independently, free of [...] inducement or manipulative interference of any kind.”</i> • Venice Commission Code of Good Practice in the field of Political Parties, Chapter 3, Guiding Principles for Political Parties, para. 104: <i>“Transparency of political parties’ external activities and internal functioning is a fundamental principle to tackle the current crisis of legitimacy and restore public confidence on political forces and the whole</i>

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14	<p>"Some media outlets developed fact-checking activities several months before the announcement of the election, showing a shared concern on the disruptive role of misleading and false information, especially during elections periods, in the shaping of public opinion." (Final Report, X. Digital Communication and Social Media, page 34)</p>	<p>A common effort should be made by the media, civil society and technology platforms to create a network to discredit false news in order to strengthen existing fact-finding initiatives for future elections.</p>	<p>No legislative change required.</p>	<p>Public and private media, civil society, tech platforms.</p>	<p>RIGHT OF ACCESS TO INFORMATION</p> <p>democratic system as well as a precondition for real accountability and responsibility."</p> <p>• ICCPR GC 25, para. 19: "Persons entitled to vote must be free to vote for any candidate for election [...] and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of [...] inducement or manipulative interference of any kind."</p> <p>• Joint declaration on freedom of expression and "fake news", disinformation and propaganda by UNHRC, OSCE, OAS and the ACHPR, para. 4.e: Intermediaries should support the research and development of appropriate technological solutions to disinformation and propaganda which users may apply on a voluntary basis. They should cooperate with initiatives that offer fact-checking services to users and review their advertising models to ensure that they do not adversely impact diversity of opinions and ideas. Para. 6: All stakeholders including intermediaries [...] should be supported in developing participatory and transparent initiatives for creating a better understanding of the impact of disinformation and propaganda on</p>

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					<i>democracy, [...] as well as appropriate responses to these phenomena.</i>
	"While JEE is entitled to investigate violations to election regulations <i>ex officio</i> , the insufficient knowledge on online campaigning and the lack of resources limited the investigations. In fact, the 27 cases of campaign-related violations in the social media that the JEE adjudicated were randomly identified through information on the media." (<i>Final Report</i> , X. <i>Digital Communication and Social Media</i> , page 34)	With a view to allow an appropriate and timely judicial response, consideration could be given to enhance the capacities and human resources needed by the election institutions to conduct systematic social media monitoring.	No legislative change required	JNE, ONPE	RIGHT TO AN EFFECTIVE REMEDY, RIGHT OF ACCESS TO INFORMATION • ICCPR, GC 25, para. 20: <i>An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.</i> • Venice Commission Code of Good Practice in Electoral Matters, 2002, para. 83: <i>Appropriate staff with specialised skills are required to organise elections.</i>
15	"The EU EOM observed that the ONPE staff reached out to polling station members through Facebook and Twitter to inform them about their appointment. In some cases, the posts disclosed personal data." (<i>Final Report</i> , X. <i>Digital Communication and Social Media</i> , page 35)	In order to guarantee full respect of polling station members' right to privacy, it is advisable that the ONPE develops awareness on the importance to comply with legislation on data protection.	No legislative change required.	ONPE	RIGHT TO PRIVACY AND DATA PROTECTION • ICCPR, article 17: <i>"No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence [...] Everyone has the right to the protection of the law against such interference or attacks."</i> • ICCPR GC 16, article 10: <i>Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant.</i> • ACHR, article 11: <i>No one may be the object of arbitrary or abusive interference with his</i>
16					

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POLITICAL PARTICIPATION OF WOMEN					
17	<p>"A 30 per cent gender quota for candidate lists applied for these elections. After the conclusion of the registration period, 40 per cent of the candidates were women. However, only 33 women were elected to Congress (25 per cent of its members), a decrease from 36 elected congresswomen in 2016". (<i>Final Report, XI. Participation of Women, page 35</i>)</p>	<p>Complement the provision on vertical alternation of gender in the lists of candidates from 2021 onwards with a horizontal alternation rule (gender alternation on the top positions of all the candidate lists of one party).</p>	<ul style="list-style-type: none"> • Election Law, art. 116. • Agreement between political parties through Code of Conduct 	JNE	<p>PARTICIPATION IN PUBLIC AFFAIRS</p> <ul style="list-style-type: none"> • ICPR, article. 3: <i>Equal right of men and women to enjoy all civil and political rights.</i> • CEDAW, article 4(1): <i>Adoption by State Parties of temporary special measures</i> • CEDAW, article. 7: <i>Ensure to women the right to participate in political and public life on equal terms with men.</i> • CEDAW GC23, para. 22: <i>The system of balloting, the distribution of seats in Parliament, the choice of district, all have a significant impact on the proportion of women elected to Parliament. Political parties must embrace the principles of equal opportunity and democracy and endeavour to balance the number of male and female candidates.</i>
POLITICAL PARTICIPATION OF THE LGBTI COMMUNITY					
18	<p>"Following a decision of the Constitutional Court (TC) in 2016, name and gender changes can only be decided by a competent court through an expedite process. Based on a court decision, the</p>	<p>Ensure transgender and transsexual people's dignity and full exercise of their active and passive voting rights by easing procedures for legally changing</p>	<p>Facilitate procedures for name and gender changes.</p>	<p>Congress of Republic, RENIEC.</p>	<p>PARTICIPATION IN PUBLIC AFFAIRS, EQUALITY BEFORE THE LAW</p> <ul style="list-style-type: none"> • ICPR, article 2.1: <i>Each State Party to the present Covenant undertakes to respect and to</i>

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	<p>RENIEC proceeds to modify data in the civil register and issues the corresponding ID.” <i>(Final Report, XV. Participation of the LGBTI Community, page 36)</i></p>	<p>their names and gender according to their acquired identity.</p>			<p><i>ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</i></p> <p>• ICCPR GC 25, para. 3: No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>• ACHR article 1: The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.</p> <p>• IACHR Advisory Opinion OC-24/17, para 142: the degree to which the procedures for changing names and adapting to the self-perceived gender identity are affected is such that they must be carried out as quickly as possible. Para. 143: Such procedures should be free of charge or at least tend to be as light as possible for the persons concerned. (Non-official translation)</p>

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ELECTORAL DISPUTES					
19	<p>"The one-day deadline for appellants to prove their cases was unrealistic because obtaining the necessary documents normally took more time. This resulted in almost half of the claims being dismissed." (Final Report, XVI Electoral Disputes, page 39)</p>	<p>Consideration should be given to set reasonable deadlines for appellant candidates to challenge their disqualification against the JEE and the JNE.</p>	<p>No legislative change required</p>	<p>JNE</p>	<p>RIGHT TO AN EFFECTIVE REMEDY</p> <ul style="list-style-type: none"> • UDHR, article 8: <i>Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</i> • ICCPR, article 2.3(a): <i>Each State Party to the present Covenant undertakes (...) to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.</i> • ACHR, article 25.1: <i>Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention.</i> • Venice Commission Code of Good Practice in Electoral Matters, 2002, para. 95: <i>Time limits must, however, be long enough to make an appeal possible, to guarantee the exercise of rights of defence and a reflected decision. A time limit of three to five days at first instance (both for lodging appeals and making rulings) seems reasonable for decisions to be taken before the elections.</i>
20	<p>"Some JEE implemented existing legislation in a more favourable manner to candidates,</p>	<p>Capacities should be built on the JEE and the JNE staff aiming to achieve</p>	<p>No legislative change required.</p>	<p>JNE</p>	<p>RIGHT TO AN EFFECTIVE REMEDY, EQUALITY BEFORE THE LAW</p>

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	<p>irrespective of their party affiliations, favouring their right to stand, and accepted proving documentation after the deadlines. Some JNE and JEE decisions on appeals against disqualification of candidates lacked consistency, with a number of excluded candidates successfully appealing to constitutional justice for redress.” (<i>Final Report, XVI Electoral Disputes page 39</i>)</p>	<p>consistent interpretation of the existing laws and regulations by JEE, especially on adjudicating appeals against disqualification of candidates.</p>			<ul style="list-style-type: none"> • UDHR, article 8: <i>Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</i> • ICCPR, article 2.3(a): <i>Each State Party to the present Covenant undertakes (...) to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.</i> • ACHR, article 25.1: <i>Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention.</i> • ICCPR, GC 25, para. 20: <i>An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.</i> • UN Human Rights Council Resolution 19/36, 2012, para. 16: <i>[The Human Rights Council] calls upon the State to ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness”.</i>

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POLLING COUNTING AND TABULATION OF ELECTION RESULTS					
					<ul style="list-style-type: none"> • Venice Commission Code of Good Practice in Electoral Matters, 2002, para. 83: <i>Appropriate staff with specialised skills are required to organise elections. (...) There have been several cases of commissions lacking qualified and trained election staff.</i>
21	<p>"None of the observed polling stations opened at 08:00. In the majority of them, polling started within the first hour after the opening. Late opening was mostly caused by absence of polling staff." (<i>Final Report, XVIII Polling, Counting and Transmission of Results, page 41</i>)</p>	<p>Readjust the timing provided for in the Election Law, in order to guarantee a timely and unified opening of the polling stations.</p>	<p>Election Law, articles. 249 and 250</p>	<p>Congress of the Republic</p>	<ul style="list-style-type: none"> • ICCPR, article 25(b) "Every citizen shall have the right and the opportunity (...) to vote and to be elected at genuine periodic elections (...)." • ICCPR GC 21, para. 3: <i>States must take effective measures to ensure that all persons entitled to vote are able to exercise that right."</i> • ICCPR GC 25, para. 20: <i>An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.</i>
22	<p>"The system is generally accepted by all stakeholders as it maintains the conventional form of voting, but considerably reduces the amount of erroneous results protocols." (<i>Final Report, VI. Election Administration, page 23</i>)</p>	<p>In order to avoid errors and delays in the counting, tabulation and announcement of results, the ONPE should reinforce training on counting and completion of polling station results protocols, using existing mechanisms and procedures for management of election results.</p>	<p>No legislative change required</p>	<p>ONPE</p>	<p>GENUINE ELECTIONS THAT REFLECT THE WILL OF THE PEOPLE</p> <ul style="list-style-type: none"> • ICCPR, article 25(b) <i>Every citizen shall have the right and the opportunity (...) to vote and to be elected at genuine periodic elections (...).</i> • ICCPR GC34 para. 19: <i>States parties should proactively put in the public domain</i>

N°	CONTEXT (including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL / REGIONAL OBLIGATIONS / GOOD PRACTICE
	<p>"In six out of 25 polling stations, observers witnessed errors or omissions during the counting procedures, related to determining the validity of the votes. EU observers assessed that polling station members had difficulties to fill out the results protocols in 24 per cent of the observed conventional polling stations." <i>(Final Report, XVIII. Closing and Counting, page 41)</i></p> <p>"It took the JEE three weeks to adjudicate the incorrect results protocols (...). The adjudication process was finally finished on 14 February (...). On 28 February, the JNE announced final results and delivered credentials to the newly-elected members of the Congress. <i>(Final Report, XIX. Results and post-election environment, page 43)</i></p>				<p>Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.</p> <p>• Venice Commission, Code on Good Practice in Electoral Matters, para. 104: <i>The quality of the voting and vote-counting systems and proper compliance with the electoral procedures depend on the mode of organisation and operation of the polling stations.</i></p> <p>• Venice Commission Code of Good Practice in Electoral Matters, 2002, para. 83: <i>Appropriate staff with specialised skills are required to organise elections. (...) There have been several cases of commissions lacking qualified and trained election staff</i></p>

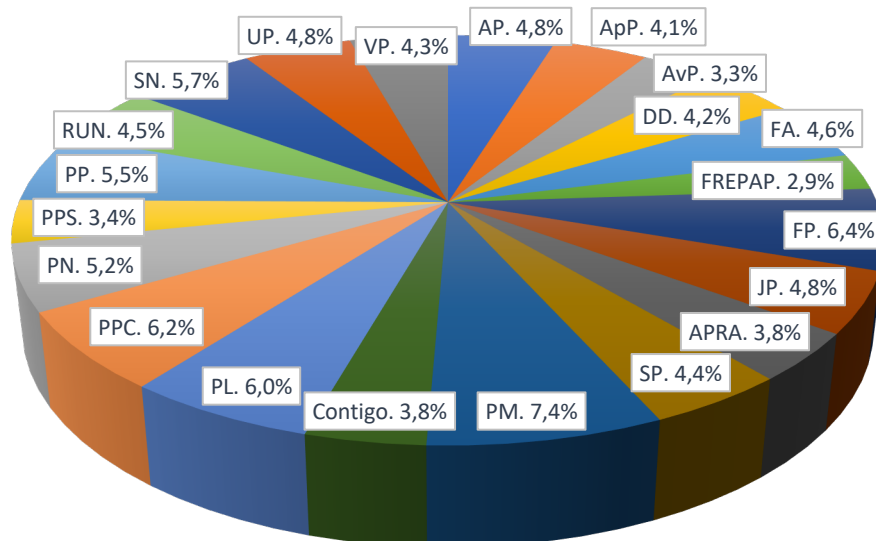
- American Convention on Human Rights (ACHR)
- Convention on the Elimination of Discrimination Against Women (CEDAW)
- General Comment to the ICCPR (GC)
- Indigenous and Tribal Peoples Convention (C169)
- Inter-American Democratic Charter (IADC)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- ICCPR 7th Universal Periodic Review (CCPR/C/SLV/7)
- Universal Declaration of Human Rights (UDHR)
- The United Nations Convention against Corruption (UNCAC)

Annex II: EU EOM Media monitoring results

TV PERÚ

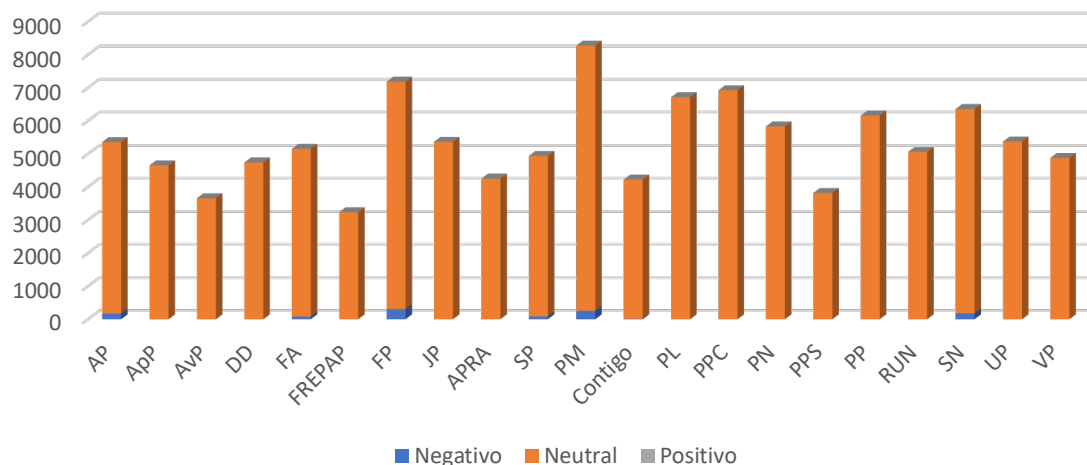
Total airtime allocated to parties in TVPerú

From 30 December 2019 to 25 January 2020
(Franja electoral excluded)



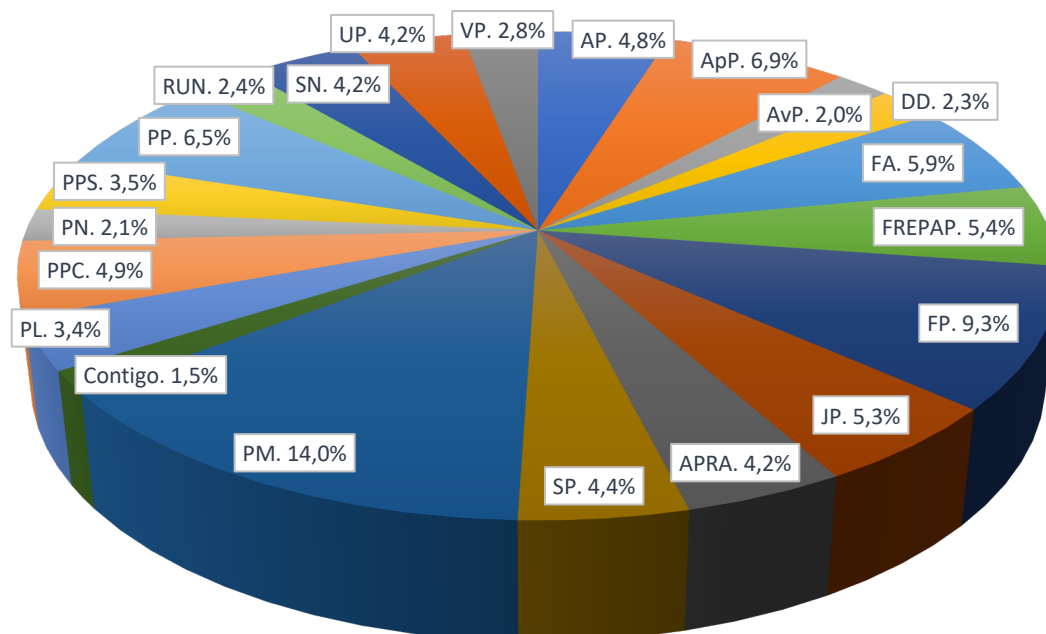
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JP: Juntos por el Perú	APRA: Partido Aprista	SP: Somos Perú	PM: Partido Morado	Contigo	PL: Perú Libre	PPC: Partido Popular Cristiano
PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone TVPerú



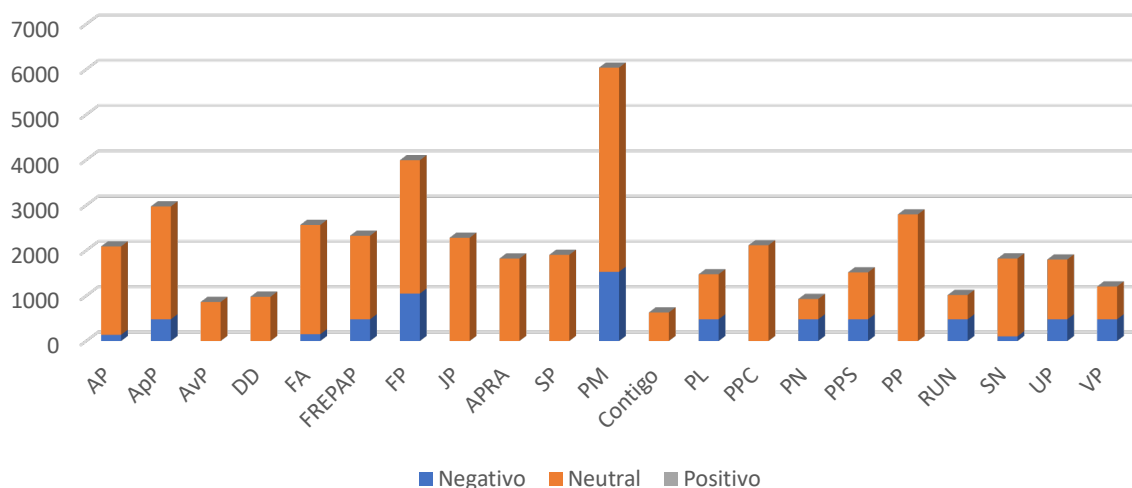
AMÉRICA TV

Total airtime allocated to parties in América TV
From 30 December 2019 to 25 January 2020
(Franja electoral excluded)



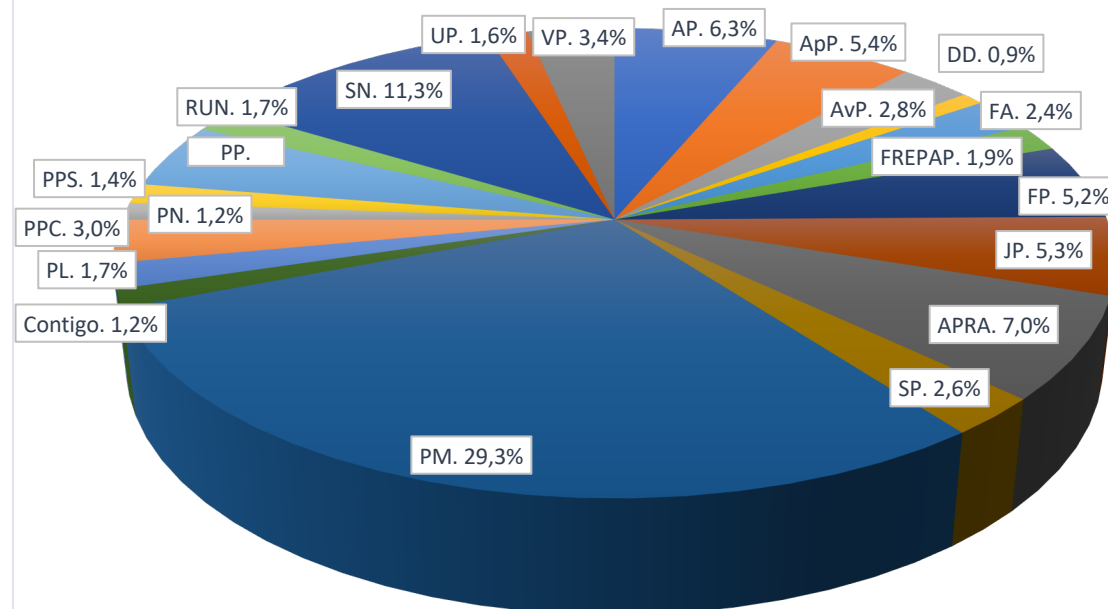
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JP: Juntos por el Perú	APRA: Aprista	SP: Somos Perú	PM: Partido Morado	Contigo	PL: Perú Libre	PPC: Partido Popular Cristiano
PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone América TV



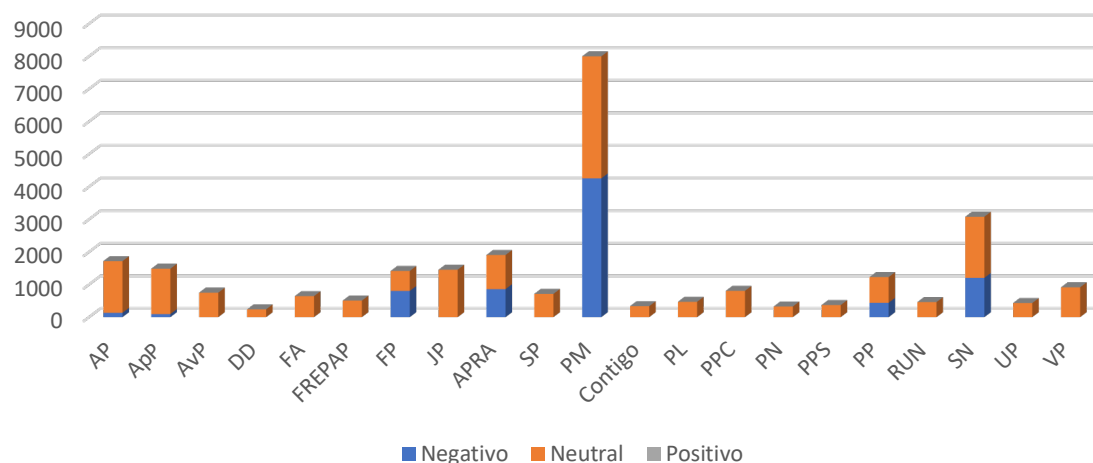
ANDINA TV

Total airtime allocated to parties in Andina TV
From 30 December 2019 to 25 January 2020
(Franja electoral excluded)



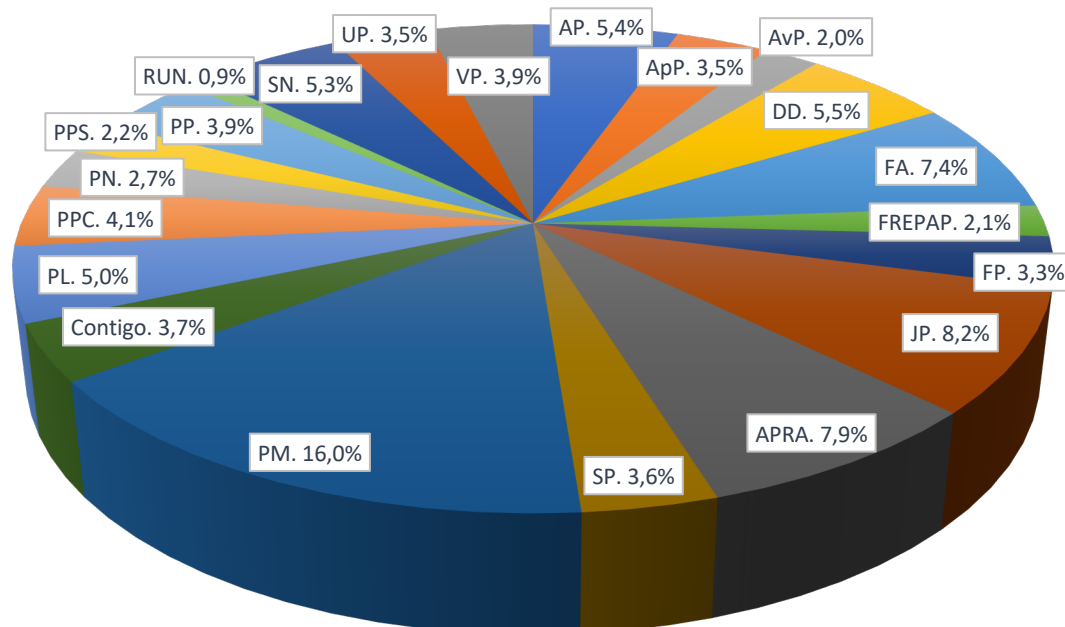
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JP: Juntos por el Perú	APRA: Aprista Partido	SP: Somos Perú	PM: Partido Morado	Contigo	PL: Perú Libre	PPC: Partido Popular Cristiano
PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone Andina TV



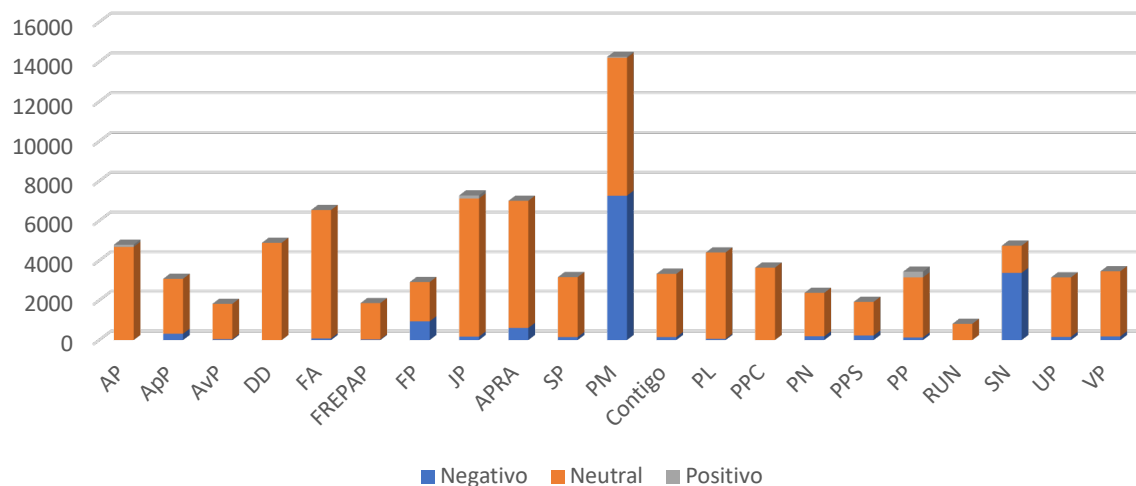
LATINA

Total airtime allocated to parties in Latina TV
From 30 December 2019 to 25 January 2020
(Franja electoral excluded)



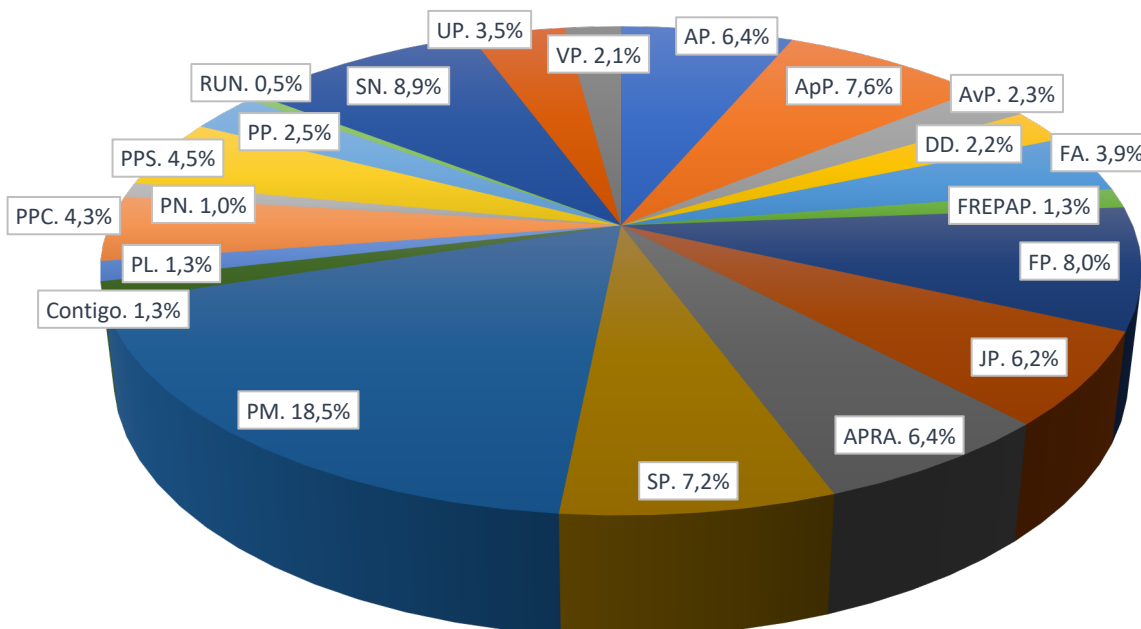
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JP: Juntos por el Perú	APRA: Aprista	SP: Somos Perú	PM: Partido Morado	Contigo	PL: Perú Libre	PPC: Partido Popular Cristiano
PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone Latina



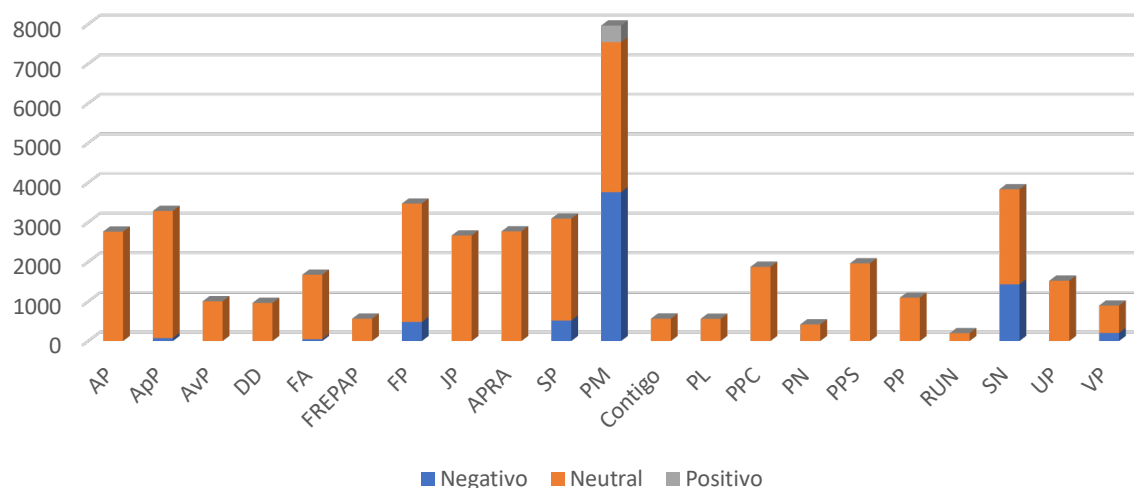
PANAMERICANA TV

Total airtime allocated to parties in Panamericana TV
From 30 December 2019 to 25 January 2020
(Franja electoral excluded)



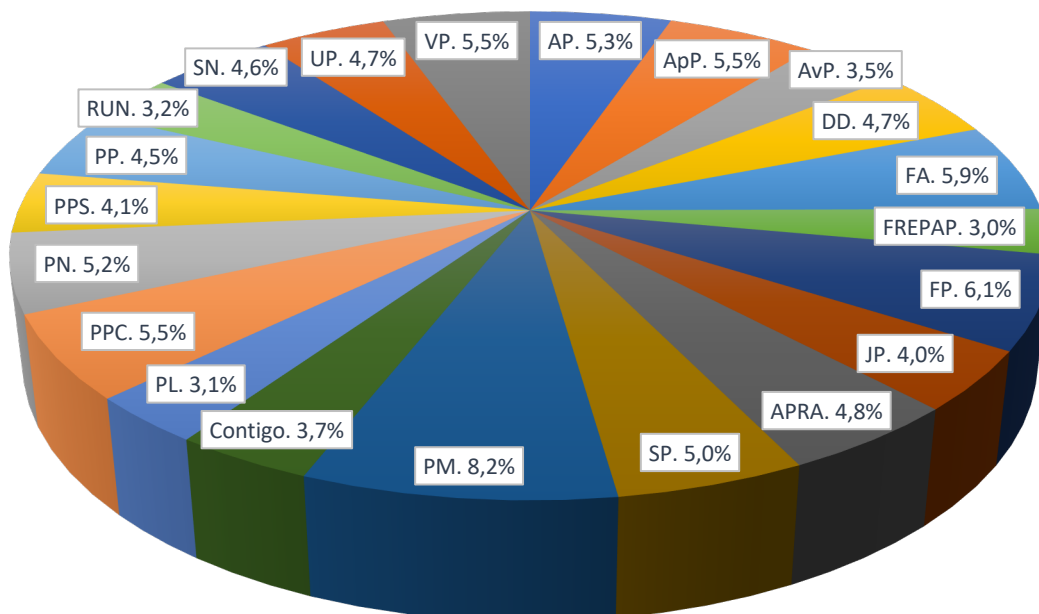
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PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone Panamericana TV



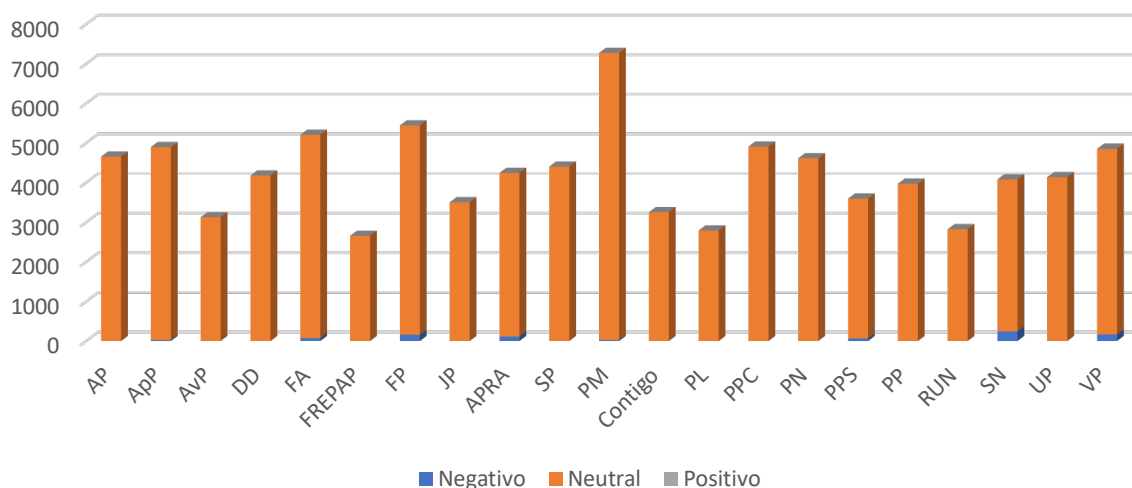
RADIO NACIONAL

Total airtime allocated to parties in Radio Nacional
From 30 December 2019 to 25 January 2020
(Franga electoral excluded)

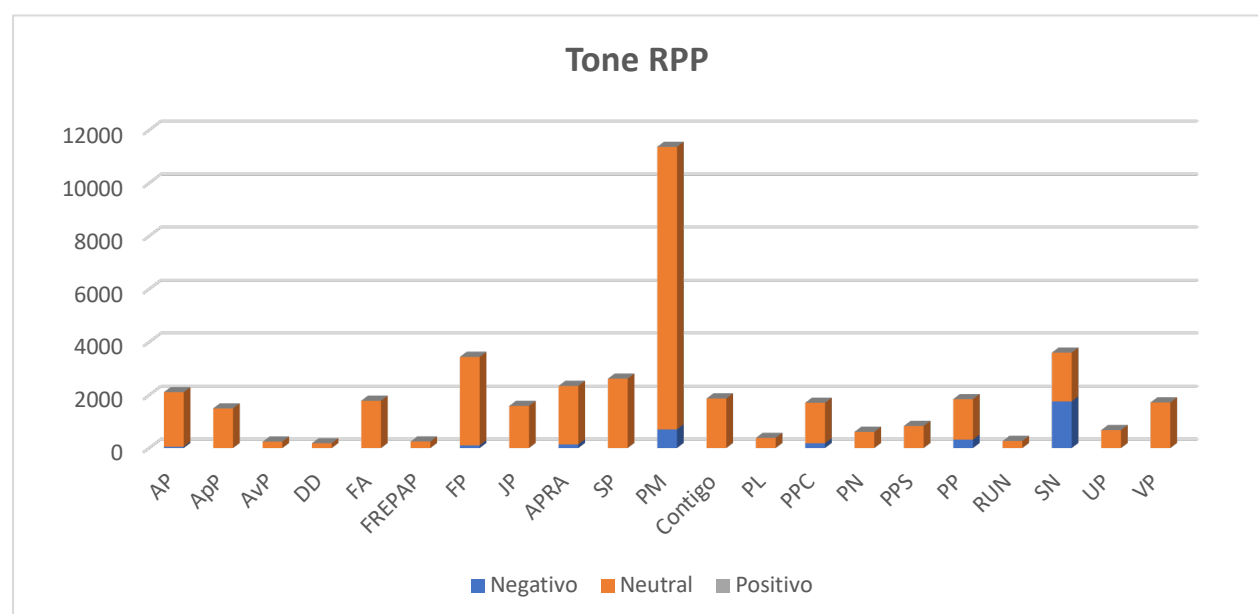
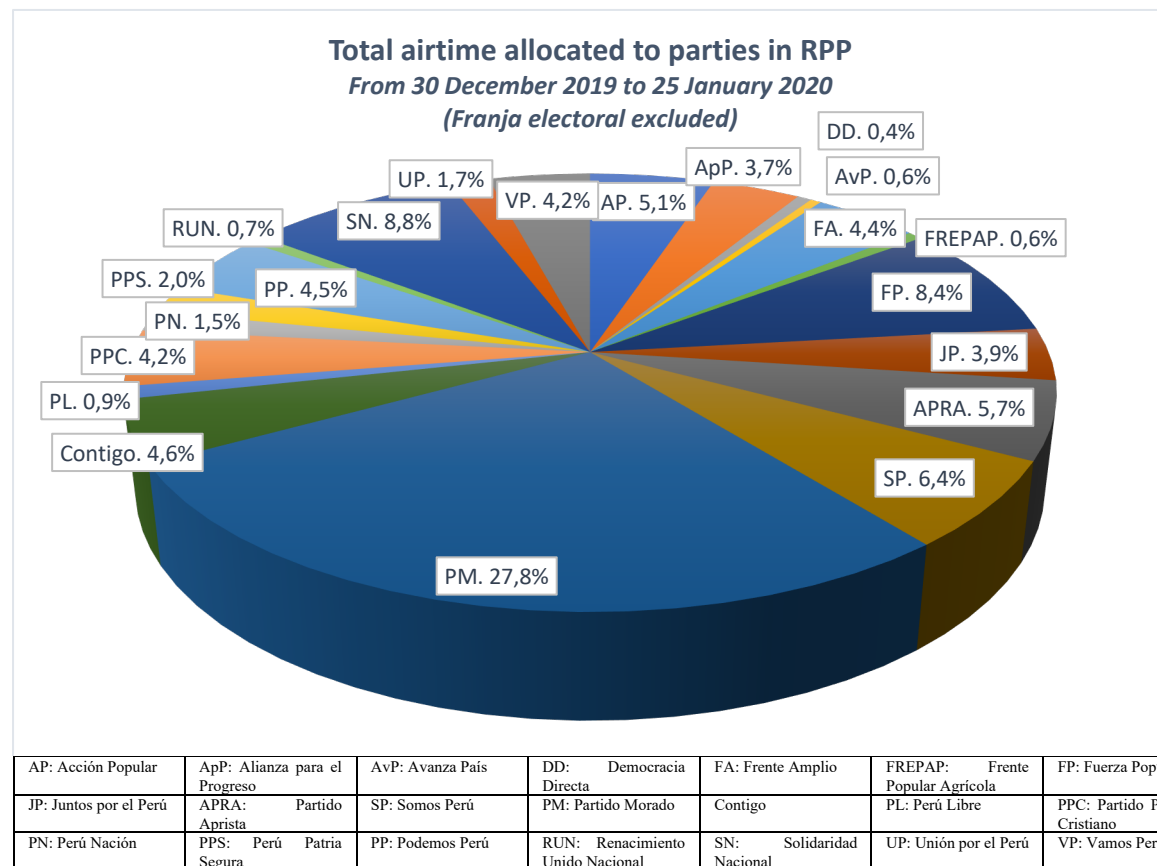


AP: Acción Popular	ApP: Alianza para el Progreso	AvP: Avanza País	DD: Democracia Directa	FA: Frente Amplio	FREPAP: Frente Popular Agrícola	FP: Fuerza Popular
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PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone Radio Nacional

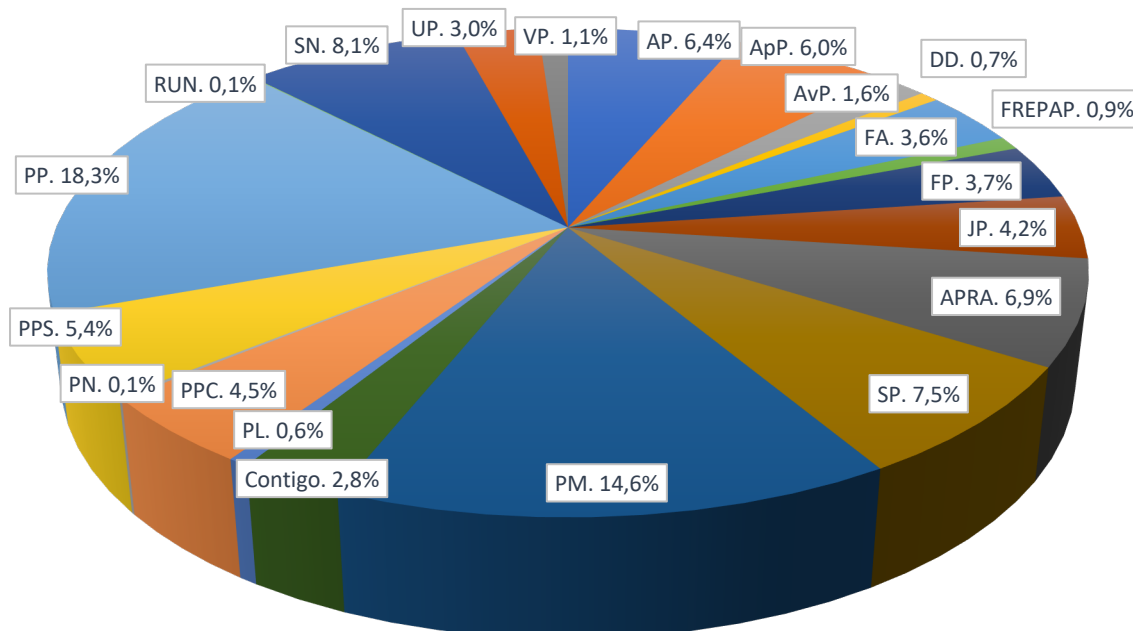


RPP



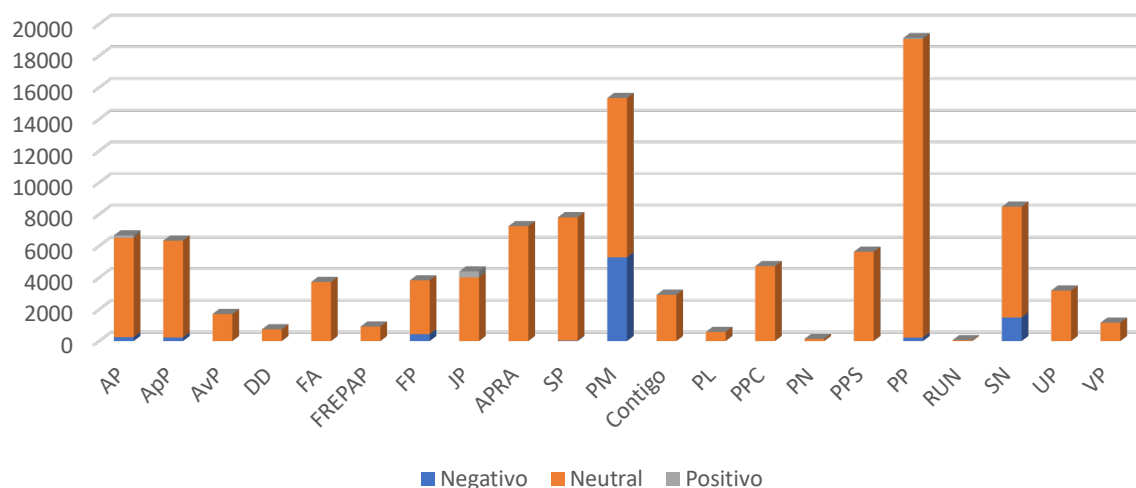
EXITOSA

Total airtime allocated to parties in Exitosa
From 30 December 2019 to 25 January 2020
(Franga electoral excluded)

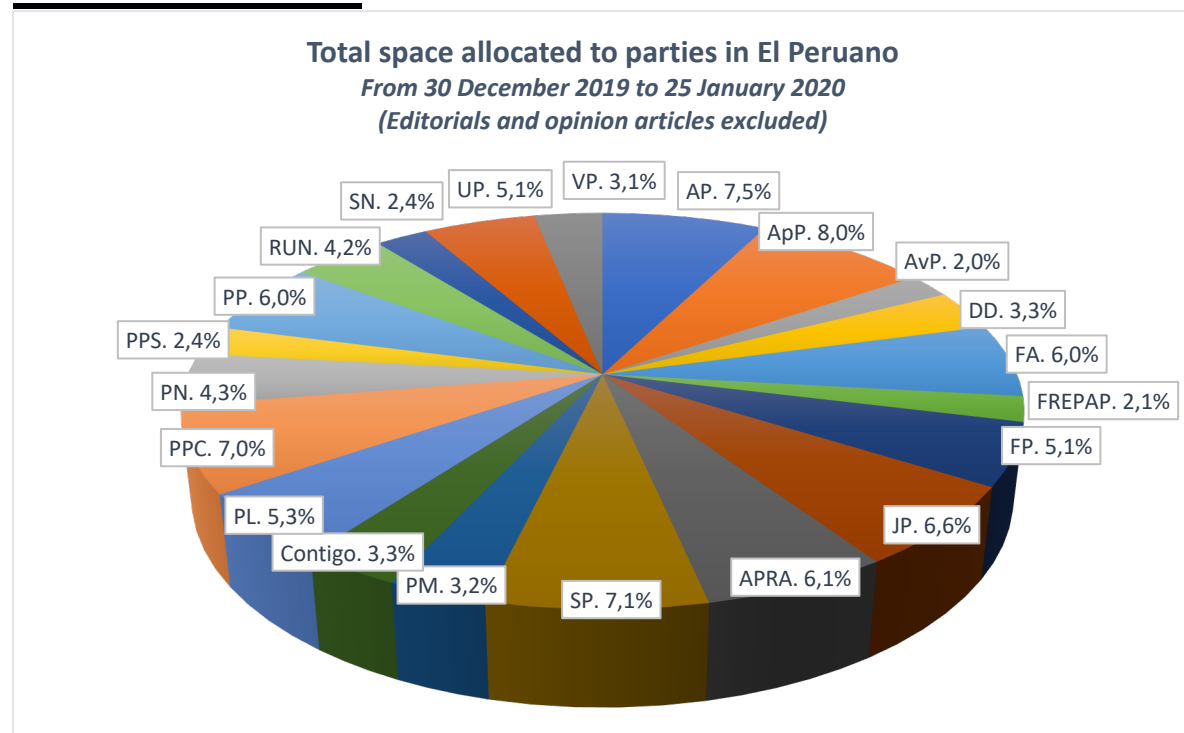


AP: Acción Popular	ApP: Alianza para el Progreso	AvP: Avanza País	DD: Democracia Directa	FA: Frente Amplio	FREPAP: Frente Popular Agrícola	FP: Fuerza Popular
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PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

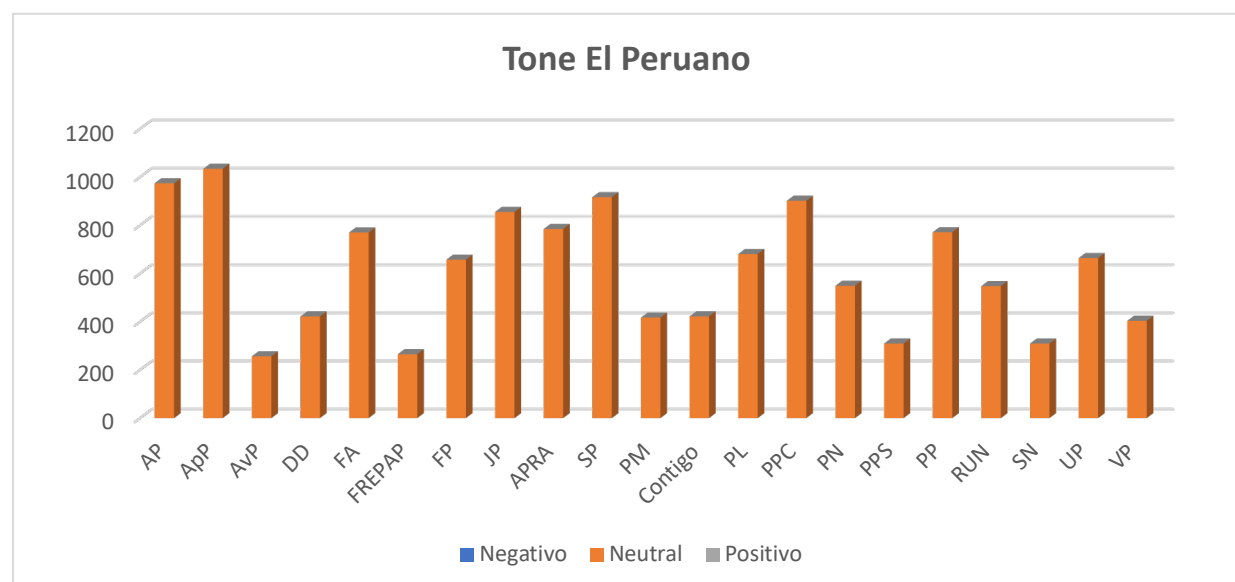
Tone Exitosa



EL PERUANO

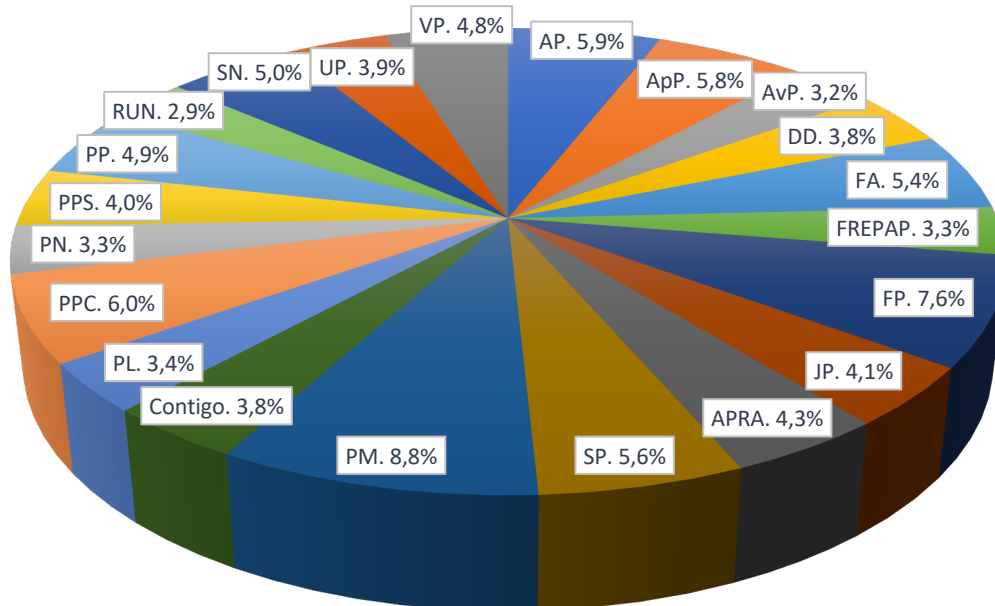


AP: Acción Popular	ApP: Alianza para el Progreso	AvP: Avanza País	DD: Democracia Directa	FA: Frente Amplio	FREPAP: Frente Popular Agrícola	FP: Fuerza Popular
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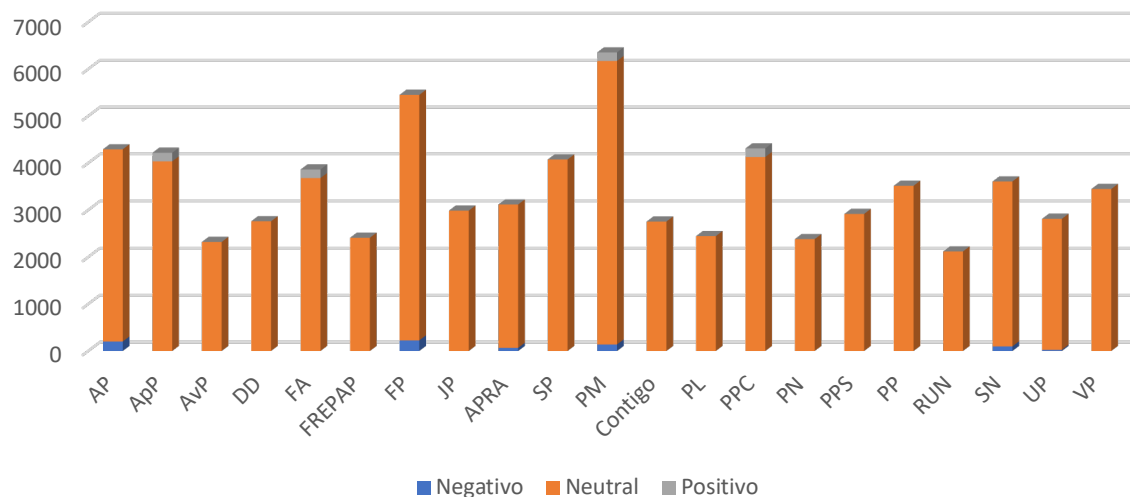
EL COMERCIO

Total space allocated to parties in El Comercio
From 30 December 2019 to 25 January 2020
(Editorials and opinion articles excluded)



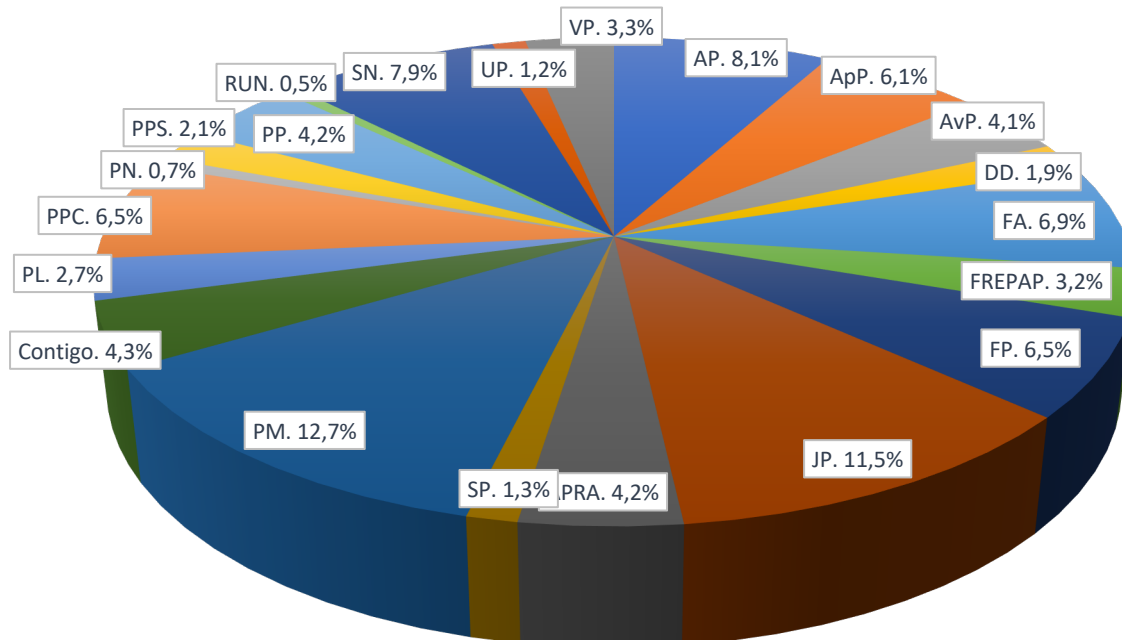
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Tone El Comercio



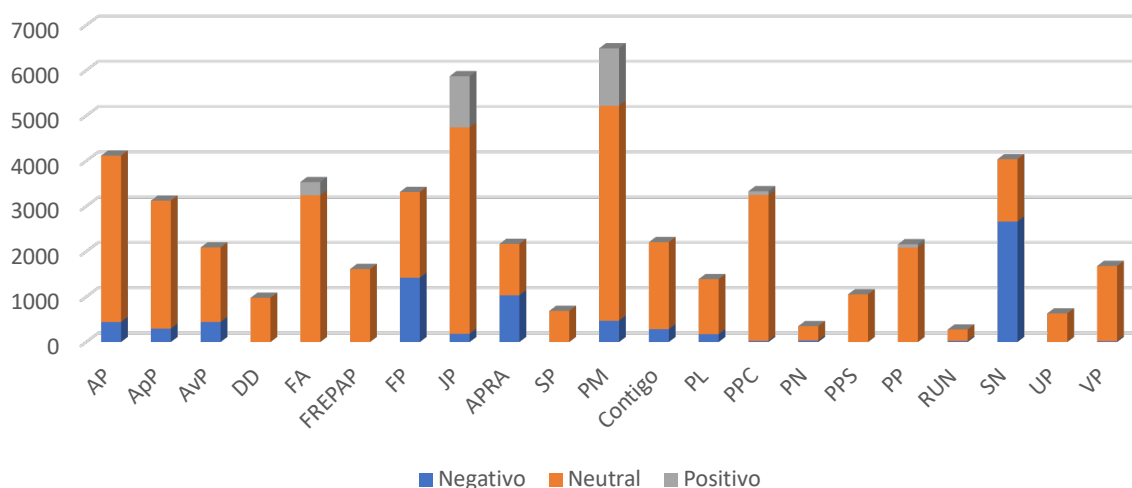
LA REPÚBLICA

Total space allocated to parties in La República
From 30 December 2019 to 25 January 2020
(Editorials and opinion articles excluded)



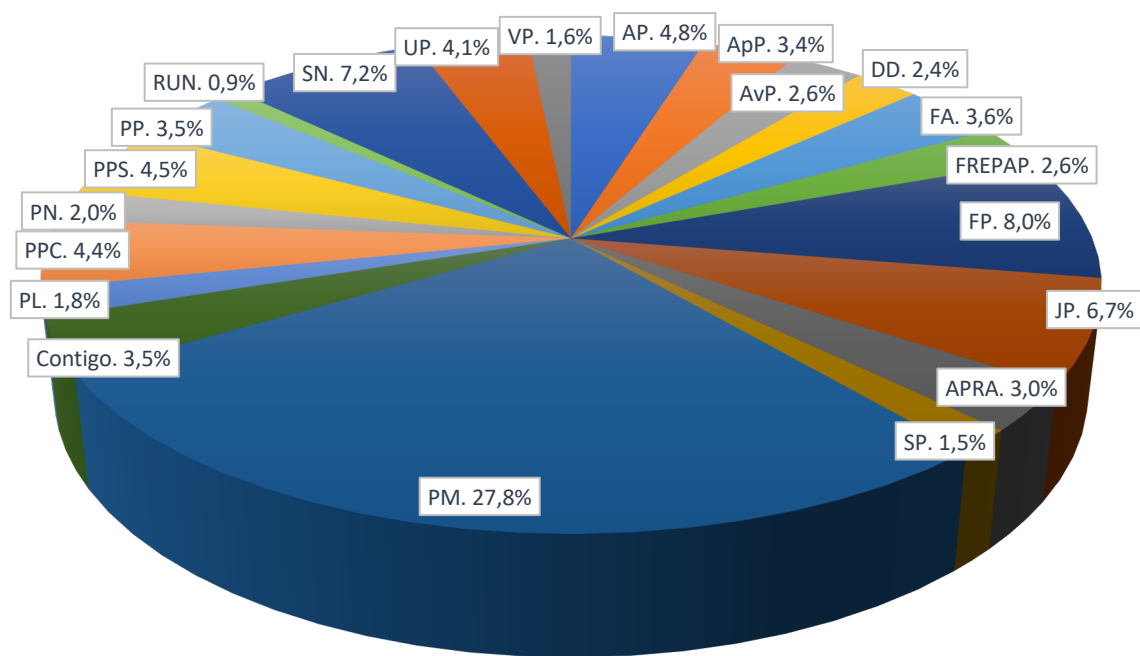
AP: Acción Popular	ApP: Alianza para el Progreso	AvP: Avanza País	DD: Democracia Directa	FA: Frente Amplio	FREPAP: Frente Popular Agrícola	FP: Fuerza Popular
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PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone La República



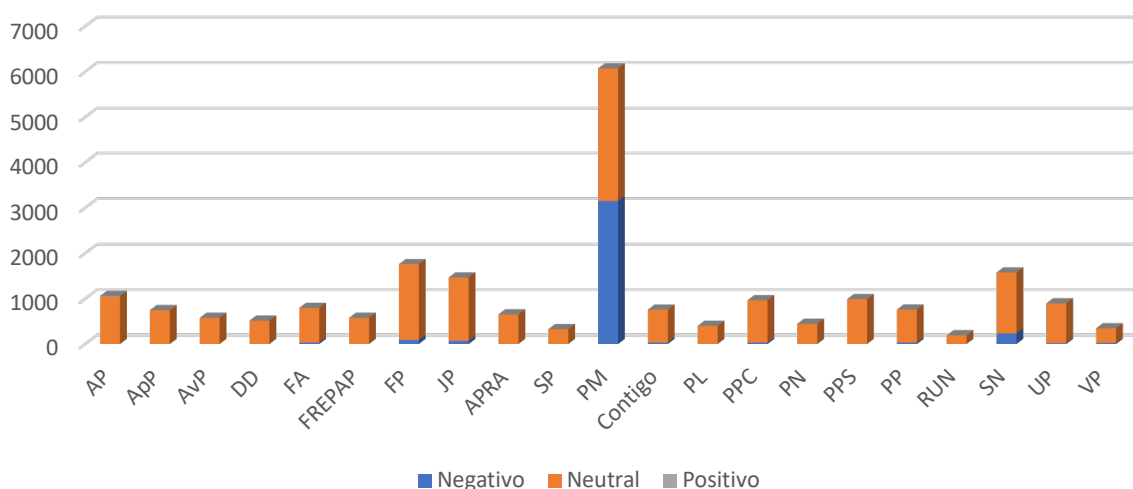
CORREO

Total space allocated to parties in Correo
From 30 December 2019 to 25 January 2020
(Editorials and opinion articles excluded)



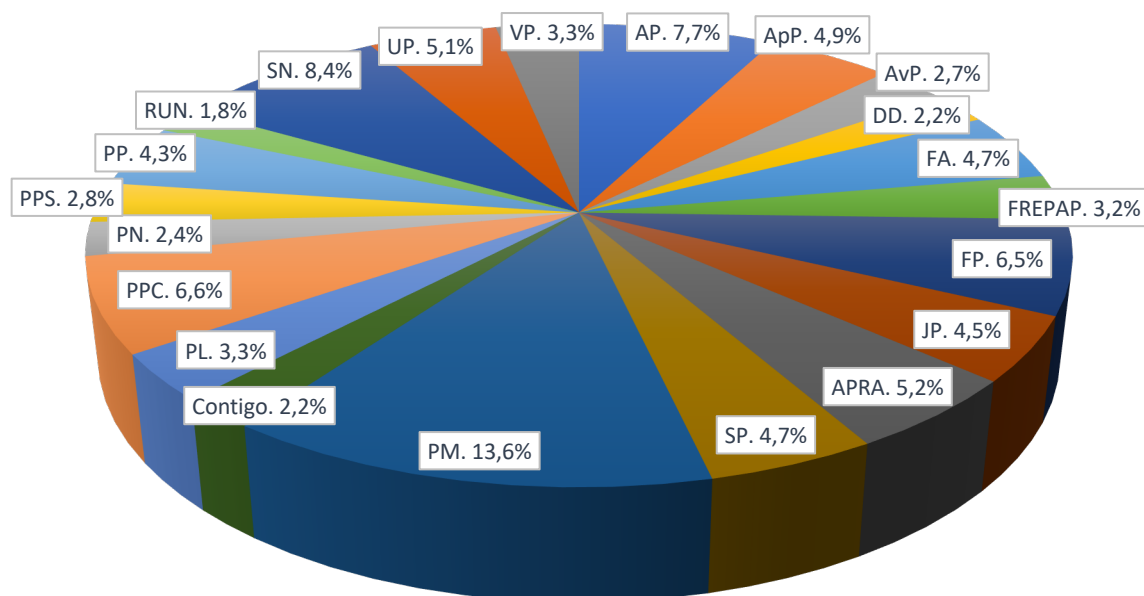
AP: Acción Popular	ApP: Alianza para el Progreso	AvP: Avanza País	DD: Democracia Directa	FA: Frente Amplio	FREPAP: Frente Popular Agrícola	FP: Fuerza Popular
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PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone Correo



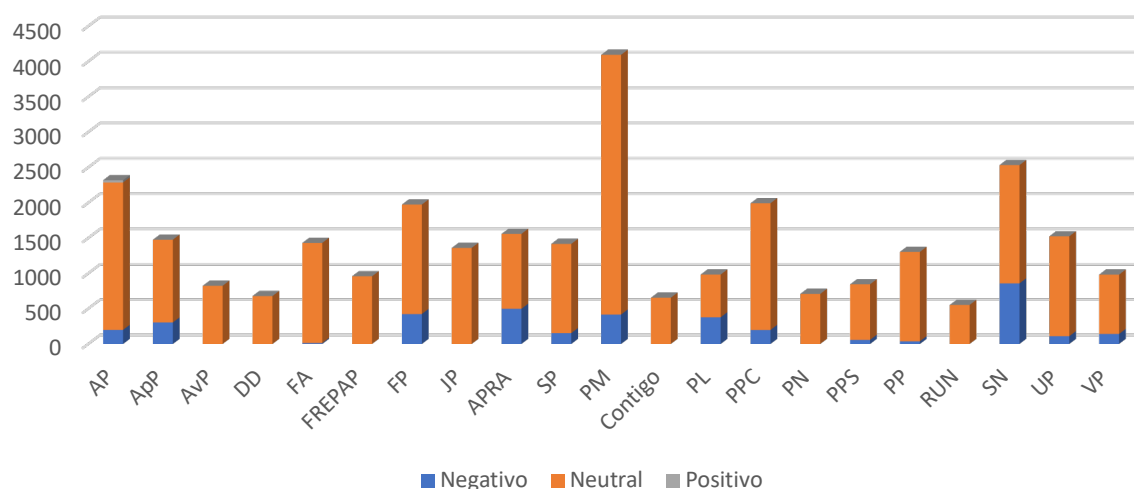
PERÚ 21

Total space allocated to parties in Perú 21
From 30 December 2019 to 25 January 2020
(Editorials and opinion articles excluded)



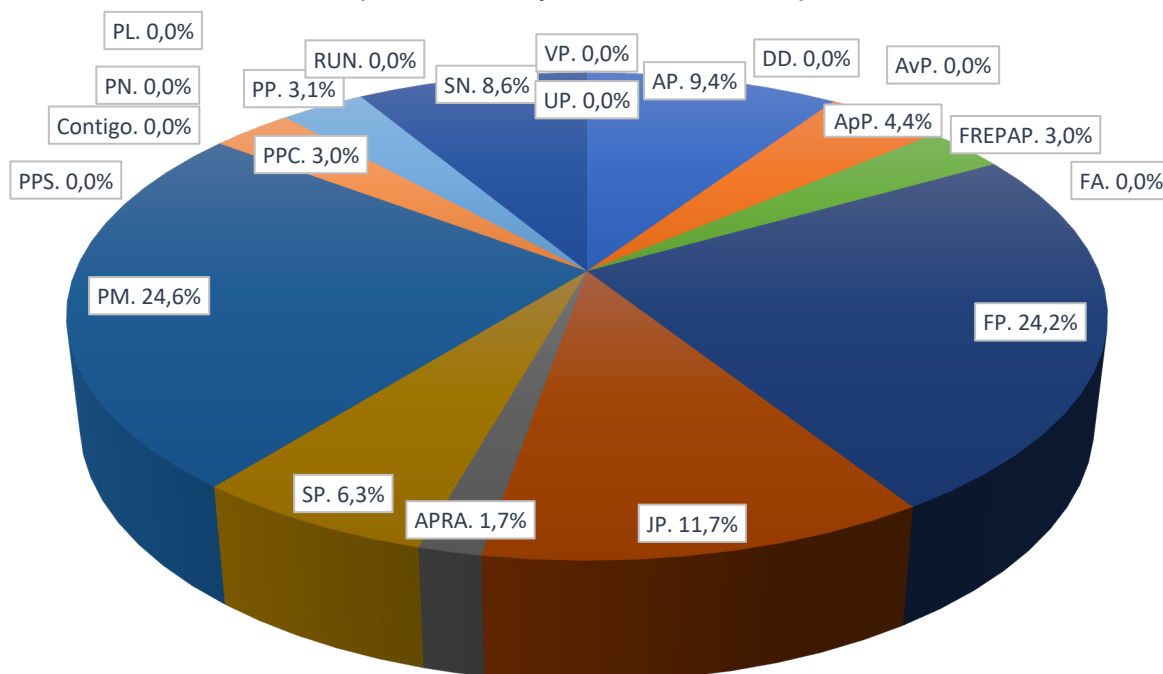
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PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone Perú 21



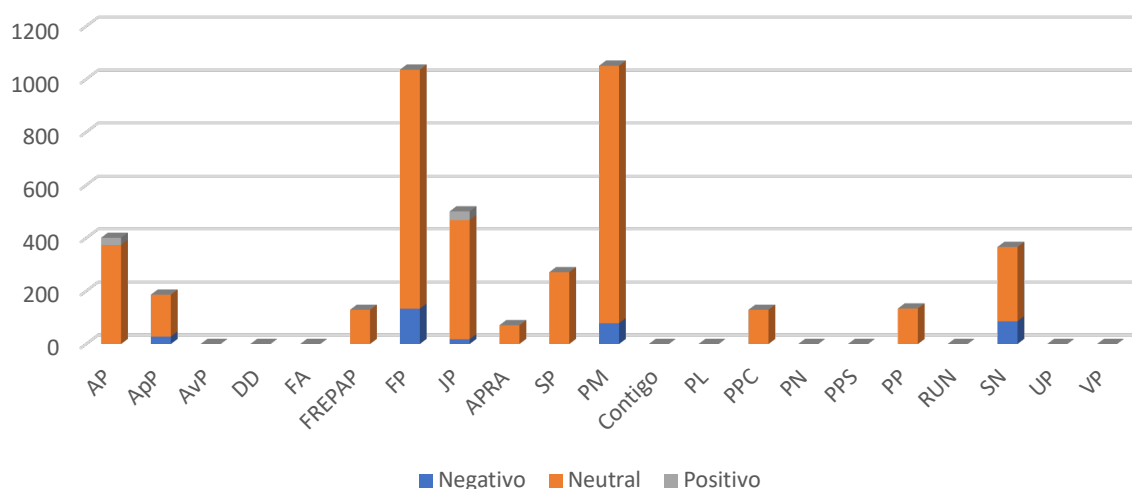
TROME

Total space allocated to parties in Trome
From 30 December 2019 to 25 January 2020
(Editorials and opinion articles excluded)



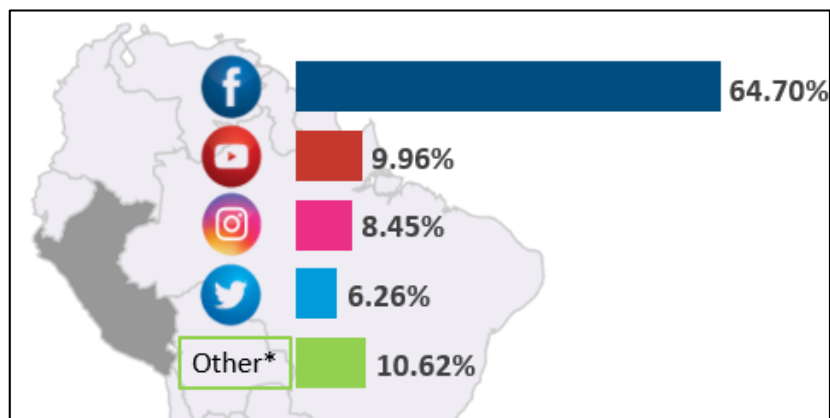
AP: Acción Popular	ApP: Alianza para el Progreso	AvP: Avanza País	DD: Democracia Directa	FA: Frente Amplio	FREPAP: Frente Popular Agrícola	FP: Fuerza Popular
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PN: Perú Nación	PPS: Perú Patria Segura	PP: Podemos Perú	RUN: Renacimiento Unido Nacional	SN: Solidaridad Nacional	UP: Unión por el Perú	VP: Vamos Perú

Tone Trome



Annex III. EU EOM Social Media monitoring results

Most popular social media platforms in Peru in October 2019, based on share of visits⁸³:



* Including Pinterest, Tumblr, LinkedIn, Google+ among others.

The use of Instagram and YouTube for campaign purposes was marginal, therefore the social media unit focused its quantitative analysis on Facebook and Twitter. The EU EOM monitored a sample of 4,269 Facebook pages and 31 public groups with a nationwide and regional relevance, as well as 660 Twitter accounts. Different monitoring projects were designed. The monitoring period was from 26 December 2019 to 26 January 2020. The selection was made according to multiple analytical purposes, later reflected in different internal reports. The final sample included:

- 2,779 Facebook pages associated with the 21 contesting parties, comprising the alleged official one (19) and the regional branches of party Facebook pages (2,760);
- 1,435 candidates' Facebook pages and 660 candidates' Twitter accounts used for campaign purposes;
- 27 pages disseminating false or misleading information through political memes and manipulated videos (from 761 to 556,677 followers);
- 28 Facebook pages (from 1453 to 550,619 followers) and 31 public groups (from 1,453 to 237,408 members) presenting themselves as online media outlets, which contributed to largely disseminate false and demeaning information to discredit candidates.

Use of social media accounts for campaign purposes by candidates:

Following the publication of the final list of candidates by the National JNE on 27 December⁸⁴, the EU EOM searched the existing Facebook and Twitter accounts associated with candidates' names. Only one candidate showed a blue verification badge on Facebook and two candidates on Twitter. However, based on the campaign content published on the identified accounts, it was possible to establish that out of 2,326 candidates, 1,435 were using Facebook pages to campaign and 437 owned a personal profile, which were not necessarily using to campaign. As for Twitter, the EU EOM identified accounts used for campaign purposes by 660 candidates in total.

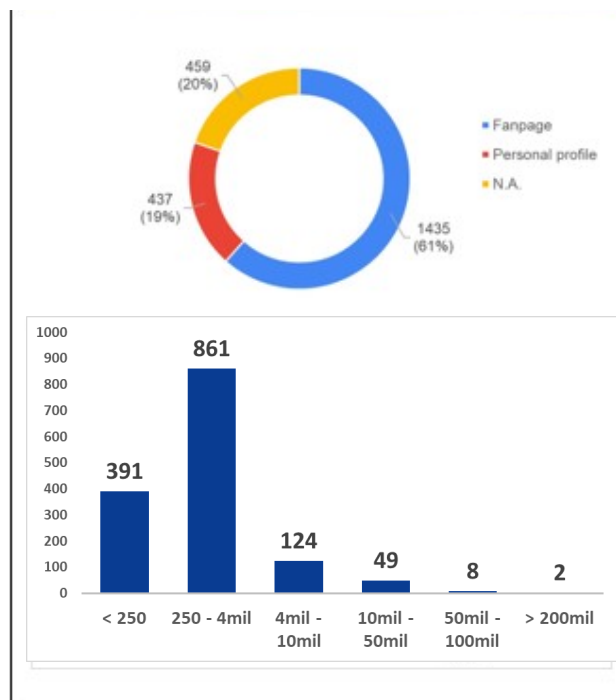
⁸³ Source: online portal Statista.

⁸⁴ <https://plataformaelectoral.jne.gob.pe/ListaDeCandidatos/Index>

Only 59 of the 1,435 candidates' Facebook pages and 27 out of 660 candidates' Twitter accounts counted on a community of more than 10,000 followers.⁸⁵

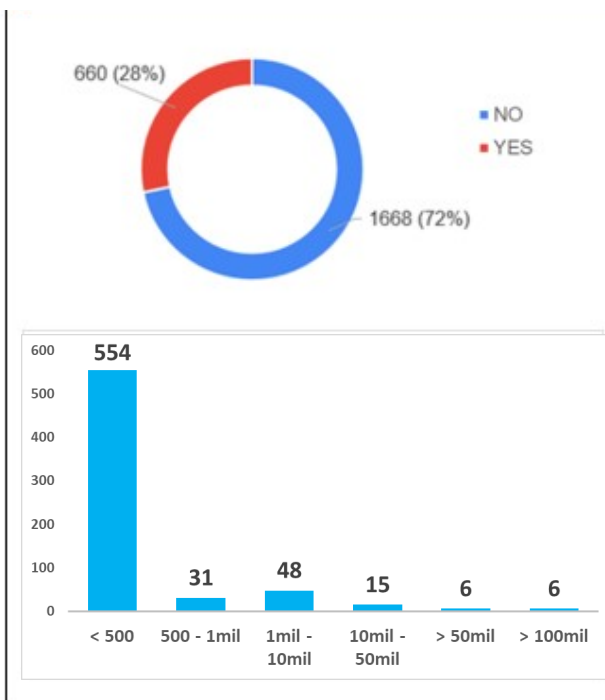
Party representation of the candidacies using social media accounts for campaign purposes⁸⁶.

FACEBOOK



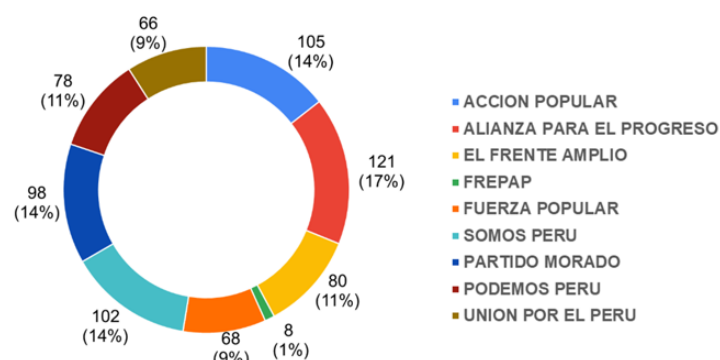
Candidates' presence on Facebook in total and by number of followers

TWITTER



Candidates' presence on Twitter in total and by number of followers

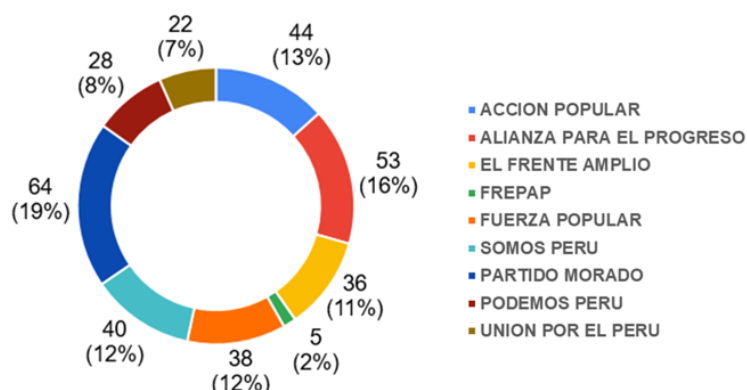
FACEBOOK



⁸⁵ Data collected between 3 and 6 January 2020.

⁸⁶ Parties that passed the five per cent threshold.

TWITTER



Main Facebook pages by party – Community growth

NAME OF PARTY	COMMUNITY ON 31/12/2019	COMMUNITY ON 25/01/2020	GROWTH	% OF GROWTH
ACCIÓN POPULAR	41,109	41,820	711	1.7%
FREPAP*	0	0	0	0%
FRENTE AMPLIO	20,459	22,274	1,815	8.1%
FUERZA POPULAR	231,054	231,978	924	0.4%
ALIANZA PROGRESO	65,226	65,654	388	0.6%
PARTIDO MORADO	33,541	39,286	5,745	14.6%
PODEMOS PERÚ	89,590	91,534	1,944	2.1%
UNIÓN POR EL PERÚ	6,155	20,055	13,900	69.3%
SOMOS PERÚ	49,709	73,249	23,550	32.1%

Facebook page of most voted candidates by party – Community Growth

CANDIDATE	CONSTITUENCY	NAME OF PARTY	COMMUNITY ON 31/12/2019	COMMUNITY ON 25/01/2020	GROWTH	% OF GROWTH
Mónica Saavedra	LIMA	ACCIÓN POPULAR	0	1,580	1,580	100%
Raimunda Quicha	LIMA	FREPAP*	0	0	0	0%
Enrique Fernández	LIMA	FRENTE AMPLIO	28,008	30,996	2,688	8.6%
Martha Chávez	LIMA	FUERZA POPULAR	0	0	0	0%
Luis Alberto Valdez	LA LIBERTAD	ALIANZA PROGRESO	3,534	4,116	582	14.1%
Alberto de Belaunde	LIMA	PARTIDO MORADO	92,280	97,787	5,507	5.6%
Daniel Urresti	LIMA	PODEMOS PERÚ	296,653	302,378	5,725	1.8%
Edgard Alarcón	AREQUIPA	UNIÓN POR EL PERÚ	112	128	16	12.5%
Rennán Espinoza	LIMA	SOMOS PERÚ	8,298	20,656	12,558	60.7%

* FREPAP denied owning any official social media accounts.

Annex IV. Election results

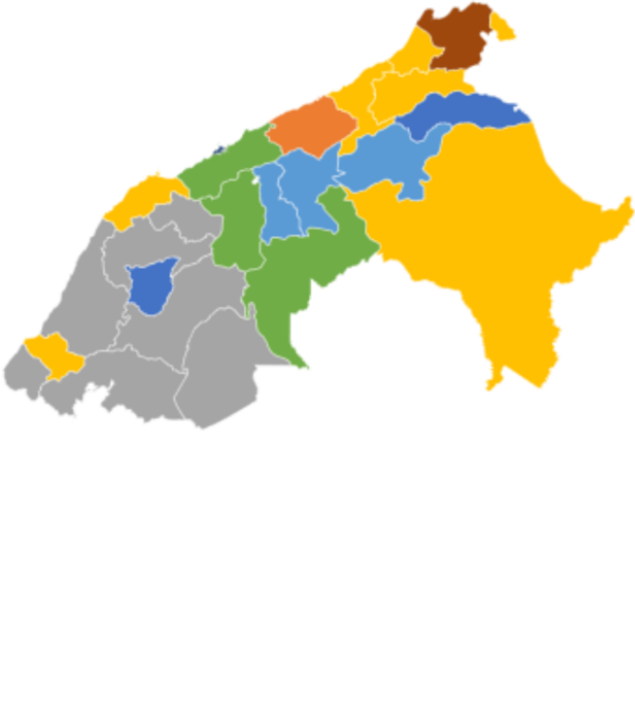
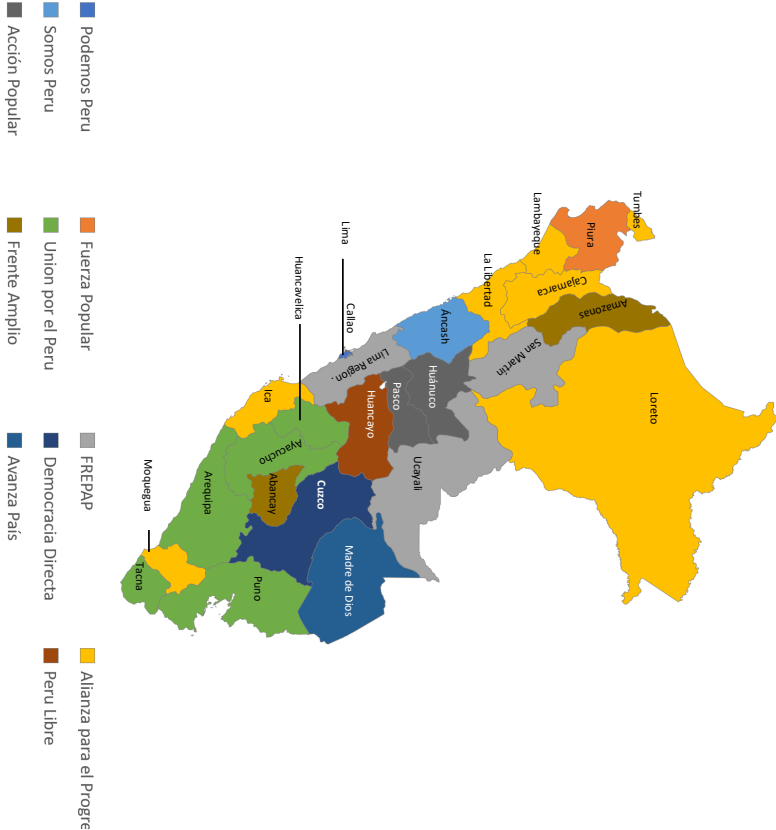
A. Valid, invalid votes and turnout

VALID VOTES	14,798,379	80.56%
BLANK VOTES	432,971	2.35%
NULL VOTES	3,138,088	17.09%
TOTAL NULL AND BLANK VOTES	3,571,059	19.44%
TOTAL VOTES CAST	18,369,088	
TURNOUT		74.07%

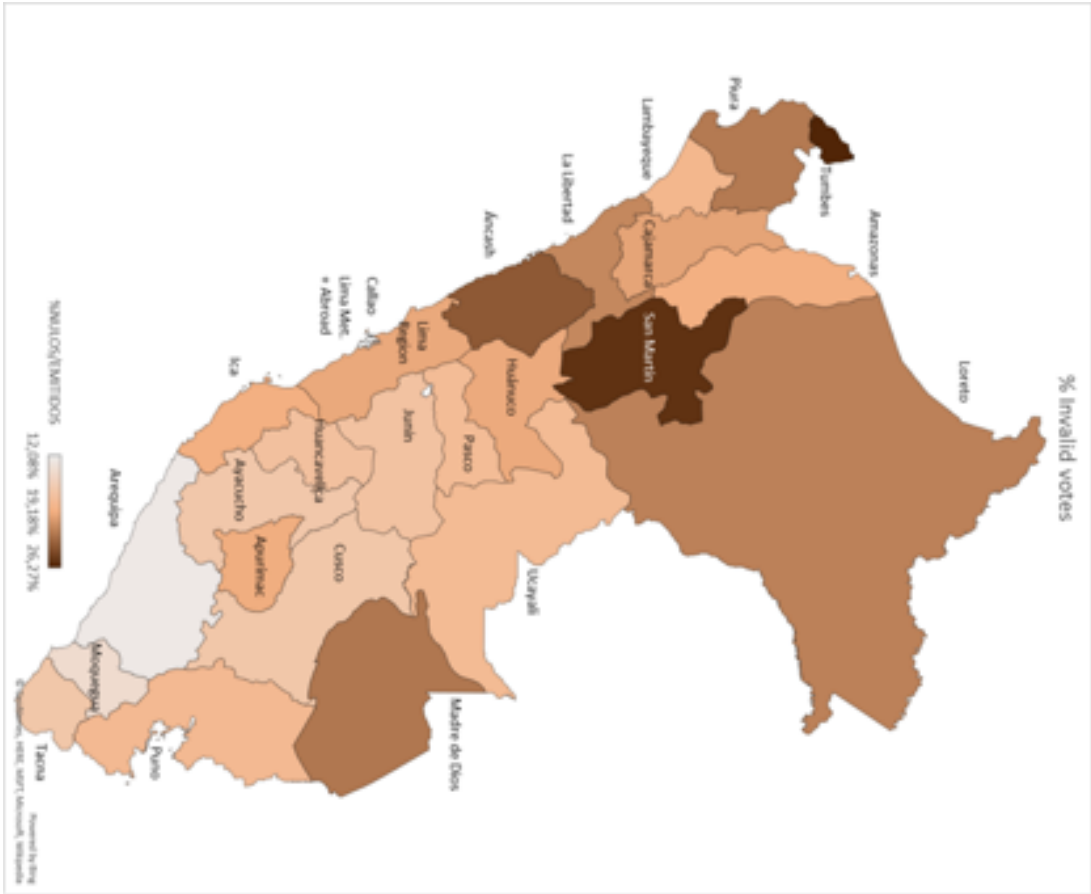
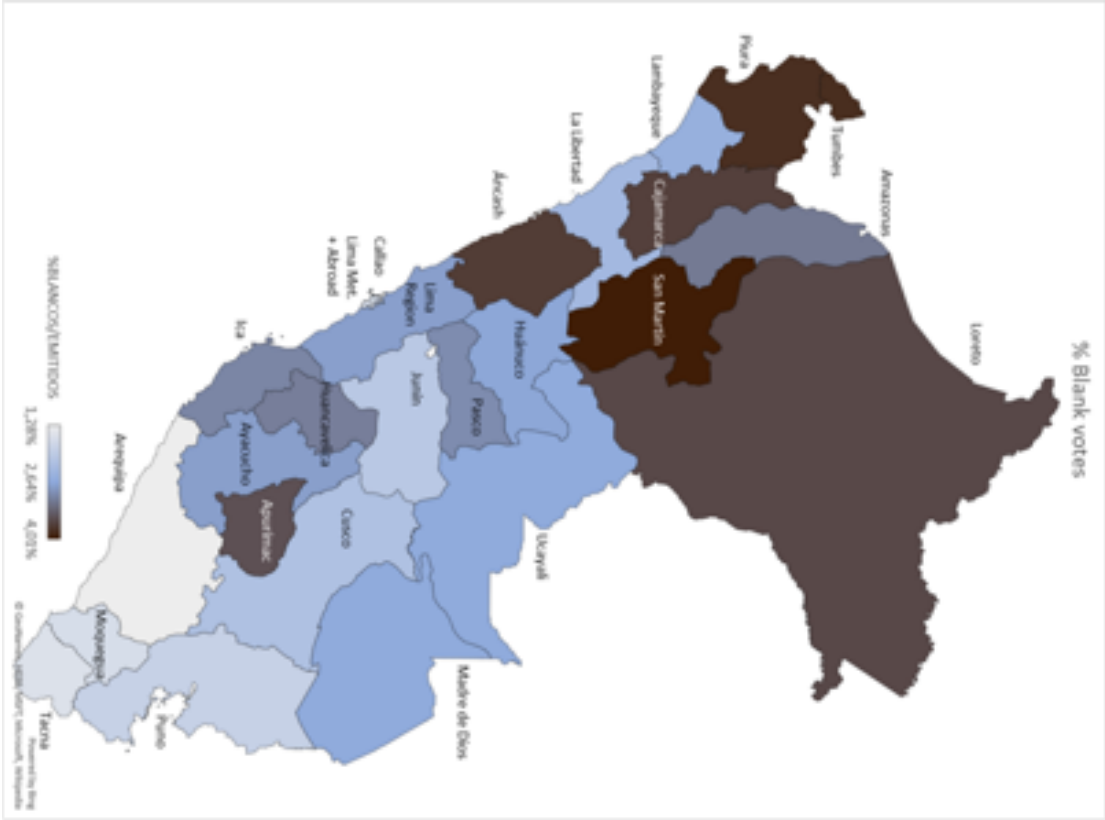
B. Number of votes and seats by party

POLITICAL PARTY	VALID VOTES	%	SEATS	SEATS IN LIMA	SEATS IN REGIONS	Votes per seat
ACCIÓN POPULAR (APP)	1,518,171	10.26%	25	5	20	60,727
PODEMOS PERU (PP)	1,240,716	8.38%	11	8	3	112,792
FREPAP	1,240,084	8.38%	15	5	10	82,672
ALIANZA PARA EL PROGRESO (APP)	1,178,020	7.96%	22	2	20	53,546
PARTIDO MORADO (PM)	1,095,491	7.40%	9	6	3	121,721
FUERZA POPULAR (FP)	1,081,174	7.31%	15	4	11	72,078
UNIÓN POR EL PERÚ (UPP)	1,001,716	6.77%	13	1	12	77,055
FRENTE AMPLIO	911,701	6.16%	9	3	6	101,300
SOMOS PERÚ (SP)	895,700	6.05%	11	2	9	81,427
JUNTOS POR EL PERÚ (JP)	710,462	4.80%	0	0	0	
PARTIDO POPULAR CRISTIANO (PPC)	590,378	3.99%	0	0	0	
DEMOCRACIA DIRECTA (DD)	543,956	3.68%	0	0	0	
PERÚ LIBRE (PL)	502,898	3.40%	0	0	0	
APRA	402,330	2.72%	0	0	0	
AVANZA PAÍS (AP)	373,113	2.52%	0	0	0	
PERÚ PATRIA SEGURA (PPS)	350,121	2.37%	0	0	0	
VAMOS PERÚ (VP)	311,413	2.10%	0	0	0	
RENACIMIENTO UNIDO NACIONAL (RUNA)	265,564	1.79%	0	0	0	
SOLIDARIDAD NACIONAL (SN)	221,123	1.49%	0	0	0	
PERÚ NACIÓN (PN)	206,128	1.39%	0	0	0	
CONTIGO	158,120	1.07%	0	0	0	

C. Winning party in each constituency by votes and seats



D. Blank and invalid votes per constituency



Annex V. Registered candidates

A. Registered candidates by gender

POLITICAL PARTY	FEMALE	MALE	TOTAL	GENDER QUOTA
ACCIÓN POPULAR	48	79	127	37,8%
ALIANZA PARA EL PROGRESO	62	74	136	45,6%
AVANZA PAÍS	36	70	106	34,0%
DEMOCRACIA DIRECTA	43	68	111	38,7%
FRENTE AMPLIO	50	75	125	40,0%
FREPAP	53	67	120	44,2%
FUERZA POPULAR	50	68	118	42,4%
JUNTOS POR EL PERÚ	50	68	118	42,4%
PARTIDO APRISTA PERUANO	44	62	106	41,5%
SOMOS PERÚ	51	71	122	41,8%
PARTIDO MORADO	54	72	126	42,9%
CONTIGO	33	57	90	36,7%
PERÚ LIBRE	40	63	103	38,8%
PARTIDO POPULAR CRISTIANO	47	62	109	43,1%
PERÚ NACIÓN	38	54	92	41,3%
PERÚ PATRIA SEGURA	41	62	103	39,8%
PODEMOS PERÚ	43	69	112	38,4%
RENACIMIENTO UNIDO NACIONAL	39	66	105	37,1%
SOLIDARIDAD NACIONAL	34	52	86	39,5%
UNIÓN POR EL PERÚ	42	64	106	39,6%
VAMOS PERU	42	63	105	40,0%
TOTAL	940	1386	2326	40,4%

B. Excluded candidates for missing information in affidavits

CONSTITUENCY	REGISTERED CANDIDATES	Excluded for missing info in affidavits	TOTAL	% of EXCLUDED CANDIDATES
AMAZONAS	45	4	49	8%
ÁNCASH	78	24	102	24%
APURÍMAC	37	12	49	24%
AREQUIPA	106	16	122	13%
AYACUCHO	45	9	54	17%
CAJAMARCA	101	15	116	13%
CALLAO	74	9	83	11%
CUSCO	88	14	102	14%
HUANCAVELICA	46	7	53	13%
HUÁNUCO	46	13	59	22%
ICA	76	4	80	5%
JUNÍN	86	13	99	13%
LA LIBERTAD	139	3	142	2%
LAMBAYEQUE	86	15	101	15%
LIMA	707	111	818	14%
LORETO	56	25	81	31%
MADRE DE DIOS	30	11	41	27%
MOQUEGUA	39	12	51	24%
PASCO	49	3	52	6%
PIURA	109	27	136	20%
PUNO	89	12	101	12%
SAN MARTÍN	57	27	84	32%
TACNA	53	5	58	9%
TUMBES	46	10	56	18%
UCAYALI	38	10	48	21%
TOTAL	2326	407	2733	15%



