



## European Union Election Observation Mission Honduras

General Elections – 28 November 2021

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### PRELIMINARY STATEMENT

#### **Voters showed commitment to democratic process despite highly politicised management of the elections and violent campaign period**

**Tegucigalpa, 30 November 2021**

*This preliminary statement of the EU Election Observation Mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.*

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#### **Summary**

- Election day was largely calm and peaceful, with voters turning out in high numbers to the polling stations, showing a strong commitment to democracy and civic values. The smooth transmission of preliminary results, increased transparency and confidence, although it was limited to half of all voting centres. However, the 2021 general elections were characterised by highly politicised management, unprecedented levels of political violence and evident abuse of State resources during the campaign. The voter register improved and enjoyed more trust than in previous elections, however the ID card did not reach all eligible voters. Registration of candidates was inclusive, although the National Electoral Council (CNE) rulings in some cases undermined legal certainty and the level-playing field among contestants. Electoral silence was disregarded, even on election day, with no enforcement by the CNE.
- Although the legal framework generally complies with international and regional standards, amendments to the criminal code, adopted during the electoral period, may be used to limit freedoms of assembly and movement and suppress demonstrations. A new election law was approved one day before the call for the elections, preventing the timely and necessary familiarisation with the new legislation.
- The CNE registered 12 political parties, one alliance and two independent candidates for the presidential race, and 14 parties for the legislative and municipal elections with total of 33,966 candidates, ensuring multiple political and candidates' options to voters and the competitiveness of the process. . The main presidential candidates were Nasry Asfura (National Party - PNH), Xiomara Castro (Liberty and Refoundation - LIBRE) and Yani Rosenthal (Liberal Party - PLH).
- At least 6 mayors, candidates and party activists were killed in the weeks ahead of the elections. Threats and intimidation were widespread during the campaign. Rhetoric on social networks became more hostile as the elections approached, with instances of accusations, attacks and insults. Distribution of State welfare vouchers increased during the campaign, as well as instances of pressure by Government officials on public employees to attend PNH rallies. President Juan Orlando Hernández and members of his government actively campaigned for PNH, which is forbidden by law.
- The presence of the PNH, LIBRE and PLH in the newly created CNE and Electoral Justice Tribunal (TJE), while allowing for checks and balances, did not bring about an appropriate management of the elections, which was also marred by untimely disbursement of funds. Internal infighting among the CNE councillors and their politicisation led to improvisation, unclear procedures, lack of necessary regulations, institutional weakness and lack of transparency, undermining public confidence in the

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administration of elections. Some EOM interlocutors questioned the genuine will of leading Honduran parties to strengthening democratic processes and institutions.

- Preparations for the elections, including for the transmission of preliminary results, were characterised by delays in the election calendar and insufficient planning. EU observers reported contrasting levels of preparation and working conditions among departmental and municipal electoral councils, some of them having visible internal political tensions. Polling station members were trained by the political parties, as provided for in the law, leading to inconsistent methodologies and focus.
- Based on a nationwide ID card renewal exercise conducted by the National Registry (RNP), the voter register was improved and enjoyed more trust than in previous elections, as duplicates and deceased persons were purged. Citizens who did not receive their ID cards before the elections or could not renew their documents on time were disenfranchised.
- Electoral coverage largely focused on the three main contenders, leaving little space for minor parties and candidates. EU EOM media monitoring findings show that state media visibly favoured PNH and its presidential candidate. State media did not comply with the election law by airing spots showing the President promoting Government achievements and by reporting on public inaugurations. Private media allocated dissimilar coverage to the different contestants and also registered imbalances. Two international journalists were denied entry in Honduras to cover the general elections.
- Misuse of social media contributed to spread disinformation and violent content on contestants. The EU EOM identified Facebook accounts, some created days before E-day, spreading disinformation and derogatory remarks against presidential candidates, and using paid ads to expand their reach. On Twitter, bot accounts were used to promote narratives for and against the main presidential candidates.

*The European Union Election Observation Mission (EU EOM) has been present in Honduras since 13 October 2021 following an invitation from the Government and the National Electoral Council (CNE). The Mission is led by Chief Observer, Željana Zovko, Member of the European Parliament from Croatia. In total, the EU EOM deployed 78 observers from 21 EU Member States and Canada across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Honduras. A delegation of the European Parliament, headed by Javier Nart MEP, also joined the mission and fully endorses this Statement. On Election Day, observers visited 282 polling stations in 16 of the 18 departments of Honduras to observe voting and counting. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.*

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## Preliminary Findings

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### POLITICAL CONTEXT

**Despite the pre-electoral violence and the tense political environment, calls for a code of conduct for parties in the elections did not come to any result.**

In the fourth elections since the 2009 coup, Hondurans elected on 28 November a president and three vice-presidents in a single ticket, the 128 members of the National Congress, mayors and councillors for the 298 municipalities, as well as 20 members to the Central American Parliament (PARLACEN).

PNH (61 seats), LIBRE (30 seats) and PLH (26 seats) have dominated the National Congress since 2017. Following constitutional reforms and a political agreement by the three parties to put an end to the 2017 post electoral crisis, new electoral institutions were created from the old Supreme Electoral Tribunal (TSE) in 2019: the TJE and the CNE.<sup>1</sup> The remaining parties alleged that they were side-lined by the parties privileged by the reform. Confidence in the electoral bodies and in State institutions remain among the lowest in Latin America.<sup>2</sup> Questions about the integrity and neutrality of state institutions, including the CNE and the judiciary, affected confidence in the election process and the rule of law.

Fourteen political parties contested the general elections. A total of 12 parties, one alliance and two independent candidatures registered for the presidential race. The main presidential candidates were Nasry Asfura (PNH), Xiomara Castro (LIBRE) and Yani Rosenthal (PLH). While the range of electoral choices has increased since the 2017 elections, political polarisation has risen due to its contested results, the COVID-19 pandemic socio-economic crisis and the consequences of the 2020 hurricanes.

In view of the hostile tone of the campaign and the increase in political violence, several institutions, including two CNE councillors, made calls on electoral contestants to sign a code of conduct. However, the CNE members were unable to agree on a common version to submit to the parties, showing their incapacity to reach a consensus in such a tense political environment. At least 33 homicides of candidates, party representatives and sympathisers were registered since the end of 2020.<sup>3</sup>

### LEGAL FRAMEWORK

**Contrary to international good practice, electoral reform was undertaken very late in the process.**

The legal framework for general elections in Honduras includes the 1982 Constitution and amendments, the new election law of Honduras, the Law of the National Registry of Persons of 2005, the Law of Financing, Transparency and Oversight of Political Parties and Candidates of 2017, as well as CNE and TJE regulations. The Constitution recognises and protects individual and social fundamental rights, including provisions for participation and inclusion. In general, it complies with international and regional standards for elections. International treaties are part of national legislation, and except for the Constitution, they take precedence over other laws of the country.

Electoral reform was undertaken very late. After two years of discussions in the Congress, the new election law was approved on 26 May 2021, just one day before the official call for elections, which is not in line with international good practice. This may have prevented the CNE, parties and citizens to

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<sup>1</sup> Decree 200-2018.

<sup>2</sup> Latinobarómetro 2020, as quoted in [Revistazo](#).

<sup>3</sup> IUDPAS [fourth newsletter](#) and media reports.

become familiar with the new legislation and generated an environment of uncertainty around the applicable framework, since even the March 2021 primary elections were held under the old law.

The new election law provided the basis for the involvement of the three main parties (PNH, PLH and LIBRE) in all electoral institutions. In practical terms, this made its implementation very challenging and further politicised the electoral process. The law covers fundamental aspects of the elections, including gender parity and alternation in the lists of candidates, in line with a previous EU EOM recommendation, and strengthened procedures for recruitment of polling station members. However, some ambiguities open the door to interpretation, namely on the candidate registration, withdrawal and replacement, registered or *de facto* alliances, and the procedures for electoral justice. Conversely, the law is excessively prescriptive in areas such as the TREP and its technological solutions.

On October 2021, during the election campaign, the Congress amended the criminal code and the criminal procedure code. The reforms criminalise social protest thereby limiting fundamental freedoms and human rights, including assembly, association and movement, and discouraging potential demonstrations. An amendment to the law on money laundering weakens the powers of the Public Prosecutor to investigate origin of illicit funds and cases of corruption, including by candidates.

## ELECTORAL ADMINISTRATION

**CNE internal infighting, improvisation, unclear procedures and lack of transparency did not contribute to an efficient delivery of the elections, weakening public trust in the process.**

The 2019 constitutional reforms created two independent and autonomous electoral bodies, the TJE, the highest authority on electoral justice, and the CNE, in charge of administering the electoral process. Members of both bodies are elected by two-thirds of the Congress.<sup>4</sup> The selection of the current three principal CNE councillors and TJE magistrates was the result of an agreement between the parties most represented in the Congress (PNH, PLH and LIBRE), whereby they would be given one member in each institution.<sup>5</sup>

While the composition of both institutions allowed for checks and balances among main political contestants, in the case of the CNE, political rivalry resulted in blockades and delays in the decision-making as well as shortcomings in the internal functioning that led to a general weakening of the institution. The law has left fundamental parts of the elections, including the selection of polling station members and other election staff and their training, and E-Day management in the hands of the parties.<sup>6</sup>

Eighteen department electoral councils (CDE), 298 municipal electoral councils (CME) and 18,293 polling stations (JRV) were established for the 2021 general elections. CDE and CME principal members represented the three major parties, with smaller parties being allocated the remaining two positions. Other election staff, namely custodians in charge of supervising the distribution and storage of election materials and the TREP operators, were nominated by the CNE from lists provided by the three parties.

The organisation of the elections was marked by delays, partly due to late approval of election law, untimely disbursement of funds and the impact of the COVID 19 pandemic. However, politicisation at all levels, a lack of electoral experience in key areas and insufficient planning caused delays in the electoral calendar. Preparations were also affected by insufficient regulation and by a lack of

<sup>4</sup> Articles 52 and 54 of the Constitution.

<sup>5</sup> Smaller parties are allocated the two alternate members.

<sup>6</sup> Article 8.1, election law.

transparency, including towards the Consultative Electoral Council (CCE).<sup>7</sup> EU observers reported contrasting levels of preparation and working conditions among departmental and municipal electoral councils. Some of them had visible internal political tensions and coped with a lack of information, training and financial support from the CNE. The CNE budget for these elections was LE 1,900 million (approx. EUR 70 million), some 25 per cent higher than in 2017. By 25 November, only 52.5 per cent of the budget was spent.<sup>8</sup>

The CNE initiative to issue personalised accreditations to polling station members failed due to late or incomplete nominations by political parties. This initiative was meant to avoid previous practices of parties trafficking with blank cards. Regarding training, EU observers reported uneven quality and attendance, as well as inconsistent methodologies and focus. Even a few days before the elections, it was unclear if trained members would be those working. The CNE voter education campaign was scarce and insufficiently disseminated in the traditional media.

## ELECTION TECHNOLOGY

**The CNE's focus on technological solutions neglected related training and logistics, negatively impacting on the biometric voter identification and the transmission of preliminary results.**

The introduction of technology for voter identification, and transmission and announcement of preliminary election results aimed to provide transparency and security to crucial phases of the polling procedures. In compliance with the election law, biometrics were used at the polling stations to identify voters and polling station members<sup>9</sup>. While preliminary results were meant for informational purposes only, in practical terms they are perceived by the citizens as the final ones and, in fact, serve as the basis for the official tabulation.

Late allocation of funds by the Congress and CNE protracted awarding of the corresponding contracts negatively impacted on the development of the technological solutions. The procurement of the TREP system components (software, equipment, hosting services, telecommunications, and power supply peripherals) to different providers added complexity to the coordination, for which the CNE was in charge. Implementation, testing and distribution of the voter identification solution were on schedule.

Other essential areas such as the training of TREP workers and logistics were however neglected. The CNE only ran half-day cascade training sessions for 450 LIBRE, PNH and PLH trainers on biometric voter identification and results transmission procedures, transferring the responsibility of training the polling station members and technical support staff to the parties<sup>10</sup>.

## VOTER REGISTRATION

**The voter register improved and enjoyed more trust than in previous elections, although citizens that did not receive their new ID card or could not renew it were disenfranchised.**

The right to vote is guaranteed for all citizens aged 18 or above. Restrictions include all sentenced persons and pre-trial detainees for major crimes, judicial interdiction and members of the Army and

<sup>7</sup> Only three meetings were held with the CNE since the elections were called in May Article 58 of the election laws stipulates that the CNE should call for monthly meetings with the CCE.

<sup>8</sup> Source: Ministry of Finance.

<sup>9</sup> Article 263. election law.

<sup>10</sup> Five members per 18,273 polling stations and 12,766 technical support staff.

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Police, contrary to international standards. There are no facilities for the voting of pre-trial detainees for minor crimes.

The CNE is responsible for the elaboration, updating and publication of the voter register, based on data provided by National Registry (RNP) of eligible citizens with an ID card (DNI). The ID card is the only accepted document for voter identification on Election Day. The final voter register was published on 7 October and contains 5,182,436 voters (of which 52.7 percent are women), including 15,331 registered out-of-country voters. Overall, the 2021 voter register, is more reliable than in previous voter registers.

In line with a previous EU EOM recommendation on the voter register, the RNP conducted between 2020 and 2021 a massive exercise with the aim of renewing ID cards of all citizens over 18 years old and creating a new biometric database. However, as of 26 November, 437,502 ID cards were still to be delivered to voters which led to disenfranchisement.<sup>11</sup> This number included persons who were enrolled after the voter register was closed, deceased persons and those who left the country after their registration. The National Congress decided that the new ID card would be the only valid document for voting, while extending the validity of the current one until the end of the year, adding confusion as to the right document to use on election day.

The new voter register may be at odds with constitutional provisions establishing that the voter register is permanent and unchangeable.<sup>12</sup> Updates can be conducted only to purge deceased voters, modify citizenship status and make changes to residence. The 2021 voter register contains 850,579 less voters than in 2017, as also those who could not renew their ID card during the last RNP exercise were purged, which resulted in their exclusion from the right to vote.

## REGISTRATION OF CANDIDATES

### Some CNE rulings undermined legal certainty and the level-playing field among contestants.

The CNE registered 12 political parties, one alliance and two independent candidates for the presidential race, and 14 parties for the legislative and municipal elections with total of 33,966 candidates, ensuring multiple political and candidates' options to voters and the competitiveness of the process. Candidates of PNH, PLH and LIBRE were automatically registered following the results of their respective primaries. Candidates could resign up to one day before the election and be replaced by one of the substitutes in the list or by a candidate proposed by the authorities of the political party or independent organisation. The CNE received 1,362 resignations and disqualified five candidates at the three elective levels. The CNE has not published its decisions, which is contrary to the election law and international principles on access to public information and the overall transparency of the process.<sup>13</sup>

The EU EOM noted that resolutions on the registration or rejection of some high-profile candidates by the CNE undermined legal certainty and the level-playing field among contestants, with CNE councillors publicly airing their differences and opinions<sup>14</sup>, based on individual interpretations of the legislation.<sup>15</sup>

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<sup>11</sup> Source: RNP.

<sup>12</sup> Article 56. Constitution of Honduras.

<sup>13</sup> Article 20 of the election law. General Comment 34, para 19.

<sup>14</sup> [El Heraldo](#) and [Twitter](#). 1 November 2021.

<sup>15</sup> Article 115.10 of the election law provides that a candidate cannot be registered if he or she has been a party candidate or has participated in the same election process, including primaries.

## CAMPAIGN ENVIRONMENT

### Campaign marred by violence, intimidation of voters and use of state resources, detrimental to the level-playing field.

The election campaign officially commenced on 30 August, 90 days before the election day.<sup>16</sup> It ended with a five-day silence period on 23 November, which was largely disregarded in urban areas. Regulations are generally conducive for campaigning. A Covid-19 lockdown was in place until 3 October, impacting on the type and the extent of campaign activities. Public health protection measures were generally followed in campaign events, but without strict enforcement.

A surge of electoral violence in the weeks ahead of elections raised the number of killings to 33 since the end of 2020.<sup>17</sup> Numerous threats and intimidation to candidates, politicians and party activists were reported. Fears of electoral violence undermined the effective opportunity for equal campaigning and the right to political participation for candidates and voters. Initiatives for a debate among the three leading presidential candidates failed, thus limiting the voters' ability to familiarise themselves with political platforms and to make an informed choice.

EU observers reported misuse of administrative resources through the increased distribution of aid vouchers in eight departments, in connection with PNH campaigning activities.<sup>18</sup> The distribution also targeted vulnerable populations.<sup>19</sup> Inaugurations of public projects as well as the distribution of food packages and goods by PNH, PLH and LIBRE were also reported by EU observers in 14 departments. All these practices are forbidden by the election law.<sup>20</sup> Instances of pressure by Government officials on public employees to attend rallies, enrol as PNH polling station members and to ensure voting for PNH of a minimum number of citizens were reported in Atlántida, Choluteca, Colón, Gracias a Dios, La Paz, Lempira and Olancho. President Juan Orlando Hernández actively participated in a PNH campaign rally in Lempira on 20 November, which is also forbidden by law.

#### *Online campaigning*

The campaign on social media was confrontational and tense. The main political battle occurred between the opposition alliance, which united its voices around the hashtag *#SeVan* (They are leaving), and the PNH, which launched the counter-campaign *#NoVolveran* (They will not return). Parties in support of Xiomara Castro (LIBRE) engaged in promoting the vote for her (*#XiomaraPresidenta* – Xiomara President). The main opposition campaign messages involved calls to get people united in the fight against what they referred to as “dictatorship, corruption, mafia and the narco party”.

PNH's social media strategy focused on the one hand, on presenting Asfura as being different from others (*#PapiEsDiferente* – Daddy is different), by not using violent rhetoric. On the other hand, PNH promoted two fear campaigns that generated a lot of online confrontation: one on anti-abortion, and the other on anti-communism (“to vote for Xiomara is to vote for communism”). Twitter was widely used for political debate and for exchanging direct accusations between the opposition alliance and the PNH.

<sup>16</sup> Art. 222 of the election law.

<sup>17</sup> Source: Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS)

<sup>18</sup> In Atlántida, Choluteca, Colón, Copán, El Paraíso, Francisco Morazán, Intibucá and Lempira.

<sup>19</sup> On 6 November the Development and Social Inclusion Secretariat started distributing a “*bono discapacidad*” aid voucher to persons with disabilities.

<sup>20</sup> Art. 233 of the election law.

### *Campaign finance*

According to the Campaign Finance Oversight Unit (UFTF), less than 20 per cent of the candidates who are obliged by law to open a campaign account or to declare not having any expenses complied with this obligation by 25 November. Potential financial infractions during the campaign will be checked only after the deadline of submitting finance reports 15 days after election day. The UFTF control mechanisms include field audits, media monitoring and verification of campaign finance reports. The unit is underfunded, and its sanctions are too low for the mechanism to be compelling, even less after the Congress passed a decree to postpone submission of reports and to lower the corresponding fines.

Smaller parties complained about the CNE failure to disburse their share of the state support and the difficulties to open bank accounts on time. The lack of an effective oversight of campaign funding and spending, and the absence of a deterring effect of sanctions resulted in highly unequal chances in the electoral competition. PNH appeared to be the party with the largest campaign resources throughout all regions of the country.

## MEDIA

### **Media regularly provided information on the electoral process and campaign, but unbalanced reporting prevailed, including on state media.**

Some instances of limitation of freedom of expression and of the media were registered during the observation period, including denial of entry into Honduras of two international journalists, and threats and attacks on local journalists by candidates and party sympathisers<sup>21</sup>. Media outlets regularly provided information on the electoral process and parties' campaigning, but unbalanced reporting predominated.

Electoral coverage largely focused on the three main contenders, leaving little space for minor parties and candidates. EU EOM media monitoring findings show that state media noticeably favoured PNH and its presidential candidate<sup>22</sup>. During the analysed period Television Nacional del Honduras (TNH) allocated to Nasry Asfura (PNH) 47.9 per cent of airtime, while Xiomara Castro (LIBRE) received 2.3 per cent of airtime and Yani Rosenthal did not receive any coverage. Radio Nacional de Honduras (RNH) devoted 36.9 per cent of airtime to Asfura, 29.2 per cent to Rosenthal and 0.5 per cent to Castro. In total, PNH related information on TNH and RNH combined reached 46.1 per cent of airtime, against 30.8 per cent allocated to PLH and 4.4 per cent devoted to LIBRE. Moreover, PNH benefited from extensive additional coverage in the state media on governmental projects and achievements. TNH and RNH violated the election law by airing spots showing the President promoting Government achievements and/or by reporting on public inaugurations.

Private media allocated dissimilar coverage to the different contestants, with UNE TV (97.9 per cent of airtime devoted to Xiomara Castro against 1.8 and 0.2 per cent for Asfura and Rosenthal, respectively), Canal 5 (36.7 per cent of airtime for Yani Rosenthal against 3.9 and 3.6 per cent for Asfura and Castro, respectively), and La Prensa (42.5 per cent of space for Nasry Asfura against 12.3 and 9.1 per cent for Rosenthal and Castro, respectively) registering the most noticeable imbalances. Spots showing President Hernández promoting Government achievements were also observed in HCH, Canal 5, La Tribuna, La Prensa and El Heraldo. Although provided for in the election law, CNE did not allocate free airtime slots in the state media to parties and presidential candidates to present their political proposals.

<sup>21</sup> Only on E-Day, civil society organization C-Libre registered attacks to eight journalists and camera operators.

<sup>22</sup> From 25 October to 28 November the EU EOM monitored the following media: TNH, RNH, HCH, Canal 5, UNE TV, HRN, Radio América, Radio Globo, El Heraldo, La Prensa and La Tribuna.

As a result of a permissive interpretation of the election law by the CNE, the campaign silence period was largely violated by all electronic media monitored by the EU EOM, which kept on broadcasting interviews with candidates and party representatives with clear campaign contents. La Tribuna published unidentified paid-for adverts showing the image and proposals of PNH candidates.

## SOCIAL MEDIA

### **Misuse of social media contributed to spread disinformation and violent content on contestants.**

Most presidential candidates and political parties actively used social media for campaigning. The three main parties boosted their campaign messages via paid political ads on Facebook and Instagram, as well as through online advertising. Despite social media platforms offering users the possibility to verify their accounts, 90 per cent of monitored official accounts were unverified, limiting voters' ability to check their authenticity. Hostile rhetoric on social networks increased in the weeks ahead of the elections with accusations and insults.

The EU EOM identified numerous cases of political disinformation/misinformation (messages, memes, photos and videos) that circulated on social media and WhatsApp undermining the right of voters to make an informed choice. Facebook accounts, some created days before E-day, spread election-related disinformation and derogatory remarks against presidential candidates and used paid ads to expand their reach. Online paid ads pretending to be news items from renowned media outlets discrediting Xiomara Castro were observed on YouTube and online international media. Fact checker *Honduras Verifica* found 180 Facebook accounts spreading 400 disinformation messages daily. Despite Facebook having removed some of these accounts from its platforms, new accounts continued to be created.

The EU EOM identified over 300 bot accounts on Twitter used to promote narratives for and against the three main presidential candidates. The campaign silence was largely violated by candidates and parties through posting content and paid political ads.

## PARTICIPATION OF WOMEN

### **Women politicians were subject to very high levels of gender-based political violence.**

In line with a previous EU EOM recommendation, the election law establishes gender parity and alternance for all elective positions, except mayors and deputy mayors. The total number of women running in 2021 elections represented 48 per cent of the candidates at all levels. However, there were only two women out of 14 presidential candidates. Women were well represented in the CNE and the TJE, with two members of their leadership and respectively 56 and 55 per cent of their staff.

Generally, women are largely underrepresented in all areas of political and public life. Beyond cultural barriers in a still largely patriarchal society, women face economic obstacles, discrimination, but also very high levels of violence, including political violence within their own parties. Civil society organisations noted an increase in cases of political violence against women politicians, including femicides, over the past nine months affecting all three major parties, with 26 instances in the PNH, 16 in LIBRE and 9 in PLH.<sup>23</sup> The CNE has recently presented a draft law and a protocol to fight gender motivated political violence in elections. The protocol included recommendations on how to report instances of violence but does not assign a specific role to the CNE in this regard.

<sup>23</sup> Source: National Observatory of Violence (ONV). *Universidad Nacional Autónoma de Honduras* (UNAH).

## PARTICIPATION OF VULNERABLE GROUPS

### Vulnerable groups demand for meaningful political participation remained largely unaddressed.

#### *Persons with disabilities*

According to official data, about 650,000 persons in Honduras have some type of disability with 219,200 included as such in the voter register.<sup>24</sup> Through the new ID card exercise conducted by the RNP, the CNE has information about the number and location of voters with special needs throughout the country, but there were no provisions to facilitate voting, except assisted voting. Honduras signed the 2006 UN Convention on the Rights of Persons with Disabilities which establishes the responsibility of the State to resolve situations of disadvantage for persons with special needs. However, specific reasonable accommodation measures such as Braille templates for visually impaired voters or dedicated assistance were not in place. According to *Coordinadora de Instituciones y Asociaciones de Rehabilitación* (CIARH), four out of five polling stations were not accessible for voters with reduced mobility. An improvement regarding inclusion as compared to previous electoral processes is a notable increase of candidatures of persons with disabilities.

#### *Indigenous and Afro-Honduran populations*

According to the last 2011 census, 90.5 per cent of the Honduran population was identified as mixed (*mestizos*) or white, 3.8 per cent as Afro-Honduran (*Garífunas*) and 5.7 per cent as indigenous, with Lencas, Misquitos, Tolupanos, Chortis, Pech and Tawahkas as the largest groups. The Constitution protects the rights of indigenous communities, but these rights are barely defined through laws and regulations. There are no special constituencies or quotas for indigenous or Afro-Honduran populations. *Garífuna* is the only minority group with a notable representation in the current Congress, with seven members representing four different political parties. A total of 15 *garífuna* congressional and six mayoral candidates representing five different parties ran for the elections.<sup>25</sup> An increase of indigenous candidatures was noted, mainly on the ticket of LIBRE.<sup>26</sup> Indigenous communities remain politically marginalised and their claims have often not been taken into account.

EU EOM observers received allegations about pressure on indigenous communities by the PNH in Copán, Intibucá and Ocotepeque, and concerns regarding difficulties in retrieving ID cards and potential vote buying against the background of economic marginalisation.<sup>27</sup> The *Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* (COPINH) in Intibucá carried out voter education and information on ID distribution.

#### *LGBTI community*

Members of the LGBTI community in political parties faced obstacles to stand as candidates and gain party support, mainly for financial reasons, non-acceptance and discrimination. Only two candidates running for the National Congress have openly declared their sexual orientation comparing to seven in the 2017 general elections. LGBTI groups claimed that despite some progress such as the absence of gender on the new ID cards, discrimination, marginalisation, high levels of violence and harassment remained during the election process and are discouraging many from active political participation. They continued to advocate for the recognition of gender identity. Several LGBTI groups signed an agreement with the CNE to promote participation in the elections and conduct observation.

<sup>24</sup> Source: Secretariat of Development and Social Inclusion.

<sup>25</sup> Source: Fundación Martin Luther King.

<sup>26</sup> For example, EU EOM observers identified two *Pech* candidates in Olancho and one *Tolupana* in Yoro.

<sup>27</sup> EU EOM reports from Intibucá, Copán y Ocotepeque.

## CIVIL SOCIETY AND CITIZEN OBSERVATION

### Increased citizen observation despite delayed accreditation

The CNE accredited around 5,200 national and international observers. Due to late delivery of accreditations by the CNE, some organisation faced difficulties to deploy all its observers, detrimental to the transparency of the process. *Foro Nacional de Convergencia* (FONAC) deployed 1024 observers in all departments, Caritas, 750 observers in 225 municipalities. *Comisionado Nacional para los Derechos Humanos* (CONADEH) deployed 564 domestic observers. In San Pedro Sula the LGBTI organisation *Movimiento Diversidad y Resistencia* (CEPRES) deployed 22 observers. Other organisations and institutions include *Consejo Hondureño de la Empresa Privada* (COHEP), *Centro de Estudio para la Democracia* (CESPAD), *Instituto de Acceso a la Información Pública* (IAIP) and *Asociación para una Sociedad más Justa* (ASJ). Some 500 international observers were accredited from organisations and states such as the Organisation of American States, *Jóvenes El Salvador* (both international and national observers), the Interamerican Union of Electoral Bodies (*Unión Interamericana de Organismos Electorales - UNIORE*), the Electoral Experts Council of Latin America (*Consejo de Expertos Electorales de Latino América - CEELA*) and the US Embassy.

## POLLING, COUNTING AND TRANSMISSION OF RESULTS

### High turnout during a quiet and orderly E- Day, despite a late start and arrival of technological kits

EU observers visited 282 polling stations throughout the day in 16 out of 18 departments. Opening was observed in 30 of these polling stations, voting in 230 and closing and counting in 22. The transmission of preliminary results was observed in eight polling centres. Election Day was observed to be generally calm and peaceful with voters turning out in high numbers. Procedures were reported as “good” or “very good” in 94 per cent of the observed polling stations, despite delays in the opening and procedural weaknesses during closing and counting. Women constituted most of the polling station staff. Party agents, almost totally absent at the opening, were attending closing and counting in slightly higher numbers in 18 observed polling stations. In breach of the electoral silence, party activities were reported outside the majority of the observed voting centres. Turnout reached 60 per cent in the observed polling stations.<sup>28</sup> EU observers reported high levels of transparency throughout the process.

The transmission of preliminary election results (TREP) was only achieved from around half of the voting centres for these elections due to connectivity constraints, missing equipment and late distribution of the technological sets. EU observers reported that the lack of sets in some voting centres created confusion and affected the overall performance of the counting process. Despite this, the TREP ensured swift election polling station results in the voting centres where it was implemented and contributed to generating confidence in the election process. Results were published and regularly updated on the CNE website, which enhanced the transparency of the process. Parties were granted access to the TREP servers to receive results at the same time as the CNE, as required by the election law.

## **ELECTORAL DISPUTES**

**Congress failed to pass a law on electoral disputes procedures, as legally required, undermining the right to legal remedy.**

The lack of clear deadlines for pre-election petitions and decisions resulted in extremely late rulings, which affected the right to effective redress. Persistent criticism by the main party leaders on the integrity and neutrality of state institutions, including the CNE and the judiciary, negatively affected confidence in the electoral litigation and the rule of law.

The TJE operates with an insufficient budget and without a procedural law, despite the latter being a requirement laid down in the Constitution and the election law. In absence of a law, the TJE drafted an internal regulation, which entered into force on 2 November. Some days before the elections, the CNE started to draft a regulation on electoral dispute resolution with the purpose of providing legal clarity to the inconsistencies and inaccuracies of the election law on different procedural actions such as notifications, or the deadline set for recounts. By election day, the regulation had not entered into force.

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An electronic version of this Preliminary Statement is available on the Mission website  
[www.moeuehonduras2021.eu](http://www.moeuehonduras2021.eu)

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