

Preliminary Report of the OAS Electoral Observation Mission in Honduras

The Electoral Observation Mission of the Organization of American States (EOM/OAS) in Honduras, headed by former President of Bolivia Jorge “Tuto” Quiroga, deployed a team of 82 experts and observers from 25 countries to cover the general elections held on November 26.

The Mission began by dispatching an advance technical team to the country on October 30 to observe the preparation of the electoral cases (*maletas electorales*, containing election materials), the training being given to members of the polling stations, and the delivery of their credentials, along with other aspects relating to the transmission and dissemination of results, including demonstrations and the test run drill on November 12.

On November 6 that team was joined by the mobile group observers, who traveled to the different departments in the country to observe in situ the progress being made with preparations for the elections and to meet the actors involved in the electoral process. The Mission completed its deployment with the arrival of the experts, regional coordinators, and international observers, together with the Head of Mission and the Special Advisor to the EOM, former President of Guatemala Álvaro Colom.

During its stay in Honduras, the Mission met with government and electoral authorities, political parties and coalitions, the Supreme Court of Justice, representatives of civil society, the electricity company (Empresa de Energía de Honduras), and the diplomatic community, as well as other actors. The experts conducted a substantive analysis of the electoral process in terms of its organization, the technology used, campaign financing, gender perspective, electoral justice, and facilities for voting abroad.

On Election Day, the Mission visited 1,257 polling stations (*Mesas Electorales Receptoras - MER*) in 451 voting centers in 17 departments. The OAS observers reported delays in the opening of some of the observed polling stations, due mainly to the lack of some essential voting materials, such as the “ratified” stamp used to mark the back of the voting slips and confirm that the slip filled in by the voter is the same as the one that was given to him/her. Although the Supreme Electoral Tribunal (Tribunal Superior Electoral - TSE) issued instructions to the effect that in those polling stations without a stamp polling station members could sign the slips instead, many did not open until the stamp arrived. In others, polling station members signed the slips. The delays in opening the stations triggered long lines of voters and confusion among the electorate.

The Mission ascertained that most of the polling stations observed were manned by members of Partido Nacional, Alianza de Oposición en Contra de la Dictadura, and Partido Liberal, who were there the entire day, signed the minutes of the vote count, and received a copy of the tally before it was transmitted. The Mission likewise was pleased to note that more than half the polling station members and substitutes were women.

The observers reported a few instances of voters being urged to vote publicly. Under Honduran law, the vote is supposed to be secret. Accordingly, the Mission recommends that in future electoral processes an effort be made to protect that principle and ensure observance of it. It is important that both candidates and the media set an example by protecting the secrecy of the vote.

The Mission also noted that representatives of political parties approached voters to keep track of voting intentions and accompanied voters to their polling stations. Massive movements of voters were observed in different parts of the country and in three departments observers reported the buying of votes.

Toward the end of Election Day, it was not clear what time polling stations were supposed to close. While the law states that they must close at 4 p.m., there was confusion as to the possibility of extending the deadline to offset some of the delays in the morning, as had been the case in previous elections. The OAS observers reported that, on average, polling stations closed at 4:35 p.m. and that in eight of them some citizens were still in line and were unable to vote.

Generally speaking, Election Day was orderly and the atmosphere respectful and calm. The OAS observers noted the presence of the security forces at the voting centers and the observers were able to go about their work without incident. The Mission congratulates Honduras on its peaceful Election Day and appeals to all the actors involved to show the same sense of responsibility in the post-electoral phase.

The Mission did note with concern that, starting in the morning and throughout the day, announcements were made of the outcomes of voter surveys conducted outside the polling stations (exit polls), even though the law prohibits their publication until two hours after the stations close. The EOM/OAS took cognizance of some 10 surveys, showing a variety of trends. In that context, the Mission could see how they were used more as propaganda tools than as information. Considering that surveys and public opinion polls can be used to sway voters, the EOM/OAS urges compliance with the regulations in that regard, which clearly prohibit such practices during the voting.

On election night citizens received no official information from the TSE on the votes tallied until 1:30 a.m. on the morning of Monday, November 27. Because of that, the media was full of news about the exit polls, generating a battle over outcomes in which two candidates proclaimed themselves the winners. The Mission recommended to the TSE that it publish the results thus far and at a press conference TSE President Matamoros

announced the votes obtained by each candidate with 57.18% of the votes counted. At that point in time, the Partido Nacional candidate, Juan Orlando Hernández had 761,872 votes (40.21%) while the candidate for Alianza de Oposición Contra la Dictadura had 855,847 votes (45.17%).

Following this announcement, and despite the fact that 42.8% of the votes had still to be counted, both candidates continued to claim they had won, thereby generating tension and uncertainty among citizens, who began to take to the streets to celebrate victory.

After the TSE had released the first batch of partial results, the on-line results available to the public were not updated until well into Monday, November 27. When publication resumed, the Mission observed how the gap between the two candidates was narrowing.

In that context, the Mission heard from the presidential candidate for Alianza de Oposición Contra la Dictadura that he was concerned that a winner could be proclaimed without 100% of the votes having been tallied. It also heard from the Partido Nacional candidate that he was worried about the Opposition Alliance's call for street protests. That being so, the Mission facilitated the signing of an agreement, the "Declaration for Honduran Democracy", in which both candidates committed to calling upon their sympathizers to wait peacefully and calmly for the final vote count by the TSE, when all votes in each and every polling station records for the presidential elections had been added up, including the very last of the votes that required processing due to inconsistencies and/or a special tally. The Declaration also called on the TSE to act diligently and impartially.

Just hours after signing the Declaration, the candidate for Alianza de Oposición Contra la Dictadura, Salvador Nasralla, notified the Mission that he had changed his mind and withdrew his commitment. The Mission observed with concern the inability of various political leaders to reach an agreement and how, instead, some had irresponsibly urged their supporters to take to the streets to defend victory at any cost.

On Monday, November 27, the TSE began to receive the electoral cases coming from various parts of the country in the collection center (INFOP), where the Mission had been present throughout the process. The observers noted that there were no pre-established protocols for the reception and unloading of materials. Furthermore, they noticed that some trucks transporting the cases arrived at INFOP unaccompanied by guards and that, in order to open them, TSE personnel sometimes had to break the locks due to the absence of the military personnel responsible. The observers also ascertained that the order in which the cases were processed and unloaded changed: first it was in order of arrival, then other undisclosed criteria were used. As for the electoral material, the observers reported that some cases arrived at INFOP opened and incomplete, whereby in some cases the minutes of the tally were missing, in others the sheet listing incidents that had occurred at the polling station and/or the notebooks containing the polling station's registry of electors who voted. Some arrived without any security devices.

The Mission filed a written request with the TSE for the inventory of cases processed in which the final voting record (*acta de cierre*) or other sensitive material was missing and for the report on minutes scanned at INFOP, as well as all the images of the minutes being scanned during reception of the cases in INFOP and the plan for unloading the trucks and delivering the cases. Unfortunately, the Mission has not received that information from the Tribunal. The uncertainty, lack of transparency, and information deficit experienced this week is preventable and can be addressed.

Logistical coordination issues, plus high levels of improvisation in resolving situations, delayed the scanning of the election material. In addition, the processing of the voting records practically came to a 10-hour standstill on the Wednesday, triggering even more uncertainty. The TSE reported that this was due to a technical problem with one of its servers, which reached its maximum capacity and had to be replaced. The Mission was unable to ascertain the origin of the problem, but it did note that the system began working at around midnight the next day.

On the night of November 29, there were demonstrations outside INFOP which prompted the security forces to use tear gas to disperse the crowds. The Mission had to conduct an emergency evacuation of the observers who were there at the time. At 11.10 p.m., those incidents interrupted the unloading of the material and checking of the electoral cases, as well as the scanning of the records. The center was evicted. The Mission roundly condemned these incidents, as well as those that ensued in subsequent days, and it regretted the loss of human life. Violence is no way to resolve differences.

Given the uncertainty as to whether the TSE would declare the winner after only the regular vote count, as has happened in previous elections, without waiting for the special tally, on November 30 the OAS Mission issued a call for no candidate to be declared President until the last vote was counted. The TSE announced that it would wait to complete the special tally before making the announcement.

That night, the President of the TSE declared that the regular vote count in the presidential election had been finalized and announced that on the Friday the special count of votes would begin at the 1,006 polling stations with records showing numerical inconsistencies.

The special tally was postponed several times given the refusal of Alianza de Oposición contra la Dictadura to participate. On December 2, that alliance met with technical staff at the TSE to put forward their demands. The TSE addressed most of those concerns, but was unable to confirm the participation of the Alliance in the special tally. To resolve the impasse and so that the process would not be left solely in the hands of the parties, the OAS proposed in a statement to the press that the special tally be conducted in the presence of national observers from a variety of sectors (church authorities, workers, employers, academics, and civil society). Partido Nacional announced that it would not observe the tally and the TSE consented to the accreditation of various social sectors as

national observers. At 3 p.m., the counting began without the presence of representatives of either of the two parties disputing the presidency.

The Mission observed the special tally at the collection center, where it ascertained the absence of a protocol or detailed and standardized instructions for handling this process. Various different criteria were used to validate the polling station votes. Neither the "incident sheets" nor the notebooks registering those who had voted were taken into account.

The OAS Electoral Observation Mission in Honduras has conducted a comprehensive analysis of the process. With a view to contributing to ongoing improvements to the Honduran electoral process, the Mission presents a series of preliminary observations and recommendations. Subsequently, it will submit a complete report to the OAS Permanent Council, which will also be delivered to the Supreme Electoral Tribunal and distributed to the actors in the electoral process.

PRESIDENTIAL RE-ELECTION

On April 22, 2015, the Constitutional Division of the Supreme Court of Justice resolved two constitutional challenge suits, permitting indefinite presidential re-election in Honduras. In that judgment, the Court ruled on an action filed by 15 congressmen, almost all of them members of Partido Nacional, against the second paragraph of Article 239 and Article 42.5 (both) of the Constitution of the Republic and against Article 330 of the Criminal Code, and on an action brought by former President Rafael Callejas to have Article 239 of the Constitution declared inapplicable.¹

The judgment declared the unconstitutionality of Article 330 of the Criminal Code, which orders the imprisonment of anyone seeking to amend the articles of the Constitution that prevent presidential re-election. The Court considered that said article unlawfully restricted freedom of expression and contradicted principles established in the Constitution and in the American Convention on Human Rights.

At the same time, it declared Article 42.5, on promoting the re-election of the President, and Article 239, on the disqualification or dismissal of anyone proposing re-election, to be inapplicable. By extension, it established the inapplicability of the last paragraph of Article 4, which established that said offense constitutes treason. Nevertheless, the Court upheld the preceding paragraph, which makes alternation in the exercise of the Presidency

¹ Judgments 1342-2014 and 243-2015, joined, on actions brought by Deputies José Oswaldo Ramos Soto, Oscar Arturo Álvarez Guerrero, David Guillermo Chávez Madison, Antonio Cesar Rivera Callejas, José Tomás Zambrano Molina, José Celin Discua Elvir, Miguel Edgardo Martínez Pineda, Rodolfo Irias Navas, Mario Alonso Pérez López, Milton Jesús Puerto Oseguera, Román Villeda Aguilar, Juan Carlos Valenzuela Morlina, Welsy Linea Vásquez, José Francisco Rivera Hernández, and Edwin Roberto Pavón León, as well as former President Rafael Leonardo Callejas Romero.

mandatory. Finally, the Court's judgment declares the inapplicability of Article 374 on the impossibility of amending certain hard and fast articles of the Constitution.

The judgment handed down by the Constitutional Division of the Supreme Court of Justice is a sovereign decision by the highest judicial organ in the country. The Mission respects that ruling, while pointing out that never before in Honduras had an article of the Constitution been declared inapplicable on the grounds of unconstitutionality or inconsistency with international treaties.

Based on its analysis of the inter-American legal framework and of various precedents set by the Inter-American Court of Human Rights, the Mission's view is that political rights are not absolute. In that context, it points out that they may be subject to restrictions so long as they are already provided for in law, are not arbitrary, do not constitute misuse of authority, and meet the requirements of suitability, necessity, and proportionality.²

The judgment handed down by the Constitutional Division of the Supreme Court of Justice gave rise to an irregular state of affairs in the legal system, because constitutional provisions in effect have been rendered inapplicable by the highest judicial authority without a constitutional amendment having been enacted. Moreover, a law regulating presidential re-election has not been passed either, even though the Executive is backing such an initiative. Therefore, as things stand, the possibility is being left open of a President perpetuating himself in office, indefinitely.

The manner in which re-election was authorized, i.e., by a judicial judgment, is a bad practice that has been followed by other countries in the region. It is essential that the Constitution of Honduras reflect political realities in the country, because currently the Constitution contemplates articles that are not applied.

Despite this analysis, the Mission, which met with the President of the Supreme Court of Justice, took note that, of the nine candidates who registered to compete in the presidential elections and chose to participate under these conditions, only one was standing for re-election.

COMPOSITION OF THE ELECTORAL AUTHORITY

The Supreme Electoral Tribunal (TSE) comprises three justices and one substitute appointed by Congress. The Presidency is exercised for a one-year term and rotates among the members of the Tribunal. Within the TSE structure, registered political parties together make up the Electoral Advisory Council (CCE). From that forum they issue recommendations either informally or at the behest of the electoral body.³

² See the following cases: *Artavia Murillo et al v. Costa Rica*, *Herrera Ulloa v. Costa Rica*, *Mémolli v. Argentina*, *Yatama v. Nicaragua*, *Castañeda Gutman v. Mexico*, *López Mendoza v. Venezuela*, and *López Lone et al v. Honduras*.

³ Articles 41 and 42 of the Electoral and Political Organizations Act.

The Mission heard complaints from various political factions questioning the independence of the members of the TSE and pointing to the political parties represented in it. Trust in institutions is vital in all electoral processes. With that in mind, the Mission considers that the members of the Electoral Authority should be chosen in such a way as to ensure that they are answerable to the institution they head, over and above any party affiliation.

For their part, the members of the Departmental Electoral Tribunals (TED) and Municipal Electoral Tribunals (TEM) are designated by the political parties and appointed by the TSE. The roles played in each of these temporary authorities are distributed equally among all the political factions.⁴ Likewise, the polling stations are manned by full-time and/or substitute representatives of each of the political parties, coalitions, and independent candidates.⁵

This institutional set-up dilutes the oversight and responsibility that the TSE should exercise over all phases of the electoral process. In light of the above, the Mission recommends implementing a hybrid system in which the polling stations are manned by citizens appointed by the TSE and representatives of the political parties.

ELECTORAL ORGANIZATION AND TECHNOLOGY

Accreditation of member of the polling stations.

With a view to accrediting members of the polling stations, the Supreme Electoral Tribunal handed out 36,206 credentials for the 10 political parties registered for these elections. Each party received two credentials per polling station, one for the principal member and another for a substitute member. In addition, independent candidates at the municipal level received 9,618 credentials for category VIII polling station members ("*vocal octavo*") and 4,256 credentials for category IX polling station members.

These credentials were handed over without the name of the political delegate, except in the case of Partido Nacional, 25 days prior to Election Day. It is worth mentioning that positions within the polling stations, such as Chair, secretary, teller, and other polling station members were allocated randomly or by lot.

Several political parties shared their concerns with the Mission about the larger parties allegedly purchasing credentials from parties lacking the capacity to name representatives to all polling stations. Although the Mission was not able to corroborate that practice, it was striking that in some stations where there were representatives of small political parties those parties did not obtain a single vote. VAMOS was the only party to return credentials that it could not use to the TSE (18,000 of them).

⁴ Articles 19 and 23 of the Electoral and Political Organizations Act.

⁵ Article 24 of the Electoral and Political Organizations Act.

On Election Day, the Mission observed that the three main parties were able to cover practically all the polling stations. However, the parties with fewer followers had big gaps in coverage.

The delivery of credentials not bearing the name of the person occupying that position creates uncertainty and mistrust about the possible uses that could be made of those documents. For that reason, the EOM/OA reiterates its 2013 recommendation that polling station member credentials delivered to the political parties should bear the name of the person who will be performing that function on Election Day. To that end, the parties should hand over a list of potential polling station members so that the electoral authority can accredit them and a simple mechanism should be established to allow some members to be replaced by others if necessary.

Training

The training of polling station members was left up to the political parties, which meant that the quality of the training depended on the infrastructure available to those political organizations and not on TSE officials. According to information provided by the TSE, 1,624 political party instructors were trained so that they in turn could train the people manning the polling stations. The parties do not share their training records with the TSE, so that there is no way of knowing how many polling station members were actually trained.

The Mission noted that this training system does not meet its goals, given that on Election Day OAS observers saw that members of the polling stations were unfamiliar with some of the polling station procedures. The EOM/OAS considers that more effort is needed to ensure that the members of the polling stations from the various different parties receive the effective and timely training they need to be able to perform their functions on Election Day. The EOM/OAS further recommends reverting to the arrangements whereby the TSE directly trains polling station members from all the parties competing.

Voter lists

The electoral roll is a key part of the electoral process because it lists the people entitled to vote. This tool was queried by some political parties after the first round of elections. As a result of the questions raised at the time, records of persons who had died were updated in order to reduce the number of those who should not appear on electoral rolls. Despite those efforts, the EOM/OAS observed that the problem continues. The discrepancies found in the voter lists are due to people who fail to record relatives' deaths with the National Registrar's Office and to people being buried without a death certificate. Moreover, it was observed that the National Registrar's Office does not receive data from the institutions issuing death certificates. Adding to the problem are the number of Hondurans emigrating and failing to register abroad, so that they remain on the electoral list.

Accordingly, the EOM/OAS considers it important that Honduras conduct a comprehensive audit of the electoral register, with a view to updating it and getting rid of anomalies. Honduras should also have permanent screening and updating procedures for registry maintenance.

Electoral Custodians

For these elections, the TSE issued regulations governing the functions of three types of electoral custodians: National Custodian, Voting Center Custodian/Coordinator, and Electoral Custodian/Technical Operator. The first two coordinate with the Armed Forces for the delivery and return of the electoral materials cases, while the last set of custodians is responsible for transmitting the voting records from the voting centers. The Voting Center Custodian/Coordinator idea did not materialize and the Mission observed that on Election Day there were no TSE representatives coordinating and resolving specific issues at the polling stations, or answering queries as to procedures if the members of the station could not come to an agreement.

The electoral custodians were selected with the help of public and private universities without taking into consideration the voting center where they themselves would be voting. In other words, in many cases they were unfamiliar with the area in which they would be serving and had to move outside their own municipality, making it impossible for them to vote on Election Day.

The Mission recommends better planning in the hiring of Electoral Custodians/Technical Operators; increasing the number of them; and optimizing their appointment and accreditation procedures. It also suggests implementing the mechanism whereby the TSE coordinates the workings of the voting centers, while strengthening and expediting the work done by polling station members.

Electoral Technology

With respect to the system for transmitting, processing, and disseminating results, the EOM/OAS noted that the originally hired company was replaced. While the TSE made that change in response to requests from the opposition parties, who considered Mapa Soluciones too close to the government party, the change of contractor 30 days before the election left little time to develop the new system, carry out tests, and make any necessary adjustments.

The Mission observed the test run on November 12 when some functions and contingencies of the Integrated Electoral Vote Counting and Dissemination System (SIEDE) were tested nationwide. Basic functions of the system's components were tested, along with their synchronization, and some tweaks made, but the proximity of the elections left no time for further tests, so that the test-run was limited in scope. Moreover, the regulations for implementing the system were approved on the Thursday before the voting. On the Sunday night, the Mission ascertained that only 64% of the voting records

that were supposed to be scanned and transmitted from the Transmission Areas (ATX) located in the voting centers had in fact been received in the computing center.

The Mission recommends that for future electoral processes the companies used for the transmission, processing, and dissemination of results be selected and hired well in advance of the elections. The idea here is to allow ample time to develop a work plan that includes several types of test and levels of simulation, as well as contingency plans for the various components in the system.

POLITICAL AND CAMPAIGN FINANCE

Honduras has a mixed financing system for full-time party activities and electoral campaigns. The 2017 electoral process was governed by a new Political Parties and Candidates Financing, Transparency and Oversight Act⁶, known as the Clean Politics Act, a law that previous OAS missions had recommended passing. Under that Act, the State made public funds available to the political parties through political debt⁷ for campaigns, permanent party activities, and primaries.⁸ The law does not provide for indirect public financing.

The Mission welcomes the implementation of the Clean Politics Act and of the Unit set up to supervise its implementation and compliance with the Act.⁹ While implementation has been hampered by delays in its entry into force and the installation of the Clean Politics Unit, the Act is a step toward ensuring that contributions to parties and candidates are subject to limits and to audits. The Act also introduces an accountability obligation, which has meant that, for the first time in the country's history, candidates have begun to calculate their income and expenditure and to prepare for audits.

Although its implementation is very recent and still partial, the Mission ascertained that just the perception of the existence of regulations had a dissuasive and preventive effect that led to a decline in political campaign expenditure, reflected in few radio and television spots, and fewer billboards and posters.

The Mission recommends boosting the organizational structure of the Clean Politics Unit, so as to be able to endow it with the sufficient budgetary, human, and I.T. resources needed for it to conduct thorough, detailed and prompt studies of the financial reports

⁶ https://www.tse.hn/WEB/UPL/Ley_transparencia_fisc_Partidos_politicos.pdf

⁷ These funds are delivered in two quotas: one comprised of 60%, 15 days after elections have been convened, and the other 40%, based on the final results of the elections, in the first quarter of the year following the election.

⁸ These funds are deposited in the Financing Fund and are administered by the Financing, Transparency, and Oversight Unit. For this electoral process, it was decided to pay 39.39 lempiras to each party per vote obtained, plus a percentage to cover transportation. The total came to 123 million lempiras.

⁹ Conducting audits, verifying the financial statements and reports of those required to report, conducting special investigations into the origin and use of funds, and requisitioning bank, tax, and fiduciary information for those investigations, etc.

submitted by candidates, carry out special investigations, and monitor the use made of the funds in political campaigns.

The Mission received complaints from some of the actors in the electoral process regarding the use of public funds during the campaign. A novel factor, due to the possibility of re-election, was that it was sometimes difficult to dissociate the candidate from the President and the party from the Government.

POLITICAL PARTICIPATION OF WOMEN

The Honduran Electoral and Political Organizations Act contains provisions aimed at increasing the political participation of women. In 2012, parity was established between women and men¹⁰ in lists for the 2017 primaries.

In 2016, the Supreme Electoral Tribunal issued the enabling regulations for the parity principle and the alternation mechanism establishing vertical alternation from the third position for the department lists with three or more deputies and vertical alternation for municipality lists. The law does not establish specific penalties in the event that political parties fail to abide by the legal provisions.

The EOM/OAS notes that the parties electing their candidates through primaries had fewer women on their lists for the general elections. In the case of candidates for Congress, the share of women in the lists of the parties with primaries was 37.24%; in the others, it was 48.09%. As for mayors, in the parties holding primaries women accounted for 11.81% of the candidacies, versus 30.56% in parties that did not have primaries.

These figures indicate that the current regulatory framework does not guarantee equal exercise of political rights for men and women in politics. Accordingly, the Mission recommends analyzing the possibility of amending current rules to include 1 on 1 alternation (one man followed by one woman, or vice-versa) in lists containing several names and establishing horizontal parity in single name and local candidacies, in order to guarantee compliance with parity.

In addition, the Mission recommends extending mandatory application of parity in candidacies to be registered with the electoral authority for all political parties and not excluding from that obligation the parties that already applied parity in their internal processes. It is very important to establish penalties for cases of noncompliance with the laws in force.

OVERSEAS VOTING

Honduran citizens may vote in seven [Tr. SIX??] cities in the United States designated by the TSE (Houston, Los Angeles, Miami, New Orleans, New York, and Washington, D.C.). To

¹⁰ By means of an amendment to Article 105 of the Electoral and Political Organizations Act and the introduction of Article 105-A.

exercise that right they must have an I.D. showing that they live in that country. That document is issued in consulates during the very few days in the year in which the National Registrar's Office has officials available to process them. For these latest elections, a mobile consulate was used which spent two days visiting districts on the outskirts of each of the designated cities.

It is worth mentioning that although the estimated number of Hondurans living abroad ranges between 695,000 and 1.1 million,¹¹ the number of citizens registered in electoral lists abroad is 51,000. Although the number of those registered has increased over the years, very few vote (3,096 in 2013). From the start of the overseas voting program in 2001, the number of those actually voting has barely changed.

Thus, the EOM/OAS recommends implementing a full-time program for issuing I.D.s abroad, free of charge. It also considers it important to expand the number of cities in which migrants can vote.

CONCLUSION

The lack of trust in the process has triggered sometimes violent protests. The Mission reiterates its appeal to all protagonists in the electoral process and to the general public to demonstrate peacefully, without committing acts of vandalism or putting their bodily integrity at risk. It also urges the security forces to proceed with the utmost caution, respecting people's right to demonstrate and the principle of proportionality, especially during curfew hours, and following human rights protocols. The Mission profoundly laments the loss of human lives and calls for those responsible to be brought to trial. It likewise resolutely condemns any statements by political leaders inciting, encouraging, suggesting, or calling for acts of violence.

The narrowness of the difference in election results, as well as the irregularities, mistakes, and systemic problems plaguing this election make it difficult for the Mission to be certain about the outcome.

We consider that the only way possible for the Honduran people to accept, and for the parties to recognize, a winner in these elections is for an agreement to be reached between the leading candidates that will allow:

1. A comparison of the 1,006 records/minutes subjected to special scrutiny with the originals received in order to ascertain whether they formed part of those that were transmitted on-line or those that were processed once they had arrived at INFOP.

¹¹According to IOM data, 7.43% of Honduras live abroad (IOM 2017). Other estimates (the 2010 USA census) suggest that around 695,761 people born in Honduras are currently living in the United States of America.

2. Verification of the 5,174 TSE records that were not transmitted on the night of the election, along with a recount of the votes in the records showing inconsistencies.
3. Review of the participation in the vote in the departments of Lempira, Intibucá, and La Paz, checking 100% of the polling stations in each of those departments.
4. The establishment of a reasonable deadline for challenging findings. Due to the delays in both the regular and special tallies, the Mission urges the Supreme Electoral Tribunal to be flexible about receiving these challenges and in resolving them with all due procedural guarantees, one by one, after careful and duly substantiated analysis.
5. The lists of the members of the polling stations in the departments of Atlántida, Colón, Cortés, Francisco Morazán, and Yoro.
6. Verification of the soundness/integrity of the Integrated Electoral Vote Counting and Dissemination System (SIEDE) and its components.

None of the above should contravene the Honduran legal system and all of it should be completed in the 30 days that the TSE has to announce the election results.

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