

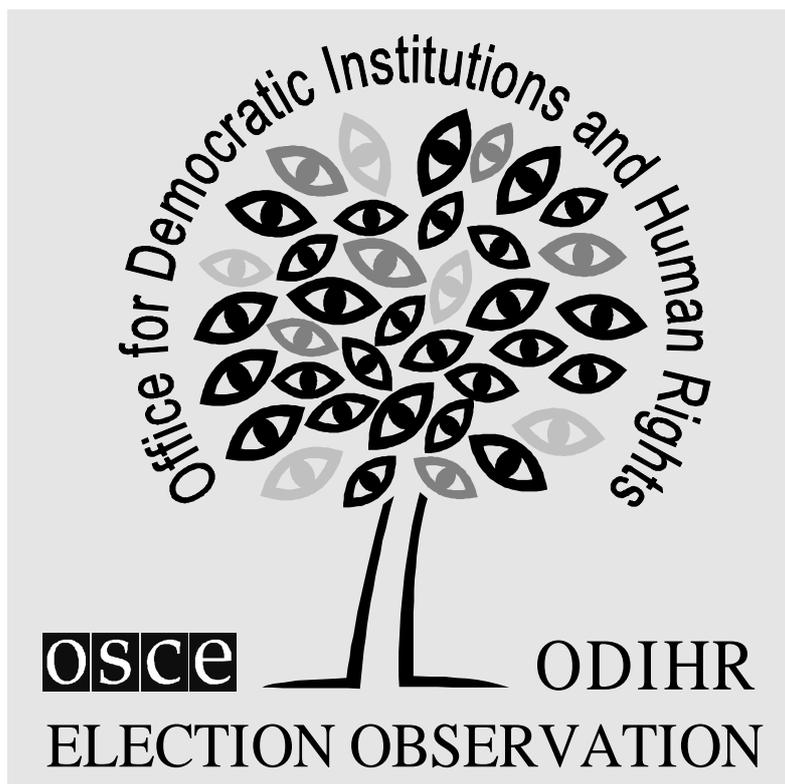


Office for Democratic Institutions and Human Rights

**REPUBLIC OF CROATIA
EXTRAORDINARY PRESIDENTIAL ELECTIONS**

24 JANUARY & 7 FEBRUARY 2000

FINAL REPORT



**Warsaw
31 May 2000**

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REPUBLIC OF CROATIA

PRESIDENTIAL ELECTION

24 JANUARY and 7 FEBRUARY 2000

I. INTRODUCTION

The Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 19 November 1999 to monitor the parliamentary elections to the House of Representatives. Following the death of President Tudjman on 10 December 1999 after a lengthy illness, on 22 December the Government announced presidential elections would take place on 24 January 2000. The OSCE/ODIHR remained in Croatia, and extended its Election Observation Mission to monitor these elections from 10 January 2000 until after the second round. As no candidate was able to secure a majority in the first round on 24 January, a second round took place between Stjepan Mesic and Drazen Budisa on 7 February.

Mr. Nikolai Vulchanov, OSCE/ODIHR Election Advisor, continued his appointment as Head of the OSCE/ODIHR Election Observation Mission.

The Final Report consolidates the findings of eight core-staff based in Zagreb, 14 long-term observers deployed in 20 Counties in Croatia and Zagreb, and over 300 short-term observers from 28 OSCE participating States on 24 January and over 250 observers from 27 OSCE participating States for the second round on 7 February. In addition, three parliamentarians and staff from the Parliamentary Assembly of the Council of Europe (PACE) observed polling on 24 January. The OSCE/ODIHR EOM and the PACE delegation released a joint preliminary statement on 25 January. The OSCE/ODIHR EOM also issued a Preliminary Statement on 8 February, after the second round.

On both election days, observers visited more than 1,000 polling stations in Croatia and all polling stations in Bosnia and Herzegovina. The European Institute for the Media continued its monitoring of the media, with financial support from the European Commission.

The OSCE/ODIHR Election Observation Mission wishes to express appreciation to the OSCE Mission to Croatia for its support throughout the duration of the EOM and the OSCE Mission to Bosnia and Herzegovina, the OSCE Mission in Kosovo and the Embassies of the OSCE participating States in Zagreb and Sarajevo, for their co-operation and participation in the short-term observation phase.

The Election Observation Mission wishes to express its gratitude to the Ministry of Foreign Affairs, the Office for Co-operation with the OSCE, the State Election Commission, and the Parliament of the Republic of Croatia for their assistance and co-operation during the course of the observation.

II. EXECUTIVE SUMMARY

In 1997, the OSCE/ODIHR Election Observation Mission raised a number of concerns regarding the Presidential election in Croatia. Although the legal framework remained unchanged in all essential aspects, the 2000 Presidential elections marked further progress in fulfilling the country's commitments as a participating State of the OSCE, as noted during the Parliamentary election of 2 and 3 January 2000.

The State Election Commission was able to remedy some deficiencies of the legislative framework for the presidential election by implementing regulatory improvements from the parliamentary elections and decisions of the Constitutional Court.

In a marked contrast to previous elections, the State broadcaster HRT was noticeably more balanced, in general, providing neutral and objective coverage of candidates' campaign activities. Within the legally mandated free air-time, candidates enjoyed equal conditions and were able to convey their message to the electorate.

Nine party-nominated and independent candidates were able to register and compete effectively for the presidency. Their campaigns, which included unrestricted meetings with the electorate, were dynamic. Candidate proxies and seven non-partisan domestic observer groups as well as international observers were able to monitor the work of election commissions and voting committees.

In general, polling was conducted in a calm atmosphere, and voters were able to express their political will freely. The voting committees carried out their duties professionally and generally according to the prescribed procedures. Some 5,000 non-partisan domestic observers were able to monitor polling day procedures. However, some irregularities were observed, including lack of adequate equipment to ensure privacy for voters and safely sealed ballot boxes. During the first round and to a lesser extent the second-round, unauthorised persons were present in the polling stations in particular in some of the war-affected areas. Additionally, some polling station premises remained unsuitable. These irregularities resulted mainly from vague instructions issued by the supervising authority.

During the first round, polling in Bosnia and Herzegovina (BiH) was marred by irregularities. As for the parliamentary election, this raised concerns about the integrity of the process. Polling in Novi Travnik, Mostar, Capljina, Livno, and Siroki Brijeg was flawed. Multiple voting and failure to use ultraviolet ink to prevent such voting, inadequate secrecy of voting, failure to verify identification documents, and inadequate checking of voter registers were noted by observers. Polling commissions in some precincts failed to perform their duties in a neutral and professional manner. For the second round, the State Election Commission (SEC) addressed some problems observed during the parliamentary and first round presidential polls. In particular, the SEC replaced all members of some 18 voting committees in BiH and conducted training for the newly appointed members. On 7 February, polling in Bosnia and Herzegovina improved, mainly due to the action taken by the State Election Commission and the efforts of polling committee members. However, some polling stations were crowded and some irregularities were observed. These included a lack of rigour and consistency in applying and checking for ultraviolet ink, and checking voter identities and voter lists. Overall the vote count was adequate, but some committees failed to follow the prescribed procedures.

Despite the progress noted, important concerns continue to fundamentally impede Croatia's democratic development, as noted also in the OSCE/ODIHR Final Report on the parliamentary elections. These concerns include: (1) the Law on Citizenship granting ethnic Croats born abroad and having no permanent residence in Croatia the right to Croatian citizenship and the right to vote, (2) a large number of refugees in neighbouring countries, mostly members of the Serb minority of Croatia, remain effectively unable to assert their citizenship and therefore exercise their right to vote; and (3) the risk of discrimination and intimidation associated with the ethnic identification on voter lists was retained for this election, though it was irrelevant for a Presidential election.

Other important concerns relate to the effective participation of political parties in the work of election commissions, the accuracy and transparency of voter registers, and the vague procedural provisions of the election law. Gaps in the election law for the identification of voters without a permanent residence in Croatia and the authorities' reluctance to release reliable information on their numbers raise further concerns. In addition, the segregation of internally displaced voters between two categories and the disproportionate number of polling stations provided to each category, in effect, discriminate between voters of Croat and Serb ethnicity.

The OSCE will monitor the follow-up to the above concerns, and stands ready to continue the dialogue with the Parliament, the Government and other authorities of Croatia with a view to addressing these concerns.

III. LEGAL FRAMEWORK

A. General Outline

The Constitution of Croatia, promulgated in December 1990, establishes a system of Government based on the separation of powers into legislative, executive and judicial branches. Compared to the *Sabor* (parliament), composed of the House of Representatives (Lower House) and the House of Counties (upper house), the President enjoys relatively wide-ranging powers.¹ The Constitution provides for a five-year presidential term of office, limited to two terms. Previous direct Presidential elections were held in August 1992 and June 1997, where late President Tudjman was elected on both occasions.

According to the Constitution, in the event of the death, resignation or "permanent incapacitation" of the President of the Republic, the President of the National Parliament assumes the duties of Acting President. Due to the grave health condition of President Tudjman and the reluctance of the former HDZ Government to declare him "permanently incapacitated", the Parliament adopted a "Constitutional Law on the Temporary Incapacitation of the President" on 24 November and Vlatko Pavletic (President of the National Parliament) was appointed acting President. The Constitution stipulates that elections for a new President must take place within 60 days from the date when the President ceased to perform his duties or in the event of the death of the President. This was interpreted to mean the elections must be completed within 60 days, including a second round.

¹ The system of Government in Croatia is commonly termed "semi-Presidential".

Moreover, the Law on Election of the President stipulates that 30 days have to lapse between the date of calling the elections and the holding such elections. Therefore, following the death of President Tudjman on 10 December, the outgoing Government called for the elections to be held on 24 January.

In addition to the Constitution, the Presidential election is regulated by the Law on the Election of the President of the Republic of Croatia (hereafter, Election Law) and a body of other legislation. The Presidential Election Law dates from 1992, and since its promulgation has remained essentially unchanged.² Other acts of importance include, the Law on Electoral Registers (1992), the Law on Croatian Citizenship (1991, amended in 1992 and 1993), the Criminal Code, the Constitutional Law on the Constitutional Court, the Law on Political Parties, the Law on Public Assembly, the Public Information Law, the Decree on Permanent and Temporary Residence of Citizens (1991), the Law on Passports (adopted 1999 - in force from 1 January 2000) and the Law on Identity Cards (1991, 1992). The Regulations on the conduct of the State Broadcaster, Croatian Radio-Television (HRT), and the Electoral Code of Ethics were not applicable to the presidential election as both were drafted specifically for the parliamentary election.

B. Election System

In accordance with the election law, voting took place in a single countrywide constituency. However, as for the parliamentary election on 2 and 3 January 2000, voting also took place in other countries, allowing Croatian citizens outside Croatia to participate.

Where no candidate is able to secure a majority of more than half of the valid votes, the Constitution stipulates that the two candidates who obtained the largest number of votes in the first election shall have the right to stand in a second round election.³ This ballot takes place 14 days later. Should one of the top two candidates decide to withdraw his/her candidature on the second ballot, the next best placed candidate will have the right to stand for the second round. If, following candidates' withdrawal from the contest, only one contestant remains, new elections shall be held.

C. Eligibility – Voters and Candidates

The Constitution provides that “all citizens of the Republic who have reached the age of 18 years shall have universal and equal suffrage”. Citizens who find themselves outside the borders of Croatia may cast their votes in diplomatic and consular offices of the Republic of Croatia in the states in which they find themselves. Eligible voters are registered according to the Law on Electoral Registers, not amended since it came into force in 1992. Following the 1991 referendum, Croatia adopted a new citizenship law.⁴ Along with other provisions regulating the acquisition of Croatian citizenship based on standard criteria (origin, birth, naturalisation), the citizenship law also entitles “a member of the Croatian people” who does

² A Law on Amendments and Supplements to the Law on Election of the President of Croatia was adopted on 27 June 1997, modifying slightly the structure of election commissions and the presidential oath of office.

³ Constitution of the Republic of Croatia, Article 95. In contrast, the election law stipulates that the President shall be elected by a “majority vote of all the voters who voted”, or if elected in a second round, by obtaining the “largest number of votes of the voters who voted” (Article 17).

⁴ The OSCE/ODIHR report on the 1999 parliamentary election gives a detailed commentary and outlines concerns regarding the Croatian Citizenship Law.

not have a place of residence in the Republic of Croatia to seek citizenship based on ethnic criteria only.⁵

The citizenship law enabled a large number of persons who continue to have BiH citizenship to apply for and receive Croatian citizenship, thereby granting the right to participate as candidates and voters in Croatian elections. Administrative measures hinder Croatian citizens of Serb origin from acquiring the necessary documentation to confirm their entitlement to Croatian citizenship.

Any Croatian citizen who has reached 18 years of age may be elected President of the Republic of Croatia. Candidates may be proposed by political parties registered in the Republic of Croatia and by voters individually or collectively. All candidates are required to have their nomination supported by the signatures of 10,000 voters, who may support only one candidate. Candidates are given 12 days from the date of the announcement of the election to collect these signatures.

D. Legal Issues

In the Final Report on the parliamentary elections, the OSCE/ODIHR detailed concerns regarding the citizenship law and the franchise by ethnic-Croats in BiH as well as problems experienced by ethnic-Serb refugees in exercising their right to vote.⁶ Other concerns raised in that report include the vagueness of some of the legal provisions and certain procedures. These concerns remain valid for the presidential election, but to avoid repetition, this report will not comment further on these issues.

1. Disclosure of ethnicity on Voter Lists

The continued disclosure of ethnicity on voter lists raises serious concern, particularly since it was irrelevant as national minority voters had no special voting rights in a Presidential election. Observers reported that many voters were uncomfortable with the practice, which introduces the risk of discrimination and intimidation into the election process. This may be considered in contradiction with Article 3 of the Framework Convention for the Protection of National Minorities of the Council of Europe, ratified by Croatia in October 1997.⁷

2. Campaign Finance

The election law stipulates that candidates who receive at least 10 per cent of votes shall be entitled to equal compensation for electoral expenses, reimbursed from the funds for financing the cost of the election. On 23 December, the Government set the compensation at Kn 500,000 per round for the 2000 presidential election (approximately DM 125,000).

⁵ The phrase “member of the Croatian people” has been interpreted to mean an ethnic-Croat. For the purpose of this report, it is assumed that the phrase “member of the Croatian people” does not include members of the Serb, Hungarian, Italian, Czech, Slovak, Austrian, German, Ruthenian, Ukrainian, Jewish, or other national minorities in the Republic of Croatia.

⁶ See OSCE/ODIHR Final Report on the 2000 Parliamentary Elections (House of Representatives), published on 25 April 2000.

⁷ “Every person belonging to national minorities shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice”.

However, the existing legal provisions are poorly drafted, leading to a lack of transparency in campaign financing. In particular, the election law fails to specify limits on individual contributions and does not require disclosure of funding sources. There is no ceiling on total campaign expenditure, no requirement to submit campaign accounts by a specific deadline and lacks information on which body has the competence to scrutinise accounts or penalise irregularities. The election law should address these issues and introduce some control over financing of candidates' campaigns, not least in order to reduce public speculation.

3. Deadlines

A number of important administrative deadlines normally included in the provisions of an election law are absent or unclear. These include a timetable for the appointment of election commissions, the announcement of preliminary and final results, the holding of re-run elections and the reimbursement of election expenses. In addition, the law on the Constitutional Court does not stipulate any deadline for decisions on the electoral disputes.

Concerning dispute resolution mechanisms for election results, the election law and the Law on the Constitutional Court contain inconsistencies regarding time-limitations and a lack of clarity on which issues can receive a hearing or the parties entitled to lodge complaints.

4. The Campaign

The SEC is charged with overseeing the “correctness of the campaign in accordance with the legal provisions”. However, these legal provisions are vague, particularly regarding the media. Moreover, regarding the campaign in general, the SEC has no legal authority to enforce its decisions, which then amount to little more than warnings. As such, it is not possible for the SEC to significantly influence the conduct of the campaign.

5. Domestic Observers

The election law is silent on the role of domestic observers. Based on the Constitutional Court ruling for the 1998 local by-elections and the legal provisions for the 2000 Parliamentary elections, the SEC decided to allow domestic non-partisan observers to monitor the 2000 Presidential elections. Nonetheless, the OSCE/ODIHR strongly recommends amending the presidential election law, in line with paragraph 8 of the Copenhagen Document (1990).

6. Party Representation on Election Commissions

Unlike in the Parliamentary election law, political parties are not entitled to membership on election commissions and voting committees. The law should be amended to create politically plural election commissions. All candidates registered by the SEC should also have the opportunity to observe the election process through accredited proxies.

7. “Expellees” and “Displaced Persons”

In Mandatory Instruction X for the parliamentary election, the SEC established polling stations for “expelled persons”. This provision was retained for the presidential election. Under existing legislation, displaced persons are divided into two categories, “expelled

persons” and “displaced persons” depending on dates of displacement. A large number of polling stations were established for “expelled” persons who are generally ethnic-Croats, whereas only two polling stations were set up for “displaced persons”, generally ethnic-Serbs. This segregation of internally displaced voters between two categories and the disproportionate number of polling stations provided to each category, in effect, discriminate between voters of Croat and Serb ethnic origin.

IV. PRE-ELECTION PHASE

A. Election Administration

In contrast to the election administration for the parliamentary election which had a four-tier structure, the presidential election law provides for a three-tier structure comprising the State Election Commission, 543 Municipal and City Election Commissions (MECs and CiECs) and over 6,500 Voting Committees (VCs). As no intermediate level commission existed between the SEC and the MEC, the SEC granted 21 MECs a special status, fulfilling some of the administrative functions carried out by the 11 Constituency Election Commissions during the parliamentary election.

1. Structure of the Election Administration

a. State Election Commission (SEC)

The State Election Commission (SEC) has overall responsibility to administer the elections. It has a broadly defined mandate to “ensure the lawful preparation and conduct of elections for the President” but seems to lack the power to enforce its decisions on complaints. Its responsibilities include oversight of the “correctness of the election campaign in conformity with [the election] law” but it cannot take action regarding allegedly libellous statements or offer candidates a “right to reply”. The membership of the SEC consists of a President and four members, each of whom has a deputy. Unlike the Parliamentary Election Law, the Presidential Election Law does not specify that the President of the Supreme Court is ex-officio the President of the SEC, and does not provide party membership. The Presidential Election Law requires that members of the SEC should be drawn from amongst the judges of the Supreme Court and other distinguished lawyers, and must not be members of a political party. On 22 December, the Constitutional Court re-appointed the standing members of the SEC administering the parliamentary elections as members of the SEC in charge of the presidential election.

The legal competencies of the SEC are similar to those stipulated in the parliamentary election law. However, the SEC is not specifically given responsibility for determining polling stations and appointing members of voting committees in diplomatic and consular offices abroad, although in practice it fulfilled this function.

b. Municipal and City Election Commissions (MECs and CiECs)

The members of the 543 Municipal and City Election Commissions (MECs and CiECs) are appointed by the SEC. Each commission consists of a president, two members, and their deputies. Members must be either judges or distinguished lawyers and they must not be

members of political parties. The law does not specify a deadline whereby the MECs and CiECs should be appointed.

From the 543 municipality and city election commissions, 21 MECs (one per County and Zagreb City) performed additional tasks, including responsibility for ensuring the distribution and collection of election materials to and from other MECs and CiECs and the collection and transmission to the SEC of election results.

c. Voting Committees (VCs)

The Voting Committees (VCs) are appointed by the MECs and CiECs. They administer the voting process at the polling stations on election day and count the votes cast at individual polling stations. A VC is composed of a president, two members, and their deputies. Members of election commissions and VCs must not be members of any political party, but political parties are entitled to appoint observers to follow the work of the VCs. However, unless VC members are required to declare party membership it is difficult to determine how this legal requirement can be enforced.

2. Performance of the Election Administration

As these elections were extraordinary and followed shortly after the parliamentary elections, the Sabor did not have the opportunity to address the deficiencies of the election law. Many improvements included in the parliamentary election law, including the provisions for party membership of election commissions and the rights of domestic NGOs to observe the elections remained absent. Therefore, it was of vital importance that the bodies charged with implementing the legal provisions conducted their activities and took decisions in an open and transparent manner.

Preparations for the 24 January presidential election began on 25 December, eight days before the parliamentary election date. Clearly, the timing of the election presented a unique challenge for the election administration, as it was called upon to conduct two elections with an overlapping election timetable.

As was the case in 1995 and 1997, political parties were not by law entitled to membership on the election commissions, but were able to observe their work. Generally, political parties accepted the loss of membership they had recently enjoyed without major complaint. To its credit, the SEC allowed former SEC members who represented political parties to participate in its work, albeit without voting rights. As was the case during the parliamentary election, the SEC administered the elections in a transparent manner, responding promptly to requests for legal clarifications from parties, NGOs, international organisations and citizens.

For the presidential election, the SEC issued nine Mandatory Instructions and a 13 January “Reminder” for all VCs. A second reminder for out-of-country VCs was issued on 14 January. The reminder granted observers the right to a copy of VC minutes recording polling station results. Unfortunately, the reminder did not provide sufficient detail to ensure a uniform implementation of polling procedures by VCs.

In a Preliminary Statement on the 2000 parliamentary election, the International Election Observation Mission called upon Croatian authorities to investigate the serious irregularities

observed in some polling stations in BiH. During the first round of voting on 24 January, similar violations occurred at 13 of the 24 polling stations in BiH, once again raising concerns about the integrity of the process there. Eventually, the SEC replaced all members of VCs in 18 of the polling stations in BiH and conducted a series of intensive training sessions for the new VCs. On 7 February, observers reported noticeable progress in the conduct of polling in BiH.

B. Candidate Registration

The SEC verified candidate petitions using the records of citizens held by the Ministry of the Interior, based on a random sample of 10 per cent of signatures submitted. If inaccurate or false data was detected, the SEC checked a further 10 per cent sample. Initially, 22 candidates were nominated. The SEC accepted nine candidates on 7 January. The remaining 13 either withdrew their candidacy or were rejected by the SEC due to an insufficient number of valid signatures.

The election of the President took place only a short time after two opposition coalitions won the 2 and 3 January parliamentary election. The first coalition included the Social Democratic Party (SDP) and the Croatian Social Liberal Party (HSLs). The second comprised the so-called “Porec group”, including the Liberal Party (LS), the Istrian Democratic Congress (IDS), the Croatian People’s Party (HNS), and the Croatian Peasant’s Party (HSS). Together, these two coalitions were known as the “opposition six”. Two main candidates represented these coalitions: Stjepan Mesic, the last President in the Presidency of the SFRY (Socialist Federal Republic of Yugoslavia), who was proposed by HNS and supported by the “Porec” group of political parties, and Drazen Budisa, President of the HSLs and presidential candidate in 1992, proposed by the HSLs and the SDP. The third main candidate, Mate Granic, vice-president of the former ruling party the Croatian Democratic Union (HDZ), and Minister of Foreign Affairs in the outgoing Government, was proposed by the HDZ.

The six other candidates were: Anto Djapic (HSP, Party of Croatian Right); Ante Ledic (independent candidate); Slaven Letica (independent candidate); Tomislav Mercep (HPS, Croatian Popular Party); Ante Prkacin (NH, “New Croatia”); and Zvonimir Separovic (independent candidate), a former Minister of Justice in the outgoing government.

C. Complaints and Appeals

The Constitutional Court supervises the constitutionality and legality of the election and rules on election disputes. The SEC may also receive complaints related to election procedures, and its decisions may be appealed to the Constitutional Court. If the SEC rules that irregularities substantially influenced or may have influenced the results of the elections, it shall annul the election and order voting to be repeated, including the possibility to annul the entire election. Only those parties who have nominated a candidate or the voters nominating independent candidates may lodge complaints with the SEC.

1. Complaints and appeals to the SEC

The SEC received a number of complaints and appeals from parties mainly concerning the registration of candidates. These complaints were all resolved at the level of the SEC and have not given rise to serious criticism. In contrast to the parliamentary elections, a much

lower number of complaints were brought forward in connection to the media coverage of the election campaign. Most of these complaints were of minor importance and did not have any significant impact on the election.

2. Complaints and Appeals in the Constitutional Court

Claims that election activities or procedures were not in accordance with the Constitution (as opposed to complaints with respect to election laws) may be submitted to the Constitutional Court during the elections or no later than 30 days from the day when the results are published. However, the law does not specify any time limitation for the Constitutional Court to decide upon such complaints.

During the parliamentary election, the Constitutional Court played an important regulatory role in the elections and in fulfilling its tasks, it further improved the electoral environment through important decisions and the prompt disposition of complaints. These regulations remained applicable for the presidential election without requiring any further action on the part of the Constitutional Court. Therefore, its involvement either in a regulatory capacity or as the final adjudicating body, was limited.

D. Voter Registration

1. Displaying and Amending Voter Lists

In the run-up to the parliamentary elections, many voters had updated their entries in voter registers. Municipal authorities continued to update the registers before the presidential election. However, the time available for voters to amend their registration data was limited as the registers “closed” on 10 January. Unlike the Parliamentary election law, the presidential election law does not require voters to receive individual notification of their entry on electoral registers. Moreover, as elections had recently taken place, municipal authorities decided not to issue another notice to voters.

For the parliamentary elections, voters from national minorities were listed on separate registers. For the presidential elections, their details were merged with all other voters in a single list. However, voters’ ethnic identification on the general voter lists was retained, though it was irrelevant for this election.

2. Registration of Out-of-Country Voters

The municipality of Zagreb has responsibility to compile the registers for voters without a permanent residence in Croatia. However, the quality of this register was poor as evidenced by the relatively large number of voters who registered on election day and the wide variations in the total numbers of registered voters.

The EOM was informed that approximately 350,000 voters were included on these registers in early January 2000. However, on 26 January, the SEC announced in its report on the results of the first round of voting, that 396,325 out-of-country voters were registered. Other anomalies include the increase from 17,360 registered voters in Germany to 47,602, and the reduction in the number of registered voters in the Federal Republic of Yugoslavia from 8,107 to 4,012. In addition, the number of registered voters in BiH fell from 315,000 to

289,000 between the parliamentary and the presidential elections. Such discrepancies decrease confidence in the integrity of the voting abroad.

In an attempt to clarify these issues, the EOM requested the Ministry of Interior to provide the number of decisions on citizenship (by country of permanent residence), and the number of passports issued to citizens without permanent residence in Croatia.⁸ The Ministry was unable to provide the information, stating that since Croatian passports do not prove permanent residence, it does not keep such records. Furthermore, the Ministry informed the EOM that it is not responsible for issuing decisions on granting citizenship, and therefore is not obliged to maintain the respective evidence. However, this appears contrary to the provision of Article 25 of the Citizenship Law, which states “the decree on the acquisition or termination of citizenship shall be issued by the Ministry of Interior”. Due to lack of information, the EOM could not thoroughly assess the accuracy of the registers, as it was unable to compare the number of voters without permanent residence in Croatia registered in the voter lists, with the number of citizenship decisions and passports issued.

3. Voter Certificates

Certificates for voting at diplomatic and consular offices by persons who have a permanent residence in Croatia but find themselves outside Croatia on election day, were issued up to 23 January. Certificates for persons who have a permanent residence in Croatia but find themselves away from their place of permanent residence, but still within Croatia, were issued up to 15 January. The ODIHR welcomes these provisions which enabled persons away from their permanent residence the opportunity to exercise their voting rights.

E. Media and the Elections

The OSCE Copenhagen Document (1990) calls for unimpeded access to the media on a non-discriminatory basis. Over the previous years, the conduct of the media, and in particular of the State broadcaster, Croatian Radio-Television (HRT) has been a major source of concern. In its 1997 Statement on the Presidential Election the OSCE/ODIHR noted, “throughout the campaign the ruling party candidate (...) enjoyed an immense advantage in media exposure and news coverage from the state-owned electronic media”. Specifically, the advantages included: the active promotion of the incumbent candidate; exaggerated reporting of his activities and that of his party, privileged access to the news and favourable commentary during news broadcasts together with the under exposure of opposition candidates. In its Final Report on the 3 January 2000 parliamentary elections, the OSCE/ODIHR noted again that “though somewhat improved, the State media remained excessively biased in favour of the ruling party, both in quantitative and qualitative terms”.

In marked contrast to previous elections, the State broadcaster, HRT was noticeably more balanced and in general, provided neutral and objective coverage of candidates’ campaign activities. In addition, candidates were able to debate political issues thereby enabling voters to make a more informed political choice than during previous elections.

⁸ According to Article 28 of the Law on Croatian Citizenship, the Ministry of Interior “is in charge of the procedure for the determination of citizenship” and has responsibility for the procedures to determine citizenship. The Ministry is also responsible for the maintenance of evidence on permanent residence; for issuing decisions on granting citizenship (resenje); and for issuing passports (which includes information on the countries of permanent residence).

1. Legal Framework

The election law contains only a few general provisions on the conduct of the election campaign. According to Art. 13, all candidates “have an equal right to present and explain their election program and campaign.” All media are “obligated to enable all candidates ... to present their program and conduct their election campaign under equal conditions” (Art. 14). The State broadcaster, Croatian Radio-Television (HRT), “is obligated to enable each candidate ... to present his or her election program in the same amount of time” (Art. 14).

Although not legally obliged to do so, on 7 January 2000, HRT adopted a set of guidelines for the coverage of the presidential election campaign. These guidelines are almost identical to those adopted by the Croatian Parliament for the parliamentary elections. Accordingly, HRT was to guarantee impartial and balanced reporting, without giving any candidate privileged treatment. On HTV (television component of HRT), candidates could submit footage of a limited number of campaign rallies for broadcasting after the regular news. In addition, all candidates could present themselves and their political platform to the electorate in special one-hour broadcasts. Furthermore, election programs included debates between all candidates before the first and second round of voting. In addition, candidates could place paid advertisements under equal conditions. Similar provisions for campaign coverage and advertisements applied to Croatian Radio (HR).

2. EIM’s Monitoring

The European Institute for the Media (EIM- based in Düsseldorf, Germany) carried out a media-monitoring project for the OSCE/ODIHR Election Observation Mission between 8 January and 5 February 2000. The EIM monitored news and current affairs programs and special election-related broadcasts in a number of electronic and print media.⁹

Within the special broadcasts on HTV and HR, all candidates received equal time and fair treatment. Unlike the format used during the parliamentary election campaign, both individual presentations and debates gave candidates ample opportunity to present themselves and discuss major issues.¹⁰ However, the debate before the first round was conducted within a very strict framework in order to ensure that all nine candidates received equal time. As a consequence, the debate suffered and the discussion was less lively and informative than it might have been.

Outside the special election-related broadcasts, a dramatic improvement in HRT’s editorial content was also noted. In its preliminary statement on the 2–3 January 2000 parliamentary elections, the International Election Observation Mission concluded, “as during previous elections, though somewhat improved, the news and editorial coverage of HRT significantly favoured the ruling party, both in quantitative terms as well as through an overwhelmingly positive coverage of government officials representing the ruling party and a negative coverage of the opposition.” For the presidential elections, coverage was considerably fairer and more balanced.

⁹ The European Institute for the Media is expected to release shortly a Final Report on the monitoring of the media coverage of the 1999-2000 elections in Croatia.

¹⁰ In its preliminary statement of 4 January, the International Election Observation Mission concluded that HRT “did little to provide voters with any real opportunity to identify the main political forces and election issues”.

On HTV, campaign activities were overshadowed by the formation of the new government. Overall, the amount of time HTV devoted to each of the nine candidates contesting the first round was balanced. Candidates Drazen Budisa, Mate Granic, and Stjepan Mesic received more coverage than the other six candidates, but this was partly due to coverage for activities not directly connected to their election campaign. Mate Granic received a relatively high amount of negative coverage, mostly in connection with internal disputes within the HDZ, while Anto Djapic received some negative coverage in connection with accusations that he plagiarised his master's thesis.

Croatian Radio (HR) devoted a higher percentage of coverage to Budisa, followed by Granic, Mesic, and Djapic. Again, overall coverage was balanced. Private electronic and print media tended to give more coverage to the three candidates with the highest chance of reaching the second round. Despite some instances of biased coverage, especially in the print media, overall coverage was balanced. The most notable exception was the Rijeka-based daily *Novi list*, which had a fairly high amount of negative coverage of Granic.

During the campaign for the second round of voting, HTV continued its overall balanced coverage. Both remaining candidates received a small share of both positive and negative comments (more negative in the case of Mesic, and more positive for Budisa), but the overall coverage was balanced. Most of the negative coverage was due to verbal attacks on the candidates, sometimes by their opponent, and sometimes by third persons. The coverage of the campaign was similar in most other media monitored, although the daily newspapers *Slobodna Dalmacija* and *Glas Slavonije* contained a fair amount of negative coverage of Mesic. While reflecting the overall pluralism of political opinion, some print media lent at least indirect support to one of the two candidates.

During part of the campaign for the first round of the elections, HTV decided not to cover campaign activities in its regular news, reporting on them exclusively in its special election-related broadcasts. Between the two rounds of voting, campaign activities were covered in the main news and in special broadcasts. Another important development was that between the two rounds, both candidates could exercise their right of reply on HTV.

3. Media in Bosnia and Herzegovina

Under a contract with the OSCE Mission to Bosnia and Herzegovina (BiH), the Independent Media Commission (IMC) monitored a selected number of media outlets transmitting in BiH. The IMC monitoring concluded that the media in BiH overall respected the legal provisions, offering generally balanced reporting including during news programmes. However, the total amount of airtime favoured Mate Granic and the HDZ. In non-news coverage, the electronic media's reports were similarly balanced but tended to favour Zvonimir Separovic.

The print media ran a relatively high number of negative reports on the HDZ, despite a generally positive or neutral reporting on the HDZ candidate, Mate Granic.

During the second round, there were no reports that the media violated the legal provisions concerning campaign coverage.

F. Election Campaign

The assessment of the campaign made by the OSCE/ODIHR during the 1997 elections highlighted a number of serious problems. These included violence against candidates and poor security arrangements; unofficial campaigning and use of state resources by the incumbent; privileged access to the media; and a striking disparity in the financial resources available to candidates. A considerable improvement was noted in the conduct of the 2000 presidential campaign, marking significant progress in compliance with Paragraph 7.7 of the Copenhagen Document.¹¹

Three strong candidates contested the election and, in contrast to previous elections, the result was unpredictable. A dynamic and intensive campaign ensued. The three major candidates espoused reform, a western orientation and democratic development, with a genuine and effective competition for votes. The candidates of the extreme right were peripheral and their campaigns did little to improve their share of votes.

Candidates campaigned by touring the country and holding public meetings. The campaign was noticeably more energetic than during the parliamentary election. The EOM received no complaints from candidates, and observers reported no interference in their campaign activities. The candidates' security was adequate, unlike 1997.

During the second round, the two remaining candidates concentrated on the media and relied less on personal appearances and rallies. At times, the debate between the two remaining candidates was vigorous, but never beyond accepted limits.

G. Domestic Observers and NGO Election Activities

In contrast to 1997, both candidate and NGO observers were able to attend meetings of election commissions, including the SEC, and participate in their discussions.

In 1997, contrary to the spirit of the 1990 OSCE Copenhagen Document (paragraph 8), the SEC refused to accredit non-partisan domestic observers. Although the election law was not amended in the intervening period on this point, a decision of the Constitutional Court of 1998 ruled that Croatian NGOs could apply for and receive accreditation to observe elections. This decision was implemented for the 1998 local by-elections and introduced in the 1999 parliamentary election law. As a result, the SEC accepted the applications of seven NGOs and civic associations to observe the elections. By far the most significant in terms of the number of observers deployed, the organisation "Citizens to Observe the Elections in an Organised Manner" (GONG) deployed more than 4,000 observers.¹² In general, domestic observer groups were able to conduct their activities without interference, although a few isolated cases of harassment were reported to the EOM.

The election law provides that political parties that nominate candidates may also nominate partisan observers. However, the law does not specify a deadline for these submissions, or

¹¹ Paragraph 7.7 stipulates, the participating States shall "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents voters from learning and discussing them (...)."

¹² *Gradjani organizirano nadgledaju glasanje*

when the SEC must approve or reject these nominations. Such a delay could hinder observation of the work of election commissions. The election law is silent concerning the status of observers representing independent candidates, an important omission. For the second round of the election, the SEC decided that only those candidates remaining in the contest were entitled to observe the work of election commissions and voting committees. In future elections, observers representing other candidates should also retain this entitlement.

During the first round, a Croatian NGO, GLAS 2000 Coalition, established to provide non-partisan voter education, engaged in a partisan political campaign partly through paid advertisements. The campaign team of Mate Granic complained to the EOM about the biased content of some of the NGO's literature. The SEC announced that it considered the literature could influence voters, and if distributed on 23 January would have breached the 24 hour campaign silence. Non-partisan NGOs that engage in voter information programmes should maintain strict impartiality in their activities.

V. ELECTION DAY

A. General Assessment of Voting in Croatia

Observers reported improvements in the conduct of polling over both rounds with 95 per cent of observer report forms giving a positive assessment. Few serious incidents were reported and in general, the VCs worked conscientiously to ensure that correct procedures were implemented. Polling was conducted in a calm atmosphere largely free from intimidation. The procedures in the presidential election were less complicated than those for the parliamentary election as the poll was conducted in a single constituency and there was no minority ballot. However, nine categories of polling stations remained. These included: separate or "mixed" polling stations for "expellees" and for "displaced" persons; for those without a permanent residence in Croatia; for those who have a temporary residence overseas or find themselves out of Croatia on election day; for those with permanent residence in BiH and a temporary residence in Croatia; and for those without a permanent residence in Croatia who are temporarily resident in Croatia. Unlike the parliamentary election, these distinctions did not unduly complicate the voting election process.

Notwithstanding the overall assessment of the elections, issues raised in the OSCE/ODIHR final report on the parliamentary election remained generally applicable to the presidential election. Specifically, equipment to ensure the secrecy of the vote, and easy access to polling stations for voters with physical disabilities were still insufficient. Some private houses were used as polling stations, which in ethnically mixed areas, may act as a disincentive for some voters to participate. Such locations should be avoided in future elections. VCs should be instructed to prevent more than one voter from marking their ballots at voting booths simultaneously, even when the voters are from the same family. Other problems noted include the failure of VCs to systematically check voter identities before handing ballots and occasionally allowing "proxy" voting. The EOM noted some improvement in the layout of polling stations from the parliamentary election, although in many cases this remained a problem.

Domestic observers continued to be present in large numbers. Observers representing candidates were present in over 80 per cent of polling stations observed during the first round

and 50 per cent during the second. The presence of all observers contributed greatly to the transparency of the process. Voters seemed generally acquainted with the process and VCs explained voting procedures well to voters. In addition, the ballot paper itself contained an instruction on voting procedures.

As during the parliamentary elections, in a small number of cases, campaign material was posted in close proximity to polling stations. On occasion, unauthorised persons were present in polling stations, including uninvited police, sometimes in civilian clothes, as well as local officials.

In some municipalities, the EOM noted an apparent discrimination in selecting polling stations, with the result that some voters in fairly sizeable communities had to travel some distance to vote, whereas others in smaller communities were allocated a polling station in their community. One MEC refused to locate a polling station in a large village inhabited mainly by ethnic-Serbs and in a number of other settlements that by virtue of their size would appear to have merited a polling station.

Based on a bilateral agreement between the governments of Hungary and Croatia, ballots were available in Hungarian. However, they were not available in other minority languages. All national minority groups recognised by the Constitution and Constitutional Laws of Croatia should be treated equally, and the use of ballot papers in minority languages should be generalised in areas of concentrated minority population. As a courtesy, the VCs should ask minority voters whether they require a ballot in a minority language, rather than making this assumption.

One EOM team reported that a VC was writing the names of voters on a list including the serial numbers of ballots. The observer reported this to the MEC, which intervened and destroyed the list. This incident serves to highlight the concern that including serial numbers on ballots can compromise the secrecy of the vote.

1. The War-Affected Areas in Croatia

In its report on the January 2000 parliamentary election, the OSCE/ODIHR reported that, in comparison to the 1997 elections, the conduct of polling in the war-affected areas had improved noticeably. However, the incidence of problems outlined in the previous section was higher in these areas, particularly in the Danube region where the overall assessment of the elections was less positive than for other parts of the country.

The police had a higher profile in some war-affected areas. This was particularly evident in some municipalities in Vukovar-Srijem County during the first round, for instance Borovo where ethnic-Serbs are predominant. No direct intimidation was observed, but their mere presence could be considered indirect intimidation. In Vukovar-Srijem County, the situation improved somewhat during the second round. However, observers again reported a generally higher police presence in war-affected areas than in the rest of the country. Where police were observed inside polling stations, it was rare for their presence to be justified by a disturbance or at the behest of the VC as specified by law.

2. “Expelled” Persons, “Displaced” Persons and Returnees

In its report on the parliamentary election, the OSCE/ODIHR expressed concern regarding the legal distinction between “expelled” persons and “displaced” persons which is not recognised in international law and in effect discriminates against the latter category.¹³ A number of voters categorised as “displaced persons” were missing from the voter lists on 3 January. These voters had to endure burdensome administrative procedures to receive certificates entitling them to vote. Observers reported that some of these voters had to repeat the process on 24 January, as the Office for Displaced Persons and Refugees (ODPR) did not ensure that voter lists were adequately corrected. In a few instances, observers reported this problem also occurred during the second round, the third time that election had been held within a five-week period. On both election days, turnout at these two polling stations was much lower than during the parliamentary election. This may indicate that problems experienced by voters on 3 January acted as a disincentive to participate.

More encouraging on the issue of “returnees”, voters living in two collective centres (Technica Baraka in Sisak and Topolik in Lipik) were able to vote close to the place of their temporary residence.¹⁴ This opportunity was not available during the parliamentary election.

B. Voting in Bosnia and Herzegovina

On 24 January and 7 February, out-of-country voting took place in 159 polling stations in almost 50 countries. Following an agreement between the Presidency of Bosnia and Herzegovina and the Republic of Croatia on 20 January 2000, 24 polling stations at 14 locations were established in BiH. According to information supplied by the Croatian authorities, approximately 302,000 voters without a permanent residence in Croatia were entered on the voter register prior to election day.¹⁵ In addition, voters who had a permanent residence in Croatia and a temporary residence abroad together with those who happened to be outside Croatia on election day, were permitted to register and vote. Unlike the elections of 2 and 3 January, polling was conducted over only one day for each of the two presidential election rounds.

With the assistance of the OSCE Mission to Bosnia and Herzegovina, the International Election Observation Mission deployed observers in BiH who monitored the process at all polling locations on both election days.

The turnout remained relatively high and many voters had to wait long hours to cast their vote. During the first round, some voting committees did not act in a neutral and professional manner, and the VCs included persons removed from public office by the High Representative for obstructing the implementation of the Dayton agreement. In 13 polling stations, observers reported seriously irregularities. These were most conspicuous in Novi Travnik, Mostar, Livno, Siroki Brijeg and Capljina. On many occasions, voter identity documents were not properly checked against voter lists and the lists were not properly marked when handing ballots to voters. In some polling stations, voters were permitted to

¹³ The definition of an expelled person is contained in the Law on the Status of Expellees and Refugees (1993).

¹⁴ Some of the persons who have returned to their place of permanent residence following the conflicts are located in “collective centres”. These are mainly ethnic-Serbs who were displaced and returned to the locality of their permanent residence, but found their residence destroyed or occupied.

¹⁵ Information supplied to the EOM by the Municipality of Zagreb.

vote several times or given more than one ballot paper. In addition, observers reported that some voting committees attempted to influence voters' choice. Procedural errors included permitting multiple voting, proxy voting, "group" voting, not requiring proof of residence, allowing persons not resident within the area covered by the polling station to vote, not applying ultra violet ink or not scrutinising for previously applied ink. In contrast to the parliamentary elections, consular officials at times obstructed the work of international observers.

The voter register for non-resident citizens remained generally inaccurate. During the first round, over 8,200 voters were added to the registers (5,400 in the second round). This represents approximately 21 per cent of those voting in BiH. If out-of-country voting in BiH is retained in future elections, the quality of voter lists for those without a permanent residence in Croatia should be improved. Additionally, consideration should be given to ending registration on election day (unless through a certificate). However, this should not affect the rights of those with a permanent residence in Croatia who have a temporary residence abroad, as this category of voter can only vote by registering on election day.

Following the irregularities observed during the first round and concerns raised by the EOM and the international community, the SEC replaced 18 of the 24 voting committees in BiH. Additionally, the SEC conducted training for newly appointed members, in which strong emphasis was placed on the need to follow the legal provisions and that violations were unacceptable. This decision, although taken at a late stage, contributed to a significant improvement in the conduct of polling in BiH during the second round.

During the second round, observers reported a marked decline in the number of violations and their seriousness. The presence of a member of the SEC in the Mostar/Livno area and the active role played by Croatian diplomatic officials contributed to this positive development. But the main contributors to this improved process were the VC members, who worked hard to implement the procedures correctly. However, some problems persisted, such as failure to systematically check all voters' identification in the prescribed manner, adding names to voter lists without first thoroughly checking if the names were already there, isolated cases of proxy voting, multiple voting and widespread "group" voting. Voter turnout was high in BiH and once again created pressure on the VCs. The requirement to process such large numbers of voters resulted in procedures that were not followed fully.

C. Turnout

During the first round, the 63 per cent turnout was much lower than during the parliamentary election, but over 5 per cent higher than during the presidential election in 1997. The in-country turnout was 67.5 per cent, but the overall figure was lowered by the out-of-country turnout, which amounted to only 19 per cent. In BiH, approximately 39,400 voters cast ballots giving a turnout of 13.7 per cent. In the Federal Republic of Yugoslavia, turnout continued to be low with only a few hundred voters participating, despite a large population of ethnic-Serb refugees who have or are entitled to Croatian citizenship.

During the second round, aggregate turnout was 61 per cent, with 65.3 per cent in-country and 17.8 per cent out-of country. In Croatia, there was a wide variation in the turnout figures with 73 per cent in Koprivnicko-Krizevacka County and 51 per cent in Vukovar-Srijem

County. The latter figure is possibly indicative of the large number of ethnic-Serbs who still maintain a *de jure* permanent residence in the area but are in fact refugees in other countries.

D. Vote Count

Due to the relatively simple procedures for the presidential election, the count was conducted quickly during both rounds. Overall, as during the parliamentary election, observers assessed the conduct of the count positively with 95 per cent reporting it was well conducted. Procedures were generally followed correctly, although the VCs did not consistently verify the number of voters who had cast ballots according to the voter lists before opening the ballot boxes. Domestic observers from political parties and NGOs received copies of the result protocols.

During the first round, many VCs in BiH counted the ballots in the ballot box before attempting to calculate from the lists the number of voters who cast ballots, as required by law. The procedures stipulate that the number of voters should be calculated on the basis of the registers before opening the ballot box. It is vital that the count is done properly as the law stipulates that, if more ballots are found in the ballot box, than the number of voters who voted (according to the registers), polling shall be invalidated. The reluctance of VCs in BiH to comply with these procedures is indicative of irregularities and violations that occurred during polling on 24 January. In some polling stations, once the ballot boxes were opened, observers noticed instances of multiple ballots folded together.

E. Tabulation and Publication of Preliminary Results

The VCs delivered their completed protocols to the MECs and CiECs, which passed these to computer centres for transmission to the SEC for final tabulation. Each protocol was entered twice to ensure errors were identified at the source. The process was efficient and enabled partial preliminary results to be announced by the SEC in a timely manner.

VI. THE POST-ELECTION PHASE

A. Tabulation and Publication of Final Result

In contrast to the Parliamentary election Law, there is no provision that final results shall be released once all legal remedies have been exhausted. Nevertheless, the SEC applied this provision. Final preliminary results were issued by the SEC in a timely manner, but due to the need to repeat polling in two polling stations, the release of the final results was delayed. The SEC decided to announce the official final results from both rounds simultaneously.

B. Results and Repeat Elections

Following the first round, polling was repeated at two polling stations on 30 January in accordance with Article 35 of the election law which stipulates that polling must be repeated when there are more ballots found in the ballot boxes than the number of voters having voted. This is a stringent provision, which was followed closely.

VII. FINAL RESULTS¹⁶

Result of voting, first round on 24 January 2000:

Candidates	Party	Number of Votes	Percentage
<i>Stjepan Mesic</i>	HNS	1,100,671	41.11%
<i>Drazen Budisa</i>	HSLs/SDP	741,837	27.71%
Mate Granic	HDZ	601,588	22.47%
Slaven Leticic	Independent	110,782	4.14%
Anto Djapic	HSP	49,288	1.84%
Ante Ledic	Independent	22,875	0.85%
Tomislav Mercep	HPS	22,672	0.85%
Ante Prkacin	NH	7,401	0.28%
Zvonimir Separovic	Independent	7,235	0.27%
Number of registered voters			
		4,251,109	100%
Turnout			
		2,677,561	62.98%
Valid Ballots		2,664,439	99.51%
Invalid Ballots		13,212	0.49%

Result of voting, Second Round 7 February 2000:

Candidates	Party	Number of Votes	Percentage
Stjepan Mesic	HNS	1,433,299	56.00%
Drazen Budisa	HSLs/SDP	1,125,957	44.00%
Number of registered voters			
		4,252,430	100%
Turnout			
		2,589,034	60.88%
Valid Ballots		2,559,256	98.85%
Invalid Ballots		29,778	1.15%

VIII. RECOMMENDATIONS

The OSCE/ODIHR suggests the following recommendations for future elections:

1. The citizenship law should be amended in line with European practice. An amended law should create equal conditions for applicants; it should not discriminate between those from different ethnic group and should not base citizenship entitlement on ethnic criteria only.

¹⁶ Sources: SEC Report No 6 of 25 January 2000 and Results displayed on SEC web site on 8 February 2000.

2. Legal and administrative obstacles preventing Croatian citizens from exercising their right to citizenship and right to vote should be removed, in particular for ethnic Serb refugees in BiH and FRY.
3. The legal distinction between “displaced persons” and “expellees” should be removed to ensure equal treatment of all displaced persons.
4. A list of documents evidencing citizenship, personal identity and place of permanent residence should be established, both for in-country and out-of-country voter registration and voting.
5. The Presidential Election Law should be amended to provide for party representation on election commissions and voting committees.
6. The Presidential Election Law should also allow for domestic non-partisan observation of the election process by non-governmental organisations.
7. The Law on Electoral Registers should be amended, removing the obligation to record a voter’s ethnic origin, and should provide for the registers’ public display, thereby enhancing the transparency of the registration process and voter confidence.
8. The accuracy of voter registers for citizens without a permanent residence in Croatia should be improved, particularly if the arrangements for out-of-country voting are retained. Additionally, consideration should be given to ending registration on election day (unless through a certificate). However, this should not affect the rights of those with a permanent residence in Croatia who have a temporary residence abroad, in particular ethnic Serb refugees in BiH and FRY.
9. The deadlines for issuing voting certificates for those who will be away from their place of permanent residence, in-country and out-of-country, should be equalised. This should not affect the voting rights of refugees, who owing to their particularly vulnerable position, require special treatment.
10. The legal provisions regarding HRT’s responsibilities during election periods should be elaborated further to ensure compliance with the obligation to provide balanced and neutral reporting and voter information.
11. To enhance the transparency of campaign financing, the legal provisions should be strengthened. Specifically, it may be appropriate to introduce disclosure requirements for funding sources, to set limits for individual contributions and specify the procedure for auditing campaign accounts.
12. The SEC’s powers to enforce decisions on violations of the campaign provisions could be enhanced, thereby improving its influence on the conduct of the campaign.
13. An intermediate level election commission between the SEC and the MECs/CiECs could be established to assist the work of the SEC. Its competencies should be clearly defined.

14. The SEC could issue a mandatory guideline to MECs and CiECs to ensure polling stations are set up in all settlements based on objective criteria (e.g. above a minimum number of voters), and when identifying polling stations, consideration should be given to ease of access for the aged and disabled voters. Inappropriate locations such as private houses and bars should be avoided.
15. The polling station procedures (reminders) should contain additional information and be released as mandatory instructions. This additional information should include details on voting at all categories of polling station.
16. The equipment used to ensure the secrecy of the vote should be improved to guarantee that voters mark their ballot papers in complete privacy. The SEC could provide the VCs with guidelines on the layout of polling stations, and the MECs/CiECs should conduct training sessions for VCs.
17. Consideration should be given to printing ballots in all national minority languages for minority voters concentrated in compact settlements.
18. The provision regarding the obligation to repeat polling where more ballots are found in the ballot box than the number of voters having cast ballots according to the marked registers is stringent, and could be reconsidered. Such discrepancies should be addressed by higher-level election commissions or resolved in court taking into account evidence showing other irregularities.
19. The results for all polling stations should be made available to contesting parties, candidates and domestic observers in a timely manner to enhance the transparency of the process.

The OSCE stands ready to co-operate with the Parliament, the Government and other authorities of Croatia in the implementation of the above recommendations.