



PRELIMINARY STATEMENT

28 January 2020

Well-conducted and credible elections, influenced by excessively rigorous requirements for registration of candidates

This preliminary statement of the EU election observation mission (EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including final results and the adjudication of petitions, which the EU EOM remains in the country to observe. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers appropriate.

Summary

- The electoral institutions delivered a well-conducted and credible process despite the short timeframe for preparations. Polling and counting procedures were broadly respected with sufficient measures to guarantee transparency, notwithstanding the lack of party agents during most of the day and the late opening of a significant number of polling stations. Parties and candidates were able to campaign freely, with a balanced coverage in the state-owned media; however, the campaign in the social media was marred by personal attacks against candidates. The rigorous requirements for the registration of candidates and the unrealistic deadlines for redress led to a high number of disqualifications. Electoral silence was not respected in the social media.
- The 26 January early legislative elections were the first ones in Peru's history to be held separately from the presidential race, following months of harsh debates between the Executive and the Congress on political and institutional reforms, which ultimately led to the dissolution of the Congress by President Martín Vizcarra. The elections also took place against the backdrop of a regional situation marked by social unrest and economic crisis. The holding of these elections showed Peru's commitment to the resolution of political and institutional crisis through democratic means.
- The campaign was peaceful and competitive, and candidates were able to campaign freely and without undue restrictions, enjoying equal rights to freedoms of assembly, expression and movement. Main campaign topics were the fight against corruption, the annulment of parliamentary immunity, and comprehensive political reforms. Social and economic issues were hardly discussed. The debates organised by the National Electoral Board (JNE) allowed all contesting parties to disseminate their proposals on equal basis. However, the format did not allow any form of interaction among candidates. The absence of a legal framework for online campaigning requiring political advertisers to register on Facebook limited the transparency of their spending for campaign purposes.
- The JNE disqualified 722 candidates, accounting for around 25 per cent of the applications. The exclusion of several candidates from the same party list reduced the choice available to voters, as the final lists were left incomplete. Based on existing regulations, the JNE continued to deregister

candidates until a few days before the elections, undermining the legal certainty of the final list of candidates.

- Deadlines for the submission of complaints and supporting documentation related to disqualifications of candidates were unrealistic. In some cases, they prevented complainants to properly prove their cases. A limited number of Special Electoral Boards (JEE) accepted proving documentation after the deadlines. After the conclusion of the registration process, a number of disqualified candidates sought remedy to JNE final decisions through constitutional justice, as provided for in the law. Other excluded candidates resorted to ordinary justice, which could undermine the JNE role.
- The legal framework provided sufficient basis for democratic elections. JNE resolutions clarifying the applicable laws and regulations, including on the re-election of members of the dissolved Congress, were timely issued. Conversely, only eleven days before the elections, the JNE clarified that parties not meeting the threshold of five per cent of valid votes would maintain their registration. A decision earlier on in the process would have added certainty on the elections' rules.
- ONPE was well prepared and distributed election material on schedule despite the tight calendar. The JNE and ONPE undertook considerable efforts to inform voters about the elections and on the rules of the preferential vote. However, EU observers reported a low level of knowledge on voting procedures, particularly among indigenous groups and population living in remote areas, as well as a general lack of interest and disaffection towards political parties and candidates, and the elections as such.
- Electronic voting with voter-verifiable paper record machines was implemented in 5,620 out of the 84,851 polling stations, concerning 7.13 per cent of the electorate. Although ONPE endeavoured to explain e-voting to some contestants, it did not dispel their concerns, which were mostly based on the reliability of the system and on experiences in other countries. ONPE performed a limited audit to the e-voting, insufficient to increase trust in the system.
- The voter register enjoyed high levels of confidence and contained a total of 24,799,384 voters, including 974,230 out-of-country voters. Aiming to facilitate voting, the National Identity and Civil Status Registry (RENIEC) extended office hours for renewal of the National Identity Cards (DNI), the only valid document for identification of voters, and issued a resolution allowing voting with expired DNI.
- Freedoms of expression and of the press were respected. Media outlets made commendable efforts to organise debates and interviews with candidates, and to educate voters. For the first time, political parties were not allowed to campaign on radio and open TV channels outside the free airtime slots provided by ONPE. This contributed to generating a level playing field among contestants, but it also limited the amount of campaign messages received by voters, especially in less populated regions. Political advertising was therefore diverted towards social media, specially Facebook. Media electoral coverage was balanced in state-owned outlets and showed different degrees of bias in private media.
- Although 40 per cent of the candidates were women, a higher percentage than the required 30 per cent gender quota, only 12 per cent of the lists were headed by women, dropping from 22 per cent in the 2016 general elections. ONPE took measures to facilitate voting of persons with disabilities, including accessible polling stations and braille templates. There were limited numbers of indigenous and Afro-Peruvian candidates. LGBTI candidates suffered verbal homophobic attacks during their campaign activities.

Preliminary findings

1. BACKGROUND

In September 2019, concerns related to the integrity of candidates for the Constitutional Court (TC) prompted the Prime Minister, Salvador del Solar, to link the issue of the selection of judges to a vote of confidence for his cabinet, the second in the 2016-2021 legislative term,¹ which was denied, although not through a formal vote of no-confidence. As a result, President Vizcarra considered that the constitutional provision granting him authority to dissolve the Congress, following two no-confidence votes against the government, was fulfilled. Subsequently, on 30 September 2019, he dissolved the Congress and called for new legislative elections to take place on 26 January 2020, within the four months deadline foreseen in the Constitution.² On 13 January, the TC dismissed a claim on unconstitutionality filed by the speaker of the Congress against the dissolution. The ruling dispelled doubts on the legitimacy of the elections, which would have taken place notwithstanding a decision in favour of the plaintiff by the TC, thus strengthening the position of the President.

The 26 January early legislative elections were the first in Peru's history to be held separately from the presidential race, which has always appealed to a broader public interest. The disillusionment with the political establishment as a result of the recent corruption scandals, as well as the ongoing holiday season, resulted in a low interest of the citizens towards these elections, which took place against the backdrop of a regional situation marked by social unrest. The holding of these elections showed Peru's commitment to the resolution of political and institutional crisis through democratic means. Elected members will serve until the new 130-seat Congress is voted out in the general elections set for April 2021. For this reason, this electoral process was perceived as a part of a larger process culminating in next year's general elections, with a significant number of prominent political figures having chosen not to run due to constitutional provisions banning consecutive re-election.

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

2. CAMPAIGN ENVIRONMENT

Limited public interest despite a competitive campaign

Overall, the campaign was competitive and peaceful, with the 21 registered parties and their candidates being able to campaign freely and without undue restrictions, enjoying equal rights to freedoms of assembly, expression and movement. The campaign was off to a very slow start, but it became more visible in the majority of regions in the week before the elections. It was substantially

¹ The first vote of confidence was requested by Prime Minister Fernando Zavala in September 2017.

² Constitution of Peru, article 134.

more vibrant in urban areas. The campaign was more focused on personalities of candidates, many of them unknown to voters, than on their platforms, which were often vague and lacking clear and comprehensive proposals. Main campaign topics were the fight against corruption, including the elimination of the parliamentary immunity, as well as a comprehensive political reform. Despite some allegations, neither the misuse of state resources nor vote-buying schemes have been observed.

Facebook was considered the main on-line campaign tool by the majority of EU EOM interlocutors, while Twitter's popularity for campaign purposes was limited to Lima. The online campaign was characterised by derogatory attacks among candidates. The EU EOM also observed instances of disinformation on social networks. Untrustworthy polls were published both on Twitter and Facebook, some of them by candidates themselves. Instances of smear campaign on abortion and equal marriage were also observed. Several Facebook pages and public groups presenting themselves as online media outlets contributed to largely disseminate false and demeaning information to discredit candidates. The EU EOM observed that this was conducted through a coordinated sharing of political *memes* and manipulated content, possibly contributing to the existing political disenchantment, with multiple cases of the same individuals administering several Facebook groups.

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

3. REGISTRATION OF CANDIDATES

Rigorous requirements for registration of candidates led to a high number of exclusions

Requirements for nomination included the submission of an affidavit with information on criminal records, as well as on personal, professional, assets and income data of the applicants. Aiming at enhancing the transparency of the nomination process, affidavits were published on the JNE website. Decisions on the exclusion of candidates were in accordance with the legislation, however, rigorous requirements for the registration of candidates, the omission of information in the submission documents, and the unrealistic deadlines for redress, led to a high number of disqualifications.³ In addition, judgements on eligibility taken after the list of candidates was final led to uncertainty amongst parties and voters while the campaign was still ongoing, and limited the right of voters to make an informed choice.

On 27 December, at the end of the registration process, the JNE informed that a total of 2,331 candidates were registered, out of the 3,101 applications submitted. 722 applications were disqualified, accounting for around 25 per cent of the submissions. This percentage was not evenly distributed across constituencies. For instance, 40 per cent of the applications in Ayacucho and Huánuco were rejected, 38 per cent in Apurímac, 18 per cent in Lima, 10 per cent in Ica and 6 per

³ The American Convention on Human Rights, article 23.2 states that “The law may regulate the exercise of the rights and opportunities [...] only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.” The Explanatory Report of the Venice Commission Code of Good Practice establishes that “the conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them, as the holding of a public office is at stake and it may be legitimate to debar persons whose activities in such an office would violate a greater public interest” (Para 1.1.d).

cent in La Libertad. In some constituencies, the disqualification of several candidates from the same party list limited the voters' choice, as the final lists were left incomplete.

The legislation does not provide for replacement of disqualified candidates after the deadline for submission of the lists (18 November), limiting the political competition among candidates. Based on provisions in the law and regulations, the JNE continued to disqualify candidates well after the 27 December deadline, undermining the legal certainty of the final list of candidates and the right of voters to make an informed choice.⁴ Furthermore, the deadlines for the publication of the final lists (3 December) and for exclusion and withdrawals (27 December), overlapped with the campaign.

4. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The JNE was quick to clarify the laws in force for this election, but decided too late in the process on the non-applicability of the threshold for the de-registration of parties.

The legal framework provided sufficient basis for democratic elections. Aiming to address the short timeframe, a presidential decree allowed JNE, ONPE and RENIEC to issue regulations to ensure that the process could take place within the four-months deadline foreseen by the constitution for extraordinary elections, including the necessary financial instruments. The JNE clarified that three amendments to the legal framework passed by the Congress on 27 August would not be in force for this process, in accordance with provisions in the Election Law and regulations.⁵ Following constitutional provisions banning consecutive re-election, the JNE decided that the members of the dissolved Congress could stand as candidates for these elections, as the dissolution did not put an end to the 2016-2021 legislative period.⁶

The 130 members of the Congress were elected through a proportional system with preferential vote. For the legislative elections, Peru is divided into 26 constituencies, one for each of the 24 regions, one for Lima city and one for the province of Callao. The number of seats to be elected per constituency ranged from 36 in Lima to one in Madre de Dios and two in Amazonas, Apurímac, Huancavelica, Moquegua, Pasco, Tacna, Tumbes and Ucayali.

Parties must obtain at least five per cent of the valid votes or seven seats in at least two constituencies in order to be considered for the adjudication of seats. The same thresholds apply for the de-registration of parties in general elections. As the 26 January elections were legislative-only, the JNE clarified that parties not meeting the threshold would not be deregistered. A JNE decision on the matter, expected by parties since the elections were called, was however issued only on 15 January.

5. ELECTION ADMINISTRATION

The three election bodies showed a high degree of professionalism and transparency, and adhered to the tight deadlines of the election calendar.

The election administration is composed of three institutions, the JNE, the highest authority on electoral justice, the ONPE, in charge of the organisation of the elections, and the RENIEC,

⁴ The JNE Resolution 0156/2019 established that candidates could be disqualified until one day before the elections if it was found that they did not comply with the nomination requirements.

⁵ Election Law, article 4 and JNE resolution 0155/2019 of 9 October 2019.

⁶ JNE resolution 0187/2019 of 11 November 2019.

responsible for the voter register and the issuing of ID cards (DNI). Each electoral institution has decentralised bodies. Aiming to address the tight calendar of the elections, the emergency decree issued by President Vizcarra on 9 October included measures to accelerate the process of contracting goods and services for the election administration bodies. A JNE resolution established the electoral calendar, whose deadlines were adhered to by the three election bodies.⁷

The ONPE and RENIEC showed a high degree of professionalism and transparency. EU observers in the regions reported that the JEE and the Decentralised Offices for Electoral Processes (ODPE) were generally evaluated as independent by party and civil society interlocutors. ONPE invited party agents, observers, and civil society to different key events of the preparatory phase, like the results transmission test. However, party agents responded in low numbers to these invitations.

6. ELECTION PREPARATIONS

Elections were well prepared despite challenging conditions.

EU observers reported that election preparations in the departments were carried out according to schedule. ONPE anticipated challenging logistical conditions and prepared contingency plans in close collaboration with the Armed Forces and other State agencies. EU observers reported that in several parts of the country, voters had to overcome significant distances to reach their nearest voting centre: 12 hours on foot in areas of Piura, or several days of navigation on rivers in the regions of Loreto, Ucayali and Madre de Dios.

ONPE provided training materials and organised two group training days to polling station staff on 12 and 19 January. EU observers reported that trainings were well organised and that high-quality material was available. Still, the percentage of polling station staff that received training was low (52 per cent).

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

Electronic voting

E-voting with voter-verifiable paper record machines was implemented in 5,620 polling stations over the country, concerning 7.13 per cent of the electorate⁸. Compulsory cross-checks of results of the electronic voting against the paper trails were conducted by the polling station staff in one randomly chosen e-voting polling station in each voting centre. Party agents had the right to ask for additional verifications of other polling stations.

⁷ JNE resolution 0155/2019 of 9 October 2019.

⁸ E-voting concerns mainly Lima (22.8 per cent of the capital's electorate) and, to a lesser extent, the regions of Apurímac, Ayacucho, Callao, Cusco, Huancavelica, Huánuco, Tacna, and Ucayali.

Although ONPE endeavoured to explain e-voting to parties, it did not dispel doubts, which were mostly based on the reliability of the system and on experiences in other countries.⁹ For this election, ONPE performed an ethical hacking of the infrastructure, insufficient however to address concerns.¹⁰ In previous elections, ONPE conducted private external audits to its e-voting solution, covering the security of the infrastructure as well as the IT management processes, but never the source code.

7. VOTER REGISTRATION

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

The final voter register contained 24,799,384 voters, including 974,230 out-of-country voters. There is a slightly larger number of female (50.3 per cent) than male voters. In comparison to the 2016 general elections, the number of voters increased by 1,897,430. Voting is compulsory for citizens between 18 and 70 years old. A new legislation allowing voters turning 18 up until election day to vote benefitted 166,815 citizens. The voter register is drawn from the civil register maintained by RENIEC and generally enjoys a high level of confidence from political parties and voters. No major concerns on its accuracy and inclusivity were reported. RENIEC is also responsible for issuing the National Identification Card (DNI), the only valid identification document for voting. RENIEC extended its office hours throughout the country to facilitate the DNI renewal. On 13 January, RENIEC adopted a resolution allowing the use of expired DNI for voting.

8. MEDIA

Free airtime slots for party campaign advertisement contributed to generating a level playing field, but had a limited impact on voters, especially in less populated regions.

Freedoms of expression and of the media provided for in the law were generally respected. Media made commendable efforts to provide election information to voters by organising interviews and debates with candidates and disseminate voter education contents.

ONPE allocated free airtime slots (*franja electoral*) to political parties, aired from 27 December 2019 until 24 January 2020 in 60 public and private TV and radio stations with national and provincial coverage. Upon request by ONPE, the parties *Juntos por el Perú*, *Frente Amplio por Justicia*, *Vida y Libertad*, *Solidaridad Nacional*, and *Partido Aprista Peruano*, had to rectify their spots due to derogatory language and violence incitement content not complying with existing regulations on election campaign advertising.

For the first time, political parties were not allowed to campaign on radio and open TV channels outside the free airtime slots provided by ONPE.¹¹ This contributed to generating a level playing field and to reducing party advertisement in the media. However, the insufficient airtime made available by ONPE and the criteria applied for its distribution limited the amount of campaign messages received by voters, especially by those living in less populated regions. It also had the undesirable

⁹ *Fuerza Popular* requested the JNE to suspend e-voting as, according to them, the counting of electronic ballots did not allow the verification of the results.

¹⁰ An ethical hacking audit implies applying hacking techniques to identify weaknesses and vulnerabilities in the information systems for defensive purposes and on behalf of the owners of the information systems.

¹¹ Law 309905 of 9 January 2019, Election Law, article 194.

consequence of stimulating existing practices of private regional media asking candidates to pay for interviews or campaign coverage. EU observers reported this practice in Amazonas, Áncash, Arequipa, Ayacucho, Callao, Cusco, Ica, Lambayeque, Moquegua, Piura and Puno.

EU EOM media monitoring findings highlighted that, from 30 December 2019 to 25 January 2020, state-owned media *TVPerú*, *Radio Nacional* and *El Peruano* made a balanced coverage of the elections by giving voice to candidates of all 21 political contestants through an equitable distribution of airtime/space, and reports presented in a neutral tone.¹² Most of the private media outlets monitored by the EU EOM also gave voice to all political parties but, with the exception of *El Comercio*, showed different degrees of bias. *Partido Morado*, *Solidaridad Nacional* and *Fuerza Popular* were the parties receiving the largest amount of reports in negative tone. *ATV+* violated the campaign silence period on Election Day by airing pre-recorded interviews with candidates asking citizens to vote for them.

9. DIGITAL COMMUNICATION AND SOCIAL MEDIA

Lack of a legal framework for online campaigning decreases transparency of campaign spending

Around 80 per cent of the candidates used Facebook for campaign purposes, mainly for the dissemination of self-produced content. Regional branches of party Facebook pages also contributed to disseminating campaign messages. Only a residual number of parties and candidates showed a verification badge on its social media accounts. The EU EOM Social Media Unit observed that 1,435 Facebook pages and 659 Twitter accounts with candidates' names did not have such a badge, and that party names were associated with multiple accounts, limiting voter ability to verify their authenticity.

The absence of a legal framework for online campaigning requiring political advertisers to register on Facebook limited the transparency of spending for campaign purposes. The use of social media increased following the prohibition of paid political advertising on traditional electronic media. Paid political advertising on social networks during the same period was not forbidden, allowing some candidates to boost campaign contents on Facebook to reach out to a large number of users. There was an increase of paid political ads on Facebook in the final days of the campaign and during the election silence period. Some media outlets developed fact-checking activities several months before the announcement of the election. However, the lack of a proactive cooperation among them limited their capacity to dismantle false narratives.

The EU EOM observed that ONPE staff reached out to polling station members through Facebook and Twitter to inform them about their appointment. In some cases, the posts disclosed personal data apparently without previous consent. This is at odds with legislation on personal data protection.¹³

10. POLITICAL PARTICIPATION OF WOMEN

The final lists included 40 per cent female candidates. Only few lists were headed by women.

After the conclusion of the registration period, the percentage of female candidates (40 per cent) exceeded the required 30 per cent quota.¹⁴ However, only 12 per cent of the lists competing in the

¹² The EU EOM monitored a total of 14 media including national TV stations *TV Perú*, *América TV*, *Latina*, *Panamericana TV* and *Andina TV*; national radio stations *Radio Nacional*, RPP and *Exitosa*, and Lima-based newspapers *El Peruano*, *La República*, *El Comercio*, *Corre*, *Perú 21* and *Trome*.

¹³ Law No. 29733 on personal data protection.

¹⁴ The legal framework provides for staggered increases to 40, 45 and 50 per cent for the 2021, 2026 and 2031 general elections.

2020 elections were headed by women, dropping from 22 per cent in the 2016 elections. There was gender alternation in 10 per cent of the lists for these elections, a requirement that will legally enter into force in 2021. Parties' compliance with gender quota requirements was not accompanied by strategies to promote women's participation in the party structures.

While women were overrepresented among temporary ONPE staff, and half of all ONPE managerial positions are held by women, the head of both ONPE and RENIEC are men. All five JNE magistrates are also men. Women participated in almost equal numbers to men (44 per cent) as participants at campaign events observed by the EU EOM, but they were less frequently seen as speakers (26 per cent).

11. POLITICAL PARTICIPATION OF INDIGENOUS AND AFRO-PERUVIAN POPULATIONS

Few indigenous people and Afro-Peruvians participated as candidates in these elections

A limited number of indigenous candidates and few Afro-Peruvians ran for these elections, most of them in the central regions and representing left-wing parties (*Frente Amplio*, *Juntos por el Perú* and *Democracia Directa*), but also *Fuerza Popular*, *Perú Libre*, *Vamos Perú* and *APP*. The vast majority of indigenous candidates conducted their campaigns exclusively in the indigenous rural and remote areas, as they reported facing significant difficulties in obtaining support in towns inhabited predominantly by mixed population (*mestizo*). Main campaign issues related to social and economic development of the indigenous populations, as well as to their political representation. There are no quotas reserved for the indigenous populations and Afro-Peruvians in the Congress.

12. POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES

ONPE provided accessible polling stations for persons with disabilities

The National Council for the Integration of Persons with Disabilities (CONADIS) signed an agreement with the JNE whereby voters with disabilities would not be fined for not voting. In addition, CONADIS coordinated with ONPE the installation of dedicated accessible polling stations for voters whose disability was stated in voters list. For voters whose reduced mobility was not signalled in the lists, polling stations could be moved to designated accessible areas within the voting centre to allow these persons to vote. While this solution implied transferring the polling station during voting, it ensured that voters with reduced mobility could vote without compromising their right to a secret vote. E-voting polling stations were provided with hearing aids. Braille templates were available for visually-impaired voters at conventional polling stations.

13. POLITICAL PARTICIPATION OF THE LGBTI COMMUNITY

Some LGBTI candidates suffered homophobic attacks during the campaign

Some LGBTI candidates suffered smear campaigns. The most striking one targeted a female transgender candidate from *Juntos por el Perú* in Lima who reported continuous insults, attacks, and derogatory messages during her campaign activities. A *Partido Morado* Lima candidate was victim of homophobic bullying messages posted in the social media against his party's proposal for equal

marriage.¹⁵ The lack of a gender identity law that would facilitate transgender and transsexual citizens to change their names and gender in accordance to their chosen identity, prevents the LGBTI community from achieving equality with other citizens in exercising their right to vote and in being elected.

14. CITIZEN AND INTERNATIONAL ELECTION OBSERVATION

Around 3,000 domestic observers monitored the elections

The legal framework contains the necessary guarantees for domestic and international observers to observe all phases of the electoral process. The elections were observed by Peruvian and international organisations. The civil society organisation *Transparencia* deployed around 2,000 observers throughout the country to observe polling procedures except counting. During the two weeks prior to Election Day, *Transparencia* conducted voter education activities. The Ombudsperson's Office deployed more than 1,000 supervisors to 130 provinces of the country. Their observation focused on the political rights of vulnerable population groups (women, indigenous population and persons with disabilities). Regarding international organisations, the Organisation of American States accredited 36 observers, and the Inter-American Union of Electoral Bodies 35.

15. POLLING, COUNTING AND TRANSMISSION OF RESULTS

Election Day was peaceful and orderly with recurrent delays at the opening and procedural weaknesses during the counting

EU observers visited 317 polling stations throughout the day in 25 constituencies. Opening was observed in 32 of these polling stations, voting in 256, and closing and counting in 29 polling stations. Transmission of results was observed in 24 ODPE. Overall, Election Day was peaceful and orderly, with polling procedures well implemented despite delays during the opening and procedural weaknesses during closing and counting. Women constituted the majority of the polling station staff. EU observers could observe the opening, polling and counting procedures without restrictions.

Opening

Overall, EU observers assessed the opening as good or very good in 25 out of 32 PS and described the process as calm and orderly, but slow. None of the 32 observed polling stations opened at 08:00. In 25 of them, polling started within the first hour after the opening. Late opening was mostly caused by absence of polling staff. Nevertheless, opening procedures were followed in 30 out of 32 polling stations observed. EU observers reported a very low presence of party agents.

Polling

The EU EOM observed that polling procedures were followed and the polling was assessed as good or very good in all observed polling stations. Procedures were observed in 256 polling stations, out of which 28 with electronic voting. 57 per cent of the polling stations commissions were headed by women. In eight per cent of the observed polling stations, voters from the queue replaced appointed members. Observers noted few party agents at the polling stations: the most represented parties were *Alianza para el Progreso* in 55 polling stations, *Acción Popular* in 30 and *Somos Peru* in 28.

¹⁵ <https://factual.afp.com/valentina-de-marval>

Counting, tabulation and transmission of results

Closing and counting was evaluated as good or very good in 19 out of the 25 conventional polling stations. No ballot paper reconciliation was done in 28 per cent of the observed polling stations. EU observers assessed that polling station members had difficulties to fill out the results protocols in 24 per cent of the observed polling stations. In 6 out of 25 polling stations observers witnessed errors or omissions during the counting procedures, related to determining the validity of the votes. Party agents' presence increased during closing and counting and reached 76 per cent of the observed polling stations. The transmission of results was assessed as good or very good in all 24 observed ODPE. Material arriving from the polling centres was intact and the results protocols were processed in the computing centres according to the procedures.

16. ELECTION DISPUTES

Unrealistic deadlines and last-minute JNE decisions on appeals to candidate nominations limited redress.

Deadlines for the submission of complaints against disqualifications of candidates were unrealistic and have in some cases prevented complainants to properly prove their cases. In this regard, obtaining the necessary documents from public institutions took more time than the deadlines for appealing against JEE and JNE decisions. Some JEE however implemented existing legislation in a more favourable manner to candidates, irrespective of their party affiliations, favouring their right to stand, and accepted proving documentation after the deadlines.

Few days before the elections, a number of disqualified candidates successfully appealed to constitutional and ordinary justice for redress. Although courts granted the candidates their right to stand, the JNE did not reinstate them on the lists, citing constitutional jurisprudence and logistical constraints. Resorting to ordinary courts for redress may undermine the role of the JNE as the highest authority on electoral matters.

The European Union was invited by the Government of Peru and the National Electoral Board (JNE) to observe the 2020 early legislative elections. The EU signed an Administrative Agreement with the Government of Peru on 9 December 2020. The EU EOM is led by Leopoldo López Gil, a member of the European Parliament from Spain. The mission comprises a core team of nine analysts who have been in Peru since 17 December, and 50 Long Term Observers (LTOs) who have been present since 26 December. In addition, the mission is joined by a Delegation of the European Parliament and Short-Term Observers from the EU member states diplomatic community in Peru. In total, the EU EOM accredited 106 observers from 24 EU member States and Norway.

The EU EOM assesses the whole electoral process against international obligations and commitments for democratic elections as well as against the laws of Peru. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2015.

The English language version of the EU EOM preliminary statement is the only official version.

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