

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 399 (2017)¹ Observation of local elections in Bosnia and Herzegovina (2 October 2016)

1. Following the invitation by the President of the Central Election Commission of Bosnia and Herzegovina to observe the local elections held in the country on 2 October 2016, the Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2, paragraph 4, of the Committee of Ministers' Statutory Resolution (2015) 9 relating to the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122), which was ratified by Bosnia and Herzegovina on 12 July 2002;

c. Resolution 395 (2015) on the revision of the Rules and Procedures of the Congress.²

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance, and that observation of political participation at territorial level is a key element in the Congress' role as guardian of democracy at local and regional levels.

3. The Congress notes with satisfaction that the local elections on 2 October 2016 were held – with the exception of a few violent incidents – in a calm and orderly manner by and large, despite widespread political discourse focusing on ethnic issues, including nationalistic attitudes.

4. It recognises that the electoral management was well organised overall and – with some exceptions – transparent and efficient at all levels of administration. In particular, the implementation of the so-called “correct counting” procedure by municipal election commissions contributed to progress with regard to the reliability of the tabulation process.

5. It acknowledges that the reform of the system of so-called “tendered ballots” – both in terms of limitation of the categories of voters with access to this system and in terms of practical management – enabled the election administration to handle these ballots in a more transparent manner than in previous elections.

6. It welcomes the amendment to the Election Law with respect to a 40% quota for the under-represented gender on candidates' lists for municipal councils, since this marks significant progress in female participation in the elections at grass-roots level.

7. However, it is concerned about the situation of local democracy in the city of Mostar, where, once again, no elections could be held on 2 October, and calls upon all political stakeholders to find a suitable and sustainable solution to the current deadlock.

8. It also points to the continued politicisation of the election administration and the alleged unlawful practices with regard to the composition of election commissions as matters of concern.

9. In light of the above, the Congress suggests further improvements be made in respect of the electoral legislation and the practical side of electoral management and therefore invites the authorities of Bosnia and Herzegovina to:

a. revise the conditions of appointment and dismissal of members of polling station commissions in order to avoid trading of positions on these commissions and achieve depoliticisation of the election administration;

b. improve the quality and accuracy of voters' lists by systematically verifying the actual place of permanent residence of voters and removing the names of deceased voters from the lists;

c. ensure that female participation is de facto guaranteed and that female mayors and councillors are given the opportunity to remain in office for the duration of the term for which they have been elected;

d. improve the implementation of existing legislation on electoral fraud and violations of regulations related to financing of election campaigns and political parties, as well as to misuse of administrative resources, in order to ensure that effective and appropriate sanctions are applied;

e. enhance the level playing field for all candidates, in particular by ensuring that all candidates can fairly access the media during the election campaign.

10. Furthermore, the Congress invites the Bosnian authorities to address the issue of voters residing de facto abroad but who are still registered on voters' lists. In this respect, the Congress highlights the importance of a “genuine link” that should exist between the voters and the municipality where he or she casts his or her ballot, as stated in Resolution 378 (2015) on electoral lists and voters residing de facto abroad.

11. With regard to the lack of clear-cut responsibilities for and financial difficulties of local self-governance units, the Congress reaffirms the need for concrete measures to strengthen democracy at grass-roots level and to empower the accountable and competent local elected representatives in all entities of Bosnia and Herzegovina.

¹ Debated and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CG32\(2017\)16](#), explanatory memorandum), rapporteur: Stewart DICKSON, United Kingdom (R, ILDG).

² See, in particular, Chapters XVIII and XIX on the practical organisation of election observation missions and on the implementation of the post-monitoring/post-electoral dialogue.