



Office for Democratic Institutions and Human Rights

# REPUBLIC OF CROATIA

## PARLIAMENTARY ELECTIONS

8 November 2015

OSCE/ODIHR Election Assessment Mission  
Final Report



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**REPUBLIC OF CROATIA**  
**PARLIAMENTARY ELECTIONS**  
**8 November 2015**

**OSCE/ODIHR Election Assessment Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the Ministry of Foreign and European Affairs of the Republic of Croatia (MFEA) and based on the recommendation of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) to observe the 8 November parliamentary elections. The EAM focused on the implementation of a recently revised legal framework and the resultant impact on voter registration, election administration responsibilities, campaign finance, and the participation of women.

The electoral legal framework generally provides a sound basis for the conduct of democratic elections. Voters had an opportunity to choose among 166 candidate lists representing a wide political spectrum and registered by the State Election Commission (SEC) in an open and inclusive process in 12 electoral constituencies. The campaign was largely lacklustre and lacked visibility, and this was reflected in the media. Preferential voting, which was used for the first time in parliamentary elections, did not pose difficulties for either the election administration or voters. The law provides for timely and effective adjudication of electoral disputes but lacks a mechanism to enforce campaign and media rules.

Elections are primarily regulated by the Constitution and the Law on the Election of Representatives to the Croatian Parliament. Amendments to the legislation adopted by the parliament in February 2015, including in respect of candidate registration, women's representation, media coverage and election observation, addressed some previous OSCE/ODIHR recommendations. However, recommendations pertaining to electoral districting, national minority representation and the right to run as an independent candidate still remain unaddressed.

The SEC performed its duties in a professional and efficient manner. Nevertheless, due to a tight electoral calendar, the legal deadlines of different phases of the process were not always duly respected. The recently amended electoral legislation allowed for enhancing the accuracy of the voter register by updating the number of voters without permanent residency in Croatia and removing duplicate and false records.

Campaigning took place in an open atmosphere, characterized by respect for the fundamental freedoms of expression, movement and assembly. The two major parties – the Croatian Democratic Union (HDZ) and the Social Democratic Party of Croatia (SDP) – ran the most active campaigns. While electoral contestants conveyed general messages on the necessity to conduct economic, social and political reforms, to create jobs and reduce emigration, there was little programmatic substance in the campaign. Despite the fact that candidates' language was mostly moderate, some messages were populist and negative in tone.

Although the majority of interlocutors voiced their trust in campaign finance regulations, some expressed doubt in the SEC's ability to perform the oversight responsibilities vested in it under the 2013 amendments to the Campaign Finance Law.

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Croatian.

The amendments to the election legislation allowed national broadcast media to provide candidates with proportional rather than equal journalistic coverage. This provision was welcomed by media outlets but proved controversial in its implementation. The broadcasters used survey results from polling companies to establish criteria for editorial decisions on electoral coverage and for the selection of participants in debates. Smaller parties complained they received insufficient coverage.

The law provides for timely and effective adjudication of electoral disputes for all aspects of the electoral process. However, the law does not foresee any mechanism for the SEC or the Ethics Commission to enforce campaign and media rules, nor does it specify any sanction for violations of these.

Persons belonging to national minorities eligible to vote were included on the same voter list as all other voters, an improvement on the previous procedure. Persons belonging to national minorities, identified on the basis of self-declaration, could choose to vote for candidates in the constituency with reserved seats for national minority representatives. The vast majority of these voters chose this option.

Women featured in campaign materials and participated in campaign events. There were no special electoral platforms targeting women voters. Following the Constitutional Court's repeal of a legislative provision which required that candidate lists meet a 40 per cent gender quota in order to be registered, there was a substantial decrease in the number of women MPs in the new parliament.

In line with OSCE/ODIHR methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner. However, in the limited number of polling stations visited by mission members, the voting process was well organized and efficiently administered by the Voting Committees. The counting process observed by the EAM took place in an organized and efficient fashion. The low number of invalid votes indicates that the voters largely understood the preferential vote system.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign and European Affairs (MFEA) of the Republic of Croatia to observe the 8 November 2015 parliamentary elections and based on the recommendation of a Needs Assessment Mission conducted from 2 to 4 September, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Assessment Mission (EAM) for these elections.<sup>2</sup>

The OSCE/ODIHR EAM was headed by Stefan Krause and consisted of seven international experts from seven OSCE participating States. The EAM was based in Zagreb but experts visited several municipalities during the election campaign. The electoral process was assessed for its compliance with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. In line with OSCE/ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner. However, mission members visited a limited number of polling stations.

The OSCE/ODIHR EAM wishes to thank the authorities of the Republic of Croatia for the invitation to observe these elections, and the Ministry of Foreign and European Affairs, the State Election Commission (SEC), the judiciary, and other authorities for their assistance and co-operation. The

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<sup>2</sup> See [previous OSCE/ODIHR election reports](#) on the Republic of Croatia.

OSCE/ODIHR EAM also wishes to express gratitude to the representatives of political parties, candidates, media, civil society and other interlocutors for sharing their views.

### III. BACKGROUND

Croatia is a parliamentary republic with legislative power vested in the 151-member unicameral parliament (*Sabor*). Members of parliament are elected for a four-year term. The head of state is the president, directly elected for a five-year term. Kolinda Grabar-Kitarović of the Croatian Democratic Union (HDZ) won the January 2015 presidential election and became the first female president of the country.

The last parliamentary elections were held on 4 December 2011. The *Kukuriku* coalition, led by the Social Democratic Party of Croatia (SDP) and including the Croatian People's Party – Liberal Democrats (HNS), the Istrian Democratic Assembly (IDS) and the Croatian Party of Pensioners (HSU) won a parliamentary majority of 80 seats. The runner-up, a coalition of the HDZ, the Croatian Civic Party (HGS) and the Democratic Center (DC), gained 47 seats. Besides the eight seats reserved for representatives of national minorities, the remaining mandates were distributed among the Labor Party (HL), the Croatian Democratic Alliance of Slavonia and Baranja (HDSSB), the Croatian Peasant Party (HSS), the Independent Democratic Serbian Party (SDSS), the coalition of the Croatian Party of Rights Dr. Ante Starčević (HSP–AS) and the Croatian Pure Party of Rights, as well as independent candidates. At the moment of dissolution, 38 members of parliament were women. (25%).

On 28 September 2015, the parliament unanimously agreed to dissolve itself. On 5 October, President Grabar-Kitarović set the date for the parliamentary elections for 8 November. These were the first parliamentary elections since Croatia joined the European Union in July 2013.

While political parties in Croatia are numerous, the political landscape is characterized by the dominance of two major ones (the SDP and the HDZ) and a lack of political activity by the majority of registered parties.<sup>3</sup> In light of a widely perceived growing dissatisfaction with the two major parties, several new parties emerged prior to these elections.<sup>4</sup>

### IV. ELECTORAL SYSTEM

The 151 members of parliament are directly elected for a four-year term from 12 multi-member constituencies: 10 territorial constituencies, each electing 14 deputies, and 2 special constituencies, one representing citizens residing abroad, electing 3 deputies, and one representing national minorities, electing 8 deputies.

Deputies from the territorial constituencies and the one for citizens residing abroad are elected through a proportional representation system. Seats are allocated to candidate lists that receive more than five per cent of the valid votes in each constituency, using the d'Hondt formula. Amendments to the Law on Election of Representatives to the Croatian Parliament (hereinafter: election law) adopted in February 2015 introduced the possibility to cast a preferential vote for one candidate within the list

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<sup>3</sup> The [registry of the Ministry of Administration](#) includes 151 political parties. The HDZ held power for 17 out of 25 years of Croatia's independence; the SDP led the government during 8 years.

<sup>4</sup> *Živi zid* (Defense Wall), whose leader Ivan Vilibor Sinčić obtained 16.2 per cent of the votes in the last presidential election, was registered in June 2011, MOST (Bridge) in January 2013 and ORaH (Sustainable Development of Croatia) in November 2013.

a voter casts a ballot for. Preferential votes are only taken into account for candidates who receive over 10 per cent of the total number of votes cast for the respective list. In case a list wins more seats than there are candidates who obtained the number of preferential votes required, the remaining seats are allocated pursuant to the order of candidates on the list.

Voters who, on the basis of self-declaration, are identified on the voter lists as belonging to one of the 22 constitutionally recognized national minorities, have the option to vote for candidates in the constituency established to fill the seats reserved for national minority representatives. Within this constituency, the candidates are elected under a majoritarian system in 6 separate contests. The one for the Serbian national minority fills 3 reserved seats, and the remaining 5 seats are reserved for the other 21 national minorities.<sup>5</sup>

Reserved seats are an acceptable temporary special measure to ensure the effective participation of national minorities within the electoral system.<sup>6</sup> When discussing the importance of a meaningful and positive participation of national minorities in the political process, some OSCE/ODIHR EAM interlocutors, particularly those from the Serbian national minority, view the current electoral system as still necessary. Others, including persons from national minorities, no longer see the system as effective, raising concerns over the discrepancy between the average number of votes required for a mandate within the national minorities constituencies as compared to the territorial ones, as well as discrepancies among the different national minority mandates.

*Additional steps could be considered to promote effective participation of national minorities through special measures, while encouraging greater engagement of their representatives in the activities of political parties. Any changes to the system of national minority representation should be consulted and agreed upon in an inclusive manner and account for the principle of equality of the vote to the extent possible.*

Although the Constitution guarantees the equality of the vote and the election law stipulates that the number of registered voters in the 10 territorial constituencies should not differ by more than 5 per cent, the final voter lists for these elections indicate that the deviation from the average constituency size reaches 13.2 per cent, which undermines the equality of voting rights.<sup>7</sup> The delimitation of constituency boundaries remains unchanged since the adoption of the 1999 Law on Constituencies, despite previous OSCE/ODIHR recommendations and a notification to the parliament issued by the Constitutional Court in 2010 calling for constituency boundaries to be redrawn in line with current population data. The Minister of Public Administration suggested that instead of redrawing the

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<sup>5</sup> The five mandates are distributed as follows: both Hungarian and Italian minorities elect one deputy each, while Czech and Slovak minorities jointly elect one deputy, Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish minorities jointly elect one deputy, and Albanian, Bosniak, Montenegrin, Macedonian and Slovenian minorities jointly elect one deputy.

<sup>6</sup> Factors to be considered when applying such special measures include the size and geographical concentration of a national minority. See OSCE/ODIHR [Handbook On Observing and Promoting the Participation of National Minorities in Electoral Processes](#) (2014), p.43; OSCE/ODIHR [Guidelines for Reviewing a Legal Framework for Elections](#) (2nd ed.), p.20.

<sup>7</sup> The average size of a territorial constituency amounted to 375,506 voters. Constituency IV had 332,101 registered voters, while constituency IX had 425,047. See: [UN Human Rights Committee General Comment 25](#) to Article 25 of the International Covenant on Civil and Political Rights (ICCPR), paragraph 21 states that “the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters”. See also [Venice Commission Code of Good Practice in Electoral Matters](#), I, 2.2.iv, which holds that “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” and I, 2.2.v which states that “in order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods.”

constituency boundaries, the number of deputies elected per constituency should be revised. According to some OSCE/ODIHR EAM interlocutors, the overall validity of the elections could have been challenged on these grounds.

*Constituency sizes should be regularly reviewed to ensure the equality of the vote, in line with domestic legislation, international obligations and standards for democratic elections.*

## V. LEGAL FRAMEWORK

The legal framework for parliamentary elections primarily comprises the Constitution and the election law. Other applicable legislation includes the Law on the Register of Voters, the Law on Political Activity and Election Campaign Financing (Campaign Finance Law), the Law on Constituencies, and the Law on the State Election Commission. These are supplemented by instructions and decisions issued by the SEC.

Since the last parliamentary elections, the legal framework for elections has been subject to substantial revisions that addressed a number of previous OSCE/ODIHR recommendations. A new Law on the Register of Voters was adopted in 2012 and amended in 2015, provisions of the Campaign Finance Law were improved through changes incorporated in 2011 and 2013, and new media regulations were issued in 2014.

The legal framework provides a sound basis for the conduct of democratic elections but remains fragmented, with several laws regulating specific aspects of the process. Different institutions are responsible for its implementation on the basis of separate laws for each type of elections.

*Consideration should be given to consolidating and harmonizing election legislation into a single comprehensive electoral code. Specific chapters to address different aspects of local, parliamentary and presidential elections, as well as elections to the European Parliament, could be included in this code.*

Amendments to the election law adopted by the parliament in February 2015 after a long and inclusive public debate, introduced a number of significant changes – preferential vote, mandatory gender quota for candidate lists, as well as provisions allowing for international and political parties’ observers. Additionally, the number of supporting signatures required to register party and independent candidate lists was harmonized, and the obligation for commercial broadcast media to cover the campaign was lifted, in line with previous OSCE/ODIHR recommendations.<sup>8</sup> On 24 September, upon the initiative of the Democratic Party of Women from 19 March, the Constitutional Court overturned some of the amendments to the election law, including the possibility of the SEC to not register lists that did not comply with the gender quota and the provision that required an identical number of signatures for political parties and independent candidate lists to register for elections.

The Constitutional Court issued its decision one day before parliament dissolved itself and, while stating in its decision that the parliament should insist on the good practice to adopt and amend

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<sup>8</sup> Section II.2.b of the 2002 Council of Europe’s Commission for Democracy through Law ([Venice Commission Code of Good Practice in Electoral Matters](#)) recommends that “the fundamental elements of electoral law...should not be open to amendment less than one year before an election”. However, the follow-up to recommendations is considered as an exception to the principle of the stability of electoral law, which “should not be invoked to maintain a situation contrary to the standards of the European electoral heritage, or to prevent the implementation of recommendations by international organisations”. See [Section II.2 of the Venice Commission’s interpretative declaration on the stability of the electoral law](#).

electoral legislation at least one year before elections, the Court at the same time assessed that the “good parliamentary practice (...), pursuant to the nature of institutional structure of the state and the scope of work of state bodies, does not apply to the activities and operation of the Constitutional Court.”<sup>9</sup> The core principles of division of powers notwithstanding, the decision of the Constitutional Court, although not a legislative but a judiciary organ, had legal consequences, which changed the Electoral Law few weeks before elections. The late decision of the Constitutional Court was negatively perceived by most OSCE/ODIHR EAM interlocutors, who criticized it as politically motivated, benefiting the two largest parties. OSCE/ODIHR EAM interlocutors deemed that this, in addition to some other controversial recent decisions made by the Constitutional Court, has undermined its public reputation.

*In line with international good practice, fundamental aspects of the rules regulating elections should not be changed less than one year before elections are conducted.*

## VI. ELECTION ADMINISTRATION

These elections were administered by a four-tier system composed of the SEC, 11 Constituency Election Commissions (CECs), one for each of the 10 territorial constituencies and one for the national minority constituency, 559 Municipal Election Commissions (MECs) and City Election Commissions (CiECs), and 6,941 Voting Committees (VCs).<sup>10</sup>

The SEC is a permanent and independent body composed of a president, who is the president of the Supreme Court, four vice presidents and four members. Two of the vice presidents are judges appointed by the Supreme Court from among its judges. The other two vice presidents and the members are appointed by parliament, representing in equal numbers the ruling parties and the opposition. All the SEC members are appointed for eight-year terms and must be lawyers with at least ten years of relevant experience and cannot be members of any political party.

The responsibilities of the SEC include the conduct of elections and referenda, adoption of instructions for the implementation of electoral legal provisions, providing voter information, announcing elections results and providing recommendations to improve election-related legislation. In the discharge of its duties, the SEC was assisted by a permanent secretariat composed of 14 members and staff temporarily seconded from the secretariat of the Supreme Court and other courts.

The SEC adopted nine instructions regulating different aspects of the electoral process, including candidate registration, voting procedures for special categories of voters such as members of the armed forces, prisoners and detainees, homebound voters and voters living in social welfare institutions, as well as an instruction on the rights and obligations of observers. The SEC prepared and published on its website a comprehensive interactive e-learning programme about electoral procedures and provided training for CEC presidents and their deputies.

During the election period observed by the OSCE/ODIHR EAM, the SEC held several sessions in a collegial manner. However, most decisions were preceded by little debate and adopted unanimously, indicating that a substantive part of those decisions had been made prior to the formal sessions. The

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<sup>9</sup> Constitutional Court Decision Number U-I-1397/2015 of 24 September 2015, paragraph 28.

<sup>10</sup> The SEC is responsible for the out-of-country constituency, coordinating technical aspects with the MFEA, including formation of 114 VCs for as many polling stations established in 48 countries for out-of-country voting. Of the remaining 6,827 VCs, 148 were VCs designated for special voting of the military, voters in peacekeeping missions, crews on ships under the Croatian flag, and voters living in social welfare institutions.



dates of SEC sessions and their agendas were not announced on time on the SEC website, but the materials and decisions taken at the sessions were promptly published online.

CECs are composed of a president, two members and three deputies appointed by the SEC from among judges and prominent lawyers, two members are nominated by the ruling parties and two by the opposition. CECs were formed by 21 October. Following the same formula, the MECs/CIECs and, consequently, the VCs were formed by 2 November. The composition of a number of VCs was supplemented with members of the public administration, as some of the political party nominations came late and were insufficient in number.

The election law provides that elections must be announced at least 30 days before they are conducted. These elections were announced on 25 September, 34 days before election day, and the short time limits of the electoral calendar did not always ensure that the legal deadlines of the different phases of the process could be duly respected. For instance, ballots had to be printed before the expiration of the deadline to challenge the nomination of candidates.

*The legal deadlines for conducting elections could be extended to help ensure that the electoral calendar timelines are duly respected.*

## VII. VOTER REGISTRATION

All citizens aged over 18 years by election day are eligible to vote.<sup>11</sup> However, according to the Law on the Register of Voters, in order to be included on the voter list in a polling station, a voter must hold a valid ID.<sup>12</sup> Eligible voters without a valid ID, both in the country and abroad, were not disfranchised from their right to vote as they could obtain a voting certificate at the local Ministry of Administration office or from their embassy or consulate on election day. Still, the provision posed additional burden for citizens constitutionally eligible to vote.

*All eligible voters should be listed on the voter list, whereas ID cards should solely serve for proving a voter's identity.*

The voter list is compiled by the Ministry of Public Administration (MPA) on the basis of the records of citizenship, permanent residence, travel documents, while records of people residing abroad are maintained by the Ministry of Internal Affairs (MIA). The Zagreb Office of General Administration, in co-ordination with the MFEA and Croatian diplomatic missions abroad, is responsible for compiling the voter list for voters without residency in Croatia.

The recently adopted legislation, namely the 2012 Law on the Register of Voters, last amended in 2015, the 2013 Law on Permanent Residency and the 2015 Law on Identification Document, allowed for a substantial update of the voter register, which resulted in the removal of duplicate and false records. Furthermore, some 250,000 voters were removed from the registry of citizens with permanent residency in Croatia. According to Art. 28 of the Law on Permanent Residency, citizens whose IDs had expired at the time of adoption of this law and who failed to re-register their permanent address within the next two years had their residency record cancelled. A total of 748,032 voters thus have no

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<sup>11</sup> Amendments to the election law in 2015 removed restrictions on the right to vote for legally incompetent people.

<sup>12</sup> Art. 3.3 of Law on the Register of Voters specifies that only eligible voters with valid IDs should be listed on the printed voter list excerpts, whereas Art. 45 of the Constitution stipulates that “[a]ll Croatian citizens who have reached the age of eighteen years shall be entitled to universal and equal suffrage”.

address in the country. These voters were moved into the register of voters residing outside Croatia, without stating the country of their residence.<sup>13</sup> Voters could check their voter list records at MPA local offices, through an internet-based search programme, or by submitting a written application; changes to the voter list could be made until 10 days prior to election day.

Voters who expected to be away from their place of residence on election day could receive an absentee voting certificate, allowing them to vote at an alternative polling station in Croatia or abroad. Voters without residency in the country had to register to vote by 28 October or, under an expedited procedure, on election day at the respective embassy or consulate. Members of the armed forces, crews of Croatian ships at sea, prisoners and detainees, homebound voters and voters living in social welfare institutions were registered to vote in special designated polling stations.

A total of 3,791,352 voters were registered to vote in these elections, including 36,285 who actively registered to vote in the out-of-country constituency by 28 October.<sup>14</sup> A total of 44,157 voters obtained absentee voting certificates to vote at a different polling station.<sup>15</sup>

Each polling station was provided with three printed voter lists; one comprising voters registered in the polling station, one – voters temporarily de-registered from the polling station, and one – voters coming from a different place to vote in that polling station. National minority voters were included on the same voter lists as other voters, which is a welcome change from the previous procedure, when separate voter lists were provided for each of the six national minority slates.

## VIII. CANDIDATE REGISTRATION

Any citizen who is at least 18 years old on election day can stand as a candidate, except for those sentenced to or serving a prison term of over six months at the date of calling the elections, and people who are not legally rehabilitated following sentencing for crimes against humanity and aggravated murder.<sup>16</sup> A candidate is not required to have residency in the constituency where he or she is running.

Registered political parties, coalitions of political parties and groups of voters can submit candidate lists for the territorial constituencies, and individual candidates for the minority constituency. Coalitions can be nationwide or separate for each constituency. National minority associations may also submit candidates for the six minority races. In order to be valid, candidate lists for the 10 in-country constituencies must each have 14 names, while candidate lists for out-of-country constituency must have between 6 and 14 candidates. That makes it impossible for an independent candidate to stand alone in any of the territorial electoral races as well as in the out-of-country constituency, which is at odds with OSCE commitments and remains unaddressed despite previous OSCE/ODIHR recommendations.<sup>17</sup>

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<sup>13</sup> According to the Law on the Register of Voters, voters without residency in Croatia have to actively register to vote in presidential or parliamentary elections, or in referenda. They belong to the XI constituency and can vote either in one of the 114 VCs abroad or 1 VC for the XI constituency in the country. The 25 September 2015 amendments to the Law on Register of Voters provided for citizens who possess a valid electronic ID to be automatically added to the voter lists without the need to actively register.

<sup>14</sup> Additionally, 10,230 voters were registered in embassies and consulates on election day.

<sup>15</sup> A total of 22,740 voters temporarily registered to vote elsewhere in the country, and 21,417 voters with residency in Croatia registered to vote abroad.

<sup>16</sup> Following an OSCE/ODIHR recommendation to clearly state in the legislation the cases of candidate ineligibility, Art. 9 of the election law was amended accordingly.

<sup>17</sup> 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.”

*Legislation should be reviewed to allow independent candidates to contest an election individually, rather than together with other candidates on a list, in line with OSCE commitments.*

Independent candidate lists submitted by groups of voters must be supported by at least 500 signatures, while political parties and coalitions are not required to collect signatures for submitting candidate lists; 100 signatures are required for each minority candidate.<sup>18</sup>

*If the legislation is amended to allow independent candidates to contest an election individually, the candidate registration requirements could be reconsidered in such a way that, while deterring frivolous candidatures, the conditions to stand individually as an independent candidate are duly provided and are not stricter than those for political parties.*

In an inclusive process, the SEC registered a total of 166 candidate lists, of which 161 were submitted by political parties and coalitions, and 5 by groups of voters. The lists contained a total of 2,311 candidates, of whom 41 were minority candidates running in the national minority constituency. Several OSCE/ODIHR EAM interlocutors assessed that the decrease in the number of candidates, from 4,359 in the 2011 parliamentary elections to 2,311, is a result of smaller parties clustering in larger coalitions.<sup>19</sup> Out of the total of 61 political parties contesting elections, 17 ran independently, while the rest formed 15 coalitions.<sup>20</sup>

Contrary to the election law provisions, out of the total of 166 candidate lists, 33 did not comply with the requirement of a minimum of 40 per cent of candidates of each gender.<sup>21</sup> However, lists that failed to comply with the gender quota were allowed to participate in the elections, pursuant to the Constitutional Court decision that the Law on Gender Equality already provides for a fine of HRK 50,000 (some 6,600 EUR) for failure to comply with the quota, and that it would be disproportionate to invalidate candidate lists on that basis.<sup>22</sup> On 4 November, the SEC forwarded to the State Attorney and to the Ombudsperson for Gender Equality information on the 33 lists that failed to comply with the gender quota.

*To achieve a better balance between women and men holding publicly elected positions, the temporary special legislative measures could be revised, including more effective and proportionate sanctions for non-compliance. In addition, political parties should consider voluntary measures to promote women in senior decision-making positions within parties and to increase the visibility of women candidates.*

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<sup>18</sup> Following an OSCE/ODIHR recommendation and in compliance with international obligations, the election law was amended to require that every candidate list be supported by 1,500 signatures. However, the Constitutional Court repealed this amendment, arguing that an increased number of signatures would make the election process less inclusive. See Constitutional Court Decision Number U-I-1397/2015 of 24 September 2015. UN Human Rights Committee General Comment 25 to Article 25 of ICCPR, in paragraph 17 states: “If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy.”

<sup>19</sup> The largest coalition running in elections, the *Coalition of Work and Solidarity*, comprised 14 parties.

<sup>20</sup> As in previous parliamentary elections, the SDP did not run in the out-of-country constituency. For the first time since contesting elections, the Serb minority party SDSS ran in a coalition with SDP in one constituency.

<sup>21</sup> CEDAW Committee General Recommendation 23, Article 22 states that “Political parties must embrace the principles of equal opportunity and democracy and endeavour to balance the number of male and female candidates” and Article 28 that “...political parties also have a responsibility to ensure that women are included in party lists and nominated for election in areas where they have a likelihood of electoral success”.

<sup>22</sup> See the [Constitutional Court's decision](#) from 24 September 2015.

## IX. ELECTION CAMPAIGN

The official campaign period commenced on 21 October and ended 24 hours before election day, when the silence period started. Lasting 17 days, this campaign was the shortest in Croatia's history. While some electoral contestants told the OSCE/ODIHR EAM that they would have preferred a longer campaign period, many expressed satisfaction with this short campaign, stating that an 'unofficial campaign' had anyway commenced right after the presidential election in January 2015.

Campaigning took place in an open atmosphere, characterized by respect for the fundamental freedoms of expression, movement and assembly. Despite the fact that many political parties entered coalitions led by the two major parties, SDP and HDZ, some political party representatives that the OSCE/ODIHR EAM met with expressed concern that the broad pre-electoral coalitions preclude small parties from having a real impact on policymaking.<sup>23</sup>

The visibility of the campaign was low throughout the country. To convey their messages, contestants mainly used meetings with voters in public places, broadcast media, distribution of leaflets, door-to-door canvassing, and, to a limited extent, posters and billboards. During the last week of the campaign, the two major coalitions organized large-scale rallies in the capital. The campaigns of the SDP and the HDZ focused on their respective party leaders and their aspiration to win the position of the prime minister.

While electoral contestants conveyed general messages on the necessity to conduct economic, social and political reforms, to create jobs and reduce emigration, there was often little detail to support broad campaign promises. Women featured in campaign materials and participated in campaign events. With few exceptions, political parties were led by men and there were no special electoral platforms targeting women voters.<sup>24</sup>

Despite the fact that candidates' language was mostly moderate, some messages were populist and negative in tone. Some OSCE/ODIHR EAM interlocutors expressed concern about campaign events of the HDSSB, with the presence of young men wearing all-black uniforms and parading with flags seen as intimidating. Another instance, reported in the media, was on the use of billboards alleging the "Yugoslav" nationality of one of the candidates.<sup>25</sup> OSCE/ODIHR EAM interlocutors voiced concerns that such campaigning was inflammatory.

There were several instances when the electoral silence was breached.<sup>26</sup> On 7 November, the SEC issued a press release calling on all electoral participants to respect the electoral silence.

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<sup>23</sup> The *Croatia is Growing* coalition, led by the SDP, included the HNS, HSU, HL, Authentic Peasants Party (A-HSS), Zagorje Party (ZS), and, in one constituency, the SDSS. The *Patriotic Coalition*, led by the HDZ, included the Croatian Social Liberal Party (HSLs), HSS, HSP-AS, Block "Pensioners together" (BUZ), Croatian Growth (HRAST), Croatian Demo-Christian Party (HDS), Zagorje Democratic Party (ZDS), and, in one constituency, the Pure Party of Rights (HČSP).

<sup>24</sup> ORaH and the Conservative Party were led by women.

<sup>25</sup> The article appeared on the [Večernji list website](#) and was subsequently picked up extensively on social media.

<sup>26</sup> *Inter alia*, the publication of an advertisement with Tomislav Karamarko, the leader of the HDZ, in the *Jutarnji List* newspaper on 7 November; the website of *Glas Slavonije* ran an advertisement for the People's Party – Reformists' candidate Ivo Josipović; the Bandić Milan 365 coalition sent out text messages to voters, while others, including the SDP, ran advertisement on Facebook.

## X. CAMPAIGN FINANCE

The main law regulating campaign finance is the Campaign Finance Law that provides for both public and private funding. Amendments to the law adopted in 2013 provided more details for opening special bank accounts and financing coalition lists and independent candidates and also transferred oversight responsibilities from the State Audit Office to the SEC. The legal framework provides a sound basis to ensure transparency, integrity and accountability of campaign finance and enjoys the confidence of most electoral stakeholders. The Council of Europe's Group of States against Corruption (GRECO) has previously concluded that Croatia had implemented all of its recommendations concerning the transparency of political financing.<sup>27</sup>

OSCE/ODIHR EAM interlocutors welcomed the new provision that obliges all electoral contestants to open a special bank account for campaign purposes was amended to allow opening one account for all parties within a coalition. The SEC has the authority to request any information on transactions from such accounts at any time.

Political parties, candidates and independent lists or lists of groups of voters may finance their election campaign from their own resources, donations and other eligible sources. The law prohibits donations from foreign, anonymous, religious, humanitarian and other non-profit associations and organizations, as well as from labour unions or employer associations, and establishes limits for donations received within a calendar year.<sup>28</sup> Campaign expenditure by a political party or coalition must not exceed HRK 1.5 million (some 200,000 EUR) within a single constituency, which most OSCE/ODIHR EAM interlocutors considered as an appropriate campaign spending limit. Several political parties informed the OSCE/ODIHR EAM that they took a bank loan to finance their campaigns. Smaller parties reported difficulties raising funds and resorted to contributions from their candidates as a key source of funding.

The law also provides for proportional reimbursement of election campaign costs from public funds for lists that receive more than five per cent of the valid votes in the constituency where they ran for election. Reimbursement for national minority candidates is calculated based on the percentage of the population they represent and the number of votes they receive.<sup>29</sup>

All electoral contestants are obliged to submit preliminary reports on the received donations and campaign expenditures to the SEC seven days before election day, and final reports within 30 days from election day. The electoral contestants should make both preliminary and final reports public on their websites or in the daily press. Breaches of campaign finance regulations result in different levels of financial fines and restrictions in the public reimbursement of campaign finance expenditures up to the full forfeiture of the right to reimbursement.

The SEC informed the OSCE/ODIHR EAM that 61 special accounts were opened for these elections. Four electoral contestants did not submit preliminary reports to the SEC and did not make them

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<sup>27</sup> See GRECO's 2011 [Third Evaluation Round Compliance](#).

<sup>28</sup> An individual can contribute up to HRK 30,000 (some 4,000 EUR) to a political party, independent list or candidate; a legal entity can donate up to HRK 100,000 (some 13,300 EUR) to an independent list or a candidate, and legal persons can contribute up to HRK 200,000 (some 26,700 EUR) to a party. Approximate exchange rate is 7.5 HRK for 1 EUR.

<sup>29</sup> Candidates of national minority that account for more than 1.5 per cent of the population are entitled to receive a reimbursement if they obtain more than 5 per cent of the valid votes. Candidates of other national minorities, and those who did not enter the parliament, are entitled to recover 15 per cent of the costs that would be recoverable by those elected.

public.<sup>30</sup> Several media outlets reported on parties' or coalitions' campaign expenditure interim reports.

While the law grants the possibility to exercise control through other competent authorities, the SEC informed the OSCE/ODIHR EAM that it did not avail itself of such assistance. Several EAM interlocutors expressed their doubt in the SEC's ability to provide proper oversight, stating lack of human resources on the SEC's part and criticizing what they called a reactive rather than proactive mode of operation.

*To further enhance transparency and public confidence in the process, consideration could be given to publishing interim and final reports on the SEC website.*

## XI. MEDIA

### A. MEDIA ENVIRONMENT

Croatia's media landscape is pluralistic and extensive, with 11 national TV stations, 20 local TV channels, 145 radio stations (including seven national channels), some 10 daily newspapers, and 36 weeklies or bi-weeklies. There are several internet news portals, and political debate also takes place on social media.

Television is considered the main source of information. Public broadcaster *Hrvatska Radiotelevizija* (HRT) operates four channels, two of which offer information programmes. The most-watched privately owned national stations are Nova TV and RTL. While the print sector is in decline, daily papers are still viewed as influential in terms of setting the news agenda on TV and radio. *Jutarnji List* and *Večernji List* are the most read national dailies. Internet use is increasing with 68 per cent of the population having access.<sup>31</sup>

Outlets dedicated to national minorities receive public funding, and include the Serbian weekly newspaper *Novosti*, the Italian daily *La Voce del Popolo*, the Bosniak monthly *Preporodov žurnal*, and the cross-border Slovenian/Croatian Koper TV project.

The economic recession has had a detrimental effect on the media environment, prompting a number of takeovers in which commercial and banking entities assumed controlling stakes in media companies. Many OSCE/ODIHR EAM interlocutors expressed concerns that new owners were placing direct and indirect pressure on editors and reporters, compromising journalistic independence and resulting in self-censorship.<sup>32</sup>

*Measures to ensure editorial independence of media outlets from media owners could be considered.*

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<sup>30</sup> Independent List – Željko Knapić, Serb Justice Party – SPS, Bari Ahmedi Group of voters and Zvonko Kalanjoš Group of voters.

<sup>31</sup> See the [Croatian Central Statistics Bureau's latest figures \(2014\) on usage of information and communication technologies \(ICT\)](#) in households and by individuals.

<sup>32</sup> See: UN Human Rights Committee General Comment 25 to Article 25 of ICCPR, paragraph 25 "the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint...", [Parliamentary Assembly of the Council of Europe \(PACE\) Resolution 1636\(2008\)](#) "Media outlets should have editorial independence from media owners, for instance by agreeing with media owners on codes of conduct for editorial independence, to ensure that media owners do not interfere in daily editorial work or compromise impartial journalism."



There have been several incidents of physical attacks on and intimidation of journalists in the 18 months before the elections, including two unsolved cases of attempted murder. In some cases, the attacks and threats appear to be linked to investigative stories the victims have published, while in others racial abuse was involved. The OSCE Representative on Freedom of the Media (RFoM) and the UN Human Rights Committee expressed concerns about the number of attacks and called on the authorities to investigate.<sup>33</sup>

## B. LEGAL FRAMEWORK FOR THE MEDIA

The regulations applying to broadcast media during elections are outlined in the election law and supplemented by the Rules of Procedure for Electronic Media with National Concession in the Republic of Croatia during the Election Campaign, endorsed by the parliament on 26 September 2014, and by the rules issued by the SEC.

While the Constitution guarantees freedom of expression, defamation and insult remain criminal offences, at odds with international standards.<sup>34</sup> The offence of “shaming” was added to the Criminal Code in 2011. According to the OSCE RFoM, legal definitions of “shaming” and “insult” are “vague, open to individual interpretation and, thus, prone to arbitrary application”, and the RFoM called on the government to “remove offences against reputation from the criminal code and to fully decriminalise defamation.”<sup>35</sup>

*Defamation, insult and shaming should be decriminalized, in line with international standards on freedom of expression.*

The amendments to the election law removed the obligation of national broadcast media to give equal time to every contestant in journalistic coverage of the campaign. This change, recommended by the OSCE/ODIHR in 2011, granted HRT and private broadcasters editorial discretion to give candidates proportional rather than equal time in news, analysis and other election-related coverage.<sup>36</sup> While broadcasters welcomed the provision, smaller parties said it discriminated against them.

While HRT was obliged to cover the campaign, private broadcasters could decide whether and to what extent to follow it. The rules adopted by the parliament stipulate that HRT give at least five minutes of airtime to each contestant. Pursuant to the legislation, public and private national TV channels could each host just one debate during the campaign.

The 2009 Law on Electronic Media mandates the Agency for Electronic Media to monitor the broadcast media for their adherence to the provisions of the law. The agency, which employs a full-time staff of media monitors, can impose sanctions ranging from fines of up to one million HRK (some 130,000 EUR) to termination of a broadcast licence. Given that both the parliament and the SEC’s rules instruct that media-related complaints during elections be directed to the SEC, the agency received no complaints during the campaign. However, the Ethics Commission dealt with eight

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<sup>33</sup> See statements of the OSCE Representative of Freedom of the Media from [14 August 2015](#) and [29 May 2015](#), and the UN Human Rights Committee “[Concluding observations on the third periodic report of Croatia](#)” (30 April 2015 CCPR/C/HRV/CO/3), paragraph 23.

<sup>34</sup> Paragraph 47 of the 2011 UN HRC General Comment No. 34 provides that states “should consider decriminalisation of defamation.”

<sup>35</sup> See: the OSCE RFoM statement from [8 April 2014](#).

<sup>36</sup> Amendments to the election law provided for the principle of “adequate” coverage of electoral contestants, which was interpreted as a requirement to provide proportional coverage.

media-related cases, one of which it referred to the SEC, despite the fact that both bodies have limited capacity to investigate such cases and do not hold any sanctioning powers.

*To assist the SEC in the implementation of media-related provisions in the electoral legislation, the Agency for Electronic Media could be granted a more formal role in monitoring elections coverage.*

### C. MEDIA COVERAGE OF THE ELECTIONS

The campaign was lacklustre, which was reflected in a lack of visibility in the media. The national broadcasters provided little coverage beyond their main news programmes. National minority parties told the OSCE/ODIHR EAM they were better served by their local specialized media outlets than by the major broadcasters. Most parties were present on social media, with Facebook being the most popular platform. However, electoral contestants rarely used social media for interaction with voters or as a discussion forum. Much of the coverage across all media focused on personalised exchanges between the HDZ and SDP leaders.

HRT complied with the requirement to give all contestants five minutes of free airtime, and the recordings were broadcast on HRT4, national radio, and on the HRT website. Although not obliged to grant free airtime, Nova TV and RTL posted the recordings on their respective websites. Candidates tended to use the free airtime to read from a script, and in some cases had insufficient material to fill their respective slots.

The public and private national broadcasters used survey results from polling companies *Ipsos* and *Promocija Plus* to establish criteria for editorial decisions on granting electoral coverage in a proportional manner called for by the election law amendments, as well as for the selection of candidates for debates. While Nova TV and RTL opted out of organizing any debates, HRT planned one debate for 6 November, involving five parties — SDP, HDZ, MOST, HDSSB and IDS — identified by the same *Ipsos* poll on which it had based its decisions on electoral coverage. A complaint by ORaH to the Ethics Commission that it was overlooked by HRT was referred to the SEC, which judged HRT's selection criteria as "arbitrary". The broadcaster, citing interference and pressure, cancelled the debate, a move that was widely criticized, including by the Croatian Association of Journalists.<sup>37</sup> The decision meant that voters were further deprived of information in a campaign with already little substantive coverage in the broadcast media. Nova TV and RTL broadcast programmes about poll results in each constituency.

*The restriction on holding only one debate per broadcast media outlet during the campaign should be lifted to allow more opportunities to all contestants to present and defend their policies in an engaging way.*

## XII. ELECTION OBSERVATION

Following previous OSCE/ODIHR recommendation, the election law provisions regarding election observation were reviewed to allow for observation of elections by international organizations, political party representatives, groups of voters who nominated independent candidates (including voters from national minorities), and registered NGOs.<sup>38</sup> Observers are entitled to access election

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<sup>37</sup> See a press release from the Croatian Journalists' Association on 6 November 2015, [Revoke decision and organize debate on HRT](#).

<sup>38</sup> Art. 107 of the election law provides that international organizations have the right to observe elections only if "active in the Republic of Croatia", which in the future may pose unnecessary limitations to international organizations and election management bodies from other countries to obtain an accreditation.



material and are allowed to observe the work of electoral bodies as well as the voting, counting and tabulation process. Candidates contesting the elections are not allowed to be observers.

The SEC opened an online platform through which parties and observer organizations could directly register their observers. A total of 13,423 observers were accredited, of which political parties nominated 12,613, NGOs accredited as citizen observer organizations – 746, groups of voters who nominated independent candidates – 35, and international organizations – 29 observers.<sup>39</sup>

### XIII. COMPLAINTS AND APPEALS

The Constitutional Court exercises general jurisdiction over the legality of the entire electoral process and can be addressed directly in cases when electoral activities are in breach of the Constitution or the law. It also resolves appeals against SEC decisions and is the first-instance body in charge of resolving all complaints concerning irregularities in the nomination of candidates and the electoral campaign. Complaints can be filed by political parties, representatives of lists of independent candidates, candidates themselves, as well as by a minimum of 100 voters or a minimum of five per cent of the voters of a respective constituency, within 48 hours from the moment an alleged irregularity occurs. Decisions must be taken within 48 hours. The election campaign is overseen by an Ethics Commission, nominated by the parliamentary political parties and appointed before every election by the Constitutional Court from amongst prominent non-political public figures.<sup>40</sup>

Prior to election day, the SEC received ten complaints and rejected all of them as unfounded. Of these, eight pertained to candidate registration, one challenged the nomination of members to one municipal election commission and one, filed by the political party *Pokret Zajedno* and its president, contested the validity of the election, alleging that the voter register contained the names of at least 250,000 nonexistent voters. Nine SEC decisions were appealed to the Constitutional Court, which upheld all of them. No complaints were filed after the election day. The Ethics Commission reviewed 22 cases in total, 13 of which were found to be in breach of the Code of Ethics.

Overall, the law provides for timely and effective adjudication of electoral disputes regarding all aspects of the electoral process. However, the law does not foresee any mechanism for the SEC or the Ethics Commission to enforce campaign rules and media regulations, nor does it specify any sanction for the violation of those.

*Legal provisions outlining consequences of non-compliance with campaign rules and media regulations and the scope of jurisdiction of institutions responsible for their oversight should be clearly defined in the election law.*

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<sup>39</sup> The organizations accredited as domestic observers were the following: Association for Promotion of Education of Roma – *Kali Sara*, Democratic Association of Hungarians in Croatia, GONG and Roma National Council "On behalf of family".

<sup>40</sup> The work of the Ethics Commission is based on a Code of Ethics adopted by the Commission during its first session, which was held on 20 October 2015.

## XIV. ELECTION DAY

### A. VOTING AND COUNTING

In line with OSCE/ODIHR methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner. However, mission members visited a limited number of polling stations in Zagreb and its environs. Election day took place in a calm environment, and in all polling stations visited by the OSCE/ODIHR EAM, the voting process was well organized and efficiently administered by VC members, who appeared confident in and knowledgeable of their duties.

In some of the polling stations visited, voting screens were placed in a manner that could compromise the secrecy of voting. The EAM observed occasional overcrowding and some instances of voters confused by the new layout of the ballot due to the introduction of preferential voting.<sup>41</sup> Ballots for national minorities were used by 19 per cent of voters eligible to do so.

The counting process observed by the EAM took place in an organized and efficient fashion, and preferential votes did not pose particular difficulties for the VC members. However, due to an absence of formal procedures, VC members applied various methods for counting votes. The SEC annulled the results in seven polling stations where the number of ballots found in ballot boxes was higher than the number of voters who had been marked on the voter lists as having been given a ballot.<sup>42</sup> The SEC organized repeated elections in these polling stations on 14 November, for a total of 2,903 registered voters.

*To improve the accuracy and transparency of the election-day process, the SEC should consider providing formal procedures for vote counting.*

*Consideration could be given to change the existing procedures so that elections are repeated in individual polling stations only if the scale of irregularities can affect the election results.*

### B. TABULATION AND ANNOUNCEMENT OF RESULTS

The tabulation of the results was done by the MECs and the CiECs, which applied a double blind data entry system, with two data entry clerks consecutively entering the results. A few hours after the closing of the polls, the SEC announced preliminary results on its website and via a dedicated smartphone application.

The SEC published the final results on 23 November. There was 1.8 per cent of invalid votes, and 66 per cent of ballots cast contained a preferential vote. It indicates that the system of preferential voting was largely understood and appreciated by voters. The 10 per cent threshold for preferential votes proved to be high, and only five MPs won their seats by receiving a sufficient number of preferential votes.

Twenty-three women were elected, constituting 15.2 per cent of the new parliament. The number of female MPs decreased in comparison with the previous parliament and is well below the average of

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<sup>41</sup> Turnout amounted to 60.8 per cent.

<sup>42</sup> In Osijek, Pakrac and Slunj and at two polling stations in Šibenik and Zadar each.

24.2 per cent of women in parliaments in the OSCE region, despite international recommendations to increase the share of women in political office.<sup>43</sup>

## **XV. RECOMMENDATIONS**

### **A. PRIORITY RECOMMENDATIONS**

1. Constituency sizes should be regularly reviewed to ensure the equality of the vote, in line with domestic legislation, international obligations and standards for democratic elections.
2. Consideration should be given to consolidating and harmonizing election legislation into a single comprehensive electoral code. Specific chapters to address different aspects of local, parliamentary and presidential elections, as well as elections to the European Parliament, could be included in this code.
3. The legal deadlines for conducting elections could be extended to help ensure that the electoral calendar timelines are duly respected.
4. Legislation should be reviewed to allow independent candidates to contest an election individually, rather than together with other candidates on a list, in line with OSCE commitments.
5. Defamation, insult and shaming should be decriminalized, in line with international standards on freedom of expression.

### **B. OTHER RECOMMENDATIONS**

#### **Electoral System**

6. Additional steps could be considered to promote effective participation of national minorities through special measures, while encouraging greater engagement of their representatives in the activities of political parties. Any changes to the system of national minority representation should be consulted and agreed upon in an inclusive manner and account for the principle of equality of the vote to the extent possible.

#### **Legal Framework**

7. It is recommended that, in line with international good practice, fundamental aspects of the rules regulating elections not be changed less than one year before elections are conducted, unless in exceptional cases of follow-up to recommendations which serve to bring the electoral legal framework more in line with international standards.

#### **Voter Registration**

8. All eligible voters should be listed on the voter list, whereas ID cards should solely serve for proving a voter's identity.

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<sup>43</sup> See: [Inter-Parliamentary Union data from 2013](#). The Beijing Declaration target of 30 per cent, [CEDAW General Recommendation No. 23](#), Article 16 and the Council of Europe Committee of Ministers [Recommendation \(2003\)3](#) that “the representation of either women or men in any decision-making body in political or public life should not fall below 40%”.

## Candidate Registration

9. If the legislation is amended to allow independent candidates to contest an election individually, the candidate registration requirements could be reconsidered in such a way that, while deterring frivolous candidatures, the conditions to stand individually as an independent candidate are duly provided and are not stricter than those for political parties.
10. To achieve a better balance between women and men holding publicly elected positions, the temporary special legislative measures could be revised, including more effective and proportionate sanctions for non-compliance. In addition, political parties should consider voluntary measures to promote women in senior decision-making positions within parties and to increase the visibility of women candidates.

## Election Campaign

11. The authorities should undertake measures aimed at implementation of the non-discrimination legislation and policies, in accordance with the constitutional and legal framework.

## Campaign Finance

12. To further enhance transparency and public confidence in the process, consideration could be given to publishing interim and final reports on the SEC website.

## Media

13. Measures to ensure editorial independence of media outlets from media owners could be considered.
14. To assist the SEC in the implementation of media-related provisions in the electoral legislation, the Agency for Electronic Media could be granted a more formal role in monitoring elections coverage.
15. The restriction on holding only one debate per broadcast media outlet during the campaign should be lifted to allow more opportunities to all contestants to present and defend their policies in an engaging way.

## Complaints and Appeals

16. Legal provisions outlining consequences of non-compliance with campaign rules and media regulations and the scope of jurisdiction of institutions responsible for their oversight should be clearly defined in the election law.

## Election Day

17. To improve the accuracy and transparency of the election-day process, the SEC should consider providing formal procedures for vote counting.
18. Consideration could be given to change the existing procedures so that elections are only repeated in individual polling stations if the scale of irregularities can affect the election results.

## ANNEX I: FINAL RESULTS

### ELECTION OF REPRESENTATIVES TO THE CROATIAN PARLIAMENT FINAL RESULTS

Republic of Croatia	Total	
No of registered voters	3,788,788	
No of ballots cast	2,304,403	60.82%
No of valid ballots	2,262,782	98.19%
No of invalid ballots	41,621	1.81%

Party / Coalition / Candidate	No of votes	No of seats
<i>Patriotic Coalition</i> - HDZ, HSS, HSP AS, BUZ, HDS, HRAST, HSLs, ZDS	771,070	59
SDP, HNS, HSU, HL, A-HSS, ZS	681,965	52
SDP, HNS, HSU, A-HSS, ZS, SDSS	60,944	4
HDSSB	21,849	2
<i>Coalition of Work and Solidarity</i> (DPS, DSŽ, Greens, HES, HRS, ID - DI, MS, NSH, <i>New wave</i> , SU, UDU, ZS)	29,620	2
MOST	302,453	19
People's Party – Reformists – <i>Forward Croatia!</i> Progressive Alliance of Ivo Josipović, Croatian Party of Pensioners - Pensioners Green Forum, DDS	13,314	1
IDS, PGS, RI	42,193	3
<i>Živi Zid (Defense Wall)</i>	14,690	1
<b>Seats Reserved for National Minorities</b>		
Serb minority (SDSS)	18,578	3
Hungarian minority (Union of Hungarian Associations, SMU)	4,416	1
Italian minority (Furio Radin, independent candidate)	2,421	1
Czech and Slovak minorities (Vladimir Bilek, independent candidate)	2,110	1

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Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Wallachian and Jewish minorities (Association for the Promotion of Education of Roma in the Republic of Croatia)	4,620	1
Albanian, Bosnian, Montenegrin, Macedonian and Slovenian minorities (FAI, KUANMZ, HASI, Kosova - RH)	4,714	1
<b>TOTAL</b>		<b>151</b>

**ANNEX II: LIST OF CORE TEAM MEMBERS**

<b>Name</b>	<b>Position</b>	<b>Country</b>
Stefan Krause	Head of Mission	Germany
Daria Paprocka	Deputy Head of Mission	Poland
Zarona Ismailova	Political Analyst/ Campaign Finance Analyst	Tajikistan
Ovidiu Craiu	Election Analyst	Romania
Mercè Castells Vicente	Legal Analyst	Spain
Mary Boland	Media Analyst	Ireland
William Romans	National Minority Analyst	United Kingdom

## ABOUT 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 obligations and standards for democratic elections and with 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](http://www.osce.org/odihr)).