



Office for Democratic Institutions and Human Rights

REPUBLIC OF CROATIA

PARLIAMENTARY ELECTIONS

4 December 2011

OSCE/ODIHR Limited Election Observation Mission Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs and European Integration of the Republic of Croatia to the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), on 9 November 2011, the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM) for the 4 December 2011 parliamentary elections. The OSCE/ODIHR LEOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with Croatian legislation.

The parliamentary elections took place in a pluralistic environment and were administered in an efficient and transparent manner. While most aspects of the electoral process enjoyed a high degree of public confidence, further steps should be taken to improve the process, in particular with regards to the legal framework and the compilation of voter lists.

Overall, the legal framework provides a sound basis for the conduct of democratic elections. However, a number of provisions could be improved in order to enhance compliance with OSCE commitments, including those related to candidate registration, election observation, and constituency delimitation. The legal framework is fragmented and lacks detail and clarity on certain issues. There is broad consensus among electoral stakeholders that the legal framework should be reviewed, consolidated, and harmonized, as previously recommended by the OSCE/ODIHR.

The equality of the vote is undermined by the current delimitation of constituencies. Although the law states that the number of registered voters in the ten territorial constituencies should not differ by more than 5 per cent, the final voter lists indicate variations of up to 33 per cent. Most OSCE/ODIHR LEOM interlocutors recognized the need for parliament to address this issue as a priority.

Although most such interlocutors expressed confidence in the accuracy of voter lists, the high number of registered voters relative to the 2011 preliminary census results raised concerns. While the discrepancy can be partly explained by different methods used for the census vis-à-vis the compilation of voters lists, such a variance might impact upon public confidence and therefore requires further attention.

The State Election Commission (SEC) performed its duties in a collegial and transparent manner and was trusted and considered impartial by the vast majority of electoral stakeholders. Despite the tight election calendar foreseen by the law, the SEC administered the elections efficiently and met all prescribed deadlines. Lower-level commissions visited by the OSCE/ODIHR LEOM were also well-organized and professional. The right of parliamentary parties to appoint members to the lower-level commissions enhances the transparency of the process; however, their late appointment limited the effectiveness of their contribution.

Candidate registration was inclusive and provided voters with distinct political alternatives. In total, 4,359 candidates from 40 political parties, 23 coalitions, and 28 independent lists contested these elections. Contrary to OSCE commitments, the law does not allow for individual independent candidates, but only for groups of independent candidates. Thirty-five per cent of candidates were women. While the law calls for parties to achieve a gender balance on candidate lists, it lacks clarity on the conditions and the timeframe for implementation.

Electoral contestants were able to conduct their activities and present their programmes freely. The campaign was measured and focused mainly on economic issues, such as taxation, unemployment, and infrastructure. Billboards, posters, and candidate meetings were visible throughout the country, especially in urban centres. Campaign activities intensified in the week prior to election day.

New campaign finance regulations enhanced the transparency and accountability of the process. Regulations were welcomed and largely respected by electoral contestants. Nevertheless, certain issues require further attention, including pre-campaign expenditures and commercial discounts.

The media provided the electorate with access to a plurality of views. National broadcast media are obliged to provide airtime to all contestants on an equal basis during the campaign. The public broadcaster has the obligation to provide airtime, while private national media can opt to abstain altogether from campaign coverage. Broadcasters generally fulfilled their obligations. While designed to encourage a level playing field for contestants, media regulations often resulted in subdued coverage in the public media and limited coverage in the private media.

The few complaints and appeals filed during these elections were adjudicated in a transparent manner. The law provides for a timely and effective system of electoral dispute resolution. There is, however, a lack of clarity with regards to deadlines for filing complaints and appeals. The conduct of the election campaign is supervised by both the SEC and an Ethics Commission, neither of which can issue legally binding decisions, nor are there any sanctions foreseen in the law.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission did not include short-term observers and did not undertake a comprehensive and systematic observation of election day proceedings. Election day procedures in the limited number of polling stations visited by the OSCE/ODIHR LEOM were conducted in an orderly and transparent manner, with only minor procedural problems noted. Differently coloured ballots were used for the national minority contests and voters chose their constituency in front of the Voting Committees. The secrecy of the vote may have been compromised in some instances by the potential ease with which the low number of national minority constituency voters could be identified. The counting and tabulation process appeared to have been conducted in a transparent and efficient manner, which allowed for the prompt announcement of preliminary results by the SEC.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs and European Integration (MFAEI) of the Republic of Croatia to observe the 4 December 2011 parliamentary elections and based on the recommendations of the Needs Assessment Mission conducted by the OSCE Office for Democratic

Institutions and Human Rights (OSCE/ODIHR) in Zagreb from 21 to 23 September 2011,¹ the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM) on 9 November. The OSCE/ODIHR LEOM was headed by Ambassador Geert-Hinrich Ahrens and consisted of a ten-member core team based in Zagreb and six long-term observers deployed to three locations. LEOM members came from 13 participating States.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission did not include short-term observers and did not undertake a comprehensive and systematic observation of election day proceedings. However, mission members visited a limited number of polling stations and followed the tabulation of results in some constituencies. The OSCE/ODIHR LEOM assessed compliance of the election process with OSCE commitments and other standards for democratic elections, as well as domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions released on 5 December.

The OSCE/ODIHR LEOM wishes to thank the authorities of the Republic of Croatia for the invitation to observe the elections, the State Election Commission (SEC) for its co-operation and for providing accreditation documents and the MFAEI for its assistance. The OSCE/ODIHR LEOM also wishes to express appreciation to other state institutions, election authorities, political parties and candidates, and civil society organizations for their co-operation.

III. BACKGROUND

Following the dissolution of the parliament on 28 October, President Ivo Josipović called for parliamentary elections to be held on 4 December. These elections were the seventh parliamentary elections following Croatia's independence and the first since the conclusion of European Union (EU) accession negotiations on 30 June.²

The outgoing centre-right government was formed by the Croatian Democratic Union (HDZ), together with the Croatian Peasant Party (HSS) and the Independent Democratic Serbian Party (SDSS), with the support of national minority Members of Parliament (MPs). In the run up to the 2011 elections, the centre-left opposition Social Democratic Party of Croatia (SDP) formed the *Kukuriku* electoral coalition together with the Croatian People's Party – Liberal Democrats (HNS), the Istrian Democratic Assembly (IDS), and the Croatian Party of Pensioners (HSU). At the time of its dissolution, the parliament also included nine independent MPs, as well as representatives from the Croatian Democratic Alliance of Slavonija and Baranja (HDSSB), the Croatian Party of Rights (HSP), the Party of Democratic Action of Croatia (SDAH), the Croatian Social Democrats (HSD) and Croatian Labourists.

The elections took place against a background of a major corruption scandal involving members of the former HDZ leadership, including indictments against ex-Prime Minister Ivo Sanader. On 27 October, it was announced that the State Attorney's Office for the Suppression of Corruption and Organized Crime (USKOK) had expanded the investigation to the HDZ as a legal entity.

¹ All referenced OSCE/ODIHR reports on Croatia can be found at: <http://www.osce.org/odihr/elections/croatia>.

² Croatia signed the EU Accession Treaty on 9 December and a national referendum on membership was held on 22 January 2012.

IV. LEGAL FRAMEWORK

The primary law governing the 2011 parliamentary elections was the 1999 Law on the Election of Representatives to the Croatian Parliament (LERCP, amended in 2010). The legal framework is fragmented and encompasses a number of other laws, including the Constitution (1990, amended in 2010), the Law on Voter Lists (2007), the Law on the State Election Commission (2006, amended in 2007), the Law on Constituencies (1999), the Law on Political Parties (1993, amended in 2001) and the Law on Political Activity and Election Campaign Financing enacted in 2011. The legal framework is complemented by the SEC's Standing Orders that regulate operational and organizational issues, as well as decisions and instructions issued by the SEC. Although the new campaign finance regulations apply to all elections, there has been no other harmonization of electoral legislation, as previously recommended by OSCE/ODIHR.

Overall, the legal framework provides a solid basis for the conduct of democratic elections. However, a number of provisions could be improved in order to fully comply with OSCE commitments, including provisions on candidate registration, election observation, and constituency delimitation. The LERCP also contains some inconsistencies and lacks clarity on issues related to the election campaign, the election silence, and the calculation of prescribed deadlines. There is a broad consensus among electoral stakeholders that the legal framework should be reviewed, consolidated, and harmonized, as previously recommended by the OSCE/ODIHR. In addition, the LERCP foresees rather short deadlines for electoral preparations, which presented a challenge to the work of the election administration.

Provisions that regulate out-of-country voting were significantly changed in 2010. The Constitution and, consequently, the LERCP were amended to fix the number of MPs elected by citizens residing abroad at three, a number previously determined by voter turnout within the out-of-country constituency.³ Changes also limited out-of-country voting to diplomatic representations. The SEC interpreted this provision broadly and, in Bosnia and Herzegovina and Serbia, established polling stations in multiple locations, such as schools, in cities that host Croatian diplomatic or consular missions.⁴

V. ELECTORAL SYSTEM

Under the Constitution, the parliament (*Sabor*) is a unicameral body consisting of 100 to 160 members, directly elected on the basis of universal and equal suffrage through secret ballot. The LERCP regulates the number of MPs and the manner in which they are elected. A total of 151 MPs are elected from 12 multi-member constituencies to serve a four-year term. The territory of Croatia is divided into ten territorial constituencies, each electing 14 MPs under a closed-list proportional representation system. There is a five per cent threshold for the allocation of mandates.

³ In 2007, for example, five out-of-country MPs were elected. As such, the total number of MPs elected in 2011 was reduced from 153 to 151.

⁴ For these elections, 124 polling stations were established in 52 countries. For the 2007 parliamentary elections there were 263 polling stations in 52 countries.

In addition, there are two non-territorial constituencies. One represents Croatian citizens residing abroad and three MPs are elected under a closed-list proportional representation system, also with a five per cent threshold.

The other constituency elects 8 MPs to represent the 22 constitutionally recognized minorities of Croatia in 6 separate elections under a majoritarian system. Within this constituency, 3 seats are reserved for the Serb minority and 5 for the other 21 minorities. Voters identified on the voter lists as belonging to a national minority, on the basis of self-declaration, have the option to vote for either national minority candidates or for candidates of their regular constituency. The system has the consequence that MPs from this constituency are often elected with a considerably lower number of votes than those from the ten territorial constituencies.⁵

Amendments adopted by the parliament in the course of 2010 that modified the way in which national minority seats are allocated were repealed by the Constitutional Court in July 2011.⁶ Accordingly, the same provisions as in the 2007 parliamentary elections applied. Most OSCE/ODIHR LEOM interlocutors voiced grievances about the current system of national minority representation, particularly with regards to the equality and the secrecy of the vote, and expressed the view that it should be revised.⁷

The equality of the vote is undermined by the current delimitation of constituencies, which has not been revised since the adoption of the Law on Constituencies in 1999. Although the LERCP stipulates that the number of registered voters in the ten territorial-based constituencies should not differ by more than 5 per cent, the final voter lists for these elections indicated variations of up to 33 per cent.⁸ The OSCE/ODIHR has previously recommended that constituency boundaries should be revised to ensure the equality of the vote and to be in line with international standards and good practice.⁹ In December 2010, the Constitutional Court issued a notification to the parliament calling

⁵ For instance, the representative of the Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Wallachian, and Jewish minorities was elected with 863 votes; the representative of Czech and Slovak minorities was elected with 1,510 votes.

⁶ The amendments had sought to introduce two key changes. First, the three reserved seats for the Serb minority would be transferred from the national minority constituency to the territorial constituencies. Second, the other minorities would retain five reserved seats but also be granted a “supplementary vote,” allowing them to vote in both their territorial constituency as well as the national minority constituency. See, Constitutional Court Review of the Legislation U-I-/3786/2010, Decision 29.07.2011: [http://sljeme.usud.hr/usud/prakswen.nsf/92b93a268fe63c89c1256e2f000538db/c12570d30061ce54c12578dc0039610e/\\$FILE/U-I-3786-2010.pdf](http://sljeme.usud.hr/usud/prakswen.nsf/92b93a268fe63c89c1256e2f000538db/c12570d30061ce54c12578dc0039610e/$FILE/U-I-3786-2010.pdf).

⁷ In addition, see, Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Croatia, 27 May 2010, paragraph 26: http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_3rd_OP_Croatia_en.pdf.

⁸ Constituency IV had 320,189 voters, while Constituency IX had 426,431 voters; this is a difference of 33 per cent.

⁹ Paragraph 21 of the UN Human Rights Committee General Comment on Article 25 of the International Covenant on Civil and Political Rights states: “...The principle of one person, one vote, must apply and within the framework of each State’s electoral system, the vote of one elector should be equal to the vote of another.” The 2002 Venice Commission Code of Good Practice in Electoral Matters, I, 2.2.iv, states: “Seats must be evenly distributed between the constituencies... The permissible departure from the norm should not be more than 10% and should certainly not exceed 15% except in special circumstances.” In addition, I, 2.2.v, states: “In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.”

for constituency boundaries to be redrawn in line with current population data, however, no changes were implemented before these elections. Most interlocutors of the OSCE/ODIHR LEOM recognized the need for the new parliament to address this issue as a priority.

VI. ELECTION ADMINISTRATION

The parliamentary elections were administered by a four-tiered system, comprising the SEC, 11 Constituency Election Commissions (CECs), one for each of the 10 territorial constituencies and one for the national minority constituency,¹⁰ 559 Municipal Election Commissions (MECs) and City Election Commissions (CiECs) and 6,827 Voting Committees (VCs).¹¹

The SEC is a permanent, independent, and professional body composed of a president, four vice presidents and four members appointed for a term of eight years. The president of the SEC is the president of the Supreme Court. Two of the vice presidents are judges appointed by the Supreme Court from among the judges of that court. All other members are appointed by the parliament upon equal nominations from the ruling and opposition parties. They must be lawyers with at least ten years of relevant experience and cannot be members of political parties.

The responsibilities and duties of the SEC include the conduct of elections and referenda, adoption of instructions for the implementation of legal provisions, provision of voter information, the training of lower-level commission members, and the formulation of recommendations on improvements to election-related legislation. In the discharge of their duties, the SEC was assisted by a permanent secretariat composed of eight members, thereby addressing a recommendation from the 2009 OSCE/ODIHR final report. The SEC staff was further supplemented by nine people temporarily transferred from the Ministry of Finance and the parliament, as well as by four judges detached from their courts, who provided technical support to the SEC.

The SEC adopted ten instructions regulating different aspects of the electoral process, including technical details of candidate registration, observers' rights and obligations, and voting procedures for special categories of voters such as members of the armed forces, prisoners and detainees and homebound voters. SEC statements, decisions, and instructions were published regularly on its website. It also provided timely and comprehensive answers to questions submitted by electoral stakeholders. In line with their responsibilities, the SEC implemented cascade training for lower-level election commissions and provided specific election information for candidates, first-time voters, and the general electorate through leaflets and a few TV and radio spots.

Throughout the election period, the SEC held two regular sessions per day. The sessions were conducted in a collegial manner, although decisions were sometimes adopted rather expeditiously and no formal voting procedure was observed by the OSCE/ODIHR LEOM.¹² The timing and venue of

¹⁰ The SEC directly oversees elections in the out-of-country constituency, co-ordinating technical aspects with the MFAEI.

¹¹ Of these, 6,703 VCs were for polling stations within Croatia and 124 VCs for polling stations established in 52 countries for out-of-country voting.

¹² Article 10 of the Standing Orders of the SEC stipulates that decisions are made by majority vote of all members. Article 11 states that voting shall be done by raising hands.

the sessions were published on the SEC website, however, the agenda of the sessions was not provided in advance. In spite of the short electoral timeframe of 35 days, the SEC performed their duties in an overall professional and efficient manner and enjoyed the trust of the vast majority of electoral stakeholders.

The CECs consist of a president, two members, and three deputies. They were appointed by the SEC from among judges and prominent lawyers on 31 October. The MECs/CiECs have a structure similar to the CECs. The main duties of the CECs were to appoint MECs/CiECs, establish the polling stations in their territory upon the proposals of MECs/CiECs, and tabulate the election results at constituency level. CEC and MEC/CiEC sessions were generally called on an *ad hoc* basis and were open to observers, although not usually publicly announced. Lower-level election commissions visited by OSCE/ODIHR LEOM observers were well-organized and had a balanced gender representation.

Parliamentary parties are entitled to have representatives in the extended membership of all lower-level commissions, a measure designed to enhance transparency. The LERCP does not provide for a deadline for the nominations and appointments of these members, except for the VCs.¹³ The OSCE/ODIHR LEOM noted, however, that party-nominated members acted more as observers than as commission members and that their appointment late in the election process limited their ability to make a more effective contribution to the work of the commissions.

The VCs were composed of ten members appointed by the CECs based on proposals made by MECs/CiECs. The parties participating in the extended membership had to submit three nominations each for every VC by 25 November. Despite initial concerns by some OSCE/ODIHR LEOM interlocutors that these nominations were received too late to allow for adequate training, on election day VC members acted professionally and seemed aware of polling procedures.

VII. VOTER REGISTRATION

All citizens over the age of 18, including those residing abroad permanently, are eligible to vote in parliamentary elections unless declared legally incapacitated by a court decision. Croatia employs a passive, continuous system of voter registration. Voter lists are compiled by the Ministry of Public Administration (MPA) on the basis of the records of citizenship, permanent residence, travel documents, and records of addresses for people residing abroad. A special office is established in Zagreb for the compilation of the voter lists for out-of-country voting.

Both the MPA and the Zagreb city office claimed that double registration was not possible since all data were entered in a centralized register, which allowed for thorough verification and cross-checks. The MPA informed the OSCE/ODIHR LEOM that efforts to improve the accuracy of the voter lists were undertaken, although the deletion of deceased voters residing abroad was not always possible.

Voters were able to check their details at MPA local offices, through an internet-based search programme, via an SMS service or by phone. However, they did not receive individual notifications

¹³ Political parties must submit their nominations no later than eight days prior to election day (Article 69 of the LERCP).

of their registration details, as prescribed by the LERCP. Voters who expected to be away from their place of residence on election day had first to de-register from their regular municipality and then re-register temporarily for these elections in another municipality or abroad. Only 5,394 voters registered to vote outside of their municipality of residence. Each polling station was provided with a printed excerpt of the voter list with voters registered in that polling station and a separate excerpt listing those voters temporarily de-registered in order to vote elsewhere. National minority voters were printed on separate voter list excerpts.

Although most OSCE/ODIHR interlocutors expressed confidence in the accuracy of voter lists, several concerns were raised regarding the ratio between the voter register and the preliminary results of the 2011 census. The number of voters registered for these elections was 4,504,081, including 411,758 registered to vote in the out-of-country constituency. Preliminary census results established the population of Croatia at 4,290,612.¹⁴ While the difference could be partly explained by the different methods used for the census and the compilation of voter lists, such a variance can impact public confidence in the accuracy of voter lists.

VIII. CANDIDATE REGISTRATION

Political parties and coalitions wishing to contest parliamentary elections were required to register their candidate lists with the SEC. The legislation does not allow for individual independent candidates but only for groups of independent candidates, which is at odds with OSCE commitments.¹⁵ There is no requirement that candidates have residency in the constituency in which they stand. A candidate list may also be headed by a person who does not need to be a candidate. In an inclusive process, the SEC registered a total of 313 candidate lists received from 40 political parties, 23 coalitions, and 28 lists submitted by groups of voters. Two lists were withdrawn following their initial submission. There were 15 lists registered in the out-of-country constituency. As in previous parliamentary elections, the SDP did not register a candidate list in the out-of-country constituency. For the national minority elections, a total of 56 candidates were registered, a decrease from the 72 candidates registered in the 2007 parliamentary elections. The Independent Democratic Serb Party (SDSS), which fielded three candidates in the national minority constituency, also contested the elections in one territorial constituency.

Candidate lists in the ten territorial constituencies had to contain at least 14 names. A list submitted by a group of voters had to be supported by 500 signatures. In contrast, to register a political party requires only 100 signatures.¹⁶ For the out-of-country constituency, the lists had to contain between 6 and 14 candidates. Candidates for the national minority constituency could be nominated by political parties, registered national minority non-governmental organizations (NGOs), or groups of voters.

¹⁴ See, “Census of Population, Households, and Dwellings 2011, First Results by Settlements” published by the Croatian Bureau of Statistics, Zagreb at: http://www.dzs.hr/Hrv_Eng/publication/2011/SI-1441.pdf.

¹⁵ Paragraph 7.5 of the 1990 OSCE Copenhagen Document provides that participating States “respect the right of citizens to seek political or public office, individually or as representatives of political parties and organizations, without discrimination.”

¹⁶ See, Article 6 of the Law on Political Parties.

Candidates nominated by a group of voters in this constituency required only 100 supporting signatures.¹⁷ In total, 4,359 candidates contested the elections.

The LERCP does not state the criteria for candidate ineligibility, but only the reasons that lead to the curtailment of the mandate of an elected MP. The HDSSB inquired with the SEC whether Branimir Glavaš, convicted of war crimes and currently serving a prison sentence in Bosnia and Herzegovina, could be a candidate and whether he could head the party's lists. The SEC responded that he could not be a candidate, but that he could head the lists.¹⁸ On 12 November, the Constitutional Court *ex officio* overruled the SEC opinion, stating that even though the law does not explicitly foresee a prohibition, permitting Glavaš to head the list would be contrary to the values enshrined in the Constitution.

In total, 35 per cent of the candidates standing were women. While the 2008 Law on Gender Equality calls for parties to achieve a gender balance on candidate lists, the law lacks clarity on the conditions and the timeframe for implementation. There are no provisions concerning the position of women on candidate lists. Women candidates were in the first position in only 15.6 per cent of candidate lists.

IX. ELECTION CAMPAIGN

The official election campaign started on 17 November, after the conclusion of candidate registration, and ended at midnight on 2 December. However, according to several OSCE/ODIHR LEOM interlocutors, pre-campaign activities had already commenced in early autumn when the ruling party HDZ organized a series of regional assembly meetings and the opposition *Kukuriku* coalition parties toured the country to present their joint electoral platform.

Electoral contestants were able to conduct their activities freely. The tone of the campaign was measured and intensified only during the final week before the elections. Billboards, posters, and candidate meetings were visible across the country, especially in cities. HDZ and *Kukuriku* ran the most prominent campaigns, but other parties, including the Croatian Social Liberal Party (HSLs) and Croatian Labourists, presented themselves actively as an alternative to the two main blocs. Regional contestants, such as the HDSSB and the independent lists of Milan Bandić and Stipe Petrina, ran particularly visible campaigns in their respective constituencies.

Some smaller parties informed the OSCE/ODIHR LEOM that limited funding negatively affected their ability to reach out to the electorate. Several contestants, especially *Kukuriku*, HSLs and the Croatian Labourists, made increased use of the internet, including YouTube and social networking sites such as Facebook and Twitter, to publicize their programmes and connect with voters. Some interlocutors alleged that the absence of debates among leading contestants had a detrimental effect on voters' ability to make an informed choice on election day.

¹⁷ Registered voters supporting a national minority candidature do not have to belong to national minorities themselves. See, Article 18 of the LERCP.

¹⁸ Article 10.3 of the LERCP states: "The mandate of a member of parliament shall cease if he is convicted by a final court decision to a prison sentence longer than six months."

The campaign was focused primarily on economic issues, including rising unemployment, taxation, and investments in infrastructure. Although the elections took place at a time when the ex-Prime Minister Ivo Sanader and several HDZ officials faced corruption charges, the extension of the investigation to the party as a legal entity did not dominate the campaign. Similarly, given a wide consensus in favour of EU accession, the planned referendum on membership played a secondary role in candidate speeches and meetings. Among the parties represented in the outgoing parliament, only HSP voiced opposition to EU membership as part of its electoral platform. Recurring recourse to nationalist rhetoric, in part related to recent trials and convictions of war crimes suspects, was a more prominent feature of the pre-campaign, rather than of the official campaign period.

X. CAMPAIGN FINANCE

In line with previous recommendations made by the OSCE/ODIHR, as well as the Group of States against Corruption of the Council of Europe (GRECO),¹⁹ campaign finance regulations were strengthened and consolidated in the 2011 Law on Political Activity and Election Campaign Financing. Political parties, candidates, and independent lists of candidates can finance their campaign activities with their own financial resources and donations.²⁰ Foreign and anonymous donations are prohibited and in-kind contributions must be accounted for at market value. Total campaign costs per candidate list should not exceed HRK 1.5 million per constituency. The law also provides for the proportional reimbursement of campaign costs for lists that obtain at least five per cent of the valid votes in their constituency. Varying levels of compensation are additionally provided to national minority candidates.

Each electoral contestant is required to open a special type of bank account for all campaign contributions and expenditures. The SEC oversees campaign finance regulations and has the authority to check these accounts at any time. If irregularities are detected, the SEC forwards the case to the courts to decide on sanctions, including fines or the transfer of unauthorized funds to the state budget. During the pre-election period, the SEC forwarded six cases to the prosecutor's office.²¹ At the time of writing, the prosecutor's office has decided to not proceed further with three cases due to lack of grounds for prosecution, while three cases concerning independent lists were still under investigation.

Parties, candidates, and heads of independent lists were required to submit preliminary reports to the SEC on campaign income and expenditure seven days before election day. Twenty-seven contestants

¹⁹ See, GRECO Evaluation Report on Croatia – Transparency of Party Funding, 30 November to 4 December 2009, pages 19 to 23:

www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3%282009%291_Croatia_Two_EN.pdf.

²⁰ The limit for contributions in a calendar year is set at HRK 30,000 (approximately EUR 4,000) for individuals, HRK 200,000 for legal entities to political parties, and HRK 100,000 for legal entities to candidates. At the time of writing, the exchange rate was 1 EUR : 7.57 HRK.

²¹ These related to the failure by the Croatian Christian Democratic Union (HKDU) to open a campaign bank account; donations exceeding the limit prescribed by law to the HSS and the HSLŠ; and donations to two independent candidates from unauthorized donors, or legal entities with debt to the state budget as confirmed by the Tax Administration. The sixth case concerns an advertising discount to, and a potential misuse of administrative resources by, the independent list of Milan Bandić.

failed to submit preliminary reports by the prescribed deadline.²² Final reports were to be submitted 15 days after the final election results were announced on 13 December. Eight contestants submitted their final reports after the prescribed deadline, while 30 contestants did not.²³ Sanctions such as forfeiture of the right of reimbursement for campaign expenses and fines are foreseen in the law for failure to submit reports. However, at the time of writing, no sanctions had been imposed. Overall, contestants that submitted preliminary and final financial reports complied with their obligation to publicly disclose them. In line with its obligations, the SEC is due to release a public report on overall compliance with campaign finance regulations by mid-February 2012.

The new campaign finance regulations constitute a significant improvement in the transparency of the electoral process and were generally welcomed by political parties and civil society organizations. However, certain issues remain unaddressed in the law, including how to account for expenditures prior to the start of the official campaign and how to consider commercial discounts.

The SEC attempted to clarify some of these issues. On 21 November, it issued a statement warning contestants that funds spent on the campaign before the start of the official campaign period must be reported as campaign expenditures.²⁴ The SEC informed the OSCE/ODIHR LEOM that it did not intend to actively investigate such cases, but it would examine cases brought to its attention. Nonetheless, not all contestants submitted information on expenditures during the pre-campaign period.

Two domestic NGOs, GONG and the national chapter of Transparency International, monitored campaign spending. On 19 November, they issued a report in which they published a market price-based estimate of amounts spent by political parties on the first day of the official campaign. The HDZ complained to the SEC that the report contained false information and thereby undermined its campaign. The party argued that it had paid discount rates for advertising and, therefore, spent only half the estimated amount reported. The SEC stated on 21 November that while NGOs are entitled to publish such data, they are responsible for the accuracy of it. To date, the SEC has not made any public statement on whether discounts on media advertising constitute donations.

XI. MEDIA

A. GENERAL MEDIA ENVIRONMENT

Croatia has a diverse media environment which includes some 170 radio stations, 31 TV channels, and 15 daily newspapers, offering citizens a variety of political views. Some 60 per cent of households have access to the internet.²⁵ However, television remains the predominant source of

²² Six political parties, one head of a list of independent candidates, and 20 national minority candidates did not submit preliminary reports.

²³ Three political parties, four national minority candidates, and two heads of independent lists submitted final reports after the prescribed deadline. Eleven political parties, 2 heads of independent lists, and 17 national minority candidates did not submit final reports.

²⁴ The SEC statement did not specify any timeframe within the pre-campaign period.

²⁵ See, Croatian Bureau of Statistics, 2011 Statistical Information: Households Equipped with Information and Communication Technologies (ICT), p.55: http://www.dzs.hr/Hrv_Eng/StatInfo/pdf/StatInfo2011.pdf.

information.²⁶ Nine TV channels have nationwide coverage. Seven are privately owned, out of which two, *Nova TV* and *RTL* broadcast regular news and current affairs programmes.²⁷

The Croatian public service broadcaster *Hrvatska Radiotelevizija* (HRT) includes two nationwide TV channels, *HTV1* and *HTV2*, and three national radio stations, *HR1*, *HR2*, and *HR3*. Aiming to address some concerns raised within the media community over a perceived lack of HRT editorial independence, on 13 May 2011 the parliament adopted a new statute for HRT, which attempted to clarify responsibilities among the leading editorial staff of HRT. The state retains its control over the newspaper *Vjesnik*, the oldest daily newspaper published on a daily basis since 1945.

B. LEGAL FRAMEWORK FOR THE MEDIA

The LERCP and the 2003 “Rules of Procedure for Electronic Media with National Concession in the Republic of Croatia during the Election Campaign” (amended in 2007) regulate the media coverage during the official campaign period.

The legal framework requires that the national broadcast media, both public and private, provide coverage of all contestants on an equal basis. While the private media may choose to abstain from campaign coverage, the national public broadcaster *HRT* has the obligation to air a variety of special election programmes that cover contestants’ platforms and campaign activities, as well as to provide ten-minute slots of free airtime in both TV and radio programmes for each contestant.²⁸ Furthermore, the lists’ representatives are entitled to equal access to televised discussion programmes, organised by HRT for each of the 11 constituencies. Five additional discussion programmes were aired separately for national minority candidates.²⁹ The order of contestants’ presentations and the schedule of discussions were determined by lottery.

A large number of OSCE/ODIHR LEOM interlocutors, including public and private national broadcasters, complained about an overly restrictive legal framework. While designed to encourage a level playing field for the campaign, it often impedes editorial independence. The combination of a high number of contestants with the requirement for equal coverage by the media prevents the conduct of lively and engaging programmes and limits the campaign coverage in the private media. The national media, the key sources of political information, are not permitted to organize debates among frontrunners or focus on campaign activities of key contestants in their regular or election programmes. The framework for the media coverage of the campaign remained unchanged for the 2011 elections despite previous OSCE/ODIHR recommendations and a broad consensus in the media community since the 2007 parliamentary elections that the strict equality requirement be reconsidered.

²⁶ According to an opinion poll conducted by GfK Croatia in December 2010, 57 per cent of respondents use television on a daily basis as their primary source of information; the second largest share of respondents, 19 per cent, identified the internet as their primary source of information:

http://www.gfk.hr/public_relations/press/press_articles/007594/index.hr.html.

²⁷ The other five private TV channels: *CMC*, *Sportska Televizija*, *Kapital Network*, *Doma TV*, and *RTL 2* are specialised. Their national broadcasts were launched in early 2011.

²⁸ According to Chapter II, Article 2 of the Rules of Procedure, free airtime should be provided to “all political parties, heads of independent candidate lists and candidates who are members of national minorities.”

²⁹ No debate was held for the Italian national minority contest as there was only one candidate.

The 2009 Law on Electronic Media grants the Council for Electronic Media (CEM) the mandate to monitor the activities of broadcast media in general. The CEM has the power to impose sanctions ranging from warnings to termination of the broadcasting license. The CEM received no complaints related to activities of broadcasters during the campaign coverage. However, complaints relevant to media activities were filed with the SEC and the Ethics Commission, despite the fact that LERCP does not provide them the authority to impose sanctions. In addition, both of these bodies have only a limited capacity to investigate this type of complaint. The small number of complaints filed during the campaign and the nature of the alleged breaches indicated respect of broadcast media for their legal obligations.

C. OSCE/ODIHR LEOM MEDIA MONITORING



The OSCE/ODIHR LEOM commenced its media monitoring on 11 November. It included prime time broadcasts (18:00 – 24:00) of the public TV channels *HTV1* and *HTV2* and the private channels *Nova TV* and *RTL*. *TV Kapital Network* was added on 20 November, when its national broadcasts were re-launched. The newspapers *Jutarnji List*, *Slobodna Dalmacija*, *Večernji List*, *Vjesnik*, and *24 Sata* were also monitored.

The HRT fulfilled its legal obligations, granting contestants equal coverage in a range of election programmes as prescribed by the legal framework and HRT's internal programme rules.³⁰ The HRT offered only limited coverage of political actors in its regular news programmes during the campaign. For example, in *HTV1* news, political actors received twice the amount of time in the 6-day period preceding the start of the campaign than during the 16-day official campaign period.³¹ Of the news coverage during the official campaign, HDZ received 25 per cent, *Kukuriku* 22 per cent, and the government 13 per cent. The main contestants and other political actors were portrayed primarily in a neutral manner, although at times they were presented negatively.

Private TV channels with national outreach, *Nova TV* and *RTL*, offered contestants five minutes of free airtime to present their campaign platforms. However, both channels decided to abstain from coverage of campaign activities in the evening prime-time broadcasts because of a stated lack of technical capacity to cover all contestants equally. Similar to HTV, both private TV channels intensively covered the activities of contestants before the start of the official campaign, but had only a limited amount of coverage during the campaign period. *Nova TV* dedicated the largest share of its news coverage during the campaign to the government with 22 per cent, while *Kukuriku* received 16 per cent, and HDZ 15 per cent. *RTL* allotted 26 per cent of coverage to *Kukuriku*, 23 per cent to HDZ, and 10 per cent to the government. Political actors were portrayed in a mostly neutral way in both *Nova TV* and *RTL*, while the coverage of the government was slightly negative.

Kapital Network, a business-oriented TV channel did not cover campaign events in its news programmes but, like *Nova TV* and *RTL*, offered contestants the possibility to purchase airtime. Paid political media advertising is allowed during the official campaign period, but was not used widely by

³⁰ HRT Programme Rules for covering the elections of representatives of the Croatian Parliament, adopted by the HRT Programme Council on 8 November 2011.

³¹ *HTV1* news dedicated 150 minutes of airtime to political actors and contestants' activities in the period before the start of the campaign (from 11 till 16 November). During the campaign period, the total amount of the news time dedicated to the political actors was less than 70 minutes.

contestants. Contestants expressed particularly low interest in purchasing space in print media or time on local broadcast media. Among all contestants, HDZ and *Kukuriku* purchased by far the largest amount of paid time in the national TV channels monitored by the OSCE/ODIHR LEOM.³²

Unlike national broadcasters, the print media are not restricted in their editorial coverage during the official campaign period. Overall, they offered analytical coverage of candidate platforms, as well as in-depth interviews with representatives of main contestants. Coverage of all monitored newspapers focused predominantly on the frontrunners, *Kukuriku* and HDZ. *24 Sata*, the highest circulation tabloid newspaper, provided generally negative coverage of most political actors. *Jutarnji List* and *Slobodna Dalmacija* portrayed HDZ in a negative light. In *Slobodna Dalmacija*, the coverage of *Kukuriku* was slightly negative. *Večernji List* portrayed political actors, including HDZ and *Kukuriku*, in an overall neutral light. Coverage of most contestants in *Vjesnik* was primarily neutral, while HDZ was portrayed in a slightly positive light.

XII. COMPLAINTS AND APPEALS

Complaints on electoral violations can be filed with the SEC by political parties, heads of independent lists, candidates, and a minimum of 100 voters or 5 per cent of the voters of a constituency. The SEC is obliged to decide on complaints within 48 hours. SEC decisions can be appealed before the Constitutional Court, which must also decide within 48 hours. In addition, complaints can be filed directly with the Constitutional Court, which can also act *ex officio*, in cases when electoral activities are carried out in breach of the Constitution and the law.

In the pre-election period, a total of six complaints pertaining to the registration of candidates were filed with the SEC, all of which were dismissed as unsubstantiated or not legally grounded. Four of them were appealed before the Constitutional Court, which upheld the SEC decisions in all instances.

After election day, nine complaints were filed with the SEC, mainly by national minority candidates and by national minority associations, eight of which alleged various irregularities during election day procedures and requested the repetition of elections in four instances and recounts in two instances.³³ The SEC dismissed all complaints as unsubstantiated. Five of them were further appealed before the Constitutional Court, which upheld the SEC decisions. In addition, two complaints were filed directly with the Constitutional Court by individuals who requested the annulment and repetition of elections. These appeals were also dismissed for lack of legal standing on the part of the plaintiffs.

Overall, the law provides for timely and effective adjudication of electoral disputes for all aspects of the electoral process. There is, however, a lack of clarity in the legal provisions with regards to the calculation of the 48-hour deadline for filing complaints and appeals. For example, Article 98 of the LERCP stipulates that complaints on candidate registration must be submitted to the SEC within 48 hours from the day the alleged irregularity occurred. However, it is not clear whether the deadline

³² Paid advertisements on *TV Nova* during the prime time broadcasts amounted to 66 minutes, of which HDZ purchased 53 per cent and *Kukuriku* 41 per cent. On *RTL* paid advertisements amounted to 45 minutes, of which HDZ purchased 46 per cent and *Kukuriku* 52 per cent. No prime-time adverts were aired on *Kapital Network*.

³³ One of these nine post-election complaints pertained to candidate registration. It was dismissed by the SEC as it was filed outside the deadline.

should be calculated from the submission or the publication of candidatures. For complaints regarding election results, it is not clear either whether the deadline should be calculated from the moment the alleged irregularity occurred or from the announcement of preliminary results. In addition, the practice of the SEC accepting complaints submitted by post resulted in a *de facto* extension of deadlines for reaching decisions, generally already after the election.

The SEC supervises the overall conduct and ‘correctness’ of the election campaign.³⁴ The LERCP does not contain a definition of what constitutes correct campaign activities nor does it foresee any sanctions. It provides instead for the establishment of an independent seven-member Ethics Commission before the start of the official campaign that monitors the campaign in line with a Code of Ethics. The Ethics Commission was constituted on 8 November and issued the Code of Ethics on 14 November. Neither the SEC nor the Ethics Commission can issue legally binding decisions on complaints regarding the conduct of the campaign. The Ethics Commission reviewed 28 cases in total,³⁵ 12 of which were found to be in breach of the Code of Ethics. It acted *ex officio* in one case when an HDZ candidate made a derogatory remark against homosexuals during a campaign rally in Šibenik. The LERCP does not foresee any sanctions either for the violation of campaign silence provisions nor does it specify which body is competent to monitor the observance of these provisions. Complaints related to media activities were filed with both the SEC and the Ethics Commission, even though the only competent body for such complaints with sanctioning power is the CEM.³⁶ Due to the lack of clarity regarding the competencies of the two bodies, a few cases were brought to the attention and discussed by both the SEC and the Ethics Commission.

XIII. ELECTION OBSERVATION

The LERCP only provides for election observation by NGOs.³⁷ The SEC, as in previous parliamentary elections, issued an instruction that extended this right to international observers. The previous OSCE/ODIHR recommendation that party representatives be allowed to observe parliamentary elections remained unaddressed. The SEC accredited some 3,225 observers from 23 organizations and 46 international observers for these elections. The main domestic observer organization, GONG, deployed some 600 observers on election day in Croatia and observed out-of-country voting in Bosnia and Herzegovina and Serbia, among other countries.

XIV. ELECTION DAY

In line with standard OSCE/ODIHR methodology for LEOMs, the mission did not include short-term observers and did not undertake a comprehensive and systematic observation of election day

³⁴ ‘Correctness’ is translated from Article 56.8 of the LERCP, which reads: “Državno izborno povjerenstvo:... nadzire pravilnost izborne promidžbe.”

³⁵ In 2007, the Ethics Commission reviewed a total of 60 cases.

³⁶ The Ethics Commission issued eight warnings addressed to the media, calling for full compliance with media regulations and a fair coverage of the campaign.

³⁷ Paragraph 8 of the 1990 OSCE Copenhagen Document states: “The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from other OSCE participating States...and organizations who may wish to do so to observe the course of their national election proceedings to the extent permitted by law.”

proceedings. However, mission members visited a limited number of polling stations and followed the tabulation of results in some constituencies.

Generally, the elections took place in a calm atmosphere without incident. In the limited number of polling stations visited by OSCE/ODIHR LEOM observers, voting was conducted in an orderly and transparent manner. VCs performed their tasks professionally and adhered to procedures overall, although some minor procedural problems were noted. The OSCE/ODIHR LEOM observed very few instances of voters not being found on the voter lists and such voters were usually advised by the VCs to check their registration details with the MPA. In some locations, the layout of the polling station did not fully guarantee the secrecy of the vote, while VCs and voters were not always attentive to this part of the process. Despite the significantly reduced number of out-of-country polling stations, the OSCE/ODIHR LEOM was not made aware of any difficulties in administering out-of-country voting.

Voters belonging to national minorities were given the option to vote for either their regular constituency or for the national minority constituency. Differently coloured ballots were used for the national minority contests and voters chose their constituency in front of VCs. Several interlocutors from the Serb minority informed the OSCE/ODIHR LEOM that making the choice of ballot in front of the VCs, and possibly other persons present, is not free from pressure in areas where there are still ethnic tensions. The secrecy of the vote may have been compromised in some instances by the potential ease with which the low number of national minority constituency voters could be identified. Most of the voters belonging to national minorities opted to vote for the constituency of their residence instead of the national minority one.³⁸

The campaign silence was generally respected by media with few exceptions. *HTV 1* aired a current affairs programme referring to contestants' platforms approximately one hour before the close of polls on election day. The SEC reported five instances of breaches of campaign silence in total, mainly concerning out-of-country voting. The SEC issued statements calling for the cessation of such activities.

Counting and reception of election materials as well as the tabulation process appeared to have been conducted in a transparent and efficient manner, which allowed for the prompt announcement of preliminary results by the SEC. Although the LERCP does not establish a deadline, the SEC published comprehensive preliminary results, disaggregated at polling station level, on its website in the early morning of 5 December.

XV. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of Croatia, in further support of their efforts to conduct elections fully in line with OSCE commitments and other standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. OSCE/ODIHR stands ready to assist the authorities to further improve the electoral process and in following up on the recommendations contained in this and previous reports.

³⁸ Out of 375,164 registered national minority voters, 125,034 chose to vote for their territorial constituency, as opposed to 45,508 who voted for national minority representatives.

A. PRIORITY RECOMMENDATIONS

1. In line with previous OSCE/ODIHR recommendations, the legal framework for elections should be reviewed, consolidated, and harmonized. Consideration could be given to a single comprehensive electoral code that would regulate all types of elections. Specific chapters to address the different aspects of local, parliamentary, and presidential elections could be included in this code.
2. Constituency boundaries should be revised in order to minimize existing deviations in the number of registered voters per constituency and to ensure the equality of the vote, in line with the Constitution and international standards and good practice. Legislation should also foresee periodic review of the boundaries to account for population changes.
3. Further efforts should be undertaken to enhance the accuracy of voter lists, deleting entries of voters who have died abroad and ensuring accurate information about voters' actual place of residence. A review of the responsibilities and procedures of relevant institutions involved in the compilation of voter lists could be considered. Increased public information on the differences between census and voter registration data could also alleviate public concern.
4. The system of national minority representation could be reviewed. Any changes should be conducted in an inclusive manner and take into account issues of equality of the vote and secrecy of the vote to the extent possible.

B. OTHER RECOMMENDATIONS

Election Administration

5. Consideration could be given to extending the period between the announcement of elections and election day. This would allow the election administration to carry out their tasks in an appropriate timeframe.
6. A deadline for the appointment of the extended membership of CECs and MECs/CIECs significantly in advance of election day should be foreseen in the law. This would allow for a more effective contribution by these members to the work of the election administration.
7. The organization of meetings and decision-making procedures for lower-level election commissions could be further regulated in order to enhance transparency.

Voter Registration

8. The two-step process of registering as an absentee voter could be revised. A simplified procedure could be considered to allow for a centralized and automatic temporary registration.

Candidate Registration

9. Legal provisions should be revised to clearly state the cases of candidate ineligibility.
10. Legislation should be reviewed to allow for individual independent candidatures in line with OSCE commitments. The number of supporting signatures for independent candidacies could also be reconsidered so that the conditions to stand as an independent candidate are not stricter than for political parties.
11. Legislation, including the Law on Gender Equality, should be reviewed to clarify the conditions under which the requirement for balanced gender representation on candidate lists is to be achieved.

Campaign Finance

12. The legal provisions could be reviewed with a view to address and clarify pre-campaign expenditures and commercial discounts offered to contestants. Sanctions could also be reconsidered in order to enhance their efficacy and deterrence effect.

Media

13. Consideration could be given to conferring on the CEM a more formal role in monitoring the coverage of elections. CEM monitoring results could assist the SEC in the implementation of media-related provisions in the electoral legislation.
14. Legislation could be reviewed to provide for proportional rather than strictly equal access to media, provided that all contestants are given access in a non-discriminatory manner and allowed sufficient time and opportunity to present their views.

Election Observation

15. In order to fully comply with paragraph 8 of the 1990 OSCE Copenhagen Document, legislation should be amended to allow for international observers as well as party representatives to observe all aspects of the election process. Their rights and responsibilities could also be established in the law.

Complaints and Appeals

16. Provisions on the deadlines for filing complaints and appeals should be clarified with regards to the calculation of these deadlines. The law could also include details on the manner by which appeals should be filed and plaintiffs notified of the outcome of their complaints.
17. Consideration could be given to defining in the law what constitutes a 'correct' election campaign and to clearly stipulate the competencies of the SEC and the Ethics Commission in regulating the conduct of the campaign. A mechanism to enforce decisions as well as sanctions could be included.

Election Day Procedures

18. Further measures should be undertaken to guarantee the secrecy of the vote. This could include specific guidelines for the layout of polling stations, as well as increased emphasis on this aspect of the voting process in election commission trainings and in voter information.

XVI. ANNEX: FINAL RESULTS

ELECTION OF REPRESENTATIVES TO THE CROATIAN PARLIAMENT
 FINAL RESULTS³⁹

Republic of Croatia	Total	
No of registered voters	4,504,251	
No of ballots cast	2,439,754	54.17%
No of valid ballots	2,397,660	98.27%
No of invalid ballots	42,094	1.73%

Party / Coalition / Candidate	No of seats	No of votes
<i>Kukuriku</i> (SDP, HNS, IDS, HSU)	80	958,318
HDZ	30	350,453
HDZ in coalition with Croatian Civic Party (HGS)	13	166,707
HDZ in coalition with Democratic Centre (DC)	4	46,055
Labour party	6	97,701
HDSSB	6	68,995
Independent Candidate List of Ivan Grubišić	2	29,088
HSS	1	14,854
Croatian Party of Rights – Dr. Ante Starčević (HSP-AS) in coalition with HČSP	1	14,938
Seats Reserved for National Minorities		
Serb minority (SDSS)	3	40,978
Hungarian minority (Union of Hungarian Associations, SMU)	1	2,441
Italian minority (Furio Radin, independent candidate)	1	3,067
Czech and Slovak minorities (<i>Kukuriku</i>)	1	1,510
Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Wallachian and Jewish minorities (Centre for the Implementation of Integration in the European Union, CPI EU)	1	863
Albanian, Bosnian, Montenegrin, Macedonian and Slovenian minorities (Bosnian Democratic Party of Croatia, BDSH)	1	1,628
TOTAL	151	

³⁹ Data aggregated according to final results published on 13 December 2011 on the SEC website:
<http://www.izbori.hr/2011/Sabor/rezultati/rezultati.html>.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).