



## HONDURAS

### FINAL REPORT General Elections 2013

**EUROPEAN UNION ELECTION OBSERVATION MISSION**

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## TABLE OF CONTENTS

I. EXECUTIVE SUMMARY .....	3
II. THE EU EOM AND THE 2013 GENERAL ELECTIONS .....	6
III. POLITICAL CONTEXT .....	7
IV. ELECTION CAMPAIGN .....	7
V. LEGAL FRAMEWORK .....	10
VI. ELECTION SYSTEM .....	12
VII. ELECTION ADMINISTRATION .....	12
VIII. VOTER REGISTRATION .....	15
IX. MEDIA .....	16
X. WOMEN'S PARTICIPATION .....	20
XI. PARTICIPATION OF THE LGBT COMMUNITY.....	21
XII. PARTICIPATION OF CITIZENS FROM ETHNIC MINORITIES.....	22
XIII. PARTICIPATION OF DISABLED CITIZENS .....	22
XIV. NATIONAL OBSERVATION.....	22
XV. VOTING, AGGREGATION AND PUBLICATION OF RESULTS .....	23
XVI. ANALYSIS OF THE RESULTS .....	26
XVII. RECOMMENDATIONS .....	28
XVIII. ANNEXES .....	32

## I. EXECUTIVE SUMMARY

### *Political context*

The 2013 general elections were characterised by a high turn-out and the fact that they marked an end to the two-party system which had dominated the country's political landscape from the time of its establishment as a nation state. For the first time, the National Congress will include four parties with negotiating power and although the National Party holds the executive power, it will not be able to govern without reaching agreements with one or more of these political forces. In this context, the EU EOM notes that the legislative term beginning now will open up political space enabling the National Congress to debate and approve electoral reform by consensus. It is in this context that the EU EOM seeks to contribute to the necessary debate by suggesting a number of recommendations aimed at improving electoral processes in Honduras.

### *Election campaign*

The EU EOM observed that on the whole, candidates enjoyed their rights to freedom of expression, association and movement, with no greater limits placed on them than those experienced by all citizens in connection to the country's precarious security conditions. Nonetheless, the EU EOM recorded instances of violence and intimidation against candidates in 12 departments, although due to low rates of reporting incidents to the authorities and low rates of investigation, it was not possible to determine whether these cases were of a political nature. A notable exception was in the municipality of El Paraíso in the department of Copán, where intimidation of an unequivocally political nature prevented the participation of candidates and polling station staff from many parties, leading to an inflated victory for the National Party's candidate for mayor.

Election campaigns are excessively long and expensive in Honduras, and their financing is unequal and opaque. This inequality is exacerbated by the use of State resources by parties in power, namely the National and Liberal Parties. The EU EOM recommends that political parties agree to legislative reforms to ensure greater transparency to campaigns and make them less expensive, by limiting their length and establishing spending limits.

### *Legal Framework*

Honduran legislation generally allows for the holding of democratic elections. However, the Law on Elections and Political Organisations is insufficiently detailed on procedural matters and does not adequately regulate important elements such as party financing or sources and limits on campaign funding, when these could mitigate the significant inequality of resources observed during the 2013 elections. In addition, although the Election Law provides for challenging voting results and the declaration of results, it does not adequately define the procedures and requirements for other types of electoral complaints.

### *Election Administration*

At the outset of the 2013 general elections, the credibility of the *Tribunal Supremo Electoral* (Supreme Election Tribunal, TSE) was weak, partly as a result of controversies that arose following the 2012 primary elections, and partly because among its magistrates, there were no representatives of the two most important new political parties. The TSE sought to strengthen its legitimacy by expanding on the role played by the *Consejo Consultivo* (consultative council) such that the council, composed of all political parties, was actively involved in debate and then approval of key elements of the process. The emphasis on reaching agreements by consensus sometimes led to excessive delays in decision-making and, thereafter, in the implementation of election preparations.

Nonetheless, the TSE's own initiatives and the demands of the *Consejo Consultivo* ultimately translated into the adoption of important safeguard and transparency measures, not least a new system for the transmission and publication of results, the accreditation of large numbers of election observers, and the system for selecting *custodios electorales* (election custodians, responsible for results transmission). However, the TSE was notably passive in the face of blatant violations of campaign regulations on financing and propaganda, and failed to adequately communicate with and support its own representatives in the regions, the departmental and municipal tribunals. For its part, the Public Prosecutor's Electoral Crimes Unit was established very late in the process and showed itself to be somewhat passive during the campaign period.

#### *Voter Registration*

The right to vote in Honduran legislation complies with the principles of universal suffrage, with the exception of the suspension of voting rights for citizens charged but not yet tried for felonies. However, there is no provision to enable voting for those detainees who retain the right to vote, nor for citizens in other institutions such as hospitals. The Constitution prohibits voting for active members of the armed forces.

The Voter Register is neither accurate nor reliable, constituting a weakness in the electoral framework. No systematic attempt has been made to clean the register for these or previous elections, and it is widely acknowledged that some 30% of entries relate to people who have emigrated or died. In addition, although the TSE and the *Registro Nacional de Personas* (National Civil Registry, RNP) have introduced positive measures to prevent fraudulent changes in residence registrations, there remains much room for improvement in this area. This also applies to the RNP's measures to remove political parties from the distribution of identity cards, which are necessary in order to vote: the measures are laudable but not yet sufficient. For this reason, one of the EU EOM's most important recommendations concerns the modernisation of the voter register and the depoliticisation of identity card distribution.

#### *Media*

The media organs monitored by the EU EOM provided wide coverage of the election campaign. All candidates were able to present their programmes and opinions across a variety of formats, in both State and private media, and pluralism was further enhanced by the decision by some private media to offer free space to presidential candidates. However, citizens' access to detailed and relevant information was limited, given the lack of journalistic investigation and analysis. On the whole, the results of the media monitoring showed that the traditional parties received significantly more news and editorial coverage than the country's new political forces, both in print and broadcast media.

EU EOM monitoring revealed a clear imbalance in the quantity of the different parties' electoral propaganda, with the greatest presence noted for the National, Liberal and Libre parties. The National party in particular had access to the greater resources to place its election propaganda, and, in addition, as the party in power, it also benefitted from significant institutional advertising which often focused on campaign topics. This was visible in all media, particularly after the end of the official campaign period. In addition, the widespread practice of '*machaca*' (a form of bribery) damages journalists' credibility.

Journalists in Honduras work in difficult conditions and self-censorship is a common practice. In 2012, more people were murdered per capita in Honduras than anywhere else in the world, and many journalists were among the victims of violence. The lack of investigation by authorities and the prevalence of impunity contribute to extremely precarious working conditions.

### *Women's participation*

Although the introduction of a quota for women's candidacies for Congress and mayors' offices is positive, it remains necessary to devise further measures to ensure that this quota is more effectively translated into women having greater access not only to candidate lists, but also to decision-making positions.

### *Minority group participation*

Indigenous and Afro-Honduran people are still underprivileged members of the Honduran population. During the election process, the TSE neither devised specific voter education programmes for these communities, nor published documentation in their languages. For its part, the LGBT community, one of the worst-affected by violence in Honduras, entered the political arena by fielding four candidates.

### *Election observation*

Honduran civil society showed itself to be vibrant, diverse and committed to engaging with the electoral process. The TSE accredited 27 Honduran election observation missions, incorporating a total of 7,553 observers and 'acompañantes' from institutions from across the political, social and confessional spectrum. The presence of international observers and 'acompañantes' was greater than ever before in Honduras.

### *Election day, transmission and publication of results*

Election day was characterised by a peaceful atmosphere and a high turn-out. Despite serious indications of a trade in accreditations and some minor irregularities, it was clear that there was strong attendance by the four main parties in the party political composition of polling station staff, which was reflected in EU EOM observers' very positive evaluations of both the transparency of the voting process and the extent to which voters' will was respected during counting. In addition, the rate of invalid votes was significantly lower than in previous elections.

The system used to transmit results forms and provide copies of these to political parties provided a reliable and accessible mechanism that enabled both parties and the general public to verify the published results. The TSE published not only disaggregated figures for each polling station, but also scans of the original results forms. On its own initiative, the TSE arranged for an audit of all results and corrected the detected inconsistencies between the forms and entered results, which had occurred largely as a result of poor image quality of the scans used for data-entry purposes. These inconsistencies did not however have any significant impact on the overall results, nor therefore imply any notable change to the preliminary results. The final results published by the TSE are consistent with both the quick count carried out by *Hagamos Democracia* from 1006 polling stations, with technical support from the National Democratic Institute (NDI), and with the audit carried out by the EU EOM, the data sheet and results of which are in an annex to this report.

### *Complaints and appeals*

The TSE received 172 motions to annul results, five of which were challenges to the presidential results: three were submitted by Libre, one by the AntiCorruption Party (PAC) and another by an independent candidate to the National Congress. All were denied by the TSE, which had verified the accuracy of the aggregation of results in the presidential results forms, all of which were available on its website. The TSE carried out special recounts to determine challenges to results in specific polling stations, and these were attended by representatives from political parties, as well as election observers.

The TSE determined that all but one complaint regarding the municipal and legislative elections were unfounded, on the grounds that all procedures had been respected and that the results for these elections from

all polling stations had undergone comprehensive analysis, verification and aggregation. The only challenge which was deemed in need of resolution was the case of a tie in the municipality of San Luis in Comayagua, and this was determined by a coin toss.

On 13 December, the Libre party submitted an appeal to the Constitutional Chamber of the Supreme Court, challenging the TSE's determination of the motion to annul the results from 3,604 ballot boxes. At the close of this report, the Chamber has not yet issued a decision on this appeal.

### *Recommendations*

The electoral framework in Honduras has evolved since the elaboration of the 2004 Election Law, which no longer reflects contemporary reality, not least with respect to a more pluralistic political landscape and a significantly improved framework for transparency of results, thanks to the implementation of the SIEDE system. In addition, electoral practice has relied upon a mixture of legal provision, custom and consensus, limiting the extent to which the framework for elections can be considered clear and consistent. As such, it would be useful to reform the election law, taking the opportunity to integrate further improvements suggested in this report, such as the establishment of a depoliticised election tribunal, strengthened regulation on campaign financing which would include effective control mechanisms, and the modernisation of the national civil registry, alongside the development of a comprehensive complaints system.

## **II. THE EU EOM AND THE 2013 GENERAL ELECTIONS**

In response to an invitation by the Honduran authorities to observe the 24 November 2013 general elections, the European Union Election Observation Mission (EU EOM) was deployed on 3 October and remained in the country until 15 December 2013. Led by Ms Ulrike Lunacek, member of the European Parliament, the Mission deployed 99 short-term and long-term observers from European Union countries and Norway, to all of the country's departments. The Mission's mandate was to assess the election process with reference to Honduran legislation and international standards for democratic elections, in accordance with EU observation methodology and the *Declaration of Principles for International Election Observation*, adopted under the auspices of the United Nations in October 2005.

A delegation of five members of the European Parliament, led by Ms Pilar Ayuso, joined the EU EOM for the observation of election day, and supports the contents of this report. The EU EOM observed the process until its completion, including the consolidation and publication of results and the management of complaints and appeals. The EU EOM published a preliminary statement on 26 November which is available on the Mission's website. This report aims to offer a more detailed account of its findings on different elements of the election process and also includes a number of recommendations based on these findings.

The EU EOM wishes to thank Honduran citizens, the TSE, the Ministry of Foreign Affairs and other national authorities, as well as the political parties, national and international observation missions and other Honduran civil society organisations, for their cooperation and warm welcome throughout the mission's presence in the country. Equally, the EU EOM appreciates the support it received from the European Union Delegation in Honduras, and from the diplomatic missions of European Union member states.

### III. POLITICAL CONTEXT

The general elections of 24 November 2013 were held in a political context shaped by the *coup d'état* in June 2009, in which president José Manuel Zelaya was removed from office and taken to Costa Rica. Because of the subsequent failure to implement the San José Tegucigalpa Accord, a large part of the international community did not recognise the government of Porfirio Lobo, elected in 2009. The Accord stipulated three main points: the restitution of power to Zelaya for what remained of his mandate, his renouncing of a plan to call a Constituent Assembly, and the establishment of a government of national unity. Later, a new agreement made under the auspices of the presidents of Colombia and Venezuela enabled Honduras' re-entry to the Organisation of American States (OAS), which in turn paved the way for normalisation of its status in the international community. In contrast to the 2009 elections, the 2013 elections saw the participation of candidates from the entire political spectrum, with both independent candidates and members of nine political parties, a degree of plurality which had hitherto never been seen in Honduras.

The 2013 elections have interrupted the two-party system which had characterised politics in Honduras from the time of its establishment as a nation state. For the first time, the National Congress will include four parties with negotiating power and although the National Party retains the executive power, in order to govern it will have to forge agreements with one or more of these political forces.

On 24 November 2013, Honduran citizens elected their president and also 128 members of Congress and the mayors for 298 municipalities, and, indirectly, 20 members of the Central American Parliament (Parlacén). In accordance with legal requirements, the National, Liberal and Libre parties selected their candidates through primary elections held one year before the general elections.

### IV. ELECTION CAMPAIGN

The Honduran Constitution guarantees individuals' rights and article 70 of the Law on Elections and Political Organisations establishes that political parties have the right to 'enjoy the guarantees provided by the Constitution and this law in order to freely carry out their activities.' During its time in the country, the EU EOM found that the campaign was low-key until its last stretch and that there were no more limits on freedoms than those incurred by the country's poor security conditions. Candidates from all parties were able to campaign in conditions that were no worse than those experienced by citizens in their daily lives.

Nonetheless, EU EOM observers noted instances of violence or intimidation against candidates in 12 departments, specifically Colón, Yoro, Cortés, Santa Bárbara, Copán, Lempira, Intibucá, Comayagua, La Paz, Francisco Morazán y El Paraíso. The EU EOM does not exclude the possibility that violence or intimidation took place in other departments, but rather, notes that only on the cited departments were cases brought to its attention together with evidence which gave them credibility. The victims of violations of campaign rights tended to be from the new political parties: the Libertad y Refundación party (Libre) was affected in nine cases; the Anti Corruption party (PAC) in six cases; Faper in three and Alianza Patriótica in two. Among the traditional parties, the cases of violence and intimidation recorded by the EU EOM affected the National and Liberal parties in two cases, and the Unificación Democrática, Democracia Cristiana and PINU in one case.

Events in El Paraíso in the department of Copán were particularly serious, given the strong credibility and the consequences of the reported incidents of violence and intimidation. According to members of the Libre party,

this was the only municipality where they were unable to put forward lists for the municipal elections, due to intimidation of their potential candidates. Such intimidation explains why this was the only municipality in which only four candidates stood for election, while in no other municipality in the country were there fewer than six candidates. Furthermore, the results in El Paraíso were strikingly inflated in favour of Leonel Leiva, the winning candidate for the National party, who obtained 10,615 votes, against the 23 obtained by the Demócrata Cristiano party, the Liberal party's 226 votes and PINU's 40 votes: in short, the winner purportedly obtained 97% of the municipality's vote. During election day, members of the Libre party, sent from other municipalities, state that they were held hostage and threatened, both verbally and at gunpoint, until eventually they were forced to leave the municipality.

In contrast to this case, which was of an unequivocally political nature, most cases of intimidation or assaults suffered by candidates or supporters went unreported or were not investigated enough to determine their motivation and as such, it is not possible to ascertain whether or not they were politically-motivated crimes. The low rates of reporting and investigation are not limited to the political arena, and are reflected in the high levels of impunity in Honduras.

The National Party focused its campaign on security issues, following on from the recent creation of the military police, which featured in many of the presidential candidate's speeches as well as in the party's visual propaganda, sometimes blurring the new police force's institutional role. For its part, Libre maintained emphasis on the need for a Constituent Assembly and a refounding of the nation. The Liberal Party and PAC focused most of their messages on the need for political regeneration and combatting corruption.

#### *Campaign funding*

Election campaigning in Honduras is subject to little regulation. Furthermore, much of the existing regulation is not respected and offenders are almost never sanctioned.

The campaign's long duration – 90 days – and the absence of any limit on spending create a dynamic in which spending spirals and disparities between different parties' resources are exacerbated. The EU EOM was not in a position to assess parties' spending, but it did analyse two samples of campaign posters obtained by random sampling, which confirmed the inequality of resources at the disposal of the different political parties.

On 2 November, EU EOM long-term observers based in 11 different places in the country were requested to travel from their bases towards Tegucigalpa (or towards San Pedro Sula for those observers based in the department of Francisco Morazán) and, from the fifth kilometre onwards, to record the variables of the first 25 election campaign posters they saw on their route. The distribution of the recorded posters among the political parties was as follows: the National Party, 64%; Libre, 15%; UD, 9%; the Liberal Party, 5%; DC and PAC, 4% each; and PINU, 0,3%. On this date, no advertising for Faper was recorded (neither in its own right nor in coalition with UD), nor for the Alianza Patriótica.

The exercise was repeated on 16 November, to verify whether the inequality of resources persisted so close to the end of the campaign, when logic might dictate that parties with fewer resources could have reserved much of their funds for this crucial time. For this second sampling, observers were asked to go to the town hall in the departmental capital they were based in, and from there, to travel one kilometre towards Tegucigalpa. From this point, they each codified the first 50 campaign posters they saw. The results showed that the disparity of resources had reduced, but not disappeared: 47% of the posters were the National Party's; 20% the Liberal



party's; 11% were Libre's; 8% each were UD and DC's, 2% each were UD-Faper's and PAC's, 1% was Faper's (independently of UD), another 1% was Alianza Patriótica's, and 0.2% was PINU's.

The inequality of resources evidenced by the monitoring of billboard publicity and in the media (see this report's section on media) was exacerbated by the use of public resources by the parties in power. The use of State funds or goods is clearly prohibited by article 142 of the Election Law, according to which political figures or organisations may not benefit from the use of State authority or media, nor the influence of civil servants or State employees. The law also prohibits the use of government events to make political propaganda. However, the EU EOM observed the use of public resources in 14 departments<sup>1</sup>, in all cases to the benefit of the National Party, except in Choluteca y Cortés, where it was also to the benefit of the Liberal Party. In several instances, the cases concerned the use of the so-called *Bono 10.000*, a State payment to families in financial difficulty: civil servants distributed the payments at events during which they directly or indirectly called for votes for the National Party. In other cases, the EU EOM observed the distribution of goods, such as construction materials or food, or even medical services.

The EU EOM also observed and analysed the use of the so-called '*cachureca*' in the National Party's campaign: a card which provides access to discounts on goods and services from specific providers, and which can be obtained free, upon provision of certain personal details. While the EU EOM does not consider that this practice breached any laws on data protection, it does note that the provision of commercial discounts to citizens who provide personal details to a particular party could be considered a form of indirect and unaccounted-for financial contribution to the party in question, by the businesses involved in the programme. On this basis, the EU EOM recommends the introduction of regulation mechanisms for such practices in future.

#### *Transparency of funding*

According to the last report published by the *Instituto de Acceso a la Información Pública* (Institute for Access to Public Information, IAIP) before the elections, dated 15 November, none of the parties participating in the elections to be held 9 days later had fully complied with the obligation to provide information on their campaign funding, required by the Law on Transparency and Access to Public Information. Despite this fact, and the existence of legal sanctions for such infractions, neither the TSE nor the IAIP had imposed fines to the offenders at the time of this report.

A serious consequence of the lack of transparency to political parties' funding is that it contributes to an atmosphere in which there is little respect for the law, to the discredit of political parties and the State institutions responsible for stopping infractions, but which do not do so. This phenomenon means that in public opinion and even in the opinion of representatives of State institutions, it is likely that drugs trafficking and other organised crime finances election campaigns and is able to place candidates of their preference, and later influence the management of institutions when these are elected.

This report's recommendations include a series of suggestions to limit campaign spending, mitigate the inequality of campaign resources available political parties, and establish efficient mechanisms to oversee spending and sanction those who do not comply with regulation. Naturally it will be essential that legal transparency requirements be complied with, in order to be able to verify respect of the spending limits proposed by the EU EOM.

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<sup>1</sup> The practice was observed in all departments save for Islas de la Bahía, where the EOM only deployed observers on election day, and El Paraíso, Copán and Ocotepeque. The EU EOM does not rule out the possibility that use of public resources may also have taken place in these departments.

## V. LEGAL FRAMEWORK

Honduras has ratified the most important international and regional treaties on human rights, recognising citizens' right to political participation as well as freedoms of expression and association. The Constitution establishes that ratified international treaties become part of Honduran legislation and have precedence over other national laws, with the exception of the Constitution itself. The 2013 general elections were largely regulated by the 1982 Constitution and its later amendments, the 2004 Law on Elections and Political Organisations, and the 2005 Law on the Civil Registry (*Ley del Registro Nacional de las Personas*).

The Honduran Constitution has been in force since 1982 and has been amended a number of times. The 2004 amendments have particular relevance, as they referred to the creation of a new electoral institution, the Supreme Election Tribunal (*Tribunal Supremo Electoral, TSE*), as well as entailing the creation of a new election law, the Law on Elections and Political Organisations, and the Law on the Civil Registry.

The Magna Carta distinguishes nationality from citizenship. No Honduran by birth may be deprived of his or her nationality, while citizenship is attained at the age of 18, confers the right to obtain an identity card and to vote, and may be suspended or withdrawn in certain cases established by law. Detainees sentenced to prison by an unappealable judgement and those charged with a felony, may neither vote nor stand for election, and these same restrictions apply to members of the armed and security forces. Members of religious orders may not stand for election. Detainees who have not been sentenced have a legal right to vote, but in practice are not able to exercise it.

The Law on Elections and Political Organisations, approved in 2004 by Decree No.44-2004, regulates electoral processes, which are held by universal suffrage, in accordance with the principles of legitimacy, freedom, equality, secrecy and equity, among others. The law grants the TSE the right to issue regulations, instructions, agreements and resolutions in order to carry out its mandate. The TSE is also legally entitled to issue opinions and rulings, to determine complaints, and to investigate on its own initiative or upon request, acts which would constitute violations of the Election Law, and to execute its own resolutions. Relying on these powers, for the 2013 elections the TSE issued six sets of regulations, regarding the registration of candidates, electoral propaganda, national and international observation, the results system and changes of registered residence. Although it was needed, no regulation was issued regarding electoral complaints and appeals.

Honduran legislation generally offers an adequate basis for the holding of democratic elections, but the Election Law lacks detail on procedures in general and does not sufficiently regulate important elements such as political party funding, and the procedural requirements for complaints and appeals. The law is unclear in a number of areas, such as the fact that it does not make clear what decisions may be taken by the members of the departmental and municipal election tribunals (TEDs and TEMs), or by polling station staff. In addition, it provides for municipal and departmental aggregation of results, which is not relevant since the introduction of the SIEDE results system. Lastly, the Election Law makes no provision for citizens to submit complaints on election day.

The Election Law was designed for a two-party system dominated by the two traditional parties, and it grants political parties significant participation and control over the election process, in particular since it is representatives for political parties who staff and administrate proceedings in polling stations during voting, and who determine votes and complete the results forms which the TSE use to aggregate results. In addition, the nomination process for members of the TSE and the Civil Registry (Registro Nacional de Personas, RNP) stipulates that these are proposed by political parties, generating a perception of partiality and giving insufficient safeguards for the independence and autonomy of the TSE. Unfortunately, this perception of partiality will have

been reinforced by the the fact that the outgoing Congress, which does not reflect the current political landscape in Honduras, carried out a hasty re-appointment of the TSE, just a few days before the newly-elected National Congress was opened.

In 2012, the National Congress did not consider the draft Law for Political Electoral Participation presented by the TSE, which had been based on contributions from many social sectors, and which sought to introduce positive and necessary reforms, particularly the depoliticisation of election administration and more regulation on party and campaign funding.

### *Electoral justice, electoral offences*

The ordinary justice system is responsible for issuing rulings on electoral offences, except for administrative sanctions and fines, which are the remit of the TSE. Although the Election Law regulates motions to annul results of voting and declared results, it does not provide clear procedures for the resolution of other types of electoral contentions. For example, it grants departmental election tribunals (TEDs) the mandate to determine complaints about members of municipal tribunals (TEMs), without establishing any procedures for the purpose. There are several gaps in existing legislation regarding complaints connected to primary elections: firstly, although the law states that the TSE must deal swiftly with challenges to the registration of an internal party 'movement' (an official strand within a party), there is no provision for any fast-track procedure which would enable this. Secondly, appeals against a decision to refuse registration of a political party can only be made to the Supreme Court, with no provision for an earlier administrative appeal.

The Supreme Court of Justice, the highest court in the judiciary, is composed of 15 magistrates, elected by the National congress for a period of seven years. The Court is divided into chambers, among which is the Constitutional Chamber, composed of five magistrates. It is the Constitutional Chamber that is competent in determining the constitutionality of laws, as well as hearing appeals against decisions issued by the TSE. In late 2012, the National Congress removed four of the five Constitutional Chamber magistrates<sup>2</sup>, in response to its issuing a verdict against a decree concerning cleansing of the police force. These removals from office brought into question the Honduran system of checks and balances, and the independence of its public powers.

The Public Prosecutor's Office was created by Decree 228-93 and is independent of the three powers of State. In June 2013, the Public Prosecutor and his deputy resigned prior to a possible impeachment recommended by the *Comisión Interventora del Ministerio Público*, on the grounds of poor management of their responsibilities. The same commission reported on serious problems involving corruption and delays in the administration of justice, revealing that just 20% of murders in the country were investigated. The new Public Prosecutor and his deputy were elected in a controversial process.<sup>3</sup>

For the 2013 general elections, the Public Prosecutor's Office created an Electoral Crimes Unit (Unidad de Delitos Electorales, UDE), for a four-month period, tasked with investigating all electoral offences alleged or detected in that period. All electoral complaints submitted to the Public Prosecutor's Office prior to the creation of the UDE had been directed to its department for common crime (*Fiscalía de Delitos Communes*), while any cases received or unresolved after the closing of the UDE were to be sent to the department for human rights. At the time of writing, the UDE had received 51 allegations of electoral offences,<sup>4</sup> including allegations of fraudulent changes of

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<sup>2</sup> The Constitution grants wide powers to the National Congress, including the power to name and remove members of the TSE, the National Commission for Human Rights, the Supreme Court of Justice, the Public Prosecutor's Office and the Public Auditor's Court.

<sup>3</sup> The new holders of these posts were elected for a full period of five years, rather than until the end of the mandate of those who resigned, which would have ended in 2014.

<sup>4</sup> Eighteen of the 51 cases were transferred to other departments or were closed on the grounds that it was not considered any offence had been committed, while the remaining cases remain under investigation.

registered residence and falsification of public documents. The National Civil Registry (RNP) transferred a total of 1401 complaints regarding fraudulent changes of registered residence, which remain under investigation.

Five appeals were submitted to the Constitutional Chamber of the Supreme Court regarding the 2013 general elections. Of these, one case resulted in a controversial ruling, namely Faper's appeal that its candidates who had been unsuccessful in the primary elections should nonetheless be allowed to run in the general elections. This was an appeal against the TSE's decision, which had denied Faper's request, in line with the Election Law's prohibition against running for any unsuccessful primaries candidate. However the Constitutional Chamber ruled unanimously in favour of Faper's appeal, citing the Constitutional right to stand for election and be elected, bringing into question the purpose of primary elections. After this ruling, the TSE registered 148 candidacies from people who had been unsuccessful in the primary elections. For its part, the TSE received 19 complaints, all of which were rejected.

## VI. ELECTION SYSTEM

The Presidential elections are based on a one-round system, enabling a win with a simple majority of votes across the national territory. Elections to the Central American Parliament (Parlacén) are tied to the presidential elections, with 20 representatives for Honduras elected in proportion to votes cast for the presidential candidates' parties. As with the municipal corporations, Parlacén members are in this respect only elected indirectly, and they neither campaign nor appear on ballots.

The open-list proportional system used for the National Congress elections enables voters to choose candidates from different party lists, but can produce counter-intuitive results, since the winning candidates are those from parties which won the most votes in the constituency, rather than necessarily the candidates who individually gained most votes. The constituencies electing only one seat use a first-past-the-post system. There is no legal threshold for parties to obtain seats in parliament.

The country's administrative departments are constituencies for National Congress seats, which are allocated according to population size, and vary between one and 23 per Department. The Election Law specifies neither a formula nor a mechanism for allocating National Congress seats to departments.<sup>5</sup> In fact, current distribution currently ranges from 32,625 voters per seat in Santa Barbara to 50,111 voters per seat in Colón.

## VII. ELECTION ADMINISTRATION

Appointed by the National Congress in May 2009, before the breach in constitutional order and the subsequent birth of several new political parties, the Tribunal Supremo Electoral (TSE) had to overcome perceptions that it represented the old two-party system. In addition, sometimes gratuitous complaints following the primary elections in November 2012 dented the TSE's credibility and that of the results system used. In response to these challenges, the TSE Magistrates generally succeeded in acting as a neutral institution and, crucially, in

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<sup>5</sup> A TSE-issued document specifies the following allocations of seats by Department: Atlántida, 8 seats; Colón, 4 seats; Comayagua, 7 seats; Copán, 7 seats; Cortés, 20 seats; Choluteca, 9 seats; El Paraíso, 6 seats; Francisco Morazán, 23 seats; Gracias a Dios, 1 seat; Intibucá, 3 seats; Islas de la Bahía, 1 seat; La Paz, 3 seats; Lempira, 5 seats; Otocepeque, 2 seats; Olancho, 7 seats; Santa Bárbara, 9 seats; Valle, 4 seats and Yoro, 9 seats. These figures were widely disseminated, not least because voters needed to know how many candidates they could vote for.

establishing transparency as a priority in all their activities. Throughout election preparations, transparency was afforded by ensuring all political parties could attend activities and locations pertinent to preparations, such as printing and packing of sensitive and other materials. In addition, the TSE accredited a wide range of national and international observers, and granted them open access to all relevant processes.

Most importantly, the TSE significantly expanded the role of the *Consejo Consultivo*, the body composed of all political parties which by law is entitled to be informed and consulted by the TSE but which in fact came to approve many key elements of the administration of elections. Although in the months leading up to the elections Consejo Consultivo meetings were held on an *ad hoc* basis and some parties complained that minutes were not circulated, it is clear that the meetings provided a forum for substantive information-sharing and debate, and that the TSE sought parties' approval for all key measures. The most significant element of the process approved by the Consejo Consultivo was the results-processing system.

The TSE's emphasis on inclusivity and consensus at times led it to overlook its role as the ultimate decision-maker, and it failed to consistently establish clear timeframes for debate, leading to delays which made implementation of plans more challenging. This was particularly noticeable in the last few weeks before elections, when the delayed need to swear in municipal election tribunals conflated with training plans, alongside recruitment and training of staff responsible for scanning results forms, leading to numerous last minute changes, overloading the training department and challenging the preparation and deployment of laptops and scanners.

Perceiving itself as a neutral institution and clearly preparing the elections accordingly, the TSE leadership drew a distinction between itself and political parties, including the politically-composed departmental and municipal election tribunals (Tribunales Electorales Departamentales and Municipales, TEDs and TEMs), and indeed the polling station staff, all of which are composed of up to two members for each political party and independent candidate. This distinction was notable both in the TSE's discourse and in the lack of communication and resources it dedicated to its decentralised bodies, as well as the fact that action was taken at a very late stage when TEMs failed to constitute themselves 45 days before elections as stipulated by law, and many were only composed about two weeks before elections. Although the main delay was due to smaller parties not submitting the names of their TEM members in time, the TSE was slow to determine that TEMs would have to be composed.<sup>6</sup> The TSE planned for providing training and salary payment to TED and TEM members, but the bodies were not provided with any other resources such as office space or a budget to carry out their duties. In practice, their most important duty was to arrange for transport of election materials from the municipality centres to polling stations, and in order to achieve this they resorted to a combination of State vehicles and transport provided by political parties.

The TSE produced high quality training materials and developed programmes not only for electoral staff but also for the police, the armed forces and investigators of electoral offences, as well as civil society organisations and voter education staff. However this well-established plan struggled under the pressure of the extra tasks brought about by preparations for the results transmission system, resulting in many last-minute changes to training, which at times limited its effectiveness for lack of time and attendance.

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<sup>6</sup> On 25th October 2012, two weeks after the legal date for constituting TEMs, the TSE issued a statement to the effect that TEMs would have to be constituted, even if not all parties had submitted names for its members. In practice, it took another two weeks before all TEMs were operational.

### *Polling station staff*

Polling station committees are composed of up to two members for each political party and independent candidate running in the area concerned. The TSE opted not to pay polling station staff, nor to directly train them all. Instead, the TSE trained political party trainers, after which political parties carried out their own training, with access to TSE materials. Although the TSE later responded to some political parties' requests for further training, the mixed system could not guarantee that high-quality training was imparted to all polling station staff, and instead the responsibility was devolved to parties.

On 30<sup>th</sup> October, the TSE handed 288,000 accreditations to political parties to distribute to their members in 16,135 polling stations. At this point, some civil society members pointed to a schism in the TSE's approach, as the institution emphasised that the conduct of voting processes was now in the hands of political parties. This stance was also clear in the TSE's slogan, according to which 'voters vote, political parties count, and the Tribunal announces the results.' Commentators pointed to the Election Law's stipulation that polling station staff are members of the TSE, albeit nominated by political parties, and that they must act independently of those who nominated them.<sup>7</sup>

The more pervasive controversy sparked on that day concerned a trade in accreditations, according to which smaller parties were rumoured to sell their accreditations to parties with greater resources. Although it was not possible to quantify, EU EOM observers confirmed on election day that there had indeed been such a trade, based on indirect indications such as polling station staff who were unable to state which party they represented, or who were provided with food and other support by parties other than the one they officially represented.

### *Planning of the SIEDE results system*

Planning of the *Sistema Integrado de Escrutinio y Divulgación Electoral* (Integrated Counting and Publication of Results System, SIEDE) epitomised the TSE's inclusivity and transparency, as well as the way this approach sometimes entailed delays that jeopardised the election process. Nonetheless, the TSE was able to overcome these challenges. The TSE involved the Consejo Consultivo not only in approving the overall system – the use of scanners to send results from polling stations for their centralised aggregation and publication - but also in agreeing to the specific circumstances in which scanned results forms would not be considered adequate on their own, but rather require a recount to take place, as well as other elements of the system, such as the design of results forms. Political party technicians were able to study and comment on development of the software. The Consejo Consultivo expressed its opinion on the provenance of equipment, and approved the composition of a consortium which would arrange for the recruitment of the *custodios electorales*, TSE staff responsible for scanning and sending results forms from polling stations.<sup>8</sup>

Delays in the preparation of the system were due to both extensive political debate and the TSE's failure to impose deadlines for decisions. As a result, adequate implementation of the system's many technical and

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<sup>7</sup> This provision in Article 24 of the Election Law was publicly cited by, among others, Adán Palacios, a longstanding election analyst and member of the Truth and Reconciliation follow-up committee, the Unidad de Seguimiento a las Recomendaciones del Informe de la Comisión de la Verdad y la Reconciliación, USRCVR.

<sup>8</sup> The entities approved to recruit Custodios Electorales were the public and private universities of Honduras, alongside the Cofraternity of Evangelical Churches. In fact, this last entity withdrew from the project early on, citing factors such as the public university's adequate handle on the project, and preferring to deploy an election observation mission.

logistical components at times seemed uncertain, as did the prospect of recruiting and training sufficient numbers of *custodios electorales*.

The decision to hold a series of simulations of results transmission was extremely useful and enabled a regular testing and review of all the system's elements. In addition, the simulations were open to political parties, observers and the media, enabling increased awareness about the system, although a specific public information programme would have been useful.

## VIII. VOTER REGISTRATION

### *The right to vote*

The right to vote in Honduran legislation complies with the principles of universal suffrage, with the exception of the suspension of voting rights for citizens charged but not yet tried for felonies. However, there is no provision to enable voting for those detainees who retain the right to vote, nor for citizens in other institutions such as hospitals. The Constitution prohibits voting for active members of the armed forces. When General Romeo Vasquez Velásquez of the Alianza Patriótica raised the issue in July 2013, public reaction indicated a certain readiness to reconsider this prohibition.

As in previous elections, out-of-country voting was provided-for in some cities in the United States, with Honduran citizens able to register and vote in presidential elections from consulates: 46,331 emigrant Hondurans registered. For the 2013 elections, Atlanta was added to the US cities from which it is possible to vote, the others being Houston, Los Angeles, Miami, New Orleans, New York and Washington.

### *The National Voter Register*

Based on the Civil Register and jointly managed by the *Registro Nacional de Personas* (Civil Registry, RNP) and the TSE, the Voter Register is significantly flawed, constituting a weakness in the electoral framework. No systematic attempt has been made to clean the register and it is widely acknowledged that some 30% of entries relate to people who have emigrated or died. This estimate is largely based on estimates of numbers of Hondurans living abroad: some 1.2 million are said to live in the US. With regard to deaths, the RNP estimates that on average 30% of deaths go unregistered. In a much smaller number of cases, living citizens have found themselves removed as 'deceased', or on other occasions have discovered that they have been subject to an unrequested change of residence.<sup>9</sup> These instances are mainly due to administrative flaws, among other reasons because the RNP's municipal offices are not all computerised.

In addition to administrative mistakes, allegations of fraudulent changes of registered residence persisted throughout the electoral period and EU EOM observers recorded credible accusations, invariably involving the National Party and the Liberal Party. Indeed, shortly before the elections, the RNP referred 134 complaints alleging fraudulent changes of residence to the Public Prosecutor for Electoral Offences. These complaints related to 11,300 people in 76 municipalities. The TSE's regulation stipulating documentary requirements for changing residence had limited impact, given that these could be provided by the same municipal authorities most likely benefit from changes of voters' residence. Public perception of the unreliability of the civil register

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<sup>9</sup> In the week before Election Day, the RNP issued certificates to some 200 people who presented themselves at the Civil Registry in Tegucigalpa after they had been incorrectly removed from the register as 'deceased.'

and provision of identity cards has engendered practices such as multiple applications, which, when undetected by administrative systems, further damage the register's credibility.

The RNP has developed a series of reforms which would enable the provision of a more reliable civil and voter register. These include proposals to renew registration, and to establish a framework whereby changes of residence must be declared at the time they take place, rather than risking an accumulation of changes which must be regulated close to elections.

### *Identity cards*

The unreliability of the Civil and Voter Registers is reflected in the provision of identity cards, which are required to vote. Problems with identity cards have included significant delays between application and provision, insufficiently secure tracking and coordination between offices and, often, politically-aligned staff in municipal civil registry offices.

In addition, applications for and provision of identity cards has in the past been politicised, with political parties effectively taking part in the process. This year, the RNP sought to depoliticise its processes for applications for and distribution of national identity cards and in this respect the mobile brigades which received applications for identity cards and later distributed them from the country's 5,435 voting centres constitute a significant improvement. Nonetheless, EU EOM observers rarely witnessed significant numbers of deliveries, noting that better publicity and longer distribution hours at voting centres would have been useful. In a bid to ensure independence from local authorities, the 100 mobile brigades sent from Tegucigalpa did not coordinate with local civil registry offices, which left these unable to either publicise distribution routes nor even respond to questions from the public on the subject. Of approximately 810,000 identity cards, some 600,000 were distributed in the month before elections, of which 75% were issued following fresh applications during 2013, and the rest were from cards which had languished in local registry offices for months or years.<sup>10</sup>

Although it is unlikely that political parties were entirely removed from the distribution process, the brigades established a clear step in the right direction, assisted by broad-based support from national and international civil society groups.<sup>11</sup>

## **IX. MEDIA**

### *Media landscape*

The media landscape in Honduras is densely populated: there are more than 300 commercial radio stations, some 40 community radios, over 100 television channels (including national, regional and local channels), and more than 600 cable stations, offering an average of 28 television channels each, between national and international channels. Four daily newspapers have national distribution. In addition, a weekly magazine is published, *Hablemos Claro*, as well as the monthlies *Hablemos Claro Financiera* and *El Libertador*, the daily sports paper *Diez* (founded in 2004), and the digital dailies *Proceso Digital* and the *Hondudiario*. Access to the

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<sup>10</sup> At the start of the distribution cycle, 466,000 newly-issued cards were combined with 342,000 from uncollected stock. Identity cards continued to be produced during this period.

<sup>11</sup> The *Grupo de Fortalecimiento y Transparencia del Registro Nacional de la Personas* has supported reforms in the RNP. It is composed of the RNP; the National Commission for Human Rights (CONADEH); the Institute for Access to Public Information (IAIP), the National Democratic Institute (NDI); the Organisation of American States (OAS), the UN Programme for Development (UNDP) and the Commission recording progress on the CVR recommendations, (Unidad de Seguimiento a las Recomendaciones del Comité de Verdad y Reconciliación, USCVR).



internet has reached 15.9% of the population. Most media organs belong to a small group of shareholders with multiple and overlapping commercial, political and economic interests,<sup>12</sup> who exercise strong influence over its media organs' editorial lines, resulting in a very polarised media landscape.

The EU EOM found a notable absence of investigative journalism, partly explained by the pressure that is brought to bear on journalists who do try to carry out in-depth analysis. Other reasons can be found in the lack of investment media organs place in investigative work, limiting the prospect of completing structured projects, and the fact that low salaries are not commensurate with the personal risks entailed.

Interlocutors from several of the country's departments confirmed that self-censorship is a widespread problem which affects public, private and social-community media. The lack of critical analysis highlights how little independent journalism there is in Honduras, and the EU EOM heard numerous testimonies regarding collusion between journalists and government bodies.

According to the Inter-American Press Association (IAPA), of the 36 journalists killed between 2003 and mid-October 2013, just one case has resulted in prosecution, while 97% of cases have gone unpunished.<sup>13</sup> Freedom House's 2012 report on freedom of expression concludes that conditions for Honduran journalists have worsened: violence, impunity and self-censorship are the main identified threats, and it is considered that organised crime linked to drugs trafficking is the main source of attacks on the press. As reported by Human Rights Watch, the Special Rapporteur on the promotion and protection of the right to freedom of expression, Frank La Rue, stated in 2013 that Honduras held the record in the region for the highest number of journalists killed per capita, in a context of widespread impunity.

The EU EOM notes that in 2012 Honduras had the highest rate of murders in the world, and that many journalists were among the victims of this violence. The high rate of death threats and attacks against journalists and social commentators is of serious concern.<sup>14</sup> Nonetheless, it is rarely possible to determine the cause of attacks on journalists, given the systematic lack of investigation and resulting impunity.

The widespread practice of 'machaca' (bribery) exacerbates the insecurity of Honduran journalists, who become hostages of whomever has paid them. 'Machaca' is a payment obtained from information sources: it is common for journalists themselves to demand payment to cover or ignore news, or turn to blackmail, intimidation or extortion to supplement their income. Tolerance of this practice damages the credibility of the journalistic profession. The EU EOM considers that journalistic codes of conduct would benefit the profession's standing and would help limit the vulnerability of its members. Equally, the pursuit of those who attack journalists would improve the conditions in which they work and help re-establish a climate of trust between professionals in the sector.

In Honduras, it is common for media professionals to stand for elections, combining political and journalistic careers, and there were several such cases in these elections. For as much as the practice is well-established in

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<sup>12</sup> The main media groups are: Grupo Opa (owned by Jorge Canahuati and family), Grupo Editorial Hablemos Claro (Rodrigo Wong Arevalo), Grupo Emisoras Unidas, Telecentro and Multivisión (owned by Rafael Ferrari, Manuel Villeda Toledo and family), Grupo América Multimédios (Miguel Andoníe Fernández), and Grupo Periódicos y Revistas S.A de C.V (Carlos Flores Facussé).

<sup>13</sup> The body of cameraman Manuel Murillo Varela was found on 23 October and two weeks later, so was the body of Juan Carlos Argeñal, Radio Globo reporter, social communicator and owner of the local evangelical channel "Vida TV" in Danlí. At the time of writing, the motives for these crimes remain unknown.

<sup>14</sup> On 9 December, the Comité por la Libre Expresión (C-Libre) stated that it held a list of journalists who were targeted by military intelligence, for the purposes of carrying out assassinations. On 10 December, the same organisation made public the death threat suffered by Globo TV journalist Edgardo Castro, who submitted a complaint to the Committee of Relatives of the Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos en Honduras, COFADEH).

the country, it still raises a serious conflict of interest: a clear distinction between roles would benefit journalism's credibility, strengthening the quality and independence of its reporting.

### *Legal framework*

Freedom of expression is guaranteed by the Constitution and the 1958 Law on Freedom of Expression (*Ley de Libre Emisión del Pensamiento*). However, this freedom is limited in practice, as a result of the pressured conditions in which the media operate.

Following a recommendation made by the Commission on Truth and Reconciliation, as well as a recommendation by the UN Special Rapporteur on the promotion and protection of the right to freedom of expression, in May 2013 the government of Porfirio Lobo sought to reform the Law on Telecommunications, with a view to a more equitable redistribution of the radio spectrum between private, public and community media, by attributing one third of the available frequencies to each. Opposition to the reform came from media owners and directors, blocking the process for granting a legal status to community media. The EU EOM considers that the aim of the regulatory body (CONATEL) to create a regulatory framework for community media was a positive one, as was the publication of a regulation which sought to support community media development (Gazette of 3 August 2013).

### *Media regulation for the election campaign*

Chapter II of the Law on Elections and Political Organisations regulates election propaganda in the media. The Election Law regulates the length of the campaign, pre-election silence and the publication of polls, surveys and exit polls, as well as prohibitions and restrictions with regard to propaganda in all media. Legislation lacks detailed rules regarding equal and free access to media for all candidates during the election campaign.

In addition to ratifying the contents of the electoral code, Instruction No. 0082013, approved on 7 September 2013, establishes more specific rules regarding media coverage during the election campaign. These include a prohibition on the use of national symbols in advertising and propaganda; expressions which denigrate citizens, institutions or political opponents; religious symbols or terms, or indeed the involvement in the campaign of children or adolescents who are not relatives of the candidates.

The Commitment to Minimum Standards for Electoral Ethics and Transparency (*Compromiso de Garantías Mínimas para la Ética y la Transparencia Electoral*) signed by all candidates on 21 August in the offices of the United Nations Development Programme (UNDP) added some further points regarding the campaign in the media, opening the way for the attribution of free space in State media and requesting to all media that they not charge more for electoral propaganda than they do for commercial advertising.

On 15 October, the TSE signed an agreement with the Ministry of Telecommunications, in the presence of President Porfirio Lobo Sosa, granting 20 weekly hours of free propaganda time on State television to political parties, as well as six hours on State radio stations, in order to facilitate the broadcasting of party programmes, political projects and candidate profiles. The TSE was also able to benefit from free space on State media *Televisión Nacional de Honduras*, *Radio Nacional de Honduras*, and the National Congress television channel, in order to broadcast their public information programme, *'Toca votar, Elecciones 2013 Compromiso de todos.'* On 21 October, State media began broadcasting free propaganda, in the same order that parties appeared on the ballots.

On 21 November, media representatives and the electoral authorities signed an agreement regarding election day, committing themselves to respecting the Election Law, which prohibits the publication or broadcasting of exit polls within two hours of the close of polling.

#### *EU EOM media monitoring*

The EU EOM media monitoring unit carried out quantitative and qualitative analysis of political communication in a sample designed to include State and private electronic media with the greatest audiences, alongside printed press with the biggest national distribution.

Monitored media provided wide coverage of the election campaign and all candidates were able to present their political programmes across a variety of formats. However, monitoring results revealed that traditional parties received more coverage than the country's new political forces, both in broadcast media and in print. The National Party in particular benefitted, as its political actors received an average 44% of time on monitored radio and television, and an average of 47% of the space in print. There was a notable absence of critical journalism, limiting voters' opportunity to access detailed and relevant information.

Although there were some scheduling changes for the broadcasting of free propaganda on State media, both Honduran National Television and National Radio offered all political parties the opportunity to present their electoral platforms. Nonetheless, Honduran State media have relatively small audiences and it was the parties with fewer financial resources which most took up the opportunity.<sup>15</sup> The decision of some private media to offer free airtime to presidential candidates enhanced pluralism. However, the distribution of this free airspace generally reflected media-owners' political affiliations or economic interests. In addition, the great majority of contacted media applied different rates for electoral propaganda and commercial advertising, offering better terms to the parties to which they were most aligned.

EU EOM monitoring recorded a clear imbalance between the amounts of electoral propaganda for different political parties. The National Party, Liberal Party and Libre had greater access than their opponents in all monitored media. In particular, the National Party displayed greater resources for advertising and throughout the campaign, it also benefitted, albeit indirectly, from the widespread presence of institutional advertising, which often focused on campaign topics. This was particularly striking during the pre-election silence period, when monitored television stations broadcast 60 advertisements by government institutions, while radio stations broadcast 90, and newspapers published 41. The ruling party had more election propaganda than all other parties in all monitored media, with the exception of Cholusat Sur television station, where 75% of political propaganda was Libre's.<sup>16</sup> The EU EOM notes that more equitable conditions for candidates would be enabled by the introduction of regulation on rates, maximum space and spending limits for election propaganda.

Several anonymous broadcasts denigrating the Libre party were shown, and although the Election Law prohibits anonymous propaganda and establishes sanctions for the media who broadcast them, the TSE did not take action. The TSE also failed to act on several cases of violations of the period of silence directly before elections, and which were noted by the EU EOM media monitoring unit. In both cases, the TSE failed to carry out its duty to ensure respect for the Election Law, and to make use of its sanctioning powers.

On 11 November, several television stations began showing a broadcast featuring the former president of Brazil, Luiz Inacio Lula da Silva, in which he supported Libre. The spot provoked an immediate reaction among Libre

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<sup>15</sup> For more detailed statistics on electoral propaganda in monitored State media, see the Annex 'EU EOM Media Monitoring Honduras 2013.'

<sup>16</sup> The owner of Cholusat Sur, and presenter on the televisión channel, was a candidate to National Congress for Libre, and the channel's editorial line openly supported Xiomara Castro's party.

opponents, who considered it to be an act of foreign interference. Some appealed to the TSE to intervene, and although it never pronounced itself officially on the subject, the Tribunal did express its concern in a telephone call to the Brazilian ambassador. Two days later, all media had withdrawn the broadcast, fuelling speculation about the electoral authority's independence.

Media analysis by the EU EOM confirmed that many journalists covering political topics opt for anonymity: 79% of the analysed articles were signed with initials or by the newspaper's editor, instead of with the author's name. According to media interlocutors, this is the result of authors' choice, and is a relatively recent phenomenon, which reflects journalists' concerns about the dangerous environment in which they work.

NEWSPAPER	ARTICLE BY-LINES			TOTAL
	author's initials	editorial	author's full name	
El Heraldo	0%	79%	21%	100%
La Prensa	0%	90%	10%	100%
La Tribuna	13%	65%	22%	100%
Tiempo	0%	86%	14%	100%
<b>TOTAL</b>	4%	79%	17%	100%

Sample: 2500 articles.

The National Party, the Liberal Party and the AntiCorruption Party enjoyed better visibility than their political adversaries on newspaper front pages, both in terms of space and tone. The four monitored newspapers granted an average 43% of space to the National Party, 24% to the Liberal Party and 16% to the AntiCorruption Party - led by journalist Salvador Nasralla - and 6% to Libre. Considering Libre's political line in the election campaign, it is noteworthy that none of the front pages from the Tribuna newspaper in the sample gave coverage to the party.

Gender analysis of the election campaign in the media revealed that woman candidates had limited access to the monitored media: although women made up 40% of the political actors whose coverage was monitored<sup>17</sup>, women candidates received little attention in either electronic or print media, reducing the scope of their influence over voters. In general, television channels granted 18% of their electoral attention to women candidates, 54% to men candidates, and the remaining 29% to mixed-gender groups, while on radio stations, women candidates appeared 8% of the time, men, 65%, and mixed groups, 27% of the time. As for the printed press, women candidates were featured in 12% of the sampled election coverage, men in 54%, and mixed-gender groups in 34% of the coverage.

## X. WOMEN'S PARTICIPATION

Honduras has ratified the 1979 Convention for the Elimination of all forms of Discrimination Against Women (CEDAW), which commits States to take temporary pro-active measures to accelerate women's equality in practice. Honduras has not yet ratified the Convention's Optional Protocol.

<sup>17</sup> Media monitoring recorded the coverage granted to 1193 political actors, of whom 40% were women, 58% were men, and 2% were mixed-gender groups.

The Constitution prohibits discrimination on the grounds of gender, and the Election Law establishes a requirement for political parties to create conditions enabling meaningful participation by women in all aspects of the party's functioning. In April 2012, National Congress approved, with a large majority, an amendment to the Election Law which increased the minimum quota of women put forward for election from 30% to 40% - this quota only applies to primary elections, for those parties which hold them. The amendment also stipulated that the quota would increase to 50% for future election processes, and it was agreed that the State would provide parties with resources to promote training and increased participation of women.

The participation quota's effectiveness is limited by the fact that it only applies to primary elections for those parties which hold them, and also in connection to the use of open lists, according to which voters opt for candidates independently of where they come on the list. Due to these factors, there is currently no means of ensuring that any particular proportion of women is elected, neither in the primary elections, nor the general elections. For those parties which do not hold primary elections, the minimum quota applies to candidates put forward for the general elections. The Election Law does not establish any quota for women's participation in the election management body.

Percentage of National Congress members and Mayors who are women, by election year.<sup>18</sup>

	1981	1985	1989	1993	1997	2001	2005	2009	2013
<b>National Congress</b>	2,4%	6,7%	9,4%	7,0%	9,4%	7,4%	24,2%	19,5%	24,2%
<b>Mayor</b>						9,1%	8,1%	5,7%	6,7%

Figures in the table above show that in 2005 women made up 24.2% of the National Congress, but did not reach the 30% minimum quota established by an amendment to the Election Law in 2004. The 2009 elections reduced women's representation in the Congress to 19.5%, a drop of 4.7%. During that election process, 50 women withdrew from the race on the grounds that they questioned its legitimacy. As for local governance, women have always been poorly represented. For the 2013 general elections, women made up 40.4% of candidates for Congress, and just 20.8% of candidacies for mayor. The elections have resulted in a National Congress with 24.2% women members and local governments in which 6.7% of mayors are women. Of 128 members of Congress, 35 will be women, and of the 298 mayors, just 22 will be women, far from the initial quota of 40%.

Although the introduction of a quota constitutes significant progress with regard to women's participation, further measures will be necessary to make this quota effective, and to fulfil its aim of ensuring women hold decision-making positions. Such measures would need to include a gradual change to certain patterns in Honduran society, which still reflect patriarchal tendencies exacerbating obstacles to women's full political inclusion.

## XI. PARTICIPATION OF THE LGBT COMMUNITY

During the 2012 primary elections, the lesbian, gay, transsexual and bisexual community (LGBT) entered politics, when four of its members ran for candidacy, for Libre and the Liberal Party. None of them went on to be candidates in the general elections. During the primaries, one contender representing LGBT freedoms was murdered. He was running for Libre's *Fuerza de Refundación Popular* (FRP) internal movement.<sup>19</sup>

<sup>18</sup> According to the National Institute of Statistics of Honduras, in December 2001, 51% of the population was women, of whom 66% were younger than 29 years old.

<sup>19</sup> Between 2009 and November 2013, 115 members of the LGBT community have been killed in Honduras, of whom 53 were transsexuals.

## **XII. PARTICIPATION OF CITIZENS FROM ETHNIC MINORITIES**

In 1994, Honduras ratified the International Labour Organisation's Convention No.169 on Indigenous and Tribal Peoples, and in 2007 it adopted the UN Declaration on the Rights of Indigenous Peoples. The Honduran Constitution itself protects the rights and interests of indigenous communities. However, these sectors of the Honduran population remain underprivileged, with higher rates of poverty, and less access to education, basic services and employment, as well as insufficient protection of property and natural resources on their lands. Available figures indicate that indigenous people make up 10% of the Honduran population. This figure will be updated with the results of the 2013 Census, which for the first time included self-identification variables.

The TSE did not prepare any voter education programme for indigenous people during the 2013 general elections, nor even publish documents in indigenous languages. Of the 128 members of the outgoing Congress, just three were Afro-Honduran (with the Liberal Party and PINU), and there are no Garifuna members in the incoming Congress, since none of the 20 Afro-Hondurans who presented themselves at the primaries went through to the general elections. Ten presented themselves in the department of Atlántida, four in Colón, four in Cortés, one in Francisco Morazán y one in Islas de la Bahía. In the department of Gracias a Dios, a Misquito candidate won a seat for the Liberal Party, as did an English-speaking AfroHonduran in Islas de la Bahía.

## **XIII. PARTICIPATION OF DISABLED CITIZENS**

Disabled people make up 15% of the Honduran population. The TSE issued a regulation providing for an 'assisted vote', according to which a voter who requires help to vote may be assisted by the person of their choice. However, in most cases staff in polling stations were unaware of the regulation, and continued to make disabled voters have their ballots marked in front of all polling station staff, as provided-for by the Election Law.

## **XIV. NATIONAL OBSERVATION**

The TSE's commitment to transparency was illustrated in its approach to election observation: the regulation issued on this element of the process fully complied with international declarations of principles for national and international observation, granting all accredited bodies full access to the relevant activities and locations, while committing observers to impartiality and non-interference. The regulation's introduction of the category of international '*acompañantes*' further expanded the range of groups able to observe, since it provided a clear mechanism for accreditation of groups invited by Honduran organisations and political parties. All categories of observers have the same rights and responsibilities. The TSE accredited over 700 international election observers and *acompañantes*.

Honduran civil society showed itself to be vibrant, diverse and committed to engaging with the electoral process. The TSE accredited 27 Honduran election observation missions, incorporating a total of 7,553 observers from institutions that ranged from CONADEH and the Instituto de Acceso a la Información Pública (IAIP) to NGOs such

as *Centro de Estudios para la Democracia* (CESPAD) and the *Centro de Investigación y Promoción de Derechos Humanos* (CIPRODEH), passing through the *Consejo Hondureño de la Empresa Privada* (COHEP).<sup>20</sup>

The most prominent and technically adept mission was deployed by Hagamos Democracia, a consortium of civil society groups<sup>21</sup> which carried out a quick count which proved to be highly accurate, just as it had been during the primary elections. It also published observations of the voting and counting process in 1006 polling stations.

Honduran election observers were present in 42% of the polling stations visited by the EU EOM, with the most strongly-represented missions being from the CONADEH, followed by Hagamos Democracia, CARITAS and CESPAD.

## XV. VOTING, AGGREGATION AND PUBLICATION OF RESULTS

### *Election day*

On Election day, EU EOM observers visited 449 polling stations in all 18 departments of Honduras. The day unfolded in a calm and well-ordered atmosphere: despite logistical concerns at various stages of preparations, it was clear throughout the day that overall, the TSE had succeeded in preparing the materials, locations and systems for a smooth voting process.

Both at opening and throughout the course of the day, polling stations were staffed by a wide representation of political parties. The National Party, Libre and Liberal Party were present in almost all polling stations observed (99%, 99.5% and 97% respectively), followed by the Democracia Cristiana party (78%), UD (70%), PAC (66%), PINU (62%), Faper (61%) and finally the Alianza Patriótica (55%). EU EOM observers reported a significant number of cases in which it appeared that accreditations had been traded, as polling staff purportedly representing UD, DC and Faper in particular did not know the name of their party, their candidates, or alternatively simply stated they were representing the National Party or had been trained by them. In other cases, polling staff from these other parties were included in the distribution of meals handed out by the National Party. However, both because of the balancing presence of other parties and in view of the general respect of procedures and principles, these trends did not impact on voting or counting processes in the polling stations observed by the EU EOM: during the course of Election Day, EUEOM observers evaluated the overall conduct and transparency of voting processes as good or very good in 92% of polling stations where they observed. Custodios were present in 92% of the voting centres attended and EUEOM observers considered that Custodios carried out their role well or very well in 75% of cases.

Although space did not always allow for members of the public to be inside the polling station during counting, the public nature of the process was respected, with people able to watch through doorways and windows. During the counting process for presidential elections in the polling stations attended by the EU EOM, Nacional, Libre and PAC parties were present in all cases, Liberal in 95% of cases, with remaining parties present in between 45% and 77% of cases. Having observed the counting processes, including attribution of votes to candidates and completion of results forms, EU EOM considered the recorded results always reflected the will of the voters in the polling stations they attended.

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<sup>20</sup> Observation missions' initial requests had been for over 15,000 observers in total, but many groups eventually submitted fewer applications than expected.

<sup>21</sup> Hagamos Democracia is composed of the Federación de Organizaciones No Gubernamentales para el Desarrollo de Honduras (FOPRIDEH, Federation of Development NGOs), the Pastoral Social - *Cáritas Honduras* (CARITAS), Confraternidad Evangelica De Honduras (CEH) and the Universidad Metropolitana de Honduras (UMH). It has received technical assistance from NDI.

Results forms were successfully scanned and transmitted in accordance with the SIEDE system in most polling stations attended by the EU EOM: presidential and National Congress results were transmitted in 89% and 81% of cases respectively. Where transmission did not succeed, it was for technical reasons of hardware, network coverage or log-in difficulties. In 90% of cases, results forms were printed and given to all political parties present, with the exceptions being due to lack of ink or paper.

#### *Results aggregation and publication*

The aggregation and publication of results for all elections demonstrated that both the technological system developed for the purpose and the TSE's approach to the process ensured that it was transparent. The main element of transparency was offered by the online publication of results forms from polling stations, alongside the data correspondingly entered. This enabled political parties and members of the public to compare published results with those from polling stations they attended. This publication for the public was in addition to political parties' direct access to the scanned results forms.

The website publication was user-friendly, enabling the viewing of results forms for any given polling station by entering its code, as well as showing aggregated results by voting centre, municipality and department. Results forms were often published even before their data was entered.

The TSE gave priority to the processing of presidential results and on election night it received results forms from some 70% of polling stations. Within a few days all election materials including ballots and results forms had been returned to the TSE by the armed forces and the TSE scanned results forms from those polling stations which had not sent them on election night.

On 11<sup>th</sup> December, having processed all results, the TSE announced the final presidential results, and two days later, also the final results for municipal and National Congress elections.

#### *Procedural safeguards: internal auditing and special recounts*

The SIEDE results system, as implemented by the TSE, included a number of procedural safeguards to ensure accuracy. One of these was the inclusion of an internal audit, which reviewed all data. On 1<sup>st</sup> December, the internal audit team reported that it had identified some 3000 results which had been entered with mistakes, out of the 48,405 total results forms for all elections. The majority of the results forms with mistakes related to the elections for National Congress: because of the much greater amount of information they need to display, it was agreed with the Consejo Consultivo that these results forms would only bear figures, and not results in letters in addition. Secondly, in order to enable swift uploading to the screens of data-entry clerks, the image of the results used for data-entry was a lighter TIFF image, more vulnerable to loss of density than the jpg images uploaded to the website.

The TSE's internal auditor's summary of the impact of the above-mentioned mistakes on presidential results prior to corrections found that, temporarily, Partido Nacional gained 0.04%, Libre gained 0.03%, PAC lost 0.04%, PINU and UD-Faper both lost 0.01%, while other parties' results were unaffected.

In addition to the internal auditor, the results protocol provided for counting or recounting ballots (*escrutinios especiales*) in a number of cases, agreed with political parties before the elections. These were: where the



results form had gone missing, but the other election materials, including ballots, were present; if the results form did not have the minimum three signatures of polling station staff; if the number of votes on the results form exceeded the number of voters registered at that polling station, and if the results form sent to the TSE was not the one intended for the TSE but rather the copy intended for the Tribunal Electoral Municipal (TEM).<sup>22</sup>

During special recounts, ballots were counted by TSE staff, in the presence of observers and those political parties who wished to attend. In fact, political parties only attended on a sporadic basis, or for high-profile cases. The TSE had 50 stations dedicated to *escrutinios especiales*, which worked from 29 November onwards, which was when all physical materials had been returned to the TSE and all results successfully scanned and sent on election night had been processed.

In practise, *escrutinios especiales* were also carried out where there have been particularly close results in the National Congress or municipal elections, or upon demand by political parties.

For the National Congress elections, the TSE carried out special recounts of 613 polling stations due to the absence of necessary forms, and for the municipal elections, 550. On the TSE's results website, these polling stations have a results form which clearly identifies them as having been produced at the TSE, rather than at polling stations on election night.

Despite the fact that the results processing system was entirely centralised and verifiable from any point of internet access, TEDs and TEMs often carried out their own manual aggregation, largely because the Election Law still stipulates that this is among their responsibilities, and the TSE did not explicitly communicate otherwise. Both with respect to the TEDs and TEMs and in relation to the general public, a clearer public information service explaining the verifiability of the SIEDE system could have helped greater awareness of the reliability of results. Indeed, now that a reliable, transparent results system has been achieved, it would be appropriate for the Election Law to reflect this new method, and the fact that it does not require any involvement from decentralised entities.

### *Complaints and appeals*

Honduran legislation establishes that any citizen can submit a demand for the cancellation of voting or the declaration of results. A demand to cancel voting outcome must be submitted within 10 working days of polling taking place. As for a demand to cancel the declaration of results, this can be submitted up to five working days after their publication in the official gazette, after which the TSE must respond within 10 days. The TSE's decision can be appealed before the Supreme Court.

The TSE received a total of 172 demands for cancellation of voting, of which five were challenges to presidential results. PAC demanded a recount of all votes in all three elections (presidential, legislative and local). An independent candidate for Congress in Francisco Morazán presented a challenge to the presidential results. Libre presented three challenges to the presidential results: the first demanded a recount of all 16,135 polling station presidential results forms, and the other two demanded a cancellation of the presidential election results. Libre also presented several challenges against the results in specific polling stations (30 regarding Congressional elections and 26 regarding local elections). The Liberal Party presented 14 challenges to

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<sup>22</sup> In this last case, it was later agreed with the Consejo Consultivo that if the correct document could be obtained from the TEM, then the two can be compared and if the figures matched, they could be entered, rather than carrying out a recount. However if they did not match, a recount took place.

Congressional results and 24 to local election results, in both cases citing a specific number of results forms. The National Party presented 41 challenges to local election results and 20 to Congressional results. The TSE carried out special recounts for the resolution of complaints regarding specific polling stations, and these were attended by party representatives as well as observers.

The five challenges to presidential results were declared unfounded by the TSE. The challenge submitted by the independent candidate from Francisco Morazán, which contested the presidential results and the verification of certain results forms, was also rejected for lack of evidence. PAC's challenge, requesting a recount of all votes for all elections, and Libre's three challenges were also declared to be unfounded, with the TSE judging that it had already complied with all procedures envisaged by law and the Regulation on the SIEDE results system and had carried out analysis, verification and aggregation of results from presidential results forms for all polling stations.

All but one of the challenges to municipal and Congress results were declared unfounded by the TSE, which considered that it had already complied with all procedures required by law and further analysed, verified and aggregated results for these elections from all polling stations. The only challenge which found a positive resolution was a case of a draw in the municipality of San Luis de Comayagua, where two candidates for mayor each obtained 1,599 votes. After carrying out three recounts, the TSE tossed a coin to determine the winner, in the presence of both candidates. The TSE also carried out 10 further special recounts on its own initiative, following which results were unchanged.

The deadline for submitting challenges to the voting results passed on 6 December. Although the TSE had until 20 December to resolve those it had received, after verifying all results forms and responding to the challenges, it declared the presidential results on 11 December and the results for Congress and local elections two days later.

On 13 December, Libre submitted an appeal to the Constitutional Chamber of the Supreme Court, against the TSE's decision to deny the challenge to the results from 3,604 ballot boxes. Although the law stipulates that appeals against TSE must be submitted within 10 days of the decision in question, there is no legal timeframe for the Constitutional Chamber to rule on these.

## **XVI. ANALYSIS OF THE RESULTS**

The Supreme Election Tribunal declared the presidential election results on 11 December, and the results of elections to Congress and municipalities two days later.

### *Confirmation of presidential election results*

The final presidential results (see annex 1, table 1) do not differ significantly from the results announced by the TSE at eight o'clock on election night, when 24% of the votes had been counted, nor from the quick count carried out by the NGO *Hagamos Democracia* (annex 1, table 2), announced two hours later. Both preliminary results and the quick count are compatible with the final results, with a margin of error of no more than  $\pm 2$  percentage points.

The Libre and AntiCorruption parties denounced massive fraud, according to which the presidential results would have been changed, but, as noted in the chapter above, the TSE considered that the allegations were

unfounded. The EU EOM carried out two sets of verification with the data available. Firstly, the mission checked the results from forms which 38 observer teams had communicated by telephone on election night. Secondly, the mission drew a random sample of 600 polling stations, and entered the figures on results forms, noting any anomalies.

The verification of results communicated by observers revealed three minor differences between the EU EOM figures and those entered from results forms. The first such case was in polling station no. 4957, in Cortés, in which the EU EOM recorded 69 votes for PAC, but the TSE entered 79. The second case concerned polling station no. 15419 in Yoro, where the EU EOM recorded six blank and four invalid ballots, and the TSE recorded the figures the other way round, i.e, four blank ballots and six invalid ballots. Lastly, in polling station no. 11309 in Yoro, the EU EOM recorded there having been no votes for Alianza Patriótica, while the TSE recorded one vote for this party. In all the remaining cases, all figures for candidates' votes, blank and invalid ballots matched exactly.

For the sample of results forms, the EU EOM opted to examine 600 forms, because this enabled a projection of the presidential results with a margin of error of  $\pm 4\%$ , with a confidence interval of 95%. Table 2 (see annex 1) illustrates that differences between TSE data-entry and the EU EOM's verification are never greater than one percentage point, for either votes for candidates, or blank or invalid ballots. Looking at the two candidates who obtained the most votes, if Juan Orlando Hernández' votes were decreased by the margin of error's 4%, and Xiomara Castro's votes were increased by the same amount, the result would be 33.76% for Hernández, and 32.5% for Castro, who would thus still be in second place. In conclusion, the recount of results forms carried out with the scanned results forms published by the TSE on its website supports the final presidential results announced by the TSE.

Recounting 600 results forms revealed that 17 of them were the result of special recounts carried out by the TSE, either on its own initiative or on request, as provided-for by regulation; 68 results forms were found to have arithmetic mistakes in the totals, although these would have had no impact on overall results, since the TSE adds votes attributed to candidates, rather than relying on the totals produced in polling stations; and 27 were results forms which were destined for TEMs, the municipal election bodies. These forms were part of the electoral kit but were only supposed to be completed once per municipality, and were presumably mistakenly completed by polling station staff. What gives them credibility is the fact that they bear the signatures of polling station staff. Lastly, in just one case (result form no. 11338), the website was lacking the scanned image of the form and showed only its processed results figures.

The EU EOM only came across one anomaly: a results forms with no data, no.7124, corresponding to one of the five pollings stations in the José Cecilio School in Valle de Danlí, in the department of El Paraíso.

Annex 2 shows the 605 numbers randomly produced by the EU EOM using a Microsoft Excel macro. Five extra numbers were generated to compensate for any possibly lost result form, or forms for which there was no scanned image. In the event, only the results form numbered 7124 was replaced, because its image was not online at the time of writing.

#### *Presidential and Parlacén election results*

According the TSE's final data, the National Party won the presidential election in 13 departments, Libre won in the three eastern departments (Gracias a Dios, Colón and Olancho), while the Liberal Party won in Islas de la

Bahía and the AntiCorruption Party won in Cortés. Turn-out was recorded to be 60.35%, much higher than the 49.88% turn-out for the 2005 elections. A calculation taking into account the voter register's estimated excess of 30% indicates a turn-out of around 80%.

The rate of invalid votes, 3.3%, is low compared to the 4.9% registered in 2009 and the 5.6% of 2005. This low rate tends to dispel the suspicion that the trade in accreditations for polling station staff resulted in staff members invalidating votes for rival parties.

Honduran representation in the Parlacén (Central American Parliament) was also decided on 24 November, derived from the presidential vote. The incoming cohort includes representatives from all contending parties, as well as the UD-Faper coalition.

### *Congress and municipal elections*

The results of the elections to the National Congress (annex 1, table 4) were unprecedented in that never before has the ruling party held such a small number of seats. The National Party, with the greatest number of seats, has just 48 members of Congress, 23 fewer than the 71 it held during the outgoing Congress. As a result it will need to seek alliances with other parties to reach a simple majority (65 votes) necessary for approving legislation.

In general terms, the four biggest parties (National, Libre, Liberal and PAC parties) hold a similar proportion of representation in Congress as the proportion of votes they obtained in the presidential election, indicating that most voters opted for the same parties in these two elections. The three smallest traditional parties (Democracia Cristiana, PINU and Unificación Democrática) have each obtained one seat, which saves them from losing their right to be registered as a party, although they did not manage to obtain more than 2% of the votes in the election with the greatest turn-out, which the Election Law establishes as alternative means of maintaining a party's existence. Faper and Alianza Patriótica Hondureña failed to achieve either threshold and are thus legally required to be dissolved.

Finally, the municipal election results (see annex 1, table 5), reveal that it is at local level that the National Party retains the greatest share of power, since it holds 183 of the 298 mayorships in the country (62%), almost two thirds, while the Liberal Party obtained 83 (28%), Libre 31 (10%), and Democracia Cristiana, one.

## **XVII. RECOMMENDATIONS**

*On the basis of its observation, and taking into account the many ideas generated from discussions with Honduran citizens, the EU EOM seeks to contribute to the national debate, and submits the following recommendations for improving future electoral processes in Honduras, for consideration by the State powers, political parties, and civil society. Some of the recommendations would require amendments to the law, while others could be implemented through greater adherence to existing rules. In either case, implementation of these recommendations or any other reform towards strengthening Honduran democracy will best translate into rules and procedures that are effective, widely-recognised and sustainable, if it comes about as a result of the widest possible political and institutional consensus. The EU EOM considers that the notable pluralism of the new Congress opens spaces which, alongside political will, make it possible to adapt electoral legislation to the country's new realities and to overcome the mistrust with which political parties and citizens alike have traditionally viewed the administration of election processes.*

### **Election administration**

In order to bolster public and political confidence in the election administration's leadership and composition at all levels, the Supreme Election Tribunal would benefit from being depoliticised, with appointments made according to legally-established criteria of neutrality and technical expertise. An inclusive and accountable mechanism for nominating TSE Magistrates could be the establishment of a selection or nomination committee composed of a wide range of civil society members, which would put forward candidacies for approval by a qualified majority of the National Congress. Thereafter, the TSE could nominate members of its decentralised representations in the country's departments and municipalities, in accordance with the same criteria and through a timely, public and challengeable process.

The recruitment of *Custodios Electorales* has set a precedent for the deployment of neutral administrators. In accordance with the same principle of neutrality, the depoliticisation process should extend to polling stations such that staff no longer be nominated by political parties. Naturally, this evolution could not entail any loss of access to election processes for political parties. Thus, alongside the proposed model, it is recommended that political parties nominate representatives with a right to access processes and documents in polling stations and at all other levels of the election administration. It would be conducive to clarity, order and equity for there to be a maximum of one party representative to be present in polling stations at any given time, and for all representatives to be clearly identified at all times.

### **Election system**

In order to ensure that the attribution of National Congress seats to departments respects the principle of equality of vote, it would be useful for the Election Law to stipulate a formula according to which seats are allocated, as well as a mechanism for updating the figures in accordance with the most recent data on population or registered voters.

### **Suffrage**

Although the Constitution defines voting as a right and a duty, the current system excludes significant numbers of citizens. A more inclusive election process could be attained through the provision of voting facilities to disabled citizens, as well as those who are hospitalised, citizens on remand and cadets in military and police academies. Consideration could also be given to the national debate about modifying the constitutional prohibition on voting for members of the armed and security forces.

### **Voter registration and identity cards**

In order to ensure an accurate and reliable Voter Register, the RNP's proposals to carry out re-registration - or, at least, to cleanse and update the existing one - would provide a practical approach which would preclude the inclusion of deceased people on the register, while emigrants would be able to re-register if they took up residency in the country again. Equally, a modernisation of the identity card system, also envisaged by the RNP, would provide further safeguards to guarantee single and universal ownership of an identity document. In addition, the past practice of involving political parties in the distribution of identity cards would need to be completely eliminated. A modernised and permanently updated Civil Register would provide an essential foundation not only for electoral purposes, but also for the design and implementation of a wide range of public policies.

The RNP's pilot project to depoliticise the application for and distribution of identity cards was a significant breakthrough towards ensuring citizens' direct access to registry services. The RNP's plans to modernise its civil

registry systems through increased computerisation and to strengthen the capacity and institutional impartiality of its staff in municipal registry offices would contribute to a secure, reliable public service as well as the provision of an essential element of electoral processes.

The provision of the Voter Register to all political parties was an instance of transparent administration and would be usefully complemented with facilitating summarised registration figures to the wider public.

### **Election observation**

In order to retain another element which contributed to the transparency of the 2013 election process, it would be a positive measure for the TSE to maintain its approach to national and international election observation, both in practice and in regulation, thus preserving its respect for international principles of unrestricted access to all relevant places and processes for election observers.

### **Complaints and appeals, electoral offences**

It would be useful to develop and publicise a comprehensive framework for complaints, to ensure that political parties, members of the public and relevant institutions be fully aware of where and how to submit complaints regarding different elements of the election process, from voter registration and campaigning to voting and results processes. Equally, deadlines for resolutions would help ensure that grievances be resolved in a timely manner, in the same way that appeals against the results are already to be determined within deadlines.

In addition, it would a positive measure if the State were to strengthen the investigative capacity of the Public Prosecutor's Office, providing it with the technical and financial resources to ensure the Prosecutor's Office for Electoral Offences address all complaints in a timely, impartial and independent manner. Only such investigations can lead to rulings on electoral offences and help reduce impunity on this area.

### **Political parties**

The EU EOM recommends to political parties that, towards the principle of equality of opportunity, they agree to legislative amendments to shorten the duration of the election campaign, set a limit on spending, make funding sources transparent, and sanction those who violate regulation on these matters.

One option for ensuring effective control over party spending would be to make the Supreme Electoral Tribunal the only institution authorised to contract electoral advertising. This would require both media outlets and advertising companies who wished to work on propaganda with parties to register with the TSE in order to do so, and would limit parties to contracting services from these registered businesses, through the Tribunal.

Any violation of campaign funding regulations or provisions in the law on transparency and public information should be sanctioned within the election campaign period, whether the infraction is detected by the TSE or reported to them.

### **The media**

It would be helpful to consider a prohibition on institutional propaganda by the government during elections campaigns, given it is paid for by the public purse and that parties in power benefit from it indirectly in terms of visibility. Equally, even outside of campaign periods, the EU EOM considers it important that there be regulation to ensure that institutional propaganda is equitably spread among different media outlets, given that it is a significant source of income for them. In addition, it would be useful if '*cadena nacionales*' - communications

which all public and private electronic media are obliged to broadcast - were restricted to emergency situations or of national interest, at least during the election campaign period.

In order to enable a better balance in access to the media, the EU EOM recommends the introduction of regulation which stipulates equitable coverage in news reporting by State and private electronic media during the election campaign. For the same reason, the Mission recommends that media organs adopt voluntary guidelines which promote balanced coverage of the campaigns.

Given the high numbers of journalists killed in Honduras, it would be advisable to investigate these cases, possibly by means of a dedicated unit within the Public Prosecutor's Office. Equally, preventative protection measures could be jointly considered by the government and media professionals, while maintaining journalists' independence and autonomy.

### **Indigenous and Afro-Honduran communities**

In order to ensure free and informed political participation for indigenous and Afro-Honduran citizens, it would be useful for the TSE to produce its public information material in the minority languages, recognising the multicultural and multilingual character of Honduras.

### **Women's participation**

The quota stipulating that women must make up at least 40% of candidates for primary elections did not ensure an equitable gender balance in elected posts (least of all in municipal elections), since it was implemented within an open list electoral system, in which candidates from the same party compete for votes. Voters' preferences determine which candidates within parties are elected, leaving the implementation of the 40% quota to the will of voters, in the absence of any mechanism to ensure the quota is respected. In order to increase women's representation among elected positions, it would be useful to consider mechanisms which could ensure a more efficient implementation of the existing quotas. It would also be helpful to reinforce voter education campaigns aimed at women, with particular emphasis on communicating to women in rural areas, young women, and women from indigenous and Afro-Honduran ethnic groups. Lastly, it would be conducive to gender equity if the Congress introduced gender equity criteria for the appointment of TSE magistrates.

## XVIII. ANNEXES

### ANNEX 1. Results of the general elections in Honduras, 24 November 2013

Table 1. Presidential election

Candidate	Party or coalition	Votes	% of valid votes
Orle Solís	Partido Demócrata Cristiano	5,194	0.17%
Romeo Vázquez Velásquez	Alianza Patriótica Hondureña	6,105	0.20%
Mauricio Villeda	Partido Liberal	632,320	20.30%
Salvador Nasralla	Partido Anti Corrupción	418,443	13.43%
Xiomara Castro	Libertad y Refundación (Libre)	896,498	28.78%
Andrés Pavón	UD-Faper	3,118	0.10%
Jorge Aguilar	PINU	4,468	0.14%
Juan Orlando Hernández	Partido Nacional	1,149,302	36.89%
<b>Total valid votes</b>		3,115,448 (95.12%)	<b>% of all ballots cast</b>
Invalid		108,171	3.30%
Blank		51,727	1.58%
<b>Total ballots cast</b>		3,275,346	

Table 2. Comparison of Hagamos Democracia quick count and EU EOM verification of results forms, against official results for presidential election

	Results	Hagamos Democracia <sup>23</sup>		EU EOM <sup>24</sup>	
		Projection	Deviation	Projection	Deviation
<b>National Party</b>	36,89%	36,55%	0,34%	37,76%	0,87%
<b>Libre</b>	28,78%	28,08%	-0,70%	28,50%	-0,28%
<b>Liberal Party</b>	20,30%	20,82%	0,52%	20,00%	-0,30%
<b>PAC</b>	13,43%	13,62%	0,19%	13,09%	-0,34%
<b>(Other)</b>	0,61%	0,92%	0,31%		
<b>Democracia Cristiana</b>	0,17%			0,14%	-0,03%
<b>PINU</b>	0,14%			0,18%	0,04%
<b>UD-Faper</b>	0,10%			0,11%	0,01%
<b>Alianza Patriótica</b>	0,20%			0,22%	0,02%
<b>TOTAL valid votes</b>					
<b>Blanks</b>	1,58%			1,53%	-0,05%
<b>Invalids</b>	3,30%			3,66%	0,36%
<b>TOTAL ballots cast</b>					

<sup>23</sup> Margin of error of *Hagamos Democracia*'s projection  $\pm 1,8\%$  with a confidence interval of 99%.

<sup>24</sup> Margin of error of the EU EOM's projection:  $\pm 4\%$ , with a confidence interval of 95%.



Table 3. Parlacén elections (seats per party)

National Party	6
Libre	5
Liberal Party	3
AntiCorruption Party	1
Alianza Patriótica Hondureña	1
Democracia Cristiana	1
PINU	1
UD	1
Faper	1
<b>TOTAL</b>	<b>20</b>

Tabla 4. National Congress elections, by department and party

	PN	Libre	PL	PAC	PDC	PINU	UD	Faper	APH	TOTAL
Francisco Morazán	8	6	4	3	1	1				23
Cortés	5	5	3	6			1			20
Santa Bárbara	4	4	1							9
Choluteca	4	2	2	1						9
Yoro	3	3	2	1						9
Atlántida	3	2	2	1						8
Olancho	3	3	1							7
Comayagua	3	2	1	1						7
Copán	3	2	2							7
El Paraíso	3	2	1							6
Lempira	3	1	1							5
Colón	1	2	1							4
Valle	2	1	1							4
La Paz	1	1	1							3
Intibucá	1	1	1							3
Ocotepeque	1		1							2
Islas de la Bahía			1							1
Gracias a Dios			1							1
<b>TOTAL</b>	<b>48</b>	<b>37</b>	<b>27</b>	<b>13</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>128</b>

Tabla 5. Mayors by department and party

	PN	Libre	PL	PAC	PDC	PINU	UD	Faper	APH	TOTAL
Francisco Morazán	14	2	11		1					28
Cortés	3	1	8							12
Santa Bárbara	15	10	3							28
Yoro	7	1	3							11
Choluteca	12		4							16
Atlántida	4	1	3							8
Olancho	17	4	2							23
Comayagua	11	2	8							21
Copán	13	1	9							23
El Paraíso	13	1	5							19
Lempira	23	3	2							28
Colón	5	2	3							10
Valle	5		4							9
La Paz	13		6							19
Intibucá	12	2	3							17
Ocotepeque	11		5							16
Islas de la Bahía	1		3							4
Gracias a Dios	4	1	1							6
<b>TOTAL</b>	<b>183</b>	<b>31</b>	<b>83</b>		<b>1</b>					<b>298</b>

## Annex 2. Verification and data-entry of results forms

(See annex 1, table 2 for the projection of election results based on the results in 600 results forms.)

Below is the list of 600 figures generated at random using a Microsoft Excel macro. These were used to verify results forms with the corresponding numbers on the TSE website. The list's last row shows five supplementary numbers, of which just one was used, to replace the lack of data for results form no. 7124.

The meaning of the colours is as follows:

**Green.** TEM form (Municipal Election Tribunal, *Tribunal Electoral Municipal*)

**Red.** Special recount (*escrutinio especial*)

**Blue.** Results form image missing (only processed data available)

8	12	20	41	79	86	173	236	268	273	355	435
443	479	484	564	618	637	643	644	646	658	678	690
724	769	809	823	825	900	942	959	978	981	1026	1102
1115	1121	1227	1324	1337	1351	1356	1397	1398	1408	1417	1440
1449	1454	1483	1496	1540	1642	1688	1722	1751	1778	1806	1837
1953	1991	2009	2016	2047	2073	2096	2111	2139	2153	2157	2183
2195	2248	2265	2267	2272	2275	2287	2320	2323	2410	2417	2555
2556	2572	2669	2677	2682	2741	2745	2786	2889	2925	2934	2972
2978	3012	3013	3097	3132	3169	3187	3230	3256	3304	3389	3424
3472	3492	3499	3510	3556	3576	3590	3594	3610	3623	3656	3680
3708	3714	3764	3803	3835	3865	3902	3906	3956	3996	4046	4072
4092	4190	4191	4233	4268	4270	4321	4325	4332	4396	4441	4442

4451	4452	4465	4466	4491	4503	4516	4517	4520	4559	4564	4616
4640	4646	4654	4683	4752	4795	4840	4896	4905	4997	5013	5120
5191	5193	5246	5316	5333	5353	5364	5387	5394	5454	5461	5470
5472	5520	5538	5559	5568	5571	5608	5609	5635	5643	5662	5697
5749	5756	5771	5780	5782	5802	5815	5828	5953	5963	5980	6017
6031	6049	6054	6055	6075	6082	6106	6131	6140	6201	6239	6247
6253	6269	6287	6299	6300	6309	6317	6330	6360	6366	6367	6377
6382	6387	6408	6444	6451	6466	6490	6497	6501	6538	6556	6593
6600	6604	6646	6651	6653	6677	6700	6732	6750	6800	6817	6828
6878	6923	6977	6998	7002	7037	7043	7046	7100	7124	7132	7151
7152	7153	7204	7217	7223	7238	7255	7304	7323	7325	7347	7378
7386	7393	7402	7450	7454	7455	7477	7533	7535	7556	7596	7597
7604	7609	7635	7641	7653	7654	7661	7668	7691	7696	7699	7705
7766	7775	7799	7847	7852	7942	8042	8056	8057	8099	8100	8109
8120	8140	8145	8229	8262	8281	8299	8325	8375	8386	8402	8512
8575	8655	8705	8713	8731	8764	8796	8802	8870	8873	8895	8905
8916	8923	8929	8944	8960	9002	9014	9057	9058	9068	9191	9203
9208	9236	9252	9290	9313	9331	9342	9366	9413	9430	9481	9484
9572	9584	9612	9642	9667	9699	9703	9729	9730	9756	9821	9834
9852	9855	9862	9875	9906	9915	9916	9923	9932	9950	9951	9996
10026	10047	10145	10197	10234	10262	10267	10357	10379	10414	10443	10517
10577	10582	10583	10601	10617	10670	10684	10688	10722	10731	10757	10764
10800	10801	10808	10831	10916	10985	10998	11010	11013	11038	11092	11096
11106	11112	11126	11143	11149	11164	11174	11183	11186	11238	11296	11318
11328	11331	11335	11338	11339	11356	11358	11381	11393	11441	11457	11472
11520	11527	11563	11614	11657	11669	11674	11679	11790	11876	11877	11887
11913	11944	11956	12019	12030	12082	12092	12139	12145	12153	12169	12193
12233	12250	12363	12382	12406	12429	12433	12506	12509	12517	12558	12565
12580	12588	12653	12673	12691	12696	12727	12733	12769	12777	12781	12795
12815	12852	12861	12903	12905	12961	12972	12973	13081	13083	13180	13181
13187	13201	13217	13237	13249	13313	13319	13365	13431	13447	13453	13466
13481	13576	13587	13608	13704	13740	13774	13784	13794	13822	13828	13854
13926	13943	13963	13969	13986	14012	14013	14067	14092	14115	14136	14189
14242	14245	14256	14261	14291	14297	14301	14308	14383	14486	14528	14534
14571	14626	14645	14651	14684	14687	14699	14705	14713	14723	14729	14743
14763	14849	14880	14896	14909	14933	14935	14937	14979	14990	15007	15047
15066	15122	15133	15140	15179	15186	15416	15439	15466	15524	15544	15562
15566	15575	15585	15621	15730	15731	15758	15781	15800	15809	15816	15829
15842	15854	15955	16026	16072							

### Annex 3 Media Analysis by EU EOM TO HONDURAS 2013

The EU EOM carried out quantitative and qualitative analysis of the time that selected television channels, radio stations and newspapers dedicated to political actors relevant to the election process, namely candidates and political parties. Between 27 October and 23 November 2013, political communication was analysed during the broadcasting times with greatest audiences on four television stations and three radio stations (between 5:00 and 8:00 AM and between 7:00 and 10PM), as well as content in four newspapers with national distribution.

Media monitoring evaluated broadcasting minutes dedicated to candidates and parties on television and radio, as well as square centimetres these actors received in newspapers. In addition, the tone of the coverage given to political participants - positive, neutral or negative – excluding the natural bias of electoral propaganda from this part of the analysis.

The media analysis recorded electoral propaganda and presidential candidates' appearance in the media, as well as the gender of political actors, as shown in the tables below.

*Televisión Nacional de Honduras* and *Radio Nacional de Honduras* did not broadcast any electoral propaganda in the monitored timeslots.

Coverage of 1,193 political actors was monitored in the observation period. The total number of communication pieces which were analysed and archived for the purpose was 26,154.

#### **Monitoring sample:**

Television channels: *TNH Televisión Nacional de Honduras* (State-owned); *Canal 5 el Líder*, *HCH TV* and *CHOLUSAT SUR* (private).

Radios: *Radio Nacional de Honduras* (State-owned); *Radio América* y *HRN "La voz de Honduras"* (private).

Newspapers (privately-owned): *El Heraldo*, *La Prensa*, *La Tribuna* and *Tiempo*.

#### **List of parties and alliances:**

PN (National Party, *Partido Nacional*)

PL (Liberal Party, *Partido Liberal*)

LIBRE (*Libertad y Refundación*)

FAPER (*Frente Amplio Político Electoral en Resistencia*)

UD (*Unificación Democrática*)

DC (*Democracia Cristiana*)

PAC (AntiCorruption Party, *Partido Anti Corrupción*)

PINU (*Partido Innovación y Unidad*)

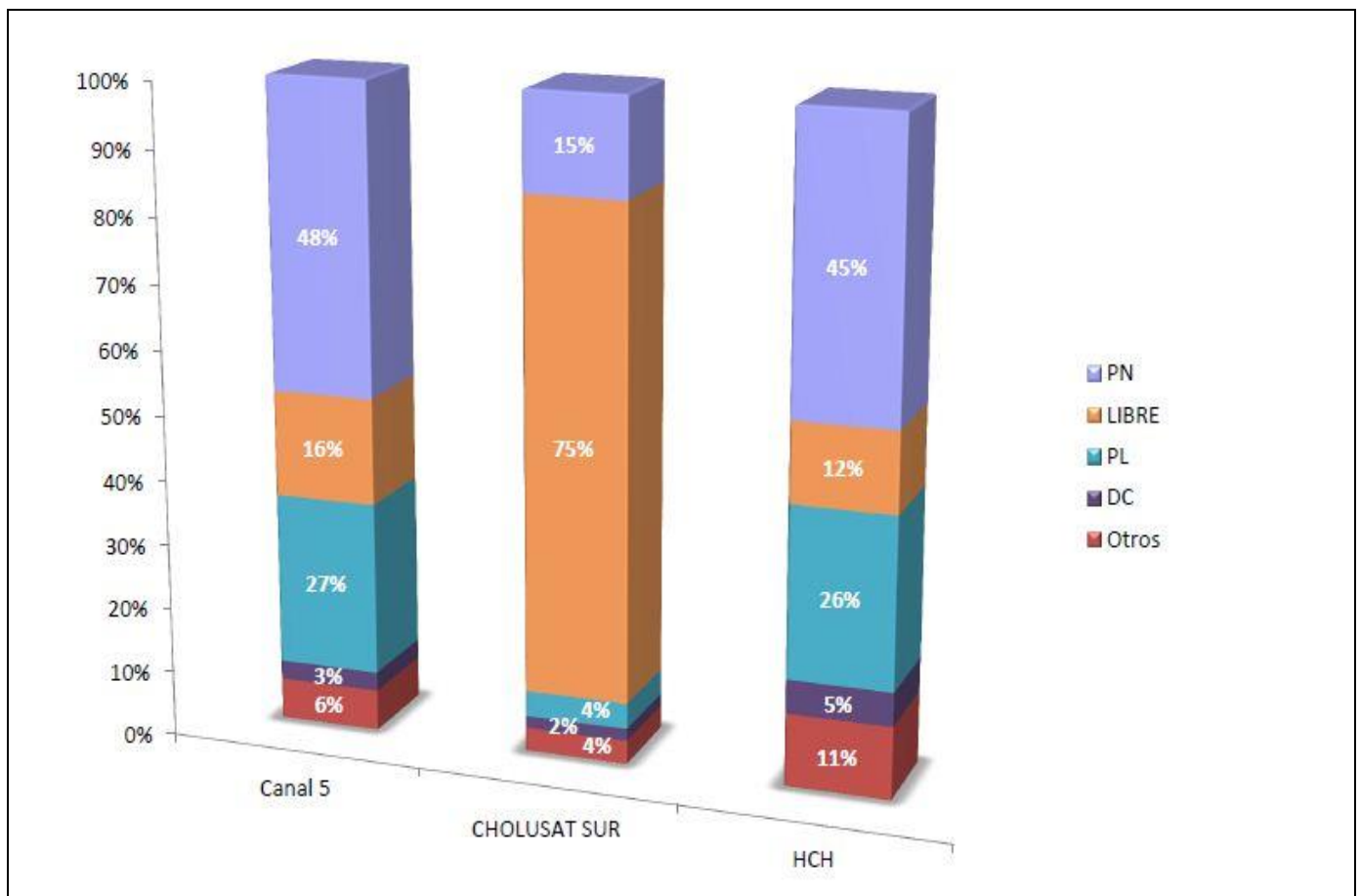
APH (*Partido Alianza Patriótica*)

**POLITICAL PARTIES' PAID ELECTORAL PROPAGANDA<sup>25</sup>**

**Television channels**

ELECTORAL PROPAGANDA

TIME MEASUREMENT	PARTY					
	PN	Libre	PL	DC	Others	Total
CANAL 5	48%	16%	27%	3%	6%	100%
CHOLUSAT SUR	15%	75%	4%	2%	4%	100%
HCH	45%	12%	26%	5%	11%	100%
Total	33%	40%	17%	3%	7%	100%



Base (minutes): Canal 5 (662), Cholusat Sur (927), Hable Como Habla (610)<sup>26</sup>.

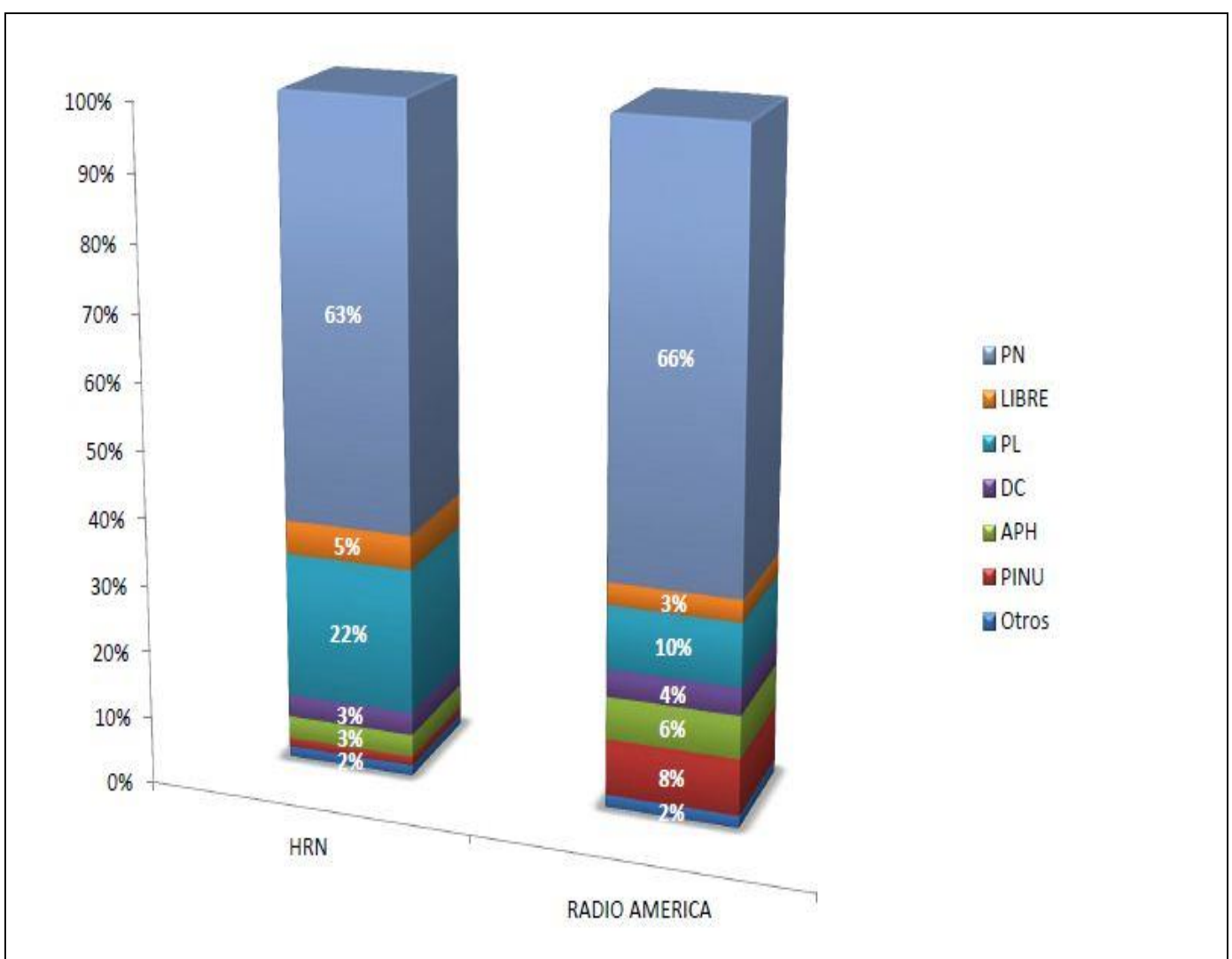
<sup>25</sup> The 'others' label (or 'otros' in the chart) includes percentages which are lower than 3% of the total.

<sup>26</sup> Televisión Nacional de Honduras did not broadcast paid propaganda in the monitored timeslot.

Radio Stations

ELECTORAL PROPAGANDA

TIME MEASUREMENT	PARTY							
	PN	Libre	PL	DC	APH	PINU	Others	Total
HRN	63%	5%	22%	3%	3%	1%	2%	100%
RADIO AMERICA	66%	3%	10%	4%	6%	8%	2%	100%
Total	65%	4%	17%	4%	5%	4%	2%	100%



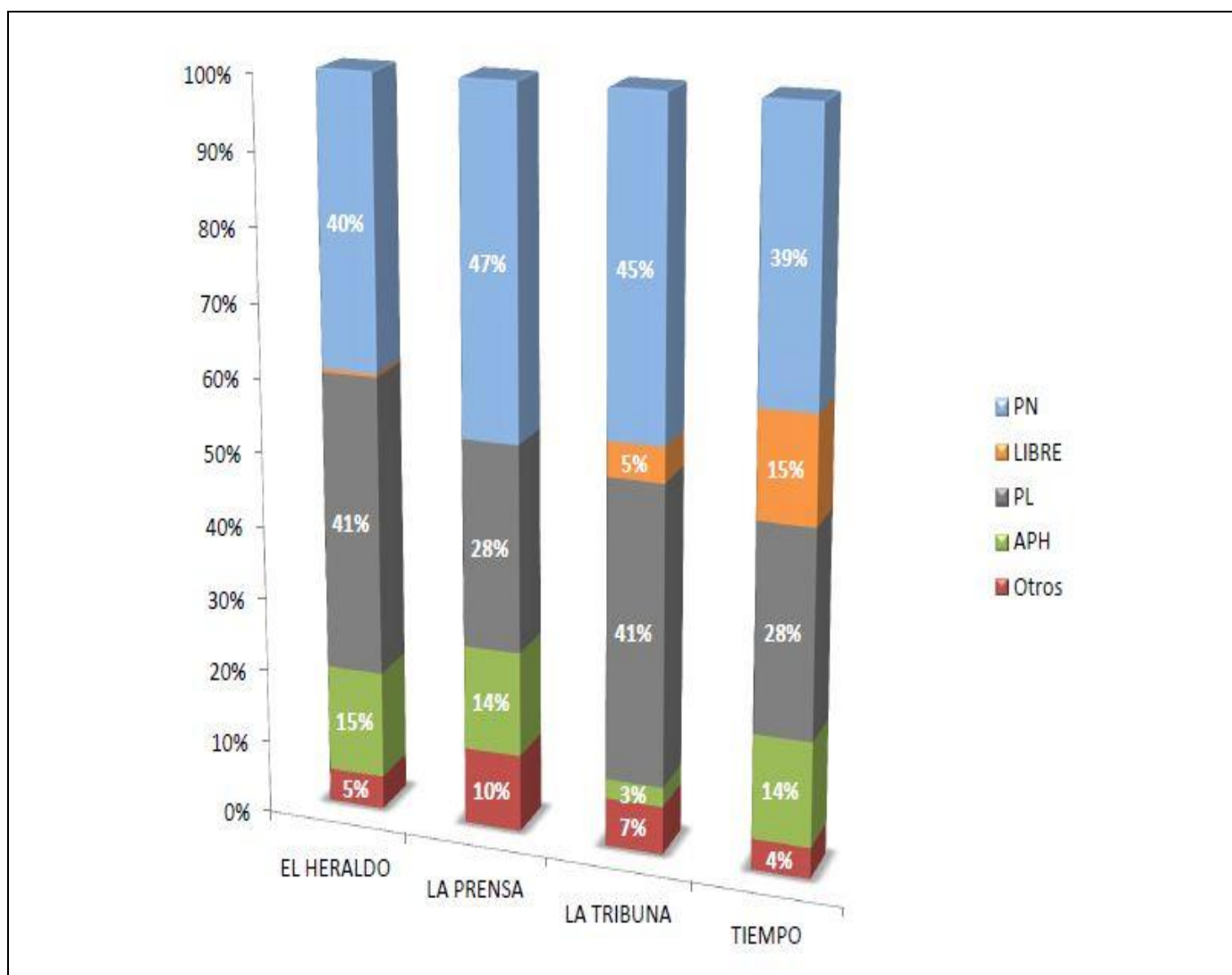
Base (minutes): HRN La Voz de Honduras (763), Radio América (546)<sup>27</sup>.

<sup>27</sup> Radio Nacional de Honduras did not broadcast paid propaganda in the monitored timeslot.

Printed press

ELECTORAL PROPAGANDA

SQUARE CENTIMETRES	PARTY					
	PN	Libre	PL	APH	Others	Total
EL HERALDO	40%	0%	41%	15%	5%	100%
LA PRENSA	47%	0%	28%	14%	10%	100%
LA TRIBUNA	45%	5%	41%	3%	7%	100%
TIEMPO	39%	15%	28%	14%	4%	100%
Total	42%	9%	36%	10%	4%	100%

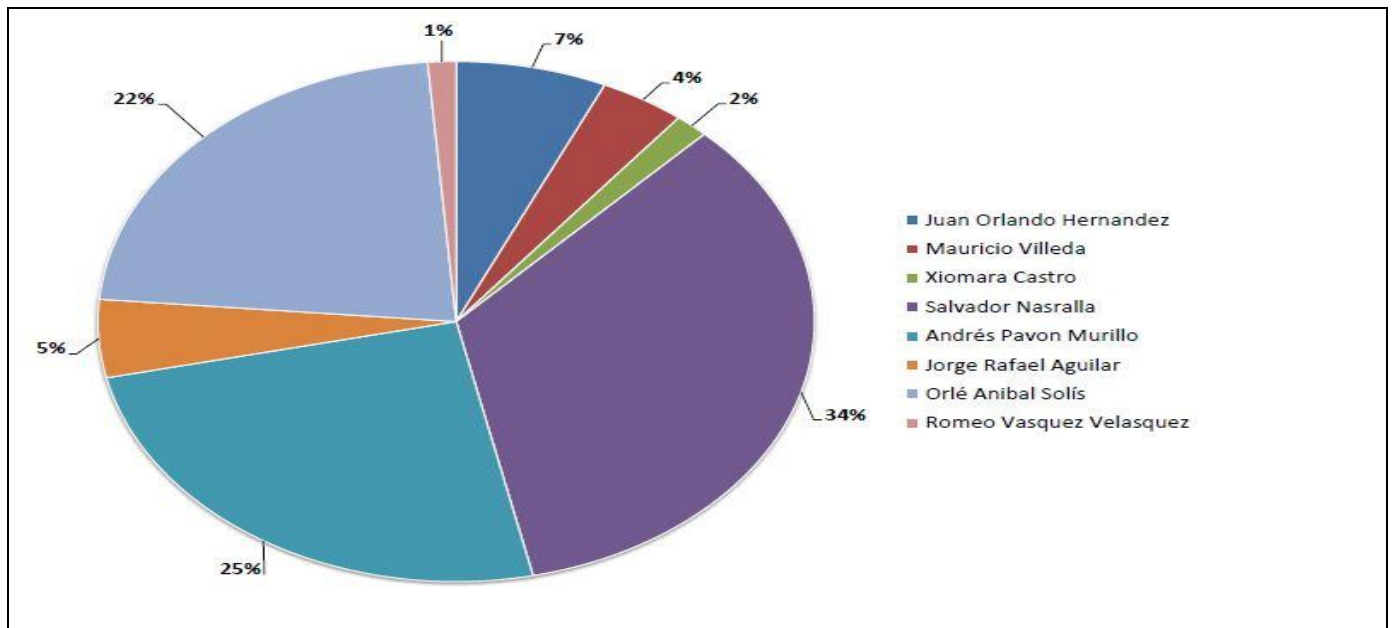


Base (square centimetres): *El Heraldo* (34639), *Tiempo* (144137), *La Prensa* (29689), *La Tribuna* (94895).

PRESIDENTIAL CANDIDATES' APPEARANCES AND COVERAGE TONE

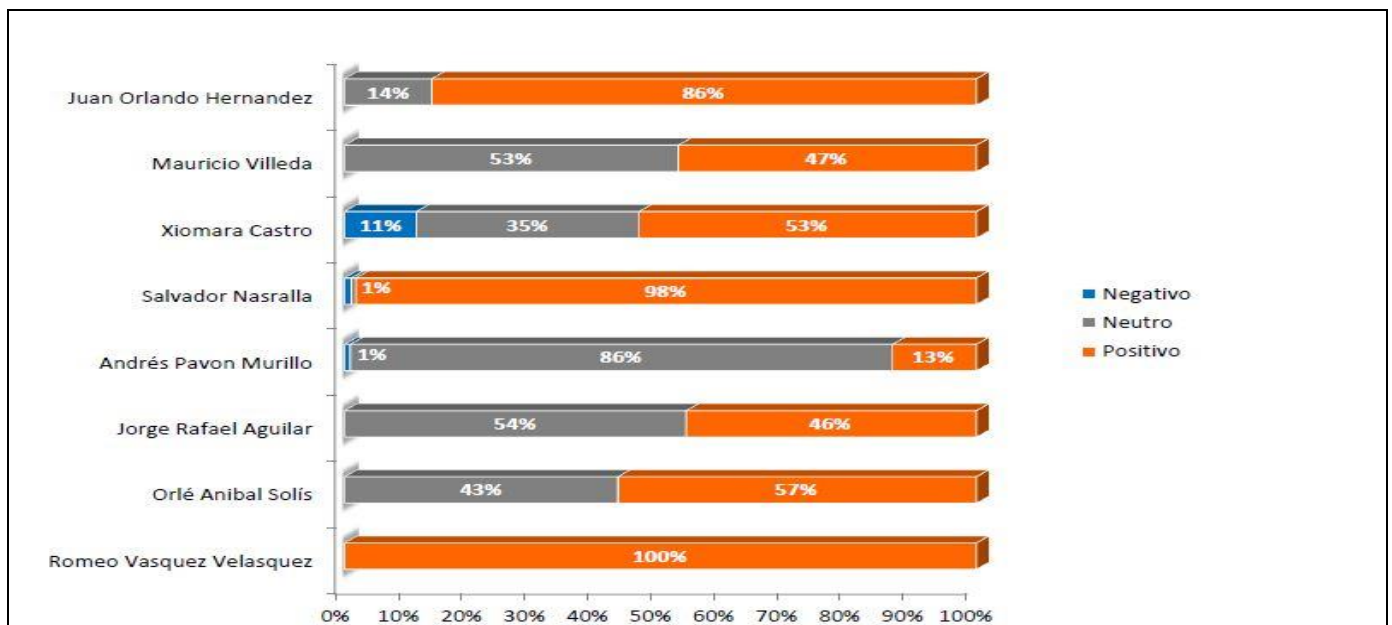
TELEVISIÓN NACIONAL DE HONDURAS<sup>28</sup>

Coverage of presidential candidates



Base: 414 minutes.

Tone of coverage of presidential candidates

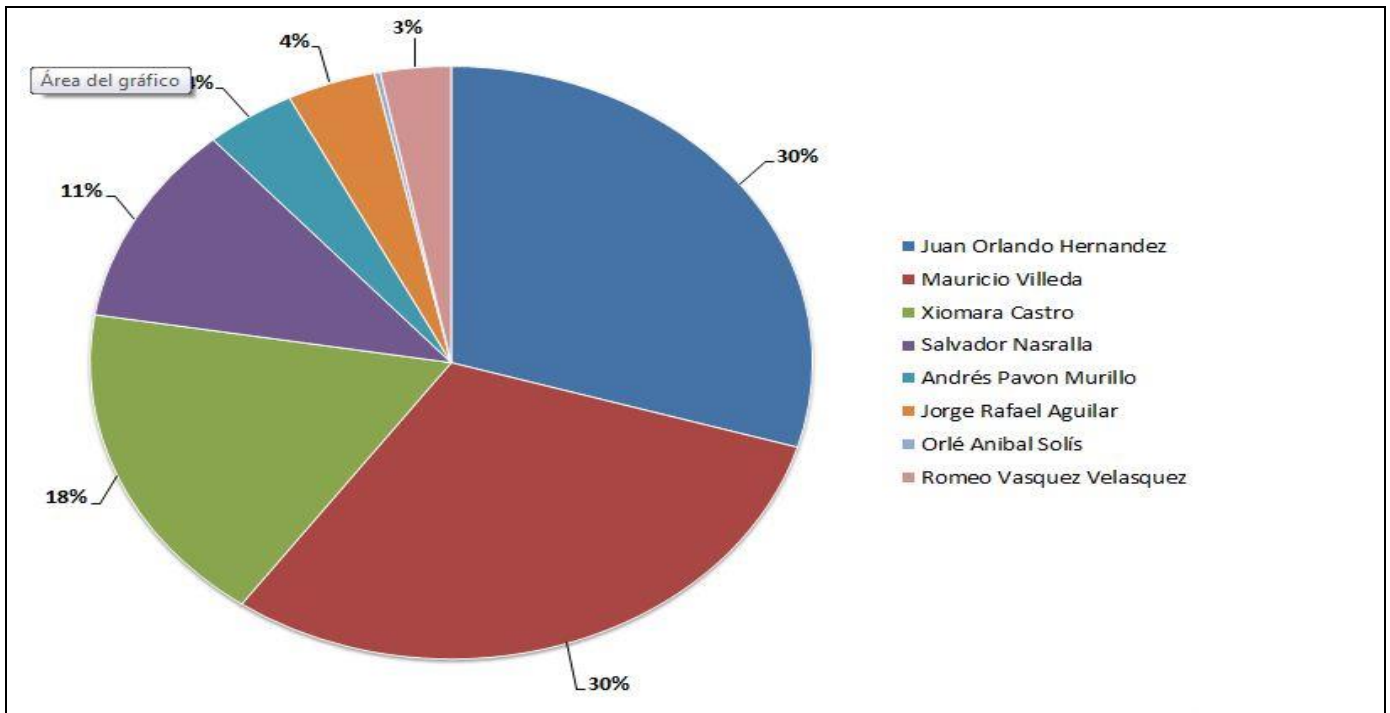


CANAL 5

<sup>28</sup> State media offered free airtime to all political groups so that they could present their electoral programmes. It was the parties with fewest resources who most took up this opportunity.

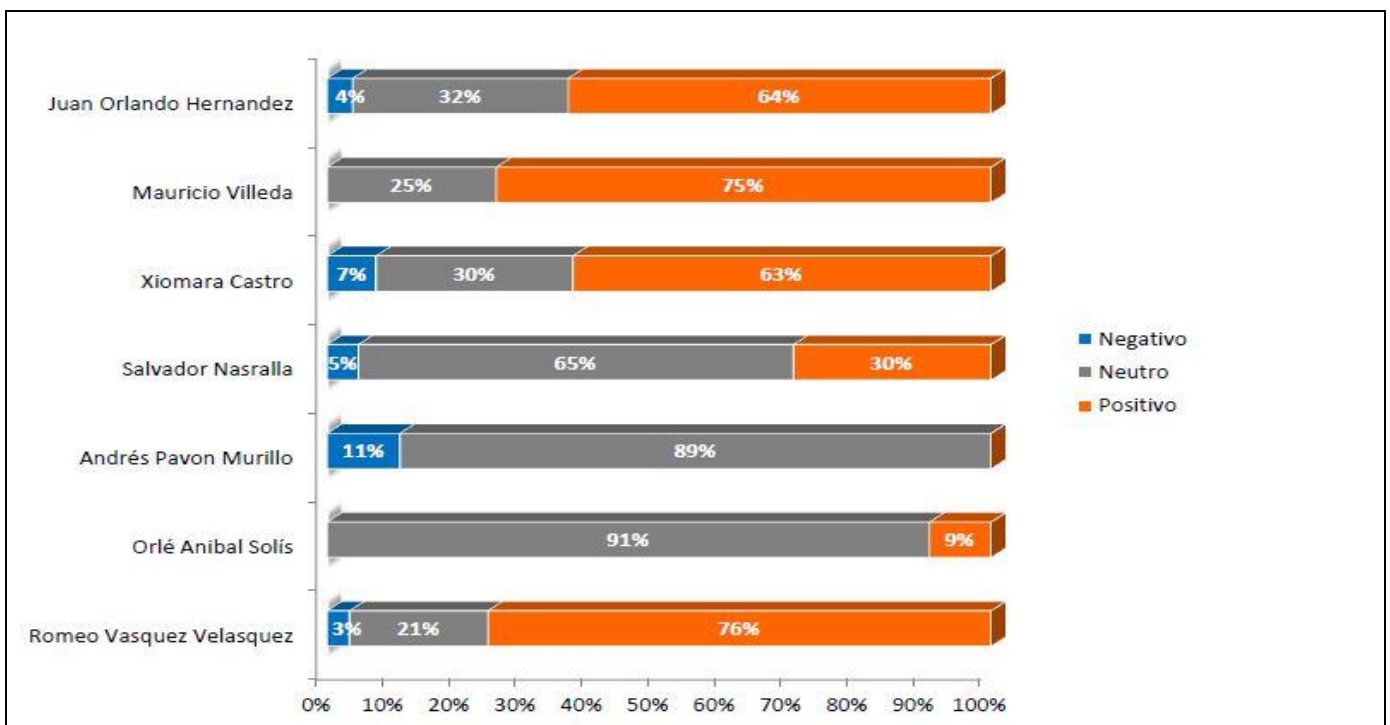


Coverage of presidential candidates



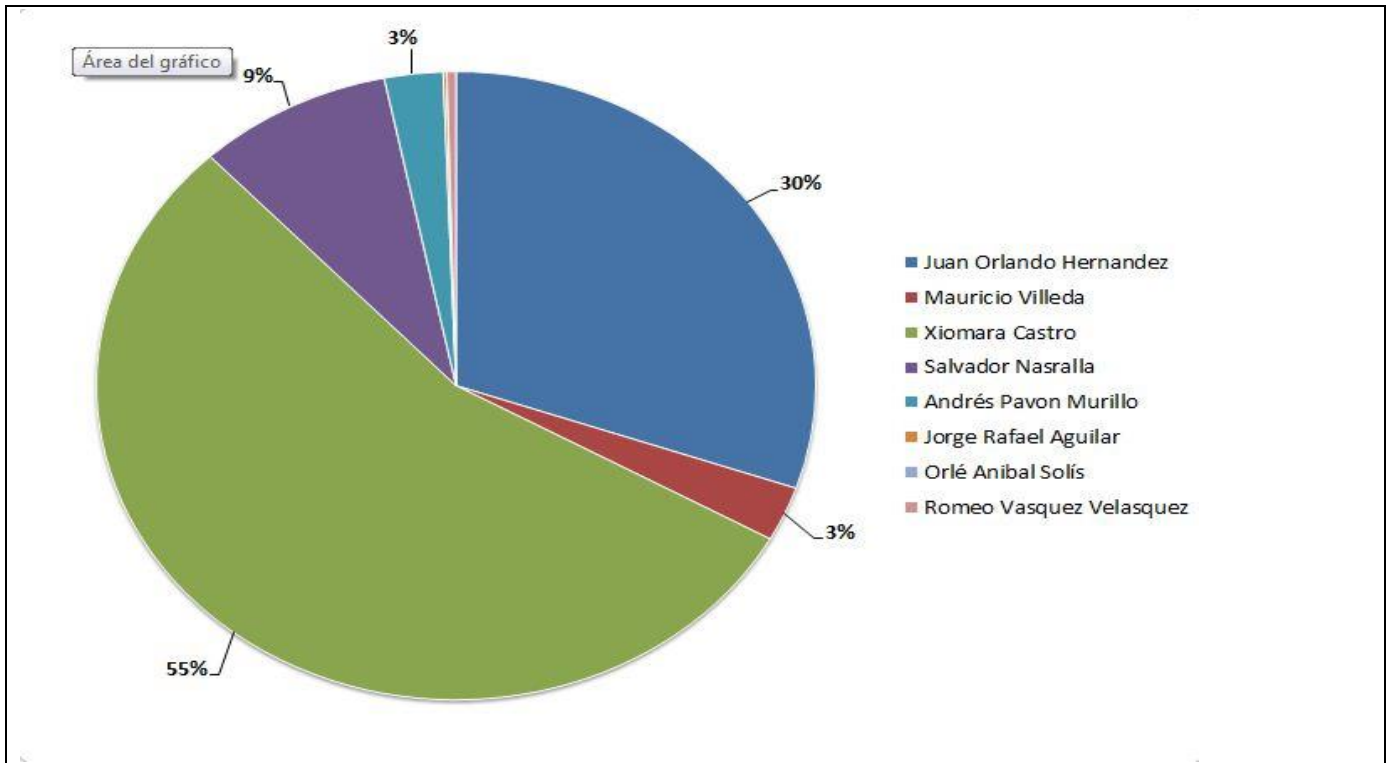
Base: 722 minutes.

Tone of coverage of presidential candidates



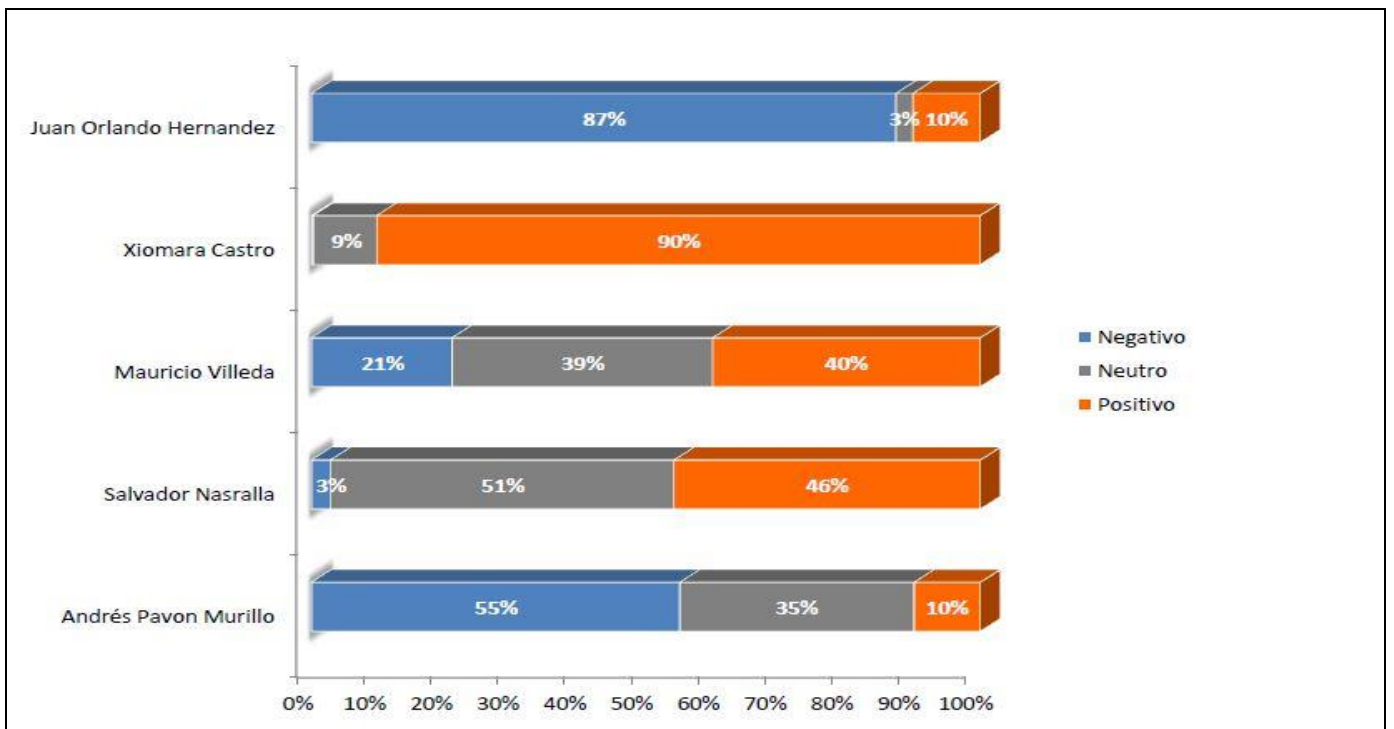
**CHOLUSAT SUR**

Coverage of presidential candidates



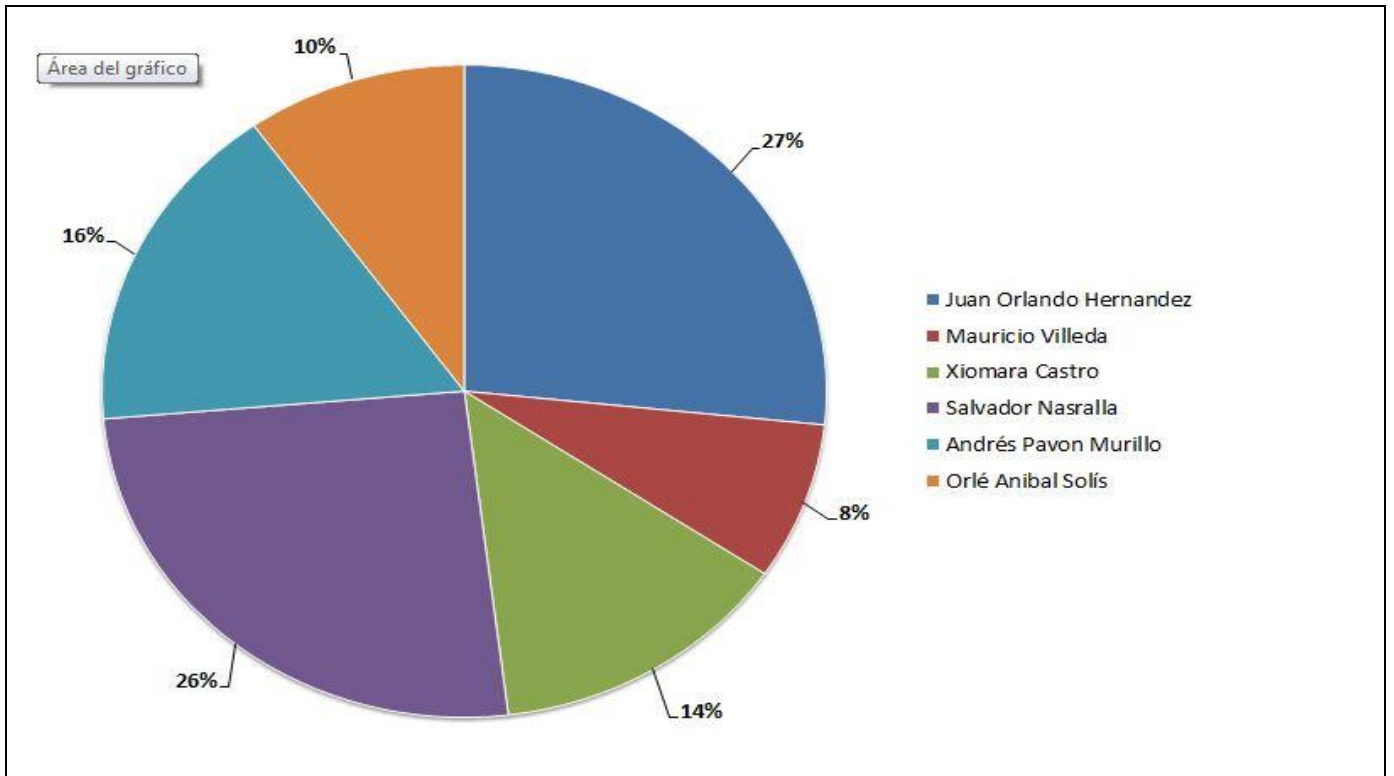
Base: 1076 minutes.

Tone of coverage of presidential candidates



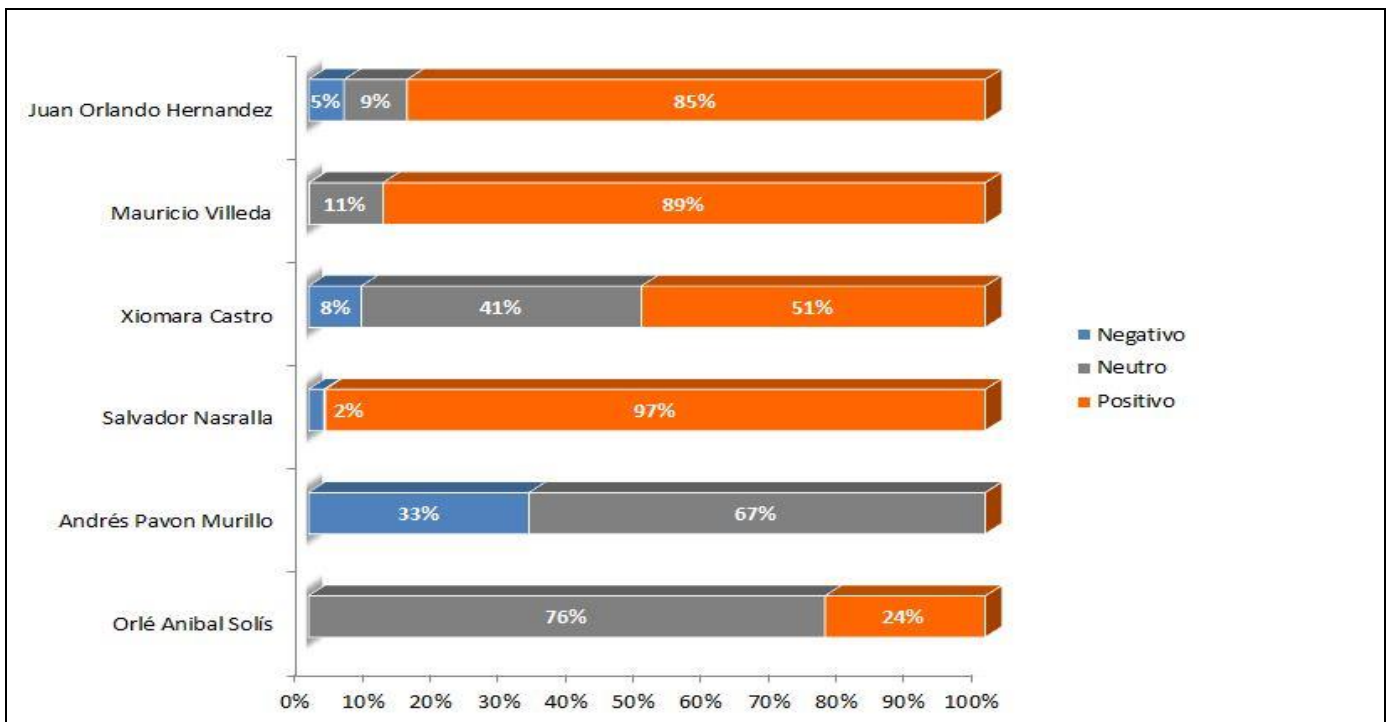
**HABLE COMO HABLA**

Coverage of presidential candidates

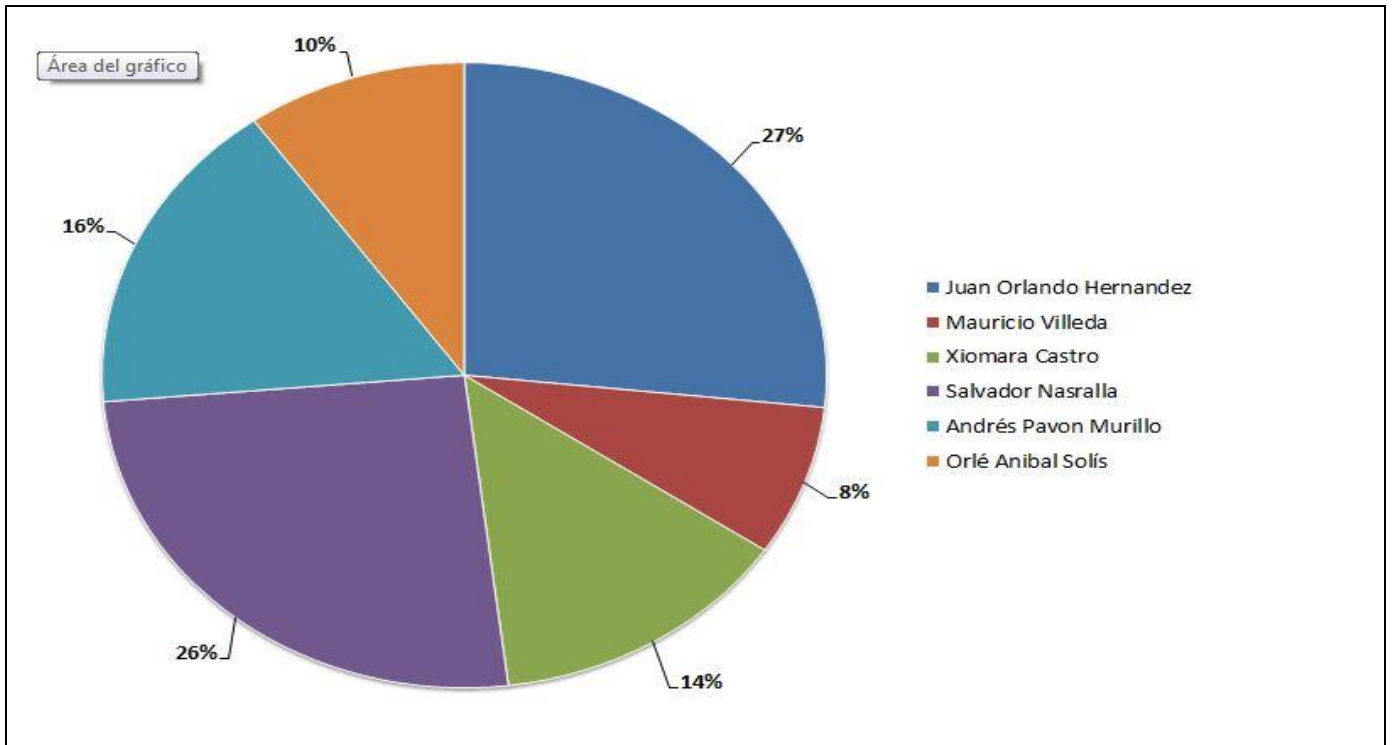


Base: 960 minutes.

Tone of coverage of presidential candidates



### RADIO NACIONAL DE HONDURAS Coverage of presidential candidates



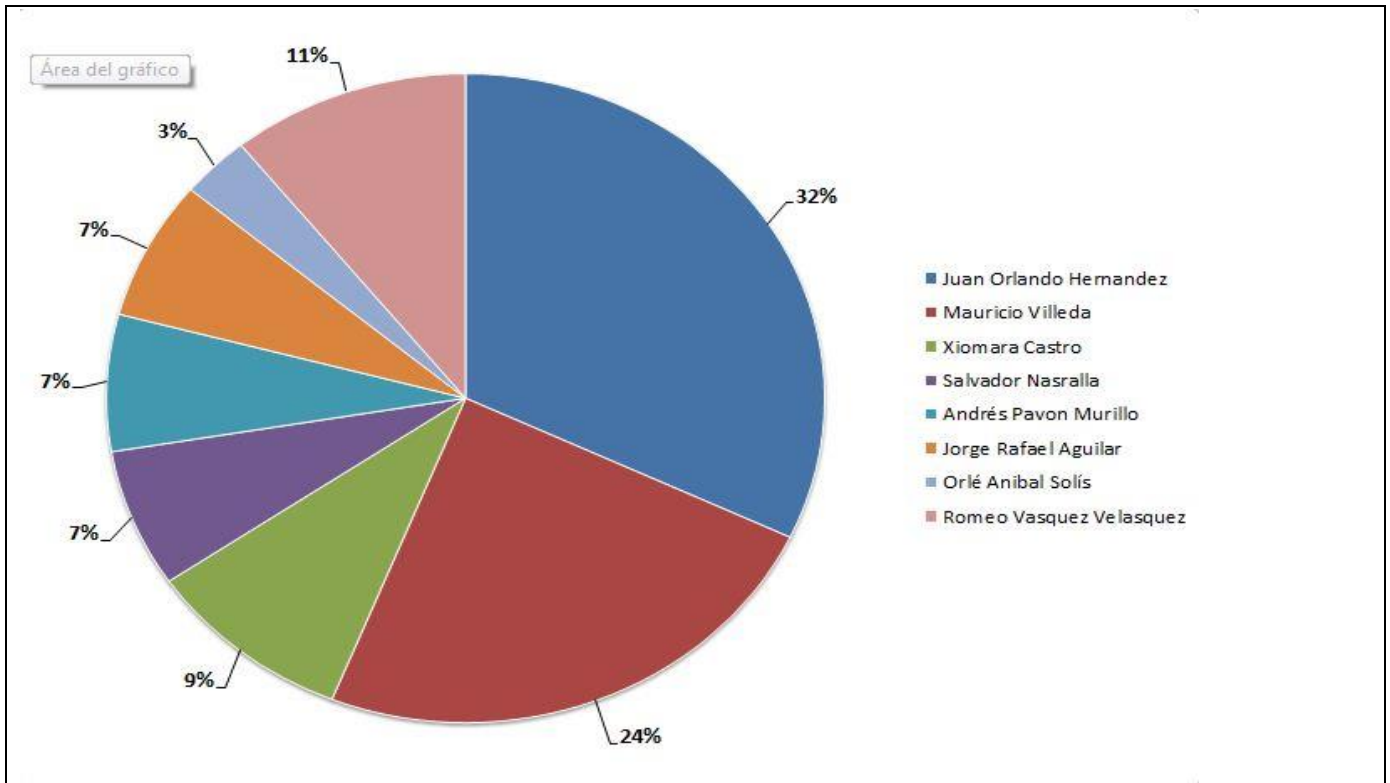
Base: 22 minutes.

### Tone of coverage of presidential candidates



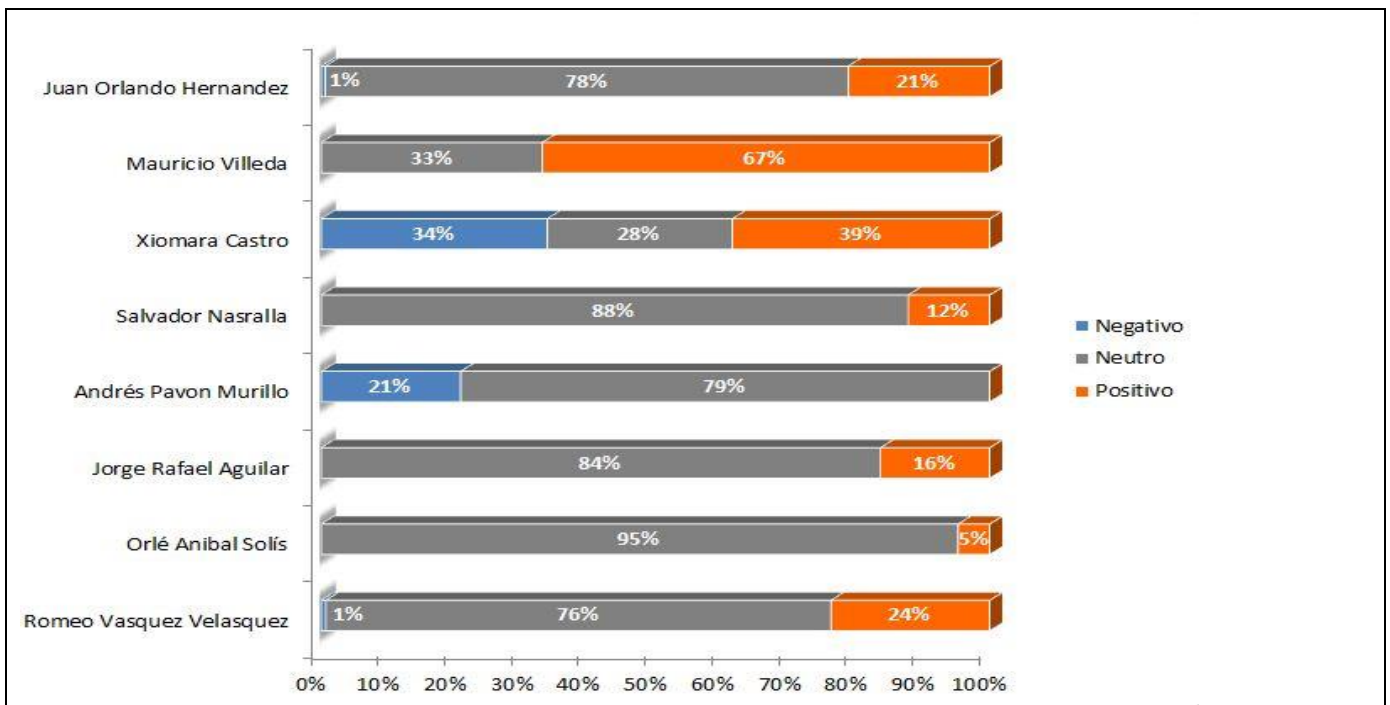
**RADIO HRN**

Coverage of presidential candidates



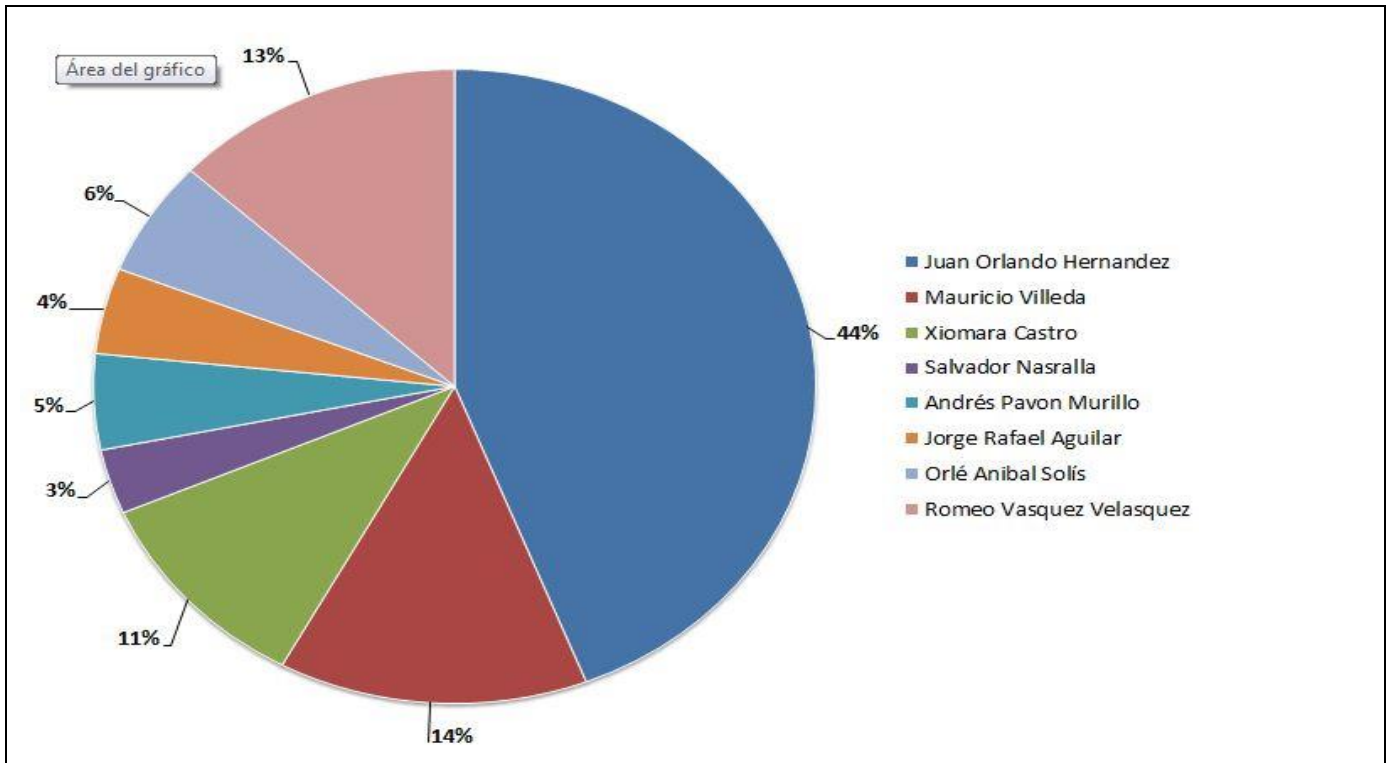
Base: 805 minutes.

Tone of coverage of presidential candidates,



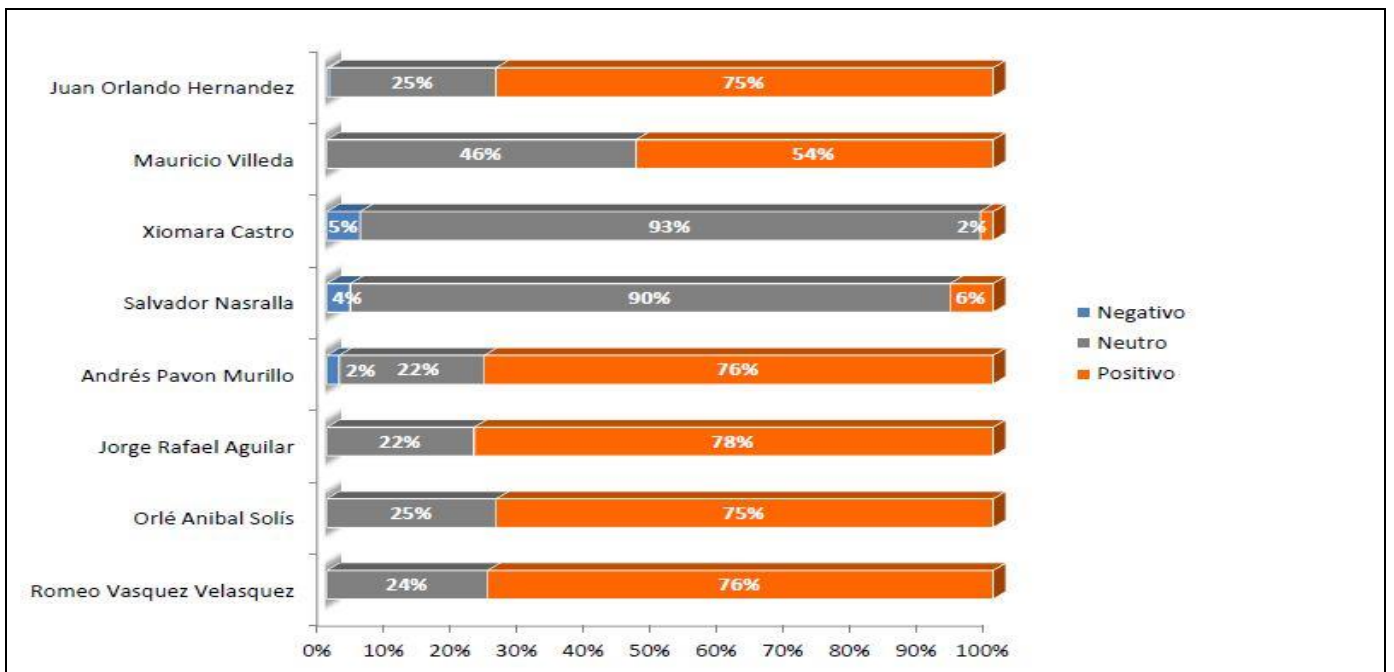
**RADIO AMÉRICA**

Coverage of presidential candidates

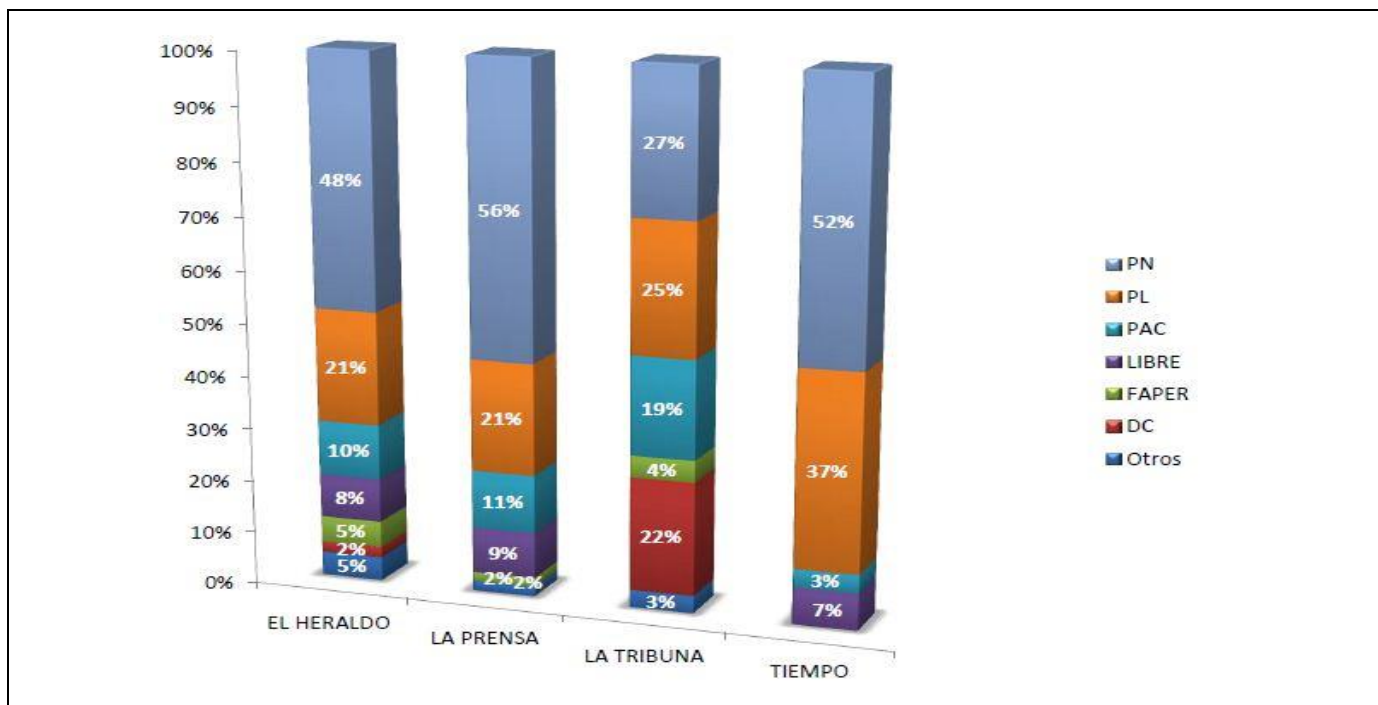


Base: 642 minutes.

Tone of coverage of presidential candidates

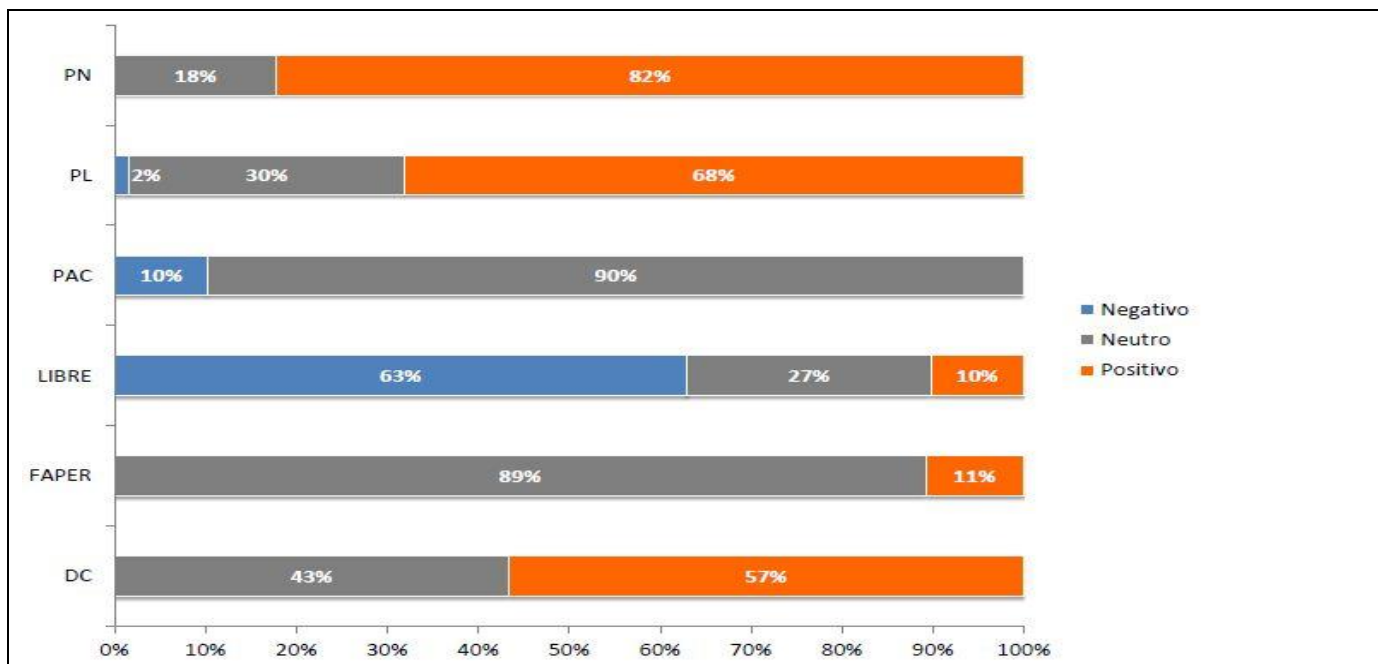


**POLITICAL PARTIES APPEARANCES ON NEWSPAPER FRONT PAGES<sup>29</sup>**



Base (square centimetres): *El Heraldo* (2,596), *Tiempo* (892), *La Prensa* (1,522), *La Tribuna* (2,410).

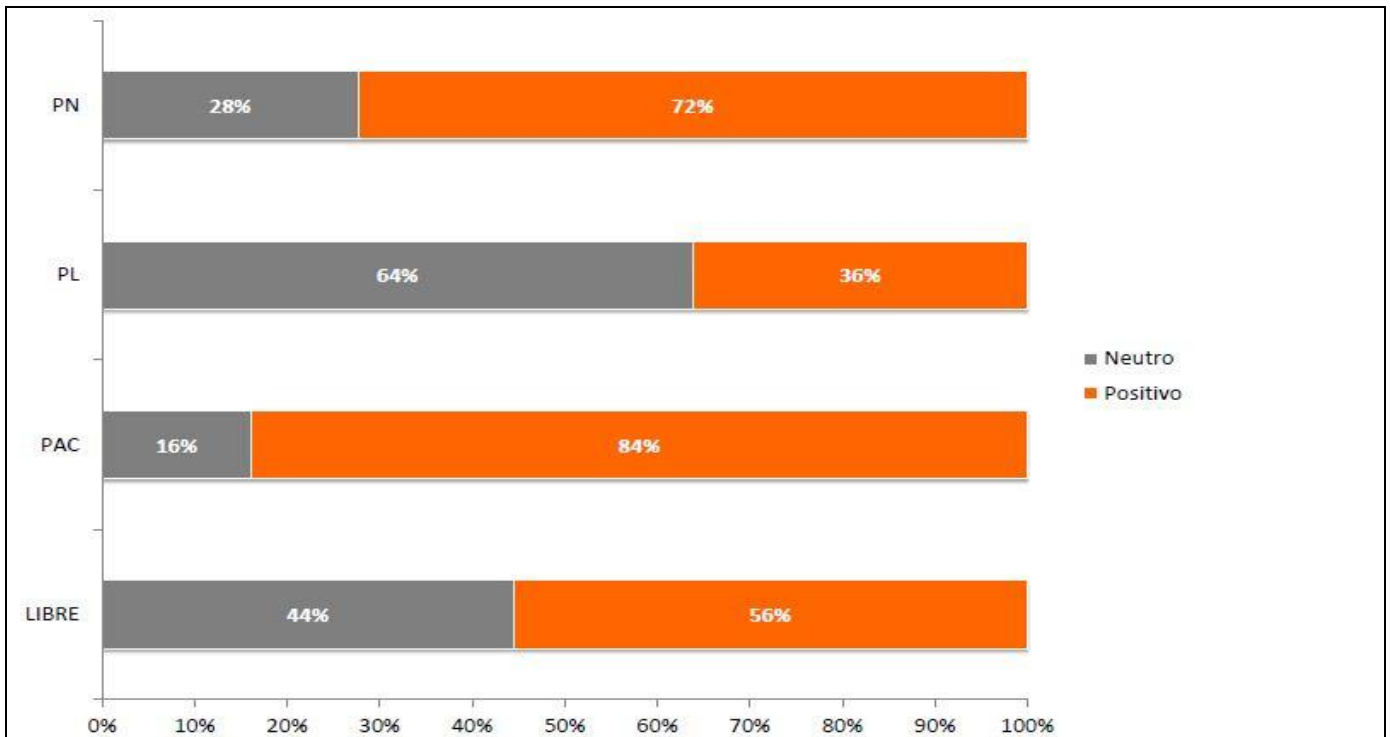
**EL HERALDO: tone of coverage of political parties on the front page**



Base (square centimetres): *El Heraldo* (2596).

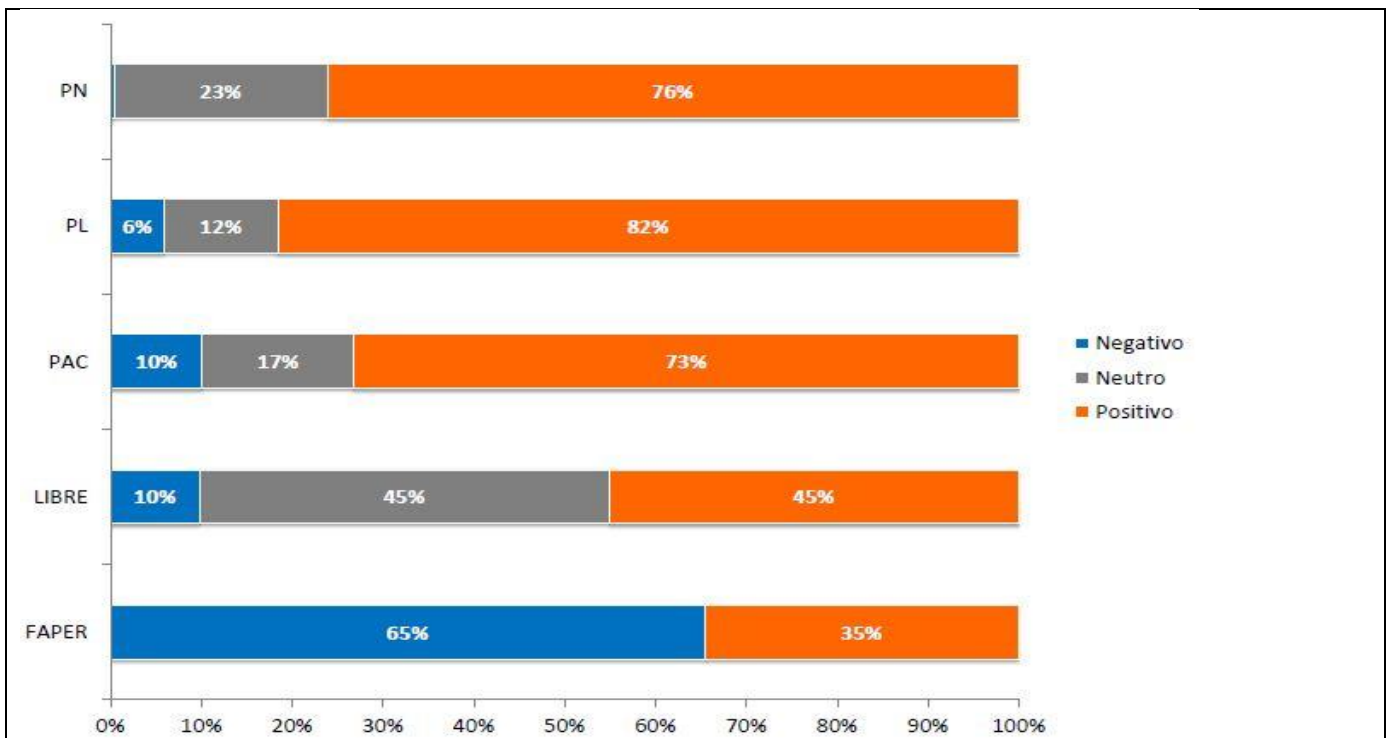
<sup>29</sup> The 'others' label (or 'otros' in the chart) includes percentages which are lower than 3% of the total.

**TIEMPO:** tone of coverage of political parties on the front page



Base (square centimetres): *Tiempo* (892).

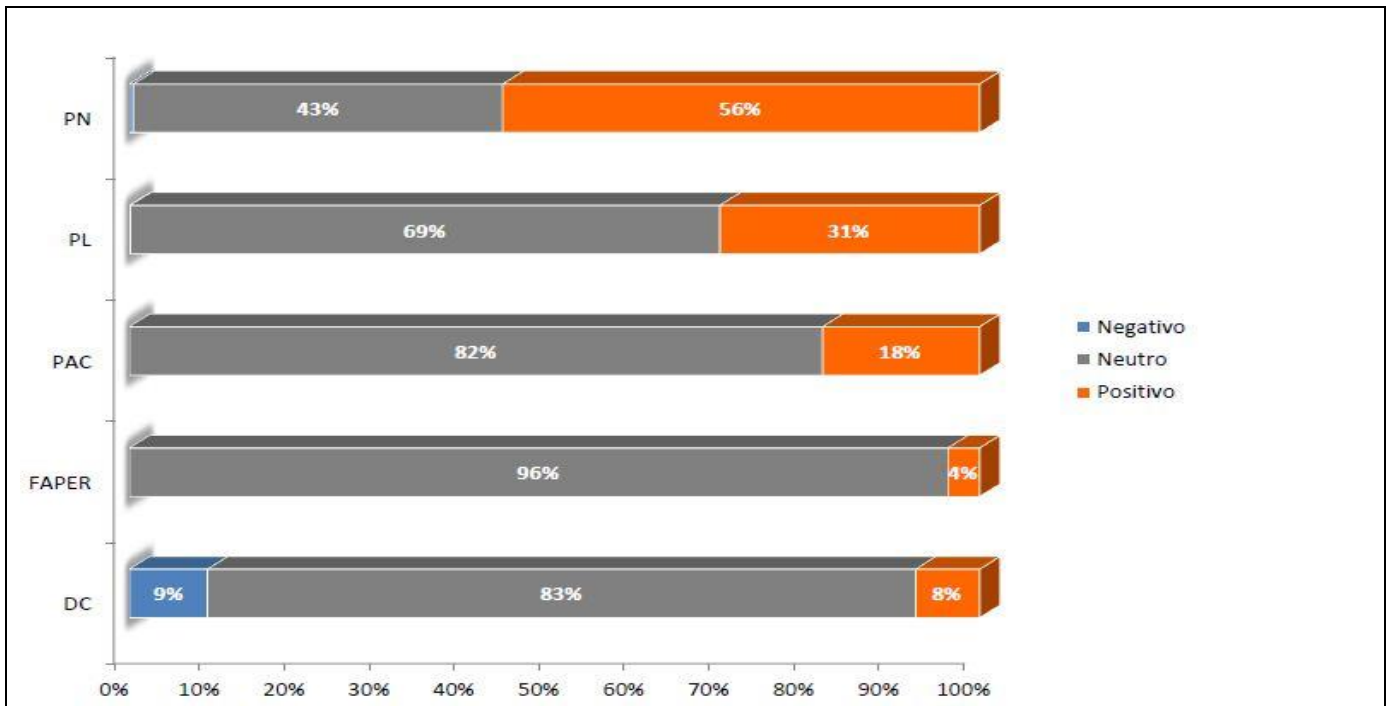
**LA PRENSA:** tone of coverage of political parties on the front page



Base (square centimetres): *La Prensa* (1522).



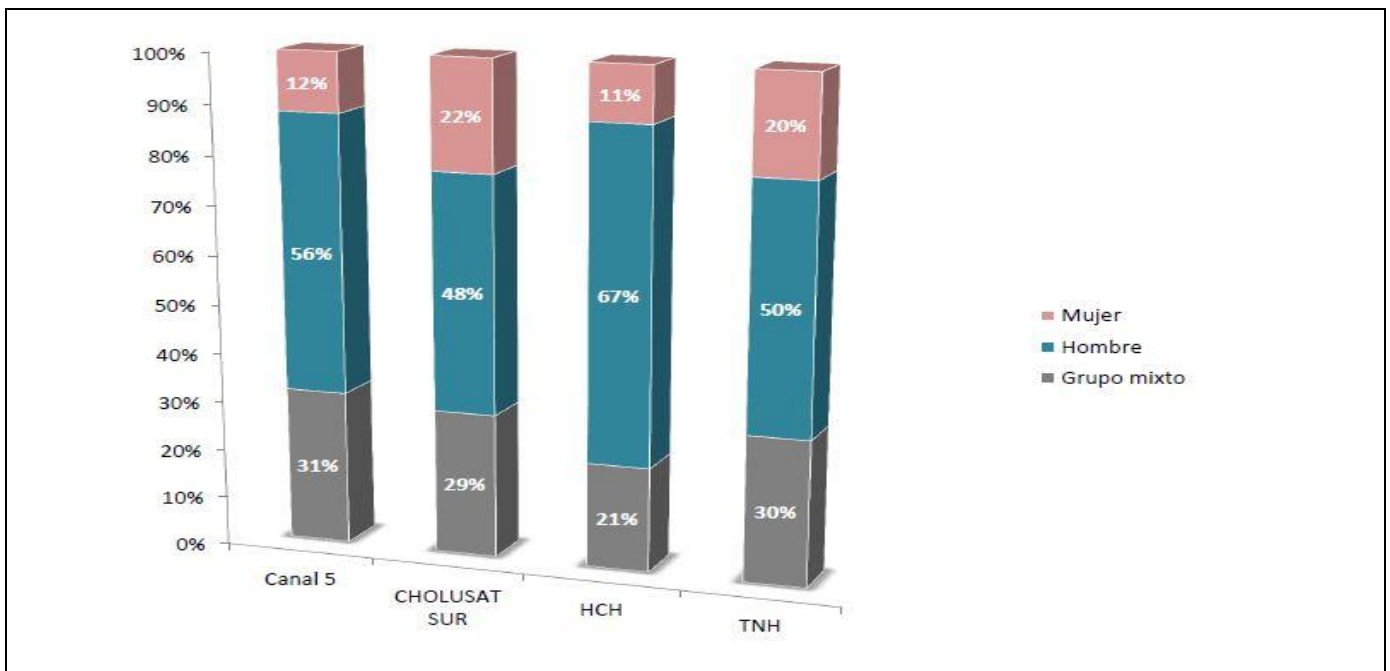
**LA TRIBUNA: tone of coverage of political parties on the front page**



Base (square centimetres): *La Tribuna* (2410).

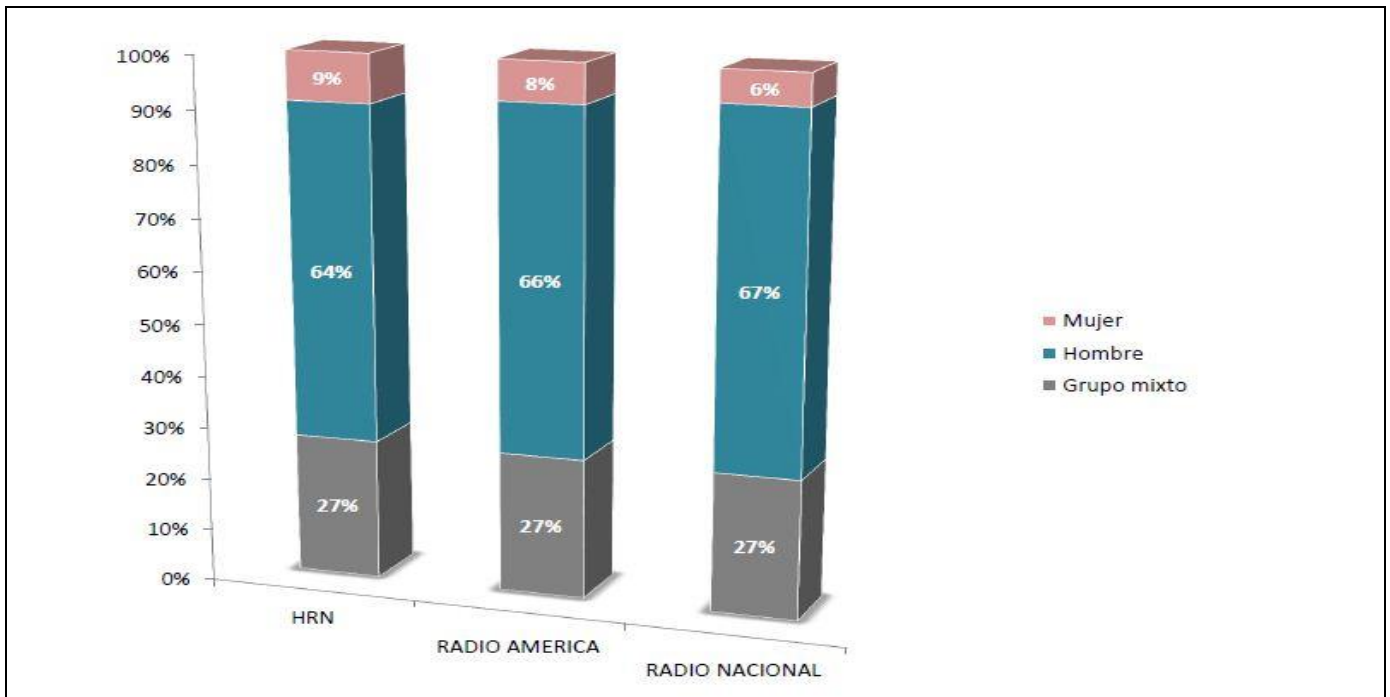
**COVERAGE OF POLITICAL ACTORS BY GENDER**

**Television Channels**



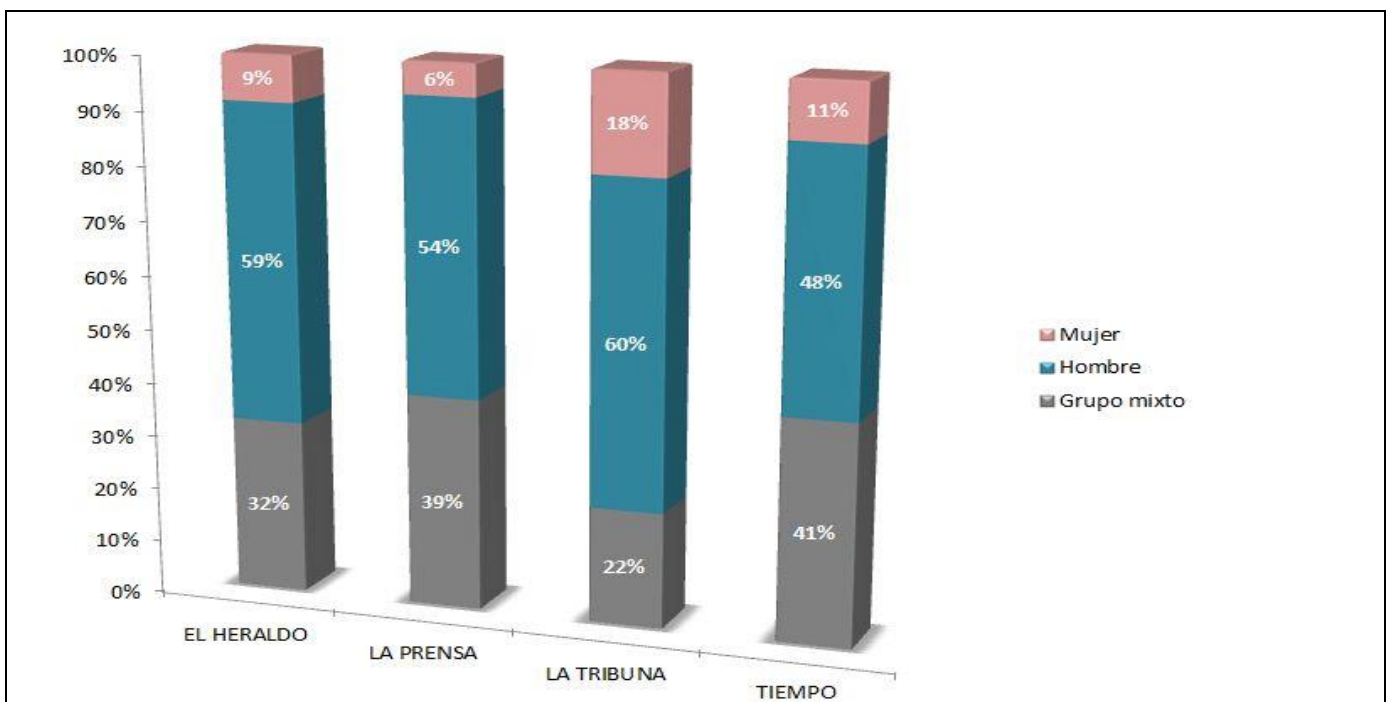
Base (minutes): *Canal 5* (2,326), *Cholusat Sur* (4,091), *Hable Como Habla* (2,011), *Televisión Nacional de Honduras* (3,143).

Radio Stations



Base (minutes): *HRN La Voz de Honduras* (2,459), *Radio América* (1,677), *Radio Nacional de Honduras* (930).

Printed press



Base (square centimetres): *El Heraldo* (176,387), *Tiempo* (352,573), *La Prensa* (140,750), *La Tribuna* (244,565).

**Annex 4. Recommendation in Table**

Reason	Recommendation	Purpose	Regional or international instruments / best practice	Legal or institutional subject of reform	Institution addressed
<b>Election administration</b>					
1. Appointments of election administration magistrates by the National Congress have effectively translated into political party representation, while in decentralised bodies the TSE is explicitly composed of political parties, jeopardising neutral administration and perception thereof.	<p>The Tribunal Supremo Electoral would benefit from being depoliticised, with appointments made according to legally-established criteria of neutrality and technical experience. Widest consensus would be achieved by mechanism of a civil society Nomination Commission, followed by approval by a qualified majority of the National Congress.</p> <p>Decentralised bodies of the TSE could then be nominated by the TSE itself, in accordance with the same criteria.</p>	Reinforce confidence in the TSE as a neutral institution.	<p>Genuine elections which respect the will of the voters (Article 25, International Covenant of Civil and Political Rights) require impartial administration.</p> <p>Public and political confidence in impartial administration is increased through appointments processes which prioritise neutrality and expertise.</p>	Election Law	National Congress
<b>Electoral system</b>					
2. The attribution of National Congress seats to each department has not been updated and there is no	It would be useful for the Election Law to stipulate a formula for the attribution of National Congress seats to departments in relation to	Provide a clear framework for the attribution of NC seats and enable timely updating.	Equality of vote (Article 21.3, Universal Declaration of Human Rights, Article 25, International Covenant on Civil and	Election Law	National Congress, TSE

established procedure to do so.	registered voters, and to also provide for a mechanism for updating attribution.		Political Rights)		
<b>Right to vote</b>					
3. The Constitution defines voting as a right and a duty, but some citizens remain disenfranchised.	Take the necessary measures to ensure voting for disabled citizens, those in hospitals and those detained on remand, as well as cadets in military and police academies. Open a debate on the possibility of extending voting rights to active members of the military.	Ensure respect of universal suffrage, as already provided-for by the Constitution.	Article 21.3, Universal Declaration of Human Rights. (Equal and universal suffrage.)	Election Law Constitution	National Congress, TSE
<b>Voter Register</b>					
4. Honduras does not currently have a reliable and accurate Voter Register.	The RNP's proposals to renew registration and modernise the identity card system would enable an essential foundation for elections as well for as a range of public policies.	The creation of an accurate and reliable Voter Register.	Equal rights to public service (Article 21.2, Universal Declaration of Human Rights)  Equal and universal suffrage (Article 21.3, UDHR)	Administrative reform of the Civil Registry.  Potentially, updating of the Law on the Civil Registry ( <i>Ley del Registro Nacional de Personas</i> )	National Congress, Civil Registry ( <i>Registro Nacional de Personas</i> )
<b>Election observation</b>					
5. Honduran civil society has demonstrated a keen interest and support of election	Maintain national and international observation of election processes, both in practice and in	Contribute to the transparency of future election processes	Transparent processes enable confirmation that electoral standards are	Election Law	National Congress, TSE, civil society, International community

processes.	regulation.		respected.		
<b>Complaints and appeals</b>					
6. Although the current framework for complaints and appeals allows for complaints to be made regarding any element of the election process, provisions and procedures are not consistently clear.	It would be useful to develop and publicise a comprehensive framework for complaints regarding all elements of the election process, ensuring all stakeholders know how and to whom they can address complaints, alongside deadlines for resolutions of all types of complaint.	Streamline, clarify and strengthen the electoral complaints framework.	Article 25, ICCPR and Articles 21 and Article 8, UDHR (Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.)	Election Law	National Congress, Public Prosecutor's Office ( <i>Ministerio Público</i> ), Civil Registry (RNP), TSE
<b>Political parties</b>					
7. Election campaigns in Honduras are neither transparent nor equal with regard to campaign funding for the different political forces.	Reduce the duration of the election campaign, stipulate a spending limit, require parties to declare the sources of their campaign funding and sanction those who do not comply with any of these regulations.	Promote equality of opportunity and prevent the involvement of funds from illicit activities in influencing either the outcome of elections or the position of elected candidates.	Article 25 of the Covenant on Civil and Political Rights, and article 23 of the American Convention on Human Rights: equal opportunities to access public posts.	Election Law	National Congress
<b>Gender</b>					
8. The 40% minimum quota of women in candidate lists for the primaries does not sufficiently guarantee	It would be useful to consider more effective mechanisms for ensuring women's access to elected posts.	Increase number of women in elected positions and in the election administration.	Art. 2,3,4,7 Convention on the Elimination of all forms of Discrimination Against Women Art. 3, ICCPR	Constitution, Articles.44, 45 and 60 Election Law Articles 103,104,105,105-a, and 116	TSE National Congress

<p>gender equity in elected positions, since it later passes through an open list election system. Further mechanisms are necessary to ensure equitable participation by women.</p>	<p>Debate measures to ensure greater representation of women in the higher echelons of the election administration.</p> <p>In addition, it would be useful to strengthen voter education programmes aimed at women, especially rural, young and indigenous and AfroHonduran women.</p>			<p>Chapter VI Law on Equal Opportunities for Women (<i>Ley de Igualdad de Oportunidades para la Mujer</i>)</p>	
<p><b>Indigenous and AfroHonduran communities</b></p>					
<p>9. Recognise the multicultural and multilingual character of Honduras.</p>	<p>It would be useful for the TSE to translate relevant election documents into the languages of minority communities.</p>	<p>Ensure that indigenous and AfroHonduran citizens have access to free and informed political participation.</p>	<p>61/295, UN Declaration on the Rights of Indigenous Peoples</p> <p>Convention no.169 on rights of indigenous and tribal peoples. Article 27, ICCPR</p>	<p>Constitution Articles 15, 44 and 60 Art 346</p> <p>Election Law Articles 103 and 104</p> <p>Public Prosecution Law (<i>Ley del Ministerio Público</i>) Articles 1 and 16</p>	<p>TSE</p>
<p><b>Institutional advertising</b></p>					
<p>10. The lack of an adequate regulatory framework on institutional propaganda allows an arbitrary distribution of these, to the benefit of media owners'</p>	<p>Prohibition of the sale and broadcasting of institutional propaganda during election campaigns, to prevent the ruling party from indirectly benefitting from the extra visibility,</p>	<p>Regulate institutional propaganda and <i>cadena nacionales</i> in pre-election periods, to avoid their exploitation by public servants for election campaign</p>	<p>Venice Commission - Use of public resources should be prohibited for campaign purposes, in order to ensure equality of opportunity and voters'</p>	<p>Adoption of a law which establishes criteria for the allocation of institutional advertising to media, and regulates its broadcasting in pre-electoral periods.</p>	<p>National Congress</p>

<p>economic and political interests.</p> <p>The sale of official publicity to media and public relations agencies to construct a favourable image of public servants damages the credibility of the journalistic profession.</p>	<p>paid for by public resources.</p> <p>Introduction of a clear legal framework for official publicity, in order to establish norms and avoid the exploitation of State communications to put pressure on media organs and workers. Said regulation should establish the different stages of production, contracting, distribution and disbursement of public funds, prioritising the principles of public interest, transparency and appropriate use of State resources.</p> <p>Limiting '<i>cadena nacionales</i>' (all-channel government broadcasting) to cases of national emergency.</p>	<p>reasons, thus eliminating a potential advantage by the ruling party over its adversaries.</p> <p>Define clear and transparent and objective criteria for the allocation of institutional advertising, as well as for contractual terms, in order to prevent arbitrary allocation, based on the discretion of public servants.</p>	<p>freedom to form their own opinion. In addition, public authorities at all levels (national, regional and local) should not be excessively involved in campaigning in favour of any party, but rather demonstrate neutrality.</p>		
<p><b>Balanced information</b></p>					
<p>11. There is a lack of balanced information and, equally, there are unequal conditions of access to media. The media landscape is pluralistic but polarised.</p>	<p>Introduction of measures to guarantee equal access and equitable media coverage in news reporting, both in State and private electronic media, during the election campaign.</p>	<p>Ensure more equal and egalitarian conditions for elections, and implementation of sanctions provided-for in the Election Law in case of violation of legal provisions.</p>	<p>Article 25, ICCPR - Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable</p>	<p>Election Law Self-regulation: media code of conduct.</p>	<p>National Congress TSE Media</p>

	Encouragement to media organs to adopt voluntary regulation with regard to standards for necessary balance in reporting during campaigns.		restrictions: (...)  (c) To have access, on general terms of equality, to public service in his country.  Article 23, American Convention on Human Rights Every citizen shall (...) have access, under general conditions of equality, to the public service of his country.		
<b>Protection measures for journalists</b>					
12. The frequency of attacks on journalists is of concern, as are the serious political and economic pressures that characterise journalists' working conditions.  Attacks and threats to journalists jeopardise the development of critical and investigative journalism.	Investigation of journalists' murders and appropriate sentencing.  Creation of safe conditions such that journalists can carry out their work without obstacles or risk, through the introduction of effective protection measures by the authorities, to safeguard journalists' lives and integrity, enabling them to work in an autonomous and independent manner.	Give a clear signal against impunity with regard to attacks against the press, with the aim of deterring violence against journalists.  Strengthen codes of conduct among journalists with a view to safeguarding their professionalism and defending their right to freedom of speech.	Article 19, UDHR  Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.  Article 13, (ACHR): Everyone has	Approval of a law to guarantee decent working conditions and security measures so that journalists may perform their work in an adequate environment.	National Congress  Media <i>Colegio de Periodistas de Honduras</i>  Civil society  Educational institutions



			<p>the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.</p> <p>Article 19, ICCPR Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>Guideline 4, Reporting Elections Broadcast Guidelines: The authorities</p>		
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			should make special efforts to investigate all acts of violence, intimidation or harassment directed against media personnel or the property or premises of a media outlet, and to bring those responsible to justice, particularly where the act was motivated by an intent to interfere with media freedom.		
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