Parliamentary Assembly
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CONSEIL DE L'EUROPE

**Doc. 14668**
22 November 2018

# Observation of the general elections in Bosnia and Herzegovina (7 October 2018)

**Election observation report**
Ad hoc Committee of the Bureau
Rapporteur: Dame Cheryl GILLAN, United Kingdom, European Conservatives Group

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## 1. Introduction

1. The Bureau of the Parliamentary Assembly decided, at its meeting on 31 May 2018, subject to receiving an invitation, to observe the general elections in Bosnia and Herzegovina and to constitute an ad hoc committee for this purpose composed of 31 members, as well as the two co-rapporteurs of the Monitoring Committee, and agreed to organise a pre-electoral mission. At its meeting on 29 June, the Bureau approved the composition of the ad hoc committee (see Appendix 1) and appointed Dame Cheryl Gillan (United Kingdom, EC) as Chairperson. On 17 July 2018, the Central Election Commission (CEC) of Bosnia and Herzegovina invited the Parliamentary Assembly to observe the elections.

2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, representatives from the Venice Commission were invited to join the ad hoc committee as legal advisers.

3. The pre-electoral mission visited Sarajevo and Banja Luka from 19 to 22 September 2018 to assess the state of preparations and the political climate in the run-up to the general elections.

4. During its visit to Sarajevo and Banja Luka, the delegation had meetings with leaders and representatives of the main political parties, with the Chairperson of the CEC, representatives of the international community, the observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) to Bosnia and Herzegovina as well as with representatives of civil society. The delegation wishes to thank the Head and the staff of the Council of Europe Office in Sarajevo for the excellent organisation of the programme and their logistical support.

5. For the main election observation mission, the ad hoc committee operated in the framework of an International Election Observation Mission (IEOM) alongside delegations from: the OSCE Parliamentary Assembly, the European Parliament, the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO) and the Election Observation Mission of the OSCE/ODIHR. Co-operation with the partners in the IEOM was based on good fellowship, and was professional, effective and smooth.

6. The PACE ad hoc committee met in Sarajevo from 5 to 8 October 2018. The programme of the ad hoc committee's meetings is set out in Appendix 2

7. On polling day, the ad hoc committee split into 12 teams which observed the elections in both the Federation and Republika Srpska. The ad hoc committee concluded that the "voting was calm, and electors made their choice freely among a large number of parties and candidates. The PACE delegation regrets that, once again, the elections were held in violation of the European Convention on Human Rights concerning discrimination on the basis of ethnicity and residency". The delegation also expressed its disappointment that "the election campaign remained segmented along ethnic lines". The press release published by the IEOM after the elections is in Appendix 3.

## 2. Legal framework

8. The Parliamentary Assembly of the Council of Europe has observed all elections in Bosnia and Herzegovina since 1996. The ad hoc committee recalls that Bosnia and Herzegovina has signed and ratified the European Convention on Human Rights (ETS No. 5) and its Additional Protocol (ETS No. 9), which enshrine a number of principles crucial for an effective and meaningful democracy, such as the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, as well as prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

9. The legal framework is complex and is composed of the following texts: the 1995 General Framework Agreement for Peace (Dayton Agreement) and Annex III (elections) of the Dayton Agreement; the 1995 Constitution of Bosnia and Herzegovina; the Constitution of the Republika Srpska; the 2011 Election Law;[1] the 2012 Law on Financing Political Parties; the 1997 Law on Citizenship and Regulations issued by the CEC.

10. General elections are primarily regulated by the Constitution and Election Law. The 2016 legal amendments introduced, among other changes, the rules for nomination and withdrawal of candidates, sanctions against election commissioners for not serving on election day, and extended the penalties for campaign finance violations. A number of long-standing electoral shortcomings remain unaddressed, including discriminatory residency and ethnicity-based restrictions on the right to vote and to stand as a candidate, deficiencies in the complaint and appeals mechanism, and insufficient safeguards against misuse of State resources.

11. In December 2016, the Constitutional Court upheld the appeal of Bozo Ljubić and recognised as unconstitutional the allocation of seats of the House of Peoples of the Federation of Bosnia and Herzegovina (FBiH) in that it implied that each constituent people was given at least one seat from each canton in that House. As a consequence of this decision, the unconstitutional provisions of the Election Law were annulled, but the parliament has still not amended the law in line with the Constitutional Court ruling.

12. Regarding the legal framework, on 22 September, the PACE pre-electoral delegation recalled Resolution 2201 (2018) on the honouring of obligations and commitments by Bosnia and Herzegovina and regretted that the elections would be held, once again, "under a legal and constitutional framework which is in violation of the European Convention on Human Rights (ETS No. 5) since the 2009 judgment in the case of *Sejdić and Finci*: once again, only Bosniaks, Croats and Serbs can run for the State Presidency or be elected/ appointed to the State House of Peoples".

13. The pre-electoral delegation expressed its great concern that, despite the Assembly's previous resolutions on the incompatibility of the constitution and election legislation with the European Convention on Human Rights, the authorities of Bosnia and Herzegovina had failed to amend the constitutional and legal

1. The Election Law was last amended in 2016. The legal amendments introduced, among other elements, sanctions for unjustified failure of an election commissioner to appear at a polling station on election day, tightened requirements for gender-balanced composition of election a management bodies and changed the rules for nomination and withdrawal of candidates. Additionally, amendments provided a new requirement for political candidates to open a designated bank account for campaign financing and extended the range of penalties for campaign finance violations, partially addressing previous OSCE/ODIHR recommendations.

framework to remove ethnicity and residency-based discrimination with regard to the right to stand for elections to the Presidency and the House of Peoples. As in 2014, interlocutors of the PACE delegation from the political parties repeated their promise to resolve this matter after the elections of 7 October 2018.

14. At the State level, citizens voted for the Presidency and House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina. The Presidency of Bosnia and Herzegovina is a three-member institution elected by simple majority on separate lists in the two entities, with voters from the Federation of Bosnia and Herzegovina choosing either a Bosniak or Croat candidate and from Republika Srpska (RS) a Serb candidate (single non-transferable vote). The Presidency members are elected for a four-year term, with the Presidency rotating every eight months. In practice this system makes it possible for the Croat member of the Presidency to be elected without receiving the vote of a majority of Croat voters.

15. The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina is composed of 42 members – 28 members are elected in the FBiH and 14 in RS. 21 deputies are elected from five multi-member constituencies in the FBiH, including in the Brčko District, and nine deputies are elected from three multi-member constituencies in RS, all from open party lists. The remaining seven and five compensatory mandates are distributed from closed party lists accordingly from the FBiH and RS.

16. At the entity level, citizens directly elect the members of the House of Representatives of the parliament of the Federation of Bosnia and Herzegovina (FBiH HoR), president and vice-presidents of Republika Srpska, and members of the National Assembly of Republika Srpska (RS NA). The FBiH HoR is composed of 98 deputies: 73 elected in 12 multi-member constituencies, including the Brčko District, from open party lists and 25 compensatory mandates from closed party lists. Voters in the Brčko District vote either for elections in the FBiH or in RS, depending on their entity citizenship.

17. In Republika Srpska, voters elected 83 members of the RS NA: 63 in nine multi-member constituencies from open party lists and 20 compensatory mandates from closed party lists. In addition, voters in Republika Srpska elected their entity-level president and two vice-presidents using a plurality system; the candidate with the most votes is elected president, while the top two candidates from the other two constituent peoples are elected as the vice-presidents.

18. The law guarantees minimum representation for the three constituent peoples in both the FBiH HoR and the RS NA. If one of the constituent peoples does not win a minimum of four seats when multi-member constituencies' mandates are allocated, the minimum is guaranteed through compensatory mandates. A 3% threshold is applied for allocation of all proportional seats. For all these contests, the open candidate lists are used, where voters may indicate a preference for any number of candidates on the list, or just for the list without stating a preference for any candidates.

19. If the political party or coalition that won the compensatory seat does not have enough candidates on its list of the ethnicity for which the minimum of four members was not reached, the seat is awarded to the next highest-ranked candidate list with such candidates, and so on, until the minimum is reached. The multi-member constituencies seats are allocated in descending order of preference votes to candidates who got at least 20% of preferences out of the total valid votes. Remaining seats are allocated according to the order set in the list.

20. The authorities have a legal obligation to review electoral boundaries every four years to ensure a balanced distribution of seats among constituencies and equal voting power. However, apart from some adjustments in Republika Srpska, this has not taken place for several electoral cycles.

### 3. Electoral administration, registration of the voters lists and candidates

21. The general elections were organised by the Central Election Commission (CEC), 143 municipal election commissions (MEC) and 5 649 polling station commissions (PSC). Out-of-country voting was organised by mail and at 10 polling stations in embassies and consulates abroad. The PACE pre-electoral delegation was informed about the danger of manipulation concerning the out-of-country voting, although this was not confirmed on election day.

22. The CEC is a permanent body comprised of seven members. It is legally required to be ethnically balanced: two Bosniaks, two Croats, two Serbs and one from among the "Others". The CEC members are nominated by a special Commission for Selection and Nomination for a seven-year term and appointed by the BiH HoR. The chairperson is appointed by the CEC members from among themselves on a rotating basis, provided that one Bosniak, one Croat, one Serb and "the Other" member serve a 21-month term each. On 27 September, the CEC elected, from among the two Serb members, a new chairperson.

23. Some of the interlocutors of the PACE election observation delegation questioned the impartiality of the election administration, suspecting a political and ethnic bias of the CEC members. The pre-electoral delegation noted that, in general, the elections were administrated in an efficient manner. It noted also the transparency and efforts of the CEC, despite numerous pressures, and in a challenging and complicated political environment, with limited human and financial resources.

24. The MECs are permanent bodies consisting of three, five or seven members depending on the size of the municipality. MECs are appointed by municipal councils and approved by the CEC for seven-year terms. According to the Election Law, the composition of MECs should reflect the ethnic composition of the relevant municipality based on information from the last census.

25. The PSCs consist of three to five members depending on the size of the polling station. The PSC members are appointed by respective MECs no later than 30 days prior to the election. All parties and independent candidates competing in a particular constituency have the right to nominate PSC members, randomly assigned through a lottery organised by the CEC and implemented by the MECs. The PSCs administer the voting and counting at polling stations.

26. Voter registration is passive and the CEC is responsible for maintaining the Central Voter Register, which is based on the population register of the Ministry of Civil Affairs. Representatives of each political subject who registered their candidate lists may obtain copies of the voters lists in the corresponding constituency free of charge. All citizens who are 18 years or older by election day, and who have not been declared mentally incapacitated by a court, or disenfranchised as part of a serious criminal conviction, including for war crimes, are eligible to vote.

27. For the general elections on 7 October 2018, the total number of registered voters was 3 352 933. Many IEOM interlocutors expressed concerns over the accuracy of the Central Voter Register, in particular regarding the high number of records of deceased voters who still remained on the voters lists.

28. Voting rights for the presidency of Bosnia and Herzegovina are limited by residence. Voters in Republika Srpska can only vote for a Serb candidate, while voters in the Federation of Bosnia and Herzegovina may only vote for either a Bosniak or Croat candidate for State presidency. Voters in the Brčko District vote either for elections in the Federation of Bosnia and Herzegovina or in Republika Srpska, depending on their entity citizenship. Internally displaced persons (IDPs) living in Bosnia and Herzegovina have the right to register to vote either according to their temporary residence or to their residence before being displaced.

29. Voters abroad have to register for each election and can choose to cast a ballot by mail or to vote in person at one of the country's diplomatic or consular representations. The CEC decided that postal ballots should be sent by the voters only by registered mail. The IEOM was informed by the CEC that it refused 9 136 requests to register for out-of-country voting. This decision of the CEC was based on its concerns regarding the possible misuse of personal identity documents and falsification of signatures and it referred such cases to the State Prosecutor's Office for investigation.

30. Candidates for all levels of elections can be nominated by political parties and their coalitions or stand independently. The law provides for a 40% mandatory quota for the less represented gender in candidate lists for all proportional races. The legal framework enshrines ethnicity-based restrictions. The right to stand for the presidency of Bosnia and Herzegovina and for president and vice-president of Republika Srpska is granted only to citizens who declare themselves as Bosniaks, Croats or Serbs and is limited by residency requirements.

31. The European Court of Human Rights has previously judged that the law needs to be amended to remove ethnicity and residency based limitations. The PACE delegation regretted once again that there had been no progress in implementing the binding judgments of the Court regarding the removal of ethnicity and residency-based limitations on the right to stand.

32. The 2016 legal amendments modified the process of nomination of candidates by increasing the number of voters' supporting signatures and the amount of the electoral deposit required for registration of candidates at different levels, decreasing the level of voters' support required for refunding electoral deposits, and clarifying the rules for nomination and withdrawal of candidates[2].

2. Political parties and independent candidate must now submit 5 000 voter signatures to run for the presidency of Bosnia and Herzegovina and BiH House of Representatives elections, and 3 000 signatures for the presidency of Republika Srpska as well as for the FBiH House of Representatives and RS National Assembly elections.

33. In order to participate in the elections, prospective candidates have to certify their eligibility with the CEC. With the exception of elections for the presidency of Bosnia and Herzegovina and for president and vice-presidents of Republika Srpska, political parties are exempt from signature collection if a member of this party is represented in the legislative body for which the party is a candidate or in a corresponding higher-level legislature.

34. The CEC registered 60 parties and coalitions and 25 independent candidates; the total number of registered candidates on the lists was 3 515, of whom 41.6% were women. The voters had a wide choice. The PACE delegation noted that the registration of parties and candidates was inclusive, but concerns were raised about the accuracy of the voting registers. Some interlocutors informed the delegation that among candidates a significant number of parties and candidates seemed to be fictitious, the aim being to obtain seats in polling stations for possible manipulation of the electoral process. The delegation was not able to verify these allegations. However, if they prove to be true, they could further undermine the public trust in the democratic electoral process, which is still low in Bosnia and Herzegovina.

### 4. Election campaign, media environment and campaign financing

35. The Election Law regulates the official start and end of the campaign. The election campaign period started on 7 September and ended 24 hours before election day. The authorities are obliged to ensure the equitable treatment of political parties and candidates in their requests to use public facilities for campaign purposes, including holding meetings and displaying posters and billboards.

36. The election campaign was calm and more visible in urban areas. According to many interlocutors of the PACE delegation, the parties and candidates were able to conduct their campaign freely, without restriction, and the fundamental principles of freedom of assembly and expression were generally expressed. Nevertheless, the delegation, during its pre-electoral and main observation missions, was informed about cases of threats and pressure on employees of the public sector and also of some private companies to attend campaign activities in favour of the ruling parties' candidates. According to the IEOM's preliminary findings and conclusions,[3] several complaints were filed with the CEC on this matter.

37. The delegation was also told by many interlocutors about cases of inflammatory and nationalistic rhetoric and hate speech; allegations of misuse of administrative and public resources; vote-buying; intimidation and pressure on public sector and private companies' employees to vote in favour of the relevant ruling parties. Regrettably the election campaign remained segmented along ethnic lines, as was the case in previous elections.

38. With regard to media coverage, the Election Law and CEC regulations provide that public broadcast media must grant three minutes of free airtime to each candidate for advertising during the official campaign period. The candidates can also purchase advertising time, up to a maximum of 30 minutes on each public broadcaster, and 60 minutes on each private broadcaster, per week.

39. Broadcast media are required to respect the principles of balance, fairness and impartiality, especially in their information programmes. Compliance with media regulations by broadcasters is overseen by the Communications Regulatory Agency (CRA), which has the mandate to resolve media-related complaints and apply sanctions for violations. Decisions of the CRA can be appealed to the Council of the CRA, then to the Administrative Court and further to the Court of Bosnia and Herzegovina.

40. The media environment is diverse and pluralistic. Public broadcasters have the obligation to ensure equal access for all political parties and not to privilege the ruling parties. However, not all political parties received equal airtime. Various interlocutors pointed out that public and private media were widely perceived to be under pressure from political parties or business interests. The lack of transparency of media ownership was mentioned by some of the delegation's interlocutors, as well as problems in the media environment such as threats to journalists, failure of some politicians to respond to invitations to participate in debates on television and radio, creating a culture which has failed to sufficiently develop an independent and strong media sector that allows voters to make a well-informed choice.

3. IEOM Statement of Preliminary Findings and Conclusions, p. 9.

41. According to the ODIHR EOM media monitoring results,[4] public broadcasters covered election campaign in a balanced manner in special election programmes. Nevertheless, such programmes were often dedicated to the activities of the major political parties, in particular to the SNSD party and its leader Mr Dodik, which challenged the level playing field. The monitored newspapers reflected the segmentation of society along ethnic and political lines.

42. Election campaign financing is regulated by the Election Law, the Law on Financing Political Parties, laws on political parties of Republika Srpska and Brčko District, and by CEC regulations and instructions.

43. Direct public financing is not foreseen for election campaigns, but parliamentary groups represented in the parliament are entitled to receive funding from the budget of Bosnia and Herzegovina. Political parties represented at entity levels are also entitled to public funding from the relevant entity budget. Parties and independent candidates can finance their campaigns from membership fees and budget allocations (only for parties) as well as donations from individuals and legal entities. Individuals may donate up to BAM 10 000 (about €5 000) and legal entities up to BAM 50 000 (about €25 500). Foreign and anonymous contributions, the use of loans, funding from administrative bodies, public institutions and enterprises, donations from publicly funded NGOs and associations, from humanitarian and religious organisations, as well as from persons which have concluded contracts related to public procurement and exceeding BAM 10 000 (about €5 000) in the current year, are prohibited.

44. Each electoral candidate may spend up to BAM 0.30 per registered voter in a corresponding constituency. The 2016 amendments require political candidates to open a designated bank account for the campaign. All campaign-related transactions should be conducted through these bank accounts or in cash.

45. All electoral candidates are required to submit two financial reports on income and expenditure, the first at the time of registration, covering the last three months prior to registration, and the second within 30 days of the announcement of the final election results. Failure to submit the first report results in denial of registration of the candidate, whereas failure to submit the final report leads to revocation of the mandate of the independent candidate or candidates nominated by the party in question. The 2016 legal amendments additionally introduced financial sanctions for political parties and candidates failing to submit campaign finance reports.

46. The supervision of campaign financing is carried out by the CEC, through its Audit Department. The PACE delegation was informed that the CEC issued updated regulations for political parties and independent candidates defining the templates for the reports, including in electronic format, and clarifying the rules on reporting. On the basis of a complaint or on its own initiative, the CEC may issue sanctions both for violations of campaign financing and financing of regular activities of political parties. The final decision on applying the sanctions lies with the Appeal Council, a parliamentary body which also considers the appeals against CEC decisions related to the financing of political parties.

47. Several IEOM interlocutors reported that the transparency of political finances was insufficient, that assets and campaign finances often remain unreported, and alleged that parties receive donations from public procurement contractors in return for such contracts. Overall, the regulatory framework does not provide for adequate transparency and accountability of campaign finances[5].

48. The delegation recalls that the Council of Europe's Group of States against Corruption (GRECO), in its 2017 compliance report, acknowledged the progress made by Bosnia and Herzegovina with the partial implementation of previous recommendations. On the other hand, GRECO expressed concern that "much more needs to be done, inter alia to harmonise the complex legal framework, promote the use of the banking system for contributions to political parties and increase the financial and personnel resources allocated to the Central Electoral Commission for the supervision of political financing".

4. Ibid., p. 12.

5. Ibid., p. 10; see also Articles 8 and 10-13 of Committee of Ministers Recommendation Rec(2003)4 on common rules against corruption in the funding of political parties and electoral campaigns.

## 5. Election day

49. The election day was calm, in general the voting proceeded in an orderly manner. The turnout was 53.36%. The members of the polling stations co-operated fully with the 12 teams of the Parliamentary Assembly's delegation deployed throughout the country. The following shortcomings, mainly technical, were observed by the members of the delegation throughout election day and during closing and counting:

– overcrowding in some polling stations because of their small size and also due to complicated voting procedures with a number of ballots which required considerable time to complete;

– in a large number of polling stations visited, a massive presence of political party observers was reported; they possessed copies of voting lists and kept track of those who voted; while such practice is not a violation of the legal framework, one can nevertheless question the possibility of pressure on voters and control by parties over the voting process; in comparison, in the same polling stations the civil society observers did not possess copies of the voters lists and were merely observing the voting process; the question of the protection of personal data of electors may also be posed;

– many cases of family voting, mainly in rural areas; cases of assisted voting, in particular for women – indicative of voters being unduly influenced;

– many polling stations visited were not accessible for voters with disabilities;

– the secrecy of the vote was not ensured in 18% of polling stations visited by the IEOM observers; nevertheless, no attempt to take advantage of this anomaly or to exercise control over the votes cast by the voters was mentioned;

– in some polling stations, cases were noted of unintentional non-compliance with legally required steps during the voting procedures;

– during the counting process, the observers noted cases of non-compliance with the procedures often due to lack of knowledge of procedures and also because of inadequate training of the members of the polling station commissions and complicated procedures of counting;

– presence of observers of the non-governmental organisation "Pod Lupom" in almost all polling stations visited.

50. The CEC announced the following preliminary results:

– Mr Šefik Džaferović (SDA), Mr Milorad Dodik (SNSD) and Mr Željko Komšić (DF) were elected respectively as the Bosniak, Serb and Croat members of the BiH Presidency;

– Ms Željka Cvijanović was elected President of Republika Srpska;

– in the House of Representatives of Bosnia and Herzegovina: Party of Democratic Action (SDA) – 9 seats; Alliance of Independent Social Democrats (SNSD) – 6 seats; Croat Democratic Union (HDZ BiH) – 5 seats; Social Democratic Party (SDP) – 5 seats; SDS – 3 seats; Democratic Front (DF) – 3 seats; Alliance for a Better Future (SBB) – 2 seats; Nasa Stranka – 2 seats; Party of Democratic Progress (PDP) – 2 seats and one seat for Independent Bloc, Movement of Democratic Action (PDA), Democratic People's Alliance (DNS), SPRS and A-SDA;

– In the House of Representatives of the Federation of Bosnia and Herzegovina: SDA – 27 seats; SDP – 16 seats; HDZ BiH – 16 seats; DF – 10 seats; SBB – 8 seats; Nasa Stranka – 6 seats; PDA – 4 seats; Independent Bloc – 4 seats; A-SDA – 2 seats, HDZ 1990 – 2 seats; People and Justice – 2 seats and Labor Party – 1 seat;

– for the National Assembly of Republika Srpska: SNSD – 28 seats; SDS – 16 seats; DNS – 12 seats; PDP – 9 seats; SP-7 seats, NDP – 4 seats, "Together for BiH" – 4 seats and United Srpska 3 seats.

## 6. Conclusions and recommendations

51. The PACE observation delegation concluded that the 7 October 2018 general elections in Bosnia and Herzegovina were genuinely competitive, that voting was calm, and that electors made their choice freely among a large number of parties and candidates. The PACE delegation regretted that, once again, the elections were held in violation of the European Convention on Human Rights concerning discrimination on the basis of ethnicity and residency. The delegation also expressed its disappointment that the election campaign remained segmented along ethnic lines.

52. With regard to the legal framework, the delegation pointed out that despite the 2016 legal amendments, there are still problems with a number of long-standing electoral shortcomings which remain unaddressed, including the discriminatory residency and the ethnicity-based restrictions on the right to vote and to stand as a candidate, deficiencies in the complaint and appeals mechanism, and insufficient safeguards against misuse of State resources.

53. The delegation expressed great concern that, despite the Assembly's previous resolutions on the incompatibility of the Constitution and election legislation with the European Convention on Human Rights, the authorities of Bosnia and Herzegovina have failed to amend the constitutional and legal framework to remove ethnicity and residency-based discrimination with regard to the right to stand for election to the Presidency and House of Peoples. As in 2014, interlocutors of the delegation from the political parties repeated their promise to solve this matter after the elections of 7 October 2018. Developments concerning this particular issue will be closely scrutinised under the Assembly's monitoring procedure.

54. With regard to the election campaign, the delegation recalled that election is a process not limited to voting day. The election campaign was calm, all political parties and candidates were able to campaign freely without restriction. Nevertheless, many interlocutors reported cases of inflammatory and nationalistic rhetoric and hate speech; allegations of misuse of administrative and public resources; vote-buying; intimidation and pressure on public sector and private companies' employees to vote in favour of the relevant ruling parties. The delegation also noted with regret that the election campaign remained segmented along ethnic lines, as was the case in previous elections.

55. Broadcast media are required to respect the principles of balance, fairness and impartiality, especially in their information programmes. According to the ODIHR EOM media monitoring results, public broadcasters covered the election campaign in a balanced manner in special election information programmes.

56. However, not all political parties received equal airtime. Different interlocutors pointed out that public and private media were widely perceived to be under pressure from political parties or business interests. The monitored newspapers reflected the segmentation of society along ethnic and political lines. The lack of transparency of media ownership was mentioned by some of the delegation's interlocutors, as well as problems in the media environment such as threats to journalists, failure of some politicians to respond to invitations to participate in debates on television and radio, creating a culture which has failed to sufficiently develop an independent and strong media sector that allows voters to make a well-informed choice.

57. Several interlocutors of the PACE delegation reported that the transparency of political finances was insufficient, that assets and campaign finances often remain unreported, and alleged that parties receive donations from public procurement contractors in return for such contracts. Overall, the regulatory framework does not provide for adequate transparency and accountability of campaign finances.

58. The delegation recalled that GRECO, in its 2017 compliance report, acknowledged the progress made by Bosnia and Herzegovina with the partial implementation of previous recommendations. On the other hand, GRECO expressed concerns that "much more needs to be done, inter alia, to harmonise the complex legal framework, promote the use of the banking system for contributions to political parties and increase the financial and personnel resources allocated to the Central Electoral Commission for the supervision of political financing".

59. The delegation noted the transparency and the efforts of the CEC, despite numerous pressures, and in a challenging and complicated political environment, with limited human and financial resources. The registration of parties and candidates was inclusive but concerns were raised about the accuracy of the voting registers and concerning out-of-country voting. Voting day was in general well organised, but the main challenge on voting day for the electoral administration was the counting and tabulation of the results.

60. The delegation welcomed the essential work of a growing number of civil society organisations actively involved in the election observation process, and encouraged them to continue their activities.

61. Finally, the PACE delegation identified a number of irregularities and shortcomings during the whole electoral process of the general elections. Bosnia and Herzegovina needs to improve its legal electoral framework, as well as certain electoral practices, taking into consideration the lessons of past elections, in order to increase the citizens' confidence in democratic elections. This work should be accomplished in the framework of the Assembly's monitoring procedure, in close co-operation with the Venice Commission and in the framework of the Council of Europe's assistance programmes.

**Appendix 1 – Composition of the ad hoc committee**

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

**Chairperson**: Dame Cheryl GILLAN, United Kingdom

**Group of the European People's Party (EPP/CD)**

– Ms Nicole DURANTON, France

**Socialists, Democrats and Greens Group (SOC)**

– Mr José CEPEDA, Spain
– Mr Pierre-Alain FRIDEZ, Switzerland
– Mr Antonio GUTIÉRREZ, Spain
– Mr Josip JURATOVIC, Germany
– Ms Colette KELLEHER, Ireland
– Ms Soraya RODRÍGUEZ RAMOS, Spain
– Ms Idália SERRÃO, Portugal
– Ms Angela SMITH, United Kingdom*
– Ms Adriana Diana TUȘA, Romania
– Ms Ute VOGT, Germany

**European Conservatives Group (EC)**

– Lord David BLENCATHRA, United Kingdom
– Dame Cheryl GILLAN, United Kingdom*

**Alliance of Liberals and Democrats for Europe (ALDE)**

– Mr Claude KERN, France*
– Mr Anne MULDER, Netherlands

**Group of the Unified European Left (UEL)**

– Mr Petter EIDE, Norway*
– Ms Miren Edurne GORROTXATEGUI, Spain

**Venice Commission**

– Ms Mirjana LAZAROVA TRAJKOVSKA, former member of the Venice Commission
– Mr Michael JANSSEN, Administrator

**Secretariat**

– Mr Chemavon CHAHBAZIAN, Head of the Election Observation and Interparliamentary Co-operation Division
– Mr Franck DAESCHLER, Principal administrative assistant
– Ms Anne GODFREY, Assistant

* Member of the pre-electoral delegation.

**Appendix 2 – Programme of the ad hoc committee**

**Friday 5 October 2018**

09:00 – 10:00 Meeting of the PACE ad hoc committee:
- Opening of the meeting and presentation of the pre-electoral mission's findings, by Dame Cheryl Gillan, Head of the Delegation
- Presentation of the recent developments in the field of electoral legislation in Bosnia and Herzegovina by Ms Mirjana Lazarova Trajkovska, Venice Commission
- Practical arrangements and logistics, by the Secretariat

**Briefing programme for PACE, the OSCE PA, the NATO PA and the European Parliament**

10:30 – 11:00 Opening by the Heads of Delegations:
- Mr Makis Voridis, OSCE Special Co-ordinator and Leader of the short-term OSCE observer mission
- Dame Cheryl Gillan, Head of the PACE Delegation
- Ms Pia Kauma, Head of the OSCE PA Delegation
- Ms Rasa Juknevičienė, Head of the NATO PA Delegation
- Mr Frank Engel, Head of the European Parliament Delegation

11:00 – 11:30 Welcoming remarks:
- Ambassador Bruce Berton, Head of the OSCE Mission to Bosnia and Herzegovina
- Ambassador Drahoslav Stefanek, Head of the Council of Europe Office in Bosnia and Herzegovina
- Mr Ales Balut, Head of the Political and Economic Department, Office of the High Representative for Bosnia and Herzegovina

11:30 – 12:20 Mr Suad Arnautović, Member of the Central Election Commission of Bosnia and Herzegovina

13:30 – 14:30 Briefing by the OSCE/ODIHR Election Observation Mission Core Team (Part 1)

Introduction:
- Ambassador Peter Tejler, Head of the OSCE/ODIHR Election Observation Mission

Political overview:
- Ms Martina Barker-Ciganikova, Political Analyst

Legal overview:
- Ms Elissavet Karagiannidou, Legal Analyst

Election administration and voter registration:
- Mr Kakha Inaishvili, Election Analyst

Media overview:
- Ms Kira Kalinina, Media Analyst

Questions and answers

14:30 – 17:10 Meetings with political parties

14:30 – 14:50 Mr Ljubiša Čosić, Chairperson of the Municipal Board, Alliance of Independent Social Democrats (SNSD)

14:50 – 15:10 Ms Džana Dahić, candidate for the House of Representatives of the Bosnia and Herzegovina Parliamentary Assembly, Democratic Front (DF)

15:10 – 15:30 Mr Bariša Čolak, Deputy Chairperson of the Bosnia and Herzegovina Parliamentary Assembly, House of Peoples, The Croat Democratic Union of Bosnia and Herzegovina (HDZ BiH)

15:30 – 15:50 Ms Naida Kurdija, Representative, Independent Bloc

16:00 – 16:30 Ms Adisa Omerbegović Arapović, Vice-President, Party for Better Future (SBB)

**Saturday 6 October 2018**

09:00 – 10:30 Panel discussion with media representatives:
- Ms Amela Odobašić, Head of Public Relations, Communications Regulatory Agency of Bosnia and Herzegovina (RAK BiH)
- Ms Borka Rudić, Secretary General, BH Novinari
- Mr Benjamin Butković, Editor-in-Chief for the Election Programme, Radio and Television of Bosnia and Herzegovina (RTV BiH)
- Mr Darjan Babić, Editor-in-Chief for the Election Programme, Federation TV (RTV FBiH)

10:30 – 11:30 Panel discussion with NGOs/INGOs:
- Mr Emsad Dizdarević, Project Manager, Transparency International
- Ms Jasmila Selimović, Project Manager, Centre for Civic Initiatives; Election Monitoring Co-ordinator, Coalition Under the Magnifying Glass (Pod Lupom)
- Ms Jelena Tanasković Mićanović, Policy Co-ordinator and Legal Adviser representing the Coalition Under the Magnifying Glass (Pod Lupom) and Forum of Tuzla Citizens
- Ms Leila Bičakčić, Executive Director, Centre for Investigative Reporting

11:30 – 12:30 Briefing by the OSCE/ODIHR Election Observation Mission Core Team (Part 2) – Election day procedures and Observation forms; Security:
- Introduction: Mr Vasil Vashchanka, OSCE/ODIHR EOM Deputy Head of Mission
- Ms Kakha Inaishvili, Election Analyst
- Mr Anders Eriksson, Statistics Expert
- Mr Valeriu Mija, Security Expert

12:30 – 13:00 Briefing OSCE/ODIHR EOM long-term observers based in Sarajevo:
- LTO Team 1: Mr Jan Schunck, Ms Ruth van Rijn
- LTO Team 2: Ms Dita Bičanovska, Mr Mathieu Lemoine

**Sunday 7 October 2018**

06:30 – 00:00 Observation of the opening, voting and counting

**Monday 8 October 2018**

08:00 – 09:00 Debriefing meeting of the PACE ad hoc committee

15:00 Joint press conference

**Appendix 3 – Statement by the International Election Observation Mission (IEOM)**

**Bosnia and Herzegovina elections were genuinely competitive, but legal and systemic shortcomings remain**

Strasbourg, 08.10.2018 – The 7 October general elections in Bosnia and Herzegovina were genuinely competitive but characterised by continuing segmentation along ethnic lines, the international observers concluded in a preliminary statement released today. Long-standing deficiencies in the legal framework remain, and recent discussions on reform were stalled by political disagreements, further eroding trust in public institutions, the observers said.

Voters were presented with a wide choice of candidates, who were able to campaign freely. The candidates, however, focused more on personal attacks and fearmongering than on providing political alternatives, the statement says. The dependence of media on political and business interests often led to biased coverage, and instances of improper efforts to influence voters in favour of incumbents were not effectively addressed, the observers said.

“We saw polling station commissions, many of them made up of young women and men, who showed eagerness to cope with the complex system during a long election day”, said Mavroudis Voridis, the Special Co-ordinator and Leader of the short-term OSCE observer mission. “The complexity and the deficiencies of the post-Dayton system should have been properly addressed a long time ago. I urge the institutions not to waste time now, but to immediately tackle the necessary reforms.”

Dame Cheryl Gillan (United Kingdom, EC), Head of the delegation from the Parliamentary Assembly of the Council of Europe (PACE), said: “Yesterday’s voting was calm, and electors made their choice freely among a large number of parties and candidates. The PACE delegation regrets that, once again, the elections were held in violation of the European Convention on Human Rights concerning discrimination on the basis of ethnicity and residency. The delegation also expressed its disappointment that the election campaign remained segmented along ethnic lines.”

The freedoms of speech, movement and association were generally respected, in a campaign was largely segmented along ethnic lines, with candidates resorting to polarizing and negative rhetoric. There were instances of the preferential treatment of incumbents by local authorities and of the misuse of State resources, the statement says.

“We cannot change the past, but we can shape the future”, said Pia Kauma, Head of the delegation from the OSCE Parliamentary Assembly. “People of this country, and especially the younger generations, deserve more political alternatives.”

Frank Engel, Head of the European Parliament delegation, said: “Materially credible elections were held, and there will be a result. Now, the challenge for political actors in Bosnia and Herzegovina will be to ensure that the result is used in favour of the common good, and not of particular interests.”

The legal framework is generally conducive to holding democratic elections, but important long-standing shortcomings remain, as political deadlock has stalled constitutional and electoral reforms. Restrictions on the right to stand based on ethnicity and residence are contrary to OSCE commitments and Council of Europe and other international standards, and European Court of Human Rights judgments on this issue remain unimplemented.

“The fundamental issues with the constitutional and legal framework must be addressed, but what we saw yesterday was also many election administration officials committed to making the system work, and many voters committed to shaping their country’s future” said Rasa Juknevičienė, Head of the delegation from the NATO Parliamentary Assembly.

The Central Election Commission (CEC) administered the process efficiently, despite limited budget and staff, and against the backdrop of continued criticism and allegations regarding technical preparations. There was a lack of trust in the election administration at all levels and questions about its impartiality, including due to numerous credible claims that candidates were trading positions to obtain control over particular polling station commissions. Municipal election commissions acted in a more professional manner, the observers said. On election day, polling station commissions worked transparently but faced some difficulties in following procedures, particularly during counting.

The lack of transparency in media ownership and the influence of political and business interests on editorial policies raised concerns about the ability of most outlets to provide unbiased coverage, the statement says. Public broadcasters provided candidates with free airtime in the official campaign period. Media monitoring showed that Republika Srpska's public broadcaster provided significantly more coverage to one of the State presidential candidates.

"We saw that fundamental freedoms were respected but, at the same time, there is enduring mistrust in the country's institutions", said Ambassador Peter Tejler, Head of the ODIHR election observation mission. "ODIHR's final report will highlight the positive elements in these elections and provide recommendations to address the shortcomings we have identified."

The observers heard repeated concerns over the accuracy of the Central Voters Register, in particular regarding deceased voters remaining on the list. The CEC took measures to improving the register's accuracy and referred cases of suspected fraud in postal voting registration to the prosecutor's office.

Gender equality was not a prominent element in the campaign, including when social and family issues were discussed. Although women appeared in electoral events, they rarely campaigned on their own and women candidates were not actively promoted by political party structures, nor covered extensively in the media, the statement says.

Mechanisms for complaints and appeals are in place and provide for timely consideration, including through judicial review. However, a restrictive interpretation by election commissions in deciding which complaints are admissible meant effective remedies were denied and alleged irregularities went unaddressed. The CEC reviewed a number of complaints in public sessions and maintained a register of these, but the transparency of the process remained an issue. It provided the reasoning for its decisions, which were usually adopted by consensus, so as to maintain the overall ethnic balance in the CEC's approach to dispute resolution.