

**INTERIM REPORT**  
**27 August – 18 September 2018**

**21 September 2018**

**I. EXECUTIVE SUMMARY**

- The 7 October 2018 general elections in Bosnia and Herzegovina reflect the complexity of the state structure and include five direct electoral contests for the highest legislative and executive offices at the state level and in both entities: Federation of Bosnia and Herzegovina and Republika Srpska.
- The electoral legal framework was last amended in 2016. The ruling coalition in state parliament suffered from internal disagreements and further electoral reform efforts have stalled. The right to stand in elections remains restricted by ethnicity and residency requirements. Judgment of the Constitutional Court mandating review of the electoral system for the House of Peoples of Federation of Bosnia and Herzegovina remains unimplemented since 2016, portending constitutional deadlock after the elections.
- The elections are administered by three levels of election commissions, headed by the Central Election Commission (CEC). Preparations for the elections are underway and regulations adopted by the CEC addressed several prior ODIHR recommendations. The election commissions visited by the ODIHR Election Observation Mission (EOM) thus far are well resourced and operational. However, many ODIHR EOM interlocutors lack confidence in the impartiality of the election administration, suspecting political and ethnic bias and fearing manipulations on election day.
- Voter registration system is based on the population register. The CEC announced the total number of registered voters as 3,352,933. Concerns over accuracy of the Central Voter Register have persisted, despite the CEC efforts to address previously reported high numbers of records of deceased voters. Around 78,000 voters registered for voting abroad by mail or in diplomatic representations. The CEC expressed concerns about possible misuse of personal ID documents and falsification of signatures during the registration for out-of-country voting.
- Candidate registration process appeared to be inclusive, with 60 political parties, 17 coalitions and 25 independent candidates registered to contest the elections observed. For the state presidency, the CEC registered 15 candidates, of whom only 2 are women. Of the 733 candidates for the state parliament, some 41 per cent are women.
- The election campaign officially started on 7 September. Contestants employ various methods to reach out to voters. Most contestants orient themselves towards their own ethnic communities. The international community urged contestants to refrain from divisive rhetoric. Opposition and civil society expressed concerns about lack of access to media, preferable treatment for incumbent candidates by authorities and misuse of public resources. Parties do not offer policies to promote participation of women and persons with disabilities in elections.
- The media are diverse but split along ethnic lines. Lack of transparency of media ownership, limited advertising market, journalists' lack of access to information, as well as different forms of pressure on journalists have so far been voiced as concerns. The law requires that media provide fair, balanced and impartial coverage and the Communications Regulatory Agency is conducting monitoring of a number of public and private broadcasters for compliance.

- The discriminatory constitutional and legislative framework deprives members of national minorities of passive voting rights. The Roma face specific challenges related to their participation in elections, including lack of access to information, poor education and social and economic vulnerability.
- So far, over 30 complaints were filed with the CEC and a similar number of appeals were made to court on appointments of election commissions, political party and candidate registration, and early campaigning. Over 9,100 requests for out-of-country voting were rejected by the CEC, of which over 1,000 were unsuccessfully appealed to court.

## **II. INTRODUCTION**

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, consists of 12 experts based in Sarajevo and 22 long-term observers deployed throughout the country. Mission members are drawn from 22 participating States of the OSCE. For election day, ODIHR requested participating States to second 300 short-term observers to observe voting, counting and tabulation of results. The scope of the Mission extends to all direct elections at the state and entity level. Elections at the cantonal level are commented upon only to the extent that they impact state and entity level elections. ODIHR has observed nine elections in Bosnia and Herzegovina since 1996.<sup>1</sup>

## **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 has a special status as a unit of local self-government. The complex legal and administrative framework results from the 1995 General Framework Agreement for Peace (Dayton Agreement). The state Constitution recognizes Bosniacs, Croats and Serbs as the three constituent peoples. Citizens may also declare themselves as “others”, either by identifying with another group or by choosing not to affiliate with any ethnic group.

The political landscape is polarized along ethnic lines. 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 and other contestants count on the support of the Bosniacs; while the Croat Democratic Union of Bosnia and Herzegovina (HDZ BiH), the Croat Democratic Union 1990 and others appeal to Croats. The Social Democratic Party, the Democratic Front and a few other parties pursue a more multi-ethnic approach, although their support base has traditionally been among Bosniacs. In the RS, the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party for Democratic Progress and the People’s Democratic Movement, among others, compete for the Serb votes. Some new political players have emerged since the last elections, including by splitting off from the SDA.

The ruling coalition formed after the 2014 elections suffered from internal disagreements, which significantly hindered decision-making, including reform efforts related to potential European Union accession. The parliament has not amended the electoral law in relation to the mechanism of establishing the FBiH House of Peoples (HoP), which was needed to comply with the 2016 Constitutional Court ruling on this issue. Nearly all ODIHR EOM interlocutors noted general

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<sup>1</sup> See previous [ODIHR reports on Bosnia and Herzegovina](#).

disillusionment among the population, in particular young voters, caused by political and economic stagnation.

#### IV. LEGAL FRAMEWORK

Elections are primarily regulated by the 1995 Constitution of Bosnia and Herzegovina, the 2001 Election Law, the 2012 Law on Financing of Political Parties, the 1997 Law on Citizenship, as well as CEC regulations. The Dayton Agreement, entity-level constitutions and laws are also applicable.<sup>2</sup>

In 2015, a commission for the amendment of electoral legislation was formed.<sup>3</sup> Based on its proposals, the Election Law and the Law on Financing of Political Parties were amended in 2016. These amendments, among others, include expanding the list of campaign finance irregularities and sanctions, lower thresholds for returning electoral deposits to contestants, an increased threshold for a candidate to be elected from an open list, and a seven-day deadline for a winning candidate to accept or refuse a mandate. Several ODIHR EOM interlocutors raised serious concerns about the lack of political will to engage in electoral reform.

The legal framework continues to pose ethnicity and residency-based restrictions on the right to stand as a candidate. In order to stand for the presidency of Bosnia and Herzegovina and for the president and vice-presidents of the RS, citizens must declare themselves as Bosniacs, Croats or Serbs and reside in the respective entity.<sup>4</sup> The European Court of Human Rights (ECtHR) repeatedly found these restrictions incompatible with the European Convention on Human Rights.<sup>5</sup>

In 2016, the Constitutional Court annulled provisions of the Election Law on the election of delegates to the FBiH HoP by the cantonal assemblies.<sup>6</sup> Subsequently, there remains a legal gap on the allocation of mandates in the FBiH HoP, which may impact on the formation of other institutions.<sup>7</sup>

#### V. ELECTORAL SYSTEM

Under the complex institutional system, the general elections include direct electoral contests held on three levels. At the state level, voters will vote for the presidency and the House of Representatives (BiH HoR) of Bosnia and Herzegovina. At entity level, voters registered in the FBiH will vote for the FBiH House of Representatives (FBiH HoR), while those registered in the RS will vote for the RS president and two vice-presidents and the RS National Assembly (RS NA). In the FBiH cantons, ten

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<sup>2</sup> Specifically, the Constitutions of the FBiH (1994) and RS (1992), the Laws on Political Associations of the FBiH (1990), of RS (1996), of Brčko District (2012), the Laws on Financing of Political Parties of the RS (2008) and Brčko District (2004). The FBiH does not have a law on financing of political parties.

<sup>3</sup> This joint parliamentary commission consists of three representatives from each of the following: the CEC, Council of Ministers and both chambers of state parliament. The commission held 18 sessions attended by various observers.

<sup>4</sup> Voters in the RS may only vote for a Serb candidate for the presidency of the state, while voters in the FBiH may only vote for either a Bosniac or a Croat candidate. A Serb residing in the FBiH or a Bosniac or Croat residing in the RS cannot stand for the state presidency. Only candidates self-declared as belonging to one of the three constituent peoples may stand for entity presidencies.

<sup>5</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>6</sup> The Constitutional Court partially accepted a complaint of Božo Ljubić (HDZ BiH) and annulled provisions requiring that each of the constituent peoples be allocated at least one seat in every canton, as well as transitional provisions specifying the number of Bosniac, Croat and Serb delegates from each canton. Another complaint on the same subject is pending decision of the Constitutional Court.

<sup>7</sup> The FBiH Constitution stipulates that the FBiH HoP be composed of 58 delegates: 17 from among each of the constituent peoples and 7 delegates from among the “others”. The FBiH HoP plays a role in the election of FBiH president and vice-presidents and the formation of FBiH government and BiH HoP.

cantonal assemblies will be elected. In addition, indirect elections will be held for the upper houses of parliaments of 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 two separate candidate lists in the two entities.<sup>8</sup> The RS presidency is also elected by simple majority of votes with the candidate who receives most votes elected president, and the top two candidates from the two other constituent peoples accordingly elected as vice-presidents.

Most of the members of the BiH HoR, FBiH HoR and RS NA are elected by preferential vote in multi-member constituencies (MMCs). Mandates in MMCs are allocated to the political subjects, which have received at least 3 per cent of the total number of valid votes in the corresponding MMC, as well as individual candidates.<sup>9</sup> Following the 2016 amendments to the Election Law, the threshold for a candidate to be elected from an open list was increased from 5 to 20 per cent of the valid votes. Otherwise, the mandates are allocated to candidates according to their order on the list. After the initial allocation of mandates in MMCs, compensatory seats are allocated from closed party lists to ensure adequate proportional representation of parties and coalitions at entity level.<sup>10</sup> Moreover, the Election Law prescribes minimum representation, four seats for each of the three constituent peoples, in the FBiH HoR and the RS NA.

The MMC boundaries have not been reviewed every four years, as required by law, with the exception of the MMC boundaries for the BiH HoR in RS.<sup>11</sup>

## VI. ELECTION ADMINISTRATION

The elections are administered by the Central Election Commission (CEC), 143 Municipal Election Commissions (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 will be conducted by mail and at 10 polling stations established in embassies and consulates abroad.

The CEC is a permanent body responsible for the overall conduct of the elections. It has been holding public sessions on a regular and ad hoc basis. Decisions of the CEC are published in the Official Gazette and on the CEC website. All seven CEC members are appointed by the BiH HoR for seven-year term. The current CEC includes one woman. 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. The mandate of the current chairwoman expires on 30 September and the CEC has to elect a new chairperson.

MECs are responsible for overseeing voting and counting at polling stations and the data entry of the preliminary voting results. MECs are permanent bodies, appointed for seven-year terms by municipal councils and approved by the CEC. The MEC membership should reflect ethnic composition of the

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<sup>8</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.

<sup>9</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 political subjects entitled takes place according to the largest electoral quotients. Independent candidates are assigned the quotients equal to the number of their corresponding votes.

<sup>10</sup> The BiH HoR comprises 42 members: 21 elected from five MMCs in the FBiH and 9 from three MMCs in the RS. An additional seven and five respectively take 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 closed candidate lists for compensatory mandates may include only candidates on the open lists.

<sup>11</sup> In the RS, the MMC boundaries for the BiH HoR were reviewed in 2014 and in 2018.

corresponding municipality according to the 2013 census information. Women constitute 46 per cent of the total number of MEC members but chair only one-third of the MECs.<sup>12</sup> The CEC has organized a nationwide training programme for MECs, which are responsible for further training the PSC members. The CEC has published voter information materials in print media. The ODIHR EOM observed that preparations for the upcoming elections are underway, and the MECs visited thus far are well-resourced and operational.

The PSCs administer the voting and counting at polling stations and for the first time will use translucent ballot boxes aiming to enhance transparency. The PSCs have three or five members, depending on the precinct size. MECs appointed the PSCs based on nominations from electoral contestants. Many MECs conveyed to ODIHR EOM that they experienced significant shortfall of nominees from political subjects and thus, according to the law, had to appoint members themselves. Therefore, not all MECs managed to form all of their PSCs by the legal deadline.<sup>13</sup> Lack of nominations is partially attributed by MECs and political parties to the low remuneration of PSC members.

Many ODIHR EOM interlocutors were concerned that PSC members serve political party interests. According to the interlocutors, the appointment of the PSCs was formally carried out according to the law, although there were numerous claims by MECs, parties and citizen observers that electoral contestants trade positions in the PSCs to obtain control over PSC activities. Bogus contestants are alleged to have registered to obtain seats in the PSCs in order to sell those to other interested parties. In an effort to reduce such trading, the CEC instructed MECs to publicise the official affiliation of all PSC members.

ODIHR EOM interlocutors expressed lack of confidence in the impartiality of all levels of the election administration, largely due to suspected commissioners' political and ethnic bias. Many interlocutors expressed concerns about possible manipulations on election day, especially during the vote count and tabulation.

## **VII. VOTER REGISTRATION**

Citizens over the age of 18 on election day are eligible to vote, except those deprived of legal capacity or disenfranchised for a serious criminal conviction, including for war crimes.

Voter registration system, except for out-of-country voters, is passive and the Central Voter Register (CVR) is based on the population register; those voting abroad should register for the general elections and may choose to cast ballots by mail or vote in-person at one of the country's diplomatic representations.<sup>14</sup> In line with prior ODIHR recommendation, for these elections voters abroad must send their ballots via registered mail. The CEC maintains the CVR and is responsible for its accuracy and integrity. 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.

Voters could request corrections of their records until 23 August through municipal institutions.<sup>15</sup> Thereafter, the CEC finalized the CVR and, on 30 August, announced the total number of registered voters as 3,352,933. Final voter lists were to be forwarded by the CEC to MECs no later than 17 September. Voters who are not on the voter list on election day and have a valid identification card

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<sup>12</sup> According to the Election Law and Law on Gender Equality, the MECs and PSCs should have at least 40 per cent of members of each gender, while in three-member commissions both genders should be represented.

<sup>13</sup> Such cases were reported from Brčko, Livno, and Sarajevo.

<sup>14</sup> Out-of-country voters could register from the announcement of elections until 24 July. A total of 77,814 out-of-country voters registered for these elections.

<sup>15</sup> Voters could also check their records online at the [CEC website](#).

and can present proof of their residence, as well as voters who register to vote abroad but come to the country on election day, can vote by tendered ballots.<sup>16</sup>

Internally displaced persons living in Bosnia and Herzegovina have the right to either vote at the polling station of their temporary residence, provided they have resided there for at least six months, or they can choose to vote at special “absentee polling stations” for the electoral unit where they were registered before being displaced.<sup>17</sup>

Many ODIHR EOM interlocutors expressed concerns over accuracy of the CVR, in particular due to previously reported high number of records of deceased voters. In the run-up to these elections, the CEC, jointly with state and entity institutions, undertook a series of measures to improve the accuracy of the CVR, including deletion of records of deceased people. Having refused requests from 9,136 voters to register for out-of-country voting for different reasons, the CEC raised concerns of possible misuse of personal ID documents and falsification of signatures.<sup>18</sup> The CEC intends to refer such cases to the prosecutor’s office for further investigation.

## VIII. CANDIDATE NOMINATION AND REGISTRATION

The CEC certifies eligibility to stand in the elections and also 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 candidates, political parties, coalitions and independent candidates have to submit supporting signatures<sup>19</sup> and electoral deposits.<sup>20</sup> A voter may sign in support of only one political party or independent candidate. Candidate lists, both for primary and compensatory seats, are required to have at least 40 per cent of candidates of each gender, with specific placement requirements.<sup>21</sup>

The registration process generally appeared to be inclusive, and none of the ODIHR EOM interlocutors raised issues regarding the procedure. The CEC registered 60 political parties, 17 coalitions and 25 independent candidates for these elections. After verification of candidate lists, the CEC registered 3,515 candidates, of whom 41.6 per cent are women. For the presidency of Bosnia and Herzegovina, the CEC registered 15 candidates, of whom only 2 are women, and 733 candidates for the BiH HoR, with some 41 per cent of women.

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<sup>16</sup> Tendered ballots are cast in envelopes at specially assigned polling stations and counted at the Main Counting Centre in Sarajevo after the voter’s information is checked against the CVR. Such polling stations are designated in each municipality.

<sup>17</sup> The CEC has registered 8,306 voters who will vote in 128 absentee polling stations. Their ballots will also be counted at the Main Counting Centre in Sarajevo.

<sup>18</sup> According to [the CEC Statement](#), the requests for out-of-country registration often lacked data on either proof of identity, citizenship, residency or significant number of applications contained the same address abroad.

<sup>19</sup> Political parties and independent candidates must submit 5,000 supporting signatures to run for the state president and BiH HoR elections, and 3,000 signatures for the presidency of RS, as well as for the FBiH HoR and RS NA elections. With the exception of all 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>20</sup> 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. The deposits are returned to those who receive at least 3 per cent of votes in 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>21</sup> The Election Law stipulates that the least represented gender be placed in each list according to following sequence: at least one minority gender candidate amongst the first two candidates, two - amongst the first five candidates, three - amongst 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, which corresponds to the quota and the sequential order of candidates, or deny registration.

## IX. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The election campaign started on 7 September and will end one day before election day. However, a number of parties started early campaigning prior to the official campaign period. Authorities are obliged to ensure equitable treatment of contestants in access to public places and facilities for campaign purposes, including holding meetings and displaying posters and billboards. The organization of public events requires 24 hours advance notification.

The main methods of campaigning observed by the ODIHR EOM so far are billboards and posters, televised debates, advertisements in the media, as well as traditional outreach methods, such as canvassing in the streets with distribution of leaflets and other party paraphernalia, public meetings and door-to-door campaigns. While social media are seen as an increasingly potent campaign tool, many ODIHR EOM interlocutors expressed concerns with respect to lack of regulation and potential misuse of social media.

With a few notable exceptions, contestants orient themselves towards their own ethnic communities. Messages of nationalistic character are prominent, with socio-economic issues such as corruption, unemployment, education and migration, being of secondary importance. The campaign is focused mostly on personalities. Gender equality is not a prominent topic and, when present, its focus is on family issues. In general, contestants are not taking pro-active steps to promote electoral participation of women or persons with disabilities.

Opposition political parties and civil society representatives expressed concerns to the ODIHR EOM alleging the lack of a level playing field with respect to access to public media, biased media coverage, preferable treatment by authorities of incumbent candidates and misuse of administrative resources by the governing parties. Nearly all ODIHR EOM interlocutors have noted that the politicization of public sector, the largest employer in the country, may create a culture of dependence on such employment, thereby generating loyalties that translate into votes for incumbents.

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>22</sup>

Political subjects are financed from the entity budgets, their own funds, as well as membership fees and donations by individuals and legal entities. Parties in the state parliament receive annual funding from the state budget. 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. There is a ban on loans and donations from foreign, anonymous, public-funded, religious sources and from persons who have public procurement contracts exceeding BAM 10,000 in the current year. For each electoral contest, a political subject may spend up to BAM 0.30 per registered voter.

Following the 2016 amendments to the Law on Financing of Political Parties, the list of campaign finance irregularities and sanctions was expanded, in line with previous ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations. Political parties are required to publish their annual financial reports on their websites and to audit the finances of their local branches. In addition, political subjects are required to use bank accounts dedicated to the campaign for these general elections. Upon their registration for elections, political parties and candidates are required to submit property declarations and initial financial reports for the preceding three months. The CEC stated it had received initial reports by all registered parties and independent

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<sup>22</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](#).

candidates. Final campaign finance reports are to be submitted within 30 days after the announcement of the election results. The CEC Audit Department oversees party and campaign finances. The CEC may impose sanctions for irregularities, including failure to submit a financial report and misuse of state resources for campaign purposes.

## X. MEDIA

The media are diverse but split along ethnic lines. Many ODIHR EOM interlocutors expressed concerns about partisan editorial policies and alleged that both public and private media are vulnerable to pressure from political and business elites. There are also concerns about physical attacks and other forms of pressure on journalists.<sup>23</sup> The OSCE Representative on Freedom of the Media (RFoM) has previously emphasized the need to strengthen media pluralism, respect the independence and sustainability of public service broadcasting and protect safety of journalists.<sup>24</sup> ODIHR EOM interlocutors mentioned the lack of transparency of ownership, constrained media competition, limited access to information and weak advertising market as the main problems in the media field.

The Election Law and CEC instructions regulate media coverage of the election campaign, requiring both public and private media to provide fair, balanced and impartial coverage, especially in news, interviews and discussions on current political issues. The public media must provide all contestants with at least three minutes of free airtime on an equal basis. Paid airtime is to be provided on equal terms for all contestants. A contestant may purchase maximum 30 minutes of paid airtime per week in public media and maximum 60 minutes per week in private media.<sup>25</sup> If private media decide to provide free airtime, they shall follow the same rules as the public media. Some private channels organized debates on a paid basis.

The Communications Regulatory Agency (CRA) resolves election-related complaints and imposes sanctions on media outlets for violations. So far, the CRA has received one complaint regarding irregular reporting on opinion polls. According to the CRA, for these election campaigns it started monitoring of the public broadcasters' channels on state and entity levels and four private TV channels.<sup>26</sup> The Press Council, a self-regulatory body for the print media, handles complaints related to print media but has no sanctioning power.

On 2 September, the ODIHR EOM commenced qualitative and quantitative monitoring of 11 TV channels, 6 newspapers and qualitative analysis of 6 online media outlets.<sup>27</sup>

## XI. PARTICIPATION OF NATIONAL MINORITIES

Members of national minorities who are not self-declared as belonging to one of the three constituent peoples are regarded as "others" and deprived of certain passive voting rights, based on ethnicity and residence. The discriminatory nature of the constitutional and legislative framework, which ODIHR

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<sup>23</sup> A recent attack took place on 26 August, when Vladimir Kovačević, a journalist from BN TV, was severely beaten by two unknown assailants in Banja Luka.

<sup>24</sup> See press [statement](#) of the OSCE RFoM on 20 April 2018.

<sup>25</sup> Paid promotion may not be broadcast 15 minutes before and after news.

<sup>26</sup> The CRA does not conduct systematic media monitoring outside of campaign periods and acts upon complaints.

<sup>27</sup> The monitoring is conducted daily from 18:00 until 24:00 of public BHT1, FTV and RTRS (Banja Luka-based) and private Hayat TV, N1 and OBN. In addition, the main news programmes are monitored on Al Jazeera Balkans, BN (Bjelina-based), Face TV, Pink TV and TV1. Monitored print media are *Dnevni Avaz*, *Dnevni List*, *Glas Srpske*, *Nezavisne Novine*, *Oslobodjenje* and *Vecerni List*. The ODIHR EOM also follows election-related coverage in the online outlets [www.bljesak.ba](http://www.bljesak.ba), [www.dnevnik.ba](http://www.dnevnik.ba), [www.klix.ba](http://www.klix.ba), [www.mondo.ba](http://www.mondo.ba), [www.srpskainfo.com](http://www.srpskainfo.com) and [www.vijesti.ba](http://www.vijesti.ba).



EOM interlocutors from among members of national minorities strongly criticize, has not been addressed to date (see *Legal Framework*).

Seventeen groups are officially recognized in Bosnia and Herzegovina as national minorities.<sup>28</sup> Most of these are very small in numbers.<sup>29</sup> The largest minority is Roma, with some 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 some specific challenges related to their participation in elections, including lack of access to information, poor education and literacy standards and social and economic vulnerability that could lead to pressures on voters.

## XII. COMPLAINTS AND APPEALS

Election-related complaints may be filed with election commissions by a voter or a political subject whose rights are violated. Appeals against MEC decisions are filed with the CEC for final resolution. Appeals against CEC decisions are filed with the Appellate Division of the Court of Bosnia and Herzegovina, whose decisions are final. Complaints must be filed within 24 hours from the violation and appeals - within 48 hours from the decision. 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 further referred to the prosecutor if it contains elements of a criminal offence.

The CEC maintains a register of complaints, which is not publicly accessible. The ODIHR EOM has been made aware of some 35 complaints filed with the CEC on appointments of MECs and PSCs, political party and candidate registration and early campaigning. The court rejected most of some 30 appeals against CEC decisions on these issues.<sup>30</sup> Some 9,100 requests for out-of-country voting were rejected by the CEC, of which over 1,000 were appealed to the court. In some cases, the CEC dismissed complaints on the grounds that the rights were not directly violated.<sup>31</sup>

## XIII. CITIZEN AND INTERNATIONAL OBSERVERS

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, civil society organizations (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. Coalition of six CSOs *Pod Lupom* has commenced long-term observation and plans to have some 4,000 observers to follow polling and counting of votes.

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<sup>28</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>29</sup> According to the 2013 census, the results of which were published in June 2016, 96,539 persons, equalling 2.73 per cent of the total population, declared themselves as "others".

<sup>30</sup> The court overturned CEC decisions denying registration of four parties: *Hrvatska Stranka Prava BiH*, *Prva Srpska Demokratska Stranka*, *Srpska Napredna Stranka* and *Srpska Radikalna Stranka-Dr Vojslav Šešelj*.

<sup>31</sup> For instance, the CEC rejected a complaint of 14 members of the municipal council of Velika Kladusa on the appointment of MEC substitute members.

#### **XIV. ODIHR EOM ACTIVITIES**

Following the ODIHR EOM opening press-conference on 28 August, the Head of Mission met with the CEC and other state officials, representatives of the international community, political parties and candidates and diplomatic representatives. The ODIHR EOM has also established contacts with representatives of the media, CSOs, courts, law enforcement bodies and other electoral stakeholders.

The OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly and the European Parliament have announced that they would deploy observer delegations for election day observation. The OSCE Chairperson-in-Office has appointed Makis Voridis of Greece as Special Co-ordinator to lead the short-term OSCE observer mission for these elections.

***The English version of this report is the only official document.  
Unofficial translations are available in Bosnian, Croatian and Serbian.***