



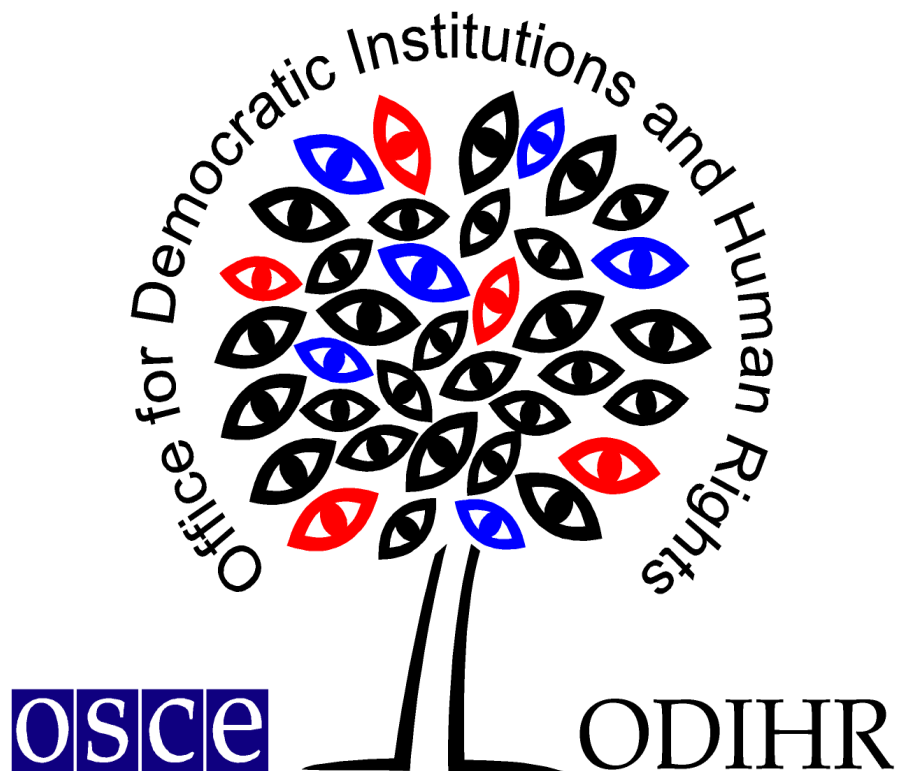
Office for Democratic Institutions and Human Rights

BOSNIA AND HERZEGOVINA

GENERAL ELECTIONS

3 October 2010

OSCE/ODIHR Election Observation Mission Final Report



Warsaw

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BOSNIA AND HERZEGOVINA, GENERAL ELECTIONS
OSCE/ODIHR Election Observation Mission
Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Central Election Commission (CEC) of Bosnia and Herzegovina (BiH) to observe the 3 October general elections, the OSCE/ODIHR deployed an Election Observation Mission (EOM) on 26 August. The elections were assessed for their compliance with OSCE commitments and other international standards for democratic elections, as well as with national legislation. On election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO PA).

The 2010 elections were the second general elections to be fully administered by the BiH authorities. They were generally conducted in line with OSCE and Council of Europe commitments, but certain key areas require further action. While the legal framework provides a satisfactory basis for the conduct of democratic elections overall, it contains ethnicity-based limitations to the right to stand. This is in violation of the European Convention of Human Rights and a legally binding decision of the European Court of Human Rights (ECtHR), as well as OSCE commitments.

The CEC functioned efficiently and enjoyed the general confidence of electoral stakeholders. It undertook a project to improve its software platform, including tabulating and reporting election results. Municipal Election Commissions (MECs) were generally well organized, but at times their work was affected by insufficient funding and inadequate office space. The appointment of Polling Station Commissions (PSCs) was marred by political contestants trading seats in PSCs. For the first time, the CEC prepared training manuals for PSCs. Nevertheless, on election day, a number of PSCs had difficulties in properly following complex and lengthy electoral procedures, especially related to opening and counting.

A unified Central Voter Register (CVR) was used for the second time in general elections and enjoyed public confidence. Some 35 per cent of Brčko district residents, however, were not included in the CVR and were not permitted to vote or stand in the entity or state races as they had not chosen a voting option for one of the two entities,² specifically required by law in Brčko. For the first time, BiH voters living abroad could vote at BiH diplomatic representations, in addition to existing provisions to vote by mail.

The CEC certified a total of 3,900 candidates from 32 political parties, 10 coalitions and 7 independent candidates (excluding cantonal elections), defined as ‘electoral subjects’, for the 2010 general elections. This offered voters a wide choice of political options.

The election campaign was visible throughout the country, especially in cities. Overall, the campaign environment was calm, although occasionally marked by nationalist rhetoric and inflammatory statements. Contestants were generally able to conduct their campaign activities without hindrance from either authorities or from other parties. Constitutional reform issues and underlying ethnic divisions remained omnipresent in the campaign.

¹ The English version of this report is the only official document. Unofficial translations are provided in Bosnian, Croatian and Serbian.

² Federation of BiH (FBiH) or Republika Srpska (RS).

A number of political contestants expressed dissatisfaction with campaign financing regulations and their lack of transparency. Particularly, they stated that the regulations were too restrictive on donation limits and discriminated against parties not represented in the BiH legislative bodies. Late publishing by the CEC of financial reports from previous elections with little consequence has created a public perception that contestants enjoy impunity for ignoring financial regulations.

The variety of political views reflected in the media presented voters with an opportunity to make informed choices on election day. Broadcasters provided contestants with a genuine opportunity to convey their messages to voters, especially in numerous televised debates. The campaign coverage was, however, short of in-depth analysis of political platforms and populist rhetoric often detracted attention from substantive issues. Public media news programs at times showed biased reporting and provided extensive coverage of state officials, some of whom were also candidates. Some private broadcasters were inclined to favor particular contestants. Although not required by law, the Communications Regulatory Agency (CRA) did not decide on most media-related complaints prior to election day.

The legal requirement for gender balance on the party lists was respected and 37.7 per cent of the candidates in the races observed by the OSCE/ODIHR EOM were women. Only 43 (19.28 per cent) women were elected to the three parliamentary assemblies. The only woman member of the CEC is its chairperson. Women chaired 42 out of 142 MECs.

The general elections were primarily observed by representatives of contestants, with some 54,000 such observers being certified by election commissions nationwide. The number of domestic observers from civil society declined five-fold in comparison to the 2006 general elections, mainly due to lack of funding.

Election day procedures were carried out in an orderly and calm atmosphere. Some 100 complaints were lodged over alleged violations of electoral rules. No serious incidents were observed during the opening, voting or counting procedures. Election commissions were generally open and cooperative with election observers.

In some instances, not all procedures were fully respected during the opening of the polling stations and the voting process. International observers also observed breaches of secrecy of the vote, family voting, proxy voting and overcrowding. The counting process lasted throughout the night, due to the complex procedures and different types of ballots that needed to be counted in each polling station (PS). Although numerous procedural errors were observed during the count, these did not appear to have an impact on the overall assessment of the counting process.

The tabulation of results at observed MECs was well organized and transparent overall, with MEC members having a good understanding of procedures. The conditions and resources assigned for tabulation were generally sufficient. In a few cases, however, the transparency of the process was reduced due to limited space of the premises. Observers noted that the new data entry system for the tabulation of results functioned well.

The CEC posted preliminary results broken down by PS on its website and, for the first time, the number of invalid ballots. The partial preliminary results for the BiH presidency were published early on election night and partial results for all electoral contests by the following morning. The CEC website, however, was difficult to access for couple of days due to Internet traffic.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the CEC of BiH, and based on the findings and conclusions of a Needs Assessment Mission (NAM),³ the OSCE/ODIHR established an EOM on 26 August. The OSCE/ODIHR EOM observed the canton-level elections only to the extent that they had an impact on the presidential and parliamentary races. The OSCE/ODIHR has observed eight electoral processes in BiH since 1996.⁴

The OSCE/ODIHR EOM was headed by Ambassador Daan Everts and consisted of a 15-member core team, based in Sarajevo, and 20 long-term observers (LTO) throughout the country. Core team members and LTOs were drawn from 20 OSCE participating States. For election-day observation, the OSCE/ODIHR EOM joined efforts with observer delegations of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the NATO Parliamentary Assembly (NATO PA). Mr. Roberto Battelli headed the OSCE PA delegation and was appointed by the OSCE Chairperson-in-Office as Special Coordinator to lead the short-term OSCE observer mission. Mr. Tiny Kox headed the PACE delegation, and Mr. Wladyslaw Sidorowicz led the NATO PA delegation.

A total of 307 short-term observers were deployed on election day, including 237 OSCE/ODIHR short-term observers, a 39-member delegation from the OSCE PA, a 26-member delegation from the PACE and a 5-member delegation from the NATO PA. In total, observers came from 39 OSCE participating States. Opening procedures were observed in 142 PSs, voting was observed in 1,347 of 5,276 PSs and counting in 128 PSs. Due to the protracted counting process, a comprehensive and systematic observation of the tabulation of results could not be conducted.

The elections were assessed for their compliance with OSCE commitments and other international standards for democratic elections, as well as with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, which was released at a press conference in Sarajevo on 4 October.⁵

The OSCE/ODIHR EOM wishes to thank the CEC for the invitation to observe the general elections, its co-operation and providing accreditation documents, and the Ministry of Foreign Affairs and other authorities for their assistance and co-operation. The OSCE/ODIHR EOM expresses its appreciation to the OSCE Mission to BiH and to other international organizations and embassies accredited in BiH for their support throughout the course of the mission.

III. BACKGROUND AND POLITICAL CONTEXT

On 5 May 2010, the BiH CEC announced that general elections would be held on 3 October in line with legal deadline. These elections were the second general elections after the 1992-95 war to be fully administered by the BiH authorities.⁶

Spurred by the desire of European integration, BiH has, in recent years, worked towards compliance with international standards and conditions of governance. In June 2008, BiH signed

³ The NAM report is available at http://www.osce.org/documents/odihr/2010/07/45519_en.pdf.

⁴ OSCE/ODIHR reports on previous elections in BiH are available at <http://www.osce.org/odihr-elections/14354.html>.

⁵ The OSCE/ODIHR EOM also published two interim reports. All reports for the 2010 general elections are available at http://www.osce.org/odihr-elections/item_12_45817.html.

⁶ BiH authorities independently administered the 2006 general elections and the 2008 municipal elections.

a Stabilization and Association Agreement (SAA) with the European Union. Furthermore, in April 2010, NATO invited BiH to join a Membership Action Plan, pending the fulfillment of certain conditions. BiH also became a non-permanent member of the United Nations Security Council for the period 2010-2011.

Meanwhile, a lack of agreement on the core issue of division of competencies between the state and its two entities prevented progress in constitutional reform. The international community attempted to arbitrate the process by holding talks in Butmir with the participation of major political subjects on 9 October 2009, but no agreement was reached on the proposed package of constitutional reforms.

Ethnic divisions continued to be a determining factor in the country's political discourse. Partly due to the residence and ethnicity-based legal limitations to suffrage, most political parties continued to reach out mainly to their own ethnic communities: the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party of Democratic Progress (PDP) competed for the Serb votes, while the Party of Democratic Action (SDA), the Party for BiH (SBiH), Alliance for Better Future (SBB) and other parties courted the Bosniak vote. On the Croat side, the Croatian Democratic Union of BiH (HDZ BiH), HDZ-1990, the Croatian Party of Right of BiH (HSP) focused mostly on Croatian votes.

Some parties including a coalition of Our Party and New Socialist Party (NSP), the People's Party Work for Betterment (NSRZB), and the Liberal Democratic Party (LDS) pursued a more multi-ethnic approach. The main opposition Social Democratic Party (SDP) also purported to cross the ethnic divide, although its support base has traditionally been mainly among Bosniaks.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. LEGAL FRAMEWORK

The legal framework is rather complex, reflecting the unique constitutional arrangements in the country. The BiH constitution is an annex to the 1995 General Framework Agreement for Peace (Dayton Agreement). The constitution grants limited powers to state-level institutions while vesting most of them in the two entities, the Federation of BiH (FBiH) and Republika Srpska (RS). In addition, Brčko district retains special status as a unit of local self-governance, under the direct BiH sovereignty.

The Dayton agreement also established the Office of the High Representative (OHR), granted with considerable powers.⁷ The High Representative and the Brčko District Supervisor can issue decisions that have legislative power, including overruling domestic legislation. Since 2007, the High Representative is also the European Union's Special Representative.

The BiH constitution incorporates a number of international human rights instruments⁸ and explicitly establishes that the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols apply directly and supersede the national law.⁹

⁷ The Peace Implementation Council (PIC) is a group of 55 countries and international organizations 'that sponsor and direct the peace implementation process'. The 1997 PIC Conference in Bonn provided executive powers to the High Representative and the International Supervisor of Brčko District enabling them to impose legislation, and remove any official obstructing the Dayton Peace process.

⁸ A list of 15 international instruments is listed in the BiH Constitution.

⁹ BiH Constitution, Article II.2.

It also recognizes Bosniaks, Croats and Serbs as ‘constituent peoples’ based on the principle of self-declaration. Those BiH citizens not declaring their nationality are defined as ‘others’.

The 2001 Election Law of BiH (hereinafter, Election Law) forms the basis of the electoral legal framework.¹⁰ It has undergone substantive and positive changes since its adoption, most recently enabling the voters abroad to vote at consular and diplomatic representations. The law regulates in detail the conduct of elections, the competences of responsible authorities, as well as campaign financing, media coverage, protection of electoral rights, and the rules of conduct in the election campaign.

The legal system in place is complex, in a country with different levels of legislative powers based on territorial and material competence. The legislation is not fully harmonized between the entities, Brčko district and the state, which creates legal discrepancies.¹¹

Overall, the legal framework for elections is comprehensive and generally provides a sound basis for the conduct of democratic elections. It fails, however, in one key area, namely the ethnicity-based constitutional limitations of both active and passive suffrage rights.

Citizens who do not identify themselves as Bosniaks, Croats or Serbs are barred from standing for the BiH and RS presidencies.¹² Further, a Serb registered in the FBiH or a Bosniak or Croat registered in the RS cannot stand for the BiH presidency.¹³ These restrictions are discriminatory and are not in accordance with protocol no. 12 of the ECHR. They also run counter to the OSCE 1990 Copenhagen document and other international standards.¹⁴ Voters are further limited by their place of residence; RS voters can only vote for a Serb candidate for the BiH presidency, while voters in the FBiH may only vote for either a Bosniak or Croat candidate.

On 22 December 2009, the ECtHR issued a legally binding decision providing that the ethnicity-based ineligibility is ‘incompatible with the general principles of the European Convention’.¹⁵ The ECtHR decision directly refers to PACE that has periodically reminded BiH of its post-accession obligation and urged it to adopt a new constitution before October 2010 with a view to replacing ‘the mechanisms of ethnic representation by representation based on the civic principles, notably by ending the constitutional discrimination against ‘others’.¹⁶ The Constitution was not amended before the 2010 general elections.

¹⁰ The law is supplemented by various detailed CEC regulations. Other pertinent laws also apply, such as the Law on Citizenship, the Law on Permanent and Temporary Residence of Citizens of BiH, the Law on Conflict of Interest, the Law on Administrative Disputes, the Law on State Court, and relevant provisions of the Criminal Code. Entity-level and Brčko district legislation and provisions of their respective criminal codes can also apply.

¹¹ Although the BiH Law on Political Campaign Financing exists, it needs to be harmonized with the RS and Brčko district laws, while the FBiH does not have such a law at all. A comprehensive political party law is missing at the state level. The BiH Law on Gender and Equality is not harmonized with the Election Law.

¹² FBiH presidency is indirectly elected.

¹³ The voters from Brčko district with FBiH entity citizenship do not have the possibility to elect or be elected in cantonal elections. As a consequence, they do not participate in the indirect election of the FBiH House of Peoples (HoP) (elected from within the cantonal assemblies) and, as a consequence, to the BiH HoP (elected from within the entity assemblies).

¹⁴ See Paragraphs 7.3 and 7.5 of the OSCE 1990 Copenhagen document, Article 25 of the International Covenant on Civil and Political Rights and Article 4 of the Framework Convention for the Protection of National Minorities.

¹⁵ <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&sessionid=63598587>

¹⁶ See PACE resolutions no. 1383 (23 June 2004), 1513 (29 June 2006), and 1626 (30 September 2008).

B. ELECTORAL SYSTEM

The general elections were held under a complex electoral system adjusted through minor amendments.¹⁷ In total, 39 different types of ballots were printed. A total of 21 different sets of ballots were used throughout the country and each voter received four different ballots.¹⁸ As such, understanding and implementing it posed a challenge to all participants in the electoral process.

At the state level, BiH voters elected 42 members to the BiH House of Representatives (HoR) and a three-member (Bosniak, Croat and Serb) state presidency through a plurality system (first-past-the-post). For the BiH HoR, voters registered in the FBiH elected 21 members in 5 multi-member constituencies (MMCs) through proportional representation, while 7 compensatory seats were also allocated through proportional representation. The remaining 14 members of the BiH HoR were elected in the RS; 9 in three MMCs and 5 as compensatory seats. A three per cent threshold applied for all of these seat allocations.¹⁹

For the state presidency, the voters in FBiH elected one Bosniak and one Croat member of the tripartite presidency. The voters in RS elected one Serb member.

At the entity level, FBiH voters elected 98 members to the FBiH HoR and 10 cantonal assemblies. In the RS, voters elected 83 members to the National Assembly (NA) as well as the RS president and two vice-presidents (these three positions had to be filled by a Bosniak, a Croat and a Serb). The candidate who won a plurality of votes became the RS president, while the two positions of vice-presidents were filled by candidates with the most votes from the two other constituent peoples.

The law guarantees minimum representation for the three constituent peoples in the FBiH HoR and the RS NA. If a constituent people did not win minimum four members in one such parliament when MMC mandates are allocated, this minimum is guaranteed through compensatory mandates.²⁰

For the BiH HoR, FBiH HoR and RS NA elections, the political subjects²¹ submitted lists of candidates, and the names of all candidates were included on the ballots. The candidates' lists are open lists, i.e. voters could indicate a preference for any number of candidates on the list (or just for the list, without stating preference for any candidates).²² For the distribution of compensatory mandates, a closed list system was utilized.²³

¹⁷ For example, the three per cent threshold for the allocation of the compensatory mandates was introduced prior to the 2006 general elections.

¹⁸ With the exception of Brčko voters voting for the FBiH electoral races, who did not receive cantonal ballots.

¹⁹ Such arrangement was applied for all electoral contests held under proportional representation.

²⁰ This is done by awarding mandates first from the compensatory list, by taking into consideration the declared ethnicity of the candidate. If the political subject which won the compensatory seat does not have enough candidates on its list of the ethnicity for which the minimum of four members was not reached, the seat is awarded to the next best-ranked candidate list with such candidates, and so on, until the minimum is reached. Article 10.1.3. of the Election Law.

²¹ BiH Election Law refers to registered political parties, pre-election coalitions, independent candidates and lists of independent candidates as 'political subjects'.

²² The MMC seats were allocated in descending order of preference votes to candidates with at least five per cent of preference votes out of the total valid votes.

²³ Each political party or coalition competing in proportional elections in at least one MMC could submit to the CEC a closed list of candidates from among the candidates already competing in any of the MMC. The subjects which won the most votes all-together for the level of the electoral contest and passed the three per cent threshold participate in the allocation of mandatory seats, through a proportional system of allocation of mandates. This mechanism is foreseen to provide for enhanced proportional representation at all levels.

The BiH HoR is required to review constituency boundaries for the BiH HoR elections every four years in order to better reflect the principle of equality of the vote.²⁴ In 2010, the CEC proposed new delineations, but the BiH HoR failed to reach an agreement over the new proposal. As a result, the number of registered voters that BiH HoR elected member represents ('voting power') differs significantly between constituencies, both in the FBiH and the RS.²⁵ This problem is also significant for the RS and FBiH entity parliaments.

V. ELECTION ADMINISTRATION

A. OVERVIEW

The general elections were administered by a three-tiered election administration consisting of the CEC, 142 MECs including the City Election Commissions of Banja Luka and Mostar, and Brčko district; and 5,276 PSs in BiH, including 7 PSs at diplomatic representations abroad.

B. CENTRAL ELECTION COMMISSION

The CEC is a permanent body, vested by law with extensive competencies and responsible for the overall conduct of the elections. A special Commission for Selection and Nomination appoints seven members for seven-year terms.²⁶ The Election Law provides that the CEC composition must include two Bosniaks, two Croats, two Serbs and one 'other'. Ethnicity is determined by personal declaration at the time of applying for membership and has, on occasion, been contravened. The CEC chairperson is elected by its membership for 21 months, on a rotating basis, also taking into consideration the rotation of the chairperson's ethnicity. The current chairperson has declared herself as 'other'. Both the OSCE Mission to BiH and the OHR had one member in the CEC until 30 June 2005. They continue to have one advisory member each in the CEC, without voting rights.

In addition to its duties in organizing elections, the CEC also has a duty to implement the Law on Conflict of Interests.²⁷ This arrangement in which the CEC is mandated to decide on possible conflicts of interests between elected and appointed officials represented a burden to its work, particularly during an electoral period.

The CEC enjoyed the general confidence of electoral stakeholders and functioned efficiently. Overall, it acted professionally and transparently. It addressed problems in a satisfactory manner and within the legal framework.

The CEC issued necessary regulations well in advance of the elections, which allowed for timely preparation of a number of important electoral aspects. A few MECs stated, however, that some of the CEC by-laws were amended late in the process, particularly the directive on certifying and appointing members of the PSCs; this was amended three times, last on 28 September.

²⁴ Article 9.11 of the BiH Election Law.

²⁵ For example, the difference between constituencies 1 and 3 in RS for BiH HoR elections is more than 45 per cent. Paragraph 2.2 of the Code of Good Practice in Electoral Matters of the Council of Europe's Venice Commission recommends that the admissible departure from the norm 'should seldom exceed 10% and never 15%, except in really exceptional circumstances'.

²⁶ This commission consists of two members from the High Judicial and Prosecution Council, three from the administrative commission of the BiH HoR and two from the current CEC.

²⁷ As mandated by the 2003 Law on Conflict of Interests in Government Institutions of BiH.

All CEC by-laws, including rulebooks, directives and instructions were published in a timely manner on its website. CEC decisions on complaints and appeals, however, were not published and were provided to electoral stakeholder only upon request, occasionally with delay.

The CEC held regular and public sessions, as well as extraordinary sessions which were announced on their website, sometimes with a delay. Although open to observers, no accredited observers from political subjects and non-governmental organization observed the CEC sessions, which indicated a lack of interest in the details of the CEC decision-making process. Media representatives were also rarely present. Most of the CEC decisions made at sessions were unanimous. All important decisions were generally reviewed and made expediently.

The CEC organized the printing of ballots and the preparation of other election materials in due time. It was noted on election day, however, that some election materials, particularly copies of PSC results protocols were not of a sufficient quality, which presented difficulties in reporting of results by some PSCs. Some members of the election administration, including CEC members, stated that some security aspects of the ballot papers needed to be addressed in the future, in order to prevent misuse on election day. Specifically, it was very simple to reproduce and print the ballot paper. In addition, the postal ballots were not sufficiently different from the regular ballots.

The CEC undertook a comprehensive project to improve and integrate the software platform of the CEC and MECs, including databases for verification of candidates, candidate lists, and entry, tabulation and reporting of election results. The CEC thought that this project impacted positively on quality of their work, internal reporting procedures and maintained a high quality database for future elections. It considered a regular budgetary provision desirable for maintaining an adequate IT capability, rather than external aid.

The CEC produced voter education programs. They were aired extensively by public and private broadcasters, but were limited to instructions on how to mark the different types of ballots. Voting day showed that voters could have benefited from a broader scale of voter education information, for instance, stressing the secrecy of the voting (folding of the ballots, family voting) and mobile voting. ‘Get-out-the-vote’ campaign spots were produced by domestic and international organizations.

C. MUNICIPAL ELECTION COMMISSIONS

MECs are permanent structures. Its members and the chairperson are appointed for seven-year terms by municipal authorities and approved by the CEC.²⁸ A few political parties stated their concern that some MEC members were not impartial, being appointed by politically elected bodies. All appointments are to respect the ethnic representation quota, as per the last census conducted in 1991. This requirement was generally met, although a few exceptions were noted due to insufficient applications of suitable candidates from required ethnicities.²⁹ This did not appear to result in any political bias or difficulty in the work of those MECs.

MECs were responsible for overseeing voting and counting in PSs and for the tabulation of preliminary election results. MECs were generally well organized and staffed with experienced

²⁸ According to BiH Election Law, the MECs have three, five or seven members, depending on the number of registered voters in the municipality.

²⁹ For example, in Pale (FBiH), Gacko and Nevesinje MECs.

members who seemed well trained, particularly on the latest changes of the regulations pertaining to the conduct of voting and counting procedures.

A number of factors negatively affected the work of MECs. Some MECs were provided with insufficient funds provided by the municipal authorities for the organization of the elections. Several MECs³⁰ told the OSCE/ODIHR EOM that the municipal authorities had not transferred sufficient funds.³¹ A few MECs also stated that the municipal accounts had been frozen for non-electoral reasons, which affected their work.³² Some MECs also had inadequate workspace.³³

D. POLLING STATION COMMISSIONS (PSCs)

PSCs are appointed by MECs and all political subjects competing in a particular constituency had the right to nominate PSC members. MECs conducted lotteries to allocate PSC positions, which included all political subjects running in any electoral races contested in the respective municipality. After the conclusion of this process, political subjects had one week to nominate their representatives to the PSCs.

Certain political subjects failed to provide sufficient nominations for PSCs posts. The MECs had to fill in these vacant positions with local residents and they tried to ensure that they had election experience. On election day international observers noted that in one-third of PSs observed, at least one member was nominated and appointed by the MECs.

Overall, some 23,700 PSC members were appointed within legal deadlines. There was a widespread practice of political subjects nominating PSC members affiliated with another party, or trading their seats with other political subjects. The OSCE/ODIHR EOM was able to verify a few such cases.³⁴

PSC members underwent training. The sessions observed by the OSCE/ODIHR EOM were well organized and attended, but varied in quality, duration and interactivity. In a positive development, the CEC prepared PSC manuals. Some MECs expressed their dissatisfaction over the perceived lack of election experience of some PSC members. International observers confirmed on election day that a number of PSCs had difficulties in properly following complex electoral procedures, especially related to opening and counting procedures.

VI. VOTER REGISTRATION

A. OVERVIEW

The CEC maintains a Central Voter Register (CVR), based on the Citizens Identification Protection System (CIPS) of the Ministry of Civil Affairs (MCA), introduced in April 2006.

There is a general public confidence in the voter registration system. Citizens could check and ask for an update of their data in the CVR until 19 August. After this deadline, the number of registered voters was finalized and reported to be 3,126,599. Those citizens who applied for

³⁰ For example, the MECs from Bijeljina, Bosanska Krupa, Sanski Most and Srebrenica.

³¹ Articles 1.2a.3 and 1.2a.6 of the Election Law.

³² Such as MEC Šekovići.

³³ Such as Bosansko Grahovo, Srebrenica, Gradačac, Orašje, Gacko and Prozor.

³⁴ For instance, in the municipalities of Mostar, Odžak, Prijedor and Ilidža.

identification documents (IDs) after this date or who had IDs but were not on the CVR extract were able to cast tendered ballots in special PSs.³⁵

On 20 September, the CEC announced the start of a system allowing voters to check in which PS they are registered by text messages (SMS). During election day, the CEC reported that it had received more than 90,000 such SMSs. In addition, some 100 calls were received to their help line, with voters confirming their PSC details. International observers noted on election day, however, in some 6 per cent of PSs observed one or more voters being redirected to other PSs or to MECs to check where they are registered.

B. VOTING ABROAD

The Election Law provides for BiH citizens temporary or permanently residing abroad to register to vote from abroad. These voters have to register anew for each election. For the first time, citizens abroad could choose to vote either by casting their ballots by mail or to vote in-person at one of the country's diplomatic representations. A total of 1,064 voters registered to cast their ballots in diplomatic representations abroad.³⁶ The turnout of voters in PSs abroad was reported to be 68 per cent of those that registered. A total of 36,649 voters abroad registered to vote by mail, of which 62.7 per cent cast their ballots.

Some interlocutors, including CEC members, expressed dissatisfaction with the need for voters abroad to renew their registration for each election, presuming it to be a cause for a low number of voters registered abroad. Another possible cause is an additional requirement for voters who wish to register to vote from abroad in order to participate in elections for the first time. Besides their proof of identity, they also need to provide proof of citizenship; either a BiH passport or a recent citizenship certificate.³⁷ A number of BiH refugees, however, fled the war in the 1990s without such documentation and BiH diplomatic representations do not issue such certificates.

Voters who wish to vote abroad had to submit their application to the CEC by e-mail or regular mail by 19 July. The CEC argued that such an early deadline was needed for the proper and timely organization of procedures and to allow for postal ballots to arrive in time to the Main Counting Centre (MCC) in Sarajevo.³⁸ Some interlocutors noted that no timely or sufficient information had been provided for voters abroad in order to be able to register on time.

In the run-up to the elections, the CEC identified forged applications for voting by mail.³⁹ Subsequently, the CEC investigated and discovered that a few hundred of such ballots had been mailed to identical addresses abroad. The CEC informed that they had forwarded three cases

³⁵ Tendered ballots were counted in the Main Counting Centre (MCC) in Sarajevo after cross checking information in the CVR to avoid potential double voting.

³⁶ PSs were established in Vienna, Oslo, Copenhagen, Berlin, Stuttgart, Munich and Frankfurt.

³⁷ This must be no older than six months.

³⁸ For these elections, the CEC has set a deadline to wait for postal ballots for 10 days after the election day, provided that the ballots were sent by the closing of the polls.

³⁹ One case was reported by the CEC about voters in the village of Kopači (Goražde area). After a few voters complained to the CEC through the SNSD in Goražde that they were not in the voter list, it was established that they registered to vote by mail by application sent from an address in Belgrade, Serbia. The CEC checked the information for all voters in this village and established that there were 186 voters registered to vote by mail, sent from only several different addresses in Serbia. Another case concerning eight voters from Bosanski Brod was established, as they appeared to be fraudulently registered to vote by mail in Slavonski Brod, Croatia at the address of a local NGO. From checks, a total of 92 voters appeared to be registered to vote by mail there. In the run up to the elections, two further cases concerning voters in Drvar (23 voters registered at two different addresses in Serbia) and Pelagićevo municipalities were discovered.

related to alleged fraudulent voter registration for out-of-country postal voting to the Prosecutor's Office. The CEC decided not to count a total of 262 envelopes with postal ballots proven as not sent by the voters themselves. Another report was filed in Brčko district for alleged illegal registration of RS entity voting options for local Bosniak residents. The investigations are ongoing at the time of this report.

C. IDPS AND MOBILE VOTING

The Ministry for Human Rights and Refugees data indicates 113,642 internally displaced persons (IDPs) registered in BiH by the end of 2009. IDPs may opt to vote either at the place of their current residence, or in their constituency at the time of the 1991 census. According to the CEC, 22,473 IDPs registered to vote for the municipalities of their 1991 residence, either in person or by casting an absentee ballot in a PS where they currently reside. The turnout of such voters was 39.2 per cent.

Voters and heads of various institutions could submit applications for voting by mobile ballot box by 18 September.⁴⁰ Voters in hospitals and prisons (living temporarily in different municipalities) could cast ballots for the electoral races contested in the municipality of their permanent residence. Some MECs, however, failed to properly organize these procedures, especially in relation to voters in hospitals and other in-patient institutions. According to the CEC, MECs appointed some 350 special PSCs (mobile teams) to carry out these requests. International observers noted on election day that some MECs had insufficient number of mobile teams.

According to the CEC, 29,054 residents of Brčko district (35 per cent) did not have passive and active suffrage rights for entity and state races. This is due to the fact that they were not included in the CVR as they had not expressed an entity "voting option" for the 2010 or any previous elections, as required by the law.⁴¹

Due to the fact that choosing an entity citizenship is not obligatory and many Brčko residents did not opt for one, the CEC tried to alleviate this problem by enabling voters without entity citizenship to choose a voting option by registering it with the Brčko District Election Commission. The deadline set by the CEC for this, however, was 19 July. The CEC declared that this deadline was established in order to prevent impersonation or other fraud.⁴² For the same reason, the CEC decided not to allow the registration of the voting option on election day.⁴³

VII. CANDIDATE REGISTRATION

Political parties, electoral coalitions, independent candidates and lists of independent candidates ('political subjects') could contest the elections provided that they were represented in a HoR for the elections they wished to contest or they submitted support signatures to the CEC.⁴⁴

⁴⁰ These include voters homebound due to old age, illness or disability, and voters in prisons, pre-trial detention centers or health institutions.

⁴¹ The Election Law provides that voters in Brčko vote for the entity-level and state-level races of RS, FBiH and BiH according to their chosen entity citizenship (which automatically becomes their voting option).

⁴² For example, using voter list entries of individuals not in fact residing in Brčko or otherwise inactive voters or electoral engineering by political parties who might engage those without a voting option to choose one according to parties' particular interests.

⁴³ In 2006 voters could express their voting option also on election day.

⁴⁴ To run for the BiH presidency 3,000 signatures were required. Political subjects not represented in the BiH HoR needed to collect 3,000 signatures to stand for the BiH HoR and 2,000 for the entity HoR. For independent candidates, half the number of signatures was required.

CEC certified 39 political parties, 11 coalitions and 13 independent candidates, in what was described by OSCE/ODIHR EOM interlocutors as an inclusive process.⁴⁵ The procedures for checking the support signatures are not regulated in detail and were not entirely transparent, since the law does not provide the possibility for electoral subjects to be present during the checking procedures. One political party and two independent candidates were denied registration due to incomplete applications and lack of support signatures. One additional party, certified to run only for cantonal elections, did not put forward a list of candidates.

A total of 3,900 candidates contested the general elections (excluding cantonal) on 562 separate candidate lists, offering a wide political choice to voters. This included 19 candidates standing for the BiH presidency (9 Bosniaks, 7 Croats and 3 Serbs). The CEC did not certify 324 list candidates due to various reasons. No complaints were lodged with regard to the candidate registration process.

More than 93 per cent of certified candidates submitted the required statement of financial assets to the CEC within the legal deadline. Although foreseen in the law, the CEC did not sanction the non-compliant candidates and instead extended the deadline to 13 October. By that time, only ten candidates had not submitted their statements of asset.

VIII. ELECTION CAMPAIGN AND CAMPAIGN FINANCING

A. ELECTION CAMPAIGN

Although campaigning got underway some months before the official start date (through conventions, public meetings, and other party activities), it noticeably picked up after the official campaign start on 3 September. The campaign was visible throughout the country, especially in cities. Most parties, coalitions and candidates used traditional means of campaigning including rallies, billboards and posters, leaflet distribution, door-to-door canvassing, as well as print and electronic media, including the Internet. Unemployment, alleged corruption, construction of roads, health care and education reforms were among the topics of the campaign. Constitutional reform issues and the underlying ethnic divisions remained, however, omnipresent.

Overall, the campaign environment was competitive, but generally calm. Electoral contestants were generally able to conduct their campaign activities without hindrance either from the authorities or from other parties.⁴⁶ Occasionally, it was marked by nationalist rhetoric and inflammatory statements by certain electoral contestants. It was free from tension with the exception of one serious incident.⁴⁷ Elements of negative campaigning were noted, such as the publishing of a fake newspaper accusing a few contestants while imitating the style and design of the major daily owned by one of the candidates.⁴⁸ The HDZ BiH and HDZ 1990 accused each other of deliberate damaging campaign posters and complained to the CEC about the matter.

⁴⁵ Additional three coalitions, five parties and six independent candidates contested only cantonal elections. No lists of independent candidates were formed for any election.

⁴⁶ The OSCE/ODIHR EOM observed some 35 major rallies, sometimes conducted by the leaders of political parties, such as the SBiH, SDP, SNSD, SDA, SDS, the Social Democratic Union (SDU), NSRZB, HDZ 1990 and SBB.

⁴⁷ On the night of 19 September, in Orašje, gunshots were fired at the homes of two HDZ 1990 officials (one of them a federal minister and candidate for FBiH HoR) as well as the local offices of HDZ 1990.

⁴⁸ On 1 October a newspaper named *Bosanska Stvarnost* was published (allegedly by SDA), with a free of charge circulation of 150,000. It resembled daily *Dnevni Avaz* owned by Fahrudin Radončić, leader of SBB and candidate to the BiH presidency.

One feature of the campaign was the presence of political leaders from neighboring states, which was criticized by a number of campaign contestants.⁴⁹ On 29 September, Boris Tadić, President of Serbia, attended a rally organized by SNSD in Dobož and supported the party's candidates. He visited the RS in his capacity of president of the Democratic Party of Serbia. SDP announced the participation of former Croatian President Stjepan Mesić at the party's rally in Tuzla, but the visit did not take place.

In their contacts with the OSCE/ODIHR EOM, political parties and candidates expressed few complaints regarding the conduct of the campaign, both at central and regional levels. Most of them dealt with defaced or torn down posters.

Most parties expressed general confidence in the election administration. Although a few parties complained to the OSCE/ODIHR EOM about election violations such as vote buying or 'carousel' voting, they did not submit formal complaints or present any official evidences prior to election day. They justified this inaction by a lack of confidence in the judiciary.

During the campaign, many political parties shared with the OSCE/ODIHR EOM their concerns about the high number of invalid ballots, noting that they could have an impact on the election results. This was intensified after election day, when 9.51 per cent of invalid ballots were reported in the election of the Serb member of the BiH tri-partite presidency and similarly high percentages for the Bosniak and Croat members of the tri-partite RS Presidency.

OSCE/ODIHR EOM interlocutors persistently complained about biased media coverage. Several political parties repeatedly expressed concerns regarding lack of equitable access to the media for opposition or smaller parties. The OSCE/ODIHR EOM did note that candidates in official positions had preferential coverage in the media.

B. CAMPAIGN FINANCING

The campaign financing system is governed by BiH Election Law,⁵⁰ the BiH, RS and Brčko Laws on Political Party Financing, as well as other laws such as the BiH Law on Conflict of Interest and the BiH Law on Administrative Procedures. The FBiH has not adopted any law on political campaign financing.

The 2000 BiH Law on Political Parties Financing was amended in July 2010 doubling the limit of donation from legal entities to a political party while maintaining the limit of donation from individuals. The law obliges political parties to give a statement of their accounts and to report on any donation above 100 BAM (50 EUR).

The Election Law provides that all candidates standing for elected office at state and entity level disclose their property holdings through a statement to the CEC no later than 15 days after accepting their candidacy. Elected candidates, other than at state and entity level, have to do so within 30 days from the publication of the verification of their mandates. After the termination of their mandate, all elected candidates submit an updated property statement. While the CEC publishes these financial statements on its website, it is not responsible for their accuracy or for any related complaints.⁵¹

⁴⁹ The SDA stated that Serbian and Croatian politicians were interfering in internal matters of BiH.

⁵⁰ BiH Official Gazette No. 22/00, 102/09, 54/10.

⁵¹ Articles 15.7-9 of the Election Law.

During these elections, there was a growing public debate on the issue of campaign financing. A number of political subjects expressed dissatisfaction with campaign financing regulations and the lack of transparency. In their view, these regulations are overly restrictive with regard to donation limits and discriminate against parties not represented in BiH legislative bodies.

The legislation does not require contestants to disclose their campaign finances, incomes and expenditures prior to election day. The law stipulates that financial reports for the campaign are due 30 days after the official results of the elections. Furthermore, the law does not define clearly what constitutes campaign activities. There is no clear distinction between expenditures that should be considered campaign costs and those that are regular operational costs of political parties during the campaign. In practice, the amounts reported by political parties include a few general categories and lump sums. This does not allow for an independent verification of campaign expenditures levels.

The CEC Audit Department is responsible for conducting an examination and control of the financial reports submitted by political parties and reports any irregularities to the CEC.⁵² Failure of the political party to report can lead to denial of the right to stand in the next elections. The CEC can decide *ex-officio* to investigate any suspicion of violation of the law on political party financing or act upon official complaint. The CEC can issue sanctions and appeals can be submitted to the Appeal Council.⁵³ The main problem in this area remains the lack of legal enforcement and the provisions therefore do not appear to have any deterrent effect.

In practice, audit investigations are protracted mainly due to insufficient means and personnel.⁵⁴ Consequently, the CEC publishes audit reports some time after elections, even up to a few years later.⁵⁵ Moreover, while audit reports note irregularities, the CEC takes considerable time in issuing and adjudicating on sanctions.⁵⁶ This lack of prompt intervention and active reaction has led to a public perception that political subjects enjoy impunity as far as financial non-accountability is concerned.

IX. MEDIA

A. MEDIA LANDSCAPE

The media landscape in BiH is diverse and complex, including some 200 licensed broadcast media and 100 print media outlets. The public broadcasting system consists of three broadcasters (each with a TV and radio station), one operating at the state and two at the entity level, both covering more than 70 per cent of the BiH territory.⁵⁷ Further, there are over 60 public radio

⁵² Article 14 of the Law on Political Party Financing.

⁵³ Sanctions system is regulated by the Election Law and fines can go up to 10,000 BAM (5,000 EUR), while the Law on Political Party Financing provides for financial penalties of up to three times the illegally acquired amount. For any other type of violations, the CEC uses the administrative and financial sanctions provided by the BiH Election Law. Article 16 of the BiH Law on Political Financing provides that an Appeal Council is a specific body set out to deal with appeals regarding CEC decisions on political financing.

⁵⁴ The CEC Audit Department is composed of seven staff.

⁵⁵ The audit report on campaign financing for the 2008 municipal elections was finalized in March 2010 and published in June 2010.

⁵⁶ For the 2008 municipal elections, one political party received an excess of contributions of half a million BAM (250,000 EUR), but no sanction has been issued by the time of this report.

⁵⁷ BHRT operates on the state level; RTV FBiH primarily targets FBiH and RTRS transmits mainly in RS.

stations and 16 public TV channels operating locally.⁵⁸ Of all the private broadcast media, OBN and TV Pink BiH are TV channels with the widest territorial coverage; around 60 per cent. Daily newspaper *Dnevni Avaz* has the highest estimated daily circulation rate with some 50,000 copies.

Several OSCE/ODIHR EOM interlocutors raised concerns about possible ties between media and political elites, which may impact editorial independence. Concerns were also raised about financial support (amounting to several million BAM), allocated by RS government in July 2010 to public and private RS-based media, which appeared to be provided on selective basis in the sensitive period prior to elections.⁵⁹

B. MEDIA REGULATORY FRAMEWORK

The Election Law, supplemented by the CEC regulations, provides a comprehensive legal framework for media coverage of elections. The broadcast media must cover pre-election activities and observe principles of balance, fairness and impartiality. State officials contesting the elections should not be privileged over their competitors and the broadcast media should avoid references to their candidacy or party affiliation, when reporting on official activities.

According to CEC regulations, during the official campaign period, public broadcast media must grant at least three minutes of free airtime to each political subject on an equal basis. During this period, the political subjects can also purchase advertising time, up to a maximum of 30 minutes in each public, and 60 minutes in each private broadcast media, per week.

The CRA regulates broadcasting sector and deals with media-related complaints both within and outside the campaign period; it can impose sanctions such as a warning, fine, suspension of broadcast and withdrawal of license. The agency's authority was somewhat weakened as its General Director has not been confirmed in his position since 2008.⁶⁰ The print media operate largely on the basis of self-regulation and the principles outlined in the BiH Press Code. Complaints over coverage are to be dealt with by the BiH Press Council, a self-regulatory body which publishes legally non-binding decisions in the media.

Fifteen election-related complaints were filed with the CRA during the campaign period. Three of them were rejected prior to election day.⁶¹ The CRA informed the OSCE/ODIHR EOM that from all the complaints received, two were of the highest concern (two local public broadcasters who allegedly failed to grant adequate portions of free airtime to political subjects). These two cases, however, were also among those 12 pending by the election day.⁶² This relatively small number of official complaints contrasts with numerous verbal complaints made with regard to inadequate access of contestants to the media or general complaints about media bias.

⁵⁸ According to the CRA, <http://www.rak.ba/bih/index.php?uid=1273787247>.

⁵⁹ OSCE Mission to BiH - Follow-up Report on BiH Media and Media Regulators Under Pressure issued on 23 September 2010, <http://www.oscebih.org/documents/17160-eng.pdf>.

⁶⁰ According to Law on Communications, the General Director is selected by the CRA Council and approved by the Council of Ministers. Ethnicity-related discussion on filling of this post resulted in the current lack of decision on appointment.

⁶¹ Two complaints were rejected as they referred to broadcasts outside of the campaign period, and one was rejected as being without grounds.

⁶² Article 45 of 2003 Communication Law, dealing with the CRA handling of complaints, does not set any particular deadlines and specifies that 'agency makes efforts to solve the complaints within reasonable period of time'.

C. MEDIA MONITORING RESULTS

During the campaign period (3 September – 2 October), the OSCE/ODIHR EOM conducted media monitoring of primetime broadcasts of TV stations and contents of newspapers on elections and the campaign.⁶³ The variety of views reflected by the media provided voters with an opportunity to make informed choices. The campaign coverage, however, was short of in-depth analyses of campaign platforms and populist rhetoric dominated over issues of substance. Major parties extensively used paid advertising in the media in the last week of the campaign.

Broadcasters provided contesting subjects with a genuine opportunity to convey their messages to voters in many debates. During the campaign, national public TV channels aired over 40 debates, focusing on political subjects and candidates running in the presidential races. Some candidates from governing parties often chose not to participate.

National public media respected the legal requirement for allocation of free airtime for political subjects to communicate their campaign messages to the voters. As required, broadcasters established the order of appearances by lot, and allocated time slots on equal terms. Contestants had the opportunity to use three minutes of airtime on BHTV1, whereas FTV and RTRS offered three and five minutes respectively.

Many broadcast media chose to cover daily campaign developments in special election programs (*Election Chronicles*) in the late evening hours while news programs, available to a larger audience, offered only limited coverage of campaigns. News programs focused on coverage of governments and state officials, many of whom were also candidates in the elections. Overall, the media respected the ban on explicitly mentioning the party affiliation of presented officials who were also candidates. Coverage of contestants in the monitored private media significantly differed, reflecting not only intensity of campaign activities of parties in various geographical locations, but sometimes also support of particular political options.

BHTV1 provided overall neutral coverage of political actors. Its news coverage focused on the activities of public authorities, among which RS officials received less attention in comparison with representatives of the BiH and FBiH structures. Public TV BHT1 did not cover campaign developments outside of its news programs, but aired many debates.

Bias in favor of governmental officials was noted in RTRS news programs, in which the RS government, the prime minister and the president together received around 50 per cent of the coverage, all either positive or neutral. RTRS's *Election Chronicles* presented over 30 contesting subjects, among which two parties, SNSD and SzDS,⁶⁴ received each around 10 per cent of the coverage in these programs.

News and current affairs programs of the FBiH broadcaster, FTV, offered more critical coverage of public authorities and tended somewhat towards opposition views. Its *Election Chronicles* covered campaign activities of some 35 contesting subjects; the largest share of coverage was given to SDP (6.5 per cent).

⁶³ The OSCE/ODIHR EOM was monitoring prime time broadcasts of state-wide public TV BHT1, FBiH based public TV FTV and RS based public TV RTRS as well as four private channels OBN, NTV Hayat Sarajevo, TV1 and TV BN and the evening news programs of private TV Pink BiH. The contents of newspapers *Dnevni Avaz*, *Dnevni List*, *Glas Srpske*, *Nezavisne Novine* and *Oslobodjenje*, were also monitored.

⁶⁴ Alliance for Democratic Srpska.

Among private broadcasters, Sarajevo-based TV1 (which launched its broadcasts as a news channel a few days prior to the start of the campaign) favored ruling parties in FBiH, in particular SBiH. TV1 news programs allocated the largest shares of airtime to the FBiH government (almost 16.8 per cent), SBiH (14.5 per cent) and SDA (some 13 per cent). TV1 election chronicles, however, did cover more than 30 political subjects, although the largest share of coverage was given to SBiH (26.5 per cent) and SDA (almost 9 per cent).

News programs of RS-based TV BN largely focused on RS politics and coverage of its public authorities, which was mainly neutral. *Election Chronicles* on this TV channel provided the most extensive coverage of campaign developments among all media monitored including public ones; TV BN reported primarily about activities of key political subjects in RS, among which SDS and SNSD received the largest shares.

TV OBN, TV *Hayat* Sarajevo and TV Pink BiH covered the elections to a considerably lesser extent than other channels. OBN and TV *Hayat* did not air *Election Chronicles*.

Print media are not legally obliged to give impartial or balanced coverage. They provided a wide range of views, often showing bias in favor or against particular political options. *Dnevni Avaz*, the highest circulation daily newspaper owned by the president of SBB, acted as a mouthpiece of this party demonstrating strong bias in favor of SBB, which received almost one third of the total political coverage in this newspaper, and against other contestants; for instance SDA and SBiH each received over 14 per cent of the coverage, in overwhelmingly negative light. *Oslobodjenje*, while presenting a wide range of subjects, portrayed SBB in a negative light and also was rather critical towards SNSD. Two RS-based newspapers *Glas Srpske* and *Nezavisne Novine* favored SNSD and the RS government. *Dnevni List* focused on activities of parties of Croats, in particular HDZ 1990 and HSP.

X. PARTICIPATION OF WOMEN

BiH has committed to respect gender equality through several international treaties that are listed in its constitution, including the UN Convention on Elimination of All Forms of Discrimination against Women (CEDAW)⁶⁵ The Gender Equality Law of BiH provides for the participation of women at all levels of public life, including in the legislature and executive bodies.⁶⁶ Efficient mechanisms for its implementation and enforcement are not yet fully in place.⁶⁷ The Gender Action Plan (GAP) for BiH, adopted in 2006 by the Council of Ministers, identified women's participation in political life and decision-making processes as one of the key priority areas.⁶⁸

⁶⁵ The CEDAW was ratified by BiH in 1993 and subsequently integrated in its constitution. While the BiH constitution prohibits discrimination on the grounds of sex (articles 1.7 and 2.4), it does not make an explicit reference to gender equality in its text.

⁶⁶ Article 20 stipulates that state bodies at all levels of organizations of authorities, and local self-government bodies, including legislative, executive and judicial authorities, political parties.... shall ensure and promote equal gender representation in process of managing, decision making and representation.... equal representation of women and men shall exist in case when one of sexes is represented with at least 40 per cent in bodies listed in paragraph 1 of this Article, Law on Gender Equality in BiH 2003, amended in 2009.

⁶⁷ Article 32 stipulates that all state and entity laws, as well as other corresponding regulations, will be harmonized with the provisions of this Law, no later than six months after the enforcement of this Law.

⁶⁸ GAP is the most important single strategic document for gender mainstreaming in all spheres of public and private life.

While legal requirements regarding gender balance on party lists were respected and 37.7 per cent of the candidates in the electoral races observed by the OSCE/ODIHR EOM were women,⁶⁹ 43 (19.28 per cent) women were elected to the three parliamentary assemblies. Two women and seventeen men competed for the BiH state presidency and one woman and eighteen men for the RS presidency. None of the female candidates was successful in either of the presidential races.

Several OSCE/ODIHR EOM interlocutors raised concerns about the limited role of women in political parties in general as well as the lack of interest by parties to promote female candidates during election campaigns. A countrywide campaign was implemented by a group of NGOs to raise awareness and to enhance women's participation in elections. In programs monitored by OSCE/ODIHR EOM, only some 10 per cent of air time was devoted to female candidates. Family voting remained a widespread practice, especially in rural areas of the country.⁷⁰

The only woman member of the CEC is also its chairperson. Women occupied 198 of the 515 positions in the MECs, chairing 42 of them.⁷¹

XI. PARTICIPATION OF NATIONAL MINORITIES

The BiH constitution grants important political rights on the basis of ethnic affiliation but, as mentioned above, does not guarantee equal enjoyment of active and passive suffrage for all citizens irrespective of their ethnic background. Other important legislation includes the BiH Law for Protection of National Minorities and the Anti-Discrimination Law.

Seventeen minority groups are officially recognized in BiH as national minorities.⁷² Most of these minorities are very small in numbers.⁷³ The largest minority is Roma, with some 9,000 people according to the 1991 census. It is a widely shared view that their actual number is significantly higher, with estimations varying from 30,000 to 100,000. It was brought to the attention of the OSCE/ODIHR EOM that despite the efforts to provide Roma with personal documents, there is still an unknown number of Roma voters without IDs.

Among the 3,900 candidates running for office in the electoral races observed, there was only 1 minority candidate, 139 'others' and 28 'undeclared'. According to the information available to the OSCE/ODIHR EOM, there was a handful of candidates identifying themselves as Roma running for office in different electoral races.

XII. DOMESTIC AND INTERNATIONAL OBSERVERS

The Election Law provides for domestic and international observers, accredited by the CEC. Domestic non-partisan groups may observe on a basis of a statement that the organization is not engaged in any activities on behalf of a political party.

⁶⁹ 63 women (12.3 per cent) and 450 men were leading the candidate lists.

⁷⁰ Twenty-four per cent of the PSs visited.

⁷¹ An increase by 28.5 per cent from 2006 when only 30 MECs had a female chairperson. Article 2.14 of the BiH Election Law stipulates 'the composition of an election commission shall in general reflect the equal representation of both genders'.

⁷² The State Law on the Protection of the Rights of Persons Belonging to National Minorities (2003, amended in 2005) lists Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Rusins, Slovaks, Slovenians, Turks and Ukrainians.

⁷³ The last census from 1991 indicated that the 17 national minorities total all-together 0.8 per cent of the population while 'others' composed 2.4 and 'Yugoslavs' 5.6 per cent.

These general elections were primarily observed by political subjects' representatives. A total of 53,738 such observers were certified by MECs. In addition, the CEC certified another 106 individuals to observe its work and the MCC in Sarajevo.

The number of domestic observers from civil society was limited. A total of 779 observers were registered, representing 20 non-governmental organizations (NGOs). This figure is five times less than for the previous general elections, when NGOs were organized in a joint deployment. This difference appears to be caused by decreased funding, and some NGO representatives opined that the lower number of domestic observers affected the transparency of the process. In addition, some prominent NGOs stated that they had shifted their primary interest from observation to other aspects, such as monitoring the work of the elected officials in-between elections.

On election day political party observers were noted in more than 97 per cent of PSs visited and NGO observers in only 10 per cent.

XIII. COMPLAINTS AND APPEALS

Regulations governing the complaints and appeals system are found in the Election Law, the BiH Law on Administrative Procedure as well as in a CEC instruction.⁷⁴ The legal framework for complaints and appeals is comprehensive and ensures the rights of candidates to seek effective and timely remedy. It has been greatly simplified by the 2006 amendments to the Election Law: first instance complaints are heard either by MECs or the CEC, depending on the legal nature of the alleged violation. First instance MEC decisions can be appealed to the CEC. All CEC decisions can be subject to a judicial review before the Appellate Division of the Court of BiH. The adjudicating authorities can also initiate investigations *ex-officio*.

In general, the CEC processed election-related complaints competently, but did not always respect legal deadlines. The additional CEC task of investigating and deciding on possible conflicts of interests of elected and appointed officials presented a burden to the work of the commission and its legal department, particularly in the run-up to the elections.

Moreover, the CEC lacks a uniform and systemic database for complaints, as it does not have a centralized database for all complaints lodged in BiH. MECs neither systematically log their complaints nor send copies of complaints or decisions to the CEC.

The legislation does not codify the right to public hearings on complaints and appeals, which diminished transparency. The CEC may conduct hearings during its sessions,⁷⁵ but this possibility was not used by the CEC during the 2010 elections.

During the OSCE/ODIHR EOM observation period, a total of 247 complaints were submitted. Despite the low number of complaints, it was noted the CEC and MECs encountered increasing difficulties to comply with legal deadlines and adjudicate on complaints closer to the election day, and particularly during the post-election period.

⁷⁴ CEC Instruction on Procedures for Resolving Complaints and Appeals Submitted to the CEC and Election Commissions (29 April 2010, supplemented on 17 June 2010).

⁷⁵ Article 6.6.5 of the BiH Election Law.

Prior to election day, a total of 110 complaints were lodged to the CEC and to MECs. Of those, 53 were filed prior the election campaign period and were all processed accordingly, although legal deadlines were not always met. Most of the complaints were of minor substance. Three fines were issued for violations of paid advertisement regulations.

According to CEC, 57 complaints were lodged during the election campaign period. Of those, 41 were submitted to the MECs. MECs rejected 27 (11 as without grounds, 3 as not filed on time and 13 due to procedural mistakes). MECs ordered parties to remove illegal posters in three cases and issued fines in the three other cases. At the time of this report, the other eight cases were still pending. Seven appeals were lodged with the CEC against decisions of MECs; five were rejected as without grounds, two were accepted with MECs being ordered to repeat the respective procedures (one case also involved a fine issue).⁷⁶ The other three were still pending. Sixteen complaints were submitted to the CEC, mainly related to abusive language during the campaign; CEC rejected 12 as without grounds, found grounds for three and issued sanctions.⁷⁷ One was still pending at the time of this report.

For all the complaints, seven appeals were lodged with the Appellate Division of the Court of BiH which reflects an improving trust in the decisions issued by the CEC. All have been rejected.

The day prior to election day, 16 complaints were lodged for alleged violations of the campaign silence;⁷⁸ four were rejected as without grounds by CEC and others were still under review, despite the 48 hours deadline requirements.

XIV. ELECTION DAY

Election day took place in an orderly and calm atmosphere. No serious incidents were observed during the opening, voting or counting procedures. The PSCs were generally open and cooperative with observers. International observers noted few possible cases of attempted fraud.⁷⁹

The opening was observed in 146 PSs. The process was assessed by observers as ‘good’ or ‘very good’ in 135 cases. Not all procedures were fully respected. In particular, the form on which the PSCs needed to account for the number of ballots received and serial numbers of plastic security ties used to secure the ballot box was not completed in 23 and 22 observed cases respectively. The ballot box was not shown to be empty and was not properly sealed in 7 cases. Only one PS was assessed as ‘very bad’.

The CEC reported that all PSs opened on election day. The majority of PSs opened on time; however, 16 PSs observed opened more than 15 minutes late due to protracted opening procedures. According to CEC procedures, PSCs had to manually count all received ballots and enter the data in the protocols, which contributed to the delays at opening.

⁷⁶ MEC fined SDA 3,000 BAM (1,500 EUR) for putting posters on kindergarten doors. The CEC reduced the fine to 1,000 BAM.

⁷⁷ One Bosnian Party candidate was fined three times a total of 12,500 BAM (6,250 EUR) for having prevented journalists to work and insulting participants on a TV show using inflammatory language towards another political subject and in political speeches.

⁷⁸ Article 7. 4 of the BiH Election Law. Election silence commences 24 hours before opening of the polls.

⁷⁹ Attempted carousel voting was observed in PS 013 in Grude, and possible ballot stuffing by the PSC chairperson was observed in PS 073B in Brčko. In 11 PSs, international observers had a reasonable suspicion that mobile phones or digital cameras were used by one or more individual voters to presumably take photos of filled out ballot papers.

International observers assessed the voting process as 'good' or 'very good' in 95 per cent of PSs visited. There was no regional variation in the overall assessment. Negative assessments were based mostly on improper implementation of the election procedures and voters' understanding of the voting process. As well, breaches of voting secrecy were observed in 17 per cent of the PSs visited, which included cases of voters not properly folding their ballots before casting them.⁸⁰ Procedural problems were observed in 15 per cent of PSs visited, including ballot box seal numbers not being recorded in the appropriate form (6 per cent) or ballot boxes not being properly sealed (3 per cent).

Family or group voting was widespread throughout the country (24 per cent of PSs observed), especially in rural areas. In addition, observers noted a widespread practice of assisted voting, which by law was foreseen for blind, physically incapable or illiterate voters. Although the legal procedures prescribe that one person can assist only one voter, international observers noted the same individuals assisting several different voters (3 per cent of PSs visited).

Overcrowding was observed in 9 per cent of cases, mainly due to improper PS layout (6 per cent) or inadequate premises. Proxy voting was observed in 5 per cent of PSs observed. The transparency of the process was assessed as 'good' or 'very good' in 95 per cent of the cases.

The counting was observed in 128 PSs. The counting process was conducted in the presence of the political party observers (in 100 of the 104 PSs observed). It lasted throughout the night due to the detailed and complex procedures and the four different types of ballots that needed to be counted in each PS. PSCs had to count ballots in a prescribed order (first for the BiH presidency); this was largely respected.

The counting process was assessed as 'good' or 'very good' in 112 PSs observed (out of 123 reports). Although numerous procedural errors were observed during the count, these did not appear to have an impact on the overall assessment of the process. Such procedural errors mainly had to do with partial failure to complete detailed legally prescribed steps when establishing the election results or to complete them in prescribed sequence: The PSC did not record the number of unused ballots before opening the ballot box in 20 cases and the number of voters who voted was not established by counting the number of signatures on the voter list in 14 cases. International observers did not note, however, any cases of deliberate invalidation or other falsification of the voters' choice by PSC members or observers. International observers assessed the counting as 'very bad' in three PSs.⁸¹

The official form accounting for the number of received, used, unused and spoiled ballots was not completed in 46 PSs, and it was not signed by all PSC members in 31 PSs. In 33 cases (out of 124 reports), PSCs had difficulty in completing the results protocol and in 19 cases, the results did not reconcile. The results protocols were pre-signed by the members of PSC in 19 polling stations observed, however, the observers did not notice any cases of deliberate falsification of the results protocols.

In general, the transparency of the counting process was respected in most cases, and assessed positively by international observers⁸² in 116 PSs. In violation to the law,⁸² copies of results protocols were not provided to international observers in 70 cases and results were not publicly

⁸⁰ A main candidate in one presidential race marked his ballot in front of television cameras.

⁸¹ PS 026 in Cazin, PS 010 in Breza and PS 011 in Hadžići.

⁸² Article 5.26.2 of Election Law.

posted in 26 PSs, thereby significantly reducing the transparency of the election results at the PSs level.

At the close of polls, the CEC reported a turnout of 56.28 per cent. The turnout was slightly higher in FBiH (56.42 per cent) compared to the RS (55.64 per cent).

XV. ANNOUNCEMENT OF RESULTS AND POST-ELECTION DEVELOPMENTS

A. TABULATION AND ANNOUNCEMENT OF RESULTS

The CEC elaborated detailed procedures for processing the election results. In the first stage, immediately after PSCs delivered the results for the BiH presidency to MECs, the MECs started entering the election results into an integrated election information system maintained by the CEC. The new data entry system for tabulation of results seemed to function well, enabling the CEC to receive and announce preliminary results during election night. The CEC published the preliminary results for the BiH presidency at 23:00 on election night, and partial results for all electoral contests by 09:00 the following day. The preliminary results, disaggregated by PS, began to appear on the CEC website after the close of the polls, however, due to the high traffic load, the CEC website was accessible intermittently and with extremely slow connectivity, rendering it practically inaccessible until 6 October.

There were some differences in how the MECs collected the election results protocols from the PSCs, which mainly occurred due to a lack of formalized instructions from the CEC. Some MECs employed ‘coordinators’ to visit the PSCs throughout the night in order to collect the PS results protocols, while other MECs required the PSCs members to deliver them the protocols. In a few observed cases, the MEC returned the protocols to the PSCs after noticing problems with the reconciliation of figures provided in order to amend errors.⁸³

The MEC tabulation of results seemed to be well organized and transparent, with MEC members having a good understanding of procedures. The conditions and resources for tabulation appeared sufficient, however, in few cases the transparency of the process was affected due to limited space.⁸⁴ Domestic observers, including political party observers, were generally not present at MECs during the tabulation procedures. International observers had unrestricted access and good co-operation with MECs. No incidents were reported in any MEC during tabulation.

The CEC also posted the number of invalid ballots on its website also broken down by PSs. The percentage of invalid ballots for the BiH presidency was 9.86 in the RS and 6.82 in FBiH. On 5 October, the CEC responded to allegations from certain political parties and concerns expressed in the media about the high number of invalid ballots, by explaining that a large number of these invalid ballots were blank, most likely left unmarked by voters by way of protest vote (this was also the case in previous elections).⁸⁵ On 20 October, the CEC decided *ex-officio* to examine and recount invalid ballots for the RS presidency elections for all 2,101 PSs in RS, and invited the NGOs and candidates to observe the process. As a result, the CEC established no substantial difference between the initial and the recounted number of invalid ballots.

⁸³ As observed in Tuzla and Novi Grad - Sarajevo.

⁸⁴ As observed in Fojnica, Novo Sarajevo, Brčko, Trebinje, Vlasenica and Foča.

⁸⁵ For BiH member of presidency coming from RS, 75 per cent of all invalid ballots were blank.

A total of 6,503 envelopes with votes for one or more electoral races were excluded from the vote count, mainly due to missing ID copies or the application to vote not signed by voters.

The CEC publically declared itself as committed to investigate any allegations of irregularities during the voting and counting process. The law does not, however, oblige the CEC to look into contested or otherwise problematic PSs by a certain deadline. The CEC also argued that it should not conduct any recounts, if the total amount of contested ballots does not affect the allocated mandates.⁸⁶ This argument is, however, problematic, as the CEC could decide itself the number of recounts to be done and, as such, the number of seats potentially affected.

The only legally prescribed deadline for the CEC is to publish the final results within 30 days of the election day (by 2 November).⁸⁷ In addition to this, the CEC set itself a deadline of 20 days to establish preliminary results.⁸⁸ Only after the final preliminary results were established, on 18 October did contestants have the possibility within three days to challenge the results and request recount of PS results.⁸⁹

The MCC in Sarajevo started its work immediately after the closing of the polls. The MCC was to confirm all PS results through a second data entry of all protocols into the results database and cleaning of all errors that would occur during the data entry process, either in the MECs or the MCC. During this process, the CEC identified 14 PSCs which had not provided correct data when reporting results.⁹⁰ The CEC decided to re-count these ballot papers (on 10 and 13 October).⁹¹

Domestic observers were able to observe the process of counting postal, absentee and tendered ballots; however, they were not allowed to observe the process of tabulation of results in the MCC. The CEC argued that the presence of observers in the tabulation room may negatively influence the orderly conduct of the tabulation procedures.

B. COMPLAINTS

On election day, some 121 complaints were lodged over alleged violations of electoral rules. These were still being processed by the MECs at the end of OSCE/ODIHR EOM observation period. The lack of rigorosity in meeting legal deadlines and inefficient communication between MECs and the CEC caused delays in the complaints process, consequently postponing the publication of preliminary election results.

The law provides that a poll book is kept by PSC during the voting process in which information related to voting and other events occurring at the PS and its surrounding area is recorded.⁹² Upon receipt of the election materials, the CEC undertook a review of the information contained in the poll books. On 10 October, the CEC announced that 680 remarks relating to potential violations had been recorded and would be examined by the CEC in order to decide upon the substance of

⁸⁶ Article 5.30.6 of BiH Election Law.

⁸⁷ Article 5.32.1 of BiH Election Law.

⁸⁸ Rulebook on the Organization of MCC, article 48.1.

⁸⁹ Article 5.30.4.5 of BiH Election Law.

⁹⁰ In most of these cases, individual candidates from the candidates' list were reported to have won more votes than the list itself, which is not possible.

⁹¹ According to article 5.22.2 of the Election Law, the CEC may decide to count the ballots in an MCC if the ballots appear not to be counted, or were not counted completely and properly by the PSC.

⁹² Article 5.7 of the Election Law.

the alleged violations and on potential actions to be undertaken. No deadlines were set up for issuing such decisions.

According to the Election Law, once preliminary results are established after the expiry of all deadlines, including final decisions on complaints and appeals, requests for recounts of ballots may follow. The CEC established the preliminary results on 18 October.⁹³ By 13 October, 48 requests for recounts were submitted to the CEC. The CEC rejected four of them for premature submission and replied to 28 plaintiffs that they would be able to submit requests within 3 days of the CEC announcement of established results. The rest of the requests were not yet addressed by the time of this report.

After the final preliminary results were established, the CEC received 101 requests for recounts. The CEC reviewed the requests and decided to conduct recounts at 15 PSs, as well as to recount all ballots for the cantonal elections in municipalities of Fojnica and Vitez. In addition, the CEC acted on its own initiative and decided to conduct a partial recount for all PSs in Bosanska Gradiška and Srbac, as well as to recount votes in three PSs.

The CEC has published that, in total, it ordered recounts that affected 190 PSs and concluded that these recounts did not influence the election results in terms of its preliminary seat allocation made on 18 October.

XVI. RECOMMENDATIONS

A. PRIORITY RECOMMENDATIONS

1. The legally binding December 2009 ECtHR decision must be implemented in order to eliminate the legal provisions that discriminate against citizens on the grounds of ethnicity. Residence-based limitations should be also eliminated and the legislation amended accordingly. All BiH citizens should have the right to stand for any office and to vote on equal terms in accordance with OSCE commitments and international standards for democratic elections.
2. Efforts should continue to fully harmonize legislation at the state, entity and Brčko district level in order to enhance legal certainty.
3. The authorities should review the system of allocation of mandates per electoral unit or the delineation of electoral boundaries to ensure that the number of votes needed to elect members in parliaments is equal.
4. The authorities at state and entity level should address the problem of the allocation of the voting option for Brčko residents for general elections.
5. Legislation governing political party and campaign financing could be strengthened to improve the transparency of funding candidates' election campaign. Detailed data on donations, incomes and expenditures could be publicly available and enforcement and accountability could benefit from requirements to report campaign finances prior to election day.

⁹³ The CEC set deadline for establishing the preliminary results was 20 days after the election day, i.e. by 23 October.

6. State and entities laws and other regulations on the participation of women in public decision-making positions should be harmonized with the Law on Gender Equality. Particularly, the BiH Election Law could be reviewed in order to provide for greater representation of women as candidates and in elected bodies and lists of candidates, as well as on functions in the decision-making process in the governmental structures and judiciary.
7. The transparency of the election results would increase if all public information included in the results protocols at the PS level was published on the CEC website, including the number of invalid ballots and the proportion of blank ballots.
8. Considering the amount of work and the procedural problems observed on election day, attention should be given to increase the professionalism and accountability of PSCs. The complex election day paperwork suggests that emphasis should be put on training PSC members to deal exclusively with this.

B. OTHER RECOMMENDATIONS

Legal Framework

9. Amendments to the Law on Conflict of Interest could be considered in a way that another competent authority implements its provisions and the CEC, thus relieved, can focus solely on election related matters.
10. The authorities should consider amending the BiH Election Law to remove the restriction that prohibits voters from signing in support of more than one candidacy.
11. A detailed procedure for verifying support signatures by the CEC should be provided by law, ensuring consistency of and legal certainty on the verification process. Political parties should be provided with an opportunity to observe the verification of support signatures.

Election Administration

12. Implementation of certain provisions of the Election Law could be improved as follows:
 - a. Reporting mechanisms between MECs and the CEC should be improved to enhance accuracy and timely communication.
 - b. A comprehensive log of all complaints submitted to all election commissions, together with a status tracking system, in order to filter meeting of legal deadlines and increase transparency.
 - c. Reinforced discretionary powers of the CEC to act on complaints or to investigate *ex-officio*.
 - d. Enhancing the personnel capacity of the CEC legal and audit departments.
13. In order to remedy the existing practice of political subjects trading PSC positions, the law could be amended in such a way that political subjects provide a list of potential PSC candidates before the MEC lottery is conducted, rather than afterwards.

Voter Education

14. Voters could benefit from various types of voter education programs, including:

- a. broader aspects of the voting process (in addition to how to mark different ballots), including sensitizing voters to issues such as family and group voting,
- b. those directed particularly at minority voters. Development and implementation of such programs should be done in close co-operation with relevant minority civic organizations, considering the conditions of specific communities, such as (functional) illiteracy, level of education and linguistic needs,
- c. on out-of-country voting provisions, including outreach programs to better implement legal provisions through which refugees could register to vote for the first time.

Media

15. Consideration should be given to introducing clear deadlines for the CRA to handle complaints related to broadcasters' activities in a timely manner. The CRA should consider systematic monitoring of the broadcasters' election coverage and their compliance with the rules and regulations.
16. There could be greater objectivity and diversity in the reporting of public broadcasters, especially when covering activities of state authorities, which could be achieved by fully respecting editorial independence.

Campaign Financing

17. Deadlines should be introduced for the CEC to audit campaign financing. The CEC should strengthen its resources to enable a proper, accurate and timely audit.
18. The BiH Election Law could be improved by removing the obligation for running candidates to submit property statements, while maintaining this obligation for all elected candidates at the beginning and expiry of their mandates. Public accountability could benefit from a credible checking system on the property asset declarations.

Participation of Women

19. Political parties should be encouraged to promote gender equality and take actions to enhance the participation of women in the party leadership and in electoral lists, to increase visibility of female candidates during electoral campaigns, and to systematically integrate gender issues as part of party platforms.

Participation of National Minorities

20. Resolute measures should be taken by relevant authorities to solve the remaining cases of lack of personal IDs among the Roma population and to prevent the emergence of new cases by removing administrative obstacles (e.g., waiving fees applicable for obtaining documents and introducing unlimited validity for birth certificates) so that the Roma population can exercise their right to vote.

Election Day

21. The accuracy, accountability and quality of the electoral process could benefit from better quality of election materials. The ballot papers for voting by mail could be printed in different color to avoid potential misuse for in-person voting. In order to avoid fraudulent usage of ballots which are not of the prescribed form, ballot papers could be printed with a security

pattern. The CEC could also consider usage of translucent ballot boxes to increase the transparency of the election process.

22. The process of voting in the PS could benefit by a simplification of certain election day procedures. For example, the ballot papers need not be hand-counted before the opening of the PSs, so as to avoid their late opening. PSCs should not be required to retain the observer IDs, as these results in additional and unnecessary administrative hassle.
23. The CEC should fully enforce the provisions in the law to provide accredited observers with copies of the results protocols.
24. The transparency of the work of election commissions during data entry of results could be improved so that observers could access all stages of the process, including the tabulation and verification of data entry at the MCC in Sarajevo.
25. The slow process of counting postal, absentee and tendered ballots and the central control check and tabulation of data from all PSC results protocols in the MCC in Sarajevo should be accelerated and a shorter deadline for producing the final election results established. In this respect, the law should include a provision that the postal ballots are counted only if they are received by the closing of the polls.

ANNEX: FINAL RESULTS

BIH PRESIDENT

FBIH Voters: Valid votes: 1,023,150
 (Regular: 1,008,667. Postal: 9,219. Absentee/mobile/abroad in consular
 dept.: 4,977. Confirmed tendered: 287.)
 Invalid votes: 74,906 (6.82%)

RS Voters: Valid votes: 604,370
 (Regular: 589,086. Postal: 10,713. Absentee/mobile/abroad in consular
 dept.: 4,356. Confirmed tendered: 215.)
 Invalid votes: 66,147 (9.86%)

Bosniak Member:

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	BAKIR IZETBEGOVIĆ	SDA (Party for democratic Action)	162,831	34.86%
2	FAHRUDIN RADONČIĆ	SBB BIH (Union for Better Future) - Fahrudin Radončić	142,387	30.49%
3	HARIS SILAJDŽIĆ	SBIH (Party for BIH)	117,240	25.10%
4	IBRAHIM ĐEDOVIĆ	DNZ BIH (Democratic People's Union of BIH)	13,369	2.86%
5	MUJO DEMIROVIĆ	BPS (BIH Patriotic Party) - Sefer Halilović	8,951	1.92%
6	ĐEMAL LATIĆ	A-SDA (Party of Democratic Activity)	8,738	1.87%
7	IBRAHIM SPAHIĆ	GDS BIH (Civil Democratic Party of BIH)	6,948	1.49%
8	IZUDIN KEŠETOVIĆ	BOSS (Bosnian Party) - Mirnes Ajanović	4,228	0.91%
9	AIDA JUSIĆ	Independent Candidate	2,347	0.50%

Croat Member:

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	ŽELJKO KOMŠIĆ	SDP (Social Democratic Party of BIH)	337,065	60.61%
2	BORJANA KRIŠTO	HDZ BIH (Croatian Democratic Union of BIH)	109,758	19.74%
3	MARTIN RAGUŽ	Croatian Coalition HDZ 1990 - HSP BIH	60,266	10.84%
4	JERKO IVANKOVIĆ-LIJANOVIĆ	NSRZB (People's Party Work for Betterment)	45,397	8.16%
5	PERO GALIĆ	Independent Candidate	1,581	0.28%
6	MILE KUTLE	Independent Candidate	1,069	0.19%
7	FERDO GALIĆ	Independent Candidate	975	0.18%

Serb Member:

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	NEBOJŠA RADMANOVIĆ	Coalition SNSD-SP (Alliance, Independent Social Democrats - Socialist Party)	295,629	48.92%
2	MLADEN IVANIĆ	Coalition Together for Srpska	285,951	47.31%
3	RAJKO PAPOVIĆ	Union for Democratic Srpska	22,790	3.77%

RS PRESIDENCY

Valid votes: 632,674

(Regular: 613,648. Postal: 12,579.)

Absentee/mobile/abroad in consular dept.: 6,190. Confirmed tendered: 257.)

Invalid votes: 38082 (5.68%)

No	Candidate Name	Party Affiliation	Number of Votes	Per cent
1	MILORAD DODIK	Coalition SNSD - DNS - SP	319,618	50,52%
2	OGNJEN TADIĆ	Coalition Together for Srpska	227,239	35,92%
3	ENES SULJKANOVIĆ	SDP (Social Democratic Party of BIH)	15,425	2,44%
4	ŠEVKET HAFIZOVIĆ	SDA (Party for democratic Action)	14,843	2,35%
5	MUHAREM MURSELOVIĆ	SBIH (Party for BIH)	14,177	2,24%
6	DRAGAN ĐURĐEVIĆ	SRS (Serb Radical Party) - Dr. Vojislav Šešelj	8,178	1,29%
7	EMIL VLAJKI	NDS (Peoples Democratic Party)	6,101	0,96%

BIH HOUSE OF REPRESENTATIVES

FBIH Voters:

Valid votes: 1,020,293

(Regular: 1,005,334. Postal: 9,417.)

Absentee/mobile/abroad in consular dept.: 5,238. Confirmed tendered: 252.)

Invalid votes: 78,009 (7.10%)

No	Political Party/Coalition	Number of Votes	Per cent	Seats	Direct	Comp. Seats
1	SDP (Social Democratic Party of BIH)	266,023	26.07%	8	6	2
2	SDA (Party for democratic Action)	197,922	19.40%	7	7	
3	SBB BIH (Union for Better Future) - Fahrudin Radončić	124,114	12.16%	4	3	1
4	HDZ BIH (Croatian Democratic Union of BIH)	112,115	10.99%	3	2	1
5	SBIH (Party for BIH)	74,004	7.25%	2	1	1
6	Croatian Coalition HDZ 1990 - HSP BIH	49,549	4.86%	2	1	1
7	NSRZB (People's Party Work for Betterment)	49,050	4.81%	1		1
8	DNZ BIH (Democratic People's Union of BIH)	14,843	1.45%	1	1	

RS Voters:

Valid votes: 621,276

(Regular: 602,092. Postal: 12,549.

Absentee/mobile/abroad in consular dept.: 6,389. Confirmed tendered: 246.)

Invalid votes: 49,669 (7.40%)

No	Political Party/Coalition	Number of Votes	Per cent	Seats	Direct	Comp. Seats
1	SNSD (Alliance of Independent Social Democrats) - Milorad Dodik	269009	43,30	8	6	2
2	SDS (Serb Democratic Party)	137844	22,19	4	3	1
3	PDP (Party of Democratic Progress)	40070	6,45	1		1
4	DNS (Democratic People's Alliance)	28511	4,59	1		1

FBIH HOUSE OF REPRESENTATIVES

Valid votes: 1,023,529

(Regular: 1,008,495. Postal: 9,447.

Absentee/mobile/abroad in consular dept.: 5,300. Confirmed tendered: 287.)

Invalid votes: 74,542 (6.79%)

No	Political Party/Coalition	Number of Votes	Per cent	Seats	Direct	Comp. Seats
1	SDP (Social Democratic Party of BIH)	251,053	24.53%	28	20	8
2	SDA (Party for democratic Action)	206,926	20.22%	23	17	6
3	SBB BIH (Union for Better Future) - Fahrudin Radončić	121,697	11.89%	13	11	2
4	HDZ BIH (Croatian Democratic Union of BIH)	108,943	10.64%	12	10	2
5	SBIH (Party for BIH)	78,086	7.63%	9	8	1
6	NSRZB (People's Party Work for Betterment)	48,286	4.72%	5		5
7	Croatian Coalition HDZ 1990 - HSP BIH	47,941	4.68%	5	4	1
8	A-SDA (Party of Democratic Activity)	19,254	1.88%	1	1	
9	DNZ BIH (Democratic People's Union of BIH)	15,082	1.47%	1	1	
10	SNSD (Alliance of Independent Social Democrats) - Milorad Dodik	9,505	0.93%	1	1	

RS NATIONAL ASSEMBLY

Valid votes: 633,429

(Regular: 614,182. Postal: 12,533.

Absentee/mobile/abroad in consular dept.: 6,449. Confirmed tendered: 265.)

Invalid votes: 37,301 (5.56%)

No	Political Party/Coalition	Number of Votes	Per cent	Seats	Direct	Comp. Seats
1	SNSD (Alliance of Independent Social Democrats) - Milorad Dodik	240,727	38.00%	37	28	9
2	SDS (Serb Democratic Party)	120,136	18.97%	18	14	4
3	PDP (Party of Democratic Progress)	47,806	7.55%	7	5	2
4	DNS (Democratic People's Alliance)	38,547	6.09%	6	4	2
5	Socialist Party and Party of United Pensioners	26,824	4.23%	4	3	1
6	Democratic Party - Dragan Čavić	21,604	3.41%	3	1	2
7	SDP (Social Democratic Party of BIH)	19,297	3.05%	3	2	1
8	SDA (Party for democratic Action)	16,861	2.66%	2	2	
9	SRS RS (Serb Radical Party of RS)	15,166	2.39%	1	1	
10	NDS (Peoples Democratic Party)	13,440	2.12%	2	2	

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States 'to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society' (1992 Helsinki Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education, and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).