

INTERIM REPORT
24 August – 14 September 2022

16 September 2022

I. EXECUTIVE SUMMARY

- On 2 October, elections will be held for the state, entity and canton levels of governance. Voters will elect executive and legislative bodies through six distinct contests. The elections take place amid a continuous political deadlock and following failed negotiations to reach political agreement to amend election-related legislation and introduce constitutional changes.
- The electoral legal framework was last amended on 27 July by an executive decision of the Office of the High Representative, an international institution mandated to oversee the implementation of the Dayton Peace Agreement. The amendments, *inter alia*, introduced a definition of hate speech, prohibited the misuse of administrative resources and increased the fines for election-related violations. Most ODIHR Election Observation Mission (EOM) interlocutors welcomed these changes as an improvement. However, many regretted that the amendments were not passed in parliament due to a lack of agreement among national political stakeholders and that the changes were made so close to the elections. A number of previous ODIHR recommendations remain unaddressed, including on election dispute resolution, the formation of Polling Station Commissions (PSCs) and the need for a comprehensive review of the legal framework.
- Elections are administered by a three-tiered structure of election commissions, comprising the Central Election Commission (CEC), 143 Municipal Election Commissions (MECs) and some 5,500 PSCs. In line with its mandate, the CEC adopted binding regulations on various aspects of the electoral process. The election administration has to date met most legal deadlines; however, the CEC informed the ODIHR EOM that the late disbursement of funds required to organize the elections decreased its operational capacity. Many MECs experienced insufficient nominations for PSC membership from contestants, and, in line with the law, appointed PSC members from their own reserve lists.
- On 25 August, the CEC announced the number of registered voters as 3,368,666. With the stated aim of addressing previous public concerns with regards to the accuracy of the voter register, the CEC has made continuous efforts to remove records of deceased persons. For these elections, the CEC introduced an online application to facilitate the registration of out-of-country voters. In general, ODIHR EOM interlocutors did not raise concerns with regard to the accuracy of the voter register.
- The legal framework continues to pose discriminatory ethnicity and residency-based restrictions on the right to stand as a candidate for state and entity presidencies, despite European Court of Human Rights decisions and previous ODIHR recommendations. By the legal deadline, the CEC certified 90 parties, 38 coalitions, and 17 independent candidates as electoral contestants. Some 42 per cent of the 7,258 candidates registered for all six electoral contests are women. ODIHR EOM interlocutors expressed no concerns about the inclusiveness of the candidate registration process.

- The official campaign period started on 2 September and has been active, including online. Nationalist and divisive rhetoric is being used frequently by some contestants in the campaign. Paid campaigning in electronic and print media prior to the official start of the campaign is prohibited, and the CEC imposed sanctions in 22 cases of early campaigning, mainly related to paid advertisements on social network platforms. Recent amendments to the Election Law, among others, extended the applicability of campaign regulations to social network platforms. Although the amendments also introduced provisions prohibiting the misuse of administrative resources, many ODIHR EOM interlocutors expressed concerns about their continued misuse and the impact they may have on the even playing field during the campaign.
- While the legislation obliges the relevant state bodies to ensure and promote equal gender representation at all levels of the public administration, women continue to be under-represented in political office. Women hold between 20 and 26 per cent of the seats in the outgoing state and entity parliaments. Apart from the three women candidates for the state and entity presidencies, women candidates have not featured prominently in most rallies observed by the ODIHR EOM to date. One violent incident in the campaign, an assault on a female candidate, was reported.
- Campaigns may be financed from the annual budgetary funding of political parties, membership fees and donations, and legislation sets donation and expenditure limits. The CEC oversees political party and campaign finances and in January 2022, issued regulations on the mandatory use of designated bank accounts for campaign purposes. Contestants must submit one financial report prior to registration and one after the elections, but there is no legal deadline for the CEC to audit the reports. According to the CEC, delays in the review of reports are expected due to the audit department being understaffed. Most ODIHR EOM interlocutors expressed low confidence in the efficiency of the party and campaign finance regulations, citing legal loopholes and a lack of sufficiently dissuasive sanctions.
- The media environment is fragmented and strongly divided along ethnic and political lines. Some ODIHR EOM interlocutors raised concerns about the recent number of defamation cases brought against journalists, instances of cyber-attacks targeting prominent media outlets, and incidents of public verbal threats and attacks against journalists by politicians. The media oversight body, the Communication Regulatory Authority, informed the ODIHR EOM that, due to the lack of resources, it would not conduct media monitoring during the official election campaign period.
- Election-related complaints may be filed with the MECs and the CEC, and the Court of Bosnia and Herzegovina has jurisdiction over any appeals of CEC decisions. The legislation prescribes expedited timeframes for the submission and consideration of complaints and appeals. So far, the CEC received some 500 complaints, mainly related to registration for out-of-country voting, early campaigning and the appointment of MEC members. Many ODIHR EOM interlocutors expressed doubts about the capacity of election commissions and the Court of Bosnia and Herzegovina to efficiently and timely handle the election-related disputes.

II. INTRODUCTION

Following an invitation from the authorities of Bosnia and Herzegovina to observe the general elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 23 August.¹ The EOM, led by Ambassador Peter Tejler, consists of a 13-member core team based in Sarajevo and 24

¹ See previous ODIHR [election observation reports on Bosnia and Herzegovina](#).

long-term observers deployed throughout the country from 31 August. Mission members are drawn from 28 OSCE participating States, and 54 per cent of mission members are women. ODIHR has requested participating States to second 300 short-term observers to observe election-day proceedings.

III. BACKGROUND AND POLITICAL CONTEXT

Bosnia and Herzegovina is composed of two entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). In addition, Brčko district has a special status as a local self-government unit under direct state sovereignty. The complex state structure and legal and administrative framework originate from the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement). The Constitution grants the status of constituent peoples to Bosniaks, Croats and Serbs. Citizens who do not identify with a group or ethnicity that has the status of a constituent people or those who chose not to affiliate themselves with any group, may declare themselves as “others”.²

At the state level, the executive powers are exercised by the tripartite presidency, composed of one Bosniak and one Croat member from the Federation of Bosnia and Herzegovina, and one Serb member from Republika Srpska. Legislative powers are exercised by the Parliamentary Assembly of Bosnia and Herzegovina, which includes the House of Representatives (BiH HoR) and the House of Peoples (BiH HoP).³ In the upper chambers of the state and the two entity parliaments, the majority of a constituent people’s representatives can block the adoption of laws and other parliamentary decisions if their vital national interests are concerned.⁴ In addition, the High Representative (HR), who heads the *ad hoc* international body established by the Dayton Agreement to oversee the implementation of the civilian aspects of the peace settlement, has powers to impose legislation, enforce the law and remove public officials who, in the HR’s assessment have violated legal commitments and the Dayton Agreement.⁵

On 4 May 2022, the Central Election Commission (CEC) announced that the general elections would be held on 2 October for the state, entity and canton levels of governance. The elections take place amid a continuing political deadlock,⁶ where despite years of incumbency the dominant political forces have repeatedly failed to reach an agreement to unblock key state and Federation of Bosnia

² The state law on the protection of the rights of people belonging to national minorities officially recognizes 18 national minorities; most of them are very small in numbers. According to the last census conducted in 2013, 96,539 persons (2.7 per cent of the population) declared themselves as “others”; the largest national minority is Roma, with 12,583 members.

³ At the entity level, the FBiH president and two vice-presidents are indirectly elected by the two chambers of the FBiH Parliament: the House of Representatives (FBiH HoR) and the House of Peoples (FBiH HoP). In Republika Srpska, the president and two vice-presidents are elected directly, and the National Assembly (RS NA) exercises legislative powers.

⁴ Furthermore, each member of the BiH Presidency can invoke vital interest of the entity from which he or she was elected and can refer the decision to the respective entity parliaments. In May 2022, Croat BiH presidency member Željko Komšić appealed to the Constitutional Court of Bosnia and Herzegovina (CC BiH) to declare unconstitutional the provisions of the entity constitutions, which exclusively give the constituent peoples the opportunity to declare within the FBiH HoP and the RS Council of Peoples that a matter is of vital national interest.

⁵ The enhanced competencies, or so-called “Bonn powers”, were not exercised between 2014 and 2021; since then, the High Representative took six decisions, the most recent in July 2022, when imposing amendments to the election legislation.

⁶ For instance, an FBiH government, based on the results of the 2018 elections, has still not been formed; the government formed in March 2015 remains in power under a technical mandate. In response to the previous High Representative Valentin Inzko’s imposition in July 2021 of an amendment to the Criminal Code of Bosnia and Herzegovina on the public denial or condoning of genocide and war crimes, the RS NA qualified the decision as “null and void” and opted to refrain from participating in decision-making processes in state-level institutions.

and Herzegovina institutions that are non-functioning.⁷ Many ODIHR EOM interlocutors further referred to an overall atmosphere of disillusionment with the political establishment, inefficiency of public administration⁸, and pervasive corruption.⁹

The 2003 Law on Gender Equality obliges relevant state bodies to ensure and promote equal gender representation at all levels of the public administration and public life. However, women continue to be under-represented in political office. Women currently hold 22 per cent of state-level Council of Ministers positions and constitute 26 per cent of BiH HoR members, 20 per cent of delegates to the BiH HoP, 27 per cent of FBiH HoR, and 22 per cent of RS NA members. Only 4 per cent of municipality mayors are women. The incumbent president of Republika Srpska is a woman.

IV. LEGAL FRAMEWORK

The election-related legal framework consists of the Constitution of Bosnia and Herzegovina, as included in the Dayton Agreement, the 2001 Election Law and the 2012 Law on the Financing of Political Parties; this legal corpus is supplemented by CEC regulations. In addition, several entity laws are applicable to certain aspects of the electoral process.¹⁰

The current constitutional framework continues to pose discriminatory ethnicity and residency-based restrictions on the right to stand as a candidate (*see Candidate Registration*). The European Court of Human Rights (ECtHR) has repeatedly deemed these restrictions incompatible with the European Convention of Human Rights.¹¹ Also, the judgement of the Constitutional Court of Bosnia and Herzegovina (CC BiH) in the “Ljubić case”, mandating a review of the electoral system for the FBiH

⁷ In the Federation of Bosnia and Herzegovina, the major parties are the Democratic Front (DF), Croat Democratic Union of Bosnia and Herzegovina (HDZ BiH), People and Justice (NiP), Our Party (NP), Alliance for a Better Future of Bosnia and Herzegovina (SBB), the Party for Democratic Action (SDA) and Social Democratic Party (SDP BiH). The HDZ BiH and smaller parties within the Croatian National Assembly umbrella political organisation traditionally target the Croat electorate. The SDA largely draws voters who identify as Bosniak. Some other main parties in the Federation of Bosnia and Herzegovina are seen to have a more multi-ethnic approach. In Republika Srpska, the major parties are the Democratic People’s Alliance (DNS), People’s Democratic Movement (NDP), Party for Democratic Progress (PDP), Serb Democratic Party (SDS), the Alliance of Independent Social Democrats (SNSD), and the Socialist Party (SP). All of these traditionally target the Serb electorate.

⁸ The Venice Commission’s 2005 [Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative](#) states that the “constitutional arrangements in the FBiH are neither efficient nor rational. Power is dispersed between too many levels and usually exercised by a unit too small to fulfil its functions effectively”. Section 2.3.1. of the Council of Europe [Action Plan for Bosnia and Herzegovina 2022-2025](#) states that “public service delivery could respond more effectively to the actual needs and demands of the population and an enhanced open dialogue between citizens and the authorities may generate more trust in the public administration”.

⁹ Section 1.2 of the 2019 European Commission [report](#) accompanying the Opinion on Bosnia and Herzegovina’s application for membership of the European Union reaffirms that “corruption is widespread and remains an issue of concern”. A 2020 [opinion](#) of the Council of Europe Commissioner for Human Rights states that “the judiciary’s response to vast corruptive affairs is weak, reinforcing the people’s lack of trust in these institutions and disabling citizens’ desires to habituate the society built on the premises of rule of law, due process and equality before the law”.

¹⁰ Namely, the Constitutions of the Federation of Bosnia and Herzegovina (1994) and Republika Srpska (1992); the FBiH Law on Political Associations (1990); the Law on Political Associations of the RS (1996) and Brčko District (2012), the Laws on Financing of Political Parties of the RS (2008) and Brčko District (2004). Some ODIHR EOM interlocutors noted legal uncertainty and a lack of clarity regarding the hierarchical relationship between state law and entity constitutions.

¹¹ See, among others, ECtHR judgements in [Sejdić and Finci v. Bosnia and Herzegovina](#), [Zornić v. Bosnia and Herzegovina](#), [Pilav v. Bosnia and Herzegovina](#) and [Šlaku v. Bosnia and Herzegovina](#).

HoP, remains unimplemented since 2016.¹² In addition, several ODIHR recommendations are yet to be addressed, including on electoral dispute resolution, the formation of Polling Station Commissions (PSCs) and the need for a comprehensive review of the legal framework.

In January and March 2022, negotiations among most major political parties brokered by international mediators failed to reach a political agreement to amend election-related legislation and introduce long needed constitutional changes. On 27 July, the High Representative imposed technical changes to the Election Law. These introduced a definition of hate speech; prohibited the misuse of administrative resources for executive office holders and elected officials; assigned new competencies to the CEC with regard to the appointment of MEC members; prohibited the trade of PSC positions among political parties; and increased fines for election-related violations. Prior to the imposition, public protests lasting several days took place in front of the Office of the High Representative (OHR).¹³

Most ODIHR EOM political party interlocutors welcomed these amendments as an improvement; however, many considered that the changes had been adopted too close to election day, which poses challenges to their full implementation.¹⁴ In addition, several ODIHR EOM interlocutors expressed their dissatisfaction that, due to the ongoing political deadlock, the amendments were introduced by a decision of the High Representative, rather than passed in parliament.

In late August 2022, the OHR began a new round of meetings with political parties, the CEC and other stakeholders, including representatives of academia and civil society, on possible changes to the Constitution of the Federation of Bosnia and Herzegovina and related provisions in the Election Law. The potential amendments are said to be aimed at introducing measures to end the deadlock with respect to the formation of the Federation of Bosnia and Herzegovina institutions after the elections, most notably its House of Peoples.

V. ELECTORAL SYSTEM

The general elections include six direct electoral contests held on three levels. At the state level, voters will vote for the presidency and the House of Representatives of Bosnia and Herzegovina (BiH HoR). At the entity level, voters registered in the Federation of Bosnia and Herzegovina will vote for the FBiH House of Representatives (FBiH HoR), while those registered in Republika Srpska will cast their votes for the president and two vice-presidents of Republika Srpska, as well as the Republika Srpska National Assembly (RS NA). In addition, voters in the Federation of Bosnia and Herzegovina will elect ten cantonal assemblies.¹⁵ Subsequently, four indirect elections will be held for the upper

¹² In 2016, the CC BiH decided in the case brought by Božo Ljubić (HDZ BiH), that the FBiH constitutional provision, which obliges the 10 cantons to put forward at least one delegate to the FBiH HoP from each of the three constituent peoples, even if there are only few residents of that Bosniak, Croat or Serb group in the canton, was inconsistent with the principle of equality of all constituent peoples enshrined in the state-level Constitution. The allocation of seats in the FBiH HoP after the 2018 elections was regulated by a CEC decision; the decision is still in force for these elections.

¹³ According to media reports, the High Representative originally envisaged to implement the ruling of the “Ljubić case” by imposing changes that would deprive Bosniaks, Croats and Serbs of representation in the FBiH HoP if they numbered less than 3 per cent of the population in a given canton.

¹⁴ The CEC raised concerns to the ODIHR EOM that the amendments may require the election administration to assume additional responsibilities without a commensurate increase in its administrative capacity, including with regards to monitoring and sanctioning hate speech and the misuse of state resources.

¹⁵ Voters in Brčko District vote either for contestants standing in the Federation of Bosnia and Herzegovina or Republika Srpska, depending on their entity citizenship.

houses of parliaments of the state and both entities, as well as for the president and two vice-presidents of the Federation of Bosnia and Herzegovina.¹⁶ All mandates are allocated for four-year terms.

The members of the presidency of Bosnia and Herzegovina are elected by simple majority with voters in the Federation of Bosnia and Herzegovina being able to choose one candidate from either the Bosniak or Croat candidates and voters in Republika Srpska selecting from among Serb candidates only. The RS Presidency is also elected by simple majority.¹⁷ Most members of the BiH HoR and FBiH HoR as well as the RS NA are elected through a preferential voting system in multi-member constituencies (MMCs).¹⁸ For the state and entity-level parliamentary races, compensatory mandates are allocated from closed party lists to ensure the proportional representation of parties or coalitions.¹⁹ Further, for the FBiH HoR and the RS NA, the Election Law guarantees a minimum representation of four seats per constituent people.

Despite a legal requirement to review the number of mandates per MMC every four years, the state and FBiH parliaments have not done so since 2001 and the RS National Assembly only did it once in 2012 ahead of the 2014 elections. For these elections, there is a significantly unequal distribution of registered voters amongst the constituencies, with 4 of the 8 MMCs for the BiH HoR, 6 of the 12 MMCs for the FBiH HoR and 3 out of 9 MMCs for the RS NA having more than a 15 per cent deviation from the average number of registered voters per mandate.²⁰

VI. ELECTION ADMINISTRATION

Elections are administered by a three tiered-structure of election commissions, comprising the CEC, 143 Municipal Election Commissions (MECs) and some 5,500 PSCs.²¹ By law, the CEC and MECs must reflect the ethnic composition of their respective constituencies. At least 40 per cent of the members of each commission must be from the less represented gender. The July 2022 legal amendments mandated the CEC to directly appoint MEC members if municipal councils fail to do so within the stipulated timeframe, and introduced a prohibition of fictitious representation of political subjects in PSCs.²²

¹⁶ Ten cantonal assemblies elect the delegates to the FBiH House of the People (FBiH HoP), comprising 58 members, with Bosniaks, Croats, Serbs and “others” from each canton electing delegates of their respective constituent people. The RS NA elects the RS Council of Peoples (RS CoP). Delegates to the BiH House of Peoples (BiH HoP) are elected by the FBiH HoP and the RS NA. The president and vice-presidents of the Federation of Bosnia and Herzegovina are elected by the FBiH HoP and the FBiH HoR, with a majority of votes.

¹⁷ The candidate who receives the most votes is elected president, and the top candidates from the two other constituent peoples are elected vice-presidents.

¹⁸ The BiH HoR comprises 42 members: 21 are elected from 5 MMCs in the FBiH and 9 from 3 MMCs in the RS. In addition, seven and five mandates, respectively, are assigned through a compensatory system. The FBiH HoR is composed of 98 members, with 73 elected from 12 MMCs, and 25 receiving compensatory seats. The RS NA comprises 83 members, with 63 elected from 9 MMCs, and 20 receiving compensatory seats. The Brčko District is included in the FBiH MMCs.

¹⁹ Mandates in the MMCs are allocated to political subjects receiving at least 3 per cent of the total number of valid votes in the corresponding MMCs, while compensatory mandates are distributed among the parties receiving 3 per cent of the valid votes at the entity level.

²⁰ Paragraph I.2.2.iv of the 2022 Venice Commission [Code of Good Practice](#) in Electoral Matters recommends that the “permissible departure from the norm should not be more than 10 per cent, and should certainly not exceed 15 per cent except in special circumstances”.

²¹ Twenty-one polling stations will be established in embassies and consulates abroad for out-of-country voters.

²² A political subject is a party, a coalition of parties, an independent candidate or a list of independent candidates registered to participate in the elections. In previous elections, there were numerous claims that electoral contestants traded positions in the PSCs to obtain control over the PSC activities.

Technical preparations for the elections are ongoing. To date, the election administration has met legal deadlines, despite a delay in the disbursement of funds required to organize the elections.²³ The CEC informed the ODIHR EOM that the late provision of funding led to subsequent delays in the recruitment of temporary staff and undermined the already insufficient operational capacity of the CEC. While most ODIHR EOM interlocutors noted increased transparency in the work of the current CEC composition, they also expressed a level of distrust in the lower levels of the election administration, especially PSCs, due to the alleged political affiliation of these bodies. Many ODIHR EOM interlocutors expressed concerns with regard to the election administration's technical capacity to efficiently implement the new legal provisions on the prohibition of trading PSC positions between political parties.

The CEC is a permanent, legally independent body with a broad mandate to oversee the legality of the electoral process.²⁴ The CEC comprises seven members, appointed by the BiH HoR for a seven-year mandate.²⁵ Two CEC members are women. Upon an appeal, the Court of Bosnia and Herzegovina ruled that the appointment of the most recently nominated members in 2020 was in accordance with the legislation.²⁶ The CEC holds regular sessions that are open to the public and live-streamed online. For these elections, the CEC has adopted a series of regulations to supplement the Election Law.²⁷ Thus far, most CEC decisions, with the exception of those related to the adjudication of complaints and appeals, have been published in a timely manner on the CEC website (see *Complaints and Appeals*).

MECs are permanent bodies appointed for a seven-year term by municipal councils, with a mandate to oversee the electoral preparations in the respective constituency. They comprise three, five or seven members, depending on the size of the respective municipality. So far, MECs visited by ODIHR EOM observers were operational. By law, MECs appoint PSCs no later than 30 days prior to election day, upon nominations from contestants. The ODIHR EOM was informed that by the legal deadline, political subjects in most constituencies submitted insufficient PSC nominations. In line with a CEC regulation, the affected MECs appointed PSC members from their own reserve lists.²⁸

The CEC trained MEC members between 29 August and 2 September; most MECs expect to start the training of PSCs some two weeks before election day. To date, the CEC has conducted limited voter information and education activities, consisting mainly of messages in the audio-visual media and on social networks on registration modalities for internally displaced persons and voters abroad.

²³ The law prescribes that the funds for the organization of the elections must be made available to the CEC no later than 15 days after the call for elections (19 May). Following a deadlock to provide the required funding, the entire sum was only ordered for release by a decision of the High Representative on 7 June.

²⁴ The CEC has responsibilities ranging from issuing regulations for the implementation of the Election Law, maintaining the Central Voters Register, registering political subjects, coordinating the work of MECs and PSCs, to announcing the election results.

²⁵ By law, the composition of the CEC should include two Bosniak, two Croat, two Serb and one "other" member. The chairperson is elected by the CEC members from among themselves, provided that one Bosniak, one Croat, one Serb and one "other" member serve a 21-month term each. The members are nominated by the Commission for Selection and Nomination, which comprises two members from the High Judicial and Prosecutorial Council, three from the Administrative Commission of the BiH HoR, and two from the incumbent CEC.

²⁶ The complaint was submitted by former CEC members and challenged the legality of the appointment of the four new members on the grounds that in March 2020, the Commission for Selection and Nomination failed to present a list of nominees within the legal deadline and the new members were appointed directly by the BiH HoR. The Court rejected the complaint on 21 April 2022 and the appeal against this decision on 24 August 2022.

²⁷ The CEC adopted regulations, *inter alia*, on voter registration, candidate registration, responsibilities of MECs, PSC appointment, election day procedures and regulation of the campaign in media.

²⁸ Most MECs explained the low number of PSC membership nominations with the low remuneration and a general lack of interest from political party supporters to serve as PSC members.

VII. VOTER REGISTRATION

Citizens aged 18 years or older on election day are eligible to vote, except those convicted for serious crimes, including war crimes, or deprived of legal capacity by a court decision, including on the basis of intellectual or psychosocial disability. The latter is at odds with international standards.²⁹

Voter registration is passive and continuous for in-country voters. The Election Law gives the CEC the overall responsibility for the maintenance, accuracy, and integrity of the Central Voter Register (CVR), which is based on the population register maintained by the Agency for Identification Documents, Registers and Data Exchange. The CEC informed the ODIHR EOM that, to address previous public concerns regarding the accuracy of the voter register, it undertook continuous efforts to remove records of deceased persons from the CVR.³⁰ In general, ODIHR EOM interlocutors did not raise concerns with regard to the accuracy of the voter register.

MECs informed the ODIHR EOM that, in line with a CEC regulation, voter lists had been posted for public scrutiny between 3 June and 3 July. Voters could verify their records online or at municipal Voter Registration Centres and request corrections. On 25 August, in accordance with the Election Law, the CEC announced the total number of registered voters as 3,368,666.

Voters abroad may vote by mail or in person at diplomatic representations. Registration for out-of-country voting must be actively renewed for each election. For these elections, the CEC created an online platform for the registration of citizens voting abroad. On 25 August, the CEC announced the number of out-of-country voters as 69,966.³¹ The CEC informed the ODIHR EOM that it had identified a number of apparent fraudulent attempts to register, and these cases would be referred to the prosecutor's office. Internally displaced persons may opt to vote either at the polling station of their temporary residence, provided that the residence has been kept for at least six months, or at special absentee polling stations for the electoral unit where they were registered before being displaced. Upon request, mobile voting will be available for those staying in medical institutions, prisons and for voters homebound due to age, disability or illness.

VIII. CANDIDATE REGISTRATION

All citizens eligible to vote may stand as candidates in the elections, except for the elections of the state presidency and the president and vice-presidents of RS, for which discriminatory ethnicity and residence requirements remain in place.³² Some categories of state officials and civil servants (including members of the police, armed forces and diplomatic bodies) may only stand as candidates if they resign or step down temporarily.³³

²⁹ See Articles 12 and 29 of the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). See also paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011, which states that Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities.

³⁰ As of August 2022, the CEC estimated that some 500 records of deceased voters remain and are marked as such in the CVR; death certificates have been issued for these cases but not yet recorded in the civil register.

³¹ Including 63,264 out-of-country voters, who opted to vote by mail, and 6,702 who decided to vote in person at diplomatic representations. On 4 August, the CEC issued a decision to deny 10,749 applications for registration for out-of-country voting due to incomplete or incorrect documentation submitted.

³² Only voters self-declared as Bosniaks, Croats or Serbs are eligible to run for the state presidency and for RS president and vice-presidents, provided they reside in the appropriate entity. "Others" are not eligible to stand for the state and entity presidencies.

³³ By law, the CEC has the mandate to deregister political subjects and individual candidates who violate the Election Law. On 4 August, the CEC deregistered one candidate for the FBiH HoR, who failed to resign from a public position that is, by law, not compatible with the candidacy for the elections.

The CEC certifies political parties and independent candidates to participate in the elections as “political subjects”. Certification requirements include a financial deposit and support signatures from voters.³⁴ A voter may sign in support of only one political party or independent candidate per contest. By law, the CEC is obliged to verify the authenticity of support signatures. Following a CEC regulation of 4 May, the CEC conducted a sample verification of 10 per cent of the signatures submitted in support of each contestant.³⁵ By the legal deadline of 4 June, the CEC certified 90 parties, 38 coalitions, and 17 independent candidates, and rejected the certification of one party and one independent candidate that failed to fulfil the registration requirements.

Candidate lists may be submitted by registered political parties, pre-electoral coalitions and independent candidates, and must have at least 40 per cent of the candidates of each gender.³⁶ For the first time, the CEC launched an online platform, which only accepted the submission of candidate lists that fulfil quota and placement requirements. The CEC registered a total of 7,258 candidates for all elections; 42.13 per cent are women.³⁷ Overall, the ODIHR EOM interlocutors expressed no concerns about the inclusiveness of the candidate registration process.

IX. ELECTION CAMPAIGN

The 30-day official campaign period started on 2 September. A campaign silence period begins 24 hours prior to election day, including online. The provisions of the Election Law regulating the campaign, such as those guaranteeing equitable access to public places and facilities by contestants, apply only to the official campaign period. Paid public advertising and paid election campaigning in electronic and print media are prohibited in the “election period” until the start of the official campaign period.³⁸ Recent amendments to the Election Law introduced the definition of hate speech and extended the applicability of campaign regulations to social network platforms.³⁹

Many ODIHR EOM interlocutors asserted that a number of contestants commenced campaigning several weeks prior to the official start of the campaign. This, in their opinion, leaves possible irregularities largely unaddressed, due to the non-applicability of relevant legal provisions in that period.⁴⁰ The CEC imposed sanctions in 22 cases of early campaigning; the majority of cases are

³⁴ Contestants have to submit 5,000 supporting signatures to stand for the state presidency and the BiH HoR, and 3,000 signatures for the president of Republika Srpska, FBiH HoR and RS NA. With the exception of the presidential elections, a party or independent candidate that already holds a mandate at the same or higher level elected body or authority for which the candidacy is filed is exempt from signature collection. Parties had to deposit BAM 25,000 (some EUR 12,826; EUR 1 equals some BAM 1.95, Bosnian Convertible Mark) for the BiH presidential and BiH HoR elections, and BAM 18,000 for entity-level elections; independent candidates had to deposit half of these amounts. These deposits are returned to political subjects who receive at least 3 per cent of the votes in a parliamentary race or who win the presidential or vice-presidential contests or receive one-third of the votes.

³⁵ The CEC informed the ODIHR EOM that after identifying some cases of seemingly identical signatures, the CEC hired a graphology expert to prepare the evidence to be forwarded to the prosecutor’s office.

³⁶ In addition to this quota, the Election Law stipulates certain placement requirements: at least one candidate of the less represented gender among the first two candidates, two among the first five candidates, three among the first eight candidates, etc.

³⁷ Ten candidates (including two women) run for state presidency, and 31 candidates (including 2 women) for the presidency of RS. In total, 752 candidates are competing for 42 seats in the BiH HoR, 1,230 candidates for 98 seats in the FBiH HoR, and 1,429 candidates for 83 seats in the RS NA.

³⁸ The Election Law differentiates between “campaign period” and “election period”; the latter starts on the day when elections are announced and ends on the day when election results are validated.

³⁹ Since 2 September, the ODIHR EOM has been following the social network activities of 14 political parties and 15 candidates contesting on state and entity levels, as well as 6 social and political influencers.

⁴⁰ The ODIHR EOM received reports of incumbent candidates campaigning in the form of local community visits before the start of the official campaign period, including the visit of the PDP presidential candidate in Republika Srpska to Zvornik on 26 August and an SDA forum in Ilijas (Canton Sarajevo) on 31 August.

related to paid advertisements on social media platforms (*see Complaints and Appeals*). So far, political parties and candidates expressed no concerns to the ODIHR EOM as to their ability to campaign without restrictions.⁴¹ However, one violent incident in the campaign, an assault on a female candidate, was reported.⁴²

During the first two weeks of the campaign, contestants organized rallies and door-to-door meetings, distributed flyers, and actively reached out to the electorate through social networks. Many contestants, particularly most incumbent parties primarily address their traditional electorate with messages stressing protection and continuation, often using nationalist and divisive rhetoric. Campaign messages predominantly focus on security, economy, Bosnia and Herzegovina's foreign policy with regards to the EU and NATO, employment and emigration. Candidates and parties are largely relying on social networks to promote their messages. In their social network posts during the first week of the campaign, political parties and state- and entity-level candidates monitored by the ODIHR EOM have refrained from language that could incite acts of violence or hatred.

Many ODIHR EOM interlocutors expressed concerns about the misuse of administrative resources and the resulting uneven playing field in the campaign. While most political party representatives welcomed the July 2022 legal amendments prohibiting of the misuse of administrative resources, many expressed scepticism as to their implementation and impact, given the narrow timeframe of applicability of the new legal provisions (official campaign period only). The ODIHR EOM was informed about a number of cases of incumbents allegedly using social welfare, development and infrastructure projects for campaign purposes prior to the official start of the campaign period.⁴³

Apart from two women candidates for the Croat and Serb members of the BiH presidency, and one woman candidate for the RS presidency, women candidates have not featured prominently in most rallies monitored by ODIHR EOM observers. Several ODIHR EOM interlocutors pointed out that the main obstacles to women's increased political participation are the longstanding stereotypes related to gender roles in Bosnia and Herzegovina.⁴⁴

X. CAMPAIGN FINANCE

Campaign finance is primarily regulated by the Election Law, the Law on Political Party Financing, laws on political parties of Republika Srpska and Brčko district, and supplemented by CEC regulations. Political subjects are entitled to annual funding from state, entity, cantonal and municipal budgets which can be used to finance the election campaign. Direct public funding for election

⁴¹ The organization of campaign events requires a 24-hour advance notification to the respective law enforcement authority.

⁴² On 7 September, Nataša Todorović, a candidate for the Bosnian-Podrinje Canton Goražde Assembly, was physically assaulted; police have charged the alleged assailant with a misdemeanour. In its 8 September session, the CEC unanimously undertook *ex officio* administrative procedures to examine the case.

⁴³ In June 2022, the SNSD led government in Republika Srpska adopted a social allowance programme for youth, pensioners, war veterans and families, to be implemented between July and September. Similar programmes implemented shortly before the elections have also been reported from the Federation of Bosnia and Herzegovina, for example in Herzegovina-Neretva Canton. Observation reports of [Transparency International](#) and the civil society organization [Pod Lupom](#) identified a significant increase in public spending and numerous cases of alleged misuse of administrative resources in July and August 2022, before the start of the official campaign period.

⁴⁴ The UN Committee on the Elimination of Discrimination Against Women (CEDAW), in its 2019 [Concluding Observations](#) on Bosnia and Herzegovina (paragraph 29), reiterated concerns about the persistence of “discriminatory stereotypes that perpetuate sexist and misogynistic attitudes within society”. Citing the “persistent appearance of gender stereotypes, misogynist and sexist speech in public discourse”, the Agency for Gender Equality in early August 2022 issued [recommendations](#), particularly directed toward politicians, on responsible speech.

campaigns is only provided in Republika Srpska and Brčko district. Contestants may also finance their political activities, including campaigns, from membership fees and donations from individuals and legal entities, including through cash payments.⁴⁵ Public administration bodies, public institutions and enterprises, religious and publicly funded organisations, anonymous sources, foreign political and legal entities are not allowed to subsidize political contestants. By law, for each electoral contest, a political subject may spend up to BAM 0.30 per registered voter.

The CEC is mandated with the oversight of political party and campaign finance. Electoral contestants must submit one financial report prior to registration and one other report within 30 days after the announcement of the final election results.⁴⁶ In January 2022, the CEC renewed its regulation on campaign finance reporting procedures, introducing revised reporting templates and regulations on the mandatory use of dedicated bank accounts for campaign expenditures, in line with previous ODIHR recommendations.⁴⁷ While according to the new regulations, the CEC shall publish the campaign finance reports on its website within 30 days of receipt, there is no legal deadline for the CEC to audit these reports. The CEC informed the ODIHR EOM that its audit department is severely understaffed which might increase the timeframe necessary to process and review the reports for these elections.⁴⁸

The CEC has the authority to impose sanctions for violations either *ex officio* or based on complaints. The CEC is obliged to report any suspicion of violations to the law enforcement agencies.⁴⁹ Some ODIHR EOM interlocutors, including from political parties, opined that penalties for financial violations are not sufficiently dissuasive. Most ODIHR EOM interlocutors expressed low confidence in the efficiency of the party and campaign finance regulations, with some citing legal loopholes that could be used to circumvent transparency and accountability requirements.

XI. MEDIA

The media environment is fragmented and strongly divided along ethnic and political lines. Most ODIHR EOM interlocutors noted that the underdeveloped advertisement market does not provide for financial sustainability of most media outlets, leaving them vulnerable to political influence. Some ODIHR EOM interlocutors raised concerns about the recent number of defamation cases brought against journalists;⁵⁰ instances of cyber-attacks targeting the infrastructure of prominent media

⁴⁵ An individual may donate up to BAM 10,000, a legal entity up to BAM 50,000 and a party member up to BAM 15,000 annually.

⁴⁶ The pre-election financial report is a precondition of registration as a political subject and covers incomes and expenditures during the last three months; the post-election statement includes incomes (all monetary and in-kind donations over BAM 100) and expenditures from the day of the registration until the announcement of election results. Failure to submit a post-election statement leads to revocation of the mandate.

⁴⁷ In the 2018 general elections, the use of dedicated bank accounts was only required during the candidate registration process, to transfer the legally required financial deposit.

⁴⁸ By law, the CEC may deregister contestants for submitting false information in financial reports. The CEC audit department informed the ODIHR EOM that it has no resources to fully verify the veracity of pre-election financial reports prior to election day.

⁴⁹ Since January 2022, the CEC audit department has forwarded information on suspected violations by 18 political parties to the prosecutor's office.

⁵⁰ In 2020, the register of the Helpline for Journalists in BiH [reported](#) about 289 active defamation cases; according to a [study](#) by safejournalists.net, some 80 per cent of such lawsuits were filed by political officials and directors of public institutions.

outlets;⁵¹ and incidents of public verbal threats and attacks against journalists by politicians⁵², mostly online. These practices had also been condemned by the OSCE Representative on Freedom of the Media (RFoM) over the course of the last years.⁵³

The public broadcasting service is provided by two entity-based public broadcasters and the Radio and Television of Bosnia and Herzegovina (BHRT) at the state level. For these elections, BHRT has refrained from any editorial coverage of the electoral contestants.⁵⁴ One day before the official start of the campaign, the state-owned audio-visual content provider BH-Telekom excluded from its network the private news television N1. While BH-Telekom justified this decision to the ODIHR EOM as economically motivated, N1 and some opposition political parties perceived the exclusion to be politically biased.⁵⁵

Media coverage of the election campaign is regulated by the Election Law, and complemented by CEC regulations, which were most recently renewed in May 2022. Broadcast media are required to respect the principles of balance, fairness and impartiality, especially in their information programmes. Public broadcasters must grant three minutes of free airtime to each political subject; for these elections, the free time has been allotted outside of the prime time. Political subjects may also purchase a maximum of 30 minutes of paid airtime per week in the public media, and a maximum of 60 minutes per week in the private media. Both public and private broadcasters have been organizing numerous debates among the parliamentary and presidential contestants.

Compliance with the media regulations by broadcasters is overseen by the Communication Regulatory Authority (CRA), which has the mandate to resolve media-related complaints and apply sanctions for violations. For these elections, the CRA received six complaints, mainly regarding early campaigning in the media. The CRA informed the ODIHR EOM that, due to the lack of resources, it would not conduct media monitoring during the campaign period, despite a previous ODIHR recommendation. The Press Council of Bosnia and Herzegovina, a self-regulatory body that issues non-binding decisions with regard to complaints related to print and online media coverage of the campaign, informed the ODIHR EOM that it had not received any notifications of violations to date.

⁵¹ The OSCE Mission to Bosnia and Herzegovina [condemned](#) that on 21 July 2022, the Facebook page of *fuka.com*, a prominent website in Republika Srpska, and [on 2 September](#) the Facebook page of the main newspaper *Dnevni Avaz* were targeted by hacker attacks. According to [media news](#), cyberattacks on the broadcaster *Herceg Bosna* on 1 and 2 September resulted in destruction of their archives.

⁵² In particular, the media association *BH Novinari* has [identified](#) 26 cases of attacks, threats and pressure on journalists and media in Bosnia and Herzegovina in 2021. The European Commission [Bosnia and Herzegovina Report 2021](#) in section 2.2.1 noted that “high-level politicians have resorted to public attacks and disparaging remarks against journalists, analysts and media workers, particularly women. The authorities continue to downplay the issue and there is no data collection by public institutions on threats and attacks against journalists and media workers”. [The Reporters without Borders](#) stated that “journalists are most often subject to verbal threats and attacks as well as occasional physical assault. Journalists generally do not feel sufficiently protected while doing their job and do not trust the police for their protection”.

⁵³ See joint statements of the OSCE RFoM and of the Head of OSCE Mission to Bosnia and Herzegovina from [24 September 2021](#) and from [27 May 2021](#). See also the tweets of the OSCE RFoM from [24 February 2020](#), [27 February 2020](#), [22 April 2020](#), [29 May 2020](#), [8 June 2020](#), [18 June 2020](#), [25 September 2021](#) and [13 May 2022](#).

⁵⁴ Many ODIHR EOM interlocutors opined that the significant financial debts of the BHRT, accumulated over the years, partly due to an ineffective system of funding, significantly limited its operational capacity.

⁵⁵ See the [statement](#) by the Social Democratic Party (SDP BiH) of 29 August, condemning “the silencing of independent media before the campaign”. BH-Telekom explained to the ODIHR EOM that it does not consider the fee requested for the inclusion of N1 into its network commercially feasible, and it has offered N1 to broadcast their programmes free of charge.

On 2 September, the ODIHR EOM commenced qualitative and quantitative media monitoring of seven televisions, three newspapers and three online media outlets.⁵⁶

XII. COMPLAINTS AND APPEALS

Voters or political subjects who deem their rights violated can file complaints with election commissions. Most complaints related to campaign violations may be submitted to the MECs. Violations of electoral rights, complaints on the organization of the elections, registration of political subjects, early campaigning and hate speech, *inter alia*, are considered by the CEC. Appeals against MEC decisions may be filed with the CEC; appeals against CEC decisions are dealt with by the Appellate Division of the Court of Bosnia and Herzegovina as the final instance.⁵⁷ The law prescribes timely submission and consideration of complaints and appeals.⁵⁸ In addition, election commissions may act on possible irregularities *ex officio*, upon receiving notifications from any natural and legal entity.

The CEC informed the ODIHR EOM that, to date, it received some 500 complaints; of them, 403 related to out-of-country voting, some 60 to early campaigning, some 30 challenging the appointment of the MEC members and 3 related to the registration of political subjects. The Court reviewed some 350 appeals against the CEC decisions on complaints and upheld the majority of them.⁵⁹ In addition, acting *ex officio* upon notifications of irregularities, the CEC reviewed some 32 cases related to early campaigning and imposed fines in 14 cases.

Election commissions take decisions on complaints in public sessions. The Court of Bosnia and Herzegovina informed the ODIHR EOM that, in line with the law, it does not hold public hearings in election-related cases. Despite previous recommendations, most decisions on complaints and appeals taken by MECs, the CEC and the Court are not public. Many ODIHR EOM interlocutors expressed doubts about the capacity of election commissions and the Court of Bosnia and Herzegovina to efficiently and timely handle the election-related disputes.⁶⁰ Moreover, some raised concerns that the division of competences between the CEC and MECs was not sufficiently clear, especially with regard to the newly acquired responsibilities of the election administration.⁶¹

XIII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Law provides for observation of all stages of the election process at every level of the election administration by observers nominated by civil society organizations, political subjects, and international organizations. For election day, the number of citizen observers and contestants' observers is limited to one per organization at each election commission. In July 2022, the CEC

⁵⁶ TV channels are monitored from 18:00 to 00:00. The sample includes three public television channels: BHT-1, *Federalna* and RTRS, and four private televisions BN, *Hayat*, N1 and *Nova*. The EOM monitors the daily newspapers *Oslobodjenje*, *Dnevni Avaz* and *Nezavisne*, and websites *klix.ba*, *mondo.rs* and *bljesak.info*.

⁵⁷ The Constitutional Court of Bosnia and Herzegovina deals with cases infringing individuals' fundamental rights when all other remedies have been exhausted.

⁵⁸ Complaints are to be filed with the MECs or the CEC within 24 hours following an alleged violation and resolved within 48 hours by the election commission and 3 days by the Court. Appeals must be filed within 48 hours with the CEC or the Court following a MEC or CEC decision, respectively; the CEC has 48 hours, while the Court has 3 days to adjudicate the matter.

⁵⁹ The Court informed the ODIHR EOM that it overturned CEC decisions in seven cases. Out of 403 complaints regarding out-of-country voting submitted to the CEC, 273 were appealed to the Court; all were rejected.

⁶⁰ The 2019 [European Commission Opinion](#) on Bosnia and Herzegovina's application for membership to the EU, in section 1.1.1 points to the challenges with the independence of judicial institutions in Bosnia and Herzegovina and states that "the independence of the judiciary is not sufficiently guaranteed to shield it from all forms of politicization and pressures".

⁶¹ The CEC informed the ODIHR EOM that it is unclear if the CEC or MECs are mandated to adjudicate complaints related to the misuse of administrative resources.

launched a new online platform for the registration of citizen observers. The civil society umbrella organization *Pod Lupom* is conducting long-term observation of the elections and plans to deploy some 2,400 short-term observers on election day.

XIV. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened in Sarajevo with a press conference on 24 August. The ODIHR EOM established regular contacts with the CEC, the Ministry of Foreign Affairs and other high-level state officials, candidates and other representatives of political parties and movements, media, civil society, and members of the diplomatic and international community.

The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament and the NATO Parliamentary Assembly have each announced their intention to deploy observer delegations for election-day observation. Pascal Allizard (France) has been nominated to serve as Special Co-ordinator, and Irene Charalambides (Cyprus) has been appointed as Head of the OSCE PA delegation.

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