

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 432 (2019)<sup>1</sup> Elections of the cantonal assemblies in the Federation of Bosnia and Herzegovina (7 October 2018)

1. Following the invitation dated 15 May 2018 from the President of the Central Election Commission of Bosnia and Herzegovina, Ms Irena HADZIABDIC, to observe the elections for the 10 cantonal assemblies of the Federation of Bosnia and Herzegovina held on 7 October 2018, 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 CM/Res(2015)9 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto;

*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.* Chapter XVIII of the Rules and Procedures of the Congress on the practical organisation of election observation missions.

2. The Congress 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 grass-roots elections is a key element in its role as guardian of democracy at local and regional level.

3. Against the backdrop of a challenging economic situation and the increasing disillusionment of the people with the political stalemate and a political class that is divided along ethnic lines, important decisions by the highest national and international courts 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 the elections, by and large, were orderly and well managed (despite some procedural inconsistencies and irregularities, particularly regarding the secrecy of the vote), and they were preceded by a competitive campaign, which, however, did not provide a level playing field for all candidates.

5. At the same time, the Congress recognises that the authorities undertook efforts to improve certain aspects of the electoral legislation (gender quota and balance on electoral commissions, campaign finance regulations) and the practical electoral process (systematic training for the leadership of municipal election commissions and polling station commissions).

6. However, other areas for improvement, such as the prevention of misuse of administrative resources<sup>2</sup> and regulations governing the voting rights at territorial level in respect of 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 the falsification of identity 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 these commissions and politically influencing their work;

*c.* pay further attention to the accuracy of voters' lists in line with Congress Resolution 378 (2015) on electoral lists and voters residing *de facto* abroad;

*d.* improve the practical organisation of polling, notably with regard to the secrecy of the vote, abolish the practice of reading aloud the 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.

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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. Checklist for compliance with international standards and good practices preventing misuse of administrative resources during electoral processes at local and regional level, Congress Report [CG32\(2017\)12](#).