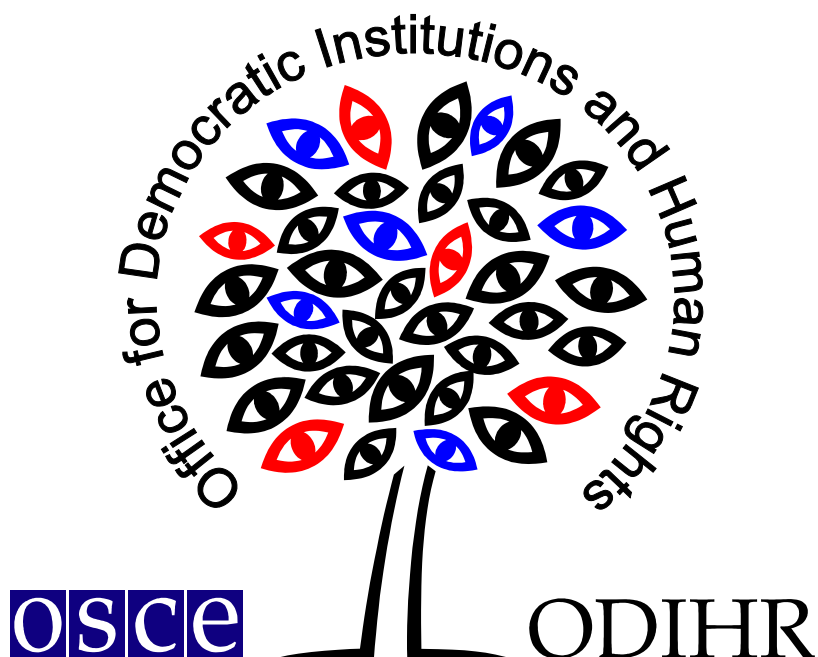




Office for Democratic Institutions and Human Rights

**REPUBLIC OF CROATIA  
PARLIAMENTARY ELECTIONS  
23 NOVEMBER 2003  
(TO BE CONFIRMED)**

**OSCE/ODIHR EXPERT TEAM REPORT**



Warsaw  
1 October 2003

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**I. INTRODUCTION**

In anticipation of an invitation from the Government of the Republic of Croatia to observe the parliamentary elections tentatively scheduled for 23 November 2003, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Expert Team to Zagreb from 16-19 September. The Team consisted of Vadim Zhdanovich (Russian Federation, ODIHR Election Adviser) and Ian Mitchell (Canada, election expert).

The tasks of the Expert Team were:

- To assess the electoral environment and the preparations for the anticipated elections, and
- To make recommendations to the ODIHR on whether to observe the elections and, if so, on the nature of the observation mission to be deployed.

The Expert Team met with officials of the Ministry of Foreign Affairs, representatives of the Sabor (Croatian Parliament), the State Election Commission, the Council of National Minorities, representatives of other government ministries, political parties, non-governmental organisations (NGOs), and embassies of OSCE participating States.

The ODIHR is grateful to the Ministry of Foreign Affairs of the Republic of Croatia for the co-operation it provided to the Team. The Expert Team is also thankful for the excellent support and assistance given by the OSCE Mission to Croatia.

**II. EXECUTIVE SUMMARY**

The OSCE ODIHR Expert Team found that the legal and regulatory framework governing the elections has not significantly improved. Following the 2000 parliamentary elections, 2000 presidential elections and 2001 local elections, OSCE ODIHR recommended a number of detailed changes be made to the framework. However, there is a broad consensus among interlocutors that the political culture in Croatia has irrevocably changed for the better. As such, this represents a key, compensating factor in evaluating the pre-election environment.

The political atmosphere in Croatia is less contentious and less charged than during the last parliamentary elections. Political parties noted the increasing

professionalisation of political party behaviour, with the major parties all well prepared for the forthcoming contest.

The potential for voter apathy remains a concern. Voter turnout – averaging 75% in the 10 Croatian constituencies during the 2000 parliamentary elections – may be significantly lower in the upcoming elections. While non-governmental organisations have already launched a voter education and participation campaign, greater efforts in this area could be expected from the authorities.

The structure of the election administration remains unchanged from the previous parliamentary elections. Despite the lack of a permanent, professional election commission, political party confidence in the integrity of the election administration is high. There is no expectation of manipulation or fraud on voting days. However, the accuracy and completeness of voter registers, the subject of recommendations for improvement in previous OSCE ODIHR reports, remain a concern.

In general, the media environment is marked by increased competition, and the increasing development of ‘in-house’ professional standards for the provision of equal access. However, the legal and regulatory framework governing the media has not significantly advanced since the 2000 parliamentary elections. Changes in the regulatory framework for television, by far the most important source of news and information for voters, will not be fully implemented prior to the election. More positively, all media interlocutors indicate that past practices of direct pressure exerted on the media by political parties or the government of the day have disappeared.

The period since the last parliamentary election was marked by the passage of the Constitutional Law on National Minorities, which augmented the representation of minorities in the Sabor. Interlocutors indicated that the law has been widely accepted in the minority community. However, the possibility of minorities holding a dual vote, one for the national minority list and the other for the relevant constituency of the Sabor, remains legally contested.

All citizens residing outside of Croatia will be able to vote at Croatian embassies and consulates. It is clear that this system, while uniform in design, does not allow for the highly concentrated distribution of eligible Croatian citizens, including many refugees and those who received citizenship during the war but remained residing permanently outside the Republic of Croatia. There was recognition of the scale and potential difficulties arising from this situation among the Ministry of Foreign Affairs and the members of the State Election Commission, although it remained unclear whether any steps would be taken to remedy it.

As a result of the NAM, OSCE/ODIHR intends to deploy an observation mission of limited format, with a small core team to be deployed one month before the elections and 12 long-term observers to be deployed shortly thereafter. However, due to the high level of confidence that was expressed in the voting day procedures, the NAM does not recommend the need for deployment of STO's.

### III. MAIN FINDINGS

#### A. POLITICAL SITUATION

The parliamentary elections are the first since the change of government following the elections of 2000. The political atmosphere in Croatia is less contentious and less charged than during the last parliamentary elections. Political parties, in particular the main opposition party, the Croatian Democratic Community (HDZ) have maintained a relatively low profile in the pre-electoral period. The economy, growing national debt, and unemployment are the main domestic political issues. There is almost universal political party support for the main foreign policy issues such as the process of Croatian accession to NATO and to the EU.

The political party landscape has changed somewhat in the past four years, as a result of divisions in some parties and realignment of some political forces. Opinion polls suggest that support for the largest parties is relatively stable, and indicate that fewer of the smaller parliamentary parties may garner sufficient votes to pass the electoral threshold.

Interlocutors described party activity in the pre-electoral period as that of a 'non-issue' campaign, with little overt discussion of party political platforms. There is increasing professionalisation of political party behaviour, with the major parties all seemingly well prepared for the forthcoming contest.

The potential for voter apathy remains a concern. Voter turnout – averaging 75% in the 10 Croatian constituencies during the 2000 parliamentary elections – may be significantly lower in the next elections. Interlocutors speculate that it may fall by as much as 10%, but feel this is indicative of a 'normalisation' of politics.

The forthcoming elections will be the first held in Croatia where the electoral system, including the boundaries of electoral districts, has remained unchanged since the previous elections. Most political parties welcomed this continuity.

The Law on Election of Representatives to the Croatian Parliament (Election Law) provides for 10 constituencies in the Republic of Croatia, each electing 14 members of the Sabor. A minimum of 5 % of all votes cast in the constituency is needed to receive a mandate. Croatian citizens residing abroad are treated as one constituency. The number of their representatives is determined by the total of votes cast in that constituency divided by the average number of votes need to obtain a mandate within Croatia. A further 8 seats are reserved for members of national minorities.

Despite the proportional representation system, much media and political party focus rests on the personality at the head of the constituency list. Several interlocutors doubted the extent to which ordinary voters fully understand the impact of the constituency system, and the electoral threshold. While non-governmental organisations have already launched a voter education and participation campaign, greater efforts in this area could be expected from the authorities.

## **B. THE LEGAL FRAMEWORK**

In April 2003 the Croatian Parliament enacted amendments to the parliamentary election law that were necessitated in large part by constitutional changes in 2001 which included dissolution of the House of Counties of the State Parliament. However, all interlocutors agreed that there had not been significant change in the legal framework governing elections, political parties, the voter register, and the State Election Commission. On that basis, there are no grounds for being certain that problems similar to those encountered in the 2000 parliamentary elections will not re-occur at the next elections.

However, there was a high degree of confidence expressed by all interlocutors that positive changes to the political environment would compensate for any outstanding weaknesses in the legal framework. In this sense, the progression of the election process as a whole, and in particular the activities of non-governmental organisations has outdistanced the development of the relevant electoral legislation.

One notable weakness in the legal framework is the theoretical possibility that, given a relatively low turnout in Croatia proper, and a relatively high turnout of voters residing overseas, the number of parliamentarians could surpass the constitutional limit of 160.

## **C. THE ELECTION ADMINISTRATION**

The structure of the election administration remains unchanged from the previous parliamentary elections. Elections are administered by a four-tier system of independent bodies, including the State Electoral Commission (SEC), Constituency Electoral Commissions, Municipal and City Electoral Commissions, and Voting Committees. The State Election Commission (SEC) is an ad-hoc body formed following the announcement of elections. The Election Law remains vague on the formation, appointment, tenure and operations of electoral commissions.

The SEC members interviewed demonstrated a thoughtful and professional approach to their work. However, they noted that they have on several occasions expressed their concerns to the government regarding the failure to establish a permanent, professional election commission to enhance the quality of the electoral process. The SEC noted that they were likely to overrun their budget by up to 20%. However, they felt that this matter would not hamper the electoral process, and could be resolved.

The major parties appear satisfied with the election administration. There is no expectation of manipulation or fraud on voting day.

Voter registers, the subject of recommendations for improvement in previous OSCE ODIHR reports, remain a concern. Some interlocutors, including national minority representatives have cast doubt on the accuracy and completeness of the registers, especially in areas of refugees.

#### **D. THE MEDIA**

In general, the media environment is marked by increased competition, and the increasing development of 'in-house' professional standards for the provision of equal access, notably in the print media. Public television has made a number of changes in its approach to election reporting and is generally expected to provide balanced coverage.

However, the legal and regulatory framework governing the media has not significantly advanced since the 2000 parliamentary elections. Despite the recently passed Law on the Media, the changes in the regulatory framework for television, by far the most important source of news and information for voters, will not be fully implemented prior to the election. Doubts also remain as to the implementation of regulations for radio broadcasting, with particular concern regarding news content.

More positively, all media interlocutors indicate that past practices of direct pressure exerted on the media by political parties or the government of the day have disappeared. The economic uncertainty of the future of some state-owned media outlets may create the possibility for limited indirect pressure.

#### **E. MINORITY AND GENDER ISSUES**

According to 2001 census figures, about 7.5% of the population of the Republic of Croatia is made up of persons belonging to minorities, based on self-identification. By far the largest group is the Serb minority with 4.5 %. A total of 22 minority groups are recognized, including Serbs, Hungarians, Italians, Czechs, Slovaks, Ruthenians, Bosniaks, Roma, Jews, Germans, and several others.

The period since the last parliamentary election was marked by the passage of the Constitutional Law on National Minorities, which augmented the representation of minorities in the Sabor. Interlocutors indicated that the law has been widely accepted in the minority community, but that its full implementation, especially in terms of minority representation in local self-government units, is far from complete.

The Election Law includes special provisions for the parliamentary representation of minority groups. Eight seats in total will be elected, a maximum of 3 for the Serb minority, 1 each for the Hungarian and Italian minorities, and the remaining 3 are shared between the remaining minority groups following a pre-determined formula. Voters are identified by their ethnicity in order to administer this system.

The possibility of minorities holding a dual vote, one for the national minority list and the other for the relevant constituency of the Sabor, remains legally contested. The current Election Law provides that minority voters may choose either to vote for one list or the other. A recent Constitutional Court ruling supporting the provisions of the Election Law, and thereby excluding the possibility of a dual vote, has drawn expressions of concern from minority non-governmental organisations. However, a further process by which the Sabor provides an "authentic interpretation" of the Law may yet finalise the issue prior to the election.

Currently, women comprise less than 23 % of the Sabor. This represented a marked increase in 2000. However, political commentators do not expect this to improve at the next elections.

#### **F. DIASPORA VOTING**

The members of the SEC indicated that all citizens residing outside of Croatia will be able to vote at Croatian embassies and consulates. However, it is clear that this system, while uniform in design, does not allow for the highly concentrated distribution of eligible Croatian citizens, including many refugees and those who received citizenship during the war but remained residing permanently outside the Republic of Croatia. The number of these citizens is inexact. The main part, approximately 350,000 – 500,000 in total, resides in Serbia and Montenegro and Bosnia and Herzegovina. The latter constituted the vast majority of Diaspora voting in 2000.

There was recognition of the scale and potential difficulties arising from this situation among the Ministry of Foreign Affairs and the members of the State Election Commission, although it remained unclear whether any steps would be taken to remedy it.

#### **G. INTERNATIONAL OBSERVERS**

Government officials, political party representatives and NGOs with whom the Expert Team met all indicated that they saw benefits in an international observation of the upcoming elections. A number of interlocutors stressed that the presence of international observers would be very important. None made a specific request for the presence of short-term observers at polling stations.

### **IV. CONCLUSIONS AND RECOMMENDATIONS**

Based on these findings, the Expert Team recommends that the OSCE/ODIHR deploy a small long-term observation mission to the Republic of Croatia about one month before the elections. An observation model with a small core team and approximately 12 long-term observers would seem appropriate. Since there is overall confidence in the voting day procedures, and there is widespread trust in the domestic monitoring group GONG, the Team sees no need to deploy short-term observers.

The observation mission should focus on:

- The election campaign;
- The legislative framework and its implementation;
- The operation of the election administration including the State Election Commission, Constituency Commissions, and the government bodies;
- Media coverage of the election, in particular in regard to the electronic media and the operation of its regulatory bodies;
- The participation of minorities, including Roma, in the elections; and
- The complaints and appeals process.



## List of Meetings

### Government of the Republic of Croatia

Mr. Zoran Milanovic, acting Assistant Minister, Ministry of Foreign Affairs  
Mr. Veselko Grubišić, Ministry of Foreign Affairs  
Mr. Filip Njavro, Ministry of Foreign Affairs  
Mr. Slobodan Ljubišić, Assistant Minister, Ministry of Justice, Administration, and Local Self-Government  
Ms. Milena Klajner, Head of Government Office for National Minorities.  
Mr. Tomislav Vidošević, Head of the Government Office for Co-operation with International Institutions

### Sabor (Parliament) of the Republic of Croatia

Mr. Mato Arlović, Vice-President of the Sabor, Chairman, Sabor Committee for Constitution, Standing Order and Political System  
Mr. Luka Trconić, Chairman, Sabor Judiciary Committee and President, Croatian Peasant's Party (HSS) Parliamentary Group  
Ms. Zdenka Čuhnil, Member, Committee for National Minorities and Human Rights

### Council of National Minorities

Mr. Aleksandar Tolnauer, Head of the Council

### State Election Commission

Mr. Ivica Crnić, President of the Supreme Court and the State Election Commission  
Mr. Branko Hrvatin, Member of State Judiciary Council and Deputy Member of the State Election Commission

### Political Parties

Mr. Igor Dragovan, Secretary General, Social Democratic Party (SDP)  
Prof. Stanko Grčić, Secretary General and Mr. Darko Till, Secretary for International Relations, HSS  
Mr. Vladimir Šeks, President of the Croatian Democratic Union (HDZ) Parliamentary group

### Media

Mr. Zoran Radosavljević, Reuters  
Mr. Zrinka Vrabc-Mojzeš, Radio 101  
Mr. Nikola Kristić, HTV  
Mr. Pjer Šimunović, *Vecernji List*  
Mr. Davor Krile, *Slobodna Dalmacija*  
Mr. Jasmin Klarić, *Novi List*

### **List of Meetings (continued)**

#### **Non-Governmental Organisations**

Mr. Milorad Pupovac, President, Serb People's Council (SNV)  
Ms. Aleksandra Kuratko, Executive Director, "GONG" (Domestic Observer Group)  
Ms. Vanja Škorić, Legal Advisor, "GONG" (Domestic Observer Group)  
Mr. Žarko Puhovski, Executive Director, Croatian Helsinki Committee  
Mr. Tin Gazivoda, Co-ordinator, Centre for Human Rights

#### **International Community**

Amb. Lionel Veer, Representative of OSCE CiO, Embassy of the Netherlands  
Mr. Joost Klarenbeek, Embassy of the Netherlands  
Mr. Luis Miguel da Silva, Embassy of Portugal  
Mr. Zhivko Zlatanski, Embassy of Bulgaria

Mr. Giovanni Davoli, Embassy of Italy  
Mr. Martin Mayer, Delegation of European Commission  
Ms. Snežana Đokić, Delegation of European Commission

Mr. Anthony Godfrey, Embassy of the USA  
Mr. Patrick Moon, Embassy of the USA  
Mr. Denis Kuznedelev, Embassy of the Russian Federation  
Mr. Edward Mason, Embassy of Great Britain  
Mr. Elisabeth Ryan, Embassy of Great Britain