



**EUROPEAN UNION
ELECTION OBSERVATION MISSION
GENERAL ELECTIONS
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PRELIMINARY STATEMENT

A peaceful and orderly election day culminates a largely democratic process

Lima, 6 June 2016

Summary

- Election day took place in a peaceful and orderly environment. Peruvians were able to cast their votes without any obstacles. The ONPE handled the counting process effectively and the ongoing aggregation of results is proceeding transparently.
- The second round of the presidential elections placed the political actors back in the limelight after a first round characterised by uncertainties stemming from the tardy and ambiguous amendments to the Political Party Law. The campaign unfolded in a heated atmosphere, although providing a wealth of information, with three JNE-organised debates that allowed for a detailed assessment of the different programmes.
- The electoral campaign highlighted an overall lack of financial transparency and the limited means vested in the electoral authorities to audit and effectively enforce measures regarding political organisations' campaign financing and spending.
- The freedom of the press was largely respected throughout the electoral process. Media monitoring indicates that both candidates enjoyed broad access to national media. State-owned media largely maintained their impartiality, while private media displayed a variety of editorial lines. Keiko Fujimori's coverage in private media outlets increased in the last two weeks, as did the negative tone of this coverage.
- Based on its observation of both rounds, the European Union Election Observation Mission (EU EOM) recommends that a comprehensive electoral reform be undertaken to consolidate the democratic process. This reform could be centred around the following key points:
 1. Strengthening political parties through effective public financing and bolstering of internal democracy rules, potentially under the supervision of the electoral authorities.
 2. Granting the necessary instruments and resources to the electoral authorities for an efficient and transparent oversight of political parties' public and private financing and related expenditure, strengthening cooperation with relevant State bodies and introducing effective sanctions.
 3. Determining the eligibility of parties and candidacies sufficiently in advance to avoid suspending candidates' rights to political participation during the campaign; establishing progressive sanctions for violations of the Political Party Law or rules on internal democracy, for there to be alternatives to the drastic and immediate exclusion of parties and candidates.

Preliminary Findings

Political Background

Peruvians went to the polls on 5 June 2016 to choose between Keiko Fujimori and Pedro Pablo Kuczynski, the two candidates that obtained the highest number of votes in the first round of the presidential elections on 10 April. Unlike the electoral campaign for the first round, where the role of the electoral authorities took on an unprecedented prominence, the campaign for the second round revolved around the personalities of the two presidential candidates, their values and programmes. The campaign also gave rise to serious doubts regarding the legality of the funds that were employed as well as the limitations faced by the electoral authorities in auditing, identifying the origin, as well as imposing effective and dissuasive sanctions regarding campaign spending by political organisations.

Electoral Campaign

Peruvian electoral laws do not provide for a break in the electoral campaign between the first and the second round, leading to an excessively long and costly campaign. The campaign for the second round was largely peaceful and free from significant incidents. Both candidates were able to exercise their freedoms of assembly, expression and movement. The candidates attempted to present their different programmes through rallies, statements to the media and in three televised debates. Moreover, crossed accusations and an aggressive tone ultimately prevailed over their political programmes. Peaceful citizen protest against Keiko Fujimori's presidential candidacy towards the end of the campaign contributed to a more strained electoral environment. On the other hand, the timely statements by the Court of Honour of the Electoral Ethics Pact (*Tribunal de Honor del Pacto Ético*) played a stabilising and moderating role in the campaign.

A few weeks before election day, the candidates and the media raised questions on the sources of campaign finance and implicated several serving politicians, mainly from *Fuerza Popular*. The accusations against the aforementioned party's secretary general, whose revenue is currently under investigation, and who finally resigned from his position, were particularly serious. Some elected members of the Congress of the Republic of Peru were also investigated for possible links to unlawful activities and money laundering.

Campaign Finance

The Political Party Law provides for a mixed financing system for political organisations which includes public and private funding. Direct public financing, which is necessary both to strengthen as well as to give political organisations greater autonomy, has never been implemented. There are limits on individual donations, but not on spending by political parties; a situation which can foster imbalances and open the door to funding which may come from criminal or illegal activities.

The National Office for Electoral Processes (*Oficina Nacional de Procesos Electorales*, ONPE in Spanish), which oversees the political organisations' financing, distinguished itself by promptly publishing all the information it received. Despite its efforts, there are no concrete tools to either audit the submitted statements adequately, or to enforce sanctions when parties fail to present statements or incur in falsehood. If a party does not file its statement before the ONPE, it will merely not be liable to access public financing, which in practice does not exist. Alternatively, it may be subject to a fine that the ONPE

is unable to collect effectively if the party refuses to pay. Therefore, in the current state of affairs it is impossible to guarantee the transparency of financing.

The campaign costs that the ONPE reported on were of approximately 61.260.000 PEN (approximately 16 MEUR). According to the statements from political organisations, publicity represents 80% of their campaign spending; however, the remaining 20% would seem insufficient to cover their remaining campaign activities. The ONPE also noted that these statements included several shortcomings. Civil society organisations, such as Proética, and the media offered insights that the sums presented by political parties to the ONPE regarding their financing and spending are incomplete. To continue promoting such initiatives and to further improve the development of methodologies is crucial for a better oversight of campaign financing.

Political organisations recorded vast sums of income as originating from dinners, lunches and receptions. *Fuerza Popular*, the party which disclosed the largest quantities as proceeding from this line of financing, declared 3,165.000 PEN (approximately 820.000 EUR) from these sources. In total, according to ONPE data, in 2016 25.53% of *Fuerza Popular*'s financing for the elections originated from these events. *Peruanos Por el Kambio* (PPK) disclosed 232.519 PEN (approximately 60.000 EUR) for this same line, representing 2.2% of its total financing. The ONPE noted that some donors to different political parties were not correctly identified.

Electoral Administration

The National Board of Elections (*Jurado Nacional de Elecciones*, JNE in Spanish) fulfilled its supervisory role in a transparent and effective manner, both nationally and regionally, while the ONPE carried out the necessary preparations adequately. EU EOM observers assessed that the Decentralised Offices of Electoral Processes (*Oficinas Descentralizadas de Procesos Electorales*, ODPE in Spanish) administered the elections adequately, despite protests from temporary staff whose contracts were unexpectedly reduced following budgetary cuts. Late hiring of staff resulted in less time available for capacity-building and awareness-raising. These constraints did not affect the electoral process negatively. ODPE staff demonstrated commitment and transparency as well as a good understanding of electoral procedures. Nonetheless, there were concerns in some instances regarding the perceived lack of neutrality of local coordinators. More than 100,000 members of the armed forces and the police ensured the security of electoral materials and that of polling and aggregation centres. To better ensure the integrity and security of electoral staff, voters and electoral material, the ONPE relocated some polling centres within the Valley of the Apurimac, Ene and Mantaro Rivers (known as VRAEM), a measure which affected around 52,000 registered voters.

Women were adequately represented within the electoral administration, in both the first and second round of the elections. Women represented nearly half of all polling station staff and political party representatives, particularly in urban areas.

Presidential Debates

The JNE-organised presidential debates provided the electorate with the opportunity to compare and contrast the programmes from both candidates. For the second round, candidates held debates outside Lima for the first time in the country's history. These decentralised debates included regional concerns raised by the JNE and civil society.

Electronic Voting

Contrary to its initial indications, the ONPE did not extend electronic voting beyond the 19 electoral districts where it had been implemented for the first round. According to the ONPE, this decision followed a consensual agreement between the ONPE, the JNE and both political parties. The system worked correctly.

Voter Education and Staff Training

The electoral authorities offered limited opportunities for civic and voter education for the second round, with the exception of the official website and social media. In collaboration with telephone operators, the ONPE ensured that text messages were sent providing information on polling station locations and polling station staff nominations, to all mobile phones registered in the country. This was a particularly useful tool for this election, as polling stations were assigned alphabetically according to first surnames and not registration number. The ONPE organised another national training campaign for all 463,842 electoral staff. Despite the high rate of absenteeism among polling station staff, the quality of this training was assessed positively by the EU EOM. The training campaign together with all electoral materials was prepared exclusively in Spanish. The ONPE also developed a wide array of IT applications for training and voter education, which despite their high quality were only used by a small number of voters.

Electoral Justice and Electoral Disputes

The JNE resolved the 269 electoral challenges it received after the first round in a timely manner. Among these, and according to the JNE, 184 challenges were presented against results protocols classified as contested, 61 regarding complaints and 20 extraordinary appeals, the latter being adjudicated in second instance by the JNE plenary. A number of cases are still pending in several Special Electoral Juries (*Jurados Electorales Especiales*, JEE in Spanish), mainly regarding breaches of electoral propaganda regulations.

Only three complaints were filed during the 8 weeks of the second round electoral campaign: one against the *PPK* and two against *Fuerza Popular* for vote buying based on article 42 of the Political Party Law; and one petition for omissions in the curriculum vitae of one of the candidates. The case against the *PPK* was rejected, whilst the two against *Fuerza Popular* are still pending.

Media

The EU EOM monitored five television channels and three radio stations (all of which in prime time) as well as six newspapers during the last five weeks of the electoral campaign (see Annex). The analysis shows that both candidates enjoyed broad access to national media, which reflected a plurality of views in their editorial lines. With very few exceptions, campaign coverage was balanced, informative and plural. The majority of monitored broadcast media offered the same conditions to both candidates regarding interviews and they all broadcast the three debates live. Local media coverage, in the interior of the country, was more limited compared to the first round.

Keiko Fujimori enjoyed greater coverage in most media outlets, with an average of 58% of total coverage in broadcast media and 60% in the written press. This can be explained by the greater number of campaign activities carried out by Ms Fujimori, as well as the different allegations involving her close aides. These accusations also increased the level of negative tone coverage regarding her campaign in most observed media in the last weeks. Radio station *RPP Noticias* was the exception to this trend,

wherein Pedro Pablo Kuczynski accumulated the majority of negative coverage in the observed time slots.

Panamericana Televisión's broadcast of a tampered audio recording in the “*Las cosas como son*” programme to discredit a witness related to an investigation involving the secretary general of *Fuerza Popular* was a serious violation of its own ethical code. The EU EOM acknowledges that the channel suspended its contract with this programme, whose space had been rented by another entity, and that journalists from *Panamericana* condemned this violation. This incident highlights that the renting or awarding of broadcast space, a relatively common practice in many media outlets in Peru, particularly in the provinces, opens the door to the dissemination of false information and can therefore be detrimental to the right to exercise an informed vote.

Although the freedom of the press was generally respected at the national level, the sentencing of two journalists, Rafael León and Fernando Valencia, accused of slander in cases not directly related to the electoral process may have contributed to a climate of self-censorship. The EU EOM notes that in both cases judgement was rendered based on expressed opinions or interpretations and not for presenting false information.

Citizen Observation

For the second round, the *Asociación Civil Transparencia* deployed 2,000 observers to the same polling centres as it had done for the first round. *Transparencia* focused on observing the general environment in polling centres, preserving an open space for dialogue among political contenders regarding electoral reforms and democracy strengthening. The *No Tengo Miedo* association monitored social media and created a platform to receive complaints and concerns from LGBTIQ persons.

Polling and Counting

The EU EOM's 87 observers visited 304 polling stations throughout the day in the country's 25 departments; opening was observed in 35 of these polling stations. Observers transmitted 28 tabulation reports on the activities taking place at the ODPE aggregation centres. The EU EOM consolidated information from 332 observation reports.

Polling Station Setup

According to the ONPE, polling stations were setup faster than for the first round; all 74,244 polling stations around the country were open before midday. Polling stations opened with a slight delay in 91% of the cases observed by the EU EOM because of missing polling station staff that were subsequently replaced either by substitutes or by voters queuing to vote. These delays were shorter compared to those in the first round. The EU EOM observed very few cases of missing of electoral materials in polling stations and noted that voters found their corresponding polling stations with relative ease.

Polling

Election day was peaceful and orderly with a turnout of over 82%. EU EOM observers assessed the overall conduct of polling as “very good” or “good” in 98% of observed polling stations. The EU EOM observed that procedures were applied and respected, with few exceptions. The Mission noted a significant participation of women as polling station chairpersons (45%) and as polling centre coordinators. Representatives from both political parties were not always present during polling

operations, but were present in all of the polling stations where counting was observed. Five official complaints were recorded among the 238 polling stations where polling was observed. The ONPE recruited young volunteers, such as those from the Peruvian Scouts Organisation (*Asociación Scouts de Perú*), to help to guide voters within polling centres. Access for persons with disabilities was ensured in 74% of observed polling centres, an improvement as compared to the first round.

Counting and Aggregation of Results

EU EOM observers assessed the counting process as “very good” or “good” in the majority of polling stations where this was observed and noted that polling station staff carried out their duties according to procedures. The drafting of electoral operations protocols was far less cumbersome as only one election was being held.

EU EOM members followed the handover and digitalisation of result tabulation protocols in nearly half of the country’s 60 ODPE aggregation centres and assessed this process as “very good”. Throughout the evening that followed election day, the ONPE offered several updates of the aggregation process, presenting preliminary results covering more than 90% of votes cast on the following morning. The ONPE carried out this process efficiently and transparently, with the presence of specialised party agents. The EU EOM will continue to observe the process until the official proclamation of results, including the aggregation of results and rulings on any protocols classified as “contested” (*actas observadas*) or that have been challenged before the electoral authorities.

An electronic version of this Preliminary Statement is available on the EU EOM’s webpage, at www.moeue-peru.eu. For further enquiries, please contact:

Silvia de FÉLIX, Press Officer.
(+51) 991 999 536, silvia.felix@moeue-peru.eu

Following an invitation by the National Board of Elections (Jurado Nacional de Elecciones, JNE in Spanish) and the Ministry of Foreign Affairs of Peru, the European Union Election Observation Mission (EU EOM) has been present in the Republic of Peru since 5 March 2016. The Mission is led by its Chief Observer, Renate Weber, Member of the European Parliament (MEP) for Rumania. For the second round, the EU EOM deployed 87 observers from 26 Member States, as well as Canada and Norway, throughout the country, to observe the electoral process as a whole, in accordance with international and regional commitments for elections, as well as with the national laws of Peru. A Delegation of Members of the European Parliament, comprising seven members led by Agustín Díaz de Mera (MEP) joined the Mission and fully subscribes to this Preliminary Statement. The EU EOM is independent in its findings and conclusions and operates in accordance with the Declaration of Principles for International Election Observation, commemorated at the United Nations in October 2005. On election day, observers visited 304 polling stations in the 25 departments of Peru to observe polling, closing and counting operations. The observers also completed 28 reports on operations at the ODPE aggregation centres. In total therefore, the Mission consolidated information from 332 reports. The EU EOM will remain in the country to observe post-election developments as well as the final proclamation of results. The Mission will issue a Final Report containing detailed recommendations in July. The EU EOM wishes to express its appreciation to the JNE, the Ministry of Foreign Affairs and other authorities of the Republic of Peru for their cooperation and assistance throughout the Mission’s deployment. The EU EOM also expresses its appreciation to the European Union Delegation and the diplomatic missions of EU Member States in the country for their support throughout the process.