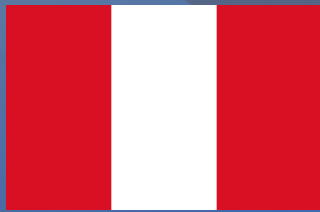




European Union
Election Expert Mission

Republic of Peru 2021

Final Report



General elections 11 April 2021
Presidential run-off 6 June 2021

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Election Expert Mission to Peru

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FINAL REPORT

Reporting period
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EU Election Expert Missions are independent from the institutions of the European Union. The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy and position of the European Union

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Acronyms

ACHR	American Convention on Human Rights
AECID	Spanish Cooperation and Development Agency <i>(Agencia Española de Cooperación Internacional para el Desarrollo)</i>
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>
CONCORTV	Consultive Council on Radio and Television <i>(Consejo Consultivo de Radio y Televisión)</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>
EU	European Union
EU EEM	European Union Election Expert Mission
EU EOM	European Union Election Observation Mission
FA	<i>Frente Amplio</i>
FP	<i>Fuerza Popular</i>
ICCPR	International Covenant on Civil and Political Rights
ICCPR GC	ICCPR General Comment
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
JEE	Special Electoral Board <i>(Jurado Electoral Especial)</i>
JFS	Board of Chief Prosecutors <i>(Junta de Fiscales Supremos)</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>
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>
PL	<i>Perú Libre</i>
PM	<i>Partido Morado</i>
PN	<i>Perú Nación</i>
PPC	<i>Partido Popular Cristiano</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>
TC	Constitutional Court <i>(Tribunal Constitucional)</i>

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
UPP	<i>Unión por el Perú</i>
VC	Venice Commission
VRAEM	Valley of the Apurímac, Ene and Mantaro rivers
WHO	World Health Organization

I. Summary and priority recommendations

The 2021 general elections were overall credible and conducted with integrity, in line with international and national obligations and commitments for democratic elections. The National Electoral Board (JNE) and the National Office for Electoral Processes (ONPE) delivered a well-organised process, despite unproven allegations of lack of independence, unprecedented smear campaigns and attacks, including harassment to their presidents, that were disruptive to the process. The transparency and adherence to the law that all electoral institutions showed through all stages of the process, in particular during the resolution of post-electoral disputes, indicated that those allegations were unsubstantiated.

More than 25 million Peruvians were called to the polls on 11 April and 6 June to elect the president and vice-presidents, the 130-member Congress and five representatives to the Andean Parliament for the 2021-2026 term. The elections were held amidst an extremely polarised campaign, an unbalanced media coverage, a tense post electoral period, the devastating consequences of the COVID-19 pandemic and a long-standing political crisis. A total of 18 presidential tickets, 20 parties and 2,776 candidates ensured a wide range of political options to voters.

On 19 July, 43 days after the presidential run-off and once the JNE dismissed by absolute majority *Fuerza Popular* (FP) appeals against six special electoral boards (JEE) partial certification of results, the JNE announced that Pedro Castillo (*Peru Libre* - PL) won the presidential election with 50.13 per cent of the valid votes, against Keiko Fujimori (FP), with 49.87 per cent. Castillo obtained a total of 8,836,380 votes, while Fujimori got 8,792,117, a difference of 44,263 votes in favour of Castillo. After the announcement of the final results, the president-elect called on all political forces to work for the benefit of the country. The run-off post-election period was characterised by the highest number of requests for annulment of results ever filed in any election, the vast majority of them by FP in areas where Pedro Castillo won, which delayed the final announcement and compromised a smooth transition of power few days before the 28 July presidential inauguration, as foreseen in the Constitution.

Ten parties will be represented in the 2021 Congress. PL, with 37 (13.41 per cent of the votes) and FP, with 24 (11.34 per cent) achieved the largest number of seats. The remaining 69 seats were obtained by *Acción Popular* (16), *Alianza para el Progreso* (15) *Renovación Popular* (13), *Avanza País* (7), *Juntos por el Perú* (5), *Somos Perú* (5), *Podemos Perú* (5) and *Partido Morado* (3). A total of 49 women were elected to the 130 seat Congress (some 37.7 per cent) an increase of 11 per cent if compared to the 2020 Congress. This is the highest number of female parliamentary representation in Peru's history. The absence of a clear majority anticipates that the long-standing stand-off between the Executive and the Legislative is likely to continue.

The legal framework for the elections contains the necessary provisions for the holding of democratic elections. Several reforms, some in line with EU EOM recommendations, were adopted. Also, a constituency for the out-of-country voters was created. Gaps identified by previous EU missions remain unaddressed, including the existence of different thresholds for party deregistration and allocation of seats in the Congress, leading to the possibility that a party with elected members in Parliament can be deregistered, and the lack of voting opportunities for pre-trial detainees.

Campaign during both electoral races was harsh and reached extreme radicalisation during the 6 June election period. Contestants enjoyed main fundamental freedoms although with limitations to movement and gatherings consequent to the COVID-19 State of Emergency provisions. Campaigning in legacy media, social networks and videoconferences mostly prevailed over on-site activities. The State-funded free airtime slots, media coverage of candidates' activities, debates on radio and TV, including those organised by the JNE, and the social networks became the main source for campaigning. The run-off campaign saw increased number of outdoor activities, mostly with no regard to public

health regulations. A third-party negative campaign against Castillo was highly visible in billboards in Lima and other major cities, also on election day.

Coverage of the presidential run-off by most private media was openly biased in favour of Keiko Fujimori and FP, to the detriment of Pedro Castillo and PL, often without separating information from editorial positions, and undermining the right of voters to receive accurate information. This was criticised by journalists' associations and civil society groups, among others. According to EU EEM's analysis of four national private newspapers from 17 May to 4 June, 68 per cent of the 151 front-page headlines mentioning Castillo/PL showed a negative tone while 32 per cent were neutral. 60 per cent of the 80 front-page headlines for Fujimori/FP were neutral, 31 per cent positive, and nine per cent negative. State media offered a balanced coverage of the elections.

During the run-off campaign, the social media echoed the polarized political environment. Offensive memes, hate messages and smear campaign videos circulated on Twitter, TikTok and WhatsApp. EU EEM findings show that from 17 May to 6 June four out of the five most popular election-related hashtags in Twitter showed negative content against both candidates. Negative advertising in the social media mostly targeted Castillo. According to the EU EEM findings on 6 June election day, 43 per cent of the 599 active ads on Facebook and Instagram with identified sponsor included fear messages about communism, terrorism or economic threat, while only 2.3 per cent showed fear messages against the *Fuerza Popular* presidential candidate.

The voter register had 25,287,954 voters (50.4 per cent female and 49.6 per cent male), including 997,033 out-of-country voters. The confidence in the quality of the register was questioned in the weeks ahead of the presidential run-off and the post-election period, after allegations on the inclusion of deceased and underage persons in the voter lists circulated in the social networks and in some private media. The National Identity and Civil Status Registry (RENIEC) in charge of compiling the voter register was quick to defend its integrity. According to the JNE only one case of impersonation was reported in the 6 June run-off.

For the first time, and in line with a previous EU EOM recommendation, all parties and candidates had to report on their private contributions and expenses during the campaign and not after, as previously required. The legislation, however, falls short to require run-off presidential contestants to report on funding and expenses during the second-round election campaign. Campaign expenses reports were published on the ONPE website, which enhanced the transparency of the elections and accountability of the contesting parties and candidates. Out of the 18 presidential tickets, APRA, RP and RUNA failed to submit the first report of their presidential campaign finances accounts.

Election days were calm and with no major irregularities reported. Reports of no-show of polling station members delayed the opening in both days, mainly in voting centres in Lima, addressed with voters replacing absentees, as provided for in the law. In the visited polling stations, counting procedures were adhered to. ONPE made available a breakdown of polling stations results in raw format, enabling data analysis and crosschecks with digital copies of the protocols. This contributed to increase transparency of election results. ONPE informed that 19 per cent of the congressional election results protocols had minor arithmetical inconsistencies or formal errors. The adjudication of the mistakes in the protocols and the late arrival of results from the out-of-country voting delayed the announcement of congressional results to more than two months after the 11 April elections.

The JEEs and the JNE adjudicated transparently all request for annulment of election results, dismissing all claims at first instance and subsequent appeals for lacking substantial legal grounds. The appeal process at the JNE was marred when one of its members dropped its duties, despite the law explicitly forbids JNE members to resign in election periods. The JNE was left without quorum to adjudicate pending appeals for several days, putting the process at the verge of derailing. The JNE broadcast live all appeal sessions on challenges to election results, showing high levels of transparency. The electoral

institutions were subject to criticism, in particular by the majority of parties from the right-wing spectrum, who claimed fraud. However, neither the Office of the Ombudsperson nor the Office of the National Prosecutor's polling station monitors, nor domestic or international observers reported any major irregularity that would modify the results of the 6 June election. In line with several interlocutors, the EU EEM considers that the right to appeal was abused as a strategy to delegitimise the election process, while undermining the public confidence in the JNE and in the presidential result.

This final report covers all election events, including the announcement of final results of the three elections. The EU has conducted election observation missions in Peru in 2001, 2011, 2016 and 2020. Out of the 22 recommendations offered by the EU EOM in 2020, eleven have been partially implemented, representing a significant progress for the democratic life of Peru. Among them, zipper gender parity in lists of candidates in national elections, the obligation to submit reports on funding and expenses during the campaign and a reinforced monitoring role for ONPE, new provisions on public-funded campaign slots in electronic media and increased airtime, as well as guarantees for the polling of LGBTI voters and enhanced voter education initiatives in indigenous areas.

Complementing past EU recommendations, the EU Election Expert Mission offers 15 recommendations to the consideration of the Peruvian authorities, election institutions, political parties and the civil society. The priority recommendations of the EU EEM to Peru 2021 are:

- *It would be advisable to harmonise provisions on thresholds for seat allocation in Congress and party deregistration by instituting a single threshold for both purposes in order to avoid the cancellation of a party despite having elected representatives to Congress.*
- *Capacities need to be built to prospective electoral boards members on the particulars and rationale of election proceedings to ensure a consistent application of electoral laws, regulations and jurisprudence.*
- *The authorship of third-party campaign messages must be clearly indicated, as well as their sources of financing and their links with the campaigns of political parties and candidates.*
- *Initiate an inclusive debate with political parties, media and civil society on how to address breaches of international commitments, national legislation and media ethics codes by print and electronic media, ensure enforcement of the law in case of breaches and consider strengthening CONCORTV.*
- *In order to reduce misleading political party advertising and disinformation in the social media, legal provisions on the content of ONPE-funded campaign spots should also apply to party campaign spots in the social media.*

II. Introduction

At the invitation of the Government of Peru and the National Board of Elections (JNE), the European Union deployed an Election Expert Mission (EU EEM) to assess the 2021 presidential, congressional and Andean Parliament elections. The mandate of the EU EEM was to analyse the conduct of the process in accordance with Peru's national legislation, international commitments for democratic elections and good electoral practice. A team of three experts remained in the country from 14 March to 27 April and from 15 May to 30 June. The EU observed the general elections of 2001, 2011 and 2016, and the early congressional elections of 2020.

This report presents a detailed assessment of the findings of the mission on the various stages of the electoral process until the announcement of the official results of all three elections. The reporting period spans from 15 March to 19 July. The analysis was based on the mission's own observations as well as on reports and meetings with the election authorities, political organisations, the media, academics, civil society organisations and international observation missions. On the election days, the team visited a number of polling stations in Lima and its metropolitan area. This report includes 15 recommendations aimed at contributing to the improvement of future electoral processes. The EU EEM was independent in its findings and conclusions and adhered to the Declaration of Principles for International Election Observation commemorated at the United Nations in 2005.

The EU EEM wishes to express its appreciation to the Ministry of Foreign Affairs, the JNE, the National Office for Electoral Processes (ONPE), the National Identity and Civil Status Registry (RENIEC) and all other institutions, authorities, civil society and political organisations of the Republic of Peru for their kind and forthcoming cooperation and assistance. The EU EEM 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 through the process.

III. Political context

More than 25 million Peruvians were called to elect a president, the 130 members of the Congress and five representatives to the Andean Parliament. Since last general elections in 2016, Peruvians have seen four presidents and two congresses, consequent to the entrenched stand-off between the Executive and the Legislative. The COVID-19 pandemic has put Peru among the 17 countries most affected by the virus and the first in the world in cumulative deaths per 100,000 inhabitants.

The 2021 general elections were held amidst a long-standing political crisis, extreme polarisation and the COVID-19 pandemic social consequences and economic downturn. More than 25 million Peruvians were called to elect a president, the 130 members of the Congress and five representatives to the Andean Parliament for a five-year term. Since last general elections in 2016, Peruvians have seen four presidents and two congresses, consequent to the entrenched stand-off between the Executive and the Legislative that fuelled traditional mistrust with the political establishment as a result of long-standing corruption scandals and lack of links between ideologically-weak political parties and the population.

President Pedro Pablo Kuczynski resigned in December 2018, hours before his impeachment was to be voted by the Congress. He was replaced by his vice-president Martín Vizcarra who, in August 2019 dissolved the Congress and called for early congressional elections in January 2020 for the remaining 2016-2021 legislative period, following two successful motions of no-confidence against his

government. The elections resulted in a fragmented legislative with nine political parties. The EU EOM assessed the process as credible and well-conducted.

In November 2020, the Congress, based on constitutional provisions of “moral incapacity”, impeached Vizcarra over alleged corruption charges, yet to be adjudicated.¹ The Speaker of the Congress, Manuel Merino was then appointed president. Following massive police-repressed protests, which led to the death of two demonstrators, Merino resigned and was replaced by Francisco Sagasti on 16 November 2020. Sagasti is in charge of a transitional government until the new elected president takes office on 28 July. In addition to the political crisis, the devastating effects of COVID-19 has put Peru among the 17 countries most affected by the virus and the first in cumulative deaths per 100,000 inhabitants.²

It is under this scenario that Peruvians elected a new president from 18 party tickets, the 130 members of the Congress from lists submitted by 20 political parties, out of 22 registered, and representatives to the Andean Parliament. The number of contesting parties and presidential candidates ensured that Peruvians had the opportunity to choose from a wide range of political, social and economic options for the next 2021-2026 legislative and presidential terms.

Main presidential candidates were Keiko Fujimori (FP), Yonhy Lescano (AP), Rafael López Aliaga (RP), George Forsyth (*Victoria Nacional* – VN), Hernando de Soto (AvP), Verónica Mendoza (*Juntos por el Perú* – JP), Daniel Urresti (*Podemos Perú* – PP); Julio Guzmán (*Partido Morado* – PM); César Acuña (ApP); Daniel Salaverry (*Somos Perú* – SP), and Ollanta Humala (*Partido Nacionalista Peruano* – PNP). Pedro Castillo (PL), who was not among those with the largest support in the election polls, increased his support in the last week of the 11 April election campaign. With only 18.92 and 13.40 per cent of the valid votes, Castillo and Fujimori were the two most voted candidates in the first presidential round.³

In the run-up to the 6 June election, both candidates provoked fierce contest in broad sectors of the population, as observed during the demonstrations against each contestant organised in several cities. Several interlocutors reported to the EU EEM that Peru experienced the most radicalised election campaign in years. Fujimori and, to a lesser extent, Castillo, gathered the rejection of the other candidate rather than rallying the support of the voters, reflecting the underlying social divisions of Peru and the political and ideological polarisation that impacted on the elections until the very end.

The JNE and the ONPE were subject of a smear campaign in several private Lima-based media outlets targeting mainly the JNE President with *ad hominem* attacks, widely amplified in the social media.⁴ This campaign, which appeared to be politically motivated rather than based on evidence, intensified during the post-election period, with attacks, to the heads of ONPE and RENIEC and demonstrations in front of their private residences. It aimed to discrediting the election institutions and the 2021 process by aligning their heads with any of the competing candidates and to spread suspicions of fraud in a potential close election results. The attacks forced JNE and ONPE to seek support from other state institutions, with their heads engaged to dispel doubts on the integrity of the process and the independence of Peru's electoral bodies.

¹ [Constitution](#), Article 113.

² Source: [Ministry of Health](#) and the [World Health Organization \(WHO\)](#).

³ [Resolution 0544-2021-JNE](#).

⁴ In the case of the JNE president, links to legal leftist political organisations in his youth and provision of legal counselling for a catholic church-based NGO to persons allegedly accused of terrorism. The ONPE Chief was attacked on the basis of an old-time friendship with a prominent member of *Fuerza Popular*, under investigation for corruption charges.

IV. Implementation of previous EU EOM recommendations

Despite the short time between the 2020 early congressional and the 2021 general elections, eleven of 22 EU EOM 2020 recommendations were partially or fully implemented which represents a significant progress for the democratic life of Peru.

The EU EOM Peru 2020 offered a total of 22 recommendations for the consideration of the Government, the Congress, the election authorities, the media, the political organisations and the civil society.⁵ These recommendations covered a range of issues such as changes in the legal and institutional framework, the right and opportunity to vote and to be elected, the election administration, party and campaign finance, media and social media coverage of the elections, electoral redress, the political participation of women and vulnerable groups, and on polling, counting and tabulation procedures. Four out of the 22 recommendations required a legislative reform, 15 could be implemented through an administrative or procedural change and three needed legislative and administrative modifications. Ten recommendations were deemed as priority. The EU EOM recommendations enjoyed a positive feedback from stakeholders and were considered a starting point to improve the legislative framework and the administration of the 2021 elections.

A total of eleven EU EOM Peru 2020 recommendations have been partially implemented despite the short time that has elapsed between the 2020 early congressional and the 2021 general elections. These are recommendations #1, #2, #4, #5, #8, #9, #11, #14, #17, #18 and #22. Initiatives have been undertaken to consider two recommendations (#6 and #20) while eight have not been yet addressed (recommendations #7, #10, #12, #13, #15, #16, #19 and #21). Recommendation #3 was no longer relevant as no e-voting was used in the 2021 general elections, but it may be pertinent if the e-voting is implemented in the future. Remaining recommendations remain valid for future elections.

Some of the electoral reforms undertaken by the Congress partially address EU EOM recommendations: zipper gender parity in party lists was implemented for the 2021 elections, but not the horizontal alternation on the top as recommendation #17 suggested, the obligation of parties and candidates to submit reports on funding and expenses during the campaign and a strengthened monitoring role for ONPE partially addresses recommendations #8 and #9. New provisions for the public-funded campaign slots in the electronic media, increasing airtime available and allowing parties to choose their preferred media outlet to air their spots are in line with recommendation #11.⁶ On 15 June, the Congress Constitutional Commission approved an opinion on the merging of three different draft Electoral Code proposals, partially addressing the implementation of a unified and coherent Election Code (recommendation #1). Other recommendations requiring the approval or the modification of existing legislation have not been yet considered, namely, the exclusions to the right to stand and the criteria for the disqualification of candidates (recommendation #6), the removal of prison sentences for libel offences (recommendation #12), and the timely opening of the polling stations (recommendation #21).⁷

Provisions to guarantee voting rights of LGBTI voters (recommendation #18) were partially addressed through an ONPE resolution detailing procedures to ensure that transgender voters suffer no

⁵ The EU EOM Peru 2020 statements, final report and recommendations can be accessed [here](#) (English and Spanish).

⁶ [Law 31030](#) of 2 July 2020 on gender party and alternation and [law 31046](#) of 24 September 2020 amending campaign finance provisions and the public funding of the campaigns.

⁷ The [law 31038](#) of 12 August 2020 extended the polling time by four hours for the 2021 elections only. This was one of the measures taken to ensure voters protection against covid-19 infections (*see section Polling Counting and Tabulation of Results*).

discrimination during the voting.⁸ A draft gender identity law, under discussion by the Congress since 2016, was passed at commission level in March 2021. If approved, the law will allow for the name change of the transgender persons through an administrative procedure and not by court decision, as recommended by the EU EOM.⁹ The EU EOM Peru 2020 suggested to strengthen polling station staff capacities and motivation (recommendations #2 and #22). These have been partially addressed by ONPE by reinforcing their training capacities for the 6 June run-off and by compensating their services.

Similarly, in line with recommendation #4, ONPE reinforced voter education activities in remote and indigenous areas and produced materials in native languages. Recommendation #5 on facilitating the opportunity to vote to all voters, namely those living far from the voting centres and the pre-trial detainees was partially implemented: ONPE increased the number of polling stations in remote areas, but the vote of detainees awaiting trial remained unaddressed. Collaborative efforts to debunk fake news, as recommended recommendation #14 were partially implemented for the 2021 elections, with main online and printed media, and the elections institutions leading the fight against disinformation with mixed results (*see Media and Social Media section*).

V. Legal framework

The COVID-19 State of Emergency provisions limited the rights to freedom of assembly and movement, but they did not unreasonably affect the conduct of the elections. Attempts by the outgoing Congress to postpone the implementation of the rules on deregistration of parties that did not pass the electoral threshold undermined the legal certainty.

Peru has ratified main international and regional treaties on fundamental civil and political rights and recognised its principles for inclusive and democratic life. The treaties are part of the national laws; their implementation is mandatory and its principles subject to continued development for full implementation.¹⁰ The recently approved law on gender parity and alternation on party lists, the efforts to bring polling stations closer to voters in remote areas and improve voting for persons with disabilities are principles implemented within the scope of international treaties.

The legal framework applicable to elections comprises the Constitution, a set of 14 laws, including the Election Law, the JNE Law, the Law on Political Parties, the Election Law for Representatives to the Andean Parliament and several amendments to these laws, as well as 24 regulations and decisions issued by the JNE, the ONPE and the RENIEC, some of them specifically for these elections. The legislation is broadly in line with international and regional standards for democratic elections.

Constitutional human rights

The 1993 Constitution is the supreme law and encompasses a general principle of protection of rights based on human dignity, democracy and the rule of law.¹¹ Any legal stipulation in violation of it may be ruled unconstitutional following a judicial decision. Human rights and fundamental freedoms for the realization of democratic elections are catalogued in the Constitution including the principle of equality and non-discrimination, the freedoms of opinion, information, expression and of peaceful assembly. Also included are the right to association without prior authorization, the right to participate in the

⁸ ONPE [resolution 000062-2021](#) of 8 March 2021 on the opportunity to vote for transgender persons on election day.

⁹ Draft law [790/2016](#) and [Opinion](#) of the Congress Women and Family Commission of 29 March 2021

¹⁰ Constitution. Article 55.

¹¹ The death penalty remains in force for crimes of treason and terrorism. Constitution of Peru, articles 4 and 140.

political life of the country through elections, and the right to due process and legal redress. The right to peaceful assembly in public squares requires prior communication to authorities and can be curtailed on security or sanitary grounds.

The Office of the Ombudsperson, established in 1993, defends the constitutional rights of individuals and collective rights of communities. Fundamental rights and freedoms receive jurisdictional guarantees for protection before the Constitutional Court as last instance¹² and also the Inter-American Court of Human Rights.

A constitutional provision allows the Congress to impose on incumbents and former presidents, members of the Congress and other high ranking State officials a ten-year prohibition for holding a public position for offences committed during their terms.¹³ As the constitution does not foresee a judicial review of the Congress decision, this provision may be at odds with international and regional commitments, as it *de facto* restricts the right to stand.¹⁴ Additionally, several national and international case laws have ruled against restrictions to the exercise of fundamental election-related rights and lack of compliance with the American Convention on Human Rights.¹⁵

Assessment of the legal framework for elections

Aiming to curb the spread of COVID-19 and to reduce contagion, and following constitutional provisions, the President declared the State of Emergency on 15 March 2020 for a two-week period and extended monthly in several occasions, including during the election period.¹⁶ During the State of Emergency, constitutional fundamental freedoms of assembly and movement were restricted. These restrictions did not unreasonably influence the conduct of the elections, with movement limitations lifted to ensure the opportunity to vote on election days, and were in line with international provisions on the derogation from the International Covenant on Civil and Political Rights (ICCPR) during a state of emergency situation.¹⁷ Media and the election institutions were not affected by the limitations to freedom of movement imposed by the state of emergency.

In March 2020 the then newly-inaugurated Congress adopted a temporary provision to the Election Law, only applicable for the 2021 general elections, whereby the deadline for adopting legislative reforms, due to expire in April 2020, was extended until September 2020.¹⁸ The new provision aimed to allowing sufficient time to discuss and approve election-related legislation, after months with no legislative activity subsequent to the dissolution of the Congress in August 2019 and the holding of early congressional elections in January 2020.

Since its inauguration, the 2020 Congress approved a constitutional reform to exclude from the right to stand to persons with a first instance conviction for an intentional crime.¹⁹ This constitutional amendment may not be in line neither with Peru's international and regional commitments on the right to stand nor with international good practice on the timing for amending fundamental election-related

¹² Constitution of Peru, articles 200 and 202. Petition for the protection of fundamental rights (*acción de amparo*).

¹³ [Article 100](#). Constitution. The procedure is called constitutional pre-trial (*antejuicio constitucional*).

¹⁴ [Article 23.1 and 2](#). American Convention on Human Rights.

¹⁵ See the Constitutional Court (TC) [Decision 006-2003](#) of 1 December 2003 and the [Petro Urrego vs. Colombia](#) ruling of the Inter-American Court of Human Rights of 4 July 2020.

¹⁶ The last extension entered into force on 1 June 2021. Presidential Decree [105-2021-PCM](#).

¹⁷ See ICCPR [General Comment 29](#) of 24 July 2001 and the UNHCR [Statement on derogations from the Covenant in connection with the COVID-19 pandemic](#) of 24 April 2020. In addition, the Government of Peru has regularly reported to the UN General Secretariat on the derogations, as required by article four of the ICCPR.

¹⁸ [Law 31010](#) of 16 March 2020.

¹⁹ [Law 31042](#) of 11 September 2020 amending article 34-A of the Constitution of Peru.

legislation.²⁰ The Congress also passed five amendments to the legal framework for elections. Four of them take account of recommendations made by the EU EOM 2020. These include gender parity and alternation on candidates lists, strengthening the rules on campaign funding disclosure and applicable sanctions; submission of reports on contributions during the campaign period, and the prohibition of anonymous donations to parties and candidates.²¹ In addition, a two-seat constituency for Peruvians living abroad was introduced.²² With the aim to adjust to the COVID-19 circumstances, the Congress decided to suspend the holding of open primary elections, initially scheduled for October 2020.²³ New modalities for internal primary elections were passed as well as stipulations for on-line registration for candidates affidavits.²⁴

The reforms have not addressed some legal voids and inconsistencies identified by the EU EEM. Current campaign rules do not include stipulations regulating third party campaign messages and its disclosure as campaign financing. In addition, the fact that the threshold for the seat allocation in the Congress is less stringent than the provisions for party deregistration leads to an awkward situation whereby a party represented in Congress can be nevertheless deregistered. This will be the case of *Partido Morado* (PM), regardless it obtained three seats in the April elections.²⁵

It would be advisable to harmonise provisions on thresholds for seat allocation in Congress and party deregistration by instituting a single threshold for both purposes in order to avoid the cancellation of a party despite having elected representatives to Congress.

With the 2021 elections still proceeding, the Congress discussed and approved election-related amendments well after the applicable deadline. On 4 May, it amended the law to allow the temporary replacement of any of the five JNE members with an expired mandate by their alternates, addressing the JNE four-member situation and its reliance on the casting vote of the president.²⁶ The new JNE member eventually declined to take office on concerns on the legal certainty of the amendment. In addition, two draft bills were submitted for discussion in April and May 2021, on new provisions for the selection and appointment of the members of the JNE, and on the postponement of the implementation of the threshold for the deregistration of political parties. The latter was introduced after the 11 April elections, when the results of the 2021 congressional elections were known, although not yet officially announced. While these two draft bills have not been passed, their mere submission undermined the stability of the election legislation at a time when the process was still ongoing.

Election System and Boundary Delimitation

The president and vice-presidents are elected in a single ticket by absolute majority of the valid votes. In case no ticket obtains more than 50 per cent support, a second round is held between the two most voted candidates. The 130 members of Congress are elected from closed lists with two optional preferential votes through proportional representation. The law stipulates that elections to Congress are held together with presidential and vice-presidential elections every five years on the second Sunday of

²⁰ ICCPR [General Comment 25, para 15](#). Chapter II.2.b of the [Code of Good Practice on Electoral Matters](#) of 19 October 2002. European Commission for Democracy through Law (Venice Commission)

²¹ [Law 31030](#) of 2 July 2020. [Law 31046](#) of 24 September 2021

²² [Law 31032](#) of 22 July 2021.

²³ [Law 31028](#) of 24 June 2020. Rules on primary elections will apply in 2022 to regional and municipal elections.

²⁴ [Law 31038](#) of 12 August 2020. Applicable norms to the 2021 general elections.

²⁵ Article 20 of the Election Law states that in order to enter the Congress, a political party needs to reach at least five percent of the valid votes or obtain at least seven representatives in at least two constituencies. Article 13 of the Law on Political Parties establishes that parties that did not obtain at least five per cent of the valid votes and five seats in at least two constituencies will be deregistered.

²⁶ [Law 31196](#) of 4 May 2021.

April.²⁷ The 2021 general election was the final election to apply the preferential vote for Congress. The Andean Parliament elects five representatives from one national constituency. Allocation of seats are based on a variation of the proportional D'Hondt formula.

Peru is divided into 27 electoral constituencies with one representing each of the 24 regions, one for the province of Callao, one for Lima city and, for the first time, one constituency for Peruvians living abroad. Based on the principle of equality, JNE assigned one seat to each electoral district and distributed the remaining seats in proportion to the number of registered voters in each constituency with exception of the out-of-country. Due to the increase of population and the subsequent variation in the proportional distribution of seats, Ucayali was allocated one more seat when compared to seats assigned in the 2016 and 2020 elections.²⁸

Constituencies present different sizes, which challenges the principle of equal representation in a number of different ways. While a seat can be obtained with a minimum of 71,183 votes in Moquegua, the highest number of votes to obtain a seat reached 498,516 for the out-of-country constituency, the only constituency that doubles Lima city, which has the highest number of eligible voters necessary to elect a member to Congress (229,047). The national average for 2021 was 194,522 with 15 constituencies deviating ten per cent from this number.²⁹ A further impact relates to the reduced proportionality for those constituencies which have assigned a small number of seats.³⁰ In the case of Amazon constituency for instance, the parties *Perú Libre* and *Fuerza Popular* obtained one seat each with the combined 28.1 per cent of the valid votes.

VI. Election administration

The 2021 elections were administered professionally and efficiently by the JNE and ONPE institutions in a very complex situation. Both showed commendable degrees of openness and transparency. The process would have benefitted from a regular dialogue between the election institutions and the contestants that could have contributed to address concerns, disprove disinformation and assert the integrity of the process.

Structure and composition of the election administration

The election administration is composed of three permanent institutions, the JNE, the highest election authority in Peru with jurisdictional functions, the ONPE, in charge of the organisation of the elections, tabulation of results and campaign finance oversight, and the RENIEC, that keeps and updates the voter register. By law, these three bodies are autonomous under JNE's leadership, but coordinate and collaborate to ensure electoral processes are carried out according to regulations.

The three election bodies renewed their leaderships in the months ahead of the 2021 general elections, following the expiration of the mandates of their previous heads. Each of the five members of the JNE are nominated by corresponding different public institutions, professional and educational organisations

²⁷ Election Law, articles 16 and 20.

²⁸ Lima lost three seats compared to the 2020 seat distribution: one to Ucayali and two for the out-of-country constituency.

²⁹ The average of voters to return a seat is calculated by dividing the total number of registered voters (25,287,954) between the number of seats in 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.

³⁰ 22 constituencies elect five or less seats.

for a four-year term. The JNE president is appointed by the Supreme Court from among its active or retired magistrates. The Board of Chief Prosecutors (*Junta de Fiscales Supremos – JFS*) nominates a JNE member from active or retired chief prosecutors. The Lima Bar Association and the boards of public and private law faculties appoint one member each among members and former deans. The heads of the ONPE and RENIEC are appointed by the National Board of Justice (*National Board of Justice – NJJ*) following an open and public competition based on merits.

During electoral periods, JNE and ONPE operate in the regions through temporary decentralised bodies, namely 60 JEEs and 94 ODPEs, and 86,488 polling station commissions. The JEEs, which enjoy high degree of autonomy from the JNE, were in charge of registering candidates, issuing credentials to party agents, and administering electoral justice at first instance. The JEE presidents are active or retired judges nominated by the respective high courts of the jurisdiction. Second and third JEE members are respectively appointed by the Office of the National Prosecutors and the JNE from prosecutors and lists of citizens from the corresponding constituencies. ODPEs manage all logistical and administrative arrangements, and receive the polling station results at the 104 tabulation centres. Polling station members and alternates are drawn from the voter list of their corresponding precinct.

The nomination criteria of the members of the three election institutions and decentralised bodies protect them from interference by the executive and legislative powers, and the political parties. However, in the case of the JNE and the JEEs, while it ensures that electoral justice is delivered by legal authorities and specialists, it does not guarantee that the appointed members are necessarily knowledgeable about election proceedings and regulations, nor that applicable jurisprudence and lessons learnt from past processes are consistently implemented.

Capacities need to be built to prospective electoral boards members on the particulars and rationale of election proceedings to ensure a consistent application of electoral laws, regulations and jurisprudence.

The JNE has operated during the election period with four out of its five members, as the Lima Bar Association failed to nominate its own. Under this circumstance and in case needed, the JNE president has a casting vote. Positively, the vote of the JNE head was fundamental to allow for a broader interpretation of the provisions for registration of candidates in some relevant cases, in line with past EU EOM 2020 recommendations (*See section Registration of Candidates*). However, divisions among the four JNE members and poorly explained decisions on post-election issues compromised the perceived independence and coherence of the institution, and the reputation of the president.

Assessment of the administration of the elections

The 2021 general elections were administered professionally and efficiently by the election institutions in a complex situation derived from the long-lasting political instability and the social and economic crisis consequent to the COVID-19 pandemic. ONPE endeavoured to inform and explain citizens about the different phases of the electoral process and, in particular, on the conditions for polling in the current pandemic situation and to disprove fake news. It also made available a breakdown by polling stations of all elections results in raw format, enabling data analysis and crosschecks with digital copies of the protocols.³¹ The JNE organised five presidential debates, broadcast appeal sessions and deliberations and published all challenges and decisions related to the nullification of run-off polling station results.

³¹ A [survey](#) commissioned to IPSOS by *Instituto pro Democracia*, a Peruvian think-tank, concluded that atypical deviations from the general pattern occurred in 4.61 per cent of the polling stations in the 6 June run-off. According to the survey, those deviations impacted equally on Castillo and Fujimori.

All these efforts contributed to increase the transparency of the elections and build trust in the ability of both institutions to deliver credible elections results.

The process would have benefitted from a regular dialogue between the election institutions and the contestants, with the aim to inform on electoral developments, address concerns and receive inquiries, in addition to the official and often too formalistic communication channels. Although these mechanisms are not specifically provided for in the regulations or in the general practice, they could have contributed to improve mutual communication, especially in the weeks ahead of the run-off and in the aftermath when baseless allegations of fraud threatened JNE and ONPE's credibility.

Public health measures were undertaken to build confidence among voters and poll workers.³² Some of them required a temporary modification of the Election Law, including a four-hour extension of the polling, provisions to allow voting in venues different to those established in the law and legal coverage to the online training of polling station members. With the aim to encourage the engagement of the polling station workers, and avoid no-shows, ONPE compensated their work with PEN 120 (approx. EUR 28) per election round, in line with an EU EOM 2020 recommendation on motivating polling station members. ONPE admitted that the initiative was not sufficiently appealing to avoid absence of polling station members, especially in medium and high-income neighbourhoods of Lima.

Other procedures were adopted by ONPE in line with the Ministry of Health directives to comply with social distancing and avoid large numbers of citizens in enclosed areas: the number of voting centres in-country increased to 11,987 (from 5,172 used in the 2020 early congressional elections). Polling stations remained almost the same as in 2020 (86,488 against 84,851 in 2020). Outdoor locations were privileged over indoor ones. Other measures included temperature taking at the entrance of the voting centres, face shields for polling station members and ONPE staff, and use of hand sanitising liquid. According to ONPE, the four per cent lower turnout in the 2021 first round than in the 2020 early congressional elections cannot be exclusively attributed to voters' fears of COVID-19 contagions at the polling stations. In fact, the turnout of the 6 June run-off was only 0.5 percentage point lower.

ONPE implemented a computerised tally of polling station results from the polling stations (SEA, *sistema de escrutinio automatizado*) in 3,029 precincts of Lima and El Callao, only 30 more than in the 2020 early congressional elections, due to the impossibility of purchasing a larger amount of equipment in a short period of time. In the context of the 11 April three elections and the extended voting hours, a broader implementation of the SEA could have supported the work of their members.

Training and voter education

For the first time, training manuals were produced in Quechua and Aymara for some departments in Cusco and Puno. Voter information leaflets, posters and videos have been also produced in six original Andean and Amazonian languages. ONPE trained some 237,000 polling station members (accounting for 45.6 per cent of the total) and 70,000 election staff either online or on-site and acknowledged that the poor training was one of the reasons of the large number of results protocols with inconsistencies that the polling stations returned from the 11 April elections (*see section Polling, Counting and Tabulation of Election Results*). For the 6 June run-off, it reinforced on-site training on counting and completion of the tally sheets and produced new video materials. On 30 May, an on-site reinforced training day was attended by a total of 29,350 members. While this number accounted for only 5.66 per cent of the 518,928-strong polling station workforce,³³ it was four times higher than in 2016.

³² [Law 31038](#) of 12 August 2020. Ministry of Health [Directive 128-2021](#).

³³ Six members, three principals and three alternates, have been designated for each of the 86,488 polling stations.

Political parties were entitled to one party agent per polling station and voting centre. Parties met by the EU EEM acknowledged difficulties to field agents, given the pandemic conditions, and strived to cover several polling stations with one agent. In fact, for the second presidential round, FP accredited 55,733 polling station party agents and PL 42,777. In addition, both parties deployed 28,751 agents in the voting centres. In many cases, poor party structures and financial constraints also limited their ability to be present at the polling stations.

VI. Voter registration

The voter register comprised more than 25 million voters and generally enjoyed high levels of confidence. Debunking allegations questioning its integrity, RENIEC explained that the presence of deceased persons in the voter lists was due to the early closing date of the register.

The right to vote

The right to vote is guaranteed in article 31 of the Constitution and further regulated in the Election Law. Voting in Peru is compulsory for citizens between 18 and 70 years of age. Failure to vote is subject to fines, except for out-of-country voters, for persons with disabilities and as well as for members of the Army and Police on duty on election day. For the 2021 elections, citizens in COVID-19 risk groups identified by the health authorities were actually waived from the obligation to vote.³⁴ Voted from the right to vote are citizens serving prison sentences. The right to vote can be further restricted with a court order of interdiction or a judicial decision of disqualification from political right. The Constitution does not admit other restrictions to the right to vote and further considers that acts prohibiting or limiting the exercise of citizen rights are void and punishable.

ONPE public health regulations prohibited eligible voters with body temperature of or above 37.5°C to enter a voting centre, restricting *de facto* their exercise of the right to vote.³⁵ This restriction is beyond the limitations of fundamental rights provided for in the State of Emergency decrees, as well as in international and regional commitments and related ICCPR statements (*see section Legal Framework*). ONPE argued that they followed Ministry of Health regulations on the access to public places and that the prohibition aimed to ensuring a safe environment at the voting centres and was decisive to encourage the turnout in both election rounds. Around 2,000 voters in each election were affected by the prohibition. The restriction went unnoticed and caused no concern to most EU EEM interlocutors. The Office of the Ombudsperson (*Defensoría del Pueblo*) recommended ONPE to ensure enfranchisement of all eligible voters, including those with COVID-19 symptoms.³⁶ In addition, a total of 35,935 pre-trial detainees were disenfranchised as no polling stations were placed in detention centres.³⁷ ONPE is considering opening polling station in prisons in future elections.

Assessment of the voter register

The voter register is drawn from the permanent civil register maintained by RENIEC and generally enjoys confidence of political parties and voters. Citizens are automatically added to the voter register at the age of 18, with changes to citizens' civil status relevant to the voter register, including changes

³⁴ [Law 31038](#) of 12 August 2020.

³⁵ ONPE [Resolution 000382-20](#) of 02 November 2020.

³⁶ Office of the Ombudsperson. [Special Report 035-2020 DP](#), page 65.

³⁷ *Ibidem*.

of residence and death needing to be communicated to RENIEC in order to proceed with the corresponding update or deletion. A valid ID card is the only document accepted for voter identification at the polling station. As in previous elections, RENIEC adopted a resolution extending the validity of expired ID cards until the end of June 2021.³⁸ This aimed to ensure voting of the eligible citizens whose renewed card has not been delivered on time for the elections. The Election Law establishes that the voter register closes 365 days before election day. For the 2021 general election, the register closed on 11 April 2020. Voters had the opportunity to review the preliminary voter register during five days hereinafter. From that moment on, RENIEC purges the voter register, based on the information provided by voters during the review period and to the eligibility status of citizens. Voters who reported changes of residence to RENIEC after the cut-off date will appear in the voter list of their previous residence. Citizens who obtained the Peruvian nationality after the closing will not be listed in the register, and therefore remain disenfranchised.

The final voter register for the 2021 general elections was approved by the JNE in September 2020 and contained 25,287,954 voters (50.40 per cent female and 49.60 per cent male), including 997,033 in out-of-country (3.9 per cent of the total).³⁹ Metropolitan Lima, with almost 29.89 per cent of the electorate, was by far the largest constituency. Compared to the 2020 early congressional elections register, the number of voters increased by 1.9 per cent. The register contained the voter's name and included an ID picture and a fingerprint. Based in the register provided by RENIEC, ONPE prepared the list of voters for each polling station.

The confidence in the quality of the voter register was questioned in the weeks ahead of the presidential run-off and the post-election period, after allegations on the inclusion of deceased and underage persons in the voter lists circulated in the social networks and in some private media. The allegation mostly concerned COVID-19 casualties, since the April 2021 closing date of the voter register corresponded with the beginning of the pandemic. RENIEC was quick to defend the integrity of the register and explained that while all deceased persons after the cut-off date of April 2020 would appear in the polling lists, safeguards were in place to avoid impersonation on election day, namely ID checks, and noted that voter impersonation is an electoral crime punished with up to four years imprisonment. According to the JNE only one case of impersonation was reported in the 6 June run-off. With regards to the underaged, RENIEC explained that in many cases, voters do not update their ID pictures and therefore they may appear to be younger than their real age.

However, the 365-day period between the cut-off date and the holding of the elections can be seen as excessive. Besides, since the voter register for 2020 early congressional elections closed four months before the polls, there appears to be no technical impediment to move the closing of the register earlier towards the date of the elections. Some interlocutors explained to the EU EEM that the one-year cut-off date was established in the law to avoid fraudulent massive registrations in small constituency-based municipalities with the aim to influence the results in local elections. Such reasoning seems of no relevance for legislative or presidential elections, with national or departmental constituencies.

In order to increase trust, the closing of the voter register for legislative and presidential election could be brought closer to the election day.

³⁸ RENIEC [Resolution 207-2020](#) of 23 December.

³⁹ JNE [Resolution 303-2020](#) of 5 September 2020.

VII. Registration of candidates

The rigorous administrative requirements for registration, not entirely in line with international standards, created legal insecurity of the candidates' status well into the campaign period. As a positive development, the JNE favoured political participation over administrative requirements for registration. However, neither the JNE nor the JEEs consistently implemented the new interpretation during the registration process. Parties implemented new gender parity and alternation rules on the lists, in line with an EU EOM recommendation.

The legal framework for the registration of candidates includes the Constitution, the Election Law, the Law on Political Parties, and several JNE decisions. Requirements for candidate registration consisted of the implementation of rules for internal party nomination⁴⁰ and for the first time a 50 per cent gender parity and alternation provision on all candidates lists. Candidates also needed to provide affidavits with detailed information on their academic background, political and professional career, assets and court sentences. Independent candidacies are not stipulated in the law. Citizens could challenge candidacies within three days of publication.⁴¹

Out of 3,342 nominations, 2,776 candidates were confirmed for the elections. Out of the 566 unsuccessful applications, the majority were inadmissible on formal grounds and the remaining 222 were excluded due to omissions of information in candidates' affidavits. The JNE reviewed, as last instance, 148 appeals against candidates' rejections and decided in favour of the candidate in 48 instances.⁴² In total, 2,516 applications were approved for Congress, 208 for the Andean Parliament, and 52 for presidential election (president and a maximum of two vice-presidents). Around 50.36 per cent of all candidates were women. Eighteen parties fielded presidential tickets and 20 registered lists for the congressional elections.

In some relevant cases involving presidential and congressional candidates,⁴³ the JNE interpreted the provisions on candidate registration by prevailing the right to stand over administrative considerations, in line with international and regional commitments.⁴⁴ This interpretation however was made on *ad hoc* basis during the appeal period and therefore could not be used by the JEEs, in charge of receiving the submissions and deciding at first instance. Besides, the JNE did not apply the same criteria in other decisions: all APRA candidates failed to register due to alleged technical difficulties with the digital submission of the nomination papers to the JEE. *Partido Popular Cristiano* (PPC), had 33 out of the 34 congressional applications for the Lima constituency rejected for lacking documentation, a decision that limited the voters' choice, as the final candidate lists were left incomplete.⁴⁵ PPC and APRA appeals against JEE decisions were dismissed by the JNE. The PPC appealed to the administrative court which proceeded to issue an injunction and ordered the JEE and the JNE to revert the exclusion of PPC

⁴⁰ [Law 31038](#), COVID-19 Temporary Rules for the 2021 Elections.

⁴¹ A candidate can be excluded until the day before election. According to article 107 (g) of the Election Law, this can occur in four instances: based on a judicial decision of interdiction; based on a court ruling with the sanction of imprisonment; based on a court ruling declaring the suspension of political rights or when an officer is banned from holding public office.

⁴² Some 70 appeals for the protection of fundamental rights (*recurso de amparo*) were filed against JNE final decision to disqualify candidates. As in previous elections and based on jurisprudence, *amparos* cannot alter the electoral calendar in accordance with principles of preclusion and legal security. Final Report, EU EOM Peru 2020.

⁴³ Namely appeals against JEE decisions on the nomination of presidential candidates Rafael López Aliaga (RP), Ciro Gálvez (RUNA) and George Forsyth (VN) and the Lima congressional candidate Martín Vizcarra (*Somos Perú* -SP).

⁴⁴ Administrative considerations included the lack of verification by the JEE of the information in candidate's financial affidavit; or the erroneous exclusion of a candidate application by the JEE on first instance based on lacking financial information which had been provided by the candidate. Applicable International and Regional Commitments includes Article 23.2 of the [American Convention on Human Rights](#).

⁴⁵ [Resolution 01047-2021 JEE-LIc2/JNE](#) and further appeal.

candidacies. The JEE decided the injunction was inexecutable as its decisions cannot be appealed to administrative courts.

Finally, PPC could register 97 candidates from a total of 160 applications submitted for the congressional elections including one candidate for congress as a result of the successful registration also as vice-presidential candidate. However, in a similar case involving the PL vice-presidential candidate, the election authorities took a different approach and validated her nomination to stand for the presidential ticket while denying her registration as congressional candidate.

Nevertheless, the JNE new criteria constituted a positive shift for the 2021 election process as compared to previous elections observed by the EU in Peru, and it will presumably become case-law for future elections. Some political parties and presidential candidates met by the EU EEM recommended the review of the criteria for disqualification of candidates in particular those based on incomplete information on income and assets in candidates' affidavits registered in public records. The costly appealing fee of PEN 1,000 (approx. EUR 227 EUR) and the short two-day timeline for remedy were considered additional hinderances, compounded by the restrictions to obtain official documentation during the pandemic. Despite the difficulties, 16.88 per cent of applications were rejected, representing a reduction of eight per cent when compared to the 2020 nomination process.

Review the graduation of sanctions in regard to missing and incomplete information provided in candidates' affidavits.

Six presidential and 130 congressional candidates, including 40 contestants placed on top of the lists, were under investigation over alleged corruption and other judicial cases. A recent constitutional reform eliminated immunity from prosecution for criminal offences for parliamentarians.⁴⁶ In line with the principle of presumption of innocence, persons under judicial enquiry could stand as candidates, however, nothing prevents parties to filter the selection of candidacies. Voters should be confident that the candidate he/she has voted for will not be removed following a criminal conviction soon after being elected.

Registration of political parties

The Law of the JNE, the Law on Political Parties and JNE regulations constitute the main legal framework for the registration of political parties.⁴⁷ The JNE is the entity with legal authority to administer and maintain the Registry of Political Organizations (ROP). The ROP is a public registry. Any free association of individuals wishing to form a political party is required to be validly registered with the ROP. Registration criteria include a valid founding pact, a minimum number of 24,800 party affiliates,⁴⁸ party statutes, party internal electoral laws and the designation of representatives and legal party agents among others.⁴⁹ Registered parties must fulfill criteria to avoid de-registration such surpassing minimum thresholds and mandatory participation in elections.⁵⁰ After the announcement of the congressional elections results, ten contesting parties will be deregistered, as they did not meet the five per cent of valid votes threshold and were unable to obtain at least five seats in more than one

⁴⁶ Law 31118 of 4 February 2021 amended article 93 of the Constitution.

⁴⁷ [Law on Political Parties](#). Also applicable are the [Regulation of Political Party Registry](#) and its amendment [Resolution N. 0275-2020-JNE](#)

⁴⁸ Ibidem. Article 5 b). Parties are required to have a number of affiliates of at least 0,1 per cent of registered voters in the last national election. [JNE Resolution 0345-2019](#).

⁴⁹ Ibidem. Article 5.

⁵⁰ Ibidem. Article 13.

constituency, as required by law. Deregistering a party for not meeting an election threshold may not be in line with good international practice on party regulation.⁵¹

The deadline for registration for parties to participate in any election expires by the date the official call for elections is due.⁵² Exceptionally for the 2021 general election, because of the COVID-19 circumstances and with the aim to facilitate the registration process, temporary rules were passed, and the deadline was moved to the starting date of the candidate nomination period, on 22 December 2020.⁵³ The temporary rules introduced an electronic registration procedure aimed at facilitating registration and information updates during the pandemic (*Portal Electoral Digital* - PED). Already registered parties were exempted by the JNE to adjust to the obligation to register 24,800 affiliates as the deadline to implement modifications coincided with the declaration of mandatory confinement.⁵⁴

The party *Frente de la Esperanza 2021* (FE) failed to register within the given deadline. The nomination of the party leader and presidential candidate Fernando Olivera Vega and of all congressional candidates were excluded on appeal by the JNE on grounds that the registration of the party was pending when the party initiated the process of registration of candidates.⁵⁵ The JNE vote was split. Two dissenting magistrates considered the rejection lacked proportionality as the party was already well advanced in its registration process, having published in the official Gazette information on party symbol, party representatives, its 67 party committees and was undergoing the mandatory period of scrutiny. The dissenting JNE magistrates further supported the opinion that the JNE should have privileged the fundamental right to political participation and allowed the provisional registration of FE.

VIII. Campaign environment

Campaign was harsh and reached extreme polarisation and radicalisation in the weeks ahead of the 6 June run-off. Contestants enjoyed main fundamental freedoms related to campaigning, although with limitations to movement and gatherings consequent to the COVID-19 State of Emergency provisions. Public health regulations in outdoor activities were broadly disregarded. New rules on financing and reinforced ONPE monitoring capacities improved transparency of campaign funding and expenses but fell short to address third-party and anonymous campaigning. Campaign moved to the less regulated online and social media territory.

Overview

The Peruvian legal framework for elections does not provide for an official beginning of the election campaign. However, state-funded political advertisement in the electronic media starts 60 days before the elections and finishes two days before election day.⁵⁶ Remaining campaign activities must close 24

⁵¹ [CV Guidelines on Political Party Regulation](#), 2020. Para 101: “If a party originally met all requirements for registration, it should be able to continue party activities outside of elections and to prepare for the next elections. In any case, parties that do not receive adequate voters support in an election should be able to at least continue their association under the laws governing associations in general.”

⁵² *Ibidem*. Article 4.

⁵³ [Law 31038](#), on COVID-19 temporary rules for 2021 elections. Article 2.

⁵⁴ [JNE Resolution 0458-2021](#).

⁵⁵ [JNE Resolution 0009-2021](#).

⁵⁶ [Law on Political Parties](#), article 37.

hours before.⁵⁷ The Election Law and the Law on Political Parties contain provisions aimed at ensuring equal campaign opportunities for all contestants.

On March 2021, state of emergency limitations to the right of assembly were eased, facilitating on-site campaigning. Movement restrictions attached to the stay-at-home orders applied for campaigning.⁵⁸ In addition, a Ministry of Health directive recommended parties and candidates to prioritise virtual means to reach out to voters and disseminate campaign messages. The directive detailed specific procedures parties and candidates had to implement to ensure public health during their on-site activities: preference of outdoor over indoor venues, social distancing, avoidance of physical contact and the use of face masks.⁵⁹ Compliance with the directive was neither fully respected nor enforced by organisers or authorities. Several presidential and congressional candidates became covid-19 infected, presumably as result of their on-site campaign activities. Given the limitations, contestants from the entire political spectrum reported to the EU EEM, that they experienced difficulties to convey their messages. Some presidential candidates complained that the reduction of regular internal flights due to the pandemic limited their campaign activities outside Lima and benefitted better resourced candidates who could afford private transportation.

Campaigning in legacy media, social networks and through videoconferences mostly prevailed over on-site activities. Due to the reduction of face-to-face campaign activities, state-funded free airtime slots, media coverage of candidates' activities, debates on radio, TV and the social networks became the main source for parties and candidates for campaigning. The shift to media and online campaign to counterbalance the limitations to face-to-face campaign may have worked in favour of internet savvy and well-resourced contestants who boosted their campaign in the social networks and enjoy enhanced coverage in the legacy media to reach out to their electorate. Some presidential and congressional candidates (JP, *Frente Amplio* – FA, *Perú Patria Segura* – PPS and *Partido Popular Cristiano* – PPC) met by the EU EEM regretted that the restrictions to on-site campaigning limited their chances to appeal and mobilise the lower-income segment of the electorate with poor access to the internet.

The campaign was also characterised by frequent verbal attacks between candidates, mostly coming from populist-right contestants, on social inclusiveness (LGBTI rights, role of women in society) and on diverging political and economic views. Main issues during the congressional and first presidential election campaign ranged from COVID-19 vaccination programmes, with candidates advocating for the inclusion of the private sector (Keiko Fujimori, FP), improvement of the public health (Verónica Mendoza, JP), transparency and honesty in government activities (Yonhy Lescano, AP), and fighting against corruption (Rafael López Aliaga, RP). A recurrent issue identified by the EU EOM in 2020 were the ongoing judicial and parliamentary investigations related to existing corruption cases that tarnished the campaign and the contestants, as it was the case in the April elections with Martín Vizcarra, Lima congressional candidate for *Somos Perú*, and Keiko Fujimori to a lesser extent.

On 28 January, representatives and presidential candidates of 17 contesting political forces signed a code of conduct (*Pacto Ético Electoral*) to be respected during the campaign.⁶⁰ Compliance with the code of conduct was monitored by the Tribunal of Honour, a JNE-autonomous body. The underlying objective of the Tribunal of Honour was to keep the campaign within the bounds of a democratic behaviour enabling voters to make an informed choice. Since the beginning of the electoral process, it

⁵⁷ [Election Law](#), article 190.

⁵⁸ Presidential Decree [036-2021-PCM](#) of 26 February 2021 and successive extensions. A curfew was set from 21:00 to 04:00 hours in regions qualifying under extreme or very high risk of covid-19 contagion, including Lima, its metropolitan area and most departments.

⁵⁹ Ministry of Health [Directive 128-21](#).

⁶⁰ Neither *Renovación Popular* nor its presidential candidate, Rafael López Aliaga adhered to the Tribunal of Honour's code of conduct, citing the "Marxist philosophy" of its members.

delivered 23 statements ranging from advocating for a balanced media coverage, deploring attacks to journalists and hate speech by some candidates, and compliance with public health measures. During the post-election period, it condemned the allegations of fraud and supported the credibility of the JNE and the ONPE.⁶¹ While the statements of the Tribunal have no legal implications for the signatories of the code, they have contributed in the past to soothe tensions. In the 2021 elections, the general nature of the statements did not effectively discourage any misconduct from some candidates and private media. Three out of its five members, including the president, resigned shortly before the 6 June run-off alleging lack of administrative support from the JNE. Their resignation arrived at a moment where the JNE and its president were subject of an intense smear campaign, adding additional stress to a very polarised political scenario and eroding efforts to reinstate confidence in the election institutions.

The JNE must ensure that the Tribunal of Honour has sufficient administrative resources to fulfil its duties. In order to be effective, its statements must be timely published and enjoy adequate dissemination.

Presidential run-off campaign

Harshness intensified during the presidential run-off campaign, also characterised by the irruption of third-party anonymous advertisers, not addressed in the law, aiming to intimidate voters on the potential consequences of a Castillo's government. The election authorities could have taken a stronger stance against the contents of the ads and their promoters.

During the period between both presidential rounds, Castillo and Fujimori increased the number of on-site rallies throughout the country. Rallies were also the opportunity for both candidates to present their presidential platforms and introduce their technical teams, with several recruitments not related to their parties, in an attempt to open their proposals to broader sectors of the political spectrum. Castillo's platform included the holding of a referendum for a constituent assembly and the direct election of judges, while Fujimori focused in reinforcing coordination mechanisms between the Executive and the Legislative, and the amendment of constitutional provisions on the motion of no-confidence and the presidential impeachment.

Candidates did also stress the need to reinforce the health sector to fight against the pandemic and in the case of Castillo, a teacher himself, to improve the educational system. In a 12-point statement sponsored by the Episcopal Conference, the Union of Peru's Christian Evangelic Churches, the civil society organisation *Transparencia* and the National Coordinator of Human Rights (CNDDHH), candidates pledged to commit themselves to leave power after the expiration of the presidential mandate, to implement constitutional and law reforms through existing legal mechanisms, to respect the independence of the State powers and to defend the right to life and that of the minorities.

Third party campaigning against Castillo, with messages warning of the return of terrorism, the arrival of communism and the comparison with Cuba and Venezuela regimes if such premises are met, was highly visible on billboards in Arequipa, Cajamarca, Cusco and Lima. ONPE, in charge of monitoring campaign financing, requested information about the sources of the campaign to the billboard owners, who replied that they have placed the ads out of their own initiative, making use of their right to freedom of expression. ONPE tried to build a legal argument linking the messages with campaigning, based on existing legislation that establishes that only contesting parties and candidates are allowed to campaign,

⁶¹ All Tribunal of Honour statements are available at the [JNE website](#).

but the lack of legal provisions against third-party campaign hampered any timely decision to qualify the messages and in fact, the campaign continued on election day and even in the post-election period.

The authorship of third-party campaign messages must be clearly indicated, as well as their sources of financing and their links with the campaigns of political parties and candidates.

Campaign finance

Amendments to the provisions on campaign finances in the Law on Political Parties strengthened requirements, ceilings, control mechanisms and accountability of parties and contestants, as recommended by the EU EOM in 2020.⁶² Private contributions exceeding 0.25 UIT must be received through the banking system⁶³. Individual contributions to presidential candidates must not exceed 120 UIT, while the ceiling for contributions to congressional candidates is set at 50 UIT. Furthermore, penalties for non-compliance have been reinforced in the Penal Code. ONPE is in charge of monitoring compliance and receive reports on contributions and expenses. In addition, the new provisions allow ONPE access to party's bank accounts and execute embargoes without court order.

For the first time, all parties and candidates had to submit a first report on their private contributions and expenses during the campaign and not after, as previously required. For the 2021 general elections, ONPE set the submission for 19 March. A second submission is set at 15 days after the conclusion of electoral process.⁶⁴ The legislation, however, falls short of requiring run-off presidential contestant to report on their contributions and expenses during the second election campaign. Reports were published on the ONPE website, which enhanced the transparency of the elections and accountability of the contesting parties and candidates. Out of the 18 presidential tickets, APRA, RP and RUNA failed to submit the first report on the accounts of their presidential campaign finances.⁶⁵ According to ONPE parties submitted expenses amounting to PEN 8,050,298 (approx. EUR 1.75 million) and contributions for PEN 7,737,378 (approx. EUR 1,69 million). As per the congressional race, thirteen parties submitted their accounts by the deadline, five submitted late, with AP, *Perú Patria Segura* -PPS and RP not sending any report.⁶⁶ According to ONPE, 2,001 out of 3,224 registered congressional candidates, submitted their first report, with contributions amounting to PEN 20,671,439 (approx. EUR 4.4 million) and expenses rising to PEN 16,115,830 (approx. EUR 3.4 million).

Fines up to EUR 100,000 may be imposed to the corresponding political party in case of no submission. ONPE announced opening proceedings against five parties (AP, RP, APRA, PPS and RUNA) that did not submit their congressional elections finance report by the deadline. The ONPE Party and Campaign Finance Oversight Office audited party and campaign finance reports and recommends potential sanctions to the ONPE leadership. For these elections, the number of auditors has increased to 100 (60 of them in Lima) from only 30 in the 2020 elections, in line with an EU EOM 2020 recommendation. Pending reception of parties' second finance reports, ONPE will focus on monitoring whether services rendered *pro bono* by law professionals to FP for the submission of challenges to the presidential elections results are duly reflected as in-kind contributions (*see section Electoral Disputes*).

⁶² [Law 31046](#) of September 2020

⁶³ UIT is the acronym for Basic Tax Unit. The 2021 reference value of the UIT is PEN 4,400 (approx. EUR 1,800)

⁶⁴ [Resolution 00436-2020 ONPE](#) of 28 November 2020. Article 103

⁶⁵ APRA did not register candidates. However, ONPE's view was that APRA did conduct campaign activities before the end of the candidate registration period.

⁶⁶ Source: [ONPE-Claridad](#) at 20 June 2021.

Online campaign

The majority of candidates used social media for campaigning. All 18 presidential candidates had a Fan page in Facebook and profiles in Twitter and Instagram, and 13 of them also had a TikTok account. However, only half of the Facebook pages, four Twitter and three Instagram accounts showed a verification badge. The role of political parties' accounts in supporting their candidates' online campaign strategy was less relevant.

Pictures and videos of candidates' campaign activities, interviews in the media, live streaming of field trips, press conferences through Facebook Live and dissemination of campaign spots were largely presented to voters. Some candidates allowed followers to join WhatsApp groups. From 20 May to 18 June the EU EEM identified through Facebook Library 53 FP advertisements paid for by the party and six other advertisers, totalling PEN 61,896 (approx. EUR 13,100), and 41 PL advertisements funded by ONPE (*franja electoral*) and four other advertisers, totalling PEN 23,456 (approx. EUR 5,000). Some campaign messages without sponsors were withdrawn by Facebook.

FP and PL changed part of their social media strategies in view of the second campaign period. Keiko Fujimori, who during the first campaign period had put special emphasis in TikTok to reach out to young voters, focused more on Facebook to show the support she was receiving on her campaign activities in the field. Her Twitter account was mainly used to disseminate official campaign spots. PL opened a new official account (@PERU_LIBRE1) on April to reinforce campaign messages on this platform, while Pedro Castillo mainly devoted his Facebook official accounts to show his campaign activities, including live streaming of political rallies. Facebook regional groups, together with local radio stations, were key tools on his campaign.

IX. Media and online election-related content

An openly biased coverage of the presidential run-off campaign period by most private media favoured FP and undermined the right of voters to receive balanced information. Social media echoed the polarized political environment and registered high numbers of offensive memes, hate messages, smear videos and fake news.

The media landscape in Peru is very vast and lively. Some 5,600 radio stations, 1,800 TV channels and more than 1,000 newspapers operate currently in the country. Radio is the main source of information for Peruvians and plays a crucial role in rural areas, especially during electoral processes. This large media offer is characterised by a strong concentration of ownership at national level,⁶⁷ as well as the scarcity of regional media, making local radio and TV stations vulnerable to political and economic influences.

The state-owned media in Perú are Instituto Nacional de Radio y Televisión del Perú (IRTP, which includes TVPerú, Canal IPE, Radio Nacional), the daily newspaper *El Peruano* and Andina News Agency. On the private side, two main groups dominate the media market: Grupo El Comercio (owner, among others, of *El Comercio*, *Perú 21*, *Correo*, *Trome* newspapers and majority shareholder of TV

⁶⁷ After Grupo El Comercio took a majority share of EPENSA and ABS in 2013, it concentrates 78 per cent of Peru's newspapers readership. Following a legal claim by eight well-known journalists, a [Lima constitutional court ruled on 24 June 2021](#) that the purchase was invalid, as it contravened constitutional and international provisions on freedoms of expression and information and on information plurality, and urged the State to legislate on media concentration. El Comercio announced that it would appeal the ruling. Source [La República](#), 25 June 2021.

stations America TV and Canal N) and La República Group (*La República*, *El Popular*, *Libero* newspapers 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, Latina (Enfoca) and Andina TV (ATV Group), among others.

Hundreds of online media are also available in Perú, which registers around 70 per cent of internet penetration. Twenty-seven million Peruvians are active in social media,⁶⁸ being Facebook the leading social network in the country, followed by Instagram and Twitter. Instant-messaging apps are also popular, being WhatsApp the one with highest penetration.

Peru enjoys good levels of freedom of expression and freedom of the media. However, media interlocutors assure that the situation has deteriorated in the last year, mainly due to existing defamation laws. The Reporters Without Borders' 2020 Press Freedom Index ranks Peru in position 90 out of 180 countries, representing a drop of eight positions in the last two years.

Legal framework for the Media

Media legislation in Peru is limited. The Constitution prohibits censorship and guarantees freedom of expression, freedom of the press and access to information, in line with international standards. However, the only existing media laws in the country are the 2003 Law on Transparency and Access to Public Information and the 2004 Radio and Television Law. Primary legislation on privacy of personal data is provided for in the 2011 Personal Data Protection Law. The Personal Data Protection Authority is the primary agency in charge of enforcing data protection matters.

There is no Press Law regulating the work of the media in Peru, nor an independent media regulatory body. The Ministry of Communication is the authority in charge of adjudicating and cancelling broadcasting licenses. The Penal Code provides for sentences of up to three years of prison for libel crimes in the media, which represents a limitation to the freedom of expression and generates self-censorship among journalists.

Prison sentence for libel offences should be replaced with financial sanctions proportionate to the level of the offence, in order to strengthen freedom of expression and reduce self-censorship.

Media coverage of the elections is regulated by the Election Law and the Law of Political Parties. None of these laws include specific provisions on the impartiality and neutrality of the media when informing on elections. There is no regulation on the use of social media for electoral coverage. 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 Law of Political Parties establish a paid political advertisement scheme (*franja electoral*) provided by the ONPE to all contestants to disseminate campaign messages in the media during presidential and parliamentary elections. Political advertising out of the ONPE-funded spots is prohibited on radio and free-to-air TV channels, but allowed on print, online and social media.

The JNE non-binding code of conduct for the 2021 elections called the media to contribute to create an environment of respect during the electoral campaign and act under the principles of equity, veracity

⁶⁸ [Datereportal Digital 21 Report for Peru.](#)

and objectivity. It also called political parties, candidates and affiliates to use social media in a respectful way and not spreading disinformation, fake news or insults.

Media coverage of the elections

The media coverage showed notable differences between the 11 April elections and the presidential run-off. Information on campaign activities by parties and candidates was widely provided by both electronic and print media during the first campaign period, although at the expense of prioritising coverage of the presidential over the congressional race. State media TVPerú and Radio Nacional broadcast on a daily basis different programmes (“*Tu decision 2021*”, “*Cara a cara*”, “*Rumbo a Palacio*”, “*Plan de Gobierno*”) in which both parliamentary and presidential candidates had the chance to present their platforms and debate about different topics. On the private side, some media made efforts to introduce political parties’ proposals on different topics to citizens by holding debates broadcast live on their social media accounts.⁶⁹ However, parliamentary candidates or presidential candidates placed at the bottom of the surveys received little coverage. Openly biased reports published by few newspapers and heavy presence of some presidential candidates in certain national private TV channels were observed.⁷⁰

At the onset of the second campaign period the media environment deteriorated considerably. State media continued covering the electoral process in an impartial way, providing equal and neutral coverage of campaign activities of both candidates and broadcasting election related programmes with participation of political analysts and representatives of the competing parties. By the contrary, most Lima-based private media conducted an openly biased informative coverage favouring FP and Keiko Fujimori and detrimental of Pedro Castillo and PL, contrary to journalistic ethics codes, national legislation and international commitments on media.⁷¹ This deprived voters from receiving accurate and balanced information.

Most private media spread a common message of fear based on allegations that a hypothetical PL government would put at risk democracy and freedoms and would create social and economic instability in the country, often without separating information from opinion. Though private media are free to adopt editorial positions, they must be clearly distinguished from informative coverage, which must be always governed by principles of objectivity and impartiality, especially in an electoral context. Disinformation and constant allegations of alleged links of Castillo and some members of his campaign team to the disbanded terrorist group Sendero Luminoso were also broadcast prime time by commentators and political analysts in national TV channels, with no space provided to dissenting opinions.⁷² Dissemination of pro-Fujimori messages and exhibition of FP party symbols by presenters and participants on entertainment TV shows were also observed.⁷³

Initiate an inclusive debate with political parties, media and civil society on how to address breaches of international commitments, national legislation and media ethics codes by print and electronic media, ensure enforcement of the law in case of breaches and consider strengthening CONCORTV.

⁶⁹ El Comercio, La República, América TV.

⁷⁰ A report published by the Lima Catholic University (PUCP) on 12 April showed that, from 1st January to 11 April, Rafael López Aliaga (RP) was interviewed 38 times on Willax TV. Other presidential candidates like Yonhy Lescano (AP) and George Forsyth (VN) were interviewed 23 and 21 times in Latina TV, and 17 and 13 times in Canal N, respectively.

⁷¹ [Law 28278](#), Article 2 (Law on Radio and Television). ICCPR [General Comment 34](#) paragraphs 11 and 14.

⁷² On 25 May, PL party member, Anahí Durand, a PL leadership member, filed a lawsuit against Willax TV and its TV presenters Milagros Leiva, Beto Ortiz and Augusto Thorndike for aggravated defamation.

⁷³ On 15 May, Panorama TV presenter Andrés Hurtado conducted the show “*Porque hoy es sábado*” wearing an orange shirt with FP symbol and called the audience to vote for Keiko Fujimori. Pro-Fujimori messages were also observed in América TV show “*Esto es Guerra*”.

According to EU EEM's analysis of four national private newspapers monitored from 17 May to 4 June,⁷⁴ Pedro Castillo/PL received a total of 151 front-page headlines, out of which 102 (68 per cent) showed a negative tone and 49 (32 per cent) showed a neutral tone, whereas Keiko Fujimori/FP received 80 front-page headlines, out of which 25 (31 per cent) had a positive tone, 48 (60 per cent) a neutral tone and seven (9 per cent) a negative tone (*see Annex*).

The EU EEM also verified that Castillo avoided exposure to national and international press and only accepted short interviews with few national media at the beginning of the run-off campaign period. Castillo remarked to the EU EEM that he prioritised local radio stations and rallies to reach out to his potential electorate, given the negative coverage he was receiving by most private media.

Media malpractice sparked reactions. According to a survey, 70 per cent of citizens polled believed that main national private media were biased, with 84 per cent of those citizens believing that the biased coverage was favouring Keiko Fujimori.⁷⁵ The National Association of Journalists (ANP), the National Coordinator of Human Rights (CNDDHH), the Tribunal of Ethics of the Peruvian Press Council (CPP) and the JNE's Tribunal of Honour, among others, expressed concern about the partiality showed by the media and urged TV channels, radio stations and newspapers to provide a neutral, impartial and equal coverage of the electoral process, treating candidates respectfully. Similarly, *Transparencia* complained to the Special Rapporteur for Freedom of Expression of the Interamerican Commission of Human Rights. The EU EEM also observed the use of hate speech and inflammatory language by some TV anchors few days after the 6 June polls.⁷⁶

The position adopted by some media also impacted in dissenting journalists. On 20 April, the news director of América TV and Canal N was dismissed after she informed Keiko Fujimori and the editorial council of the company that the channel would not privilege either candidate. On 8 June, two more América TV journalists were also dismissed after expressing their concerns to the Board of Director on, in their opinion, bias against Pedro Castillo and favouritism towards Fujimori in the electoral coverage of the channels. This decision was followed by the resignation of eight more journalists of the same channel, who also had previously disapproved the new editorial line of América TV, which they considered contrary to right to information and journalistic ethics.⁷⁷

Similar cases of journalists being dismissed and news programmes suddenly cancelled for criticism against Keiko Fujimori were reported by the ANP in local media like Canal 10 Satipo (Junín), Radio Ancash or Radio&TV Nativa, in Chanchamayo (Junín). Pressures to *El Comercio* newspaper journalists were also reported to the EU EEM. Other consequences of the polarized environment were attacks by PL sympathizers against journalists covering campaign activities by Pedro Castillo, harassment to the director of *La República* newspaper by pro-Fujimori groups and threats to foreign press correspondents through social media. The ANP registered a total of 50 cases of attacks, threats, harassment and dismissals of journalists in the context of the coverage of the 2021 elections.

⁷⁴ *El Comercio*, *La República*, *Perú 21* and *Correo*. All mentions (big and small headlines) to both candidates on front pages were considered.

⁷⁵ The [survey](#) was conducted by *Instituto de Estudios Peruanos* (IEP) from 17 to 20 June.

⁷⁶ On 7 June, Willax TV anchor Philip Butters advocated in his programme "[Combutters](#)" for the killing of PL elected member of Congress, Guillermo Bermejo. On 15 June the same TV presenter called Fujimori supporters to assault Lima's presidential palace. Both speeches generated legal actions against Butters. Similarly, on 5 July the Attorney General's Office opened a preliminary investigation to Willax TV journalists Philip Butters and Beto Ortiz for inciting to refuse the 6 June electoral results and "alleged commission of conspiracy crime for sedition and serious disruption of public tranquility".

⁷⁷ The resigning journalists referred to intentionally damaging coverage for Castillo; elimination of positive speeches towards the PL candidate and the decision of broadcasting on 3 June Fujimori's closure of campaign rally but ignore Castillo's one (both rallies took place simultaneously in Lima).

Public-funded party campaign advertisement

Addressing an EU EOM 2020 recommendation, ONPE increased the amount of airtime allocated to the paid political advertisement scheme (*franja electoral*) and adopted a new regulation for its implementation. The new rules allowed political parties to choose the time and the media in which their campaign spots were broadcast, according to their own preferences and their corresponding allocated funds. The total budget of the scheme was PEN 64.55 million (14.6 million euros) for the first campaign period (representing an increase of 68 per cent in relation to 2020) and PEN 12 million (2.57 million euros) for the second campaign period.⁷⁸

Broadcasting of the free airtime slots in the first campaign period started on 10 February and lasted until 8 April. During that period a total of 150,275 campaign spots were broadcast in some 200 national and regional media (against 60 media in the 2020 elections). Political parties prioritised radio stations (78 per cent of all the spots) over TV stations (22 per cent of all the spots) to disseminate their messages. *Victoria Nacional* did not make use of the paid political advertisement scheme. For the second campaign period broadcasting of campaign spots started on 25 May and lasted until 3 June. During that period a total of 35,835 campaign spots were broadcast in 143 national and regional electronic media, and 30 adverts were published on the internet. FP and PL received a total of PEN six million each (approx. 1.3 million euros) to this aim. PL largely prioritized local radio (91) and TV stations (24) to disseminate its campaign spots against national radio (eight) and TV stations (seven). FP invested mainly in national TV (eight) and radio stations (seven) and devoted less funds to local TV (14) and radio stations (eight). During the entire process the JNE registered a total of 202 cases of privately funded political propaganda aired on radio and TV stations out of the free-airtime slots (*franja electoral*) allocated by ONPE to parties, which is in breach of the law.

Different media joined efforts to develop fact-checking initiatives to verify election related information published in both traditional and social media. Perú Check (including all national media adhered to the Peruvian Press Council plus some local media) and *Ama Llulla*, funded by the United Nations Development Programme (UNDP) and the Spanish Cooperation and Development Agency (AECID) and including nine online media plus some radio stations of the Andean and Amazonia regions, were the most prominent of these initiatives.

Social media

Social media played a key role in the process. The prohibition of dissemination of political advertising on electronic media outside the free airtime slots provided by ONPE, and the restrictions to traditional campaign activities due to COVID security protocols made parties and candidates to turn to social media to boost their messages and reach out voters.

There is no regulation for campaigning on social media. Paid online advertising is allowed. In a welcome initiative, Facebook and Instagram demanded parties and candidates wanting to publish their propaganda a copy of the advertiser's ID -who must be Peruvian resident, in order to crosscheck the identity with the profile registered in the platform. Only after this information was validated the spot was published reflecting the identity of the advertiser.

⁷⁸ For the first-round campaign period, half of the total budget was equally distributed between all contestants, and the remaining funds were proportionally distributed according to the representation each party has in Parliament. For the second campaign period the total budget was equally distributed between FP and PL, receiving PEN six million each.

Facebook, Twitter and TikTok were the most used platforms by electoral contestants. All 18 presidential candidates had a Fan page in Facebook and profiles in Twitter and Instagram, and 13 presidential candidates had a TikTok account. However, only half of those Facebook pages, four Twitter accounts and three Instagram accounts showed a verification badge of authenticity. During first campaign period Rafael López Aliaga (6.8 million interactions), Hernando de Soto (2.8 million), Daniel Urresti (2.5 million) and Keiko Fujimori (1.8 million) were the most active candidates on both Facebook and Twitter.

The tone between candidates in social media was often confrontational. Despite that 17 political parties signed the JNE's code of conduct and committed to use social media in a responsible, respectful and honest way, personal attacks, misogyny, insults, transphobic messages and misinformation spread by candidates were highly present in Facebook, Twitter and TikTok. EU EEM interlocutors also referred to the use of *trolls* and *botnets*⁷⁹ allegedly financed by parties and candidates to disseminate fake news or create opinion trends on non-verified facts. Fake news or accounts seeking to spread fake statements by candidates were also observed.⁸⁰

During the run-off campaign the social media echoed the polarized social and political environment. Offensive memes, hate messages and smear campaign videos circulated on Twitter, TikTok and WhatsApp. EU EEM findings show that from 17 May to 6 June four out of the five most popular election-related hashtags in Twitter showed negative contents against both candidates: #Keikonova (241,300 tweets), #FujimorismoNuncaMas (183,000), #TerrorismoNuncaMas (181,000) and #NoAlComunismo (106,800).⁸¹ The EU EEM identified 169 anti-Fujimori Facebook pages, out of which 89 (1.4 million followers) were still active by election day, and ten anti-Castillo Facebook pages, out of which nine (12,809 followers) were still active by 6 June (*see section XVIII Annexes*).

Negative advertising in the social media mostly targeted Castillo. According to EU EEM findings, 43 per cent of the 599 ads with identified sponsor active on Facebook and Instagram on 6 June included fear messages about communism, terrorism or economic threat, while only 2.3 per cent showed fear messages against Fujimori. A total of 575 additional adverts without identified sponsor were also spotted by the EU EEM on Facebook and Instagram, out of which 343 (59.6 per cent) were against Pedro Castillo and 63 (10.9 percent) against Fujimori. In mid-April, Facebook cancelled a total of 80 Facebook and six Instagram accounts linked to FP for “coordinated inauthentic behaviour”.⁸² Misleading political advertising against Pedro Castillo was also observed in the Internet. Both FP and PL published spots targeting directly their opponent candidates and showing fear messages, contributing to increase polarization and political tension.

In order to reduce misleading political party advertising and disinformation in the social media, legal provisions on the content of ONPE-funded campaign spots should also apply to party campaign spots in the social media.

In breach of the Election Law, campaigning continued in the social media on the eves and on both election days. During first campaign silence period (10 and 11 April) the EU EEM identified a total of 552 spots on Facebook and Instagram, out of which 99 were still active on election day promoting presidential candidates José Vega (UpP), 37 spots; Andrés Alcántara (DD), 35; Alberto Beingolea

⁷⁹ Net of software acting as trolls.

⁸⁰ On 30 March a fake tweet by Veronika Mendoza regretting the death of Jorge Quispe Palomino, leader of former terrorist group Sendero Luminoso, largely circulated on Facebook.

⁸¹ The second most popular hashtag was #DebatePresidencialJNE (205,800 tweets).

⁸² According to Facebook report, the accounts were used to post, comment and re-share FP candidates' posts and criticize political rivals.

(PPC), 22; Julio Guzmán (PM); four, and Ollanta Humala (PNP), one. On the second campaign silence period (5 and 6 June) the EU EEM identified a total of 176 spots on Facebook and Instagram, out of which 55 were still active on election day. Most of the adverts (108) were against Castillo while eight were against Fujimori. Both Fujimori (through her TikTok account) and PL (through his Twitter account) spread campaign messages on election day.⁸³

The polarization continued on social media during the post-election period. On 7 June FP created the hashtag *#FraudeEnMesa* asking citizens to provide evidence of alleged irregularities that would have taken place at polling stations. The hashtag, which at reporting time had reached 215,700 tweets, generated an overwhelming amount of disinformation messages, fake news and attacks to ONPE and JNE. Community management teams of both electoral authorities made a commendable work to disprove fake news. The end of the ONPE tabulation of the presidential results, with a virtual victory of Pedro Castillo, triggered new campaigns of harassment to national journalists and celebrities, and intensified threats in social media targeting foreign correspondents.⁸⁴ Racist and hate speech were observed and reported.⁸⁵

Media, civil society and technology platforms should increase existing efforts to create fact-checking networks and strengthen media literacy.

X. Participation of women

Women’s representation in Congress increased to the highest level ever with 49 women elected as a result of the new gender parity and alternation stipulations. Nevertheless, inequity on top positions of party lists persists. Gender based harassment and violence against candidates and elected officials contributes to the lack of motivation for many women to participate in politics.

The recently approved provisions on gender parity and alternation⁸⁶ eliminated the traditional approach by parties of placing women in ineligible positions. Despite the new rules, women still only occupied 98 top positions on the 496 party lists. Similar disproportion occurred during internal party elections with a mere 20 per cent of women (82) placed as heads on party lists. Lists of candidates for primary elections also had to include 50 per cent of women on their lists according to the new law. However, gender parity and alternation provisions have not been placed for regional and local election candidates. As recommended by the EU EOM 2020, the adoption of a provision for horizontal alternation would remove the imbalance.⁸⁷

A total of 49 women were elected to the 130 seat Congress (some 37,7 per cent) an increase of 11 per cent if compared to the 2020 Congress. One out of the five seats to the Andean Parliament will be taken by a woman (20 per cent). Two female presidential candidates ran from a total of 18 candidacies, Keiko Fujimori (FP) and Veronika Mendoza (JP). Both were considered by several political analysts as the

⁸³ [TikTok 1 and TikTok 2](#) . [Twitter 1](#), [Twitter 2](#) and [Twitter 3](#)

⁸⁴ Campaigns and threats against Spanish newspapers ABC correspondents Paola Ugaz (ABC) and Jacqueline Fowks (El País) severely intensified in the aftermath of the 6 June run-off.. Campaign “Chapa tu caviar” called citizens to get contact and addresses of national journalists and celebrities and “force them to leave the country”.

⁸⁵ [El Sudaca, 16 June 2021](#).

⁸⁶ [Law on Gender Parity and Alternation](#) of 2 July 2020.

⁸⁷ EU EOM 2020 Final Report Recommendation 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)”.

contenders who best performed during the JNE organized debates. Both female candidates conducted campaigns in the regions with direct contact with electors.

Gender-based harassment against candidates and elected officials remains an important factor contributing to the lack of motivation for women to participate in politics. Women organizations also referred to the weak support of some parties in regards to promoting women candidates and their disadvantaged economic position which hampers the running of a campaign. Perceptions of traditional gender roles in society also constitutes a hurdle for stronger women's participation. Following complaints of violence and harassment against female candidates mostly perpetrated on social media, the JNE Tribunal of Honour (*Tribunal de Honor*) issued a statement urging citizens to contribute to a safe political environment for women and to abstain from any action, harassment or violence that could harm women candidates.⁸⁸ The JNE also invited victims to report instances of harassment.⁸⁹

Women candidates could benefit from specific financial support, including under the modality of public funding. Parties should endeavour to reduce disadvantages faced by women who wish to enter into politics by sponsoring specific initiatives, including party fee waiving or reduction, capacity building, legal advice and communication strategies.

With the exception of the RENIEC chief, the head of ONPE and the four members of the JNE are men. Women were well represented among the temporary ONPE staff and the polling station commissions. Half of JNE and ONPE managerial positions are held by women. Women were well represented in JEE, with many holding the presidency.

XI. Participation of Indigenous and Afro-Peruvian peoples

ONPE implemented a communication strategy in local languages aimed at enhancing the dissemination of voter information and safety measures among indigenous populations.

The Constitution protects the ethnic and cultural identity of indigenous people and its 55 officially recognised communities scattered mostly in the Amazon and in the Andes regions. Further protection for indigenous peoples derives from the International Labour Organization's Convention 169 on Indigenous and Tribal Peoples and the United Nations (UN) Declaration on the Rights of the Indigenous Peoples, adopted by Peru. Data from the last 2017 census indicates that around 30 per cent of citizens declare themselves indigenous or Afro-Peruvian, with the latter community not considered among the official groups.

ONPE implemented a communication strategy in local languages aimed at enhancing the dissemination of voter information and safety measures (*see section Election Administration*).⁹⁰ The Office of the Ombudsperson estimated that some 500,000 indigenous people live in the Amazon region many of them with difficult access to voting centres. The Ombudsperson called the attention to the vulnerability of these groups in the context of COVID-19 pandemic.

Indigenous organisations presented their political proposals in view of the 2021 elections with the attendance of parties FA, JP, *Perú Nación* (PN), RUNA and PL.⁹¹ Not all political organisations

⁸⁸ Tribunal of Honour [Statement No. 11](#).

⁸⁹ [JNE Observa Igualdad platform](#). In 2020, the JNE registered 12 cases of harassment against female candidates.

⁹⁰ [Ombudsperson - Indigenous Groups require protocols for safe voting](#) Communication from 1 April 2021

⁹¹ <https://www.idl.org.pe/que-proponen-los-partidos-politicos-peruanos-en-materia-de-pueblo>

included policies in their campaign directed to the indigenous electorate or addressed their interests of political participation, representation and policies for inclusion. Representation at local elected offices benefits from a sub-national indigenous quota of 15 per cent applicable in regional and local councils, but there is no quota for indigenous or Afro-Peruvians representation to the Peruvian Congress. One presidential candidate (Ciro Gálvez – RUNA) specifically addressed indigenous issues in Quechua during the first-round presidential debate, which was left untranslated. Official data indicates that some 16 per cent of the population speak other languages than Spanish.⁹²

Undertake affirmative action to address the lack of inclusion of indigenous peoples in the country's political life and ensure and facilitate the exercise of their political rights, especially to promote indigenous representation.

XII. Participation of PwD and other vulnerable groups

The law recognizes and guarantees equality in legal capacity without discrimination to all persons with disabilities. However, parties did not include significant policies for persons with disabilities in their political platforms.

Participation of persons with disabilities

According to civil society organisations, political parties did little to promote the inclusion of more candidates with disabilities in their party lists, with *Fuerza Popular* and *Victoria Nacional*⁹³ being the most notorious exceptions. Lack of significant and effective policies presented by most of the parties and candidates in their political programs was observed, possibly due to the health emergency and economic agendas taking the lead in public discussions. Regardless of the current circumstances, international and regional obligations⁹⁴ impose the continued development of adequate actions for political participation and meaningful inclusion in public life, as recommended by the EU EOM 2020.

As in previous elections, the National Council for the Integration of Persons with Disabilities (CONADIS), the JNE and the ONPE coordinated efforts to facilitate physical access and voting for people with disabilities, who were exempted from the fine if they chose not to vote. CONADIS was critical of the fine release considering that it does not dignify persons with disabilities and suggested that electronic voting would be the most effective approach to ensure inclusion. ONPE implemented 13,563 special polling stations for persons with reduced mobility and braille templates for the voting of the visually impaired.

Since 2018, the legislative Decree 1384 recognises and guarantees equality in legal capacity without discrimination to all persons with disabilities in all aspect of their life regardless if they use or require reasonable adjustments or support to make a choice, including the right to political participation. According to human rights organisations, some persons with mental limitations were still not included

⁹² According to the national census 2017, 16 per cent of Peruvians who speak a native language out of which 13,62 Quechua (some 3,8 million people), 1,65 per cent Aimara (some 450,000). Other languages represent less than 1 per cent of speakers each and include Ashaninca, Awajum, Shipibo Konibua and Shawi.

⁹³ A *Victoria Nacional* candidate with down syndrome was the first to run in Peru for Congress. AFP candidate with a physical disability was elected to the Andean Parliament 2021, while also on the presidential ticket.

⁹⁴ Peru ratified the Convention of the Rights of Persons with Disability in 2007 and also adopted the Inter-American Convention on the Elimination of all Forms of Discrimination Against Persons with Disabilities.

in the voter register, because of court interdictions handed prior to 2018.⁹⁵ Responsible institutions, including RENIEC, are required to incorporate procedures for the effective implementation of Decree 1384 while legal reversal of interdictions should be facilitated.

Implement procedures to allow for the automatic reversal of legal interdictions on the right to vote to persons with disabilities to give effect to the Legislative Decree 1384. RENIEC must ensure that the voting status of those citizens concerned is updated in time for the next election.

Participation of the LGBTI Community

Several civil society organisations were critical of the lack of inclusion of same-sex marriage and policies to implement equality for members of the LGBTI community in political platforms of PL and FP. Members of the LGBTI community were slandered in the social networks, threatened physically and effectively restricted in the conduct of their campaign. Following a complaint by a transgender congressional candidate for Lima, the JNE's Tribunal of Honour issued a statement reminding contenders and citizens to respect the gender identity and sexual orientation of all persons participating in the electoral process. Two out of the four candidates openly identified with the LGBTI community were elected to the new Congress. In line with an EU EOM 2020 recommendation, ONPE, issued a protocol with the aim to guarantee the right to vote of transgender and intersex persons stating that the right cannot be denied to any person based on physical appearance or sexual orientation.⁹⁶

A Supreme Court ruling dated 30 July 2020 ordered RENIEC to implement adequate procedures within a year to allow for changes to the name, sex and image of transgender citizen, based on existing international and regional commitments.⁹⁷ RENIEC appealed the Supreme Court ruling and therefore did not implement the decision for the 2021 elections. The EU EOM 2020 recommended the easing of procedures for legally changing name and gender to allow LGBTI community members to fully exercise their right to vote and to be elected. Positively, the Congress Commission for Women and Family passed on 26 March a draft Law on Gender Identity recognizing gender expression and allowing for the change of personal data with RENIEC without a previous court decision.⁹⁸ It is not clear whether the newly elected Congress will proceed further.

XIII. Civil society and international observation

International observers and civil society organisations made an overall positive assessment of the 2021 general elections, expressed their confidence in the electoral institutions, and demanded presidential candidates to accept the results

Despite the COVID-19 restrictions, a total of 1547 national and international observers from more than 30 national and international observation groups and other institutions were accredited by the JNE to monitor the 2021 elections. The civil society organisation *Transparencia*, the main Peruvian election observation group, was by far the largest group, with 1,315 observers in both election days in Peru, and observed the out-of-country voting in Germany, Italy, Spain and the United States. The Organisation of American States (OAS) deployed 52 observers in Peru, Argentina, Spain, Italy and the United States.

⁹⁵ [Legislative Decree 1384-2018](#) The Legislative Decree recognizes and regulates the legal capacity for persons with disabilities providing equal conditions

⁹⁶ Resolution N° 00062-2021-JN/ONPE.

⁹⁷ Consultative opinion [OC 24/17](#) of the IACHR.

⁹⁸ Draft Law on Gender Identity [790/2016 CR](#).

Other regional organisations such as the Inter-American Union of Electoral Bodies (*Unión Inter-Americana de Organismos Electorales* - UNIORE), the Ecuadorian Committee for Human Rights (*Comité Ecuatoriano de Derechos Humanos* - CEDHUS), the Ibero-American Jurist Association (*Asociación de Juristas de Iberoamérica*), the Latin-American Permanent Conference of Political Parties (*Conferencia Permanente de Partidos de América Latina* – COPPAL) and Mercosur Parliament Democracy Observatory (*Observatorio de la Democracia del Parlamento del Mercosur*) also accredited election observers. The Office of the Ombudsperson deployed some 500 monitors who assessed the process with human rights focus and supported voters, especially in remote and less populated areas of the country.

Transparencia reported on polling procedures and also on the level of inclusiveness of the process towards elderly, persons with disabilities and members of the LGBTI community and on compliance with public health measures in the polling stations. Overall, *Transparencia* made a positive assessment of implementation of polling procedures on both election days. Following the allegation of irregularities at the polling stations made by FP after the 6 June presidential election, *Transparencia* remarked that no fraud was observed, expressed support to ONPE and JNE, and reiterated that all claims should follow the available legal paths. Following the allegation of irregularities at the polling stations made by FP after the 6 June presidential election, *Transparencia* remarked that no fraud was observed, expressed support to ONPE and JNE, and reiterated that all complaints should follow the available legal paths.

The OAS also reported that the 2021 general elections were overall positive and praised the election institutions for administering the electoral process in a professional manner under difficult political and social circumstances. The OAS expressed its confidence in the election institutions, and demanded Castillo and Fujmori to acknowledge the presidential results after all challenges and appeals are served.

XIV. Electoral disputes

The post-election period was characterised by the largest number of petitions for the annulment of the results ever filed by any contestant in an election, the overwhelming majority by FP. JEE and JNE adjudicated transparently dismissing the majority of claims. In line with several interlocutors, the EU EEM considers that the right to appeal was abused as a strategy to delegitimise the election process, while undermining the public confidence in the JNE and in the presidential result.

The adjudication of electoral disputes is the remit of the JNE, the highest electoral authority to impart electoral justice. A two-instance judicial system, with independent JEEs and the JNE, secures the possibility for legal redress and rectification of decisions at several stages of the electoral process. Voters and political parties can appeal against decisions concerning their rights before the electoral bodies - JEEs, JNE, RENIEC and ONPE - including on the right to stand, voter registration, validity of candidate nomination, the observance of campaign rules and election results.

As per the constitution, JNE rulings are final.⁹⁹ Only a constitutional petition is admissible for the protection of a processual right or due process including in electoral matters. These appeals cannot order the suspension of the electoral process. Legal principles of Peruvian electoral justice include legal security, the principle of conservation of the vote cast, the preclusion of electoral stages whereby once

⁹⁹ [Constitution of Peru](#), article 142.

a phase of the election has been concluded it cannot be reversed or reopened, and the certainty of the electoral calendar. Time limits for decisions for appeals are short, within one to three days, according to international good practice. A mandatory non-refundable petition fee of 1,100 soles (EUR 236) for each case lodged at the JEE and 600 soles (EUR 142) for each appeal is required which aims to reduce the filing of irrelevant petitions.

The period of nomination of candidates, with a high number of disputed decisions, remains a critical stage of the electoral justice (*see section Candidate Registration*). Following requirements in the Election Law,¹⁰⁰ the JNE issued a decision setting a deadline by which until 25 of February all 27 JEE in charge of candidate registration had to forward decisions concerning their *ex-officio* review of nominations as well as decisions on appeals concerning the exclusion of candidates. In the same decision, the JNE further clarified that pending cases referring to the exclusion of candidates at JNE level by the cut-off date of 12 March were to be forwarded to the Office of the National Prosecutor to be investigated to determine if the cause for exclusion constituted a legal infraction. This would indicate that not all appeals on exclusion of candidates were ruled upon. In total 70 appeals for the protection of fundamental rights (*recurso de amparo*) were filed against JNE disqualifications of candidates. Four days before 11 April election some 50 appeals were still pending a decision, while 20 had been rejected. Based on jurisprudence and logistical constraints, the *recurso de amparo*, with its lengthier procedures unadjusted to the election calendar, is not the adequate mechanism to reinstate excluded candidates.

Following the first election on 11 April and despite the lack of significant election irregularities reported by election observers or registered by the JNE, *Renovación Popular* (RP) petitioned the review of all presidential and congressional tally sheets. RP publicly claimed the election process had been fraudulent without substantiation¹⁰¹. JNE dismissed the appeal based on the absence of legal provisions to back the request and for lack of supporting documentation.¹⁰²

Petitions of annulment of polling station results

The post-election period of the second round was characterised by the highest number of appeals for the annulment of results ever filed by any contestant in any election, the majority of them by the FP in areas where Pedro Castillo won. On 9 June, FP filed an atypical high number of petitions –802 in total – requesting the nullification of the results of polling stations in 22 out of Peru’s 25 departments, Chile, Egypt and the United States, amounting to around 180,000 votes. Seemingly, FPs’ strategy was to annul results in rural PL strongholds, hoping to thin the difference between the two contenders. FP claimed that members’ signatures were forged in 503 polling station results protocols, as they did not match those kept in the civil registry; that in 65 cases family members ran the same polling station, which is prohibited by law. In addition, FP requested the nullification of the results of 132 polling stations where Fujimori obtained one or no votes at all.¹⁰³ PL also filed 171 petitions, mainly related to discrepancies between the number of votes and of voters in polling stations in Lima (ten cases), Loreto (160 cases) and in Hartford (United States with one case), where the FP candidate was the most voted one.¹⁰⁴

The length of the three-day deadline for the filing of petitions for the annulment of polling station results was challenged by FP claiming it was too short for the party’s intend to file against election

¹⁰⁰ [Election Law](#), article 123 stipulates a 30-day deadline prior to election day by which the adjudication of candidate registration disputes must be completed. The 2021 election calendar set 12 March as this cut-off date.

¹⁰¹ Rafael López Aliaga, RP presidential candidate, came in third with 238,483 less votes than the runner up Fujimori.

¹⁰² [Resolution N. 0541-2021-JNE On 14 May the JNE](#) confirmed ONPE’s previous decisions to reject the request.

¹⁰³ Remaining petitions relate to incomplete protocols or inconsistent numbers.

¹⁰⁴ According to the JNE, the JEEs received a total of 1088 petitions for the nullification of election results at polling stations; JEEs dismissed 807 for failing the deadline for submission, Only 281 cases were reviewed by the JEEs at 1st instance.

irregularities. In fact, FP and PL kept filing petitions well after the deadline. The deadline expired on 9 June, at 20:00.¹⁰⁵ However, on 11 June, two days after the deadline expired and in a confusing and poorly explained process, JNE approved reopening the period until midnight of that day. The JNE decision was leaked in the media before its publication, setting off major public criticism. The JNE immediately reversed its initial agreement and decided, by majority vote, to maintain the previous deadline, based on jurisprudence issued by the Constitutional Court.¹⁰⁶ In addition, a previous JNE decision on the disqualification of a congressional list adhered to established deadlines.¹⁰⁷ Given that the overwhelming majority of petitions were filed after the deadline, it appeared that JNE and JEEs did not apply jurisprudence consistently. In fact, some JEEs decided to rule on petitions filed after the deadline, despite the fact that they should have been dismissed without going into the substance of the complaint. A deeper knowledge of principles applied in past cases could contribute to improve the predictability of electoral justice.

Deadlines for claims and appeals are short, with three days for each instance. The JNE president noted that many JEEs were flooded with petitions for the annulment of tally sheets challenging its capacity to adjudicate within the given deadlines. However, the Venice Commission recommends short time-limits for the lodging and deciding appeals and considers three to five days for each at first instance as within acceptable international practice.¹⁰⁸

Grounds to invalidate polling station results are purposely narrow in the Election Law to withstand annulments only in well substantiated instances, as well as to safeguard the voters' choice.¹⁰⁹ The Election Law requires petitioners to substantiate that either fraud, bribery, corruption, intimidation or acts of violence occurred and that such acts aimed to benefit one of the contestants.¹¹⁰ This requires the petitioner to establish a link between the irregularity and the intent to tamper with the result, which is difficult to prove. By 21 June all petitions were dismissed at first instance. According to the JEEs' rulings, the petitions had no evidence of irregularity amounting to change the result, while others were rejected for late submission or lack of payment of the court fee. PL stayed with the rulings.

FP submitted 370 appeals against JEE decisions. By 23 June, the JNE initiated sessions for first ten cases in a public virtual audiences with the participation of FP lawyers. The appeals were dismissed for lack of relevant proof according to the prescribed law. On the same day, the adjudication of appeals proceedings was suspended for five days when one of the four JNE magistrates, who issued a minority vote in all ten appeals, refused to continue to be part of the electoral body alleging lack of JNE neutrality. On 28 June the JNE resumed its jurisdictional functions, following the swearing in of the substitute member,¹¹¹ and dismissed all pending appeals by majority vote. In line with several interlocutors, the EU EEM considers that the right to appeal was abused as a strategy to delegitimise the election process, while undermining the public confidence in the JNE and in the presidential result.

In addition, *Fuerza Popular* sought redress before the JNE completed the adjudication of appeals. On 18 June, a writ for the protection of constitutional rights (*recurso de amparo*) requested the nullification of the election result of the run-off election. Another writ of *habeas data* demanded ONPE to disclose the polling station voter lists, which the FP believed would contribute to sustain their electoral

¹⁰⁵ [Resolution 0086-2018-JNE](#) on the rules governing the petitions for nullifications of polling station results and [Resolution 0363-2020 JNE](#) on JEEs management regulations during COVID-19 pandemic.

¹⁰⁶ [Decision 05448-2011-PA/TC](#) on the principle of preclusion in elections.

¹⁰⁷ [Resolution 00041-2020-JEE-CHAC/JNE](#) of 20 January 2021.

¹⁰⁸ [Venice Commission Opinion and Reports - Election Disputes Resolution CDL-PI\(2017\)007](#)

¹⁰⁹ [Election Law](#), articles 4 and 284.

¹¹⁰ [Election Law](#), article 363 b.

¹¹¹ Both the resigning JNE member and the replacement were nominated by the Office of the Public Prosecutor.

challenges. Given that the lists contain personal data, a disclose could compromise the secrecy of the vote, especially of the voters of polling stations where any of the candidates obtained a high number or the totality of the vote. Both writs were dismissed.

XV. Polling, counting and tabulation of results

Election days went mostly calm with no major irregularities reported. No-show of polling station members, mainly in Lima, delayed the opening in both election days, with voters replacing absentees. Party agents were hardly visible at the voting centres, especially on 11 April. Polling stations were set up in 246 remote villages facilitating the polling of 228,727 voters.

11 April election day

Opening was characterised by no-show of polling station members, especially in Lima, according to ONPE and media reports. A significant number of voters waiting in the line were recruited as polling station members, as provided for in the law. By early afternoon, almost all polling station were reported open, with voting proceeding at slow pace as a result of the implementation of the COVID-19 protocols. Party agents were hardly visible in the polling stations visited by the EU EEM. Counting procedures were generally adhered to in polling stations visited. The EU EEM did not undertake a systematic observation of the voting and counting, but visited several centres in Lima and its metropolitan area.

Voting disruptions in the morning affected mostly the elderly and disabled voters who turned out to vote in the two first hours of polling (07:00 to 09:00), following ONPE recommendation on staggered voting. Aiming to avoid that these voters were recruited to replace the absent members, calls were made by President Sagasti and ONPE during the first hours of the day to encourage young voters to serve as polling station members. Four hours after the beginning of the polling, more than 70 per cent of the polling stations in the Lima middle and upper class neighbourhoods of Miraflores, San Isidro and Surco were non-operational due to the absence of polling station staff. The situation largely improved in the afternoon.

In polling stations visited, voters were seen in high numbers, despite growing COVID-19 contagions in the previous days, showing confidence in the public health measures implemented by ONPE. All election logistics, including the setting-up of booths to ensure the secrecy of vote, were on time according to media. Recommendations on a staggered voting slots in accordance with the last digit of the ID card were largely respected. The JNE reported that a total of 54,711 party agents were accredited, clearly insufficient to cover all in-country polling stations. Some 96,000 police agents and 62,000 members of the Army were deployed to provide security inside and outside the voting centres.

The electoral silence was respected by most candidates in the legacy media; however, campaigning continued in the social media on the eve and on election day. During that period the EU EEM identified a total of 552 campaign spots on Facebook and Instagram, out of which 99 were still active on election day.¹¹² Few unsubstantiated allegations of fraud circulated in the social media, mostly disseminated by presidential candidate López Aliaga (RP) and supporters.

¹¹² José Vega (UpP), 37 spots; Andrés Alcántara (DD), 35; Alberto Beingolea (PPC), 22; Julio Guzmán (PM); four, and Ollanta Humala (PNP), one.

Polling closed at 19:00 hours. In the voting centre visited by the EU EEM, party agents from only RP and AP were seen covering several polling stations. Counting procedures were generally adhered to although at low pace as not all members received training. Counting and tabulation started with the presidential election, followed by the congressional and Andean Parliament races. Votes were counted by the polling station members, who proceeded afterwards to fill by hand three tally sheets corresponding to the three races and their copies, totalling 15 election results documents. The counting procedures do not foresee the reconciliation of the number of voters who cast a ballot with the number of ballots in the box.

Implement ballot reconciliation procedures for further transparency of the counting.

Counting process was prone to minor arithmetical errors, especially for the tally of the preferential votes. In fact, ONPE informed the EU EEM that a total of 17,041 congressional elections tally sheets with numerical inconsistencies and missing information, accounting for 19.7 per cent of the total, were sent to the JEEs for adjudication, as provided for in the law. This is more than six percentage points higher than in the 2020 early congressional elections, evidencing poor counting and tabulation capacities, probably due to the reduction of on-site training due to the pandemic, unattractive audio-visual material and a large number of untrained polling station members, according to ONPE. In the 3,029 polling stations of Lima and El Callao with the SEA system for the electronic tally and transmission of polling station election results, protocols were digitally sent to the correspondent tabulation centre. By 23:30 on election day, ONPE delivered first presidential election results from 11 per cent of the polling stations.

6 June election day

The presidential run-off election day was mostly calm, but the underlying tensions of the campaign emerged during the polling with few isolated incidents, including verbal attacks against PL vice-presidential candidate, Dina Boluarte, by FP supporters after casting her vote in Lima and instances of ballot marking, supposedly by party agents that were swiftly addressed by ONPE and reported for alleged criminal offence. As in the 11 April election day, instances of late opening due to no-show of the designated polling station members were reported at the first hours of polling, mainly in Lima. Electoral silence was largely respected, although campaign spots by both candidates circulated in the social media. The flow of voters was continuous in the visited polling stations and also as reported by the media. COVID-19 sanitary protocols were successfully implemented and voters were seen respecting the designated voting slot. The layout of the polling stations ensured the secrecy of the vote. Many of them were located outdoors to guarantee health conditions.

During the weeks between both election days, ONPE reinforced training of polling station members with a view to reduce the number of results protocols that were returned with inconsistencies. In fact, its number decreased considerably compared to the 11 April elections.¹¹³ All polling stations visited by the EU EEM had dedicated premises accessible for persons with reduced mobility. Procedures for voting imply that the polling station moves to the facility located on the ground floor of the centre, to accommodate the physically impaired vote. Braille templates for visually impaired voters were made available at each polling centre. Posters informing that transgender voters could not be disenfranchised if the picture on the ID did not match their features were visible in the majority of polling centres visited.

¹¹³ With 96 per cent of the protocols processed, the ONPE reported that a total of 1,172 tally sheets with minor inconsistencies were been sent to the JEEs.

Campaign continued in the social media even outside the prescribed campaign period. From Fujimori's TikTok account, two posts highlighting her pro-democracy, anti-communism political platform messages, received more than three million visualisations. Campaign messages were also disseminated from one of the official PL Twitter accounts. Since the end of the campaign on 4 June, the EU EEM identified a total of 176 active spots on Facebook and Instagram, out of which 55 were still active on election day. Most of the adverts (108) were against Pedro Castillo while eight were against Keiko Fujimori. Indirect canvassing in favour of FP was monitored in Panorama TV, ATV and America TV in the eve of elections. The anonymous third-party canvassing on electronic billboards in Lima with messages easily identified as against PL observed during the election campaign continued on election day. Instances of intimidation of voters also circulated in the social media. These included messages to employees by company managers and businesspersons on the risk of closings and layoffs if Castillo win the elections. In one case employees were invited to serve as FP party agents.

By 23:30 on election day, ONPE delivered first presidential election results from 42,03 per cent of the polling stations. According to those, Keiko Fujimori (FP) with 52.9 per cent was heading the votes. Pedro Castillo (PL), obtained 47.09 per cent at that time. The announced turnout was 77.92 per cent, almost eight points higher than in the April polls. ONPE stressed that as results were returned from polling stations mostly located in urban areas, it was too early to call for a winner, since they could change as votes from rural and remotes areas were tallied, as it actually happened.

On elections days, the EU EEM visited several polling stations in Lima and metropolitan area, namely in the districts of Cercado de Lima, Jesús María, Lince, Miraflores, Pueblo Libre, San Isidro, San Juan de Lurigancho, San Juan de Miraflores and Surco. The EU EEM did not conduct a systematic observation of the election days polling counting and tabulation procedures.

XVI. Results and post-election environment

Peru's next president will not have a strong group in the Congress to support the governmental policies. Ten parties out of the 20 contesting the elections will be represented in the Congress, with none able to hold a clear majority. Accounts of unsubstantiated irregularities and fraudulent practices favouring Castillo were largely encouraged by FP and the majority of parties from the right-wing spectrum and dismissed by the JNE, main State institutions and national and international observers.

Presidential elections results

On 19 July, 43 days after the presidential run-off and once the JNE dismissed by absolute majority *Fuerza Popular* (FP) appeals against six special electoral boards (JEE) partial certification of results, the JNE announced that Pedro Castillo (*Peru Libre* - PL) won the presidential election, with 50.13 per cent of the valid votes, against Keiko Fujimori (FP), with 49.87 per cent. Castillo obtained a total of 8,836,380 votes, while Fujimori got 8,792,117, a difference of 44,263 votes in favour of the PL candidate.¹¹⁴ After the announcement of the final results, Castillo called on all political forces to work for the benefit of the country. Keiko Fujimori issued contradicting messages: while announcing that she would accept the outcome, she also insisted on alleging fraud and considered that the presidential results were illegitimate.¹¹⁵

¹¹⁴ [JNE Resolution 0750-2021](#) and [ONPE letter 001657-2021-SG/ONPE](#).

¹¹⁵ [La República, 19 July 2021](#).

Geographically, Castillo achieved the largest support from the south of the country and Andean regions, while Keiko Fujimori was mostly endorsed in Lima and its metropolitan area, the north, and by the out-of-country voters. Urban vote mainly favoured Keiko in Peru's six largest cities: Lima, El Callao, Arequipa, Trujillo, Chiclayo and Piura. Rural areas of Peru overwhelmingly voted for Castillo. Turnout was set at 74.56 per cent (76.13 per cent in-country and 36.47 per cent abroad), similar to the 2020 congressional elections and six percentage points lower than in the 2016 presidential run-off. Blank and spoiled votes amounted to 0.64 per cent and 5.87 per cent respectively. On 18 May, the JNE announced the final results of the first round of the presidential election and declared Pedro Castillo (PL), with 18.92 per cent of the valid votes, and Keiko Fujimori (FP), with 13.40 per cent, as the candidates to the 6 June run-off.¹¹⁶ Turnout amounted to 70.05 per cent.

Congressional elections results

On 9 June, almost two months after the 11 April vote, the JNE announced the final results of the congressional elections, the allocation of seats to parties and the adjudication of the preferential votes. Ten parties out of the 20 contesting the elections will be represented in the Congress, with none able to hold a clear majority. PL, with 13.41 per cent of the votes and 37 seats in the 130-member Congress, will be the party with largest representation, followed by FP, with 11.34 per cent and 24 seats. Remaining parties will be AP, with 9.02 per cent and 16 seats; ApP, with 7.54 per cent and 15 seats; AvP, 7.54 per cent and seven seats; RP, with 9.33 per cent and 13 seats; JP, 6.59 per cent and five seats, *Somos Perú* (SP), 6.13 per cent and five seats; *Podemos Perú* (PP) 5.83 per cent and five seats, and *Partido Morado* (PM), 5.49 per cent and three seats.¹¹⁷ The remaining ten parties that did not meet the minimum five per cent threshold to enter in Congress obtained 17.85 per cent support. Peru's next president will not have a majority group in the Congress to support the Executive power policies. Besides, the tense political post-election environment anticipates that the relations between the Government and the Congress will be as confrontational as in recent years.

Several factors explain JNE's late announcement of the congressional elections results and the ONPE's long-lasting tabulation. Firstly, 13.2 per cent of the polling station results protocols from the three elections showed inconsistencies or formal errors due to poor training of the appointed polling station commissions and of ONPE supporting staff. The fact that a high number of polling stations were run either partially or in full by untrained voters that replaced absent designated members only aggravated the general lack of understanding of the counting and the completion of the tally sheets. Congressional election results protocols revealed even higher numbers of mistakes, with 19.7 per cent of the tally sheets with inconsistencies or formal errors.

Secondly, the Election Law establishes that all results protocols with minor arithmetical inconsistencies and formal mistakes (*actas observadas*) found by ONPE during the tally must be adjudicated by the JEEs and, if requested by contestants, by the JNE on appeal. While the provisions aim to give legal security to corrections to the tally sheets, its implementation is prone to lengthy procedures as protocols must be reviewed by the JEE plenary and a decision is to be issued for each. Finally, the late arrival of the out-of-country tally sheets, some of them four weeks after the elections, delayed the tabulation and the announcement of results.

¹¹⁶ [JNE Resolution 0544-2021](#) of 18 May.

¹¹⁷ [JNE Resolution 0602-2021](#) of 9 June: Rafael López Aliaga (RP), with 11.75 per cent, Hernando de Soto (AvP), with 11.62 per cent, Yonhy Lescano (AP), with 9.07 per cent, and Verónica Mendoza (JP) 7.86 per cent, César Acuña (ApP), with 6.02 per cent; George Forsyth (VN), with 5.66 per cent, and Daniel Urresti, (PP) with 5.64 per cent followed Castillo and Fujimori. The remaining nine presidential candidates obtained combined 10 per cent of the vote.

The JNE and the ONPE should devise procedures to expeditiously adjudicate tally sheets with minor inconsistencies in order to avoid excessive delays to the announcement of final results.

Following a Congress decision to ban former president Martín Vizcarra from holding public office for the next ten years,¹¹⁸ the JNE agreed not to declare him as elected member of the Congress. Vizcarra ran under the *Somos Peru* Lima list and became the most voted candidate in his constituency, with 208,367 preferential votes.¹¹⁹ The Congress decision was taken four days after the 11 April elections. The EU EEM considers that the JNE agreement deprives voters from having the candidate of their choice fully installed in office and does not take into account their will as expressed in the elections. Besides, it undermines the JNE role to declare elected candidates as provided for in the Constitution.¹²⁰ The decision was approved by three out of its four members.¹²¹

Post-election environment

The 2021 polls have seen the largest number of challenges ever filed in recent elections, mostly by FP. Accounts of unsubstantiated irregularities and fraudulent practices favouring Castillo were largely encouraged by the *Fuerza Popular* leadership and by Keiko Fujimori, who alleged that fraud was engaged in polling stations where Castillo was the most voted candidate (*see section Electoral Disputes*). In the PL camp, the FP petitions were perceived as a thought-out strategy to suppress the vote for his candidate.¹²² The electoral institutions were also subject to criticism, as they were seen as endorsing the alleged fraud. Existing tensions raised, with supporters from both candidates demonstrating near the JNE and ONPE headquarters, with sporadic incidents that included harassment to their presidents and demonstrations by their private residences.¹²³

Neither the Office of the Ombudsperson nor the Office of the National Prosecutor, domestic or international observers reported any major irregularity leading to modify the results of the 6 June election, as voted by the Peruvians and counted by the election institutions. The Tribunal of Honour, in charge of monitoring party's compliance with the Code of Conduct, deplored the allegations of fraud and requested parties and candidates to respect the results of the elections.¹²⁴

Top right-wing politicians, including elected members of the Congress, and some private media advocated for the annulment of the elections and the overturning of the constitutional framework. On 16 June, some 1,200 retired Army officers, including former top-ranking officials,¹²⁵ signed a letter to the Minister of Defence stating that the Armed Forces would not acknowledge the results of the elections if the petitions lodged by FP were ignored. In a statement broadcast live on major national and radio channels and TV stations, President Sagasti noted that such letter is contrary to the Constitution and democratic values, and subject of an investigation for criminal offence.¹²⁶

¹¹⁸ [Congress Resolution 020-2020-2021-CR](#) of 16 April 2021.

¹¹⁹ Source: [ONPE](#).

¹²⁰ Constitution. Article 178.5

¹²¹ JNE Decision ADX-2021-076061 of 8 June 2021.

¹²² [El Comercio](#), 10 June 2021.

¹²³ On 18 July, the [IACHR called the Peruvian State](#) to “prevent, investigate and sanction” all threats and intimidation to members of the election institutions.

¹²⁴ Tribunal of Honour [Statement No.22](#) of 10 June.

¹²⁵ Among them, the RP elected member to the Congress, Admiral Jorge Montoya.

¹²⁶ [La República](#), 19 June 2021.

XVII. International support to the elections

International support to Peru elections has focused on promoting a comprehensive improvement of the political framework and on strengthening political inclusivity of women, youth and indigenous populations. An EU-financed International IDEA project has aimed since 2016 to consolidate democratic values in Peru by advocating on electoral and political reforms through the implementation of the recommendations of the 2016 and 2020 EU EOMs. For the 2021-2026 electoral cycle, an EUR 3,000,000 project on strengthening Peruvian democracy is in the discussion phase. Main project objectives are the enhancement of institutional and political actor's capacities to address political, electoral and democratic reforms, and the development of specialised knowledge and technical skills for stronger political participation.

The United Nations Development Programme (UNDP) has worked over the pre-election period with the JNE on various issues, namely on an improved communication strategy, preparation of the presidential candidates debates, capacity building for female and indigenous candidates and elected members of the Congress and fact-checking. Some of these activities have been funded by the Spanish Cooperation and Development Agency (AECID) and carried out in cooperation with *Transparencia* and International IDEA. The UNDP has also supported ONPE in developing voter education materials in Peru's indigenous languages for the 2021 elections, as well as on building capacities on electoral matters for vulnerable populations.

XVIII. Annexes

Matrix of recommendations

The 15 recommendations that the EU EEM Peru 2021 offers for the consideration of the Peruvian authorities, election institutions, political parties and civil society organisations complement those formulated by the EU EOM 2020, whose implementation status is assessed on Section IV of this report. Those partially or not implemented are still valid.

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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
LEGAL FRAMEWORK					
1	“The fact that the threshold for the seat allocation in the Congress is less stringent than the provisions for party deregistration leads to an awkward situation whereby a party represented in Congress can be nevertheless deregistered. This will be the case of <i>Partido Morado</i> (PM), regardless it obtained three seats in the April elections”. (Final Report, IVLegal Framework, page 9).	It would be advisable to harmonise provisions on thresholds for seat allocation in Congress and party deregistration by instituting a single threshold for both purposes in order to avoid the cancellation of a party despite having elected representatives to Congress.	Election Law, Article 20 Election Law Law on Political Parties, Article 13. Law on Political Parties	Congress of the Republic	<p>RULE OF LAW</p> <ul style="list-style-type: none"> • ICCPR, 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> • VC Guidelines on Political Party Regulation para 101: <i>(...), a political party that does not meet a minimum-results threshold in an election loses its status as a registered political party. If a party originally met all requirements for registration, it should be able to continue party activities outside of elections and to prepare for the next elections.</i>
ELECTION ADMINISTRATION					
2	“The nomination criteria of the members of the three election institutions (...).	Capacities need to be built to prospective electoral boards	No legislative change required	JNE	GENUINE ELECTIONS THAT REFLECT THE WIL OF THE PEOPLE

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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
	<p>However, in the case of the JNE and the JEEs, while it ensures that electoral justice is delivered by legal authorities and specialists, it does not guarantee that the appointed members are necessarily knowledgeable about election proceedings and regulations, nor that applicable jurisprudence and lessons learnt from past processes are consistently implemented". (Final Report, VI. Election Administration, page 11)</p>	<p>members on the particulars and rationale of election proceedings to ensure a consistent application of electoral laws, regulations and jurisprudence.</p>			<ul style="list-style-type: none"> • 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 CAC, article 7.1.b: <i>Each State Party shall endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants: That include adequate procedures for the selection and training of individuals for public positions (...).</i> • VC Code of Good Practice on Electoral Matters. Explanatory Report, para 84: <i>Members of electoral commissions have to receive standardised training at all levels of the election administration.</i>
3	<p>"Three out of [the Tribunal of Honour] members, including the president, resigned shortly before the 6 June run-off alleging lack of administrative support from the JNE (Final Report, VI. Election Administration, page 18)</p>	<p>The JNE must ensure that the Tribunal of Honour has sufficient administrative resources to fulfil its duties. Its statements must be timely published and enjoy adequate dissemination.</p>	<p>No legislative change required</p>	<p>JNE</p>	<p>GENUINE ELECTIONS THAT REFLECT THE WILL OF THE PEOPLE</p> <ul style="list-style-type: none"> • 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> <p>ACCESS TO INFORMATION</p> <ul style="list-style-type: none"> • ICCPR GC 34, para 20: <i>States parties should proactively put in the public domain Government information of public interest.</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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
					<i>States parties should make every effort to ensure easy, prompt, effective and practical access to such information.</i>
RIGHT TO VOTE AND VOTER REGISTRATION					
4	<p>“The confidence in the quality of the voter register was questioned in the weeks ahead of the presidential run-off and the post-election period, after allegations on the inclusion of deceased and underaged persons in the voter lists circulated in the social networks and in some private media. (...). The 365-day period between the cut-off date and the holding of the elections may seem excessive. Besides, since the voter register for 2020 early congressional elections closed four months before the polls, there appears to be no technical impediment to move the closing of the register earlier towards the date of the elections.” <i>(Final Report, VI. Registration of Candidates, page 14)</i></p>	<p>In order to increase accuracy, the closing date of the voter register for legislative and presidential elections could be placed closer to the election day.</p>	<p>Election Law. Article 201, para 2.</p>	<p>Congress of the Republic RENIEC JNE ONPE</p>	<p>RIGHT AND OPPORTUNITY TO VOTE</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 (...).</i> • ACHR, article 23.1(b): <i>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.</i> • ICCPR GC 25, para 11. <i>States must take effective measures to ensure that all persons entitled to vote are able to exercise that right</i>
REGISTRATION OF CANDIDATES					
5	<p>“The costly appealing fee of PEN 1,000 (approx. EUR 227 EUR) and the short two-day timeline for remedy were considered additional hinderances, compounded by the restrictions to obtain official documentation during the pandemic. Despite the difficulties 16.88 per cent of applications were rejected representing a reduction of eight per cent</p>	<p>Review the graduation of sanctions in regard to missing and incomplete information provided in candidates’ affidavits.</p>	<p>Law on Political Parties, Article 23.5</p>		<p>RIGHT AND OPPORTUNITY TO BE ELECTED</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 (...).</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</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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
	when compared to the 2020 nomination process.” (Final Report, VII. Registration of Candidates, page 16)				<p>tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention.</p> <ul style="list-style-type: none"> • ICCPR GC 25, para. 15: Any restrictions on the right to stand for election (...) must be justifiable on objective and reasonable criteria. • A/HRC/RES/19/36, para. 16(h) - Taking appropriate measures and steps to amend electoral laws in order to enable people to vote and participate in elections, without unreasonable restrictions.
CAMPAIGN FINANCE					
6	“(…) the lack of legal provisions against third-party campaign hampered any timely decision to qualify the messages and in fact, the campaign continued well after the end of the campaign and even in the post-election period”. (Final Report, VIII Campaign environment, page 19)	The authorship of third-party campaign messages must be clearly indicated, as well as their sources of financing and their links with the campaigns of political parties and candidates.	Law on Political Parties Chapter 6.	Congress of the Republic	<p>EQUAL RIGHTS, TRANSPARENCY, FAIRNESS IN THE ELECTION CAMPAIGN</p> <ul style="list-style-type: none"> • 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.
MEDIA					
7	“The Penal Code provides for sentences up to three years of prison for libel crimes in the media, which represents a limitation to the freedom of expression	Prison sentence for libel offences in the media should be replaced with financial sanctions proportionate to the level of the offence, in order to	Amendment of the Penal Code.	Congress of the Republic	RIGHT OF ACCESS TO INFORMATION, FREEDOM OF VOTERS TO FORM AN OPINION

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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
	and generates self-censorship among journalists.” (Final Report, IX. Media and Online election-related Content, page 21)	strengthen freedom of expression and reduce self-censorship.			<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. • ICCPR, GC 34, para. 47: States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.
8	“Most Lima-based private media conducted an openly biased informative coverage favouring FP and Keiko Fujimori and detrimental of Pedro Castillo and PL, contrary to journalistic ethics codes, national legislation and international commitments on media”. (Final Report, IX. Media and Online election-related Content, page 22)	Initiate an inclusive debate with political parties, media and civil society on how to address breaches of international commitments, national legislation and media ethics codes by print and electronic media, ensure enforcement of the law in case of breaches and consider strengthening CONCERTV.	Amendment of the Law of Radio and Television (Law nº 28278).	Congress of the Republic. Ministry of Transport and Communication	<p>FREEDOM OF EXPRESSION, RIGHT OF ACCESS TO INFORMATION, FAIRNESS IN THE ELECTION CAMPAIGN</p> <ul style="list-style-type: none"> • ICCPR, GC 34, para. 14: As a means to protect the rights of media users, including members of the ethnic and linguistic minorities, to receive a wide range of information and ideas, States parties should take particular care to encourage an independent and diverse media. • ICCPR, GC 34, para. 11: Paragraph 2 requires States parties to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. • ICCPR GC 25, para. 19: “Voters should be able to form opinions independently, free

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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
					<i>of [...] inducement or manipulative interference of any kind.”</i>
DIGITAL COMMUNICATION AND SOCIAL MEDIA					
9	“Misleading political advertising against Pedro Castillo was also observed in Internet. Both FP and PL published spots targeting directly their opponent candidates and showing fear messages, contributing to increase polarization and political tension”. (<i>Final Report, IX. Media and Online election-related Content, page 22</i>)	In order to reduce misleading political party advertising and disinformation in the social media, legal provisions on the content of ONPE-funded campaign spots should also apply to party campaign spots in the social media.	Amendment to the Law on Political Parties	Congress of the Republic	<p>FAIRNESS IN THE ELECTION CAMPAIGN, RIGHT OF ACCESS TO INFORMATION</p> <p>ICCPR GC 25, para. 19: <i>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.</i></p>
10	“The polarization continued on social media during the post-election period (...). The hashtag (...) generated an overwhelming amount of disinformation messages, fake news and attacks to ONPE and JNE”. (<i>Final Report, IX. Media and Online election-related Content, page 26</i>)	Media, civil society and technology platforms should increase existing efforts to create fact-checking networks and strengthen media literacy.	No legislative change required	Media, civil society organizations, tech platforms.	<p>RIGHT OF ACCESS TO INFORMATION</p> <ul style="list-style-type: none"> • ICCPR GC 25, para. 19: <i>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</i> • Joint declaration on freedom of expression and “fake news”, disinformation and propaganda by UNHRC, OSCE, OAS and the ACHPR, para.

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					<p>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.</p>
POLITICAL PARTICIPATION OF WOMEN					
11	<p>“Women organizations also referred to the weak support of some parties in regards to promoting women candidates and their disadvantaged economic position which hampers the running of a campaign”. (Final Report, X. Participation of Women, page 27)</p>	<p>Women candidates could benefit from specific financial support, including under the modality of public funding. Parties should endeavour to reduce disadvantages faced by women who wish to enter into politics by sponsoring specific initiatives, including party fee waiving or reduction, capacity building, legal advice and communication strategies.</p>	<p>No legislative change required</p>	<p>State institutions Political parties Civil Society Organisations</p>	<p>PARTICIPATION IN PUBLIC AFFAIRS AND HOLD OFFICE</p> <ul style="list-style-type: none"> • CEDAW GC23, para. 22: 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.
PARTICIPATION OF INDIGENOUS AND AFRO-PERUVIAN PEOPLES					

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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
12	Representation at local elected offices benefits from a sub-national indigenous quota of 15 per cent applicable in regional and local councils, but there is no quota for indigenous or Afro-Peruvians representation to the Peruvian Congress". (<i>Final Report, X. Participation of Indigenous and Afro-Peruvian peoples, page 28</i>)	Undertake affirmative action to address the lack of inclusion of indigenous peoples in the country's political life and ensure and facilitate the exercise of their political rights, especially to promote indigenous representation.	Election Law	Congress of the Republic	<p>RIGHT AND OPPORTUNITY TO PARTICIPATE IN PUBLIC AFFAIRS AND HOLD OFFICE</p> <ul style="list-style-type: none"> • ICCPR, article 25 <i>Every citizen shall have the right and the opportunity [...]</i> • ILO CG-169, art.2.1: <i>establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them.</i> • ICERD, Article 5 c: <i>The right to participate in elections, to vote and to stand for elections on the basis of universal and equal suffrage without discrimination based on race".</i>
PARTICIPATION OF PERSONS WITH DISABILITIES AND OTHER VULNERABLE POPULATIONS					
13	"Since 2018 the law recognises and guarantees equality in legal capacity without discrimination to all persons with disabilities. According to human rights organisations, some persons with physical limitations were not included in the voter register, in reference to court interdictions handed prior to 2018. Responsible institutions, including RENIEC are required to incorporate procedures	Implement procedures to allow for the automatic reversal of legal interdictions on the right to vote to persons with disabilities to give effect to the Legislative Decree 1384. RENIEC must ensure that the voting status of those citizens concerned is updated in time for the next election.	No legislative change required	RENIEC	<p>RIGHT AND OPPORTUNITY TO PARTICIPATE IN PUBLIC AFFAIRS AND HOLD OFFICE</p> <ul style="list-style-type: none"> • CPRD, article 29: <i>Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the</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 AND REGIONAL OBLIGATIONS / GOOD PRACTICE
	for the effective implementation of Decree 1384 while legal reversal of interdictions should be facilitated. (<i>Final Report, XI. Participation of PwD and other Vulnerable Peoples</i> ”, page 28)				<p><i>right and opportunity for persons with disabilities to vote and be elected.</i></p> <ul style="list-style-type: none"> • CPRD, GC 6, para 70: Reform laws, policies and regulations that systematically exclude persons with disabilities from voting and/or standing as candidates in elections.
POLLING COUNTING AND TABULATION OF ELECTION RESULTS					
14	“The counting procedures do not foresee the reconciliation of the number of voters who cast a ballot with the number of ballots in the box. (<i>Final Report, XVI Polling, Counting and Transmission of Results, page 33</i>)	Implement ballot reconciliation procedures for further transparency of the counting.	Election Law. Article 279	Congress of the Republic	<p>GENUINE ELECTIONS THAT REFLECT THE WILL OF THE PEOPLE</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 (...). • VC, Code on Good Practice in Electoral Matters. Explanatory Report, 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> • VC Code of Good Practice in Electoral Matters, 2002. Explanatory Report para. 32: (...) <i>the fairness of the ballot should be judged by two main criteria alone: the number of electors who have cast votes compared with the number of ballot papers in the ballot box. The first measure can be determined by the number of signatures in the electoral register.</i>

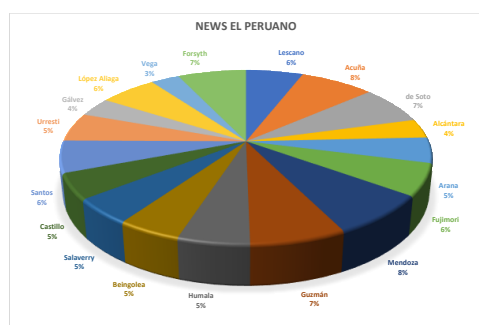
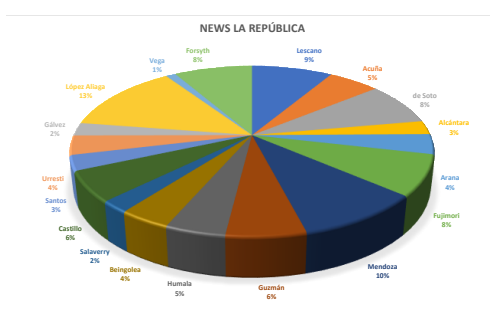
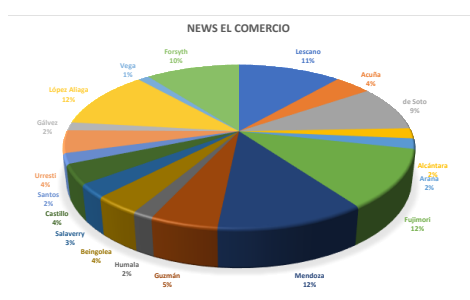
N°	CONTEXT (Including reference to the relevant section of the FR)	RECOMMENDATION (priority recommendation in bold)	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL AND REGIONAL OBLIGATIONS / GOOD PRACTICE
15	<p>“The Election Law establishes that all results protocols with minor arithmetical inconsistencies and formal mistakes (<i>actas observadas</i>) found by ONPE during the tally must be adjudicated by the JEEs and, (...), by the JNE on appeal. While the provisions aim to give legal security (...) its implementation is prone to lengthy procedures as protocols must be reviewed by the JEE plenary (...) (<i>Final Report, XVI Polling, Counting and Transmission of Results, page 36</i>)</p>	<p>The JNE and the ONPE should devise procedures to expeditiously adjudicate tally sheets with minor inconsistencies in order to avoid excessive delays to the announcement of final results.</p>	<p>No legislative change required</p>	<p>JNE 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> • Venice Commission, Code on Good Practice in Electoral Matters. II.3.b: <i>The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals</i>

Legacy Media Monitoring Findings

First campaign period

From 18 March to 9 April 2021 the EU EEM conducted a daily monitoring of private newspapers *El Comercio* and *La República*, and state-owned newspaper *El Peruano*. In the daily monitoring of the newspapers, all election-related news were counted and the tone (positive, negative or neutral) in which the information was presented to the public was assessed.

These are the results of the monitoring:



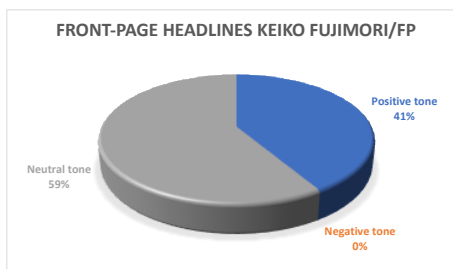
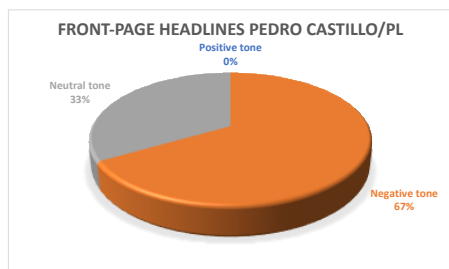
Second campaign period

From 17 May to 4 June 2021 the EU EEM conducted a daily monitoring of four private newspapers (*El Comercio*, *La República*, *Perú 21* and *Correo*) and state-owned newspaper *El Peruano*. In the daily monitoring of the newspapers, all election-related news were counted and the tone (positive, negative or neutral) in which the information was presented to the public was assessed.

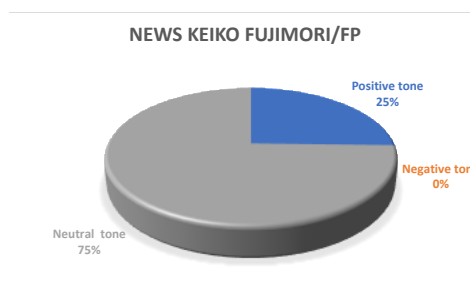
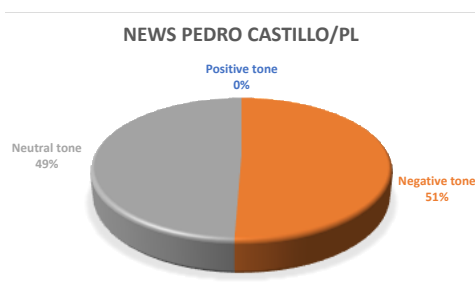
These are the results of the monitoring

El Comercio

El Comercio devoted a total of 74 front-page headlines to both candidates and their respective political parties: *Perú Libre* (PL) and *Fuerza Popular* (FP). Out of the 45 headlines allocated to Pedro Castillo/PL, 30 (67 per cent) showed negative tone towards the candidate/party and 15 (33 per cent) had neutral tone. Keiko Fujimori/FP received 29 front-page headlines, out of which 12 (41 per cent) showed positive tone and 17 (59 per cent) showed neutral tone.

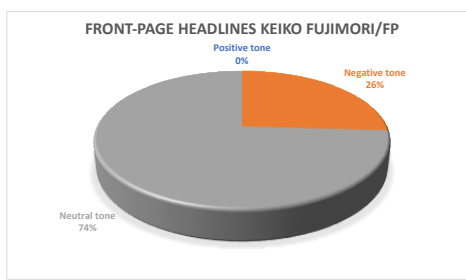
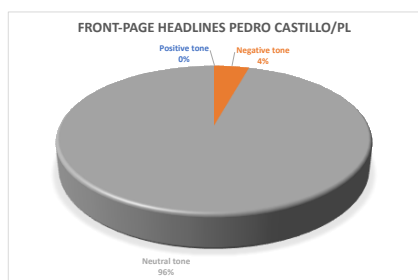


As for election related news, *El Comercio* devoted a total of 140 news to both candidates/political parties. Out of the 81 news allocated to Pedro Castillo/PL, 41 (51 per cent) showed negative tone and 40 (49 per cent) had neutral tone. Keiko Fujimori/FP received 59 news, out of which 15 (25 per cent) showed positive tone and 44 (75 per cent) showed neutral tone.



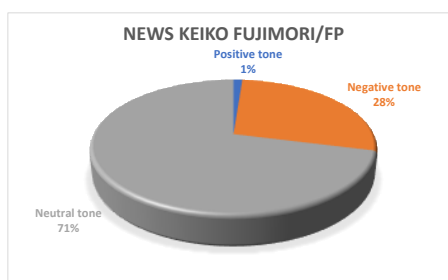
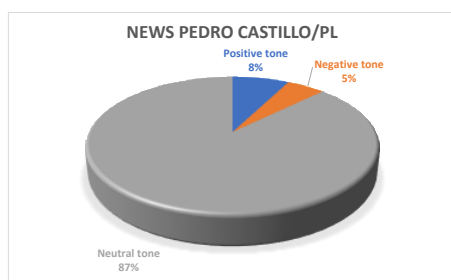
La República

La República devoted a total of 50 front-page headlines to both candidates and their respective political parties: *Perú Libre* (PL) and *Fuerza Popular* (FP). Out of the 23 headlines allocated to Pedro Castillo/PL, one (four per cent) showed negative tone towards the candidate and 22 (96 per cent) had neutral tone. Keiko Fujimori/FP received 27 headlines, out of which seven (26 per cent) showed negative tone and 20 (74 per cent) showed neutral tone.



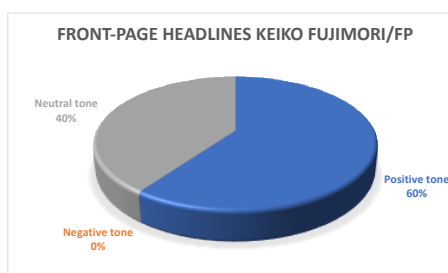
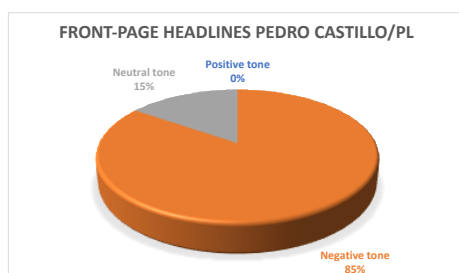
As for election related news, *La República* devoted a total of 162 news to both candidates/political parties. Out of the 79 news allocated to Pedro Castillo/PL, four (five per cent) showed negative tone, six (eight per cent) showed positive tone and 69 (87 per cent) had neutral tone. Keiko

Fujimori/FP received 83 news, out of which one (one per cent) showed positive tone, 23 (28 per cent) showed negative tone and 59 (71 per cent) showed neutral tone.

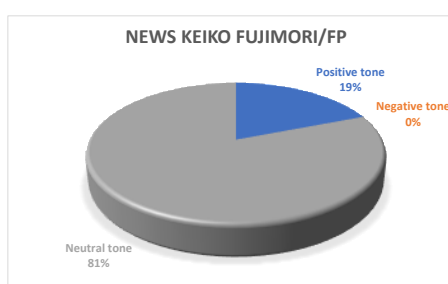
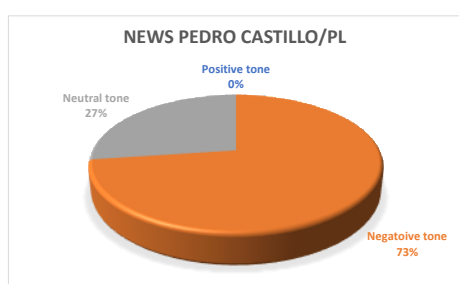


Perú 21

Perú 21 devoted a total of 67 front-page headlines to both candidates and their respective political parties). Out of the 52 headlines allocated to Pedro Castillo/PL, 44 (85 per cent) showed negative tone towards the candidate and eight (15 per cent) had neutral tone. Keiko Fujimori/FP received 15 headlines, out of which nine (60 per cent) showed positive tone towards the candidate and six (40 per cent) showed neutral tone.

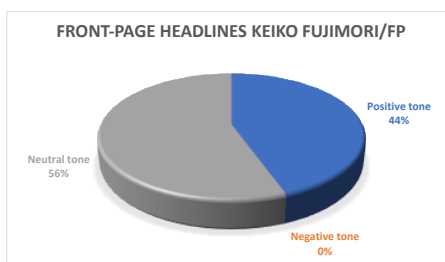
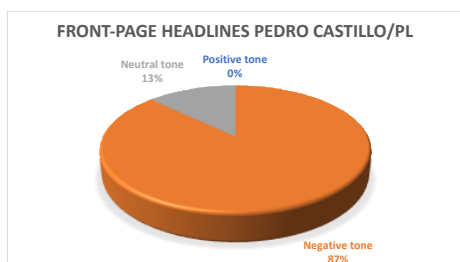


As for election related news, *Perú 21* devoted a total of 197 news to both candidates/political parties. Out of the 129 news allocated to Pedro Castillo/PL, 94 (73 per cent) showed negative tone and 35 (27 per cent) had neutral tone. Keiko Fujimori/FP received 68 news, out of which 13 (19 per cent) showed positive tone and 55 (81 per cent) showed neutral tone.

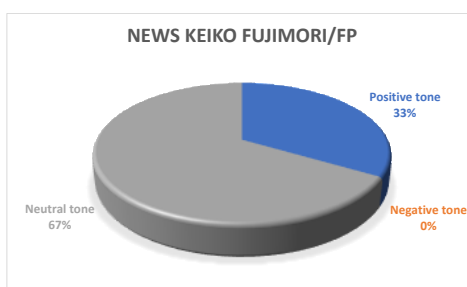
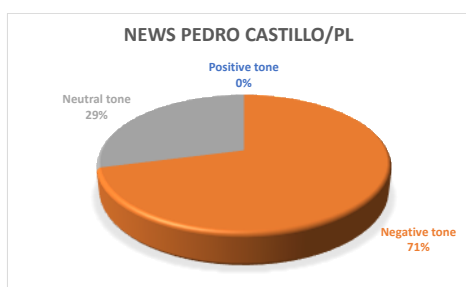


Correo

Correo devoted a total of 40 front-page headlines to both candidates and their respective political parties. Out of the 31 headlines allocated to Pedro Castillo/PL, 27 (87 per cent) showed negative tone towards the candidate and four (13 per cent) had neutral tone. Keiko Fujimori/FP received nine headlines, out of which four (44 per cent) showed positive tone towards the candidate and five (56 per cent) showed neutral tone.

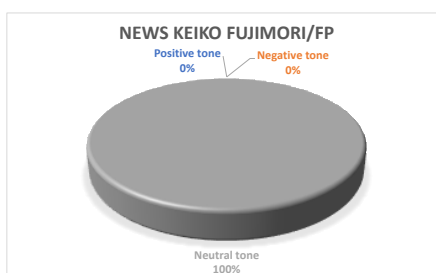
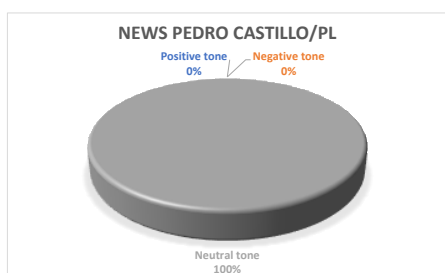


As for election related news, *Correo* devoted a total of 188 news to both candidates/political parties. Out of the 131 news allocated to Pedro Castillo/PL, 93 (71 per cent) showed negative tone and 38 (29 per cent) had neutral tone. Keiko Fujimori/FP received 57 news, out of which 19 (33 per cent) showed positive tone and 38 (67 per cent) showed neutral tone.



El Peruano

El Peruano devoted a total of 32 front-page headlines to both candidates and their respective political parties. Each candidate received 16 headlines and all of them were presented in a neutral tone. As for election related news, *El Peruano* devoted a total of 45 news to both candidates/political parties (23 for Pedro Castillo/PL and 22 for Keiko Fujimori/FP), all of them presented in a neutral tone.



Social media monitoring findings

Facebook. Candidates support networks

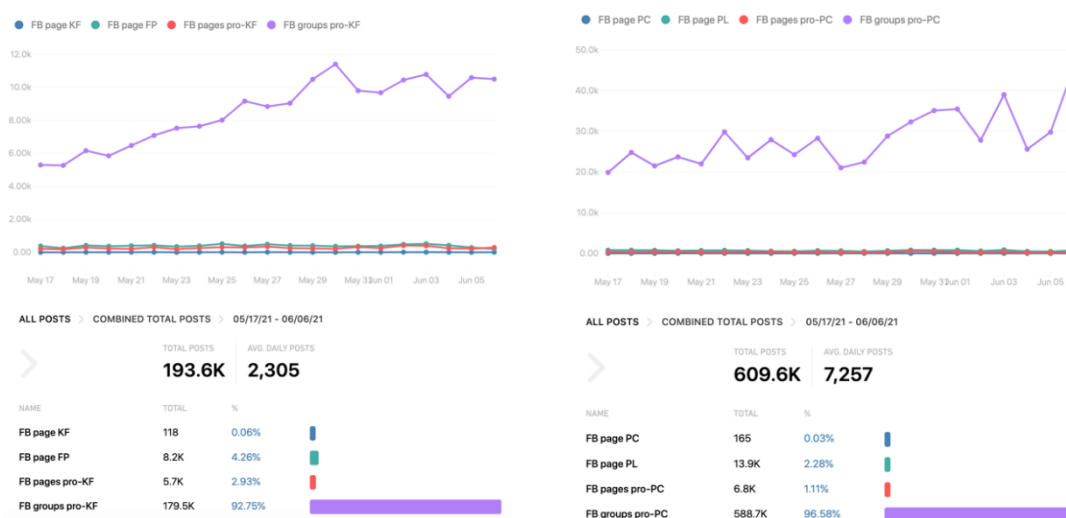
From 17 May to 6 June 2021, the EU EEM followed the candidate’s Facebook (FB) official pages as well as the FB regional pages of their respective political parties, the FB candidate’s support pages and the FB candidates’ support groups. The combination of all these four networks is what is called “**candidate support networks**”.

As of 6 June, Pedro Castillo’s support networks had 4.29 million followers (307.100 from Castillo’s FB page, 871.700 from Perú Libre FB page, 691.400 from Castillo’s FB support pages and 2.42 million from Castillo’s FB support groups). During the analyzed period, Castillo’s support networks accumulated 27 million interactions from approximately 609,000 posts. Support groups were the network that posted the most and, together with the candidate’s support pages, the networks that generated the most interaction.

As of 6 June, Keiko Fujimori’s support network had 8.54 million followers (1.92 million from Fujimori’s FB page, 1.52 million from *Fuerza Popular* FB page, 4 million from Fujimori’s FB support pages and 1.1 million from Fujimori’s FB support groups). The networks supporting Keiko Fujimori accumulated 22 million interactions from approximately 193,000 publications. Support groups were the network that published the most posts and, together with the candidate’s official FB page, the networks that generated the most interaction.

Candidates’ support groups were, by far, the most active networks. During the analyzed period the EU EEM identified 336 active FB groups supporting Pedro Castillo, which registered 588,314 publications (28,015 per day), mainly live broadcasts (39 per cent) and pictures (26 per cent), and generated 15,742,491 interactions. As for Keiko Fujimori, a total of 101 active FB support groups were identified, which registered 180,412 publications (8,591 per day), mainly pictures (37 per cent) and videos (19 per cent) and generated 9,398.037 interactions.

Table 1: Total number of posts by support networks for Keiko Fujimori and Pedro Castillo

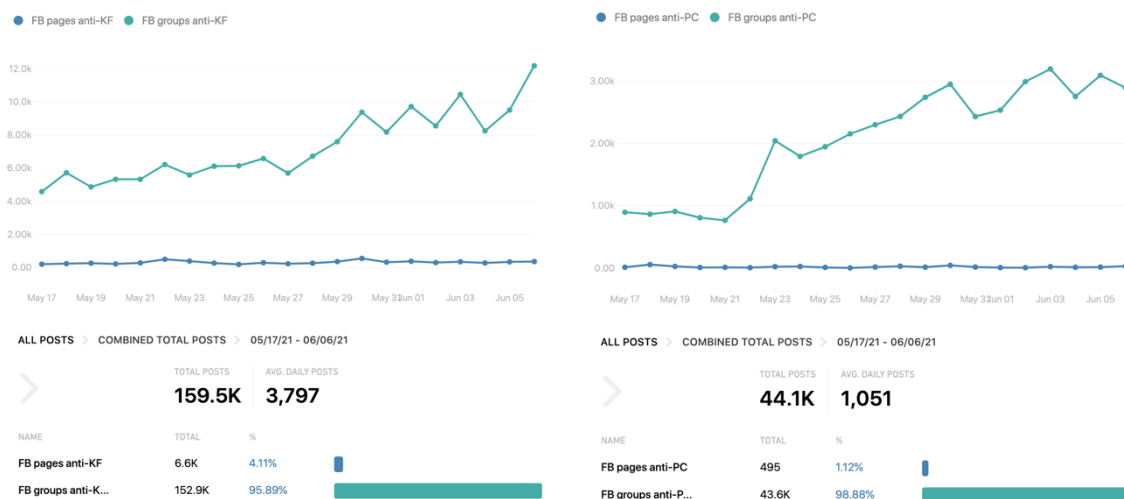


Facebook. Anti-candidates’ networks

Anti-candidate networks are made up of anti-candidate pages and anti-candidate groups. During the analyzed period there were more anti-Fujimori than anti-Castillo’s FB pages and groups. In addition, the anti-Fujimori pages and groups were more active and generated more interactions than the anti-Castillo’s ones.

From 17 May to 6 June the EU EEM identified a total of 89 active anti-Fujimori FB pages and 55 anti-Fujimori FB groups, which registered 159,504 publications (7,600 publications per day) and generated 7.4 million interactions. As of 6 June, both networks reached a total of 1,775,035 followers. During the same period, nine active anti-Castillo FB pages and 19 anti-Castillo FB groups were identified, which registered 44,174 publications (2,109 publications per day) and generated 2,062,289 interactions. As of 6 June, both networks reached 152,970 followers.

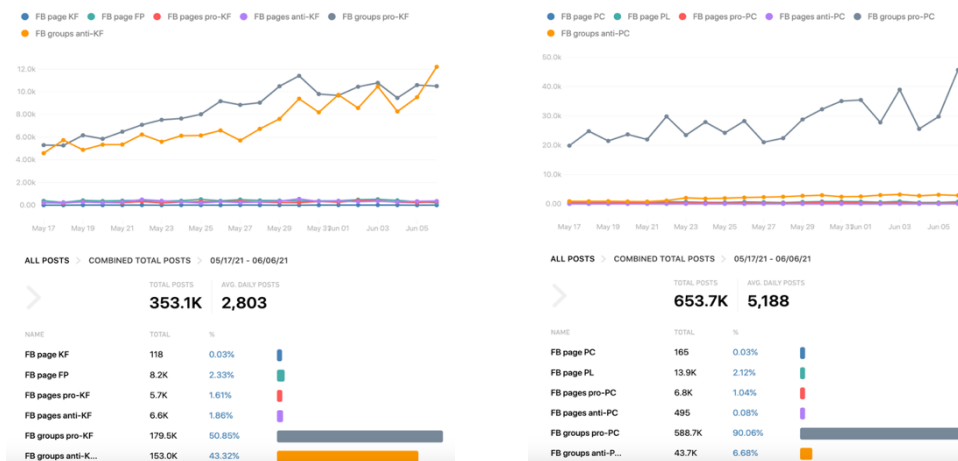
Table 2: Total number of anti-Keiko Fujimori and anti-Pedro Castillo network postings



Facebook. Comparison of support and opposition networks

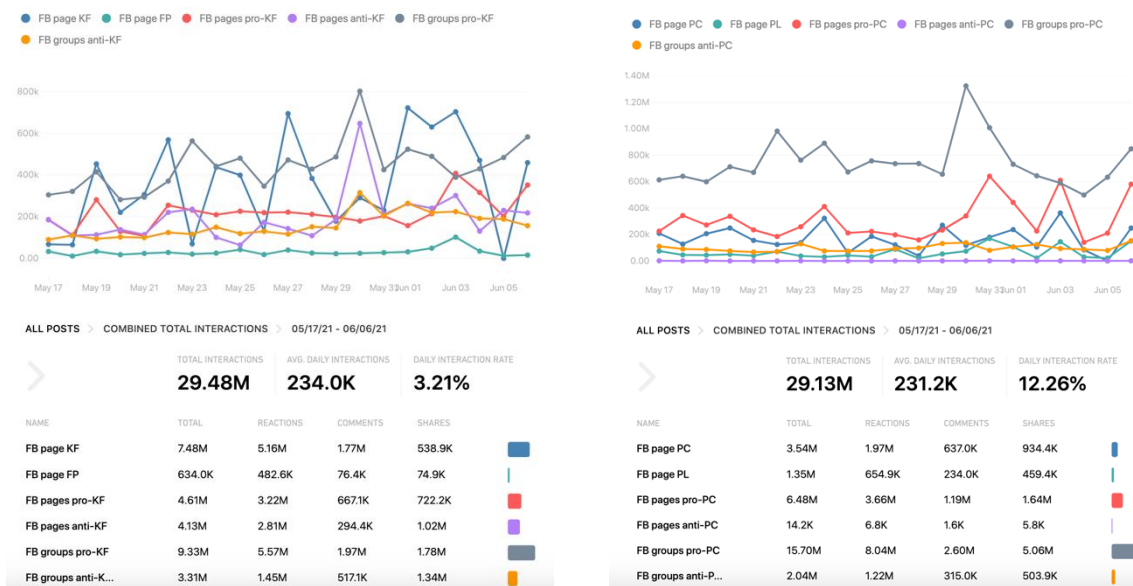
From 17 May to 6 June, the anti-candidate groups made more posts than all the pages of their support network. However, on some days the number of posts by the anti-Fujimori FB groups reached that of the supporting groups.

Table 3: Total number of posts by support networks and networks against Keiko Fujimori and Pedro Castillo



The pages against Keiko Fujimori reached peaks of high interaction. Likewise, both pages and groups against the candidate had higher interaction than the regional party pages.

Table 4: Total interactions of support networks and networks against Keiko Fujimori and Pedro Castillo



Candidates Facebook pages

During the analyzed period, Fujimori’s page (“Keiko Sofia Fujimori Higuchi”) registered 118 publications, mainly videos (40). The page had 7.47 million interactions, mainly from live broadcasts (41 per cent), and gained a total of 106,700 new followers. From his side, Pedro Castillo’s verified Facebook page (“Perú

Libre-Pedro Castillo”)¹²⁷ registered 165 publications, mainly pictures (78). His page had 3.55 million interactions, mainly from live broadcasts (58 per cent), and gained 90,600 new followers.

At 2nd of June, Castillo was leading the growth of new followers, but four days before the run-off polls Fujimori surpassed the PL candidate.

Chart 1: Growth of followers



Twitter

Pedro Castillo and *Perú Libre* on Twitter

Pedro Castillo's official account, [@PedroCastilloTe](#), is located in Chota and was created in February 2021. From 17 May to 6 June, the candidate posted 70 tweets and gained 42,097 new followers. The most used words in his tweets were “Peru”, “pueblo” (*people*) and “gracias”, together with the pencil emoticon. His most used hashtags were #palabrademaestro, #pedrocastillopresidente, #nomaspobresenunpaísrico, among others.

From 17 May to 6 June, [@PedroCastilloTe](#) was mentioned in 508,900 tweets, reaching an average of 25,242 tweets per day and with hashtags such as #cerronpresidente (negative), #palabradrademaestro, #pedrocastillopresidente, #terrorismonuncamas (negative), #fujimorisonuncamas, #yovotoporelprofe.

Keiko Fujimori and *Fuerza Popular* on Twitter

Keiko Fujimori's official account [@KeikoFujimori](#) is located in Peru and was created in July 2009. From 17 May to 6 June, the candidate posted 51 tweets and gained 47,790 new followers. In general, the most used words in her tweets were “gracias”, “Peru” and “nuestro” (*our*), together with the happy face emoticon. Her most used hashtags were #rutaperu, #juntoshaciaelfuturo, #vamoskontodo, or #uncambiohaciaciaadelante.

From 17 May to 6 June, [@KeikoFujimori](#) was mentioned in 805,200 tweets, reaching an average of 39,684 tweets per day and with hashtags such as #uncambiohaciaciaadelante, #keikopresidenta2021, #unidadlaunicaopcion, #keikonova.

¹²⁷ On 24 May Pedro Castillo's page (“*El Profe Castillo-Presidente 2021*”) changed name to “*Perú Libre-Pedro Castillo*”. The page got its verification badge on 27 May.

Hashtags

The EU EEM identified 21 hashtags against Keiko Fujimori which generated 875,600 tweets promoted mainly by anonymous accounts, and 9 hashtags of support to the FP candidate, representing 361,600 tweets. Similarly, 17 hashtags against Pedro Castillo were identified, representing 711,500 tweets promoted mainly by journalists/media, and seven hashtags supporting PL candidate, totaling 250,000 tweets.

TikTok and Instagram

Candidate Keiko Fujimori largely used TikTok and Instagram for campaigning, specially to reach out to young voters. The number of followers in her accounts considerably increased in both platforms during the second campaign period.

Keiko Fujimori	Followers by 14/04	Followers by 05/06	Increase
https://www.tiktok.com/@keikofujimorih	342,000	810,000	468,000
https://www.instagram.com/keikofujimorih/	105,000	195,715	90,715

No TikTok or Instagram accounts were identified for Pedro Castillo.

