



Office for Democratic Institutions and Human Rights

BOSNIA AND HERZEGOVINA

GENERAL ELECTIONS

12 October 2014

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

24-27 June 2014



Warsaw
28 July 2014

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**BOSNIA AND HERZEGOVINA
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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an official invitation from the Central Election Commission of Bosnia and Herzegovina (BiH) to observe the 12 October 2014 general elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 24 to 27 June. The NAM included Nicola Schmidt, Deputy Head of the OSCE/ODIHR Election Department, Richard Lappin, OSCE/ODIHR Senior Election Adviser, Tamara Otiashvili, OSCE/ODIHR Election Adviser, and Francesco Pagani, Senior Policy Analyst with the OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs and the OSCE Mission to BiH for their assistance and co-operation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM.

II. EXECUTIVE SUMMARY

The 12 October general elections will be held under a complex institutional arrangement within a state separated into two entities: the Federation of BiH (FBiH) and Republika Srpska (RS). At the state level, citizens will vote for the BiH Presidency and the BiH House of Representatives. At the entity level, citizens will vote for the FBiH House of Representatives, the RS President and Vice President, and the RS National Assembly. In addition, elections will be held for ten Cantonal Assemblies in the FBiH.

The elections will take place against a background of political and socio-economic tensions, which has included large-scale protests stemming from high unemployment and allegations of corruption. The European Union, with which BiH has signed and ratified a Stabilization and Association Accord, has expressed concern that short-term party and ethnic interests are prevailing over future-oriented policies to improve conditions within the country. Partly due to residence and ethnicity-based limitations to suffrage, most political parties continue to orient themselves towards their own ethnic communities.

General elections are primarily regulated by the Constitution and election law. Amendments to the legal framework in 2014 increased the gender participation quota to 40 per cent both in the election administration and candidate lists, transferred competencies for deciding on conflicts of interests for elected offices from the Central Election Commission (CEC) to a parliamentary commission, and altered RS municipality names in line with a Constitutional Court decision. Although some prior OSCE/ODIHR recommendations have been met, most

OSCE/ODIHR NAM interlocutors questioned the extent of the changes, and the inclusivity of the process.

Significant deviations in constituency size impact state and entity-level elections, making the vote weight unequal. Despite a legal obligation, the authorities have not reviewed constituency boundaries for several years, drawing criticism from some OSCE/ODIHR NAM interlocutors.

The upcoming elections will be organized by three levels of election administration: the CEC; 142 Municipal Election Commissions, and some 5,300 Polling Station Commissions (PSCs). While OSCE/ODIHR NAM interlocutors expressed a high level of confidence in the CEC, concerns were raised about PSCs ability to perform their duties impartially and of possible manipulations on election day, particularly during the vote count.

Voters are automatically included in the Central Voter Register (CVR), which is maintained by the CEC. However, those temporarily residing abroad and those who are internally displaced have to register for each election. Voters' rights, however, are limited by their place of residence; RS voters can only vote for a Serb candidate for the BiH presidency, while voters in the FBiH can only vote for either a Bosniak or Croat candidate. Several OSCE/ODIHR NAM interlocutors noted that a large number of residents in Brčko district are reluctant to choose an entity citizenship, which would result in them losing their suffrage rights.

Candidates can be nominated by political parties, coalitions, or they can stand as independent candidates. The legal framework enshrines ethnicity-based restrictions on the right to stand for office, with citizens that do not identify themselves as Bosniak, Croat or Serb barred from standing for the BiH and RS presidencies. The OSCE/ODIHR and the European Court of Human Rights have previously recommended that the law be amended to remove ethnicity and residency based limitations.

The election campaign officially starts on 12 September and is expected to be vibrant. Although no OSCE/ODIHR NAM interlocutors raised concerns about the ability to campaign freely, some concerns were expressed about biased media coverage of campaign, the potential misuse of state administrative resources, and an increase in nationalist rhetoric and inflammatory statements.

Campaign finance is regulated by law, including the submission of financial reports to the CEC within 30 days of the official results. However, a number of prior recommendations by the OSCE/ODIHR and the Council of Europe's Group of States against Corruption remain unaddressed, including in respect of the transparency of donations, the monitoring capacity of the CEC, and the range of available sanctions.

Although the media environment includes a wide range of broadcasters and print media, it is segmented along ethnic and political lines. Several OSCE/ODIHR NAM interlocutors expressed concern about partisan editorial policies in public and private media, as well as noting physical attacks and other forms of pressure on journalists. The law requires broadcasters to cover elections in a fair, balanced, and impartial manner, providing contestants with equitable access. Free airtime is provided to candidates on the public broadcaster.

In line with OSCE commitments, the law provides for citizen and international observers, as well for authorized representatives of registered candidates and political parties. Seven citizen observer groups have established a coalition to observe these elections.

All OSCE/ODIHR NAM interlocutors expressed interest in a possible OSCE/ODIHR election observation activity. State representatives emphasized that the electoral process would be transparent and that OSCE/ODIHR observation and recommendations for potential improvement would be welcome. Other interlocutors requested that the OSCE/ODIHR deploy a large number of observers to cover all stages of the electoral process, with a particular emphasis on the conduct of the campaign, media coverage, and election day procedures.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an election observation mission for the upcoming general elections. In addition to a core team of experts, the OSCE/ODIHR will request the secondment by OSCE participating States of 20 long-term observers to follow the election process countrywide, as well as 300 short-term observers to follow election day procedures, including voting, counting of votes and tabulation of results. Concurrent cantonal assembly elections will be observed only to the extent that they have an impact on the overall conduct of the general elections.

III. FINDINGS

A. BACKGROUND

Bosnia and Herzegovina (BiH) is composed of two entities: the Federation of BiH (FBiH) and Republika Srpska (RS). In addition, Brčko district functions under a decentralized system of local government.¹ Ethnic divisions are determining factors in the country's political discourse. Partly due to residence and ethnicity-based limitations to suffrage, most political parties orient themselves towards their own ethnic communities: the Alliance of Independent Social Democrats (SNSD), the Serb Democratic Party (SDS), the Party of Democratic Progress (PDP) and others compete for the Serb votes; the Party of Democratic Action (SDA), the Party for BiH (SBiH), Alliance for Better Future (SBB) and others appeal to Bosniaks; and the Croatian Democratic Union of BiH (HDZ BiH), HDZ-1990, the Croatian Party of Right of BiH (HSP) and others largely focused on the Croat vote. The Social Democratic Party (SDP) purports a more multi-ethnic approach, although its support base has traditionally been among Bosniaks.

In 2008, BiH signed a Stabilization and Association Agreement with the European Union (EU), which has not yet entered into force. In its 2013 Progress Report, the EU expressed concern that "short-term party or ethnic interests have been prevailing over a future-oriented policy of anchoring Bosnia and Herzegovina in the EU," and noted the lack of "a credible effort in implementing the European Court of Human Rights judgment in the *Sejdic-Finci* case regarding discrimination against citizens on the grounds of ethnicity."² In February 2014, the EU launched a facilitation process to assist the country's political representatives in reaching a compromise agreement to implement this judgment and to bring the Constitution and election law into compliance with the European Convention on Human Rights. However, there has not been consensus on the issue and the upcoming elections are expected to be held under the current constitutional arrangements.

¹ The self-governing administrative unit of Brčko is formally under the sovereignty of BiH but still remains under the supervision of the Brčko Final Award Office (BFAO) of the Office of the High Representative (OHR).

² The European Union Progress Report on Bosnia and Herzegovina, 16 October 2013, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/bosnia_and_herzegovina_2013.pdf.

In recent months, a range of issues have impacted the political environment. These included large-scale, socio-economic protests in FBiH stemming from high unemployment, allegations of corruption and general economic decline. On 12 February, the SDP submitted a proposal to the parliament to introduce a change in the legislation to allow for early elections. The RS president opposed this initiative and claimed that it would destabilize the entity and that the unrest in FBiH did not influence the RS. The political landscape was further impacted by devastating floods in May, bringing socio-economic issues to the forefront, which are likely become significant elements of the electoral campaign.

On 15 May 2014, the Central Election Commission (CEC) announced that general elections would be held on 12 October, in line with the legal deadline. These elections will be the third general elections following the 1992-95 war to be fully administered by the BiH authorities.

The OSCE/ODIHR has observed elections in BiH since 1996.³ For the 3 October 2010 general elections, the OSCE/ODIHR deployed an election observation mission, which found that elections “were generally conducted in line with OSCE and Council of Europe commitments, but certain key areas require further action.”

B. LEGAL FRAMEWORK

The legal framework is complex, reflecting the unique constitutional arrangements agreed in the 1995 General Framework Agreement for Peace (Dayton Agreement). The Constitution recognises Bosniaks, Croats and Serbs as ‘constituent peoples,’ on the basis of self-declaration, with those citizens not declaring their nationality defined as ‘others.’ While some powers are granted to state-level institutions, most are vested in entity-level institutions. The Office of the High Representative, an international body mandated to oversee the implementation of the Dayton Agreement, retains extensive powers including the power to impose legislation and remove any official obstructing the peace process.

General elections are primarily regulated by the Constitution and election law. The legal framework also includes the Law on Financing Political Parties, the Law on Citizenship, the Law on Conflict of Interest, as well as regulations issued by the CEC.

Since its adoption in 2001, the election law has undergone substantial changes, with the most recent amendments enacted in 2014. One amendment increased the gender participation quota to 40 per cent both in election administration and in candidates’ lists. This amendment aimed to harmonize the election law with the Law on Gender Equality, an issue raised in past OSCE/ODIHR recommendations. Another amendment altered the names of municipalities in the RS, in line with a Constitutional Court decision that ruled that state-level law had to be harmonized with the law in the RS.⁴ In addition, on 19 November 2013, the Law on Conflict of Interest was amended, transferring the mandate for implementing this law from the CEC to the newly established parliamentary commission.⁵ Some OSCE/ODIHR interlocutors questioned the commission’s ability to fulfil its duties in a timely and impartial manner.⁶

³ All previous OSCE/ODIHR reports on BiH are available at: <http://www.osce.org/odihr/elections/bih>.

⁴ On 26 June 2011, the Constitutional Court ruled that provisions of Article 9.3 of the election law were not in line with the Constitution, as the names of the municipalities did not correspond to those prescribed by the Law on Territorial Organization of the RS. The court annulled Article 9.3 on 13 February 2013.

⁵ The OSCE/ODIHR previously recommended amending the Law on Conflict of Interest “in a way that another competent authority implements its provisions and the CEC, thus relieved, can focus solely on election related matters.”

Although the majority of interlocutors met with by the OSCE/ODIHR NAM noted that recent amendments met some prior OSCE/ODIHR recommendations, they questioned the extent of the changes, and the inclusivity of the process. As a number of prior recommendations remain unaddressed, they recognized the need for continued electoral reform and consideration of OSCE/ODIHR recommendations after the general elections.

C. ELECTORAL SYSTEM

Under the complex institutional and electoral system, six distinct contests will take place in these elections. At the state level, citizens will vote for the BiH Presidency and BiH House of Representatives (BiH HoR). At the entity level, citizens will vote for the FBiH House of Representatives (FBiH HoR), RS President and Vice President, and RS National Assembly (RS NA). In addition, elections will be held for ten Cantonal Assemblies in the FBiH.

The BiH Presidency is a three-member institution and is elected for a four-year term, with the presidency rotating every eight months among its members from each of the ‘constituent peoples.’⁷ They are elected by simple majority on separate lists, with each FBiH voter choosing either a Bosniak or Croat candidate and those in the RS electing a Serb candidate.

The BiH HoR is comprised of 42 deputies, elected for four-year terms: 28 are elected in the FBiH and 14 in the RS. In the FBiH, 21 of the 28 deputies are elected from five multi-member constituencies (MMCs) in proportional races, with seven compensatory seats also allocated on a proportional basis. In the RS, nine deputies are elected from three MMCs, with the remaining five elected from compensatory lists.

The FBiH HoR is composed of 98 members: 73 elected in 12 MMCs and 25 from compensatory, open party lists. In the RS, voters will elect 83 members of the RS NA: 62 in 6 MMCs and 21 from compensatory, open party lists. In addition, RS voters will elect their entity-level president and two vice-presidents using a simple plurality system; the candidate with the most votes is elected president, while the top finishing candidates from the other two constituent peoples elected as the vice-presidents.

The law guarantees minimum representation for the three constituent peoples in both the FBiH HoR and the RS NA. If a constituent people do not win a minimum of four seats when MMC mandates are allocated, the minimum is guaranteed through compensatory mandates.⁸

⁶ The commission was established on 15 April 2014, and consists of nine members: Six are members of parliament and three are from the Agency for Prevention of Corruption and Coordination in the Fight Against Corruption.

⁷ The Constitution recognizes three ‘constituent peoples’ - Bosniaks, Croats and Serbs.

⁸ This is done by awarding mandates first from the compensatory list, by taking into consideration the declared ethnicity of the candidate. If the political subject which won the compensatory seat does not have enough candidates on its list of the ethnicity for which the minimum of four members was not reached, the seat is awarded to the next highest-ranked candidate list with such candidates, and so on, until the minimum is reached.

Authorities have a legal obligation to review electoral boundaries every four years to ensure a balanced distribution of seats among constituencies and to make the vote weight equal. However, apart from some adjustments in the RS, this has not taken place for several electoral cycles. As a result, significant deviations in the size of constituencies remain, both in the FBiH and RS.⁹ The lack of a review of constituency boundaries was criticized by some OSCE/ODIHR NAM interlocutors.

D. ELECTION ADMINISTRATION

The upcoming elections will be organized by three levels of election administration: the CEC; 142 Municipal Election Commissions (MECs), including the City Election Commissions of Banja Luka and Mostar, and Brčko District; and some 5,300 Polling Station Commissions (PSCs).

The CEC is responsible for the overall conduct of the elections. It is a permanent body consisting of seven members appointed by the parliament for a seven-year term, according to ethnicity criteria.¹⁰ A chairperson is appointed by its members on a rotating basis for 21 months.

The CEC adopted the calendar of activities on 14 May and appears to be proceeding in line with legal deadlines. However, a concern was raised regarding a possible delay in printing ballot papers due to an ongoing dispute over the procurement process.¹¹ In line with previous OSCE/ODIHR recommendations, election results will be published on the CEC website broken down by municipality and polling station, an important transparency measure. The CEC has also established a training programme for MECs and PSCs.

MECs are responsible for overseeing voting and counting in polling stations and for the tabulation of preliminary election results in the municipalities. MECs are permanent bodies consisting of three to seven members depending on the number of voters in the municipality. They are appointed by municipal councils and approved by the CEC for five-year terms.

PSCs administer the voting and counting processes in polling stations. PSCs are appointed by the respective MECs based on nominations from political parties no later than 30 days prior to election day. They consist of three to five members depending on the number of voters assigned to the polling station.

OSCE/ODIHR NAM interlocutors generally expressed high confidence in the professionalism of the CEC. However, many questioned the PSCs' ability to perform their duties in an impartial manner and raised concerns of possible manipulations on election day, particularly during the vote count.

⁹ See, the CEC Decision No 06-1-02-2-496-1/14, from 15 May 2014 on Concluding and Confirming the Central Voters Register that includes estimate number of voters per constituencies. The OSCE/ODIHR previously recommended that constituency boundaries be reviewed to better reflect the principle of the equality of the vote.

¹⁰ The election law provides that the CEC must include two Bosniaks, two Croats, two Serbs and one 'other'. In addition, the OSCE Mission to BiH and the OHR both have one advisory member in the CEC, without voting rights.

¹¹ The Public Procurement Review Board cancelled the CEC decision to award the printing of ballot papers to the first ranked company *Zrinski d.d. Čakovec* from Croatia. On 26 June 2014, the CEC decided to award the contract to the second ranked bidder *Atlantik BB d.o.o.* from Banja Luka. Subsequently, the Croatian company filed a complaint with the CEC that was denied on 2 July. At the time of reporting, it was expected that the Croatian company would file an appeal with the Public Procurement Review Board.

E. VOTER RIGHTS AND VOTER REGISTRATION

All citizens over the age of 18 years are eligible to vote, unless disenfranchised by a final court decision for reasons of legal incapacity or as part of a criminal conviction. Voting rights are limited by residence, and RS voters can only vote for a Serb candidate for the BiH presidency, while voters in the FBiH may only vote for either a Bosniak or Croat candidate.

Voter registration is passive and the CEC maintains a Central Voter Register (CVR), based on the Citizens Identification Protection System (CIPS) population register of the Ministry of Civil Affairs. The CEC forwards excerpts of the voter list to respective MECs from 120 to 90 days prior to the elections. Each voter has access to these excerpts and is entitled to request a correction of personal data until 28 August when the CVR is closed and the final number of registered voters confirmed. On 14 May, the CEC announced the preliminary number of voters as 3,231,031.¹²

Voter registration for those temporarily residing abroad, as well for internally displaced persons (IDPs) is active. Each such voter has to register with the CEC prior to the closure of the CVR for each election. IDPs living in BiH may opt to vote either at the place of their temporary residence, or in their constituency at the time of the 1991 census. Voters abroad can choose to cast a ballot by mail or to vote in-person at one of the country's diplomatic and consular representations. Interlocutors met with by the OSCE/ODIHR NAM generally expressed trust in the voter register. However, some concerns were raised with regard to potential abuse of registration of voters abroad.

In addition, Brčko residents must register their entity citizenship (which automatically becomes their voting option) to vote in entity and state-level races. The CEC had previously allowed Brčko citizens to pre-register a voting option for a given election. However, this practice has now been discontinued, in line with amendments to the 2012 Law on Identity Cards of Citizens of Bosnia and Herzegovina. The OSCE/ODIHR NAM was informed that local authorities have launched an information campaign reminding voters to declare their entity citizenship by 28 August when the CVR is closed. However, several OSCE/ODIHR NAM interlocutors noted that many residents are reluctant to choose an entity citizenship and that this may result in a large number of Brčko residents not possessing suffrage rights in these elections.¹³

F. CANDIDATE RIGHTS AND REGISTRATION

Candidates can be nominated by political parties, coalitions, or stand as independents. The legal framework enshrines ethnicity-based restrictions, with citizens that do not identify themselves as Bosniak, Croat or Serb barred from standing for the BiH and RS presidencies. Further, a Serb registered in the FBiH or a Bosniak or Croat registered in the RS cannot stand for the BiH presidency. The OSCE/ODIHR and the ECtHR have previously recommended that the law be amended to remove ethnicity and residency based limitations.¹⁴

¹² According to the CEC Decision from 15 May 2014, there are 2,011,717 eligible voters in the FBiH and 1,219,314 in the RS.

¹³ According to the CEC, as of 24 June, out of approximately 100,000 residents, 25,311 had requested entity citizenship: 15,455 for FBiH and 9,856 for RS.

¹⁴ See, respectively, *Sejdić and Finci v. Bosnia and Herzegovina* (ECtHR 2009) and pending case of *Pilav v. Bosnia and Herzegovina* at the ECtHR (Application No 41939/07). The OSCE/ODIHR previously recommended that “the legally binding December 2009 ECtHR decision must be implemented in order to eliminate the legal provisions that discriminate against citizens on the grounds of ethnicity. Residence-based limitations should be also eliminated and the legislation amended accordingly.”

In order to participate in the elections, candidates have to certify their eligibility with the CEC by an application supported by signatures of registered voters¹⁵ and a financial deposit.¹⁶ Candidates are exempt from signature collection if they, or a member of their party, is represented in a HoR for the elections they wish to contest. Candidates should also submit their property declarations to the CEC. However, following a decision of the Agency for Protection of Personal Information, the CEC no longer publishes these declarations on its website on the basis of personal data protection.¹⁷ In addition, while the CEC no longer decides on possible conflicts of interests between elected and appointed officials, it maintains a database on all pronounced incompatibilities that is consulted during the candidacy verification process.

The CEC has certified 65 political parties, 24 coalitions, and 24 independent candidates for these elections. Three political parties were denied certification due to incomplete applications, and one party withdrew its application voluntarily.

Candidate lists are to be put forward from 2 to 12 July with the registration to be completed by 7 August. As per the 2014 amendments to the election law, candidate lists are required to have at least 40 per cent of each gender represented. Generally, all political parties met with by the OSCE/ODIHR NAM expressed full confidence in the candidate registration process and did not raise any concerns on any of the registration requirements.

G. CAMPAIGN AND CAMPAIGN FINANCE

The official campaign period starts on 12 September and ends 24 hours before election day. Authorities are obliged to ensure the equitable treatment of contestants in their requests to use public places and facilities for campaign purposes, including holding meetings and displaying posters and billboards. Although no OSCE/ODIHR NAM interlocutors raised concerns about the ability of political parties and candidates to campaign freely, some concerns were expressed about biased media coverage of the campaign and the potential misuse of state administrative resources by the governing parties. Concerns were also raised by some OSCE/ODIHR NAM interlocutors regarding campaigning prior to the official start of the campaign.

All OSCE/ODIHR NAM interlocutors expected the campaign to be vibrant and conducted through public meetings, posters, billboards, and advertisements in the media. Several interlocutors expressed concern that the campaign would be marked by an increase in nationalist rhetoric and inflammatory statements both on state and entity levels.

Campaign finance regulations are contained in the election law, the 2012 Law on Financing Political Parties, and CEC regulations. Direct public financing is not provided to political parties for election campaigns, but parliamentary groups represented in the BiH parliament are entitled to receive funding from the BiH budget. Electoral contestants at the entity level are entitled to public funding from the entities' budgets. In addition, the campaign can be financed from membership fees and voluntary contributions.¹⁸ Foreign contributions, as well as funding from administrative bodies, public institutions and anonymous donations are prohibited.

¹⁵ Political parties must submit 3,000 signatures for the BiH Presidency and BiH HoR elections, and 2,000 signatures for the FBiH HoR and RS NA elections. For independent candidates the required number of signatures is 1,500 and 1,000 respectively.

¹⁶ The required deposits vary from approximately EUR 5,000 to 10,000 for political parties and from EUR 2,500 to 5,000 for independent candidates. See CEC Decision from 8 May 2014.

¹⁷ Decision UP1 03-1-37-3-18/11, issued by the Agency for Protection of Personal Information on 5 July 2011.

¹⁸ Individuals may donate up to EUR 5,000 and legal entities up to EUR 25,000.

The supervision of campaign financing is carried out by the CEC, through its Audit Department. There is no obligation to submit interim reports on campaign contributions and expenditures, however, financial reports should be submitted to the CEC within 30 days after the official announcement of election results. Failure to submit the report may lead to financial sanctions, as well as to a denial of the right to stand in the next elections. However, there are no deadlines for the CEC to audit and publish these reports. The OSCE/ODIHR previously recommended to strengthen the transparency of campaign finance incomes and expenditures, introduce deadlines for auditing, and strengthen CEC resources to undertake comprehensive and timely audits.

The Council of Europe's Group of States against Corruption (GRECO), in its 2013 compliance report characterized the transparency of party funding as "very disappointing." GRECO noted that the majority of its recommendations have yet to be addressed, including those related to the transparency of donations and the identity of donors, the monitoring capacity of the CEC, and the range of available sanctions.¹⁹

H. MEDIA

The media environment in BiH is diverse. The Public Broadcasting System (PBS) operates three public channels, one operating on the state and two on the entity level: the Radio and Television of Bosnia-Herzegovina (BHRT), the Radio and Television of FBiH (RTV FBiH), and the Radio and Television of RS (RTRS).²⁰ In addition, there are over 40 television channels and 140 radio stations that operate at the national and local level. The domestic press consists of some 600 print outlets, published in Bosnian, Croatian and Serbian languages. There are five daily newspapers published in BiH. Three of these – *Dnevni Avaz*, *Oslobodjenje*, and *Dnevni List* – are published in the FBiH, with *Nezavisne Novine* and *Glas Srpske* published in the RS. *Glas Srpske* is the only daily newspaper owned by the government.

While noting media diversity, several OSCE/ODIHR NAM interlocutors claimed ethnic and political segmentation of the media market, and expressed concern about partisan editorial policies in public and private media. Concerns were also raised about physical attacks and other forms of pressure on journalists. The OSCE Representative on Freedom of the Media (RFoM) has drawn attention to several such instances and noted that "[j]ournalists must be able to freely cover demonstrations without fear of intimidation" and urged authorities to "do everything possible to prevent such harassment and violence from becoming a trend in the future."²¹

Coverage of the election campaign is regulated by the election law and CEC regulations. All broadcasters are required to cover elections in a fair, balanced, and impartial manner, providing contestants with equitable access. Public broadcast media must grant at least three minutes of free airtime to each contestant on an equal basis during the official campaign period. The electoral contestants can also purchase advertising time, up to a maximum of 30 minutes on each public broadcaster, and 60 minutes on each private broadcast media, per week.

Compliance with media regulations is overseen by the Communications Regulatory Agency (CRA). All media are obliged to inform the CRA of campaign advertisement prices seven days

¹⁹ See, GRECO Compliance Report on Bosnia and Herzegovina, 18 October 2013.

²⁰ The BHRT consists of the national public television channel BHT1 (*Televizija Bosne i Hercegovine*) and the national radio service, BH Radio 1. The RTV FBiH broadcasts on two television channels (Federal TV1 and Federal TV2) and two radio channels (Radio FBiH and Radio 202), whereas RTRS has one television and one radio channel.

²¹ See, Press Releases of the OSCE RFoM on 14 February 2014: <http://www.osce.org/fom/111335> and 27 January 2014: <http://www.osce.org/fom/110658>.

before the official start of the campaign. The CRA is responsible for the adjudication of media-related complaints and has the authority to apply sanctions for violations. Complaints related to print media coverage fall under the mandate of the BiH Press Council, a self-regulatory body for the print media with no legal powers or enforcement mechanisms.

I. COMPLAINTS AND APPEALS

Election-related complaints can be filed with the election administration at any stage of the process by a voter or the electoral contestant affected by an infringement. The CEC serves as a first instance for reviewing most election-related complaints and serves as a second instance for appeals on decisions of MECs. All CEC decisions can be subject to judicial review before the Appellate Division of the Court of BiH, which is the final instance except in cases where constitutional rights are violated. The Constitutional Court accepts applications from any individual whose fundamental rights have been violated and when all other domestic remedies have been exhausted.

The election law provides for reasonably short deadlines for adjudication of complaints by the election administration: complaints during the election period are adjudicated within 48 hours, while complaints on election day are decided within 24 hours. In response to a previous OSCE/ODIHR recommendation to enhance transparency, the CEC has introduced a comprehensive log of complaints received.

J. ELECTION OBSERVATION

In accordance with OSCE commitments, the law provides for citizen and international election observation to all stages of the electoral process. Registered candidates and political parties may also appoint authorized representatives to observe the elections. Seven citizen observer groups have established the coalition “Under the Magnifying Glass,” which is planning a range of activities throughout the electoral process, including long-term observation, media monitoring and a large-scale presence on election day.²² All political party representatives met with by the OSCE/ODIHR NAM expressed their intention to deploy party observers on election day.

IV. CONCLUSIONS AND RECOMMENDATIONS

All OSCE/ODIHR NAM interlocutors expressed interest in a possible OSCE/ODIHR election observation activity. State representatives emphasized that the electoral process would be transparent and that OSCE/ODIHR observation and recommendations for potential improvement would be welcome. Other interlocutors requested that the OSCE/ODIHR deploy a large number of observers to cover all stages of the electoral process, with a particular emphasis on the conduct of the campaign, media coverage, and election day procedures.

²² The coalition includes: Centre For Civic Initiatives, Youth Information Agency, Infohouse, Centre for Citizen Cooperation, *Perpetum Mobile* Banja Luka, *Prijedor* and Forum of Tuzla Citizens. The coalition intends to deploy 42 long-term observers and 2,000 short-term observers throughout the country.

Based on the findings of this report, the OSCE/ODIHR NAM recommends the deployment of an election observation mission for the upcoming general elections. In addition to a core team of experts, the OSCE/ODIHR will request the secondment by OSCE participating States of 20 long-term observers to follow the election process countrywide, as well as 300 short-term observers to follow election day procedures, including voting, counting of votes and tabulation of results. Concurrent cantonal assembly elections will be observed only to the extent that they have an impact on the overall conduct of the general elections.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Mitar Kujundžić, Assistant Minister for Multilateral Affairs
Goran Behmen, Head of the OSCE Department
Asim Dorović, Desk officer for the OSCE

Central Election Commission

Stjepan Mikić, President
Irena Hadžiabdić, Member
Ahmet Šantić, Member

Political Parties

Nermina Zaimović Uzunović, Social Democratic Party (SDP)
Lazar Prodanović, Alliance of Independent Social Democrats (SNSD)
Damir Arnaut, Party for Better Future (SBB)
Jovana Vidaković, Party for Better Future (SBB)
Šefik Džaferović, Party for Democratic Action (SDA)

Constitutional Court

Zvonko Miljan, Registrar

BiH Court, Appellate Chamber

Zvezdana Antonović, Judge
Branko Morait, Judge

Parliamentary Commission for Conflict of Interests

Halid Genjać, President

Regulatory Communication Agency

Emir Povlakić, Head of Division for Licensing, Digitalization and Coordination in Broadcasting
Darija Petrović, Senior Associate

Media

Duška Jurisić, Journalist, Radio and Television of FBiH
Semira Degirmandžić, Journalist, *Dnevni Avaz*

Civil Society

Vehid Šehić, Forum of Tuzla Citizens, Coalition Under the Magnifying Glass
Dario Jovanović, Forum of Tuzla Citizens, Coalition Under the Magnifying Glass

International Community:

Ambassador Fletcher Burton, Head, OSCE Mission to BiH
Nina Suomalainen, Deputy Head, OSCE Mission to BiH
Damir Gnjidić, Legal Advisor, Office of the High Representative
Christina Kyriakou, Embassy of the United States of America
Susan Laffey, First Secretary Political, Embassy of the United Kingdom
Aleksandra Kuratko Pani, Election Program Director, National Democratic Institute
Velko Miloev, Consultant, European Union
Thomas Widrich, Political Advisor, European Union Force