



EUROPEAN UNION ELECTION OBSERVATION MISSION EL SALVADOR

Legislative, Municipal and PARLACEN Elections – 2009

PRELIMINARY STATEMENT

A peaceful election day contributes to the consolidation of democracy in El Salvador: the election process was transparent but showed serious legislative gaps and the shortcomings of a highly partisan electoral administration.

San Salvador, 20 January 2009

*Following an invitation from the Tribunal Supremo Electoral and the Government of El Salvador to observe the Legislative, Municipal and PARLACEN Elections on 18 January 2009, the European Union Election Observation Mission (EU EOM) was deployed on 6 December in El Salvador. The Mission is headed by **Dr. Luis Yañez-Barnuevo, Chief of Mission and member of the European Parliament.** The Mission has deployed a total of 42 observers from 15 member states of the European Union in the 14 Departments of the country. The Mission is tasked with observing and assessing the electoral process as a whole and in accordance with EU established methodology and “The Declaration of Principles for International Observers,” as adopted under the auspices of the United Nations in October 2005.*

A Delegation of the European Parliament, headed by Mr. Emilio Menéndez del Valle and including two other members of the European Parliament joined the EU EOM for election day observation and endorses this statement. This document is presented before the process is completed. The EU EOM will remain in the country to observe the process until the end, including consolidation of final results and the management of eventual electoral challenges, as well as for the observation of the presidential elections on 15 March. About two months after the conclusion of the process a Final Report will be made public, offering the Mission’s detailed evaluation regarding the distinct aspects of the process. The Final Report will include a series of recommendations based on results from observation. The EU EOM is independent in its findings and conclusions.

Preliminary Conclusions

- Election day on 18th January took place in a peaceful and orderly manner. The Salvadorian citizens attended the voting centers in a slightly higher number than in the previous legislative elections. Many party agents were present at the polling stations in order to safeguard the transparency of the voting and counting proceedings. The electoral campaign, pluralist and competitive, was slightly overshadowed by isolated confrontations between militants from the different parties and by the excessive resort to smear campaigns by the two main parties.
- The Supreme Electoral Court (TSE), in spite of the organizational shortcomings and the lack of consensus on relevant decisions which derives from its partisan composition, managed, so far, to conduct a generally transparent electoral process. However, it showed some lack of capacity to sanction some important violations of the Election Code, especially regarding the extremely long pre-campaign. **To this we can add the absence of a law on political parties and important gaps in the Salvadorian electoral legislation, which on some important aspects falls short of international electoral standards.**

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- The legal framework in El Salvador allows the conduct of democratic elections, although the electoral legislation needs reforms on subjects which are critical to assure a level playing field, such as regulation on campaign funding and access by political parties to the media. Likewise, a reform to allow out of country voting for the more than two million Salvadorian abroad is especially necessary, in order to strengthen political inclusion.
 - The Supreme Electoral Court (TSE) of El Salvador is a collegial election management body, in which the political allegiance of most magistrates takes priority over the strict neutrality that could be expected from the institution in charge of organizing and arbitrating the electoral process. This has caused suspicions from political parties and citizens regarding the impartiality of the Court as well as some organization shortcomings, which are also favored by the fact that the TSE encompasses both jurisdictional and administrative functions.
 - The establishment of decentralized voting (*voto residencial*) in the Department of Cuscatlán had a double positive effect: to bring the polling centers closer to voters and to avoid the current overcrowding of voting centers. The EU EOM highly recommends extending this system to the whole country, thus facilitating electoral participation.
 - The issuing system for the *Documento de Identidad Único* (DUI) or national identification card, which is the basis of both Voters List (*Registro*) and Electoral Register (*Padrón*), provides the possibility of having fraudulent residency changes with the sole intent of voting in a municipality different from one's own residence. This has generated a strong mistrust in the electoral register in some areas of the country. The EU EOM believes it is important to strengthen effective residence proof requirements before allowing any change of residence.
 - The political parties and their candidates have been able to perform their campaign activities without any hindrance and the public has been able to attend them without obstacles. The campaign environment has been peaceful so far, with the exception of a few violent incidents that took place despite the non-aggression pacts between the six running parties on a national and frequently on a local level as well.
 - Partially due to the total lack of regulations concerning donations to – and expenditure by – political parties, the level of resources invested in campaigning has been very uneven between the different parties. This situation was aggravated by the fact that some of the biggest spenders were not even legal political parties.
 - Salvadorian media carried out their informative activities in an environment of freedom of expression. The diffusion of interviews and debates with candidates, on TV channels, radios and newspapers contributed noticeably to keep the electorate well informed

regarding the programs of the different political parties. However, electoral news coverage in some media was clearly biased toward one of the main contenders.

- Although countrywide women were more than half of the polling staff, and also more than half of the polling station presidents, the number of women candidates remained low.
- The Salvadorian civil society has organized various electoral observation groups that have also participated in voter education campaign, thus contributing also to a strong inclusion of the youth in these elections.
- The provisional results seem to indicate that the next Legislative Assembly will need to keep reaching agreements in order to carry out any legislative project. The EU EOM, which will continue observing the electoral campaign for the Presidential elections, congratulates the new Mayors and city councillors, as well as the elected members of the Legislative Assembly, to whom it reiterates the need to undertake reforms in the electoral legislation, some of a constitutional nature, in order to continue improving the electoral process in El Salvador.

Preliminary Findings

Background

The 15th March 2009 Presidential Elections in El Salvador will set the base for the fourth governmental term since the signing of the January 1992 Peace Accords, while the Legislative, Municipal and PARLACEN Elections of 18th January 2009 have marked the successful first step of this electoral cycle.

Due to deep mistrust between ARENA and the FMLN, the Chapultepec Peace Agreements had stipulated mutual control of both antagonists over essential state institutions, setting the basis for a political culture which resulted in the creation of the election management body and other state institutions according to the criteria of party logic: members of these institutions seem to first consider themselves as representatives of their political party and only secondarily as representatives of the institution. 17 years after the Peace Agreements, the limitations of this immediate post-conflict model are acknowledged by all stakeholders, who, without exceptions have been deploring its deficiencies, and these elections might be the turning point for changing the institutional structure from its current post-conflict shape towards one based on a “post-Agreement” culture of intra-institutional cooperation instead of stalemate and mutual control.

Legal Framework

The existing legal foundation for elections is based on the Constitution of El Salvador and the Electoral Code¹. The Constitution sets out basic political and civil rights in accordance with

¹ Further election related laws include the Special Regulation for the Residential Vote (last amended 2005); law on the Media (last amended 2007) and the Regulation on Election Observation (2008).

international election standards. The Electoral Code, dating from 1992 is the product of the post-conflict period in El Salvador which is widely reflected in the organizational concept of the election administration based on constant political control from political party representatives in all permanent and temporary structures of the election administration.

Despite 47 amendments in the past 16 years, the Electoral Code is an incomplete framework since several fundamental areas still lack legislation or adequate regulations. This is the case of the legislation on political parties, regulations on the access to the media by political parties and free time broadcasting during election period or the regulation concerning the financing and auditing of campaign expenditures. In addition, campaign rules are insufficient and sanctions were not implemented by the Supreme Electoral Court as in the case of the violation of the constitutional² deadline for the start of the campaign period and the infractions of the rules restricting painting and posting of propaganda³.

The persisting shortcomings of the electoral legislation after so many elections is a reminder of poor political will of the Legislative Assembly to approve significant changes to the Constitution and the Electoral Code as generally agreed by all political interlocutors and has, as a consequence, originated among the public a certain degree of lack of credibility in the TSE as an institution.

More than 2.300.000 Salvadorians live abroad, mostly in the United States and, despite the Constitutional right to vote and the possibility to obtain the National ID card in three different cities in the US, no legal provision was adopted to provide for exercising the right to vote out of the country thus disenfranchising almost a third of Salvadorians. Legislative approval of out of country voting would allow for a more inclusive participation of citizens in future elections.

Electoral Administration

The Supreme Electoral Court (*TSE Tribunal Superior Electoral* in its Spanish acronym) is the result of the 1992 peace agreements which institutionalized the participation of political party representatives at all levels of the election administration with the aim of allowing permanent mutual control and enhance transparency. The TSE current composition reflects the election results of the last Presidential election and comprises the participation of ARENA (President), FMLN, PCN, PDC and of two Magistrates from the Superior Court of Justice (*CSJ Corte Suprema de Justicia* in its Spanish acronym).

The decision making process of the TSE is not free of political interference as many resolutions of the Election Management Body (EMB) are taken by majority vote and three out of five Magistrates represent political parties and vote along party lines⁴. Some TSE decisions accommodate political favoritism or party interests and are consequently not widely accepted by

² Art.81 of the Constitution of the Republic of El Salvador.

³ Art. 232 of the Electoral Code clearly forbids painting and posting propaganda, on public buildings, public art, on trees, traffic signs and private buildings. The Code stipulates that the TSE can demand the removal of propaganda and order the suspension of the political party in question.

⁴ Important decisions as the separation of elections and the restricted access to information in the electoral register were decided by ARENA, PCN and one of the Magistrates indicated by the Superior Court of Justice. The case regarding the inclusion of FDR on the district ballot for Parlacen elections⁴ was taken with the vote of ARENA and the two CSJ Magistrates. On a rare occasion, the decision to extend the implementation of the residential vote was taken unanimously by EMB.

all political parties generating criticism and lack of confidence in the performance of the Supreme Electoral Court.

The representation of political parties is replicated throughout the provincial and municipal temporary election structures. At present, this structure hinders full cooperation between sections within the TSE as they are headed by different party representatives. Furthermore the TSE's twofold function – as administrative management body and electoral court – originates at times a organizational shortcoming and has been subject of political debate for the past years. Future Constitutional and legislative changes should envisage the replacement of the political composition of the TSE by an organization that advances efficiency and independence and implements the separation of administrative and jurisdictional functions.

The 1992 population census was used as the base to calculate both the number of seats to be filled in each of the 14 electoral constituencies and for each of the 262 municipal councils. While the 2007 Census has not been published, it could not be used for this purpose. As a result, mandates do not reflect population size accurately and the principle of equal vote is not entirely respected.

Despite the fact that three elections took place, only two ballot papers were produced. Representatives to the PARLACEN were elected from the same ballot and on the basis of valid results obtained for the National Assembly. As a consequence voters' choice to elect representatives from different political parties for two different elections was eliminated and the PARLACEN Constitutive Treaty's requirement of direct suffrage for the regional parliament disrespected. This does not contribute to strengthen citizen's recognition of the importance of the regional parliament in the integration process in Central America. It would be a positive improvement if for future elections a separate ballot for the PARLACEN could be introduced.

A positive development for the 2009 election is the continuing, although still very limited, effort of decentralization of polling stations. The residential vote project, initiated in 2006 in 7 municipalities of different districts, was extended to a total of 23 municipalities, which includes the entire district of Cuscatlán. The residential vote benefited a total 196.733 voters and aims at bringing polling stations closer to where voters reside. Despite this effort, the vast majority of voting centers still require voters to travel to be able to cast their ballot. Residential vote should be extended to the rest of the country in future elections as it could possibly increase voter participation and reduce the need of transport organized mainly by political parties.

Polling station members and political party agents can be assigned to work at any polling stations in the country and are legally allowed to vote in that polling station since they are added manually to the voter register. This results in an additional number of voters for each municipality which can be used to increase electoral participation for a specific party. All political parties can use this uncommon strategy according to their needs while better structured party can take full advantage when compared to smaller organizations⁵. Improvements to the Electoral Code should introduce residence criteria, thus making this practice not viable.

⁵ At the biggest voting centre in San Miguel 1574 voters could be added according to this strategy by each single political party to the voter register in that municipality. At each polling station a maximum of 4 voters can be added.

The Supreme Electoral Court has carried out a massive and well designed voter education campaign through the media mainly focusing on first time voters to enrol in the Electoral Register, on voting procedures, on the location of voting centres and on the free bus lines available for voter transportation on Election Day.

Voter and Candidates Registration

A total of 4.226.479 voters have been registered in what is considered, by all interlocutors, a highly inclusive, but not sufficiently deputed, Electoral Register. This Register is the key data base used to identify all citizens entitled to vote and is produced, in addition to the subsequent Voter Register, by the TSE office of the Electoral Register⁶. The issuing of national ID cards by the National Civil Registry⁷, the only legal document to identify a voter, is essentially based on birth certificates provided by the municipalities. Inconsistent issuing procedures and weak legal safeguards render this system prone to manipulation by local elected authorities⁸.

Furthermore, despite the existence of a legal cutoff date to request changes to voters residence⁹ with electoral effect, no prove of residence is required when changing residence and no control as to if the person actually resides in that municipality exists, which does not prevent the transfer of voters to a different municipality as alleged by some political parties. The introduction of prove of residential change and the countrywide implementation of the residential vote could considerable reduce the occurrence of this illicit practice¹⁰. In addition, deficient communication of deceased persons by municipalities to the National Civil Registry originates dead voters to remain registered. All these elements generate mistrust and, although they might not have consequences on presidential elections results and very little on legislative elections, they could have an impact at local level in municipalities where elections are decided by a tiny difference of votes.

In fact, the number of registered voters when compared to citizens over 18 years included in National Census, conducted in 2007, differs greatly. The number of registered voters exceeds in 750.000 the number of citizens over 18 in the census and despite the explanations given by the TSE that this discrepancy is due to an inflated Electoral Register with deceased voters and high migration rates, further deputation are desirable to enhance accuracy and confidence in the electoral process.

While the Electoral Code establishes that the Electoral Register is a public document and should be available to all political interlocutors¹¹, the TSE decided to restrict the access protecting the

⁶ The Organization of American States conducted an audit to the Electoral Register as compared to the Voter Register and concluded that 95% of the information contained in the registers coincides

⁷ The introduction in 2001 of the National ID card – *DUI* – has contributed to improve the safeguards concerning voter identification. The National Civil Registry feeds the Electoral Register with data on citizens that have obtained their National ID card.

⁸ Some political parties have complained that temporary workers and citizen from bordering countries have obtained the national voter card and are participating in elections.

⁹ For these elections residential changes were allowed until 1st of March 2008.

¹⁰ Voters should vote according to the place of residence (art.136, Electoral Code).

¹¹ According to the Constitution all legal constituted political parties have the right to scrutinize the organization and publication of the Electoral Register and are entitled to examine the accuracy of updates and changes made to it. The National Civil Registry feeds the Electoral Register and is obliged to provide details on each of the registered citizen, including their names, date of birth, national ID number, photo and address among other data.

constitutional right to privacy by not facilitating the voters address to TSE Magistrates. The opposition party claims that the party in government was not subject to the same restriction and had therefore acquired an advantage as it could contact voters directly for propaganda purposes.

Despite the fact that all political parties have had access to the Voter Register for consultation which enhanced transparency of the process, equal access to information should be guaranteed to all contesters while protection of personal data needs a regulating framework. In addition, mechanisms to improve the accuracy of the Electoral Register should be developed for future elections in order to increase confidence in the electoral process.

Candidate's registration finished on 28 of November 2008 for legislative and municipal elections and on 15 of January 2009 for Presidential candidates. The Electoral Code does not establish onerous or discriminating requirements for the registration of candidates and only in five municipalities were problems reported to the Mission, mostly regarding the lack of required documents or minor inaccuracies which were solved by the district election boards.

Campaign Environment

Parties and candidates have carried out a variety of intense electoral proselytizing activities across the country; citizens have enjoyed free access, in a generally peaceful environment. However, in some instances these activities began long before the official opening of campaigning, benefitting parties with more economic resources. Despite the prohibition against campaigning before the official opening, as established in article 81 of the Constitution, the TSE did not take action to force parties and candidates to respect the time limits for proselytizing activities. Additionally, the decision of the TSE to split the Presidential Elections from the Municipal, Legislative and PARLACEN Elections extended the campaign period for two more months, thus again favouring the parties with more economic resources.¹²

Despite the signing of a *Pacto de no violencia (Non Violence Pact)* between the six running parties facilitated by the *Procuraduria para la Defensa de los Derechos Humanos (Human Rights Ombudsman)* and numerous "*Pactos de caballeros*" ("civic agreements") signed between the contenders on a municipality level, a few acts of violence have occurred, condemned by the EU EOM, mainly in the *pinta y pega* (postering and painting slogans) context, which have resulted in a few persons with minor injuries. Two murder cases of political parties' activists¹³ seem to stem from common criminality, as indicated by the preliminary investigations of the police.¹⁴ Additionally, the destruction of campaign material has been reported from different parts of the country, with different parties targeted, although more frequently the small ones, but these actions do not seem to follow a common pattern. The EU EOM has repeatedly expressed its absolute condemn of any kind of violent act in the electoral process and recommends to regulate campaign practices in more detail in order to prevent future violent outbreaks.

¹² Although art. 224 of the *Codigo Electoral* entitles the TSE to decide this question to its discretion, the decision was denounced as arbitrary by the opposition, as in the only previous case of this kind (1994) the elections had been held together on one day.

¹³ One youth was killed while putting up FDR posters in San Martín/San Salvador Province, and two FMLN activists were shot dead together in Yamabal/Morazán Province.

¹⁴ In both cases the police proceeded rapidly to arrest the suspects.

In the context of the high level of political polarization in the country, two main negative campaigning strains could be observed over the last few weeks: ARENA accused the FMLN of being connected to supposed armed guerrilla-like groups which allegedly train in El Paisnal (San Salvador Province). After this topic had been exhausted, the theme of electoral violence arose: ARENA politicians and the media outlets close to the party reported that the FMLN used criminal youth gangs for their political purposes, although the few incidents so far do not provide a basis for this assumption. On the other hand, the FMLN at a stage when the electoral process had hardly begun frequently pointed out in public that ARENA might commit fraud. These allegations were poorly-founded, and indeed so far no significant elements for possible fraud in these elections have been detected.

Apart from a few major rallies with the presidential candidates, campaigning has followed the course of local low-key activities. The excessive distribution of material assets in the poorest neighborhoods of the country (mainly basic staples and food, most of all in the capital) as part of the campaign activities has played a prominent role among them, which is clearly not in accordance with international best practices. The use of government vehicles for campaign purposes has been confirmed in the case of a few mayors, while painting the municipality building in the colours of the ruling party and storing campaign material in it seems to be practiced by all parties in power. Both are infractions to the Election Code¹⁵.

In terms of campaign expenses, considerable differences could be noticed: the ruling party's campaign expenses account for 85% of the expenses among all parties together.¹⁶ Two of the five biggest spenders in this campaign are not parties, but associations supporting ARENA, while the sixth biggest is the "Friends of Mauricio" association supporting Funes. The fact that groups which are not legal political parties or coalitions massively participate in the campaign is considered as unlawful by many stakeholders, as it violates article 284 of the Election Code. The lack of any kind of regulation for private financing of political parties and their campaign activities in terms of limits of donations as well as concerning the origins of these donations is considered as a serious breach of international best practices: There should be a transparent disclosure system of the private funding received by any party or candidate in order to provide a levelled playing field among all political parties or candidates.

Media Environment

Salvadoran media carried out their informative function in an environment of normality and freedom of expression. Through the diffusion of interviews and debates with candidates, TV channels, radios and newspapers noticeably contributed to keep the electorate well informed regarding the program propositions of the different political parties¹⁷. However, the news coverage of the electoral campaign by some media was clearly biased in benefit or in prejudice of the main contenders.

¹⁵ Articles 237 and 232.

¹⁶ according to the media monitoring carried out by Transparency International

¹⁷ The FMLN candidate to the Town's Hall of San Salvador, Violeta Menjivar, turned down giving interviews to *El Diario de Hoy* as well as participating on television debates during the last week of the election campaign.

From 31 December 2008 to 14 January 2009 the EU EOM monitored a total of 15 media¹⁸ on a daily basis in order to assess whether parties and candidates had the same level of free access to the media and whether they received impartial media coverage. The result of this monitoring reflects that, in general, the analyzed media provided access to all election contenders. Nevertheless 12 of those media (*TV Channels 2, 4 and 6, La Prensa Gráfica, El Diario de Hoy, Diario Co Latino, Mas!, Radio El Salvador, Radio Cadena Cuscatlán, Radio Cadena YSU and Radio Maya Visión*) showed disproportionate imbalances in the amount of time/space allocated to parties and/or biased electoral coverage. ARENA was the party most favoured by these circumstances, and FMLN the most damaged one.

On television, Telecorporación Salvadoreña (TCS) group – which includes TV Channels 2, 4 and 6 – allocated to ARENA a total of 14.5% of news on positive tone in all the election information presented on its news programs and interviews and debates shows, while FMLN received 39.8% of news on negative tone.

Regarding written press, during the analyzed period *El Diario de Hoy* allocated to FMLN 52.5% of news on a negative tone, while on *Diario Co Latino* was ARENA who received 54.9% of news on a negative tone.

Radio coverage showed the highest imbalance, both quantitative and qualitative. During the analyzed period, the four analyzed radio stations focused their coverage almost exclusively on ARENA and FMLN parties, sometimes completely ignoring CD, PCN and FDR parties. Qualitatively *Radio Maya Visión* allocated 96.7% of negative coverage to ARENA against 70.1% of positive coverage to FMLN, while *Radio Cadena YSU* allocated 85.7% of positive coverage to ARENA against 60.9% of negative coverage to FMLN¹⁹.

In compliance with Article 230 of the Election Code, analyzed media stopped diffusing election propaganda 3 days before Election Day. Nevertheless, some spots²⁰ and interviews²¹ broadcast during those dates and even on Election Day showed a clear proselytistic tone. On the other hand, newspaper *El Mundo* violated another disposition of that same article by publishing, on 3rd of January, the results of an election survey, as well as Article 231 by publishing, on 23rd of December, in La Paz, a special insert enumerating different works executed by the Mayor of Zacatecoluca.

In parallel, and in spite of it being established by Article 229 of the Election Code, the TSE did not implement a schedule for the diffusion of political propaganda spaces in the public media. This circumstance prevented political parties from using this legal provision during the campaign period. Likewise, the lack of a regulation to avoid saturation of political propaganda in the media, as well as the TSE lack of action to regulate this circumstance resulted in an overload of party propaganda during the campaign period. This fact was also worsened by the diffusion of

¹⁸ TV: *Channels 2, 4, 6, 12, 21, 33*. Newspapers: *La Prensa Gráfica, El Diario de Hoy, El Mundo, Diario CoLatino and Mas!* Radios: *Radio El Salvador, Radio Cadena Cuscatlán, Radio Cadena YSU, Radio Maya Visión*.

¹⁹ The results of the monitoring of all analyzed Medias are available on the webpage of the EU EOM in El Salvador (www.eueom-sv.org).

²⁰ FMLN spot commemorating the signature of the peace agreements, diffused on 15 and 16 January on Channels 12 and 21.

²¹ “Frente a frente” program broadcast on 15 and 16 January by TCS, and interviews with candidates broadcast on 18 January on different TV channels.

some campaigns with content very little oriented to the spirit of the peace agreements and contrary to international democratic standards.

Participation of Women

Women's representation in politics differs widely, depending on level and party: Among the 178 *Proprietarios* ("principal") candidates for the National Assembly elections, 36 are female, which represents a total of only 20 percent, out of who even less have a realistic chance to be elected, although this already represents a slight increase in female participation.²² Nevertheless there were female candidates running for several important municipalities, such as the current FMLN Mayor and incumbent candidate for San Salvador's Municipality, which is considered the second most important position to be elected for after the president.

On the other hand, women's participation in the electoral process reflected the fact that women represent the majority of El Salvador's population,²³ constituting, countrywide, more than half of the polling station staff, and also more than half of the polling station presidents. Alas on higher levels of the electoral management bodies, women's participation continues to unfortunately fall far shorter than that of men.

Civil Society

Salvadorian civil society has proven its commitment to the electoral process through, *inter alia*, organizing various electoral observation groups that have also served to collaborate significantly towards sensitizing and informing voters. These elections were the most observed in the country's history, with 2,000 students organized and trained by the IUDOP (*Instituto Universitario de Opinión Pública* of the *Universidad Centroamericana*) covering more than 20% of the country's polling stations all during election day, and 1,159 *Procuraduria para la Defensa de los Derechos Humanos* observers covering the polling stations in 151 polling centers considered as critical. Likewise, several smaller religious and civil society entities carried out observation activities on a local level. Election observation activities contributed to a strong inclusion of the youth in these elections.

Complaints and Appeals

The Supreme Electoral Court has received 8 official complaints regarding the pre-elections period. FMLN complained about the violation of the start of the campaign period, the usage of offensive language during the campaign and the inclusion of FDR on the ballot paper in 3 districts. These cases are still pending a resolution.

ARENA requested that coalitions should have only one party agent at polling stations. CD demanded the introduction of 3 ballots for these elections to allow direct vote for the

²² There are 10 women among the 84 ARENA candidates, 15 women among the 47 FMLN candidates, 1 woman among the 11 PCN candidates, 2 women among the 14 PDC candidates, 6 women among the 16 CD candidates and 2 women among the 6 FDR candidates. Assuming that each party would obtain the same number of parliamentary seats as in 2006, the quota of women in the case of ARENA would go down from 14,7 to 11,7%, in the case of the FMLN it would go up from 25 to 31%, and in the case of the other parties it would remain stable (PDC: 16,6%, PCN, CD and FDR: 0%). Due to the higher number of female candidates of the FMLN, the overall percentage of female parliament members would increase from 16,6% to 17,8%.

²³ According to the last census, 54% of the Salvadorians are women.

PARLACEN and changes to the composition of polling station members. FDR complained about the destruction of campaign material and the violation of the start of the campaign period. ARENA, CD, and FDR complaints were rejected.

Polling and Counting

EU EOM observers highlighted the absence of violence in the 118 polling centres in all districts (25,65% out of the total of 460) observed on election day. The TSE managed to administrate electoral proceedings well (opening, voting and counting), and polling staff was generally well-trained, allowing for a peaceful, smooth and transparent election day.

73% of all observed polling stations opened with more than half an hour's and frequently with one to two hours' delay, and in few cases elections were interrupted for a few hours due to allegations of foreigners trying to vote. Only in the case of San Isidro (in Cabañas District) was polling suspended, and elections are to be repeated in 15 polling stations on January 25.

In all polling stations observed, party agents of the main parties were present, and election observers from other organizations were met in 34% of the polling stations, thus contributing to the transparency of the process. In a positive development, women accounted for more than half of the polling staff and of the polling station presidents.

On the negative side, in 25% of the cases, intimidation was noted around and inside the polling centres, thus confirming a pattern of excessive activism by party militants too close to the voting premises, which is contrary to international best practices.

The TSE implemented the residential vote in 23 municipalities, which due to well-administrated logistics had a positive effect on voters, as it allowed them to vote closer to their living place.

EU EOM observers made a generally positive evaluation of the Election Day proceedings, rating the process as "good" or "acceptable" in 99% of the observed polling stations, although transmission of result protocols from transmission centres, preceded by three unsuccessful tests, proved to be very slow and did not fulfil the objective of announcing early preliminary results.

So far, turnout estimations indicate that the turnout was slightly higher than in 2006, when it was 54%, which was the highest figure ever reached in legislative elections since the Peace Accords.

The EOM would like to express its gratitude to the TSE and all national authorities, including political parties, national and international observation missions, and Salvadorian civil society organisations for their cooperation and warm welcome during the observation period. At the same time, the EU EOM recognises the assistance received from the Delegation of the European Commission in El Salvador, the UNDP, and the diplomatic missions of Member States.

An electronic versión of this report is available on the official Mission website (www.eucom-sv.org). [También en español]. For more information: *José Antonio de Gabriel*, Deputy Head of Mission, Tel: +503 2298 1849. *Javier Gutierrez*, Press Relations Tel: +503 7886 5489