



Office for Democratic Institutions and Human Rights

## BOSNIA AND HERZEGOVINA

### GENERAL ELECTIONS

1 October 2006

OSCE/ODIHR Election Observation Mission Final Report



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**BOSNIA AND HERZEGOVINA  
GENERAL ELECTIONS  
1 OCTOBER 2006**

**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the Ministry of Foreign Affairs (MFA) of Bosnia and Herzegovina (BiH) to observe the 1 October 2006 general elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 25 August. The OSCE/ODIHR EOM assessed the general elections in line with the OSCE 1990 Copenhagen Document and other international standards for democratic elections. On election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE) to form the International Election Observation Mission (IEOM).

The 1 October general elections in BiH were the first elections since the 1995 Dayton Agreement to be fully administered by the BiH authorities. The manner in which these elections were conducted was generally in line with international standards for democratic elections, although further efforts are needed, particularly with regard to the vote count. Therefore, overall, the elections represented further progress in the consolidation of democracy and the rule of law. However, it was regrettable that, due to constitutional ethnicity-based limitations to the right to stand for office, the elections were again in violation of Protocol no. 12 to the European Convention of Human Rights (ECHR) and of the commitments made to the Council of Europe, as well as article 7.3 of the OSCE 1990 Copenhagen Document.

The Central Election Commission (CEC) acted transparently when registering almost all candidate lists that had been submitted. In total, 56 political subjects including political parties, coalitions, independent candidates and lists of independent candidates, representing a wide political spectrum, competed in the elections and provided voters with a broad choice.

A wide range of views was available to voters, especially through televised debates, the allocation of free airtime, and in the print media. The media met their legal obligations with regard to allocation of free airtime to election contestants. However, restrictive interpretation of legal provisions on the part of the broadcast media limited, in part, the news coverage of the campaign, as the broadcast media were reluctant to offer more informative news coverage. In addition, the Communications Regulatory Agency (CRA) did not act promptly in resolving media-related election complaints, which may have impacted on broadcasters' programming.

The election campaign was generally calm, but was marked by sharp nationalist rhetoric and occasional inflammatory statements from key election contestants. There was also a slight increase in tensions among Croat parties in Mostar during the last days of the campaign.

With the exception of the constitutional limitations mentioned above, the election legislation provided a sound basis for the conduct of democratic elections. The complaints and appeals

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<sup>1</sup> This report is also available in Bosnian, Croat and Serbian. However, the English version remains the only official document.

process ran smoothly overall, although public hearings would increase the transparency and confidence in the process. The transition from an active to a passive system of voter registration was conducted in a generally smooth manner. It appeared to be well accepted by all interlocutors, but certain improvements are still necessary to ensure full inclusiveness.

While legal requirements regarding gender balance in candidate lists were met, and 37 percent of all candidates in the elections observed were women the share of women in the new parliament has decreased from 26 percent to 14 percent. The role of women during the campaign was limited. In the CEC, one member out of seven was a woman and 30 percent of Municipal Election Commissions (MECs) chairpersons were female.

The CEC performed its duties in a transparent and efficient manner. Political subjects expressed general confidence in the professional work of the CEC and MECs, although some expressed reservations over the appointment process of Polling Station Committees (PSCs). The lack of experience on the part of many PSCs, and the insufficient training they received, resulted in a variable implementation of the election day procedures. This may have also accounted for the deterioration of the process during the vote count.

The general elections were held in an overall calm environment and conducted in an orderly manner throughout most of the country. In the vast majority of cases, observers assessed the performance of PSCs positively during the voting, while pointing out certain procedural irregularities. Serious irregularities were isolated, and there were few instances of tension or intimidation noted by observers.

Problems observed tended to be of technical or procedural nature. Many observers commented on the high levels of overcrowding in polling stations (PSs), often citing this as a possible reason for the large degree of group voting observed. Voting procedures such as the manual counting of the ballots at opening, entering of security tags serial numbers into the proper forms, or the failure of PSCs to explain the voting process clearly to voters, were commented upon by observers.

The situation, however, significantly deteriorated during the vote count; 24 percent of observers assessed the counting process as “bad” or “very bad” and procedural irregularities were frequently noted. Serious irregularities were observed in 10 percent of counts attended and significant procedural problems or omissions were observed in 20 percent of cases. Also, in 20 percent of cases, the results protocols were not able to be reconciled.

The handover of election materials and tabulation of results at the MEC level was assessed more positively than the count and was generally conducted in line with the law, although in 19 percent of observations at MEC level, the results protocols from PSCs were not thoroughly scrutinized by MECs upon receipt. There were no clear instructions to MECs as to whether they should collect protocols from all PSCs before commencing tabulation, or to tabulate results as the protocols came in. This led to a variable approach which could benefit from standardization

Domestic observers, both partisan and non-partisan, contributed to the transparency of the election process and party observers were noted in almost all PSs visited during the voting and counting. Police played a generally unobtrusive role.

The election day process could have significantly benefited from more extensive training of PSCs. However, the general impression was that the elections were held in an overall positive environment and there were many examples of polling station commissioners taking considerable trouble to enable voters to exercise their democratic rights.

The OSCE/ODIHR stands ready to co-operate with the authorities to address concerns raised in this report and to follow-up on the recommendations offered below.

## **II. INTRODUCTION AND ACKNOWLEDGMENTS**

Following an invitation from the MFA of BiH to observe the 1 October 2006 general elections, the OSCE/ODIHR established an EOM on 25 August. The OSCE/ODIHR EOM was headed by Ambassador Lubomir Kopaj and included a core team of 14 international experts and 17 long-term observers (LTOs), who were deployed in Sarajevo and in eight regional centres. Core-team members and LTOs were drawn from 20 OSCE participating States.

The OSCE/ODIHR was joined by the OSCE PA and the PACE to form the IEOM for the election day observation. On election day, the IEOM deployed 364 observers from 43 OSCE participating States, including a 46-member delegation from the OSCE PA and a 19-member delegation from the PACE. On 1 October, voting was observed in some 1,800 polling stations throughout the country, and the vote count in 134 polling stations. IEOM observers were also present in 91 of the 142 MECs to observe the handover of election materials and the tabulation of results.

The OSCE/ODIHR is grateful to the MFA, the CEC, and other national and local authorities for their assistance and co-operation during the course of the observation. The OSCE/ODIHR also wishes to express appreciation to the OSCE Mission to BiH, as well as to other international organizations and embassies accredited in Sarajevo, for their support throughout the duration of the mission.

## **III. POLITICAL BACKGROUND**

The CEC announced on 4 May that general elections would be held on 1 October. This announcement fell within the legally prescribed six month period, prior to the termination of previous mandates.

These general elections were the first following the 1992-95 war to be fully administered by the BiH authorities. The elections took place within a revised legislative framework, with the latest round of election law amendments enacted in April 2006.

Six distinct contests took place simultaneously during these general elections. The certification process was completed within the deadlines prescribed. A total of 56 political subjects were certified to stand, including 36 parties, 8 coalitions, and 12 independent candidates competing at state and entity level.<sup>2</sup>

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<sup>2</sup> All figures given have been provided by the CEC.

The political landscape in BiH remains largely divided along ethnic lines, with other issues playing a less prominent role. Key contests occurred mainly among political parties that competed with one another in their own ethnic communities. Thus, the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party of Democratic Progress (PDP), and other Serb parties competed for the Serb vote, while the Party of Democratic Action (SDA) and the Party for BiH (SBiH) competed for Bosniak votes. The Croat political scene became more fragmented in 2006 with the breakaway of the new Croatian Democratic Union 1990 (HDZ 1990) from the Croatian Democratic Union of BiH (HDZ BiH). In contrast, some parties, including the Social Democratic Party (SDP), tried to present a more multi-ethnic profile.

The OSCE/ODIHR has observed elections in BiH in 1996, 1997, 1998, 2002 and 2004. The observation reports could be found on the ODIHR website.

#### IV. LEGAL FRAMEWORK

The legal framework for elections in BiH remains 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). It vests the international community and the High Representative (HR), in particular, with considerable powers. However, during this election, the present HR did not use his prerogative to impose decisions and remove officials in accordance with the Bonn Powers.

The BiH Constitution incorporates a number of international human rights instruments and establishes the precedence of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols over national law. However, as previously noted in OSCE/ODIHR reports and in Council of Europe documents,<sup>3</sup> both the BiH Constitution and the Election Law continue to enshrine ethnicity-based restrictions that are considered paramount to suffrage rights and citizens' ability to stand for office. Citizens who do not identify themselves as one of the three "constituent peoples", Bosniak, Croat or Serb, are effectively barred from standing for the State and Republika Srpska (RS) presidencies. Voters registered in the Federation of BiH (FBiH) are also limited in their choice of presidential candidate to either a Bosniak or a Croat, and RS voters can only vote for a Serb presidency member. Such measures are discriminatory and run counter to the OSCE Copenhagen Commitments and other international standards.<sup>4</sup>

The Election Law of BiH is comprehensive and generally provides a sound basis for the conduct of democratic elections. Since its adoption in 2001, it has undergone substantial changes, with the most recent amendments enacted in April 2006. In a positive development, in the context of BiH, the voter registration system was changed from an active to a passive one, thus facilitating citizens' suffrage rights. Among others, the amendments enhanced the

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<sup>3</sup> OSCE/ODIHR EOM Final Report on General Elections in Bosnia and Herzegovina, 5 October 2002, [http://www.osce.org/documents/odihr/2003/01/1188\\_en.pdf](http://www.osce.org/documents/odihr/2003/01/1188_en.pdf); Opinion of the Venice Commission on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative of 11 March 2005 (CDL-AD(2005)004), and PACE Resolution 1513(2006).

<sup>4</sup> See paragraph 7.3 of the OSCE 1990 Copenhagen Document, Art. 25 of the International Covenant on Civil and Political Rights, Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 4 of the Framework Convention for the Protection of National Minorities.

independence of the CEC, reduced the official campaign period, and also reduced campaign funding limits.

The system for resolving electoral disputes was also amended considerably, with shortened deadlines for filing complaints and appeals and for their adjudication. Deadlines were also now calculated from the date of receipt, which made the process more transparent. The abolition of the Election Complaints and Appeals Council led to a simplification of the adjudication procedure. Such changes were positive and provided more effective mechanisms for seeking legal redress.

However, some issues still remain to be addressed including the following: the division of competencies among adjudicating authorities is not always clearly spelled out, the law does not provide for specific grounds for application of various sanctions for electoral offences, and there are no deadlines for handling media-related complaints. Furthermore, there is no codified right to a public hearing on complaints and appeals,<sup>5</sup> which could significantly contribute to the transparency of the election and to public confidence in the process.<sup>6</sup> It is also noteworthy that the current legislation lacks provisions to limit the abuse of public resources by incumbents.

The election law is supplemented by a number of other pertinent laws: the Law on Citizenship of Bosnia and Herzegovina; the Law on Permanent and Temporary Residence of Citizens of BiH; the Law on Conflict of Interest; the Law on the State Court of BiH; the Law on Administrative Disputes, the BiH Criminal Code, and other legislation. Although there is a state-level Law on the Financing of Political Parties, a comprehensive political party law is missing at the state level.

Numerous aspects of the electoral process were regulated by the CEC, including the certification of political subjects, appointment of PSCs, the manner of voting and ballot counting, media coverage of political subjects in the election campaign, the handling of complaints by election commissions, and the accreditation and rights of observers.

## V. ELECTION ADMINISTRATION

The state of BiH is comprised of two entities: the Federation of BiH (FBiH) and the Republika Srpska (RS). In addition, there is one autonomous district (Brčko). The BiH Constitution recognises three “constituent peoples” (Bosniak, Croat and Serb), along with all “others”. Legislative authority, at the state level, is vested in a bi-cameral Parliamentary Assembly, composed of a directly elected House of Representatives (BiH HoR) and an indirectly elected House of Peoples.

All BiH voters were eligible to elect the 42 deputies of the BiH HoR. Voters registered in the FBiH elected 21 members in 5 multi-member constituencies (MMCs), while 7 compensatory

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<sup>5</sup> Although public hearings may be granted by adjudicating authorities at their discretion, this failed to happen in practice.

<sup>6</sup> See, for example, Art. 10 of the Universal Declaration of Human Rights; Paragraph 13.9 of the OSCE 1989 Vienna Document, and Opinion no. 190/2002 of the Venice Commission “Code of Good Practice in Electoral Matters” of 30 October 2002.

seats were allocated by proportional representation with a 3 percent threshold.<sup>7</sup> Another 14 members of the BiH HoR were elected in the RS, including 9 in three MMCs and 5 as compensatory seats.<sup>8</sup> In addition, the same constituency elected a three-member State Presidency.<sup>9</sup>

At the entity level, voters in the FBiH elected 98 deputies<sup>10</sup> to the FBiH House of Representatives (FBiH HoR) and the ten cantonal assemblies. In the RS, voters elected 83 deputies<sup>11</sup> to the RS National Assembly (RS NA) as well as the RS President and two Vice-Presidents.<sup>12</sup> The EOM has only commented on the FBiH cantonal elections to the extent that they impacted on the presidential and parliamentary elections.

In both the FBiH HoR and the RS NA, additional requirements applied and at least four mandates were reserved for representatives from each of the three constituent peoples. The compensatory seats were used for this purpose when the minimum was not achieved in MMCs. Such a reallocation occurred in one instance in the distribution of mandates to the RS NA. Candidates' ethnicity was not listed on the ballots.

Allocation of seats in MMCs was based on open lists, which enabled voters to express a preference for any number of candidates. First, seats were allocated in descending order of preference votes to candidates with at least 5 percent of preference votes out of the total valid votes. In contrast, a closed list system was used for the distribution of compensatory mandates and was intended to provide for better proportional representation at all levels. Understandably, candidate names for the compensatory lists did not appear on the ballots, but were published in the Official Gazette.

The great variety of elections conducted on 1 October and the overall complexity of the electoral system represented a difficult exercise for all participants in the election process; political subjects, voters and the election administration. Throughout the country, no less than 21 different sets of ballots were used on election day.

## A. ELECTION ADMINISTRATION BODIES

The 1 October general elections were administered by a three-tiered election administration: the CEC, 142 MECs,<sup>13</sup> and 4,299 PSCs with more than 18,000 members.

Vested with extensive competencies, the CEC was responsible for the overall conduct of the elections.<sup>14</sup> It is a seven-member permanent body, representative for the three constituent peoples and appointed by the parliament for a five-year term. The CEC chairperson is elected by the other members and the position rotates every 15 months, ensuring that all three

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<sup>7</sup> For all proportional elections (MMCs or compensatory), the Saint-Lague method with a 3% threshold was applied for the allocation of mandates. In line with the April 2006 amendments to the election law, a 3% threshold was specifically introduced for the allocation of compensatory seats at the entity level.

<sup>8</sup> Voters in Brčko could opt to vote as either FBiH or RS voters.

<sup>9</sup> One Serb member was elected in the RS, one Bosniak and one Croat member was elected in the FBiH.

<sup>10</sup> 73 in 12 MMCs and 25 compensatory mandates.

<sup>11</sup> 62 in 6 MMCs and 21 compensatory mandates.

<sup>12</sup> A simple plurality system was applied. The candidate with the most votes was elected president, while top finishing candidates from the other two constituent peoples became the vice-presidents.

<sup>13</sup> There were MECs in each municipality, plus one in the cities of Banja Luka, Mostar and Brčko district.

<sup>14</sup> A CEC Secretariat with six departments and headed by a Secretary General provided technical and administrative support to the CEC.



constituent peoples and the ‘other’ member hold the position. Until 2005, the CEC included three international members. These were replaced in 2006 by one additional member from each of the constituent peoples.<sup>15</sup> Thus, the full CEC composition included two Bosniaks, two Croats, two Serbs, and one ‘other’. As a result, these general elections were the first to be exclusively administered by the BiH authorities.

The CEC held regular meetings, more frequently in the final stages of the campaign period. These were publicly accessible and announcements of meetings were posted on the CEC website, although sometimes with delay. Media and domestic observers were not usually present at sessions. Important decisions were generally taken by consensus, sometimes reached after extensive discussion.

The CEC enjoyed a general confidence from political parties. It functioned efficiently in elaborating various by-laws necessary for the uniform implementation of legal provisions in good time; these were published in the Official Gazette and on the CEC website. However, the CEC failed to prepare detailed instructions for the work of MECs on election night. This led to disparate methods being used by different MECs and to serious delays in the tabulation at MEC level. In most of the cases, the CEC maintained a professional approach and addressed the problems in a satisfactory manner and within the legal framework.

The CEC also adopted inconsistent and contradictory approaches regarding requirements for postal voting. Before the election, the CEC received a DHL box containing 2,362 postal vote envelopes from Zagreb, sent by a Croatian NGO, “Fenix”, which had collected the envelopes from out-of-country voters allegedly to help pay the postal expenses. The CEC determined the procedure to be incorrect, but did not invalidate the votes. Instead, it decided to send the envelopes back in order to give those voters the chance to post their votes properly. After the elections, however, the CEC decided that any postal votes in envelopes without an out-of-country post office stamp would not be counted. Thus, 349 postal vote envelopes from abroad, which had been posted locally in BiH, were invalidated by the CEC.

The issue of nationalist rhetoric during the election campaign also arose at CEC sessions. Reluctant to take a stand on unclear legal provisions, the CEC adopted a cautious approach, and after much debate decided to consider incidents on a case-by-case basis. In principle, they postponed the issue by requesting the CEC secretariat to examine past cases and to collect documentation of candidates’ media appearances or press statements. However, the CEC did promptly address the only serious violation of the campaign rules related to hate speech imposing the maximum fine on the Serb Radical Party “Dr. Šešelj”.

Generally, the CEC maintained a professional approach and addressed the problems in a satisfactory manner and within the legal framework.

MECs oversaw the preparations for the elections. They were responsible for the oversight of voting and counting in the PSCs and for the tabulation of results in the 142 municipalities. MECs are permanent bodies, consisting of a chairperson and either two or four members,<sup>16</sup>

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<sup>15</sup> Nevertheless, on the basis of a Memorandum of Understanding between the CEC, the OHR, and the OSCE Mission to BiH, the latter appoint up to two advisers each to the CEC. These advisers enjoy all the rights of regular CEC members, except the right to vote. They played a very constructive role during these elections, providing advice on election and funding issues.

<sup>16</sup> MECs have two members in municipalities with up to 20,000 voters and four members in larger municipalities.

appointed by municipal councils and approved by the CEC for five-year terms. In the pre-election period, only a few minor changes to MEC composition were made.<sup>17</sup> Training sessions for over 500 MEC members<sup>18</sup> were organized from 4–11 September by the CEC. Special attention was paid to changes in the election law, particularly on MECs' new role as first instance adjudicators in dealing with election complaints.

The MECs appeared to be well organized, experienced and prepared for the elections in general, although some of them received insufficient funding or did not have proper offices. Most MECs thoroughly and responsibly fulfilled their legal obligation to train the PSCs in their municipalities. However, in some cases, EOM observers found the level of training to be insufficient to the needs of commissions. Regrettably, due to a lack of financial resources, neither a manual nor a collection of relevant CEC decisions was provided, which could have ensured a more uniform procedure on election day. The continued absence of an officially approved consolidated text of the election law presented an additional difficulty for the election administration.

In polling stations, the voting and counting was administered by the PSCs. Each had a chairperson and either two or four members.<sup>19</sup> Political subjects certified to run in a given constituency had the right to nominate a maximum of one PSC member to each PSC. In line with legal provisions, the CEC elaborated a lottery for the appointment of PSCs.<sup>20</sup> However, a technical error in the initial lottery led to the overrepresentation of certain political subjects. A second lottery was ordered by the CEC, and PSCs were subsequently formed within the legal time limits. Some MECs expressed concerns over the fact that a substantial part of the PSC members had no previous experience.

Some smaller parties did not nominate enough members to fill all allocated PSC posts. This obliged relevant MECs to fill the extra places with voters having previous election experience<sup>21</sup> and resident in that PSC area. Such appointment, as with certain chairperson nominations, became the subject of complaints made to MECs. These were on the whole resolved without controversy. Many parties expressed concern over this process and some claimed that other parties were trading PSC places to stack certain commissions in their favour, although such claims were not substantiated on election day.

## **B. PASSIVE VOTER REGISTRATION**

The transition from an active to a passive system of voter registration was conducted in a generally smooth manner and was not subject to serious criticism before the elections. The fully computerized Central Voters Register (CVR) is based on the CIPS (Citizens Identification Protection System) civil register database. CIPS is implemented by the Ministry of Civil Affairs and all 18 year-old citizens are obliged to register and to obtain a new ID

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<sup>17</sup> Due to sickness or retirement.

<sup>18</sup> 34 percent were women.

<sup>19</sup> This figure depended on the number of voters in the polling station. As a rule, the total did not exceed 1,000 voters.

<sup>20</sup> Per the new legal provisions, the previous multiethnic composition requirements were dispensed with. They remain valid only for distribution of vacant PSC member positions by MEC (Art. 2.19, par. 8).

<sup>21</sup> Namely, having worked as a PSC member in the 2002 general elections or for the 2004 local elections.

card.<sup>22</sup> Each citizen who is entitled to vote, and who is registered with CIPS, is automatically included in the CVR, which contains only voters holding the new IDs.

The CVR was closed on 17 August. Voters who did not apply for their new ID before 17 August were not registered in the CIPS (Citizens Identification Protection System) database and, consequently, not included in the CVR. Acting inclusively, the CEC decided to include all voters who had applied for new ID in the CIPS offices between 17 August and 15 September in supplements to the CVR excerpts, which act as voter lists. These were provided to PSCs two days before election day. Voters who applied after 15 September were allowed to vote by tendered ballot, based on temporary IDs issued by the relevant CIPS offices.

As of 15 September, the overall number of registered voters increased by more than 430,000 (18%) to 2,755,207, while the number of absentee voters fell almost five times to 29,567. Out-of-country voting increased slightly to 32,441 registered voters.

The new system eased the process of voter registration. However, the system did not apply to certain special categories of voters. Refugees and voters living temporarily abroad who wished to vote out-of-country had to submit an application to the CEC before 18 July.<sup>23</sup>

Displaced persons (DPs) had to decide before 18 July whether they would exercise their right to vote in their pre-war (1991) municipality or in their current place of residence. DPs who failed to choose were automatically assigned to the electoral unit in which they had last voted (or to their 1991 constituency, if they have not previously voted). Voters who had lost their DP status between 18 July and the closing of the CVR on 17 August were allowed by CEC decision to retain their special rights for the purpose of this election and voted by tendered ballot.<sup>24</sup> Such a decision was commendable in that it sought to be inclusive and was reached after a meticulous examination and in accordance with the CEC regulations; the decision affected more than 3,300 voters.

## VI. CANDIDATE CERTIFICATION

The process of candidate certification was completed within the deadlines prescribed by law. Following the complaints and appeals process, a total of 56 political subjects was certified to stand in the elections at all levels and, in total, 7,245 candidates stood for office.<sup>25</sup> 511 candidates were rejected, although the reasons for these rejections remain unclear.

Among the registered political subjects, 32 parties, 4 coalitions, and 8 independent candidates competed at state and entity level. The order on the ballots was determined by a lottery and no

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<sup>22</sup> A CIPS ID card is voluntary between the ages of 16-18. The Ministry of Civil Affairs (MCA) has reported that over 2,900,000 new IDs have been issued since the start of the exercise. The number of 18 year-old citizens with new CIPS ID cards is evaluated by the MCA to be 95%.

<sup>23</sup> However, voters registered to vote out-of-country were allowed to vote in BiH on election day with tendered ballots in the municipality of their permanent residence.

<sup>24</sup> Voting by tendered ballot involves placing one's ballot inside an envelope at special polling stations (one in each municipality), which notes one's personal details. These are then forwarded to the Main Counting Centre in Sarajevo. Details on specific voter are checked at this point and if found to be valid, the vote is cast.

<sup>25</sup> Of these, 3,271 candidates stood for the presidential and parliamentary elections, certified to run on 565 separate candidate lists.

complaints were noted in this regard. Provisions in the election law regarding gender balance in candidate lists were adhered to and 37 percent of all candidates standing were women.

## VII. ELECTION CAMPAIGN

Although campaigning got underway some months before the election, it picked up steadily after the official start of the campaign on 1 September. The intensity of campaign activities varied considerably around the country. Activities included rallies, smaller-scale public meetings, door-to-door campaigning, billboard posters and extensive media use.

The state parliament's failure to pass constitutional changes in April 2006 had a significant impact on the campaign. The proposed changes were supported by the majority of political parties representing all three constituent peoples, but did not achieve the necessary two-thirds majority in the state parliament. This led to a highly divisive debate on the constitutional structure of the state, which continued through much of the campaign period. Key Bosniak politicians called for the further integration of BiH as a unitary state without entities. Leading RS politicians repeatedly raised the option of an independence referendum for the RS, asserting that Serbs would accept living in BiH in the same measure as others accepted the existence of the RS. A link was sometimes made between the status of the RS and ongoing talks on Kosovo.

While some parties attempted to raise issues pertaining to the economy, education and social conditions, key questions of the constitutional make-up of the state prevailed. On 18 September the High Representative and European Union Special Representative for Bosnia and Herzegovina publicly warned that steps would be taken against certain candidates if divisive language continued. In addition, some Croat politicians mooted the possibility of a third, Croat entity.

The SDP's decision to put forward only a Croat candidate from the FBiH for the state presidency, and not a Bosniak, proved highly controversial and brought objections from Croat parties. They claimed that as the SDP's support base was traditionally among Bosniak voters, if the SDP candidate won, this would mean that the Croat representative would have been elected mainly by Bosniaks. Croat parties asserted that in such a case, they would not recognise the state presidency member as the legitimate representative of the Croat people.

Isolated instances of inflammatory language directed against other ethnic groups were observed at party rallies of the SDA and SDP in Brčko, of the Democratic Movement of Srpska (DEPOS) in Pale, and of the HDZ 1990 in Livno. The campaign atmosphere was also influenced by ongoing discussions of war crimes from the 1992-1995 conflict. Some parties featured wartime commanders prominently in their campaign activities. There were isolated instances of attacks on religious buildings.

One feature of the campaign was the presence of political leaders from neighbouring states. The Croatian Prime Minister (also the leader of the HDZ in Croatia) publicly endorsed the HDZ 1990 and senior representatives of the Croatian HDZ participated in the HDZ 1990's closing rally in Mostar. The signing in Banja Luka of a special cooperation agreement between the RS and Serbia five days before the election, in the presence of the presidents and prime ministers of Serbia and the RS, was also seen by many as pre-election politicking.

designed to attract votes. It also invited comment both within and outside BiH on its potentially destabilising effects for BiH and the region.

The alleged political preferences of religious community leaders also became a contentious issue in the campaign. A statement by the head of the Islamic community, Reis-Ulema Mustafa Cerić, shortly before the start of the campaign was widely taken as implicit support for the SBiH. Nevertheless, the Islamic community later issued a statement calling on imams not to engage in political campaigning and publicized a list of ten pressing issues to be addressed during the campaign. It also called on people to go and vote. Despite the calls of Islamic community leaders, there were reported instances of imams supporting particular political options in the mosques. Also, although the head of the Roman Catholic Church in BiH expressed his neutrality during the election, his stated opposition to the earlier proposed constitutional changes prompted the HDZ 1990 to claim his support for their campaign.

In the week before the election, five candidates for the BiH presidency announced their withdrawal from the race. This decision had no legal consequence; officially they remained as candidates and they attracted some votes in the election. One of the five was the candidate of the People's Party, Through Work to Betterment (NSRzB), for the Bosniak member of the presidency. The other four, all independent candidates, publicly endorsed the NSRzB.

The campaign was conducted in a calm environment, and political parties expressed few complaints regarding its conduct. They were able to carry out their campaign activities without hindrance with minor exceptions. Numerous instances of defaced or torn down billboard posters, however, were observed. Some opposition parties made general allegations of abuses of administrative resources. A specific complaint was made to the CEC about the use of state transport to transfer the incumbent Bosniak member of the state presidency to or from party events. Individual cases of campaign posters on public buildings were observed, notably by the incumbent party at the local level in Mostar. Further, it was observed that a local-government vehicle was used to put up HDZ BiH campaign posters in Mostar.

The HDZ 1990 complained that it faced problems organising rallies in the closing days of the campaign. Notably, it was unable to reserve its preferred rally locations in Mostar and other towns due to the fact that the HDZ BiH had booked the venues for the last three days of the campaign. In the last week of the campaign, the municipal court in Mostar ruled that the HDZ 1990 could not operate under that name. Since the HDZ 1990 was already registered under that name, the decision of the Mostar court had no consequences for the party's participation in the elections. The HDZ 1990 saw the timing of the court's decision as political. For its part, the HDZ BiH complained that the decision had not been brought earlier, so as to bar the HDZ 1990 from competing in the elections under that name.

The Party of Democratic Progress (PDP) objected to news reports appeared during the election campaign that the BiH Prosecutor's Office had opened a long-outstanding investigation of leading party figures for alleged corruption. The PDP claimed that it was a deliberate attempt to tarnish the party's image in advance of the elections.

Some interlocutors complained that election law provisions on campaign financing limits were widely disregarded. Specifically, it was alleged that some parties' campaign activities were financed directly by other entities (e.g. enterprises), and thus did not appear in parties' financial records. According to the election law, the maximum amount allowed for campaign

financing is determined by a calculation based on the number of registered voters across all electoral units in which the political subject concerned is fielding candidates.

The CEC's Department of Financial Audits is responsible for ensuring compliance with these campaign finance rules, but it carries out limited reviews of the reports supplied by parties, to check that the reported expenditures did not exceed the legally permitted limits. A more detailed audit is undertaken annually for parties selected on the basis of criteria determined by the CEC Department (in practice, mainly larger parties). However, due to a lack of capacity, this more detailed audit only seeks to verify that reported income and expenditure corresponds with the records in the parties' books. In general, no checks are made to see whether the reported income and expenditure are complete, or whether certain campaign expenditures have not appeared in parties' books. Thus, the procedures employed do not appear to be sufficient to ensure proper implementation of the relevant legal provisions and compliance with the rules on campaign financing.

Political parties expressed concerns about media coverage, although no parties complained of not receiving their legally allocated free airtime. Smaller parties claimed that larger parties dominated other coverage, including paid advertising (which the larger parties had greater means to purchase), news coverage and pre-election debates. For their part, some larger parties complained that their message was crowded out by the glut of reports on smaller parties.

Most parties expressed general confidence in the CEC, although several expressed fears that certain PSCs might be partisan, especially in remote areas. They also frequently expressed confidence that the new passive voter registration system had improved the quality of voter lists.

## VIII. MEDIA

### A. BACKGROUND

BiH has a pluralistic media environment with some 146 radio stations, 46 TV companies, and numerous press outlets in Bosnian, Serbian and Croatian, generally available across the country. Television has developed over time to become the main source of information for the BiH public.

There are three radio and three television channels of the state and entity public broadcasters that together form the public service broadcasting (PBS) system of BiH.<sup>26</sup> BHT is the television channel of the state-wide public service broadcaster, which started broadcasting on its own frequency in mid-August 2004. FTV is the FBiH-entity television channel and RTRS is the RS-entity public service broadcasting channel.

No one broadcaster has a complete nationwide outreach, but each of the three public broadcasters (BHT, FTV, and RTRS), as well as certain privately-owned TV stations (OBN, TV Pink BiH, and *Mreza Plus*) manage to reach over 70 percent of the population.

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<sup>26</sup> It is comprised of BHRT, RTFBiH and RTRS.

## B. LEGAL FRAMEWORK

The election law includes provisions governing the conduct of media during an election campaign;<sup>27</sup> *inter alia* providing for both free and paid broadcast time for campaigning on equal terms to all contestants during the 30 days of the campaign.<sup>28</sup> Further, according to the law, electronic media are required to observe principles of balance, fairness and impartiality. When reporting on the activities of state officials, the broadcast media should not mention their candidacy or party affiliation, or give them a privileged position over their opponents.

Compliance with these provisions is overseen by two regulatory bodies: the Communications Regulatory Agency (CRA) and the CEC. While the CEC deals only with complaints regarding allocation of free airtime for direct address,<sup>29</sup> the CRA has jurisdiction over all other broadcasting media violations during the elections. Sanctions may range from a warning, to financial penalties, or to the closure of an outlet. Complaints regarding campaign coverage in the print media are to be dealt with by the BiH Press Council. However, this body has not been granted any legal powers or enforcement mechanisms in this area.

To supplement the election law requirements, the CEC adopted certain regulations,<sup>30</sup> further specifying the details of free time for direct address, including time allocation, duration and geographical territories. Using a lottery system, individual broadcasters determined the order of appearance of all registered political subjects. Taking into account the number of political subjects in the race, each public broadcaster allocated a total of only three (BHT and FTV) or five minutes (RTRS) of free airtime.

## C. OSCE/ODIHR EOM MEDIA MONITORING

Since the official start of the campaign on 1 September, the OSCE/ODIHR EOM monitored six national TV stations and five daily newspapers.<sup>31</sup> In addition, the monitoring team analyzed the main news broadcasts of three regional TV channels,<sup>32</sup> including the programme and daily publications, assessing and producing findings regarding the time or space allocated to all candidates and parties running in the parliamentary and presidential elections, and the time/space allocation given to all relevant political subjects. The tone of the coverage was also evaluated.

Legal provisions for free airtime on public broadcasters were respected and together with regular televised debates enabled candidates to convey their messages to the electorate. These debates provided an important forum for exchanging views, allowing voters to form opinions of the candidates. However, a debate amongst leaders of eight leading parties planned by BHT did not take place due to the failure of most parties to attend. The newly amended election law provides for paid political advertisements on the electronic media, and several parties took advantage of this provision. In general, voters had access to a broad range of views, potentially enabling them to make informed choices. The campaign in the media,

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<sup>27</sup> These provisions are found in Chapter 16 of the election law.

<sup>28</sup> The price for paid advertising should not exceed the existing price list for a given media outlet.

<sup>29</sup> See article 16.14 of the election law.

<sup>30</sup> These regulations were entitled the Rulebook on the Media Coverage of Political Entities in the Election Campaign.

<sup>31</sup> Television: Publicly-funded *BHT*, *FTV* and *RTRS*, Private *OBN*, *Pink TV BiH* and *Mreza Plus*. Newspapers: *Dnevni Avaz*, *Oslobodjenje*, *Nezavisne Novine*, *Dnevni List* and *Glas Srpske*.

<sup>32</sup> TV Tuzla, HTV Mostar, and ATV in Banja Luka

however, continued to be dominated by rhetoric between parties rather than focused on substantive issues.

News coverage of the campaign suffered from a restrictive and inconsistent interpretation by broadcasters of legal provisions. This may have been based on confusion regarding the difference between providing information about candidates and campaigning on their behalf. Broadcasters apparently maintained that if a candidate was to be interviewed during the daily news coverage, then all other candidates should be given airtime to fulfil the legal requirement for equal conditions. As a result, broadcasters seemed reluctant to offer lively news coverage of the campaign for fear that this might prompt the CRA to impose sanctions.

The majority of the media monitored by the OSCE/ODIHR EOM showed low levels of interest in the electoral campaign, as reflected in their news programmes. Instead, they devoted a significant portion of their prime time news coverage to the activities of the authorities, outside of the campaign context. Media monitoring results showed that in the four weeks preceding the election, the state public broadcaster BHT devoted 25 percent of its political and election prime time news coverage to BiH Council of Ministers activities, which were reported in an overwhelmingly positive or neutral tone. The entity FBiH and RS governments received the next highest coverage (16 and 21 percent, respectively), which was primarily positive or neutral. Regarding political parties and coalitions, most coverage was devoted to the SNSD at 7 percent and the SDA at 5 percent. While 64 percent of SDA's coverage was positive and 36 percent was neutral in tone, only 20 percent of SNSD's coverage was assessed as positive and 37 percent as negative.

There were discernable differences in news coverage between the two public entity broadcasters, whose coverage of political subjects appeared to have been differentiated along ethnic lines. The RS public broadcaster, RTRS, favoured incumbent political subjects in the RS and used 62 percent of its political and election prime time news coverage on activities of the RS government (44 percent), the RS president (10 percent), and the SNSD (8 percent). This coverage was predominantly positive or neutral in tone. By comparison, the FBiH public broadcaster, FTV, favoured the SDA, devoting to it 15 percent of its coverage (mainly neutral and positive). Its prime time news political and election coverage was primarily focused on activities of the FBiH government (28 percent), which was reported mainly in a positive or neutral tone.

Private broadcasters monitored exhibited similar patterns of low interest in the electoral campaign during their news coverage. TV Pink BiH devoted 30 percent of its political and election prime time news coverage to the RS government (primarily positive or neutral). The second most-featured political subject was the SNSD (25 percent, mainly positive coverage). By comparison, the Mreza Plus private network allocated the largest proportion of its political and election prime time news coverage to the activities of BiH Council of Ministers, the entity-level FBiH government and the SDA, which was mainly positive and neutral in tone. In contrast, SNSD received primarily negative or neutral coverage. The third monitored privately-owned broadcaster, OBN, gave less coverage to the activities of the authorities and devoted the largest portion of its election and political news coverage to NSRzB.

The print media provided lively coverage of the election campaign, but while all newspapers monitored provided a diverse range of opinions, they invariably showed a pattern of political favouritism towards specific candidates and parties. Consequently, only by reading several newspapers were voters able to obtain information on diverse political perspectives and



candidates. The Sarajevo-based *Dnevni Avaz* daily newspaper allocated most of its political and election coverage to the SDA and the SBiH (22 and 15 percent, respectively). While this coverage was mainly positive or neutral, SDA's leader, Sulejman Tihic, was criticized in several articles. By comparison, the *Glas Srpske* daily newspaper, funded by the RS government, showed clear support for the SNSD giving the party almost 44 percent of its election and campaign coverage, which was overwhelmingly positive or neutral in tone.

The prime time news coverage by regional broadcasters was also shaped along ethnic lines. In Tuzla, for example, the local broadcaster TV Tuzla provided clear support to the SDP by devoting as much as 26 percent of overwhelmingly positive or neutral coverage to the party. In comparison, the Mostar-based HTV Mostar was slightly inclined in favour of the HDZ. The third monitored regional broadcaster ATV (based in Banja Luka) provided most of its prime time news coverage to the activities of the RS government.

The CRA reported receiving 15 complaints regarding the conduct of the media. These complaints mainly alleged unfair treatment of political subjects. However, the CRA decided to deal with the complaints only after the elections. An early decision by the CRA may have clarified certain elements of the "equal treatment" provision in the law, an issue that was cited by broadcasters as a reason not to engage in certain types of election coverage.

In addition, the CRA initiated 29 cases in *ex officio* procedure. These cases mainly concerned the failure of broadcasters to submit schedules of planned political programmes or pricelists for paid political advertisements.<sup>33</sup> Of the total number of 44 cases, 14 cases were dismissed on the basis of insufficient evidence. The remaining 30 cases were still under investigation by the CRA.

## IX. COMPLAINTS AND APPEALS

Provisions of the election law regulating electoral disputes were considerably amended in April 2006 and the procedure of seeking legal redress was to some extent simplified with the abolition of the Election Complaints and Appeals Council. In these general elections, the first instance for considering electoral complaints was either a MEC or the CEC, depending on the alleged violation.<sup>34</sup> The adjudicating authorities could also initiate investigations *ex officio*. Any decision of the CEC could be appealed to the Appellate Division of the BiH Court, whose rulings were binding and final.

At the early stages of the election process and prior to the deployment of the OSCE/ODIHR EOM, there were ten appeals to the Appellate Division challenging certain CEC rejections on certification applications. In one case, the CEC rejected the application of the SBiH, which had nominated a Bosniak to stand as a BiH Presidency candidate in the RS, despite the existing ethnicity restrictions enshrined in the BiH Constitution and the election law. The CEC decision was upheld by the Appellate Division and has now been appealed to the Constitutional Court as the final instance for handling disputes on constitutional issues. The

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<sup>33</sup> Article 7.1 of the CEC regulations stipulates that electronic media should send the schedule of planned political programmes to the CRA at least seven days prior to the beginning of the campaign; Article 6.2 obligates broadcasters to submit a pricelist of paid political advertisements to the CRA 15 days prior to commencement of the campaign.

<sup>34</sup> A separate venue for handling media-related complaints was envisaged, as described above.

SBiH has publicly stated its intention to bring the case before the ECHR after all national legal possibilities have been exhausted.

During the election, the CEC adopted an “Instruction on Handling Complaints and Appeals”, where it clarified certain aspects of this process. Although the handling of certain complaints was new for MECs, they generally demonstrated good understanding and professionalism in performing this role. Nevertheless, most election disputes were settled informally between political subjects, without the lodging of formal complaints.

The CEC considered 16 appeals concerning the formation of polling stations and the appointment of PSCs and rejected almost all of them as without grounds or untimely. Only in one case, part of an appeal was granted when the CEC established that some appointed PSC members held positions incompatible with their work in the PSC. Three decisions of the CEC were further appealed to and subsequently upheld by the Appellate Division.

During the campaign, there were some complaints and appeals on damage to campaign posters. Of these, only one case was confirmed and sanctioned by the CEC. Three complaints filed with the CEC alleged use of inflammatory language during the campaign. Although all were formally rejected, the CEC initiated a procedure *ex officio* in one of the cases; it established that a song used during campaigning by the Serb Radical Party “Dr. Šešelj” could incite violence or hatred through its use of certain nationalist slogans. The CEC fined the party with the maximum amount prescribed.<sup>35</sup> It also decided to launch a formal investigation after the elections and to forward the case to the prosecutor’s office for action.

There were also complaints to the CEC alleging abuse of public resources during the campaign by certain incumbents or ruling parties. All of them were rejected. It is of concern that one complaint alleging the abuse of public resources was dismissed by a letter signed by the CEC Chairperson, without its consideration during a CEC session and without a collegiate decision on the matter.

The CEC sanctioned two candidates for attempting to unduly influence the media. One independent candidate who tried to order paid radio advertising on behalf of another political subject was fined 5,000 KM; the CEC concluded that such action would have prevented the radio station from fulfilling its legal duty to provide equal treatment to all electoral contestants. Also, a public official and BiH Presidency candidate was fined 6,000 KM for putting pressure on a journalist to arrange an interview.

At the time of the EAM departure, nearly 50 complaints have been lodged with MECs regarding the work of PSCs on election day. 16 complaints alleged violations of the campaign silence. Recounts of ballots were requested in 14 cases, but the CEC decided to consider those requests after the announcement of the election results, as prescribed by the election law.

## X. PARTICIPATION OF NATIONAL MINORITIES

BiH’s unique electoral system places significant emphasis on ensuring a balance among the three constituent peoples (Bosniak, Serb and Croat). Self-identification is taken as the basis for determining ethnicity. Citizens who do not identify themselves with one of the three

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<sup>35</sup> 10,000 KM (approximately 5,000 EUR).

constituent peoples are defined as “other” and are effectively barred from standing for the BiH and RS presidencies. The election law does not provide any guarantees for the representation of “others” in any directly elected state or entity level body. In these general elections, a total of 83 candidates defined as “other” (2.6 percent) stood as parliamentary candidates at both state and entity level.

Voters are further limited by their place of residence. Thus, voters registered in the RS may only vote for the Serb member of the BiH presidency, while voters in the FBiH may only vote for the Bosniak or Croat member. Further, a Bosniak or Croat registered in the RS, or a Serb registered in the FBiH, may not run for the BiH presidency, as discussed above.

There are 17 legally recognised national minorities in BiH: Albanian, Czech, German, Hungarian, Italian, Jewish, Macedonian, Montenegrin, Polish, Roma, Romanian, Russian, Ruthenian, Slovak, Slovene, Turkish, and Ukrainian. Most of these minorities are very small and only the Roma minority is numerically significant. In the absence of a new census since 1991, and as a consequence of wartime displacements, the size of the Roma minority is unclear. Estimates range from 30,000 to 100,000.

As a socially, economically and politically marginalised group, Roma face diverse problems, including access to education and discrimination in employment and housing. Such difficulties have often been compounded by their displacement due to the war. Some Roma have registered as one of the constituent peoples in an attempt to avoid the problems associated with being a member of a national minority.

There are no political parties specifically representing minority interests, although some parties included candidates of “other” ethnicity on their lists. During the election campaign, Roma non-governmental organisations (NGOs) complained about the failure of political parties to address Roma concerns. Roma interlocutors asserted to the OSCE/ODIHR EOM that parties tend to address Roma concerns only at election time in order to attract votes. While it is difficult to assess Roma turnout on election day, interlocutors informed that disillusion and apathy with electoral politics among the Roma community was widespread.

## **XI. PARTICIPATION OF WOMEN**

An improved legal framework aimed to promote women’s rights. In 2003, the Law on Gender Equality was passed and a national Gender Action Plan was adopted by the Council of Ministers two weeks prior to the election. Gender Equality Agencies were created at all state levels and tasked with implementing these measures, but thus far achievements have been limited.

While there is good cooperation between Gender Agencies and an active women’s NGO sector, women in BiH remain underrepresented in political and public life. In the outgoing state government, one of nine ministers was a woman and was not seeking re-election.<sup>36</sup> The last general elections in 2002 elected 6 women deputies out of 42 members in the BiH HoR.

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<sup>36</sup> In each entity, two of sixteen ministers are female.

Due to replacements, the number of women increased to 11 at the time of the 2006 elections.<sup>37</sup>

In line with gender quota provisions in the election law, 37 percent of all candidates in the elections observed were women.<sup>38</sup> 67 women and 460 men were in first place on candidate lists for parliamentary seats. Three women also stood as independent candidates for the state presidency; two of them withdrew their candidacy shortly before the elections, in support of other male candidates.

While women candidates were visible on posters in Sarajevo (mostly at cantonal level), the overall participation of women in the election campaign was limited. Women candidates received five percent of airtime in the electronic media and two percent of coverage in the print media.

There are few prominent female politicians in BiH and women are not generally well represented in the decision making bodies of political parties. The only female chairperson of a party (Liberal Democratic Party, LDS) stood as a candidate, but the party failed to reach the necessary 3% threshold for representation. Also, the number of women elected does not correlate with the overall number of women candidates. In the open list system that is used, voters may indicate preferences for certain candidates on the party lists. In the elections observed, this led to over 30 women losing seats to men placed lower on the lists.

Such losses were, to some extent, offset by the allocation of compensatory mandates under closed lists. In the BiH HoR, two women won mandates in multi-member constituencies (MMCs) and four received compensatory seats. In the FBiH HoR, eight women won MMC mandates and 13 received compensatory mandates and in the RS NA, nine women won a MMC mandates and nine women received compensatory mandates. In all elections observed, women won 19 out of 165 available MMC mandates (11 percent) and 26 out of 58 available compensatory mandates (41 percent).<sup>39</sup> These results indicate that quotas for women on open candidate lists do not necessarily lead to an overall increase in the number of women elected.

The election law provides for ethnic balance but not for equal gender representation in the election administration. When the election law was last amended in April 2006, intensive lobbying by the State Gender Agency for inclusion of such provisions was unsuccessful. Nevertheless, women are to some degree involved at all levels of the election administration. Of seven CEC members, one is a woman. In 30 percent of MECs, the chairperson was female and in 32 percent of polling stations observed, the PSC was chaired by a woman. There also appeared to be a correlation in the overall evaluation of the voting process by observers; overall, the process in PSCs chaired by women was assessed as bad or very bad in 4 percent of cases, as opposed to a 7 percent bad or very bad evaluation in PSC chaired by men.

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<sup>37</sup> In the outgoing parliaments, 26 percent were women in the BiH HoR (11 out of 42), 23 percent in the FBiH HoR (23 out of 98), and 22 percent in the RS NA (18 out of 83).

<sup>38</sup> Article 4.19 of the Election Law states that “every candidates list shall include candidates of male and female gender. The minority gender candidates shall be distributed on the candidates list in the following manner: at least one (1) minority gender candidate amongst the first two (2) candidates, two (2) minority gender candidates amongst the first five (5) candidates, and three (3) minority gender candidates amongst the first eight (8) candidates etc. The number of minority gender candidates shall be at least equal to the total number of candidates on the list, divided by three (3) rounded up to the closest integer.”

<sup>39</sup> Therefore, the incoming parliaments will have 14 percent women in the BiH HoR (6 out of 42), 20 percent in the FBiH HoR (20 out of 98), and 22 percent in the RS NA (18 out of 83).

With the introduction of the passive voter registration system, the number of voters increased by more than 430,000. Interestingly, the number of male voters exceeded the number of female voters for the first time since 1996.<sup>40</sup> The CEC conceded that some older women might not have applied for the new CIPS ID card, thereby resulting in their exclusion from the CVR. In order to achieve an inclusive voter register, this issue needs to be addressed in the future.

## **XII. DOMESTIC AND INTERNATIONAL OBSERVERS**

The election law provides for both domestic and international observers, who are accredited by the CEC. Domestic non-partisan groups may observe if they are registered under the Law on Associations and Foundations. They must provide a signed statement that the association is not engaged in any activities on behalf of a political party.

Domestic observation was fragmented and the scope and methodologies of groups highly diverse. The CEC accredited 30 domestic NGOs to observe the elections with over 4,000 non-partisan observers. There were also almost 30,000 political party observers accredited by MECs. This contributed to the transparency of the election process.

Shortly before election day, the CEC decided to withdraw accreditation from two domestic observation organisations when it was found that their lists of accredited observers included people also accredited as political party observers. However, the CEC later amended its decision and decided to allow the two organisations' accreditations to stand, with the proviso that MECs should remove those individuals also accredited as party observers from the organisations' observer lists.

The NGO network OKO coordinated the activities of seven NGOs in conducting a nationwide election observation effort with more than 3,800 observers. While the groups involved in OKO carried out their observations according to a variety of methodologies, they made joint statements on their election day findings.

## **XIII. VOTING AND COUNTING**

### **A. VOTING**

Discussions regarding potentially low public interest in the elections and fears of low participation of voters on 1 October were prominent in the public domain during the election campaign. However, the election day turnout was 54.48 percent.

Voting on election day took place in a quiet environment, with the voting process conducted in a smooth and orderly manner. There were no reports from observers of any serious irregularities during the voting hours, although polling had to be suspended in a few isolated cases due to minor disputes. Frequent incidents of family or group voting were observed.

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<sup>40</sup> The overall percentage of women in the BiH population is estimated to be approximately 53%.

The opening of the polling stations was observed in 165 cases and was assessed positively in 92 percent of observations. 72 percent of polling stations opened on time at 7am. All remaining polling stations opened before 7:30 a.m. and delays were generally due to technical and organizational issues. Not all PSC members were present at opening in 8 percent of cases and not all voting materials were present in 9 percent of PSCs observed.

Party observers were present in 96 percent of PSCs at opening, representing a considerable oversight of the process and increasing transparency. However, it was reported that in 5 percent of cases not all people present at the opening had a clear view of the procedures. Some presence of unauthorized people was also noted (6 percent of cases), but this did not seem to have negatively affected the overall assessment of observations.

Certain procedural problems with the opening of polling stations were noted: in 21 percent of cases, PSCs did not manually count the ballots, in 15 percent of cases they did not sign the code of conduct, and in 11 percent of cases, the plastic security tie serial numbers were not entered into the accounting forms. These omissions seemed to be the result of lack of proper training rather than deliberate oversights.

Voting was observed in the course of nearly 1,800 visits to polling stations. Overall, observers assessed the conduct of voting as “good” or “very good” in 94 percent of the cases, but there were significant regional variations. Observers in Mostar assessed the voting process more negatively (10 percent bad or very bad) than in Sarajevo and Banja Luka (2 and 3 percent, respectively). There was, however, no regional variation between the FBiH and the RS. In addition, no difference in the overall assessment was found between rural and urban areas.

In 55 percent of polling station visits, observers noted the cases of voters being turned away because their name was not on the voter register extract. This mainly occurred due to the fact that voters were coming to wrong polling stations (19 percent) or due to their not being on the voter list regardless of the fact that by their address, they should have been included in the extract for that particular polling station (17 percent).<sup>41</sup> In a smaller number of polling stations (10 percent) some voters were observed coming to vote without a valid ID document.

Outside polling stations, observers noticed lines of voters waiting to vote, especially early in the day and in urban areas. However, tension and unrest outside of polling stations was limited to only 1 percent of cases. There were no instances of campaigning noted during election day and campaign materials were noted in the vicinity of polling stations in 5 percent of cases. Observers also reported that the size and setup of polling stations was inadequate for voting in 12 percent of cases. Partly related to this issue, overcrowding was noted in polling stations in 9 percent of the observations.

During the voting, observers noted that PSCs did not always follow the requirement to have entered the serial numbers of the plastic security ties in 11 percent of observations. In 3 percent of polling stations, ballot boxes were observed not to be properly sealed. Intimidation of voters was observed in a 0.4 percent of polling stations. Tension and unrest during the voting process was witnessed in 2 percent of observations. Attempts to influence voters' choices was recorded in 2 percent of cases, while in 2 percent (29 isolated incidents), observers noted that a PSC member was directing voters for whom to vote. The presence of unauthorized people was noted in 4 percent of polling stations observed.

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<sup>41</sup> For instance, in Slavinovici, 50 people were turned away in the half hour that observers were present.

Voting procedures were conducted generally smoothly. However, some omissions were noted. PSCs did not inform voters of the voting procedures in 30 percent of polling stations observed. Of concern was the fact that in 19 percent of polling stations, voters did not mark their ballots in secret. Family or group voting occurred in 33 percent of polling stations observed. This phenomenon continues to undermine the right of voters to cast their ballots in privacy.

Positively, OSCE/ODIHR observers were given full access to all polling stations and were able to observe all elements of the voting process without restriction. In 99 percent of cases, observers received answers from PSCs and in 98 percent, the ballot box was visible to all present.

Voting was suspended in a few polling stations (1 percent), but was promptly resumed in all instances observed. Only isolated incidents were recorded on election day. In Sapna, a fight erupted between a PSC member and the PSC chairperson, which required police intervention. The MEC resolved the problem by replacing all PSC members with their deputies and reopened the polling station. In Srebrenik, the MEC chairperson reported attempts to pressure PSCs in two polling stations by SDA activists. This led to a temporary closing of the polling station in Tinja, which was later resolved. Official complaints were filed during election day in 3 percent of polling stations visited.

In a number of cases, observers noticed the presence of more than one party observer from the same party, whereas the law provides for maximum of one in each respective constituency. Some interlocutors were concerned prior to election day that such occurrences might have a negative effect on the voting process, but there appeared to be no clear impact.

## **B. VOTE COUNT AND TABULATION**

The vote count was assessed by observers more critically than voting and the election process deteriorated after the closing of polls; 24 percent (out of 134 observations) of the vote count assessed it as either 'bad' or 'very bad'. To a large extent, the poor performance could be explained by a lack of experience and appropriate training for most PSC members. Such a finding is borne out by observers' assessments of the understanding of procedures by PSC members; these were noted as 'bad' or 'very bad' in 33 percent of cases. The organization of counting was also assessed to be 'bad' or 'very bad' in 39 percent of polling stations observed.

While only two cases of deliberate fraud were observed, serious irregularities were found in 10 percent of cases in addition to significant procedural omissions and errors in 20 percent of the counts observed. Ballot stuffing was observed in a polling station in Livno, which the PSC tried to conceal. In a polling station in Zvornik, PSC members and party observers assigned preferences on ballots during the count to voters who had expressed none, in order to influence the ordering on the open lists of particular parties.

Frequently, key procedures were not followed and important safeguards against irregularities were not implemented. This included both procedures before the opening of ballot boxes and during the counting of the ballots. In a substantial number of polling stations (24 percent), the unused ballot papers were not counted and recorded in the accounting form. In 11 percent of cases, the number of voter signatures was also not recorded before the opening of the ballot

box. Importantly, in 8 percent of polling stations, the numbers of the plastic security ties were not the same as those recorded at the opening of the polling station. More ballots than voters who had signed the voter list were found in 13 polling stations (10 percent). In a few cases (8 percent), controversy was observed when determining the validity of the ballots.

The large number of forms to be completed represented a challenge for many PSCs; 38 percent of those observed had difficulty in completing the numerous protocols (Summary of Results Forms). In a substantial number of polling stations (20 percent), the results did not reconcile and in 9 percent of cases, “appropriate” changes were made without any recount. In 14 percent of the vote counts observed, unauthorized people were observed to be either directing or interfering in the process.

The tabulation of PSC results presented serious difficulties for many MECs. The unexpectedly long counts in polling stations led to a delay in delivery of PSC results protocols to the MECs. Thus, the majority of MECs were not able to deliver their protocols to the CEC within the legally prescribed 24 hours. Moreover, nine of them were unable to deliver the original protocols to the CEC before noon on 5 October.<sup>42</sup>

As a result, the CEC was only able to publish partial results for all levels of parliamentary election at 16:00hrs on 3 October.<sup>43</sup> These preliminary results were based on 85.61 percent processed votes from the RS and 70.92 percent processed votes from the FBiH.<sup>44</sup> The lack of detailed instructions from the CEC on the tabulation procedures meant that the process was highly inconsistent; rather than starting immediately, half of all MECs observed by the EOM commenced tabulation only after collecting all PSC protocols and materials in their municipality.

Special categories of voters (absentee, mobile, tendered ballots, out-of-country) required the organization of specialized polling stations and a subsequent separate count at a Main Counting Centre (MCC) in Sarajevo. These votes were delivered in special envelopes after the close of polls to the MCC. The CEC meticulously regulated the work of the MCC in order to ensure a transparent and accountable count of the special votes. They also provided for a second count as a control mechanism and for an audit of all results, broken down by polling station. It was anticipated that the MCC would work for more than a week following the election and would, therefore, delay the determination of the final results by about 15 days. This time period may be too long, especially given the possibility that differences in the preliminary and final allocation of seats may undermine public confidence.

The transparency of the vote count was heightened by the large presence of political party observers, which were noted in 94 percent of polling stations at the count. NGO observers, on the other hand, were present in only one fourth of cases (26 percent). However, the legal provisions for posting a copy of the PSC protocols and for issuing copies of protocols to observers were largely neglected; copies of protocols were not posted in 39 percent of cases, while in 43 percent of observations, observers were refused copies of the protocols (due to a lack of forms, in most cases).

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<sup>42</sup> Orasje, Usora, Doboj Jug, Tuzla, Bosansko Grahovo, Srebrenica, Zenica, Stari Grad Sarajevo and Hadzici.

<sup>43</sup> Although there is no legal requirement for the CEC to publish preliminary results, such information could increase public confidence to a significant degree.

<sup>44</sup> The CEC updated this information on the evening of 5 October, reporting on 99 percent processed votes in the RS and 92 percent processed votes in the FBiH.



Tension and unrest was observed in 5 percent of the polling stations visited at closing, while observers did not have a full view of closing and counting procedures in 10 percent of cases. Official complaints were only lodged at 5 polling stations.

Due to the exceedingly long count in many polling stations, observers were only able to partly follow the tabulation procedures at MECs. Their overall assessment was considerably more positive than for the work of the PSCs. They rated the tabulation process as 'good' or 'very good' in 90 percent of MECs visited. The MECs' understanding of the tabulation procedures was found to be bad or very bad in only 4 percent of cases. It was rated as 'fairly good' in 12 percent and as 'good' or 'very good' in another 84 percent of cases. The organization of the tabulation in MECs was assessed as 'bad' or 'very bad' only in 4 percent of MECs visited.

In 12 of the MECs observed, uniform police were present during the count, for security reasons as assessed by observers. In 2 MECs, unauthorized persons (a local official in one case) directed the work of the MEC.

The handover of material and the tabulation at the MEC level was generally conducted in line with established procedures. However, in 19 percent of cases, MECs did not thoroughly scrutinize the PSCs' election materials and forms. In 9 percent of the MECs, serious discrepancies in PSC protocols were reported. Only in 3 MECs were official complaints lodged. In no instance were observers obstructed in their observations.

### **C. INVALIDATION OF POLLING STATION RESULTS AND CONDUCT OF RE-RUNS**

On 21 October, the CEC announced that it had ordered recounts of preference votes in three polling stations following its consideration of 65 complaints asking for a recount. The recounts led to two changes in results; for example in Bosansko-Podriniski canton, the initially elected SBiH candidate lost his mandate in favour of another SBiH candidate. Parties appealed the CEC decisions to the Appellate Division in 20 cases and the court upheld all CEC decisions.

Five complaints on other issues were also submitted, but were rejected by the CEC. The court upheld the CEC's decisions as well as five complaints and appeals on the announcement of the election results.

## **XIV. ANNOUNCEMENT AND PUBLICATION OF ELECTION RESULTS<sup>45</sup>**

The election law fixes a single deadline of 30 days following the election for the verification of final results, following the finalization of a complaints and appeal process. The CEC is empowered to establish regulations for the validation of the election results at all levels and also to make them public (including by PS). With the latest election law amendments, the obligation of the CEC to establish time limits for the announcement of the results was abolished (Art. 5.29, par. 3). Instead, the CEC established a very generous deadline of 20 days following election day for the announcement of results, as per art.7 of its Instruction for the Handover, Processing, Control, Announcement and Verification of Results.

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<sup>45</sup> Please see Annex 1.

Another CEC Instruction provided for the collection of results from the first count (for the BiH Presidency) by MECs by 23:00 on election night and for the announcement of preliminary partial results from the BiH Presidency election at midnight. Unfortunately, many of the MECs did not send the information on time and the CEC was only able to provide results figures based on 60 percent of PSs from the RS and 40 percent in the FBiH. Late on 2 October, the CEC announced more detailed results for the BiH presidential race.

The preliminary results for the HoR elections at the state and entity level appeared on the CEC website on 5 October and were based on more than 99 percent of the votes in the RS and 92 percent in the FBiH. Final results at all levels were announced and published on the CEC website on 27 October, within the stipulated deadline.<sup>46</sup> For reasons that are unclear, the invalid votes in the presidential elections were not published as of the date of announcement of final results. The election results, broken down by polling station, were published with significant delay on the CEC website.

Further, the election law does not stipulate a procedure for the allocation of mandates in the event that a party/coalition compensatory list is shorter than the number of compensatory seats won by that party/coalition. For instance, in the RS NA election the SBiH won three compensatory seats having only three candidates on the compensatory mandate list. One of these was elected directly and, thus, only 82 of the 83 NA seats have been allocated.

## **XV. RECOMMENDATIONS**

The OSCE/ODIHR is offering for consideration by the authorities of Bosnia and Herzegovina, in conjunction with political parties and civil society, the following recommendations on desirable improvements of electoral practices. They should be read together with the recommendations contained in previous OSCE/ODIHR Final Reports.

### **A. LEGAL FRAMEWORK**

1. Provisions of the constitution and of the election law that discriminate against certain citizens on the basis of their ethnicity should be eliminated. All citizens of BiH should have the right to stand for any office or to vote on equal terms.
2. Consideration should be given to establishing clear legal grounds in the election law for the application of specific sanctions for election-related infractions.
3. The election law provides the CEC with the right to decertify candidates/parties, but fails to specify concrete violations considered sufficiently serious to warrant such action. This allows potential abuse and disproportioned punishment. It is recommended that candidate/party registration revocation is limited to cases where legal requirements for candidacy are not fulfilled. Articles 6.7 and 6.10 should be amended accordingly.
4. Legal provisions that would sanction the abuse of public resources by incumbents should be considered and introduced into the state's legal framework.

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<sup>46</sup> An attempt to announce the final results on 13 October failed. The CEC cancelled the planned press conference and explained that during the control check, some results did not reconcile at the MCC. Upon the request of the MCC, the CEC ordered a recount in relevant PSs.

5. Adoption of a state law on political parties is recommended for the uniform regulation of registration and activities of political parties throughout the country.
6. Consideration should be given to amending article 9.9 of the election law to introduce a mechanism for filling vacancies in mandates held by independent candidates if the next regularly scheduled general elections are to be held later than 12 months of the date of the vacancy. This is especially important for the BiH HoR, which has only 42 members.
7. The removal of the restriction established in the election law that prohibits voters from signing in support of more than one candidacy should be considered.
8. Amendments to the election law and the law on administrative disputes should be contemplated to enable parties to present their argumentation and evidence in public hearings. Such a measure would further contribute to the transparency of dispute resolution.
9. Clear deadlines for the adjudication of media-related complaints should be considered, as there is currently a gap in the legislation regarding this issue. The election law should be amended accordingly.
10. Consideration should be given to revising the election law to recognize as DPs all voters who are on the Ministry for Human Rights and Refugees' DP list at the time of the initial publication of the CVR excerpts.
11. Provisions of the Law on the BiH Court and the Law on Administrative Disputes concerning the Appellate Division of the BiH Court should be harmonized to remove existing discrepancies.

## **B. ELECTION ADMINISTRATION**

12. For the races in which a minimal number of seats for each constituent people is required (elections to the House of Representatives of FBiH and to the National Assembly of RS), re-allocation rules should be revised to permit the participation of independent candidates at the re-allocation procedure and to ensure adherence to the proportionality of the St. Lague method.
13. While precisely formulating rules for determining the number of mandates per multi-member constituency for different proportional races, the election law fails to fix deadlines for the procedure (except for the BiH HoR). The prescribed proportionality was not respected during the general elections.<sup>47</sup> It is recommended that the number of mandates per constituency be announced in parallel with elections being called and on the basis of the updated CVR.
14. Consideration should be given to revising the number of support signatures required for certification of independent candidates (fixed at 1,000 for the FBiH HoR). A commonly

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<sup>47</sup> For the BiH HoR elections, constituency no. 1 in the RS had almost two times more voters than constituency no. 3 but the same number of mandates (3). FBiH constituency no. 8 elected 9 deputies to the FBiH HoR with less voters than constituency no. 11, which had only 7 elected deputies.

accepted maximum is 1 percent of the total number of voters in the relevant constituency (in the case of constituency 12 for the FBiH HoR elections, this number would be 506).<sup>48</sup>

15. It is recommended that a detailed and transparent procedure for verifying support signatures by the CEC be legally provided, ensuring consistency and uniformity of the verification process.
16. While providing equal conditions for all political subjects to participate in the formation of PSCs, the current system presents certain deficiencies related to the difficulty of some smaller parties to nominate the necessary number of PSC members. Consideration should be given to a possible revision of these provisions, possibly by restricting the number of political subjects entitled to nominate PSC members (e.g., those represented at a relevant level of authority). Such a measure would not appear to be discriminatory, since the possibility to accredit party (candidate) observers to each PSC would remain.
17. An increased number of PSC members could ensure better performance. The same principle could apply to MECs in large municipalities.
18. Adequate training materials and, in particular, a specific training manual should be developed by the CEC for each election. Such a manual could cover the work of PSCs on election day and be used during the training process and on election day. Greater emphasis should be placed on the training of PSCs, overall.
19. Detailed CEC regulations for the tabulation process at the MEC level could ensure the desired consistency and uniformity of procedures and a faster computerized processing of the PSCs' results protocols. Continuous transmission of the data from the processed PSC results protocols by the MECs to the CEC could be provided for, thus offering the possibility of timely publication of preliminary results per PS on the CEC website. If the 24 hour deadline for delivery of MEC consolidated results to the CEC is to remain, a 48 hour deadline could be considered and introduced for the publication of complete preliminary results by the CEC, based on MEC protocols.
20. Voting by tendered ballot further complicates an already complex electoral system. Possibilities could be explored to eliminate this measure and other means sought to ensure the right to vote of persons affected by such a decision.
21. 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 Main Counting Centre in Sarajevo should be accelerated and a reasonable deadline (5-7 days) for producing the final election results established.
22. The CEC should publish all protocols on its website as soon as they are electronically documented, to increase transparency and trust in the process of tabulation of the results.

### **C. CAMPAIGN REGULATIONS**

23. In order to ensure compliance with election law provisions regulating campaign financing, the CEC's Department of Financial Audits could be provided with the authority to carry

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<sup>48</sup> See, for example, Venice Commission Code of Good Practice in Electoral Matters, p. 25.

out full audits of parties' reports on campaign income and expenditure, according to appropriate international auditing standards. Such audits should go beyond mere checking for obvious irregularities in the financial reports and could include mechanisms to check whether all campaign expenditures are disclosed in the submitted reports.

**D. PARTICIPATION OF WOMEN**

24. Provision for gender representation at all levels of the election administration might be introduced in the election law.

**E. PARTICIPATION OF NATIONAL MINORITIES**

25. The authorities should implement the OSCE Action Plan on Roma and Sinti, especially Chapter VI, "Enhancing Participation in Public and Political Life".
26. Voter education programmes for national minority communities (especially Roma) could be considered, involving both local NGOs and the relevant authorities.

**F. MEDIA**

27. Consideration should be given to providing clearer guidelines that might encourage more creative and lively coverage of the election campaign. The CRA should act to reassure broadcasters that they will not be sanctioned provided that their overall coverage was fair and equitable.
28. The CRA should consider promoting media-related provisions of the election law during the campaign, including equitable news coverage of political parties and candidates, taking effective action against violations. The establishment of a systematic media monitoring during an election campaign period would assist the CRA in this task.
29. The independence of public broadcasters could be further strengthened, including the further development of impartial editorial practices, in order to provide the public with balanced coverage of political opinions during an election period.
30. Media should not be liable for unlawful statements made by candidates or party representatives and broadcast during the course of an election campaign (with the exception of those that constitute clear and direct incitement to violence). Individuals should be held solely responsible for any such statements made.

## ANNEX 1 – ELECTION RESULTS

### BiH PRESIDENT

#### Bosniak Member:

**Valid Votes: 558,192**

**(Regular: 547,729. Postal: 7,212. Absentee: 2,640. Confirmed tendered: 611.)**

No	Candidate Name	Party Affiliation	Number of Votes	Percent
1	BEŠĆO, ALIBEGOVIĆ	Independent Candidate	2,670	0.48%
2	ADIL, ŽIGIĆ	Independent Candidate	1,245	0.22%
3	CENGIC, MUHAMED	NSRzB (Through Work to Betterment)	4,466	0.80%
4	SILAJDŽIĆ, HARIS	SBIH (Party for BiH)	350,520	62.80%
5	TIHIĆ, SULEJMAN	SDA (Party for democratic Action)	153,683	27.53%
6	AJANOVIĆ, MIRNES	PB BOSS (Patriotic Bloc BOSS) - SDU BIH	45,608	8.17%

#### Croat Member:

**Valid votes: 293,383**

**(Regular: 289,569. Postal: 1,719. Absentee: 1,458. Confirmed tendered: 637.)**

No	Candidate Name	Party Affiliation	Number of Votes	Percent
1	JAVOR – KORJENIĆ, IRENA	Independent Candidate	2,143	0.73%
2	JOVIĆ, IVO MIRO	HDZ (Croat coalition, HNZ)	76,681	26.14%
3	IVANKOVIĆ – LIJANOVIĆ, MLADEN	NSRzB (Through Work to Betterment)	24,822	8.46%
4	JURIŠIĆ, ZVONKO	HSP BIH (Croat Party of Law) -ĐAPIĆ - DR. JURIŠIĆ	20,350	6.94%
5	KOMŠIĆ, ŽELJKO	SDP BIH (Social Democratic Party)	116,062	39.56%
6	LJUBIĆ, BOŽO	HDZ 1990 (Croat Democratic Union 1990)	53,325	18.18%

#### Serb Member:

**Valid votes: 540,173**

**(Regular: 521,331. Postal: 11,549. Absentee: 5,393. Confirmed tendered: 1,900)**

No	Candidate Names	Party Affiliation	Number of Votes	Percent
1	RADMANOVIĆ, NEBOJŠA	SNSD (Party of Independent Social Democrats)	287,675	53.26%
2	BOSIĆ, MLADEN	SDS (Serb Democratic Party)	130,824	24.22%
3	BAKIĆ, RANKO	NSRzB (Through Work to Betterment)	18,302	3.39%
4	RISTIĆ, BRANISLAV	Independent Candidate	2,143	0.40%
5	UDOVIČIĆ, SVJETLANA	Independent Candidate	2,847	0.53%
6	JOVIČIĆ, JUGOSLAV	SDP BIH (Social Democratic Party)	22,245	4.12%
7	AVDALOVIĆ, SNEŽANA	Independent Candidate	2,753	0.53%
8	KANJERIĆ, RADISLAV	SRS DR VOJISLAV ŠEŠELJ (Serb Radical Party)	19,849	3.67%
9	DRAGIČEVIĆ, SLAVKO	PB BOSS (Patriotic Bloc BOSS) – SDU BIH	10,410	1.93%
10	TEŠANOVIĆ, ZORAN	PDP RS (Party of Democratic Progress)	26,818	4.96%
11	ĐURIĆ, NEĐO	DEPOS-DPS	16,307	3.02%

## BIH HOUSE OF REPRESENTATIVES

### FBiH Voters:

Valid votes: 853,372

(Regular: 838,903. Postal: 9,031. Absentee: 4,171. Confirmed tendered: 611.)

Invalid votes: 68,492 (7.43%)

No	Political Party/Coalition	Number of Votes	Percent	Seats	Direct	Comp. seats
1.	<a href="#">SDA</a> (Party for Democratic Action)	217,961	25.54%	8	7	1
2.	<a href="#">SBIH</a> (Party for BiH)	196,230	22.99%	7	6	1
3.	<a href="#">SDP BIH (Social Democratic Party)</a>	131,450	15.40%	5	4	1
4.	<a href="#">HDZ (Croat Democratic Union)- Croat coalition - HNZ</a>	68,188	7.99%	3	2	1
5.	<a href="#">HDZ 1990 (Croat Democratic Union 1990) HZ-HSS-HKDU-HDU</a>	52,095	6.10%	2	1	1
6.	<a href="#">BPS (Bosnian Herzegovina Patriotic Party) - SEFER HALILOVIC</a>	37,608	4.41%	1		1
7.	NSRzB (Through Work to Betterment)	27,487	3.22%	1		1
8.	DNZ (People's Democratic Union)	16,221	1.90%	1	1	

### RS Voters:

Valid votes: 558,814

(Regular: 534,173. Postal: 13,311. Absentee: 9,288. Confirmed tendered: 2,042.)

Invalid votes: 33,027 (5.58%)

No	Political Party/Coalition	Number of Votes	Percent	Seats	Direct	Comp Seats
1.	<a href="#">SNSD - MILORAD DODIK</a> (Party of Independent Social Democrats)	262,203	46.92%	7	6	1
2.	<a href="#">SDS</a> (Serb Democratic Party)	108,724	19.46%	3	3	
3.	<a href="#">PDP (Party of Democratic Progress)</a>	28,410	5.08%	1		1
4.	<a href="#">SBIH</a> (Party for BiH)	23,257	4.16%	1		1
5.	<a href="#">SDA</a> (Party for Democratic Action)	20,514	3.67%	1		1
6.	<a href="#">DNS</a> (Democratic People's Union)	19,868	3.56%	1		1

## FBiH HOUSE OF REPRESENTATIVES

**Valid votes: 858,105**

**(Regular: 843,385. Postal: 9,075. Absentee: 4,355. Confirmed tendered: 1,290.)**

**Invalid votes: 64,020 (6.94%)**

No	Political Party/Coalition	Number of Votes	Percent	Seats	Direct	Comp. seats
1.	<a href="#">SDA</a> (Party for Democratic Action)	218,365	25.45%	28	23	5
2.	<a href="#">SBIH</a> (Party for BiH)	190,148	22.16%	24	19	5
3.	<a href="#">SDP BIH</a> (Social Democratic Party)	130,204	15.17%	17	13	4
4.	<a href="#">HDZ (Croatian Democratic Union) – Croat Coalition - HNZ,HSP</a>	64,906	7.56%	8	7	1
5.	<a href="#">HZ (HDZ 1990 HZ-HSS-HKDU-HDU-Demokršćani)</a> (Croat Union)	54,210	6.32%	7	5	2
6.	<a href="#">BPS (Bosnian-Herzegovinan Patriotic Party) – SEFER HALILOVIĆ</a>	35,223	4.10%	4	1	3
7.	<a href="#">PB BOSS (Patriotic Bloc BOSS) - SDU BIH</a>	27,200	3.17%	3	1	2
8.	<a href="#">NSRzB</a> (Through Work to Betterment)	27,132	3.16%	3		3
9.	<a href="#">HSP ĐAPIĆ-JURIŠIĆ NHI</a> – Coalition for Equal Rights	21,152	2.46%	1	1	
10.	<a href="#">DNZ</a> (People's Democratic Union)	16,014	1.87%	2	2	
11.	SNSD (Party of Independent Social Democrats)	12,564	1.46%	1	1	

## RS NATIONAL ASSEMBLY

**Valid votes: 564,200**

**(Regular: 539,568. Postal: 13,273. Absentee: 9,279. Confirmed tendered: 2,080.)**

**Invalid votes: 27,931 (4.72%)**

No	Political Party/Coalition	Number of Votes	Percent	Seats	Direct	Comp. Seats
1.	<a href="#">SNSD</a> (Party of Independent Social Democrats)	244,251	43.29%	41	32	9
2.	<a href="#">SDS</a> (Serb Democratic Party)	103,240	18.30%	17	13	4
3.	<a href="#">PDP (Party of Democratic Progress)</a>	38,681	6.86%	8	6	2
4.	<a href="#">DNS</a> (Democratic People's Union)	22,780	4.04%	4	3	1
5.	<a href="#">SBIH</a> (Party for BiH)	22,642	4.01%	4	1	3
6.	<a href="#">SP</a> (Socialist Party)	20,031	3.55%	3	3	
7.	<a href="#">SDA</a> (Party for Democratic Action)	19,137	3.39%	3	1	2
8.	<a href="#">SRS-RS</a> (Serb Radical Party)	16,454	2.92%	2	2	
9.	<a href="#">SDP BiH (Social Democratic Party BiH)</a>	14,079	2.50%	1	1	



## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (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).

The 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 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance and non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The 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 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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](http://www.osce.org/odihr)).