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## **REPORT OF THE ELECTORAL OBSERVATION MISSION IN HONDURAS, 2001**

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ORGANIZATION OF AMERICAN STATES  
WASHINGTON, D.C.

THE SECRETARY GENERAL

SG/UPD-298/02

April 23, 2002

Excellency:

I have the honor to address Your Excellency to transmit the report on the Electoral Observation Mission to the general elections held in Honduras in November 25, 2001, and to request that you kindly arrange for its distribution to the members of the Permanent Council.

Accept, Excellency, the renewed assurances of my highest consideration.

César Gaviria

Her Excellency  
Margarita Escobar  
Ambassador, Permanent Representative of El Salvador  
Chair of the Permanent Council of the  
Organization of American States  
Washington, D.C.

**ORGANIZATION OF AMERICAN STATES**

**REPORT OF THE  
ELECTORAL OBSERVATION MISSION  
HONDURAS, 2001**

## **Unit for the Promotion of Democracy**

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## **CHAPTER I**

### **2001 GENERAL ELECTIONS**

The twenty-first anniversary of the return of democracy to Honduras coincided with the general elections held on November 25, 2001 for the term 2002-2006. In the elections, the President of the Republic was elected, along with three designates to replace him in the event of permanent or temporary absence, 128 members of the National Congress and their alternates, 20 members of the Central American Parliament and their alternates, and 2,446 members of 298 municipal corporations.

Despite the difficulties caused by the natural disasters that afflicted the country in recent years, the electoral process was confirmation of the will of the Honduran people to engage in the common struggle for a better future. Proof of this commitment was the atmosphere of civic responsibility and democratic coexistence in which the electoral process took place, as well as the rapid acceptance of the results of the polls by the main contenders.

Five political parties participated in the electoral process: the Liberal Party (PL), National Party (PN), Christian Democrat Party (PDC), Innovation and Unity Party (PINU), and the Democratic Unification Party (PUD), whose presidential candidates were Rafael Pineda Ponce, Ricardo Maduro, Marco Antonio Iriarte, Olbán Valladares, and Matías Funes, respectively.

The voter list included 3,437,454 voters, assigned to 11,070 polling stations located in 5,303 voting areas throughout the national territory<sup>1</sup>.

## **CHAPTER II**

### **POLITICAL FRAMEWORK**

Up until 1980, Honduras had authoritarian regimes alternating with periods of civilian government, either elected or established as a result of political deals. During the nineteenth century and the first part of the twentieth century, the institutional life of the country was unstable, which affected the country and made economic and social development difficult. Despite these circumstances, Honduras had not experienced a climate of political violence like other countries in the region.

The democratic transition in Honduras started in 1980 with the election of the Constituent National Assembly. From that moment on, five elections were held, characterized by the predominance of the traditional political parties (Liberal Party and National party), in the presidential, congressional, and municipal elections. During that time, the liberals held the leadership of the executive four times and the nationalists

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<sup>1</sup> The total population is approximately 6.4 million, of which 3.4 million live in rural areas and 3.0 in urban areas (Source: World Bank [Http://devdata.worldbank.org/external/CPPProfile.asp?SelectedCountry=HND&CCODE=HND&CNAME=Honduras&PTY PE=CP](http://devdata.worldbank.org/external/CPPProfile.asp?SelectedCountry=HND&CCODE=HND&CNAME=Honduras&PTY PE=CP)).

once. In the 1997 elections, the two parties combined obtained 95.5% of the vote in the presidential election and 91% in the congressional elections<sup>2</sup>.

As witnessed in the last elections, some of the most important political decisions have been based on consensus among the leading elites of the political parties which, by definition has tended to exclude citizens from the decision making process. Evidence of this was the failure to publish the lists of candidates for members of Congress in the last elections, a situation which, as explained below, did not give the public a profile of the candidates for these positions well enough in advance.

### CHAPTER III

#### LEGAL FRAMEWORK

The 1981 law on elections and political organizations and its regulations govern the commercial processes and define the characteristics of the election system. Under the law, a system of proportional representation has been adopted, with election quotients at the national, departmental, and municipal levels, or by a simple majority in the cases determined by law. The forms of political organization include participation by political parties as well as independent candidates, although, in the latter case, the law limits such participation to the legislative and presidential levels and excludes independent candidates from participation in municipal elections.<sup>3</sup>

##### A. KEY CHARACTERISTICS OF THE ELECTION SYSTEM

The Honduran election system has been the subject of major reforms in recent years, most significantly the adoption of voting from home, separate ballot cards for the presidential, congressional, and municipal elections, and voting abroad. Despite the innovations, large sectors of Honduran society have pointed out weaknesses in the political-institutional structure of the country, which clearly call for changes in the political and election system.

These challenges have been explicitly acknowledged by all the political parties and numerous civil society organizations, which agreed on the need for substantial reforms with a view to modernizing the election regime and increasing the potential for political competition at the next elections<sup>4</sup>. In support of these proposals, the National

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<sup>2</sup> *Political Database of the Americas*. Georgetown University. <http://www.electionworld.org/honduras.htm>

<sup>3</sup> Article 49(ch) of the Law on Elections and Political Organizations.

<sup>4</sup> The civil society organizations that submitted proposals for electoral reform include the foundation *Democracia y Desarrollo* [Democracy and Development], the *Movimiento Ciudadano* [Citizens' Movement], and the *Asociación Nacional de Industriales* [National Association of Industrialists]. These proposals for reform consist of depoliticizing the National Elections Board (TNE), separating the National Voter Registry from the TNE, electoral districting, and establishing a plebiscite and a referendum. Source: *Informe Especial. Elecciones 2001. Por Una Necesaria Reforma Político-Electoral*. [Special Report. 2001 Elections. For Needed Political-Electoral Reform], National Commission on Human Rights, p. 22.



Commissioner for Human Rights stated that “it is imperative to increase the legitimacy and effectiveness of the political system” and recommended a complete overhaul of the political/election system, summarizing in 17 points the legal aspects of the system that should be focus of immediate reform<sup>5</sup>.

## **1. Internal Elections**

The 1986 reform of the Law on Elections and Political Organizations enabled political parties to freely define the statutes governing the internal selection processes within parties. However, these processes should be subject to the guidelines provided in that law for choosing candidates for general elections and to the supervision of the National Elections Board (TNE)<sup>6</sup>. Among other principles, it establishes that the internal authorities of the parties, as well as the candidates for general elections, must be elected by party affiliates by direct and secret ballot.

Each party’s National Elections Committee, in conjunction with the TNE, is in charge of convening and organizing internal elections, a procedure which should end no later than 45 working days after January 30 of the year in which popular elections of the highest and municipal authorities are held<sup>7</sup>. In addition to the supervision functions mentioned, the TNE is responsible for settling protests of the decisions of the National Elections Committee. The only recourse against TNE resolutions is action for the protection of a constitutional right [*juicio de amparo*], which must be filed with the Supreme Court of Justice.

## **2. Election agencies**

The Honduran election system is characterized as multiparty, such that the agencies in charge of organization and administration of elections have equal representation of all the legally registered political parties.

Election functions are performed by the following agencies:

- A national elections board based in the capital city;
- A departmental elections board in each departmental capital;
- A local elections board in each municipal capital;
- One polling station for each 300 voters;
- Auxiliary agencies that work with the National Elections Board in performing their functions; and
- The National Registry of Persons.

### *a. National Elections Board.*

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<sup>5</sup> The proposals for reform of the political-electoral system are referred to in Chapter IX hereof.

<sup>6</sup> Article 19(q) of the Law on Elections and Political Organizations.

<sup>7</sup> Article 19(r) of the Law on Elections and Political Organizations.

The National Elections Board (TNE) is an autonomous and independent agency, with nationwide competence and jurisdiction. Its main function is to organize elections, ensuring that the guarantees provided to participants in the process are respected. Its functions include, *inter alia*, general supervision of the process, counting of the election results, and settlement of any election disputes that may arise. Once these stages have been completed, the candidates are declared and they present their credentials. The TNE is composed of one principal member and an alternate appointed by the Supreme Court of Justice and a principal and alternate appointed by each of the legally registered political parties. To prevent ties in its decisions, in the event that the number of members of the TNE is even because of the number of legally registered parties, the Supreme Court nominates an additional member, who is subsequently appointed by the full TNE, so that the total number of members always remains uneven. The chair is held for a term of one year on a rotating basis among board members

*b. Departmental boards.*

The departmental boards provide support services for the TNE and relay the results of the vote counts by the local boards. Among other tasks, these agencies are responsible for settling the complaints filed against the local boards in their constituencies, in consultation with the TNE. The departmental boards comprise one principal and one alternate member for each of the legally registered parties. If the total is an even number, the TNE appoints an additional principal member and the respective alternate, by drawing lots from the list of candidates proposed by the political parties.

*c. Local boards.*

The local boards are appointed by the TNE, taking into consideration the proposals made by the central executive of each legally registered political party. The local boards are made up of a principal and an alternate member from each of the legally registered political parties and have representation in each municipal or district capital. If the number of members turns out to be even, arrangements similar to those indicated are made for appointing the additional member of the departmental boards. Their main functions include sending out the announcement by the TNE calling elections, appointing polling officers, and counting the votes of the elections in their various geographic areas of competence, reporting the results directly to the departmental boards. The local boards also assist the National Registry of Persons in updating the National Voter Census and taking the necessary steps to conduct the elections in accordance with the directives of the TNE.

*d. Polling stations.*

Based on this model, the polling stations comprise one principal member and alternate from each of the legally registered political parties. The polling officers are those who perform activities related to polling on election day, ending with the removal and signature of the returns at closing, after completing the vote count. Given the multiparty composition of the polling stations, polling officers also perform monitoring functions during the voting.

*e. National Registry of Persons.*

The National Registry of Persons (RNP) is a government agency that reports to the National Elections Board and is managed by a Director and Deputy Director, who are appointed by the TNE. In addition to appointing the directors, the TNE is in charge of control, enforcement, supervision, and guidance with respect to the RNP. Parallel to the management of the Vital Statistics Registry [*Registro Civil*] and processing of the changes resulting from deaths, changes of address, suspension and loss or reinstatement of citizenship, the RNP prepares and annually updates the National Voter Census. Through its Elections Department, and on the basis of the database set up for that purpose by the Vital Statistics Registry Department, the RNP is responsible for drawing up the provisional voters' lists, which it sends to the TNE for forwarding to the departmental and local boards, sufficiently well in advance of election day, so that they can be posted in full view of the public and any complaints regarding these lists reported<sup>8</sup>. Once the deadline for submitting complaints has passed, the RNP proceeds to prepare the final lists containing the geographic codes assigned to each voter, in accordance with the updated information on his/her address. These lists are then distributed to the departmental and local boards, and to political organizations at least 20 days prior to the elections. One of the RNP's functions is to print ballot cards following specific instructions from the TNE and to issue identification cards to all Honduran citizens, making every effort to guarantee the security and inalterability of those cards.

### **3. Participation in the Armed Forces**

Since the reforms of 1989, it was established that the functions of transportation, security, custody, and safeguarding the electoral process would be the responsibility of the Armed Forces<sup>9</sup>. The reforms of 1997 also ruled that the Armed Forces would be under command of the TNE from five days before to five days after the elections, to enable them to perform the assigned functions.

## **CHAPTER IV**

### **THE ELECTORAL OBSERVATION MISSION**

The OAS Electoral Observation Mission (EOM) monitored these elections in response to an invitation from the Government of Honduras to the Secretary General of the Organization of American States, César Gaviria, on August 28, 2001. The Secretary General appointed the executive Coordinator of the OAS Unit for the Promotion of Democracy (UPD), Elizabeth Spehar, Head of Mission and Diego Paz Bustamante, Senior Expert in the UPD, Deputy Head of Mission.

With economic resources contributed by the governments of the United States and Sweden, the Deputy Head of Mission traveled to Tegucigalpa on November 6 to make preliminary contacts and arrangements for the installation of the EOM. The

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<sup>8</sup> A copy of these lists is delivered simultaneously to each of the legally registered political parties.

<sup>9</sup> Article 118 of the Law on Elections and Political Organizations, Amended Decree N° 12189, Gazette N° 25921, August 28, 1989.

Mission set up its headquarters in the Honduran capital on November 13, with the arrival of the Head of Mission and a basic team of 15 observers initially. Among other activities, the initial group was responsible for contacting government authorities, electoral bodies, political parties, and national and international institutions related to the electoral process, to communicate the objectives of the mission, establish mechanisms for the corresponding collaboration and coordination, and obtain information on the political environment and the conditions under which the voting would take place.

The electoral observation agreements were signed on November 13, 2001 between the General Secretariat of the OAS and the Honduran Government, namely the agreement on the privileges and immunities of observers of the electoral process and the agreement with the National Elections Board on electoral observation procedures (Annexes 1 and 2).

#### **A. OBJECTIVES OF THE MISSION**

Under the Inter-American Democratic Charter signed by the member states of the OAS at the Special General Assembly held in Lima, Peru, on September 11, 2001, and the Charter of the Organization, the EOM established that its general objective would be to observe the Honduran electoral process as a whole, verifying compliance with the procedures established for the pre- and post-polling stages and the guarantees that citizens may vote freely on election day in an atmosphere of transparency and freedom.

The following specific objectives were set:

- Observe the behavior of the protagonists in the electoral process to determine whether it meets the standards in force;
- Cooperate with the government, electoral and party authorities, and with the general population, to ensure the impartiality and reliability of the electoral process;
  - Help secure an atmosphere of public confidence and encourage citizens to participate;
  - Be available to the players in the process to ensure respect for the procedures established by law and recourse to these procedures for dispute settlement;
  - Demonstrate the international support existing for the electoral process;
  - Make conclusions and recommendations to help improve the election system.

#### **B. COMPOSITION AND DEPLOYMENT OF THE EOM**

To better meet its objectives, the basic Mission team was organized into different areas of specialization, such as, legal, election management, training, complaints, reports, data processing, and press (Annex 3). Based on this scheme, the basic group, together with the coordinators of the various field offices of the EOM carefully monitored

the various aspects of the electoral process, giving them a broad perspective of the process enabling them to make the present assessment.

The Mission comprised 118 observers, 48 of which were international observers hired by the OAS General Secretariat and 70 volunteers provided by the various embassies and international organizations based in Honduras. Based on the number of available observers, 10 observer field offices were opened to cover voting centers located in 15 of the 18 departments in the country<sup>10</sup>.

To familiarize observers with the prevailing political environment in the country and brief them on Honduran voting system procedures and their observation functions, the EOM conducted a number of internal training sessions between November 19 and 21. Speakers at the sessions were the officers in charge of the various areas of the Mission and political figures in the country.

### **C. COORDINATION WITH OTHER ORGANIZATIONS**

The Mission held meetings with members of the diplomatic corps of the embassies of Germany, Canada, Chile, Ecuador, El Salvador, Spain, the United States, France, the United Kingdom, Guatemala, Nicaragua, Norway, Mexico, Panama, Peru, Sweden and Venezuela, and with staff of the Pan American Health Organization (PAHO) and the International Organization for Migration (IOM), who offered to provide volunteers for the EOM's professional observer team. The IOM also made its offices in San Pedro Sula available to the Mission, to facilitate establishment of an EOM base in that city. Based on this agreement, it was possible to coordinate the deployment of observers in that region, as well as tasks related to the survey of polling stations included in the statistical sample used in the rapid count (see Section 2, CHAPTER VII).

The Mission also met with staff of the United Nations Development Program (UNDP) and representatives of the Electoral Observation Mission of the International Foundation for Election Systems (IFES). Experiences and information were shared at these meeting, which helped pinpoint advances and problems noted during the process.

### **D. PRELIMINARY ACTIVITIES OF THE EOM**

From the time it was installed in the country, the members of the Mission's basic group held meetings with the President of the Republic and other high government authorities; the Chairman of the National Elections Board and other election officials; the Human Rights Commissioner; church, military, and diplomatic officials, as well as representatives of various civil society organizations, including the chairman of the journalists' association of Honduras, with a view to gaining the broadest possible perspective of the political environment surrounding the electoral process.

Also, in the run up to the elections, the members of the EOM met with the five presidential candidates and with various other congressional and mayoral candidates, all

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<sup>10</sup> The EOM field offices were located in the departments of Atlántida, Comayagua, Olancho, El Paraíso, Choluteca, Francisco Morazán, Cortés, Copán, Santa Bárbara, and Yoro.

of whom described the pre-election environment as calm, underscoring the work of the National Elections Board in guaranteeing the transparency of the process.

The Mission publicly recognized the efforts of the TNE in completing the schedule of activities, indicating that this had contributed decisively to increasing the general confidence of the electorate in the way the process was run. The EOM specially acknowledged the election body for having delivered the voter census results in advance, which had never happened before. The timely delivery of the voters' lists gave citizens and political parties enough time to check them and submit objections, which contributed to the image of reliability of the census and credibility of the election system.<sup>11</sup>

The Mission issued a total of three advance media releases publicly announcing its assessment of the substantive and technical aspects of the voting process. In these releases, the EOM expressed its opinion on recognition of voters' basic guarantees in the electoral process and compliance of the established procedures with national standards. (See Annexes 3, 4, and 5)

## **CHAPTER V**

### **PRE-ELECTION SITUATION**

The political environment in which the elections were held is characterized by calm and public confidence in the system and in the election process, as well as a general willingness for the elections to proceed in a climate of legality and normalcy.

The calm that characterized the pre-election stage was only interrupted a few days before the elections as a result of , *inter alia*, the assassination of the candidate for Congress representing the National Party, Angel Pacheco León, in the Valle department. Although the event did not appear to be politically motivated, as the presidential candidate of that party stated publicly, the Mission expressed its sorrow and urged the competent agencies to clarify the circumstances surrounding the incident. The EOM also received a formal complaint from the National Party the day before the elections, denouncing the harassment of its candidates in the interior. These incidents, however, did not put a damper on the general atmosphere of calm that generally prevailed during the run up to the elections.

As regards the campaign platform, though it was devoid of debate proposing solutions, it was distinguished by mutual respect and the absence of mud-slinging campaigns and personal attacks. All the people interviewed by members of the Mission, including the presidential candidates, expressed unreservedly their willingness to accept the results of the elections, whatever they might be. This attitude was reaffirmed on the

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<sup>11</sup> Pursuant to Article 130 of the Law on Elections and Political Organizations, four months before election day, the National Registry of Persons must have completed preparation of the final voters' lists, which is to be sent to the Local Elections Boards no later than 15 days before election day and posted in a visible place.

eve of the elections, when the Head of Mission communicated by telephone with the Chairman of the TNE and each of the five presidential candidates.

One of the circumstances that caused public concern during the run up to the elections was the delay in delivering identification cards, many of which were not ready until the very day of the elections. This caused backups in the distribution centers and complaints from the voters, in response to which the TNE decided to leave these centers open for collection of these documents until the scheduled time for closing the polls.

Another circumstance that merits special attention during the run up was the failure to disseminate the lists of candidates for seats. These lists were only published in the official gazette, thus the general public did not have access to them to know which candidates would eventually represent them in the National Congress. Only the major parties published the lists of these candidates in the media, just once, a few days before the elections.

It is important to point out that the President of the Republic, a member of the Liberal Party, generally stayed out of the election campaign and avoided showing any bias toward the candidate of his party, reflecting the independence and transparency of acts of government. The leader of the Executive was equally strict in instructing civil servants on the principle of neutrality in the exercise of their functions during the electoral process.

Based on meetings held with the candidates of the various political parties, the election process, and the representatives of various civil society organizations, the Mission gained some insight into which issues were of concern to the public. These include:

- The need for legislative reform to promote the participation of independent mayoral candidates;
- The introduction of clear regulations on budget and control of the income of political parties;
  - Separation of the presidential from the municipal elections by setting different dates for the two elections;
  - Shorter campaign periods;
  - No partisanship in election bodies and professionalism in the National Registry of Persons;
  - Compulsory dissemination of the congressional lists far enough in advance for voters to be fully informed when they cast their votes;
  - The need to promote greater participation of civil society in the political life of the country in an organized manner;
  - The need to strengthen systems to make citizens better aware of the functions of the legislative branch.

## CHAPTER VI

### TECHNICAL OBSERVATION OF THE PROCESS

To gain an overview of various aspects of the electoral process, the Mission was divided into areas of specialization, such as logistics, data processing, training, complaints, and reports. Each of these areas was headed by an expert in the field, as depicted in the attached organizational chart (See Annex 6).

#### A. *ELECTION LOGISTICS*

During the observation period, the EOM found that, despite the shortcomings, the logistics of the process posed no major problems.

##### 1. **Design and preparation of voting materials**

The task of designing, manufacturing, and packaging voting materials was the responsibility of the TNE. Generally speaking, the materials were packaged on time, with the exception of the instructions of the Preliminary Results Transmission System (TREP), which were ready just a few days before the elections and, therefore, were distributed separately from the packages of materials<sup>12</sup>.

During the last elections, a number of innovations were made in the design of voting materials. One of them was that separate ballot cards for each level of voting (presidential, congressional, and municipal) were used for the first time, as well as specific ballot boxes for each of these polls<sup>13</sup>. The ballot cards were also designed using invisible ink as a security device. Similarly, unlike previous elections, the opening and

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<sup>12</sup> In accordance with the Electoral Law, voting materials consist of the following:

- List of voters at the polling station and a copy for display to the public;
- National Photographic Voter Register, created by reproducing the photographs of voters on file;
- Number of ballot cards in three different colors equal to the number of voters at each station and 20 additional ballot cards to be used by polling officers, as necessary;
- Voting log, recording voting at the station and any incidents that may have occurred during voting;
- TREP form;
- The seven records or statements certifying the returns, five of which correspond to the various political parties (identified by their characteristic colors), one for the local board, and the last one to be deposited in the ballot box handed over with the materials returned to the TNE. These records are important since the law states that, in the event of protests, at least two of the statements must coincide before the final results of the station can be issued.
- The Electoral Law; and
- Ink pads, indelible ink, pens, self-adhesive labels, stamps, wrapping paper, bags, three ballot boxes the same colors as the ballots.

<sup>13</sup> White ballots with white ballot boxes for the presidential elections; gray ballots with gray ballot boxes for the congressional elections; and purple ballots with purple ballot boxes for the mayoral elections.



closing records were printed on security paper with invisible ink (including security graphics that could only be seen in ultraviolet light) and with individual numbers for each of the polling stations, which were also assigned to the other materials in the package that was distributed to the polling stations.

## **2. Transportation and custody of voting materials**

The transportation and custody of voting materials and ballot boxes from the National Elections Board to the polling stations was the responsibility of the Armed Forces, who performed this task impeccably. With very few exceptions, all the materials were distributed to the polling stations set up throughout the country on schedule. In most cases, lieutenants, colonels or majors were responsible for the transportation and distribution of the materials, emphasizing the importance attributed to logistics at this stage of the process.

In order to guarantee the timely distribution of materials, the Honduran Armed Forces worked hard on mapping out a number of distribution routes. They not only traveled and checked these routes beforehand, but they also timed the delivery of the materials to the different regions of the country.

Pursuant to Article 164 of the Elections Law, the TNE must find the fastest and most secure means of delivering voting documents and materials, to ensure their timely arrival at the destination. To perform this task, the election authorities used part of the fleet of government vehicles. These vehicles had to be equipped with drivers, gasoline, and per diem. According to the Mission's observations, this was not always the case because the boards often received the automobiles but not the resources to deploy them. However, despite the difficulties, the EOM observed that every effort was made to cover all the delivery routes.

In transporting materials, priority was given to deliveries in the most remote areas, by degree of difficulty of access. Deliveries were made according to the following table.

### **DISTRIBUTION SCHEDULE**

<b>GROUP N° 1</b>	<b>Delivery on November 19</b>
	<ul style="list-style-type: none"> <li>- Ocotepeque</li> <li>- Copán</li> <li>- Lempira</li> <li>- Santa Bárbara</li> <li>- Antibuca</li> </ul>
<b>GROUP N° 2</b>	<b>Delivery on November 20</b>
	<ul style="list-style-type: none"> <li>- Yoro</li> <li>- Comayagua</li> <li>- El Paraíso</li> <li>- Olancho</li> <li>- Valle</li> </ul>

<b>GROUP N° 3</b>	<b>Delivery on November 21</b>
	- Atlántida - Choluteca - La Paz
<b>GROUP N° 4</b>	<b>Delivery on November 22</b>
	- Gracias a Dios - Islas de la Bahía
<b>GROUP N° 5</b>	<b>Delivery on November 23</b>
	- Cortés - Francisco Morazán

The voting materials were transported in three stages:

*a. State One:*

Initially, the Armed Forces transported the materials from the TNE to the 18 departmental boards, where they were received by board officials, who verified that the packages were indeed intended for their constituency. In accordance with the elections law, these materials must be checked and the packages opened publicly for quality control, then noted in the record signed by the members of the electoral agency present. Observations noted that the receiving authorities did not follow this procedure for fear that, if they encountered any errors in the materials, it might be interpreted as an act of manipulation by the local boards.

*b. Stage Two:*

Once the materials were returned to the Armed Forces, the latter continued their delivery from the 18 departmental boards to the 298 local boards, which, once again, verified that the packages received belonged to their constituency. As in the previous case, the local boards did not open the packages despite the TNE's instructions that they should randomly check at least one of them.

*c. Stage Three:*

Finally, the voting materials were transported from the 298 local boards to 5,303 polling stations throughout the country. The Armed Forces took charge of this stage as well.

At all times during transportation, two representatives of political parties selected at random accompanied the materials. Given that representatives of the five parties were present at every point, one could say that the legally registered political parties shared supervision of the distribution routes.

The materials were delivered to the polling stations first thing on the morning of election day, and were received by the representatives of the contending parties<sup>14</sup>. The materials were then kept in one of the rooms of the polling station in the custody of the Armed Forces until 5:00 a.m., the scheduled opening time of the polling stations.

The Mission observed that, generally speaking, distribution of the voting materials was properly performed, despite the problems noted. Distribution to the corresponding voting centers was also satisfactory since, due to the effort of those involved in the process, most of the voting materials reached the polling places on the same day of the elections or, failing that, on the day before.

### **3. Transmission of Preliminary Results (TREP)**

The procedure established for transmission of the preliminary results (TREP) was a mechanism adopted by the TNE to obtain rapid and reliable information on the results of the polls on the day of the presidential, congressional, and municipal elections. This procedure was used initially for the 1997 elections, to handle a much greater data load.

The procedure consisted of completion of a special form (TREP form) by the polling officers once voting had ended, after having entered the results in the voting log and prepared the returns. Once the form is signed by the five polling officers, it should then be immediately delivered to a collector in charge of transportation to the data center or to the relay centers, which, in turn, would be responsible for transmitting the returns by telephone, fax, or personally (by motorcycle or other vehicles) to the national

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<sup>14</sup> The law establishes that materials are to be delivered in the presence of at least three representatives, be they principals or alternates, provided that they are from different political parties.

data centers, located in Tegucigalpa and San Pedro Sula, where the results would be electronically processed<sup>15</sup>.

To expedite transportation and delivery of the TREP forms, such factors as remoteness and inaccessibility were taken into account. Based on that procedure, the country was divided into two large areas: the urban or metropolitan zones, which included the voting centers in rural areas one hour's drive away from a relay station; and the interior of the country, which included the voting centers in the villages or hamlets located at more than one hour from those centers. The latter were divided into two areas: easily accessible areas, a short distance from the relay stations, and hard-to-access areas, far away from those centers.

In order to increase the margin of accuracy and security of the results obtained through the TREP procedure, for this election, the number of cities transmitting results for the preliminary count increased from 24 to 44. To collect data from these 44 cities, 500 rapid deployment routes were established. In urban areas, a transportation system was established based on 800 collectors, who traveled by taxi, motorcycle, or vehicles designated by the local board. These trips would be made several times until the last TREP form was collected.

In schools from which voting centers with a large number of stations operated, a fax machine was installed at the polling place, which was operated in some cases, by personnel from the national communications company (Hondutel) and in others by the teachers of the educational establishment themselves<sup>16</sup>. These relay centers also serviced other polling places located in adjacent precincts. In the case of remote places, efforts were made to identify the nearest public phone so that the forms could be transmitted by phone.

Fifty fax machines were installed in Tegucigalpa and 40 in San Pedro Sula for receiving information from the designated relay stations. Similarly, 20 telephone lines were installed in Tegucigalpa and 15 in San Pedro Sula to receive transmissions by phone.

During the stage of planning the TREP system, the mission noted a number of difficulties, including the following:

- The short time for planning, recruitment, and training of the personnel in charge of this task, since the decision to adopt that system was taken belatedly, leaving less than one month for its implementation;
- The lack of training of persons hired to collect the TREP forms (collectors). However, the TNE organized two briefings for TREP form collectors, they were

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<sup>15</sup> To perform this task, the TNE hired the firm GBM to not only design and develop the software, but also to provide technical support. The same firm was also responsible for the official vote count.

<sup>16</sup> The fax machines installed in the schools that had none were subsequently donated to those establishments, provided that the teachers would accept to transmit the TREP forms whenever necessary.

held only in Tegucigalpa and San Pedro Sula, therefore, the collectors responsible for transmitting the results in the other 42 towns received no instructions;

- The lack of clarity in the instructions and their late delivery. The instructions were confusing for many polling officers, since explanation of the procedure was not simple. This situation, together with the late delivery of the instructions, meant that a large percentage of polling officers and relay personnel were ignorant of the procedures for which they were responsible;
- The late installation of fax and telephone equipment, which precluded power and load testing.

These circumstances meant that the procedures envisaged for transmission of the results did not live up to the expectations of the TNE. A substantial percentage of the voting results could not be obtained and disseminated shortly before the closing of the voting, as the election authorities had planned and announced (see Section 1, CHAPTER VII).

## **B. DATA PROCESSING**

The Mission did not observe any significant IT problems with the software design or data processing. The system was reliable using the software for processing the TREP form and the software for the official count, although some details still needed future improvements to guarantee better data transmission security.

### **1. Software**

The software used for processing the TREP forms, which was designed and developed by the firm GBM, was the same used in the elections of 1993 and 1997. A number of minor adjustments were made for these elections, to adapt the system to the characteristics of the current process.

The software and its fine-tuning were monitored by the Data Processing Audit Committee of the National Elections Board, comprising technicians specializing in the area (one from each political party and one appointed by the Supreme Court of Justice).

The security features of the TREP system included the incorporation of security codes into the forms filled out at the polling stations, which would be used to verify the authenticity of the forms received at the vote count centers. To enter data and check that it has been properly keyed in, each user was assigned an access code corresponding to their level. Access to the various environments or levels of the system were recorded to enable auditing of the system, where necessary.

At the Tegucigalpa vote count center set up at Hotel Plaza San Martín, a network server and IBM AS400 database were configured. At the San Pedro Sula vote count center, operating from the premises of the National Identification Project (PIN), an IBM

AS400 server was installed, but with less capacity than the one in Tegucigalpa. Since the San Pedro Sula server was connected on line to the one in Tegucigalpa, the plan was to periodically total the votes exclusively in the vote count center located in Tegucigalpa.

## **2. Security features of the system**

As part of a contingency plan, a backup server with the same features as the main server was installed in each of the vote count centers, which would be triggered if anything happened to the primary servers. In addition to this precaution, and to support the integrity of the database, the system could feed national data from the server in Tegucigalpa to the one in San Pedro Sula.

To prevent an eventual collapse of communications between the San Pedro Sula servers, plans were made to use the signal from two additional secondary channels that were interconnected, the first through Ceiba and the second toward the channel usually used by the National Identification Project.

## **3. Official count of the returns**

The tally of the official results proceeds in the following stages: receipt of the election returns; recognition of the returns in the system; quality control; scanning of the returns; data entry; verification; and auditing.

In accordance with that procedure, the returns sent to the counting centers from the TNE stockroom are subject to process of recognition by the tally system by means of the bar code assigned to each one. These returns then go through a quality control system to measure their consistency. At the end of this stage, each return is scanned, recording the picture in a database. The data entry personnel then begin to enter the data contained in each of the returns, followed by the process of verification and audit. The returns posing problems at the end of the process are subject to final review by the members of the Data Processing Audit Committee at the end of each day. Cases that are not within the jurisdiction of that committee shall be referred to the TNE for analysis and settlement.

## **4. Dry runs**

The TNE organized two dry runs to test the IT system used to process the TREP forms. These tests were run in Tegucigalpa and San Pedro Sula in the presence of members of the TNE, the Data Processing Audit Committee, journalists, and EOM observers.

The first dry run took place on November 20. During the exercise, the logistical part was not included in the rehearsal due to problems with assembling and training the persons responsible for collecting the forms. However, the system was partially tested. It was observed that all the corresponding machines and equipment had not been installed, particularly in the center in San Pedro Sula. It was also observed that personnel had not been adequately trained and that the test was being used largely as a training and practice session for data entry staff.

The first trial run did not have trial data for testing the capacity of the software to provide consistent results, nor was there any load testing, thus the Mission suggested additional testing where the entire TREP team would be under the same pressure they would experience on election day.

The dry run on November 23 began at 12:00 p.m. in Tegucigalpa and at 2:40 p.m. in San Pedro Sula. But, just as before, it was not representative of the conditions, characteristics, and volume of data that would be experienced on election day, although in the new trial data was received by telephone and by fax from a number of machines installed in both centers.

Regarding the infrastructure needed for TREP operation, it was noted that by the second testing almost all the equipment was in place. It should be noted that, in this second test, only data received by fax and telephone was keyed in, as forms delivered by hand were not entered.

The software of the module for review and auditing was installed on the day before the elections and users in that area were trained. The review and audit module posed a high risk to data integrity, because it allowed the data to be changed after entry and verification, with no ex-post control because the TREP forms were then filed as having been validated.

## **C. TRAINING**

In the area of voting training, the mission observed that the elections law did not indicate which authority was responsible for training or define the parameters for compliance with that task. The only provision in the legislation in that regard attributes to the TNE the task of "disseminating the voting system in all the available media and publishing, at least 30 days prior to the schedule election date, the instructions to be sent to the polling stations for conducting the elections..."<sup>17</sup>. Furthermore, the National Elections Board has no training department for elections officers on its organizational chart, hence the traditional delegation of this responsibility to the political parties.

### **1. Training of election officers**

At these elections, there was no comprehensive training program by the TNE for election officers. To remedy this situation, the TNE held some training sessions for officers of the departmental and local boards. However, these were held only in Tegucigalpa and San Pedro Sula, and therefore excluded officers from the other regions

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<sup>17</sup> Article 103(j) of the Law on Elections and Political Organizations.

of the country<sup>18</sup>. It is noteworthy that sample voting materials were not used during these working sessions nor was there any simulation of voting.

The National Elections Board also held two training sessions for trainers, targeting representatives of the political parties contesting the elections. The first session, which approximately 50 party representatives attended, was held in Tegucigalpa on October 5-6. The second was held on October 12-13 in San Pedro Sula. The purpose of these sessions was to train assistants who would act as facilitators and take charge of training the members designated by their own parties to function as polling officers. However, each political party was directly responsible for training polling officers, thus they did not always share the same criteria for election functions.

The Technical Committee on Elections was in charge of preparing voting instructions, one set for returning officers in Honduras and another for officers at the 27 polling stations abroad. In preparing the instructions, some deficiencies were observed, such as the absence of explanations on the procedure for transmitting preliminary results (TREP). The explanatory brochure was delivered late and its content, unlike the existing manual, did not include graphics depicting the procedure.

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<sup>18</sup> These sessions were held on October 3 and 9 in San Pedro Sula and on October 12 in Tegucigalpa.



## **2. Voter guidance**

As in the case of training for election officers, the TNE provided no civic/voter education program or guidance for citizens regarding the features of the voting process. The characteristics of the process and calls for the electorate to vote were broadcast by radio less than one month before the elections.

The Technical Committee on Elections prepared information sheets for voters on the steps to follow on election day. However, this material was not distributed to the public because it was censored by the representatives of some parties contesting the elections, who thought that the catch phrase on the poster could be connected with the slogan used by the presidential candidate of the National Party<sup>19</sup>.

Some salient initiatives of civil society institutions to promote and announce the right to vote include the awareness campaigns of the Episcopal Conference of Honduras, which sponsored the display of posters in the churches to encourage voters to go to the polls.

### **D. REPORTS AND COMPLAINTS ON VOTING**

The number reports and complaints filed during the voting process was small and generally referred to isolated cases.

Among the reports received, was one concerning the failure to register certain independent candidates for the municipal corporations. The EOM transmitted this report to the competent authorities for the corresponding legal action. The Board decided to refuse registration on the basis of the elections law, which only allows independent candidates to register for the office of president of the republic (and presidential designates) and members of congress, but not for municipal positions<sup>20</sup>. Another report received by the mission was sent by the National Party and referred to refusal to register four candidates in the constituency to replace the ones originally nominated<sup>21</sup>. Of these cases, the one that received special attention concerned the TNE's refusal to register Luis Cosenza (National Party) as a candidate on the slate of representatives of the district Francisco Morazán, to replace the candidate Elizabeth Zúniga, who had declined the nomination a few days before the election. Although the law gives parties the right to nominate candidates to replace absentees or withdrawals, it fails to indicate a deadline for this procedure. The election authorities refused to register the candidate in question on grounds that there was no time to publish the registration in the official government media, as provided in the current legislation. Another report made verbally

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<sup>19</sup> The catch phrase was "Why the future of Honduras is well worth your vote", while the slogan of the presidential candidate of the National Party stated: "Secure the future with Maduro".

<sup>20</sup> Article 49(ch) of the Law on Elections and Political Organizations.

<sup>21</sup> Article 63 of the Electoral Law establishes that, in the event of the death or withdrawal of a registered candidate before the elections, the national leadership shall have the right and the obligation to designate a substitute by decree of its central executive.

by the National Party claimed that the Liberal Party had issued 60,000 polling officer credentials<sup>22</sup>. The report was not entertained because no evidence was provided.

Other accusations were made by contending political groups, such as the allegations of purchases of identification cards to deprive potential voters for a particular party of this document and harassment of some candidates. The Mission channeled these reports to the competent authorities, who generally determined that they were groundless, as the accusing group did not present any evidence to support the allegations.

## **CHAPTER VII**

### **ELECTION DAY**

According to the Mission's observations, the elections of November 25 proceeded normally. The observers deployed throughout the national territory did not report any incidents that spoiled the voting process, and an atmosphere of calm prevailed at all the polling stations visited. The irregularities detected were isolated cases referring to the display of party logos at polling stations and/or the receipt of incomplete materials or supplies that did not belong to the station, which in no way compromised the results of the polls.

The 118 observers deployed in the 10 field offices closely observed a sample of 831 polling stations throughout the national territory, representing 16 percent of all the polling stations in the country. In accordance with the objectives set by the Mission, the observers checked both the logistical organization of the elections by the TNE and compliance with standards that would protect the right to vote.

#### **A. ASPECTS OBSERVED**

Observation placed special emphasis on the following areas:

##### **1. Receipt of materials**

In the vast majority of the polling stations observed, the materials were received in full. In cases where items were missing, or where materials for another station were received, the election authorities solved these problems promptly and efficiently.

##### **2. Installation and opening of polling stations**

The Mission found that the process of installation and opening of the polling stations was conducted as the election authorities had envisaged. In some cases,

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<sup>22</sup> It was alleged that these credentials had been signed by the Secretary of Governance and Justice, a position equivalent to that of cabinet minister, and could be used, according to the complainants, for voting twice, once in the place where the voters were registered and again in the place where they are accredited.

however, there were delays in the installation process, as a result of which, on average, they opened at 6:30 a.m., i.e., one hour behind schedule.

### **3. Voting**

Voting proceeded in an atmosphere of normalcy and calm. The members of the Mission found that there was full compliance with the procedures established by the election authorities for voting, without incidents compromising the transparency of the process or threatening public order. The voting demonstrated once again the firm commitment of the Honduran people to peaceful and orderly elections.

The Mission observers noted the presence of members of the Armed Forces at all the polling places visited, confirming how well they performed their duty of safeguarding the electoral process. The polling officers, for their part, displayed great civic responsibility by following, in an orderly manner, the procedures established by the TNE for this stage of the polling process.

As noted, the TNE did not offer any programs to guide and motivate voters on election day, to provide information on the location of polling stations or voting procedures. This work was done by the polling officers themselves, who took responsibility for explaining the voting process to voters. In the larger cities, the major parties installed information and orientation booths near the polling stations. During the process, there were no special provisions or facilities for the disabled to vote.

### **4. Closing of the polls**

The vote count proceeded normally, despite the delays caused by the inexperience of some polling officers or the lack of training in this stage of the process. In some areas of the country, the TNE authorized the closing of the polls one hour later, i.e. at 5:00 p.m., given the delay in setting up and opening the polling stations and the fact that at 4:00 p.m. there were still large numbers of voters waiting outside the centers to cast their votes.

In previous elections, the returns upon closing were sent through the local board to the National Elections Board, which raised suspicions of possible manipulation of the results. During these elections, the local elections board received only certification of the results, while the TNE received the ballots, the tally list, which were placed in custody in case of possible challenges. This change in procedure helped build public confidence in the system.

### **5. Transmission of the preliminary results (TREP)**

On election day, the EOM found that the system set up for rapid transmission of the election results (TREP) did not function as intended.

The day before the elections, the TNE had announced that the first report of preliminary results would be made at 8:00 o'clock on the night of the polls, by which time there should have been enough information on a substantial percentage of the votes to establish a trend. However, due to difficulties in the data transmission process, the first preliminary results reported by the Chairman of the TNE were released at 9:15 p.m. and covered the count from 166 polling stations, accounting for only 1.5 percent of

the total. As a result, after the first report of preliminary results by the TNE, the media began to broadcast results from other counts.

As stated above, the problems experienced in transmitting the results were due in part to the lack of training of polling officers in the system and major omissions in planning and execution. This was compounded by the lack of involvement of the departmental and local boards in the procedure.

The lack of training of polling officers is partly a result of the little time spent on recruitment and training—no more than three weeks. Added to this was the fact that there were no simulations with large volumes of information. This, combined with obstructions in the fax lines, explained to some extent the slow arrival of information on election day. As fax machines in both Tegucigalpa and San Pedro Sula were not functioning, only one fifth of the machines installed were usable. The most effective way of transmitting data was by telephone, since the system of delivery by hand using motorcycles and other vehicles did not function as planned either.

## **B. EOM RAPID COUNT**

To ensure the transparency of the procedures established for obtaining, transmitting, and processing election results, the Mission conducted a rapid count. This procedure consists in obtaining, transmitting, and processing the election results obtained from a specific number of polling stations, selected from a statistical sample representative of the demographic characteristics of the population, based on a specific statistical program.

According to the standards established for this procedure, after the vote count is finalized, observers should transmit to the EOM operations center the results of the presidential poll at 60 stations, previously selected from the sample universe. The results of this exercise and the corresponding analysis were obtained at 8:30 on election night and were shared with the Secretary General of the OAS and the Chairman of the TNE, as previously agreed.

Owing to access and communications problems in the areas where some of the selected polling stations were located, the Mission had to overcome major logistical obstacles to collect and transmit the data. In spite of the difficulties encountered and thanks to the support provided to observers by the armed forces, it was possible to obtain the results from all the stations in the sample.

## **CHAPTER VIII**

### **POST-ELECTION STAGE**

The Mission maintained its presence in Honduras until the day on which the official results were declared, in order to fully observe developments in the post-election

period. In particular, the EOM found that the process of counting the official results was compliant with the pre-established conditions of transparency and legality and faithfully reflected the will of the voters. In performing this task, the Mission remained in constant contact with the different players in the electoral process, including the Chairman and members of the full TNE, manager of the firm GBM (in charge of the vote count), coordinators of the political parties appointed to the counting center, and members of the Data Processing Audit Committee.

#### **A. ACTIVITIES CARRIED OUT**

The activities carried out by the TNE in the post-election stage consisted mainly of the removal of voting materials, official count of polling station returns, review and settlement of challenges, and the final declaration of the results.

##### **1. Removal of voting materials**

Voting materials from each polling station were removed from each polling station and returned to the TNE following a timetable similar to the one used for their distribution. Based on that schedule, the materials were sent from the polling stations to the respective local boards and from there to the departmental boards in that precinct, and finally to the stockrooms of the TNE. Upon arrival at this final destination, the returns were separated from the rest of the materials to be sent to the counting center for processing.

In spite of the system implemented by the TNE for collecting the voting materials from boards that had experienced delays in reporting them, the Mission found that on December 15, the voting materials from all the polling stations in the country had still not arrived at the TNE.

##### **2. Official count of the returns**

On the evening of Monday, November 26, the TNE began the official count of the results based on the official returns, which were to be removed with the rest of the voting materials from the polling stations and returned to the TNE stockrooms in Tegucigalpa, as indicated in the previous section. As noted in this paragraph, the EOM observed that returns were being received slowly, causing a series of delays in the official count. It should be noted that, from the start of the count, the TNE refrained from advancing partial results, so, during this period, only the TREP data were released to the public.

Notwithstanding some difficulties and delays encountered during the process, the official count proceeded normally. However, these difficulties were essentially logistical and were overcome by improvisation during the process.

Counting center staff were trained in the use of the software on the job because, as indicated earlier, this training was not provided sufficiently far in advance. That,

together with the fact that there were irregularities with a large number of returns, caused considerable delays in processing the official results<sup>23</sup>.

During the count, the National Elections Board had to rule on the treatment to be given to problematic returns at the counting center. "Standard problems" were identified and how each one should be handled was defined, to avoid different interpretations in similar cases.

It is important to point out the presence of all the political parties in the process of counting the official results. They participated by appointing a representative from each party to act as an officer during the count. Their monitoring contributed to a large extent to the transparency of the process.

### **3. Handling challenges**

The TNE received a total of 22 challenges, most of them requesting a recount in the municipal elections, except in the case of PINU, which requested a recount for congressional seats<sup>24</sup>. In the case of the municipalities, most of the complaints arose from the narrow margin of votes between one candidate and another.

The TNE began to address these challenges on Friday, December 15 and finished on December 18.

### **4. Other TNE decisions**

Days after the elections, the TNE took a decision by six votes to one to register the candidate Luis Cosenza as the eighth member of the National Congress for the National Party, as requested by the political organization. The TNE also proceeded to place National Party representative José Pacheco in the fourth seat for the Valle district, which fell vacant due to the tragic death of his brother Angel Pacheco. The TNE justified its decision arguing that the failure of the National Party to replace the candidate with sufficient lead time for publication in the gazette was not deliberate and, therefore, it was constitutionally correct that this should be published after the election.

### **5. Official declaration of the results**

The official results were announced on Friday, December 21. The National Elections Board (TNE) of Honduras declared President-elect Ricardo Maduro, winner of the elections of November 25. The TNE also announced that the president-designates (vice presidents) were Vicente Williams, Armida de López, and Alberto Díaz, and confirmed the abstention of 33.73 percent of the electorate, 5 percent more than in the elections of 1997. It also made the composition of the new National Congress official: of

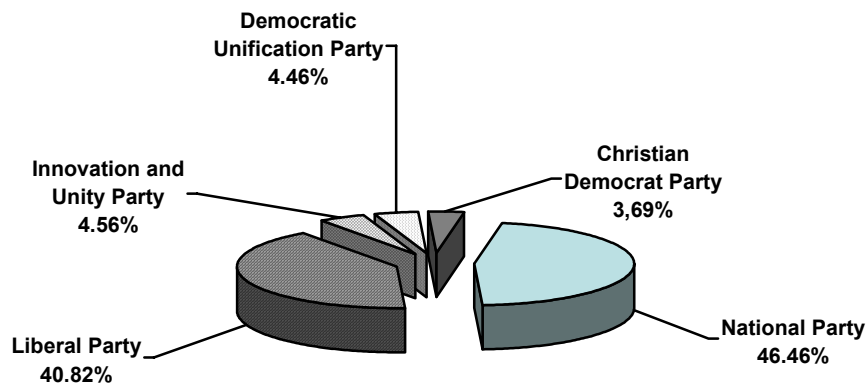
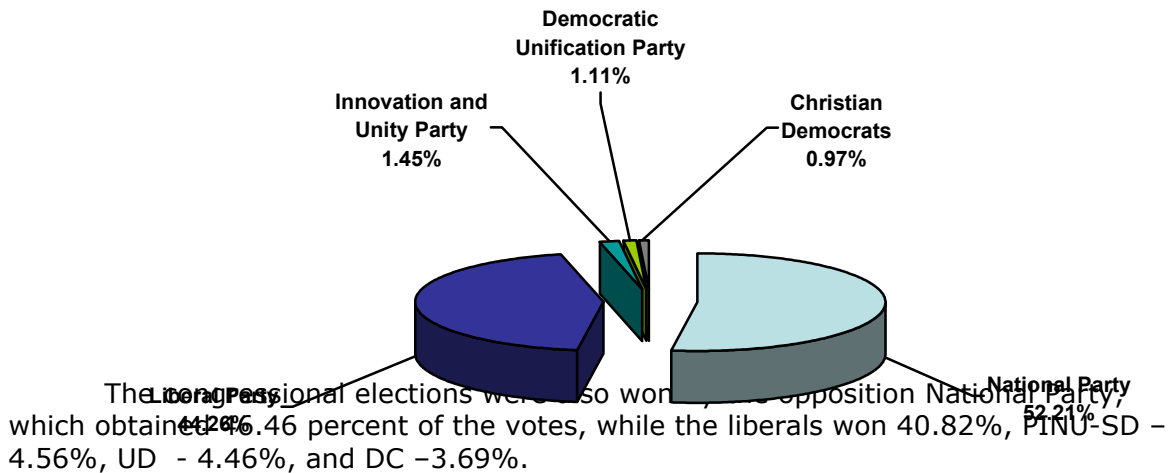
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<sup>23</sup> The irregularities encountered include the following: Inconsistencies in the numeric and hand-written results; changes, deletions, or missing signatures; incomplete returns (including some blank ones); and errors in the tally.

<sup>24</sup> Of the challenges, 16 were lodged by the Liberal Party, 4 by the National Party, and 2 by PINU.

the 128 seats, the National Party would have 61 members, four less than a simple majority.

Ricardo Maduro, who on January 27 replaced the liberal Carlos Flores as President of Honduras, won by a margin of 7.95 percent of the votes in the elections, according to the official report published by the Chairman of the TNE Heriberto Flores Lagos. Of the 2,179,181 qualified votes, Ricardo Maduro obtained 52.21 percent and the Liberal Party candidate Rafael Pineda, 44.26 percent. The presidential candidates of the other three parties, Olban Valladares, Matías Funes, and Orlando Iriarte, Innovation and Unity Party - Social Democrats (PINU-SD), Democratic Unification (UD), and Christian Democrats (DC), respectively, won 3.53 percent of the votes.



**B. OTHER ACTIVITIES OF THE EOM**

On November 27, the Mission held a meeting with President-elect Ricardo Maduro, at which, in addition to the customary congratulations, it asked his opinion on the electoral process and areas he considered a priority for his incoming government. At that meeting, the President-elect described the electoral process as an orderly one which, however, did have some serious deficiencies which, in his opinion, required urgent and far reaching reform of the elections law. Among the most important aspects of the reforms, Maduro pointed to the creation of a nonpartisan election body and strengthening the links between voters and their representatives by changing the slate system that currently governs congressional elections.

The president elect reiterated these opinions later at the Inter-American Forum on Political Parties, organized by the OAS Secretary General in Miami, Florida on December 13-14. At that meeting, Maduro argued again comprehensive election and political reform in his country, recalling that, according to recent polls, in Honduras "politicians rank second-to-last in the public's trust and political parties last". These reforms would seek greater transparency in public management, restoring the credibility of public office in the eyes of the Honduran people.

Days after the elections, the EOM made a general assessment of the electoral process, which was released to the public as the preliminary report of the Head of Mission and submitted to the OAS Secretary General, the government authorities, the election authorities, diplomatic missions in the country, and the press. In the document, the EOM identified the difficulties faced during the process and presented its general preliminary conclusions on election proceedings and some recommendations for future elections.

## **CHAPTER IX**

### **PROPOSED REFORMS OF THE POLITICAL ELECTION SYSTEM**

According to the mission's findings, public opinion in Honduras and the authorities elected at the polls on November 25 seem to have reached a consensus on the need for full political/election reform which, in addition to making it possible to deepen the country's twenty-year old democracy, will pave the way for nonpartisan and professional operation of the election structures and the National Registry of Persons, broader political participation and the introduction of clear regulations to control the expenditure and duration of campaigns, will promote greater participation by civil society in the political life of the country, and will strengthen the mechanisms linking citizens to the action of the legislative branch.

The political parties forming the Political Committee, which worked on the issue with support from the United Nations Development Programme (UNDP), proposed a consensual package of constitutional and legal reforms necessary to implement the political/election reform demanded by various economic and social sectors as well as political parties. This work produced the "Manifesto of the Political Parties to the Honduran People," a document which lays the bases for reform of the political/election system which, as agreed by all adherents, will be presented to congress in March 2002 for fast track passage, so that it will be in full force for the next elections.



The commitment of the government of President Ricardo Maduro and the political parties to follow through on the political/election reform agreed upon between three of the five full-fledged parties in Honduras last September, became evident at the "Meeting on political and institutional reforms" in Tegucigalpa on February 16-17, 2002, attended by former presidential candidates, liberal Rafael Pineda Ponce, Democratic Unification's Matías Funes, and Christian Democrat Marco Orlando Iriarte, and by representatives of the national political, social, and business spheres, as well as the United Nations Development Programme (UNDP), and special international guests including the former presidents of the Dominican Republic, Leonel Fernández, and of Ecuador, Osvaldo Hurtado.

At that meeting, the politicians agreed: "1.- To congratulate President Ricardo Maduro for endorsing the political reform proposals agreed upon by the political parties and offering support for them and those agreed upon in the multiparty agreement of the year before to be presented at the first sitting of the legislature and, after debate by the National Congress, approved for ratification at the second sitting of congress; 2.- Express our willingness to continue working and studying jointly the following political-institutional reforms: a) The number and method of selection and election of members of the National Congress, with a view to guaranteeing plurality and equity through the representation of all political parties in the same proportion as the share of votes they won; and b) The wording of the new Law on Elections and Political Organizations, which contains, *inter alia*, new criteria to shorten election campaigns, make campaign financing more transparent, improve and clarify the rules governing general elections and internal elections within each party; make the formation of election alliances more flexible without political parties having to lose their legal status. We confirm on this solemn occasion our determination to totally reorganize the National Elections Board and the National Registry of Persons on the basis of new criteria, so that they may be mutually independent, high-level, professional, autonomous agencies whose leaders will be elected by a qualified majority of two thirds of the vote in the National Congress; 3.- Have the political committee make a diagnosis to determine the causes of the problems affecting the operation and image of the National Congress and making the work, representativeness, and effectiveness of the legislature difficult; 4.- To that end, we agree that the political committee will work until July of this year towards finding consensual solutions and that the legal committee will continue its work on drafting bills in accordance with the political agreements reached; 5.- To express our fullest support for the poverty reduction strategy and the process of citizen participation and decentralization promoted by the government of the republic for the purpose of making public investment more efficient and economic and social development more dynamic; 6.- To encourage the government of Ecuador to approve a strategy of competitiveness and productivity with the participation of management and labor; 7.- We, the political parties, reiterate our thanks to the United Nations Development Programme for the support it has provided us and request that it continue providing such support until the current reform process is completed".

#### **A. NOTABLE ASPECTS OF THE DECLARATION**

The political reforms will be discussed and approved at the first sitting of the legislature and ratified at the next. The heads of autonomous entities and the National Elections Board and of the National Registry of Persons shall be appointed by a qualified

majority of two thirds of the votes in the National Congress. The political committee will function through July seeking consensual solutions and the legal committee will continue its work on drafting bills in accordance with the political agreements reached, Broad backing for the poverty reduction strategy and the process of citizen participation and decentralization promoted by the government of Ecuador.

The main proposed reforms under each of the headings given are set out below:

### **National Elections Board (TNE)**

- The TNE will be an autonomous and independent entity, with nationwide jurisdiction and competence;
- It will be exclusively and independently responsible for the administration, organization, management, and supervision of everything related to election acts and procedures and those of any popular consultation held in accordance with the law;
- Its resolutions on election matters are not appellable, the only recourse being restitution of the status quo or special remedies for violations of constitutional guarantees;
- It shall have an uneven number of members, no less than three;
- Its members shall be persons of recognized standing, Hondurans by birth, fit for the position, and shall be subject to the disqualifications established for magistrates of the Supreme Court of Justice. They must not represent partisan interests or act on the orders of any other authority, or conduct any political activity whatever. They shall be elected by the National Congress by a two-thirds majority vote. Their term of office shall be six years subject to re-election.

### **National Registry of Persons (RNP)**

- The RNP shall be separate from the TNE;
- It shall be established as an autonomous, independent entity with its own resources;
- It shall comprise officials and staff chosen on the basis of personal merit and by means of a rigorous system of recruitment;
- It shall have the functions prescribed by law.

### **Inclusion of plebiscite and referendum in the Constitution**

- Such concepts of direct consultation of the nation as plebiscite and referendum shall be included in the Constitution.

### **Election campaigns**

- The internal elections of the political parties shall be held in the same year as the general elections;
- The duration of election campaigns shall be shortened to 45 days for internal elections, and to 90 days for general elections;
- The state shall be responsible for educating the public about elections, in accordance with the modalities established by law.

### **Political alliances**

- The formation of full or partial alliances between two or more political parties shall be authorized on the basis of a single election platform and slate. The political parties forming the alliance shall retain their legal status. In the case of partial alliances, the political parties shall keep their own representatives at polling stations at the election levels not included in the alliance.

### **Political financing**

- All income and expenditure of the parties and the candidates shall be duly accounted for and they shall submit a report to the election body. The law shall establish penalties for noncompliance with the provision. The improper use of public resources for election campaigns shall be penalized.

### **Election of members of congress**

- The committee of political parties shall continue to explore better ways of electing members of congress seeking to bring them closer to the voter and improving plural political representation in the National Congress. Among the possibilities to be considered will be the election of representatives by single-member electoral districts and a multi-member national lists, the election of representatives by national residual, etc. The committee has up until end-March 2002 to present its conclusions.

### **President designates**

- The political committee has up until end-March 2002 to submit a proposal on president designates.

### **Law on Elections and Political Organizations**

- Based on the aforementioned agreements, a committee of jurists comprising one representative from each political party shall, draft a bill on Elections and Political Organizations modernizing the election regime and increasing the potential for political competition.

## CHAPTER X

**CONCLUSIONS AND RECOMMENDATIONS**

According to the Mission's observations, the electoral process in Honduras was conducted normally, in strict compliance with the established election standards. Although the law in Honduras allows the president of the republic to participate in politics, President Carlos Flores Facussé made a commitment to neutrality, according to the letter of the law. This impartial attitude was reflected throughout the process and in its outcome.

The EOM's general assessment of the election process is positive, with strengths outweighing weaknesses. The problems encountered were mostly logistic and were due to a lack of resources to properly organize the election process. Other difficulties were a result of the peculiarities of the election system itself, which was characterized by multiparty election agencies exercising both administrative and jurisdictional functions, among others. However, these problems did not compromise the legality of the process. The election authorities performed their various functions lawfully and reliably, with the result that the EOM found the elections to be free and transparent.

For his part, and as reflected in this report, President Ricardo Maduro has expressed the commitment of his government to promote far reaching reform at both the legislative and institutional levels that would guarantee transparency and efficiency in public office, to restore the trust of the Honduran people in their leaders and in the political parties. This situation presents a challenge to the new head of state to put the public's interests before the political interests of the various players in the process. This opinion is shared by the political parties and civil society, as stated in the "Manifesto of the Political Parties to the Honduran People," signed by the then presidential candidates and ratified by President Maduro at the Meeting on Political and Institutional Reforms, February 16-17, 2002. This initiative requires a high level of cooperation between the head of the executive and the National Congress, where no party obtained majority.

In conclusion, the EOM wishes to thank the government and election authorities, the media, the international community in Honduras, and, in particular, the countries that contributed funding—specifically, U.S.A. and Sweden—and that supported the Mission's work by providing volunteer observers. Above all, the EOM thanks the citizens of Honduras who, despite the difficulties that arose during the process, performed their civic duty and exercised their vote in an atmosphere of calm and democratic coexistence, which was particularly apparent on election day.

**CHAPTER XI**

**PRELIMINARY FINANCIAL STATEMENT**

**ORGANIZATION OF AMERICAN STATES  
UNIT FOR THE PROMOTION OF DEMOCRACY**



**Electoral Observation Mission in Honduras -2001**

**PRELIMINARY  
STATEMENT OF CHANGES IN FUND BALANCE  
From inception (October 22, 2001) to March 31, 2002**

<b>Increases</b>			
Contributions			
United States	\$225.000		
Sweden	68.081		
<b>Total Increases</b>			\$293.081
 <b>Decreases</b>			
<i>Expenditures</i>			
Personnel	22.065		
Travel	69.319		
Documents	2.128		
Equipment & Supplies	34.518		
Building and Maintenance	2.212		
Performance Contracts	100.204		
Other expenses	5.835		
<i>Obligations</i>		33.377	
<b>Total Decreases</b>			269.657
<b>Fund balance at end of period</b>			<b>\$23.423,95</b>



**APPENDICES**





**APPENDIX I**

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**AGREEMENT BETWEEN THE GOVERNMENT OF HONDURAS AND THE GENERAL  
SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES**



**ACUERDO ENTRE EL GOBIERNO DE LA REPUBLICA DE HONDURAS Y LA SECRETARÍA GENERAL DE LA ORGANIZACION DE LOS ESTADOS AMERICANOS RELATIVO A LOS PRIVILEGIOS E INMUNIDADES DE LOS OBSERVADORES DEL PROCESO ELECTORAL CORRESPONDIENTE A LA SELECCIONES GENERALES DEL 25 DE NOVIEMBRE DE 2001.**

Las Partes de este Acuerdo, el Gobierno de la República de Honduras (en adelante "el Gobierno") y la Secretaría General de la Organización de los Estados Americanos (en adelante "la Secretaría General")

**CONSIDERANDO:**

Que por medio de la Nota No. 594/O1/MPH/OEA del 28 de agosto de 2001, la Embajadora Representante Permanente de Honduras ante la Organización de los Estados Americanos, en representación del Gobierno, invitó al Secretario General de la OEA para observar el proceso electoral correspondiente a las elecciones generales que tendrán lugar el 25 de noviembre de 2001;

Que por medio de la Nota SG/UPD/568-01 del 18 de septiembre de 2001, el Secretario General de la OEA aceptó la invitación y comunicó su disposición para organizar una Misión de Observación Electoral (en adelante "la Misión") para las mencionadas elecciones;

Que la Misión estará conformada por un Grupo de Observadores (en adelante "los Observadores"), que incluirá funcionarios de la Secretaría General y otras personas contratadas por la Secretaría General para la señalada Misión; y

Que el artículo 133 de la Carta de la OEA dispone que "la Organización de los Estados Americanos gozará en el territorio de cada uno de sus miembros de la capacidad jurídica, privilegios e inmunidades que sean necesarios para el ejercicio de sus funciones y la realización de sus propósitos",

**ACUERDAN:**

**CAPITULO I**

**PRIVILEGIOS E INMUNIDADES DEL GRUPO DE OBSERVADORES**

ARTICULO 1

Los privilegios e inmunidades de la Misión y los Observadores, y los demás miembros de la Misión acreditados ante el Gobierno de Honduras por la Secretaría General de la OEA, serán aquellos que se otorgan a la Organización, a sus órganos y al personal de los mismos de conformidad a la Carta de la Organización de los Estados Americanos, el Acuerdo sobre el Funcionamiento en Honduras de la Oficina de la Secretaría General de la OEA y las normas reglamentarias vigentes en Honduras.

ARTICULO 2

Los Observadores gozarán de la misma inmunidad de jurisdicción reconocida por el Gobierno a los funcionarios de la Organización de los Estados Americanos acreditados y que desempeñan sus funciones en Honduras.

### ARTICULO 3

Los locales que use la Misión serán inviolables. Dichos locales no podrán ser usados como lugar de asilo por personas que traten de evitar ser arrestadas en cumplimiento de una orden judicial emanada de un tribunal competente de la República de Honduras, o que estén requeridas por el Gobierno de Honduras, o traten de sustraerse a una citación judicial.

### ARTICULO 4

Los archivos de la Misión y de los Observadores, así como todos los documentos que les pertenezcan o que se hallen en su posesión, serán inviolables y por tanto no podrán ser requisados, confiscados o retenidos por las autoridades hondureñas.

### ARTICULO 5

La Misión y los Observadores gozarán de las mismas exenciones tributarias que se conceden a la Oficina y a sus funcionarios en Honduras conforme con las normas reglamentarias establecidas. Sin embargo, los Observadores no podrán reclamar exención alguna por concepto de tributos que de hecho constituyan una remuneración por servicios públicos y tasas establecidas. El Grupo de Observadores estará: a) exento del pago de todo tributo interno entendiéndose, sin embargo, que no podrán reclamar exención alguna por concepto de tributos que de hecho constituyan una remuneración por servicios públicos; b) exentos del pago de toda tributación aduanera, y de prohibiciones y restricciones respecto a artículos y publicaciones que importen o exporten para su use oficial. Se entiende, sin embargo, que los artículos que se importen libres de derechos, sólo se venderán en el país conforme a las condiciones que se acuerden con el Gobierno; c) exento de afectación por ordenanzas fiscales, reglamentos o moratorias de cualquier naturaleza. Además podrán tener divisas corrientes de cualquier clase, llevar sus cuentas en cualquier divisa y transferir sus fondos en divisas.

## **CAPITULO II**

### **DE LOS MIEMBROS DEL GRUPO DE OBSERVADORES**

#### ARTICULO 6

La nómina del Grupo de Observadores y su número, será acordada de común acuerdo entre el Gobierno y la Secretaría General. Las personas que ostenten o hayan ostentado la nacionalidad hondureña, no podrán ser miembros del Grupo de Observadores. Los miembros del Grupo de Observadores serán aquellas personas que hayan sido designadas y acreditadas ante las autoridades hondureñas por el Secretario General de la OEA.

#### ARTICULO 7

Las inmunidades y privilegios concedidos por el Gobierno a la Misión y a los Observadores, no son aplicables al personal local (técnico, administrativo o de servicio) que contrate la Misión.

### **CAPITULO III**

#### **COOPERACION CON LAS AUTORIDADES**

##### ARTICULO 8

La Secretaría General y los Observadores, colaborarán con las autoridades competentes de Honduras para evitar que ocurran abusos en relación con los privilegios e inmunidades mencionadas en los artículos precedentes. Asimismo, el Gobierno hará lo posible para facilitar la colaboración que le sea solicitada por la Misión.

##### ARTICULO 9

Sin perjuicio de las inmunidades y privilegios acordados, los Observadores respetarán las leyes y reglamentos vigentes en Honduras.

##### ARTICULO 10

El Gobierno y la Secretaría General procurarán el arreglo amistoso de las controversias que se susciten, especialmente en las que sea parte un Observador y que se relacionen con las materias en que gocen de inmunidad.

### **CAPITULO IV**

#### **CARACTER DE LOS PRIVILEGIOS E INMUNIDADES**

##### ARTICULO 11

Los privilegios e inmunidades que se otorgan a la Misión y a los Observadores, los concede el Gobierno para salvaguardar la independencia en el ejercicio de sus funciones de observación del proceso electoral hondureño y no para beneficio personal, ni para realizar actividades de naturaleza política, económica o comercial en territorio hondureño.

Por consiguiente, el Secretario General de la Organización de los Estados Americanos renunciará a los privilegios e inmunidades de los Observadores en caso de que, según su criterio, el ejercicio de ellos impida el curso de la justicia o cuando dicha renuncia pueda hacerse sin que se perjudiquen los intereses de la Organización.

### **CAPITULO V**

#### **IDENTIFICACION**

##### ARTICULO 12

La Secretaría General proveerá a cada uno de los Observadores que sean funcionarios de la propia Secretaría General el documento oficial de viaje de la OEA, el cual es reconocido por el Gobierno como válido y suficiente. Dicho documento será visado para que esos Observadores ingresen y permanezcan en el territorio hondureño hasta el término de su función oficial.

##### ARTICULO 13

La Secretaría General proveerá a cada uno de los Observadores, así como al personal local contratado, de un carnet de identificación numerado, el cual contendrá el

nombre completo, la fecha de nacimiento, el cargo o rango y una fotografía reciente de la persona en cuyo favor se expide dicho documento.

Dicho carnet deberá ser portado visiblemente y presentado cuando así lo requieran las autoridades de Honduras. Los Observadores no estarán obligados a entregar su carnet a las autoridades hondureñas.

#### ARTICULO 14

Los vehículos automotores que utilice la Misión para el ejercicio de sus funciones, deberán estar provistos de una identificación numerada y sellada por la Oficina de la Secretaría General de la OEA en Honduras, que diga "OEA: Misión de Observación Electoral", la que deberá ser colocada en el vehículo.

La Secretaría General por medio de su oficina acreditada en Honduras, comunicará al Gobierno el listado completo de los vehículos automotores que la Misión utilice para el desempeño de sus funciones oficiales, con indicación de marca, modelo, año, color, número de placa, motor y chasis.

### **DISPOSICIONES FINALES**

#### ARTICULO 15

El presente acuerdo podrá ser modificado por mutuo consentimiento del Gobierno y la Secretaría General.

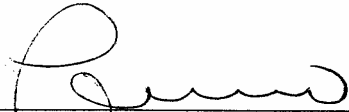
#### ARTICULO 16

Este acuerdo entrará en vigor en la fecha de su firma y se dará por finalizado una vez que la Misión concluya sus labores de acuerdo con los términos de la invitación formulada por el Gobierno.

**EN FE DE LO CUAL**, los infrascritos firman el presente Acuerdo en dos ejemplares de un mismo tenor, en la ciudad de Tegucigalpa, a los 13 días del mes de Noviembre del año dos mil uno



**POR EL GOBIERNO DE LA REPÚBLICA  
DE HONDURAS:**

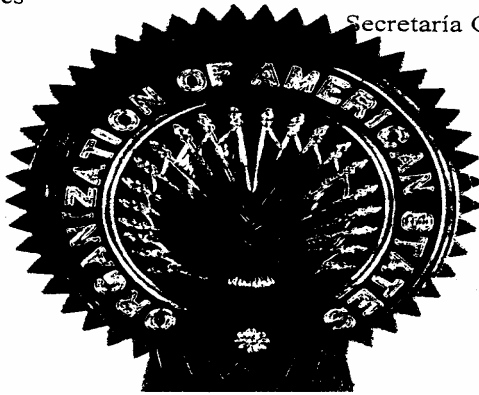


Tomás Arija Valle  
Ministro de Relaciones  
Exteriores por Ley

**POR LA SECRETARÍA GENERAL  
DE LA ORGANIZACIÓN DE LOS  
ESTADOS AMERICANOS:**



Guillermo Molina  
Director  
Secretaría General de la OEA en Honduras



**APPENDIX II**

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**AGREEMENT BETWEEN THE NATIONAL ELECTORAL TRIBUNAL OF HONDURAS  
AND THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES**



**ACUERDO ENTRE EL TRIBUNAL NACIONAL DE ELECCIONES DE HONDURAS Y LA SECRETARÍA GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS SOBRE EL PROCEDIMIENTO DE OBSERVACIÓN ELECTORAL CORRESPONDIENTE A LAS ELECCIONES GENERALES DEL 25 DE NOVIEMBRE DEL 2001**

El Tribunal Nacional de Elecciones de Honduras ("el Tribunal") y la Secretaría General de la Organización de los Estados Americanos ("SG/OEA"),

**CONSIDERANDO:**

Que por medio de la Nota No. 594/01/MPH/OEA del 28 de agosto de 2001, la Embajadora, Representante Permanente de Honduras ante la Organización de los Estados Americanos, en representación del Gobierno, invitó al Secretario General de la OEA para observar el proceso electoral correspondiente a las elecciones generales que tendrán lugar el 25 de noviembre del año 2001;

Que por medio de una nota SG/UPD/658-01 del 18 de septiembre de 2001, el Secretario General de la OEA aceptó la invitación, y comunicó su disposición para organizar una Misión de Observación Electoral (la Misión) para las mencionadas elecciones; y

Que en la Resolución AG/Res. 991 (XIX-0/89) la Asamblea General de la OEA reiteró al Secretario General la recomendación de "organizar y enviar misiones a aquellos Estados miembros que, en ejercicio de su soberanía, lo soliciten, con el propósito de observar el desarrollo, de ser posible en todas sus etapas, de cada uno de los respectivos procesos electorales",

**ACUERDAN:**

Primero: Garantías

- a) El Tribunal brindará a la Misión todas las facilidades para el cumplimiento adecuado de su misión de observación del proceso electoral en Honduras, de conformidad con las normas vigentes en Honduras y los términos de este Acuerdo.
- B) El Tribunal garantiza a la Misión que pueden permanecer y participar durante las fases precomiciales, comiciales y post-comiciales del proceso electoral, hasta la declaración oficial de los resultados del mismo. La presencia de la Misión en el país podrá ser extendida cuando las circunstancias así lo requieran, previo acuerdo con el Tribunal.
- c) El Tribunal, durante el día de los comicios, y los períodos pre-comiciales y post-comiciales, garantizará a la Misión el libre desplazamiento y movimiento en todo el territorio hondureño.
- d) El Tribunal permitirá a la Misión el acceso a los locales de votación, a los órganos electorales que tienen a su cargo las actividades de supervisión de la votación, escrutinio y totalización de votos

### Segundo: Información

- a) El Tribunal suministrará a la Misión toda la información referente a los resultados electorales.
- b) La Misión informará al Tribunal sus observaciones e irregularidades, si las hubiere, para que este Tribunal Nacional de Elecciones tome las medidas que en derecho correspondan.
- c) El Tribunal informará a la Misión lo correspondiente al sistema de votación y transmisión de resultados, a utilizarse el día de los comicios.
- g) La Misión informará al Secretario General de la OEA el resultado de la observación in situ de este proceso electoral.

### Tercero: Disposiciones Generales

- a) El Secretario General designará al Jefe y al Jefe Adjunto de la Misión, quienes representarán a la Misión y a sus integrantes frente al Tribunal y frente al Gobierno.
- b) La SG/OEA comunicará al Presidente del Tribunal los nombres de las personas que integrarán la Misión, los que estarán debidamente identificados con un carnet de identificación de la OEA y del Tribunal, elaborado especialmente para la Misión.

### Cuarto: Privilegios e inmunidades

Ninguna de las disposiciones contenidas en este Acuerdo se entenderá como una renuncia a los privilegios e inmunidades de los que gozan la OEA, la SG/OEA, su personal y sus bienes en virtud de los artículos 133 al 136 de la Carta de la OEA, cuyo instrumento de ratificación fue depositado por el Gobierno de Honduras el 2 de Julio de 1950, del Acuerdo sobre Privilegios e Inmunidades de la OEA, cuyo instrumento de ratificación fue depositado por el Gobierno de Honduras el 25 de agosto de 1964, del Acuerdo entre el Gobierno de Honduras y la Secretaría General de la OEA sobre el funcionamiento de la Oficina de la Secretaría General en Honduras, firmado el 15 de agosto de 1968, y del Acuerdo entre el Gobierno de Honduras y la Secretaría General de la OEA relativo a los Privilegios e Inmunidades de los Observadores del Proceso Electoral correspondiente a las Elecciones Generales del 25 de noviembre del 2001.

### Quinto: Solución de controversias

Las Partes procurarán resolver mediante negociaciones directas cualquier controversia que surja respecto a la interpretación y/o aplicación de este Acuerdo. Si ello no fuera posible, la cuestión será sometida al procedimiento de solución de controversias que al efecto acuerden las Partes.

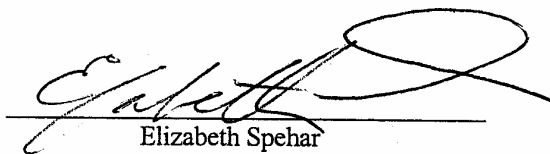
EN FE DE LO CUAL, los representantes de las Partes firman el presente documento en dos originales igualmente válidos en la ciudad de Tegucigalpa a los 13 días del mes de noviembre del año dos mil uno.

**POR EL TRIBUNAL NACIONAL DE  
ELECCIONES DE HONDURAS:**



Presidente

**POR LA SECRETARÍA GENERAL  
DE LA ORGANIZACIÓN DE  
LOS ESTADOS AMERICANOS:**



Elizabeth Spehar  
Jefa de la Misión de  
Observación Electoral de la Organización de los  
Estados Americanos (OEA)













ORGANIZACION DE LOS ESTADOS AMERICANOS  
 ORGANIZAÇÃO DOS ESTADOS AMERICANOS  
 ORGANISATION DES ETATS AMERICAINS  
 ORGANIZATION OF AMERICAN STATES

Hotel Clarion, Col. Alameda, Avenida Juan M. Gálvez 1521; Tegucigalpa – Honduras

**MISION DE OBSERVACION ELECTORAL DE LA OEA (MOE)  
 ELECCIONES GENERALES HONDURAS 2001**

**COMUNICADO N° 1**

Tegucigalpa, 13 de noviembre del  
 2001

Al aceptar la invitación del Gobierno de la República de Honduras y del Tribunal Nacional de Elecciones (TNE), para observar el proceso de las Elecciones Generales del 25 de noviembre del presente año, el Secretario General de la OEA, Dr. César Gaviria, designó a la Dra. Elizabeth Spehar, Coordinadora Ejecutiva de la Unidad para la Promoción de la Democracia de la OEA (UPD), como Jefa de la Misión de Observación Electoral (MOE). Acompaña a la Dra. Spehar como Jefe Adjunto de la MOE, el Dr. Diego Paz, Especialista Principal de la UPD.

La Misión de Observación Electoral de la OEA, en cumplimiento de su mandato en el marco de los acuerdos con el Gobierno de Honduras y con el Tribunal Nacional de Elecciones, se instaló oficialmente en el país el día de hoy, luego de la firma de los referidos acuerdos, dando inicio al desarrollo de una agenda cuyos propósitos iniciales son los siguientes:

- 1) Establecer los contactos necesarios con autoridades del Gobierno, electorales, de los partidos políticos y de instituciones nacionales e internacionales relacionadas con el proceso electoral, con el propósito de conseguir la mas amplia información posible sobre el ambiente político y las condiciones en que se esta desarrollando la justa electoral, y
- 2) Establecer los mecanismos de colaboración con las autoridades electorales y de gobierno, a la vez que las coordinaciones necesarias con las instituciones nacionales e internacionales que cooperan con el proceso electoral, desde el ámbito de trabajo de la MOE.

Estos propósitos propenden a la consecución de los objetivos generales y específicos de los procesos de observación electoral que desarrolla la OEA, siendo los primeros los de observar el proceso electoral de manera integral y constatar las garantías para que el mismo se desarrolle en forma transparente, al tiempo de verificar si se dan las condiciones para que el voto sea emitido por la ciudadanía, dentro de un ambiente de libertad y democracia. Entre los objetivos específicos se cuenta colaborar con las autoridades gubernamentales, electorales y partidarias, y con la población en general para asegurar la imparcialidad y confiabilidad del proceso electoral; contribuir al

afianzamiento de una atmósfera de confianza pública y alentar la participación de la ciudadanía; ponerse a disposición de los protagonistas del proceso para contribuir a que se respeten los procedimientos que establecen las normas legales, y que sean estas las que se utilicen en la resolución de conflictos; expresar el apoyo internacional existente a favor del proceso electoral; y formular conclusiones y recomendaciones a fin de contribuir al perfeccionamiento del Sistema Electoral.

Se ofrecen en este boletín algunos elementos de información sobre las primeras actividades de la Misión, desde su arribo al país el pasado día jueves 8 de noviembre, así como algunas apreciaciones iniciales sobre la situación encontrada. Estas apreciaciones, por el corto tiempo transcurrido desde el inicio de actividades de la MOE, así como por el hecho evidente de que aún no se ha encontrado con la totalidad de las organizaciones políticas contendientes, son necesariamente de carácter introductorio y provisional. La MOE espera seguir utilizando este canal sencillo e inmediato para comunicar por escrito elementos de avance de las actividades desarrolladas.

La MOE ha sostenido reuniones con el Señor Presidente de la República y otras altas autoridades de gobierno; con el Señor Presidente del Tribunal Nacional de Elecciones y demás autoridades electorales; con autoridades eclesiásticas, militares, diplomáticas y de la sociedad civil; con el Señor Comisionado de los Derechos Humanos; con representantes del Programa de las Naciones Unidas para el Desarrollo (PNUD) y de la Misión de Observación Electoral de la International Foundation for Election Systems (IFES). En los próximos días se sostendrán entrevistas con los candidatos a la Presidencia de la República, las cuales han sido solicitadas en su totalidad, dependiendo su celebración de la agenda de los candidatos.

Como resultado de estas actividades la MOE ha considerado necesario atender de manera simultánea la observación del proceso electoral en dos campos: el de los elementos formales relativos a su organización y procedimientos, y en los de fondo en cuanto a las garantías del mismo.

En materia de procedimientos, la MOE ha constatado el avance alcanzado en la preparación de las elecciones del próximo 25 de noviembre, siendo digno de destacar que por primera vez el TNE entregó con la debida anticipación el padrón electoral a las fuerzas políticas participantes. Igualmente, constituyen avances importantes la aplicación del sistema de votación domiciliaria, que facilita el ejercicio del sufragio al ubicar las mesas electorales en función del domicilio de los electores, así como la elaboración de boletas separadas que harán más simple la votación para la ciudadanía. Adicionalmente, especialistas en informática de la MOE están dando seguimiento al desarrollo por parte del TNE del programa de cómputo.

La MOE confía en que los preparativos que adelanta el TNE en materia de logística del proceso electoral, así como en la preparación del sistema de transmisión de los resultados electorales, serán concluidos en tiempo y forma.

En cuanto a los aspectos de fondo del proceso electoral, relativos a las garantías para el desarrollo del mismo, la MOE ha podido constatar el clima de convivencia democrática en que este se está desarrollando.

La MOE continuará adelantando su agenda de reuniones con autoridades de gobierno, electorales y con los candidatos presidenciales, al igual que sus coordinaciones con instituciones de cooperación y de observación internacionales.

A fines de la presente semana, la MOE iniciará el desplazamiento de sus observadores a nivel nacional. La MOE contará con una fuerza de 35 observadores, a los que se sumarán voluntarios de misiones y organismos internacionales acreditados en el país. De esta forma se espera que para el día de la elección, la MOE tenga un grupo de 60 observadores para realizar el conteo rápido que tradicionalmente ejecuta para los fines de la observación.



ORGANIZACION DE LOS ESTADOS AMERICANOS  
ORGANIZAÇÃO DOS ESTADOS AMERICANOS  
ORGANISATION DES ETATS AMERICAINS  
ORGANIZATION OF AMERICAN STATES

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Hotel Clarion, Col. Alameda, Avenida Juan M. Gálvez 1521; Tegucigalpa -  
Honduras

**MISION DE OBSERVACION ELECTORAL DE LA OEA (MOE)  
ELECCIONES GENERALES HONDURAS 2001**

**COMUNICADO N° 2**

Tegucigalpa, 21 de noviembre del 2001

1. A menos de cuatro días de la celebración de las elecciones generales, la MOE presenta ante la ciudadanía hondureña el balance que arroja hasta la fecha la observación integral del proceso electoral, incluyendo el despliegue del material electoral y las pruebas de funcionamiento del sistema de transmisión de resultados, verificadas en las ciudades de Tegucigalpa y San Pedro Sula, el día de ayer.
2. El Tribunal Nacional de Elecciones tiene prevista la realización de un conteo rápido conocido como TREP (transmisión de resultados preliminares). El objetivo de este instrumento es procurar que la ciudadanía reciba información oportuna y confiable sobre los resultados de las elecciones. La MOE acompañó en la mañana de ayer el desarrollo de las mencionadas pruebas, confiando que en los días que restan hasta la celebración de las elecciones, se realizarán las pruebas necesarias para la puesta a punto del sistema de transmisión de resultados.
3. En cuanto a la logística del proceso, el material electoral está siendo distribuido en todo el país de acuerdo a lo previsto en el respectivo cronograma. En este punto la MOE quiere destacar el esfuerzo que se está realizando por las autoridades electorales y las Fuerzas Armadas para asegurar que dicho material sea distribuido oportunamente en todos los centros de votación del país, incluidos aquellos que presentan dificultades de acceso y comunicaciones como consecuencia de los últimos fenómenos climáticos.
4. El panorama que presenta la preparación de los aspectos técnicos y logísticos de las elecciones, se ve fortalecido por la voluntad política de los candidatos a la presidencia de la República, de respetar los resultados que entregue el Tribunal Nacional de Elecciones, cualquiera que estos sean, para aportar de esa forma su mejor contribución a la tradición democrática que de manera ininterrumpida viene exhibiendo Honduras en los últimos 20 años.
5. En ese sentido, para la MOE y para la comunidad hemisférica, constituye un privilegio y una responsabilidad, que la MOE sea valorada, tanto por los actores del proceso electoral, como por la ciudadanía en general, como un referente capaz de transmitir un balance objetivo sobre el proceso electoral hondureño. Es por lo anterior que la MOE agrupa, además de especialistas en materia electoral, un grupo

de expertos en gestión, capacitación e informática, capaces de evaluar las condiciones en que se está desarrollando la justa comicial. Igualmente, la MOE realizará un conteo rápido de los resultados electorales, cuyo análisis estadístico servirá para los fines internos de la observación y podrá ser compartido con las autoridades electorales.

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Hotel Clarion, Col. Alameda, Avenida Juan M. Gálvez 1521; Tegucigalpa – Honduras





ORGANIZACION DE LOS ESTADOS AMERICANOS  
ORGANIZAÇÃO DOS ESTADOS AMERICANOS  
ORGANISATION DES ETATS AMERICAINS  
ORGANIZATION OF AMERICAN STATES

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Hotel Clarion, Col. Alameda, Avenida Juan M. Gálvez 1521; Tegucigalpa -  
Honduras

**MISION DE OBSERVACION ELECTORAL DE LA OEA (MOE)  
ELECCIONES GENERALES HONDURAS 2001**

**COMUNICADO N° 2**

Tegucigalpa, 21 de noviembre del 2001

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transmitir un balance objetivo sobre el proceso electoral hondureño. Es por lo anterior que la MOE agrupa, además de especialistas en materia electoral, un grupo de expertos en gestión, capacitación e informática, capaces de evaluar las condiciones en que se está desarrollando la justa comicial. Igualmente, la MOE realizará un conteo rápido de los resultados electorales, cuyo análisis estadístico servirá para los fines internos de la observación y podrá ser compartido con las autoridades electorales.

ORGANIZACION DE LOS ESTADOS AMERICANOS  
 ORGANIZAÇÃO DOS ESTADOS AMERICANOS  
 ORGANISATION DES ETATS AMERICAINS  
 ORGANIZATION OF AMERICAN STATES

***Hotel Clarion, Col. Alameda, Avenida Juan M. Gálvez 1521; Tegucigalpa - Honduras***

***MISION DE OBSERVACION ELECTORAL DE LA OEA (MOE) ELECCIONES GENERALES HONDURAS 2001***

***COMUNICADO N° 3***

JORNADA ELECTORAL

Tegucigalpa, 25 de noviembre del 2001

En los días previos a la celebración de las elecciones generales, la MOE-OEA continuó con sus labores de observación integral del proceso electoral hondureño del presente año. Entre otras actividades, la Misión acompañó la realización del simulacro nacional dispuesto por el Tribunal Nacional de Elecciones (TNE), e pasado viernes 23 de noviembre. En este acto la Misión pudo constatar el avance experimentado en la preparación del sistema de transmisión de resultados electorales preliminares (TREP), no obstante lo cual mantuvo algunas aprehensiones respecto al desempeño del mismo en el centro de cómputo (Centro de Información Electoral, CIE), de San Pedro Sula, las que espera se disipen al momento de su puesta en ejecución durante la presente jornada.

Durante el día de ayer, la Jefa de la Misión, Dra. Elizabeth Spehar, se comunicó con los cinco candidatos a la Presidencia de la República para conocer su evaluación del estado de preparación de la jornada electoral. Sobre el particular, los candidatos manifestaron su confianza en el trabajo del TNE para conducir a buen término el proceso de votación y el posterior recuento de los votos. Los candidatos constataron la existencia de algunas deficiencias que sin embargo no llegarían a comprometer el resultado de las elecciones.

Producto de estos contactos la MOE pudo ratificar su percepción ya expresada en el Comunicado N° 2 del pasado 21 de noviembre, en cuanto a la voluntad que exhiben los candidatos a la Presidencia de la República de respetar los resultados que entregue el TNE.

En las últimas horas, la Misión sólo recibió una denuncia formal presentada por el Partido Nacional, referida a actos de hostigamiento sufridos por algunos de sus candidatos en diversos Departamentos del país. Igualmente, fue informada de la negativa del TNE de proceder a inscribir los cambios en su plantilla de candidatos al Congreso, situación que la Jefa de la MOE puso de inmediato en conocimiento del señor Presidente del máximo tribunal electoral, Lic. Heriberto Flores. El Lic. Flores fundamentó la negativa a proceder a la inscripción solicitada en la imposibilidad de cumplir con el requisito de publicación de las referidas candidaturas. La MOE dará atento seguimiento a la evolución de este caso.

En cuanto al orden público que caracterizó al proceso electoral, se observó en general una convivencia pacífica que solamente se vio afectada por el lamentable suceso del asesinato del candidato al Congreso en representación del Partido Nacional, Angel Pachucho León, ocurrido el día de ayer en el Departamento de Valle. La MOE, junto con manifestar sus más sentidas condolencias a la familia del candidato asesinado, confía en que la justicia logre aclarar las circunstancias que rodearon a este hecho y hacer efectivas las responsabilidades del caso.

### **Jornada Electoral**

En el período comprendido entre la apertura y el cierre de las mesas de votación, la Misión constató el siguiente cuadro de situación de acuerdo a los reportes que le fueron remitidos por sus observadores destacados en las distintas sedes de observación a lo largo y ancho del país:

1. En primer término, la MOE saluda al Pueblo de Honduras y a los candidatos participantes en la contienda electoral, quienes en la jornada de hoy demostraron una alta vocación cívica y democrática que fue la técnica predominante de la jornada comicial. Es por esto que la MOE confía en que ese ambiente de tranquilidad prevalecerá durante los procesos de cómputo y proclamación de los resultados y la población sabrá mantener la serenidad ante los eventos de la etapa actualmente en progreso.
2. El proceso de instalación de las mesas se desarrolló con calma, registrándose sin embargo atrasos en el inicio de la votación en algunas mesas de distintos lugares del país, ocasionados por dificultades en la entrega de material electoral, por la demora en el arribo de los miembros de mesa, y en ciertos casos por la poca destreza demostrada por algunos de ellos, debido a la insuficiente capacitación respecto a las labores que deben desempeñar.
3. El proceso de votación se desarrolló con normalidad, constatándose una alta afluencia de electores a los centros de votación. La MOE tuvo conocimiento de hechos aislados de alteración del orden público, así como de casos de errores en la lista de electores de mesas de votación, que impidieron a algunos ciudadanos ejercer el derecho de sufragio. Estas circunstancias no llegaron a ser

numéricamente significativas y por tanto no representan hechos suficientes para comprometer el resultado del proceso electoral.

4. La MOE tuvo presencia en 15 de los 18 Departamentos del país, cubriendo sus 90 observadores un promedio de 27 mesas electorales cada uno y asegurando la captura de las mesas integrantes de la muestra de su conteo rápido que servirá para la comprobación de los resultados electorales.
5. La MOE continuará observando en detalle el escrutinio en mesa y el inicio del cómputo de los resultados, en los centros de cómputo del país (CIE), del mismo modo que el trabajo de los Jurados Electorales Locales, Departamentales y del propio Tribunal Nacional de Elecciones. En los centros de cómputo (CIE), la Misión observará los procedimientos físicos de la llegada , entrega y apertura de los sobres del TREP, así como el manejo físico de las actas por los digitadores y el proceso de digitación de los datos en las terminales.  
La MOE concluirá su labor con la proclamación de los resultados oficiales por el TNE, al tiempo que se abocará a preparar el informe de su trabajo para ser entregado al señor Secretario General de la OEA.
6. La MOE quiere manifestar su agradecimiento a las autoridades de Gobierno, a las autoridades electorales y al pueblo hondureño, por las facilidades que le proporcionaron para el cumplimiento de su labor.



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**APPENDIX IV**  
**MISSION ORGANIZATION CHART**



## Misión de Observación Electoral de la OEA - Honduras 2001

