Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15655
17 November 2022

Observation of the general elections in Bosnia and Herzegovina (2 October 2022)

Election observation report
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1. Introduction

1. On 4 May 2022, the President of the Central Election Commission (CEC) of Bosnia and Herzegovina invited the Parliamentary Assembly to observe the general elections scheduled for 2 October 2022.

2. The Bureau of the Assembly, at its meeting on 20 June 2022, decided to observe these elections, to set up an ad hoc committee composed of 20 members (SOC-6; EPP/CD-6; EC/DA-4; ALDE-3; UEL-1), as well as the two co-rapporteurs of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), and to conduct a pre-electoral mission. On 24 June, the Bureau decided to revise the composition of the ad hoc committee (21 members (SOC-6; EPP/CD-6; EC/DA-4; ALDE-3; UEL-1; NR-1), as well as the two co-rapporteurs of the monitoring committee), and appointed Mr Stefan Schennach (Austria, SOC) as its Chairperson. On 12 September, the Bureau approved the final list of members of the ad hoc committee to observe these elections (Appendix 1).

3. In line with the co-operation agreement signed between the Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, a representative of the Venice Commission was invited to join the ad hoc committee as legal adviser.

4. A pre-electoral delegation was in Sarajevo and Banja Luka from 5 to 7 September 2022. It had meetings in Sarajevo and in Banja Luka with representatives of the Collegium of the House of Peoples of Bosnia and Herzegovina, leaders and representatives of parliamentary groups of the House of Representatives of the Federation of Bosnia and Herzegovina, leaders and representatives of parliamentary groups of the National Assembly of Republika Srpska, the delegation of Bosnia and Herzegovina to the Assembly, the President and members of the CEC, members of the diplomatic corps in Sarajevo, members of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) election observation mission, as well as representatives of NGOs and the media. The programme of the pre-electoral mission is set out in Appendix 2 and its statement in Appendix 3.

5. The full Assembly ad hoc committee (PACE delegation) worked from 30 September to 3 October 2022. It operated as part of an International Election Observation Mission (IEOM) together with a delegation from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA), a delegation from the European Parliament, a delegation from the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO-PA) and the electoral observation mission (EOM) of the OSCE/ODIHR. The programme of the delegation's meetings is set out in Appendix 4.

6. The IEOM concluded that the general elections were competitive and overall well organised. Fundamental freedoms were respected during the campaign. However, failed reform efforts, a widespread mistrust in public institutions and ethnically divisive rhetoric continued to mark the election environment. The joint press release is set out in Appendix 5.

7. The PACE delegation wishes to express its gratitude towards the secretariat of the parliamentary delegation of Bosnia and Herzegovina and to the Office of the Council of Europe in Sarajevo for the extremely valuable assistance given in the organisation of the pre-electoral mission.

2. Political context

8. Bosnia and Herzegovina (BiH) is composed of two entities: the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS). In addition, the Brčko district has a special status as a local self-government unit under direct State sovereignty. The Constitution grants the status of constituent peoples to Bosniaks, Croats and Serbs. Citizens who do not identify with an ethnicity that has the status of a constituent people or who choose not to affiliate themselves with any group or ethnicity may declare themselves as "others".

9. The complex State structure and legal and administrative framework originate from the 1995 General Framework Agreement for Peace in BiH (Dayton Peace Agreement). The High Representative, who heads the international body established by the Dayton Peace Agreement to oversee the implementation of the civilian aspects of the peace settlement, retains extensive powers to impose legislation and enforce the law. Exercising these powers, the High Representative amended the electoral legislation three times in 2022, including in July and then on election day. In June, leading political parties reached an agreement aimed at ensuring the functioning of the State and advancing on the European path; however, this failed to result in the reaching of an agreement on the issues of election reform and the budget for elections.

10. Electoral contestants represent highly divergent visions of the country's future. While most major political parties promote in their electoral doctrine a single constituent people, others define themselves as multi-ethnic "civic" parties. The elections took place amid years of deadlock among incumbent political parties that established divisive, often inflammatory rhetoric as the standard of political discourse and have blocked the functioning of key State- and entity-level institutions. A government of the FBiH, based on the results of the 2018 elections, has still not been formed; the government formed in March 2015 remains in power under a technical mandate. Four of the nine judicial seats on the FBiH Constitutional Court remain vacant since 2019. BiH applied for European Union (EU) membership in 2016 but has not yet received candidate status. In 2021, the European Commission assessed that the country still had much to accomplish in order to meet the obligations of EU membership, with limited progress noted in most key reform areas. On 12 October 2022, the European Commission recommended to grant BiH the status of EU candidate, under the condition of implementing necessary reforms. A Council debate and the eventual decision on BiH candidate status are expected in December 2022.

11. While candidates repeatedly urged voters to consider these elections as a decisive moment in the country's history, many IEOM interlocutors referred to a backdrop of overall disillusionment with the political establishment, inefficiency of public administration, pervasive corruption and exploitation of the public sector, the largest single employer in BiH, for political gain. In late August 2022, the High Representative began a new round of meetings with political parties, the CEC and other stakeholders. On 17 September, he issued a statement reiterating that blocking of institutions cannot continue after the elections.

3. Electoral system and legal framework

12. The electoral legal framework is generally conducive to democratic elections. However, certain legal provisions challenge the principles of universal and equal suffrage and non-discrimination, and its effectiveness is undermined by a lack of uniformity between several laws at different levels and a number of shortcomings in the legislation.

13. On 27 July, the High Representative imposed changes to the Election Law, following failed discussions among major political parties to amend the election-related legislation and introduce constitutional changes. The amendments, *inter alia*, introduced a definition of hate speech; banned the misuse of administrative resources for executive office holders and elected officials; prohibited the trade of polling station commission positions among political parties; and increased fines for election-related violations. Overall, the changes introduced important integrity safeguards. Nevertheless, many IEOM interlocutors expressed dissatisfaction that they were introduced by a decision of the High Representative rather than passed in parliament with opportunity for proper public consultation. Also, the late adoption of the amendments, after the elections had been called, did not allow all stakeholders to become fully familiar with the new provisions or for enforcement mechanisms to be fully established, and certain provisions challenge legal certainty.

14. The current legislative framework continues to pose ethnicity and residency-based restrictions on the right to stand as a candidate; only voters self-declared as Bosniaks, Croats or Serbs may stand as candidates for the State and entity presidencies and be indirectly elected to the BiH House of Peoples (BiH HoP), provided that they reside in the appropriate entity. The European Court of Human Rights has repeatedly deemed these restrictions incompatible with the European Convention of Human Rights (ETS No. 5). In 2015, the Constitutional Court of Bosnia and Herzegovina ruled that provisions of the FBiH and RS entity constitutions concerning the election of entity presidency members were discriminatory towards citizens not self-declaring as belonging to any of the three constituent peoples and, therefore, at odds with the State Constitution. These rulings of the European Court of Human Rights and the Constitutional Court of Bosnia and Herzegovina remain unimplemented.

15. A 2016 judgement of the Constitutional Court of Bosnia and Herzegovina, mandating a review of the system for indirect elections for the FBiH HoP had still not been implemented prior to the elections. Furthermore some longstanding ODIHR recommendations remain unaddressed, including on a comprehensive review of the legal framework and electoral constituency boundaries, increasing transparency of electoral dispute resolution and the formation of polling station commissions. Prior to these elections, in the absence of amendments to the Election Law, the CEC addressed various aspects of the electoral process through the adoption of regulations. While overall positive, in some cases, the CEC used wide discretionary power in interpreting its mandate to implement the Election Law.

16. On election day, with the stated aim of unblocking the political impasse and ensuring that institutions of the FBiH are formed following the elections, the High Representative imposed additional changes to the Election Law and the FBiH Constitution. The amendments, *inter alia*, increased the number of seats in the FBiH HoP and introduced significant changes to the body's decision-making procedures with respect to the appointment of the FBiH president and vice presidents as well as key judicial positions. At the time of voting, the full impact of the cantonal assembly vote was not foreseeable to electoral contestants and voters. The FBiH HoP, although indirectly elected by the cantonal assemblies, enjoys significant legislative powers.

17. Under a complex institutional and electoral system, six direct electoral contests held on three levels took place in these elections. At the State level, voters voted for the presidency and the BiH House of Representatives (BiH HoR). At the entity level, voters registered in the Federation of Bosnia and Herzegovina voted for the FBiH House of Representatives (FBiH HoR), while those registered in the Republika Srpska cast their votes for the president and two vice-presidents of the Republika Srpska, as well as the RS National Assembly (RS NA). In addition, voters in the FBiH elected ten cantonal assemblies. All mandates are allocated for four-year terms.

18. Members of the tripartite presidency of BiH are elected by a simple majority with voters in the FBiH being able to choose one candidate from either the Bosniak or Croat candidates, and voters in the RS selecting from among Serb candidates. The RS president and vice-presidents are also elected by a simple majority. Most BiH HoR, FBiH HoR and RS NA members are elected through a preferential voting system in multi-member constituencies. For the State and entity-level parliamentary contests, compensatory mandates are allocated from closed party lists to ensure the proportional representation of parties or coalitions. Further, for the FBiH HoR and the RS NA, the Election Law guarantees a minimum representation of four seats per constituent people.

19. After the general elections, four indirect elections will be held for the upper houses of parliaments of the State and both entities, as well as for the president and two vice-presidents of the FBiH.

20. The ten cantonal assemblies elect the delegates to the FBiH HoP, while the RS NA elects the RS Council of Peoples (RS CoP). The president and two vice-presidents of the FBiH are jointly elected by the FBiH HoP and the FBiH HoR from candidates self-declared as Bosniak, Croat or Serb.

21. There is a significantly inequitable distribution of registered voters amongst the multi-member constituencies for all parliamentary contests, with up to 68% deviation, contrary to the principle of equality of the vote. Despite a legal requirement to review the number of mandates per multi-member constituency every four years, the delineation of multi-member constituencies has not changed since 2001, with the exception of the constituencies for the RS NA elections which were last reviewed in 2012.

4. Election administration, voters lists and registration of candidates

22. Elections were administered by a three-tiered structure led by the CEC, comprising 143 municipal election commissions (MECs) and 5 903 polling station commissions (PSCs). By law, the CEC and MECs must reflect the ethnic composition of their respective constituencies and include at least 40% of members of each gender. At odds with the legal provisions, only two CEC members are women. The CEC, a permanent body, consists of seven members: two Bosniaks, two Croats, two Serbs and one "other".

23. The CEC held regular sessions, which were open to the public and broadcast online. Most decisions were taken unanimously and published on the CEC website in a timely manner, except those related to the adjudication of complaints and appeals.

24. Overall, the CEC administered the elections efficiently, transparently and within the legal deadlines, despite initial delays caused by the late disbursement of funds required to organise the elections. There was independent decision making within the current composition of the CEC, contributing to stakeholders' trust in its work. Nevertheless, a shortage of qualified staff affected the operational capacity of several CEC departments leading to delays in complaints adjudication and the review of campaign finance reports, and jeopardised the functionality of some web applications operated by the election administration.

25. Overall, MECs acted in a largely transparent and independent manner. According to the CEC, 294 of the 571 members (some 48%) of MEC members were women. This largely met legal requirements.

26. MECs had to appoint PSCs by 2 September based on nominations from political subjects. Overall, political subjects only nominated candidates for about half of the PSC seats. To fill the vacant positions, many PSC members were appointed directly from reserve lists maintained by MECs, in some cases after the legal deadline. Despite the July 2022 legal amendment prohibiting the trading of PSC positions between political subjects, there were allegations of fictitious representation of political parties in PSCs. In the week before election day, the CEC adjudicated 10 cases related to the fictitious representation of political subjects on PSCs; some 20 cases were still pending. Public trust in the impartiality of PSCs remained low due to their alleged political affiliation, and the CEC lacked time and resources to develop effective mechanisms to implement and monitor the new legal provisions.

27. The CEC conducted largely insufficient voter education activities, consisting mainly of TV and radio spots on registration modalities for internally displaced persons and voters abroad, as well as on voting procedures. All audio-visual voter education material produced by the CEC was supported by sign language interpretation. However, most election materials, including ballot papers, were not adapted for voters with visual, hearing or cognitive impairments.

28. Citizens aged 18 years or older on election day are eligible to vote, except those convicted for serious crimes, including war crimes, or deprived of legal capacity, including on the grounds of intellectual and psychosocial disability. Restrictions on electoral rights on the basis of intellectual disability are contrary to international standards.

29. Voter registration is passive and continuous for in-country voters. While the CEC has the overall responsibility for the integrity and maintenance of the Central Voter Register, the accuracy of the register depends on the data provided by other institutions responsible for updating the civil register, on which the register is based. There is a general trust in the accuracy of the register and the CEC made continuous efforts to remove outdated entries from the voter register. However, these efforts were hindered by the absence of an effective mechanism to remove records of deceased citizens from local civil register databases.

30. By law, voters in Brčko district vote either for the elections of FBiH or the RS, depending on their entity citizenship. Residents of Brčko district who had not chosen entity citizenship were not eligible to vote in any elections.

31. Voter lists had to be posted for public scrutiny between 3 June and 3 July. Voters could also verify their records online and at municipal Voter Registration Centres. Corrections could be made until 18 August. On 25 August, the CEC announced the total number of registered voters as 3 368 666.

32. Internally displaced persons could vote for electoral contests taking place either in the municipality of their temporary residence, or in the municipality where they had been registered before being displaced. Mobile voting was available to homebound voters and those in retirement or detention facilities. Voters registered for out-of-country voting who were in the country on election day and those whose records were entered in the Central Voter Register after 18 August could vote by tendered ballot at special polling stations established in each municipality.

33. Out-of-country voters could vote in person at embassies and consulates or by mail, depending on the voters' choice. On 25 August, the CEC announced that 69 966 voters had registered to vote abroad through a newly established online platform that streamlined the registration process and reduced the possibility of human error and fraudulent registration. On 16 September, the CEC referred to the prosecutor some 20 cases of alleged fraudulent attempts to register for out-of-country voting.

34. All citizens eligible to vote may stand as candidates, except for the elections of the State presidency and the president and vice-presidents of the RS, for which discriminatory ethnicity and residence requirements remain in place. Candidates for all elections may be nominated by political parties and coalitions or stand independently. The candidate registration process started on 6 May and ended on 12 August and was overall conduced in an inclusive and timely manner.

35. By law, the CEC is mandated to certify eligibility to stand in the elections and register candidate lists. In order to register, political subjects had to submit a financial deposit and support signatures. A voter may sign in support of only one political party or independent candidate per contest, contrary to international good practice. In line with legal provisions, the CEC only verified 10% of the support signatures submitted for each contestant. Nevertheless, the verification of a sample rather than all signatures is at odds with international good practice. In total, the CEC certified 90 parties and 17 independent candidates as "political subjects" to participate in the elections. In a subsequent step, 38 coalitions were formed by political parties.

36. Candidate lists must have at least 40% of candidates of each gender, with specific placement requirements. However, there were divergent approaches towards identifying and promoting women candidates within political parties. Also, these requirements have so far not been fully effective, as they do not translate in the 40% quota in the allocated seats for the less represented gender. A new online registration platform launched by the CEC only accepted candidate lists that fulfilled the gender requirements. Overall, the CEC registered 7 258 candidates for all elections. Ten candidates (including 2 women) ran for the State presidency and 31 candidates (including 2 women) for the presidency of the RS. 752 candidates (39.36% women) competed for 42 seats in the BiH HoR, 1 230 candidates (43.41% women) for 98 seats in the FBiH HoR, and 1 429 candidates (42.76% women) for 83 seats in the RS NA. In total, only 43 of the 613 candidate lists (some 7%) exceeded the minimum number of women required by law. Women headed 135 lists (22%); however, 53% of these were one-person lists.

5. Election campaign and its financing

37. The official 30-day campaign period began on 2 September and ended on 1 October. Campaign related legal provisions, including on the misuse of administrative resources and the prohibition of hate speech only apply during the official campaign period. Prior to this, only paid election campaigning in electronic and print media is forbidden. While not explicitly prohibited, a number of parties started campaigning several months earlier, visiting local communities and using public events to present their candidates and programmes. This left possible irregularities largely unaddressed, due to the non-applicability of relevant legal provisions in that period. The CEC imposed sanctions in 22 related cases of early campaigning, mostly concerning paid advertisements on social networks.

38. The campaign environment was overall calm, with fundamental freedoms of association, assembly and expression respected. Positively, the number of hate speech cases reported remained low. Nevertheless, some isolated incidents of violence and harassment have been reported. The campaign was competitive, particularly in the presidential elections at the State level and in the RS. Contestants conducted rallies and door-to-door meetings, distributed flyers and actively reached out to the electorate through social networks. In the RS, the campaign was polarised. The largest incumbent parties targeted their traditional electorate, stressing the need for security, protection and continuity. In their campaigns, references to separatism, past and current "wars," "dangers" and "attacks" were frequent. Opposition contestants mainly addressed issues related to corruption, employment and emigration, claiming to offer a political alternative to voters.

39. The 2022 July legal amendments introduced a prohibition on the misuse of administrative resources for executive office holders and elected officials. While a welcome improvement, the provisions appear insufficient to adequately address related irregularities, mainly because of their limited applicability timeframe and scope. In the election period, a number of social welfare, development and public infrastructure projects were initiated by the incumbent presidents or governments. There were reports on pressuring public sector employees to participate in campaign events of the incumbents or to not engage in opposition activities. This raises concerns as to the level playing field and voters' ability to cast their vote free of fear of retribution.

40. Notwithstanding the legal provisions prescribing equal gender representation at all levels of public administration and elected bodies, women remain under-represented in public positions. More efforts are needed from the authorities and political parties to overcome longstanding stereotypes related to gender roles that remain an obstacle to women's political participation in BiH. Women candidates were often targets of insult and ridicule on social networks. They did not feature prominently in the campaign, with the exception of the two candidates for the Croat and Serb members of the BiH presidency and one candidate for the RS presidency.

41. Campaign finance is primarily regulated by the Election Law, the Law on Political Party Financing, the laws on political parties of the RS and Brčko district, and complemented by CEC regulations. In January 2022, the CEC renewed the rules on campaign finance reporting procedures, addressing some ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations, including those on the mandatory use of dedicated bank accounts for campaign expenditures. Other previous ODIHR and GRECO recommendations, however, remain unaddressed, for example, those related to reviewing and consolidating the legislation on party and campaign funding. Overall, the lack of a coherent and consistent regulatory framework diminishes the effectiveness of the existing regulations and their implementation.

42. Political parties and election campaigns are primarily financed from public funding, contestants' own funds, party membership fees and donations by individuals and legal entities. Direct public funding for the election campaigns is only provided in the RS and Brčko district. Public administration bodies, public institutions and enterprises, religious and publicly funded organisations, anonymous sources, foreign political and legal entities and private enterprises with public procurement contracts exceeding 10 000 BAM (around 5 000 EUR) in the current year are not allowed to donate to political subjects. Political subjects may spend up to 0,30 BAM (around 0,15 EUR) per registered voter in each electoral contest. Many political party interlocutors stated the cap for State and entity levels was too high, and expenditures of most contestants remained far below the threshold.

43. The CEC is mandated with political party and campaign finance oversight. The effectiveness of its review, control and audit procedures is challenged by its limited resources. Further, it is also impacted by the CEC's inability to monitor actual campaign spending and detect violations. Contestants are required to submit one pre-election report prior to their registration for the elections, and one post-election report within 30 days after the announcement of the final election results. Despite prior ODIHR recommendations, there are no provisions for interim reporting. By law, the CEC is only obliged to publish the second campaign finance report on its website within 30 days of receipt. The CEC informed that its audit department has been severely understaffed; this causes delays in review process of all political party and campaign finance reports.

44. The CEC may impose sanctions for irregularities and is obliged to report any suspicion of criminal offences to law enforcement agencies. Monetary penalties for financial violations appear insufficiently effective, proportional and dissuasive, at odds with previous ODIHR and GRECO recommendations. Overall, the campaign finance regulatory system does not provide for adequate transparency and accountability.

6. Media environment

45. The significantly limited campaign coverage on most media outlets, combined with the division along ethnic lines and political partisanship provided the voters with only partial information on the main contestants, thus limiting their opportunity to make an informed choice. Many IEOM interlocutors alleged direct and indirect political control over the major media outlets, noting that the underdeveloped advertisement market, dominated mainly by state-owned corporations, does not provide for financial sustainability and leads to political influence over the media. The media legislation does not provide for transparency of media ownership.

46. While defamation and libel are decriminalised, the legislation does not impose an upper limit on financial compensation for defamation. Many saw recent defamation cases brought against journalists as a tool to discourage them from reporting about issues of public importance. A number of recent cyber-attacks targeted the infrastructure of prominent media outlets. Widespread practices of intimidation and harassment of journalists, mostly online, undermined the media's ability to operate in an environment free of political pressure and persecution.

47. The public broadcasting service is provided by two entity-based public broadcasters and the Radio and Television of Bosnia and Herzegovina (BHRT) at the State level. As currently implemented, the system of financing through broadcast fees has left the BHRT significantly underfunded. Broadcast media are required to respect the principles of balance, fairness and impartiality in covering the election campaign. During the campaign, public broadcasters complied with the obligation to provide three minutes of free airtime to each

political subject. However, such time was provided outside of prime time, significantly limiting the potential viewership. While public and some private broadcasters offered political subjects a platform to present their views through debates, many contestants chose not to participate, further limiting the voters' opportunity to make an informed choice.

48. The Communication Regulatory Authority is the broadcast media regulator with a mandate to resolve media-related complaints and apply sanctions for violations. The law does not provide clear deadlines for the resolution of media-related complaints, limiting the right to effective remedy. The Authority informed the ODIHR EOM that, during the campaign period, it received nine complaints. It dismissed five cases and did not adjudicate the remaining four prior to the elections. Despite a previous ODIHR recommendation, the Communication Regulatory Authority did not conduct media monitoring during the campaign and thus was unable to perform active supervision of the broadcast media.

7. Complaints and appeals

49. The dispute resolution process, as currently implemented, does not fully guarantee effective legal redress. Deadlines for submitting and adjudicating complaints remain too short, despite prior recommendations. The possibility to file complaints and appeals is limited to voters and political subjects whose rights were violated, and public associations including those observing the elections have no legal standing. This limits access to legal remedies and the effectiveness of the election dispute resolution mechanism. The CEC acts as the first instance for most cases. Although the election commissions may also act on possible irregularities *ex officio* upon receiving notifications from any natural and legal entity, the law does not prescribe timeframes for such proceedings.

50. Under the Election Law, there is no guarantee for public hearings at any level of the electoral dispute resolution process. Positively, most MECs and the CEC considered complaints in public sessions. However, the complaints and subsequent decisions of the election administration and the Court of Bosnia and Herzegovina were not made public, diminishing the transparency of election dispute resolution. In the majority of cases, the CEC did not respect the 48-hour deadline for adjudicating complaints, citing a lack of human resources.

51. Prior to the election day, the CEC received some 560 complaints and 38 appeals against MEC decisions; of which, 403 related to out-of-country voting, 59 to early campaigning, some 35 challenged the appointment of the PSC members and fictitious representation of political subjects at the polling stations, and 40 cases related to prohibited speech and the misuse of administrative resources. Of these, nearly 90 were dismissed on technical grounds. In 10 cases, the CEC imposed fines for early campaigning, the misuse of administrative resources and prohibited speech. In addition, acting *ex officio* upon notifications of irregularities, the CEC reviewed 60 cases related to campaign irregularities and imposed fines in 16 cases. The Court reviewed some 350 appeals against the CEC decisions on complaints and upheld all but 7 CEC decisions; 44 appeals were rejected as inadmissible due to the lack of legal standing and missed deadlines.

52. An election-related violation may be referred to the prosecutor if it contains elements of a criminal offence. In the pre-election period, the prosecutors' offices received some 25 cases. In addition, 20 individual cases related to falsified signatures from voters registering for out-of-country voting forwarded by the CEC. A few prosecutors at different levels noted a lack of clarity regarding their competences pertaining to electoral criminal offences in the context of general elections. Many IEOM interlocutors expressed a lack of trust in the capacity of election commissions, courts and the prosecutor's offices to handle election-related disputes efficiently and voiced concerns over the independence of the judiciary.

8. Citizen and international observers

53. The Election Law provides for observation of all stages of the election process at every level of the election administration by observers nominated by civil society organisations, political subjects, and international organisations. In line with the Election Law, the number of citizen observers and contestants observers was limited to one per organisation at every polling station. For these elections, the CEC launched an online application for observer registration, however, the application could not effectively facilitate the process due to functionality issues. In an inclusive process, the CEC accredited 3 586 citizen and international observers, while MECs accredited some 50 000 observers appointed by political subjects. The civil society coalition Pod Lupom conducted long-term observation and deployed some 2 200 short-term observers on election day.

9. Election day

54. On election day, the PACE delegation split into 12 teams which observed the voting in Sarajevo and its surroundings, in and around Banja Luka, Doboj, Gorazde, Mostar, Pale, Srebrenica and Visegrad. Its general observations match overall the observations of the other IEOM observers.

55. Election day was largely peaceful, with several disruptive incidents in and around polling stations. While the campaign silence period appeared to be generally respected by most contestants, on election day, IEOM observers observed campaign material in the vicinity of some 3% of the polling stations. The CEC shared updates about the voting process throughout election day and published results by polling station on election night on the CEC website, which enhanced transparency. In total, 46% of the members of PSCs observed by the IEOM were women, including 41% of the chairpersons.

56. The IEOM observed the opening in 190 polling stations. Polling stations opened on time or with a slight delay in all but 12 stations observed. The opening of polls was assessed positively in 172 polling stations observed. Nevertheless, several procedural omissions were noted, including no recording of the serial numbers of ballot box seals (29 cases), not entering the total number of ballots received (25 cases) and not showing the ballot box being empty to those present (10 cases).

57. Observers positively assessed the voting process in 95% of the 1 785 observations, and procedures, including voter identification, were largely respected. The significant number of negative assessments was largely due to issues of secrecy of the vote, and important safeguards against interference not being respected. The secrecy of the vote was not ensured due to the positioning of voting screens (13%) or inadequate layout of the voting premises (15%). In 24% of the observations, one or more voters did not mark their ballots in secrecy. Overcrowding was reported in 6% of the observations.

58. PACE delegation members noted that, due to the complexity of the voting procedure, many voters were spending long minutes in the voting booth, which led in many cases to queuing. It also observed a significant number of cases when the ballot boxes were not properly sealed.

59. In 12% of the observed polling stations, persons other than the designated PSC member were keeping track of who voted, which is of concern. In a few cases (21 observations), PSCs were loudly announcing the name of voters who voted. Unauthorised persons, mainly contestant observers, were seen by IEOM observers to be interfering in the electoral process or attempting to influence the voters whom to vote for in some 3% of the observations. In addition, IEOM observers also reported 10 cases of intimidation of voters or PSC members. Prior to the elections, civil society IEOM interlocutors had raised concerns about vote buying practices. On election day, indications of vote buying were directly observed in 2 cases, indications of carrousel voting in 6 cases and voters taking photos of their ballots in 16 cases. Ballot boxes were not properly sealed in 6% and other procedural problems were observed in 6% of observations.

60. To reduce family and group voting, prior to the elections, the CEC had adopted a regulation which prescribes the submission of a medical certificate or equivalent document to be eligible for assisted voting, with the exception of cases where the disability is “obvious”. IEOM observers noted an inconsistent application of this regulation and observed several instances where voters were denied the opportunity to vote with an assistant of their choice. On the other hand, in some 2% of the polling stations observed, IEOM observers reported that the same person provided assistance to more than one voter, contrary to the law. Group and family voting was observed in 6% of the polling stations visited. Some 51% of the polling stations did not provide independent access for persons with physical disabilities and in 19%, the layout was not suitable for such voters.

61. The contestant observers were present in some 97% of the observations, mainly representing Party of Democratic Action (SDA), Social Democratic Party of Bosnia and Herzegovina (SDP BiH), Serbian Democratic Party (SDS) and Alliance of Independent Social Democrats (SNSD) and citizen observers in 21%.

62. The IEOM assessed the counting negatively in 36 of the 168 polling stations observed, mostly due to procedural irregularities, which indicates the PSC members’ insufficient understanding of the procedures. PSCs had difficulties to complete results protocols in 61 cases. Stamps and voter lists were not sealed and packed away before the counting began in 70 and 83 cases, respectively. Contestant observers were present in almost all polling stations observed during counting and citizen observers in 28. In 23 cases, unauthorised persons, mostly contestant observers, were interfering with the work of the PSC. The IEOM observers were able to observe the counting without restrictions in all observed polling stations. The initial stages of tabulation, where observed, were largely assessed positively. Nevertheless, some procedural omissions were observed, including PSC protocols not always being checked for consistency.

63. The CEC received 68 complaints and information on irregularities, mostly related to assisted voting, presence of unauthorised persons in polling stations and undue influence on voters' choice. The CEC forwarded most cases to the MECs and three cases were sent to the prosecutors' offices.

64. At the end of the vote on election day, just after the polling stations closed, the High Representative announced measures to improve the Federation's functionality and to ensure timely implementation of the results of the general elections, in a renewed use of his executive powers (known as the "Bonn powers"). A number of PACE delegation members felt that the moment for such an announcement had been inappropriately chosen; others assessed the measures as justified and necessary.

65. Preliminary results showed a voter turnout of 50% (4% down compared to the 2018 general elections), with the turnout in the FBiH being 48%, 53% in the RS, and 44% in the Brčko District. From the FBiH, SDP member Denis Bećirović, the joint candidate of 11 opposition parties, won (57.26%) over Bakir Izetbegović (SDA leader, 37.52%) for the Bosniak position in the BiH Presidency. Željko Komšić, the incumbent Croat member of the Presidency, won a new mandate with 54.6% of the votes, ahead of the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) candidate, Borjana Krišto (45.4%). From the RS, Željka Cvijanović (SNSD, a close associate of party leader and current presidency member Milorad Dodik) won by a large margin (by nearly 95 000 votes, or 52.57% compared to 35.98%) over Mirko Šarović (SDS), and is slated to be the next Serb member of the BiH Presidency, which will make her the first woman member of that institution.

66. As to the contest for the BiH HoR, in the FBiH, SDA made a strong showing with 25.1% of the votes, followed by the HDZ BiH-led coalition with 15.53% of the votes, and SDP with 13.3%. The Democratic Front (DF) and the People and Justice party (Narod i Pravda, NiP) also recorded good results (10.05% and 8.07% respectively), while the People's European Union of Bosnia and Herzegovina party (NES) and "Our Party" (Naša stranka) received just under 5% and might obtain one seat each.

67. The race for the RS Presidency was relatively tight, with only a five percentage points difference between Milorad Dodik (48.28%) and Party of Democratic Progress (PDP) candidate Jelena Trivić (43.39%), who had initially announced a victory on the evening on 2 October. Citing serious fraud (illustrated *inter alia* by the fact that in the village of Krajišnik – the birthplace of Ms Trivić's mother – not a single vote was recorded for Ms Trivić), both PDP leader Branislav Borenović and Ms Trivić have stated that their party would seek a repeat of the elections for the RS Presidency.

68. Following the election day, a large number of contestants described the electoral process as fraudulent and publicly questioned the validity of the results. Some contestants alleged electoral malpractices on election day, including "stealing" of votes during counting, vote-buying, intentional invalidation of ballots, and political involvement of MECs in the process. Intentions to demand recounts of ballots or seek annulment of elections were expressed in the media prior to the official announcement of complete preliminary results, including by SDS and PDP in the RS, and SBB in the FBiH.

69. The CEC decided to count all ballots cast for the RS presidential and vice-presidential elections in its Main Counting Centre in Sarajevo, with the aim of establishing the electoral results. It has further decided to count a more limited number of ballots cast also in the FBiH. When announcing the re-count, the CEC did not specify the number of invalid ballots as the reason for the re-count but rather pointed to procedural irregularities.

70. On 23 October, the CEC announced the final election results and a three-day deadline for all potential complaints, including a recount of votes, entered into force. Complaints could be submitted by representatives of political entities and independent candidates, observers and municipal commissions. The results have also been published on CEC's website. The distribution of the mandates would be announced after the publication of the verified results in case of possible changes.

71. According to the announced results, the required 518 mandates had been fulfilled and in the National Assembly of RS there were two mandates still to be fulfilled: one for the Bosniak and the other for the Croat people. As for the FBiH HoR, three deputy seats from the ranks of the Serb people remained to be fulfilled. As for the cantonal assemblies, all the necessary deputies had been elected. Therefore it would be possible to fill the caucuses in the FBiH HoP, except the Serb Caucus, because only 15 deputies (out of the 17 required) had been elected.

72. On 27 October, Milorad Dodik was declared the winner for the RS Presidency contest, with Ćamil Duraković and Davor Pranjić elected as Vice-Presidents. On 2 November, the CEC confirmed the results of the general elections for all levels of government concerned: BiH Presidency, BiH HoR, FBiH HoR, President and Vice-Presidents of the RS, the RS NA, and the cantonal assemblies of each of the ten cantons of the FBiH.

10. Conclusions and recommendations

73. The PACE delegation felt that the general elections in BiH were overall well organised and competitive. However, regrettably, the increasing segmentation along ethnic lines and the corresponding divergent views on the future of the country remain a concern for the functioning of democratic institutions. Universal and equal suffrage is still not guaranteed. Failed negotiations among political parties left the electoral legal framework without needed reforms, nevertheless, recently introduced amendments strengthened some aspects of the electoral process. Election preparations were managed in an overall efficient and transparent manner by upper-level election commissions. Political impasse, a general mistrust in public institutions and references to the country's wartime past marked the electoral environment. Women's active participation was undermined by insufficient efforts to overcome long-standing gender stereotypes. During the campaign, fundamental freedoms were respected. However, the lack of public debate and the use of divisive rhetoric, also reflected in the limited and biased media coverage, reduced voters' opportunity to make an informed choice.

74. The general elections took place against the backdrop of ongoing political deadlock and widespread disillusionment with the political establishment, with some key institutions blocked. The largest parties in power have frequently used ethnically divisive rhetoric as the standard form of debate. The campaign was calm overall, but observers noted incidents of pressure on public sector employees. The process on election day itself was overall peaceful and orderly, although there were some disruptive incidents in and around polling stations. While voting procedures were observed to be generally followed, the secrecy of the vote was often compromised, and there were also cases of unauthorised people keeping track of voters and assisting multiple voters. Observers assessed the counting procedures negatively in numerous places, mainly due to procedural irregularities.

75. Restrictions on the right to become a candidate based on ethnicity and residency go against both the principle of universal and equal suffrage and international standards for democratic elections. Rulings by both the European Court of Human Rights and the State Constitutional Court against the discriminatory nature of these limitations remain unimplemented.

76. The effectiveness of the legal framework is undermined by a number of shortcomings, while failed negotiations between political parties left it without needed reforms. Still, recent legislative changes from 27 July have added important safeguards. However, the fact that the changes were made so close to the elections meant that not all enforcement mechanisms could be fully established. Further changes announced on election day were not foreseeable at the time of voting, leaving both voters and contestants uncertain about the full impact of the cantonal assembly vote.

77. With a few notable exceptions, women did not feature prominently in the campaign, and women candidates were often targets of insult and ridicule on social networks. Long-standing gender stereotypes still exist and efforts made to increase women's active participation in the elections were insufficient.

78. The upper-level election administration enjoyed election stakeholders' trust and managed the elections efficiently and transparently. However, there was little confidence in polling station commissions due to widespread accusations that some political parties were trading positions to control polling stations on election day.

79. Recent defamation cases brought against journalists, cyber-attacks targeting prominent media outlets, and the intimidation and harassment of journalists created a working environment of political pressure or even persecution.

80. The PACE delegation noted that the President of Türkiye was present in Sarajevo during the PACE pre-electoral mission, that the President of Croatia attended the commemoration of the wartime Croatian Military-Police Operation "Maestral" in Jajce on 13 September and that the President of Serbia attended the Serbian Unity Day ceremonies in Bijeljina on 15 September. It also noted that Milorad Dodik had met the President of Russia on 20 September, then the Prime Minister of Hungary on 24 September and that the Prime Minister of Hungary returned the visit in Milorad Dodik's hometown Laktasi on 4 November.

81. The PACE delegation stresses that the politicians and political parties in BiH should see the vote given to them as a mandate to work for the future of their country and the perspective of European integration. It is particularly important to give the younger generation of voters the sense that their future lies within their own country. For this, it is vital to bridge the gaps between different ethnic groups. It should be sufficient for each citizen of Bosnia and Herzegovina to identify themselves as such without any further specification being necessary.

82. To conclude, the PACE delegation identified a number of irregularities and shortcomings during the whole electoral process of the general elections of 2 October 2022, as described in detail in the body of this report. It recommends to the authorities of Bosnia and Herzegovina to take concrete measures in order to improve the country's electoral legal framework, as well as certain electoral practices. This should be accomplished within the framework of the Assembly's monitoring procedure and in close co-operation with the Venice Commission.

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 (* members of the pre-election delegation):

Chairperson: Mr Stefan SCHENNACH**,** Austria

Socialists, Democrats and Greens Group

– Mr Stefan SCHENNACH, Austria *
– Ms Edite ESTRELA, Portugal
– Ms Margreet DE BOER, Netherlands
– Mr Didier MARIE, France
– Ms Marina BERLINGHIERI, Italy

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

– Mr Corneliu-Mugurel COZMANCIUC, Romania *
– Mr Aleksander POCIEJ, Poland
– Mr Davor Ivo STIER, Croatia
– Ms Anne-Mari VIROLAINEN, Finland
– Ms Boriana ÅBERG, Sweden

European Conservatives Group and Democratic Alliance (EC/DA)

– Lord Simon RUSSELL, United Kingdom *
– Lord Richard KEEN, United Kingdom
– Mr Alberto RIBOLLA, Italy
– Mr John HOWELL, United Kingdom

Alliance of Liberals and Democrats for Europe (ALDE)

– Mr Claude KERN, France *
– Mr Arminas LYDEKA, Lithuania
– Ms Yuliia OVCHYNNYKOVA, Ukraine

Group of the Unified European Left (UEL)

– Mr Antón GÓMEZ-REINO, Spain *

Members not belonging to a Political Group (NR)

– Mr Ahmet YILDIZ, Türkiye

Co-rapporteur AS/MON (ex officio)

– Mr Zsolt NÉMETH, Hungary

Venice Commission

– Mr Michael JANSSEN, Administrator, Venice Commission

Secretariat

– Mr Bogdan TORCĂTORIU, Administrator, Election Observation and Interparliamentary Cooperation Division

– Ms Anne GODFREY, Assistant, Election Observation and Interparliamentary Cooperation Division

Appendix 2 – Programme of the pre-electoral delegation of the Parliamentary Assembly

Monday, 5 September

16h00 – 17h00 Briefing by Ms Bojana Urumova, Head of the Council of Europe Office in Sarajevo

17h00 – 18h00 Meeting with members of the ODIHR Election Observation Mission, Ambassador Peter Tejler (Head of Mission), Marcell Nagy (Deputy Head of Mission), Barbara Davis (Political Analyst) and Nadine Haas (Election Analyst).

18h00 – 19h00 Meeting with members of the diplomatic corps (from countries represented in the pre-electoral delegation)

- Mr Julian Reilly, Ambassador, United Kingdom
- Mr Urak Dominik, Deputy Head of Mission, Austria
- Mr Pavel Strahilov, Counselor, Bulgaria
- Mr Stéphane Maicon, Deputy Ambassador, France
- Mr Jordi Llorens, Chargé d'Affaires, Spain
- Ms Bojana Urumova, Head of the Council of Europe Office in Sarajevo

Tuesday, 6 September (Banja Luka)

14h00 – 15h30 Meeting with representatives of NGOs

- Perpetuum Mobile: Ilija Trninić
- Helsinki Citizens' Assembly Banja Luka: Bojana Ilić
- Tanja Topić, independent political analyst
- Transparency International: Ivana Korajlić, Executive Director

16h00 – 18h00 Meetings with leaders and representatives of parliamentary groups of the National Assembly of Republika Srpska

16h00-16h20	Alliance of Independent Social Democrats (SNSD) (Igor Žunić, president of the caucus, Srđjan Mazalica, vice-president of the caucus)
16h25-16h45	Serbian Democratic Party (SDS) (Miladin Stanić, president of the caucus)
16h50-17h10	Party of Democratic Progress (PDP)
17h15-17h35	Democratic People's Alliance (DNS) (Dane Malešević, member)
17h40-18h00	Socialist Party (SP)
18h05-18h25	Together for BiH coalition (Senad Bratić, member)

Wednesday, 7 September

09h00 – 09h45 Meeting with representatives of NGOs

- Pod Lupom: Dario Jovanović, Director
- Zasto Ne: Tijana Cvjetićanin, Emir Zulejhić, Dalio Sijah
- USAID: Eric Raymond, Democracy Officer

10h00 – 10h45 Meeting with representatives of media

- (Balkan Investigative Reporting Network) BIRN BiH: Denis Džidić
- BH Novinari: Maja Radevic
- CIN: Leila Bičakčić, Director

11h00 – 11h45 Meeting with the President and members of the Central Election Commission (CEC) (Suad Arnautović, President; members: Željko Bakalar, Ahmet Šantić, Jovan Kalaba, Vanja Bjelica-Prutina)

12h00 – 13h45 Working lunch offered by the delegation of BiH to PACE (Alma Ćolo, Chairperson of the Delegation; members: Snježana Novaković-Bursać, Mladen Bosić, Marina Pendeš)

14h00 – 16h00 Meetings with leaders and representatives of parliamentary groups of the House of Representatives of the Federation of Bosnia and Herzegovina

14h00-14h20 Party of Democratic Action (SDA) (Adnan Efendić, president of the caucus; Aldin Šljivo and Emina Tufekčić, advisers in the caucus)

14h25-14h45 Social Democratic Party of Bosnia and Herzegovina (SDP BiH) - "Our Party" (NS) - People and Justice party (NiP) (Damir Mašić, president of the caucus SDP; Mirsad Pindžo, NiP)

14h50-15h10 Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) (Marjan Klaić, president of the caucus; Mladen Bošković and Mario Mikulić)

15h15-15h35 Democratic Front (DF) (Mara Đjukić)

15h40-16h00 Union for a Better Future of BiH (SBB) (Sanela Prašović, president of the caucus; Mirsad Kacila)

16h10 – 17h00 Meeting with the members of the Collegium of the House of Peoples of Bosnia and Herzegovina

- Nikola Špirić, Speaker (SNSD) (Lazar Prodanović, member of the HoP)
- Bakir Izetbegović, First Deputy Speaker (SDA) (Asim Sarajlić, member of the HoP)
- Dragan Čović, Second Deputy Speaker (HDZ BiH) (Lidija Bradara, member of the HoP)

17h30 – 18h30 Preparation of a statement of the pre-electoral delegation

Appendix 3 – Statement of the pre-electoral delegation of the Parliamentary Assembly

SARAJEVO, 7 September 2022 – A pre-electoral delegation from the Parliamentary Assembly of the Council of Europe (PACE)* visited Sarajevo and Banja Luka to assess the election campaign and the state of preparation of the General Elections to be held in Bosnia and Herzegovina on 2 October 2022.

The delegation had meetings in Sarajevo and in Banja Luka with representatives of the Collegium of the House of Peoples of Bosnia and Herzegovina, leaders and representatives of parliamentary groups of the House of Representatives of the Federation of Bosnia and Herzegovina, leaders and representatives of parliamentary groups of the National Assembly of Republika Srpska, the delegation of Bosnia and Herzegovina to PACE, the President and members of the Central Election Commission, members of the diplomatic corps in Sarajevo, members of the OSCE/ODIHR election observation mission, as well as representatives of NGOs and the media.

The pre-electoral delegation recalled that an election is a process not limited to voting day. It noticed a multitude of campaign billboards and was told that campaigning was also conducted through classic channels as well as social media. It heard concerns from its interlocutors regarding the general lack of interest in the electoral process among the young, which, combined with a perceived lack of perspective, leads to many seeking to emigrate instead of envisaging a future in their own country. It was also told about the existence of hate speech, of pressure put on public employees and even on employees from the private sector by political parties, which condition the obtaining or the keeping of a secure job on the vote (jobs in the public sector being widely perceived as being a merchandise to be sold with votes as currency). The delegation was also informed of the existence of different methods of vote-buying, including financial support for young people, pensioners and veterans (paid using public money in cash by post or even by bank transfer).

The delegation learned about the improvements introduced by the CEC to the out-of-country voting process and about their efforts to eliminate the practice of certain parties which create additional fictitious parties in order to obtain more places on polling station boards. It was also informed about issues such as political clientelism, lack of transparency of campaign funding and about most of the media, including public service broadcasters, being politically biased and being transformed into a tool of party propaganda.

While being aware that long-standing issues are unlikely to be resolved in the short time left until election day, the PACE delegation expressed hope that some steps would be taken towards the restoration of public interest and trust in the electoral process as a whole, as this is a precondition for the further democratic development of the country.

The delegation expressed the hope that in the newly-elected parliamentary bodies, the number of women would be increased.

It also hoped that the newly-elected governments would work together in a positive way with the High Representative and the international community.

The Parliamentary Assembly will send a 22-member delegation, accompanied by a member of the Venice Commission, to observe the General Elections on 2 October 2022.

* Members of the delegation:

– Stefan Schennach (Austria, SOC), Head of Delegation
– Corneliu-Mugurel Cozmanciuc (Romania, EPP/CD)
– Claude Kern (France, ALDE)
– Lord Simon Russell (United Kingdom, EC/DA)
– Antón Gómez-Reino (Spain, UEL)

Appendix 4 – Programme of the meetings of the International Electoral Observation Mission, Sarajevo, 30 September – 3 October 2022

Friday, 30 September

08:00 – 09:00 PACE Delegation meeting

- Welcome by the Head of the delegation, Mr Stefan Schennach
- Presentation by the Venice Commission, Mr Michael Janssen
- Intervention by the Monitoring Committee co-rapporteur, Mr Zsolt Németh
- Presentation by Ms Bojana Urumova, Head of the CoE Office in Sarajevo
- Practical information by the secretariat

09:30 – 10:00 Opening by the Heads of Parliamentary Delegations

- Mr Pascal Allizard, OSCE Special Co-ordinator
- Mr Stefan Schennach, PACE Head of Delegation
- Ms Mimi Kodheli, NATO PA Head of Delegation
- Mr Andreas Schieder, EP Head of Delegation
- Ms Irene Charalambides, OSCE PA Head of Delegation

10:00 – 10:30 Welcoming Remarks by International Community representatives

- Mr Tobias Privitelli, Deputy High Representative
- Ms Susan Penksa, Acting Head of the OSCE Mission to Bosnia and Herzegovina
- Ms Bojana Urumova, Head of the Council of Europe Office in Sarajevo
- Ambassador Johann Sattler, Head of the Delegation of the European Union to Bosnia and Herzegovina

10:30 – 12:30 Briefing by OSCE/ODIHR Election Observation Mission Core Team (Part 1)

- Welcome and Overview – Ambassador Peter Tejler, Head of Mission; Mr Marcell Nagy, Deputy Head of Mission
- Political Overview, Contestants, Campaign and Campaign Finance – Ms Barbara Davis and Ms Deliana Popova, Political Analysts
- Legal Framework, Electoral System and Dispute Resolution – Ms Mariam Tabatadze, Legal Analyst
- Election Administration – Ms Nadine Haas, Election Analyst; Ms Maria Krause, Junior Election Analyst
- Media Landscape – Mr Egor Tilpunov, Media Analyst

14:00 – 15:00 Election Administration and Oversight

- Mr Milanko Kajganić, Acting Chief Prosecutor of the Prosecutor's Office of Bosnia and Herzegovina

15:00 – 16:30 Campaign freedoms and analysis panel

- Ms Anida Šabanović, Project Manager, Centre for Civil Society Promotion (CPCD)
- Mr Darko Pandurević, Program and Advocacy Manager, Sarajevski Otvoreni Centar/Sarajevo Open Centre
- Ms Marija Ćosić, Zašto Ne

16:45 – 18:15 Panel Discussion with Media Representatives

- Ms Adisa Imamović, Reporter, N1
- Mr Dejan Petrović, Editor of the Information Program RTV BiH
- Ms Nadina Malićbegović, Journalist – TV Reporter, Al Jazeera Balkans
- Mr Semir Mujkic, Chief Editor, BIRN (Balkan Investigative Reporting Network)
- Ms Amela Odobasić, Director of Broadcasting at Communications Regulatory Agency
- Ms Maida Muminović, executive director of Mediacentar Sarajevo

Saturday, 1 October

09:00 – 11:00 Roundtable Meeting with Candidates and Political Party Representatives

- Mr Josip Brkić, International Secretary of the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH)
- Ms Alma Čolo, parliamentarian in Parliamentary Assembly BiH and the Presidency Member of the Party of Democratic Action (SDA)
- Mr Vedad Gačanović, Secretary General of Independent Block (Nezavisni blok)
- Mr Mirsad Hadžikadić, Candidate for Bosniak Member of the Presidency, Platform for Progress (Platforma za progress)
- Ms Mia Karamehić Abazović, Member of Narod i Pravda (NiP) Committee for International Relations and Candidate for the Parliamentary Assembly BiH
- Mr Damir Arnaut, the Presidency Member of Naša Stranka and Parliamentarian in the Parliamentary Assembly BiH

11:30 – 12:30 Briefing by OSCE/ODIHR Election Observation Mission Core Team (Part 2)

- Safety and Security – Mr Peter Marron, Security Expert
- Election day procedures and observation forms – Ms Nadine Haas, Election Analyst, Ms Maria Krause, Junior Election Analyst, Mr Anders Eriksson and Mr Lukasz Widla-Domaradzki, Statistical Analysts

12:30 – 13:00 Briefing by OSCE/ODIHR EOM Long-Term Observers based in Sarajevo

Sunday, 2 October

Observation of the elections all day

Opening of polling stations: 07:00

Closing of polling stations: 19:00

Monday, 3 October

07:30 Debriefing of the PACE delegation

14:30 Joint Press Conference

Appendix 5 – Press release of the International Election Observation Mission

Elections in Bosnia and Herzegovina were competitive but concerns remained over failed reforms and divisive rhetoric, international observers say

SARAJEVO, 3 October 2022 – The general elections in Bosnia and Herzegovina were competitive and overall well organised with fundamental freedoms respected during the campaign. However, failed reform efforts, a widespread mistrust in public institutions, and ethnically divisive rhetoric continued to mark the election environment, international observers said in a statement today.

The joint observation mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the NATO Parliamentary Assembly (NATO PA), and the European Parliament (EP) found that the legal framework forms an adequate basis for holding democratic elections.

The elections took place against the backdrop of ongoing political deadlock and widespread disillusionment with the political establishment, with some key institutions blocked. The largest parties in power have frequently used ethnically divisive rhetoric as the standard form of debate. The campaign was calm overall, but observers noted incidents of pressure on public sector employees. The process on election day itself was largely peaceful, although there were some disruptive incidents in and around polling stations. While voting procedures were observed to be generally followed, the secrecy of the vote was often compromised, and there were also cases of unauthorized people keeping track of voters and assisting multiple voters. Observers assessed the counting procedures negatively in numerous places, mainly due to procedural irregularities.

“Serious efforts to manage this electoral process successfully need to be accompanied by similar efforts to solve the continued political deadlock which keeps undermining real democratic development here,” said Pascal Allizard, Special Co-ordinator and leader of the OSCE short-term observers. “Overall disillusionment towards the political establishment is evident, but I have noticed efforts of a few forward-looking candidates to ignite political and socioeconomic change in the country, which is a positive trend I encourage the newly elected representatives to develop.”

Restrictions on the right to become a candidate based on ethnicity and residency go against both the principle of universal and equal suffrage and international standards for democratic elections. Rulings by both the European Court of Human Rights and the state constitutional court against the discriminatory nature of these limitations remain unimplemented.

“Now that the citizens of Bosnia and Herzegovina have voted, the politicians and political parties should see this as a mandate to work for the future of their country and the perspective of European integration,” said Stefan Schennach, Head of the PACE delegation. “It is particularly important to give the younger generation of voters the sense that their future lies within their own country. For this, it is vital to bridge the gaps between different ethnic groups. It should be sufficient for each citizen of Bosnia and Herzegovina to identify themselves as such without any further specification being necessary.”

The effectiveness of the legal framework is undermined by a number of shortcomings, while failed negotiations between political parties left it without needed reforms. Still, recent legislative changes from 27 July have added important safeguards. However, the fact that the changes were made so close to the elections meant that not all enforcement mechanisms could be fully established. Further changes announced on election day were not foreseeable at the time of voting, leaving both voters and contestants uncertain about the full impact of the cantonal assembly vote.

“The capacity to manage an election process appears to have been established relatively well here in Bosnia and Herzegovina,” said Irene Charalambides, Head of the OSCE PA delegation. “But real trust in democratic processes will likely remain elusive until state structures are responsive to the people's will rather than to entrenched political party interests.”

With a few notable exceptions, women did not feature prominently in the campaign, and women candidates were often targets of insult and ridicule on social networks. Long-standing gender stereotypes remain and efforts made to increase women’s active participation in the elections were insufficient.

“Yesterday, we observed an overall well organised and competitive election, despite the very different visions of the future for Bosnia and Herzegovina. We met poll workers – many of them young and many of them women – committed to administer a smooth election. And we saw the citizens make their democratic choice,” said Mimi Kodheli, head of the NATO PA delegation. “Today, the citizens of this country rightfully expect that

the elected politicians will take responsibility and ownership for their country's future for the benefit of all citizens – for a safe and secure country, for reconciliation, for social and economic advances and for democratic progress."

The upper-level election administration enjoyed election stakeholders' trust, and managed the elections efficiently and transparently. However, there was little confidence in polling station commissions due to widespread accusations that some political parties were trading positions to control polling stations on election day.

"These elections took place against a background of challenging internal and international circumstances," said Andreas Schieder, head of the EP delegation. "We regret that last-minute changes were imposed by the High Representative. Now after the election, the European Parliament calls for a smooth government formation and for the speedy implementation of all committed reforms, including electoral ones, in line with local and international court decisions. There is no time to lose."

The lack of public debate and the use of divisive rhetoric, which was also reflected in the limited and biased media coverage, reduced voters' opportunity to make an informed choice on election day. Recent defamation cases brought against journalists, cyber-attacks targeting prominent media outlets, and the intimidation and harassment of journalists created a working environment of political pressure or even persecution.

"The mission's media monitoring concluded that most media outlets' coverage of the campaign was significantly limited," said Ambassador Peter Tejler, Head of the ODIHR election observation mission. "It further reflected division along ethnic lines and political partisanship. As a result voters didn't have complete and unbiased information when deciding whom to vote for. Elections are not a one-day event. In the days to come we will continue our observation of post-election developments so we can make a comprehensive assessment of the entire electoral cycle."

The international election observation mission to the general elections in Bosnia and Herzegovina totalled 471 observers, made up of 336 ODIHR-deployed experts, long-term, and short-term observers, 83 parliamentarians and staff from the OSCE PA, 23 from PACE, 17 from the NATO PA, and 12 from the European Parliament.