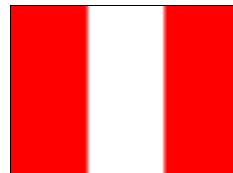


European Union Election Observation Mission



FINAL REPORT



Peru – General Elections 2001

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1. Introductory Remarks

The time has come for the Mission of Electoral Observation of the European Union to issue a final statement based on the observations in the field and extensive work in Lima by the Core-team during more than three months. It includes some recommendations for the Peruvian electoral system in the future as well as for future Electoral Observation Missions.

The Mission wants to express its gratitude to the Peruvian citizens, the institutions and, in particular, the transitional Government of Peru for the confidence placed in the presence of the European observers.

The experts commissioned by the European Union to observe and assess the elections have not noted any departures from international standards of democracy. Therefore, the Mission should like to congratulate the Peruvian citizenry, the transitional government and all institutions involved on the successful execution of these elections. The team left Peru with a feeling of gratitude and accomplishment for having had the opportunity of sharing the experience of the Peruvian citizens in solidifying the recently restored democratic system and the respect for human rights.

The members of the EOM also wish to express their indebtedness to the Delegation of the European Commission and its Head of Delegation, Ambassador Jean-Michel Pérille, to the Presidency of the European Council at this time exercised by Sweden, and its Ambassador Mikael Dahl, as well as all diplomatic representatives of the European Union member states in Lima.

The Mission also acknowledges the extremely positive and supportive relationship we were able to establish with the other international observation missions, as there are the OAS group and the NDI/ Carter centre, as well as national observer missions, in particular Transparencia and Consejo por la Paz.

2. Executive Summary

- The 2001 elections have fully conformed to international electoral standards. In the space of a few months the negative factors of influence in the elections of 2001, which could have adversely affected the poll, have been overcome.
- The government under President Paniagua has scrupulously maintained a perfect posture of neutrality, avoiding even the slightest impression of taking advantage of its measures to bolster the executive's image in a way that might have influenced the vote.
- Voting procedures were strictly observed and the secrecy of the vote ensured. The Armed Forces and the National Police provided efficient co-operation, without any cases of undue intervention being reported.
- The electoral administration in its three institutions (RENIEC, ONPE and JNE) on the basis of the organisational changes effected after the end of the previous government, has proved to be capable in handling preparation and management of the electoral system. Failures in the software accounting system in relation with the complicated parliamentary poll (8 April) produced delays in the proclamation of final results; these difficulties have been overcome for the run-off election. ONPE successfully solved the computer problems encountered during the first round by deciding to use what had been the fallback program. This proved to be ideally suited to the simpler needs of the second round.
- Voter identification by RENIEC has progressed and been refined to the point that falsification or misuse of voting cards, as in the 2000 elections, was virtually precluded. The process of bringing the electoral roll up to date was sufficiently advanced to permit the elections to be held. Voter registration itself, however, is still not entirely error-proof, given the often incomplete data on defunctions, births, etc., especially in rural areas.
- The electoral administration has instituted special facilities for blind and disabled persons to cast their vote. The Mission considers the decisive effort to guarantee disabled persons their political rights, specifically that of universal suffrage, a success that can serve as a model for other countries.
- Peasant and native communities are in all respects considered full citizens who exercise their right to political participation. However, their participation is still often limited; even though the plurality of languages is acknowledged in the Constitution, electoral material and the identification of political parties and groups were presented in Spanish only.
- To enhance the "institutional presence" of women, a minimum quota of 30% participation per gender was legally established for the lists of congressional candidates. Women's participation did not always manage to fill this quota. Out of the 120 seats in Congress, women attained only 22,18%.
- The election campaign was conducted under satisfactory conditions in which the rights of freedom of expression and of association and the right to demonstrate were generally respected. It was only rarely marred by acts of aggression or intimidation. As the election campaign proceeded, information content improved even though there were repeated lapses into vindictive personal exchanges and innuendo. Campaigning during the two rounds was carried out under well-established domestic and international monitoring which has permitted that the essential elements for fair voting conditions were maintained for the entire duration, as there are: freedom of assembly and free speech, free access of all political groups to the media, wide media coverage, and perfect freedom of movement.
- In the preparation of the 2001 electoral campaign, particular attention was paid to civic education for voters and electoral officials, through the efforts of the JNE, ONPE, the Ombudsman (Defensoría del Pueblo, DP), and certain non-government associations such as *Transparencia*. The mission's field observers were able to confirm that civic education and electoral training activities were carried out. These were

mainly focused on training polling station staff and the population of rural communities.

- Peru has a diverse electronic and printed media landscape. Along with the three state-owned media (a TV channel, a radio station and a newspaper), a high number of privately owned media guarantees that the public can receive information from a wide variety of sources with differing political and social perspectives. The campaign in the media was generally well conducted and the media provided equal access and balanced coverage for all candidates.
- Polling days were generally marked by a calm atmosphere free of intimidation and attempts at fraud. Recurrent problems were the irregular attendance and, partly, low qualification of polling station staff which produced delays in setting up and opening polling boards. Cases were reported where party representatives (*personeros*) have exceeded their functions by participating in the electoral procedure where institutional or civil supervision was lacking.
- In the absence of a statute on political parties the realm of party activities is largely left unregulated. This had consequences in the establishment of the candidates' lists, the differential treatment given party candidates by their own organisations, and as to the definition of role and functions of *personeros*. JNE issued rules regarding the publication of party finance and of campaign expenses. So far, these rules have met with little success; none of the 13 political groups respected the 60-day legal deadline for the presentation of statements; four major party statements were still missing just before polling day, and most statements were sketchy and incomplete. The NGO *Transparency* was then put in charge of a partial accounting and monitoring procedure to shed some light on campaign expenses and of publishing the results.

3. Peru: Statistical Country Profile

Geography

Location: Western South America, bordering the South Pacific Ocean, between Chile and Ecuador.

Geographic co-ordinates: 10 00 S, 76 00 W.

Area: total: 1,285,220 sq. km.

Land boundaries: total: 5,536 km.

Borders with neighbouring countries: Bolivia 900 km, Brazil 1,560 km, Chile 160 km, Colombia 1,496 km (est.), Ecuador 1,420 km.

Coastline: 2,414 km.

Terrain: western coastal plain (costa), high and rugged Andes in centre (sierra) and south (Altiplano), eastern lowland jungle of ("ceja de la montaña") and Amazon Basin (selva).

Elevation extremes: lowest point: Pacific Ocean 0 m; highest point: Nevado Huascarán 6,768 m.

Land use: arable land: 3%;

permanent crops: 0%;

permanent pastures: 21% ;

forests and woodland: 66%;

other: 10% (1993 est.).

Irrigated land: 12,800 sq. km (1993 est.).

Population

Total of inhabitants (July 2000 est.) : 27,012,899.

Registered voters:

2000: 14.567.467 M: 7.263.121

F: 7.304.346

2001: 14.906.233 M: 7.418.365

F: 7.487.868

Rural/urban population (in %):

1940: 64.8 rural

35.4 urban

2000: 27.7 rural

72.3 urban

Age structure (2000, est.):

0-14 years: 35% (male 4,776,074; female 4,628,899)

15-64 years: 61% (male 8,224,829; female 8,119,751)

65 years and over: 4% (male 579,465; female 683,881)

Population growth rate: 1.75% (2000 est.)

Infant mortality rate: 40.6 deaths/1,000 live births (2000 est.)

Net emigration rate: -1.1 migrant(s)/1,000 population (2000 est.)

Ethnic groups: Amerindian 45%, mestizo (mixed Amerindian and white) 37%, white 15%, black, Japanese, Chinese, and other 3%

Religions: Roman Catholic 90%; growing number of evangelical free churches

Languages: Spanish (official at national level), Quechua, Aymara and other indigenous languages (official at regional level).

Literacy (age 15 and older):

total population: 88.7%; male: 94.5%; female: 83% (1995 est.)

Economy:

BIP growth (in real terms, %):

1997: 6.7; 1998: -0.4; 1999: 1.4; 2000: 4.

Agriculture: 13.6, PIB; industry: 22; mining: 8.5; construction: 8.9; trade: 14; other tertiary services: 33 (1999).

Foreign debt:

27,460bn USD (3.945 short term obligations);

public sector debt: 19,147bn USD (mid-2000)

4. The European Observation Mission (EOM)

The European Union Election Observation Mission invited by the Peruvian authorities to observe the General elections of 2001, was composed by a Core Team of six persons who arrived in Peru the 23rd February.

Head of Mission, Mrs. Eva Zetterberg, Vice-President of the Swedish Parliament;

Mr. Bartolomé Clavero, from Spain, Deputy Head of Mission;

Mr. Ulrich Fanger, from Germany, Legal and Election Advisor;

Mr. Andrea Malnati, from Italy, Media and Research Advisor;

Mr. Adolfo Cayuso, from Spain, LTO Co-ordinator;

Mr. Scipion du Chatenet, from France, Security and Logistic Advisor.

Ten days after the arrival of the Core Team the Mission was supplemented by twelve Long Term Observers afterwards deployed to their inland destinations in the following administrative districts (*departamentos*):

The selected departments were Lima, Arequipa, Ayacucho, La Libertad, Loreto and Puno. Adjacent departments could be included if the situation so required. In this way, the departments of Cajamarca and Lambayeque were partly included in the mission's regional sample.

Lima

Mr. Lars Tollemark (Sweden)

Mr. Richard Atwood (United Kingdom)

Arequipa

Mr. Nils Meyer (Germany)

Miss Delphine Blanchet (France)

Iquitos

Miss Sonia Franco (Spain)

Mr. Thomas Boserup (Denmark)

Apurimac, Cuzco and Puno

Miss Tiina Heino (Sweden)

Mr. M. Alonso-Majarangranzas (Spain)

Ayacucho

Mr. Pedro Lacunza (Spain)

Mr. Sikke Bruinsma (Holland)

Libertad and Lambayeque

Mr. Björne Folke (Sweden)

Mr. Jean F. Leloutre (France)

Twice, for nine days surrounding the two Election Days, the Mission was supplemented by the presence of a group of Short Term Observers. In addition, a delegation of twelve members of the European Parliament joined the Mission for the short-term observation during the days surrounding both electoral events:

Mr. John Corrie (United Kingdom)

Mr. Fernando Fernández Martín (Spain)

Mr. J. Javier Pomés Ruiz (Spain)

Mr. J. Ignacio Salafranca Sánchez-Neyra (Spain)

Mr. Toine Manders (Holland)

Mrs. Karin Junker (Germany)

Mr. Emilio Menéndez del Valle (Spain)

Mr. Jannis Sakellariou (Germany)

Mrs. Karin Scheele (Austria)

Mr. Joaquim Miranda (Portugal)

Mr. Francesco Speroni (Italy)

Mrs. Encarnación Redondo J. (Spain)

For the first round, the Mission deployed a total of 74 observers including the Core Team, the Long Term Observers, the Short Term Observers, the MEPs with their support staff, and an additional group of bilateral and volunteer observers. For the second round the Mission counted on 80 observers. Out of the 24 Peruvian administrative districts, the EOM showed its presence in sixteen *departamentos* with six teams of LTOs, the STOs and the Core Team participating.

After the arrival of the Long Term Observers, a briefing session was organised for them focusing on the Peruvian political situation, with specific emphasis upon the electoral process. Important representatives from the academic world and the electoral bodies acted as lecturers. The program was conceived to instruct the LTO as to their duties and responsibilities, about the observation topics and the way to transmit the information gathered to the Core Team. A subsequent evaluation of the seminar by the participants produced a largely satisfactory appraisal, so that the mission was encouraged to retain this format for the following briefing session for the STO and MEP contingents.

For each round the deployment of the STOs was done so as to coincide with the LTOs' areas of responsibility. A briefing in Lima was held for all STOs on the day after their arrival Peruvian electoral system. Once they reached their areas they received from the long-term observers, their direct supervisors, another briefing on more specific local issues, focusing on the specific situation in their department.

As to the designation of the areas of responsibility and the location of each team of two persons, the criteria chosen were the density of population, the geographical balance, the sensitivity of the area and the available logistical conditions in terms of transport security, etc.

For the second round, the observers were able to profit by the experience and familiarity with the areas gained during their prolonged stay. The Puno team was reassigned to cover the departments of Cuzco and Apurimac, with the purpose of extending the observation to other Andean environments.

Language skills and previous observation experience were applied in the selection and composition of the STO-teams during both electoral events.

5. The Political Framework

i) Brief background summary: The Fujimori Years

After the deep economic and social crisis of the years from 1985 to 1990, the general elections (8 April, 1990) brought a confrontation between the candidate Mario Vargas Llosa of the FREDEMO alliance and Alberto Fujimori as exponent of the *Cambio 90* group. Vargas Llosa obtained the largest percentage of the total votes cast but failed to attain the required absolute majority. In a second round, Fujimori emerged with 57% of the votes cast, having attracted late support from left-wing parties and from APRA (inauguration: 28 July 1990).

The first years (1994-97) of the Fujimori presidency were marked by a successful stabilisation program, market-oriented reforms and an important foreign investment inflow. The continuously growing presence of armed terrorism (Sendero Luminoso and MRTA) was gradually brought under control by co-ordinating governmental action more and more with the Armed Forces and the security apparatus, thus increasingly relying on an authoritarian style of government and allowing for a gradual "power-outsourcing" to an intermediary network led by security chief Vladimiro Montesinos.

Constitutional developments followed this turn towards authoritarianism: a new organism (CCD) was set up in 1992 to present a draft constitution which enhanced presidential power, provided for the establishment of a unicameral legislature with a reduced number of deputies (120) and for the possibility of a successive five-year term of office for the President of the Republic (the Constitution was approved by CCD in September 1993 and by a subsequent special referendum which obtained 52.2% of cast votes in favour of the proposal).

This set of measures, coupled with a high reliance on emergency legislation, has come to be characterised as Fujimori's "*autogolpe*" (i.e. a self-instigated putsch) which paved the way for well-orchestrated presidential and legislative elections in April 1995. It is being argued that even the border conflict with Ecuador in early 1995 was timed as to create the necessary cross-

party consensus favourable to the government. In fact, Fujimori defeated his closest opponent, Pérez de Cuéllar, winning 64% and a 67:53 majority of seats in Congress.

ii) The situation in 2000

Under the impression of the beginning decline of the economic system and the erosion of popular support in early 1997, the government hardened its grip by manipulating the judiciary and began preparing for the second re-election campaign (dismissal by Congress of three critical *Tribunal Constitutional* Justices), so that a docile TC (February 98) then opened the way for a third term candidature in 2000. After a defeated referendum motion presented by the opposition on the question of Fujimori's re-eligibility (September 1998), the government tried to contain mounting public protest through greatly increased spending on social welfare programs during the run-up to the 2000 elections. By effectively buying votes in this manner, the President's "popularity" increased so that he obtained the largest number of votes, but not an absolute majority. During the pre-campaign period, a growing number of complaints regarding serious election irregularities were lodged with the national electoral commission. Because of these irregularities, observed by both independent domestic civic organisations like *Transparencia* and international observer groups, the main electoral contender, Alejandro Toledo, refused to present himself for a second round of elections, which were held on 28 May 2000. Despite complaints of several countries and organisations, including the European Union, this second round of the elections went ahead. The EU and the other major observation groups decided not to be present with observers during the second round, which Mr. Fujimori won in the absence of any opposition.

Upon initiative of the Ombudsman's Office, the OAS was approached for assistance in re-instituting a democratic process of interaction between opposition and government, with participation of a broad range of associations from the civil society. A high-level OAS mission became instrumental in setting up and moderating the planned round table (*Mesa de Diálogo y Concertación Para el Fortalecimiento de la Democracia en el Perú*). This *mesa de diálogo* was installed 25 August to debate an agenda of 29 subject areas, with the aim of presenting conclusions not later than 30 March 2001. The original idea to set the stage for another referendum under a new set of legal rules was abandoned. Before the meetings even began, the resulting public pressure opened the floodgates; two sensational disclosures happened nearly simultaneously:

- President Fujimori was forced to admit the existence of a Peruvian military network of arms traffic between Jordan and the Colombian FARC irregulars;
- and in September 2000, the first surprise videotape of a whole collection filmed in the offices of Montesinos appeared in public, documenting bribery transactions by the "éminence grise" of the regime which implicate senior political figures.

This started the decisive "vladivideo scandal" that then unleashed a sequence of events which have cracked the structure of the regime and plunged the country into long-lasting imbalance. These circumstances were:

- the hasty departure of Montesinos (23 September 2000);
- the President's announcement of a reduction of his mandate, combined with his call for new elections in 2001 (8 April);
- the disbandment of the National Intelligence Service (SIN);
- Fujimori's departure to Southeast Asia and eventually to his asylum in Japan;
- Finally his impeachment by Congress on 21 November 2000.

Mr. Valentín Paniagua, president of Congress, was subsequently chosen by Parliament as provisional president of the Republic. The electoral schedule, as set by the previous government, was upheld; brief deliberations about extending the transitional period to a two-year term were not followed up. Paniagua assembled a caretaker government to rule Peru until the new president and government, resulting from the election, would take over on 28 July 2001.

The new cabinet is a mixture of technocrats, experienced politicians and notable figures including the former UN Secretary General Mr. Javier Pérez de Cuéllar, who was appointed Prime Minister and Minister of Foreign Affairs.

The main objectives of this transitional government have been to organize free and fair presidential and congressional elections, and to pursue as much political reform as advisable and possible, while maintaining economic stability. Despite the old composition of Congress (with a strong Cambio 90 fraction still in place), the administration has succeeded in making the electoral bodies more independent, renewing around 78% of the staff of ONPE. Media access and freedom of expression have been re-established. This measured course of well-chosen steps to regulate by executive orders has been followed up to the new elections. In this context has to be seen the decision, taken in April 2001, to replace the entire corps of the 194 heads of the provincial administrations (*subprefectos*) who had been appointed under the previous regime. Another proof of the careful stride this government has been taking is the solution found in tackling the problem of effecting changes in the military high command structure and the purge of the judiciary of some elements known to have been close to the Fujimori government. Most significant was that the Armed Forces, in a declaration of loyalty to the political authorities, presented a confession of guilt for their close involvement with the past regime and asked for public exoneration.

To place this transitional phase in full perspective, one will also have to mention the decisive changes effected, since the departure of ex-president Fujimori, with respect to human rights. The transitional government has assumed a clear position of recognising and respecting the fundamental rights and has placed the preparations and arrangements for the new elections squarely within this perspective. This had as a premise the recognition and acceptance by Peru of the International Covenant on Civil and Political Rights as represented by the Inter-American Court of Human Rights and the United Nations Human Rights Committee which had been highly critical about the former regime. The Fujimori government had therefore discontinued Peru's membership in the Inter-American Court of Human Rights.

Unequivocally positive consequences on the domestic scene have also been noted in the observance of human rights, the latest and very important decision being the creation by presidential decree (22 May) of the long-debated *Truth Commission (Comisión de la Verdad)*. The commission is to begin working in August 2001 and its mandate is for eighteen months. An understanding has been reached that the entire 20-year phase since 1980 will come under scrutiny as to violations both by the terrorist groups and the counter-insurgency forces.

On the domestic scene, one institution – the *Ombudsman's Office (Defensoría del Pueblo / DP)* – has gained considerable influence since the year 2000, although created much earlier (constitution of 1993, art. 161, 203 et al.). Not bestowed with autonomous executive powers, the Ombudsman commands high moral authority and public pressure potential *vis a vis* all public institutions and official entities. Through its eight regional representations, the agency receives, and acts upon, complaints concerning legal or administrative abuses and infringements. Since the agency also has the mandate to supervise the elections to the effect of guaranteeing full participation and the free exercise of political rights, frequently mention is made of the DP in this mission's report. As reflected in various passages relative to electoral rights in this report, also the *Tribunal Supremo Constitucional* has increasingly devoted its line of decision-making to human rights issues, although previously having been curtailed by the former regime.

iii) The Position of the European Union

The EU has been closely monitoring the evolution of the Peruvian situation over the past years and in particular has supported the OAS-sponsored "*mesa de diálogo*". Since the announcement of new elections, the EU, recognising a window of opportunity, has shown its satisfaction and support. This can be illustrated by two successive EU declarations on 20 Sept. and 20 Nov 2000. Once more, the EU reiterated its full accord with the efforts made by the OAS in support of the democratisation of the Peruvian system. This is also the position adopted by the European Parliament (6 Oct. 2000) which "calls on the Commission to undertake a special program in order to give active support to this new phase of the democratic process in Peru and to co-ordinate the initiatives taken by Member States".

The EU has welcomed the recent events that have taken place in Peru following the departure of President Fujimori, in particular with respect to the mechanisms foreseen in the Constitution, and has also welcomed the political maturity shown by the people of Peru. In recognition of this new situation, President Prodi replied positively to the letter from the Peruvian government inviting the EU to send an electoral observation mission to cover the elections to be held in April / June 2001.

6. The Legal Framework of Peruvian Elections

i) The Constitutional and Legislative Framework

The constitution of 1993 and its electoral provisions

In view of the Latin American traditional prohibition of immediate re-election, the constitution of 1993 – still valid for the 2001 elections – allows two consecutive presidential terms (Art. 112); in this respect, it had introduced a significant shift towards strong powers of incumbency and self-perpetuation. The second major change provided for a new unicameral congress with a reduced number of deputies (120 instead of 180).

In electoral matters, the constitution has retained the majority runoff format in presidential elections but superseded a 1984 law by explicitly excluding spoilt and blank ballots in the calculation of a majority (these provisions are being debated and are under consideration for new constitutional amendments once the newly elected congress convenes).

Electoral participation as an obligation

Peru is one of the Latin American countries that have opted for mandatory electoral participation. The vote has been compulsory since 1931 (extended to women in 1955 and to illiterate persons in 1979, effective 1985). Abstention is subject to administrative penalisation and/or a fine, unless a case of justifiable exoneration (*dispensa*) can be proved (Art. 29 RENIEC ley 26497).

There are good reasons for such a regulation, as in a plural and socially divided society obligatory participation can constitute an integrating factor. Without it, the picture of voter participation in Peru would present wide regional (and ethnic) disparities, and political forces might then virtually limit their representation (and responsibilities) to the coastal urban populations characterised by acute political awareness and civic education. The danger would be that of ending up with a selective electoral regime. Over the years, the result of this Peruvian practice has been a relatively high participation quota of between 70% and 75%; in the present elections of 2001 absenteeism reached 17,7% in the first round.

The sanctions attached to voter abstention, however, are relatively burdensome: control is effected by means of a hologram sticker affixed to the identity card (DNI). Without this seal the DNI is simply an identity card without validity for legal transactions, whether public or private. If the individual wants to regain his legal standing, a fine is imposed (amounting to one fourth of the current monthly minimum wage, currently S/. 120.-), 10% of which is passed directly, as “own revenue”, to the treasury of JNE, and 40% to RENIEC (Art. 14 Ley JNE 26533; Art.380 LOE 26859).

The long-established principle of mandatory electoral participation is beyond the call of international observer teams. But the form and scope of sanctions probably ought to be reconsidered, as, in their present form, they place an unnecessarily high burden on the poorer stratum of the population.

Norms regulating the electoral process

The electoral process is regulated by a set of norms approved between 1995 and 1997 that have reformed the electoral legislation. The Organic Laws of the National Electoral Jury (Law 26486-LOJNE), of the National Office of the Electoral Processes (Law 26487-LOONPE) and of the National Record of Identification and Civil Status (Law 26497-LORENIEC), were promulgated in 1995 in accordance with the 1993 constitution. The constitution created a tripartite electoral organisation with two new organisms (ONPE and RENIEC) which have been

assigned some functions formerly attributed to the JNE (for details see section 6.iii). Law 26859 (Organic Electoral Law – LOE) regulates the following: the electoral campaign; the voting procedures; the inscription of organisations and candidates; a just election and the electoral system in the case of presidential and congressional elections (they are carried out at the same time every five years).

Since 1995, in the General Elections for President and Congress a unitary ballot sheet is used. It consists of a two-leafed form with the Presidential candidates' list on the left and Congress list on the right. One fold carries the logotype and photograph and the other shows the logotype and blank boxes for the preferential vote, which in this case it is arranged on the same line as that of the parties or groupings participating in both elections. The two parts are detached when the votes are counted, but during the voting process they form part of a single ballot sheet.

The age limits for compulsory voter participation of all resident citizens is fixed between 18 and 70 years of age, but not of course, the submission of a valid vote, as the vote is secret. A ballot sheet is considered valid if at least one of the lists, presidential or congressional, has been marked. It is not necessary to fill the blank boxes in favour of individual candidates for Congress. This implies that the "preferential vote" is voluntary; there are up to two preferential options.

The LOE also stipulates the equally mandatory vote for Peruvian residents abroad. In these cases, voting is carried out through consular offices or by mail. This is the only legally foreseen case in which voting can be made by mail. Those who reside in Peru are to exercise their voting right in person at a Polling Station at the location of their permanent residence.

Legal provisions are made for cases of temporary residence away from home, but there are limitations that have had the effect of excluding numerically important sectors of the population from voting. Legally, temporary residents' polling stations (*Mesas de Transeúntes / MS*) ought to be set up. Applications for the entry in the respective list, however, have to be submitted not less than 90 days prior to the election date, a long period which excludes many voters who are not used to long-time planning as for their civic obligations. What is more, for the current General Elections, the unitary district system for President and the multiple district type for Congress were used (on the same ballot sheet). In theory, a temporary residents' vote is provided for the former but not for the latter. However, once the ballot sheet is unitary, a temporary residents' vote for president is no longer possible. As a consequence, no *mesas de transeúntes* were provided during both rounds of the 2001 vote. In particular, rural migrants with recently established and often "informal" residence in the coastal urban areas were reduced to costly journeys to vote in their hometowns. Under these circumstances, a substantial, if statistically uncertain part of the population have abstained, i.e. in fact been excluded from the elections in addition to being subjected to substantial fines (S/. 120.-).

ii) Electoral rights and discriminations

In Peru, universal suffrage is, according to the Constitution, the right of all citizens to political participation, men or women, without any type of discrimination. Nevertheless, reality does not always fully respond to this principle. We will not deal with social and economic discriminations, which are very obvious, but only with those concerning specific legal ordinances regulating the electoral purposes.

Women

As for women, they enjoy fully equal participatory rights and obligations, and indeed they have shown equitable presence in the voting process and a notable representation in the composition of the staff of polling stations. Their participation is less in representative institutions and in the leadership of political parties. Lourdes Flores Nano, candidate to the presidency for Unidad Nacional, came in third in the elections, but she did not emphasise the gender issue during her political campaign. To enhance the "institutional presence" of women, a minimum quota of thirty-percent participation per gender was legally established for the list of congressional candidates. Women's participation did not always manage to fill this quota. In some cases - in Departments with short lists of candidates – the JNE has interpreted this rule in a restrictive way, regarding one female candidate on a list of four to be in accordance with the law, and this

despite a contrary opinion issued by the *Defensoría* and several women's' organisations. The results were not impressive. Out of the 120 seats in Congress, women achieved only 22,18%, which is a lower number than was gained in the last elections of 2000.

Disabled persons

The electoral administration made special facilities available to blind and disabled persons. The endeavours of ONPE to enable disabled people to exert their rights to vote were remarkable. In polling stations observed by the Mission, special preparations had been made to facilitate the access for disabled persons. Furthermore, instructions and materials concerning this issue were distributed, including ballot sheets in Braille for the blind. The Mission considers the decisive effort to guarantee disabled persons their political rights, specifically that of universal suffrage, a success that can serve as a model for other countries.

Temporary Residents

As already pointed out in the present report (see: 6.i / The Constitutional and Legislative Framework) the existing legal provisions for temporary residents have not been applied for the general elections either in 2000 nor in April and June 2001. This has the effect of excluding a considerable part of Peru's significant number of "new settlers" or migrants from voting, or subjecting them to prohibitive expenditures or fines.

Armed Forces and National Police

With regards to the military and their rights, it must also be pointed out that members of the Armed Forces and the National Police do not have the right to vote or present themselves for elected positions.

Libreta militar

Even though the military service is no longer obligatory, 17-year old boys and girls must obtain the libreta militar (military registration card). In the case of young people of rural extraction, failure to show the above mentioned document to the armed forces could end up in a levy by the militia.

Persons affected by antiterrorist legislation

Antiterrorist legislation initiatives of the Fujimori period have left some discriminatory situations as far as electoral participation is concerned. Legal amendments to remedy this situation were taken just a few days after the second electoral round (June 2001). Before, the judiciary was obliged to issue arrest warrants to anybody accused of having participated in terrorist acts, without previous *habeas corpus* or the right to a defence lawyer. Persons with these warrants pending were excluded from voting or upon doing so, were immediately arrested, even though the electoral law expressly provides a truce on polling day. The armed forces consider antiterrorist war an exception to this rule.

Persons under criminal accusation

There is also electoral discrimination against persons held for trial as they are prevented from participating in elections. They are not provided with a leave to vote nor are polling stations set up in the prisons. We are only dealing with the issue of persons held for trial, as the enactment of a sentence legally divests persons of their citizen's rights. Persons who have served their sentence find it difficult to participate in elections because their documents are withheld for a period of time by the penitentiary administrations.

Indigenous peoples

Also to be considered is the situation of both peasant and native communities. They are in all respects to be considered full citizens that exercise their right to political participation. However, due to the poor attention given by the established system to the pluralism of cultures and languages, these citizens are often excluded and discriminated.

Major deficiencies are found with regards to the electoral roll (*Padrón Electoral*) and the issue of identification papers in remote peasant and native communities. Nor is the appropriate electoral training provided in terms they can understand and benefit from. Polling Stations are not set up in a great number of far-removed communities and there are some to which even the electoral administration has no access.

Even though the plurality of languages is acknowledged in the Constitution, electoral material and the identification of political parties and groups must be in Spanish. In view of these circumstances and in accordance with the Convention of the International Labour Organisation concerning Indigenous and Tribal People in Independent Countries, the DP considers that electoral organisations should act in co-ordination with the indigenous authorities.

Possibilities of recourse in human rights matters

The Constitution considers the JNE as the unappellable supreme jurisdiction in electoral matters; but after all, political participation does form part of human rights. Thus, should complaints arise supported by international human rights provisions, they can be brought before higher instances such as the Inter-American Court of Human Rights and the United Nations Human Rights Committee on Human Rights, as Peru has ratified the International Agreement on Civil and Political Rights.

iii) The Structure of the Electoral Administration

Under the Constitution, three electoral institutions are responsible for ensuring the safe and free organisation of elections and vote tallies without undue influence and fraud. They have technical autonomy and are required to co-ordinate on electoral matters.

1. **The National Identity and Civil Status Registry (Registro Nacional de Identificación y Estado Civil / RENIEC**, created in July 1995), with 176 offices in the provinces, is responsible for the countrywide registration of births, defunctions and marriages and beyond this is responsible for preparing the electoral roll (*Padrón Electoral*). RENIEC has succeeded in making the switch from old style voting cards to multiple purpose ID Cards (DNI) with top-notch international digital safety specifications, and to the point of having equipped (by end February 2001) 59.7% of the potential voters with these documents (8.9m of 14.9m registered voters). Voter identification in Peru has progressed and been refined to the point that this aspect can be considered as essentially solved, so that falsification or misuse of voting cards (*"cédulas"*) as in the 2000 elections can be virtually precluded. Voter registration itself, however, is still not entirely error-proof, given the often incomplete data on defunctions, births, etc., especially in the rural areas.
2. **The National Jury for Elections (Jurado Nacional de Elecciones / JNE)** is the highest-ranking organ and instance of last appeal within the electoral administration; it encompasses normative as well as jurisdictional functions. JNE is in charge of supervising the legality of the ballot, of electoral processes, of referendums and similar popular consultations. It has the supreme responsibility for overseeing the electoral process and is in charge of the administration of justice on electoral matters; its decisions are not open to appeal nor may be challenged in the courts. JNE also keeps the national registries of political organisations, registers candidates for elections and has the authority of proclaiming the definite results. For each election, JNE sets up a network of 49 Subsidiary Electoral Tribunals (*Jurados Especiales Electorales / JEE*) in the provinces which deal with challenges. All appeals against these decisions are passed to the JNE, which issues unappealable rulings that may even partially or totally annul an election. JNE has the executive right to propose new legislation on electoral matters. The JNE is in essence a panel of five members, one of whom is elected by the Supreme Court and assumes the position of President of the JNE. The other four members are nominated by the board of prosecutors-general, the Lima Bar Association and the deans of the public university law schools and the private university law schools. Four of the board members were only recently replaced, because they appear to have been implicated in old-regime irregularities. The measures restricting the powers of

JNE introduced by the Fujimori government in 1997 and 1998 (essentially: reduction of quorum and of the voting majority from 3 to 4 members) have since been abrogated.

1. **The State Office for Electoral Processes (Oficina Nacional de Procesos Electorales / ONPE)** has the function to organize and implement the elections, including the preparation and distribution of ballot sheets and related voting materials. It carries out the ballot count and provides from the start of that process permanent information of the tally at polling stations. In its new form, ONPE has become operational as late as mid-December 2000. According to the new electoral law, ONPE is responsible to operate 94 regional headquarters (*oficinas descentralizadas de procesos electorales / ODPE*) and to set up the roughly 95 000 voting stations (*mesas de sufragio*); ONPE is making great strides to solve its numerous problems, and for this purpose it has counted on important contributions of international technical and financial co-operation. Serious staffing problems have plagued the administration up to polling day in April; they were due to the fact that about 78% of all staff have had to be replaced for their political affiliation with the old regime. Recruitment of new staff was complicated and lagging behind schedule. More than for the core staff at the Central Office, this applies to the temporary positions on the local and regional levels who are necessary to ensure orderly voting procedures at the grassroots (this pertains to the ODPE chiefs and roughly 11,000 co-ordinators, each for ten *mesas*, recruited on a three-month basis at a salary of S/. 2,000). 28,000 applications had been received for these posts, as short-time employments are highly attractive under the present social conditions in the country; however, only one third of them have had the qualifications to pass the screening process.

iv) Procedural provisions for the elections

The amended package introduced into the electoral law (LOE) by Congress, 29 December 2000, maintains the division of the country into 25 electoral districts (equivalent to the administrative *departamentos* plus the special district of Callao). The number of polling stations is flexible according to local conditions; approximately 92,000 polling stations (*mesas*) were set up for the 8 April/3 June elections, usually a number of them grouped together in polling centres (*colegios*). The countrywide voters' register for the election in April 2001, as approved by JNE (17 January 2001) showed a population entitled to vote of 14,906, 233 persons.

Each of the *mesas* handles an upper limit of 200 voters and is staffed by three *mesa* members. The selection procedure for this staff is somewhat obscure; from the voters' registry (200 voters) for each *mesa*, a selection of 25 persons, supposedly with a minimum educational qualification is made, among whom then the selection of 3 titular and 3 substitute members is made by draw (*sorteo*). In practice, this Peruvian system has been having the effect of a consistently high number of the chosen *mesa* staff not showing up to take up their position on voting day, oblivious of the fines set for such behaviour. In such situations, the local electoral administration and the counting process are considerably weakened or hampered.

The three electoral agencies described above (section 6.iii) share the functions of electoral organisation in a way that can be summarised as follows:

In the electoral system, JNE rules, ONPE organises, and RENIEC assembles. The second prevails for operational purposes while JNE makes the final decisions on strictly electoral issues. According to CPP, JNE judges appeal cases "with a conscientious criteria", and there is no need to resort to either the Supreme Court (CS) or the Constitutional Court (*Tribunal Constitucional/TC*). The latter, TC, only has jurisdiction in competence conflicts among electoral institutions. The Supreme Court has jurisdiction over electoral offences on the basis of the penal law. Institutionally, electoral results depend on the ONPE vote count and JNE's supervision.

The relationship between JNE and ONPE constitutes one of the sensitive aspects of the entire system. Due to the jurisdiction and supervision of the first, one might interpret this in terms of a degree of autonomy equivalent or similar to that, which should constitutionally exist between the judicial and the executive branch, but this is not the case. The LOE postulates that the

relationship between the electoral institutions is to be of “co-ordination and co-operation”, both on the general and the departmental level. This regards the relation between JNE and ONPE as the one between the various JEE and ODPE on the regional level, without any detailed differentiation for the respective supervision.

It can therefore be said that the present arrangement is that of an institutional system that, due to its complex mix of autonomy and subordination between the main administrative bodies, is basically one of supervision but with an insufficiently defined division of competence, which leaves loopholes and undefined, contentious areas.

Particular attention is given in the amended LOE to the role of party representatives (*personeros de partido*) whose functions are defined as to “*fiscalizar*” (i.e. scrutinise/investigate) the election. No more than one *personero* from each political party may be present at each polling station during the proceedings at the count. In practice, the *personeros*’ role has presented some problems, a matter to be discussed in a different context on the basis of electoral observations.

Party Financing and Campaign Funding

Over the last two decades, the formerly existing Peruvian party spectrum, with the notable exception of the APRA party, has disintegrated into personalistic splinter groups and loose ad hoc alliances. Be it the cause or the consequence of this development – no Law or Political Parties exists, and no public funding is provided for them, although the 1993 constitution (Art. 35) states that “the law (will establish) norms to assure the democratic functioning of political parties ...”.

Party membership fees are of minimal importance, as political organisations generally lack the necessary permanent organisational base. Therefore, party and campaign resources are generally provided by private funds, which are subject to specific interests when helping to finance candidatures and programs. At election time, funding becomes suddenly visible and suspiciously abundant, particularly in favour of the political forces deemed to have high probabilities of winning the election. No public control of the financial situation and sources of funding is provided. But, after the experience of the Fujimori elections in 2000, two initiatives were introduced as first steps to render a certain degree of transparency to political financing:

1. To put all political groups on a “minimally equal footing” during election campaigns, a cost-free, state-financed TV frame for campaign propaganda is provided to all lists competing in the election (see details, section 6.v); and
2. in an attempt to finally put in practice a legal provision established in 1997 (LOE, Art. 183) the JNE pressed the point that campaign expenses had to be at least “monitored”. This refers to the legal requirement of documenting party sources of financing, and their campaign expenses by sworn statements to be presented to JNE within 60 days before the end of the campaign.

As the legislature omitted to set any sanctions for cases of non-compliance, the results of the latter provision have been more than unsatisfactory. During the 2001 campaign, none of the 13 political groups in the electoral race have respected the 60-day legal deadline, and at the end of the campaign, four major party statements were still missing. What is more important, most accounts proved to be sketchy and inadequate as to the financial sources.

In order to put the political groups under some pressure, JNE resorted, in mid-March, to an agreement with *Transparencia* to set up a verification procedure, inspecting and comparing obvious campaign outlays (press advertisements, radio and TV spots, etc.) with declared financing. Given the wide “grey areas” in funding, the procedure could not lead to a full disclosure, but it did help to give the public an idea where most of the campaign money had ended up.

Electoral observation was initially opened by JNE to domestic non-government Organisations like *Transparencia* and *Consejo por la Paz*. International observation is not formally provided for by law, but it is generally been understood as to be allowed by implication, taking into account invitations and official accreditation extended by the Peruvian authorities, both in the year 2000 and for the present elections. Participation of non-Peruvian citizens is also allowed in

domestic observation teams. The general acceptance of international observation missions by government and the public in Peru is also reflected in the Ombudsman Report issued soon after the first round of the 2001 elections: “The latter (domestic and international electoral observation organisations) have become an important mechanism in mitigating the possibility of irregular acts on the part of the contenders or electoral entities officials”.

A legal debate about the constitutionality of publishing poll results early on voting day broke out during the election campaign in March. Interested political circles, which were later joined by *Transparencia*, the OAS Head of Mission, the Ombudsmen Office, and eventually also by the JNE presidency, came to advocate the abrogation of the legal provision (amended Art. 121 LOE) adopted only recently (November 2000) by Congress. At the time, this clause was deemed necessary to protect the public climate on voting day from undue interference and manipulations. Now, surprisingly, convictions had changed, and only the Congress directorate tried to uphold the legal clause. The matter finally reached the Constitutional Tribunal, which, just in time before the polling date emitted its verdict to allow for early publication of poll exit data (i.e. after closure of all *mesas* at four p.m.).

v) Media Laws and Regulations

The Peruvian Constitution (Art. II, 4) contains a general guarantee of freedom of information, opinion, expression and diffusion of thinking through the media without previous authorisation or censorship.

The Election Law (LOE) regulates electoral propaganda in articles 181-195.

1. Art. 186 (d), states the right to freely publish propaganda in the different mass media, under equal conditions for all parties and candidates.
2. Art. 190, states that 24 hours before election day, all kind of electoral propaganda has to be suspended.
3. Art. 192 (modified by the Law n. 27369, 18 XI 2000), prevents the “State” (i.e. the executive and governmental agencies) from pronouncing themselves in favour or against any of the parties, alliances or independent groups; this takes effect with the official summons for the elections.
4. Art. 194 (modified by the Law n. 27369, 18 XI 2000), establishes the so called *franja electoral*, free air time dedicated in equal part to all competitors in the electronic media, both private and state-owned (with nation-wide coverage). The same article also contains the only part of the Law referring to information broadcasts that cannot be considered as political propaganda: “The publicity, information and political programs of radio stations and TV channels will respect the principle of non-discrimination and will grant special rates to all participating political organisations”.

From the limited range of these legal provisions, it seems obvious that the policies and behaviour of the media during electoral campaigns are practically left unregulated. The principle of non-discrimination only implies the right for all competitors to have access to the media, but does not constitute a right to be *equally* represented (from quantitative and qualitative point of view) in the media. It might be considered whether this principle of representation under equal conditions should be legally guaranteed, along with the institution of an independent body in charge of permanent media monitoring (as the NGO *Transparencia* did during these elections).

Franja electoral (spots of electoral publicity in public TV)

The *franja electoral* was approved by the JNE under the Resolution n. 065, published in the *Gazeta Oficial* (19 January 2001). According to this resolution, the political groups have at their disposal 10 minutes daily in the TV and radio Channels, both private and state-owned, with nation-wide coverage. In this cost-free space, effective from 60 days before the Election Day until 24 hours before election date, the parties are allowed to transmit informative spots in the form and with the content they desire. If a political group does not submit any material to TV or radio channels, ONPE covers the space with neutral institutional and voters’ education videos. The Law includes in the *franja electoral* only radio and television, but not the printed media,

thus directing state resources only toward one part of the media, and, by implication, limiting the parties' free choice of the medium of their preference.

7. The Pre-Election Phases

i) Performance and co-ordination of the Electoral Agencies

Before the arrival of the EOM-EU, the staff for the Subsidiary Electoral Tribunals (*Jurados Electorales Especiales* / JEE) and for polling stations (*Mesas de Sufragio* / MsS) had already been selected by draw (*sorteo*) from among the voting citizens. This is an important phase within the electoral organisation on the practical execution of which the mission was not able to receive much information from electoral institutions.

In various regions voters complained that inadequate JEE staff, or personnel recruited under undue influence-peddling, had been maintained for the second round, and that in general, the selections had been made without the necessary transparency. In such cases, the voting public has considerable difficulties in lodging official complaints. In some places, the contested nominees exerted political pressure. And – more importantly – such complaints are conditioned upon the deposit of a bond sum, which is forfeited in case of impugment.

The National Jury for Elections (*Jurado Nacional de Elecciones* / JNE) and the State Office for Electoral Processes (*Oficina Nacional de Procesos Electorales* / ONPE) renewed their staff members at all levels, especially at higher ones. This has meant highly increased activities at both institutions, notably ONPE. JNE started a systematic supervision, which it had not put into practice before. ONPE was not satisfied with this supervision because it implied constant and tedious remittal of information about their activities. Furthermore, it was doubted whether the JNE had any competence in supervisory matters, apart from a jurisdictional one *a posteriori* by petition of interested party. The conflict was solved through private agreements during the month of May, which allowed for supervision to be carried out.

Unlike JNE, ONPE was also subject to electoral supervision by the Ombudsman's Office (*Defensoría del Pueblo* / DP) and even agreed to allow offices for voters' defence (*Defensoría del Elector*) to be set up in the Regional Offices for Electoral Processes (*Oficinas Departamentales de Procesos Electorales* / ODPE). JNE and ONPE coincided in being hospitable but at the same time not very accessible to election observation missions.

ONPE faced a serious software problem. Before the EOM-EU arrived, concession for the electoral software had been awarded to a company that later on proved not to be fully up to the expectations of competence in these matters. The software program was not suitable for electoral purposes, and this became a major issue before the first round of the parliamentary and presidential elections. ONPE, OAS and the international agencies of direct technical and/or financial support (UNO, IFES, CAPEL) disregarded the problem, and ONPE feigned a successful trial run of the elections (trial runs are, since 2000, obligatory by law). The EOM-EU decided to issue a cautious information about these findings. In the end, this "European mediation" proved to be helpful in view of the fact that alarming comments about the problem had already spread among the political representatives (*personeros*). The EU Core Team, for these specific problems, would have appreciated the presence of a computer system specialist within its group, even if for a limited period of time.

Even though JNE was aware of the situation, its supervisory role was not brought to bear in any significant form. After a series of adjustments and upgrading, the software worked well on polling day but was then discarded by ONPE. After the incident, the ONPE staff seemed to be distrustful of the EOM-EU for not having co-operated in concealing a problem that might have ruined its good performance in other respects and during the election itself. Apart from this, however, ONPE has proved to be capable and efficient in handling all other technical and operational aspects during the preparatory stages.

Between the two rounds, the dormant conflict between JNE and ONPE welled up once more. JNE's delay in dealing with contestations impeded ONPE, which had already decided to change the software, from substituting it as the *servers* were still being used to input data of definite resolutions of pending challenges from the first round. There was also an ongoing discussion on

the regional level between the JEE and the ODPE over some documents because, literally, neither jurists nor technicians understood each other's language.

Another problem of some importance that arose between JNE and ONPE before the second round was the decision to introduce a system of accelerated collection of voting records (*Acopio Rápido de Actas* / ACRA). It had been created by ONPE as a kind of selective rapid count (directing a speedy transshipment of the respective copy of the records from all easily accessible voting stations, to accelerate tally by not waiting for the collection from all centres to be completed first). A few days before the second round, this practice was prohibited by JNE, but on the day before polling day, both institutions discreetly came to an agreement: JNE would not rescind its order, but ONPE was informally permitted to carry out the speedy collection of results.

The duties of the National Identity and Civil Status Registry (*Registro Nacional de Identidad y Estado Civil* / RENIEC) are carried out before the electoral process whereas those of the JNE are subsequent to it. These two issues, especially citizen registry and electoral jurisdiction, will be taken up in another context. We will also examine the electoral supervision of the DP, to which reference has already been made.

ii) Registration of Parties and Candidates

The electoral reform of 1997 introduced modifications as to the time limit set for the inscription of political organisations and candidates, for their inclusion in the electoral lists (LOE, effective first for the 2000 election and still valid for the electoral process in 2001):

- (1) The convocation deadline for the elections was reduced from 240 days before, to a time frame between 150 and 120 days before E-day;
- (2) The inscription of organisations and of presidential candidates is now open until 90 days before E-day (formerly: 180 days before);
- (3) The inscription of deputy candidacies is now open until 60 days before E-day (formerly 90 days).

While these amendments lend more freedom of action to political groups in organising themselves, they tend to concentrate and shorten the pre-electoral process. In the same context, requirements for the inscription of political organisations were tightened:

- Art. 87, 88b LOE set basically a twofold limit to the inscription; namely proof of the adhesion of at least 4% of the electorate; and the elimination of the party or political group from the register if and when it fails to obtain at least 5% of the votes in a general election.

While the 5 percent clause has become a recognised part of international party legislation, applied in various countries, the minimum number of members or affiliates does not seem reasonable under the given Peruvian conditions (not surprisingly, in the 2000 elections, this turned out to be one of the most contested aspects, given the high number of unverifiable signatures). A modification of this point is advisable.

After the current elections, a dilemma is certain to arrive, as some parties have obtained a seat in congress but remained below the 5% threshold in their countrywide results, so that their organisations will have to be struck from the register for future elections.

Under these conditions, finally eight party lists with candidates for the presidency qualified and postulated for the elections. Most of them are lists and alliances newly formed during the last Fujimori years, having only scant identification with some of the traditional Peruvian party structures which had fallen into disarray.

- **Peru Posible** (candidate: Alejandro Toledo Manrique), a party of centre/left definition, but with an essentially market-economy program, partly guaranteed by the adhesion of parts of the old liberal Acción Popular. Main programmatic focal points: Work creation programs; foreign investment in agriculture; tourism; mining; public housing projects.
- **Partido Aprista Peruano / APRA** (candidate: Alan García Pérez), the most traditional of existing political organisations, of leftist social-democratic tradition, in government during the term 1985/90. Main programmatic points: Re-negotiation of foreign debt; nationalised agrarian credit; price control of public transport; regional political decentralisation of the country.

- **Unidad Nacional** (candidate: M^a Lourdes Flores Nano) a liberal, centre/right formation which has integrated parts of the traditional Christian Social Party. Three major program areas: Agricultural development with concentration on specialised export crops; development of industrial free trade zones (*maquiladoras*); infrastructure development. Increased foreign investment in most of these areas.
- **Frente Independiente Moralizador** (candidate: Fernando Olivera Vega), a liberal, market-economy oriented group around (former Fujimori government minister) Mr. Olivera, advocating tax and import duty reductions to foment the agrarian export economy; goal: debt service reduction and 7% annual sustained growth of BIP.

The other four contending parties were:

- **Solución Popular** (candidate: Carlos Bolonà Behr); foreign investment and free market economy oriented; strong ties to the industrial sector.
- **Proyecto País** (candidate: Marco Arrunátegui C.); recently formed group representing sectors of small industry and transport services
- **Renacimiento Andino** (candidate: Ciro Galvez Herrera), recently formed group with strong regional affiliation. Priorities seen in agro-industrial development, fishery and mining investment.
- **Todos por la Victoria** (candidate : Ricardo Noriega Salaverry); recently formed group with similar programmatic plans as Solución Popular and Renacimiento Andino.

Apart from the race for the presidential election on 8 April, five more party lists entered candidates either countrywide or in selected electoral regions, for the parliamentary election. These were

- **Cambio 90 - Nueva Mayoria; Movimiento Somos Peru; Union por el Peru/Socialismo Democratico (UPP/SI); Partido Acción Popular; Frente Popular Agrícola F/A (FREPA),**

so that 13 political groups were represented in the race for congressional seats (cf.: section 9.ii for the results obtained in the congressional votes.)

iii) Voter and Civic Education

The mission's field observers, deployed throughout the four corners of the country, were able to confirm that civic and electoral training activities were mainly executed by ONPE, JNE, the Ombudsman's Office, Transparencia and, in a lesser degree, by PROMUDEH and the Catholic Church. Activities of the first entities mentioned were mainly focused on training polling station members and the population of rural communities. Work made during the first round centred on promoting understanding of the organisational aspects (mainly the difficulties presented by the unified ballot-sheet for president and for congress). This aspect had become more complicated due to the multiple district system used for the congressional vote and the option for a preferential vote.

Before the run-off election, ONPE evaluated the competence and training level of its staff members in order to design a new training methodology. However, the distribution of printed electoral material in native languages, particularly for voters of the Quechua and Aymara regions, was all but non-existent.

Apart from the fact that these other languages are used by a significant number of the rural population, it was noted that the citizenship training material was modified just before the run-off date omitting all reference in the material for the rural population to the possibility, but also the drawbacks of a blank vote. By contrast, such explanations did appear in the material aimed at the urban population.

ONPE developed the widest coverage of voter education activities and it was the entity that invested most funds for this purpose. In this context, the agency's priorities were aimed, in order of importance, firstly at the training of its local staff, secondly at political party representatives, and finally at the citizenry at large.

iv) Media and the Elections

Media access and Media Campaign

Peru has a diverse electronic and printed media landscape. Along with the three state-owned media (a TV channel, a radio station and a newspaper), a high number of privately owned media guarantee that the public can receive information from a wide variety of sources with differing political and social perspectives. The campaign in the media was generally well conducted and the media provided equal access and balanced coverage for all candidates.

In general terms, the behaviour of the media differed clearly from what could be observed during the campaign of 2000. The first part of the 2001 campaign was almost completely dominated by the issue of the so called “Vladivideos” (tapes where the former *factotum* of the ex-President Fujimori, Vladimiro Montesinos, showed himself in the act of bribing a number of relevant representatives of the past regime). The tapes have been made public in dribs and drabs and contributed to heighten a climate of tension and to raise unrealistic expectation or fears among both politicians and the voting public.

On the other hand, the main and most trusted newspapers and, in general, TV and Radio stations, covered, in a very balanced manner, the activities and programs of all candidates, focusing however, during the campaign for the first election date, more attention upon the main four contenders. It was clear that the debate on programs was conducted unequally by the media. The communications strategy chosen by many of the media, as well as by certain candidates themselves, generally placed emphasis on news that contained little analysis of programmatic proposals.

During the second round of the presidential election campaign, the media distinguished themselves by granting more space to pluralist principles. As a result, both candidates were able to make their ideas and programs more widely known to the public. Press and TV monitoring showed that both candidates were accorded remarkably balanced treatment. After long discussions, the two candidates finally agreed to have a public TV debate (19 May). Toledo and García settled for the presence of four journalists and one moderator; the debate was filmed by the State TV and broadcast live by the State radio station, but all other TV and radio channels were free to retransmit it live. General expectations reached a high pitch in the days immediately before the event, all media and the entire country eagerly awaiting the debate. The newspapers, of course, covered the event with plenty of articles, reviews, commentaries and special sections. Even though it was organised under extremely strict rules, in compliance with an agreement (“*Pacto*”) signed by the political parties themselves, the debate proved to be an important democratic experience. It did enable the public to gain a clearer idea about the candidates’ proposals before the second and final round.

After the debate between the two candidates, the electoral campaign in the media recovered quickly, even increasing in acrimony, to the level of personal attacks and muck-raking (*guerra sucia*). The media, in this context, were not simply the means of communicating negative messages, but in turn became themselves one of the arguments used to attack the political opponent.

Costs of the electoral campaign in the media

Transparencia presented (19 April) an analysis estimating the expenses of all the political parties for electoral advertising in the mass media during the first turn of the election. They monitored, under contract with agency Media Check S.A.C., 9 TV channels, 11 radio stations and 14 newspapers between 8 January (the first day after the end of the inscription to the presidential elections) and 6 April (last day permitted for published political propaganda). The data (see annex) are only indicative, but give an approximate idea of the amounts invested in the media by all candidates/political groups.

The Candidate who spent most during the first part of the campaign was Mr. Toledo with 34,6% (2,240,179.83 USD) of the total expenditure by all parties; it is worth to be noted that Mr. Garcia, the other candidate in the run-off, is only in fifth position with 9,67% (624,797.30 USD) of the total. During the first round, 90,7% of the money spent by all the parties and candidates was used to advertise on television; only 6,7% went to radio channels and 2,6% to the newspapers.

v) The electoral campaign

As the campaign for the decisive electoral contest (presidential and parliamentary elections on 8 April) entered its first full month, the essential elements for fair voting conditions were basically being respected throughout the country. The entire campaign, though, came under the influence of the so-called “vladivideos” revelations: the piece-meal offerings to the media of tape passages of bribery and political machinations by former presidential advisor Vladimiro Montesinos thus became a powerful instrument in destroying or favouring certain candidates.

While initially 11 party lists had been presented for the presidential contest, during the preparations for the ballot sheets to be printed, the spectrum shrunk to 8 contenders as three groups withdrew their candidates from the contest.

Generally speaking, political campaigning for the first round, as well as for the second, decisive presidential vote (3 June) has been carried out under well-established domestic and international monitoring which has permitted that the essential elements for fair voting conditions were maintained for the entire duration of the lengthy process, as there are freedom of assembly and free speech, free access of all political groups to the media, wide media coverage, and perfect freedom of movement. Also, the campaign was accompanied by a sequence of well-publicised opinion polls, carried out by the six major professional or academic survey research centres of the country. Above all, however, it is to be emphasised that the current government under President Paniagua has scrupulously maintained a perfect posture of neutrality, avoiding even the slightest impression of taking advantage of its policy measures to bolster their image in a way that might have influenced the vote.

Nevertheless, this does not mean that the contest was maintained throughout on a level of fairness and moderation. Early on, a concentration of public preferences became manifest, with the three most popular candidates emerging (Ms. Flores, M. Toledo, and M. Garcia), and M. Olivera as an additional possibility. As a consequence, the campaign early in March took on more and more “populist” overtones, with a competition among candidates for far-flung job creation promises, local investment prospects and the like.

A month of intensive party rallies, first in the hinterland provinces, then in the Metropolitan area, produced some disturbances; the “*Pacto*” of mutual fair treatment the parties had signed was at this time variously called questionable and “broken up in pieces”, but in fact no really dangerous breaches occurred. During rivalling mass rallies, both parties were even visibly willing and able to restrain their fans from any confrontation.

Thus, by and large, the campaign was characterised by a remarkably normal course of events, until the end of March, when a sudden turn into the long-predicted slander and muck-raking phase (“*guerra sucia*”) was brought on. The overall political climate became charged with mutual recriminations, disdain and ill will, unclear or dubious details of the candidates’ private lives being thrown into the arena. For the first time in memory, racial slurs were brought into the vote issue, pitting the allegiance of the highland populations against the strongholds of coastal dwellers who had so far been dominating the political fate of the country.

Despite a program-oriented telephone/radio debate between Toledo and Flores, a few days before voting day, the entire pre-electoral period was marked by what may be termed a “debate stalemate”, for want of direct public confrontations between the candidates on program issues. The sharpest disputes, at this stage, concentrated on an indirect exchange of accusations and “revelations” between the Toledo and Flores camps. The APRA-candidate Alan Garcia was the main beneficiary of the mud-slinging during this interval, which permitted him to settle back in the role of a less-concerned “arbiter”, a fact which helped enhance his public backing, to the point of being able to surpass Ms. Flores by 1.5 percentage points in the contest for the second place in the run-off.

After the April vote, the complicated congressional balloting system, ensuing contestations, and failures in the computerised counting system delayed the proclamation of definite official results, and of the date for the run-off, for an unusually long time (until 22 May). After an initial lull, the long wait generated growing public scepticism, uncertainty and mease.

With the campaign tempo speeding up again in May, three major issues began to dominate the political discussion before the run-off:

- Increasing public pressure was becoming felt for the two candidates to finally consent to a public (TV) debate on their policy issues (the event turned out to be a relatively successful and valid exercise in democratic behaviour, which the country, after the decade of autocratic rule, had been waiting for).
- A new wave in the denigration campaign (“*guerra sucia*”), this time mainly directed against APRA candidate Garcia, was based partly on slander about private life aspects but mainly on Garcia’s prior performance as president of the republic.
- Major public concern and debate dwelled up about survey data that showed an increasing protest vote, in the form of an increasing number of voter intentions to abstain from the elections or present a blank or void ballot. (This trend had led to an alarming proportion of about 32% blank/void votes countrywide, with Metropolitan Lima leading with approx. 40%. The reasons behind this tendency were apparently: a degree of disappointment with both candidates still “available”; and the absence of a true alternative on the centre/right side of the political spectrum).

The result of the long-awaited run-off on 3 June has been an undisputed, if slim victory for Peru Posible and president-elect Alejandro Toledo, who – without a majority of seats in congress of his own - will have to form a government on the basis of a loose coalition with various smaller forces in order to guarantee a stable government after being sworn in on 28 July.

vi) The electoral observation by the European Union Mission

In need of updated and first hand information, which national observation groups usually possess, the international missions have to make great efforts in short time to gain the necessary background information. Due to this, the missions develop their particular strategy, technique and their own mode of public appearance. In this chapter we try to present our own case and the mission’s tasks in order to facilitate a fair evaluation of our endeavour.

On the managerial side, the mission had a different set of tasks for the pre-electoral period and for the election base. The Core Team focused its area of responsibility on liaising with the national directorial and political institutions and the other observer units, and maintained a constant flux of information to the European Commission via a weekly information bulletin covering all aspects of electoral developments and mission activities. The long-term observers (LTO), on their part, organised pre-electoral observation in their regional areas while preparing also the logistics for the deployment of the larger short-term teams. Voting procedures on the two polling days were then to be monitored by the European short-term contingents and the additional group of observers appointed by the European Parliament, both of these groups arriving shortly to the election days.

Long-term observation

In consonance with the experience accumulated from previous observation missions carried out by the European Union, the terms of reference assigned to the observers a wide list of questions which were to be dealt with in weekly reports to the mission headquarter in Lima. These areas of observation were:

- *Electoral campaign*: LTO were to attend party rallies carried out by candidates both for the presidency and congress, taking into account the structure and content of their messages, and follow up the house-to-house campaign during the first round by the parliamentary candidates. Observers were also instructed to approach the political parties and gain information about campaign expenses and funding as well as the conduct of the campaign within the context of the general campaign principles and the interests of the political group by which they had been nominated.
- *Civic and voter education*: Here the observers were to determine the origin, extension and impact of citizen and voter education campaigns carried out by the domestic institutions. In this, they had to keep an eye on gender and language group issues, the level of understanding of the electoral process, of plurality in democracy and of the voting procedures and the secrecy safeguards of the vote.

- *Safeguards for the civil and political rights of the citizenry*: Observers were asked to monitor the existing guarantees for the respect to freedom of speech, of movement and association, not only in the political context but also in civil affairs. Special attention was paid to any kind of intimidation, cases of political violence, as well as to the attitude of the armed forces and of civil authorities.
- *Media coverage of the electoral process*: Observers were to verify the fairness of access of all political entities to the media, the extension of TV and radio broadcasts, as well as the presence of state owned and private national and regional media and their impact in the region. The focal point was to be the treatment given by the press to the different candidates during the first and the second pre-electoral phase and the attitude of governmental and electoral authorities on the district level vis-à-vis freedom of expression in the media.
- *Other entities of electoral observation in their region*: Observers were asked to document the presence of other domestic and international observer teams, to liaise with them and co-ordinate deployment wherever this was advisable and possible.

Above and beyond this, during the entire duration of the mission, Core Team and long-term observers in the field kept in close contact about all topics that might be of such importance as to be suitable for final recommendations.

The observers were also expected to keep themselves informed about the wider perspectives of the regional and local political situation, with particular interest in differences between urban and rural areas and in the security situation, with an eye upon any exceptional circumstances and events.

Short-term observation

The short-term observation teams had more specific tasks when compared with the more analytical role of the long-term observers in their respective areas of deployment. Their work was assigned more closely to the legal rules and regulations foreseen in the LOE for the electoral process itself. Manuals had been prepared to instruct the observers on these issues, and observation tools (specific forms) had been provided as check lists and observation pages for the various parts of the procedure, i.e. for opening of the *mesas*, the voting procedure during the day, for the closure of the electoral boards and the counting and tabulation process. The Core Team had also instructed the observers to be present at the ODPE computing centres, to witness the computerised tabulation of the results gathered in the electoral records under the supervision of their long-term observers. The mediation of long-term observers has been essential in obtaining the highest possible benefits in this particular aspect.

Other observation methods employed by the Core Team

Over and beyond these immediate concerns, the EU-EOM has been active in extending their observation field by consulting with representatives of social and corporative groups so as to gather information about the electoral difficulties each of these sectors might have perceived. In this context, a one-day seminar was organised (25 May) for indigenous associations and communities, in co-operation with the Defensoría del Pueblo (the Ombudsman Office). Additional support was obtained from PROMUDEH (Ministry for Women Promotion and Human Development), the Spanish International Co-operation Agency and hospitality was provided by the civil association *Transparencia*. Representatives of the above mentioned associations and communities, both from the Sierra and the Selva areas presented and debated the specific problems they are confronted with in the execution of their political and electoral participation within their indigenous environment and in their regions (cf. seminar conclusions, Annex).

The relationship with other observation missions

As described in a different context, other international organisations were present in Peru during the pre-electoral and the observation phases. With all of them the European mission established and maintained good and close relations. This pertains above all to the most important group from the Organisation of American States (OAS) and the mission of the National Democratic Institute/Carter Centre, but also to smaller observation missions as the one from the International Legal Resources Centre of Quebec, Canada, and of CAPEL, Costa Rica.

Within this network of relations, the EU mission has maintained its independence of responsibilities and of action, although prior to the EOM arrival in Peru proposals had been

made to form an “umbrella arrangement” under the guidance of the OAS-mission; later, suggestions of a tighter co-ordination/supervision emanated from the group of European diplomatic representations in Peru. In view of such suggestions the mission has attempted to plan, and carry out, its own systematic observation work in terms of gathering, comparing and interpreting legal, political and organisational aspects, in order to arrive at its own assessment and conclusions.

The Core Team is satisfied that our assessments have been recognised as professionally serious, and that we were able to present them in a way which may make them applicable in one or another practical context during future considerations about Peruvian electoral legislation. We feel confident to have gained credit in this respect, a credit, which was also manifested by the other major actors in this process of electoral observation. Various letters of recognition, among them one from the OAS Head of Mission, were welcome proof of this acknowledgement.

vii) Domestic Observation of the Electoral Process

The principal domestic electoral observation groups are, by order of importance, the non-governmental organisations *Transparencia*, *Consejo por la Paz* and the *Instituto de Estudios Electorales*. The Defensoría del Pueblo (DP) falls under this category as well, even though it is a public institution.

Transparencia, founded in 1994 as an *asociación civil*, is a non-profit, non-governmental association in the field of civic education, fostering knowledge and understanding of democratic principles and is particularly active in monitoring voting and public decision-making processes. The association relies heavily on a widening network of national volunteers; it has received international financing from the USA, the EU, the United Nations and various national governmental organisations. Activities in electoral monitoring have been carried out since the 1995 general elections and have been continued during all following electoral events, including the municipal polls of 1995, 1998 and 1999. During these events, *Transparencia* had proved to be the organism attaining the widest coverage of all – national or international – observation teams. It has established 194 co-ordination committees nation-wide. By virtue of attracting large numbers of younger people to their volunteer service, the organisation is making a notable contribution to enhance motivation for civic affairs among the Peruvian youth. On the scientific and technical level, the group has been able to apply, with substantial Canadian technical assistance, qualified rapid-count procedures on election day by relying on their large volunteer staff.

As for *Transparencia*, it has been publishing preliminary electoral results during polling day, which have greatly contributed to maintaining public interest and to the observance of a calm atmosphere of this transitional process.

Consejo por la Paz has other distinctive characteristics. It has a more permanent deployment based on a corporate type network among professional and gremial organisations. They usually conduct observations in areas where the threat of terrorism has not yet disappeared. The organisation is not only concerned about the good development of the electoral process but to see to it that these conditions are maintained.

The ***Instituto de Estudios Electorales*** is still in the implementation and development stage but it shows a promising profile. It not only stresses its observation capacity but it also encourages, through aggressive advertising campaigns, the common citizen to involve themselves in electoral vigilance of electoral acts. In any event, the electoral process will indeed need wider citizen participation, from the selection of mesa members to the vote count.

The ***Ombudsman's Office (DP)*** is a special case. Although it is a public institution established under the constitution, people perceive it more as a non-government organisation or a civil organisation for the defence of human rights. As political participation is considered one of these rights, the DP has taken upon itself the “electoral supervision” task. The JNE has not acknowledged so far this attribution of the DP but it could not do anything about it. On the other hand, the ONPE has been co-operating with the DP.

For these elections, *DP*, *Transparencia* and *Consejo por la Paz* have received economic support from the European Union. It is worth pointing out that the three institutions were throughout welcoming and helpful in their contacts with the EU-mission. On the part of the three electoral

institutions (JNE, ONPE, and RENIEC) there was apparently some initial expectation that the European aid should be destined directly to their own observation. Taking into account past experiences of other observation teams, the MOE-EU feels that to finance institutions being supervised might impede or hamper an impartial assessment of electoral activities.

8. The events of the Election Days

i) General impressions

The EOM-EU deployed 30 observation teams throughout eight departments around the country during the first round and 40 during the second. Observation was carried out at the polling stations, at the opening of the polling boards, during the whole duration of voting, at the vote counts and at the ODPE centres where the results from the polling stations were being aggregated and computerised.

During the first round, the EU observer teams visited and observed 351 polling boards. In global terms, the electoral day took place in a very positive way; apart from the problems detected at the opening and the closing of the polling boards caused mainly by the poor knowledge of the procedures, and in some cases by the fact that part of the staff had been selected among illiterate persons.

That the Peruvian people were able to vote according to democratic standards was largely due to the preparation and management of the electoral system, firstly by RENIEC in setting up a depurated voters' roll and secondly by ONPE and JNE. The general ambience during both rounds was calm and without intimidation. The Armed Forces and the National Police provided efficient co-operation, without any cases of undue intervention being reported.

Essential election materials, such as the voters' lists, electoral records, ballot boxes, etc. had been distributed to the regional ODPEs in due time, with adequate transportation and security arrangements including escort by the National Police and the Army.

ii) Polling organisation and closing procedures

In both rounds, delays were reported in setting up polling boards as some staff failed to show up or were under trained – or not trained at all – because of a lack of interest. However, these setbacks did not vitiate the overall success of the operation, with citizens being able to vote freely and without intimidation.

Throughout polling day the MOE-EU observed that the staff of the polling boards respected the rules, including those treating complaints and challenges. In general officials, including those involved in the count, behaved impartially despite the inadequate training of certain polling staff and the intrusive tendencies of some political party representatives. In almost every polling station observed, party representatives were present during the whole day. Not carrying any visible accreditation, they were hardly identifiable and hindered in many cases the polling staff from carrying out their duties particularly during the tally of the congressional vote on 8 April. Cases were observed in which staff resisted and called attention to pressure from political party representatives especially during the second round.

Upon closure, EU observers were present at 30 polling boards on 8 April, and at 40 voting stations during the run off; they detected basically the problems mentioned before: lack of knowledge of *mesa* members about closing and counting procedures – especially when filling out the electoral records after counting. This originated an enormous amount of errors once those records were taken and subsequently processed at the ODPE computing centres; as a result, many erratic electoral records were rejected by the ONPE counting software and had to be re-checked.

During the second round a total of 405 polling boards were observed. As during the first round, polling boards opened late, always due to the same reasons; this time however the delay became a more serious issue because of the fact that between the two rounds ONPE had organised a second session of training for the polling staff (practically with the same content as for the first round), and here attendance was much lower than for the first round training. The reason given

was that the convoked members were by now confident about the rules and procedures they had learned throughout the first Election Day.

Voting for the second round took place in an orderly way. No major incidents were reported. After the run-off on 3 June the count was executed notably more professionally, due to three reasons: the run-off election between only two presidential contenders was by its own nature simpler; also ONPE had provided simpler forms which meant an easier filling-in of tabulation procedures; and the polling staff, despite its lack of interest in the training, had already the practice acquired during the first round.

iii) Vote Tally and Tabulation

As required by law, the tally in the voting stations was not open to the general public. However, political party representatives, inspectors, supervisors and international and national observers were allowed to attend the counting and tabulation.

As mentioned, the recruitment and training of polling staff had been carried out in an unsatisfactory manner: the first because of the lack of transparency and accuracy in appointing the most educated voters of each polling board; the second because of the high rate of absenteeism at the ONPE's training sessions. These two conditions did not help to ensure the required standard when handling the voting process at polling levels.

However, the general voting conditions, as far as the electoral climate during the election days, the voting procedures, the handling of the polling boards, the work of the ONPE staff etc. are concerned did not experience significant changes between the two rounds. Voting procedures were strictly observed and the secrecy of the vote ensured.

This affected also the relations between the polling staff and the political parties' representatives present on each board, whose role during the second round was significantly less meddling when compared with what could be witnessed during the first round.

After the closure of polling stations on 3 June, the MOE was present at the first stages of the counting and computing process. The impressions obtained on the spot from the observer teams—which confirmed what had been already detected during the trial run—concerning the easier interface between the system and the operators and the rapidity of the new software used by ONPE (Top Level) for entering, collecting and sending data and producing on-line reports were all without exception positive.

On 3 June, the rapid collection of results (ACRA) from polling stations by ONPE, worked dependably and efficiently, despite reservations expressed by the JNE; the security of the records was safeguarded between the polling centres and the computing centres. The process took place in an orderly manner. Again the security forces played an important role in ensuring the overall security, at least within the observed areas.

The computerised tally of electoral records went surprisingly well, taking into account the huge problems detected during the various trial runs prior to the first round of the election, caused by the extreme, the complicated nature of the software. The computer program had been changed between the two rounds, resulting in a better than expected centralised computing and calculating. The MOE-EU did not observe any exceptional occurrences during this phase of the election. However, the mission observed small mistakes like energy failures and data jams; anyhow, these, on balance did not jeopardise the entire process at the departmental levels.

iv) Summary of observations by EU teams on election days

On the basis of the observation records received from the European observer teams during the run-off election (3 June), an overall assessment of what was observed at the polling boards can be drawn up. It goes without saying that the 406 locations observed - out of a total of around 92.000, countrywide - cannot constitute a significant sample survey in the strict sense. With this reservation in mind, the points raised nevertheless grant a tentative profile of how the voting procedures were handled.

- *The voting process:*
 - Generally good and in order 87,2%
 - Minor problems observed 12,3%
 - More serious problems observed 0,5%
- *Closure proceedings:*
 - Orderly and good 95,0%*
 - Minor irregularities at closure (Without effect for voting and vote count) 5,0%*
- *Counting procedure:*
 - orderly 86%*
 - Minor irregularities (Without effect upon tally) 14%*

* With reference only to the 40 stations observed for closing and counting procedures.

While this overall picture confirms the position taken by all international observer teams, that the process was essentially well administered, permitted a free and fair vote and was without significant irregularities and impediments, some of the minor irregularities observed may nevertheless be noteworthy because this can be helpful in avoiding a repetition in future occasions.

The following selective list reflects impressions about the observance of rules set for the operation of the voting centres, the composition and competence of the *mesa* staff, and the presence and role of other personnel at the polling boards.

Observations at Voting Stations (3 June 2001)

| | In percent of cases observed |
|--|------------------------------------|
| <i>Polling board installation</i> | |
| Problems in setting up the polling board (<i>mesa</i>), delayed arrival, incomplete staff, difficulties in completing staff with suitable persons from among rank and file of voters...) | 23.3 |
| <i>Opening of polling board delayed</i> | 32.4 |
| <i>Illiterate persons among the selected mesa staff</i> | 6.0 |
| <i>Voting procedure:</i> | |
| – Detected attempts to vote under incorrect identity | 11.6 |
| – Permissions to vote granted without the required documentation | 3.7 |
| – Attempts at “family vote” observed | 12.7 |
| <i>Presence of party representatives and other persons:</i> | |
| – Unauthorised persons observed within voting station | 17.0 |
| – Political party representatives (<i>personeros</i>) present at polling board (one or more) | 94.0 |
| – Lack of impartiality observed in political “ <i>personeros</i> ” | 10.3 |
| – Cases of “ <i>personeros</i> ” counselling/replacing <i>mesa</i> staff members in some of their functions | 9.0 |

In sum, the EU observers thus confirm findings by other observer teams that staffing problems at the polling board level were registered in a significant number of cases. This aspect appears to be the essential weakness of the Peruvian electoral administration at the grass roots level, since lack of instruction and competence by the three persons selected for each *mesa* to administer the voting procedure tends to open the modus operandi to undue “counselling” by the political party representatives who happen to be present when decision-making is called for. In this context, it is important to be aware of the fact that the major two or three political groups are always at an advantage. While all 13 parties were entitled to position a representative at every *mesa*, only the major groups are in fact able to muster sufficient manpower to cover all voting stations, thus gaining considerable psychological advantage. During the general election

on 8 April, in most cases, only *personeros* from Peru Posible and APRA were sitting in on the proceedings ...

The ambiguous role party representatives frequently assumed was not only observed by the EU Mission but also highlighted in the *Defensoría* (Ombudsman) report, where 20 cases of “undue interference” are documented, including cases of a “fraternal 50:50 partition” of blank ballot sheets by representatives of the two largest parties between their candidates, during the tallying process of the parliamentary vote. These cases were even brought up in a public radio commentary (2 June, interview of radio commentator R. Vargas with the director of ONPE, Sr. Tuesta Soldevilla), but the interviewee dismissed infringements like these as of minor importance, because the balance between the parties were not affected when blank ballots were “transformed on an equal footing” into ones with party leanings).

9. Election results and the Post-Electoral phases

i) Contestations and Appeals

In electoral matters, we know that justice is summary and definite, its jurisdiction being confined to the electoral institutions. The Subsidiary Electoral Tribunals (*Jurados Electorales Especiales / JEE*) are first instances, and the National Jury for Elections (*Jurado Nacional de Elecciones / JNE*) is the second and instance of last appeal. However, as previously mentioned, there are cases in which appeal can be lodged with an international court.

During the past elections, the JNE has understood that the summary legal remedies foreseen in electoral matters are insufficient and therefore decided to accept all kinds of ordinary appeals. This may be seen as the principal factor in the delays produced between the first and second round of the presidential elections. The legal tendency to extend guarantees to satisfy all parties concerned prevailed over the interest of the public in a fast vote count, especially considering the present period of political transition. The government did not hide its worry about the negative effect such delay could cause both at the international and domestic level, but the present electoral system does not provide for any political mandate of the executive to interfere with the electoral administration, even if it were for concerns of the general public.

The JNE was conscious of its lassitude in the admission of contestations. For the second round, it has given the JEEs specific instructions to follow the strict legal time frame and other stipulations for electoral recourse and to leave all further legal openings to the JNE in its proceedings on appeals. In consequence, the electoral justice during the second round has been faster. The main reason for this of course, were the early recognition of the electoral result by the loser and hence a notably lower number of contestations.

The Constitution establishes that decisions by the JNE are not litigable (i.e. without appeal). The Constitution also specifies that “it judges the facts with conscientious criteria”. It can hardly be otherwise when votes that are not contested by the political representative at the *mesa*, are destroyed on site. Justice imparted by JNE is constrained to the necessarily arbitrary option among the discrepancies of the different original copies of the voting records. Due to this, the JNE failed to generate trust among the parties despite the extension of legal recourse.

There have been cases in the parliamentary vote of 8 April that point in that direction. The most symptomatic is the one concerning the last Congress seat for the Department of Ancash which was disputed between the second strongest political force (APRA) and the fourth list (FIM). The JEE assigned this seat to the FIM through a *recurso de reposicion* (appeal for reconsideration of judgement) which in theory was not applicable, but was in this case conceded. APRA appealed to the JNE, and the latter annulled the *recurso de reposicion*. Furthermore, even though it is not contemplated in the constitution and is not within its competence, the JNE submitted an expertise stating that one of the figures and a signature on a record favourable to the FIM had been falsified. On the other hand, the undersigned insisted that the signature was his own. The result has been that FIM has not accepted the last resolution of the JNE and adopted measures of public protest. In view of the characteristics of the case, the possibility of appealing to the Inter-American Court for Human Rights is being considered by the FIM-party.

ii) The General Elections of 8 April and 3 June: Results

After an unusual delay of 43 days, final official results of the first electoral round were submitted by ONPE and JNE on the evening of 21 May. While the definite outcome of the presidential vote had been unofficially known for weeks, official proclamation hinged upon the complicated counting mechanism and the numerous legal claims in the aftermath of the congressional vote, which had been attached to the presidential ballot sheet. Accordingly, also the definition for the date of the run-off election - which finally was set for 3 June – had not been possible until 22 May.

The overall distribution of the presidential vote in the 8 April elections corresponded roughly to the survey-based predictions, but they brought the surprise of Alan Garcia surpassing Lourdes Flores by some 1,5 percentage points, thus eliminating her as a contender in the second round. This reflected a steady progression of Mr. Garcia in public recognition during the last weeks of his campaign.

Results of the presidential vote on 8 April 2001

| | voters | % |
|---------------------------------|------------|-------|
| Toledo / Peru Posible | 3.871.167 | 36.5 |
| García / APRA | 2.732.857 | 25.8 |
| Flores / Unidad Nacional | 2.576.653 | 24.,3 |
| Olivera / FIM | 1.044.207 | 9.9 |
| Boloña | 179.243 | 1.7 |
| Galvez /Renac. Andino | 85.436 | 0.8 |
| Arrunatégui / Proy. País | 79.077 | 0.7 |
| Noriega / Todos por la victoria | 33.080 | 0.3 |
| Valid votes total | 10.601.720 | |
| null and void votes | 402.436 | 3.3 |
| blank votes | 1.260.193 | 10.3 |

The run-off contest (3 June) presented the picture of a relatively close result between Alejandro Toledo and Alan Garcia. Already by end of May, the two contenders had regularly moved closer together, to the point of pre-electoral survey results indicating the possibility of a very tight squeeze; a difference of only 3 percentage points in favour of Toledo would indeed have created a psychologically difficult situation for the new government.-

As it turned out, a 6.16% advantage separates president-elect Toledo from the opposition candidate. Both had been able to considerably enlarge their voter reservoirs with respect to the 8 April vote, Alan Garcia showing the stronger gains .

Toledo: from 3.871 mio. top 5.527 mio (+ 1.656 mio.)

García: from 2.732 mio. to 4.887 mio. (+ 2.155 mio.)

Results of the run-off election (3 June 2001)

| | votes | % |
|---------------------|------------|---------|
| Alejandro Toledo | 5.527.306 | 53.08 |
| Alan García | 4.886.518 | 46.92 |
| valid votes | 10.413.824 | (100.0) |
| null and void votes | 1.334.248 | 11.1 |
| blank votes | 331.277 | 2.8 |

After the final count Peru Posible appears as clearly established in the Andean and trans-Andean departments as well as in the Southern coastal areas (strongholds with over 60% of vote: Loreto, Arequipa, Cusco, Huancavelica) In all, Toledo obtained majorities in 17 of the 24 departments. APRA gained majorities in 7 departamentos and confirmed its traditional stronghold along the Northern and Central Pacific coast, plus the newly gained Amazonas Department (strongholds are: La Libertad, ICA, Piura, and Callao).

Voter turn-out

As discussed in a different context of this report, electoral participation being mandatory, Peruvian elections have usually presented a comparatively high voter turn-out of more than 80% on average. During the 8 April vote, 2,64 mio. abstained (17,7%) and (not yet official) figures for the run-off on 3 June indicate an abstention rate of 22.7% (2.73 mio. voters), a relatively high number, if confirmed.

This development must be seen in the context of a prolonged campaign between the first and second round in favour of the protest vote, be it in the form of blank ballots or invalidated (*viciado*) ballots, as noted in Chapter 6 of the present report. For a time, voter intentions had indicated inclinations of over 30% of voters in favour of such a form of protest. It can be interpreted as a sign of normality that finally 2.8% blank and 11.1% void ballots were submitted, but the attitude may have been reflected in a higher abstention rate. Particular care will have to be taken within the future Peruvian political set-up to win back for active participation the roughly one third of the registered voting public which this time had decided to step aside.

The Parliamentary election

The vote for a renewed Congress (8 April 2001) replaces a Parliament, elected under the old regime, which has had a life span of just over a year. All in all, 1340 candidates entered the contest for the 120 congressional seats. In metropolitan Lima alone there were 455 candidates for the 35 seats attributed to the capital region.

The following table shows how the political “re-adjustment” has dramatically changed the composition of congress, and partly restructured the party system itself.

Parliamentary Elections: Composition of Congress in 2001 (and, for comparison, after the elections of April 2000)

| Parties / electoral alliances | number of valid votes obtained | % of valid votes | Number of seats in congress after elections in: | | |
|-------------------------------------|--------------------------------------|---------------------|---|------|------------------------------------|
| | | | 2000 | 2001 | % representation in congress |
| Peru Posible | 2.458.267 | 25.1 | 29 | 45 | 37.6 |
| PAP (APRA) | 1.845.390 | 19.1 | 6 | 28 | 23.3 |
| Unidad Nacional | 1.296.507 | 13.1 | -- | 17 | 14.2 |
| FIM | 1.027.564 | 11.3 | 9 | 11 | 9.2 |
| UPP/SI | 398.271 | 4.6 | 3 | 6 | 5.0 |
| Somos Perú | 541.092 | 6.2 | 9 | 4 | 3.3 |
| Cambio 90 NM 2001 | 446.630 | 4.8 | 3 | 3 | 2.5 |
| Acción Popular | 391.903 | 4.1 | 52 | 3 | 2.5 |
| Todos por Victoria | 190.216 | 1.9 | -- | 1 | 0.8 |
| Solución Popular | 335.066 | 3.5 | -- | 1 | 0.8 |
| Renacimiento Andino | 127.550 | 1.3 | -- | 1 | 0.8 |
| FREPAP | 155.783 | 1.6 | -- | -- | -- |
| Proyecto País | 154.153 | 1.6 | -- | -- | -- |
| Otros | | 1.8 | 9 | -- | -- |
| | 9.793.892 | 100.0 | 120 | 120 | 100 |

As a result, the new political group Peru Posible of President-elect Toledo has become the prime political force in the country (45 seats) but falls short of a majority. Second in strength is

APRA which thus has received an unexpectedly strong mandate to represent the parliamentary opposition.

Notable are the variations between the percentages of ballots obtained and the relative representation in Congress. In general, the major parties have drawn a stronger representation in congress from the special voting procedure (“preferential vote”), while small parties tend to come out under-represented.

Of particular significance is the clear rejection voters have reserved for the remnants of the political forces surrounding the Fujimori-regime. Instead of the 52 seats they had obtained in 2000, they are now reduced to three Parliamentary representatives (for the alliance Cambio 90/Nueva Mayoria 2001) and one for Solución Popular.

10. Conclusions and Recommendations

The general elections of 2001 have been conducted in a democratic context fully in accordance with international standards. There are, however, factors, which have had limiting effects upon full electoral participation, and during the electoral observation by the EU mission, some conclusions were reached which lend themselves to suggestions as to how the election system might be perfected. The democratic restoration that is taking place in Peru would profit from being supplemented in at least two major fields, namely a legal refinement of the electoral system and a statute for political parties (*ley de partidos*).

The legal framework of the election administration

- In order to overcome certain problems inherent in the current “*tricephalia*”, a renewed or amended constitutional framework should reconsider the relationship between the three electoral organisms introduced in the constitution of 1993. It seems advisable to re-institute JNE in the position of pre-eminent autonomy it held before 1993.
- The legal provision of the three electoral agencies receiving part of their revenue by “*recursos propios*” from electoral fines appears as questionable. Arrangements should be made for the three entities to be fully part of the national budget, and for revenue from electoral fines to be assigned directly to the national treasury.
- The existing stringent and limiting requirements for the registration of party candidates for congress should be re-considered, in the sense of opening the system to wider participation. This ought to include a more extensive admission of candidates’ presentations in native languages.

Election procedures

- The parliamentary vote procedure, with its system of preferences, has proved to be overly complicated. It was significant that in the congressional of poll there were 1,29 mio. spoilt/void ballots, plus a high number of blank votes, while the presidential poll produced only 396.000 such “lost votes”. The return to a simpler balloting system would make it easier for large segments of the population, especially in rural areas, to effectively exercise their right to political participation.
- In the absence of such major amendments, it should at least be considered, for future elections, to abandon the design of a unitary ballot sheet, in order to avoid the delays in the counting process which have affected the pronouncement of official results for the presidential vote. This would also re-open the possibility of providing temporary/mobile polling stations (for “*transeuntes*”).
- Legal provisions exist for temporary residents’ polling stations (*mesas de transeuntes*), but these have not been set up for the general elections in April and June 2001. This has had the effect of excluding a considerable part of Peru’s significant number of migrants from voting, or subjecting them to prohibitive expenditures or fines. It is therefore strongly recommended to grant temporary residents their voting rights and reduce the arbitrarily long time limit for applications for the respective permits (currently 90 days prior to the election date) to a time frame more in accordance with the technical administrative conditions granted by computer-age developments.
- Current provisions limiting the capacity assigned to each polling board (*mesa*) of 200, max. 300 voters seems inadequate. More flexibility is advisable, since polling boards in highly urbanised areas could easily accommodate up to 700 voters each, while smaller-sized arrangements could continue to be applicable to outlying regions. Under the present set-up, the 92.000 *mesas* country-wide have required the recruitment of a *mesa*-staff of roughly 550.000 persons, with the ensuing difficulties to find enough people able and willing to take over these functions.

Two complementary measures might alleviate the situation: A concentration of urban area polling boards could reduce the number of qualified *mesa*-staff required; and offering higher per diem allowances for polling board staff, matched by reducing or relinquishing the fines in case

of default (currently ca. US-\$ 35) might then provide incentives for prospective *mesa*-staff members to feel more deeply identified with the civic obligation of serving on polling boards.

- According to current regulations, at each polling board ballot sheets are destroyed immediately after the tally. A subsequent audit or re-examination, especially in cases of challenges and litigation, is not possible under such conditions. Internationally accepted practice is that such records are usually kept for a period of 6 months or more. It is suggested that the Peruvian system provide for the ballot packages to be stored for some time, so that a recount can be made in cases of serious challenges.

Functions and obligations of political parties and their representatives

- A future statute for political parties ought to include regulations covering the accounting for party finance and campaign expenses, providing for the necessary sanctions in cases of non-compliance.
- A more comprehensive regulation is needed for financing electoral propaganda expenses. Alternatives would be: An extension of the “*franja electoral*” subsidy system (at present covering only TV and radio channels) to the printed press; or: Preference for a “*deuda electoral*”-system of credit payments to all parties, subject to review of their poll results (similar to the Costa Rican model).
- Equally open to more stringent regulation is the field of indirect “vote buying” by party candidates – particularly in the campaign for the congressional election – canvassing for votes by distributing meal tickets or food supplies etc. to entire village populations. Under present rules, only the use of *public* funds for such ventures is forbidden and sanctioned, while the use of private riches for such purposes is considered permissible.
- The function of party representatives (*personeros*) during the electoral process will have to be reviewed and re-defined, in order to preclude any undue political influence. Their role ought to be defined as “party observers” (instead of “*fiscales*”), so as to make it impossible for them to participate directly in *mesa* activities and be informally co-opted as staff members.

In Peru, during the last weeks of the electoral campaign for the run-off poll, a renewed debate on electoral and constitutional reform had begun in political and academic circles. This is a matter that normally should be considered as beyond the responsibility and calling of international observers. However, since the discussion has been opened on the issue of the traditional prohibition for active police and armed forces personnel to participate in elections, the EU Core Team feels called upon to make a final comment.

The role of the Peruvian forces of public order and defence is obviously in a process of becoming a more and more integral part of the democratic society. As this transformation proceeds, normalisation in civic-military relations could only positively be affected by a revision of the entrenched principle of non-participation. An amendment in this sense is therefore strongly commended.

The EU mission team are confident that the international community, and the European Union, will continue to show an active interest in this encouraging development and will continue to provide their support.

Annexes

Preliminary Report (after first round)

Lima, 9 April 2001. This preliminary report on the elections that took place on 8 April 2001 continues the series of declarations already put out by the European Union Elections Observation Mission (EOM-EU). It has been drawn up before the official announcement of the election results. A final report will be published once the election is completed. The Mission wishes to thank the Peruvian people who, through the Government of President Valentín Paniagua, invited us to witness these elections which represent the highest form of social freedom. We should also like to thank the authorities and institutions for their hospitality and availability.

During the election campaign and on polling day the European Union Elections Observation Mission headed by Mrs. Eva Zetterberg, in which a team of European Parliament observers led by Mr Joaquim Miranda and Mr Ignacio Salafranca Sánchez-Neyra participated, was present in the Departments of Lima, La Libertad, Loreto, Arequipa, Ayacucho and Puno, and visited the Departments of Amazonas, San Martín and Ucayali. The mission, including the parliamentarians, as well as being present on the ground, has had intensive contacts with a wide range of institutions, political parties and social sectors, and has sounded out the views of other national and international observer missions. The EOM-EU is consequently in a position to make the following assessment:

Preliminary Conclusions

These elections conform fully to international electoral standards. The European Union Mission wishes to congratulate the Peruvian people, institutions and government on the success of these elections, particularly when compared with the 2000 elections which were marked by serious irregularities. In the short space of a few months the negative factors which could have adversely affected the poll have been overcome. We can thus declare that:

1. The Transitional Government has called and organised the elections in a neutral and impartial manner.
2. The institutions responsible for the elections, namely the National Jury for Elections (Jurado Nacional de Elecciones, JNE), the State Office for Electoral Processes (Oficina Nacional de Procesos Electorales, ONPE) and the National Identity and Civil Status Registry (Registro Nacional de Identificación y Estado Civil, RENIEC) have organised and managed the process in a neutral and impartial manner.
3. The reformed legal framework has provided an appropriate structure for fair, clean, and transparent elections in which there can be real competition between candidates.
4. The election campaign was conducted under satisfactory conditions in which the rights of freedom of expression and of association and the right to demonstrate were generally respected. It was only rarely marred by acts of aggression or intimidation.
5. The right to vote is practically universal for all citizens, except, in accordance with the law, in the case of members of the armed forces (FFAA) and the police.
6. The process of bringing the electoral roll up to date was sufficiently advanced to enable the elections to be held.
7. Particular attention was paid to civic education for voters and electoral officials, through the efforts of the JNE, ONPE, the Ombudsman (Defensoría del Pueblo, DP) and certain non-government associations such as Transparencia.
8. Civil society came up with, and put into effect, initiatives involving citizens in electoral monitoring. Those involved, rather than being restricted by the electoral institutions, were registered and accredited.
9. The FFAA have accepted the new directives regarding neutrality and impartiality, and efficiently provided security and logistic support for the electoral process.
10. In the absence of a statute on political parties, rules regarding advertising, campaign costs and financial contributions to parties and groups were drawn up. These have been of only limited effectiveness to date.

11. The news and opinion media have published a wide range of varying and contrasting commentaries, a fact that has enriched the electoral debate.
12. The ONPE has arranged for adequate broadcasting time to be allocated to all the parties and candidates, and all have had equal access to the electronic media.
13. The polling day was characterised by peaceful participation by voters.
14. The participation of citizens selected to act as election officials was notably high.
15. The poll, despite certain technical difficulties, has so far passed off normally.

Preliminary Observations

1. Administration and election expenses

The transitional government has succeeded in passing on its neutrality not only to the civil and, in particular, the electoral bodies, but also to the armed forces and the police in general. It had been necessary for a large part of the staff of the electoral bodies to be changed in order to prevent the reoccurrence of irregular practices, which had been introduced and made widespread by the former regime. This has strengthened public confidence in the new disposition. The fact that not all those dismissed could be replaced throughout all these public bodies, and particularly at department and local levels, does not appear to have affected the electoral process as such.

The Constitution guarantees that the electoral system, made up of the JNE, ONPE and RENIEC, is independent of the political powers, and lays down their respective responsibilities. In these elections the electoral bodies and the Ombudsman went to great lengths to generate public confidence through excessive procedures, audits, control and supervision.

2. Rights and Participation

Universal adult suffrage is an essential element in democracy. The right of all citizens, male and female, to participate in decision-making through voting, is guaranteed to everybody by the present Peruvian electoral regime, except military and police personnel and prisoners, both convicts and persons pending trial. However, elections should involve an even higher level of citizen participation for two reasons; firstly because of the need to staff temporary bodies such as polling station boards (Mesas de Sufragio, MS) and Subsidiary Electoral Tribunals (Jurados Electorales Especiales, JEE); secondly and more importantly, because the electoral system should generate confidence among citizens through their direct involvement in its institutions.

It is the EOM-EU's considered opinion that, with regard to human rights criteria on political participation (Universal Declaration Art. 21.1), this aspect of the procedure is flawed. The electoral law is restrictive regarding public participation because of the legal requirement that all those serving on temporary electoral bodies should have a "higher level of education" (Organic Election Law articles 45 and 55). This least transparent phase in the electoral procedure implies and encourages lack of public trust.

When dealing with rights, reference should be made to forms of discrimination. In order to encourage the representation of women, who traditionally suffer from discriminatory practices, the law implies that not more than 70% of the candidates on a list should be of the same sex. This condition has not always been respected, and complaints to this effect have not been upheld. Progress has also been made with regard to the participation of persons suffering from disabilities. The law gives blind people the right to vote, and the electoral bodies have examined problems relating to other forms of disability.

Furthermore, the electoral regime does not take account of the requirement for prior consultation when drawing up procedures, as provided for in the International Labour Organisation Convention on Indigenous Peoples in Independent Countries, which Peru has ratified and which the United Nations High Commissioner for Human Rights regards as a human rights instrument.

3. The Campaign and Electoral Debates

At first the campaign between the eight presidential candidates' political groupings was characterised by a high level of civility and serenity, including the possibility of a "governability pact" between the main forces involved.

As the campaign progressed, an increasing number of controversial elements tended to marginalise discussion on candidate's programmes and on basic issues.

As a result of a series of commentaries in the media on private matters, leading to mutual recrimination, the political climate became more bitter during the two weeks preceding the elections. The introduction of ethnic elements into the debates is noteworthy.

Direct and open confrontation between the principal opponents was, however, avoided.

4. Media coverage and involvement

Media presence throughout the campaign was marked by a level of pluralism that enabled all the candidates, parties and groupings to make their ideas and programmes known to national public opinion. The new law on electoral time in the electronic media (the "franja electoral") provided all the candidates with free airtime during prime times.

However it is clear that the debate on the programmes was conducted unequally by the media. The communications strategy chosen by much of the media, as well as by certain candidates, generally led to the production of news that contained little analysis of political proposals.

Here the treatment of opinion polls on voters' intentions, by both journalists and politicians, would bear watching. The regulation of such polls by the JNE appears to be sufficient in so far as technical and sociological assessment criteria are concerned, but the use that was made of the results of polls tended to ignore important factors such as the sample size geographical and social representativity.

5. The vote and the count

Polling stations opened more or less on time. As the maximum number of persons for each polling station is only 200, there was ample time for all who wished to do so to vote. A sizeable number of representatives of political parties and voluntary organisations was present, more than ever before in Peru. Polling station staff, ONPE co-ordinators, and supervisors from the JNE and the ombudsman's office, conducted operations in a generally correct and efficient manner.

As a general rule, the polling stations closed at 4 p.m. All persons present at that time were allowed to vote. The counts, initially in the polling stations and subsequently in the computation centres, were conducted calmly, using the technical means available, in a manner that generated confidence in the procedures. The proportion of challenged decisions at polling station level was remarkably low.

The fact that all election material was in Spanish gave rise to difficulties in areas where indigenous languages predominated.

The last-minute decision by the Constitutional Court to revoke a legal clause imposing a preliminary results news blackout between 4pm and 10pm (with the possible exception of early results from ONPE), is regarded as positive. The public was given the results of exit polls and quick counts, the latter being more reliable. This has contributed to ensuring a peaceful polling day.

Thanks

The EOM-EU wishes to express its gratitude to the Delegation of the European Commission and to its Head of Delegation, Ambassador Jean-Michel Pérille, to the Embassy of Sweden currently exercising the Presidency of Council, to the Embassies of the European Union Member States represented in Lima, as well as to the other national and international observer missions. It reiterates its thanks to the citizens, the institutions and, in particular, the Government of Peru.

Information about the Mission

The European Union Election Observation Mission consists of a core team of six persons, a group of twelve election campaign observers, thirty-three polling day observers, eleven members of the European Parliament accompanied by two support staff, all of whom acted as short term observers, and eleven other local volunteers of European nationality.

The Election Unit is led by the Head of Mission, Mrs. Eva Zetterberg, Vice-President of the Swedish Parliament. The group of parliamentarians is led by Mr Joaquim Miranda and Mr. Ignacio Salafranca Sánchez-Neyra.

The Unit is based in Lima and has been operational since 24 February 2001. The election campaign observers will have been in Peru for a total of 44 days, to which should be added 34 days for the second round. The 33 short-term observers will have been in Peru for 8 days. The 11 MEPs will have been in the country for 6 days and may return for the second round. The observers operated throughout the country, while maintaining permanent contact with the core team.

For further information please contact:

Internet <http://www.moeue-peru.org>

Preliminary Report (after second round)

Lima, 4 June 2001. This preliminary report on the final round of the presidential elections held on 3 June, 2001 forms part of the series of statements published by the European Union Election Observation Mission (EOM-EU). They can be found on its website (<http://www.moeue-peru.org>). This report follows on from the preliminary report on the parliamentary and presidential elections that took place on 8 April, as a result of which a second round became necessary as none of the candidates obtained an absolute majority of valid votes.

This report concerns the electoral process and the campaign between the two rounds and on the Election Day, 3 June 2001. A final report will be published later; this will re-examine the electoral system and the electoral process, and may provide recommendations, which could be submitted to the legally appointed government that will result from this ballot. The elections must, however, conform to international standards, and notably to international human rights norms which should underpin the internal constitutional system as well as external electoral observation.

Preliminary Conclusions

In general terms, this second round of presidential elections, like in the previous round, has conformed to international standards, thereby conferring political legitimacy. The European Mission would like to reiterate its congratulations to the people, the institutions and the government of Peru on the successful conclusion of the electoral process. The challenge posed by Peruvian reconstruction can be addressed in a spirit of optimism, for the following reasons:

1. The transitional government has consistently maintained strict neutrality and impartiality.
2. Throughout the electoral process, the armed forces have acted in a neutral and impartial manner and have efficiently maintained public safety and provided logistic support under the authority of the electoral institutions.
3. For the period between the two rounds, the principal institutions that make up the electoral system, and particularly the National Jury for Elections (Jurado Nacional de Elecciones/JNE) and the State Office for Electoral Processes (Oficina Nacional de Procesos Electorales/ONPE), conducted the process efficiently, but failed to keep the public adequately informed.
4. The ONPE successfully solved the computer problems encountered during the first round by deciding to use what had been the fallback program. This proved to be ideally suited to the simpler needs of the second round.
5. The JNE and the Subsidiary Electoral Tribunals (Jurados Electorales Especiales/JEE) took a long time to deal with challenged votes, thereby delaying the decision on the date of the second round. This delay was compounded by their determination to guarantee fairness by accepting administrative challenges over and above those specifically provided for in the electoral legislation.
6. Public and private institutions have made greater efforts with regard to civil education and the training of election staff, although there was not enough time between the two rounds to remedy all the deficiencies.
7. Evidence from the second round confirms that party representatives (personeros) can still impose their will at polling stations where institutional or civil supervision is lacking.
8. As there is still no law or statute on political parties, the JNE issued rules regarding the publication of campaign expenses and contributions received by political parties and groups. However these rules have met with little success.
9. As the election campaign proceeded, voter information improved even though there were serious lapses into vindictive personal exchanges and innuendo.
10. The media and advertising provided the public with full access to a wide range of opinions, thereby opening a way to a lively political debate.
11. The ONPE continued to provide the two candidates with appropriate cost-free airtime in the public audio-visual media, as required by law.

12. Polling day was marked by a positive and calm atmosphere. There were some delays and other incidents but nothing of major importance.
13. Attendance of Polling Station staff was still irregular, and their training was often inadequate.
14. Civil electoral supervision initiatives passed off without incident and were even encouraged by public institutions.
15. Counting took place calmly and efficiently. Results were announced much earlier than in the first round, and were accepted in a peaceful manner by both the public and the political parties.

Preliminary Observations

1. Administration and election expenses

With regard to the electoral process itself, the transitional government maintained its strictly neutral position, which was effectively emulated by all public institutions and in particular by the Armed Forces and the National Police.

The autonomy of the electoral institutions, guaranteed by the Constitution, was scrupulously respected. No attempt was made to influence the timing of the electoral process or the announcement of the results. The Government made no secret of its concern that the long delay between the two rounds might give rise to public lassitude after more than a year of electoral tension. It also feared that international confidence in the electoral process could be shaken. The electoral institutions were not so sensitive about such political and economic risks. According to the Constitution and the Organic Electoral Law, electoral justice, of a summary and definitive nature, is the responsibility of the JNE. However this body, the highest authority with legal and supervisory powers over the electoral process, decided that candidates should have improved legal and administrative guarantees. Consequently the deadline for challenging results was informally prolonged considerably. Due to the fact that unchallenged voting papers are, in accordance with the law, destroyed at the Polling Stations, it is difficult to verify discrepancies between different copies of the voting records. Increased resources have not led to improved or more acceptable electoral justice.

As the software program used for the 8 April elections proved to be both unsuitable and inefficient, ONPE decided to replace it with what had been the fallback software. However, the new program could not be tested until all the challenged votes had been dealt with, as the servers were still being used to input data from the previous round. The new program was at last successfully tested on 27 May amid intensive publicity. The question of computer software then rightly dropped out of public attention due to its purely technical nature. Once the problems regarding the software program had been solved, confidence in the performance of the electoral administration during the second round was well merited.

2. Rights and avoidance of discrimination

Between the first and second round, the EOM-EU benefited from the assistance of the Ombudsman's Office (DP), the Technical Secretariat for Indigenous Affairs of the Ministry for Gender Issues, and the Spanish Agency for International Co-operation. It was able to use the facilities of the NGO Transparencia to hold a seminar and workshop on major electoral issues. This was attended by organisations and representatives of peasant and indigenous communities. They expressed their dissatisfaction with the electoral roll, with the failure to use indigenous languages for communicating electoral information, with the location of polling stations, with the treatment of remote settlements, with manipulation by political parties, etc. One of problems addressed concerned identity documents. The National Identity Document can only be obtained on presentation of a "libreta militar" (military registration card), even though military service is not obligatory. Another referred to the practice whereby a person formally accused of terrorism by a judge is automatically arrested without the possibility of a hearing in presence of a defence lawyer.

The peasant and native representatives made proposals to solve the problems that they face with regard to political participation. These focus on the use of their own language throughout the electoral process; territorial and cultural decentralisation among the various communities in Peru, and civic education in schools through agreements with the electoral institutions and non governmental organisations and not by unilateral action. These demands are in the spirit of the DP's report on native communities in the first round of the elections. This proposed that the electoral organisations should act in co-ordination with the indigenous authorities.

The DP continued to defend human rights in political participation in an effective manner. As in the first round, ONPE co-operated with the DP to this end. The JNE consistently refuses to acknowledge the

constitutional competence of the DP in matters relating to electoral supervision. As has already been inferred, the highest electoral authority still invokes a particularly legalistic interpretation of the electoral regime.

Temporary Residents' Polling Stations should legally be constituted in order to facilitate voting, which is compulsory. These were not established during the first round as they can only be set up when elections are held using a Unitary District System and on that occasion, in the case of the parliamentary elections, a Multiple District System was employed. Neither were there Temporary Residents' Polling Stations for the second round, even though the Unitary District System was used.

The electoral administration undertook to provide all necessary facilities to handicapped voters. The legal provisions regarding special treatment for blind persons were extended to all disabled persons.

3. The electoral campaign and the debates

The period between the two rounds of voting could have enabled civil and electoral education campaigns to be reviewed and extended. Full advantage was not taken of this possibility. Instead this period was marked by dispersion of effort, and concentration on the publication of material with lesser emphasis on public coaching at the grassroots level. Furthermore, the long period of uncertainty surrounding the final results and the date of the second round affected the evolution of the campaign. The level of debate degenerated and the tendency to cast blank or spoiled votes increased. The lapse of time between the two rounds of the same election tended to weaken the link that should have been maintained between them in order for voters to realise that both rounds are part of the same poll.

During a significant period between the two rounds, electoral debate fluctuated between two basic issues, namely, the concern that there might be a worrying number of blank or spoiled votes, and the prolonged negotiations on the political conditions and technical details of a possible TV debate between the two candidates, which finally took place 19 May.

After a relatively calm interval, there were several incidents of underhand activity including accusations and allegations regarding candidates' private lives. On very few occasions were programs or policies debated. Instead, the mass rallies of the last weeks of the campaign became mere platforms for making untenable electoral promises.

One political party not included in the second round nevertheless continued to make questionable use of counter-propaganda against a candidate. The parties disputing the second round also had recourse to such practices, but as an additional element in their respective campaigns.

Regarding attempts to encourage blank and spoiled votes, which met with little success in the end, it should be remembered that even though the candidates might not reflect the views of a sizeable part of the political spectrum, they had nevertheless been chosen freely by a majority of the Peruvian people in the first round.

4. Media coverage and intervention

During the second round of the presidential election campaign, the media distinguished themselves by respecting pluralist principles. As a result, both candidates were able to make their ideas and programs known to the public. Press and TV monitoring by the NGO Transparencia in co-operation with the European Union showed that both candidates were accorded remarkably balanced treatment.

The legislative reform that provided airtime for candidates "on non-cable TV channels and radios, both public and private, at a nation-wide level" allowed ONPE to pay for the political parties' franja electoral. This is a useful publicity instrument even though it only concerns the electronic media.

The major media event of the second round was the debate between the two candidates which was broadcast live on 19 May. Even though it was organised under extremely strict rules, in compliance with an agreement made by the political parties themselves, the debate was an important democratic experience and constituted a milestone. It enabled the people to have a clearer idea about the candidates' proposals before the second and final round. On that occasion all the media behaved in a professional manner that was not always maintained throughout the campaign.

It is worth pointing out that early on E-day both candidates made public appearances on the media. Even though the presence of the media, previously informed about when each candidate would cast his vote, has become an accepted custom, nevertheless behaviour that goes beyond normal practice must be condemned as attempted illegal propaganda.

5. The vote and the count

On polling day the EOM-EU deployed forty observation teams throughout eight departments around the country. Observation was carried out at the Polling Stations, at the vote counts, and at the ODPE centres where the results from the polling stations were being aggregated and computerised.

That the Peruvian people were able to vote according to democratic norms was largely due to the excellent management of the electoral system at the voting centres. The general tone of the second round was calm. The armed forces and the National Police provided efficient co-operation.

As in the first round, there were some delays in setting up Polling Stations as some staff failed to show up. However these setbacks did not vitiate the overall success of the operation, with citizens being able to vote freely.

Throughout polling day the MOE-EU observed that the rules, including those governing the treatment of complaints and challenges, were respected by the staff of the Polling Stations. In general officials, including those involved in the count, behaved impartially despite the inadequate training of certain Polling Station staff and the intrusive tendencies of some political party representatives. Cases were observed in which staff resisted and called attention to pressure from political party representatives.

As required by the law, the count in Polling Stations was not open to the general public. However, political party representatives, inspectors, supervisors and observers were present.

The speedy collection of results (ACRA) from Polling Stations by the ONPE, despite reservations expressed by the JNE, worked dependably and efficiently. The computer program had been changed between the two rounds, resulting in better than expected centralised computing and calculating. The MOE-EU did not observe any exceptional occurrences during this phase of the election.

Throughout the electoral process the MOE-EU benefited from co-ordination with other observation missions, notably, at national level, Transparencia and Consejo por la Paz, and, at international level, the Organisation of American States and the National Democratic Institute-Carter Centre.

Thanks

The MOE-EU wishes first of all to thank the Peruvian people who, through the Government of President Valentín Paniagua, invited it to witness this supreme democratic manifestation, the general election. It must express its gratitude to the Peruvian authorities and institutions, and to the Peruvian media, for their hospitality and availability.

The European Mission is also grateful to the other observation missions, both national and international. The MOE-EU particularly wishes to thank the Peruvian organisations, Transparencia, Consejo por la Paz and the Instituto de Estudios Electorales, as well as the international observation missions from the OAS led by Ambassador Eduardo Stein, and the NDI-Carter Centre headed by Jimmy Carter himself in the first round, and by Madeleine Albright in the second.

The MOE-EU particularly wishes to thank the Delegation of the European Commission and its head, Ambassador Jean-Michel Pérille, as well as the Embassy of Sweden, currently occupying the council presidency, and the Embassies of the other EU Member States represented in Lima.

Information about the Mission

As for the first round, the European Union Election Observation Mission consists of a core team of six persons, a group of ten election campaign observers, thirty-one polling day observers, eleven members of the European Parliament accompanied by two support staff and three interpreters, all of whom acted as short term observers, and fifteen local volunteers of European nationality.

Throughout the electoral process the MOE-EU was present in the Departments of Lima, Loreto, La Libertad, Lambayeque, Arequipa, Ayacucho, Apurímac, Cusco and Puno. Parts of the Departments of Ancash, Cajamarca, Amazonas, San Martín and Ucayali were included.

The Election Unit is led by the Head of Mission, Mrs. Eva Zetterberg, Vice-President of the Swedish Parliament. The group of European parliamentarians is led by Mr Joaquim Miranda and Mr. Ignacio Salafranca Sánchez-Neyra.

The permanent core team, composed of Mr. Bartolomé Clavero, Mr. Ulrich Fanger, Mr. Adolfo Cayuso, Mr. Andrea Malnati and Mr. Scipion du Chatenet, has been in Lima since 24 February 2001, and will remain until 11 June 2001.

Media Monitoring

The NGO Transparencia was appointed by the European Commission to monitor the main local media during the elections.

7 or 8 people composed the Transparencia monitoring team, they daily monitored the following media:

TV Channels

Canal 2 – Frecuencia Latina
 Canal 4 – América Televisión
 Canal 5 – Panamericana Televisión
 Canal 7 – Televisión Nacional (the State-owned TV)
 Canal 8 – Canal N
 Canal 9 – Andina de Televisión
 Canal 10 – Cable Canal de Noticias

Newspapers

El Comercio
 Expreso
 Gestión
 Liberación
 Ojo
 El Peruano
 La República
 “Yellow Press”
 Ajá
 El Chino
 Correo
 El Men
 El Popular
 El Tío.

Printed Press

To present a clearer picture, the 13 newspapers analysed were divided in two categories, according to their price: the newspapers costing more than one Sol (or “serious press”) and the newspapers costing less than one Sol (yellow or tabloid press).

The following data show the number of readers of each of the newspapers analysed, estimated by a recent research (Compañía Peruana de Investigación de Mercado, December 2000).

Serious Press:

| | |
|---------------------|--------------------|
| <i>El Comercio</i> | – 531.200 readers; |
| <i>Ojo</i> | – 221.400; |
| <i>La República</i> | – 182.900; |
| <i>Liberación</i> | – 87.800; |
| <i>Expreso</i> | – 80.000; |
| <i>El Peruano</i> | – 37.400; |

Gestión, is included in the category “other newspapers”.

Yellow Press:

| | |
|-------------------|--------------------|
| <i>Ajá</i> | – 250.600 readers; |
| <i>El Popular</i> | – 137.900; |
| <i>El Chino</i> | – 134.900; |
| <i>El Tío</i> | – 119.000; |
| <i>Correo</i> | – 80.900; |

El Men, is included in the category “other newspapers”.

Television

The following data show the number of watchers of each of the TV channels analysed, on the basis of recent research (IMA Estudios de Marketing S.A.C., from 16 to 19 of December 2000).

| | |
|--|--------------------------|
| América Televisión, | - 46,9 points of rating; |
| Panamericana Televisión | - 43,9; |
| Frecuencia Latina | - 36,5; |
| Canal N | - 28,2; |
| Canal A | - 26,5; |
| Andina de Televisión | - 10,8; |
| Televisión Nacional | - 9,4; |
| Red Global | - 4,1; |
| Cable Canal de Noticias, is not included in this research. | |

Campaign expenses

Transparencia presented (19 April) an analysis estimating the costs of all the political parties in the mass media during the first turn of the election. They monitored, with the help of the agency Media Check S.A.C., 9 TV channels, 11 radio stations and 14 newspapers from 8 January (the first day after the end of the inscription to the presidential elections) to 6 April (last day for published political propaganda). The following data are only indicative, but can give an approximate idea of the amounts invested in the media by all candidates/political groups.

Estimated cost of publicity in the media by political group:

| Political group | Estimated cost in USD | Percentage |
|----------------------------------|-----------------------|----------------|
| Perú Posible (Toledo) | 2.240.179,83 | 34.67% |
| Unidad Nacional (Flores) | 1.736.534,59 | 26.88% |
| FIM (Olivera) | 949.048,13 | 14.69% |
| Solución Popular (Boloña) | 779.005,19 | 12.06% |
| Partido Aprista Peruano (García) | 624.797,30 | 9.67% |
| Todos por la victoria (Noriega) | 68.921,12 | 1.07% |
| Renacimiento Andino (Gálvez) | 45.575,70 | 0.71% |
| Proyecto Pays (Arrunátegui) | 7.265,00 | 0.11% |
| Somos Perú-Causa Dem. | 6.928,28 | 0.10% |
| Solidaridad Nacional | 2.322,41 | 0.04% |
| Total | 6.460.577,53 | 100.00% |

N.B. the costs only include electoral campaign space in the mass media; they are not taking into account any other expenditure (cf. for billboards, rallies, etc).

Estimated cost of publicity by type of media

| Kind of media | Estimated cost in USD | Percentage |
|----------------|-----------------------|---------------|
| Television | 5.857.452,0 | 90.7% |
| Radio stations | 433.585,0 | 6.7% |
| Newspapers | 169.540,5 | 2.6% |
| Total | 6.460.577,5 | 100.0% |

Ayuda memoria del Seminario “Participación Política y Problemática Electoral de los Pueblos Indígenas”

El Programa de Comunidades Nativas de la Defensoría del Pueblo y la Misión de Observación Electoral de la Unión Europea, con el apoyo de la Secretaría Técnica para Asuntos Indígenas del Promudeh y la Agencia Española de Cooperación Internacional, han organizado este seminario con la finalidad de analizar la participación política y la problemática electoral de los pueblos indígenas, y conocer más de cerca lo ocurrido en las comunidades campesinas y nativas, durante la primera vuelta en las elecciones generales de 2001.

El mencionado evento se llevó a cabo el viernes 25 de mayo, durante todo el día, en el local de la asociación civil Transparencia; y contó con la participación de 48 personas, 16 mujeres y 32 varones, entre ellos representantes de las más importantes organizaciones indígenas nacionales y regionales, campesinas y nativas, tales como: AIDSEP, CCP, CNA, COICAP, CONAP, COPIP, FARA, FARTAC, entre otras; al final de este resumen se puede ver la lista de los participantes.

Dicho evento tuvo como objetivo analizar las dificultades que enfrenan los pueblos indígenas en el terreno electoral, particularmente. Se abordaron diversos temas como la participación política, la capacitación cívica, el registro en el padrón electoral, la emisión de documentación, la ubicación de mesas, las distancias y transportes. Al final de la jornada se elaboraron recomendaciones con miras a proponer soluciones a los problemas planteados.

CONCLUSIONES

1. La instalación de mesas en lugares distintos a los domicilios, dificultan el acceso y aumentan el ausentismo.
2. La selección y designación de personas sin dominio escrito del idioma castellano como miembros de mesa, dificulta el trabajo en cada mesa, haciéndose necesario la presencia de terceros.
3. Persisten algunas deficiencias en los programas de capacitación tanto para miembros de mesas como para la población votante, porque éstos son sólo en castellano, no son anticipados, no se coordina con las organizaciones indígenas y los dirigentes, y sólo se imparten en las capitales de provincias.
4. Se constata que faltan depurar los padrones electorales (fallecidos, presos, con domicilios distintos, etc.) en comunidades campesinas y nativas, lo cual crea problemas en el momento de la votación.
5. Existen muchas dificultades para la obtención de los documentos de identidad (altos costos, trámites complicados, lejanía de centros de registro, trato discriminatorio en las oficinas de registros, etc.) que no contribuyen a disminuir el número de indocumentados en comunidades campesinas y nativas.
6. Se debe reflexionar y buscar un procedimiento más ágil para el tratamiento de los requisitorios, especialmente en las zonas de población desplazada.
7. No se permite una adecuada participación política a los Pueblos Indígenas, sería conveniente ver mecanismos más claros de participación y representación de dichos Pueblos mediante normas que permitan el acceso, por ejemplo: mediante una reforma constitucional.
8. Falta de conocimiento de las obligaciones y responsabilidades de los funcionarios públicos (alcaldes principalmente), por ello existen actualmente muchos procesos de revocatoria.

RECOMENDACIONES

1. Recomendar a la ONPE la precisión de las fechas en los procesos electorales teniendo en cuenta, los factores climáticos y que no interfieran con los calendarios económicos de los pueblos indígenas (siembra, cosecha, fiestas).
2. Sugerir a la ONPE coordinar con las organizaciones indígenas de cada distrito electoral, los procedimientos adecuados de selección de miembros de mesa, programas de capacitación y ubicación de las mesas de votación
3. Recomendar a la ONPE, coordinar con las organizaciones indígenas nacionales y regionales para establecer mecanismos adecuados de difusión en lenguas nativas, mediante fonía, radio, televisión, cuñas, trípticos, afiches, etc.
4. Recomendar a la ONPE, coordinar con las organizaciones indígenas nacionales y regionales para una efectiva y eficiente capacitación de los miembros de mesa y de los ciudadanos y ciudadanas indígenas, mediante una autocapacitación, que involucre a los indígenas con mayor instrucción y que sean ellos mismos quienes repliquen la capacitación en sus propios idiomas, en sus respectivas comunidades de origen.
5. Recomendar a la RENIEC la depuración y actualización adecuada de los padrones electorales para lo cual pueden recurrir a los padrones comunales a fin de cotejar los datos de manera precisa.
6. Recomendar a la RENIEC coordinar con las organizaciones indígenas y municipios locales el reempadronamiento de la población indígena, especialmente en las zonas afectadas por la violencia política, facilitándoles el acceso a los documentos de identidad.
7. Recomendar a la RENIEC organizar campañas de difusión dirigido a las poblaciones indígenas, en lenguas nativas, para dar a conocer los requisitos para la obtención del DNI nuevos y en caso de pérdidas así como la aplicación de multas.
8. Recomendar al Jurado nacional de elecciones (JNE) revisar los procedimientos de inscripción de candidatos durante los procesos electorales, afín de posibilitar el acceso de ciudadanos indígenas a dicha inscripción.
9. Recomendar al Jurado Nacional de elecciones (JNE) elaborar una propuesta legislativa a fin de proponer la no reelección de candidatos tanto para el congreso como para alcaldes y regidores con la finalidad de evitar la corrupción y manejo político de cada cargo.
10. Recomendar a la ONPE el nombramiento de coordinadores indígenas en cada distrito electoral, especialmente en zonas de predominante población indígena con la finalidad de facilitar los procesos de capacitación en idioma, difusión de materiales y visitas permanentes a las comunidades.

LONG TERM OBSERVER WEEKLY REPORT

| | |
|----------------------------|--|
| Observer Name: | |
| Department: | |
| Report number: | |
| Referred to period: | |

1. PREPARATION FOR THE ELECTION

- 1.1 Geographical, ethnic, gender, party affiliation exclusion;
 - 1.2 Recruitment of members of electoral bodies;
 - 1.3 Training of members of electoral bodies;
 - 1.4 Election material;
 - 1.5 Accreditation of domestic observers;
 - 1.6 Polling station locations
 - 1.7 Other.
-
-

2. ELECTORAL CAMPAIGN

- 2.1 Party Rallies;
 - 2.2 House to house campaign;
 - 2.3 Candidates;
 - 2.4 Citizen attitude toward voting;
 - 2.5 Other;
-
-

3. VOTER EDUCATION ACTIVITIES

- 3.1 Impact of the voter education campaign;
 - 3.2 Number of persons involved, age and gender;
 - 3.3 Level of understanding of the electoral process;
 - 3.4 Meaning of the vote;
 - 3.5 Secrecy of vote;
 - 3.6 Understanding of plurality;
 - 3.7 Schedule and location of polling activities;
 - 3.8 Voting procedures;
 - 3.9 Other;
-
-

4. DOMESTIC OBSERVATION

- 4.1 Electoral monitoring Organisations;
- 4.2 Number of persons involved, age and gender;
- 4.3 Level of understanding of the electoral process;
- 4.4 Domestic Observers presence of the area;
- 4.5 Level of co-operation with the Domestic Observers.

5. MEDIA

- 5.1 Fairness of access to all political parties;
- 5.2 TV and radio distribution in households;
- 5.3 Presence of national electronic media in the area;
- 5.4 Impact of state-owned electronic media in the area;
- 5.5 Impact of private electronic media in the area;
- 5.6 Impact of Press in the electoral campaign;
- 5.7 Presence and impact of local electronic media in the area;
- 5.8 Number of papers in favour of government and opposition parties;
- 5.9 Administrative or governmental difficulties in Press distribution;
- 5.10 Other.

6. APPLICATION OF THE ELECTORAL LAW

- 6.1 Political freedom;
- 6.2 Freedom of speech;
- 6.3 Freedom of movement;
- 6.4 Intimidation, violence;
- 6.5 Local authority prevention of electoral campaign;
- 6.6 Police and military activity;
- 6.7 Political campaign funding;
- 6.8 Recommendations for electoral improvement;
- 6.9 Other;

7.SUMMARY IMPRESSION

- 7.1 General political situation;
- 7.2 Differences between urban to rural areas;
- 7.3 Security situation;
- 7.4 Indicate any exceptional circumstances.

8. LIST OF CONTACTS MADE

9. SHORT TERM OBSERVERS LOGISTICS

- 9.1. Deployment;
- 9.2. Transportation;
- 9.3. Accommodation;
- 9.4. Interpreters;
- 9.5. Security;

- 9.6. Hospital facilities;
9.5. Miscellaneous

10. PROGRAMME FOR THE NEXT WEEK

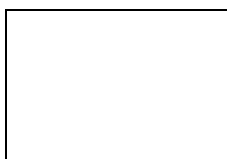
11. OTHER SUBJECTS

**MISION DE OBSERVACION ELECTORAL
DE LA UNION EUROPEA
PERU 2001 – 2ª VUELTA
Formulario de observación del voto**

Equipo n° / Observador-a Departamento Provincia

Número/nombre del colegio Número de mesa Duración de la visita

| Procedimientos de apertura | |
|---|---|
| 1. | ¿Hay material de campaña a menos de 50 mts. del colegio electoral o dentro de él? |
| 2. | ¿Abrió la mesa dentro del plazo que prevé la Ley? |
| 3. | ¿Recibió la mesa el número correcto de cédulas de votación? |
| 4. | ¿Tiene la mesa el suficiente material de trabajo? |
| 5. | ¿Se cerró la urna y se expuso de forma visible? |
| 6. | ¿Se revisó la cámara secreta? |
| 7. | ¿Se hicieron observaciones en el acta de instalación? |
| Personal de mesas | |
| 8. | ¿Hubo problemas en la determinación del personal de mesa a la hora de la apertura? |
| 9. | ¿Es el personal de mesa letrado? |
| 10. | ¿Le han provisto los miembros de mesa con la información que les ha requerido? |
| 11. | ¿Está el personal de mesa informando a los votantes sobre el procedimiento del voto? |
| 12. | ¿Está el Presidente y demás miembros de mesa actuando imparcialmente? |
| 13. | ¿Está el Presidente y demás miembros de mesa actuando de manera competente? |
| Procedimientos de voto | |
| 14. | ¿Hay observadores locales presentes en el colegio electoral? |
| 15. | ¿Observa alguna persona no autorizada dentro del colegio electoral? |
| 16. | ¿Se comprueba la identidad de los votantes como prescribe el procedimiento? |
| 17. | ¿Se comprueba la existencia de tinta en el dedo mayor del votante antes de que se le permita votar? |
| 18. | ¿Se aplica la tinta indeleble correctamente en el dedo mayor después haber votado? |
| 19. | ¿Se pegó el holograma en todos los DNI o Libretas Electorales? |
| 20. | ¿Firman los votantes la lista de mesa después de haber emitido su voto? |
| 21. | ¿Se permite el voto sin DNI o Libreta Electoral? |
| 22. | ¿Hubo algún problema de suplantación de identidad? |
| 23. | ¿Considera que se respetó el secreto del voto? |
| 24. | ¿Ha visto algún caso de voto familiar? |
| 25. | ¿Se otorga asistencia a los votantes discapacitados de acuerdo a la Ley? |
| 26. | ¿Los discapacitados físicos pueden acceder fácilmente al colegio electoral? |
| 27. | ¿Considera que el procedimiento de voto se ha respetado en la mesa de votación? |
| 28. | ¿Hay personeros de partidos políticos en la mesa de votación? Si "sí", ¿de qué partido? Partido Aprista Peruano Perú Otros. Por favor, especificar (_____) |
| 29. | ¿Están los personeros de los partidos suplantando al personal de mesa en sus funciones? |
| 30. | ¿Considera que los personeros de los partidos muestran una actitud imparcial? |
| Evaluación | |
| 31. Evaluación general del proceso de voto: 1. Bueno – Sin problemas relevantes 2. Pequeños problemas – No suficientes para alterar la votación 3. Problemas graves – Podrían afectar al resultado | |



MISION DE OBSERVACION ELECTORAL DE LA UNION EUROPEA

PERU 2001 – 2ª VUELTA
Formulario de incidente

Número de equipo

Departamento

Provincia

Distrito

Naturaleza del incidente

Fecha y hora del incidente

ESTE FORMULARIO SE UTILIZARA PARA RECOLECTAR INFORMACION EN EL UNICO CASO EN QUE EL OBSERVADOR LO CONSIDERE PERTINENTE POR LA NATURALEZA DE LA DENUNCIA. EL MANDATO DE NUESTRA MISION NO CONTEMPLA EL INICIO DE NINGUNA MEDIDA ULTERIOR. EN CUALQUIER CASO, REDIRIGIR AL QUERELLANTE A LA AUTORIDAD PERUANA COMPETENTE.

| | |
|--|--|
| Nombre del querellante | |
| Presunta filiación política del querellante | |
| ¿A quién se redirigió al querellante? | |
| Nombre del acusado/organización | |
| Presunta filiación política del acusado/organización | |
| Modalidad de queja | Verbal <input type="checkbox"/> Escrita <input type="checkbox"/> |

| | |
|----------------------------|---|
| Incidente en referencia a: | Votación <input type="checkbox"/> Cierre <input type="checkbox"/> Cómputo de votos <input type="checkbox"/> Otros <input type="checkbox"/> |
|----------------------------|---|

| | |
|---------------------|---|
| Impacto de la queja | Departamento <input type="checkbox"/> Distrito <input type="checkbox"/> Provincia <input type="checkbox"/> Centro de voto <input type="checkbox"/> |
|---------------------|---|

Descripción de los hechos¹

Comentarios del observador

¹ Por favor, adjuntar presuntas evidencias.



MISION DE OBSERVACION ELECTORAL DE LA UNION EUROPEA

PERU 2001 – 2ª VUELTA

Formulario del cierre y escrutinio

EJEMPLAR DE RESERVA – EJEMPLAR DE RESERVA – EJEMPLAR DE RESERVA

Equipo n°/ Observador-a

Departamento

Provincia

N° de colegio/Nombre

N° de mesa

Procedimiento de cierre

1. ¿Se permitió votar a la gente que entró antes de las 16:00?
2. ¿Se permitió votar a la gente que llegó después de las 16:00?
3. ¿Se cerró el colegio electoral de acuerdo al procedimiento?

Procedimientos de recuento

4. ¿Firmó el Presidente y resto de personal de mesa el Acta de Sufragio?
5. ¿Se interrumpió el escrutinio?
6. ¿Hubo diferencias entre votantes y cédulas?
7. ¿Leyó el presidente de mesa el contenido de las cédulas con imparcialidad?
8. ¿Pudieron los personeros de los partidos políticos revisar las cédulas?
9. ¿Actuaron los personeros de los partidos con imparcialidad?
10. ¿Suplantaron los personeros de los partidos las funciones de los miembros de mesa?
11. ¿Hubo intento de repartición de votos blancos entre dichos personeros?
12. ¿Asistieron observadores locales al recuento de cédulas?
13. ¿Hubo impugnaciones?
14. ¿Se hicieron observaciones al acta de escrutinio?
15. ¿Se respetó la imparcialidad en el conteo?
16. ¿Se firmó el Acta de Escrutinio?
17. ¿Se anunció el resultado en un cartel/pizarra bien visible tras el recuento?
18. ¿Se repartieron las actas como establece la Ley?
19. ¿Se destruyeron las cédulas escrutadas y no impugnadas?

20. Evaluación del procedimiento de cierre

1. Bueno
2. Pequeños problemas - no afectaron al cierre
3. Problemas grandes – afectaron al cierre

21. Evaluación del proceso de recuento

1. Bueno
2. Pequeños problemas – no afectaron el escrutinio
3. Problemas grandes – afectaron el escrutinio

Comentarios generales

(incluir voto femenino y % de participación)

LISTAS PARA CONGRESISTAS

| | | |
|---|---|---|
| <p>ALIANZA ELECTORAL UNIDAD NACIONAL</p> |  |  |
| <p>FRENTE INDEPENDIENTE MORALIZADOR</p> |  |  |
| | | |
| <p>PARTIDO RENACIMIENTO ANIBINO</p> |  |  |
| | | |
| <p>PARTIDO APRISTA PERUANO</p> |  |  |
| | | |
| <p>TODOS POR LA VICTORIA</p> |  |  |
| <p>ALIANZA ELECTORAL SOLUCIÓN POPULAR</p> |  |  |
| <p>PARTIDO PERÚ POSIBLE</p> |  |  |
| <p>PARTIDO PROYECTO PAÍS</p> |  |  |
| | | |

| ORGANIZACIÓN POLITICA | | REFERENCIAL | |
|---|---|-------------|-----------|
| PRIMER VOTO | SEGUNDO VOTO | 1ª OPCION | 2ª OPCION |
| ALIANZA ELECTORAL UNIDAD NACIONAL |  | | |
| FRENTE INDEPENDIENTE MORALIZADOR |  | | |
| FRENTE POPULAR AGRICOLA FIA DEL PERU |  | | |
| MOVIMIENTO INDEPENDIENTE SOMOS PERU - CAUSA DEMOCRATICA |  | | |
| PARTIDO RENACIMIENTO ANDINO |  | | |
| PARTIDO ACCION POPULAR |  | | |
| PARTIDO APRISTA PERUANO |  | | |
| AGRUPACION INDEPENDIENTE UNION POR EL PERU - SOCIAL DEMOCRACIA |  | | |
| TODOS POR LA VICTORIA |  | | |
| ALIANZA ELECTORAL SOLUCION POPULAR |  | | |
| PARTIDO PERU POSIBLE |  | | |
| PARTIDO PROYECTO PAIS |  | | |
| ALIANZA ELECTORAL CAMBIO 90 - NUEVA MAYORIA |  | | |