



STATEMENT OF PRELIMINARY FINDINGS

Well-organised elections follow campaign marked by unequal resources

Tegucigalpa, 28 November 2017

Executive Summary

The following statement of the European Union Election Observation Mission's (EU EOM) preliminary findings is delivered before the completion of the electoral process. Critical stages of the elections remain, including the completion of results tabulation and publication, as well as the adjudication of possible complaints or appeals. The EU EOM is publishing its observations of the process so far, and will later publish a final report, referring to the entire election process and including, where appropriate, recommendations for future reference. The EU EOM may also make additional statements, if necessary.

- Election day was peaceful and calm, although invasive strategies for attracting voters' support in the vicinity of voting centres were frequently observed. Despite abundant evidence of trafficking in accreditations, vote counting was transparent. At the time of this statement's publication, the *Tribunal Supremo Electoral* (TSE) has only made one announcement of partial results. The EU EOM considers that regular communication as the tabulation advances constitute an important transparency measure.
- For the first time since the promulgation of the Constitution in 1982, a President in office ran for re-election, following the ruling by the Supreme Court of Justice in 2015, which declared the Constitutional prohibition on re-election inapplicable. The Court's decision, which de facto removes presidential term limits, was strongly contested from the outset and continues to be denounced by the main opposition forces, although these nonetheless decided to take part in the elections. Although the EU EOM cannot comment on the Court's decision, it nonetheless considers that, so long as Honduran stakeholders agree, it would be useful to hold a debate on the subject, with a view to reaching a broad consensus among political forces on how to regulate such an important issue.
- Candidates were generally able to enjoy their rights to freedom of assembly and association, as well as freedom of expression and freedom of movement, although this last was sometimes limited in areas with a strong presence of organised crime. Although the campaign was generally peaceful, the EU EOM is aware of cases of violence against candidates and activists from different parties during this time. Nonetheless, with investigations still underway, it is currently difficult to determine whether some or all of these incidents were of a political nature.
- THE EU EOM observed, both in the streets and in the media, a clear dominance of the campaign by the *Partido Nacional* (PNH), followed at some distance by the *Partido Liberal* (PLH) and the Opposition Alliance, indicative of a significant difference in the parties' resources. The EU EOM also observed a certain lack of distinction between Government and

the National Party in cases of distribution of goods or benefits granted in the context of State social programmes.

- The legal framework, which provides an adequate basis for holding democratic elections in line with the relevant international standards, has been enriched by the promulgation of the Law on Financing, Transparency and Auditing of Political Parties and Candidates, also known as the Law on Clean Politics. Since 2014, the National Congress has launched numerous electoral reform initiatives, although just two minor modifications were eventually approved.
- The new Law on Clean Politics constitutes a significant improvement to the legal framework for elections. It imposes caps on election campaign spending as well as limits on political party funding and it also reinforces transparency measures requiring parties to report their income and spending. However, the Auditing Unit created to oversee the law's implementation only began its activities three months before the start of the election campaign, with severely limited resources in terms of budget, staffing and logistical support.
- The EU EOM has observed many of the same weaknesses in the legislation that it noted in 2013. These include the difficulties engendered by maintaining the management of polling stations in the hands of political parties, as well as the voter register's persistent inclusion of superfluous entries. In order to address these challenges, the previous mission had recommended measures which it still considers relevant, such as staffing polling stations with politically unaffiliated citizens, as well as the de-politicisation and modernisation of the Civil Registry (*Registro Nacional de las Personas*). The mission also recommended a clarification of the electoral justice mechanisms for each stage of the process.
- In a context of political polarisation, perceptions of the *Tribunal Supremo Electoral* (TSE) neutrality were marred by the absence of magistrates close to the new parties that emerged from the previous elections. Other issues were raised by the adoption of some decisions which, although generally in line with the law, were considered by opposition forces to be favourable to the interests of the ruling party. Important examples include the adoption of a new regulation on how to mark ballots, which introduced the possibility of marking a single line across chosen candidates, and the contracting of a company considered to be close to the government, for the tabulation and publication of results, which was eventually replaced.
- Despite this perception, and partly in response to it, the TSE has actively fostered consultation and consensus with political parties, and has conceded to some important demands, not least the replacement of the company originally contracted for the processing of results. In addition, the TSE has guaranteed access to the pre-electoral preparations for all political parties.
- Furthermore, the TSE has implemented a system for the transmission, tabulation and publication of results which prioritises transparency and verifiability of information. So far, the EU EOM has observed that results processing has been taking place transparently and in the presence of political party representatives, although it is regrettable that publication of results forms was interrupted for several hours during the evening of 26 November, before being resumed in the early hours of 27 November.
- In general terms, the TSE carried out logistics operations in an efficient manner, in some cases with the neutral and professional support of the Armed Forces, and it almost always met the deadlines set out in its electoral preparations programme. The TSE deployed an intensive training programme tailored to the different actors in the process, and implemented voter education activities. EU EOM observers reported some improvement in communication

between the TSE and its representations at departmental and municipal levels (TEDs and TEMs) as compared to previous processes, although these still often lack information, and, particularly, the resources necessary to carry out their mainly logistical duties efficiently.

- The voter register is inclusive, with only a very limited level of unregistered citizens, but it seems to contain superfluous entries. Both the *Registro Nacional de las Personas* (RNP) and the TSE recognise the existence of an unquantified number of entries for deceased people, because these deaths have not been reported to the RNP. In addition, the majority of Hondurans who live abroad do not communicate their new residence, and therefore remain registered in the towns and villages of origin, where they are very unlikely to vote. The presence of entries for deceased people and emigrants in the voter register has traditionally fuelled suspicions about the risk of fraudulent voting, although the Honduran electoral system has a number of important safeguards against such attempts.
- Just as in 2013, the EU EOM received allegations of fraudulent changes of residence registration, undertaken with the aim of increasing the prospects of municipal candidates, by transferring voters from one municipality to another. The EU EOM has collected credible evidence that this practice persists in rural municipalities, although it has not been able to establish the scale of the problem.
- Freedom of expression, as guaranteed by the Constitution, was generally respected throughout the election campaign, as was the associated principle of press pluralism. However, journalism and other civil society organisations have questioned the February 2017 reform of Article 335 of the Penal Code, as well as the approval in 2014 of what has come to be known as the Officials Secrets Law. These provisions place limits on the exercise of free speech, in contravention of international standards, which only allow for exceptional and clearly justified limitations.
- EU EOM monitoring of campaign coverage in the media revealed significant disparities in the amount of coverage given to different candidates, with these imbalances favouring incumbent Juan Orlando Hernández. In terms of paid electoral propaganda, Juan Orlando Hernández received much greater visibility (64%) than his main competitors Salvador Nasralla, of the Opposition Alliance (15%), and Luis Zelaya, of the Liberal Party (17%), while the remaining candidates only totalled 4% of paid propaganda. In news programmes, monitoring revealed that the PNH candidate received on average 44% of the coverage, far more than Salvador Nasralla's 21%, Luis Zelaya's 10%, or the 25% given to the remaining candidates.
- In a clear contravention of best practices for State media, *Televisión Nacional de Honduras* did not give equal or equitable treatment to the different parties in its news programmes or interview formats, and it openly discriminated against the Opposition Alliance and its member parties, which received 6% of all coverage, as compared to the PNH's 36% and the PLH's 22%. EU EOM monitoring did not detect any significant cases of institutional propaganda by the government during the campaign period, which is prohibited by law, a marked improvement on the 2013 election campaign.
- The TSE regulation which establishes the mechanism for alternation between men and women on the Congress lists undermines the principle of parity established by law, as it only imposes a requirement of parity at the lower levels, (the third, fourth or fifth position, depending on how many Congress members are to be elected in each Department). Just one woman candidate, Marlene Alvarenga, for the *Partido Anticorrupción* (PAC), ran for the Presidency. Women constitute 48% of the principal candidates for the National Congress.

Women made up a substantially lower percentage of candidates in the municipal lists, where just 30.5% of candidates for Mayor were women.

Preliminary Conclusions

Background

On 26 November, Honduran citizens elected their President, the members of the National Congress, and mayors and municipal councillors, as well as, indirectly, their members of the Central American Parliament (PARLACEN). Nine candidates ran for the Presidency, and ten political parties competed in the elections, as well as independent candidates in the municipalities.

For the first time since the promulgation of the Constitution in 1982, a President in office ran for re-election - Juan Orlando Hernandez (JOH), of the National Party (*Partido Nacional*, PNH). This came in the wake of a ruling by the Supreme Court in 2015, which declared the Constitutional prohibition on re-election inapplicable. The court decision, which de facto removes presidential term limits, was strongly contested from the outset and continues to be denounced by the main opposition forces, although these have nonetheless decided to take part in the elections. Clearly, the issue of presidential re-election, which triggered the *coup d'état* of 2009 and the removal from power and the country of then President Manuel Zelaya, has overshadowed a polarised election campaign.

Electoral campaign

During the election campaign, which took place between 28 August and 20 November, candidates were generally able to fully enjoy freedom of assembly and association, as well as freedom of expression and freedom of movement; the latter however was sometimes limited in areas with a strong presence of organised crime. Although the campaign was generally peaceful, the EU EOM is aware of cases of violence against candidates and activists from different parties in seven departments. Nonetheless, also considering that investigations are still underway, it is currently difficult to determine whether some or all of these incidents – which included the murder of six party activists – were of a political nature.

Both in the street and in the media, the campaign was significantly more low-key than in 2013, partly as a consequence of the new spending limits and transparency measures for campaign funding introduced by the new *Ley de Política Limpia* (Law on Clean Politics). Both the EU EOM's media monitoring and its quantification of election posters revealed the *Partido Nacional's* (PNH) clear dominance of propaganda, followed at some distance by the *Partido Liberal* (PLH) and the Opposition Alliance, this showing a significant inequality of the different parties' resources. The remaining parties had very low visibility.

Although the EU EOM observed some minor instances of use of State resources for campaign purposes in four departments, the more frequent observation, and certainly the more relevant one, was the lack of distinction between Government and the National Party in cases of distribution of goods or benefits granted in the context of social programmes.

Legal framework

The legal framework in Honduras provides an adequate basis for holding democratic elections in line with the relevant international standards. The legislation, primarily composed of the 1982 Constitution and the 2004 Law on Elections and Political Organisations, was complemented by the promulgation, in January 2017, of the Law on Financing, Transparency and Auditing of Political Parties and Candidates, also known as the *Ley de Política Limpia*, the Law on Clean Politics. In line with one of the main recommendations made by the EU EOM in 2013, the new legislation imposes caps on election campaign spending and limits on political party funding. The new law also reinforces transparency measures requiring parties to report their income and spending, in addition to strengthening the prohibition on the use of State resources for campaign purposes, contravention of which now carries heavier sanctions.

The Law on Clean Politics established an Auditing Unit, attached to the *Tribunal Supremo Electoral* (TSE) but enjoying a certain autonomy. The Unit began its activities just three months before the start of the election campaign, with severely limited resources in terms of budget, staffing and logistical support. It will only be possible to evaluate the scope and impact of the Clean Politics Unit (*Unidad de Política Limpia*) when the Unit is genuinely operative. Doubts were also expressed on the Unit's independence, which has been questioned in some circles, based on the political affiliations of its three commissioners to the PNH, the PLH and *Libertad y Refundación* (Libre).

Since 2014, the National Congress has launched numerous electoral reform initiatives. However, notwithstanding the Law on Financing and Transparency, only two relatively minor modifications have been approved: the first enables alliances between a party's internal movements in the context of primary elections, at the initiative of the Libre and National parties, and the other amended the Electoral Law to make it consistent with the provisions of the Law on Financing and Transparency.

The EU EOM has observed many of the same challenges to the current process which incited it to recommend, in 2013, measures such as staffing polling stations with politically unaffiliated citizens, as well as the de-politicisation and modernisation of the Civil Registry (*Registro Nacional de las Personas*), and to a lesser extent, a clarification of the electoral justice mechanisms for each stage of the process.

The *Tribunal Supremo Electoral* made use of its ample regulatory powers and approved 13 regulations complementing the Electoral Law, as well as adopting numerous guidelines and agreements. In general, the TSE published regulations in good time, with the exception of the regulation concerning the transmission and tabulation of results, and the regulation regarding appeals to nullify results and the special recounts (*escrutinios especiales*), both of which were adopted just a few days before the elections. The latter regulation nonetheless constitutes an improvement in comparison to the previous elections, since it clarifies the circumstances in which citizens can request special recounts, as well as the procedures to follow in order to do so.

However, the EU EOM considers that the TSE regulation which establishes alternation mechanisms in the electoral lists erodes the principle of gender parity enshrined in the Electoral Law. Finally, the EU EOM regrets the lack of a regulation establishing a requirement to provide evidence that citizens' changes of residence are genuine, before these requested changes are recorded in the voter register.

Election administration

The current TSE was elected by the outgoing Congress in early 2014, just a few weeks before the inauguration of the new Congress. As a result, its composition does not reflect the multiparty landscape which emerged following the 2013 elections, since the members of Congress from the emerging parties, Libre and the *Partido Anticorrupción* (PAC), did not participate in the election of the TSE magistrates. In 2016 Congress debated and voted on first reading a proposal to increase the

number of TSE magistrates, which would have enabled including the new political forces, but the reform was never approved.

In a context of political polarisation, the absence of magistrates close to these new parties has had a negative effect on perceptions of the TSE's neutrality, both among opposition parties and in public opinion. These perceptions have been compounded by the adoption of some decisions which opposition parties consider to be in the interest of the *Partido Nacional*, and which have been widely echoed in the media, such as the regulation concerning how to mark ballots¹ or the contracting of a company originally responsible for the transmission and processing of results, denounced by the *Partido Liberal* as close to the ruling party.²

Despite this perception, and partly in response to it, the TSE has actively fostered consultation and consensus with political parties, albeit not always with success, both within the *Consejo Consultivo* (the forum for information and debate between the TSE and all political parties), and through informal meetings, particularly after the main opposition parties withdrew from the *Consejo* on 25 October. In addition, the TSE has guaranteed access to the pre-electoral preparations for all political parties, from giving them copies of the voter register, to enabling their presence during the production and distribution of sensitive electoral materials.

Furthermore the TSE has implemented a system for the transmission, processing and publication of results which prioritises transparency and thus verifiability of information. It in fact enables political parties, candidates and the general public to compare the official copy of the results form (*acta de cierre*) given to their representatives in polling stations, against the scanned image of the form which is used to process and compile results, which is published on the TSE website. Moreover, the results recorded by polling station staff are entered into the database by TSE operators by means of a double-blind data entry system, which serves to protect the system from any operator's possible political bias, as well as from human error. So far, the EU EOM has observed that results processing has been taking place transparently and in the presence of political party representatives, although it is regrettable that publication of results forms was interrupted for several hours during the evening of 26 November, before being restored in the early hours of 27 November.

EU EOM observation has confirmed that in the election administration's representations throughout the country – the *Tribunales electorales departamentales y municipales* (TEDs and TEMs) - and among polling station staff (*mesas receptoras de voto*, MER), the main responsibilities were equitably distributed among representatives from all political parties, in accordance with the law. However, as was the case in 2013, the EU EOM has observed on numerous occasions that some TED and TEM members barely knew which party they are representing, or even admitted to working for a different party to the one they were supposedly representing.

The same trend was observed to an even greater extent in the staffing of polling stations, where the practice of trading accreditations is long established. In this regard, the EU EOM considers, as it recommended in 2013, that this practice could be eradicated if polling stations were staffed and managed by citizens trained and selected by the TSE, while party representatives observe the voting process, with full access to pertinent documents and activities. EU observers reported that although there has been some improvement in communication between the TSE and its representations at departmental and municipal level, whose responsibilities have become largely limited to logistical activities, the TEDs and TEMs frequently lacked information and, in particular, the necessary resources to carry out their roles efficiently.

¹ The new regulation allows voters to select all candidates for Congress from one party by drawing a continuous line, rather than marking each candidate separately, as has hitherto been traditional in the Honduran open list system.

² The company was finally replaced by the TSE just one month before the elections.

In general terms, the TSE carried out logistics operations in an efficient manner, in some cases with the neutral and professional support of the Armed Forces, and it almost always met the deadlines set out in its electoral preparations programme. The TSE deployed an intensive training programme tailored to the different actors in the process, relying on high-quality materials and professional trainers, and also prepared voter education activities, primarily through advertisements in the media and information kiosks in the department capitals. Neither the late replacement of the company responsible for results transmission and nor the difficulties encountered in hiring the *custodios electorales* had a negative impact on the electronic transmission of results forms, which took place successfully in 71.5% of observed cases.

Voter register

The Constitution guarantees the right to vote for all citizens aged 18 or above, in line with the principle of universal suffrage. This right is suspended for serving members of the armed forces and the police force, as well as those subject to a judicial suspension, or those who have been sentenced to six or more years of imprisonment. In practice, there is no provision to facilitate the vote for prisoners serving shorter sentences, nor for those in pre-trial detention. The Electoral Law provides for voting from abroad for the presidential election. For budgetary reasons, the TSE organised voting centres only in the seven cities in the United States of America with the greatest number of Honduran citizens.

The voter register is drawn up by the TSE, on the basis of figures provided by the *Registro Nacional de las Personas* (RNP), and it therefore reflects the same strengths and weaknesses as the civil registry. The register is generally considered to be inclusive, but insufficiently accurate, as it contains superfluous entries. Both the RNP and the TSE recognise the existence of a significant although unquantified number of entries of deceased people, because these deaths have not been reported to the RNP. In addition, the majority of Hondurans who live abroad do not communicate their new residence, and therefore remain registered in the towns and villages of origin, where they are very unlikely to vote. The presence of entries for deceased people and emigrants in the voter register has traditionally fuelled suspicions about the risk of fraudulent voting, although the Honduran electoral system has a number of important safeguards against such attempts. These include the fact that the voter lists in polling stations contain citizens' photograph as well as their identity number, the high quality of identity cards, which must be presented in order to vote, and the presence of political parties in polling stations.

Just as in 2013, the EU EOM received allegations of fraudulent changes of residence registration, undertaken with the aim of increasing the prospects of municipal candidates, by transferring voters from one municipality to another. The EU EOM has collected some credible evidence that this practice persists in rural municipalities, although it has not been able to establish the scale of the problem.³

In the weeks prior to the elections, the RNP deployed mobile teams to facilitate the distribution of identity cards requested by citizens. EU EOM observers noted that although this was a positive exercise and generally took place without interference by political parties, better communication to the public about distribution times from voting centres and better coordination between the RNP and the municipal civil registrars and municipalities would have enabled a greater number of deliveries.

³ The RNP received almost 290,000 requests to change residence, and these need to be authorised by the TSE in order to be reflected in the voter register. Of these, the EU EOM considers that approximately half of the changes involved a change of municipality—the only type of change which could have an impact on the elections. According to the TSE, 31,000 requests were rejected, due to errors in the request or because it was found that the change was unfounded.

Nonetheless, undelivered identity cards were stored in the municipal registry officers, where they could be collected by their owners.

Candidate Registration

The requirements established by the Constitution and the Electoral Law for candidate registration are in line with international standards. Independent candidacies are allowed and, for this electoral process, the TSE registered 45 such candidacies at municipal level, and rejected 12, in most cases because they did not submit the required number of supporting signatures.

In April 2015, the Constitutional Chamber of the Supreme Court ruled on the issue of re-election in response to a constitutional challenge submitted by a group of Congress members from the National party and the *Unificación Democrática* (UD) party, as well as another lodged by former President Callejas Romero. The Constitutional Chamber ruled in favour of the appellants, finding that constitutional precepts prohibiting presidential re-elections were inapplicable, on the grounds that they were contrary to the principles of equality and the right to political participation enshrined in the Constitution and in international treaties ratified by Honduras. On the basis of this ruling, the TSE proceeded with the registration of Juan Orlando Hernández as presidential candidate. All appeals to the Supreme Court and challenges to the TSE against the registration have been dismissed by the respective bodies.

As already stated on several occasions, it is not for the EU EOM to comment on the Supreme Court Chamber's decision which, by virtue of its interpretation as constitutional authority, now leaves the subject of re-election without explicit, applicable regulation. The Mission considers, however, that, so long as Honduran stakeholders agree, it would be useful to hold a debate on the subject, with a view to reaching a broad consensus among political forces on how to regulate such an important issue.

The re-election ruling is not the only Supreme Court judgment that has been strongly criticised as biased by the opposition. Such criticism has also been made to the rulings in January 2016 which, on similar grounds, restored the legal status of two parties, the *Frente Amplio Político Electoral en Resistencia* (PAPER) and the *Alianza Patriótica Hondureña*, which had been cancelled by the TSE as these parties did not obtain the minimum number of votes required by the Electoral Law to remain in existence.⁴

Media

Freedom of expression, as guaranteed by the Constitution, was generally respected throughout the election campaign, as was the associated principle of press pluralism. EU EOM monitoring of campaign coverage in the media,⁵ most prominent in broadcast rather than print media, nonetheless revealed significant disparities in the amount of coverage given to different candidates, with these imbalances favouring incumbent Juan Orlando Hernández. In terms of paid electoral propaganda, Juan Orlando Hernández received much greater visibility (64%) than his main competitors Salvador Nasralla, of the Opposition Alliance (15%), and Luis Zelaya, of the Liberal Party (17%), while the remaining candidates only totalled 4% of paid propaganda. In news programmes too, monitoring

⁴ This figure corresponds to the number of signatures required of a new party in order to be registered.

⁵ Between 27 October and 20 November, the EU EOM monitored the election campaign in a sample of media, which included television stations (*Canal 5, HCH TV, Televisión Nacional de Honduras, UNE TV*), radio stations (*HNR, Radio Globo*) and daily newspapers (*El Heraldo, El País, La Prensa, La Tribuna*).

revealed that the PNH candidate received on average 44% of the coverage, far more than Salvador Nasralla's 21%, Luis Zelaya's 10%, or the 25% given to the remaining candidates.

Both private and public media made significant efforts to present candidates' platforms and activities, albeit often with a marked bias in favour of one or other candidate, and they broadcast a variety of voter education set pieces produced by the TSE. Nonetheless, in a clear contravention of best practice for State media, *Televisión Nacional de Honduras* did not give equal or equitable treatment to the different parties in its news programmes or interview formats, and it openly discriminated against the Opposition Alliance and its member parties, who received 6% of all coverage, as compared to the PNH's 36% and the PLH's 22%.

According to the majority of media directors, the amount of paid propaganda dropped significantly as compared to 2013, primarily due to the provisions of the new law on campaign financing. Nonetheless, there was a marked imbalance in the amount of paid coverage in the media, largely in favour of PNH, and to a lesser extent, in favour of PLH and Libre. EU EOM monitoring did not detect any significant cases of institutional propaganda by the government during the campaign period, a marked improvement on the 2013 election campaign.

President Hernández, who declined to participate in any of the televised debates, benefited from a greater presence in news programmes, thanks to coverage of his institutional activities, which made up 33% of the coverage he received overall. While not illegal, this constituted a clear advantage over his rivals. For his part, Salvador Nasralla maintained a strong presence on a high-profile television channel throughout the campaign period as a sports and entertainment presenter. Although Honduran law does not establish any incompatibility between being a journalist and a candidate for election, the fact that Salvador Nasralla did not suspend his professional activities in the media clearly played in his favour, as it did for other journalists who were also candidates.

EU EOM monitoring revealed the sharp asymmetry between the majority of traditional media outlets, largely favourable to Juan Orlando Hernández and the *Partido Nacional*, and a smaller number of media which openly favour the Opposition Alliance or Libre. In this respect, the media landscape suffers from a significant imbalance benefiting the presidential camp, reinforced by the 2016 decision by the *Comisión Nacional de Telecomunicaciones* (CONATEL), the State regulator, to order the permanent closure of Globo TV, an opposition media which was very critical of the government. Although this decision was supported by legal arguments, the opposition consider it to be of a clearly political nature.

The election campaign was intense and often aggressive in social media, with ample recourse to fake profiles and trolling, as well as many accusations of corruption or links with organised crime and drugs trafficking.

Several media professionals have been murdered in Honduras in 2017, including a candidate for Congress in June, and three reporters since September. The *Comisión Interamericana de Derechos Humanos* (CIDH, Inter-American Commission for Human Rights) has urged Honduras to investigate this type of crimes in an effective manner, and to determine whether they are linked to the fact that the victims were journalists.

Media monitoring highlighted the almost complete absence of investigative journalism, which professionals from the sector explain as partly due to a longstanding practice of self-censorship, as well as the incidence of threats and intimidation of journalists, often as a result of investigations on the connections between politics, corruption and drugs trafficking. Furthermore, journalism and other civil society organisations have questioned the February 2017 reform of Article 335 of the Penal Code,

as well as the approval in 2014 of what has come to be known as the Officials Secrets Law. These provisions place limits on the exercise of free speech, in contravention of international standards which only allow for exceptional and clearly justified limitations.⁶

Women's participation

The 2012 electoral reform increased the quota of women's candidacies from at least 30% to at least 40% for the 2013 elections, and established the principle of parity for 2017. However, the TSE regulation which establishes the mechanism for alternation between men and women on the Congress lists undermines the principle of parity, as it only imposes a requirement of parity at the lower levels, (the third, fourth or fifth position, depending on how many Congress members are to be elected in each Department). Just one woman candidate, Marlene Alvarenga, for PAC, ran for the Presidency. Women constitute 48% of the principal candidates for the National Congress.⁷ Women made up a substantially lower percentage of candidates in the municipal lists, where just 30.5% of candidates for Mayor were women.

Although the TSE decided to create a Unit for Gender Equality, it never became operative in practice. Political parties are required to approve a policy of gender equality and to submit it to the TSE, which becomes responsible for supervising its implementation. Although only three parties have complied with this requirement (PN, PINU and PDCH), the TSE has so far not initiated any sanctions procedure for parties failing to comply with the gender equality provisions, which can result in the loss of 5% of the public financing (*deuda política*). There is no provision establishing gender quotas in any of the election administration's bodies, from the TSE to polling station staff.

LGBTI participation

For the first time, seven candidates for Congress and the PARLACEN, running for Libre, PINU, FAPER and UD openly stated their LGBTI identity. One of these, Rihana Ferrera Sánchez, a transgender candidate for the National Congress for PINU in the Department of Francisco Morazán, appealed to the TSE to request that her assumed name rather than her birth name (as printed on her national identity card) appear on ballots beside her photograph. The TSE rejected her request, noting that there is no legislation which provides for changing one's name in accordance with a change in sexual identity. The Constitutional Chamber has yet to rule on the candidate's appeal against the TSE decision.

Indigenous and Afro-Honduran groups

According to the National Statistics Institute, indigenous and Afro-Honduran groups make up approximately 8% of the country's population, but no figures are available about their representation in the Voter Register. For the first time, the TSE prepared several initiatives aimed at promoting indigenous and Afro-Honduran participation in the elections. These activities were led by the Inclusion Unit, and included radio spots broadcast in indigenous languages from 15 November onwards, as well as the publication of voter education documents in these languages.

⁶ Article 335 of the Penal Code introduces sentences of up to eight years in prison for media professionals found guilty of apology or glorification of terrorism. Although to date no sentence has been issued in relation to this infraction, the media profession considers it to be a threat and the CIDH has qualified it as a regressive reform. The Official Secrets Law (officially *Ley para la Clasificación de Documentos Públicos Relacionados con la Seguridad y Defensa Nacional*) in contrast has been applied, and it prohibits the publication of classified information related to 'security, national defence and the achievement of national objectives' The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), sent by the Organisation of American states, has recommended its revision.

⁷ Candidates run for a position in Congress or a municipality either as *propietario* (main, principal) or *suplente* (alternate, substitute).

Election Observation

The TSE's new regulation on election observation and international '*acompañamiento*'⁸ complies with international declarations of principles for national and international observation. In terms of national observation, the TSE signed a number of agreements with civil society organisations, as well as with professional bodies and representatives of the private sector. Among civil society groups, *Coalición N-26* carried out long-term observation.

According to available figures, the TSE accredited 4932 Honduran election observers, 389 international observers and 148 international *acompañantes*. The EU EOM found that national observers were present in 27% of the polling stations it attended, where they were able to observe without restrictions.

Voting, counting and tabulation of results

Election day was peaceful and generally well organised by the TSE. Voting went smoothly, people were able to vote freely, and the secrecy of the vote was respected. The performance of polling station staff and their respect for procedures was evaluated to be good or very good, as was the work carried out by the *custodios*⁹, who were present in almost every voting centre attended by the Mission. In the polling stations observed by the EOM, women made up 62% of polling station staff, and 55% of polling staff presidents. The EU EOM observed that some electoral material was missing in 13% of the polling stations it attended, and that in 90% of cases, this was remedied before midday.

The observers considered that in 30% of cases, the presence of political parties in the immediate surroundings of voting centres included activity which could influence voter's choice. Throughout the country, the EU EOM observed all parties carrying out campaign activities and attempts to attract voters' support, often in an invasive manner, and in addition, the EU EOM observed lotteries and distribution of goods by candidates in the Caribbean departments of Atlántida, Colón and Gracias a Dios, as well as in Lempira.

The National, Liberal and Libre parties were represented in more than 90% of the polling stations observed (99.4%, 93.6% and 92.7%, respectively), while others were present to a much lesser extent, such as PAC (22.1%) and PINU (64.85%). Throughout the country, EU EOM observers frequently noted indications of a trafficking in accreditations, generally to the advantage of the PNH. Nonetheless, the impact on the work of polling station staff was limited by the presence of the bigger parties in almost all polling stations observed. The EU EOM did not consider that the trafficking in accreditations had any notable impact on the counting process, which took place in a transparent manner, with the results correctly recorded in the forms in all the polling stations observed. In addition, the number of disputed votes, adjudicated by the PS staff, was very limited.

At the time of the publication of this statement, the processing of results forms is ongoing and their publication on the TSE website has resumed, following an interruption of several hours on election night. The TSE has only released partial results, on the basis of the tabulation of 57% of the results forms. The EU EOM welcomes the resumption of publication of the results forms, but equally, it

⁸ International 'accompaniers', accredited by the TSE, attend the process at the invitation of a political party or civil society group. They have the same rights and responsibilities as observers, and are subject to the same code of conduct.

⁹ The main responsibilities of the *custodios electorales* are the delivery of the election materials, as well as the electronic transmission of results.

considers that Honduran citizens have a right to more frequent communication as the counting progresses, and that such a measure would strengthen confidence in the TSE.

The European Union Election Observation Mission (EU EOM) has been present in Honduras since 11 October 2017, following an invitation from the Government of the Republic of Honduras. The Mission is led by Chief Observer Marisa MATIAS, Member of the European Parliament. The Mission deployed 106 observers from the 28 EU Member States, Norway and Canada to observe the electoral process with reference to the international and regional standards for democratic elections, as well as Honduran legislation. A delegation of Members of the European Parliament, headed by the MEP José Inácio FARIA, joined the Mission and endorses this statement.

The EU EOM is independent in its findings and conclusions, and adheres to the Declaration of Principles for International Election Observation, signed at the United Nations in October 2005. During the course of election day, observers visited 409 polling stations in the 17 departments of Honduras, to observe voting and counting. The EU EOM will remain in the country to observe the post-electoral developments, including possible appeals. Two months after the conclusion of the process, it will publish a final report, which may include recommendations.

The EU EOM wishes to thank the people of Honduras, the Government of the Republic, the Tribunal Supremo Electoral, the political parties and civil society organisations, for their cooperation and assistance over the course of the Mission's observation activities. The EU EOM also wishes to thank the European Union Delegation in Honduras, and the EU Member State diplomatic missions in the country, for their support throughout the process.

This Preliminary Statement is available on the Mission's website www.moeue-honduras.eu, Facebook page www.facebook.com/moeuehn17/ and Twitter @moeuehn17. Also available in Spanish.

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