



Office for Democratic Institutions and Human Rights

# BOSNIA AND HERZEGOVINA

## GENERAL ELECTIONS

7 October 2018

ODIHR Election Observation Mission  
Final Report



Warsaw  
25 January 2019

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**BOSNIA AND HERZEGOVINA**  
**GENERAL ELECTIONS**  
**7 October 2018**

**ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of Bosnia and Herzegovina and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) for the 7 October 2018 general elections. For election day, the ODIHR EOM was joined by delegations of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly to form an International Election Observation Mission (IEOM). The ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation.

The Statement of Preliminary Findings and Conclusions issued on 8 October concluded that the elections “were genuinely competitive but characterised by continuing segmentation along ethnic lines. Voters were presented with a wide choice of candidates, who were able to campaign freely. Contestants, however, focused more on personal attacks and fearmongering than on discussing political alternatives. Dependence of media on political and business interests often caused biased coverage. Instances of pressure and undue influence on voters were not effectively addressed. Long-standing deficiencies in the legal framework remain and recent reform discussions stalled due to political disagreements, further eroding trust in public institutions. Overall, the upper levels of the election administration ran the elections efficiently. On election day, polling station commissions worked transparently but faced some difficulties with following procedures, particularly during counting”.

The legal framework is detailed and generally conducive to democratic elections. However, long-standing shortcomings remain, including restrictions on the right to stand, that challenge the principles of universal and equal suffrage and non-discrimination provided for by OSCE commitments, the European Convention on Human Rights, and other international standards. Equal suffrage was further challenged by the lack of regular review of boundaries of electoral constituencies required by law. Most prior ODIHR recommendations remain unaddressed, including on introducing effective provisions on the prevention of abuse of state resources, campaign finance and its oversight, and electoral dispute resolution. Many ODIHR EOM interlocutors raised serious concerns about the lack of genuine political will to engage in constitutional and electoral reform.

The Central Election Commission (CEC) generally coped with its basic tasks and administered the elections adequately. The CEC was, however, frequently criticised with regard to technical preparations of the elections. It also faced challenges due to understaffed administration and a limited budget. The Municipal Election Commissions (MECs) experienced difficulties with forming and training Polling Station Commissions (PSCs) due to a shortage of nominees and a high number of resignations. Insufficient training and low remuneration adversely affected the professional preparedness of the PSCs. Stakeholders frequently voiced concerns about the lack of impartiality of the PSCs and fears that PSC members would engage in manipulation in favour of specific political parties. Combined, this diminished confidence in the election administration.

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in Bosnian, Croatian and Serbian.

The Central Voter Register (CVR) is extracted from the population register based on the records of eligible citizens with permanent and temporary residence. Citizens residing abroad may keep their permanent registration in the country. In the run-up to the elections, the CEC undertook measures to improve the accuracy of the CVR, including by removing records of deceased voters. However, the existing mechanism for removing deceased citizens from the population register is inadequate due to lack of proper data exchange mechanism between the institutions. Stakeholders continued to question the accuracy of the CVR. Voters residing abroad had the possibility to vote by mail or in-person at some of the country's diplomatic and consular offices.

Candidates for the elections may be nominated by political parties and coalitions or stand independently. The right to stand continues to be restricted by ethnicity and residency requirements, leaving prior ODIHR recommendations unaddressed. The registration process was largely inclusive. The state presidency was contested by 15 candidates, while 37 candidates stood for the president of Republika Srpska. For parliamentary contests, over 25 candidate lists appeared on the ballot. This offered voters a wide choice of candidates.

Contestants were able to conduct their campaigns freely; fundamental freedoms of association, assembly, and expression were generally respected. With a few exceptions, candidates oriented themselves towards their own ethnic communities. The tone of the campaign was largely negative and polarizing. Emphasis on nationalism and personal attacks were notable features of the campaign, at times overshadowing socio-economic issues, such as corruption, unemployment, migration and education. References to the country's wartime past and fearmongering were also noticeable. As a result, voters were presented with few discernible political alternatives. Attempts to unduly influence voter choice and to pressure voters into voting for ruling parties raised concerns in light of the international standards for campaigning to be conducted in a fair and free atmosphere.

Media outlets are numerous and reflect the segmentation of society along ethnic and political lines. Lack of transparency in media ownership and undue influence of political and business interests on editorial policies raise concerns about the ability of most media to provide an unbiased political coverage. Public broadcasters provided electoral contestants with free airtime during the official campaign period. The public broadcaster of Republika Srpska gave significant coverage to one of the state presidential candidates, challenging the level playing field. Many channels organized debates between contestants, but the refusal of the leading candidates to jointly participate detracted from the voters' ability to make a fully informed choice.

While a considerable number of women candidates were registered for the elections, women remain underrepresented in politics. At the state level, the total number of women elected to the parliament decreased to 16 per cent. Women candidates were not actively promoted by political party structures and media attention was predominantly concentrated on male candidates. Except for the CEC, women were well represented in the election administration.

The discriminatory legislative framework deprives members of national minorities of passive voting rights. Furthermore, the ethnic key to representation erodes the concept of citizenship and civic-based participation in the political process. The Roma face specific challenges related to their participation in elections, including lack of information, poor education, and social and economic vulnerability. However, according to ODIHR EOM interlocutors, voters' awareness and resilience to pressures aimed at unduly influencing their choice has increased within the Roma community.

Mechanisms for complaints and appeals are in place and provide for timely consideration, including through a judicial review. However, an overly restrictive interpretation of admissibility by election commissions led to the denial of effective remedies and left alleged irregularities unaddressed, further contributing to the lack of trust in complaint mechanisms. The CEC reviewed a number of complaints in public sessions but the transparency of the process remained an issue.

The CEC decisions on complaints were usually reasoned and adopted by a consensus aimed at maintaining the overall ethnic balance in the CEC decision-making.

Election day was generally orderly and the IEOM observers were able to follow the process without restrictions. The presence of citizen observers enhanced transparency. The IEOM observers assessed opening of polling stations largely positively, although noting a number of procedural omissions. Concerns about inadequate secrecy of the ballot and unusually frequent assisted voting were noted during the day. Counting was assessed negatively in a considerable number of polling stations observed, due to significant errors and PSC members not following the procedures. The completion of protocols proved problematic for the PSCs and triggered recounts at a later stage.

Following the election day, a large number of contestants described the electoral process as fraudulent and publicly questioned the validity of the results. Political subjects alleged electoral malpractices on election day, including “stealing” of votes during counting, vote-buying, intentional invalidation of ballots, and partisan involvement of the MECs in the process. Some 60 complaints of alleged irregularities were filed with the CEC.

This report offers a number of recommendations to support efforts to bring elections in Bosnia and Herzegovina further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to revision of electoral legal framework, the method of formation of polling station commissions, preventing pressure on voters, strengthening transparency and accountability of campaign finances, and measures to guarantee the voters’ right to a free and secret choice. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the authorities of Bosnia and Herzegovina to observe the 7 October 2018 general elections and based on the recommendation of the Needs Assessment Mission conducted from 25 to 27 June, ODIHR deployed an Election Observation Mission (EOM) on 27 August. The EOM, headed by Ambassador Peter Tejler, included 16 experts based in Sarajevo and 22 long-term observers who were deployed throughout the country from 3 September. The Mission remained in Bosnia and Herzegovina until 19 October to follow post-election developments.

For election day, the ODIHR EOM was joined by delegations of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA) to form an International Election Observation Mission (IEOM). Mavroudis Voridis was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. Pia Kauma headed the OSCE PA delegation. Dame Cheryl Gillan headed the PACE delegation. Frank Engel headed the EP delegation. Rasa Juknevičienė headed the NATO PA delegation. On election day, 316 observers from 43 countries were deployed, including 249 long-term and short-term observers deployed by ODIHR, as well as a 27-member delegation from the OSCE PA, a 23-member delegation from the PACE, a 9-member delegation from the EP, as well as an 8-member delegation from the NATO PA. Opening was observed in 128 polling stations and voting in 1,232 polling stations across the country. Counting was observed in 126 polling stations, and the tabulation in 95 Municipal Election Commissions (MECs).

The ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections, as well as national legislation. This

final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Sarajevo on 8 October.<sup>2</sup>

The ODIHR EOM wishes to thank the authorities for the invitation to observe the elections and the Central Election Commission (CEC) for its assistance and co-operation. It also expresses its appreciation to representatives of political parties, civil society, media, the international community, and other institutions and interlocutors for sharing their views.

### III. BACKGROUND AND POLITICAL CONTEXT

Bosnia and Herzegovina is composed of two entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). In addition, Brčko District holds a special status as a unit of local self-government under direct state sovereignty. The Constitution grants limited powers to the state-level institutions, with most powers vested in the entities. The Constitution recognizes Bosniacs, Croats and Serbs as the three constituent peoples. Citizens may also declare themselves as “others”, either by identifying with another ethnic group or by choosing not to affiliate with any group.

The state structure results from the constitutional arrangement agreed in the 1995 General Framework Agreement for Peace (the Dayton Agreement). The Office of the High Representative (OHR), an international body mandated to oversee the implementation of civilian aspects of the Dayton Agreement, retains extensive powers, though in practice these are not exercised. The international community is divided on the role of the OHR in the country’s political developments.

The electoral contests take place mainly among political parties within the same ethnic community. In the FBiH, the Party for Democratic Action (SDA), the Alliance for a Better Future (SBB) and other contestants count on the support of Bosniacs, while the Croat Democratic Union of Bosnia and Herzegovina (HDZ BiH), the Croat Democratic Union 1990 (HDZ 1990) and others appeal to Croats. The Social Democratic Party (SDP), the Democratic Front (DF) and a few other parties pursue a more multi-ethnic approach, although their support base has traditionally been among Bosniacs. In RS, the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party for Democratic Progress (PDP) and the People’s Democratic Movement (NDP), among others, compete for the Serb votes. New players have emerged since the last elections, including Independent Block (NB), People and Justice (NiP) and Movement for Democratic Action (PDA), which split off from the SDA.

The ruling coalition at the state level formed after the 2014 elections consisted of SDA, HDZ BiH, DF and the Alliance for Change composed of SDS, PDP and NDP. The former three parties also formed the government in the FBiH, while the DF was later replaced by the SBB both at the state and FBiH level. Internal disagreements and defections left the state parliament without a majority since 2016.<sup>3</sup> In RS, SNSD formed the government together with several smaller parties.

The 2018 elections took place against a backdrop of political stagnation and insufficient economic growth, in an atmosphere of enduring disillusionment of the population with public institutions. The three constituent peoples rely almost exclusively on their respective communities for electoral support. The lack of a joint vision with respect to the country’s future and insufficient intra- and inter-ethnic co-operation often result in a political impasse. This significantly hinders decision-

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<sup>2</sup> See [all previous ODIHR reports on Bosnia and Herzegovina](#).

<sup>3</sup> Concurrently to coalition breakdown, four members left the SDA and two left the SDS.

making, including reform efforts related to potential European Union accession.<sup>4</sup> The continued politicization of the public sector, the largest employer in the country, creates a culture of dependence, thereby generating loyalties that often translate into votes for incumbents or lead to abstention from voting.

#### IV. LEGAL FRAMEWORK

Elections are primarily regulated at the state level, namely by the 1995 Constitution of Bosnia and Herzegovina and the Dayton Agreement, the 2001 Election Law, the 2012 Law on Financing of Political Parties, and Central Election Commission (CEC) regulations. Certain issues related to political parties and the formation of entity institutions are regulated by entity-level constitutions and laws.<sup>5</sup> The legal framework is detailed and generally conducive to democratic elections. However, the hierarchical relationship between a state law and entity constitutions is not clearly defined, remaining a long-standing shortcoming.

The current constitutional framework challenges the principles of universal and equal suffrage and non-discrimination provided for by OSCE commitments, the European Convention on Human Rights (ECHR), and other international standards.<sup>6</sup> Only voters self-declared as Bosniacs, Croats or Serbs may stand as candidates for the state and entity presidencies, provided that they reside in the appropriate entity.<sup>7</sup> The European Court of Human Rights (ECtHR) has repeatedly deemed these discriminatory ethnicity and residency-based restrictions incompatible with the ECHR.<sup>8</sup>

*The legislator should address the ECtHR judgments with regards to discriminatory ethnicity and residency-based restrictions to stand for elections.*

Amendments were introduced to the Election Law and the Law on Financing of Political Parties in 2016, based on proposals of a parliamentary commission formed in 2015.<sup>9</sup> These amendments addressed a few prior ODIHR recommendations by introducing lower thresholds for returning electoral deposits to contestants and better defining campaign finance irregularities. Most prior recommendations remain unaddressed, including on introducing effective provisions for the prevention of abuse of state resources, campaign finance and its oversight, and electoral dispute resolution. Many ODIHR EOM interlocutors raised serious concerns about the lack of genuine political will to engage in constitutional and electoral reform.

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<sup>4</sup> The [2018 Communication on EU Enlargement Policy](#) states that: "the adoption of legislation stemming from the Reform Agenda [...] was negatively affected by tensions between ruling coalition parties and obstruction by opposition parties in Parliaments at state and entity levels, leading to a slowdown of the reform pace".

<sup>5</sup> Entity legislation includes the Constitutions of the FBiH (1994) and of the RS (1992); the Election Laws of the RS (2002), of Brčko District (2008); the Laws on Political Associations of the FBiH (1990), of the RS (1996), of Brčko District (2012); the Laws on Financing of Political Parties of the RS (2008), of Brčko District (2004).

<sup>6</sup> Article 25 of the [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#) provides for universal and equal suffrage, while Article 2 of the ICCPR prohibits discrimination. Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will "guarantee universal and equal suffrage to adult citizens", while Paragraph 7.5 obliges the participating States to "respect the right of citizens to seek political or public office ... without discrimination". Article 3 of the First Protocol to the [ECHR](#) provides for the holding of free elections while Article 14 of the ECHR and Article 1 of Protocol No. 12 prohibit discrimination in the enjoyment of any right set forth in the ECHR and by law respectively.

<sup>7</sup> Only Serb candidates may stand for the presidency of the state in the RS, while in the FBiH the state presidency is contested only by Bosniac and Croat candidates. "Others" are not eligible to stand for the state and entity presidencies.

<sup>8</sup> See, among others, ECtHR judgements in [Sejdić and Finci v. Bosnia and Herzegovina](#), [Zornić v. Bosnia and Herzegovina](#), [Pilav v. Bosnia and Herzegovina](#) and [Šlaku v. Bosnia and Herzegovina](#).

<sup>9</sup> This joint parliamentary commission consisted of three representatives from each of the following institutions: the CEC, Council of Ministers and both chambers of state parliament.

In 2016, the Constitutional Court declared unconstitutional several provisions of the Election Law on the election of delegates to the FBiH House of Peoples (upper chamber of the entity parliament, FBiH HoP) by the cantonal assemblies.<sup>10</sup> The state parliament failed to amend the law. Attempts by the FBiH parliament and the CEC to address this issue before the elections were unsuccessful.<sup>11</sup> Consequently, there remained a legal gap on the allocation of mandates in the FBiH HoP, resulting in uncertainty with respect to the formation of some institutions in the FBiH and at the state level after the elections.<sup>12</sup>

The law provides that state officials and civil servants are in some cases required either to resign or temporarily step down in order to stand as candidates.<sup>13</sup> The CEC stated that it could not assess compliance with these requirements and relied on the candidates' self-compliance.<sup>14</sup> There are no legal safeguards against the abuse of position or administrative resources by public officials for campaign purposes (see also *Campaign Environment*).<sup>15</sup>

*A comprehensive review of the legal framework should be undertaken to eliminate the shortcomings identified in this and prior ODIHR reports and to prevent the abuse of public resources for campaign purposes.*

## V. ELECTORAL SYSTEM

Under a complex institutional system, the general elections included direct electoral contests held at three levels. At the state level, the electorate voted for the presidency and the House of Representatives of Bosnia and Herzegovina (BiH HoR). At the entity level, voters registered in the FBiH voted for the FBiH House of Representatives (FBiH HoR), while those registered in the RS voted for the RS president and two vice-presidents, and the RS National Assembly (RS NA). In the FBiH, votes were cast for 10 cantonal assemblies. In addition, indirect elections were to be held for the upper houses of parliaments of the state and of both entities, as well as for the FBiH president and two vice-presidents.

The three members of the presidency of Bosnia and Herzegovina are elected by simple majority on separate candidate lists in the two entities.<sup>16</sup> The RS president and vice-presidents are also elected

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<sup>10</sup> The FBiH Constitution stipulates that the FBiH HoP be composed of 58 delegates: 17 from among each of the 3 constituent peoples and 7 from among the "others". The Constitutional Court of Bosnia and Herzegovina partially accepted a complaint of Božo Ljubić (HDZ BiH) and annulled provisions of the Election Law requiring that each of the constituent peoples be allocated at least one delegate in every canton, and provisions specifying the number of Bosniac, Croat and Serb delegates from each canton. Another complaint on the same subject was pending a decision of the Constitutional Court at the time of observation.

<sup>11</sup> Two proposals, submitted by HDZ BiH and by SDA, were rejected by the state parliament in January 2018. The FBiH parliament discussed in June and September 2018 but has not adopted a Draft Law on Constituencies and the Number of Mandates of the FBiH Parliament in the final vote. The CEC passed a decision on the allocation of mandates in the FBiH HoP only on 18 December 2018.

<sup>12</sup> The FBiH HoP plays a role in the election of FBiH president and vice-presidents and the formation of FBiH Council of Ministers and House of Peoples of Bosnia and Herzegovina (upper chamber of parliament, BiH HoP).  
<sup>13</sup> The laws on state, entity and Brčko District levels have different requirements for public officials and civil servants standing for election.

<sup>14</sup> The CEC explained to the ODIHR EOM that it does not have access to the numerous databases of various state and public agencies of civil servants at the state, entity and Brčko District levels.

<sup>15</sup> See the ODIHR and Venice Commission 2016 [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

<sup>16</sup> One ethnic Bosniac and one ethnic Croat are elected by the voters in the FBiH, and one ethnic Serb by those in the RS. A voter registered in the FBiH may vote for either a Bosniac or a Croat candidate, but not for both. Voters in Brčko District vote either for contestants standing in the FBiH or RS, depending on their entity citizenship.



by a simple majority of votes, with the candidate who receives the most votes elected as president, and the top two candidates from the two other constituent peoples elected as vice-presidents.

Most of the members of the BiH HoR, FBiH HoR and RS NA are elected through a proportional open list system in multi-member constituencies (MMCs). Mandates in MMCs are allocated to the political subjects that receive at least 3 per cent of the total number of valid votes in the corresponding MMC, as well as to independent candidates.<sup>17</sup> Those candidates who receive preferential votes of at least 20 per cent of the votes cast for the contestant, are allocated seats first, other candidates – according to their order on the list. After the initial distribution of mandates in MMCs, compensatory seats are allocated from closed party lists to ensure proportional representation of winning parties and coalitions at the entity level.<sup>18</sup> Moreover, the law prescribes a minimum four seats for each of the three constituent peoples, in the FBiH HoR and RS NA.

Despite a legal requirement to review the number of mandates per MMC every four years, the respective parliaments have not done so since 2001. The number of voters per elected representative for the BiH HoR, FBiH HoR and RS NA varies significantly across the MMCs, undermining the equality of the vote.<sup>19</sup>

*The constituencies and the number of mandates for the state and entity parliaments should be periodically reviewed to ensure equality of vote. Such reviews should be conducted in line with international commitments and good practice. Consideration could be given to introducing legal provisions prescribing action by the CEC if the respective parliaments do not fulfil their statutory duties.*

## VI. ELECTION ADMINISTRATION

The elections were administered by the CEC, 143 MECs, including 14 City Election Commissions and the Election Commission of Brčko District, as well as 5,649 Polling Station Commissions (PSCs). Out-of-country voting was conducted by mail and in 10 polling stations established in embassies and consulates.

Stakeholders lacked trust in the election administration at all levels and questioned its impartiality, citing suspected political and ethnic bias of commissioners.<sup>20</sup> Concerns regarding potential election

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<sup>17</sup> Political subject is a party, a coalition, an independent candidate or a list of independent candidates registered to participate in the elections. In line with the *Saint-Lague* method, allocation of seats in MMCs between the entitled political subjects takes place according to the largest electoral quotients, received by corresponding subject as a result of division of number of their votes by 1, 3, 5, 7, etc. (as long as it is needed for allocation of all seats). Independent candidates are assigned the quotients equal to the number of their corresponding votes.

<sup>18</sup> The BiH HoR comprises 42 members: 21 elected from 5 MMCs in the FBiH and 9 from 3 MMCs in the RS. An additional seven and five members respectively receive compensatory seats. The FBiH HoR is composed of 98 members, with 73 elected in 12 MMCs and 25 receiving compensatory seats. The RS NA comprises 83 members, with 63 elected in 9 MMCs and 20 receiving compensatory seats. The Brčko District is included in the FBiH MMCs. The candidate lists for compensatory mandates may include only those who run on the open lists.

<sup>19</sup> See Paragraph 7.3 of the 1990 OSCE Copenhagen Document. Paragraph I.2.2.iv of the 2002 Venice Commission's [Code of Good Practice in Electoral Matters](#) recommends that "the permissible departure from the norm should not be more than 10% and should certainly not exceed 15%, except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)". The deviation from the average number of voters exceeds 15 per cent in 3 out of 8 MMCs for the BiH HoR (with the highest deviation of 65 per cent), 6 out of 12 for the FBiH HoR and 2 out of 9 for the RS NA.

<sup>20</sup> Paragraph 20 of the 1996 [CCPR General Comment No. 25](#) to the ICCPR emphasizes the need to conduct the electoral process "fairly, impartially and in line with established laws compatible with the Covenant". Paragraph II.3.1 of the 2002 Venice Commission's Code of Good Practice in Electoral Matters stresses that "an impartial body must be in charge of applying electoral law".

day manipulation were constantly voiced by many ODIHR EOM interlocutors, further undermining confidence in the election administration in the run-up to the elections.

## A. THE CENTRAL ELECTION COMMISSION

The CEC is a permanent body responsible for the conduct of elections. All seven CEC members are appointed by the BiH HoR for a seven-year term. The chairperson is elected by the CEC members from among themselves on a rotating basis, provided that one Bosniac, one Croat, one Serb and one “other” member serve a 21-month term each. On 27 September, 10 days before the elections, the CEC elected, from among the two Serb members, a new chairperson. The CEC held public sessions on a regular and *ad hoc* basis and made most decisions unanimously. The decisions of the CEC were published in the official gazette and on the CEC website.

The CEC operated amidst continued criticism and allegations regarding technical preparations, voiced by various stakeholders and amplified by the media, which tarnished the CEC’s reputation and corroded its credibility.<sup>21</sup> Understaffed administration and a limited budget were reported to the ODIHR EOM by the CEC as major impediments.<sup>22</sup> Nevertheless, the CEC generally coped with its basic tasks and administered the elections adequately.

*Authorities should provide adequate funding for the organization of elections. The CEC should be provided with the necessary resources to attract sufficient and qualified staff to effectively administer all its tasks.*

The CEC published voter information materials on how to fill the ballot paper in print media and aired spots on the same topic on major television (TV) channels in three local languages, accompanied with the sign language. The CEC acknowledged the need for more awareness raising programmes to facilitate the electoral participation of persons with disabilities, but highlighted that it could not run them due to the lack of funds.<sup>23</sup> The ODIHR EOM noted the lack of comprehensive voter information. The CEC could have been more proactive in this respect and could have carried out targeted information campaign with a focus on specific issues such as family voting, assisted voting and election day procedures, underscoring the importance of secrecy of the vote.

*Authorities should enhance voter education programmes, including on preventing family voting and irregular assisted voting. The CEC should further intensify its efforts to provide accessible voter education and information to all groups of voters, particularly to persons with disabilities, in close consultation with the organizations representing them.*

## B. LOWER-LEVEL COMMISSIONS

MECs are responsible for overseeing voting and counting in polling stations and the data entry of the preliminary voting results. MECs are permanent bodies, appointed for a seven-year term by municipal councils and approved by the CEC. Where possible, the MEC membership should reflect the ethnic composition of the corresponding municipality. The ODIHR EOM observed that the visited MECs were operational and well-resourced.

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<sup>21</sup> Several factors have contributed to this, including allegations of inflated voter lists, leaking of a draft document regarding the election of delegates to the FBiH HoP, and information about an alleged loss of 35.8 tons of paper procured for printing of ballots. The latter case was investigated by the prosecutor’s office but the ODIHR EOM was not informed of any official results.

<sup>22</sup> According to the CEC, the state parliament declined to increase the budget allocation for elections despite several requests.

<sup>23</sup> See also [CRPD Committee Concluding observations on the initial report of Bosnia and Herzegovina](#) (2 May 2017), CRPD/C/BIH/CO/1, paragraphs 52 and 53.

MECs appoint new PSCs for each elections based on nominations from political subjects. This time formation of the PSCs proved problematic for the majority of MECs, as they experienced a significant shortfall of nominees.<sup>24</sup> The initial appointment of PSC members was followed by a high number of replacements. Many appointees were rejected by the CEC because they stood as candidates in the 2016 local elections and some MECs noted late communication from the CEC on this issue.<sup>25</sup> MECs responded by appointing commissioners from previous elections and by requesting nominees from municipal administrations. Many appointees resigned due to low remuneration. Further, MECs had to replace a considerable number of PSC members as they failed the test on election day procedures.<sup>26</sup> The ODIHR EOM noted that replacements of PSC members continued up until election day, which increased the workload of MECs who had to re-organize training. Overall, this negatively affected stability and professional preparedness of the PSCs.

The CEC organized a nationwide training programme for MECs, which were responsible for further training of PSC members. The ODIHR EOM assessed that the quality of training varied across the country but proved insufficient, as during the election day many PSCs struggled with the election procedures.

*Effective measures should be taken to strengthen recruitment and training methods in order to ensure impartiality and professionalism of commissioners, with remuneration commensurate to their workload. To enhance the professional capacity of election commissions, the CEC and MECs could offer periodic training with certification of potential PSC members, with the aim to create a roster of certified people.*

The PSCs administer the voting and counting in polling stations. The PSCs have three or five members, depending on the precinct size. Although the appointment of the PSCs was formally carried out according to the law, there were numerous credible claims by MECs, parties and citizen observers that political subjects traded positions in the PSCs to obtain control over PSC activities.<sup>27</sup> Bogus contestants were believed to have registered to obtain seats in the PSCs in order to sell those to other interested parties.<sup>28</sup> Many ODIHR EOM interlocutors were concerned that the PSCs serve political party interests or the members in fact represent only one party.<sup>29</sup> This raises concerns and calls for action with a particular emphasis on ensuring impartiality of election administration. Many ODIHR EOM interlocutors mentioned potential introduction of new voting technologies, such as ballot scanners, as a mean to prevent electoral corruption in polling stations.

*Serious efforts should be made to ensure the impartiality of election administration. Consideration could be given to revising the method of formation of the PSCs, for example, by limiting eligibility to nominate PSC members only to the parties represented in the state and entity parliaments.*

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<sup>24</sup> By law, if parties fail to submit a sufficient number of nominees, MECs appoint the PSCs independently.

<sup>25</sup> According to the CEC and based on a 2015 court precedent, the prohibition of Election Law (Article 2.3.1.4) for candidates to serve as election commissioners also extends to the candidates from the previous municipal elections. According to MECs, the CEC clarification on this restriction was communicated to MECs on 13 September, while by law MECs had to form the PSCs by 7 September. Due to this reason, for instance, in Gradiška some 10 per cent of PSC members had to be replaced, in Kneževno – 12 per cent, in Novi Grad – 16 per cent, in Mostar district – 59 per cent.

<sup>26</sup> PSC members underwent training on election day procedures and had to pass a test. For example, in Mostar, some 350 appointees did not show up to participate in trainings for the PSCs.

<sup>27</sup> Such information was given to the ODIHR EOM in Bihać, Banja Luka, Foča, Livno, Mostar, Sarajevo, Tuzla, and Zenica.

<sup>28</sup> Despite repeated efforts, the ODIHR EOM could not establish any contacts with or locate any campaign offices of some parties and candidates. The ODIHR EOM obtained confirmations that some of these parties' (for example, the Left Wing party) representatives in the PSCs were affiliated with other larger parties.

<sup>29</sup> Paragraph II.3.1.e of the 2002 Venice Commission Code of Good Practice in Electoral Matters states that "political parties should be equally represented on election commissions".

*Alternative mechanisms for the appointment of PSC members could also be considered, such as open calls, when political parties fail to make timely nominations.*

Ballots cast by special categories of voters such as absentee, mobile, out-of-country voters and those voting with tendered ballots (see *Voter Registration*) are separately counted at the Main Counting Centre in Sarajevo (MCC). Before the count, the MCC staff verifies the identity of such voters to exclude double voting. The MCC, which is established by the CEC, also audits the PSC results protocols, consolidates results from all polling stations, and recounts votes upon the order of the CEC.

The law establishes gender requirements for election commission staff.<sup>30</sup> Of the 143 MECs, 13 did not comply with the 40 per cent quota for each gender. Only one CEC member is a woman. Women constituted 46 per cent of MEC members but chaired only one-third of MECs. On election day, IEOM observers noted that some 40 per cent of polling stations were chaired by women.

## VII. VOTER REGISTRATION

Citizens having reached the age of 18 on election day are eligible to vote, except those disenfranchised for a serious crime, including for war crimes, or deprived of legal capacity.<sup>31</sup> The voter registration system, except for out-of-country voters, is passive. The Central Voter Register (CVR) is extracted from the population register based on the records of eligible citizens with permanent and temporary residence.<sup>32</sup> Citizens residing abroad may keep their permanent registration in the country.<sup>33</sup>

Many ODIHR EOM interlocutors expressed concerns over the accuracy of the CVR, in particular due to the reportedly high number of records of deceased voters, which could be used for manipulation on election day. Nevertheless, despite several requests, the political parties did not provide any specific figures to substantiate these claims to the ODIHR EOM.<sup>34</sup> By law, the responsibility to report death of a citizen to the municipality lies mainly with the family of the deceased. Thereafter, the municipality is obliged to provide the respective police office with printed death certificates, based on which the police manually process the data. Only the police are authorized to mark citizens as deceased in the local database of the population register.<sup>35</sup> The described mechanism is prone to human errors, leaves room for abuse, and may result in time lags, leading to delayed reporting and inaccuracies in the population register.

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<sup>30</sup> According to the Election Law and the Law on Gender Equality, all election commissions should have at least 40 per cent of members of each gender, while in three-member commissions both genders should be represented. Failure to comply with the quota can be challenged in court.

<sup>31</sup> See Articles 12 and 29 of the 2006 UN [Convention on the Rights of Persons with Disabilities](#) (CRPD). See also, paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011 (*Zsolt Bujdosó and five others v. Hungary*) which stated that: "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

<sup>32</sup> The population register is maintained by the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (IDDEEA), under the Ministry of Civil Affairs. Registration of permanent residence is mandatory for citizens, while displaced citizens may have temporary residence until their return to the municipality of their prior permanent residence.

<sup>33</sup> Citizens who reside abroad are not obliged to deregister their permanent residence if they maintain an effective link with the state (e.g. have family, or own real estate or a company). According to the IDDEEA, as of August 2018, there were 3,943,950 registered citizens.

<sup>34</sup> All political subjects are provided, upon request and free of charge, a copy of the voter lists for the elections in which they are participating.

<sup>35</sup> By law, the police remove the record of a deceased person only upon the receipt of a printed death certificate from the respective municipality.

*Further efforts should be undertaken to improve the accuracy of voter registration. To this end, consideration should be given to revising the mechanism of reporting and registration of deaths to ensure timely data exchange and correction of citizens' records. The authorities could create an effective electronic notification system between the institutions involved, with clearly defined responsibilities and timelines. The duty to report death to the population registries could be transferred to the respective medical institutions.*

Often, the CEC was accused by political parties and media of not ensuring the accuracy of the CVR. By law, the CEC maintains the CVR and, within its competence, is responsible for its accuracy and integrity. However, the CEC depends on the accuracy of the data provided by other institutions responsible for updating the population register.<sup>36</sup> In the run-up to the elections, the CEC, jointly with state and entity institutions, undertook measures to improve the accuracy of the CVR, including by removing some 5,000 records of deceased voters. Additionally, the CEC instructed MECs to mark in the voter lists the voters who were confirmed by registration offices to be deceased after the closing of the CVR.

*In order to increase public trust in the integrity of the voter registration process, various stakeholders, including political parties and civil society organizations, could be invited to participate in audits of voter lists, initiated and overseen by the CEC.*

The law provides for voting from abroad, for which voters need to register for each election.<sup>37</sup> Those residing abroad had the possibility to either vote by mail or in-person at some of the country's diplomatic representations and consulates. The CEC registered 77,814 citizens to vote by mail and 1,085 voters to vote in polling stations abroad.<sup>38</sup> In line with a prior ODIHR recommendation, voters abroad were required by the CEC to send their ballots via registered mail. Having refused 9,136 requests to register for out-of-country voting, the CEC raised concerns of possible misuse of ID documents and falsification of signatures and referred such cases to the state prosecutor's office for investigation.<sup>39</sup>

Internally displaced persons have the right to either vote in the polling station of their temporary residence, provided such residence has been kept for at least six months, or in special "absentee" polling stations for the electoral unit where they were registered before being displaced.<sup>40</sup>

Following the voter list verification, the CEC finalized the CVR and, on 30 August, announced the total number of registered voters as 3,352,933.<sup>41</sup> Final voter lists were forwarded by the CEC to MECs by the legal deadline. Voters who were not found on the voter list on election day or came from abroad and could present a valid identification card with the proof of residence, voted by tendered ballots.<sup>42</sup> Homebound voters and those in places of detention could vote via mobile ballot boxes.<sup>43</sup>

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<sup>36</sup> Namely, municipalities, cantonal and entity level police (Article 3.5 of the Election Law).

<sup>37</sup> The CEC prepares a separate voter list of out-of-country voters and excludes them from the main voter list in regular polling stations.

<sup>38</sup> Out-of-country voters could register from 7 May until 24 July. The largest numbers of voters abroad were registered from Croatia (some 24,000), Serbia (some 14,000), and Germany (some 10,000).

<sup>39</sup> According to [the CEC Statement](#), the rejected requests for voting abroad often lacked proof of either identity, citizenship, or residency, and a significant number of applications contained the same address abroad. The prosecutor office did not provide the ODIHR EOM with information on whether the investigation was initiated.

<sup>40</sup> The CEC registered 8,306 voters in 128 "absentee" polling stations. Their ballots were counted at the MCC.

<sup>41</sup> Voters could check their records until 23 August through municipal voter registration centres and afterwards online through the [CEC website](#), or via the [CEC SMS service](#).

<sup>42</sup> Tendered ballots were cast in envelopes in special polling stations and counted at the MCC after the voter's information was checked against the CVR. Such polling stations were designated in each municipality.

<sup>43</sup> The CEC registered some 12,000 voters for mobile voting.

## VIII. CANDIDATE REGISTRATION

The CEC certifies the eligibility to stand in elections and registers candidate lists. Candidates for all elections may be nominated by political parties and coalitions or stand independently. The right to stand is restricted by ethnicity and limited by residency requirements (see *Legal Framework*). In order to register, political subjects have to submit supporting signatures<sup>44</sup> and electoral deposits.<sup>45</sup>

The registration process took place before the ODIHR EOM deployment and was largely inclusive; contestants had access to signature verification and no concerns were raised regarding the procedure. However, the process was disputed in a number of complaints (see *Complaints and Appeals*). After verification of the documents, the state presidency was contested by 15 candidates, while 37 candidates stood for the president of the RS. For parliamentary elections, lists of 22 parties and 6 coalitions appeared on the ballot for the BiH HoR; 23 parties and 5 coalitions competed for the FBiH HoR; 21 parties, 6 coalitions and 4 independent candidates – for the RS NA. This offered voters a wide choice of candidates.

Candidate lists must have at least 40 per cent of candidates of each gender, with specific placement requirements.<sup>46</sup> If a list did not comply with the gender requirements, the CEC returned it for correction or registered the part of the list that was in compliance with the requirements. The CEC, however, registered some candidate lists that did not meet the 40 per cent gender requirement.<sup>47</sup>

While a considerable number of women candidates were registered for the elections, women remain underrepresented in politics. Only 2 out of 15 candidates for the state presidency and 5 out of 37 candidates for the RS presidency were women. None of the political parties who won representation in the state and entity legislatures were led by women. At the state level, the total number of women elected for the BiH HoR has decreased from 23 per cent in 2014 to 16 per cent in 2018. At the entity level, women representation remained similar to previous elections, with 24 per cent in the FBiH HoR and 16 per cent in the RS NA. The newly elected president of the RS is a woman.

*A gender quota that ensures parity of male and female candidates on candidate lists should be considered, and dissuasive sanctions for not complying with the quota should be applied. Political parties should facilitate women's political advancement, increase visibility of female candidates during electoral campaigns, and integrate gender issues into their platforms. To encourage this, consideration could be given to increases in state funding for parties that promote gender equality, additional free access to public media for women candidates, and annual party subsidies to fund women's wings of political parties.*

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<sup>44</sup> Political parties and independent candidates must submit 5,000 supporting voter signatures to run for the state presidency and the BiH HoR, and 3,000 signatures for the president of the RS, as well as for the FBiH HoR and RS NA. With the exception of presidential elections, parties are exempt from signature collection if they are represented in the legislative body the party wishes to contest or in the corresponding higher-level legislature.

<sup>45</sup> For political parties, deposits amount to BAM 20,000 (some EUR 10,200; EUR 1 equals some BAM 1.96 (Bosnian *Convertible Mark*) for the state presidential and BiH HoR elections and BAM 14,000 for entity-level elections; independent candidates deposit half of these amounts. The deposits are returned to those who receive at least 3 per cent of votes in a proportional race or who win the elections of a president (vice-president) or receive at least one-third of votes of the elected president (vice-president).

<sup>46</sup> The Election Law stipulates that the less represented gender be placed in each list according to the following sequence: at least one candidate of less represented gender among the first two candidates, two - among the first five candidates, three - among the first eight candidates, etc. If a list does not comply with the gender requirements, the CEC can return it for correction or register the part of the list that complies with the quota and the sequential order of candidates, or deny registration.

<sup>47</sup> Among all registered candidates 41.6 per cent were women. On at least nine candidate lists for the BiH HoR, FBiH HoR and RS NA women constituted less than 40 per cent of all candidates.

Despite a previous ODIHR recommendation, the law continues to provide overly broad grounds for deregistration of candidates, including for violations of campaign and campaign finance provisions. Despite this, no candidates or political parties were deregistered.

## IX. ELECTORAL CAMPAIGN

The official election campaign started on 7 September and ended one day before election day. However, a number of parties and candidates started campaigning early.<sup>48</sup> There were also instances of campaigning on election day, in breach of electoral silence.<sup>49</sup> Authorities are obliged to ensure equitable treatment of contestants in access to public places and facilities for campaign purposes, including for holding meetings and displaying posters and billboards. The organization of public events requires 24 hours advance notification. Contestants were able to conduct their campaigns freely; fundamental freedoms of association, assembly, and expression were generally respected.<sup>50</sup>

The campaign was more visible in urban areas, with activities intensifying in the final days. Contestants employed a variety of means to reach out to the voters, including billboards and posters, advertisements in the media, as well as traditional methods, such as canvassing in the streets with distribution of leaflets and other paraphernalia, public meetings and door-to-door campaigns.<sup>51</sup> Campaign materials were frequently posted at unauthorized locations, and defacing of posters was observed on several occasions.<sup>52</sup> Some contestants conducted their campaigns mainly via the Internet. While social media were seen as an increasingly potent campaign tool, many ODIHR EOM interlocutors expressed concerns with respect to misuse of social media for spreading inflammatory and intolerant rhetoric.

With a few exceptions, contestants oriented themselves towards their own ethnic communities.<sup>53</sup> The tone of the campaign was largely negative and polarizing, blaming opponents for the lack of progress. Emphasis on nationalism and personal attacks were notable features of the campaign, in particular for the presidential races, at times overshadowing socio-economic issues, such as corruption, unemployment, migration and education. References to the country's wartime past and fearmongering were also noticeable. As a result, voters were presented with few discernible political alternatives. The international community issued two separate statements at the start of the campaign, urging all contestants to refrain from negative, divisive and irresponsible rhetoric, appealing to authorities to ensure integrity of the electoral process and calling on citizens to cast their vote.<sup>54</sup>

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<sup>48</sup> The Election Law stipulates that no paid election campaign shall be allowed from the announcement of the elections until the official start of the campaign. According to a [report](#) published by the citizen observer group *Pod Lupom*, there were 436 cases of early campaigning by 33 different political subjects. Five complaints were filed by various stakeholders with the CEC, but no sanctions were imposed.

<sup>49</sup> Twenty-four complaints were filed with the CEC for breach of election silence, mostly for alleged campaigning on news portals, social networks and by SMS, as well as campaign activities outside polling stations.

<sup>50</sup> In isolated cases, some candidates were physically attacked. On 30 September, Zijad Alajbegović, SBB candidate for Zenica-Doboj canton, was attacked near Visoko, and Jakov Perković, candidate of Croat List for Livno for canton 10, was attacked in Livno, both by unknown assailants.

<sup>51</sup> The ODIHR EOM observed a total of 77 campaign events. Most campaign venues visited by the ODIHR EOM were accessible for persons with disabilities.

<sup>52</sup> The ODIHR EOM observed destruction of campaign materials, among others, in Banja Luka, Banovići, Čapljina, Lukavac, Mostar, Novi Grad, and Vareš.

<sup>53</sup> The NB, Our Party (Naša Stranka), SDP and DF appealed across different ethnic communities.

<sup>54</sup> See [statement of the Peace Implementation Council Steering Board, the OSCE Mission and the Council of Europe](#) and [statement of EU Delegation and EU Special Representative in Bosnia and Herzegovina](#).

In the RS, the “Justice for David” civic protests were a prominent feature of the pre-election environment.<sup>55</sup> The protests took on political significance, with the opposition pointing to unwillingness of the ruling parties and authorities to solve the case, and the incumbents accusing the opposition of capitalizing on the protests and of attempts to discredit the governing parties. On 5 October, some contestants, including the opposition parties in the RS, cancelled their final rallies and joined the protests.

Throughout the campaign, political parties and civil society organizations (CSO) voiced concerns about the lack of a level playing field with respect to access to public media, biased media coverage, and misuse of resources by the governing parties.<sup>56</sup> In some instances, the ODIHR EOM received reports of preferential treatment of incumbent candidates by local authorities with respect to allocation of campaign spaces.<sup>57</sup> The ODIHR EOM also received credible information of attempts to unduly influence voter choice and to pressure voters into voting for ruling parties.<sup>58</sup> Combined, this raises concerns in light of the OSCE commitments to a fair and free campaigning atmosphere allowing voters to learn and discuss political views, and cast their votes free of fear of retribution.<sup>59</sup> Many contestants informed the ODIHR EOM that they refrained from filing complaints due to the lack of confidence in receiving adequate legal remedies.

*Political subjects should follow the law and refrain from exercising pressure on voters. Cases of alleged pressure on voters should be examined promptly, thoroughly and effectively, and perpetrators held accountable in a timely manner by the prosecutors and the CEC.*

In general, contestants were not taking pro-active steps to promote electoral participation of persons with disabilities. Gender equality was not a prominent campaign topic and, when present, its focus was on family issues. Although women appeared in electoral events and featured in campaign materials, they rarely campaigned on their own, and women candidates were not actively promoted by political party structures.<sup>60</sup> With a few exceptions, women were hardly visible in party leadership. Positively, some authorities called for promoting equal participation of men and women in elections; nevertheless, media attention was predominantly concentrated on male leaders of the main political parties.<sup>61</sup>

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<sup>55</sup> The protests began after the unexplained death of 21-year old David Dragičević in March 2018 and were organized daily in Banja Luka by his father Davor, who claimed that his son was murdered, accusing the police and prosecution of concealing evidence. Protesters from a broad spectrum of society gathered also in other parts of the RS and demanded that the perpetrators of the alleged murder be brought to justice. Civic protests were also organized in the FBiH, on a smaller scale, by the father of a 21-year old Dženan Memić, whose death in February 2016 was unresolved. Dragičević and Memić also organized joint protests.

<sup>56</sup> One-time allowances to all pensioners in the RS in exchange for votes were publicly promised by SNSD [on 18 and 24 September](#) and subsequently paid by the government. On 2 October, in a personalized letter from the Office of the FBiH Prime Minister, Fadil Novalić (SDA), [over 300,000 pensioners were urged](#) to “be with those who work for you and for the general welfare of our country and society”.

<sup>57</sup> ODIHR EOM observers reported such cases from Banovići (SDA), Mostar (HDZ 1990), Velika Kladuša (SDA and A-SDA), Vlasenica (Alliance for Victory) and Novi Grad and Ilidža (People and Justice), although no concrete evidence could be obtained from the municipalities or the complainants.

<sup>58</sup> On 26 September, SNSD leader Milorad Dodik, during [a campaign speech](#) in Gacko, threatened to dismiss employees of public companies who would vote for SDS and its leader Vukota Govedarica. Several complaints were filed with the CEC on this matter. The ODIHR EOM received reports of pressure on employees to attend campaign activities in public companies in Banovići, Bosanski Petrovac and Foča.

<sup>59</sup> In Paragraph 7.6 of the 1990 OSCE Copenhagen Document, the participating States committed to “enable [parties] to compete with each other on a basis of equal treatment before the law and by the authorities.” Paragraph 7.7 requires “political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”.

<sup>60</sup> The ODIHR EOM estimated that around 40 per cent of audience in the observed campaign events were women.

<sup>61</sup> See, for example, public statements of the Gender Center of the FBiH to the [political subjects](#) and to [media](#).



## X. CAMPAIGN FINANCE

Political subjects are financed from the entity budgets, own funds, membership fees as well as donations by individuals and legal entities.<sup>62</sup> Parties represented in the state parliament receive annual funding from the state budget.<sup>63</sup> There is a ban on loans and donations from foreign, anonymous, religious and publicly funded sources, and from persons who have public procurement contracts exceeding BAM 10,000 in the current year. A political subject may spend up to BAM 0.3 for each registered voter per electoral contest.

Following the 2016 amendments to the Law on Financing of Political Parties, campaign finance irregularities are better defined, in line with previous ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations.<sup>64</sup> A CEC regulation required political subjects to use dedicated campaign bank accounts for these elections. However, cash donations in any amount are permitted, and there is no explicit requirement that all financial transactions be conducted through the campaign account, thus allowing for untraceable money flows. In addition, a number of candidates on party lists stated to the ODIHR EOM that they used their own funds for campaigning but did not report these as party campaign funds.

*The regulatory framework should be strengthened to provide for transparency and accountability of campaign finances. Consideration should be given to explicitly prescribing in the law that all campaign-related financial transactions be conducted via dedicated bank accounts.*

The CEC Audit Department oversees party and campaign finances. According to the CEC, all registered parties and independent candidates submitted initial financial reports and asset declarations for the three months preceding their registration for the elections. All but 12 parties and all independent candidates submitted their final campaign finance reports by 6 December.<sup>65</sup> Although there is no legal deadline for auditing and publishing these reports, on 21 December, the CEC published the final reports together with the CEC's overview of the information therein.

The CEC may impose sanctions for irregularities, including for failure to submit a financial report and misuse of state resources for campaign. However, the sanctions are not sufficiently dissuasive.<sup>66</sup> Several ODIHR EOM interlocutors stated that the transparency of political finances was insufficient, that assets and campaign finances often remained unreported, and alleged that parties received donations from public procurement contractors in return for such contracts. Overall, the regulatory framework does not provide for adequate guarantees for transparency and accountability of campaign finances.<sup>67</sup>

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<sup>62</sup> An individual may donate up to BAM 10,000, a party member up to BAM 15,000 and a legal entity up to BAM 50,000 to a party annually.

<sup>63</sup> The [list](#) of political parties which receive public funding is available at the CEC website.

<sup>64</sup> In its [latest report](#) on transparency of party funding, GRECO concluded that one recommendation was implemented, five were partially implemented and three were not implemented.

<sup>65</sup> The ODIHR EOM was not aware if the CEC applied any sanctions for failure to submit the finance reports.

<sup>66</sup> Prescribed fines range from BAM 500 to 10,000. According to Paragraph 22 of [the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#), "Sanctions must at all times be objective, enforceable, effective and proportionate to their specific purpose". See also paragraphs 215 and 225.

<sup>67</sup> Article 7.3 of the [2003 UN Convention Against Corruption](#) states that "Each State Party shall also consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". See also Articles 8, 10-13 of the [Recommendation Rec\(2003\)4](#) of the Committee of Ministers of the Council of Europe to member States on common rules against corruption in the funding of political parties and electoral campaigns.

*The law should be amended to prescribe proportionate and dissuasive sanctions for violations. A reasonable deadline for auditing and publishing all campaign finance reports and the audit conclusions should be established by the law or set by the CEC.*

## **XI. MEDIA**

### **A. MEDIA ENVIRONMENT AND LEGAL FRAMEWORK**

There is a large number of media outlets, with some 200 broadcasters, including 3 public broadcasting services (1 operating at the state level and 1 in each entity), and more than 100 periodicals. Steering board members of the public TV channels are appointed by the respective parliaments. Many ODIHR EOM interlocutors expressed concerns about the influence of political and business interests on private media outlets' editorial policies, applied also through media owners and advertisement practices. Due to low salaries and social status, journalists are considered to be susceptible to bribery, which often results in biased coverage of current political affairs, including the electoral campaign.

Verbal attacks, especially online and against female journalists, are common, as are physical attacks and other forms of pressure on journalists.<sup>68</sup> Many media representatives met with by the ODIHR EOM accused politicians of publicly targeting journalists. The OSCE Representative on Freedom of the Media (RFoM) underlined that "the negative rhetoric being used against the media must end, in order to prevent further ... attacks against journalists".<sup>69</sup> The OSCE RFoM also emphasized the need to strengthen media pluralism, respect the independence and sustainability of public service broadcasting.<sup>70</sup>

The state and entity constitutions guarantee freedom of expression. The entity laws on protection against defamation decriminalize libel and provide that journalists do not have to disclose their sources of confidential information. According to ODIHR EOM media interlocutors, defamation cases are often lodged with the aim to intimidate journalists, while the judiciary does not enjoy sufficient independence from political influences.<sup>71</sup> The legislation does not counter excessive ownership concentration or provide for transparency of media ownership.

*Legislation deterring excessive concentration of media, both traditional and online, as well as providing for full transparency of media ownership, should be adopted.*

Addressing a prior ODIHR recommendation, the Communications Regulatory Agency (CRA) monitored three public and four private TV channels for compliance with the requirement to provide objective and accurate coverage of the contestants during the campaign. The CRA initiated cases against a number of broadcasters for non-compliance with electoral legislation.<sup>72</sup> In addition to the violations discovered during the monitoring, the CRA received seven complaints, of which

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<sup>68</sup> According to the Human Rights Ombudsman of Bosnia and Herzegovina, 266 physical attacks have been registered between 2012 and 2017. On 26 August, a journalist from BN TV was severely beaten by two unknown assailants in Banja Luka. The police arrested one suspect and announced a search for another one.

<sup>69</sup> See the OSCE RFoM statement on [27 August](#) 2018.

<sup>70</sup> See the OSCE RFoM speech on [17 September](#) 2018 and statements on [20 April](#) 2018 and [5 December](#) 2017.

<sup>71</sup> According to the Journalist Association of Bosnia and Herzegovina, around 100 defamation cases are lodged against journalists every year; 173 defamation cases were pending as of September 2018.

<sup>72</sup> See the CRA [statement](#) on 22 September. The CRA fined ATV with BAM 5,000 for impartial coverage and issued written warnings to ATV and Hayat TV for breaching advertising rules. The CRA also publicly warned the BH Radio 1 for non-compliance with the campaign rules and initiated administrative proceedings against RTRS, Alternative Television and Hayat TV.

five were pending at the end of the campaign.<sup>73</sup> Despite a previous ODIHR recommendation, there are no clear deadlines for the timely resolution of media-related complaints by the CRA.



## B. MEDIA MONITORING FINDINGS

Between 2 September and 6 October, the ODIHR EOM conducted daily (from 18:00 until 24:00) media monitoring of 11 TV stations (public *BHT1*, *FTV* and *RTRS* and private *Hayat TV*, *NI* and *OB*. In addition, the main news programmes were monitored on *Al Jazeera Balkans*, *BN*, *Face TV*, *Pink TV* and *TVI*) and in newspapers *Dnevni Avaz*, *Dnevni List*, *Glas Srpske*, *Nezavisne Novine*, *Oslobođenje* and *Večernji List*.

Public broadcasters monitored by the ODIHR EOM covered campaign developments in a balanced manner in special election programmes, which took about half of their total election-related coverage. Contentious issues related to administration of the elections were also covered in prime time news.

Public broadcaster Radio Television of Republika Srpska (RTRS) was often accused by ODIHR EOM interlocutors of biased coverage in favour of the SNSD.<sup>74</sup> The ODIHR EOM media monitoring results confirmed that on RTRS Mr. Dodik enjoyed the advantage of being extensively covered both as the RS president and as a candidate, which challenged the level playing field.

Within regular news and analytical current affairs programmes, campaign coverage was to a large extent dedicated to Mr. Dodik, both in public and private media outlets.<sup>75</sup> On many private channels the news coverage of Mr. Dodik was rather negative (between 33 and 79 per cent of coverage in a negative tone), while public channels were more balanced. All other parties and their respective presidential candidates received significantly less, albeit positive or neutral, coverage.<sup>76</sup>

*As previously recommended by ODIHR, all public broadcasters should provide impartial and balanced coverage in their news and political programmes to all parties and candidates.*

The public broadcasters monitored by the ODIHR EOM complied with the legal requirements to provide electoral contestants with free airtime during the official campaign.<sup>77</sup> According to the CRA, both public and private broadcasters offered equal terms of paid airtime to all contestants. Positively, many broadcasters organized debates between contestants.<sup>78</sup> However, the refusal of many leading candidates, including presidential, to jointly participate in the debates detracted from

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<sup>73</sup> According to the CRA, two complaints alleged violations of regulations on publishing opinion polls, while five complains related to partial coverage. In two latter cases, the CRA did not find any violation; the remaining complaints were pending resolution till the end of the campaign period.

<sup>74</sup> For example, on 16 September 2018 the publicly-owned [SRNA News Agency](#) and the [website of the RTRS](#) republished an article accusing Davor Dragičević of using his son's death for political activity and working for foreign intelligence agencies to destabilise the RS.

<sup>75</sup> The share of SNSD and Mr. Dodik in the news programmes of most of monitored private channels was between 16 and 47 per cent. A large share of news about Mr. Dodik was related to "Justice for David" developments, visit of the Russian Foreign Minister to Banja Luka and Sarajevo, and the meeting of Mr. Dodik with the Russian President. The news about candidate and vice-president of SNSD Nikola Špirić being blacklisted by the USA was widely discussed by all monitored media.

<sup>76</sup> Mr. Ivanić received an average of 10 per cent of coverage in the news programmes of the private monitored channels, SDA – 8 per cent (at *Hayat TV* SDA received 24 per cent), PDP – 7 per cent, and all others – less than 5 per cent each.

<sup>77</sup> Public broadcasters were obliged to provide contestants with a minimum of three minutes of free airtime.

<sup>78</sup> *BHT1* and *FTV*, as well as *NI* channels organized free of charge debates for the state level contestants. *Pink TV*, one of the most popular private channels, also had a weekly current affairs programme, in which some prominent candidates participated. Some other private channels offered contestants to participate in paid debates, interviews and information programmes.

the voters' ability to make a fully informed choice.<sup>79</sup> Several ODIHR EOM interlocutors criticized the format of the debates for not facilitating better presentation of the political programmes.

The newspapers reflected the segmentation of the society along ethnic and political lines. *Dnevni Avaz*, which is affiliated with the presidential candidate Fahrudin Radončić, granted almost half of its space to him and SBB, mostly in a positive tone. At the same time, the newspaper gave 16 per cent of its space to SDA, predominantly in a negative tone. *Večernji List*, most popular among the Croats, favoured HDZ BiH and its presidential candidate Dragan Čović by granting them a combined 60 per cent of its coverage, in a predominantly positive tone. Sarajevo-based *Oslobođenje* and Mostar-based *Dnevni List* provided balanced coverage to most of contestants irrespective of their ethnicity. *Glas Srpske* and *Nezavisne Novine* granted more coverage to Serb contestants.

## XII. PARTICIPATION OF NATIONAL MINORITIES

Eighteen groups are officially recognized as national minorities.<sup>80</sup> Most of these are very small in numbers.<sup>81</sup> Members of national minorities who are self-declared as “others” are deprived of certain passive suffrage rights, based on ethnicity. The discriminatory nature of the constitutional framework, which ODIHR EOM interlocutors from among members of national minorities strongly criticized, has not been addressed to date (see *Legal Framework*). Besides excluding national minorities, the ethnic key to representation erodes the concept of citizenship and civic-based participation in the political process.

The largest minority is Roma, with 12,583 members according to the 2013 census, but their actual number is considered to be significantly higher. Representatives of the Roma community met with by the ODIHR EOM highlighted specific challenges related to their participation in elections, including lack of information and poor education and literacy. Social and economic conditions make the community vulnerable to pressures aimed at influencing their vote. However, a number of ODIHR EOM interlocutors also stated that voters' awareness and resilience to such pressures within the Roma community has increased. Few candidates from the Roma community were running for cantonal assemblies, but no Roma candidates were running at higher levels. No discriminatory rhetoric against national minorities during the campaign was reported or observed.

## XIII. COMPLAINTS AND APPEALS

By law, the mechanisms for complaints and appeals are in place and provide for a timely consideration. Election-related complaints may be filed with election commissions by a voter or a political subject whose rights are violated. The CEC reviews certain disputes at the first instance and handles appeals against MEC decisions. Appeals against CEC decisions at the first instance are filed with the Appellate Division of the Court of Bosnia and Herzegovina, whose decisions are

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<sup>79</sup> According to *NI*, the debates on this channel among the Serb presidential candidates did not take place because Mr. Dodik did not confirm his participation, and Mr. Ivanić refused to participate without Mr. Dodik. Two other debates on *NI* between the Bosniac and Croat presidential candidates respectively took place without the leading candidates, because Mr. Bećirović, Mr. Džaferović, Mr. Radončić and correspondingly Mr. Čović and Mr. Komšić refused to participate. *FTV* planned joint debates among the leading Bosniac and Croat candidates, but only the Bosniac candidates participated.

<sup>80</sup> The State Law on the Protection of the Rights of Persons Belonging to National Minorities (2003, amended in 2005) lists ethnic Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, and Ukrainians. The Austrian minority was recently recognized and is represented, alongside the other ones, in the state level National Minority Council.

<sup>81</sup> According to the 2013 census, 96,539 persons (2.7 per cent of the population) declared themselves as “others”.

final. CEC decisions at the second instance are not subject to judicial review, which is at odds with international standards.<sup>82</sup> Complaints must be filed within 24 hours from the violation and appeals - within 48 hours from the decision, which is significantly shorter than advised by good practice.<sup>83</sup> Complaints are to be resolved within 48 hours by election commissions and within three days by the court. The law does not require a hearing to be held by the election commissions or the court, and election-related cases are resolved on the basis of written submissions. A case may be referred to the prosecutor if it contains elements of a possible criminal offence.

However, the dispute resolution process, as currently implemented, does not fully provide an effective legal redress. In practice, the CEC deemed admissible only those complaints from political subjects, citizen observers and voters when the complainants were directly affected by the alleged irregularity.<sup>84</sup> This restrictive interpretation undermined the efforts of the complainants to contribute to the integrity of the electoral process. In addition, many complaints were deemed inadmissible on the grounds that they were not filed within 24 hours from the violation, also when a violation was of a continuing nature.<sup>85</sup> While by law election commissions may act on possible irregularities *ex officio*, in practice they did so in a few cases upon receiving notifications on irregularities.<sup>86</sup> Moreover, the competences of the CEC and MECs on complaints were apparently not clear to them and some cases were referred from the CEC to MECs and *vice versa*.<sup>87</sup>

*In view of providing for effective protection of electoral rights, the deadline for filing complaints could be extended, particularly for complaints about ongoing violations. The CEC should be proactive in reviewing possible irregularities ex officio, including upon notifications received from observers. Judicial review of CEC decisions on complaints and appeals should be made possible.*

The CEC reviewed some 24 complaints in public sessions. The CEC decisions were usually reasoned and adopted by consensus aimed at maintaining an overall ethnic balance in the CEC decision-making. Positively, the CEC maintained a register of complaints. However, neither the register nor the decisions on complaints were publicly accessible, reducing the transparency of dispute resolution.<sup>88</sup>

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<sup>82</sup> In paragraph 18 of the 1991 OSCE Moscow Document the participating States committed to provide “effective means of redress against administrative decisions” and to endeavour to provide for judicial review of such decisions. According to paragraph II.3.3.a of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters, “final appeal to a court must be possible.”

<sup>83</sup> Paragraph II.3.3.g. of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters recommends that “Time-limits for lodging and deciding appeals must be short (three to five days for each at first instance)”.

<sup>84</sup> For instance, a complaint filed by the BNTV against Mr. Dodik regarding inflammatory speech, intimidating journalists and threatening the owner of the BNTV, was rejected on the grounds that it was filed by an unauthorized person. All requests for recounts filed by candidates, rather than their parties, were deemed inadmissible on the same grounds; for instance, the requests filed by Fuad Hadzimehmedovic (SBB) and Ante Džaje (HDZ 1990).

<sup>85</sup> Some 20 complaints were deemed inadmissible on this ground or because they were not filed by an authorised person. This included complaints about free distribution of school books by a candidate; campaign materials placed in undesignated areas; a party publishing an insulting press release about a candidate.

<sup>86</sup> The CEC rejected a complaint filed by the Alliance for Victory against Mr. Dodik, who allegedly used hate speech, on the grounds that it was filed after the 24 hours deadline. However, the CEC reviewed the case *ex officio* and imposed fines of BAM 7,000 on Mr. Dodik and 5,000 on SNSD. Citizen observer coalition *Pod Lupom* notified the CEC about 364 cases of paid early campaigning and other campaign violations by 32 political subjects, including on social media, but the CEC did not review any of these alleged irregularities.

<sup>87</sup> For instance, some 15 complaints on campaign violations, including on defacement of campaign materials and vote-buying, and some 20 complaints on election day irregularities were referred by the CEC to MECs, while several complaints on election day irregularities were referred by MECs to the CEC.

<sup>88</sup> Summaries of 10 cases where the CEC imposed sanctions were published. On the transparency in the electoral process, see paragraph 68 of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters.

*To enhance transparency and accountability, the CEC and the courts should publish information on election-related complaints and decisions in a timely manner.*

Prior to election day, the ODIHR EOM was made aware of some 120 complaints and appeals filed with the CEC. Of these, some 45 complaints related to the composition of election commissions, a similar number – to campaign violations, and some 20 to party and candidate registration.<sup>89</sup> The vast majority of complaints reviewed on the merits were rejected as groundless. The CEC imposed fines on both the parties and candidates in 12 cases of prohibited speech.<sup>90</sup> The law provides a broad definition of this violation and the criteria for distinguishing inflammatory rhetoric from personal insult or defamation are not clear.<sup>91</sup>

*In view of preventing undue limitation of the freedom of expression and ensuring consistent decisions, the definition of prohibited speech in the Election Law should be made more precise. The CEC could adopt further guidance for stakeholders and its own decision making.*

Prior to and after the elections, some 65 appeals against CEC decisions were filed with the court. Most appeals were rejected as groundless. The court overturned CEC denials of registration of four parties,<sup>92</sup> as well as two CEC decisions on MEC composition.<sup>93</sup> In addition, the court upheld the CEC decisions in some 1,000 appeals against denials of registration to out-of-country voters. Some 30 court decisions were published on its website, contributing to greater transparency of dispute resolution.<sup>94</sup>

A case may be referred to the prosecutor if it contains elements of a criminal offence. Prosecutors at different levels informed the ODIHR EOM about the lack of clarity regarding their competences pertaining to electoral criminal offences conducted in the context of general elections.<sup>95</sup> The prosecutor's offices informed the ODIHR EOM of some 20 cases under investigation, including cases referred by the CEC.<sup>96</sup> In addition, a number of cases on possible fraud on out-of-country voting were referred to the prosecutor by the CEC.

The Constitutional Court of Bosnia and Herzegovina may decide on election-related matters, including on the constitutionality of laws and conflicts of jurisdiction of state and entity institutions. Cases may be referred by the courts, certain state officials, as well as any individual whose fundamental rights have been violated and all other domestic remedies have been exhausted.<sup>97</sup> Two

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<sup>89</sup> Complaints on campaign violations referred to 'hate speech', undue pressure on voters, vote-buying, early paid campaigning, illegal placement and defacement of posters.

<sup>90</sup> For instance, candidate Vukota Govedarica called candidate Željka Cvijanović granddaughter of an *ustasha* (member of a Croat fascist organization active during World War II); candidate Adžem Dževad on his Facebook account claimed that the husband of candidate Daliborka Mijović owes his well-being to his war involvement.

<sup>91</sup> Article 7.3 of the Election Law refers to 'the use of language which could provoke or incite someone to violence or spread hatred'.

<sup>92</sup> The CEC rejections mostly referred to failing to pay the electoral deposit, insufficient number of support signatures, having names similar to existing parties or names that could incite hatred. The court granted the appeals of *Hrvatska Stranka Prava BiH*, *Prva Srpska Demokratska Stranka-Prva SDS*, *Srpska Napredna Stranka*, and *Srpska Radikalna Stranka-Dr Vojslav Šešelj*, which were further registered by the CEC.

<sup>93</sup> The court found that MEC Velika Kladuša and MEC Usora were not multi-ethnic, as required by law.

<sup>94</sup> The court stated to the ODIHR EOM that it published the decisions that it deemed of public interest.

<sup>95</sup> Both state and entities' criminal codes contain election-related offences. The prosecutors expressed lack of understanding which agencies have to start investigation if a violation during the general elections relates to both the state and entity or cantonal elections.

<sup>96</sup> The Prosecutor of Bosnia and Herzegovina informed the ODIHR EOM that it received some 16 cases on postal voting, incitement to violence and hatred, electoral bribery and violation of freedom of voting, voter registration and other possible election-related criminal offences. Another four cases were received by the FBiH Prosecutor.

<sup>97</sup> Complaints may be filed by a member of the state presidency, the Chair of the Council of Ministers, the Chair, a Deputy Chair or one-fourth of the members of either chamber of state parliament, or one-fourth of either chamber of an entity legislature.

complaints filed to the Constitutional Court related to these elections, namely to the allocation of mandates from the cantonal assemblies to the FBiH HoP.<sup>98</sup>

#### **XIV. ELECTION OBSERVATION**

The law provides for election observation by citizen and international observers. Registered candidates and political parties may also appoint observers. Accredited observers from political parties, independent candidates, CSOs and international organizations may observe the entire electoral process. On election day, observers from political subjects and CSOs may only have one observer in the premises of a polling station at a time.

The CEC regulates the accreditation process and is in charge of accreditation of international and citizen observers, as well as contestants' representatives to the CEC. MECs accredit the observers appointed by contestants for activities within the relevant constituency. In an inclusive manner, the CEC accredited 5,611 citizen and 650 international observers. According to the CEC, MECs accredited some 50,000 observers from various political subjects. *Pod Lupom*, a coalition of six CSOs, mounted the largest citizen observation effort and regularly published observation reports.

#### **XV. ELECTION DAY**

Election day was generally orderly and IEOM observers were able to follow the process without restrictions. Transparency was enhanced by the presence of citizen observers in 60 per cent of polling stations observed. Party observers were present in 97 per cent of the polling stations observed. The CEC reported the turnout at 53.3 per cent and started to post preliminary results on its website on 8 October.

##### **A. OPENING AND VOTING**

IEOM observers assessed opening of polling stations largely positively, while noting a number of procedural omissions. Commissions often did not record the number of ballots received or the serial numbers of plastic ties, and sometimes did not properly seal the ballot boxes. In 10 out of 128 polling stations observed, opening was delayed by more than 15 minutes.

In general, polling was conducted in a calm atmosphere and no incidents were reported by IEOM observers. The voting process was assessed positively in 94 per cent of the 1,273 polling stations observed; the negative assessment in 6 per cent of reports was mainly because of failure to ensure the secrecy of the ballot and undue influence on the process by unauthorized persons.

Voter identification procedures were largely followed. In 22 per cent of polling stations observed, some voters were turned away mainly due to the following reasons: voters could not present a valid identification document (40 cases), were not found on the voter list (87 cases) or were redirected to another polling station (184 observations). Half of the polling stations observed were accessible for

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<sup>98</sup> One complaint was filed by Ms. Borjana Krišto, then Chair of the BiH HoR, challenging the compliance of certain provisions of the FBiH Constitution with the Constitution of Bosnia and Herzegovina. Another complaint on procedural aspects of amending the Election Law was filed by the Bosniac Caucus of the BiH HoP. On 6 July 2017, it was rejected by the Constitutional Court. Subsequently, the draft legal amendments were to be adopted by the BiH HoP by simple majority of MPs present, including at least one-third of votes from each entity.

voters with different kinds of disabilities, and the layout was generally suitable for the requirements of voters with disabilities for independent voting (80 per cent).<sup>99</sup>

*Additional efforts should be undertaken by the authorities to ensure barrier-free access to polling stations.*

IEOM observers noted problems with the secrecy of the vote in 18 per cent of the polling stations observed, which is of concern and at odds with paragraph 7.4 of the 1990 OSCE Copenhagen Document and other international standards.<sup>100</sup> The secrecy was not ensured mainly due to overcrowding in the polling stations (8 per cent), inadequate layout of the voting premises (5 per cent) and voters not marking their ballots in secret (16 per cent). Many voters did not fold their ballots before casting. Further, instances of family or group voting were noted in 16 per cent of observations.

*The state should take effective measures to protect the voters' right to a free and secret choice. The voting procedures should be reviewed to ensure the secrecy of the vote and protection against undue influence on voters. The importance of ballot secrecy should be emphasized during the training of election commissions and in voter education materials.*

The law provides for assisted voting only for voters with visual impairments, illiterate voters and those with physical disabilities. In practice, however, the IEOM observed numerous cases of assisted voting (in particular for women and also for young voters) for those who appeared to be capable of making their choice independently. This is indicative of voters being unduly influenced, contrary to international standards.<sup>101</sup>

IEOM observers noted that in almost half of observations party observers kept track of those who voted.<sup>102</sup> In the light of observed cases of undue influence on voters by political parties during the campaign (See *Electoral Campaign*), this could be perceived as a form of pressure on voters on election day. This process was aided by the commissioners announcing the voters' names before issuing the ballots. In 2 per cent of observations, the IEOM observed individuals in the vicinity of the polling stations attempting to influence voters.<sup>103</sup> IEOM observers also reported some instances of serious irregularities, such as carousel voting, proxy voting and indications of ballot box stuffing, which all together undermines the integrity of the voting process.<sup>104</sup>

*The practice of announcing voters' names in the polling stations should be reconsidered. Consideration should be given to a ban on keeping track of voters who voted on election day by political subjects, including by using voter lists in the polling stations.*

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<sup>99</sup> Article 29(a) of the CRPD obliges States to “ensure that persons with disabilities can effectively and fully participate in political and public life on equal basis with others ... *inter alia*, by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to ... use”.

<sup>100</sup> Paragraph 7.4 of the 1990 OSCE Copenhagen Document urges participating States to “ensure that votes are cast by secret ballot or by equivalent free voting procedure.” Paragraph 20 of the 1996 CCPR General Comment No. 25 to the ICCPR requires the states to “take measures to guarantee the secrecy of the vote during elections...”.

<sup>101</sup> Paragraph 19 of the 1996 CCPR General Comment No. 25 to the ICCPR requires that “Persons entitled to vote must be free to vote ... without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector’s will”.

<sup>102</sup> By law, all political subjects are provided, upon request and free of charge, a copy of the voter lists for the elections in which they are participating. Such copies were used for tracking the voters’ participation.

<sup>103</sup> Media reported that law-enforcement agencies detained two people for undue influence on the will of voters.

<sup>104</sup> Paragraph 11 of the 1996 CCPR General Comment No. 25 to the ICCPR states that “Any abusive interference with ... voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced”.



## B. CLOSING AND COUNTING

The IEOM assessed counting negatively in 23 out of 126 polling stations observed, which is considerable. The negative assessment was linked to significant procedural errors or omissions, PSC members either lacking knowledge of or not following the counting procedures.

The IEOM observed cases when the PSCs did not count or enter the number of unused ballots in the protocols before opening the ballot boxes (10 and 13 cases, respectively). In 14 observations, the number of received ballots, signatures in the voter lists and unused ballot papers did not reconcile. After opening the ballot boxes, validity of the ballot papers was not determined in a reasonable and consistent way in 22 instances. In as many polling stations, the validity of the ballots was not determined by all PSCs members, as required by the regulations. Further, following the counting of valid and invalid ballots, not all figures were recorded by the PSCs in the results protocols (33 observations) and the recorded numbers were not announced to those present in the polling station (26 observations). In 21 instances, the number of ballots for a given race was higher than the number of signatures in the voter lists, which could be indicative of possible ballot box stuffing.

The completion of protocols proved problematic for the PSCs and triggered recounts at a later stage. One third of the PSCs observed faced difficulties in completing the results protocols and 16 PSCs observed did not reconcile the figures, as prescribed by the regulations. Changing of figures in the results protocols without recounting ballots was observed at 21 PSCs. The PSCs sometimes used pre-signed results protocols (10 cases). Interference in the counting process by party observers was reported in 11 counts observed. The PSCs did not publicly display a signed copy of the results protocol in one fourth of polling stations observed, which reduced transparency.

Difficulties experienced by PSC members and the lack of knowledge of procedures, especially during the counting process, evidenced inadequate training. Moreover, the complex counting procedures proved to be highly prone to human errors. Many commissioners and other IEOM interlocutors suggested alternative mechanisms, such as ballot scanners or centralized counting in constituencies, as possible solutions that could increase trust in the election results.<sup>105</sup>

*The accuracy of vote counting should be improved. Training for PSC members should be strengthened, with a special focus on the vote count and the completion of results protocols. Possibility of random recounts of the PSC voting results for all races and across all constituencies could be considered. Should technical solutions for automatic counting be introduced, a comprehensive feasibility study and piloting should be undertaken, with procurement, security and other pertinent issues discussed sufficiently in advance of the elections and in an inclusive manner.*

## C. TABULATION AND THE ANNOUNCEMENT OF RESULTS

The tabulation was overall assessed positively. The process was assessed negatively in 6 out of the 96 observed MECs. The conditions for tabulation were inadequate in 15 MECs, largely due to poor organization and insufficient space, which led to overcrowding. Difficulties that the PSCs faced with counting were further evidenced, with many MECs receiving incomplete protocols (observed in 26 MECs), incorrect copies of the protocols (13 MECs), or protocols that were not signed by all PSC members (11 MECs). The IEOM observers were largely able to follow the tabulation process.

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<sup>105</sup> If technical solutions are introduced, they should be preceded by adequate preparations, in order to allow time for feasibility studies, procurement, planning, testing, evaluation, certification, voter education, public confidence building and implementation. See [Recommendation CM/Rec\(2017\)5](#) of the Council of Europe's Committee of Ministers to member States on standards for e-voting and the accompanying Guidelines and Explanatory Memorandum. See also [ODIHR Handbook for the Observation of New Voting Technologies](#).

The number of invalid ballots for different races reached 7 per cent, which is of concern. A significant part of these ballots was blank and regarded by ODIHR EOM interlocutors as a protest vote. At the same time, the complexity of the ballot paper may have led to a confusion among voters. This underscores the need for further voter education and other efforts to reduce the high number of invalid votes in future elections.

PSC results protocols, which were entered by MECs into the results management system, contained discrepancies, including incorrect or partially filled protocols. Therefore, on 10 October after the data entry process, the CEC ordered all MECs to correctly establish elections results in those polling stations where there were inaccuracies in the results protocols. In some cases, MECs counted ballots anew to complete the aggregated results for a given municipality. The CEC rejected as premature some 20 requests for recounts submitted prior to the announcement of complete preliminary results.

Following the announcement of the complete preliminary results by the CEC on 23 October, political subjects, MECs, observers and groups of at least 50 voters could, within three days, submit requests for recounts due to alleged irregularities that may have impacted the voting results.<sup>106</sup> Around 100 such requests were submitted to the CEC for recounts in one or more polling stations, including some 10 requests for recounts in all polling stations in a constituency or an entity.<sup>107</sup> The CEC decided to conduct recount of votes in 84 polling stations.<sup>108</sup> These recounts resulted in changes in the number of votes and the allocation of mandates within candidate lists in six cases related to elections of cantonal assemblies. In addition, the CEC altered the allocation of mandates to ensure the minimum guaranteed representation of the constituent peoples in the FBiH HoR and the RS NA. The CEC established and announced the final results on 6 November.

## **XVI. POST-ELECTION DEVELOPMENTS**

According to the declared results, 14 political parties, including 4 new entrants, surpassed the 3 per cent threshold and gained representation in the BiH HoR. At the entity level, 12 parties will be represented in the FBiH HoR and 8 in the RS NA. As for the presidential elections, Šefik Džaferović (SDA), Željko Komšić (DF) and Milorad Dodik (SNSD) were declared the Bosniac, Croat and Serb members of the state presidency, respectively. The election of Mr. Komšić provoked discontent among the Croat parties, including HDZ BiH. They disputed the legitimacy of his victory, claiming that it was predominantly due to Bosniac votes.

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. The NiP publicly stated that the electoral process was “completely compromised” and

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<sup>106</sup> A political subject may request a recount of votes in the constituencies that it contested, an observer - in the polling station where s/he observed, a group of at least 50 voters- in the polling station where they all voted, and a MEC - in one or more polling stations within its area of responsibility.

<sup>107</sup> For instance, SDS requested recounts in all 2,240 polling stations in RS; Bosnian-Herzegovinian Patriotic Party candidate Sefer Halilović - for the whole FBiH; HDZ 1990 - in all PSCs in Mostar, Novi Travnik, Siroki Brijeg, Travnik, Vitez, and Zepce; *Narodna Stranka Radom za Boljitak* - for all postal votes for the FBiH HoR.

<sup>108</sup> All other requests were either deemed inadmissible on the grounds that they were submitted by unauthorized persons or rejected as unsubstantiated.

filed a complaint to the State Investigation and Protection Agency on irregularities in the conduct of MECs and PSCs.

Complaints may not be filed on election day in the polling stations. PSC members, observers and voters may record “substantiated objections” to alleged irregularities in the PSC activity logbook. Based on such objections, political subjects may file complaints to MECs or the CEC, which may also review the objections *ex officio*. After election day, some 60 complaints were lodged to the CEC on alleged election day irregularities, with around 15 rejected as groundless, and some 30 referred by the CEC to MECs.<sup>109</sup>

After election day, the court reviewed over 50 appeals against CEC decisions, including related to recounts and hate speech. Court decisions were published on its website. The vast majority of the appeals were rejected on the merits. Some appeals were partly granted and the fines imposed by the CEC for hate speech were reduced. Three appeals against rejections of requests for recounts were deemed inadmissible as filed by candidates rather than authorized representatives of their parties.

On 30 October, the CEC took a unanimous decision that it was competent to determine the numbers of delegates elected to the FBiH HoP by cantonal assemblies. Nevertheless, as of 29 November, following several attempts, the CEC failed to allocate the number of delegates. This failure derived from a lack of common understanding, whether the 2013 census data should be used, as required by the Election Law (Article 10.12), or the data from the 1991 census, as inferred from the FBiH Constitution. On 18 December, the CEC adopted a decision to allocate seats in the FBiH HoP on the basis of minimum representation (at least one delegate from each constituent people, if elected, from each cantonal assembly) and the 2013 census.<sup>110</sup>

## **XVII. RECOMMENDATIONS**

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Bosnia and Herzegovina and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed.<sup>111</sup> ODIHR stands ready to assist the authorities of Bosnia and Herzegovina to further improve the electoral process and to address the recommendations contained in this and previous reports.

### **A. PRIORITY RECOMMENDATIONS**

1. The legislator should address the ECtHR judgments with regards to discriminatory ethnicity and residency-based restrictions to stand for elections.

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<sup>109</sup> Including on alleged undue pressure on voters, ballot box stuffing, voting with falsified or pre-marked ballots and other irregularities pertaining to voting and counting.

<sup>110</sup> The decision was taken by five votes. Two Bosniac CEC members voted against.

<sup>111</sup> According to the paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendations 4, 6, 9, 11, 21, 23 and 24 from the final report on the 2010 general elections ([2010 Final Report](#)), as well as 6, 11, 12, 13, 27, 29 and 30 from the final report on the 2014 general elections ([2014 Final Report](#)) are fully implemented. Recommendations 7 and 20 of the 2010 Final Report, as well as 7, 8 and 28 from the 2014 Final Report are mostly implemented. Recommendations 5, 8, 12, 15, 16 and 19 from the 2010 Final Report, as well as recommendations 2, 3, 4, 16, 18, 20, 21 and 24 from the 2014 final report are partially implemented. See also [www.paragraph25.odihr.pl](http://www.paragraph25.odihr.pl).

2. A comprehensive review of the legal framework should be undertaken to eliminate the shortcomings identified in this and prior ODIHR reports and to prevent the abuse of public resources for campaign purposes.
3. Political subjects should follow the law and refrain from exercising pressure on voters. Cases of alleged pressure on voters should be examined promptly, thoroughly and effectively, and perpetrators held accountable in a timely manner by the prosecutors and the CEC.
4. The state should take effective measures to protect the voters' right to a free and secret choice. The voting procedures should be reviewed to ensure the secrecy of the vote and protection against undue influence on voters. The importance of ballot secrecy should be emphasized during the training of election commissions and in voter education materials.
5. The practice of announcing voters' names in the polling stations should be reconsidered. Consideration should be given to a ban on keeping track of voters who voted on election day by political subjects, including by using voter lists in the polling stations.
6. Serious efforts should be made to ensure the impartiality of election administration. Consideration could be given to revising the method of formation of the PSCs, for example, by limiting eligibility to nominate PSC members only to the parties represented in the state and entity parliaments. Alternative mechanisms for the appointment of PSC members could also be considered, such as open calls, when political parties fail to make timely nominations.
7. The regulatory framework should be strengthened to provide for transparency and accountability of campaign finances. Consideration should be given to explicitly prescribing in the law that all campaign-related financial transactions be conducted via dedicated bank accounts.

## **B. OTHER RECOMMENDATIONS**

### **Electoral System**

8. The constituencies and the number of mandates for the state and entity parliaments should be periodically reviewed to ensure equality of vote. Such reviews should be conducted in line with international commitments and good practice. Consideration could be given to introducing legal provisions prescribing action by the CEC if the respective parliaments do not fulfil their statutory duties.

### **Election Administration**

9. Authorities should provide adequate funding for the organization of elections. The CEC should be provided with the necessary resources to attract sufficient and qualified staff to effectively administer all its tasks.
10. Authorities should enhance voter education programmes, including on preventing family voting and irregular assisted voting. The CEC should further intensify its efforts to provide accessible voter education and information to all groups of voters, particularly to persons with disabilities, in close consultation with the organizations representing them.
11. Additional efforts should be undertaken by the authorities to ensure barrier-free access to polling stations.

12. Effective measures should be taken to strengthen recruitment and training methods in order to ensure impartiality and professionalism of commissioners, with remuneration commensurate to their workload. To enhance the professional capacity of election commissions, the CEC and MECs could offer periodic training with certification of potential PSC members, with the aim to create a roster of certified people.
13. The accuracy of vote counting should be improved. Training for PSC members should be strengthened, with a special focus on the vote count and the completion of results protocols. Possibility of random recounts of the PSC voting results for all races and across all constituencies could be considered. Should technical solutions for automatic counting be introduced, a comprehensive feasibility study and piloting should be undertaken, with procurement, security and other pertinent issues discussed sufficiently in advance of the elections and in an inclusive manner.

### **Voter Registration**

14. Further efforts should be undertaken to improve the accuracy of voter registration. To this end, consideration should be given to revising the mechanism of reporting and registration of deaths to ensure timely data exchange and correction of citizens' records. The authorities could create an effective electronic notification system between the institutions involved, with clearly defined responsibilities and timelines. The duty to report death to the population registries could be transferred to the respective medical institutions.
15. In order to increase public trust in the integrity of the voter registration process, various stakeholders, including political parties and civil society organizations, could be invited to participate in audits of voter lists, initiated and overseen by the CEC.

### **Candidate Registration and Campaign**

16. A gender quota that ensures parity of male and female candidates on candidate lists should be considered, and dissuasive sanctions for not complying with the quota should be applied. Political parties should facilitate women's political advancement, increase visibility of female candidates during electoral campaigns, and integrate gender issues into their platforms. To encourage this, consideration could be given to increases in state funding for parties that promote gender equality, additional free access to public media for women candidates, and annual party subsidies to fund women's wings of political parties.

### **Campaign Finance**

17. The law should be amended to prescribe proportionate and dissuasive sanctions for violations. A reasonable deadline for auditing and publishing all campaign finance reports and the audit conclusions should be established by the law or set by the CEC.

### **Media**

18. Legislation deterring excessive concentration of media, both traditional and online, as well as providing for full transparency of media ownership, should be adopted.
19. As previously recommended by ODIHR, all public broadcasters should provide impartial and balanced coverage in their news and political programmes to all parties and candidates.

## Complaints and Appeals

20. In view of providing for effective protection of electoral rights, the deadline for filing complaints could be extended, particularly for complaints about ongoing violations. The CEC should be proactive in reviewing possible irregularities ex officio, including upon notifications received from observers. Judicial review of CEC decisions on complaints and appeals should be made possible.
21. To enhance transparency and accountability, the CEC and the courts should publish information on election-related complaints and decisions in a timely manner.
22. In view of preventing undue limitation of the freedom of expression and ensuring consistent decisions, the definition of prohibited speech in the Election Law should be made more precise. The CEC could adopt further guidance for stakeholders and its own decision making.

**ANNEX I: FINAL ELECTION RESULTS<sup>112</sup>**

**Presidency of Bosnia and Herzegovina**

Types of Votes	FBiH	RS
Valid, including	1,008,955	683,361
Regular	977,905	650,939
Postal	23,550	24,726
Absentee/mobile/abroad	6,495	5,832
Confirmed tendered	1,005	1,864
Invalid votes	75,982 (7.0 per cent)	44,277 (6.1 per cent)

**Bosniac Member of the Presidency:**

Candidate name	Party affiliation	Number of votes	Percentage
Šefik Džaferović	SDA (Party for Democratic Action)	212,581	36.61
Denis Bećirović	SDP BiH (Social Democratic Party)	194,688	33.53
Fahrudin Radončić	SBB (Alliance for a Better Future – Fahrudin Radončić)	75,210	12.95
Mirsad Hadžikadić	Mirsad Hadžikadić - Progress Platform	58,555	10.09
Senad Šepić	Independent Bloc	29,922	5.15
Amer Jerlagić	Party for Bosnia and Herzegovina	9,655	1.66

**Croat Member of the Presidency:**

Candidate name	Party affiliation	Number of votes	Percentage
Željko Komšić	Democratic Front	225,500	52.64
Dragan Čović	HDZ BiH (Croat Democratic Union BiH)	154,819	36.14
Diana Zelenika	HDZ 1990 (Croat Democratic Union 1990)	25,890	6.04
Boriša Falatar	Naša Stranka (Our Party)	16,036	3.74
Jerko Ivanković-Lijanović	Narodna Stranka Radom Za Boljitak	6,099	1.42

**Serb Member of the Presidency:**

Candidate name	Party affiliation	Number of votes	Percentage
Milorad Dodik	SNSD (Alliance of Independent Social Democrats)	368,210	53.88
Mladen Ivanić	Coalition Alliance for Victory	292,065	42.74
Mirjana Popović	Serbian Progress Party	23,086	3.38
Gojko Kličković	First Serbian Democratic Party	10,355	1.52

<sup>112</sup> Source: [CEC website](#).

**House of Representatives of Bosnia and Herzegovina**

Types of Votes	FBiH	RS
Valid, including	989,192	667,324
Regular	957,784	633,214
Postal	23,881	25,895
Absentee/mobile/abroad	6,533	6,365
Confirmed tendered	994	1,850
Invalid votes	95,844 (8.8 per cent)	60,600 (8.3 per cent)

**From Federation of Bosnia and Herzegovina:**

Political party/coalition	Number of votes	Per cent	Total number of seats	Direct seats	Compensatory seats
SDA (Party For Democratic Action)	252,058	25.48	8	6	2
Coalition HDZ BiH, HSS, HKDU BiH, HSP-HNS, HSP DR AS BiH, HDU BiH	145,487	14.71	5	5	
SDP (Social Democratic Party Of BiH)	140,782	14.23	5	3	2
Coalition DF-GS, ŽELJKO KOMŠIĆ: BiH POBJEĐUJE!	96,174	9.72	3	3	
SBB (Alliance For A Better Future – Fahrudin Radončić)	67,599	6.83	2		2
Naša Stranka (Our Party)	48,401	4.89	2	1	1
Independent Bloc	41,512	4.20	1	1	
PDA (Movement For Democratic Action)	38,417	3.88	1	1	
Coalition A-SDA For European Bosnia And Herzegovina - Together	29,726	3.01	1	1	
Other 14 parties with less than 3 per cent votes for each	129,036				

**From Republika Srpska:**

Political party/coalition	Number of votes	Per cent	Total number of seats	Direct seats	Compensatory seats
SNSD (Alliance of Independent Social Democrats)	260,930	39.10	6	4	2
SDS List (SDS-NDP-NS-SRS)	162,414	24.34	3	3	
PDP – Mladen Ivanić	83,832	12.56	2	1	1
DNS (People Democratic Alliance)	68,637	10.29	1	1	
Socialist Party	31,321	4.69	1		1
SDA (Party for Democratic Action)	29,673	4.45	1		1
Other 8 parties with less than 3 per cent votes for each	30,517				



**FBiH House of Representatives**

Valid votes, Including	1,001,333
Regular votes	969,818
Postal votes	23,918
Absentee/mobile/PS abroad	6,599
Confirmed tendered	998
Invalid votes	83,791 (7.7 per cent)

<b>Political party/coalition</b>	<b>Number of votes</b>	<b>Per cent</b>	<b>Total number of seats</b>	<b>Direct seats</b>	<b>Compensatory seats</b>
SDA (Party for Democratic Action)	252,817	25.25	27	22	5
SDP (Social Democratic Party BiH)	145,458	14.53	16	12	4
Coalition HDZ BiH, HSS, HKDU BiH, HSP-HNS, HSP DR AS BiH, HDU BiH, HSS SR	143,704	14.35	16	13	3
Coalition DF-GS, Željko Komšić:BiH POBJEĐUJE!	93,708	9.36	10	9	1
SBB-Fahrudin Radončić	70,571	7.05	8	5	3
Naša Stranka	50,947	5.09	5	1	4
PDA (Movement for Democratic Action)	37,731	3.77	4	3	1
Independent Block	34,913	3.49	4	1	3
Coalition A-SDA for European Bosnia and Herzegovina - Together	27,396	2.74	2	2	
Coalition Croat Unity (HDZ 1990-HSP BIH-HNL)	25,663	2.56	2	2	
NiP (People and Justice)	23,222	2.32	2	2	
Labour Party of Bosnia and Herzegovina	7,656	0.76	1	1	
Other 16 parties with less than 3 per cent votes for each	87,547				

### President and Vice-Presidents of Republika Srpska

Valid votes, Including	679,601
Regular votes	645,391
Postal votes	25,867
Absentee/mobile/PS abroad	6,445
Confirmed tendered	1,898
Invalid votes	48,729 (6.63%)

Candidate name	Party affiliation	Number of votes	Per cent
Željka Cvijanović	SNSD – Alliance of Independent Social Democrats	319,699	47.04
Vukota Govedarica	Coalition Alliance for Victory	284,195	41.82
Ramiz Salkić	Coalition Together for BiH	21,292	3.13
Čamil Duraković	Independent Candidate	10,299	1.52
Radomir Lukić	First Serbian Democratic Party	6,021	0.89
Josip Jerković	Coalition HDZ BiH, HSS, HKDU BiH, HSP-HNS	5,881	0.87
Other 31 candidates with less than 5,000 votes for each		32,214	

### National Assembly of Republika Srpska

Valid votes, Including	684,744
Regular votes	650,520
Postal votes	25,914
Absentee/mobile/PS abroad	6,373
Confirmed tendered	1,937
Invalid votes	43,085 (5.92%)

Political party/coalition	Number of votes	Per cent	Total number of seats	Direct seats	Compensatory seats
SNSD (Alliance of Independent Social Democrats)	218,201	31.87	28	24	4
Coalition SDS (SDS-SRS)	123,515	18.04	15	13	2
DNS (People Democratic Alliance)	98,851	14.44	12	11	1
PDP RS - Mladen Ivanić	69,948	10.22	9	5	4
Socialist Party	56,106	8.19	7	6	1
Coalition Together for BIH	29,556	4.32	4	2	2
Coalition NDP Dragan Čavić-NS-SNS-Freedom	28,183	4.12	4	1	3
United Srpska	21,187	3.09	3	1	2
Other 23 parties with less than 3 per cent votes each	39,197				

## ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### OSCE Parliamentary Assembly

Mavroudis Voridis	Special Co-ordinator	Greece
Pia Kauma	Head of Delegation	Finland
Christian Hafenecker	MP	Austria
Reinhold Lopatka	MP	Austria
Boris Yachev	MP	Bulgaria
Frédéric Petit	MP	France
Renata Alt	MP	Germany
Andreas Schwarz	MP	Germany
Georgios Champouris	MP	Greece
Gregeley Arató	MP	Hungary
Grzegorz Furgo	MP	Poland
Jacek Wlosowicz	MP	Poland
Costel Alexe	MP	Romania
Petru Movilă	MP	Romania
Cătălin-Daniel Fenechiu	MP	Romania
Ionut Sibinescu	MP	Romania
Edward Riedel	MP	Sweden
John Whittingdale	MP	United Kingdom
Ahmet Arslan	MP	Turkey
Gürsel Tekin	MP	Turkey
Yüksel Yancizar	Staff of Delegation	Turkey
Hatice Er As	Staff of Delegation	Turkey
Robert Hand	US Helsinki Commission Staff	United States
Arthur Paul Massaro	US Helsinki Commission Staff	United States
Andreas Nothelle	OSCE PA Secretariat	Germany
Corinna Lensch	OSCE PA Secretariat	Germany
Francesco Pagani	OSCE PA Secretariat	Italy
Iryna Sabashuk	OSCE PA Secretariat	Ukraine
Charlie Rutter	OSCE PA Secretariat	United Kingdom

### Parliamentary Assembly of the Council of Europe

Dame Cheryl Gillan	Head of Delegation	United Kingdom
Nicole Duranton	MP	France
Claude Kern	MP	France
Ute Vogt	MP	Germany
Josip Juratović	MP	Germany
Colette Kelleher	MP	Ireland
Anne Mulder	MP	Netherlands
Petter Eide	MP	Norway
Idalia Serrão	MP	Portugal
Adriana Tusa	MP	Romania
Antonio Gutierrez Limones	MP	Spain
Soraya Rodruguez Ramos	MP	Spain
Miren Gorrotxategi	MP	Spain
José Cepeda	MP	Spain
Pierre-Alain Fridez	MP	Switzerland
Lord David Blencathra	MP	United Kingdom
Lady Tara Blencathra	MP	United Kingdom
Angela Smith	MP	United Kingdom
Mirjana Lazarova	Venice Commission	Former Yugoslav Republic of Macedonia
Michael Janssen	Venice Commission	Germany
Chemavon Chahbazian	PACE Secretariat	France

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Franck Daeschler	PACE Secretariat	France
Anne Godfrey	PACE Secretariat	United Kingdom

### **NATO Parliamentary Assembly**

Rasa Juknevičienė	Head of Delegation	Lithuania
Ruxandra Popa	Deputy Secretary General	France
Obrad Miso Stanisić	MP	Montenegro
Genci Nimanbegu	MP	Montenegro
Julio Miranda Calha	MP	Portugal
Madeleine Moon	MP	United Kingdom
Robert Stewart	MP	United Kingdom
Zorana Bacović	Staff of Delegation	Montenegro

### **European Parliament**

Frank Engel	Head of Delegation	Luxembourg
Tonino Picula	MP	Croatia
Norbert Neuser	MP	Germany
André Elissen	MP	Netherlands
Ramona Nicole Mănescu	MP	Romania
André De Munter	EP Secretariat	Belgium
Vincenzo Greco	EP Secretariat	Italy
Montserrat Gabás	EP Secretariat	Spain
Timothy Boden	EP Secretariat	United Kingdom

### **ODIHR EOM Short-term Observers**

Uarda Celami	Albania
Mira Hoxha	Albania
Wilhelm Grisseemann	Austria
Andrea Jakober	Austria
Kornelia Lienhart	Austria
Richard Winkelhofer	Austria
Karen De Dycker	Belgium
Francois-Xavier Finet	Belgium
Bregt Kippers	Belgium
Gilles Landsberg	Belgium
Helena Saelman	Belgium
Hannes Van Nevel	Belgium
Tariq Gordon	Canada
Tihana Balija	Croatia
Iva Perković	Croatia
Kristyna Inka Danova	Czech Republic
Jitka Evanová	Czech Republic
Darab Gajar	Czech Republic
Eva Janů	Czech Republic
Martin Ocknecht	Czech Republic
Josef Pánek	Czech Republic
Ondřej Picka	Czech Republic
Pavel Trousil	Czech Republic
Viktor Velek	Czech Republic
Klara Von Kriegsheim Kadlecova	Czech Republic
Katrine Agaard	Denmark
Pia Christmas-Møller	Denmark
Tom Høyem	Denmark
Thorkild Høyer	Denmark
Gedske Messell	Denmark
Soren Sonderstrup	Denmark
Otto Erik Sorensen	Denmark

Poul Svane	Denmark
Dagmar Thomsen	Denmark
Käthlin Saluveer	Estonia
Maria Katajisto	Finland
Pekka Olli Juhani Nuutinen	Finland
Kethlin Piirma	Finland
Emmanuel Berard	France
Benoit Bouyssou	France
Peggy Corlin	France
Melissa Diagne	France
Josette Paule Durrieu	France
Pascale Le Hel	France
Clément Mondamert-Chartron	France
Antoine Meyer	France
Cécile Polivka	France
Xavier Rouard	France
Loic Tregoures	France
Vladimir Bozhadze	Georgia
Heike Baddenhausen	Germany
Christian David Böttcher	Germany
Edgar Brueser	Germany
Jana Bürgers	Germany
Birgit Daiber	Germany
Irene Fellmann	Germany
Zenet Frahm	Germany
Walter Goepfert	Germany
Jochen Hayungs	Germany
Maria Herkenhoff	Germany
Brigitte Heuer	Germany
Tobias Kettner	Germany
Harald Koehrsen	Germany
Peter Kohlmeier	Germany
Natalie Krieger	Germany
Eva-Maria Lauckner	Germany
Kristin Liedtke	Germany
Ruth Monika Linden	Germany
Dietrich Lingenthal	Germany
Rainer Otter	Germany
Cosima Peissker-Meyer	Germany
Melanie Pörschmann	Germany
Christine Radomsky	Germany
Oliver Siegfried Scheel	Germany
Rolf Thienemann	Germany
Anne Uhlig	Germany
Pavel Utitz	Germany
Christoph Veith	Germany
Christoph Hubert Alexander Freiherr Von Feilitzsch	Germany
Anikó Gyenge	Hungary
Iván Kovács	Hungary
David Sz Nagy	Hungary
Szilvia Nagy	Hungary
Anna Orosz	Hungary
Patricia Barker	Ireland
Patrick Donnelly	Ireland
Michael Good	Ireland
Eithne Macdermott	Ireland
Olivia Mitchell	Ireland
Robert Adams	Italy

Simone Brocchi	Italy
Laura Erizi	Italy
Cecilia Vera Lagomarsino	Italy
Davide Messina	Italy
Nadia Raneri	Italy
Mei Takeuchi	Japan
Zane Zālīte	Latvia
Jolanta Bernotaite	Lithuania
Sigitas Cernolomskis	Lithuania
Nikoleta Đukanović	Montenegro
Vana Vojinovic	Montenegro
Ole Jan Leeuwen	Netherlands
Cornelis Ros	Netherlands
Christina Van Hout	Netherlands
Maria Vrijens	Netherlands
Arve Børstad	Norway
Stine Münter	Norway
Lara Rashid	Norway
Elisabeth Salvesen	Norway
Vibeke Sorum	Norway
Noelle Beaini	Romania
Laurentiu Vlad	Romania
Branko Dekleva	Slovenia
María Pilar Cascón Ansotegui	Spain
Serra Gemma Casadevall	Spain
Jesús Antonio Cortiñas-Guntín	Spain
Laura García López	Spain
Javier Ochoa Picón	Spain
Cecilia Aengelid	Sweden
Tomas Worsøe Andersen	Sweden
Kari Berg	Sweden
Sven Tommy Bringholm	Sweden
Siv Caesar	Sweden
Hillevi Ekberg	Sweden
Berndt Ekholm	Sweden
Ulrich Larsson	Sweden
Arvid Anders Liden	Sweden
Anna Lidstrom	Sweden
Karl Lindberg	Sweden
Tina Lundh	Sweden
Lennart Myhlback	Sweden
Kajsa Norman	Sweden
Hans Nareskog	Sweden
Helena Olsson	Sweden
Preben Rydin	Sweden
Tomas Sjöberg	Sweden
Mattias Wandler	Sweden
Christian Wohlert	Sweden
Marko Wramen	Sweden
Sofia Zitouni	Sweden
Hanna Vera Bodenmann	Switzerland
Michele Calastri	Switzerland
Fabrizio Mario Giuseppe Comandini	Switzerland
Tim Guldemann	Switzerland
Martin Minder	Switzerland
Otto Pfister	Switzerland
Saxer Andrea Rauber	Switzerland
Barbara Dätwyler Scheuer	Switzerland

Skeie Dimka Stantchev	Switzerland
Mehmet Ugur Ekinci	Turkey
Wiktorija Wislowska	Ukraine
Leslie Barnfield	United Kingdom
Kimberley Best	United Kingdom
Alexander Conway	United Kingdom
Anne Cottringer	United Kingdom
Anthony Crombie	United Kingdom
Terence Duffy	United Kingdom
Alexander Folkes	United Kingdom
Brian Gifford	United Kingdom
Jill Goldsmith	United Kingdom
Mark Guthrie	United Kingdom
Adrian Ianson	United Kingdom
Valerie Kaye	United Kingdom
Geoffrey Lawler	United Kingdom
Richard Meares	United Kingdom
Olufemi Ogundipe	United Kingdom
Bernard Quoroll	United Kingdom
Kiron Reid	United Kingdom
Michael Sander	United Kingdom
Valerie Solomon	United Kingdom
Anthony Talbot	United Kingdom
Maureen Taylor	United Kingdom
Simon Woodcock	United Kingdom
Richard Wright	United Kingdom
Robert Balanoff	United States
David Bernheisel	United States
Klara Bilgin	United States
Kathryn Bonnifield	United States
Laura Bowman	United States
Suanne Buggy	United States
Eric Carlson	United States
Leonilla Connors	United States
David Cook	United States
Daniel Drigot	United States
Jeffrey Erlich	United States
Rachel Eschenbacher	United States
Thomas Gallagher	United States
Kathyrne Harper	United States
James Heilman	United States
Lesley Israel	United States
Mary Judy	United States
Juozas Kazlas	United States
Scott Lang	United States
Karen Levine	United States
Marie-Celeste Marcoux	United States
Kathryn McLaughlin	United States
Philip McMahon	United States
Steven Moran	United States
Michael Mozur	United States
Alexander Nicholas	United States
Molly O'Neal	United States
Robert Ravenscraft	United States
Carol Wahl	United States
Timothy Wahl	United States
Ernest Wickersham	United States
Kutina Williams	United States

## Long-Term Observers

### ODIHR EOM Core Team

Peter Tejler	Head of Mission	Sweden
Anna Papikyan		Armenia
Vasil Vashchanka		Belarus
Kakha Inaishvili		Georgia
Elissavet Karagiannidou		Greece
Alessandro Rotta		Italy
Ahmad Rasuli		Kyrgyz Republic
Valeriu Mija		Moldova
Johannes Schmeets		Netherlands
Tomasz Janczy		Poland
Kira Kalinina		Russian Federation
Martina Barker-Ciganikova		Slovakia
Ivan Brezina		Slovakia
Anders Eriksson		Sweden
Farrukh Juraqulov		Tajikistan

### ODIHR EOM Long-Term Observers

Dita Bicanovska	Czech Republic
Žaneta Vencurová	Czech Republic
Jan Philip Schunck	Denmark
Iida Liisa Emilia Merenmies	Finland
Mathieu Lemoine	France
Stephanie Marie Jeanne Marsal	France
Petra Bornhoeft	Germany
Thomas Leszke	Germany
Bernard Michael Daly	Ireland
Viola Giuliano	Italy
Aldo Tenisci	Italy
Van Rhijn Ruth	Netherlands
Annie-Lise Mjaatvedt	Norway
Gunnhild Anett Naas	Norway
Maximo Juan Prades Barcelo	Sweden
Tommy Bernt Karlsson	Sweden
Sigrid Marie Utterman	Sweden
Paul-Henri Bischoff	Switzerland
Jon Cristian Sandi	Switzerland
Cornelia Steiner	Switzerland
Barbara Ann Davis	United States
Octavius Pinkard	United States



## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).