

32nd SESSION

Observation of local elections in Bosnia and Herzegovina (2 October 2016)

Recommendation 399 (2017)¹

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 refers to:

a. Article 2, paragraph 4 of the Committee of Ministers' Statutory Resolution (2000)1 on 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 4 April 2000;

c. Congress Resolution 395(2015) on its Rules and Procedures.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 observation of political participation at territorial level is a key element in the Congress' role as guardian of democracy at local and regional level.

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 exception - 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.

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 organization of election observation missions and on the implementation of the post-electoral dialogue.

5. It acknowledges that the revision of the system of so-called “tendered ballots” – both in terms of limitation of the categories of voters with access to this system and 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 per cent quota of the underrepresented gender on candidates’ lists for Municipal Councils since this marks a significant progress for female participation in the elections at grassroots level.

7. However, it is concerned about the situation of local democracy in the City of Mostar where again no elections were 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 remaining 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 stations commissions in order to avoid trading of positions on these commissions and achieve de-politicisation of the election administration;

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

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

d. improve the implementation of existing legislation on electoral fraud and violations of regulations related to campaign and party financing 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 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/she cast his/her ballot as stated in Resolution 378(2015).

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