



## LIMITED ELECTION OBSERVATION MISSION Croatia — Presidential Election, 27 December 2009

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**Zagreb, 28 December 2009** – Following an invitation from the Croatian government and in line with the recommendations of the Needs Assessment Mission conducted by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in Zagreb from 2 to 4 November, the OSCE/ODIHR officially opened a Limited Election Observation Mission (LEOM) on 8 December for the 27 December 2009 presidential election in Croatia.

The election is assessed for its compliance with OSCE commitments and other international standards for democratic elections, as well as with Croatian legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the process, including a second round on 10 January 2010 and the handling of possible post-election complaints and appeals. The overall assessment of the election will depend, in part, on the conduct of the remaining stages of the election process. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission included long-term but not short-term election observers. The LEOM did not conduct a comprehensive and systematic observation of election-day proceedings, but visited a limited number of polling stations throughout the country.

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### PRELIMINARY CONCLUSIONS

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The 27 December 2009 presidential election in the Republic of Croatia complied with OSCE commitments and other international standards for democratic elections overall. It underscored recent efforts by the election administration and other relevant state institutions to improve the electoral process. Generally, there was a considerable degree of confidence in the integrity of the process by election stakeholders. Continued efforts, however, are necessary to address remaining issues. These include the consolidation and harmonization of the legal framework, the updating of the voter register, advancing institutional reform of the election administration, and promoting better awareness among voters and candidates of some key elements in the electoral process.

The presidential election law has remained essentially unchanged since 1992. It is general, lacks detail, and is not always consistent with laws that govern other elections. The State Election Commission (SEC) attempted to compensate for this by interpreting its right to issue mandatory instructions, thereby filling gaps in the legal framework. There is consensus among all election stakeholders, including the SEC, that the legal framework for elections should be overhauled and codified as a matter of priority well before the next elections.

The election administration operated transparently and efficiently. This was despite a shortage of permanent staff in the SEC secretariat and the dual role of those SEC and lower-level election commission members who at the same time serve as judges. All OSCE/ODIHR LEOM interlocutors acknowledged the necessity that all SEC members serve full time as professional members. This would also enable the SEC to better fulfill its mandate to conduct public information campaigns, which have been lacking.

Since the introduction in 2007 of a computerized database of registered voters and special voter lists for those who vote out of their places of residence, the possibility of double voting has been greatly

diminished. The voter register is still widely believed to include far more entries than actual voters. Thus, continued updating is crucial. For this election, the voter list included 4,495,006 registered voters, voting in 6,866 polling stations.

The Constitution and the presidential election law entitle all citizens of Croatia residing out-of-country to vote. The integrity of the out-of-country vote has been partly enhanced by removing deceased people from the out-of-country voter lists. In line with legal provisions, additional steps have been taken to ensure that no political party appointees would be members of out-of-country Voting Committees (VCs). Certain elements related to the out-of-country voting remained problematic, such as the issue of distribution of polling stations that was perceived by some as favouring voters in Bosnia and Herzegovina (BiH).

In this election, voters had the distinct choice between 12 presidential candidates who freely and actively campaigned throughout the country. Issues of corruption, economic crisis, the arbitration agreement with Slovenia, and EU accession dominated the campaign.

The legal framework provides for some degree of transparency with regard to candidates' campaign finances. Candidates generally complied with the legal requirement to submit reports on campaign income prior to the election, but the detail of disclosure differed substantially. There are currently no sanction or enforcement mechanisms in place in case of insufficient disclosure or non-compliance.

The media provided voters with ample opportunity to learn about candidates and their campaign programs. However, the restrictive interpretation by the regulatory bodies of the legal provision stipulating equal coverage of election contestants, to some extent, limited editorial independence and information available to voters. News coverage of presidential candidates was discernibly different between the public and private broadcasters. The public broadcaster attempted to cover all candidates while the private channels focused their coverage on specific candidates, contrary to legal requirements. Media representatives informed about the difficulty to implement the legal provisions when covering this number of candidates.

The framework for complaints and appeals applicable to the presidential election is not fully in compliance with international standards. There is no comprehensive election-related complaints and appeals process and election stakeholders have limited possibility to formally complain about all elements of the electoral process. SEC decisions on the campaign cannot be enforced according to the law. Neither can they be appealed, which is inconsistent with international standards for democratic elections.

Election day observation was mainly undertaken by domestic actors. Political parties and presidential candidates deployed numerous observers. The domestic non-governmental organization, GONG, deployed observers to some fifteen per cent of polling stations and had mobile teams of observers in BiH. According to preliminary results, no candidate received the requisite majority to be elected in the first round. Therefore, a second round will be held on 10 January. The OSCE/ODIHR LEOM will remain in country for the second round. The atmosphere on election day was calm and quiet; the voter turnout was 44.07 per cent. The voting was orderly and the counting and tabulation process provided for a prompt announcement of the election results.

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## PRELIMINARY FINDINGS

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### BACKGROUND

On 30 October, the government called the presidential election for 27 December.<sup>1</sup> This provided 58 days for election preparations, 28 days over the legally required minimum. The presidential election must be conducted between 30 and 60 days before the expiry of the incumbent's mandate; in this case, on 18 February 2010. President Stjepan Mesic has served two five-year terms and is constitutionally precluded from standing for re-election. Croatia is an EU candidate country since 2004. The latest EU progress report noted that the issues of the professionalization of the civil service and embedding anti-corruption principles in the public administration need to be addressed by the government.<sup>2</sup> The fight against corruption appears to be more vigorously pursued since Prime Minister Jadranka Kosor of the Croatian Democratic Union (HDZ) took office in July 2009, after the resignation of the previous Prime Minister, Ivo Sanadar, also HDZ.

### LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for this election is based on democratic principles articulated in the Constitution. The Constitution was substantially amended in 2000, transforming the country from a semi-presidential to a parliamentary republic. The Constitution establishes that a president is elected every five years by a majority of voters in a single constituency for all citizens of Croatia. Any citizen who has reached 18 years of age and is not declared incapacitated by a final court decision can run for president. If no candidate receives a majority of votes, a second round is held fourteen days later between the first and second placed candidates. Citizens who are at least 18 years of age can vote, including citizens abroad and the incarcerated. This inclusive approach promotes democratic participation in the electoral process.

The primary legislation for this election is the Law on the Election of the President of the Republic of Croatia (hereinafter, the presidential election law), which has remained essentially unchanged since its adoption in 1992.<sup>3</sup> It is general, lacks detail, and contains provisions that are inconsistent with those for other elections. For instance, for parliamentary elections, Voting Committees (VCs) are composed of political party appointees (apart from the VC president and vice-president),<sup>4</sup> whereas for presidential elections, VC members must not be members of political parties. Similarly, according to the parliamentary election law, the campaign silence period ends when the polls close whereas the presidential election law stipulates that it should end only after midnight. Apart from leading to confusion, these and other inconsistencies were an additional burden on the election administration.

The State Election Commission (SEC) can “issue binding instructions” to lower-level election commissions, according to the presidential election law.<sup>5</sup> The SEC has attempted to address the deficiencies of the law by broadly interpreting this provision, thus *de facto* legislating on important aspects of the electoral process. For instance, the law does not provide for the presence of observers

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<sup>1</sup> The 30 October decision of the government to call the election entered into force on 4 November by its publication in the official gazette.

<sup>2</sup> Croatia 2009 Progress Report, 14 October 2009, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2009/hr\\_rapport\\_2009\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2009/hr_rapport_2009_en.pdf)

<sup>3</sup> Other relevant laws are: Law on the State Election Commission, amended in 2007; Law on Voter Lists, passed in 2007; Law on Campaign Financing for Presidential Elections, passed in 2004; Law on the Financing of Political Parties, Independent Lists and Candidates, passed in 2006; Law on Croatian Radio and TV, passed in 2000; Law on Electronic Media, passed in 2003; Law on Political Parties, amended in 2001.

<sup>4</sup> The Act on Election of Representatives to the Croatian Parliament (2003), hereafter parliamentary election law.

<sup>5</sup> Presidential election law, Article 22.

of presidential candidates in polling stations on election day, limiting observation to political parties. The SEC issued a mandatory instruction permitting political parties, independent candidates, NGOs, and foreign organizations to observe elections.<sup>6</sup> Nevertheless, some candidates were unaware that they had the right to deploy observers. On another occasion, a mandatory instruction was issued to compensate for gaps in the legal framework regarding mobile voting.

The Law on Voter Lists (2006) clarifies procedures for the maintaining of the voter lists (VLs). It has improved citizens' ability to check and correct their registration on a continuous basis between elections and during a fixed period before election day. Unlike in past elections, voters now also have the right to determine whether they want their ethnicity included in the VL. The law provides the right to presidential candidates to receive copies of the VLs at specific local offices of the Ministry of Public Administration (MPA). This procedure provides important checks and balances to the process of voter registration. Several presidential candidates, however, were unaware of their right. This and other instances of a lack of awareness indicate a need for more active information outreach by the relevant authorities.

## ELECTION ADMINISTRATION

The presidential election is administered by three levels of election administration. These include the State Election Commission (SEC), 556 Municipal and City Election Commissions (MECs/CiECs), and 6,866 Voting Committees (VCs).<sup>7</sup> Since 2007, the SEC is a permanent and independent body, responsible for administration and oversight of all elections and referenda. By law, the SEC president is the head of the Supreme Court and two of the SEC's vice-presidents are Supreme Court judges. All three maintain their judicial posts and do not participate in the SEC work full-time. Two other SEC vice-presidents and four members are elected by the parliament for eight-year terms.

The SEC president informed the OSCE/ODIHR LEOM that the present setup of the SEC should be viewed as a transitional step to a SEC with full-time professional members. The SEC also lacks permanent and adequate premises and staff; the latter is partly compensated by temporary staff from the parliament and courts. These issues notwithstanding, the SEC was able to meet all electoral deadlines and conduct the election process efficiently. There was a high level of confidence, overall, in the work of the election administration.

According to the law, sessions of the SEC must be public.<sup>8</sup> The SEC Standing Orders, which regulate its work, state that this obligation is met through the presence of media representatives, the holding of press conferences, the delivering of official statements to the media, and the publishing of information on the SEC's website.<sup>9</sup> Although the SEC fulfilled these requirements, it did not actively seek to enhance the transparency of its work. OSCE/ODIHR LEOM interlocutors contended that the SEC's interpretation of transparency of its work is indicative of the general approach of the public administration towards public scrutiny of its work.

MECs/CiECs and VC members were appointed on time for this election. All VC members had to sign a declaration stating that they were not members of any political party. In a few cases, previous political party member appointments were replaced as soon as the fact became known. The SEC informed that upon reviewing the composition of VCs in Bosnia and Herzegovina (BiH), 47 VC

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<sup>6</sup> Under the presidential election law, only political parties with nominated candidates can observe, whereas under the parliamentary election law, only NGOs have the right to observe.

<sup>7</sup> Including VCs for out-of-country voting and for special polling stations in prisons, military contingents, and vessels.

<sup>8</sup> Law on the State Election Commission, art. 18.

<sup>9</sup> Standing Orders, adopted May 2007, chapter V, art. 6.

members were identified as having been nominated by political parties. These were consequently replaced.

Homebound and hospitalized voters could request mobile voting, but the procedures for its conduct are vague and give a wide margin of discretion to VCs. Thus, consistency, transparency and equal access for voters were not guaranteed. For the first time, visually impaired voters were able to vote without the assistance of another person through the use of additional materials in Braille.<sup>10</sup> This augmented the inclusiveness of the election process.

### **Voter Registration and Voter Lists**

Croatia has a passive, continuous system of voter registration. Since 2007, it is compiled in a computerized database, maintained by local offices of the Ministry of Public Administration (MPA). Although the SEC supervises the conduct of elections, it has no jurisdiction over the VLs. VLs are maintained through a continuous update of information from citizenship and residence records, kept by the MPA and the Ministry of Interior, respectively. Local registry records kept by municipalities are also used to update the system.

Generally, voters do not have to take any action to register to vote. They could check their registration before the 12 December legal deadline and request amendments, in case of inaccuracies. Some 9,000 voters undertook such checks by visiting their local MPA offices. An additional 43,000 checks were made through the MPA website. In total, only 280 corrections were made; a low number compared to the total number of checks. This appears to generally indicate that individual entries are correct.

The overall accuracy of the VLs remained a matter of concern during this election, mainly because it still includes many voters who have died abroad. OSCE/ODIHR LEOM interlocutors alleged that this could result in electoral fraud, but estimated the likelihood of this as low since such fraud would require the collusion of everyone present in a polling station, including observers. The authorities acknowledged the problem and informed the OSCE/ODIHR LEOM that some steps had already been taken to enhance the accuracy of VLs, but that progress is slow due to the many administrative and judicial steps involved.<sup>11</sup>

Voters registered in Croatia who expected to be temporarily absent from their place of residence on election day could, until 12 December, request temporary voter registration in the list of the place where they intended to vote. This was done by contacting the local MPA office of their place of permanent residence.<sup>12</sup> Entries are cross-referenced to exclude the possibility of double registration. The temporary registration is valid for both election rounds, unless the voters indicated that they wanted it for one round only. The MPA decided that temporary registration in two different temporary locations was not permitted.

The MPA and its local offices are responsible for informing voters about the possibility to check their entries in VLs and to temporarily register outside their permanent residence. Basic information to voters about how to check their registration and the deadline to request temporary registration was publicized in local media and posted in the premises of local MPA offices. At the national level,

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<sup>10</sup> Samples of the ballot paper in Braille and of the regular ballot paper inserted in a special Braille folder were available.

<sup>11</sup> These steps include several checks by police at the residence of the person in question, cross-checking with different records and a court ruling that a person can be deleted from the VL.

<sup>12</sup> The voters would then be temporarily deregistered from the voter list of their place of residence. These requests could also be made by mail, fax, email or phone.

there was a notable lack of outreach activities by the SEC and the MPA to inform voters about these possibilities.

Citizens who live abroad but who have maintained residence in Croatia are registered on VLs in Croatia, regardless of the length of their living abroad. Voters who wanted to vote in the country of their residence abroad had to pre-register at the Croatian embassy or consulate in the respective country.

### **Out-of-Country Voting**

The SEC, in close co-operation with the Ministry of Foreign Affairs, is responsible for establishing polling stations abroad. For this election, 250 polling stations were established in 55 countries with 124 of these located in BiH.<sup>13</sup> The small decrease, compared to the 2007 parliamentary elections, was due to changes in the number of polling stations in 9 countries. This was explained to the OSCE/ODIHR LEOM by the fact that countries such as Canada and Germany, contrary to the 2007 parliamentary elections, agreed to polling stations to be located exclusively in diplomatic premises.<sup>14</sup>

Citizens of Croatia without permanent residence in Croatia are passively registered in out-of-country VLs. These are maintained by the City of Zagreb Public Administration Office and compiled from data provided by the Ministry of Foreign Affairs. For this election, 406,208 voters were registered on the out-of-country VLs. More than half of all out-of-country voters (266,678) are registered to vote in BiH. The authorities informed the OSCE/ODIHR LEOM that some 25,000 deceased people had been removed from the lists, thereby addressing existing concerns about the inaccuracy of the VLs.

Since the introduction of the computerized electronic voter register in 2007, it should not be possible for voters to remain in both in- and out-of-country VLs. Neither can they be registered on in-country VLs in two different locations. This is an important step in preventing possible double voting.

### **ELECTION CAMPAIGN**

Twelve candidates contested the presidential election, providing voters with distinct choices. Of these, five were nominated by political parties: Mr. Andrija Hebrang (Croatian Democratic Union), Mr. Ivo Josipović (Social Democratic Party of Croatia), Mr. Damir Kajin (Istrian Democratic Assembly), Ms. Vesna Pusić (Croatian People's Party), and Mr. Slavko Vukšić (Democratic Party of the Slavonian Planes). Seven candidates were running as independents: Mr. Milan Bandić, Mr. Josip Jurčević, Mr. Boris Mikšić, Mr. Dragan Primorac, Ms. Vesna Škare-Ožbolt, Mr. Miroslav Tuđman, and Mr. Nadan Vidošević. Among these, Mr. Bandić, the mayor of Zagreb, was expelled from his party (SDP) after he decided to run for president. The HDZ membership records of Mr. Primorac and Mr. Vidošević, chairperson of the Croatian Chamber of Commerce, were deleted after they announced their intention to run.

The official campaign period started on 19 November 2009. Candidates mostly used print and electronic media and the internet to communicate with voters. They focused on their personal profiles, past performance, and goals to be achieved, if elected to the presidency. The campaign was visible throughout the country, especially in the capital and in regional centres. Most candidates campaigned actively in meetings, rallies and entertainment events. The OSCE/ODIHR LEOM observed some 22 of the many campaign events. While the campaign tone was generally moderate at the national level, two candidates used divisive language, especially in areas affected by the war. A number of candidates visited BiH to garner the out-of-country vote. Criticism of the authorities

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<sup>13</sup> For the 2007 Parliamentary Elections, 263 polling stations were established in 51 countries.

<sup>14</sup> Nevertheless, in 11 countries, some polling stations were located elsewhere, outside diplomatic premises.

featured strongly in some candidates' campaigns, including allegations about potential election day fraud and the ineffectiveness of the authorities to prevent it.

Among campaign topics, the issue of corruption dominated. The economic crisis, the arbitration agreement with Slovenia, EU accession, and regional co-operation (particularly, the relationship with BiH) also played a role in the campaign. Most candidates took a position on the legacy of the late President Franjo Tuđman and the involvement of the Catholic Church in public life. These were issues that defined both terms in office of the incumbent president.

### **Campaign Finance**

Seven days before the election, candidates were required to file preliminary reports on campaign finance incomes and sources. The SEC issued a sample disclosure form for candidates, which required reporting of cash contributions as well as services and goods in-kind. The SEC thereby addressed a shortcoming in the campaign financing system, which does not specify or define these particular sources of campaign finance. The presidential election law does not stipulate any contribution limits. Also, presidential candidates who receive funds from political parties do not have to disclose the source of those funds until the parties file their regular annual financial report in February 2010. For example, one candidate whose funding came entirely from his political party was not required to provide any detail on sources.

The level of detail in candidates' income reports differed substantially. Responding to non-compliance by some candidates with the reporting requirements, the SEC requested that the reports be supplemented and corrected. The SEC, however, does not enjoy sanction or enforcement powers for incomplete reporting or failure to report. Civil society groups, such as Transparency International and GONG, provided some information on spending by analyzing the amount of paid advertising used by the candidates.

### **THE MEDIA**

Over the course of the election campaign, the media aired various election-related programs, including televised debates between candidates, talk shows, news, and special election programs. Such transmissions gave voters the opportunity to compare candidates and enabled them to make an informed choice. Candidates extensively used paid advertisements in a variety of media, with Msrs. Primorac, Bandić, and Josipović purchasing most within the monitored period on television.<sup>15</sup>

Newspapers ran overviews of political platforms and offered in-depth interviews with candidates. However, the restrictive interpretation of legal provisions by the regulatory bodies requiring equal candidate coverage on both public and private media to some extent limited editorial independence. It also somewhat constrained the quality of information available to voters, including in the regional media. For instance, the regulatory bodies, the SEC and the Council for Electronic Media, maintained that if one candidate were to be interviewed then all other candidates should get airtime to fulfill the equal conditions requirement.

The media-related provisions of the presidential election law are rather brief and general. To supplement the law, the council of the Croatian public service broadcaster, *Hrvatska radiotelevizija* (HRT), that oversees the broadcaster, adopted campaign coverage rules, *inter alia* providing free

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<sup>15</sup> The OSCE/ODIHR commenced its media monitoring on 4 December. It included the publicly funded HTV1 and HTV2m and the privately owned *TV Nova* and RTL, as well as five daily newspapers: *Jutarnji List*, *Večernji List*, *24 Sata*, *Slobodna Dalmacija* and *Vjesnik*. The monitoring on television focused on all political and election-related programs and broadcasts in primetime (from 18.00 to 24.00 hours).

airtime to all candidates. Each candidate was entitled to five special reports of up to two minutes, one thirty-minute talk show program appearance, and two appearances in special debate programs with other candidates on both TV and radio. The order and date of appearances was determined by lottery.

Television is the most important source of political information in Croatia. HRT consists of two terrestrial channels (HTV1 and HTV2) and five radio channels. In the run up to the election, HRT journalists protested against alleged censorship and deteriorating editorial and professional standards. Some candidates alleged political bias in HTV1's coverage of the election campaign. As a result, the HRT director and two other top managers resigned on 8 December.

There were discernable differences in the news coverage of the campaign between HTV1 and the two main private TV channels, *TV Nova* and RTL. There were obvious efforts to cover activities and conduct interviews with all candidates on HTV1 news. In the four weeks preceding the election, HTV1 devoted 15 per cent of its campaign related primetime news coverage to the activities of Mr. Hebrang, which was overwhelmingly neutral or positive. Mr. Primorac received some 14 per cent of mostly neutral coverage. Mr. Vidošević and Mr. Bandić received 13 per cent each of mainly neutral coverage. Mr. Josipovic received some 7 per cent of coverage, while other candidates received between 4 and 8 per cent. HTV1 organized two debates; on 20 November, among 10 candidates (2 decided not to participate) and on 22 December, among 12 candidates. HTV1 pointed out the difficulty of strictly observing the equality principle to the OSCE/ODIHR LEOM when 12 presidential candidates had to be covered.

Unlike HTV1, private *TV Nova* and RTL divided the candidates into two groups, based on their standing in opinion polls. They covered activities of the first six candidates in their news programs and offered only limited or no coverage to the other six candidates. *TV Nova* provided similar amounts of its campaign-related primetime news coverage to Mr. Primorac (22 per cent), Mr. Vidošević (20 per cent) and Mr. Bandić (20 per cent). This was mainly neutral or negative in tone. By comparison, Mr. Hebrang (14 per cent), Mr. Josipović (14 per cent), and Ms. Pusić (9 per cent) received mostly neutral or positive coverage.

*TV Nova* also organized a debate program for the first group of candidates in which five participated (one decided not to participate). Some candidates, not in this group, complained to the SEC about unequal treatment and declined to participate in the debate scheduled for the second group of candidates. One candidate also complained to the Council for Electronic Media. The council sent a warning to *TV Nova*, reminding it of its obligation to treat all candidates equally. *TV Nova* subsequently cancelled its second debate program. The Croatian Association of Journalists regretted this cancellation and accused the regulator of “interfering in *TV Nova's* editorial policy”, pointing out that dividing candidates into two groups was necessary to make the programming more interesting for voters.

## COMPLAINTS AND APPEALS

The framework for complaints and appeals applicable to the presidential election is not fully in compliance with OSCE commitments.<sup>16</sup> There is no comprehensive election-related complaints and appeals process. While the SEC informed the OSCE/ODIHR LEOM that they have attempted to fill such gaps by applying informal mechanisms for complaints procedures, they agree that such a system should be codified within the legal framework.

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<sup>16</sup> OSCE 1990 Copenhagen Document, para 5.10. See also Venice Commission Code of Good Practice in Electoral Matters: CDL-AD(2002), page 11.



The presidential election law provides for the possibility to file complaints to the SEC in relation to “irregularities in the nomination procedure or in the procedure for election”.<sup>17</sup> The latter has been interpreted by the SEC as referring to election day procedures only. Thus, election stakeholders do not have the possibility to formally complain about other issues in the wider electoral process.

SEC decisions in these cases can be appealed to the Constitutional Court. The right to complain is limited to political parties, voters who have nominated candidates, and to independent candidates. Appeals can also be lodged by no less than 100 voters.<sup>18</sup> The presidential election law provides for reasonable timelines for complaint resolution. However, the only formal remedy that the law provides to the SEC is the annulment of acts that contain irregularities that substantially impact election results. In principle, this limits the ability of the SEC to address complaints that are not of such extreme nature.

The presidential election law also mandates the SEC “to supervise the correctness of the electoral campaign”.<sup>19</sup> While the SEC can issue decisions in this respect, the law fails to provide any enforcement mechanism.<sup>20</sup> The SEC had to rely on issuing press releases about its decisions, aiming to attain compliance through raising awareness of the public and presidential candidates. Such SEC decisions cannot be appealed, which is inconsistent with international standards for democratic elections.<sup>21</sup>

Some election-related complaints were filed by presidential candidates with the SEC over unequal treatment by the media. In one case, the SEC issued a press release underlining to *TV Nova* its responsibility to provide equal conditions for candidates when it broadcasts debates. In response to another complaint, the SEC advised HRT that it was inappropriate for television guests to express views on specific candidates or to canvas for or against any specific candidate where the topic of the program was not election-related. In addition, the SEC issued a press release on 30 November 2009 related to its decision to prohibit candidates from raising funds via telephone or SMS. The basis was that such donations do not enable identification of the donor and are thereby contrary to the law, that prohibits anonymous donations, and to principles of transparency in campaign finance.<sup>22</sup>

## **PARTICIPATION OF MINORITIES**

From 1991 to 2001, the proportion of minorities to citizens of Croatia halved, from 16 to 7.5 per cent.<sup>23</sup> The Constitution, as well as the Constitutional Law on the Rights of National Minorities, provide for the protection of all minorities. The three largest are Serbs (4.54 per cent), Bosniaks (0.47 per cent), and Italians (0.44 per cent). A representative of the Serb minority, nominated by a coalition of Serb parties, collected the required 10,000 signatures to stand as a presidential candidate, but withdrew before the SEC confirmed his candidacy.

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<sup>17</sup> Presidential election law, Article 45.

<sup>18</sup> The Constitutional Act on the Constitutional Court of the Republic of Croatia, Article 91.

<sup>19</sup> Presidential election law, Article 22 (6).

<sup>20</sup> The OSCE/ODIHR report on “Resolving Election Disputes in the OSCE Area” found that the Copenhagen commitments “would be empty promises without the accompanying power to enforce them”. See *Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System*, page 6, available at [www.osce.org/odihr/item\\_11\\_13590.html](http://www.osce.org/odihr/item_11_13590.html)

<sup>21</sup> See OSCE 1991 Moscow Document, paragraph 18 and 18.4.

<sup>22</sup> See Article 1 of the Law on Financing of Political Parties, Independent Lists and Candidates.

<sup>23</sup> These and other figures in this section are based on census data of the Central Bureau for Statistics, available at: <http://www.dzs.hr/hrv/censuses/census2001/census.htm>

## **PARTICIPATION OF WOMEN**

Among the 12 presidential candidates, 2 women ran in this election. Women appeared to be well-represented in candidates' campaign staffs. Three vice-presidents of the SEC are women, as are 5 of 13 Constitutional Court judges. There are 4 women in the 21-member government, which is also led by a female prime minister. Women are well represented in lower-level election commissions, with more women than men represented on VCs. OSCE/ODIHR LEOM observers noted efforts to employ mothers with small children as VC members and these positions were generally characterized as attractive and well paid.

## **ELECTION DAY**

The OSCE/ODIHR LEOM did not conduct comprehensive and systematic observation on election day, but OSCE/ODIHR LEOM observers visited a limited number of polling stations and MECs/CiECs across the country.

The atmosphere on election day was calm and quiet. The SEC reported that voter turnout was just over 44 per cent. The number of voters who had temporarily registered to vote outside of their permanent residence appeared to be low. A lack of information to voters about the procedures for temporary registration might in part explain this. OSCE/ODIHR LEOM observers noted instances of voters being turned away from polling stations, on occasion because they had not undergone this temporary registration process.

VC members at the polling stations visited were aware of procedures and managed the process professionally and the voting took place in an orderly manner. Polling stations visited were generally well laid out but technical aspects of the voting screens could be improved to ensure full secrecy. Political parties and some independent candidates took full advantage of their right to deploy election day observers; their assessment of the process was positive. Observers from the non-governmental organization, GONG, were also present.

Observers from political parties and candidates were present during count in the polling stations visited. OSCE/ODIHR LEOM observers were granted full access to the tabulation process in the few visited MECs/CiECs and data entry centers. The counting and tabulation process appeared to be professionally conducted and provided for a prompt announcement of preliminary election results, which were not contested.

*The English version of this statement is the only official document.  
An unofficial translation is available in Croatian.*

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### MISSION INFORMATION & ACKNOWLEDGEMENTS

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Following an invitation from the Croatian government, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) officially opened a Limited Election Observation Mission (LEOM) in Zagreb on 8 December 2009. Ambassador Daan Everts is the Head of the OSCE/ODIHR LEOM. The OSCE/ODIHR LEOM consists of 10 core team experts based in Zagreb and 12 long-term observers deployed throughout the country. Mission members are drawn from 17 OSCE participating States.

The OSCE/ODIHR LEOM wishes to thank the Ministry of Foreign Affairs, the State Election Commission, the Ministry of Public Administration and the Ministry of the Interior. The OSCE/ODIHR LEOM also wishes to express its appreciation to the representatives of other state institutions, regional and local election authorities, political parties, presidential candidates and civil society organizations for their co-operation.

A copy of the OSCE/ODIHR LEOM's Interim Report is available at [www.osce.org/odihr](http://www.osce.org/odihr)

For further information please contact:

- Ambassador Daan Everts, Head of the OSCE/ODIHR LEOM, in Zagreb (+385 164 2850)
- Mr. Thomas Rymer, OSCE/ODIHR Acting Spokesperson in Warsaw (+48 609 522 266) or Ms. Nicola Schmidt, OSCE/ODIHR Election Adviser in Zagreb (+385 95 979 894), or in Warsaw (+48 22 5200 600).