

Congress observed cantonal elections in Bosnia and Herzegovina

Monday, 3 October 2022

The Congress delegation which I had the privilege to lead over the last few days, was composed of 19 participants from 17 different countries, 14 local and regional elected representatives and members of the Congress, 4 members of the Secretariat in Strasbourg and an electoral expert from the Congress Group of Independent Experts on the European Charter of Local Self-Government.

Yesterday, we were deployed to all 10 Cantons of the Federation of Bosnia and Herzegovina and were able to observe the elections, from the opening until the closing, in some 110 polling stations. On the two days prior to the ballot, we met the members of the Central Election Commission, talked to representatives of media institutions and NGOs and exchanged with candidates running at cantonal level. We also participated in the briefings organised by OSCE/ODIHR together with other international organisations. All these briefings gave us good insight in the electoral system and the administration, the legal framework, the state of preparations and the practical conduct of the vote. We heard also about possible ways of manipulation.

I think we say that, with a few exceptions, it was an overall orderly Election Day in most of the polling stations we visited yesterday in the Federation of Bosnia and Herzegovina. Despite the problems political parties encountered with the nomination of poll workers, the commissions in the polling stations, to a large extent, were aware of the procedures and received sufficient training – which is an urgent necessity given the complicated electoral system and procedures in this country.

We appreciated that the names of the voters presenting themselves to the PECs, contrary to previous elections, were no longer read out loud. We as Congress recommended to refrain from such practice in our reports and are therefore satisfied that this was followed-up.

In order to prevent photographing of ballots – and thus vote-buying - the polling booths were, for the first time, positioned in a different way. As an observer I have seen this in other countries, for example in the Netherlands, and so I was very curious to see how this new arrangement would affect the situation in the polling stations. Our delegation agrees that, in larger polling stations, the new set-up definitely contributes to more transparency and helps to avoid using mobile phones in the booths, and also family voting. However, in very small polling stations – and there are not too few of them in Bosnia and Herzegovina – this new arrangement can seriously hamper the secrecy of the vote. This needs to be kept in mind by the authorities for future elections.

Also, we think that the procedure of “assisted voting” for voters with visual impairment should be reconsidered, in our view. We appreciate that a special procedure has been introduced requiring a medical certificate to proof the visual impairment to avoid the abuse of “assisted voting”. However, our delegation is not convinced that this functions in practice and has seen, on various occasions yesterday, that voters who accompanied visual impaired people did not simply help them to fill-in the ballot, but they filled it instead of them. I think this requires a critical review prior to the next elections.

Another novelty introduced by the Central Election Commission was the electronic application tool for out-of-country voting in order to prevent multiple registration of voters at the same address as well as measures to “clean” voters’ lists and delete deceased voters. Not to forget the new security stamp to prevent falsified ballots be circulated which relates to the underlying issue of carousel voting. We found that this was a positive amendment, despite the fact that in many polling stations commission members did stamp and sign the ballots already in advance, and not - as required by the procedures - in front of the voter.

All in all, we have the impression that the Central Election Commission of Bosnia and Herzegovina made many efforts to step-up transparency of the procedures and to make the electoral management more accessible to the citizens. In addition, the electoral amendments introduced by the High Representative with regard to hate speech seem to have contributed to a little less aggressive campaign environment during these elections. At the same time, we think that sanctions on irregularities and abuse, in particular regarding hate speech, should be issued quicker, to protect candidates running in elections, notably female candidates.

However, we need also to look at underlying issues affecting the electoral environment, which we have observed since long in this country. Let me give you some examples:

- the abuse of administrative resources by the incumbents remains to be a problem during electoral campaigns; against this backdrop, also the fight against electoral corruption needs to be continued;
- the lack of transparency regards ownership of private media is evident, and those public media who try to report in a professional and independent manner lack financing and are overregulated while social media that gain more and more importance during electoral campaigns are not on the radar of the regulators;
- there is, in the end, the exuberant influence of political parties that define themselves by ethnicity and do not offer voters any content beyond that.

The results of yesterdays’ elections provides – perhaps – a glimmer of hope that this “us – and the others”-mentality will be overcome in this country; the sooner, the better, I would say...

Well, let me conclude by two concrete proposals to the authorities of Bosnia and Herzegovina, our delegation brings back from the observation of yesterdays’ cantonal elections in the Federation of Bosnia and Herzegovina:

First, we agree with the Central Election Commission that there should be a change in the law regarding the recruitment of members of the commissions working in the polling stations. There is a need for more professionalism and political parties should restrict themselves to their role of electoral observers in the polling stations.

Second, we think that – given the competences of Cantons in the Federation of Bosnia and Herzegovina – the according elections should be held together with local elections and not with the general ones. Currently, elections at the cantonal level are clearly overshadowed by the presidential and the parliamentary ballots. We as Congress have been proposing this change for some time now. We are aware that this would need also constitutional amendments – but we think that this would be worthwhile going in this direction, we the aim of having all elections held in one year – general ones and local/cantonal ones on separate dates.

Ladies and gentlemen, this brings me to the end of my statement. Our written report will be prepared in the coming weeks and it will be discussed and adopted in early 2023, first at the Monitoring Committee followed by the 44th Congress Session.

I am happy to take questions, if there are any.