

## Peruvian Congress



Front of Peruvian Congress

Source: Peruvian Congress webpage

**By Milagros Campos and Ana Neyra**

Written in January 2024

- **Size and structure**

Peruvian Congress is a unicameral parliament with 130 representatives.

The 1993 Constitution modified substantially the structure of the Peruvian Congress and electoral districts.

Previously, the Congress had two chambers (bicameral), with 180 deputies (“diputados”) and 60 senators (“senadores”) and it was restructured with 120 representatives in one chamber.

Although there were several draft bills and Constitutional reform proposals to reinstate bicameralism, unicameralism has remained, even with the increase of the electoral population. Currently, there is a Constitutional reform pending a second voting in Congress for a bicameral Congress<sup>1</sup>.

Since 2001, a plurinominal system is in place, with electoral districts that mostly coincide with the territorial distribution (24 departments and the Constitutional Province of Callao).

In 2010, an extra electoral district was created for the region of Lima (“Lima province”)<sup>2</sup>, excluding Metropolitan Lima (“Lima”), which included Peruvian population residing in foreign territory. More recently, in 2020, a special electoral district was created exclusively for Peruvian population in foreign territory<sup>3</sup>.

The number of seats for each electoral district is determined according to the electoral population in each one.

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<sup>1</sup> An amend or the Constitution requires at least 87 votes in two consecutive legislative legislatures. The first voting obtained 93 votes on November 16<sup>th</sup>, 2023.

<sup>2</sup> Elected since 2011.

<sup>3</sup> Elected since 2021.

In 2021, the last General election in Peru, the available seats were the following:

|    | <b>Electoral districts</b>    | <b>Seats available</b> |
|----|-------------------------------|------------------------|
| 1  | Amazonas                      | 2                      |
| 2  | Áncash                        | 5                      |
| 3  | Apurímac                      | 2                      |
| 4  | Arequipa                      | 6                      |
| 5  | Ayacucho                      | 3                      |
| 6  | Cajamarca                     | 6                      |
| 7  | Callao                        | 4                      |
| 8  | Cusco                         | 5                      |
| 9  | Huancavelica                  | 2                      |
| 10 | Huánuco                       | 3                      |
| 11 | Ica                           | 4                      |
| 12 | Junín                         | 5                      |
| 13 | La Libertad                   | 7                      |
| 14 | Lambayeque                    | 5                      |
| 15 | Lima                          | 33                     |
| 16 | Lima province                 | 4                      |
| 17 | Peruvian in foreign territory | 2                      |
| 18 | Loreto                        | 4                      |
| 19 | Madre de Dios                 | 1                      |
| 20 | Moquegua                      | 2                      |
| 21 | Pasco                         | 2                      |
| 22 | Piura                         | 7                      |
| 23 | Puno                          | 5                      |
| 24 | San Martín                    | 4                      |
| 25 | Tacna                         | 2                      |
| 26 | Tumbes                        | 2                      |
| 27 | Ucayali                       | 3                      |
|    | <b>Total</b>                  | <b>130</b>             |

Source: National Election Board (2020)

For that election, Peru had 25.287.954 citizens registered to vote; therefore, each Congress person represents 194.522 Peruvians. This generates a high level of disproportion among the electoral districts and under-representation in the majority of them.

- **Electoral system**

Peruvian Congress election takes place every five years simultaneously with the Presidential elections.

Only political parties that have a prior registration at the Political Organizations Registry can participate in the election. Nominations are presented in non-blocked and closed lists with double preferential vote, which hinders internal political competition and can generate voting annulment. However, in 2020, a law modification was passed that eliminated preferential vote after 2021 election. Recently, in 2023, Peruvian Congress has passed a new law that reinstates preferential vote for the following parliamentary elections.

The threshold to participate in seats distribution and be represented in Congress is to obtain a five percent of valid national votes in the parliamentary election or seven representatives in more than an electoral district<sup>4</sup>.

Representatives are elected in one-round (no minimum voting is required for each representative) to divide the available seats in each electoral district, with a proportional electoral through D' Hondt method ("cifra repartidora"), that aims for the highest level of proportionality between the percentage of votes and the seats to distribute.

The term of office is five years and is a fixed period of time. Exceptionally, the Constitution allows for the dissolution of Congress if the vote of confidence is denied or censure is approved for two Cabinets<sup>5</sup>. The last and only Congress dissolution occurred in 2019.

To be elected Congress people, one must be Peruvian by birth, have attained the age of twenty-five years, and enjoy the right to vote. Candidates for the presidency may not be among the lists of congressional candidates. Candidates for vice presidencies may simultaneously be congressional candidates.

Since 2021, there is a ban for immediate reelection. Historically, reelection had been low, 20% average. Recently, first voting for an amend of the Constitution<sup>6</sup> was approved to reinstate indefinite immediate election.

- **Indication of descriptive representation (e.g. proportion of women representatives)**

Since 2021, there is gender parity (50% of the list of women and 50% of men) and alternation (candidacies of women and men must be alternated in their position on the list).

Until 2020 (since 1997), there was a gender quota of 30% in the parliamentary lists<sup>7</sup>, which operated as a maximum rather than a minimum and not more than 30% of women were elected in Congress. With the recent legal reform, there was a record of 38% of women in the Peruvian Congress<sup>8</sup>.

There are no other mechanisms to promote representation in Congress (the ones for indigenous or young people do not apply to Congress).

- **Main powers of the parliament**

The Congress is the representation organ in the political system, that adopts legislation (reforms of the Constitution and laws), oversights and oversees political control, appoints authorities and approves national budget.

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<sup>4</sup> Article 20 of Organic Law of Elections (Law Nº 26859) establishes that six is the number of representatives required. Nevertheless, Peruvian electoral court, National Election Board, has interpreted that the requirement increased to seven when the number of Congress representatives also augmented (from 120 to 130). When the threshold was introduced (in 2006), the percentage was 4%. Despite an action challenging the constitutionality of these new regulation, Constitutional Court declared it did not contravene the Constitution (2006).

<sup>5</sup> Article 134 of the Constitution.

<sup>6</sup> The first voting obtained 93 votes on November 16<sup>th</sup>, 2023.

<sup>7</sup> In 1997, when approved, the gender quota percentage was 25%; in 2000, it changed to 30%.

<sup>8</sup> 49 out of 130 representatives.

The mechanisms of collaboration between the Executive and Legislative Branches present with the political control are also regulated in the Constitution: mandatory vote of confidence (article 130), inquiries of information (article 96), request to Ministers for information and question time (article 129), interpellation (article 131), investigative commissions (article 97), vote of censure (article 132). Besides that, the oversight of the normative acts of the President: parliamentary control of emergency decrees (article 118-19) and the delegation of legislative functions through legislative decrees (“decretos legislativos”) (article 104), treaty control, and the instauration of states of exception (state of emergency or state of siege) (article 137). The Executive Branch can employ the optional vote of confidence, veto the laws passed and dissolve Congress (articles 134 and 135).

Congress has also the possibility to declare vacant the Presidency for certain grounds, in which permanent moral incapacity has had a particular emphasis since 2016, due to the fact that there have been several attempts to remove the last Presidents from office, and it was approved with two Presidents (2020 and 2022).

The special appointments from Congress include the Comptroller General of the Republic, the Ombudsman, the members of the Constitutional Court, the Directorate of the Central Reserve Bank; and ratify the Chair of the Central Reserve Bank, and the Superintendent of Banking and Insurance.

- **Type of political system**

Peruvian presidentialism can be described as an attenuated one, although we believe the category of a “parliamentarized presidentialism” better describes reality, as it more accurately describes the characteristics of the Peruvian system of government which, while maintaining presidential characteristics (as popular election of the President), progressively incorporates control mechanisms that are typical of parliamentary systems (mandatory and optional vote of confidence, vote of censure, interpellation and the possibility of Congress dissolution).

Having presidential and parliamentary elections in tandem is design to drag voters to favor the presidential candidate. Between 2001 and 2021, this effect has been tamed by ballotage because Congress was elected on the date of the first round and the presidents were elected in the turnout<sup>9</sup>. Therefore, from 2001 to 2016, the government administrations did not have a congressional majority or a stable government coalition, but they impeded an opposing coalition.

Peru is a democracy with fragile institutions. The vulnerability of political parties reflects in Congress in the electoral volatility and fragmentation. Political parties that obtain representation can form parliamentary groups with five or more Congress people. However, defection to another party (“transfuguismo”) is a common practice. Around 27% of representatives have resigned between 2001 and 2021; in the first two years of this term (2021-2023), that average has been exceeded. The Congress representatives continue to form new parliamentary groups that do not correlate with the political parties for their participation in the election, which is allowed by the current regulation.

## **Bibliography**

Campos, M., & Zegarra Diaz, K. (2021). [¿Cómo elige Perú a sus representantes?](#) *Revista Elecciones*, 20(22), 197–230.

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<sup>9</sup> Since 1990, all Peruvian Presidents have been elected in turnout, with the exception of Alberto Fujimori in 1995.

Constitutional Court (2006). [Sentencia Nº 0030-2005-AI/TC](#). February 2<sup>nd</sup>, 2006.

National Election Board (Jurado Nacional de Elecciones – JNE) (2020). [Resolución N.º 0304-2020-JNE](#). September 5<sup>th</sup>, 2020.

National Election Board (Jurado Nacional de Elecciones – JNE) (2011). [Resolución N.º 015-2011-JNE](#). January 19<sup>th</sup>, 2011.

Neyra, A. (2021). [¿Escaños sin partidos?](#) Pata Amarilla (online version).

Tuesta, F. P. & others (2019). [Hacia la democracia del Bicentenario. Comisión de Alto Nivel para la Reforma Política](#), Konrad Adenauer Stiftung.

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