

36th SESSION

Elections of the Cantonal Assemblies in the Federation of Bosnia and Herzegovina (7 October 2018)

Recommendation 432 (2019) ¹

1. Following the invitation from the President of the Central Election Commission of Bosnia and Herzegovina, Ms Irena HADZIABDIC, dated 15 May 2018, to observe the elections for the ten Cantonal Assemblies of the Federation of Bosnia and Herzegovina held on 7 October 2018, the Congress of Local and Regional Authorities refers to:

a. Article 2, paragraph 4 of the Committee of Ministers' Statutory Resolution CM/Res(2015)9 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 12 July 2002;

c. the Chapter XVIII of the Rules and Procedures on the practical organisation of election observation missions;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 grassroots elections is a key element in the Congress' role as guardian of democracy at local and regional level.

3. Against the backdrop of a challenging economic situation and an increasing disillusion of the people with the political stalemate and the political class that is divided along ethnic lines, important international and national highest courts' decisions are still awaiting implementation with consequences for the candidatures in certain elections at the State and entity level.

4. The Congress welcomes the fact that polling day, by and large, was orderly and well-managed (despite some procedural inconsistencies and irregularities, particularly regarding the secrecy of the vote), and it was preceded by a competitive campaign which, however, did not provide a level playing field to all candidates.

5. At the same time, the authorities undertook efforts to improve certain aspects of the electoral legislation (cf. gender quota and balance on electoral commissions, campaign finance regulations) and the practical electoral process (cf. systematic training for the leadership of Municipal Elections Commissions and Polling Station Commissions) which is recognised by the Congress.

¹ Debated by the Chamber of Regions on 3 April 2019 and adopted by the Congress on 4 April 2019, 3rd sitting (see Document, [CPR36\(2019\)02](#), explanatory memorandum), rapporteur: Stewart DICKSON, United Kingdom (R, ILDG).
² <https://rm.coe.int/20181218-en-ruled-and-procedures-of-the-congress-of-local-and-regional/1680902fd7>

6. However, other areas for improvement, such as the prevention of misuse of administrative resources³ and regulations for the voting at territorial level regarding voters residing *de facto* abroad, remain to be addressed.

7. In addition, despite legal provisions, there is still concern regarding electoral fraud, including instances of vote-buying and reports about falsification of ID-documents for postal voting.

8. In light of the above, the Congress invites the authorities of Bosnia and Herzegovina, in particular, to:

a. step-up the effectiveness of legal provisions on the prevention of misuse of administrative resources;

b. revise the provisions for the assignment of members of Polling Station Commissions in order to avoid their late replacement without justification thus preventing the possibility of trading positions on commissions and politically influencing their work;

c. pay further attention to the accuracy of voters' lists in line with Congress Resolution 378(2015);

d. improve the practical organisation of polling, notably with regard to the secrecy of the vote, abolish the practice of loud reading of names of voters by members of the Polling Station Commissions and tighten control of the requests for assisted voting for voters with certain disabilities to avoid undue influence on their choice.

9. Finally, given the importance of the Cantons in the Federation of Bosnia and Herzegovina and their role in the complicated structure of institutions at State level, the elections of the Cantonal Assemblies should be held together with the local elections – and not with general elections.

³ Congress Checklist for compliance with international standards and good practices preventing misuse of administrative resources during electoral processes at local and regional level (CG32(2017)12) <https://rm.coe.int/16807000d1>