



European Union  
Election Follow-up Mission

# HONDURAS 2023

## Final Report



# General Elections

28 November 2021



**European Union**  
**Electoral Follow-Up Mission**  
**Honduras 2023**

**FINAL REPORT**

Honduras, 28 October to 25 November 2023

*The Election Follow-up Mission is independent from the institutions of the European Union.  
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## Acronyms and abbreviations

<b>ASJ</b>	Asociación para una Sociedad más Justa
<b>ACHR</b>	American Convention on Human Rights
<b>BOC</b>	Bloque de Oposición Ciudadana
<b>CAPEL</b>	Centro de Asesoría y Promoción Electoral
<b>CCE</b>	Consejo Consultivo Electoral
<b>CDE</b>	Consejo Departamental Electoral
<b>CDM</b>	Centro de Derechos de la Mujer
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>CEUTEC</b>	Centro Universitario Tecnológico de Honduras
<b>CME</b>	Consejo Municipal Electoral
<b>CNBS</b>	Comisión Nacional de Banca y Seguros
<b>CNE</b>	Consejo Nacional Electoral ( <i>election administration</i> )
<b>CNUCC</b>	Convención de las Naciones Unidas contra la Corrupción
<b>COHEP</b>	Consejo Hondureño de la Empresa Privada
<b>CONADEH</b>	Comisionado Nacional de los Derechos Humanos
<b>CONPAH</b>	Confederación de Pueblos Autóctonos de Honduras
<b>COPINH</b>	Consejo Cívico de Organizaciones Populares e Indígenas de Honduras
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>DIGER</b>	Dirección de Gestión por Resultados
<b>DNI</b>	Documento nacional de identidad ( <i>national identity card</i> )
<b>EP</b>	European Parliament
<b>EU</b>	European Union
<b>EU EFM</b>	European Union Electoral Follow-Up Mission
<b>EU EOM</b>	European Union Election Observation Mission
<b>FPI</b>	Service for Foreign Policy Instruments
<b>IACHR</b>	Inter-American Court of Human Rights
<b>IADC</b>	Inter-American Democratic Charter
<b>IAIP</b>	Instituto de Acceso a la Información Pública
<b>IACAC</b>	Inter-American Convention against Corruption
<b>IACGPRW</b>	Inter-American Convention on the Granting of Political Rights to Women
<b>IAIP</b>	Instituto de Acceso a la Información Pública
<b>IFES</b>	International Foundation for Electoral Systems
<b>JRV</b>	Juntas Receptoras de Votos ( <i>polling stations</i> )
<b>LGBT</b>	Lesbian, gay, bisexual, trans
<b>LIBRE</b>	Partido Libertad y Refundación
<b>PACE-H</b>	Apoyo al Ciclo Electoral en Honduras para Elecciones Transparentes y Pacíficas (FPI - UNDP electoral assistance project)
<b>PARLACEN</b>	Parlamento Centroamericano
<b>PLH</b>	Partido Liberal de Honduras
<b>PNH</b>	Partido Nacional de Honduras
<b>PSH</b>	Partido Salvador de Honduras
<b>REDH</b>	Red por la Equidad Democrática en Honduras
<b>RNP</b>	Registro Nacional de las Personas

<b>SAR</b>	Servicio de Administración de Rentas
<b>TJE</b>	Tribunal de Justicia Electoral ( <i>electoral justice tribunal</i> )
<b>TREP</b>	Transmisión de resultados electorales preliminares ( <i>preliminary results transmission</i> )
<b>UNDRIP</b>	UN Declaration on the Rights of Indigenous Peoples
<b>UNAH</b>	Universidad Nacional Autónoma de Honduras
<b>UNDP</b>	United Nations Development Programme
<b>UFTF</b>	Unidad de Financiación, Transparencia y Fiscalización de los Partidos Políticos Candidatos (Unidad de Política Limpia, <i>campaign financing oversight body</i> )

## I. Executive summary

The European Union deployed an Electoral Follow-Up Mission (EU EFM) to Honduras from 30 October to 28 November 2023. The EU EFM was led by Željana Zovko, Member of the European Parliament and Chief Observer of the European Union Election Observation Mission (EU EOM) to Honduras in 2021. The mission sought to record the advances made to improve the legal framework and electoral practices, in accordance with the recommendations submitted by the 2021 EU EOM.

**The EU EFM found that little progress had been made on almost any of the 2021 EU EOM recommendations**, including priority recommendations, such as timely legal reforms, greater independence from political parties for the election administration - the *Consejo Nacional Electoral* (CNE) - the decriminalisation of slander, and better protection for women in the face of political violence.

**Of the 23 recommendations proposed by the 2021 EU EOM, just two have been partially implemented**, namely that encouraging the CNE to develop a more transparent public communication strategy, and that suggesting that the Civil Registry, the *Registro Nacional de Personas* (RNP), register and provide identity cards to indigenous peoples living in remote areas. In another six areas, positive steps have been taken, as is the case with the Law on Electoral Dispute Procedures (*Ley Procesal Electoral*), which has now been endorsed by the National Congress' *Comisión de Asuntos Electorales*; the timely disbursement of funds required to organise elections, notably the 2025 primaries; the provision of high quality training to electoral staff, including public servants in the CNE and the Unit for Financing, Transparency and Oversight of Political Parties and Candidates (*Unidad de Financiamiento, Transparencia y Fiscalización a Partidos Políticos y Candidatos*, UFTF), and the option for trans people to change their registered name. Regarding five recommendations, it is too soon to evaluate progress, as they concern processes which are yet to take place (such as election results tabulation), or may yet be acted on in time (such as improving access to the vote for people with disabilities). With regard to the 10 remaining recommendations, no change has been noted.

The following analysis is preliminary and not definitive. It is subject to later revisions, both prior to and during the 2025 general elections. It is based on information gathered by the EU EFM, as provided by its main interlocutors.

**The 2021 Election Law introduced a number of measures to improve the electoral process.** However, it was passed very late, just one day before the elections were officially called, which left insufficient time for stakeholders to be familiar with it, not least the CNE and civil society organisations. **The 2021 Election Law has not been subject to subsequent reforms** to improve election timelines, provide a clearer legal basis for the use of technology, enable the release of CNE funds one year in advance, strengthen integrity measures during the results process, streamline dispute resolution processes or introduce provisions for inclusiveness. However, among the legislative reform projects that have been submitted to Congress, which is currently stalled, greatest prominence has been given to the introduction of a presidential run-off, not among the 2021 EU EOM recommendations.



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**The CNE has taken several positive steps towards becoming a more transparent, efficient institution, which communicates better to the public. However, electoral planning, logistical and budgetary management, as well as operational oversight, are all areas which still need to be strengthened.**

**In September 2024, the mandate of the three members of the CNE will expire. It will be important that the appointment of the new CNE members promote confidence in the independence of the CNE and guarantees its competence.** Replacing technical profiles with political figures, as anticipated in the media, could be seen as a step backwards in terms of guaranteeing independent, impartial and efficient election management.

**It is essential that the CNE conduct a thorough review and independent audit of the use of technology,** especially that used for voter identification, and develop a comprehensive plan accordingly. This plan could include provisions on reliability checks, risk mitigation and contingency plans, as well as provisions for independent public scrutiny, designing a results tabulation system and mechanisms for results monitoring.

**No progress has been made in the area of traditional and digital media.** There has been no change in the Election Law in relation to online campaigning and social media, nor has a public media law been introduced to ensure media are independent of government control. Slander offences in the media continue to be punishable by imprisonment. There has been no repeal of the provisions allowing media to settle their debts to the State by placing institutional advertising.

**The electoral dispute system, a crucial element of the electoral process, remains problematic, with overlapping deadlines, contradictory interpretations of rulings in the 2021 elections and no legal reform to date.** Concerns remain that the CNE, which must resolve pre- and post-election complaints, is subject to political pressure, which may contribute to inconsistent rulings that undermine electoral processes. Impunity problems also persist. It is highly unlikely that the legal capacities of the CNE and the UFTF will be sufficiently strengthened before the next general elections to enable them to prevent and sanction the use of administrative resources or to enforce deterrents against non-compliance with campaign finance provisions. The draft **Law on Electoral Dispute Procedures** has been stalled in the National Congress since 25 January.

**No substantive measures have been introduced to remedy the persistent under-representation of women and political violence against women.** The proposed law presented by the CNE has not made any progress in Congress, while the Protocol against Political Gender Violence, also proposed by the CNE, does not include sanctions or other measures to ensure its enforcement.

**No practical reforms have been implemented to create inclusive processes for voters with disabilities** beyond some training by the CNE or institutions such as the International Foundation for Electoral Systems (IFES). The CNE still has time before 2025 to adopt measures to ensure more accessible and inclusive electoral processes, promoting the participation of persons with disabilities, such as providing training on inclusion for electoral actors (polling stations, technical operators, national police, among others) and the approval of an agreement by its Inclusion Unit containing an action plan.

**The RNP has improved access to national identity documents for minority groups**, by opening auxiliary and mobile offices in hard-to-reach areas of the country. However, no steps have been taken to recognise the decision-making bodies of indigenous and Afro-Honduran communities. Despite the ruling of the Inter-American Court of Human Rights (IACHR) demanding the recognition of the identity of transgender people, **the RNP, together with the Secretariat of Human Rights, the Attorney General's Office and the Ombudsman's Office (CONADEH), have not yet approved the gender identity protocol**, which would allow for the change of name for transgender people.

**Continued reforms are essential to mitigate the integrity and transparency problems observed in previous elections.** The electoral process needs to be strengthened, with voter education campaigns and training of electoral actors, to promote confidence in the institutions, particularly among young citizens. Debating and approving the legislative reforms leading to more transparent and credible electoral processes will depend on the National Congress becoming fully functional once again.

## **II. Mission information**

An EU Electoral Follow-Up Mission (EU EFM) was deployed in Honduras from 30 October to 28 November 2023. The EU EFM was led by Željana Zovko, Member of the European Parliament and Chief Observer of the European Union Election Observation Mission (EU EOM) to Honduras in 2021. Two independent experts supported the EFM: Xabier Meilán, electoral analyst, and Rosa Mora, legal analyst. The main objectives of the EU EFM were to assess the degree to which recommendations submitted by the 2021 EU EOM had been implemented and to discuss options for achieving further progress in this regard and towards electoral reform in general. The EU EFM held meetings with a wide range of electoral stakeholders.

## **III. Context**

The European Union observed the general elections in Honduras in 2013, 2017 and 2021. The 2021 EU EOM concluded that "the general elections on 28 November were pluralistic and characterised by a calm election day with a high turnout. The elections, however, took place in a profoundly polarised environment and were marred by high levels of political violence, the misuse of State resources in campaigning, the late approval of the Electoral Law and its implementing regulations, the non-implementation of political financing regulations, bias in the State media, and by a generally politicised administration of the elections by the National Electoral Council (CNE)."

The EU EOM made 23 recommendations, eight of which were considered priorities. Most of the recommendations (15) call for legislative reform, and two would require constitutional amendments. Other international observation missions and Honduran civil society observers made analyses and recommendations which were consistent with those of the EU.

The final report of the 2021 EU EOM was well received, garnering ample media coverage and triggering debate among different electoral stakeholders.

## **A. Election-related developments**

### **1. Electoral reform**

The National Congress has effectively been at a standstill since May 2023, so no electoral reforms or legislative changes have been approved, whether those recommended by the EU EOM 2021, or those proposed by Honduran institutions.

After the general elections, discussions were held around possible amendments to the Electoral Law. Among the changes being considered were the de-politicisation of polling staff selection, the use of electronic voting, the separation of the three tiers of elections (presidential, legislative and municipal), as well moving primary elections to a full year before the general elections, in order to reduce congestion in the electoral process. Also discussed was the possible reduction of the current number of 128 principal and substitute assembly members, respectively, in the Legislative Branch, as well as the limitation of the mandates of mayors and congressmen to two terms.

The introduction of a two-round system for presidential elections has been among the possible electoral reforms debated by the National Congress in view of the next elections on 30 November 2025, and the *Comisión Ordinaria de Asuntos Electorales* (Electoral Affairs Committee), appointed by the National Congress, pronounced itself favourable to a reform of Article 236 of the Constitution to that effect. Subsequently, given political parties' views on different aspects of the reform, the discussions on the second round were transferred to the parties' internal assemblies.

Constitutional changes, as well as changes to the Electoral Law, require a qualified majority of 86 of 128 assembly members, with a second ratification in the following legislature. It was therefore not feasible for any constitutional reform to take place in the period in which this report was drafted, between November and December 2023, given that preparations for the primary process will begin in 2024.

In 2021, the CNE submitted to Congress a draft Law against Gendered Political Violence. This proposal is currently at a standstill.

According to the CNE's schedule of activities, political activities will begin in March 2024, with the presentation of the report on compliance with the gender equity policy approved by each political institution.

### **2. Law on Electoral Dispute Procedures**

The previous Congress did not approve the draft Law on Electoral Dispute Procedures, that should provide a framework for the electoral justice tribunal, the *Tribunal de Justicia Electoral* (TJE), due to time constraints and last-minute amendments. As a result, a second draft of the Law on Electoral Dispute Procedures had to be prepared, for subsequent submission and approval.

The draft Law on Electoral Dispute Procedures Honduras was approved by the Plenary of Magistrates of the TJE on 13 December 2022. On 16 December, the TJE submitted the draft to the Congress' Legislative Committee on Electoral Affairs. The Committee issued a favourable opinion on the Law on Electoral Dispute Procedures on 9 November 2023. The draft law must be debated by Congress before approval once the legislative chamber resumes sessions in January 2024. It is not yet clear whether it will be possible to pass the Law on Electoral Dispute

Procedures with enough time to ensure it can be implemented during the primaries election process starting in 2024.

## **B. Political context**

Xiomara Castro was elected president of the Republic of Honduras as the candidate of the *Partido Libertad y Refundación* (LIBRE) on 28 November 2021 with 51.12% of the votes, a difference of more than 14 percentage points over the next contender, Nasry Asfura of the *Partido Nacional de Honduras* (PNH, 36.93%). This result led to immediate recognition of the outcome by all political forces. In previous elections, the non-acceptance of the results by all political actors had led to allegations of fraud.

In the National Congress, LIBRE obtained 50 assembly members, making it the largest bench in the House but falling short of the simple majority (65 votes), and further still from the qualified majority (86 votes) required for constitutional reforms and the election of the authorities of the highest State institutions, such as the Attorney General's Office or the Consejo Nacional Electoral (CNE), among others.

Even before taking office in January 2022, President Castro began to experience the difficulties that her government would face due to her party's lack of assembly members. LIBRE proposed that the president of Congress be Luis Redondo, of the Partido Salvador de Honduras (PSH), in keeping with an agreement between LIBRE and the PSH, according to which the latter would support Castro's presidential bid, and its leader, Salvador Nasralla, would be vice-president, and a PSH member would be president of Congress.

The decision to present Redondo for president of Congress created a split in LIBRE. On the day of the election for the presidency of the House, 17 LIBRE Congress members held a vote at the same as the official Congress vote to elect its president. Supported by some of PNH's 44 assembly members, they voted for a LIBRE candidate, Jorge Cáliz, to be President of Congress. Redondo and Cáliz each claimed for days to be the legitimate president of the National Congress, giving rise to a serious institutional conflict.

After days of negotiations and a two-headed chamber, Cáliz recognised Redondo as the legitimate president of Congress in exchange for his readmission as a LIBRE assembly member, alongside the 17 dissidents who had voted for him. However, Luis Redondo's legitimacy as president of the National Congress was still not recognised by the majority of opposition assembly members at the time of the deployment of the EU EFM in October 2023.

The executive's capacity to have its legislative bills passed was soon further undermined by LIBRE's break with its presidential election ally, the PSH, which has 10 Congress members. Currently, Salvador Nasralla is one of the leaders of the *Bloque de Oposición Ciudadana* (BOC), a political platform that includes his own party, plus the PNH, part of the Partido Liberal de Honduras (PLH) and several civil society organisations.

The government and LIBRE have also gradually distanced themselves from some civil society organisations, who had received the President Castro's election with great expectations, and who now denounce government persecution and practices that the governing party had criticised in previous periods, such as corruption, nepotism and the ineffectiveness of the executive in key management areas, such as the fight against poverty, human rights violations and insecurity.

Relations between the country's four main political forces reached a turning point in August 2023. Between then and 31 October 2023, when the EU EFM arrived in Honduras, the President of the Legislative Power had not convened any ordinary sessions, apparently in order to avoid votes for which there was not a qualified majority assured, namely the appointment of the State Attorney General, who vacated office on 31 August 2023, and the Deputy State Attorney General. The State Attorney General may be decisive in political struggles because of the role's power to indict or disqualify assembly members or members of the government.

On 31 October 2023 – the last day on which ordinary sessions may be convened - the three main opposition parties (PNH, PLH and PSH) joined their votes to convene an ordinary session of Congress, with the intention of extending the ordinary sessions until 25 January 2024, when the first session of 2024 begins.

In reaction to this call, Luis Redondo, president of the National Congress, ordered that the Congress doors be closed, locking out PNH congressmen, some of whom were attacked by groups of government supporters. The following day, Redondo called an extraordinary session of Congress during which he appointed a Permanent Committee, composed of nine members of the governing party, plus nine opposition substitutes. This Committee appointed an interim Attorney General and interim Deputy Attorney General of the State.

These appointments, which are subject to several appeals and injunctions on constitutional grounds filed before the Supreme Court of Justice, have raised tensions between Honduran political forces and have deepened the paralysis of the National Congress, which is unable to pass laws, including the pending electoral reforms.

Repeated calls to convene the Permanent Committee of the National Congress, presided by Luis Redondo, have been ignored by the opposition congressmen and women, who thus avoid legitimising the Permanent Committee, whose formation, composition and actions they consider illegal. The opposition, for its part, has called parallel sessions of Congress in an attempt to legislate against the decisions of the Permanent Committee.

### **C. Institutional context**

The CNE continues to operate in a difficult and unfavourable environment. The selection of CNE members by the three major parties (LIBRE, PNH and PLH) calls into question their impartiality and non-interference, both in their actions and in their contentious decisions. Historically, the CNE has also struggled with the late allocation of its budget, which exacerbates operational pressure and limits the positive effects of potential electoral projects, such as the provision of resources to the CNE's social inclusion unit or its communications department, the training of election workers or the approval of regulations.

The fact that on 10 September 2024 the current CNE members' term of office will come to an end and they will be replaced by three new councillors raises concerns for various reasons. Firstly, because this change will place just six months before the primary elections; secondly, because all councillors could be replaced at the same time, rather than in a staggered manner, which means that there will be no institutional memory to facilitate the work of the new councillors and finally, because of the risk that, far from the electoral body becoming more civic-minded, it will become even more partisan if the new councillors are politicians, as some members of Congress and the media have already announced, rather than technocrats.

#### **D. EU follow-up activities on EOM recommendations**

The Foreign Policy Instruments (FPI) project, 'Supporting the Electoral Cycle in Honduras for Transparent and Peaceful Elections 2020-2022', known by the acronym PACE-H (*Apoyo al Ciclo Electoral en Honduras para Elecciones Transparentes y Pacíficas*), was completed in December 2022. With a budget of 2.2 million euros, the project was formulated before the deployment of the EU EOM 2021, but its objectives tie in with some of the mission's recommendations. Among these objectives are to increase the technical and managerial capacities of electoral institutions (recommendations 4, 5, 7), and to promote and strengthen citizen participation, prioritising women and vulnerable groups (recommendations 16, 17, 18 and 19).

Implemented by the United Nations Development Programme (UNDP), the PACE-H project was supported by the European Union Delegation, which gave it great public visibility and paved the way for a second phase of the project, known as PACE-H II, which is very close to completing its approval phase, expected in December 2023.

Also designed prior to the deployment of the 2021 EU EOM to Honduras, is the technical assistance project to support the National Registry of Persons (RNP). This project, which will culminate in January 2025, aims to strengthen the RNP, both by improving its structure and increasing its professionalism, and in by supporting some of its main tasks, such as eliminating inconsistencies in the voter registry (which have dropped from one million to some 300,000 at the time of writing), computerising its archives and supporting the delivery of some 100,000 national identity documents (DNI), through a campaign that included the establishment of a 27-person call centre. This 4.5 million euro project is in line with recommendation 17 of the EU EOM 2021, as it involved the registration and provision of identity cards to thousands of people from indigenous communities.

The future PACE-H II project, funding for which was approved in December 2023, has been formulated taking into account the recommendations of the EU EOM 2021 and includes support to electoral reform, with two specific objectives: an improvement in the performance of the electoral bodies and the inclusion, culture of peace and democratic participation of vulnerable groups, such as youth, women, LGTBIQ+ community, the elderly, internally displaced persons, persons with disabilities, and indigenous and Afro-Honduran communities. The project is expected to start implementing activities in the first half of 2024. It will have a budget of 10 million euros, building on the progress made by PACE-H, but broadening its scope both geographically and materially. According to the project design, the activities envisaged by the project address 19 of the 23 recommendations of the EU EOM.

### **IV. Status of implementation of the EOM recommendations**

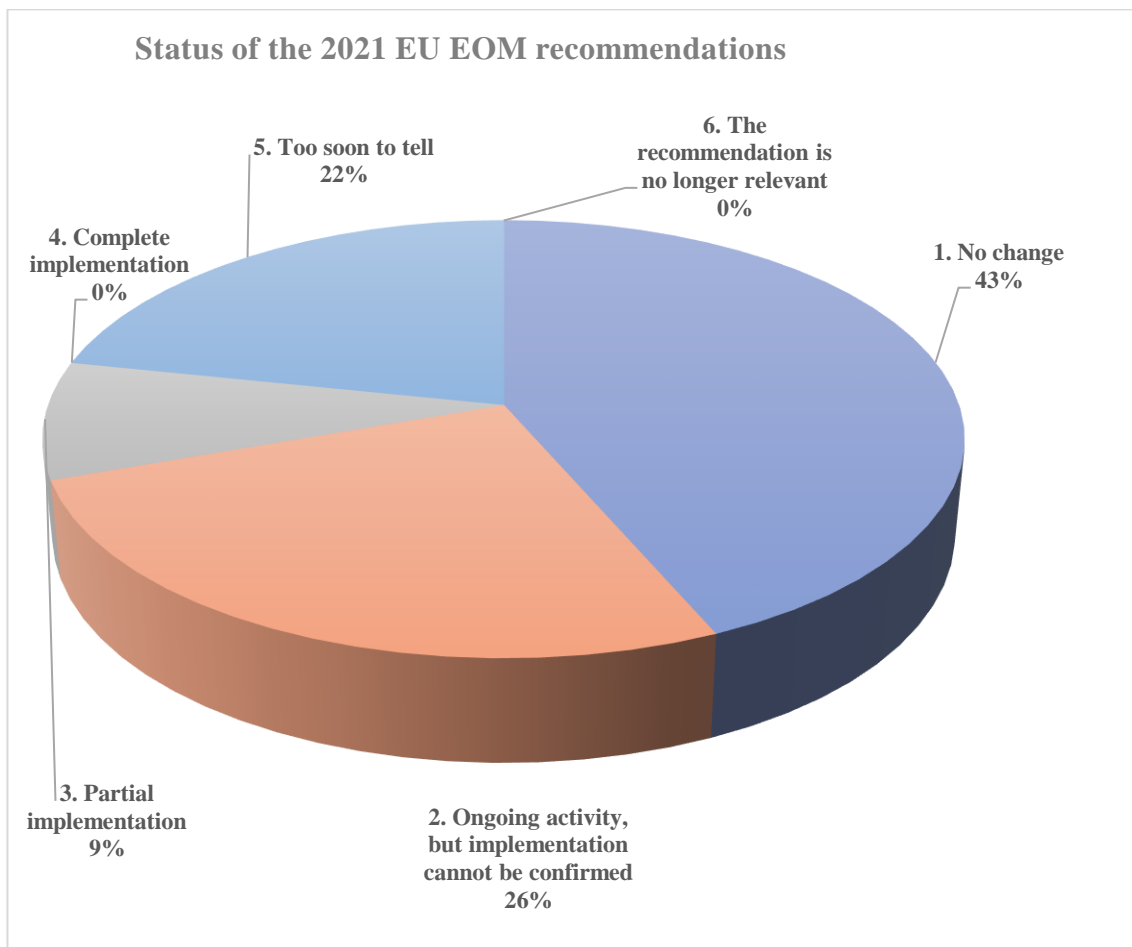
The EU EFM has found very little progress in the implementation of the recommendations presented by the 2021 EU EOM, including most of the priority recommendations, in particular with regard to actions requiring legislative reform by the National Congress.

Of the 23 recommendations made by the 2021 EU EOM, at this stage only two can be considered partially implemented, in ten cases there has been no change, in six cases there is ongoing activity but they cannot be considered implemented, and in five cases it is too early to make an assessment.



Of the 23 recommendations, eight were identified as priorities by the EU EOM. To date, only one of these eight can be considered partially implemented: the improvement of the CNE's communication strategy. The seven remaining priority recommendations concern reforming electoral legislation sufficiently in advance to clarify inconsistencies and shortcomings of the current legislation, strengthening the CNE's independence from political parties, strengthening the CNE's and UFTF's sanctioning capacities, removing slander from the penal code, approving legal provisions to sanction political violence against women, approving the Law on Electoral Dispute Procedures and designing a system for results tabulation with reinforced mechanisms for verification and traceability of results.

Figure 1: Status of implementation of the EOM recommendations



Seven of the EU EOM's recommendations would not require any legislative changes, and therefore, given legislative paralysis, these could be most appropriate to focus on at the current time. One of these seven recommendations has already been partially implemented (the improvement of CNE communications), two show progress (strengthening the capacities and powers of the UFTF and the development of measures to combat disinformation), while for the remaining four it is still too early to make an assessment (greater inclusion of voters with special needs, the allocation of free State media space, the design of an improved results tabulation system and enhanced coordination in the voting and counting processes).

Annex d provides an overview of the implementation status of the 2021 EU EOM recommendations.

This analysis is preliminary and subject to further updates before and during the 2025 general elections. It is based on information gathered by the EU EFM.

### **A. Legal framework**

The 2021 EU EOM recommended as a matter of priority that Congress undertake a process of comprehensive electoral legal reform well in advance of the upcoming elections, in consultation with the CNE and the TJE, as well as other stakeholders and experts, to clarify inconsistencies and shortcomings in the current legislation.

On 28 November 2021, general elections were held in Honduras to elect the Presidency of the Republic, the National Congress, the Municipal Corporations and the Central American Parliament (PARLACEN). The late approval of electoral legislation and of the budget allocated for the organisation of the elections made it difficult for the CNE to conduct the process. On 26 May 2021, just one day before the general elections were called, the National Congress approved the Honduran Election Law without adequate notice or consultation, violating the principle of legal certainty, as well as international and regional best practices.

The regulation establishing the Transmission of Preliminary Election Results (*Transmisión de Resultados Electorales Preliminares*, TREP) and its technological arrangements was published on 27 November, one day before the elections. This created a sense of uncertainty as to the applicable legal framework, and meant that electoral authorities, political parties and citizens were unable to become familiar with the new legislation in sufficient time before the elections.

The Election Law includes a number of ambiguities that allow for a range of interpretations, especially in relation to the registration, withdrawal and replacement of candidates and registered or de facto alliances. In addition, it lacks detail regarding electoral justice procedures, especially with regard to actions for the annulment of results before the CNE.

Several reforms to the Election Law have been proposed since the 2021 general elections, such as selecting polling staff from the Civil or Electoral Registry (the '*ciudadanización*', or de-politicisation of polling stations); the introduction of electronic voting; separating the presidential, legislative and municipal elections, and holding primary elections a full year before general elections, in order to decongest the country's electoral processes.

Proposals were also made to reduce the current number of 128 principle and substitute Congress members and to limit Congress members and mayors to two terms. However, these reforms have not been included in the agenda of the National Congress.

Of all the proposed electoral reforms, only two have made some headway: the approval of the Law on Electoral Dispute Procedures (see 2021 EU EOM recommendations 20 and 21) and the introduction of a presidential run-off, which would require constitutional reform.

The presidential run-off is not among the recommendations made by the EU EOM 2021. The National Congress-appointed Committee on Electoral Affairs (*Comisión Ordinaria de Asuntos Electorales*) shared and discussed the reform proposal with stakeholders. Due to the discussion that has arisen among political parties on definitions and criteria for a second election round, the Electoral Affairs Committee has proposed that the discussion first be held within political parties' assemblies, before being voted on in Congress.

Amendments to the Constitution and to the Electoral Law must be approved by a qualified majority (86 votes) in the National Congress. In the case of constitutional reforms, ratification in the following legislature is also necessary. If the reforms are not submitted for discussion and approval this year, they cannot be implemented for the next elections in 2025. The primaries process will open when these elections are called in September 2024.

The National Congress has been in the grip of a legislative paralysis since May 2023, so since that time, it has not been possible to carry out any electoral reform that involves the drafting or modification of any law, whether the implementation of the recommendations of the 2021 EU EOM, or of those proposed by the various Honduran institutions.<sup>1</sup>

## **B. Election Administration**

Of the four recommendations the 2021 EU EOM addressed to the electoral administration, three require the reform of the Election Law. This makes these reforms dependent on a resolution of the current paralysis of the National Congress.

Two of these recommendations were highlighted as priority by the 2021 EU EOM. The first concerns the independence of the CNE from political party interference, which would imply that its members – from the CNE councillors down to polling station staff – would be elected from among non-partisan civil society.

Regarding the selection of CNE councillors, such a reform has never been seriously considered by political parties, and neither the current councillors nor other EU EFM interlocutors see it as realistic. Those who disagree with this recommendation question the feasibility of identifying candidates with the necessary training and professional competence who have no links to political parties. Current CNE councillors themselves believe that public, transparent selection based on criteria of professional competence is the only way to guarantee efficiency of the electoral administration, rather than de-politicisation.

Staffing of polling stations is another matter. Polling stations (or JRVs, *juntas receptoras de voto*) are currently staffed by five poll workers and their respective substitutes. The three parties with the greatest number of votes in the presidential primary election appoint the president, secretary and counting officer (*escrutador*) of each polling station, while the remaining two members are appointed by the CNE on a rotational basis, upon proposal of the remaining parties. Parties not included in this distribution can accredit agents and observers to the polling stations. In the political dialogues organised by Red-H in 2022 and 2023, political organisations such as the PNH, PLH and PSH voted to have polling stations staffed by citizens proposed and trained by the CNE, alongside other members proposed by political parties. However, this recommendation is not currently on the political reform agenda.

The second reform considered a priority by the 2021 EU EOM in this section is a more effective CNE transparency and public communication strategy, as well holding regular consultative meetings with parties and ensuring continuous dissemination of information to all stakeholders, especially in the run-up to elections. None of these initiatives requires legislative changes. The EU EFM considers that this recommendation can be considered partially implemented, if the current trends continue in the run-up and aftermath of the 2025 primary and general elections, and if more human resources are provided to the communication unit. The CNE has provided

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<sup>1</sup> See, above, Section 3b, Political Context.

training to parties and civil society organisations throughout the country upon request and regularly publishes its decisions on the institutional website, a task for which it has been recognised for two consecutive years by the *Instituto de Acceso a la Información Pública* (IAIP).

Regarding the other two recommendations concerning the election administration, the EU EFM considers that there is ongoing activity towards implementation. In terms of financial independence and timely availability of funds, the CNE has prepared its budget for the 2025 primaries unprecedentedly early, and intends to submit it to the Ministry of Finance (*Secretaría de Finanzas*, SEFIN) for consideration before the end of 2023. In addition, the government has provided the CNE with its own building, (rather than the current rented building), to which it will move soon, and has also provided a fleet of vehicles, all of which will contribute to the institution's greater financial independence.

Finally, progress has been made regarding training of all CNE electoral staff, as recommended by the 2021 EU EOM. The CNE has designed 29 projects for the primary elections and intends to train the officials responsible for them in collaboration with the Institute for Political Training (*Instituto de Formación Política*). This will be done without the need for a reform of the Election Law, as recommended by the EU EOM 2021.

### **C. The right to vote and voter registration**

The 2021 EU EOM recommended the removal of restrictions on universal suffrage and the adoption of specific measures to guarantee the effective exercise of the right to vote, such as for citizens in prison, in hospitals and with other special conditions that hinder their participation in the electoral process.

Honduras is a party to the 1996 International Covenant on Civil and Political Rights (ICCPR) and its general comments. International standards prohibit general exclusions.

The right to vote is guaranteed by the Constitution for all citizens over 18 years of age. Restrictions apply to citizens who are the subject of a judicial sentence suspending their right to vote, as well as those sentenced to imprisonment or in detention and facing charges for a particularly serious crime,<sup>2</sup> as well as active members of the military and police.

Pre-trial detainees or persons serving short sentences retain their right to vote under Honduran law, and the law guarantees the exercise of voting rights for persons whose physical or health conditions do not allow them to vote at polling stations.<sup>3</sup> However, in practice there are no provisions to facilitate either registration or the exercise of this right.

Restrictions on the right to vote are established in Articles 41 and 42 of the Constitution. Therefore, this recommendation can only be implemented through a constitutional reform. Any constitutional amendment must be approved by at least 86 of the 128 members of the National Congress and ratified during the following legislative period. To date, no reform bill has been presented and no constitutional reform to extend the right to vote to disenfranchised persons has been discussed in Congress. Civil society organisations have warned that such an initiative is not on the public agenda.

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<sup>2</sup> Article 41, Constitution.

<sup>3</sup> Article 81, Election Law.

#### **D. Election campaign**

The 2021 EU EOM formulated three recommendations concerning election campaigning, including one of high priority, which is to strengthen the capacities of the CNE, the Unit for Financing, Transparency and Oversight of Political Parties and Candidates (*Unidad de Financiamiento, Transparencia y Fiscalización a Partidos Políticos y Candidatos*, UFTF) and other bodies that prevent and sanction the misuse of administrative resources.

The EU EFM considers this priority recommendation to be the only one where there is ongoing activity. Firstly, the CNE has issued Agreement 1-2023 urging the UFTF to monitor campaigns and electoral propaganda outside the campaign period. Secondly, the UFTF has hired and trained staff, to strengthen its human and technological resources, with support from international organisations. It has also trained political parties to record and submit their financial reports and intends to reach agreements with civil society organisations to collaborate with the UFTF in monitoring party expenditures, particularly propaganda. UFTF commissioners would be in favour of a reform that provided the institution with sanctioning powers. The cooperation of other State funding oversight bodies, such as the Revenue Administration Service (*Servicio de Administración de Rentas*, SAR), the *Comisión Nacional de Banca y Seguros* (CNBS) and the Court of Auditors (*Tribunal de Cuentas*), would also help in this regard.

The other two recommendations on electoral campaigning require electoral reforms that are not currently on the political agenda. Indeed, no progress has been made in amending the Election Law and the Law on Financing, Transparency and Oversight of Political Parties and Candidates to strengthen State financing of political parties and to ensure the timely payment and effective oversight of campaign expenses before Election Day.

No steps have yet been taken to explicitly apply campaign regulations to social media and online activity. The CNE considers that such a change should not be made through regulation, but rather through an electoral reform that is currently not under discussion. The election administration also considers that it would be useful for the electoral management bodies in the region to join forces to engage in a stronger dialogue with the main social media platforms and request their collaboration in monitoring political party activities.

#### **E. Media**

The 2021 EU EOM's recommendations on media are among those which have seen the least progress, partly because three of the four recommendations require legislative changes that require the approval of the National Congress, which is at a standstill at the time of writing this report.

Passing a law to remove direct government control over public media has not been on the agenda of electoral reform negotiations. The linking of public media to the government is a structural feature of publicly-owned media in Latin America. Moreover, opposition political parties do not tend to focus on this issue since public media in the region generally enjoy a low audience. By not advocating for this change, however, political forces ignore the international principle that State media have a greater obligation towards impartiality and independence as they are publicly-funded.

The decriminalisation of slander, through a reform of the Penal Code, has been unsuccessfully promoted by organisations defending journalism and freedom of expression before the

Congressional Committee on Legislation and Constitutional Affairs. The latter proposed the modification of the Printing Press Law, by including the crime of slander, but without repealing it from the Penal Code, thus giving the courts the authority to decide whether a particular case should follow the criminal (Penal Code) or civil (Printing Press Law) route. This proposal did not go ahead.

Neither has there been any discussion about repealing the 2013 Voluntary Programme for the Rescue, Promotion and Promotion of the Communications Sector, which provides for the cancellation of tax debts or licences with the State in exchange for institutional advertising. This mechanism for debt cancellation is seen as an instrument of control or even discrediting of those media who avail themselves of this option. On other occasions, a particular media outlet may be discredited by allegations it has requested a debt cancellation, even if this is not the case.

Finally, it is too early to know whether free space will be granted in State media to eligible parties and presidential candidates. This measure is already provided-for by law although as mentioned above, these slots are not attractive because of their limited circulation and influence.

#### **F. Digital and social media**

In the area of digital media and social media, there has been no definitive progress on the Data Protection Law, which was recommended by the 2021 EU EOM. The Institute for Access to Public Information (*Instituto de Acceso a la Información Pública*, IAIP), the State body charged with monitoring respect of this right, issues opinions for State institutions that request it, based mainly on international treaties and best practices. It has also commented on a draft bill on the Protection of Personal Data, which is being validated by the Directorate of Results-based Management (*Dirección de Gestión por Resultados*, DIGER), an institution that provides technical support to the Presidency. After these reviews and comments, the law will have to be approved by the National Congress following the usual procedures, so it is too early to know whether it can enter into force before the 2025 elections.

The CNE is in favour of the creation of a unit to monitor disinformation and hate speech. UNDP has provided access to the *YoVerifico* tool, which is currently operational, managed by the journalism students of the *Centro Universitario Tecnológico de Honduras* (CEUTEC) with funding from the European Union.

#### **G. Women's political participation**

The 2021 EU EOM recommended adopting legal provisions and implementing mechanisms to protect women from gender-based political violence, in line with the CNE's proposed law, and to ensure that sanctions are imposed.

The new Election Law requires political parties to ensure gender parity and alternation at all elective levels. The political forces that hold primary elections - the PNH, the PLH and LIBRE - apply these requirements when presenting candidates to the primaries, while the remaining political organisations must comply with the principle when registering their candidacies to compete directly in the general elections.

According to the schedule of activities developed and approved by the electoral administration, political activities will start in March 2024, with the presentation of the report on compliance

with the gender equity policy approved by each political institution. Despite this requirement, which applies the principle of parity and alternation, the open list system for congressional elections does not favour equal representation of women in elected positions. The 2021 Congress includes 33 congresswomen, representing 26 per cent of the total, and 17 women mayors out of a total of 298 mayors, representing 6 per cent of the total.<sup>4</sup>

Women in Honduras face economic challenges, discrimination and high levels of violence, in addition to cultural barriers in a still strongly patriarchal society. There are many forms of political violence against women. Article 213 of the Election Law does not establish a clearly defined replacement procedure and voluntary withdrawal may be seen by some as a means of introducing a male candidate. This has allowed attempts to force female candidates who were favoured in primary elections to withdraw in order to allow men to compete in the general elections. Furthermore, although political parties are obliged to use 15 per cent of State funding for the promotion of women's political participation and leadership,<sup>5</sup> this is often used for other purposes and is not specifically monitored.

In 2021 the CNE approved a protocol to combat gender-based political violence during elections,<sup>6</sup> which otherwise lacks administrative enforcement or sanctioning measures. The Law Initiative against Political Gender Violence presented by the CNE in 2021 was stalled from the beginning in the National Congress.

The Honduran Women's Political Forum<sup>7</sup> is currently supporting the proposal for a special law presented to the National Congress by PSH congresswoman Fátima Mena. This is a proposal for a comprehensive law on violence against women, which includes the promotion of projects for the economic empowerment of women, seed capital, a law against political violence and reforms to the electoral parity law. This bill is currently stalled in the National Congress.

#### **H. Political participation of indigenous and Afro-Honduran people**

No political party currently has on its legislative agenda the recognition of indigenous communities' decision-making bodies or envisaging mechanisms to assess their decisions, as proposed by the 2021 EU EOM. These initiatives would require constitutional changes.

However, there has been notable progress in the registration and provision of ID cards to inhabitants of remote areas where indigenous and Afro-Honduran populations reside, and who tend to be under-represented in the Civil Registry. This has been achieved through opening auxiliary registration offices and the deployment of mobile registration teams, projects that have been implemented with funding and support from the EU and the UNDP.

#### **I. Political participation of people with disabilities**

The 2021 EU EOM recommended increasing efforts to include voters with disabilities in the voting process on equal terms, prioritising autonomous forms of voting and implementing reasonable accommodation measures in polling stations.

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<sup>4</sup> Source: *Resolución 2678-2021, CNE*. Official announcement of Congress results.

<sup>5</sup> Article 163, Election Law.

<sup>6</sup> [Protocolo contra la Violencia Política de Género](#), CNE 2021.

<sup>7</sup> Entity belonging to the Central American Parliament with legal status and made up of the Women's Secretariats of the parties' boards of directors.

According to the National Registry of Persons (RNP), 237,554 Hondurans with disabilities were registered to vote in the 2021 elections, of whom 108,703 were visually impaired. However, these figures probably underestimate the total population of persons with disabilities in Honduras, as not all those with mild disabilities were consulted or have their disability registered on their identification card.<sup>8</sup>

The Election Law guarantees provisions will be made to ensure persons with special physical or health conditions may vote.<sup>9</sup> During the 2021 general elections, the CNE obtained information on the number of voters with special needs and their location across the country through the new ID-provision exercise conducted by the RNP, but no measures were put in place to facilitate voting for such persons, except for assisted voting. No specific measures were put in place, such as Braille templates for visually impaired voters or concrete assistance. Polling staff training did not include specific instructions regarding voters with disabilities, leading in some cases to violations of the secrecy of the vote or disenfranchisement.

On 23 October 2021, the CNE signed a cooperation agreement with three organisations representing people with disabilities, with the aim of increasing their participation in the elections. However, due to the lack of implementation of these measures, voters with limited mobility were unable to access polling centres which did not otherwise guarantee accessibility during the 2021 elections.

For the upcoming 2025 elections, the CNE has established that a list of persons with disabilities will be printed for each polling station, based on information obtained from the RNP. However, no State effort has been made to prioritise autonomous forms of voting, nor will there be adjustments in the polling stations for voters with disabilities. There are currently no plans to produce electoral material in Braille, nor to provide training in sign language.

The CNE, committed to inclusion and equal rights for all, launched awareness-raising activities for its staff in May 2023, with the aim of promoting specialised and respectful attention to diverse groups of society. Organisations of persons with disabilities have requested the approval of an agreement with an action plan for greater inclusion, an action plan that would require an electoral inclusion table with all actors involved in improvements.

## **J. Participation of the LGBT community**

The 2021 EU EOM recommended recognising the gender identity that individuals perceived themselves, and allowing transgender people to change their names, as required by a ruling of the Inter-American Court of Human Rights (IACHR).

Despite some progress on the issue, such as identity cards no longer listing gender explicitly,<sup>10</sup> LGBT organisations continue to denounce a decrease in the participation of members of their community in electoral processes.

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<sup>8</sup> Source: Coordinator for Rehabilitation Institutions and Associations (*Coordinadora de Instituciones y Asociaciones de Rehabilitación*, CIARH).

<sup>9</sup> Article 21.3.d, Election Law

<sup>10</sup> Nonetheless, the letter M, for ‘*masculino*’ or F, for ‘*feminino*’ is on the back of ID cards, together with the card’s numerical code.



During the 2021 elections, only three candidates running for the National Congress openly declared their sexual orientation, compared to seven in the 2017 general elections, and none of them identified as transgender.

Members of the LGBT community continue to face obstacles in standing for election and gaining party support, mainly for financial reasons and due to discrimination. They are also victims of hate speech, campaigns not to vote for openly LGBT candidates, harassment and even murder, the rate of which has increased in recent years. Between 2017 and 2022, some 115 gay men, 44 transgender people and 35 lesbian women died violent deaths, and three LGBT people were reported missing.<sup>11</sup> The National High Commissioner for Human Rights (*Alto Comisionado Nacional de Derechos Humanos*, CONADEH) reported that, of the total number of cases, only 23 per cent were prosecuted and only 13 cases resulted in a conviction, which means that 93 per cent of these crimes remain unpunished and that the prosecution of cases of LGBT people killed in violent circumstances has been decreasing.<sup>12</sup>

Despite an Inter-American Court of Human Rights<sup>13</sup> ruling requiring Honduras to adopt a mechanism to recognise gender identity as perceived by individuals, transgender people are still unable to change their name. LGBT groups continue to advocate for gender identity recognition, as this remains an obstacle to their meaningful political participation, both as voters and as candidates.

The RNP has been working, together with the Secretariat for Human Rights, the Ombudsman's Office, CONADEH and the Attorney General's Office, on a protocol for the recognition of gender identity that regulates the object, purpose, scope and procedure to be followed for the change of name of transgender persons.

However, there is still no agreement between the institutions on certain points of the protocol, such as the minimum age for a name change, the number of times a name change can be made, and the documents required to attest to the registry. As the change of name for trans persons is not provided for in the National Registry Law, this change must be made by amending the RNP Regulation. The approval of the protocol and the amendment of the RNP Regulations are not expected in the foreseeable future.

At present, no trans, non-binary, bisexual, homosexual or heterosexual person can apply to the RNP for a name change unless they fall under one of the exceptions in the Regulation.<sup>14</sup>

## K. Electoral disputes

The 2021 EU EOM made a priority recommendation, suggesting the adoption of the Law on Electoral Dispute Procedures (*Ley de Procesal Electoral*) as provided-for in the Constitution, in order to provide the electoral justice tribunal (TJE) with the necessary tools to exercise its electoral jurisdictional responsibilities.

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<sup>11</sup> According to figures provided by the Honduran LGBTI organisation, Catrachas.

<sup>12</sup> According to CONADEH, although 13 such cases were prosecuted in 2017, since 2018 an average of six cases are processed every year.

<sup>13</sup> IACHR ruling, 26 March 2021, Vicky Hernández and others vs. Honduras.

<sup>14</sup> A person may only change their name if it is offensive or denigrating to them.

The CNE is the body in charge of resolving electoral disputes that occur prior to the elections, with the option of appealing to the TJE, the highest authority on electoral justice.<sup>15</sup> The decisions of the TJE are final, without prejudice to the possibility of filing for a protection order (*recurso de amparo*) before the Supreme Court of Justice (CSJ).

After a constitutional reform established the CNE and the TJE in January 2019, new legislation was required for their administrative functioning, the organisation of electoral processes and the delivery of electoral justice. The Constitution required the adoption of a Law on Electoral Dispute Procedures to regulate electoral justice, but the National Congress did not approve it.

Despite the provisions of the Constitution and the Election Law, the TJE operated during the 2021 general elections with an insufficient budget and without an Electoral Dispute Procedures Law. The CNE and the TJE resorted to complementary legislation, in particular the Law on Administrative Procedure and Civil Procedure, due to the shortcomings of the Election Law on electoral disputes. The CNE's Rules of Procedure for Administrative Actions for Electoral Complaints entered into force on 1 December, two days after the elections.<sup>16</sup>

Following the non-approval of the Law on Electoral Dispute Procedures, the National Congress authorised the Plenary of the TJE Magistrates to unanimously issue regulations or manuals of jurisdictional procedures in electoral matters.<sup>17</sup>

In order to carry out its jurisdictional activity during the 2021 elections, the TJE resorted to adopting the rules of procedure for appeals in electoral matters.<sup>18</sup> The TJE asserts it issued 145 rulings during the 2021 elections, to which it had to apply an internal regulation as its own legislative tool.

The TJE is currently the only electoral body without its own regulations. On 13 December 2022, a draft Law on Electoral Dispute Procedures was approved in a Plenary Session of the TJE Magistrates, with a view to its application in the general elections of 2025, and on 15 December 2022, the TJE submitted the draft to the Legislative Committee on Electoral Affairs of the National Congress for its opinion, which was provided on 9 November 2023. The Committee accepted all 93 articles of the draft law and considered it of utmost importance that the time limits for appeals be expeditious, with a maximum of 30 calendar days.

Minor changes were made to the TJE document, adding aspects such as the duration of tenure of the magistrates and substitute magistrates, which was set at five years with only one re-election. Once the opinion is issued, the draft law will have to be submitted to the plenary of the National Congress and go through three debates, including a consultation process, after which it will require a qualified majority of at least 86 votes.

It is expected that the bill will be scheduled by the Standing Committee between December and January. If this is not the case, the bill will then be scheduled for the ordinary sessions starting on 25 January 2024. For its part, the TJE is in the process of promoting the draft law and considers that the ideal date for its approval would be January 2024, in order to begin

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<sup>15</sup> In 2021, all challenges and appeals had to be presented to the headquarters in Tegucigalpa, since there are no decentralised entities.

<sup>16</sup> [Certificación 2339. Acuerdo 19-2021.](#)

<sup>17</sup> [Decreto 187-2020.](#)

<sup>18</sup> [Reglamento de procedimiento del recurso de apelación en materia electoral.](#)

training and manuals on the new contentious electoral legislation with a view to the 2025 elections.

Currently, the TJE has two vacancies for principal (*propietario*) magistrates, and is operating with one principal magistrate and two substitute magistrates. The TJE is practically paralysed because the law requires the presence of the three principal magistrates to hold plenary sessions, take jurisdictional decisions and approve hiring.

The term of office of the only principal magistrate ends on 10 September 2024, after which three principal magistrates will have to be elected. The TJE expects a considerable number of challenges to reach the court in March, April and May 2025, which means that recruitment of court staff should begin in 2024.

The 2021 EU EOM recommended setting realistic deadlines for the submission, hearing and resolution of electoral challenges, especially in relation to candidate registration and post-election appeals, allowing sufficient time for the preparation of cases after the publication of the preliminary results.

Unclear deadlines for both the submission of pre-election appeals and for the CNE to issue decision, together with the lack of publicity of the CNE's resolutions, resulted in extremely late and unclear decisions, which affected the right to an effective remedy.

The Election Law allows for challenges to the CNE to be filed up to five days after the day following the elections. However, one day before the deadline, this was extended for a further 72 hours, as a large number of results forms were not fully processed and published, which could have prevented complainants from obtaining sufficient evidence to support their allegations and limited their right to an effective remedy. The TJE receives appeals against the CNE's decisions and has 30 days to decide, with the possibility of an extension of up to 15 days if necessary.<sup>19</sup>

Once the electoral justice system has been exhausted, an appeal for legal protection can be filed before the Constitutional Chamber of the Supreme Court of Justice, alleging violation of political rights, further extending the appeals process.

There are no proposals to amend provisions on electoral dispute resolution among the electoral reform proposals submitted to the National Congress. It is still too early to assess the possible implementation of a Regulation on Administrative Action Procedure for CNE Electoral Complaints for the 2025 elections, nor of the TJE Regulation in case the National Congress fails to pass the Law on Electoral Dispute Procedures within the necessary deadlines. There has therefore been no progress on this recommendation.

#### **L. Polling, counting and tabulation of results**

The CNE asserts that the shortcomings of the results tabulation system in 2021 were due to the delay in receiving the extraordinary budget for the 2021 elections, which forced the CNE to act hurriedly. The 2021 EU EOM recommended that the tabulation system be designed with

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<sup>19</sup> Based on these deadlines, more than 60 days may pass between the submission of appeals to the CNE resolution by the TJE, which is incompatible with the timeframes provided by the Constitution for the President and Congress to take office.

traceability features and reinforced results verification mechanisms. Two years before the elections, it is too early to assess whether this recommendation will be implemented.

### **M. Electoral technology**

Once again, late disbursement of allocated funds, coupled with contracted companies not complying with the terms of reference, were the causes, according to the CNE, of a lack of coordination between the various components of the technology used in the electoral process. The 2021 EU EOM recommended better coordination between departments, with the assignation of clear roles and responsibilities, and giving greater priority to the needs of the voting and counting processes, rather than to the existing technological arrangement.

The CNE hopes to improve in this area with a redesign of its technological processes, which it is currently carrying out with the Centre for Electoral Assistance (*Centro de Asesoría y Promoción Electoral*, CAPEL).

It is too early to determine whether this recommendation will ultimately be implemented.

## **V. Roundtable with stakeholders**

On 21 November, the EU EFM hosted a roundtable discussion with 27 participants from electoral bodies, political parties and civil society organisations (see annexes b and c, respectively, for the agenda and list of participants). EU Ambassador Jaume Segura opened the event.

The 13 sections of recommendations made by the EU EOM Honduras 2021 were presented, followed by an exchange of views, and analysis of each of the recommendations.

The meeting served to fill some information gaps for the EU EFM and, above all, for the different actors to share their views on electoral issues in a relaxed and cordial atmosphere.

The main conclusion of the meeting is that the principal obstacle to the recommendations is the paralysis of the National Congress. Some participants expressed the hope that the paralysis would end and that Congress would resume its work as of 25 January. Civil society organisations stressed the need to move forward with those recommendations that do not require legislative reforms. Electoral institutions considered that for the 2025 elections they are more prepared financially, educationally and logistically, although they consider that the replacement of CNE councillors three months before the primary elections could be a challenge. Renewal of institutional leadership is also due to take place in 2024 for the RNP, UFTF and TJE.

## **VI. Conclusions and short-term actions**

The EU EFM considers positively the debates and draft laws presented in line with some of the recommendations of the 2021 EU EOM. However, no electoral reforms requiring legal amendments have yet been adopted, due to parliamentary inactivity and lack of consensus. The paralysis of the National Congress is the biggest obstacle to such reforms. Some of the constitutional electoral reforms can no longer be approved for the 2025 elections because there is no longer sufficient time for their approval and implementation has elapsed. However, there is still time for the National Congress to swiftly pass other important electoral reforms, such as

the Law on Electoral Dispute Procedures, so that these can be implemented during the primaries and general elections in 2025.

Proposals that do not require legislative changes can be brought about through regulations or changes in the administrative practices of the different electoral institutions (see above, section 4. Status of implementation of EU recommendations). The gender identity protocol requires institutional consensus to facilitate the name changes for trans persons, as established in the 2021 judgment of the IACHR. The creation of an Electoral Inclusion Roundtable for the next and future electoral processes, with the participation of organisations of persons with disabilities, the CNE's Office of Social Inclusion and political party leaders, as recommended by organisations of persons with disabilities, would foster the development of reforms for more accessible and inclusive elections. The EU EFM highlights that civil society organisations, the Women's Political Forum (*Foro de Mujeres Políticas*) and institutions such as the CNE, IAIP and UFTF have been actively involved in proposing electoral reforms.

The EU EFM maintains as priority recommendations those set out by the 2021 EU EOM, which are broadly in line with those identified by interlocutors, including the need for more effective oversight of political finance, 'de-politicisation' (*ciudadanización*) of electoral staff, support for and enforcement of campaign and media rules, adoption of the Law on Electoral Dispute Procedures, and greater inclusion of vulnerable groups.

Better protection of freedom of expression and press freedom will require considering the decriminalisation of slander and the replacement of current sanctions with proportionate alternatives. Although the recommendation on restrictions to the right to vote has not been on the public agenda and requires constitutional reform, it continues to be a priority recommendation supported by international treaties and conventions signed and ratified by Honduras.

It would be advisable for the National Congress to swiftly establish a working agenda in order to carry out reforms to the electoral framework within the timeframe envisaged, so that they can be implemented in the 2025 elections. Both the National Congress and the CNE could adopt a consultative approach to discuss the adoption of electoral reforms with a wide range of stakeholders in a climate of dialogue and tolerance.

## VII. Annexes

### A. Press release

#### **The European Union Electoral Follow-up Mission encourages Honduran institutions to continue work on electoral reforms in an environment of dialogue and tolerance**

**Tegucigalpa, 17 November 2023**

The European Union deployed an Electoral Follow-up Mission (EFM) to Honduras on 30 October 2023, led by the Head of Mission, Željana Zovko, Member of the European Parliament (MEP) and Chief Observer of the European Union Election Observation Mission (EU EOM) Honduras 2021.

The objective of the mission has been to learn about ongoing efforts to strengthen the legal framework and electoral practices in line with the recommendations of the 2021 EU Election Observation Mission. During its stay in the country, the Mission met with numerous electoral stakeholders of the Republic of Honduras, including members of the Government, members of the National Congress, the National Electoral Council (CNE), the Electoral Justice Tribunal (TJE), the National Registry of Persons (RNP), the Financing, Transparency and Oversight of Political Parties and Candidates Unit (UFTF), representatives of political parties, civil society and international partners.

The MEP Željana Zovko encouraged all involved actors to develop and implement the recommendations suggested by the 2021 EU Election Observation Mission, which would require "restarting, in a democratic climate, the dialogue between all actors involved, with sights set on the primary elections and the general elections in 2025."

The mission found that to date, only two of the twenty-three recommendations suggested by the 2021 EU EOM have been partially implemented, namely a more transparent CNE public communication strategy and the distribution of national ID cards in remote areas predominantly inhabited ethnic minority groups by the National Registry of Persons. In seven other areas, steps are being taken towards improvements, such as the approval of a Law on Electoral Dispute Procedures, which has already been reviewed by the National Congress; the timely disbursement of the necessary funds to hold the elections, in particular the 2025 party primaries; the adequate training of electoral staff, including officials of the National Electoral Council and the Financing, Transparency and Oversight of Political Parties and Candidates Unit; and the change of the name of transgender persons. On the other hand, for nine other recommendations, no change has been recorded.

"We believe that the recommendations proposed by the 2021 Election Observation Mission," said MEP Zovko, "would advance democracy in the country. We are in Honduras at the invitation of the electoral authorities and we hope that the institutions will take more determined steps to make these improvements a reality as soon as possible. All parties involved must now make the efforts necessary to strengthen the institutions and benefit all citizens."

The Electoral Follow-up Mission will remain in the country until 25 November. A final report will be made public in the coming weeks, which will serve as a reference to further strengthen the electoral framework of the Republic of Honduras. Just as in 2021, the European Union stands by the Honduran citizens and all actors involved, with the objective of ensuring credible, inclusive and transparent elections in 2025.

## B. Roundtable programme

<b>Programme</b>	
<b>08:00 – 08:15</b>	<b>Opening</b> <ul style="list-style-type: none"> <li>• <b>Jaume Segura Sociás</b>, EU Ambassador in Honduras</li> </ul>
<b>Discussion about the recommendations by thematic groups</b>	
	<b>Chaired by:</b> <ul style="list-style-type: none"> <li>• <b>Xabier Meilán</b>, election analyst and leader of the Electoral Follow-up Mission Honduras 2023</li> <li>• <b>Rosa Mora</b>, legal analyst of Electoral Follow-up Mission Honduras 2023</li> </ul>
<b>08:15 – 10:00</b>	<b>Thematic groups (1):</b> <ul style="list-style-type: none"> <li>• Legal framework</li> <li>• Election administration</li> <li>• Right to vote and voter registration</li> <li>• Election campaign</li> <li>• Media</li> </ul>
<b>10:00 - 10:15</b>	<b>Coffee Break</b>
<b>10:15 – 11:15</b>	<b>Thematic groups (2):</b> <ul style="list-style-type: none"> <li>• Digital and social media</li> <li>• Women’s political participation</li> <li>• Political participation of indigenous and Afro-Honduran people</li> <li>• Political participation of people with disabilities</li> <li>• Political participation of the LGBT community</li> <li>• Electoral disputes</li> <li>• Voting, counting and tabulation of results</li> <li>• Electoral technology</li> </ul>
<b>11:15 – 11:50</b>	<ul style="list-style-type: none"> <li>• Progress and challenges in the implementation of the recommendations</li> </ul>
<b>11:50 – 12:00</b>	Close



## **C. Roundtable participants**

### **State institutions:**

Consejo Nacional Electoral (CNE)

Unidad de Financiamiento, Transparencia y Fiscalización a Partidos Políticos y Candidatos (UFTF)

### **Political parties:**

Partido Liberal de Honduras (PLH)

Partido Salvador de Honduras (PSH)

### **Other State institutions:**

Instituto de Acceso a la Información Pública (IAIP)

Dirección de Gestión por Resultados (DIGER)

### **Civil society:**

Foro de Mujeres Políticas

Confederación de Pueblos Autóctonos de Honduras (CONPAH)

### **International organisations:**

United Nations Development Programme (UNDP)

International Foundation for Electoral Systems (IFES)

European Union Delegation in Honduras

#### D. Matrix of the status of implementation of EOM recommendations

No.	Year	Recommendation	Electoral area	Status (1-6)	Comments and additional information
1	2021	<b>The Congress to undertake a process of electoral legal reform on a cross-party basis well in advance of the next elections, involving consultation with the CNE and the TJE, stakeholders and experts, to clarify inconsistencies and shortcomings in the current legislation.</b>	Legal framework	1 (No change)	<p>Legislative actions have effectively been suspended since May 2023.</p> <p>Several electoral reform proposals have been put forward, such as the reduction of the number of members of Congress, the de-politicisation (<i>ciudadanización</i>) of polling staff, the use of electronic voting, the separation of presidential, legislative and local elections, the holding of primary elections one year before the general elections to decongest the country's electoral processes, the introduction of a two mandate limit for Congress members and mayors, and the reduction of the 128 ordinary and substitute members, respectively, of the Legislative Branch.</p> <p>None of these proposals has been approved by Congress. Although it is at a more advanced stage than other proposals, the Law on Electoral Dispute Procedures has not been approved and the introduction of a presidential second round has been postponed to the next legislature, as it is a constitutional reform and requires further legislative debate.</p>
2	2021	<b>Strengthen CNE independence from political party interference to ensure a technical, professional and depoliticised administration of the elections.</b>	Election administration	1 (No change)	<p>De-politicisation of the electoral administration is not on the political agenda. The current members of the Consejo Nacional Electoral (CNE) consider that the system of political representation within the Honduran electoral administration will not change, but argue that the selection process for CNE members should be public, transparent and subject to strictly professional requirements, such as those which they met. In their opinion, this is the only possible guarantee of good electoral management. Furthermore, current CNE members confirm they are open to training and certification of their technical staff.</p> <p>Public discourse indicates an ever-greater emphasis on political representation in the composition of the election administration, as exemplified by the statements made to the press by political party actors, including Congress members, who have expressed an interest in becoming CNE members when the CNE is renewed in 2024.</p> <p>The Network for Democratic Equity in Honduras (<i>Red por la Equidad Democrática en Honduras</i>, REDH) conducted a broad debate with</p>

					political parties represented in the National Congress, electoral bodies and civil society organisations between August 2022 and May 2023, wherein one of the key issues was the reform of the composition of polling station staff. Organisations including the political parties the PNH, the PLH and the PSH, voted in favour of including not only members proposed by political parties, but also citizens proposed and trained by the CNE as polling staff. However, this measure is not currently on the political agenda of electoral reforms.
3	2021	Ensure effective financial independence and timely availability of funds for the CNE to efficiently perform the tasks bestowed upon it.	Election administration	2 (Action ongoing)	In addition to its usual annual budget, the CNE must request extraordinary budgets from the Executive for the primary elections, to be held in September 2024, and for the general elections in 2025. The budget request for the primaries is included in the CNE's strategic plan, which will be finalised before the end of 2023 and sent to the Ministry of Finance. It is worth noting, with regard to the need for a well-resourced and independent institution, that the electoral bodies have been provided with their own building, as well as a fleet of vehicles.
4	2021	CNE to engage in the selection, training and support of all election staff to ensure independent, impartial and efficient organisation and management of the process.	Election administration	2 (Action ongoing)	Progress has been made on training and certification of CNE staff, particularly in electoral cartography, with the support of the <i>Universidad Nacional Autónoma de Honduras</i> (UNAH). The CNE has drawn up 29 projects for the primary elections and intends to train staff to meet the requirements of these projects. The CNE foresees that the <i>Instituto de Formación Política</i> will assist in the training.  The selection and training of electoral staff is not on the agenda of electoral reforms, as recommended by the 2021 EU EOM, but progress could be made in this direction through regulation.
5	2021	<b>Implement a more effective CNE transparency and public communication strategy, including the prompt and complete publication of all decisions, the conduct of regular consultative meetings with political parties, and the continuous dissemination of information to all stakeholders, especially in the immediate pre and post electoral period.</b>	Election administration	3 (Partial implementation)	The CNE has toured the country providing training to those political parties and civil society organisations that have requested it. At present, the CNE publishes all its decisions on its website. In 2023, the CNE was recognised for the second consecutive year as a transparent institution by the <i>Instituto de Acceso a la Información Pública</i> (IAIP) for fulfilling its commitment to publish information on its transparency portal. Communication is among the CNE's 29 development projects. The institution has studied the experiences of other electoral bodies in Latin America, such as Panama and the Dominican Republic, to

					<p>improve its communication practices.</p> <p>A notable weakness of the CNE's communication strategy is its extremely limited human resources.</p>
6	2021	Remove restrictions to universal suffrage right and adopt specific measures to ensure the effective exercise of the right and opportunity to vote for citizens in prison, hospitals and with other special condition that are hampering their participation in the electoral process.	Right to vote and voter registration	1 (No change)	<p>Current possible electoral reforms do not include removing the restrictions on universal suffrage set out in the Constitution.</p> <p>There is no political interest in implementing this recommendation, which requires a constitutional reform with a qualified majority of votes in Congress and its ratification in the following legislature.</p>
7	2021	<b>Strengthen the capacities of the CNE, the Unit for Financing, Transparency and Oversight of Political Parties and Candidates (UFTF) and law enforcement bodies to prevent and penalise misuse of administrative resources and to implement, in a timely manner, dissuasive measures against non-compliance with campaign finance provisions, with the aim to contribute to a level playing field.</b>	Election campaign	2 (Action ongoing)	<p>The CNE issued resolution (<i>acuerdo</i>) 1-2023 urging the UFTF to monitor election campaigns and electoral advertising carried out outside election periods. The UFTF asserts that it has followed up on the EU EOM recommendation by strengthening its human resources, training and technology with the support of the EU, USAID and UNDP. Among the activities carried out, the UFTF highlights the training of political parties on the procedures for registering and submitting their financial reports. The UFTF also intends to reach agreements with civil society organisations to monitor party spending. The UFTF commissioners recognise that the institution does not have sanctioning powers and would be in favour of an electoral reform that would grant them. Effective monitoring of party spending would require collaboration and exchange of information with other State institutions such as the Revenue Administration Service (<i>Servicio de Administración de Rentas, SAR</i>), the <i>Comisión Nacional de Banca y Seguros</i> (CNBS) and the Court of Auditors (<i>Tribunal de Cuentas</i>).</p>
8	2021	Reinforcement of provisions on State funding to political parties and contestants, including its timely and adequate payment, and effective control of campaign funds ahead of election day to ensure a level playing field in the campaign.	Election campaign	1 (No change)	<p>This recommendation is not on the political or reform agenda.</p>
9	2021	Make explicit in the election law that provisions on campaign apply also to online	Election campaign	1 (No change)	<p>The CNE considers that this change should not be made via regulation, but through a reform of the Election Law, and is in favour of joining</p>

		and social media.			forces with countries in the region to open a dialogue with the main online platforms, to facilitate monitoring political parties' activities on social media.
10	2021	Introduce a law on public media to disengage State media from direct government control in order to become genuine public service broadcasters with editorial independence and financial autonomy.	Media	1 (No change)	The adoption of a law to separate public media from direct government control is not on the agenda of electoral reform negotiations.
11	2021	<b>Replace prison sentences for slander crimes in the media with proportionate sanctions.</b>	Media	1 (No change)	The decriminalisation of slander was promoted in 2022 by the Association of Journalists of Honduras ( <i>Colegio de Periodistas de Honduras</i> ), the Honduran Press Association and the civil society organisation C-Libre, among others. According to C-Libre, the decriminalisation proposal that these organisations proposed to the Legislation and Constitutional Affairs Committee of the National Congress was countered by a suggestion that the Press Law be reformed, to the effect that a criminal judge would decide whether the alleged slander should be judged by the criminal or civil courts.  The reform of the Penal Code is currently at a standstill in the National Congress.
12	2021	Strengthen independence of private media by repealing provisions on settling tax and licence debts with institutional advertisement.	Media	1 (No change)	Ending the option of settling of tax debts or licences by broadcasting institutional advertising, by way of repealing the 2013 Voluntary Programme for the Recovery, Promotion and Development of the Communications Sector Law ( <i>Ley del Programa Voluntario de Rescate, Promoción y Fomento del Sector de las Comunicaciones</i> ), is not on the political or reform agenda.  Freedom of expression organisations, such as C-Libre, denounce that the provision for cancelling debts by this means is used to discredit media outlets or journalists, even when no such debt cancellation has taken place, or as a means of influencing media outlets to report in favour of the government's interests.
13	2021	Implement provisions in the election law regarding the allocation of free airtime in State media to presidential candidates and their	Media	5 (Too early in electoral cycle)	The CNE confirms it will include this recommendation in its electoral projects. However, both the CNE and other EU EFM interlocutors consider that neither political parties nor the media are very interested

		parties.		to determine)	in free airtime on State media, given their small audience and limited impact.
14	2021	Reinforce legislation on data protection and privacy to guarantee citizens right to privacy of their personal data, especially during elections.	Digital and social media	5 (Too early in electoral cycle to determine)	To date there has been no definitive legislative progress in this area. The <i>Instituto de Acceso a la Información Pública</i> (IAIP), the institution overseeing the right to public information, issues technical-legal opinions based on international treaties to institutions that request them, on data and privacy issues. The Executive has sent them a preliminary draft of a Personal Data Protection Law, on which it has made comments and observations. These are pending validation by the Directorate of Results-based Management ( <i>Dirección de Gestión por Resultados</i> , DIGER). Once past this stage, approval of the law will depend on reactivation of the National Congress.
15	2021	Develop cooperation measures to address electoral online disinformation and hate speech such as a collaborative expert network, as well as increased independent fact-checking mechanisms.	Digital and social media	2 (Action ongoing)	The CNE is in favour of the creation of a disinformation monitoring unit similar to the Panamanian electoral body's fake news monitoring centre. The UNDP has made available to the CNE the <i>YoVerifico</i> tool to combat disinformation and hate speech, which is already operational under the management of students from the <i>Centro Universitario Tecnológico de Honduras</i> (CEUTEC), with funding from the European Union.
16	2021	<b>Adopt legal provisions and implement mechanisms to protect women from gender-based political violence, in line with CNE draft proposal, and ensure that sanctions are enforced</b>	Women's political participation	1 (No change)	During the 2021 elections, the CNE drafted the Protocol on Political Violence, which does not include coercive or punitive measures. A proposal for a comprehensive law on gender-based violence, including political violence, has been sent to Congress, with the support of the Women's Political Forum. However, the lack of activity in Congress has made it impossible for the Commission on Gender Equity and Politics to make progress on the bill at this time.
17	2021	Improve access to ID cards for national minority groups and implement effective measures to promote their political participation, such as the recognition of decision-making bodies of indigenous communities and define mechanisms to value their decisions.	Political participation of indigenous and Afro-Honduran people	3 (Partial implementation)	The constitutional changes necessary for the recognition of indigenous communities' decision-making bodies are not on the political agenda. However, the <i>Registro Nacional de las Personas</i> (RNP) has made progress in providing access to ID cards to remote communities predominantly made up of ethnic minority groups, by deploying mobile registration teams and opening auxiliary offices in locations close to these groups, with the help of the EU and UNDP.

18	2021	Increase efforts to include voters with disabilities in the voting process on equal terms, prioritise autonomous forms of voting and implement reasonable accommodation measures at the polling stations.	Political participation of people with disabilities	5 (Too early in electoral cycle to determine)	The new national identification documents indicate whether the holder is a person with special needs. If the CNE, through the Electoral Inclusion Office, obtains this information in time and coordinates with the Ministry of Education, which provides the location of most polling stations, and with organisations of persons with disabilities, appropriate measures can be taken to facilitate access to vote for persons with disabilities in the 2025 elections.
19	2021	Recognise gender identity as perceived by the persons and allow name changes for transgender persons, as required by the Inter-American Court of Human Rights.	Political participation of the LGBTI community	2 (Action ongoing)	The State of Honduras recognises the decision of the IACHR in the case of Vicky Hernández et al. v. Honduras. The <i>Registro Nacional de las Personas</i> is developing an administrative protocol for the implementation of this decision in collaboration with the Attorney General's Office, the Secretariat for Human Rights and the Ombudsman's Office. This protocol regulates how trans persons can change their name on their ID card. The protocol is being discussed internally among the institutions involved and is not expected to be approved or implemented in the immediate future.
20	2021	<b>Adoption of the Law on Electoral Dispute Procedures as established in the Constitution so that the TJE has the necessary tools to carry out its electoral jurisdictional responsibilities.</b>	Electoral disputes	2 (Action ongoing)	The draft Law on Electoral Dispute Procedures was approved for the second time by the Plenary of Judges of the TJE on 13 December 2022. The TJE sent the draft Electoral Dispute Law to the Legislative Committee on Electoral Affairs of the National Congress on 16 December 2022, which endorsed it on 9 November 2022. The process is currently stalled due to the lack of activity in Congress.
21	2021	Establish realistic deadlines for the filing, hearing and determination of pre-election cases, especially in relation to registration of candidates, and for post elections petitions, allowing adequate time for the preparation of cases after the publication of preliminary results.	Electoral disputes	1 (No change)	No proposal has been made to amend the Election Law with regard to the time limits allocated for pre-election complaints, especially with regard to candidate registration and post-election petitions, so that there is adequate time for the preparation of cases after the publication of the preliminary results.
22	2021	<b>CNE to design a results tabulation system with traceability features and strengthened</b>	Voting, counting and	5 (Too early in	The CNE attributes the shortcomings of the tabulation of results in the 2021 general elections to the late disbursement of the budget. The

		<b>results control triggers.</b>	tabulation of results	electoral cycle to determine)	electoral management body is confident it will be able to comply with this recommendation, so long as the government disburses the budget for the 2025 primary and general elections in good time. The budget is has been prepared further in advance than ever, and is pending approval.
23	2021	CNE to implement an effective governance model with cross- departmental coordination, clear roles and responsibilities, giving greater priority to the needs of the voting and counting processes rather than the existing technological system.	Electoral technology	5 (Too early in electoral cycle to determine)	<p>The CNE believes that the technological problems encountered during the voting and counting were due to late budget disbursement, alongside contracted companies not complying with the terms of reference. If the government and the companies respect their timetable, the CNE is confident that it can resolve the problem.</p> <p>The CNE is redesigning its technological processes with the <i>Centro de Asesoría y Promoción Electoral (CAPEL)</i>, a specialised programme of the Inter-American Institute of Human Rights.</p>



