



INTERNATIONAL ELECTION OBSERVATION MISSION Bosnia and Herzegovina – General Elections, 7 October 2018

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 2018 general elections in Bosnia and Herzegovina were genuinely competitive but characterized by continuing segmentation along ethnic lines. Voters were presented with a wide choice of candidates, who were able to campaign freely. Contestants, however, focused more on personal attacks and fearmongering than on discussing political alternatives. Dependence of media on political and business interests often caused biased coverage. Instances of pressure and undue influence on voters were not effectively addressed. Long-standing deficiencies in the legal framework remain and recent reform discussions stalled due to political disagreements, further eroding trust in public institutions. Overall, the upper levels of the election administration ran the elections efficiently. On election day, polling station commissions worked transparently but faced some difficulties with following procedures, particularly during counting.

The legal framework is generally conducive to democratic elections. However, important long-standing shortcomings remain, as constitutional and electoral reforms were stalled by political deadlocks. In particular, restrictions on the right to stand based on ethnicity and residence are contrary to OSCE commitments, Council of Europe and other international standards. Judgments of the European Court of Human Rights on this issue remain unimplemented. Formation of state and entity institutions after these elections is uncertain due to an unaddressed decision of the Constitutional Court.

The Central Election Commission (CEC) implemented most of its tasks efficiently, despite limited budget and staff, and against the backdrop of continued criticism and allegations regarding technical preparations. Stakeholders lacked trust in election administration at all levels and questioned its impartiality, including due to numerous credible claims that electoral contestants were trading positions to obtain control over particular Polling Station Commissions (PSCs). Municipal Election Commissions (MECs) acted in a more professional manner.

The number of registered voters was 3,352,933, including 77,814 abroad. Stakeholders repeatedly voiced concerns over the accuracy of the Central Voter Register (CVR), in particular regarding deceased voters, remaining on the CVR. The CEC undertook measures aimed at improving the CVR accuracy, and referred cases of suspected fraud in registrations for postal voting to the prosecutor's office.

The CEC registered 60 parties and 16 coalitions with some 3,515 candidates on the lists, as well as 25 independent candidates to compete in the state and entity elections. This offered voters a wide choice. The registration process, which took place prior to the IEOM deployment, was largely inclusive. Genuine participation of some contestants was left in doubt due to the reportedly widespread practice of registering with the sole aim of trading PSC positions.

Contestants were able to campaign freely and freedoms of speech, movement and association were generally respected. A variety of campaigning methods was employed, including online. The campaign was mainly segmented along ethnic lines. Contestants used polarizing and negative rhetoric, personal attacks and fearmongering, at the expense of discussing political alternatives. Instances of preferential treatment of incumbent candidates by local authorities, misuse of administrative resources, and undue influence on voters raised concerns in light of international standards and commitments for campaigning

to be conducted in a fair and free atmosphere. No discriminatory rhetoric against national minorities was reported or observed.

Gender equality was not a prominent campaign topic and, when present, its focus was on family issues. Although women appeared in electoral events, they rarely campaigned on their own and women candidates were not actively promoted by political party structures. Media attention was also predominantly concentrated on male candidates.

The regulatory system does not provide for adequate transparency and accountability of campaign finances. The CEC is in charge of campaign finance oversight but available sanctions are not sufficiently dissuasive, and loopholes leave room for untraceable money flows. Most of previous ODIHR and the Council of Europe's Group of States against Corruption (GRECO) recommendations remain unaddressed.

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

The mechanisms for complaints and appeals are in place and provide for timely consideration, including through judicial review. However, a restrictive interpretation of admissibility by election commissions has led to denial of effective remedies and left alleged irregularities unaddressed, further contributing to the lack of trust in complaint mechanisms. The CEC reviewed a number of complaints in public sessions and maintained a register of complaints but the transparency of the process remained an issue. The CEC decisions on complaints were reasoned, and adopted usually by a consensus aimed at maintaining the overall ethnic balance in the CEC approach.

Election day was generally orderly, despite some irregularities observed throughout the day. Secrecy of voting was not sufficiently ensured, and cases of suspected misuse of assisted voting were noted. The PSCs often did not follow legally prescribed procedures, particularly during counting and filling out results protocols, revealing inadequate training. The early stages of tabulation were assessed positively. Large presence of citizen observers contributed to the overall transparency of the process.

PRELIMINARY FINDINGS

Background

Bosnia and Herzegovina is composed of two entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). The state Constitution recognizes Bosniacs, Croats and Serbs as the three constituent peoples.¹ The state structure results from the constitutional arrangement agreed in the 1995 General Framework Agreement for Peace (Dayton Agreement). The Office of the High Representative (OHR), an international body mandated to oversee the implementation of the Dayton Agreement, retains

¹ Citizens may also declare themselves as "others", either by identifying with another ethnic group or by choosing not to affiliate with any group.

extensive powers, though in practice these are not exercised. The international community is divided on the link between the role of the OHR and political dynamics in the country.

The elections took place against a backdrop of political stagnation and insufficient economic growth in an atmosphere of enduring disillusionment of the population with public institutions. The three constituent peoples rely almost exclusively on their respective communities for electoral support. Lack of a joint vision with respect to the country's future and insufficient intra- and inter-ethnic co-operation often results in political impasse. The ruling coalitions formed after the 2014 elections suffered from internal disagreements and defections, which significantly hindered decision-making, including reform efforts related to potential European Union accession. Further, the continued politicization of the public sector, the largest employer in the country, creates a culture of dependence, thereby generating loyalties that often translate into votes for incumbents or leading to abstention from voting.

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

Legal Framework

Elections are primarily regulated at state level, namely by the 1995 Constitution of Bosnia and Herzegovina, the 2001 Election Law, the 2012 Law on Financing of Political Parties, and the Dayton Agreement and Central Election Commission (CEC) regulations. Certain issues related to political parties and the formation of entity institutions are regulated by entity-level constitutions and laws.² The legal framework is detailed and generally conducive to democratic elections, despite remaining shortcomings in the constitutional framework and electoral laws. The hierarchical relationship between a state law and entity constitutions is unclear.

The current constitutional framework challenges the principles of universal and equal suffrage and non-discrimination provided for by OSCE commitments, the European Convention on Human Rights (ECHR), and other international standards and good practice.³ Only voters self-declared as Bosniacs, Croats or Serbs may stand as candidates for the state and entity presidencies, provided that they reside in the appropriate entity.⁴ The European Court of Human Rights (ECtHR) has repeatedly deemed these discriminatory ethnicity and residency-based restrictions as incompatible with the ECHR.⁵

² Entity legislation includes the Constitutions of the FBiH (1994) and RS (1992), the Laws on Political Associations of the FBiH (1990), of RS (1996), of Brčko District (2012), the Laws on Financing of Political Parties of RS (2008) and Brčko District (2004).

³ Article 21.3 of the Universal Declaration of Human Rights and Article 25 of the 1966 ICCPR provide for "universal and equal suffrage", while Article 2 of the ICCPR also expressly prohibits discrimination. Paragraph 7.3 of the 1990 OSCE Copenhagen Document states that the participating States will "guarantee universal and equal suffrage to adult citizens", while Paragraph 7.5 obliges the participating States to "respect the right of citizens to seek political or public office ... without discrimination". The ECtHR referred in its relevant decisions to Article 14 of the ECHR (non-discrimination) in conjunction with Article 3 of Protocol No. 1 ECHR (right to free elections), as well as Article 1 of Protocol No. 12 ECHR (general prohibition of discrimination). See also the Council of Europe Venice Commission's Code of Good Practice in Electoral Matters.

⁴ Only Serb candidates may stand for the presidency of the state in the RS, while in the FBiH the state presidency is contested only by Bosniac and Croat candidates. "Others" are not eligible to stand for state and entity presidencies.

⁵ See, among others, ECtHR judgements in [Sejdić and Finci v. Bosnia and Herzegovina](#), [Zornić v. Bosnia and Herzegovina](#), [Pilav v. Bosnia and Herzegovina](#) and [Šlaku v. Bosnia and Herzegovina](#).

Amendments were introduced to the Election Law and the Law on Financing of Political Parties in 2016, based on proposals of a parliamentary commission formed in 2015.⁶ These amendments addressed a few prior ODIHR recommendations by introducing lower thresholds for returning electoral deposits to contestants and better defining campaign finance irregularities. Most prior recommendations remain unaddressed, including introducing effective provisions on the prevention of abuse of state resources, campaign finance and its oversight, and electoral dispute resolution. Several IEOM interlocutors raised serious concerns about the lack of political will to engage in constitutional and electoral reform.

In 2016, the Constitutional Court declared unconstitutional provisions of the Election Law on the election of delegates to the FBiH House of Peoples (upper chamber of the entity parliament, FBiH HoP) by the cantonal assemblies.⁷ The state parliament failed to amend the law. In 2017, the Constitutional Court repealed the provisions, and attempts to address this issue by the FBiH parliament and the CEC were unsuccessful.⁸ Consequently, there remains a legal gap on the allocation of mandates in the FBiH HoP,⁹ which may result in inability to form some institutions in the FBiH and at state level after the elections.

The electoral laws also contain certain shortcomings. For example, state officials and civil servants are in some cases required either to resign or temporarily step down in order to stand as candidates. Despite a legal obligation, the CEC refrained from determining whether such candidates had complied with the law and relied on the candidates' self-compliance.¹⁰

Electoral System

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

The three members of the presidency of Bosnia and Herzegovina are elected by simple majority on separate candidate lists in the two entities.¹¹ The RS president and vice-presidents are also elected by simple majority of votes, with the candidate who receives most votes elected as president, and the top two candidates from the two other constituent peoples elected as vice-presidents.

⁶ This joint parliamentary commission consists of three representatives from each of the following institutions: the CEC, Council of Ministers and both chambers of state parliament.

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

⁸ Two proposals, submitted by HDZ BiH and by SDA, were rejected by the state parliament in January 2018. The FBiH parliament discussed in June and September 2018 but has not adopted a Draft Law on Constituencies and the Number of Mandates of the FBiH Parliament in a final vote. The issue is pending before the Constitutional Court of the FBiH. Although Article 10.12 of the Election Law entitles the CEC to determine the number of delegates after each new census, the CEC draft document on the allocation of mandates in the FBiH HoP was not adopted.

⁹ The FBiH HoP plays a role in the election of FBiH president and vice-presidents and the formation of FBiH Council of Ministers and House of Peoples of Bosnia and Herzegovina (upper chamber of state parliament, BiH HoP).

¹⁰ The CEC explained to the ODIHR EOM that it does not have access to the databases of civil servants at the state, entity and Brčko District levels.

¹¹ One ethnic Bosniac and one ethnic Croat are elected by the voters in the FBiH, and one ethnic Serb by those in the RS. A voter registered in the FBiH may vote for either a Bosniac or a Croat candidate, but not for both. Voters in Brčko District vote either for contestants standing in the FBiH or RS, depending on their entity citizenship.

Most of the members of the BiH HoR, FBiH HoR and RS NA are elected through a proportional open list system in multi-member constituencies (MMCs). Mandates in MMCs are allocated to the political subjects, which have received at least 3 per cent of the total number of valid votes in the corresponding MMC, as well as independent candidates.¹² Those candidates, who receive preferential votes of at least 20 per cent of those cast for the contestant, get their seats first, other candidates – according to their order on the list. After the initial distribution of mandates in MMCs, compensatory seats are allocated from closed party lists to ensure adequate proportional representation of winning parties and coalitions at entity level.¹³ Moreover, the law prescribes minimum representation, four seats for each of the three constituent peoples, in the FBiH HoR and RS NA.

Despite a legal requirement, since 2001 the number of mandates per MMC have not been reviewed every four years. The number of voters per elected representative for the BiH HoR, FBiH HoR and RS NA varies significantly across the MMCs, undermining the equality of the vote.¹⁴

Election Administration

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

Stakeholders lacked trust in election administration at all levels and questioned its impartiality, citing suspected political and ethnic bias of commissioners.¹⁵ Concerns regarding potential election day manipulation were constantly voiced by many ODIHR EOM interlocutors, further undermining confidence in the election administration in the run-up to the elections.

The CEC is a permanent body responsible for the overall conduct of elections. All seven CEC members are appointed by the BiH HoR for a seven-year term. On 27 September, the CEC elected, from among the two Serb members, a new chairperson.¹⁶ The CEC held public sessions on a regular and ad hoc basis and made most decisions unanimously. It published voter information materials in the three local languages, as well as in sign language on major TV channels.

The CEC generally coped with its tasks and administered elections in an efficient manner. The CEC operated amidst continued criticism and allegations regarding technical preparations, voiced by various

¹² Political subject is a party, a coalition, an independent candidate or a list of independent candidates registered to participate in the elections. In line with the *Saint-Lague* method, allocation of seats in MMCs between the political subjects entitled takes place according to the largest electoral quotients. Independent candidates are assigned the quotients equal to the number of their corresponding votes.

¹³ The BiH HoR comprises 42 members: 21 elected from 5 MMCs in the FBiH and 9 from 3 MMCs in the RS. An additional seven and five members respectively receive compensatory seats. The FBiH HoR is composed of 98 members, with 73 elected in 12 MMCs and 25 receiving compensatory seats. The RS NA comprises 83 members, with 63 elected in 9 MMCs and 20 receiving compensatory seats. The Brčko District is included in the FBiH MMCs. The closed candidate lists for compensatory mandates may include only candidates on the open lists.

¹⁴ See Paragraph 7.3 of the 1990 OSCE Copenhagen Document. Paragraph I.2.2.iv of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that “the permissible departure from the norm should not be more than 10% and should certainly not exceed 15%, except in special circumstances (protection of a concentrated minority, sparsely populated administrative entity)”. The deviation from the average number of voters exceeds 15 per cent in 3 out of 8 MMCs for the BiH HoR (with the highest deviation of 65 per cent), 6 out of 12 for the FBiH HoR and 2 out of 9 for the RS NA.

¹⁵ Paragraph 20 of the 1996 CCPR General Comment 25 to the ICCPR emphasizes the need to conduct the electoral process “fairly, impartially and in line with established laws compatible with the Covenant”. Paragraph II.3.1 of the 2002 Venice Commission Code of Good Practice in Electoral Matters stresses that “an impartial body must be in charge of applying electoral law”.

¹⁶ The chairperson is elected by the CEC members from among themselves on a rotating basis, provided that one Bosniac, one Croat, one Serb and one “other” member serve a 21-month term each.

stakeholders and amplified by the media, which tarnished the CEC's reputation and corroded its credibility.¹⁷ Understaffed administration and a limited budget were also reported to the ODIHR EOM by the CEC as major impediments.¹⁸

MECs acted in a more professional manner. They appointed the PSCs based on nominations from political subjects.¹⁹ However, formation of PSCs proved problematic for the majority of the MECs, as initially they experienced a significant shortfall of nominees.²⁰ The appointment of PSC members was followed by a high number of replacements. Many nominees were rejected by the CEC because they stood as candidates in 2016 local elections and some MECs noted poor communication from the CEC in this respect.²¹ MECs responded by appointing members from the pool of commissioners from previous elections and by requesting nominees from municipalities. Many appointees resigned due to low remuneration. In addition, MECs had to replace a considerable number of PSC members as they failed the test about election day procedures.²² This increased the workload of MECs who had to find replacements and re-organize training for the new PSC members. ODIHR EOM observers assessed that the quality of conducted training varied across the country.

Many IEOM interlocutors were concerned that PSCs serve political party interests or the members in fact represent only one party.²³ Although the appointment of the PSCs was formally carried out according to the law, there were numerous credible claims by MECs, parties and citizen observers that political subjects traded positions in the PSCs to obtain control over PSC activities.²⁴ Bogus contestants were believed to have registered to obtain seats in the PSCs in order to sell those to other interested parties.²⁵

The law establishes gender requirements for election commissions.²⁶ Only one CEC member is a woman, however. Women constituted 46 per cent of MEC members but chaired only one-third of MECs. Of the 143 MECs, 13 did not comply with the 40 per cent quota prescribed by the law.

Voter Registration

Citizens having reached age of 18 on election day are eligible to vote, except those deprived of legal capacity or disenfranchised for a serious crime, including for war crimes. Voter registration system, except for out-of-country voters, is passive. The Central Voter Register (CVR) is extracted from the

¹⁷ Several factors have contributed to this, including allegations of inflated voter lists, leaking of a draft document regarding the number of delegates for the FBiH HoP, and information about an alleged loss of 35.8 tons of paper procured for printing of ballots. The latter case is being investigated by the prosecutor's office.

¹⁸ According to the CEC, the state parliament declined to increase the budget for elections despite several requests.

¹⁹ MECs are permanent bodies, appointed for seven-year terms by municipal councils and approved by the CEC. The MEC membership should reflect ethnic composition of the municipality according to the 2013 census. MECs are responsible for overseeing voting and counting and the data entry of the preliminary voting results.

²⁰ By law, if parties fail to submit a sufficient number of nominees, the MECs shall appoint the PSCs independently.

²¹ According to the CEC and based on a 2015 court precedent, the prohibition of Election Law (Article 2.3.1.4) for candidates to serve as election commissioners also extends to the candidates from previous municipal elections. According to MECs, the CEC clarification on this restriction was communicated to MECs on 13 September, while by law, MECs had to form the PSCs by 7 September. Due to this reason, for instance, in Kneževu some 12 per cent of nominees had to be replaced, in Gradiška – 10 per cent, in Novi Grad – 16 per cent, in Mostar – 59 per cent.

²² In Mostar, some 350 appointees did not show up to participate in trainings for the PSCs.

²³ Paragraph II.3.1.e of the 2002 Venice Commission Code of Good Practice in Electoral Matters states that "political parties should be equally represented on election commissions".

²⁴ Such information was provided to the ODIHR EOM from Bihać, Banja Luka, Foča, Livno, Mostar, Sarajevo, Tuzla, and Zenica.

²⁵ Despite repeated efforts, the ODIHR EOM did not manage to establish any contacts with or locate any campaign offices of some parties and candidates. The ODIHR EOM obtained evidence that some of these parties' (for example, the Left Wing party) representatives in the PSCs were affiliated with other major parties.

²⁶ According to the Election Law and Law on Gender Equality, all election commissions should have at least 40 per cent of members of each gender, while in three-member commissions both genders should be represented.

population register based on the records of eligible citizens with permanent and temporary residence.²⁷ Citizens residing abroad may keep their permanent registration in the country.²⁸

Many IEOM interlocutors expressed concerns over accuracy of the CVR, in particular due to reportedly high number of records of deceased voters, which are allegedly used for manipulation on election day.²⁹ In the run-up to the elections, the CEC, jointly with state and entity institutions, undertook measures to improve the accuracy of the CVR, including by removing some 5,000 records of deceased voters. Additionally, the CEC instructed MECs to mark in the voter lists the voters who are confirmed to be deceased by registration offices after closing the CVR. By law, the CEC maintains the CVR and within its competence is responsible for its accuracy and integrity, but it depends on the accuracy of data provided by other institutions responsible for updating the population register.³⁰ Only police is authorized to remove the deceased citizens from its local database of the civil register.³¹

The law provides for voting from abroad, for which voters need to register for each election.³² Those residing abroad had the possibility to either vote by mail or in-person at one of the country's diplomatic representations.³³ In line with a prior ODIHR recommendation, voters abroad were required by the CEC to send their ballots via registered mail. Having refused 9,136 requests to register for out-of-country voting, the CEC raised concerns of possible misuse of personal ID documents and falsification of signatures and referred such cases to the state prosecutor's office for investigation.³⁴

Internally displaced persons have the right to either vote at the polling station of their temporary residence, provided they have resided there for at least six months, or at special "absentee" polling stations for the electoral unit where they were registered before being displaced.³⁵

Following voter list verification, the CEC finalized the CVR and, on 30 August announced the total number of registered voters as 3,352,933.³⁶ Final voter lists were forwarded by the CEC to MECs by the legal deadline. Voters who were not found on the voter list on election day or came from abroad and could present valid identification card with the proof of their residence, voted by tendered ballots.³⁷ Homebound voters and those in places of detention could vote via mobile ballot box.³⁸

²⁷ The population register is maintained by the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina (IDDEEA), under the Ministry of Civil Affairs. Registration of permanent residence is mandatory for citizens, while displaced citizens may have temporary residence until their return to the municipality of their prior permanent residence.

²⁸ Citizens who reside abroad are not obliged to deregister their permanent residence if they maintain an effective link with the state (e.g. have family, or own real estate or a company). According to the IDDEEA, as of August 2018, there were 3,943,752 registered citizens.

²⁹ Despite several requests, the political parties did not provide any specific figures to the ODIHR EOM.

³⁰ Namely, municipalities, cantonal and entity level police (Article 3.5 of the Election Law).

³¹ By law, the police remove the record of a deceased citizen only upon the receipt of a printed death certificate from the respective municipality.

³² The CEC prepares a separate voter list for out-of-country voters and excludes them from the main voter lists at regular polling stations.

³³ Out-of-country voters could register from 7 May until 24 July. Of the 77,814 people who registered for these elections some 24,000 registered from Croatia, 14,000 from Serbia and 10,000 from Germany. Only 1,085 voters chose to vote at diplomatic missions abroad.

³⁴ According to [the CEC Statement](#), the requests for voting abroad registration often lacked data on either proof of identity, citizenship, residency, and significant number of applications contained the same address abroad. The prosecutor office did not provide the ODIHR EOM with any information on whether the investigation was initiated.

³⁵ The CEC has registered 8,306 voters to vote at 128 "absentee" polling stations. Their ballots were counted at the Main Counting Centre in Sarajevo.

³⁶ Voters could check their records until 23 August through municipal voter registration centres and afterwards online through the [CEC website](#), or via the [CEC SMS service](#).

³⁷ Tendered ballots are cast in envelopes at special polling stations and counted at the Main Counting Centre in Sarajevo after the voter's information is checked against the CVR. Such polling stations are designated in each municipality.

³⁸ The CEC registered some 12,000 voters for mobile voting.

Candidate Registration

The CEC certifies eligibility to stand in the elections and registers candidate lists. Candidates for all elections may be nominated by political parties and coalitions or stand independently. The right to stand is restricted by ethnicity and limited by residency requirements (see *Legal Framework*). In order to register, political subjects had to submit supporting signatures³⁹ and electoral deposits.⁴⁰

The registration process took place before the IEOM deployment and was largely inclusive; contestants had access to signature verification and no concerns were raised regarding the procedure. However, the process was disputed in a number of complaints (see *Complaints and Appeals*). After verification of the documents for the state and entity level elections, the CEC registered 25 independent candidates as well as 60 parties and 16 coalitions with 3,515 candidates on the lists, of whom 41.6 per cent were women. This offered voters a wide choice.

Candidate lists must have at least 40 per cent of candidates of each gender, with specific placement requirements.⁴¹ If a list did not comply with the gender requirements, the CEC returned it for correction or registered the part of the list which was in compliance with the requirements. However, in some registered candidate lists the 40 per cent gender requirement was not observed.

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

Electoral Campaign

The official election campaign started on 7 September and ended one day before election day. However, a number of parties and candidates started campaigning early and continued until and on 6 October. Contestants were able to conduct their campaigns freely; fundamental freedoms of association, assembly, and expression were generally respected.⁴²

The campaign was more visible in urban areas with activities intensifying in the final days. Contestants employed a variety of means to reach out to the electorate, including billboards and posters, advertisements in the media, as well as traditional methods, such as canvassing in the streets with distribution of leaflets and other paraphernalia, public meetings and door-to-door campaigns.⁴³ Campaign materials were frequently posted at unauthorized locations, and defacing of posters was observed on

³⁹ Political parties and independent candidates must submit 5,000 supporting voter signatures to run for the state presidency and the BiH HoR, and 3,000 signatures for the president of the RS, as well as for the FBiH HoR and RS NA. With the exception of all presidential elections, parties are exempt from signature collection if they are represented in the legislative body the party wishes to contest or in the corresponding higher-level legislature.

⁴⁰ For political parties, deposits amount to BAM 20,000 (some EUR 10,200; EUR 1 equals some BAM 1.96 (Bosnian *Convertible Mark*) for the state presidential and BiH HoR elections and BAM 14,000 for entity-level elections; independent candidates had to deposit half of these amounts. The deposits are returned to those who receive at least 3 per cent of votes in proportional race or who win the elections of a president (vice-president) or receive at least one-third of votes of the elected president (vice-president).

⁴¹ The Election Law stipulates that the less represented gender be placed in each list according to the following sequence: at least one candidate of less represented gender amongst the first two candidates, two - among the first five candidates, three - among the first eight candidates, etc.

⁴² In isolated cases, some candidates were physically attacked. On 30 September, Zijad Alajbegović, SBB candidate for Zenica-Doboj Canton, was attacked near Visoko and Jakov Perković, candidate of Croat List for Livno for Canton 10, was attacked in Livno, both by unknown assailants.

⁴³ The ODIHR EOM observed a total of 77 campaign events. Most campaign venues visited by the ODIHR EOM were accessible for persons with disabilities.

several occasions.⁴⁴ Some contestants conducted their campaigns mainly via the Internet. While social media were seen as an increasingly potent campaign tool, many IEOM interlocutors expressed concerns with respect to misuse of social media for spreading inflammatory and intolerant rhetoric.

With a few notable exceptions, contestants oriented themselves towards their own ethnic communities.⁴⁵ The tone of campaign was largely negative and polarizing, blaming opponents for the lack of progress. Emphasis on nationalism and personal attacks were notable features of the campaign, in particular for the presidential races, at times eclipsing socio-economic issues such as corruption, unemployment, migration and education. References to the country's wartime past and scaremongering were also noticeable. As a result, voters were presented with few discernible political alternatives.

In the RS, the "Justice for David" civic protests were a prominent feature of the pre-election environment.⁴⁶ The protests have taken on political significance, with the opposition pointing to unwillingness of the ruling party and authorities to solve the case, and incumbents accusing opposition of capitalizing on the protests and of attempts to discredit the governing parties. On 5 October, some contestants, including the opposition parties in the RS, cancelled their final rallies and joined the protests.

Throughout the campaign political parties and civil society were voicing concerns about the lack of a level playing field with respect to access to public media, biased media coverage, and misuse of administrative resources by the governing parties.⁴⁷ In some instances, the ODIHR EOM noted preferential treatment of incumbent candidates by local authorities with respect to allocation of campaign spaces.⁴⁸ The ODIHR EOM also received credible information of attempts to unduly influence voter choice and to pressure voters into voting for ruling parties.⁴⁹ Combined, this raises concerns in light of the OSCE commitments and the 2002 Venice Commission Code of Good Practice for campaigning to be conducted in a fair and free atmosphere.⁵⁰ Many contestants informed the ODIHR EOM that they refrained from filing complaints due to lack of confidence in receiving adequate legal remedies.

⁴⁴ The ODIHR EOM observed destruction of campaign materials among others in Banja Luka, Banovići, Čapljina, Lukavac, Mostar, Novi Grad, Vareš.

⁴⁵ Independent Block (NB), Our Party (Naša Stranka), SDP and DF appealed across different ethnic communities.

⁴⁶ The protests began after the unexplained death of 21-year old David Dragičević in March 2018 and have been organized daily in Banja Luka by his father, who claims that his son was murdered and has accused the police and prosecution of concealing evidence. Protesters from a broad spectrum of society gathered also in other parts of the RS and demanded that the perpetrators of the alleged murder be brought to justice. Civic protests were also organized in the FBiH, on a smaller scale, by the father of a 21-year old Dženan Memić whose death in February 2016 remains not clarified. On occasions, Dragičević and Memić organized joint protests.

⁴⁷ One-time allowances to all pensioners in the RS in exchange for votes were publicly promised by SNSD [on 18 and 24 September](#) and subsequently paid by the government. On 2 October, in a personalized letter from the Office of the FBiH Prime Minister, Fadil Novalić (SDA), [over 300,000 pensioners were urged](#) to "continue to be a partner to those who systematically, bravely and decisively solve problems in our society. Be with those who work for you and for the general welfare of our country and society."

⁴⁸ ODIHR EOM observers reported such cases from Banovići (SDA), Mostar (HDZ 1990), Velika Kladuša (SDA and A-SDA), Vlasenica (Alliance for Victory) and Novi Grad and Ilidža (People and Justice), although no concrete evidence could be obtained from the municipalities or the complainants.

⁴⁹ On 26 September, SNSD leader Milorad Dodik, during [a campaign speech](#) in Gacko, threatened to dismiss employees of public companies who vote for SDS and its leader Vukota Govedarica. Several complaints were filed with the CEC on this matter. The ODIHR EOM received reports of pressure on employees to attend campaign activities in public companies in Banovići, Bosanski Petrovac and Foča. IEOM interlocutors voiced similar concerns about some private entities.

⁵⁰ In Paragraph 7.6 of the 1990 OSCE Copenhagen Document, the participating States committed to "enable [parties] to compete with each other on a basis of equal treatment before the law and by the authorities." Paragraph 7.7 requires "political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution." According to paragraph I.2.3.a of the 2002 Venice Commission Code of Good Practice, "equality of opportunity must be guaranteed for parties and candidates alike".

Gender equality was not a prominent campaign topic and, when present, its focus was on family issues. Although women appeared in electoral events, they rarely campaigned on their own and women candidates were not actively promoted by political party structures.⁵¹ Media attention was also predominantly concentrated on male candidates.

Campaign Finance

Political subjects are financed from the entity budgets, own funds, as well as membership fees and donations by individuals and legal entities.⁵² Parties in the state parliament receive annual funding from the state budget.⁵³ There is a ban on loans and donations from foreign, anonymous, religious and publicly funded sources, and from persons who have public procurement contracts exceeding BAM 10,000 in the current year. A political subject may spend up to BAM 0.30 per registered voter per electoral contest.

Following the 2016 amendments to the Law on Financing of Political Parties, campaign finance irregularities were better defined, in line with previous ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations.⁵⁴ A CEC regulation required political subjects to use dedicated campaign bank accounts for these elections. However, any amounts of cash donations are permitted and there is no explicit requirement that all financial transactions be conducted through the campaign account, thus allowing for untraceable money flows. In addition, a number of candidates on party lists stated to ODIHR EOM that they use their own funds for campaigning but do not report these as party campaign finance.

The CEC Audit Department oversees party and campaign finances. According to the CEC, all registered parties and independent candidates submitted initial financial reports and asset declarations for the three months preceding their registration. Final campaign finance reports are to be submitted within 30 days after the announcement of the election results. But, according to the CEC, it audits the party campaign finances only as part of the annual party reports, which are due to be submitted by March 2019.

The CEC may impose sanctions for irregularities, including for failure to submit a financial report and misuse of state resources for campaign. However, the sanctions are not sufficiently dissuasive.⁵⁵ Several IEOM interlocutors stated that transparency of political finances was insufficient, that assets and campaign finances often remain unreported, and alleged that parties receive donations from public procurement contractors in return for such contracts. Overall, the regulatory framework does not provide for adequate transparency and accountability of campaign finances.⁵⁶

Media

There is a large number of media outlets, with some 200 broadcasters, including 3 public broadcasting services (1 operating on the state level and 1 in each entity), and more than 100 periodicals. Many ODIHR EOM interlocutors expressed concerns about influence of political and business interests on editorial

⁵¹ The ODIHR EOM estimated that women constituted around 40 per cent of audience in observed campaign events.
⁵² An individual may donate up to BAM 10,000, a party member up to BAM 15,000 and a legal entity up to BAM 50,000 to a party annually.

⁵³ The [list](#) of parties which receive public funding is available at the CEC website.

⁵⁴ In its [latest report](#) on transparency of party funding, GRECO concluded that one recommendation was implemented, five were partially implemented and three were not implemented.

⁵⁵ Prescribed fines range from BAM 500 to 10,000.

⁵⁶ Article 7.3 of the [2003 UN Convention Against Corruption](#) states that "Each State Party shall also consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties". See also Articles 8, 10-13 of the Recommendation Rec(2003)4 of the Committee of Ministers of the Council of Europe to member states on common rules against corruption in the funding of political parties and electoral campaigns.

policies, applied also through media owners and advertisement practices. The legislation does not counter excessive ownership concentration or provide for transparency of media ownership.

The state and entity constitutions guarantee freedom of expression. The entity laws on protection against defamation decriminalize libel and provide that journalists do not have to disclose their sources of confidential information. However, according to the ODIHR EOM media interlocutors, defamation cases are often lodged with the aim to intimidate journalists.⁵⁷ Due to low salaries and social status, journalists are often considered to be vulnerable to bribery. There are also concerns about physical attacks and other forms of pressure on journalists.⁵⁸ The OSCE Representative on Freedom of the Media (RFoM) emphasized the need to strengthen media pluralism, respect the independence and sustainability of public service broadcasting, and protect safety of journalists.⁵⁹

The Communications Regulatory Agency (CRA), the broadcaster oversight body, conducted its own monitoring of three public and four private TV channels for compliance with the requirement to provide objective and accurate coverage of the contestants. The CRA initiated cases against a number of broadcasters, including Radio Television of Republika Srpska (RTRS), for non-compliance.⁶⁰ In addition, the CRA received seven complaints that were pending at the end of the campaign.

The ODIHR EOM conducted media monitoring of 11 TV stations and 6 newspapers.⁶¹ The public broadcasters monitored by the ODIHR EOM complied with the legal requirements to provide electoral contestants with free airtime during the official campaign.⁶² According to the CRA, both public and private broadcasters offered equal terms of paid airtime to all contestants.⁶³ Positively, many broadcasters organized debates between contestants.⁶⁴ However, the refusal of many leading candidates, including presidential, to jointly participate in the debates detracted from the voters' ability to make a fully informed choice.⁶⁵

Public broadcasters monitored by the ODIHR EOM covered campaign developments in a balanced manner in special election programmes, which took about half of their total election-related coverage.

⁵⁷ According to the BiH Journalist Association, there were 173 defamation cases pending as of September 2018.

⁵⁸ A recent attack took place on 26 August, when Vladimir Kovačević, a journalist from BN TV, was severely beaten by two unknown assailants in Banja Luka. The police arrested one suspect and were seeking another one.

⁵⁹ See the OSCE RFoM statements from [27 August](#) 2018, [20 April](#) 2018, [5 December](#) 2017.

⁶⁰ See the CRA [statement](#) on 21 September 2018. *ATV* was fined with BAM 5,000 for partial coverage, *Hayat TV* received a written warning, including for non-balanced campaign coverage. The BH Radio 1 received a verbal warning for a breach of legal provisions related to paid political advertisement. The CRA opened administrative cases against RTRS and BNTV based on the results of its own monitoring.

⁶¹ The monitoring was launched on 2 September and conducted daily from 18:00 until 24:00 of public *BHTI*, *FTV* and *RTRS* and private *Hayat TV*, *NI* and *OBN*. In addition, the main news programmes were monitored on *Al Jazeera Balkans*, *BN*, *Face TV*, *Pink TV* and *TV1*. Monitored print media were *Dnevni Avaz*, *Dnevni List*, *Glas Srpske*, *Nezavisne Novine*, *Oslobođenje* and *Večernji List*. The ODIHR EOM also followed election-related coverage in the online outlets [www.bljesak.ba](#), [www.dnevnik.ba](#), [www.klix.ba](#), [www.mondo.ba](#), [www.srpskainfo.com](#) and [www.vijesti.ba](#).

⁶² The public broadcasters were obliged to provide contestants with a minimum of three minutes of free airtime.

⁶³ According to the weekly reports submitted by channels to the CRA, SDA, DF, SBB, NB and SNSD invested the most in paid broadcast advertisements on channels monitored by the ODIHR EOM.

⁶⁴ *BHTI* and *FTV* as well as *NI* channels organized free of charge debates for the state level contestants. *Pink TV*, one of the most popular private channels, also had a weekly current affairs programme, in which some prominent candidates participated. Some other private channels offered contestants to participate in paid debates, interviews and information programmes.

⁶⁵ According to *NI*, the debates on this channel among the Serb presidential candidates did not take place because Mr. Dodik did not confirm his participation, and Mr. Ivanić refused to participate without Mr. Dodik. Other two debates on *NI* between the Bosniac and Croat presidential candidates respectively took place without major candidates, because Mr. Bećirović, Mr. Džaferović, Mr. Radončić and correspondingly Mr. Čović and Mr. Komšić refused to participate. *FTV* planned joint debates among major Bosniac and Croat candidates, but only the Bosniac and not Croat candidates participated.

Such programmes were often dedicated to campaign activities of major contestants, with the RTRS dedicating significantly more attention to SNSD and Mr. Dodik.

Similarly, SNSD and Mr. Dodik received significantly larger news coverage across most monitored channels than any other political actor, mainly due to corresponding newsworthy events.⁶⁶ On many private channels their news coverage was rather negative (between 33 and 79 per cent of coverage in a negative tone), while public channels were more balanced. On the RTRS, however, Mr. Dodik enjoyed the advantage of being extensively covered both as the RS president and as a candidate, which challenged the level playing field. All other parties and their respective presidential candidates received significantly less, albeit positive or neutral, coverage.⁶⁷ Contentious issues related to administration of the elections were also covered in prime time news.

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

Participation of National Minorities

Seventeen groups are officially recognized as national minorities.⁶⁸ Most of these are very small in numbers.⁶⁹ Members of national minorities who are self-declared as “others” are deprived of certain passive suffrage rights, based on ethnicity. The discriminatory nature of the constitutional framework, which ODIHR EOM interlocutors from among members of national minorities strongly criticized, has not been addressed to date (see *Legal Framework*). Besides excluding national minorities, the ethnic key to representation erodes the concept of citizenship and civic-based participation in the political process.

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

⁶⁶ Share of SNSD and Mr. Dodik in the news programmes of the most of monitored private channels was between 16 and 47 per cent of coverage. A large share of news about Mr. Dodik was related to “Justice for David” developments, a visit of the Russian Foreign Minister to Banja Luka and Sarajevo, and a meeting of Mr. Dodik with the Russian President. The news about candidate and vice-president of SNSD Nikola Špirić being blacklisted by the USA was widely discussed by all monitored media.

⁶⁷ Mr. Ivanić received an average of 10 per cent of coverage in the news programmes of the private monitored channels, SDA – 8 per cent (at Hayat it received 24 per cent), PDP – 7 per cent, and all others – less than 5 per cent each.

⁶⁸ The State Law on the Protection of the Rights of Persons Belonging to National Minorities (2003, amended in 2005) lists ethnic Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, and Ukrainians. The Austrian minority was recently recognized and is represented, alongside the other ones, in the state level National Minority Council.

⁶⁹ According to the 2013 census, 96,539 persons, (2.73 per cent of the total population) declared themselves as “others”.

Complaints and Appeals

The mechanisms for complaints and appeals are in place and provide for a timely consideration. Nevertheless, dispute resolution process, as currently implemented, does not fully provide effective legal redress. In practice, the CEC deemed admissible only those complaints from political subjects, citizen observers and voters when the complainants were directly affected by the alleged irregularity. This restrictive interpretation undermined the efforts of the complainants to contribute to the integrity of the electoral process.⁷⁰ While by law election commissions may act on possible irregularities *ex officio*, and in practice they did so in a few cases upon receiving notifications on irregularities.⁷¹

Prior to election day, the ODIHR EOM has been made aware of some 80 complaints and appeals filed with the CEC, which were largely rejected as groundless. Of these, some 45 cases related to MEC and PSC composition and some 25 to campaign violations.⁷² In addition, the CEC received 15 complaints on the use of language which could provoke or incite to violence or spread hatred in the campaign.⁷³ In six such cases, the CEC imposed fines on both the parties and candidates in question.⁷⁴ The rest of these cases were either dismissed as groundless or were still pending. Three CEC decisions on these issues were appealed to the court. Positively, the CEC reviewed a number of complaints in public sessions and maintained a register of complaints; however, the register was not publicly accessible, reducing transparency of complaint resolution. The CEC decisions on complaints were reasoned, and adopted usually by consensus aimed at maintaining overall ethnic balance in the CEC approach. The decisions on complaints and appeals were not published, which limited transparency of the process. Some complaints were deemed inadmissible on the grounds that they were not filed within 24 hours from the violation, as required by law.⁷⁵

Some 45 appeals were filed with the Appellate Division of the Court of Bosnia and Herzegovina and were largely rejected as groundless. The court overturned CEC denials of registration of four parties,⁷⁶ as well as two CEC decisions on MEC composition.⁷⁷ In addition, the court upheld the CEC position in all of some 1,000 appeals against CEC denials for registration for out-of-country voting. Some court decisions were published on its website.

A case may be referred to the prosecutor if it contains elements of a criminal offence. *Transparency International* filed a complaint against Mr. Dodik with prosecutors and notified the CEC of a possible

⁷⁰ A complaint filed by the BNTV against Mr. Dodik on hate speech, for intimidating journalists and threatening the owner of the BNTV, was rejected on the grounds that it was filed by an unauthorized person.

⁷¹ On 26 September, Alliance for Victory filed a complaint against Mr. Dodik who allegedly used hate speech during his rally in Bileća against Davor Dragičević. The CEC rejected the complaint as it was filed after the 24 hours deadline. Subsequently, the CEC reviewed the case *ex officio* and imposed fines of BAM 7,000 on Mr. Dodik and 5,000 on SNSD. Citizen observer coalition *Pod Lupom* notified the CEC about 364 cases of early campaigning and other campaign violations by 32 political subjects, including on social media. The CEC stated that only paid early campaigning is prohibited.

⁷² The complaints were about early campaigning, illegal placing and defacement of posters and alleged vote-buying.
⁷³ The law provides a broad definition of the violation and the criteria for distinguishing inflammatory rhetoric from personal insult or defamation are not clear.

⁷⁴ For instance, candidate Vukota Govedarica called candidate Željka Cvijanović granddaughter of an *ustaša* (member of a Croat fascist organization active during World War II); candidate Adžem Dževad on his facebook account claimed that the husband of candidate Daliborka Mijović owes his well-being to his war involvement.

⁷⁵ For instance, a complaint for abuse of state resources (free distribution of public school books by a candidate) was rejected because it was filed two days after the alleged violation. MEC Busovača rejected a complaint by the DF on illegally posted campaign materials of HDZ BiH, on the grounds that the complaint was filed more than 24 hours after the violation. The CEC also rejected an appeal against the MEC decision.

⁷⁶ The CEC rejections mostly referred to failing to pay the electoral deposit, insufficient number of support signatures, having names similar to existing parties or names that could incite hatred. The court granted the appeals of *Hrvatska Stranka Prava BiH*, *Prva Srpska Demokratska Stranka-Prva SDS*, *Srpska Napredna Stranka*, and *Srpska Radikalna Stranka-Dr Vojslav Šešelj*, which were further registered by the CEC.

⁷⁷ The court found that MEC Velika Kladaša and MEC Usora were not multi-ethnic, as required by law.

violation of the free will of voters.⁷⁸ Prosecutors on different levels informed the ODIHR EOM about the lack of clarity regarding their competences.⁷⁹

Citizen and International Observers

The law provides for election observation by citizen and international observers. Registered candidates and parties may also appoint observers. Accredited observers from parties, independent candidates, civil society organizations and international organizations may observe the entire electoral process. The CEC regulates the accreditation process and is in charge of accreditation of international and citizen observers, as well as contestants' representatives to the CEC. MECs accredit observers appointed by contestants for activities within the relevant municipality. Citizen, party and international observers were accredited in an inclusive manner.

Election Day

Election day was generally orderly. The CEC reported the turnout of 53.3 per cent. IEOM observers were able to follow the process without restrictions. Transparency was further enhanced by the presence of party and citizen observers in 97 and 60 per cent of polling stations observed, respectively.

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

The voting process was assessed positively in 94 per cent of 1,232 polling stations observed. Voter identification procedures were largely followed. Half of the polling stations observed were accessible for voters with disabilities, and the layout was generally suitable for the special needs of disabled voters for independent voting (80 per cent).

The IEOM observers noted that the secrecy of the vote was not ensured in 18 per cent of the polling stations observed, mainly due to overcrowding (8 per cent), inadequate layout of the voting premises (5 per cent) and voters not marking their ballots in secret (16 per cent). Many voters did not fold their ballots before casting. Further, instances of family or group voting were noted in 16 per cent of observations.

The law provides for assisted voting only for visually impaired, illiterate voters and those with physical disabilities. In practice, however, the IEOM observed numerous cases of assisted voting (in particular for women and also for young voters) for those who appeared to be capable of making their choice independently. This is indicative of voters being unduly influenced.

IEOM observers noted many instances (47 per cent) when party observers kept track of those who voted. This process was aided by commissioners announcing the voters' names before issuing the ballots. IEOM observers reported a few cases of serious irregularities such as carousel voting, proxy voting and indications of ballot box stuffing.

⁷⁸ According to the complaint, statements by Mr. Dodik during public rallies in Ugljevik, Banja Luka and Gacko from 18 to 22 September, contained threats aimed at pensioners, health workers, employees of *RiTE Gacko* and others with an intention to influence voters and gain support at the elections. Article 151 of the Criminal Code of Bosnia and Herzegovina prohibits incitement to violence and hatred, electoral bribery, and violation of freedom of voting.

⁷⁹ Both state and entities' criminal codes contain election-related offences. The prosecutors expressed lack of understanding on which agencies – at the state or entity levels – have to start investigation if a violation during the general elections relates to both state and entity or cantonal elections.

The IEOM assessed counting negatively in 23 out of 126 polling stations observed, largely due to significant procedural errors or omissions. The IEOM observed cases when the PSCs did not count or enter the number of unused ballots in the protocols before opening of the ballot boxes (10 and 13 cases, respectively). PSC members often lacked knowledge of procedures, which evidenced inadequate training. One third of the PSCs observed faced difficulties in completing the results protocols, and 16 PSCs observed did not reconcile figures as prescribed by the regulations. The PSCs sometimes pre-signed results protocols (10 cases). Interference in counting process by party observers was reported from 11 counts observed. The PSCs did not publicly display a signed copy of the results protocol in a quarter of polling stations observed, which reduced transparency.

The early stages of tabulation were assessed positively. Difficulties that the PSCs faced with counting were further evidenced by many MECs receiving protocols that were either incomplete or were not signed. IEOM observers were largely able to follow the entire process.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Sarajevo, 8 October 2018 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of Council of Europe (PACE), the European Parliament (EP) and the NATO Parliamentary Assembly (NATO PA). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe's and other international obligations and standards for democratic elections and with national legislation.

Mr. Mavroudis Voridis (Greece) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. Ms. Pia Kauma (Finland) headed the OSCE PA delegation. Dame Cheryl Gillan (United Kingdom) headed the PACE delegation. Mr. Frank Engel (Luxembourg) headed the EP delegation. Ms. Rasa Juknevičienė (Lithuania) headed the NATO PA delegation. Ambassador Peter Tejler (Sweden) is the Head of the ODIHR EOM, deployed from 27 August.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its winter meeting in Vienna in February 2019. The PACE will present its report at its Standing Committee on 23 November in Helsinki. The EP will present its report at a forthcoming meeting of its Committee on Foreign Affairs. The NATO PA will present its report during its Autumn Session on 18 November 2018.

The ODIHR EOM includes 16 experts in the capital and 22 long-term observers deployed throughout the country. On election day, 316 observers from 43 countries were deployed, including 249 long-term and short-term observers deployed by ODIHR, as well as a 27-member delegation from the OSCE PA, a 23-member delegation from the PACE, a 9-member delegation from the EP, as well as an 8-member delegation from the NATO PA. Opening was observed at 128 and voting was observed at 1,232 polling stations across the country. Counting was observed at 126 polling stations, and the tabulation in 95 MECs.

The IEOM wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission for the assistance. The IEOM also expresses its appreciation to other institutions, political parties, media, civil society organizations, and the international community representatives for their co-operation.

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