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Report on the elections of the Cantonal Assemblies in the Federation of Bosnia and Herzegovina (7 October 2018)

Monitoring Committee

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Summary

Upon invitation from the President of the Central Election Commission of Bosnia and Herzegovina (BiH), the Congress, from 4 to 8 October 2018, carried out a mission to observe the elections for the ten Cantonal Assemblies of the Federation of Bosnia and Herzegovina (FBiH) held on 7 October 2018. On the same day, also several other levels of government were elected in general elections. The Congress delegation included 18 members visiting some 150 polling stations in the FBiH and in the Brčko District on the Election Day. The main mission was preceded by a pre-election visit organised from 19 to 21 September 2018, to assess the preparatory phase of the electoral process.

The vote on 7 October 2018 took place against the background 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. The lack of a common vision for the future of the country and of a unified identity for "Bosnia and Herzegovina" is reflected, not least, by the continuing out-of-country migration movement, which particularly affects the country's youth.

Despite certain inconsistencies and shortcomings on the E-Day, in particular with regard to the secrecy of the vote, polling took place in a generally calm and orderly manner and procedures were largely followed in the places visited by the Congress observers. As in previous elections observed, the election administration is still politicised, in particular at the level of the Polling Station Commissions (PSCs). The trade of positions on PSCs is a matter of specific concern in this respect. Among other improvements to be achieved, the misuse of administrative resources and the accuracy of the voters' lists are priority issues for the Congress.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

From the perspective of local democracy it is regrettable that general elections, being held on the same day, have overshadowed the Cantonal part of the elections. Given the importance of Cantons in the Federation of BiH and their role in the complicated structure of State institutions, the Congress believes that Cantonal elections should be held together with the local elections – and not with general elections. Together with more transparency of the activities of the Cantons this could contribute to the strengthening of trust of citizens in the institutions and counter disenchantment with politics.

RECOMMENDATION 432 (2019)²

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;³

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 ethnical 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.

6. However, other areas for improvement, such as the prevention of misuse of administrative resources⁴ 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.

² Debated by the Chamber of Regions on 3 April 2019 and adopted by the Congress on 4 April 2019, 3rd sitting (see Document CG36(2019)02, explanatory memorandum), rapporteur: Stewart DICKSON, United Kingdom (R, ILDG)

³ <https://rm.coe.int/20181218-en-ruled-and-procedures-of-the-congress-of-local-and-regional/1680902fd7>

⁴ 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>

EXPLANATORY MEMORANDUM⁵

1. Introduction

1. Following an invitation by the President of the Central Election Commission of Bosnia and Herzegovina, the Congress of Local and Regional Authorities observed the elections for the ten Cantonal Assemblies of the Federation of Bosnia and Herzegovina as well as for the Assembly of the Brčko district held on 7 October 2018.⁶

2. The election observation mission took place from 4 to 8 October 2018 and comprised 18 participants. Stewart DICKSON (United Kingdom, ILDG) served as Head of Delegation and Rapporteur. On Election Day, nine teams visited some 150 polling stations throughout the Federation and in the Brčko District and observed the voting as well as the counting process.

3. A pre-election visit was organised in Sarajevo from 19 to 21 September 2018. The delegation composed of 6 participants and headed by Stewart DICKSON assessed the preparatory phase of the electoral process and the political climate prior to the elections. In the frame of this pre-election mission a visit to the City of Mostar was carried out.

4. Further details, programmes and deployment areas of the Congress delegation as well as the preliminary conclusions presented at the press briefing on 8 October 2018 in Sarajevo can be found in the appendices.

5. The following report is primarily based on the exchanges with Congress interlocutors in the context of the elections held on 7 October 2018 and on observations made by the members of the delegation in the field on polling day. It also draws on briefings received jointly with the Parliamentary Assembly of the Council of Europe, the European Parliament, the OSCE Parliamentary Assembly and the NATO Parliamentary Assembly.

6. The Congress wishes to thank all those who met the delegation for their open and constructive dialogue. It thanks the Bosnia and Herzegovinian authorities and the representatives of the Central Election Commission as well as Ambassador Drahoslav STEFANEK, Head of the Council of Europe Office in Sarajevo, and his team for their support in preparing this mission. Further thanks go to the OSCE/ODIHR election observation mission for their comprehensive briefings.

2. Background: Political and institutional context

7. Bosnia and Herzegovina is a Federal State comprising of two entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). It also incorporates the Self-Governing Brčko District that was granted a special status in 1999.⁷ The state structure goes back to the institutional/constitutional arrangement laid down in the 1995 General Framework Agreement for Peace (Dayton Agreement). The Dayton Agreement likewise provided for the Office of the High Representative for Bosnia and Herzegovina.⁸ The High Representative holds broad powers including imposing legislation and removing officials which are however not exercised at present.

⁵ Prepared with the contribution of Congress expert Prof. Dr. Christina BINDER, "Bundeswehr University Munich", Germany.

⁶ The Congress of Local and Regional Authorities has observed local elections in Bosnia and Herzegovina: in 1997, 1998, 2000, 2004, 2008, 2012 and 2016. Note that, in addition to the cantonal part of these elections observed by the Congress, also other levels of authorities were elected in the general elections of 7 October 2018, including the Presidency and the House of Representatives of the Parliamentary Assembly of the State of Bosnia and Herzegovina; as well as the House of Representatives of the Parliament in the FBiH; the National Assembly and the President and Vice-Presidents in the RS. In accordance with the Congress mandate, these latter elections were not observed by the Congress.

⁷ Sarajevo is the Capital City of Bosnia and Herzegovina.

⁸ The initial mandate of the High Representative, Valentin INZKO, - supposed to end in 2009 - was prolonged by the Peace Implementation Council (PIC) likewise created in the Dayton Agreement. The closure of the Office of the High Representative is subject to 5 objectives and 2 conditions, the so-called 5+2 agenda. The five objectives include the resolution of the issue of apportionment of property between the State and other levels of government, the resolution of defence property, completion of the Brčko final award, the fiscal sustainability of the State and the entrenchment of the rule of law. The two conditions are the signature of the Stabilisation and Association Agreement with the EU and the positive assessment of the situation by the Peace Implementation Council Steering Board based on full compliance with the Dayton Agreement, http://www.ohr.int/?page_id=1318&lang=en.

8. Generally, the institutional and governmental set up in Bosnia and Herzegovina is complex and comprises four levels: the State; the two entities (FBiH, RS); an intermediate level of local self-government (ten autonomous Cantons in the FBiH);⁹ as well as Municipalities and Cities. The Brčko District is a local self-government unit in itself with its own assembly.

9. The different levels of government are intertwined. For example, voters in the FBiH elect the members of the ten Cantonal Assemblies who, in turn, elect among themselves the members of the House of Peoples of the FBiH (for further details on the elections for the Cantonal Assemblies see below).

10. As already mentioned in the Congress report on the 2016 local elections¹⁰ and identified through the monitoring of the implementation of the European Charter of Local Self-Government,¹¹ the complex territorial structure and the lack of clarity in competences in Bosnia and Herzegovina leads to difficulties in decision-making at all levels and limits coherence and efficiency of policy-making and its implementation.

11. The constitutional/institutional arrangements in Bosnia and Herzegovina are also characterised by the power sharing agreement between Bosniaks, Croats and Serbs which are recognised as the three Constituent Peoples in the State Constitution. There is also the additional group of « Others » for those who either do not identify themselves with a group or belong to another ethnic group. The distribution of positions among the Constituent Peoples is a central element of the 1995 Dayton Agreement: the ethnic composition of the country must be reflected at all levels of public administration.¹²

12. The power sharing agreement between the three Constituent Peoples at the exclusion of “Others” and more particularly the restrictions relating to ethnicity and residency were also raised before the European Court of Human Rights (ECtHR). In two judgements judgments - *Sejdic and Finci vs. Bosnia and Herzegovina* (2009) and *Ilijaz Pilav vs. Bosnia and Herzegovina* (2016) - the ECtHR established that the constitutional arrangements relating to ethnicity were discriminatory towards other ethnic groups.¹³ These judgments are still pending implementation.

13. In the general elections held on 7 October 2018 (as announced on 8 May) several levels of government were elected. These included the ten Cantonal Assemblies of the FBiH and the Assembly of Brčko District which were observed by the Congress.¹⁴ In addition, there were also elections for the Presidency and the House of Representatives of the Parliamentary Assembly of the State of Bosnia and Herzegovina; the House of Representatives of the Parliament in the FBiH and the National Assembly and the President and Vice-Presidents in the RS. In accordance with the Congress mandate, these latter elections were not observed by the Congress.

14. The last local elections were held in Bosnia and Herzegovina in October 2016. The Congress concluded¹⁵ that voting was held – with the exception of a few violent incidents – in a calm and orderly manner overall. A recurring issue was the quality of voters’ lists as the process of updating these lists was considered in need of improvement. Likewise, the situation of voters living *de facto* abroad was considered not satisfactory. Moreover, the politicisation and low level of professionalism of the election administration remained a matter of concern in 2016 with the need to reduce the influence of political parties and the trading in positions. The Congress Recommendation pointed also to the improvement of the appointment and dismissal of members of election commissions at all levels. In addition, the misuse of administrative resources was mentioned as an issue in 2016. Of particular concern to the Congress was the fact that no local elections had been held in the City of Mostar since 2008.¹⁶

9 There is no intermediate level of Local Self-Government in Republika Srpska.

10 Congress of Local and Regional Authorities, Observation of local elections in Bosnia and Herzegovina, 2 October 2016.

11 Congress of Local and Regional Authorities, Recommendation 324 (2012), Local and regional democracy in Bosnia and Herzegovina.

12 See e.g. the three-member Presidency, including one Croat, one Bosniak and one Serb. The Presidency Chairperson rotates every eight months.

13 The applicants had alleged that their ineligibility to stand for election, respectively to the House of Peoples and the Presidency of the country because they did not meet a combination of ethnic and residence requirements was discriminatory. The ECtHR ruled in favour of the applicants, considering the respective Constitutional and legal provisions as discriminatory and as violation of the European Convention on Human Rights (ECHR).

14 The Congress of Local and Regional Authorities has observed local elections in Bosnia and Herzegovina, in 1997, 1998, 2000, 2004, 2008, 2012 and 2016.

15 Election observation report 2016, *op. cit.*

16 See Congress’ activities with regard to local democracy in the framework of the Reflection Group on Mostar <https://www.coe.int/en/web/congress/reflection-group-on-mostar>.

3. Legal framework and electoral system

3.1. Legal Framework

15. Elections are primarily governed by the 2001 Election Law of Bosnia and Herzegovina as amended in April 2016 (EL). Likewise of importance are the 1995 Constitution of Bosnia and Herzegovina, the 2012 Law on Political Party Financing, the Dayton Agreement and Central Election Commission regulations. Of further relevance are the Constitution and the Laws of the FBiH.

16. The 2016 amendments to the Election Law and to the Law on Political Party Financing improved certain issues of previous concern. The most important amendments included a gender quota of at least 40% of candidates from the underrepresented gender on candidate lists, a better definition of campaign finance irregularities and mandatory special bank accounts for campaign financing for all candidates. Additionally, amendments introduced provisions on special trainings for Presidents and Deputy Presidents of Polling Station Commissions (PSCs) as well as regulations as to the gender balance in these Commissions. Therewith, some concerns raised by the Congress in relation to the 2016 local elections were addressed.¹⁷

17. However, other issues of concern remain unaddressed also in the new legislation, including effective provisions on the prevention of misuse of administrative resources.¹⁸ Also the ethnicity-residency based restrictions to stand for candidacy – only voters self-declared as Bosniaks, Croats or Serbs may stand as candidates for the State and entity presidency provided that they reside in the appropriate entity - which were considered a violation of the European Convention on Human Rights (ECHR) by the ECtHR are still awaiting implementation.¹⁹

18. Of further concern with particular relevance for the October 2018 elections was the legal gap on the allocation of mandates in the House of Peoples of the FBiH that remained unresolved after a 2016 judgment by the Bosnian and Herzegovinian Constitutional Court which had declared provisions of the Election Law on the election of delegates to the FBiH House of Peoples by the Cantonal Assemblies to be unconstitutional.²⁰ In the aftermath of the 2018 elections, this legal gap has led to a situation when neither the FBiH House of Peoples nor the BiH House of Peoples can be created.²¹ Against this background, in December 2018, the Central Election Commission (CEC) adopted a decision to fill the gap and fix the Election Law which would allow for the formation of a new government.²² The decision was adopted in proportion 5:2 by the CEC. The decision is applicable and will become effective after being published in the Official Gazette; still several Bosniak parties as well as HDZ have denounced the decision as unconstitutional and announced that they would challenge it before the Constitutional Court.²³ The complaints before the Constitutional Court have however no delay effects and a number of Cantons have already submitted their nominations for the FBiH House of Peoples.²⁴

3.2. Electoral system

19. The Cantonal Assemblies of the FBiH are directly elected with the number of seats/members of a Cantonal Assembly depending on the number of voters registered in the Central Voter Register (CVR). In concrete terms, the allocation of seats looks like this: 20 to 25 members for Cantons with less than 75.000 registered voters; 20 to 30 members for Cantons between 75.000 and 200.000 registered voters; 30 to 35 members for Cantons having more than 200.000 registered voters (Art 13.3 EL). Members are elected in a system of proportional representation in multi-member constituencies (Art 13 EL).

17 Despite these changes, Congress interlocutors considered that there was still a need for professionalization and de-politicisation of PSC. See below.

18 See respectively also the Statement of Preliminary Findings and conclusions, Bosnia and Herzegovina – General Elections, 7 October 2018, p. 4. <https://www.osce.org/odihr/elections/bih/398957?download=true>

¹⁹19 See ECtHR, *Sejdic and Finci vs. Bosnia and Herzegovina* (2009); *Ilijaz Pilav vs. Bosnia and Herzegovina* (2016). See above.s

20 After the state parliament failed to amend the law these provisions were repealed in 2017.

21 See Preliminary Statement, *op. cit.*, p. 4.

22 See Bosnia Fixes Election Law, Enabling Formation of Government, News 18 December 2018, Press Statement.

23 One of the major points of difference between Bosniak and Croat parties was whether the CEC would base its eventual solution on the last pre-war census from 1991 or the most recent census from 2013. Bosniak politicians claim that the use of the 2013 census would violate the Constitution of FBiH which identifies the 1991 census as the basis for the formation of new governments of the entity. Press Statement, *op. cit.*

24 See joint statement of OHR, EU and US in Sarajevo dated 17 January 2019 concerning the formation of the FBiH House of Peoples, <http://www.ohr.int/?p=100452>.

4. Election administration

20. The election administration is a three-level structure with the Central Electoral Commission (CEC) at the top. The election administration also includes 143 Municipal Election Commissions (MECs) – including 14 City Election Commissions and the Election Commission of the Brčko District as well as 5,649 Polling Station Commissions (PSCs). A total of 10 polling stations were established in embassies and consulates abroad for out-of-country voting.²⁵

21. The CEC is composed of seven members, including two Croats, two Bosniaks, two Serbs and one representative of the “Others”.²⁶ They are appointed for a seven-year term.²⁷ In 2018, only one of the seven members was a woman. The CEC has a rotating Presidency: each member of the CEC, a Croat, a Bosniak, a Serb and a representative of the “Others”, performs the duty of the President for the period of 21 months. The law provides for no prolongation of the mandate in case that the 21 months period ends shortly prior to the elections. Such a situation occurred prior to the 2018 general elections and the position of the Head of the CEC was thus assumed by a new president only few days before the Election Day. In term of composition, also MECs and PSCs are required to be multi-ethnic, reflecting the representation of the Constituent Peoples and the “Others” in the respective electoral districts according to the last (2013) census.²⁸

22. MECs – the mid-level of election administration – are permanent bodies comprising of three, five or seven members depending on the number of registered citizens in the Municipality. They are appointed for seven-year terms by the respective Municipal Councils, subject to the approval by the CEC. MECs are, inter alia, responsible for the appointment and training of PSC members; the technical preparations for the elections; the oversight of polling and counting procedures; as well as for the data entry of the preliminary election results.

23. PSCs constitute the lowest level of election administration. They manage the voting and counting processes in polling stations.²⁹ PSCs comprise three or five members depending on the size of the population registered to the respective district assigned to the polling station. PSCs members are appointed on an ad-hoc basis for each election by MECs on the basis of nominations from political subjects. Electoral contestants nominate an equal number of representatives who are then randomly assigned to PSCs through a lottery by the respective MEC.³⁰ A given electoral contestant can have only one representative in each PSC (as to the problems with the appointment or the trading of posts see below).

24. According to most interlocutors of the Congress Delegation, the CEC and, in particular, the MECs organised the elections in a timely and efficient manner, despite limited budget and staff.³¹ At the same time, the CEC operated amongst criticism and in a situation of distrust and faced a lack of confidence in its work which was also echoed by the media. It needs to be noted that CEC.

25. Positively, members of MECs and PSCs were systematically trained. In fact, the education and training for presidents and members of the MECs organised by the CEC was found to be well organised and useful by interlocutors.³² Likewise, members of the PSCs had the obligation to attend according trainings – provided by the respective MEC – and were also required to complete an obligatory test on Election Day procedures.³³ This positively showed on polling day, where the PECs were generally found familiar with electoral procedures (with exception of the counting procedures; see below).

26. Still, as in previous elections, the politicisation of the election administration remained an issue in the 2018 elections. Congress interlocutors voiced concerns that electoral contestants traded positions in PSCs to obtain influence over PSC activities.³⁴ Apparently, also, there was a shortfall of nominees

25 Polling stations were opened in the embassies of Bosnia and Herzegovina in Canberra, Vienna, Berlin, Oslo and Belgrade, at the general consulates of BiH in Chicago, München, Stuttgart and Frankfurt, at the Honorary Consulate in Graz. See http://www.izbori.ba/Documents/Opci_izbori_2018/Os/Osnovne_informacije_Opci_izbori_2018-eng.pdf, p. 3.

26 Pursuant to Art 2.6 Election Law, the President of the CEC is appointed from amongst its members; see <http://www.izbori.ba/Default.aspx?CategoryID=114&Lang=6&Id=807>.

27 Art 2.5 of the Election Law.

28 Art 2.14 of the Election Law.

29 Art 2.20 of the Election Law.

30 Art 2.19 of the Election Law.

31 See also, Pod Lupom. First Preliminary Report on Long-Term Election Observation, p. 14.

32 See also Pod Lupom, *op. cit.*, p. 15.

33 Art 2.19 of the Election Law.

34 See also Pod Lupom, *op. cit.*, p. 10.

for PSCs by political subjects as well as a high number of replacements.³⁵ Particular concerns include the fact that members who are assigned to a specific PSC can be replaced until the Election Day and without justification. Therewith, procedures for the appointment of members to PSCs remain in need of reform.

27. As provided by the 2016 amendments, the Election Law and the Law on Gender Equality require that at least 40 % of PSC members must be of the underrepresented gender; in three-member commissions both genders should be represented.

5. Voter registration and right to vote

28. Bosnia and Herzegovina uses a system of passive voter registration – with the exception of the registration of out-of-country voters which is active – with the Central Voter Register (CVR) being extracted from the population register.³⁶ Also voters who *de facto* reside abroad may remain registered as permanent residents. As regards the right to vote, all citizens with at least 18 years on Election Day are eligible to vote,³⁷ with the exception of those citizens who are deprived of legal capacity or disenfranchised for a serious crime, including for war crimes.³⁸

29. A total of 3,352,933 voters were registered in the CVR including 76,729 by-mail voters.³⁹ The CVR is maintained as electronic database (Art 3.4 EL) by the CEC which is responsible for the “accuracy, correctness and general integrity of the Central Voters’ Register”.⁴⁰ The CEC is also responsible for issuing relevant voters’ lists to the respective MECs. CVR data should be publicly available and all voters can request corrections of their personal data. The registration is closed 45 days prior to the elections.⁴¹ In each Municipality, the MEC is supported by a Voters’ Register Centre which shall provide for technical support in identifying the polling stations and allocating voters as well as for updating data and dealing with requests and appeals related to the CVR.⁴²

30. The accuracy of the voters’ lists remains a matter of concern also in the 2018 elections in spite of the efforts made by the CEC to improve its accuracy. For example, the CEC removed around 5.000 deceased persons from the voter register, therewith addressing a point of criticism raised in the 2016 Congress election observation report.

31. All citizens of Bosnia and Herzegovina registered in the CVR⁴³ have the right to vote in person in the Municipality of their permanent residence. Voters residing abroad who have not changed their permanent residence are either entitled to vote in person at the polling station of their permanent residence in Bosnia and Herzegovina. Alternatively, they may cast their ballot out of the country - at a diplomatic representation of the country abroad⁴⁴ or by registered mail under condition that they have requested this in advance with the CEC.⁴⁵

32. The fact that voters residing *de facto* abroad could also vote in person in the country on Election Day poses risks of electoral fraud. Indeed, the CEC raised concerns on potential fraud related to the possible misuse of personal ID cards and instances falsification.⁴⁶ Moreover, as already stated in the 2016 Congress election observation report, the right of voters residing abroad to vote in local/regional (cantonal) elections – there is no regulation related to the duration of the stay abroad – is at odds with Congress’ Recommendation on Electoral lists and voters’ residing *de facto* abroad.⁴⁷ According to this Recommendation, the Congress highlights that a “genuine connection” must exist between voters and the country where he/she casts a ballot at local level.

35 See Preliminary Statement, *op. cit.*, p. 6. See also Pod Lupom, *op. cit.*, p. 17.

36 Preliminary Statement, *op. cit.*, p. 7.

37 Arts 3.1, 3.2 of the Election Law.

38 Art 3.2 of the Election Law.

39 CEC, The 2018 General Elections – Basic information,

http://www.izbori.ba/Documents/Opci_izbori_2018/Os/Osnovne_informacije_Opci_izbori_2018-eng.pdf, p. 3.

40 Art 3.6 of the Election Law.

41 Art 2 of the Rulebook on Maintaining and Using the Central Voters’ Register.

42 Art 3.8 of the Election Law.

43 Note however the exceptions mentioned above, citizens who are deprived of legal capacity or disenfranchised for a serious crime, including for war crimes are not eligible to vote.

44 The condition for establishing a polling station abroad is that a minimum of 50 voters expressed their will to cast a ballot in such polling station.

45 Art 3.16 of the Election Law.

46 Indeed, the CEC refused 9,136 requests to register for out of country voting (Preliminary Statement, *op. cit.*, p. 7). See also Pod Lupom, *op. cit.*, p. 11.

47 Congress of Local and Regional Authorities, Recommendation 369 (2015) and Resolution 378 (2015) on Electoral lists and voters residing *de facto* abroad adopted by the Congress of Local and Regional Authorities on 13 March 2015.

33. Voters with the status of refugees are allowed to vote in person at their former permanent residence in accordance with the data from the last census, at the diplomatic representation or by mail.⁴⁸ Internally displaced persons (IDPs) are allowed to vote in person at their former permanent residence in accordance with the data from the last census at special « absentee polling stations » or at their current residence, under the condition that they became a resident of that Municipality at least six months prior to Election Day.⁴⁹ Positively, these arrangements for IDPs are in line with Congress Recommendation and the Resolution on the « Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions ».⁵⁰

34. There were also certain improvements made compared to previous elections against concerns in relation to the so-called « tendered ballots ». In fact, a voter who would not be found on the voters' lists on Election Day is added to a special voters' list upon presentation of a valid proof of identity and a confirmation of its permanent address,⁵¹ in principle in three situations: if the voter registered to vote out of the country and has returned to vote in person in Bosnia and Herzegovina on Election Day; if the voter was never registered on the voters' list because he/she reached the age of 18 after the closing of the CVR; if the voter changed his or her permanent residence after the closing of the CVR. The system in use in such cases is the so-called "tendered ballot": the ballot paper is placed in an unmarked envelope which is itself placed in a bigger envelope containing the identity details of the voter. Positively, and after concerns raised in relation to electoral fraud in previous elections, the "tendered ballots" are cast in especially assigned polling stations. They are also counted separately at the main counting centre in Sarajevo after the voter's voting rights are verified by the CEC against the CVR.⁵² This reduces the risk of electoral fraud.

35. 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.⁵³ This provision is in compliance with the Recommendations of Congress.⁵⁴

36. One of the on-going and long-term political issues, which was also raised in the 2016 Congress report, is the 2013 population census. Indeed, in a country where ethnic allegiance is fundamental to the building of the political system, the accuracy of the population census is crucial.⁵⁵ Nonetheless, the 2013 census had no effect on the 2018 elections as the Election Law still referred to the 1991 census.

6. Candidate Registration

37. In general, political parties, independent candidates, coalitions and lists of independent candidates may participate in the elections upon certification of their eligibility with the CEC (Art 4.1. EL).⁵⁶ Certification of eligibility for candidates includes that they are recorded in the CVR in the Municipality in which he or she is standing for office no later than the day when the elections are called (Art 4.2 EL). Political subjects must submit a list of voters supporting the candidature⁵⁷ and electoral deposits⁵⁸ (Art 4.10 EL).

48 Arts 1.5, 3.12 and 3.9 of the Election Law.

49 Art 20.8 of the Election Law.

50 Congress [Recommendation 419\(2018\)](#) and [Resolution 431\(2018\)](#): Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions, [CG35\(2018\)17final](#).

51 Art 3.17 of the Election Law.

52 Art 5.18 of the Election Law.

53 Art 20.8. of the Election Law.

54 See Congress report on "Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions" <https://rm.coe.int/voting-rights-at-local-level-as-an-element-of-successful-long-term-int/16808e49f4>.

55The population census carried out in October 2013 was to be initially released in February 2015. However, a methodological conflict between the statistical agencies of Bosnia and Herzegovina and its entities – and beyond those, political leaders – delayed the publication. After continuing disagreement over the methodology, the Statistical Agency of Bosnia and Herzegovina published the data in June 2016 without the consent of the Institute for Statistics of Republika Srpska. According to the final assessment of the International Monitoring Operation (IMO) carried out in October 2016, the census was conducted in compliance with international standards and recommendations.

56 See generally Chapter 4 of the Election Law.

57 The required number of supporting signatures is: 100 signatures when the number of registered voters is less than 10,000; 200 signatures when the number of registered voters is more than 10,000; 5% of voters when the number of registered voters is less than 1,000.

58 The deposit must be refunded when the list wins more than 3% of the votes for the Cantonal Assemblies.

38. An individual independent candidate who already holds a mandate is dispensed from collecting signatures. Candidates' lists should be submitted to the CEC no later than 90 days prior to Election Day. All candidates should include a declaration of their affiliation with a Constituent People or with the group of "Others". This information is used in the process of allocation of reserved seats. Lists shall also include candidates of both genders: at least 40% of the total number of candidates should be of the underrepresented gender who need to be given a specific rank. There should be at least one underrepresented gender candidate amongst the first two candidates, two amongst the first five, three amongst the first eight or any other arrangement following this rule.⁵⁹ The rank order of publication of candidates' lists is decided by lottery – so is the rank order on the ballot papers.

39. All major political parties represented in national politics registered candidates for the 2018 Cantonal Elections. Besides, a high number of minor political parties as well as individuals running as independents registered in the race.⁶⁰ Reportedly, due to the administrative complexity of the registration system, some candidates ran on the list of various political parties. Some candidates were alleged to run only for the purpose of obtaining seats in the PSCs in order to trade these positions.

40. The registration process for Cantonal Elections generally appeared to be inclusive, and none of the Congress interlocutors raised issues regarding the procedure.

7. Election campaign and campaign financing

7.1. Election campaign

41. The election campaign for the 7 October 2018 elections started on 7 September and ended with a 24-hour silence period before the Election Day. A number of parties and candidates have however started campaigning earlier and continued until and on 6 October.

42. A large part of the political debate focused on issues related to ethnicity. The respective candidates/political parties mainly appealed to their ethnic group for electoral support which also characterised the campaign. This illustrates the insufficient political cooperation across ethnic lines as well as the situation of political deadlock in the country. A perceived disillusion with political institutions was mentioned by several Congress interlocutors, which was fuelled by political stagnation and insufficient economic growth. The lack of a common vision for the country's future which was also symptomatic for this campaign and the lack of common basis for a Bosnian-Herzegovinian identity remain a matter of concern.

43. Congress interlocutors also raised concerns with respect to the lack of level playing field in accessing the public media and a media bias towards incumbent candidates who were predominantly portrayed in a positive light. In this regard, interlocutors reported a lack of transparency in media ownership and concerns about political and business influences. Also, the misuse of administrative resources by the candidates of governing parties, including pressure exerted on public employees or civil servants to vote for certain candidates or parties, was voiced as matter of concern.

44. Other concerns raised by Congress interlocutors related to alleged instances of vote-buying.⁶¹ Vote-buying is prohibited by law: candidates are not allowed to "promise any financial reward or other material gain with the purpose of gaining support of voters, or to threaten supporters of other political parties, coalitions, lists of independent candidates of independent candidates".⁶² However, the Congress' delegation heard reports from interlocutors about cases of vote-buying before and on Election Day, in particular in the Roma community.

7.2. Campaign financing

45. Campaign financing is mainly regulated by the 2012 Law on Political Party Financing as amended in 2016⁶⁵ and by the Election Law.

46. The Central Election Commission is responsible for the control of campaign financing: the CEC determines a ceiling of expenditures for campaign purposes in each constituency⁶³ and regulates

⁵⁹ Art 4.19 of the Election Law.

⁶⁰ See CEC, list of Candidates, http://www.izbori.ba/Documents/Opci_izbori_2018/Os/Ovjerene_kandidatske_liste_2018.pdf

⁶¹ See Pod Lupom, *op. cit.*, p. 12ff.

⁶² Art 7.3 of the Election Law.

⁶³ The Central Election Commission determines a ceiling of expenditures for campaign purposes in each constituency, according to the number of voters registered in the CVR.

donations.⁶⁴ The CEC also certifies financial reports from all electoral contestants: all electoral contestants are required to submit a financial report to the CEC no later than 30 days after the publication of the results, including information on all revenues and expenditures.⁶⁵ Political subjects are required to use bank accounts dedicated to the campaign for these elections. The CEC likewise investigates cases of non-compliance, such as failure to submit a report or the misuse of administrative resources for campaign purposes.⁶⁶

47. Political parties holding seats in the Parliamentary Assembly of Bosnia and Herzegovina receive annual funding from the state budget.⁶⁷ The list of parties which receive public funding is publicly available on the website of the Central Election Commission.

48. Despite this fairly detailed regulation and the improvements through the 2016 amendments of the law, campaign financing remains a critical issue in Bosnia and Herzegovina (as already noted in the 2016 Congress election observation report). In particular, the lack of transparency of political parties and campaign financing appears to be of continuous concern as do the discrepancies in financial resources between candidates which are not conducive to a level playing field.

8. Media

49. The freedom of media is protected through the guarantees of the freedom of expression in the State and FBiH Constitutions. In addition, the FBiH law on protection against defamation decriminalises libel and provide that journalists do not have to disclose their sources of confidential information. However, implementation of these guarantees seems deficient. According to Congress interlocutors, there are defamation cases lodged with the aim to intimidate journalists.⁶⁸ There were also concerns about physical attacks and other instances of pressure on journalists.⁶⁹ A further issue of concern to some Congress interlocutors is that the public broadcaster is exposed to direct political influence, in particular through political appointments to managerial positions.

50. Likewise, instances of hate speech were referred to by Congress interlocutors, including the promotion of ethnic, religious or other intolerance, inflammatory rhetoric as well as calls for violence.⁷⁰

51. The media coverage of the 7 October 2018 cantonal elections was low as compared to the overall coverage of the general elections. In this context, social media were a key tool for candidates during the election campaign as conventional media were not accessible to all candidates and the local media environment was generally poor. Congress interlocutors raised concerns in relation to the insufficient regulation of social media.

9. Observers

52. Citizen and international election observation is permissible in accordance with the Election Law. Registered candidates and parties may also appoint observers (so called « partisan observers » or « party proxies »). The CEC is responsible for the accreditation process. Accordingly, the CEC issued the « Instructions on conditions and procedures for accrediting election observers in Bosnia and Herzegovina ».⁷¹ Accredited observers may observe the entire electoral process. For the 2018

64 Regarding donations, natural persons and legal entities may give contributions to political parties. It is prohibited to receive donations from public institutions, religious institutions or foreign entities. The maximum amount to be donated by a natural person is 10,000 Convertible Marks (approx. 5,100 Euros) per year. It is of 50,000 Convertible Marks (approx. 25,500 Euros) per year for a legal entity. Members of the political party can donate up to a limit of 15,000 Convertible Marks (approx. 7650 Euros) per year, membership fee included. (Art 6 of the Law on Political Party Financing).

65 In addition, in order to be at all registered as electoral contestants, political parties and independent candidates shall submit a financial report containing data from the three months prior to the start of the registration period. Moreover, candidates at all levels have to submit a report on their personal property situation, including sources of income, properties and other liabilities. It has to be done within 30 days from the certification of the mandates by the CEC. All data contained in these reports are publicly available on the website of the CEC. In general, political parties are required to publish their annual financial reports on their websites and to audit the finances of their local branches. (See respectively also Preliminary Statement, *op. cit.*, p. 10f.

66 Sanctions can be pronounced accordingly. See Art 15.6 of the Election Law; see also Arts 19 and 20 of the Law on Political Party Financing.

67 Art 7 of the Law on Political Party Financing.

68 See also Preliminary Statement, *op. cit.*, p. 11.

69 *Ibid.*

70 See also Pod Lupom, *op. cit.* p. 17.

71 CEC, Instruction on conditions and procedures for accrediting election observers in Bosnia and Herzegovina, May 2018, http://www.izbori.ba/Documents/Opcilzbori2014/Dokumenti/Akreditovanje/Instruction_on_conditions_and_procedures_for_accrediting_election_observers_in_Bosnia_and_Herzegovina.pdf.

elections, the accreditation process went smoothly with citizen, party and international observers being generally accredited in a smooth, inclusive and timely manner.⁷²

53. The electoral process was observed by a large number of international and citizen (“domestic”) observers. The main organisation of citizen observers was a coalition of six NGOs called “Pod Lupom” (“Under the Magnifying Glass”). Pod Lupom already observed several elections in the country in the past. For the 2018 elections, they deployed over 4,000 observers on Election Day and 63 long-term observers monitoring the pre-election period throughout the entire Bosnia and Herzegovina.

10. Election Day

54. On Election Day, nine Congress teams were deployed in the Federation of Bosnia-Herzegovina and in the Brčko District. The Congress observers visited polling stations in all ten Cantons of the Federation of Bosnia and Herzegovina (and observed, inter alia, in Sarajevo, Goražde, Zenica, Orašje, Bihać, Livno, Travnik, Mostar, Tuzla, Široki Brijeg) and in Brčko. Overall, the observers visited some 150 Polling Stations. Citizens observers – mostly from Pod Lupom – and party observers (“proxies”) were also present in most of the places visited by the Congress. Since the ballots for the Cantonal elections were counted at the very end of procedure, the Congress observers were not in a position to follow the entire counting.

55. In general, the polling observed by the Congress can be described as orderly despite certain irregularities (in particular due to the late opening of a few polling stations, long queues at smaller places and shortcomings with regard to the secrecy of the vote). The Congress observers found that the majority of the members of the Polling Station Committees (PSC) were able to manage the process despite difficult conditions. Voting took place in a generally calm and orderly manner and procedures were largely followed. PSC members seemed well prepared and knowledgeable about procedures – not least, a positive outcome of the mandatory training the PSC members had to undergo. Still, the observers had at times problems to identify the party affiliation of the members of the respective Commissions. Concerning the lists including information on the members of the Commissions and their party affiliation, the Congress teams have noticed different interpretations of the according instructions in different polling stations (as for whether the names and party affiliations of PSC members should be openly published at the polling station prior to Election Day).

56. As far as the practical organisation of polling was concerned, there were certain inconsistencies on how to cast the four ballots in the ballot boxes.

57. Assisted voting is permissible in accordance with the Election Law (Art 5.19 EL) for visually impaired voters, for illiterate voters and for voters with physical disabilities only. Still, the Congress teams observed repeatedly cases of assisted voting and were not convinced that all this assistance was actually justified. This raises concerns as regards a possible undue influence on voters’ choices. Also, instances of family voting were observed by some teams and there were some indications for organised bussing in of voters in some places.

58. Furthermore, the secrecy of the vote was not always protected, in particular due to the set up and/or the lack of space in some polling stations. The changed arrangement of polling booths has not necessarily contributed to improvement. In particular, the loud reading of the name of voters by PSC members was considered as irritating by the Congress observers. In particular, since it furthered that party proxies could keep track of those who voted. Also, voters did not always fold their ballot papers before casting them and thus creating room for other persons present in the polling station to spot for whom they voted.

59. An important issue was furthermore the slowness and length of the voting procedure; in some cases voters spent up to 20 minutes in the polling booth which led to long queues at the entrance. As a matter of fact, the complexity of voting procedures considerably slowed down the process. To vote in several elections on one day – in addition to the elections for the Cantonal Assemblies there were, as stated, also elections for the Presidency and the House of Representatives of the Parliamentary Assembly of the State of Bosnia and Herzegovina as well as for the House of Representatives of the Parliament in the FBiH – seemingly put constraints on voters. Voters, in particular the elderly, had sometimes difficulties to understand the ballot(s).

⁷² See also Preliminary Statement, *op. cit.*, p. 14.
12/19

60. While the atmosphere in and around the polling stations was generally calm and peaceful, the Congress observers, at times, saw groups of men loitering in the vicinity. This might have appeared intimidating to certain voters.

61. Some of the polling stations visited were not accessible for people with disabilities. However, regulations to allow for mobile voting for voters who are homebound due to sickness, age or illness were in place.

62. Certain procedural errors were witnessed by those Congress observers who were able to follow parts of the counting process.⁷³ These included the failure to count the unused ballots, indicating a lack of knowledge and inadequate training on this part of the electoral process. In any case, the counting process was very slow. Almost a week after the elections, on 12 October 2018, the CEC still had not released the final election results.⁷⁴ While this appears late in international comparison, it is in accordance with domestic legislation: The Election Law allows for – the long period of – 30 days to release the final results (Art 5.32 EL). On 6 November 2018, the CEC passed the decision on confirming and publishing the results of the 2018 General Elections.⁷⁵

11. Turnout and election results

63. The turnout in the Federation BiH was 51.25% and in Brčko District 46.81% as compared to the overall turnout at the level of Bosnia and Herzegovina of 53.36%.⁷⁶ It was slightly lower than in the 2016 elections where – the country-wide – turnout was 54.7%.

64. As regards the results, the Party of Democratic Action (SDA) won relatively most votes in Una Sana (9 out of 30 seats); in Zenica Dobož (11 out of 35 seats); in Bosnian-Podrinje Goražde (5 out of 25 seats); in Central Bosnia (10 out of 30 seats); as well as in Sarajevo (10 out of 35 seats). The Croatian Democratic Union of BiH (HDZ) won relatively most seats in Posavina (11 out of 21 seats); in Herzegovina-Neretva (13 out of 30 seats); in West-Herzegovina (16 out of 23 seats); and in canton 10 (8 out of 25 seats). The Social Democratic Party (SDP) won relatively most seats in Tuzla (10 out of 35 seats). The electoral results of the Cantonal elections are presented in the annex.

12. Conclusions

65. The elections of 7 October 2018 in the Federation of Bosnia and Herzegovina and in the Brčko District were held against the background of a challenging economic situation in the country and an increasing disillusion of the people with a political stalemate and the political class that is largely divided along ethnic lines. A common vision or a “Bosnia-Herzegovina identity” seems lacking which was also visible in these elections.

66. Moreover, the campaign environment – and the media in particular – did not provide for a full level playing field. Congress interlocutors raised concerns, inter alia, about preferable treatment for incumbent candidates by authorities and a misuse of administrative resources.

67. With regards to the technical organisation of these elections, the CEC and especially the Municipal Election Commissions carried out preparations in an efficient and timely manner. Nevertheless, as noted by the Congress in relation to previous elections, the election administration is still politicised – in particular at the level of PSCs – which remains a matter of concern. Cases of violation of voting secrecy and dubious assisted voting were also reported.

68. The accuracy of voters' lists was improved but remained an issue in the 2018 elections. Also the system of so-called “tendered ballots” was improved as compared to previous elections with additional safeguards in view of fraud control. With regard to voters residing *de facto* abroad, the arrangement in place in 2018 continues to be at odds – as in previous elections – with Congress Resolution 378(2015): it still did not ensure that a “genuine link” existed between the voters and the Municipality where he/she cast his/her ballot.

⁷³ As stated, since the cantonal elections were counted at the end of the process, Congress observers were not able to observe the entire process.

⁷⁴ Balkan Insight, “Bosnia Still Awaits Official Election Results”, 12 October 2018.

⁷⁵ CEC Website, <https://www.izbori.ba/Default.aspx?CategoryID=183&Lang=6&Id=2656>

⁷⁶ See <http://hr.n1info.com/a337908/English/NEWS/Bosnia-CEC-presents-preliminary-election-results.html>

69. Overall, from the perspective of local democracy, the general elections – involving important decisions for the entire country – have overshadowed the Cantonal part of these elections held on the same day. Given the importance of competences of Cantons in the Federation of Bosnia and Herzegovina, the Congress believes that measures should be taken to ensure that Cantonal elections are held together with the local elections – and not with the general elections.

70. Together with more transparency regarding the activities of the Cantons in general, this would contribute to the strengthening of this tier of government and make it easier for the citizens to make an informed decision on the Election Day. It would also be conducive for clearer division of competences between the Municipalities and the Cantonal level and therefore be an important element to shape the role of local elected representatives in Bosnia and Herzegovina. Together with other decisions in the local and regional context this could strengthen the trust of citizens in the institutions and in the political class and counter the disenchantment with politics in general.

APPENDIX I

PROGRAMME

Thursday, 4 October 2018

Various times **Arrival of the Congress Delegation in Sarajevo**

Friday, 5 October 2018

- 08:30 – 09:00 Congress internal briefing by the Head of the Delegation and the Secretariat
Venue: Hotel Holiday, Sarajevo, Room Una
- 09:00 – 09:45 Briefing by **Dr. Suad ARNAUTOVIĆ**, member of the Central Election Commission (CEC), on the elections of the 10 Cantonal Assemblies of the Federation of Bosnia and Herzegovina
Venue: Hotel Holiday, Sarajevo, Room Una
- 09:50 – 10:30 Briefing with the Congress Independent Expert on the European Charter of Local Self-Government and Senior International Legal Expert to the High Council of the Judiciary in Bosnia-Herzegovina, **Professor Jens WOELK**
Venue: Hotel Holiday, Sarajevo, Room Una
- Transfer from Hotel Holiday to Hotel Europe*
- 10:50 – 11:20 Joint meeting with the Parliamentary Assembly of the Council of Europe (PACE) and the OSCE Parliamentary Assembly - Welcoming Remarks
- **Ambassador Bruce BERTON**, Head of OSCE Mission to BiH
 - **Drahošlav STEFANEK**, Head of the Council of Europe Office in BiH
- Venue: Hotel Europe, Conference Room 1*
- 11:20 – 12:10 Meeting with the President of the Central Election Commission (CEC) of Bosnia and Herzegovina
Venue: Hotel Europe, Conference Room 1
- 12:10 – 13:30 *Lunch break*
- 13:30 – 14:30 Briefing by **Ambassador Peter TEJLER** and the OSCE/ODIHR Election Observation Mission Core Team (Part 1)
Venue: Hotel Europe, Conference Room 1
- 15.00 – 16.00 Central Election Commission briefing for international observers
Venue: Parliamentary Assembly of BiH, Trg BiH 1, technical entrance
- Transfer to Hotel Holiday*
- 16:30 – 17:30 Congress meetings with political representatives and candidates running in the elections for the Cantonal Assemblies of the Federation of Bosnia and Herzegovina (Sarajevo Canton)
Venue: Hotel Holiday, Sarajevo, Room Una
- 17:45 – 18:15 Congress technical briefing with the Delegation's members
Venue: Hotel Holiday, Sarajevo, Room Una
- 18.15 – 18.45 Congress technical briefing with drivers and interpreters
Venue: Hotel Holiday, Sarajevo, Room Una
- Transfer from Hotel Europe to Hotel Holiday*

Saturday, 6 October 2018

Transfer from Hotel Holiday to Hotel Europe

09:00-10:30

Panel Discussion with Media Representatives

- Regulatory Communication Agency
- BH Novinari
- Radio and Television of Bosnia and Herzegovina
- Federation TV
- Radio and Television of Republika Srpska
- Dnevni Avaz
- Oslobodjenje
- ACIPS

Venue: Hotel Europe, Conference Room 1

10:30-11:30

Panel Discussion with NGOs/INGOs

- Transparency International
- Centre for Civic Initiatives
- Coalition Under the Magnifying Glass
- Forum of Tuzla Citizens, Coalition under the Magnifying Glass
- Center for Investigative Reporting

Venue: Hotel Europe, Conference Room 1

Transfer from Hotel Europe to Hotel Holiday

13:00

Departure of Congress teams in remote regions (See "Deployment plan")

Venue: Hotel Holiday, ul. Zmaja od Bosne 4, 71000 Sarajevo, BiH

Sunday, 7 October 2018 – Election Day

06:30

Deployment of 7 Congress' teams from Sarajevo to the polling stations
(See "Deployment plan")

23:00

Late night de-briefing

Venue: Hotel Holiday, Sarajevo

Monday, 8 October 2018

Various times

Departure of some members of the Congress Delegation

11:00

Media briefings with journalists to present preliminary conclusions with
Mr Stewart DICKSON, Head of Delegation

Venue: Hotel Holiday, Sarajevo

APPENDIX II

DELEGATION

Congress members

Head of Delegation/Rapporteur:

Mr Stewart DICKSON, United Kingdom (ILDG, R)
Congress Spokesperson on Observation of Local and Regional Elections

Deputy Head of Delegation/Co-Rapporteur:

Ms Aldis HAFSTEINSDOTTIR, Iceland (ECR, L)

Ms Henrietta BERO, Hungary (EPP-CCE, L)
Mr Robert BIEDRON, Poland (SOC, L)
Ms Violeta CRUDU, Republic of Moldova (EPP-CCE, L)
Mr Josef FREY, Germany (SOC, R)
Ms Daniela GIANNONI, San Marino (NR, R)
Mr Robert GRUMAN, Romania (EPP-CCE, R)
Ms Nino KAVTARADZE, Georgia (EPP-CCE, L)
Mr Jani KOKKO, Finland (SOC, R)
Mr Jean-Pierre LIOUVILLE, France (SOC, R)
Mr Luc MARTENS, Belgium (EPP-CCE, L)
Ms Randi MONDORF, Denmark (ILDG, R)
Ms Rosaleen O'GRADY, Ireland (ILDG, R)
Mr Vladimir PREBILIC, Slovenia (SOC, L)

Expert

Ms Christina BINDER, Congress Expert on observation of local and regional elections

Congress Secretariat

Ms Renate ZIKMUND, Head of Division, Local and Regional Election Observation
Mr Adam DRNOVSKY, Election Observation Officer

APPENDIX III

DEPLOYMENT PLAN

Congress teams	Composition of the Congress teams	Saturday night	Area of Deployment
Team 1	Ms Rosaleen O'GRADY Mr Adam DRNOVSKY	Hotel Opal Exclusive Krupska bb 77000 BIHAĆ, BiH Tel: + 387-224-183 info@hotelopal.ba	Bihać (4.45 hours from Sarajevo) Canton Una-Sana
Team 2	Ms Violetta CRUDU Mr Vladimir PREBILIC	Grand Hotel Posavina Trg Mladih 4 76100 BRČKO, BiH Tel: +387 49 220 111 grand.bc@teol.net	Orašje (3.40 hours from Sarajevo) and Brčko (0.30 hours from Orašje) Canton Posavina Brčko district
Team 3	Mr Luc MARTENS Mr Jean-Pierre LIOUVILLE	Hotel B&M Livno Gospodarska zona Jug bb 80101 LIVNO, BiH Tel: +387 34 205-410 hotel-bm@tel.net.ba	Livno (3.00 hours from Sarajevo) Canton 10
Team 4	Ms Randi MONDORF Ms Nino KAVTARADZE	Hotel Holiday Sarajevo	Široki Brijeg (2.40 hours from Sarajevo) Canton West Herzegovina
Team 5	Mr Josef FREY Ms Christina BINDER	Hotel Holiday Sarajevo	Tuzla (2.30 hours from Sarajevo) Canton Tuzla
Team 6	Ms Aldis HAFSTEINSDOTTIR Mr Jani KOKKO	Hotel Mepas Kneza Višeslava b.b. 88000 Mostar, BiH Tel: +387-36-382-000 prodaja@mepas-hotel.ba	Mostar (2.20 hours from Sarajevo) Canton Herzegovina-Neretva
Team 7	Mr Stewart DICKSON Ms Renate ZIKMUND	Hotel Holiday Sarajevo	Travnik (1.40 hours from Sarajevo) Canton Central Bosnia
Team 8	Mr Robert BIEDRON Ms Daniela GIANNONI	Hotel Holiday Sarajevo	Sarajevo and Goražde (1.45 hours from Sarajevo) Canton Sarajevo Canton Bosnian Podrinje
Team 9	Ms Henrietta BERO Mr Robert GRUMAN	Hotel Holiday Sarajevo	Zenica (1.00 hour from Sarajevo) Canton Zenica-Doboj

APPENDIX IV**PRESS RELEASE****Congress recommends separate Election Day for Cantonal Assemblies in the Federation of Bosnia and Herzegovina**

Strasbourg 9 October 2018

A Delegation from the Congress of Local and Regional Authorities of the Council of Europe carried out an election observation mission to Bosnia and Herzegovina to observe, specifically, the elections of the ten Cantonal Assemblies in the Federation of Bosnia and Herzegovina and the vote in the Brčko District on 7 October 2018, as a part of the general elections organised on this day in the whole country.

The delegation, headed by Stewart DICKSON (United Kingdom, ILDG), Thematic Spokesperson on observation of local and regional elections, was composed of 18 observers from 17 different countries who were deployed in some 150 polling stations in all 10 Cantons of the Federation of Bosnia-Herzegovina.

In his preliminary conclusions, the Head of the delegation, stated that the Election Day was generally orderly and well prepared and that the majority of the members of the Commissions were able to manage the process despite difficult conditions.

However, he underlined inconsistencies on how to cast the four ballots in the ballot boxes, as well as the question of identifying the party affiliation of members of the Commissions. "We saw repeatedly cases of assisted voting and were not convinced that all this assistance was actually justified; we believe that there is room for improvement regarding the secrecy of the vote," he stressed mentioning the slowness and length of the voting procedure as another area of concern.

The Head of the delegation underlined that the general elections - involving important decisions for the entire country and being held on the same day - have clearly overshadowed the cantonal part of these elections; given the importance of competences of Cantons in the Federation of Bosnia-Herzegovina and also the role of the Cantons in the complicated structure of institutions in Bosnia-Herzegovina. "We believe that Cantonal Elections should be held together with the local elections - and not with general elections," he said. "This would do justice to the role of Cantons and make it easier for the citizens to make an informed decision on the E-Day, it would also be conducive for clearer competences between the municipalities and the cantonal level and therefore an important element to strengthen local democracy in Bosnia-Herzegovina," he added.

"Together with other decisions in the local and regional context that could open up a way out of stagnation - I will only mention here the example of the long overdue local elections in Mostar - this could strengthen the trust of citizens in the institutions and the political class, since disenchantment with politics, lack of perspectives and disorientation are - as we all know - the fundamental and overarching problem of this country," concluded the Head of the delegation.