



Election of Representatives to the Chamber of Counties of the Parliament and of Representatives of Local Government and Self-Government Bodies of the Republic of Croatia, 13 April 1997

OSCE / ODIHR REPORT

Upon receipt of an official invitation by the Ministry of Foreign Affairs of the Republic of Croatia, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) observed the election of representatives to the Chamber of Counties of the Parliament of the Republic of Croatia, and the election of members of Representative of Local Government and Self-Government Bodies.

At the request of the United Nations Transitional Administrator for Eastern Slavonia, General Jacques Paul Klein, the ODIHR also observed the election in the UNTAES region of Eastern Slavonia, Baranja and Western Sirmium.

The ODIHR's mandate is to observe elections, not to supervise them or to certify them. Certification of the elections in the UNTAES region is the sole responsibility of the UNTAES Transitional Administrator General Jacques Paul Klein.

The ODIHR has had close co-operation with the Croatian election administration and national authorities, with the UNTAES and with ECMM whose support and contribution of observers was vital to the observation.

From mid-February the ODIHR deployed 22 long-term observers in ten locations throughout the Republic of Croatia covering all zupanijas, including the UNTAES region. They followed and reported on the pre-election period and prepared for the observation of Election Day. Meetings were held with all relevant authorities such as the Election Committees at all levels, the Office for Displaced Persons and Refugees (ODPR), relevant ministries, UNTAES etc. The co-operation with all agencies has been open and at a high professional level.

On Election Day, the ODIHR deployed 192 observers provided by 25 OSCE participating States, including 60 persons provided by ECMM. The OSCE participating States providing observers were Austria, Azerbaijan, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, former Yugoslav Republic of Macedonia, Netherlands, Norway, Poland, Romania, Russia, Slovakia, Spain, Sweden, Switzerland, United Kingdom, and United States. 58 short-term observers were deployed in the UNTAES region.

The objective of this report is to give an overall assessment. A more detailed technical report including recommendations will be submitted later.

Elections in the Republic of Croatia (Excluding the UNTAES Region)

The ODIHR commends the election administration in the Republic of Croatia for administering a generally efficient election process. The voting arrangements for displaced persons constitute a complicated voting procedure, which was reportedly handled in a professional manner.

However, despite the fact that the administration of the elections represented an improvement over the administration of the parliamentary elections of October 1995, some significant issues of concern remain.

The self-imposed timeframe available for preparations for the election was short, giving very limited opportunities for proper training of election officials and for voter education.

The legal framework was changed by mandatory instructions at a very late stage of the process. In recent years there has been a pattern of significant changes to election regulations, sometimes shortly before the election, which has again been repeated in this election. For example, there were changes on the regulations for spoiled and invalid ballots, which were introduced just days before the election.

The late adjustments to the legal framework were difficult to communicate to the election officials and therefore it was difficult to ensure that the rules were implemented in a uniform manner. Such changes can create an unstable and unpredictable environment in which political parties in Croatia compete for election.

Some changes of constituency borders have been reported where political reasons (gerrymandering) cannot be excluded. Accusations of manipulations of borders were raised, as they were in the 1995 parliamentary elections. However, it is still not readily apparent to observers whether or not boundaries were drawn according to neutral criteria or in a selective and biased manner.

Observers noted often that the secrecy of the ballot was not consistently guaranteed. In approximately twenty percent (20%) of the polling stations observed, particularly in rural areas, the secrecy of the ballot was not always assured due to lack of adequate polling booths or sufficient screens to protect the secrecy of the vote.

Similar problems occurred in the 1995 parliamentary elections, where on numerous occasions it was reported that voters voted in public view. This ongoing problem indicates that voter education and training of the election officials on this issue have not yet been sufficient. A fundamental OSCE commitment is to ensure that votes are cast by secret ballot.

Contrary to the Croatian law, there were also incidents of proxy voting, whereby a voter was issued and cast ballots for other family members.

The ODIHR recognises an improvement in the access of party observers to the election process. However transparency is one of the main OSCE commitments and there is room for further developments in this field, especially with regard to civic organisations trained in election observation.

Concerning the pre-election period, the ODIHR has previously noted in the 1995 elections that proper access for all parties to the state media was not assured, and there is no clear sign

that this issue has been seriously addressed when it comes to the state radio and television. However, reports indicate that at the local level the media situation varies from region to region.

Elections in the UNTAES Region

The OSCE / ODIHR enjoyed good co-operation with UNTAES and recognises the commitment of UNTAES to oversee an election process in challenging circumstances and according to a very demanding time schedule due to political considerations on the necessity of elections. Without any doubt, a high level of voter participation was achieved.

The short time available created extreme difficulties when it comes to the preparations. The election was characterised by significant technical problems mainly resulting from the tight time schedule.

Problems included: last minute changes, even after voting began, of election regulations and the late notification of the changed regulations to polling commissions and voters; inaccuracies in the voters lists; the late delivery and absence of election materials; and the late opening of polling stations.

Observers from the ODIHR in the UNTAES region visited all polling stations, some of them several times. On Election Day voting began at 07:00 hours, the majority of polling stations did not open due to lack of materials. Between 9:00 and 11:00 more polling stations opened.

At 14:00 hours it was announced that strict adherence to the election register would be dropped, and everyone with valid Croatian documents would be able to vote. People who had already been turned away from polling stations because they were not on the register were now invited to return and vote. The message was transmitted through RTV.

By 18:00 hours there were still significant problems with insufficient ballots and ballot boxes being delivered, voting materials were incorrectly sorted, voters' lists for displaced persons were missing in 13 key locations and all election materials were delivered much later than the agreed times.

Once technical problems became apparent on election day, UNTAES should be commended for taking prompt and far reaching steps in order to correct the process.

UNTAES extended voting for a second and in some places a third day. The authorised permission for people to vote if they could present a valid Croatian ID card alleviated to some extent the problems with the voter registers.

However, according to OSCE / ODIHR observers, significant problems persisted into the second day of voting, including late opening of significant numbers of polling stations, widespread reports of lack of ballot papers or delivery of the wrong ballot papers in many polling stations, and in some cases the distribution and use of misprinted ballot papers. Furthermore, there were very limited possibilities to control and prevent double voting.

The counting was cumbersome in many polling stations due to wrong counting forms.

However, the measures taken by UNTAES introduced a flexibility to the voting process and it can be reasonably assumed that despite extensive prevailing technical problems those who wanted to vote had the possibility to do so.

Furthermore, the parties to the election have accepted the results.