

FREEDOM IN THE WORLD 2021

# Peru

PARTLY FREE

**71**  
/100

<u>Political Rights</u>	<b>29</b> /40
<u>Civil Liberties</u>	<b>42</b> /60

LAST YEAR'S SCORE & STATUS

**72 /100 Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Status Change

Peru's status declined from Free to Partly Free due to extended political clashes between the presidency and Congress since 2017 that have heavily disrupted governance and anticorruption efforts, strained the country's constitutional order, and resulted in an irregular succession of four presidents within three years.

## Overview

Peru has established democratic political institutions and undergone multiple peaceful transfers of power. However, high-profile corruption scandals have eroded public trust in government, while bitter divides within a highly fragmented political class have repeatedly produced political turmoil. Indigenous groups suffer from discrimination and inadequate political representation.

## Key Developments in 2020

- Despite a rapidly enacted, stringent lockdown, Peru was the Latin American country most severely affected by the COVID-19 pandemic. By the end of 2020, over 37,000 deaths and 1 million cases had been registered, according to researchers at Johns Hopkins University.
- In November, Peru's Congress voted to remove President Martín Vizcarra following allegations of corruption. The move led to massive protests led by young Peruvians, which was met with a violent police response. The new president, Manuel Merino, was forced to resign, and Congressman Francisco Sagasti was chosen to fill out the presidential term heading into the 2021 elections.
- An off-cycle congressional election held in January resulted in a deeply fragmented Congress, with no party holding even 20 percent of the chamber's 130 seats.

## Political Rights

# A. Electoral Process

**A1** 0-4 pts

<b>Was the current head of government or other chief national authority elected through free and fair elections?</b>	<b>3/4</b>
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The president is chief of state and head of government. Presidents are directly elected to a five-year term and may serve nonconsecutive terms. The last president to be seated through a national election was Pedro Pablo Kuczynski. In 2016, Kuczynski won by a historically small margin of 0.2 percent over Keiko Fujimori. The elections took place peacefully, and stakeholders accepted the close result.

Kuczynski resigned in March 2018 as lawmakers prepared to hold an impeachment vote against him over corruption allegations. Vice President Martín Vizcarra was quickly sworn in to replace him, in accordance with legal procedures. Vizcarra repeatedly clashed with legislators, and used his authority to dissolve Congress in September 2019 following a vote of no confidence in his government. Conflict continued following the election of a new Congress in January 2020; Vizcarra survived a first attempt at removal in September, but was ousted in November after congressional opponents mustered the two-thirds vote necessary to invoke the constitution's controversial "moral incapacity" clause. Members of Congress justified the action by highlighting corruption and obstruction-of-justice accusations against Vizcarra, but many outside observers characterized the removal as an abuse of a vague constitutional clause.

Vizcarra was replaced by Manuel Merino, from the center-right Acción Popular party, who selected a conservative cabinet and signaled an aggressive policy agenda. An initial wave of protests in Lima were met with violent police repression, which provoked even larger protests across the country. After less than a week and the resignation of several cabinet members, Merino was forced to resign.

After Merino’s resignation, Francisco Sagasti, who had been elected as president of Congress just days earlier, acceded to the presidency with a mandate of seeking unity and shepherding the country to general elections in April 2021.

*Score Change: The score declined from 4 to 3 due to Congress’s use of a flawed procedure to remove President Martín Vizcarra and replace him with its own handpicked leader, Manuel Merino, leading to mass protests and Merino’s resignation after less than one week in office.*

**A2** 0-4 pts

<b>Were the current national legislative representatives elected through free and fair elections?</b>	<b>4/4</b>
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Members of the 130-member unicameral Congress are elected for five-year terms; since a reform in 2018, reelection is not permitted. Congressional balloting employs an open-list, region-based system of proportional representation, with a 5 percent vote hurdle for a party to enter the legislature.

In September 2019, President Vizcarra dissolved Congress, and in mid-January 2020 the Constitutional Court upheld the legality of Vizcarra’s decision, leading to extraordinary legislative elections held at the end of the month under conditions observers characterized as largely free and fair. The newly elected Congress—notable mainly in the degree of its party fragmentation, as well as for the collapse of the previously dominant, right-wing Fuerza Popular party—will be replaced by legislators serving full terms following the April 2021 elections.

**A3** 0-4 pts

<b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b>	<b>3/4</b>
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The National Board of Elections (JNE) has taken steps to improve transparency surrounding the electoral process, but insufficiently regulated campaign financing

remains a serious issue. A record 22 presidential candidates were registered for the 2021 elections, with 23 parties competing for congressional seats.

## B. Political Pluralism and Participation

**B1** 0-4 pts

**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

**4/4**

Peruvian parties, while competitive, are both highly fragmented and extremely personalized. Though there are limits on individual donations, there are no constraints on spending by political parties, offering an outsized advantage to parties able to secure abundant funds.

Since the party system collapsed during Alberto Fujimori's authoritarian regime in the 1990s, the political system in Peru has been described by academic observers as a "democracy without parties." Traditional political parties have been replaced by fragile and opportunistic political organizations that have a very short life and little dedication to democratic practices.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**4/4**

Opposition political parties have a realistic chance of winning power through elections, and the outcomes of elections at both the national and regional levels are subject to effective competition. Fragmentation, rather than lack of political

opportunities, is the biggest obstacle faced by political actors attempting to gain and exercise power.

**B3** 0-4 pts

<b>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b>	<b>3/4</b>
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While voters and candidates are generally able to exercise their political choices without undue influence, businesses regularly seek to bribe or otherwise influence political candidates' positions.

**B4** 0-4 pts

<b>Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?</b>	<b>2/4</b>
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The concerns of members of ethnic and cultural minority groups, especially in remote mountain and Amazonian areas, remain inadequately addressed in politics. The 2011 Law of Prior Consultation attempted to improve the participation of Indigenous groups by guaranteeing consultation before mining and other development projects are undertaken. However, Indigenous groups have criticized the law, as the process gives Indigenous representatives no veto power, and there are ambiguities as to what qualifies a community as Indigenous.

While the political participation of women has increased over recent years, women held just 26 percent of seats in the Congress elected in 2020, and few leadership roles in local and regional governments. In June 2020, Congress passed a law requiring progressive moves toward full gender parity on party lists.

## **C. Functioning of Government**

**C1** 0-4 pts

**Do the freely elected head of government and national legislative representatives determine the policies of the government?**

**2/4**

Elected leaders and representatives are the key agents in creating and implementing policy. However, businesses and special interest groups influence officials through bribes and other illicit payments. The last five presidents and longtime opposition leader Keiko Fujimori have all been accused of accepting illegal funds.

Interparty battles, frequently conducted on behalf of party leaders with private stakes in public policy, have disrupted normal government functions in recent years. During his time in office, President Vizcarra constantly battled with Congress over his political and legislative agenda, especially regarding anticorruption reforms. Congress's November 2020 removal of Vizcarra was roundly rejected by the Peruvian public: according to one poll, over 90 percent of Peruvians disapproved of the action, and nearly 80 percent attributed responsibility for the crisis to the legislative branch.

**C2** 0-4 pts

**Are safeguards against official corruption strong and effective?**

**2/4**

Government corruption remains a critical problem in Peru, though law enforcement authorities frequently investigate and prosecute corruption allegations. Recent years have seen scandals involving allegations of illicit deals between the Brazilian firm Odebrecht and a number of the country's most senior political figures.

After assuming office, President Vizcarra proposed four anticorruption reforms, which were put to a referendum in 2018. Three of the measures—including a ban on consecutive reelection for lawmakers, limits on campaign contributions, and an overhaul of the judicial appointment process—were approved by more than 85 percent of voters. However, Vizcarra's ouster followed allegations that he had received bribes for public works contracts in 2014, while he was serving as governor of the southern region of Moquegua. Vizcarra's proposal to end parliamentary immunity for criminal prosecution was a key point of tension between the president and Congress;

68 of the 130 lawmakers elected in 2020 were subject to open criminal investigations as of November.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>2/4</b>
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Some government agencies have made progress on transparency, but much information related to defense and security policies remains classified under a 2012 law. Vizcarra's administration made a concerted effort to strengthen digital portals that contain public information in order to increase transparency and improve public services.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

<b>Are there free and independent media?</b>	<b>3/4</b>
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Peru's dynamic press is mostly privately owned, and ownership is highly concentrated. Defamation is criminalized, and journalists are regularly convicted under such charges, though their sentences are usually suspended. In September 2020, criminal proceedings began for investigative journalist Paola Ugaz, who had written a book about alleged physical and psychological abuse within the Sodalitium Christianae Vitae, a Catholic organization. Ugaz and press freedom advocates also denounced a smear campaign targeting her for her reporting.

During the November 2020 political crisis, multiple press freedom watchdogs denounced an attempt by Manuel Merino's short-lived government to curtail the ability of state-run media outlets to cover protests against his administration. Journalists also protested dozens of acts of violence, mainly perpetrated by police, against reporters covering the protests. While murders of journalists have declined in recent years, numerous incidents of intimidation and assault are registered each year.

**D2** 0-4 pts

<b>Are individuals free to practice and express their religious faith or nonbelief in public and private?</b>	<b>4/4</b>
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The Peruvian constitution guarantees freedom of religion and belief, and these rights are generally respected.

**D3** 0-4 pts

<b>Is there academic freedom, and is the educational system free from extensive political indoctrination?</b>	<b>4/4</b>
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Academic freedom is unrestricted.

**D4** 0-4 pts

<b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b>	<b>4/4</b>
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People are generally free to engage in private discussion without fear of retribution or surveillance.

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

<b>Is there freedom of assembly?</b>	<b>3/4</b>
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The authorities generally recognize the constitutionally guaranteed right to peaceful assembly. Local disputes and protests—notably those related to extractive industries, land rights, and resource allocation among marginalized populations—at times result in instances of excessive use of force by security personnel. Efforts in recent years by the state ombudsman and the National Office of Dialogue and Sustainability (ONDS) have contributed to a reduction in protest-related violence during social conflicts.

In November 2020, Congress’s removal of President Vizcarra sent Peruvians flooding into the streets, with thousands of people protesting the takeover of power by the conservative Merino government. The youth-led protests were violently repressed by the police, leading to two deaths and hundreds of injuries amid sharp criticism from domestic and international human rights organizations. Protests around the country spiked sharply following the Lima protests, at times including violence by protesters and police use of lethal force.

**E2** 0-4 pts

<b>Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?</b>	<b>3/4</b>
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Freedom of association is generally respected. However, efforts by environmental activists to discourage land development have been met with intimidation.

**E3** 0-4 pts

<b>Is there freedom for trade unions and similar professional or labor organizations?</b>	<b>2/4</b>
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Peruvian law recognizes the right of workers to organize and bargain collectively. Strikes are legal with advance notification to the Ministry of Labor, but few strikers

abide by this regulation. Lengthy processes involved in registering a new union create a window in which labor leaders and activists can be easily dismissed from their jobs. Short-term contracts in many industries make unionization difficult. Less than 10 percent of the formal workforce is unionized.

## F. Rule of Law

**F1** 0-4 pts

<b>Is there an independent judiciary?</b>	<b>2/4</b>
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The judiciary has been perceived as one of the most corrupt institutions in the country. In 2018, secretly recorded tapes revealed five judges trading reduced sentences or judicial appointments in exchange for bribes. All of the judges resigned or were suspended, and the revelations prompted a wave of citizen demonstrations. Later that year, Congress approved a reform leading to the creation of a new National Board of Justice (JNJ) in charge of selecting, evaluating, and disciplining judges. The establishment of the JNJ was widely praised by civil society organizations as well as academia.

Peru’s seven-member Constitutional Court has maintained sufficient autonomy to serve as a check on the other branches, and the constant tension between Congress and the executive heightens the importance of both the Court’s composition and its decisions. Indeed, observers pointed to the process of appointing six new justices as a key driver of interbranch tensions leading up to the November 2020 political crisis. Some analysts criticized the Court for sidestepping a direct ruling on the constitutionality of Congress’s invocation of the moral incapacity clause to remove Vizcarra.

**F2** 0-4 pts

<b>Does due process prevail in civil and criminal matters?</b>	<b>2/4</b>
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Constitutional guarantees of due process are unevenly upheld. Lawyers provided to indigent defendants are often poorly trained, and translation services are rarely provided for defendants who do not speak Spanish. Impunity for violence against environmental activists who challenge land development remains a problem.

In 2009, former authoritarian president Alberto Fujimori was sentenced to 25 years' imprisonment for human rights abuses committed while in office. Former president Kuczynski issued a controversial medical pardon in 2017, but in 2018 Peru's Supreme Court ordered him back to prison. Police officially returned him to prison in January 2019, and he remained in custody throughout 2020.

**F3** 0-4 pts

<b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b>	<b>2/4</b>
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While Peru's murder rate is lower than many regional peers, violent criminal organizations operate in the narcotics and illegal mining industries, and street crime is rampant. A report published in 2019 by the National Statistics Institute (INEI) indicated that between March and August 2019, 26 percent of Peruvians were victimized by crime and 85 percent believed they would be victims of a crime.

Abuses committed by the security forces are rarely punished. In March 2020, Congress passed a law that rights groups including Human Rights Watch criticized as generating additional barriers to police accountability.

**F4** 0-4 pts

<b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b>	<b>2/4</b>
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Discrimination against Indigenous populations and Afro-Peruvians is pervasive. LGBT+ people face discrimination, hostility, and violence. Indigenous Peruvians, who often live vast distances from under-resourced health services, were severely afflicted by

COVID-19, while transgender Peruvians were subjected to police abuse during the lockdown.

After Colombia, Peru is the country that has received the highest number of migrants from Venezuela. While the country was initially welcoming, public opinion shifted against tolerance, and a 2019 report by the Ministry of the Interior found that more than half of the Venezuelans residing in Peru have felt or experienced discrimination. Disruptions associated with the COVID-19 pandemic posed additional problems for Venezuelan migrants, who were not eligible for key forms of state assistance.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?**

**4/4**

Peru does not place formal restrictions on movement. Although the use of road blockages as a protest tactic continued in 2020, such actions have generally decreased in recent years, easing movement around the country. People are able to freely change their place of employment or education. While Peru's COVID-19 lockdown was one of the most stringent in Latin America and included significant restrictions on movement, there were fewer accusations of arbitrary or abusive enforcement than in many neighboring countries.

**G2** 0-4 pts

**Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?**

**3/4**

The rights to own property and establish business are mostly respected, though tensions persist between extractive industries and Indigenous communities who demand inclusion in land use policy decisions. The Prior Consultation Law is designed in part to better protect Indigenous rights. Its implementation has resulted in some positive outcomes for communities that have taken part in consultation processes—though prior consultation still does not always take place, nor are the requests of Indigenous groups binding.

**G3** 0-4 pts

<b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b>	<b>2/4</b>
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Gender-based violence is widespread in Peru, with more than half of Peruvian women reporting instances of physical, sexual, or emotional abuse. Proposals to recognize civil unions for same-sex partners have been repeatedly introduced and rejected in Congress, and in November 2020 the Constitutional Court ruled against recognition of a same-sex marriage contracted in Mexico by a Peruvian citizen. Abortion is permitted only in instances where a woman’s health is in danger.

**G4** 0-4 pts

<b>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</b>	<b>2/4</b>
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The large share of Peruvians working in the informal sector leads to widespread economic precarity. Dependence on daily earnings—and the state’s inefficiency in distributing aid—contributed to the depth of the COVID-19 pandemic in the country. Peruvian women and girls—especially from the Indigenous community—fall victim to sex trafficking. According to the US State Department’s 2020 *Trafficking in Persons Report*, the government of Peru falls short of acceptable standards with respect to combating trafficking, but has attempted to ameliorate the problem, including by prosecuting traffickers and assisting victims.



### On Peru

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### Country Facts

Global Freedom Score

**71/100** Partly Free

### Other Years

2020

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