



Office for Democratic Institutions and Human Rights

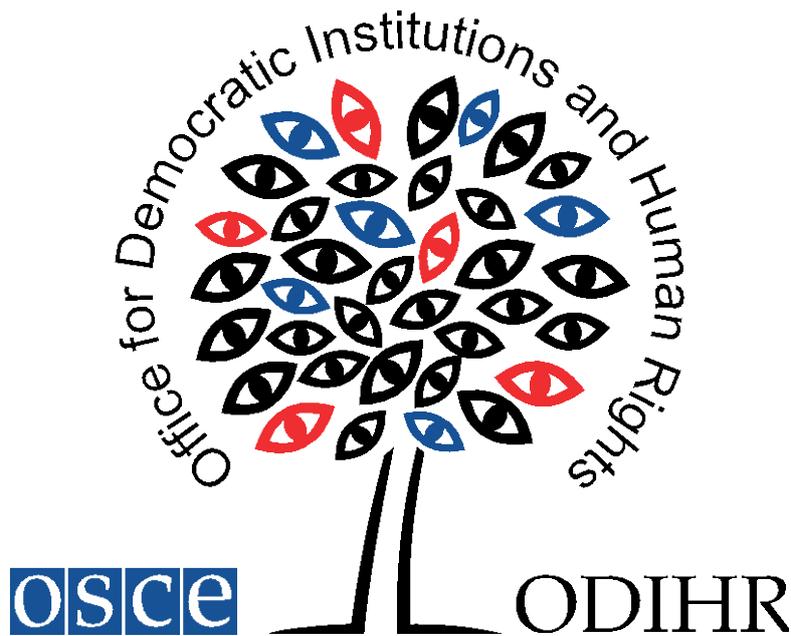
BOSNIA AND HERZEGOVINA

GENERAL ELECTIONS

12 October 2014

OSCE/ODIHR Election Observation Mission

Final Report



Warsaw
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OSCE/ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Central Election Commission (CEC) of Bosnia and Herzegovina (BiH), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an election observation mission (EOM) for the 12 October general elections. The OSCE/ODIHR assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. For election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe to form an International Election Observation Mission (IEOM).

As reflected in the Statement of Preliminary Findings and Conclusions issued on 13 October 2014, the elections were held in a competitive environment where candidates were able to campaign freely and fundamental freedoms of expression, association and assembly were respected. While the elections were efficiently administered, widespread credible allegations of electoral contestants manipulating the composition of polling station commissions reduced stakeholder confidence in the integrity of the process. In addition, the lack of a shared vision in the country's future and co-operation among the three constituent peoples continues to hinder the reforms necessary to fully ensure democratic elections. A growing mistrust by citizens in the functioning of the democratic institutions endangers stability.

The citizens of BiH voted in six distinct contests under a complex institutional arrangement within a state separated into two entities: the Federation of BiH (FBiH) and Republika Srpska (RS). At the state level, citizens voted for the BiH Presidency and the BiH House of Representatives. At the entity level, citizens voted for the FBiH House of Representatives, the RS President, Vice President and the RS National Assembly. Ethnic divisions remain determining factors in the country's political discourse.

The legal framework is generally sufficient for the conduct of democratic elections. Recent amendments met some prior OSCE/ODIHR recommendations, including increasing the gender participation quota to 40 per cent both in election administration and in candidate lists. However, a lack of political will to move beyond the 1995 General Framework Agreement for Peace (Dayton Agreement) means that important and long-standing shortcomings remain. In particular, ethnicity-based restrictions on the right to stand and to vote are contrary to OSCE commitments and Council of Europe standards. It is regrettable that this is the second election held in violation of the *Sejdić-Finci* judgment of the European Court of Human Rights.

The number of votes required for a candidate to be elected in each constituency varies significantly, violating the principle of equality of the vote. The legal requirement to regularly review constituency boundaries and the allocation of mandates has not been met.

The CEC generally administered the elections efficiently and enjoyed confidence among most electoral stakeholders. CEC sessions were open to accredited observers and the media, while a

¹ The English version of this report is the only official document. Unofficial translations are provided in Bosnian, Croatian and Serbian.

majority of Municipal Election Commissions (MEC) held informal meetings. There were numerous alleged cases that electoral contestants engaged in the trading of Polling Station Commission (PSC) positions to gain greater representation in areas of specific interest. This led to politically unbalanced commissions and reduced trust in their ability to conduct elections without irregularities.

Overall, there was confidence in the accuracy of the Central Voter Register. The number of eligible voters for these elections was 3,278,908. For the first time, voters in the Brčko District had to choose citizenship of one of the two entities to be able to vote. Despite efforts to inform Brčko voters, some were reluctant to declare an entity citizenship. Greater efforts could have been made by the authorities to inform voters of changes to voter identification requirements and to register internally displaced persons. Several OSCE/ODIHR EOM interlocutors also expressed concerns about the integrity of postal voting.

In a generally inclusive process, the CEC certified 51 political parties, 14 coalitions and 15 independent candidates to compete in the state and entity elections. For the BiH Presidency election, 17 candidates were certified, of whom only one was a woman. For the election of the RS President and Vice Presidents, 19 candidates were certified, of whom two were women. The new 40 per cent gender representation requirement was respected on candidate lists, with women obtaining 19 per cent of the seats in the state and entity legislatures. Provisions for the return of registration deposits are excessive and run contrary to good practice.

All electoral contestants were able to campaign without obstruction and freedoms of association and assembly were respected. Political parties oriented their messages toward their own ethnic communities. While contestants conveyed campaign messages on the necessity for socio-economic reforms, job creation, fighting corruption, and European and Euro-Atlantic integration, their campaigns were largely negative in tone, blaming opponents for the lack of progress. The use of inflammatory language was noted in the last week of the campaign, including in social media and television debates.

The campaign finance regulatory system is not adequate to ensure transparency, integrity and accountability of the process, and a majority of previous OSCE/ODIHR and the Council of Europe's Group of States against Corruption (GRECO) recommendations remain unaddressed. In addition, the absence of interim reporting and the lengthy auditing process of finance reports negate the effectiveness of existing regulations and leaves violations unaddressed.

While diverse, the media environment is segmented along ethnic lines. Public broadcasters complied with the legal obligation to provide free airtime to electoral contestants on an equal basis and offered voters the opportunity to learn about contestants through debates and election programmes. However, OSCE/ODIHR EOM media monitoring results showed widespread bias in broadcast media.

Legal redress is limited to those voters and electoral contestants whose rights are directly violated. There is no guarantee to a public hearing of electoral disputes, at odds with paragraph 12 of the 1990 OSCE Copenhagen Document. Over 500 complaints and appeals were submitted to the election administration and a vast majority was rejected, often on formalistic grounds.

The legal framework provides for observation of the entire electoral process by citizen and international observers, as well as representatives of electoral contestants. In a welcome development, seven civil society organizations joined efforts to form the coalition *Pod Lupom* to train and deploy 3,000 citizen observers in 1,400 polling stations.

Election day generally proceeded in an orderly manner, but some technical irregularities were noted throughout the day, with a significant deterioration during the count. Despite delays in the opening of polls, observers assessed the voting process as good or very good in 94 per cent of observed polling stations. The count, however, was assessed as bad or very bad in 25 per cent of observed polling stations as a result of PSC members lacking knowledge of procedures and general disorder. Indications of trading of polling station commission positions were confirmed on election day, as well as some instances of citizen and party observers interfering in the process.

The tabulation process at the MECs was initially assessed positively, however, the transparency of the verification process by the CEC was limited, as results broken down by polling station were not published until 27 October. Following recounts for some 200 polling stations, the CEC published final results on 10 November.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Central Election Commission (CEC) of Bosnia and Herzegovina (BiH), and based on the recommendation of a Needs Assessment Mission conducted from 24 to 27 June, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) for the 12 October general elections. The OSCE/ODIHR EOM was headed by Cornelia Jonker and consisted of 11 experts based in Sarajevo and 20 long-term observers deployed throughout the country. Mission members were drawn from 23 OSCE participating States.

For election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) to form an International Election Observation Mission (IEOM). Roberto Battelli was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Marietta Tidei headed the OSCE PA delegation and Tiny Kox led the PACE delegation. In total, there were 294 observers from 38 OSCE participating States, including 222 long-term and short-term observers deployed by the OSCE/ODIHR, as well as 41 parliamentarians and staff from the OSCE PA, and 31 from the PACE. Voting was observed in 1,084 out of 5,401 polling stations, and the counting and tabulation process in some 100 municipalities.

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference on 13 October 2014.²

The OSCE/ODIHR EOM wishes to thank the CEC for the invitation to observe the elections, for its co-operation and for providing accreditation documents, as well as the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. It also expresses its appreciation to the representatives of candidates, political parties and civil society for sharing their views. The OSCE/ODIHR EOM also wishes to express its gratitude to the OSCE Mission to Bosnia and Herzegovina and to the diplomatic representations of OSCE participating States and international organizations for their co-operation and support.

² All previous OSCE/ODIHR reports on BiH are available at: <http://www.osce.org/odihr/elections/bih>.

III. POLITICAL BACKGROUND

The state structure of BiH results from the constitutional arrangement agreed in the 1995 General Framework Agreement for Peace (Dayton Agreement). The State consists of two entities: the Federation of BiH (FBiH) and Republika Srpska (RS). In addition, Brčko District holds a special status as a unit of local self-government under direct BiH sovereignty.³ The Constitution grants limited powers to state-level institutions, with most powers vested in entity-level institutions. The Office of the High Representative, an international body mandated to oversee the implementation of the Dayton Agreement, retains extensive powers, including the power to impose legislation and remove any official obstructing the peace process.

The Constitution recognizes Bosniaks, Croats and Serbs as the three constituent peoples. Citizens may also declare themselves as ‘others’, either by identifying themselves as members of another ethnic group or by choosing not to affiliate with any ethnic group. The absence of a shared vision and the lack of co-operation between the ethnicities remains a key factor in BiH, often causing stalemates in the political decision-making process.⁴ Efforts by the international community to bridge the gap between the entities and ethnicities by promoting civic values and individual, rather than group rights, have thus far yielded limited tangible results. The three constituent peoples, depending on their ethnic or cultural affiliation, rely on the support of respective regional actors within the country.

The division of political parties along ethnic lines remains a predominant feature and most parties orient themselves towards their own communities. In FBiH, the Party for Democratic Action (SDA), the Alliance for Better Future (SBB), the Social Democratic Party (SDP), as well as the newly-formed Democratic Front (DF)⁵ feature on the Bosniak political scene, while the Croat Democratic Union of BiH (HDZ BiH), the Croat Democratic Union 1990 (HDZ 1990) and others appeal to Croats. In RS, the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), and the Party for Democratic Progress (PDP) compete for the Serb vote. With few exceptions no new political figures emerged in these elections.

The pre-election political environment was marked by increased disillusionment in the government. In February 2014, BiH witnessed large-scale socio-economic protests, triggered by high unemployment and allegations of corruption. Extensive political negotiations over the appointments for key regulatory agencies remain a well-established practice, leading to concerns about their independence. Furthermore, the reliance on party-controlled public employment for a large percentage of the population means that considerable segments of the society are dependent on political parties. On 12 February, the SDP submitted a proposal to the parliament to introduce a change in the legislation to allow for early elections, which was rejected. In May 2014, the socio-economic situation was further exacerbated by severe floods.

³ Although formally under the sovereignty of BiH, Brčko District remains under the supervision of the Brčko Final Award Office of the Office of the High Representative.

⁴ The European Commission 2014 Progress Report on Bosnia and Herzegovina “[c]oncluded that Bosnia and Herzegovina has made very limited progress in addressing the political criteria. Bosnia and Herzegovina has not overcome the standstill in the European integration process while most other countries in the region are moving ahead decisively. This regrettable situation is caused mostly by a lack of collective political will on the side of the leadership.” See: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-bosnia-and-herzegovina-progress-report_en.pdf.

⁵ DF was founded in 2013 by the Croat Member of the BiH Presidency, Željko Komšić, formerly from SDP.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. LEGAL FRAMEWORK

Elections are primarily regulated by the Constitution and election law. These are supplemented by Annex III of the Dayton Agreement, the Law on Financing Political Parties, the Law on Citizenship, as well as regulations issued by the CEC.⁶

Since its adoption in 2001, the election law has undergone substantial changes, with the most recent amendments enacted in 2014. One amendment increased the gender participation quota to 40 per cent both in election administration and in candidates' lists. This amendment was aimed at harmonizing the election law with the Law on Gender Equality, an issue raised in past OSCE/ODIHR recommendations. Another amendment altered the names of municipalities in the RS, in line with a Constitutional Court decision that ruled that state-level law had to be harmonized with the law in RS.

Recent amendments met some prior OSCE/ODIHR recommendations and the legal framework is generally sufficient for the conduct of democratic elections. However, a lack of political will to move beyond the Dayton Agreement means that a number of long-standing and important shortcomings remain unaddressed in the law. This includes a limited right to file a complaint, insufficient safeguards to prevent the abuse of state resources, the lack of a law on political parties, as well as inadequate campaign finance regulations.

In particular, the legal framework continues to pose ethnicity-based restrictions on the right to vote and to stand as a candidate, contrary to paragraphs 7.3 and 24 of the 1990 OSCE Copenhagen Document.⁷ The right to stand for the BiH Presidency and the RS President and Vice Presidents is granted only to citizens who declare themselves as Bosniaks, Croats or Serbs.⁸ In addition, the right to stand as a candidate is limited by residency: a Serb registered in the FBiH or a Bosniak or Croat registered in the RS cannot stand for the BiH Presidency.⁹ Further, RS voters can only vote for a Serb candidate for the BiH presidency, and voters in the FBiH may only vote for either a Bosniak or Croat candidate. To date, there has been no progress in implementing the binding judgment of the European Court of Human Rights (ECtHR) in the *Sejdić-Finci* case regarding the removal of ethnicity-based limitations on the right to stand.¹⁰

In line with ECtHR judgments and previous OSCE/ODIHR recommendations, ethnicity and

⁶ In addition, there are a number of entity laws, including the Constitutions of FBiH and RS, the RS Law on Political Party Financing from the Budgets of the Republic, Town and Municipality, the RS Law on Political Parties, the Brčko Law on Financing Political Parties, and the Brčko Law on Political Organizations.

⁷ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that the participating States should "guarantee universal and equal suffrage to adult citizens". Paragraph 24 provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law". See also Article 25 of the 1966 International Covenant on Civil and Political Rights (ICCPR).

⁸ Additionally, only Bosniaks, Croats and Serbs may be indirectly elected to the BiH Houses of Peoples and as FBiH President and Vice Presidents.

⁹ Paragraph 15 of the 1996 United Nations Human Rights Committee (UNHRC) General Comment No. 25 to Article 25 of the ICCPR provides that "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation".

¹⁰ See *Sejdić and Finci v. Bosnia and Herzegovina* (ECtHR, 2009, Applications No 27996/06 and 34836/06) at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96491>. See also *Zornić v. Bosnia and Herzegovina* (ECtHR, 2014, Application No 3681/06) at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145566>. On residency-based restrictions, see the pending case of *Pilav v. Bosnia and Herzegovina* (ECtHR, Application No 41939/07).

residency-based limitations on the right to vote and to stand as a candidate should be removed from the law.

Following recent amendments to the Law on Conflict of Interest, the mandate for deciding on conflicts of interests for elected officials was transferred from the CEC to a newly established parliamentary commission.¹¹ However, there remains a lack of legal clarity on the parliamentary commission's authority. In addition, a number of OSCE/ODIHR EOM interlocutors voiced concerns about the lack of harmonization of the relevant legislation and questioned the parliamentary commission's ability and resources to fulfill its duties in a timely and impartial manner.

B. ELECTORAL SYSTEM

Under the complex institutional and electoral system, six separate contests took place in these elections. At the state level, citizens voted for the BiH Presidency and BiH House of Representatives (BiH HoR). At the entity level, citizens voted for the FBiH House of Representatives (FBiH HoR), RS President and Vice President, and RS National Assembly (RS NA). In addition, elections were held for ten Cantonal Assemblies in the FBiH. All mandates are for four years.

The BiH Presidency is a three-member institution elected by simple majority on separate lists in the two entities. Voters in the FBiH had to choose either a Bosniak or Croat candidate and those in the RS elect a Serb candidate. The presidency rotates every eight months among its members from each of the three constituent peoples.

The BiH HoR is comprised of 42 deputies: 28 were elected in the FBiH and 14 in the RS. In the FBiH, 21 of the 28 deputies were elected from five multi-member constituencies (MMCs) in proportional races, with seven compensatory seats also allocated on a proportional basis. In the RS, nine deputies were elected from three MMCs, with the remaining five elected from compensatory lists.

The FBiH HoR is composed of 98 members: 73 elected in 12 MMCs and 25 from compensatory, open party lists. In the RS, voters elected 83 members of the RS NA: 62 in 6 MMCs and 21 from compensatory, open party lists. In addition, RS voters elected their entity-level President and two Vice Presidents using a simple plurality system; the candidate with the most votes is elected President, while the top finishing candidates from the other two constituent peoples are elected as Vice Presidents.

The law guarantees minimum representation for the three constituent peoples in both the FBiH HoR and the RS NA. If a constituent people do not win a minimum of four seats when MMC mandates are allocated, the minimum is guaranteed through compensatory mandates.¹²

The number of votes required for a candidate to be elected in each MMC varies significantly, violating the principle of equality of the vote, as provided for by paragraph 7.3 of the 1990 OSCE

¹¹ The commission was established on 15 April 2014 and consists of nine members: six are members of parliament and three are from the Agency for Prevention of Corruption and Co-ordination in the Fight Against Corruption.

¹² This is done by awarding mandates first from the compensatory list, taking into consideration the declared ethnicity of the candidate. If the political subject which won the compensatory seat does not have enough candidates on its list of the ethnicity for which the minimum of four members was not reached, the seat is awarded to the next highest-ranked candidate list with such candidates, and so on, until the minimum is reached.

Copenhagen Document. This is applicable for the BiH HoR, FBiH HoR, and RS NA, where discrepancies in constituency size frequently exceeded the recommended permissible deviation of 10 per cent.¹³ The constituencies for the BiH HoR and FBiH HoR have not been reviewed since 2001, despite a legal requirement for review every four years. The 2013 review of constituency boundaries for the RS NA did not remedy inequalities. In addition, the law does not specify which body should undertake the review or measures to ensure impartiality, transparency and broad public consultation.¹⁴

In order to uphold the principle of equality of the vote, constituency boundaries should be reviewed in accordance with the election law, OSCE commitments and other international standards. The law should specify which body is responsible for the review and that the process be impartial, transparent and involve broad public consultation.

V. ELECTION ADMINISTRATION

The general elections were administered by a three-level election administration, headed by the CEC. At the middle-level, there are 142 MECs, including 6 City Election Commissions and the Election Commission of Brčko District. The polling and counting was organized by 5,401 Polling Station Commissions (PSCs), including 5 in diplomatic representations. In line with recent amendments, MECs and PSCs generally followed the requirement to include at least 40 per cent of the less represented gender, although this was not respected in all MECs.¹⁵ Only one member of the CEC was a woman.

The CEC is a permanent body with overall responsibility to administer elections and establish election results. The CEC has seven members and is legally required to be ethnically balanced: two Bosniaks, two Croats, two Serbs and one member from among the ‘others.’ The CEC chairperson is elected by the CEC from among its members for a 21-month term, on a rotating basis, considering the chairperson’s ethnicity. In general, the CEC enjoyed confidence among most electoral stakeholders regarding its professionalism and capacity to organize elections according to the law. However, a few stakeholders criticized the CEC’s organization of voting with postal ballots from abroad (See, *Voter Registration Section*).

The CEC held regular sessions open to the media and accredited observers. It made most decisions unanimously and all decisions were made public on its website. At times, the frequency of these sessions was not sufficient for the hearing of complaints. Closer to election day, the CEC held *ad-hoc* sessions of which the observers and media were notified in advance, although sometimes the announcements did not appear on the CEC website in a timely manner. The CEC also discussed issues in-depth in internal meetings, which according to their rules of procedure are closed to observers and media, unlike the public CEC sessions.

¹³ Section 2.2.iv of the 2002 Code of Good Practice in Electoral Matters of the Council of Europe’s Commission for Democracy through Law (Venice Commission) recommends that “the permissible departure from the norm should not be more than 10% and should certainly not exceed 15%, except in special circumstances”. For example, in BiH HoR elections, the greatest difference between registered voters for each mandate is more than double (115 per cent) between Constituency 1 in RS and Constituency 2 in FBiH. Within RS, the biggest difference was 91 per cent between constituencies 1 and 3.

¹⁴ Section 2.2.vii of the 2002 Code of Good Practice in Electoral Matters of the Venice Commission recommends that the process be done “impartially” and by “taking account of the opinion of a committee, the majority of whose members are independent.”

¹⁵ The average number of female members across election administration was 42.7 per cent. Eleven MECs had all-male membership, and two MECs had all-female membership. In addition, the 40 per cent provision was not respected in three-member MECs.

To further increase transparency of the decision-making process, the CEC could consider regulating that all meetings of the CEC are open to the public.

The CEC issued the necessary regulations well in advance of the elections, including on election day procedures, the establishment of polling stations, the nomination and appointment of PSC members, and the publication of election results. This allowed for timely preparations and the meeting of all deadlines prescribed in the election legislation. It also conducted voter education in the electronic media with spots on how to complete ballot papers and encouraging voter participation. The CEC experienced some delay in the selection of a company for the printing of ballot papers. However, all ballots were produced and distributed to the MECs on time.

MECs are permanent bodies comprising three, five or seven members, depending on the size of the municipality. MEC members are appointed by the municipal councils for a period of seven years and each appointment is approved by the CEC. According to the election law, the composition of MECs should reflect the ethnic composition of the relevant municipality according to the last census information, which for these elections was still the 1991 census.¹⁶ Six MECs did not have full membership in the run-up to the elections, but were staffed with temporary members.

MECs are responsible for overseeing polling and counting procedures in the polling stations and the data entry of the preliminary election results. In general, the MECs were co-operative with the OSCE/ODIHR EOM and provided requested information. However, some 62 MECs did not announce their sessions in advance, and 19 MECs did not hold regular sessions. Most MECs also organized informal meetings to decide on electoral matters. Although not required by law, positively, 23 MECs had a website where they informed citizens about elections.

The CEC regulations could require that the MECs hold regular, announced formal sessions. To enhance transparency, all MECs could regularly update their announcement boards and consideration could be given to publishing relevant MEC information online.

Seven MECs informed the OSCE/ODIHR EOM that they were subject to political pressure and a number of OSCE/ODIHR EOM interlocutors further alleged that political influence on MECs was widespread, especially considering that some members are employees in the municipal administrations. In addition, some MECs complained to the OSCE/ODIHR EOM of operational difficulties due to late remuneration for their work and inadequate workspace.¹⁷

PSCs administer the voting and counting processes in polling stations. PSCs are appointed for each election by the MECs and consist of three or five members, depending on the size of the precinct.¹⁸ All electoral contestants had the opportunity to nominate an equal number of representatives to serve on PSCs, randomly assigned through a lottery organized by the CEC and implemented by the MECs. All electoral contestants used the opportunity to nominate PSC members.

While the appointment of PSCs was formally carried out according to the law, there were numerous credible allegations that contestants engaged in the trading of PSC positions to get representation in areas of their specific interest, leading to politically unbalanced PSCs. MEC

¹⁶ In October 2013, a new census was held and the census data is planned to be published in 2015.

¹⁷ MECs in Donji Žabar, Vlasenica, Potoci, Oštra Luka, Kostajnica, Drvar, Cazin, Sanski Most, Bihać, Mostar, Gorazde, and Kljuc.

¹⁸ If a precinct has less than 350 registered voters, by law, the PSC should have 3 members (some 17 per cent of all polling stations); otherwise five (83 per cent of all polling stations).

representatives in some 60 MECs said that some PSC members did not genuinely represent the political parties or the candidates that nominated them. The OSCE/ODIHR EOM observed several cases of such practice, which was also openly declared by some contestants. Some OSCE/ODIHR EOM interlocutors alleged that there were PSCs where essentially only one political party was represented. Political imbalance in PSCs is a serious concern that undermines the election law.¹⁹

Despite thorough regulation of the process to allocate PSC positions and CEC efforts to ensure the initial allocation was within the law, the CEC did not take actions to address concerns regarding the trading of positions. In addition, while the electoral contestants received complete lists of PSC members with information on who nominated them, this information was not publicly available, thus reducing the transparency of the process and the trust of stakeholders in the PSCs to conduct elections without irregularities, especially the vote count.

While the presence of political party representatives in polling stations is a potential safeguard of the process, the authorities should address the high risk of political imbalance in PSCs by conducting a thorough review of the legal provisions and practice for allocation of PSC members. This should be done in a public consultative process that includes MECs and other relevant stakeholders. Furthermore, the CEC could consider disclosing the names of the nominating organizations of PSC members per polling station.

The MECs conducted extensive training for PSC members, including separate training for chairpersons. As a positive measure, the CEC produced a series of videos explaining the electoral process, which were used during training and made publicly available on the CEC website. However, not all training included practical exercises on how to complete complex steps, especially the vote count and the packing of election materials.

The CEC and some MECs reported to the OSCE/ODIHR EOM that many PSC members were replaced before election day. This practice not only reduced transparency, but also led to a situation where some PSC members were not trained (See, *Election Day Section*).

The authorities could introduce a legal deadline for replacing PSC members once they are appointed and limit the possibility of replacements to specific circumstances based on justified reasons.

VI. VOTER REGISTRATION

Voter registration is passive and includes all residents over 18 years of age, except those disenfranchised by a final court decision for reasons of legal incapacity or as part of a serious criminal conviction, including for war crimes. The CEC is responsible for maintaining the Central Voter Register (CVR), which is based on the population register of the Ministry of Civil Affairs.

The CVR enjoys a high level of confidence among electoral stakeholders. In an inclusive process, voters were able to check their registration status in person at the MECs, by calling a helpline, by SMS, or by checking on the CEC website. In the run-up to these elections, some 103,000 citizens checked their registration status and polling station location. In case of mistakes, voters could request corrections through entity and local institutions responsible for updating population registers, with changes automatically reflected in the CVR. The number of eligible voters for these

¹⁹ Article 2.19(13) of the election law stipulates that “only one representative of a political subject can be a member of any one polling station commission.”

elections was 3,278,908. The extracts from voter lists for individual polling stations were printed by the CEC and distributed to MECs and PSCs.

The law stipulates that only a valid identification document (ID), passport or driver's license, is permissible for voter identification. While in previous general elections voters with proof that they had applied to renew their ID were allowed to vote, the CEC instructed PSCs not to accept such practice as it was not provided for in the law. The OSCE/ODIHR EOM was informed that a total of 124,536 citizens (3.8 per cent of the electorate) had expired IDs and were without a valid passport and driving license at the time of closing of the CVR.²⁰ Although the voter identification provision in the law is not excessive in the BiH context, given that all citizens are legally obliged to have valid IDs (issued since 2004), greater efforts could have been undertaken to ensure voters were aware of changes in procedures and were encouraged to renew their documents in advance.²¹

The CEC could consider improved voter education on issues that directly impact voters' rights, especially in case of changes in procedures.

Refugees and voters temporarily residing abroad had the possibility to apply to vote by post or in diplomatic representations by the deadline of 29 July. Some 47,000 voters requested to vote by post, out of which 42,044 were registered.²² Those who registered to vote abroad but were in the country on election day could vote by a provisional ballot.

During the postal voting registration period, the CEC identified a number of possible abuses affecting some 637 applications.²³ In September, the CEC considered credible allegations with regard to four different cases in which voters abroad received packages with ballot papers for more than one voter. The CEC conducted an internal investigation and asked the national postal service, *BH Post*, to report on the dispatch of postal ballots but did not identify any wrongdoing, claiming that the problem could have occurred in foreign postal systems. These cases were referred to the prosecutor's office for investigation.²⁴ A number of OSCE/ODIHR EOM interlocutors expressed concerns that these allegations reduced trust in the integrity of the postal ballot procedure.

The election administration should consider additional safeguards to enhance confidence in postal voting and to protect the integrity of the process. This could include requiring the use of registered mail or hand-delivery of ballots to voters.

Internally displaced persons (IDPs) have the right to register to vote either at their temporary residence or their residence before being displaced. The Ministry for Human Rights and Refugees responsible for maintaining the central database provided 100,090 entries of IDPs to the CEC. However, the CEC reported that only 84,207 entries were complete, while the remaining records had data missing,²⁵ and could not be included on the list of IDPs in the CVR.²⁶

²⁰ According to the information provided by the Agency for Identification Documents, Registers and Data Exchange, of these, a total of 39,307 citizens requested a new ID.

²¹ Paragraph 11 of the UNHRC General Comment No. 25 to Article 25 of the ICCPR provides that "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right".

²² Some 5,000 applications were denied registration due to various mistakes, including incomplete documentation to prove identity, residence and citizenship, technical errors in the application form, or mismatching signatures.

²³ These included cases of registration of deceased persons, multiple registration of the same person on more than one address, and cases of suspected impersonation.

²⁴ At the time of this report the investigation was pending.

²⁵ This included a unique citizen number or address.

²⁶ Of the registered IDPs, some 20,709 chose to vote according to their residence before being displaced.

The state, entity and local-level authorities should make more efforts to ensure IDPs participation by maintaining accurate data. Consideration could be given to reviewing existing co-operation mechanisms between the CEC, the Ministry of Civil Affairs, and the Ministry of Human Rights and Refugees.

Voters and heads of hospitals, prisons and pre-trial detention centres had until 9 September to submit applications for mobile voting to their MECs. On 5 October, the CEC published information that a total of 10,181 voters registered for mobile voting. The CEC developed new procedures for mobile voting to enhance transparency and accountability.²⁷ However, some MECs complained that early deadlines and the need to provide medical information to justify the request made the process less inclusive.

Voters in Brčko District vote either for elections in FBiH or in RS, depending on their entity citizenship. For the first time in these elections, and in accordance with the election law, voters in Brčko District had to register their entity citizenship to be able to vote.²⁸ Previously, Brčko voters who had not chosen an entity citizenship could still vote by choosing a ‘voting option’ for a given election with the election authorities. Despite an active information campaign on the changes and the efforts by the authorities to make this process as accessible and inclusive as possible, only 45,317 residents declared an entity citizenship by the 28 August deadline, and some 40,000 did not. Citizens who obtained entity citizenship after the deadline were able to vote with a provisional ballot.²⁹

VII. CANDIDATE REGISTRATION

All political parties and citizens with active voting rights had the possibility to stand in the elections provided that they are certified by the CEC. In order to be certified, parties and prospective independent candidates had to submit an application for certification to the CEC and a financial deposit.³⁰ The deposit amount was increased by 40 per cent for these elections, which led to concerns among electoral stakeholders that the deposits are too high.³¹ The registration deposits were only returned to the contestants who were elected and/or obtained seats. Provisions for return of the deposits were excessive and ran contrary to good practice.³²

In line with good practice, the authorities could review the legal requirements for the return of registration deposits so that they are not excessive and based on candidates receiving a reasonable percentage of votes rather than winning a seat.

²⁷ This included an instruction for the MECs to provide route and schedules for visits, as well as an obligation to make this information available for observers upon request.

²⁸ According to 2012 amendments to the Law on Identity Cards of Citizens of BiH, residents renewing their IDs have to choose entity citizenship.

²⁹ From 28 August until 30 September, a further 1,424 citizens registered their entity citizenship. A total of 1,039 voters in Brčko District voted with provisional ballots.

³⁰ Individual candidates have to submit their property statements at the time of certification or fines will be imposed on the nominating parties. Contrary to previous practice, the CEC did not publish the property statements on grounds of personal data protection.

³¹ The registration deposits were BAM 20,000 for the BiH Presidency and BiH HoR and BAM 14,000 for entity-level elections for political parties (BAM 1.95583 equals EUR 1). The amount is halved for independent candidates.

³² Section 1.1.3.vi of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that the number of votes that a contestant needs to win for the deposit to be refunded should not be excessive.

In addition, electoral contestants who were not represented in the outgoing elected body (or higher-level elected body), for which they were registering, had to collect support signatures.³³ In line with a previous OSCE/ODIHR recommendation, the CEC further regulated the process of verification of support signatures for these elections, thus increasing accountability. While it remained unclear if the prospective contestants were permitted to observe the signature verification process, the CEC reported to the OSCE/ODIHR EOM that none of the contestants expressed an interest in doing so.

By the deadline of 14 June, the CEC certified a total of 51 political parties and 15 independent candidates to compete in state and entity elections.³⁴ Four political parties were denied certification due to the lack of signatures or financial deposit, and one withdrew. Although not observed by the OSCE/ODIHR EOM, the certification process appeared to have been inclusive, considering the number of registered contestants, the opportunity provided to contestants to correct applications, and that the process was disputed only in a limited number of complaints.³⁵

The certified political parties had the possibility to form coalitions and 14 were certified for state and entity elections. The certified electoral contestants then had to submit candidate lists for review by the CEC. By the deadline of 8 August, the CEC certified a total of 3,524 candidates on 517 separate candidate lists for state and entity elections. In line with recent amendments to the election law, 42 per cent of candidates were women. In the BiH HoR elections, 23 per cent of those elected were women, in the FBiH HoR 21 per cent, and in the RS NA elections 15 per cent.

The law grants the CEC broad powers to deregister a candidate who has violated the election law, regardless of the severity. The CEC deregistered two candidates (See, *Complaints and Appeals Section*). Neither the election law nor CEC procedures regulate what actions should be taken if a candidate is deregistered, including if and how the candidate's name should be removed from the ballot, how voters should be informed of the deregistration, and how potential votes for a deregistered candidate should be treated during the count.

Consideration could be given to amend the law to stipulate that a candidate or a party may be deregistered only for serious violations, clearly defined by the law. The law could also explicitly state that voter information should be provided on deregistered candidates so as to enable voters to make an informed choice. In addition, the CEC could regulate how votes for a deregistered candidate could be treated during the counting process.

VIII. ELECTION CAMPAIGN

The campaign officially started on 12 September and ended at midnight on 10 October. While campaigning is well regulated by the election law, it does not explicitly prohibit the abuse of state resources.³⁶ In addition, a new legal amendment enabled state, public and municipal authorities to

³³ Political parties needed to collect 3,000 signatures for the BiH Presidency and BiH HoR, and 2,000 for entity elections. Independent candidates needed to collect half the number of signatures.

³⁴ All independent candidates who submitted documents were certified.

³⁵ The OSCE/ODIHR EOM was aware of 18 complaints filed with the CEC and the courts on the certification of candidates' lists. Three of them were upheld whereas the remaining were rejected, four on the grounds that the financial deposit had not been paid.

³⁶ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for a "clear separation between the State and political parties." In addition, this is at odds with the 2013 Venice Commission Report on the Misuse of Administrative Resources during Electoral Processes: [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)033-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)033-e).

provide contestants with premises free of charge, often without ensuring equality in implementation.³⁷

Legislation should clearly define what is considered an abuse of state resources for campaign purposes. The access to public and municipal premises by electoral contestants for campaigning should be provided on equitable grounds and with uniform conditions in all municipalities.

Overall, the campaign was visible with increased intensity during the last week, although with less intensity in areas affected by the floods. The campaign landscape was dominated by the major political parties, SDA, SBB, SDP, SNSD, SDS, HDZ and HDZ 1990. It included billboards and posters, public rallies,³⁸ indoor gatherings, door-to-door campaigning, media adverts and the distribution of leaflets. In addition, the majority of contestants also relied on Internet platforms to promote their campaign messages, with a focus on social media. Women featured in campaign materials and spoke at rallies, however, with few exceptions, they were hardly visible in party leadership.

Freedoms of association and assembly were respected and all electoral contestants were able to campaign without major obstruction. The campaign atmosphere remained calm, with only isolated incidents reported by the media or observed by the OSCE/ODIHR EOM.³⁹ The use of inflammatory language was noted in the last week of the campaign, including in televised debates, social media, and in the 'comments' section of articles posted on Internet sites.

While electoral contestants conveyed campaign messages on the necessity for socio-economic reforms, job creation, fighting corruption and European and Euro-Atlantic integration, their campaigns were largely negative in tone, blaming opponents for the lack of progress. Campaign messages focused on the interests of ethnic groups; Bosniak contestants emphasized the necessity for strengthening central state structures, while Croat and Serb contestants focussed on the need to preserve and promote their national identities. In addition, Serb contestants campaigned for enhancing the competencies of the RS entity. Outside of the three constituent peoples, there are no parties specifically representing minority interests, although some included candidates of 'other' ethnicity on their lists. There were also no campaign messages or materials specifically targeting minorities.

IX. CAMPAIGN FINANCE

Campaign finance is regulated by the Law on Financing Political Parties, the election law and CEC regulations. The law does not foresee interim reporting, deadlines for publishing and auditing financial reports or proportionate sanctions, despite OSCE/ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations.⁴⁰ Overall, the campaign finance regulatory system as currently implemented is not adequate to ensure transparency, integrity and accountability of the process.

³⁷ For instance, in Drvar, the People's Democratic Union (DNS) filed a complaint that the SNSD had its campaign offices in the town's most prominent public building. Unequal distribution of campaigning space and premises among contestants was observed by the OSCE/ODIHR EOM in Livno.

³⁸ The OSCE/ODIHR EOM observed 73 rallies throughout the country.

³⁹ In Banja Luka, an SDS activist was beaten while campaigning. In Mokronoge, a participant of an SNSD indoor public rally was expelled from the room when he challenged the speaker. In Trebinje, one candidate attacked the campaign stand of another party and was subsequently de-registered by the CEC.

⁴⁰ See, 2011 OSCE/ODIHR Comments on the Law on Political Party Financing of Bosnia and Herzegovina and 2013 GRECO Compliance Report on Bosnia and Herzegovina.

The regulatory framework for campaign finance should be reviewed to take account of the gaps identified in this and previous OSCE/ODIHR reports and by GRECO.

Electoral contestants can finance their campaigns from membership fees and donations from individuals and legal entities. Individuals may donate up to BAM 10,000 and legal entities up to BAM 50,000. Foreign contributions, as well as funding from administrative bodies, public institutions, and anonymous donations are prohibited. In addition, parliamentary groups in the BiH HoR receive annual funding from the BiH budget, which constitutes 0.2 per cent of the state budget on a calendar year. Electoral contestants at the entity level may be entitled to public funding from the entities' budgets.

Each electoral contestant may spend up to BAM 0.30 per registered voter for each electoral contest. Transactions may be conducted through bank accounts or in cash, but there is no obligation for all contestants to open a designated bank account for campaign purposes, which makes it difficult to trace financial flows.⁴¹ Some OSCE/ODIHR EOM interlocutors claimed that contestants at times failed to declare assets and transactions.

Consideration could be given to requiring all electoral contestants to open dedicated bank accounts for campaign financing, through which all campaign transactions could be made.

There is no obligation for interim reporting during elections but all electoral contestants are required to submit two financial reports on incomes and expenditures, first at the time of certification, covering the last three months prior to certification, and second within 30 days after the announcement of the final election results for the period following certification. Failure to submit the first report results in denial of certification whereas failure to submit the second results - in revocation of a mandate. These reports should be made public; however, the law does not specify deadlines for auditing or publishing these reports.⁴²

To improve transparency and accountability, the law should require that campaign finance reports be made public and audited in a timely manner. Consideration could also be given to requiring electoral contestants to provide preliminary reports before election day to inform voters of the financing of campaigns prior to casting their vote.

The supervision of campaign financing is carried out by the CEC, through its Audit Department. On the basis of a complaint or on its own initiative, the CEC may apply sanctions. The law does not clearly define infringements of campaign finance rules or provide a range of sanctions proportionate to the infringement committed. The CEC informed the OSCE/ODIHR EOM that due to limited human resources the results of auditing would be published up to two years later.

The capacity and human resources of the CEC Audit Department could be strengthened in order to provide timely and effective oversight. In line with GRECO recommendations, the law should clearly define infringements of campaign finance rules and to introduce effective, proportionate and dissuasive sanctions for these infringements.

⁴¹ Paragraph 199 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations states that "parties should also be required to file basic information with the appropriate state authority ... Such information should include the party's bank account information and the personal information of those persons accountable for the party's finances".

⁴² Article 7.3 of the 2003 United Nations Convention against Corruption obliges states "to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties." Paragraph 200 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations provides that "in an effort to support transparency, it is good practice for such financial reports to be made available on the Internet in a timely manner".

X. MEDIA

A. GENERAL OVERVIEW

The media sector is diverse but segmented along ethnic lines. Numerous OSCE/ODIHR EOM interlocutors expressed concerns about partisan editorial policies in public media and alleged that both public and private media are vulnerable to pressure from political or business elites, including through the provision of advertising revenues. Concerns were also raised about physical attacks and other forms of pressure on journalists. The OSCE Representative on Freedom of the Media (RFoM) has drawn attention to several such instances and noted that “journalists must be able to freely cover demonstrations without fear of intimidation” and urged authorities to “do everything possible to prevent such harassment and violence from becoming a trend in the future.”⁴³ A few statements from political figures in the pre-election period targeted journalists and their independence.⁴⁴

Media freedom should be strictly upheld. Interference with the activities of journalists and media personnel should not be tolerated and any allegations of such should be promptly and efficiently investigated.

The Public Broadcasting System (PBS) consists of the Radio and Television of Bosnia-Herzegovina (BHRT) operating on the state level, and two entity-based public broadcasters, Radio and Television of FBiH (RTV FBiH) and Radio and Television of RS (RTRS). In addition, there are over 40 television channels and some 140 radio stations, of which about 70 are public, operating on the cantonal and municipal levels. Television is the primary source of information along with the Internet.⁴⁵ The domestic press consists of some 600 print outlets, published in Bosnian, Croatian and Serbian languages. The leading daily newspaper *Dnevni Avaz* reports daily circulation of some 30,000 to 50,000 copies.

B. LEGAL FRAMEWORK

The election law and CEC regulations provide a comprehensive legal framework for media coverage of the election campaign. Public broadcast media must grant at least three minutes of free airtime to each contestant on an equal basis during the official campaign period. The electoral contestants can also purchase advertising time, up to a maximum of 30 minutes on each public broadcaster, and 60 minutes on each private broadcaster, per week. Broadcast media are required to respect the principles of balance, fairness, and impartiality, especially in their information programmes. The news coverage of officials who are also contestants is allowed provided their candidacy is not mentioned. The law also requires that these officials must not enjoy a privileged position with respect to other participants in the electoral process.

The Communications Regulatory Agency (CRA) is responsible for the regulation of broadcasters

⁴³ See, press releases of the OSCE RFoM on 14 February 2014: <http://www.osce.org/fom/111335> and 27 January 2014: <http://www.osce.org/fom/110658>.

⁴⁴ On 12 September, addressing employees of *Energoinvest – Rasklopna Oprema* (RAOP), Milorad Dodik, a presidential candidate in RS, warned people against appearing on BN TV. On 24 September, Zukan Helez, FBiH Government Minister and SDP candidate, in an interview on *depo.ba* accused journalists of *Oslobodjenje* of discrediting results achieved during his mandate, using offensive terms to describe individual journalists. The statement was condemned by the Association of BH Journalists in their 25 September press release. See: http://www.bhnovinari.ba/index.php?option=com_content&view=article&id=660%3Aprotest-zukanu-helezu-radi-verbalnog-napada-na-novinare&catid=62%3Aaopenja&Itemid=240&lang=bs.

⁴⁵ According to the 2014 Global Internet Report, 67.9 per cent of the BiH population is using the Internet.

and is tasked with adjudicating complaints related to the activities of broadcast media in general, as well as during elections. Its sanctioning powers range from warnings to withdrawal of licenses. For the past six years, due to the lack of agreement between governing political parties, the CRA has been functioning without a General Director, thus politicizing the image of the CRA and reducing its capacity to realize its mandate.⁴⁶

A total of 11 election-related complaints were filed with the CRA; a relatively small number when contrasted with the bias noted by civil society media monitoring in the pre-election period.⁴⁷ The CRA does not conduct its own systematic monitoring of the media and only acts upon complaints received. The law regulating the CRA does not set deadlines for the review of complaints and none of the complaints received in the pre-election period were decided upon before election day.⁴⁸ Combined with the lack of a proactive approach by the CRA to identify violations, this undermined the effective enforcement of several media-related regulations.

The law should provide clear deadlines for the timely adjudication of media-related complaints. In addition, the CRA should act upon its initiative and could be mandated to conduct systematic monitoring of the broadcasters' election coverage and their compliance with the rules and regulations.

The print and online media operate on the basis of self-regulation. Complaints over their coverage are dealt with by the BiH Press Council, a self-regulatory body for print and online media that issues non-binding decisions. The Council registered six complaints related to reporting during the campaign period.⁴⁹

C. MEDIA MONITORING RESULTS



OSCE/ODIHR EOM media monitoring⁵⁰ showed that the public broadcasters complied with the legal obligation to provide contestants with an equal portion of free airtime during the campaign. Voters were able to receive information about candidates to make an informed choice, in particular through numerous election and discussion programmes. However, there were only a few discussion programmes where all key candidates participated. In addition, genuine debate about substantial issues and concrete policy proposals on how to address the key problems in the country were lacking.

The monitored public broadcast media (as well as some private) featured campaigns in special election programmes, usually aired outside of primetime viewing hours. In contrast, news programmes with larger audiences ran virtually no coverage of campaigns. Through the coverage of their official activities in these news programmes, state officials, also running as candidates, received more coverage in public media in comparison with other candidates, which is contrary to

⁴⁶ According to Law on Communications, the General Director is selected by the CRA Council and approved by the Council of Ministers.

⁴⁷ For example, see Media Plan Institute Report: <http://www.mediaplan.ba/?ID=254>.

⁴⁸ Article 45 of the Law on Communications stipulates that the “agency makes efforts to solve complaint within a reasonable period of time”.

⁴⁹ Three complaints were rejected for being outside of the Press Council’s competence. The remaining three were pending at the time of this report.

⁵⁰ The OSCE/ODIHR EOM conducted media monitoring from 12 September to 10 October. It monitored the election and campaign coverage of primetime broadcasts of three public TV channels: BHT (BHRT), FTV (RTV FBiH) and TV RTRS; and four private channels: OBN, TV *Hayat*, TV1 and BN TV. In addition, news programmes of TV Pink BH and FACE TV were also monitored, as well as the contents of newspapers *Dnevni Avaz*, *Dnevni List*, *Glas Srpske*, *Oslobodjenje* and *Press RS*.

national legislation. Moreover, the media provided these political actors a platform for promotion without countering it with critical views or analysis.

The public BHRT TV provided generally neutral news coverage of political actors (over 35 subjects received coverage of some 30 seconds each) while focusing on state and entity governments and other officials. The BiH Council of Ministers received the largest single share of coverage, 23 per cent, followed by the FBiH government with 11 per cent, while the RS government was allocated 5 per cent. SDA received, 8 per cent, the largest share of coverage among political contestants on this channel. However, a significant portion of this coverage was not campaign related and concerned SDA president Sulejman Tihić who passed away on 25 September.

The public FTV (RTV FBiH) allocated the largest share of its news coverage, 25 per cent, to the FBiH government, with an overall neutral approach to covering political actors. This was a rather positive development given that many OSCE/ODIHR EOM interlocutors alleged that FTV is subject to political influence.⁵¹ In contrast, TV RTRS demonstrated a clear bias in favour of the RS president and RS government, devoting to them over 57 per cent of the total news coverage of political actors, mostly in a positive tone.

Public broadcast media should adhere to its obligation to provide impartial and balanced coverage in their news and political programmes to all parties and candidates.

Most private TV channels monitored demonstrated tendencies to favour particular political actors. The private TV1 heavily supported SDP officials of various state and FBiH structures, emphasizing in particular their initiatives in road construction. SDP members, including the BiH Minister of Communications and Transport and FBiH Prime Minister, often featured in news programmes, while SDP leader and BiH Minister of Foreign Affairs was a guest on TV1's main news programme on the last day of the campaign for almost a half hour.

TV Pink provided some coverage of political developments outside of the coverage of officials and invited special guests to appear on their news programmes. On 18 September, the Bosniak member of the BiH Presidency, in his official capacity, was given a nine-minute interview where he openly promoted his successes. In contrast with most monitored broadcast media, TV *Hayat* was critical of most contestants, while providing a relatively positive coverage of the Bosniak member of the BiH presidency and the FBiH government, giving the latter 35 per cent of coverage, the largest amount of airtime on the channel. Private TV OBN had limited coverage of political actors and did not provide analytical coverage in news programmes monitored by the OSCE/ODIHR EOM.

BN TV allocated 26 per cent of mostly neutral coverage to SDS, the largest share of coverage on this channel. In contrast, SNSD received 15 per cent, and the RS government and president received 30 per cent combined, of mostly negative coverage. Opposition parties, PDP and National Democratic Movement, received eight and six per cent, respectively, mostly in a neutral tone. FACE TV did not concentrate on the activities of officials but instead focused on major parties, such as SDA, SNSD and SDP, allocating in total 50 per cent of mostly negative coverage.

While they claimed to maintain neutral editorial policies, most monitored newspapers demonstrated bias in favour or against particular political options. The daily newspaper *Dnevni Avaz* clearly supported SBB, to which it has ties, while heavily criticizing SDA and SDP. *Glas*

⁵¹ On FTV, SDA received a large share of the news coverage (17 per cent); also in this case most of this coverage was related to the death of Sulejman Tihić.

Srpske and *Press RS* both favoured SNSD and the RS president. *Dnevni List* showed preference to HDZ 1990. *Oslobodjenje*, of all monitored print media, offered the most diverse coverage of political actors.

XI. COMPLAINTS AND APPEALS

Legal redress is limited to those voters or electoral contestants whose rights have been directly violated.⁵² Election commissions may also review cases of possible irregularities on their own initiative. The MECs have authority to decide on most cases of campaign violations, whereas the CEC serves as a first instance in reviewing most violations pertaining to the electoral process. All CEC decisions can be subject to judicial review before the Appellate Division of the Court of BiH, which is the final instance except in cases where constitutional rights are violated. The Constitutional Court accepts applications from any individual whose fundamental rights have been violated and when all other domestic remedies have been exhausted.

For these elections, the dispute resolution system was not consistently implemented. Some complaints were dismissed on the grounds that the complainants' rights had not been directly violated, but then reviewed by the CEC on its own initiative.⁵³ In addition, complaints on violations of election procedures, including PSC appointments and election day irregularities, were reviewed by MECs in the first instance, rather than directly by the CEC, which is inconsistent with the law.⁵⁴ Several OSCE/ODIHR EOM interlocutors stated that the electoral dispute system would be more effective if MECs were granted first instance jurisdiction for complaints related to election day.

The right to file a complaint should be provided to everyone at every stage of the electoral process.

Consideration could be given to grant explicit first instance jurisdiction to MECs over violations pertaining to certain aspects of the electoral process, including those on election day.

All election-related complaints must be filed within 24 hours and adjudicated within three days. These decisions can be appealed within 48 hours. Often, the CEC and the courts failed to comply with the legal deadlines for adjudication and a number of complaints submitted in the pre-election period were decided after election day.⁵⁵ In addition, neither the CEC nor the courts reviewed electoral disputes in public hearings, challenging paragraph 12 of the 1990 OSCE Copenhagen Document and good practice.⁵⁶ However, the parties to the complaint were invited to submit written statements in support of their cases. While it was a positive development to introduce a

⁵² See section II.3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters.

⁵³ The CEC dismissed two complaints on the grounds that the rights of the parties had not been violated: one on early campaigning and the second regarding a candidate's false identity. Subsequently, the CEC reviewed these issues on its own initiative and imposed a fine in both cases.

⁵⁴ See Articles 6.4 and 6.6 of the election law.

⁵⁵ For the CEC, the 48-hour deadline can be extended by 24 hours for parties to submit comments. The court stated that their review was often postponed beyond the three days until the next working day.

⁵⁶ Paragraph 12 of the 1990 OSCE Copenhagen Document provides that "proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments". In addition, see section II 3.3.h of the 2002 Venice Commission Code of Good Practice in Electoral Matters.

centralized database of complaints, the CEC did not make it publicly available nor did it publish any information on complaints and decisions.⁵⁷

The law should be amended to ensure that complaints are reviewed by the election commissions and the courts in sessions that give both the complainant and the defendant the right to be heard.

In order to ensure effective redress, the legal deadlines for adjudication should be respected. In addition, to enhance transparency and accountability, the CEC should publish information on complaints and decisions in a timely manner.

Prior to election day, over 200 complaints and appeals were lodged with election commissions on early campaigning, defacement of campaign materials, the appointment of PSC and MEC members, candidate certification and voter registration. The vast majority were rejected as unfounded. In four cases fines were issued, in two cases the removal of campaign posters was ordered, and in two cases candidates were deregistered and fines were issued. On 5 and 8 October, two candidates were deregistered by the CEC for what they defined as using language that could provoke or incite someone to violence or spread hatred. The CEC applied a rather broad interpretation of the legal provision.⁵⁸ In addition, it published information on the candidate's deregistration before the deadline for an appeal to the court.

Some 35 CEC decisions were appealed to the court and all but two were rejected. Complaints about the display of campaign posters in unlawful places and defacement of posters were dismissed as untimely because they were not filed within 24 hours after the posters were initially displayed, the first day of the campaign, which is an overly strict interpretation of the law.⁵⁹

Election commissions and courts should refrain from handling complaints in an overly formalistic manner and should give thorough consideration to all cases.

Cases that may constitute criminal offences are referred to the prosecutor, but the lengthy investigations do not ensure an effective administration of justice; a number of cases from previous elections are still pending with the prosecutor. The prosecutor has opened investigation on a few cases, including a number pertaining to out-of-country voting, but no action was taken prior to election day.

Investigation of electoral offences by prosecutors should be carried out in a timely manner to ensure effective remedy. Where irregularities are established, those found guilty should be held accountable.

⁵⁷ Article 19.2 of the 1966 ICCPR states that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

⁵⁸ Article 7.3 (1) 7 of the election law prohibits the “use of language which could provoke or incite someone to violence or spread hatred or to publish or use pictures, symbols, audio and video recordings, sms messages, internet communications or any other materials that could have such effect.” In the first case, a SP candidate destroyed with an axe the campaign stand of SDS. In the second case, a PDP candidate in a campaign event encouraged an audience that was calling his opponent Zeljka Cvijanovic names.

⁵⁹ Section II 3.3.b of the 2002 Venice Commission’s Code of Good Practice in Electoral Matters provides that “[t]he procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals”.

XII. ELECTION OBSERVATION

In line with OSCE commitments, the law provides for observation of the electoral process by accredited observers, including representatives of electoral contestants, and citizen and international observers. Accredited observers can, by law, observe the entire electoral process and request information and documents from the election administration at all levels.

In a welcome development, seven civil society organizations formed a coalition, *Pod Lupom*, to observe the whole electoral process.⁶⁰ *Pod Lupom* recruited and trained a total of 3,000 observers, who were deployed in some 1,400 polling stations. The coalition published a preliminary report, including findings on the election campaign and work of election administration, and reported their preliminary findings on election day and the vote count. In December, the coalition plans to publish their final report including recommendations for improving the electoral process.

MECs accredited more than 60,000 political party observers. The total number of accredited international observers was 552, coming from various international organizations, foreign election commissions, and resident embassies and consulates. On election day, the OSCE/ODIHR EOM noted political party observers in 97 per cent, and non-partisan citizen observers in 30 per cent of polling stations observed.

XIII. ELECTION DAY

Election day generally proceeded in an orderly manner, and was assessed by the IEOM observers positively. However, some irregularities, mostly related to the secrecy of the vote, were noted throughout the day. The electoral process deteriorated significantly during the counting process, with issues related transparency and accountability of the process arising, as many PSCs did not follow the complex procedures put in place to ensure the integrity of establishing the election results. In addition, strong indications of trading of polling station commission positions and multiple incidents of interference by political party observers were reported. The initial tabulation of results at the MECs was assessed positively; however, the lack of regulation of MEC procedures led to inconsistencies, including technical errors in filling results protocols. These observations highlighted the importance of improved training of PSC members. The CEC announced a turnout of 54.5 per cent.⁶¹

A. OPENING AND VOTING

The polls were opened from 07:00 until 19:00. However, due to the absence of PSC members in some polling stations (no-shows or late arrivals), and the fact that ballot papers had to be counted for all races before opening, delays in opening were noted in 51 out of 124 polling stations observed.⁶² The CEC reported that in more than 200 polling stations the delays were significant. Some polling stations had to recount the ballots, since the results of their initial count did not match the machine-counted number.

The opening procedures were largely followed. However, some irregularities were noted, including not recording the ballot box serial numbers in 24 cases and interference in PSC

⁶⁰ *Pod Lupom* included the following civil society organizations: Centre for Civic Initiatives, Youth Information Agency, Infohouse, Centre for Citizen Cooperation, *Perpetuum* Mobile Banja Luka, DON *Prijedor* and Forum of Tuzla Citizens. For *Pod Lupom* reports see: <http://podlupom.org/en/arhiva.php>.

⁶¹ The turnout was 54.1 per cent at the state-level, 52.7 per cent in FBiH, and 56.5 per cent in RS.

⁶² Of these, four opened with more than one-hour delay.

members' work by political party observers in 6 cases. According to CEC regulations, the PSCs should record the presence of observers in polling stations and keep their identification document while they are observing. The CEC explained that this ensures that the observers' presence is properly recorded, including their arrival and departure time. However, in 11 cases observed during opening, the names of citizen observers were not recorded by the PSCs.

In a positive overall assessment of voting, the process was noted as good or very good in 94 per cent of observations. There was a regional variation in the overall assessment: while the voting was assessed as bad or very bad in some 2 per cent of observations in Sarajevo and 3 per cent in the south, it was 9 per cent and 7 per cent in the western and northern parts, respectively.⁶³ Also, urban polling stations were assessed more positively, at 96 per cent good and very good, while for rural polling stations it was 91 per cent.

The IEOM observers noted a lack of uniformity in the application of voter identification rules and, in at least 21 polling stations visited, some voters were allowed to vote without valid IDs. This was particularly visible in polling stations in Travnik, Novi Travnik, Vitez, Busovača and Zenica where there were a considerable number of voters with expired IDs.

Group voting was observed in some 16 per cent of polling stations. The election law allows for assisted voting on the basis of a simple verbal request. Assisted voting is noted on the voter list and, by law, one person may assist only one voter. However, instances where the same person assisted more than one voter were noted in 3 per cent of polling stations. Proxy voting was observed in 2 per cent of polling stations. Interference in the work of the PSCs by citizen and political party observers continued with 18 cases during voting.

PSC members announced each voter's name out loud as they received their ballots. Concerns were raised by a number of electoral stakeholders that since observers representing contestants have extracts of the voter list, this practice could have been used to intimidate those voting and/or have repercussions on those who chose not to vote. The OSCE/ODIHR is not aware of any official complaints in this regard.

The secrecy of the vote was not ensured in 7 per cent of observed polling stations, mainly due to the fact that polling booths were too close to each other or were not oriented properly, but also due to the fact that voters did not properly fold ballots before depositing them in the ballot box.⁶⁴

The relatively high number of occurrences of group voting and irregular assisted voting underlines the need for authorities to enhance voter education programmes, including a focus on the importance and obligation to ensure secrecy during the voting.

B. COUNTING

The overall assessment of counting was more negative, linked to PSC members lacking knowledge of procedures and general disorder, with 25 per cent of observed polling stations assessed as bad or very bad. In 41 per cent of observations, PSC accounting forms were not completed before the start of the count, in 14 per cent of observations protocols were pre-signed by PSC members, and in 30 per cent of observations result protocols did not reconcile. While the IEOM observers noted only one case of deliberate abuse of the counting process, the numerous breaches of procedures, including the sequence in which procedures were to be conducted in order to ensure the

⁶³ Problems on election day were most pronounced in Bihać and Livno, with 15 per cent bad or 11 per cent very bad assessments.

⁶⁴ The CEC request for the state to procure transparent ballot boxes was not granted for these elections.

accountability and integrity of the process, highlight the need for improved training as well as the problem of high turnover of PSC members close to election day. Both contributed to the problem of polling stations being run by less trained and less experienced PSC members. Interference in the work of the PSCs by citizen and political observers continued in 13 cases during the count.

The transparency of the counting process was assessed positively in the majority of polling stations. However, results protocols were not provided to observers in 30 per cent of observed polling stations, as required by CEC procedures. This was due to the fact that the PSCs did not receive the appropriate forms for rewriting the results protocols to give to observers. The CEC reported that rewriting protocols for observers after each count would have taken an excessive amount of time.

In order to increase the transparency of the process, the CEC should ensure that copies of the results protocols are provided to all accredited observers who request them. Consideration could be given to identifying a practical way for this, which would ensure that each observer is given a copy without hindering the process.

C. ELECTION DAY COMPLAINTS AND APPEALS

In polling stations, PSC members, observers and voters may register alleged irregularities they observe in the PSC activity log. On the basis of these “substantiated objections”, a contestant may file a formal complaint or the CEC may consider the matter *ex officio*.

Some 260 complaints were lodged with MECs related to breaches of the campaign silence, campaign materials and campaign activity outside polling stations, accredited observers denied access to polling stations, voters with expired IDs denied or not denied to vote, voters with pre-marked ballots, ballot stuffing, proxy voting, vote buying, and discrepancies in the results protocols. In addition, the CEC reported receiving some 40 complaints on election day irregularities, which it referred to the MECs. The vast majority of these complaints were rejected without a meaningful review and no action was taken. Complaints on discrepancies in the results protocols were referred by the MECs to the CEC.

D. TABULATION AND ANNOUNCEMENT OF RESULTS

In accordance with the election law, PSCs had 12 hours after the closing of polling stations to conduct the count, produce the protocols of results, and transfer them to the MECs, who entered the results per polling station in the CEC results database. This process was assessed positively by IEOM observers in all but one of the 77 MECs visited, even though 16 MECs were overcrowded, mostly due to inadequate premises.

In some 13 MECs, the IEOM observers noted that most of the PSC results protocols being entered by the MECs had discrepancies, such as the number of valid votes not matching the total number of votes for contestants, while in many other MECs this problem was less pronounced. This again underlined the importance of training PSC members. The MECs were instructed by the CEC to enter the results, regardless of possible technical and mathematical errors. However this procedure was not formally regulated and it was not applied consistently; some PSCs were sent back to fix mistakes on the protocols. The process of data entry remained unregulated for these elections.

To ensure consistency and increase transparency of the tabulation process of preliminary results, the CEC could consider regulating in greater detail the work of MECs during the reception of election materials and tabulation.

Political party observers were present in 24 MECs observed and citizen observers in 47. While the process of data entry of preliminary results was generally assessed as transparent, observer access to the data entry room was not allowed in 7 MECs and observers did not have a clear view of the process in 8 MECs.

The CEC reported that some MECs did not respect the deadline for reporting results for all polling stations within 24 hours of the close of polls.⁶⁵ The CEC published partial preliminary results for the BiH presidency at midnight on election day and for all other electoral races the next afternoon. For these elections, however, the CEC decided not to publish results by polling stations until all protocols were re-entered at the Main Counting Centre (MCC) in Sarajevo, where all election results were verified and confirmed by the CEC. The breakdown of election results per polling station was published only on 27 October. This reduced the transparency of election results for a prolonged period of time.

The CEC should publish the results per polling station as soon as possible after election day, including partial and preliminary results.

The CEC had 20 days after elections to establish preliminary results, while it also had to publish updates of summary results on a regular basis.⁶⁶ During the process of verifying the election results, the MCC identified numerous technical problems in results protocols and submitted daily progress reports to the CEC.⁶⁷ The process of results verification was a complex operation, which was organized professionally by the CEC. However, it is not regulated by the CEC, which could lead to arbitrary interpretations of which errors and discrepancies in the PSC results protocols can be tolerated and included in the confirmed election results without conducting a recount. During this process, the CEC provided limited information to the public. In addition, although the CEC regulations provided that all activities in the MCC could be observed by accredited observers, the verification process was conducted in premises not adequate for observation.

To increase transparency of the verification of results, the process should be thoroughly regulated and the CEC could consider providing more public information about its activities, having in mind the scale, complexity and the importance of this process.

Following the announcement of the complete preliminary results there are three days for the filing of requests for recounts or the annulment of PS results.⁶⁸ Requests filed prior to the announcement are dismissed as premature and complainants are advised to resubmit during the official period.⁶⁹ The CEC may order recounts on the basis of requests or *ex officio* if the violation could have affected the overall results. In total, the CEC decided to conduct recounts for over 200 PSs where discrepancies in result protocols could affect the allocation of mandates. Ultimately, the recounts did not result in changes to the allocation of mandates. Two appeals were filed against CEC

⁶⁵ For example, in Mostar, Dobož and Kotor Varoš.

⁶⁶ Once every day for the first five days after elections and, after that, once every 48 hours.

⁶⁷ The process of verifying of election results per polling station consisted of second data entry of PSC result protocols in the MCC, checking the discrepancies between the first and second data entry, cleaning any obvious mistakes in protocols and identifying the PSC results which could not be established from the PSC results protocols due to errors, without a recount.

⁶⁸ Requests may be submitted by electoral contestants in the electoral unit where they run, by observers for the polling station where they observed, by a group of 50 voters for the polling station where they voted, or by MECs in their respective municipalities.

⁶⁹ Before the announcement of the preliminary election results, the CEC received 20 requests for recounts from the Croatian Party of Rights of Bosnia and Herzegovina, NDP, Party for Democratic Activity, *Prva BH Stranka*, SBB, SDP, SDS, SNSD and SNS

decisions confirming results in certain areas.⁷⁰ One of them was upheld and the number of votes was corrected accordingly while the other was rejected. In addition, there were two requests filed by SNSD to annul results for all contests in Novi Grad and Bijeljina. Both requests were rejected by the court as unfounded.

The election law obliged the CEC to publish final election results within 30 days after elections (by 11 November). The CEC met this legal obligation and the official results of the elections were announced on 10 November.

XIV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in BiH 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 OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of BiH to further improve the electoral process and to address the recommendations contained in this and previous reports.⁷¹

A. PRIORITY RECOMMENDATIONS

1. In line with ECtHR judgments and previous OSCE/ODIHR recommendations, ethnicity and residency-based limitations on the right to vote and to stand as a candidate should be removed from the law.
2. In order to uphold the principle of equality of the vote, constituency boundaries should be reviewed in accordance with the election law, OSCE commitments and other international standards. The law should specify which body is responsible for the review and that the process be impartial, transparent and involve broad public consultation.
3. The right to file a complaint should be provided to everyone at every stage of the electoral process.
4. The regulatory framework for campaign finance should be reviewed to take account of the gaps identified in this and previous OSCE/ODIHR reports and by GRECO.
5. Investigation of electoral offences by prosecutors should be carried out in a timely manner to ensure effective remedy. Where irregularities are established, those found guilty should be held accountable.

B. OTHER RECOMMENDATIONS

Election Administration

6. To further increase transparency of the decision-making process, the CEC could consider regulating that all meetings of the CEC are open to the public.

⁷⁰ The appeals were filed by SDA in Bosanska Krupa and by SDP in Dobož Istok.

⁷¹ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

7. The CEC regulations could require that the MECs hold regular, announced formal sessions. To enhance transparency, all MECs could regularly update their announcement boards and consideration could be given to publishing relevant MEC information online.
8. While the presence of political party representatives in polling stations is a potential safeguard of the process, the authorities should address the high risk of political imbalance in PSCs by conducting a thorough review of the legal provisions and practice for allocation of PSC members. This should be done in a public consultative process that includes MECs and other relevant stakeholders. Furthermore, the CEC could consider disclosing the names of the nominating organizations of PSC members per polling station.
9. The authorities could introduce a legal deadline for replacing PSC members once they are appointed and limit the possibility of replacements to specific circumstances based on justified reasons.

Voter Registration

10. The CEC could consider improved voter education on issues that directly impact voters' rights, especially in case of changes in procedures.
11. The election administration should consider additional safeguards to enhance confidence in postal voting and to protect the integrity of the process. This could include requiring the use of registered mail or hand-delivery of ballots to voters.
12. The state, entity and local-level authorities should make more efforts to ensure IDPs participation by maintaining accurate data. Consideration could be given to reviewing existing co-operation mechanisms between the CEC, the Ministry of Civil Affairs, and the Ministry of Human Rights and Refugees.

Candidate Registration

13. In line with good practice, the authorities could review the legal requirements for the return of registration deposits so that they are not excessive and based on candidates receiving a reasonable percentage of votes rather than winning a seat.
14. Consideration could be given to amend the law to stipulate that a candidate or a party may be deregistered only for serious violations, clearly defined by the law. The law could also explicitly state that voter information should be provided on deregistered candidates so as to enable voters to make an informed choice. In addition, the CEC could regulate how votes for a deregistered candidate could be treated during the counting process.

Campaign and Campaign Finances

15. Legislation should clearly define what is considered an abuse of state resources for campaign purposes. The access to public and municipal premises by electoral contestants for campaigning should be provided on equitable grounds and with uniform conditions in all municipalities.
16. Consideration could be given to requiring all electoral contestants to open dedicated bank accounts for campaign financing, through which all campaign transactions could be made.

17. To improve transparency and accountability, the law should require that campaign finance reports are made public and audited in a timely manner. Consideration could also be given to requiring electoral contestants to provide preliminary reports before election day to inform voters of the financing of campaigns prior to casting their vote.
18. The capacity and human resources of the CEC Audit Department could be strengthened in order to provide timely and effective oversight. In line with GRECO recommendations, the law should clearly define infringements of campaign finance rules and to introduce effective, proportionate and dissuasive sanctions for these infringements.

Media

19. Media freedom should be strictly upheld. Interference with the activities of journalists and media personnel should not be tolerated and any allegations of such should be promptly and efficiently investigated.
20. The law should provide clear deadlines for the timely adjudication of media-related complaints. In addition, the CRA should act upon its initiative and could be mandated to conduct systematic monitoring of the broadcasters' election coverage and their compliance with the rules and regulations.
21. Public broadcast media should adhere to its obligation to provide impartial and balanced coverage in their news and political programmes to all parties and candidates.

Complaints

22. Consideration could be given to grant explicit first instance jurisdiction to MECs over violations pertaining to certain aspects of the electoral process, including those on election day.
23. The law should be amended to ensure that complaints are reviewed by the election commissions and the courts in sessions that give both the complainant and the defendant the right to be heard.
24. In order to ensure effective redress, the legal deadlines for adjudication should be respected. In addition, to enhance transparency and accountability, the CEC should publish information on complaints and decisions in a timely manner.
25. Election commissions and courts should refrain from handling complaints in an overly formalistic manner and should give thorough consideration to all cases.

Election Day

26. The relatively high number of occurrences of group voting and irregular assisted voting underlines the need for authorities to enhance voter education programmes, including a focus on the importance and obligation to ensure secrecy during the voting.
27. In order to increase the transparency of the process, the CEC should ensure that copies of the results protocols are provided to all accredited observers who request them. Consideration could be given to identifying a practical way for this, which would ensure that each observer is given a copy without hindering the process.

Tabulation and Announcement of Results

28. To ensure consistency and increase transparency of the tabulation process of preliminary results, the CEC could consider regulating in greater detail the work of MECs during the reception of election materials and tabulation.
29. The CEC should publish the results per polling station as soon as possible after election day, including partial and preliminary results.
30. To increase transparency of the verification of results, the process should be thoroughly regulated and the CEC could consider providing more public information about its activities, having in mind the scale, complexity and the importance of this process.

ANNEX I: FINAL RESULTS⁷²

BiH PRESIDENCY

FBiH Voters:

Valid votes: 997,532

(Regular: 981,471. Postal: 10,270.

Absentee/mobile/abroad in consular dept.: 5,303. Confirmed provisional: 488.)

Invalid votes: 83,375 (7.71 per cent)

RS Voters:

Valid votes: 652,602

(Regular: 631,059. Postal: 16,405.

Absentee/mobile/abroad in consular dept.: 4,331. Confirmed tendered: 807.)

Invalid votes: 53,952 (7.64 per cent)

Bosniak Member of the Presidency:

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	BAKIR IZETBEGOVIĆ	SDA (Party for democratic Action)	247,235	32.87
2	FAHRUDIN RADONČIĆ	SBB BIH (Union for Better Future) – Fahrudin Radončić	201,454	26.78
3	EMIR SULJAGIĆ	Democratic Front – Željko Komšić	114,334	15.20
4	BAKIR HADŽIOMEROVIĆ	SDP (Social-democratic Party BiH)	75,369	10.02
5	SEFER HALILOVIĆ	BPS – Sefer Halilović	66,230	8.80
6	MUSTAFA CERIĆ	<i>Independent Candidate</i>	33,882	4.50
	<i>Other</i>		13,733	1.83

Croat Member of the Presidency:

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	DRAGAN ČOVIĆ	HDZ BIH (Croatian Democratic Union of BIH)	128,053	52.20
2	MARTIN RAGUŽ	HDZ 1990 (Croatian Democratic Union)	94,695	38.60
3	ŽIVKO BUDIMIR	Party of Justice and Trust	15,368	6.27
4	ANTO POPOVIĆ	Democratic Front – Željko Komšić	7,179	2.93

Serb Member of the Presidency:

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	MLADEN IVANIĆ	Alliance for Changes	317,799	48,70
2	ŽELJKA CVIJANOVIĆ	Coalition SNSD, DNS, SP	310,867	47,64
3	GORAN ZMIJANJAC	Party for Just Politics	23,936	3,66

⁷²

Official results are available on the CEC website: www.izbori.ba.

BiH HOUSE OF REPRESENTATIVES

FBiH Voters:

Valid votes: 983,305

(Regular: 967,073. Postal: 10,397.

Absentee/mobile/abroad in consular dept.: 5,357. Confirmed tendered: 478.)

Invalid votes: 97,720 (9.04 per cent)

No	Political Party/Coalition	Number of Votes	Per cent	Total Seats	Direct	Comp. Seats
1	SDA (Party for democratic Action)	274,057	27.87	9	7	2
2	Democratic Front – Željko Komšić	150,767	15.33	5	4	1
3	SBB BIH (Union for Better Future) – Fahrudin Radončić	142,003	14.44	4	3	1
4	Coalition HDZ BIH, HSS, HKDU BIH, HSP Dr. Ante Starčević, HSP of Herceg Bosna	119,468	12.15	4	4	
5	SDP (Social Democratic Party of BIH)	92,906	9.45	3	2	1
6	HDZ 1990 (Croatian Democratic Union)	40,113	4.08	1		1
7	BPS – Sefer Halilović	35,866	3.65	1		1
8	A-SDA (Party for democratic Activity)	22,088	2.25	1	1	
	<i>Other</i>	106,037	10.78			

RS Voters:

Valid votes: 647,615

(Regular: 624,390. Postal: 17,356.

Absentee/mobile/abroad in consular dept.: 5,062. Confirmed tendered: 807.)

Invalid votes: 58,809 (8.32 per cent)

No	Political Party/Coalition	Number of Votes	Per cent	Total Seats	Direct	Comp. Seats
1	SNSD (Alliance of Independent Social Democrats) – Milorad Dodik	249,182	38.48	6	5	1
2	SDS (Serb Democratic Party)	211,562	32.67	5	4	1
3	Coalition PDP, NDP	50,322	7.77	1		1
4	Coalition DNS, NS, SRS	37,052	5.72	1		1
5	SDA (Party for democratic Action)	31,337	4.84	1		1
	<i>Other</i>	68,160	10.53			

FBIH HOUSE OF REPRESENTATIVES

Valid votes: 992,342

(Regular: 976,039. Postal: 10,403.

Absentee/mobile/abroad in consular dept.: 5,416. Confirmed tendered: 484.)

Invalid votes: 88,546 (8.19 per cent)

No	Political Party/Coalition	Number of Votes	Per cent	Total Seats	Direct	Comp. Seats
1	SDA (Party for democratic Action)	275,728	27.79	29	21	8
2	SBB BIH (Union for Better Future) – Fahrudin Radončić	145,946	14.71	16	13	3
3	Democratic Front – Željko Komšić	128,058	12.90	14	10	4
4	Coalition HDZ BIH, HSS, HKDU BIH, HSP Dr. Ante Starčević, HSP of Herceg Bosna	118,375	11.93	12	11	1
5	SDP (Social-democratic Party BiH)	100,626	10.14	12	10	2
6	HDZ 1990 (Croatian Democratic Union)	40,125	4.04	4	4	
7	BPS – Sefer Halilović	36,873	3.72	4		4
8	SBIH (Party for BiH)	32,790	3.30	3		3
9	A-SDA (Party of Democratic Activity)	22,334	2.25	2	2	
10	Our Party	15,248	1.54	1	1	
11	Labour Party of BiH	5,607	0.57	1	1	
	<i>Other</i>	70,632	7.11			

RS PRESIDENT AND VICE PRESIDENTS

Valid votes: 668,528

(Regular: 645,189. Postal: 17,444.

Absentee/mobile/abroad in consular dept.: 5,064. Confirmed tendered: 831.)

Invalid votes: 38,108 (5.40 per cent)

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	MILORAD DODIK	Coalition SNSD, DNS, SP	303,496	45.40
2	OGNJEN TADIĆ	Alliance for Changes	296,021	44.28
3	RAMIZ SALKIĆ	Homeland	24,294	3.63
4	SEJFUDIN TOKIĆ	A-SDA (Party for democratic Activity)	11,312	1.69
5	DRAGOMIR JOVIČIĆ	Party of Just Politics	7,569	1.13
6	ENES SULJKANOVIĆ	SDP (Social-democratic Party BiH)	6,809	1.02
7	JOSIP JERKOVIĆ	Coalition HDZ BIH, HSS, HKDU BIH, HSP of Herceg Bosna	6,562	0.98
	<i>Other</i>		12,465	1.87

RS NATIONAL ASSEMBLY

Valid votes: 661,910

(Regular: 638,772. Postal: 17,381.

Absentee/mobile/abroad in consular dept.: 4,933. Confirmed tendered: 824.)

Invalid votes: 44,801 (6.34 per cent)

No	Political Party/Coalition	Number of Votes	Per cent	Total Seats	Direct	Comp. Seats
1	SNSD (Alliance of Independent Social Democrats) – Milorad Dodik	213,665	32.28	29	24	5
2	Coalition SDS, Pensioners-PUP, Radicals SRS RS	173,824	26.26	24	20	4
3	Coalition DNS, NS, SRS	61,016	9.22	8	6	2
4	PDP (Party of Democratic Progress)	48,845	7.38	7	6	1
5	Homeland	34,583	5.22	5	3	2
6	People's Democratic Movement	33,977	5.13	5	3	2
7	Socialist Party	33,695	5.09	5	1	4
	<i>Other</i>	62,305	9.42			

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTIONOBSERVATION MISSION

Short-Term Observers

OSCE Parliamentary Assembly

Nurten	YILMAZ	Austria	
Axel	KASSEGGER	Austria	
Rita	BELLENS	Belgium	
Milovan	PETKOVIC	Croatia	
Branko	VUKSIC	Croatia	
Andreas	NOTHELLE	Germany	
Jurgen	KLIMKE	Germany	
Georgios	VAREMENOS	Greece	
Georgios	CHAMPOURIS	Greece	
Andreas	PSYCHARIS	Greece	
Luigi	COMPAGNA	Italy	
Emma	FATTORINI	Italy	
Sergio	DIVINA	Italy	
Marietta	TIDEI	Italy	Head of Delegation
Giuseppe	TREZZA	Italy	
Francesco	PAGANI	Italy	
Henryk	SMOLARZ	Poland	
Adao	SILVA	Portugal	
Ilya	KOSTUNOV	Russian Federation	
Marina	YAKOVLEVA	Russian Federation	
Roberto	BATELLI	Slovenia	Special Co-ordinator
Vesna	VERVEGA	Slovenia	
Klavdija	MARKEZ	Slovenia	
Sebastian	GONZALES VAZQUEZ	Spain	
Pedro	GOMES DE LA SERNA	Spain	
Jan Richard	ANDERSSON	Sweden	
Thomas	FINNBORG	Sweden	
Ludwig	HOGHAMMAR MITKAS	Sweden	
Amir	ADAN	Sweden	
Margareta	CEDERFELT	Sweden	
Maria	PLASS	Sweden	
Sait	ACBA	Turkey	
Yasin	KARAARSLAN	Turkey	
Emin	ONEN	Turkey	
Iryna	SABASHUK	Ukraine	
Simon	MCGUIGAN BURNS	United Kingdom	
Robert	HAND	United States	

Parliamentary Assembly of the Council of Europe

Stefan	SCHENNACH	Austria
Melita	MULIC	Croatia
Ingrid	ANTICEVIC MARINOVIC	Croatia
Nikolaj	VILLUMSEN	Denmark

Margus	HANSON	Estonia	
Franck	DAESCHLER	France	
Caroline	RAVAUD	France	
David	BAKRADZE	Georgia	
Ute	FINCKH-KRAEMER	Germany	
Maria	GIANNAKAKI	Greece	
Paolo	CORSINI	Italy	
Egidijus	VAREIKIS	Lithuania	
Joseph	DEBONO GRECH	Malta	
Ingebjorg	GODSKESEN	Norway	
Morten	WOLD	Norway	
Bogdan	TORCATORIU	Romania	
Mikael	OSCARSSON	Sweden	
Kerstin	LUNDGREN	Sweden	
Alfred	HEER	Switzerland	
Andre	BUGNON	Switzerland	
Liliane	MAURY PASQUIER	Switzerland	
Tiny	KOX	The Netherlands	Head of Delegation
Saban	DISLI	Turkey	
Tülin	ERKAL KARA	Turkey	
Reha	DENEMEC	Turkey	
Nicola	STEMP	United Kingdom	

OSCE/ODIHR EOM Short-Term Observers

Marlen	DIALER-GRILLMAYER	Austria
Josef	HARTL	Austria
Cornelia	PERLE	Austria
Johann	SATTLER	Austria
Sabine	CAPART	Belgium
Marlies	CARDOEN	Belgium
Baptiste	DARDENNE	Belgium
Geraldine	LAMFALUSSY	Belgium
Pieter	LEENKNECHT	Belgium
Gavin	AARVOLD	United Kingdom
David	BEENEY	United Kingdom
John Damien	EARLS	United Kingdom
Sarah Emily	FRADGLEY	United Kingdom
David	HAINSWORTH	United Kingdom
Melanie Jane	LEATHERS	United Kingdom
Stephen Spencer	PAUL	United Kingdom
Rachel	QUILLEN	United Kingdom
Paul	SIMON	United Kingdom
Simon	SMART	United Kingdom
Tomas	BELONOZNIK	Czech Republic
Jana	CECHLOVSKA	Czech Republic
Kristyna	DANOVA	Czech Republic
Pavla	DOCEKALOVA	Czech Republic
Frantisek	HAVLIN	Czech Republic
Vladimir	KADLEC	Czech Republic

Jan	LATAL	Czech Republic
Jakub	SMUTNY	Czech Republic
Sarka	STRAHALOVA	Czech Republic
Jaroslav	VLTAVSKY	Czech Republic
Aida Steffensen	BENOMAR	Denmark
Dorte	BROEN	Denmark
Ib Kok	HANSEN	Denmark
Solveig	HAUGAARD SVENDSEN	Denmark
Niels Mattias	JEGIND	Denmark
Cathrine Hoffmann	JENSEN	Denmark
Adam Jacobi	MØLLER	Denmark
Peter	RAVN	Denmark
Claus	STOUGAARD- ANDRESEN	Denmark
Valdo	HELMELAID	Estonia
Sampsa	LAUERMA	Finland
Emilia	MERENMIES	Finland
Anja	PAAJANEN	Finland
Heidi Brita Olivia	TEIR-SETKIC	Finland
Hermann	BACKFISCH	Germany
Peter	BESSELMANN	Germany
Michael	BOLLMANN	Germany
Katharina Franziska	BRAIG	Germany
Melanie	BREITER	Germany
Michael	CEMERIN	Germany
Horst	DENECKE	Germany
Thomas	DOEHNE	Germany
Gisela	GAUGGEL-ROBINSON	Germany
Andreas	GLODDE	Germany
Ansgar	HANNÖVER	Germany
Sabine	HÄUßLER	Germany
Gregor	HUEBNER	Germany
Timo	KNAUTE	Germany
Jochen	KORTLAENDER	Germany
Brigitte	KRECH	Germany
Eva-Maria	LAUCKNER	Germany
Elena	LOPEZ-WERNER	Germany
Judith	MÖLLERS	Germany
Karin	PLUBERG	Germany
Vera Paulina	RIFFLER	Germany
Kerstin	ROESKE	Germany
Julia Franziska	RUPPEL	Germany
Rita	SAGEMANN	Germany
Claudia	SCHULZE	Germany
Rolf	THIENEMANN	Germany
Beatrice	TRENKMANN	Germany
Christoph	VEITH	Germany
Volker	WEYEL	Germany
Krisztina	ANGYASI	Hungary
Erik	BAKTAI	Hungary

Gergo	KOCSIS	Hungary
Ottó	SIPOS	Hungary
Laszlo	STOCK	Hungary
Mira	VUITY	Hungary
Eithne	MACDERMOTT	Ireland
Geraldine	O'NEILL	Ireland
John	PURCELL	Ireland
Diletta	BERARDINELLI	Italy
Piero	IAIA	Italy
Maria Luisa	LOVICU	Italy
Aida	BALGANOVA	Kazakhstan
Madiyar	KOZHAKHMET	Kazakhstan
Saule	KOZUBAYEVA	Kazakhstan
Amir	SULTANGOZHIN	Kazakhstan
Onno	HATTINGA VAN'T SANT	Netherlands
Erik	LITVER	Netherlands
Nenad	JOLDIC	Netherlands
Joost	TAVERNE	Netherlands
Marcus	WILKE	Netherlands
Tjitske	ZWERVER	Netherlands
Vidar	BIRKELAND	Norway
Synne	BJERKAAS	Norway
Kari-Johanne	IVERSEN	Norway
Camilla	MICHALSEN	Norway
Astrid	MOEN	Norway
Guro Engstrøm	NILSEN	Norway
Per	SVARTEFOSS	Norway
Andreea	BUCNARU	Romania
William Anton	KORBL	Romania
Lubica	BINDOVA	Slovakia
Martina	HRVOLOVA	Slovakia
Tadej	BOJNEC	Slovenia
Milan	PREDAN	Slovenia
Marta	GARCIA SECADES GUTIÉRREZ	Spain
Sandra	HERNÁNDEZ	Spain
Isabel	MENCHON LOPEZ	Spain
Marta	PÉREZ SORIA	Spain
Ignacio	VITORICA HAMILTON	Spain
Tomas	AGNEMO	Sweden
Lucy	ANDRADE	Sweden
Knut	BERGKNUT	Sweden
Jan	BOLLING	Sweden
Robert	HALL	Sweden
Torsten	JAECKEL	Sweden
Susanna	NYSTRÖM	Sweden
Daniel	OLSSON	Sweden
Anna	WIDMARK	Sweden
Heinz	BACHMANN	Switzerland
Gabriela	FUCHS	Switzerland

Philipp	SCHORI	Switzerland
Alexandra	VON ARX	Switzerland
Juerg	WICHTERMANN	Switzerland
Stephan	ZIEGLER	Switzerland
Ahmet	ERGIN	Turkey
Haldun	EROGLU	Turkey
Korhan	KARAKOC	Turkey
Nese	OZDEN	Turkey
Kevin	CONNOLLY	United States
Jane	DESNOYERS	United States
Melvin (Craig)	HAGER	United States
Genevra	KINGSLEY	United States
Alka	KOTHARI	United States
John	LINDBACK	United States
Lesia	LOZOWY	United States
James	MARTIN	United States
Gerald	MCDONOUGH	United States
Andrea (Shelley)	MCTHOMAS	United States
Mary	NEMICK	United States
Lois	NICOLAI	United States
Megan	NIEDERMEYER	United States
James	QUIRK	United States
Russell	RAYMOND	United States
Matthew	REGER	United States
Robert	RESCHKE JR.	United States
Philip	RICHTER	United States
Constance (Connie)	ROBINSON	United States
Erin Kelley	SCOTT	United States
Kelly Francis	SCOTT	United States
Cara	STERN	United States
Zhala	SULTANLI	United States
Armen	VARDANYAN	United States
Daniel	VILLEGAS	United States
Degee	WILHELM	United States
Scott	WITHROW	United States
Elizabeth	YOUNG	United States
Naomi	FEIGENBAUM	United States
Richard	PROSEN	United States

Long-Term Observers

OSCE/ODIHR EOM Core Team

Vahram	ABAJYAN	Armenia
John Wayne	PILGRIM	Canada
Jasmina	FRACASSETTI	Croatia
Monica	MARAVCOVA	Czech Republic
Lela	TSAAVA	Georgia
Elissavet	KARAGIANNIDOU	Greece
Cornelia	JONKER	Netherlands
		Head of Mission

Małgorzata Anna	FALEĆKA	Poland
Marek	MRACKA	Slovakia
Goran	PETROV	The former Yugoslav Republic of Macedonia
Jane	KARESKI	The former Yugoslav Republic of Macedonia
Meaghan	MC CABE FITZGERALD	United States

OSCE/ODIHR EOM Long-Term Observers

Stefan	MAY	Austria
Gabriela	SKULOVA	Czech Republic
Thomas	BOSERUP	Denmark
Irmeli Maria	VIENO	Finland
Pierre	GROS	France
Renate	PASCH	Germany
Oliver	SCHEEL	Germany
György	GILYÁN	Hungary
Diarmuid	PEAVOY	Ireland
Matteo	BEZZI	Italy
Linda Elisabeth	BEIJLSMIT	Netherlands
Leonardus Wilhelmus	DEN BIGGELAAR	Netherlands
Cristian	NEGRILA	Romania
Christina	BERGMAN	Sweden
Par	SKOLD	Sweden
Fabrice	BOULE	Switzerland
Marie Christelle	MELLY	Switzerland
Francis John	MCGINLEY	United Kingdom
Stella Mary	HELLIER	United Kingdom
Andral	BRATTON	United States

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the 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.

The OSCE/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 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates 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 obligation 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, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/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.

The OSCE/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 OSCE/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).