



PRELIMINARY STATEMENT

A generally transparent and peaceful electoral process despite a polarized campaign

Lima, 6 June 2011

Following an invitation from the National Jury of Elections (JNE), a European Union Election Observation Mission (EU EOM) was deployed to observe the second round of the presidential election held on 5 June 2011. The EU EOM is headed by Mr. Jose Ignacio Salafranca Sánchez-Neyra, Member of the European Parliament (MEP), and includes a core team of seven analysts based in Lima who arrived in the country on 4 May 2011. The EU EOM was joined by a seven-member delegation from the European Parliament, chaired by Ms. Izaskun Bilbao Barandica, Member of the European Parliament, who endorses the views expressed in this statement.

The Mission's mandate was to observe and assess the electoral process against the Constitution and electoral laws of Peru, as well as international and regional principles for democratic elections. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation, commemorated at the United Nations in October 2005, including its Code of Conduct for International Election Observers. On election day, the Mission deployed 73 observers from 25 EU member states, as well as Norway, who visited 386 polling stations throughout the country to observe voting and counting. The EU EOM will remain in the country to observe the post-election developments. This statement is preliminary, the EU EOM will not draw final conclusions until the completion of the process, after which it will publish its final report.

Main Findings

- The second round of the presidential election was held in a peaceful and orderly environment. The EU EOM observers rated the process as "good" or "satisfactory" in most polling stations observed. Some of the polling stations members arrived late or did not show up, it did not hamper the smooth flow of voters, who were able to freely exercise their franchise.
- The impartiality and professionalism of the election administration officials and the presence of candidates' agents (*personeros*) in polling stations contributed to a highly transparent process.
- The National Office of Electoral Processes (ONPE) and the National Jury of Elections (JNE) administered the process in an efficient and professional manner. The EU EOM observers evaluated the performance of the election management bodies as independent, efficient, timely and well prepared at regional and district levels.
- Campaigning was characterized by heated debate. Yet, the campaign was peaceful with few incidents. Candidates and their supporter could freely assembly and express their political views.
- The media enjoyed freedom of opinion and speech, as guaranteed by the Constitution, and provided a broad and intense coverage of the campaign.
- The role of the media in covering the campaign was a source of controversy. Civil society organizations and journalists expressed to the EU EOM their concern about a tendentious approach

by the media regarding the coverage of the campaign and their favoritism towards one or other candidate. The results of the EU EOM media monitoring supported such concerns.

- The legal framework is in line with international and regional principles for democratic elections. Yet, a number of legal provisions could be enhanced. The JNE announced that a commission of specialists was working on a revised electoral and electoral procedural code.
- Although women are still under-represented in high political positions, it is worth noting that one of the two 'presidential candidates was a woman as well as one of the vice-presidential candidates. In addition, women were strongly represented in the electoral administration as well as in the polling center.

ELECTION DAY: POLLING, COUNTING AND AGGREGATION

Election day was peaceful and orderly. The majority of polling stations observed were operational within one hour of the established opening time (08:00 hrs). However, most of them experienced late arrivals or no show of its main members, who were replaced by reserve members and, in some cases, by voters in line. The late start, however, did not hamper the smooth flow of voters –facilitated by the relatively small number of assigned voters per polling station– and voters were able to freely exercise their franchise. Voting procedures were applied evenly across the country as voters presented valid identification, signed the voter register and had their fingers marked with indelible ink after voting. Throughout the process, the secrecy of vote was respected in a well designed layout of the polling stations and the elderly, pregnant women and challenged voters were given priority. Overall, the EU EOM observers rated the voting process as either "good" or 'satisfactory" in all polling stations observed. Candidates' agents (*personeros*) were present in 91 percent of observed polling stations, with *Fuerza 2011* in 80 percent and *Gana Perú* in 87 percent. ONPE assistants were of extreme importance in providing assistance and clarifications to polling staff members on the spot.

The EU EOM observers assessed the counting process as "good" or "satisfactory" in most of polling stations observed. *Personeros* signed copies of the results forms in 85.7 percent of the polling stations visited by the EU EOM. Civil society played an important role to strengthen the credibility of the electoral process on election day. The civil society organization *Transparencia* deployed around 5,000 observers throughout the country and carried out a "quick count."

The system of transmission of results was considered safe and reliable. However, there were some delays in the public announcement of results by ONPE that appeared at times confusing.

For the out-of-country voting, the EU EOM expressed its concern to the authorities about possible delays in the tabulation of results hand delivered by the consuls. However, for this election, ONPE authorized the scanning of results forms and the electronic transmission from all consulates to expedite the tabulation. The EU EOM observed the transmission of the scanned election result forms to the Ministry of Foreign Affairs, in Lima.

ONPE also ran an electronic vote pilot project involving around 1,300 voters in a voting center in a semi-rural zone, Pacarán, on the outskirts of Lima. Voting was carried out smoothly in the presence of electoral officials and observers. Traibners assisted the voters with the procedures and the voting machines. The results will serve as the basis for a study on the implementation of electronic voting in all polling stations across the country.

ELECTION ADMINISTRATION

ONPE and JNE carried out their activities for the second round of the presidential election in an efficient and transparent manner that guaranteed the exercise of the right to vote for all citizens. EU EOM observers assessed the performance of the election administration at regional and district levels as independent from political parties, efficient, timely and well prepared. In an example of cooperation and institutional responsibility, the three electoral bodies issued a joint statement on 27 May 2011 assuring the electorate about the transparency, impartiality and legality of the electoral process, and calling on all stakeholders to respect the results. The joint statement was a response to allegations of possible irregularities as well as the events in Puno, where the conduct of elections was at one point uncertain.

The voters register can be considered reliable and inclusive since all citizens are automatically registered once they reach 18 years of age. The confidence in the voters' register was recognized not only by citizens but also by the political parties.

The sensitive electoral material, including 22 million presidential ballots (with a surplus of around 10 percent) were transported and distributed according to the calendar and kept secured under police protection in the ODPEs. More than 110,000 members of the police (70,000) and armed forces (40,000) were deployed on election day. The EU EOM expressed its condolences for the killing of five security personnel in Cuzco and its solidarity with their families, and wishes of a prompt recovery for those injured.

The training programs for voting center and polling station staff, including a simulation exercise, organized through the ODPEs in all the regions, reinforced the capacity of those electoral officials, already trained for the first round.

CAMPAIGN ENVIRONMENT

The campaign climate for the second round was marked by a heated debate and reflected the polarized social and political atmosphere in the country. Candidates and supporters enjoyed freedom of speech, movement and assembly. The campaign activities were generally calm with a few incidents of egg- and stone-throwing as well as some intimidation acts. Campaigning consisted of a few major rallies, but mainly of small-scale meetings, door-to-door canvassing, graffiti, posting of candidates' posters and leaflets and distribution of goods such as caps and T-Shirts with the candidate's portraits. Social networks on the Internet were increasingly used for campaign purposes in urban areas. Both candidates had similar campaign strategies resorting to different speeches when addressing conservative urban and social-oriented rural audiences. The National Jury of Elections organized two debates on TV. The first one was conducted on 22 May between the "technocrat teams" of both candidates and the second on 29 May between the candidates. Regarding the campaign financial resources, while during the first round both candidates submitted their campaign expenses to ONPE, at the writing of this statement *Gana Perú* had not presented its expenses for the second round.

MEDIA ENVIRONMENT

The media had the fundamental freedoms of speech and opinion as guaranteed by the Constitution. The issue of the role of the press in the campaign has been a permanent source of controversy during the second round of the presidential election. The EU EOM has conducted a qualitative and quantitative analysis, as from 10 May 2011, on the coverage of four TV channels (State-owned *TV Perú Canal 7*, *América Televisión (Canal 4)*, *Panamericana Televisión (Canal 5)* and *Frecuencia Latina (Canal 2)*, two radio stations

(State-owned *Radio Nacional*, *Radio Programas del Perú RPP*) and five newspapers (State-owned *El Peruano*, *Trome*, *El Comercio*, *La República* and *Perú 21*) with nationwide penetration. The analysis covered two periods: morning (07:00 to 10:00 hours) and prime time (19:00 to 24:00 hours). As a whole, the media offered the electorate a diverse range of political opinions for voters to compare the two options. The results from the exercise revealed a higher distribution of time and space to candidate Ollanta Humala's party *Gana Perú* by the electronic and print media. However, when coverage is compared in terms of positive and negative tone, *Fuerza 2011* had a higher percentage of positive tone. Private channel *America Televisión* allocated 62 percent of its electoral-related coverage time to *Gana Perú*'s candidate and 38 percent to *Fuerza 2011*'s contender; *Panamericana Televisión* allotted 58 percent to Ollanta Humala and 42 percent to Keiko Fujimori, while *Frecuencia Latina*'s coverage was more balanced (47 percent to Ollanta Humala and 53 percent to Keiko Fujimori). The state-owned TV channel *TV Perú* gave 51.5 percent of the time monitored to Ollanta Humala, and 48.5 percent to Keiko Fujimori.

Private newspapers were polarized and supported openly either Ollanta Humala or Keiko Fujimori. In turn, the state-owned newspaper *El Peruano* was more neutral in tone and gave 52.5 percent of the space measured by the EU EOM to Ollanta Humala and 47.5 percent to Keiko Fujimori. Out of the five private newspaper monitored by the EU EOM, two (*El Comercio* and *Trome*) allocated more space to Keiko Fujimori. The tone measurement when excluding the newspaper *La República* from the group of five, showed the four newspapers (*El Comercio*, *Trome*, *Perú 21* and *El Peruano*) giving a much higher positive tone to Keiko Fujimori. *La República* alone gave more space to Ollanta Humala and a higher negative tone to Keiko Fujimori.

The state-owned *Radio Nacional* allotted 52 percent of its electoral coverage to the *Gana Perú*'s candidate and 48 percent to *Fuerza 2011*'s contender; private *Radio Programas del Perú* (*RPP*) provided Ollanta Humala 61 percent of its electoral coverage time and Keiko Fujimori 39 percent.

ELECTORAL COMPLAINTS AND APPEALS

Although there were mechanisms to address electoral complaints and appeals in an expedite manner, mainly at the level of Special Electoral Juries (JEEs), there are provisions in the law that lack specific procedures and clear sanctions such as complaints regarding partiality of the media during electoral campaign. *Gana Perú* filed a complaint before the National Jury of Elections on 1 June. The complaint referred, among other allegations, to: 1) the comments by President Alan García regarding candidate Ollanta Humala; 2) the allegations of material and logistical support given by the Peruvian state to Keiko Fujimori; 3) the alleged inaction of the public prosecution office in starting a process to investigate the sources of the money used to pay Keiko Fujimori's studies abroad; and 4) the alleged threats to the Supreme Court judge by a *Fuerza 2011* member of Congress. According to the JNE, a decision on the complaint was already taken in the case.

LEGAL FRAMEWORK

The legal framework is generally in line with international and regional principles for democratic elections subscribed by Peru. However, a number of legal provisions could be enhanced for the benefit of the general electoral process. The EU EOM considers that the issues to be addressed could include: political parties alliances; a more inclusive interpretation of the validity of a vote; avoidance of overlapping of deadlines for the registration of political parties and the submission of candidates' lists; a clearer definition of the competencies of JNE and ONPE; establishment of procedure for complaints about lack of impartiality by the media during the electoral campaign. On a positive note, the JNE announced that a commission of specialists is working on a electoral and electoral procedural code.

WOMEN PARTICIPATION

Keiko Fujimori was the first woman in Peruvian history to participate in a second round of a presidential election. One of the vice-presidential candidates was also a woman. Women are still under-represented among the high political level. The situation changes when it comes to other levels of political participation. In urban areas the percentage of female party agents is close to 50 percent. Regarding the electoral administration, in most regions women enjoyed equal representation with men or even a majority in areas like Puno, where 85 percent of the Special Electoral Juries (JEE) inspectors were women. The EU EOM observers reported that among the members of the polling stations observed 88 percent were women and, in most cases, presiding officers.

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