



OSCE/ODIHR
Election Observation Mission to the Republic of Croatia
Parliamentary Elections 2003
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Statement of Preliminary Findings and Conclusions

Zagreb, 24 November 2003 – The OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Election Observation Mission (EOM) for the 23 November 2003 elections to the Parliament (Sabor) of the Republic of Croatia issues this statement, before the official announcement of results, and before all complaints and appeals have been addressed.

PRELIMINARY CONCLUSIONS

The 23 November elections to the Parliament of the Republic of Croatia were conducted generally in line with OSCE commitments and international standards for democratic elections. However, despite improvements in the process, some issues remain outstanding, including: the legislative framework for elections; the short time frame available for election administration, the accessibility of out-of-country voting (especially for refugees in Serbia and Montenegro and in Bosnia and Herzegovina) and a lack of transparency on the issue of campaign spending.

These elections, the fourth for the Sabor since Croatia gained independence in 1991, were carried out in a generally calm and low key political atmosphere. Virtually all parties expressed confidence in the electoral authorities and in the reliability of the polling process. The campaign period was generally orderly with few reports of election-related irregularities.

The Law on the Election of Representatives to the Croatian Parliament (Election Law) provided an adequate basis for the conduct of the elections but, as in previous elections, had to be supplemented by key instructions and other detailed directives by the State Election Commission (SEC). The short electoral period and absence of a permanent election administration contributed to late promulgation of polling procedures which created significant challenges in terms of communicating them effectively to election participants.

Election procedures expanded eligibility to vote beyond statutory requirements for Croatian citizens living abroad. Nevertheless, such voters might be unable to provide the requisite proof of citizenship, and the number and distribution of polling stations available in some countries, especially Serbia and Montenegro, was disproportionate to the number, circumstances and status (as refugees) of many of these voters.

Special representation for national minorities has been expanded from 5 to 8 mandates, including three representatives to be elected by the Serb minority. The SEC took a positive step by demonstrating an appropriate regard for the interest of minority voters by providing them with precise information on their ability to choose either a constituency or minority ballot.

The electronic and print media, as a whole, provided voters with a variety of political views and candidates were able to present their platforms and convey their message freely. The public HRT television and radio channels fulfilled their legal obligations to provide free airtime for presentations of the contestants, and maintained sufficient campaign coverage without bias.

PRELIMINARY FINDINGS

The Campaign Environment

It appeared that a broad, informal consensus existed among stakeholders in the election process (political parties, non-governmental organizations and State authorities) that the elections should not be problematic, but rather proceed as smoothly as possible.

The election campaigns conducted by most of the major parties were largely professional and well-organized. There was a highly visible poster campaign in most cities and towns and extensive use of paid political advertising. Smaller parties appeared to be limited by their lesser financial resources. Public opinion polls appeared regularly in the national press.

Campaign financing emerged as an issue between the parties. There is no official limit on campaign spending. Estimates of the cost of particular parties' campaigns vary widely, and the parties are not required to make a specific disclosure on their campaign spending. The reported prevalence of in-kind donations may substantially distort estimates on political party spending, further reducing transparency of this element in the election process.

In areas of the country where ethnic minorities predominate, there was little in the way of visible campaigning. However, candidates of parties representing the Serb minority were featured and quoted regularly in the press. These parties held rallies in areas where there are sizeable Serb minority communities, which passed without incident. For the first time, the two main parties representing the Serb minority in Croatia campaigned for the diaspora constituency.

The elections were contested by 359 separate party, coalition and independent candidate lists for the 10 electoral constituencies within Croatia and the diaspora constituency (for voters with permanent residence outside of Croatia). The 8 Sabor seats reserved for national minorities were contested by 43 individual candidates. Altogether, a total of 5,105 candidates stood for election, ranging in ages from 18 to 84. Women represented 25% of all candidates.

Legislative Framework

The Law on Election of Representatives to the Croatian Parliament (Election Law) provided an adequate basis for the conduct of these elections. The Election Law was modified prior to the elections to include clearer and more consistent provisions on appeals to the Constitutional Court, and expanded representation for minorities. However, the Election Law is rather general and contains some unclear areas. As a result, successful implementation of the Law requires issuance of numerous mandatory instructions and other directives ("reminders") by the State Election Commission.

The short electoral period (as little as 30 days) permitted by the Law, combined with the absence of a permanent electoral administration, poses additional challenges in preparing successfully for elections. As a result, the precise procedures for the elections are often not decided until a short time before polling day, which produces severe time constraints for transmitting this information to election officials and the opportunity for organization by parties, training of election officials and education for voters is limited.

The legal basis for the elections – which includes statutory provisions, SEC instructions and “reminders” to voting committees, and Constitutional Court interpretations – is overly complex. This tends to lessen transparency about electoral rules and raises issues about the predictability of their application at all levels of election administration; to political parties and to voters.

National Minority Issues

The provisions in the Election Law related to the election of candidates to represent national minority groups are vague. Before the electoral period the Sabor decided against permitting dual voting for minorities (in the constituency elections as well as for special minority representation). However, the subject remained a matter of some dispute with NGOs representing minorities.

The SEC decided to provide for multiple-candidate voting on a single ballot by Serb national minority voters, who are entitled to elect three representatives for their reserved seats. There may be some inconsistency between that decision and a provision of the Election Law under which a ballot is considered invalid if more than one candidate list or candidate is voted for.

Election procedures permitted any voter on the general voter register to request a minority ballot. Minority voters could not, however, change their ethnic identification without making a formal request during the period prior to the finalization of the voter register. Voters listed as “Moslems” who wished to vote as Bosniacs were required to change their registered ethnic identification in the same manner.

Election Administration

The SEC started official operations on 20 October 2003. Despite not functioning on a permanent basis and the short electoral time frame, the SEC performed in a generally efficient manner.

Voting took place at 6,795 polling stations in-country and a further 155 polling stations in 51 countries world-wide. Voter registration was performed under the supervision and implementation of the Ministry of Justice, Administration and Local Self-Government. A total figure of 3,972,559 voters were registered in-country and 399,049 out-of-country.

The membership of the electoral bodies was expanded during the course of the electoral period to include representatives nominated by both the main governing and opposition parties. However, these party representatives had only a very short period to participate in election administration. EOM long-term observers reported that party representatives on constituency and city/municipal electoral commissions acted more as observers rather than participate as full fledged members of the commissions in line with their legally defined role.

The SEC issued 13 binding instructions and 2 sets of reminders to regulate voting in-country and out-of-country. The reminders, which incorporated existing legal provisions and binding instructions, were adopted late in the electoral process and have an unclear legal status.

Every citizen had the right to examine the voter register and request additions or corrections to be made before the deadline of 8 November 2003. Information could be obtained by phone and fax, including in diplomatic missions and consulates abroad. In spite of its newness, this information system was reportedly quite effective and represents an improvement in the transparency and accuracy of the registration system.

Out-of-Country Voting (OCV)

The number of polling stations in Serbia and Montenegro was raised to 6. However, these remained within the same 3 cities – Belgrade, Subotica and Kotor - as in past elections. In Bosnia and Herzegovina, the number remained unchanged at 30 polling stations in 15 different locations. Given that the ethnic Serb Croatian citizens (refugees), concentrated overwhelmingly in Serbia and Montenegro, have been particularly disadvantaged when accessing the electoral process in the past, the 6 polling stations made available were disproportionate to their number, circumstances and status.

It should be noted that, depending on their application, SEC directives on out-of-country voting simplified procedures for voters who were permanent residents abroad or who (like refugees) have lived abroad for longer than just a temporary stay. Permanent residents abroad could vote even if they were not registered, provided they showed proof of citizenship, identity and residence abroad. Voters who were registered in Croatia but had been abroad for a longer period could vote without having to obtain a voting certificate from local authorities in Croatia.

For these elections, it was also simpler and more convenient than in the past for voters who were temporarily out of the country to obtain the certificates normally required for them to vote there. The necessity to obtain visas for persons traveling from Serbia and Montenegro to Croatia had been suspended, and voters residing there or in other places abroad could apply for a voting certificate by mail or optionally request the relevant Croatian consular officials to forward an application.

Media

Throughout the electoral campaign, information regarding the candidates' programs has been widely available. Furthermore, contestants frequently placed paid advertisements in a wide variety of media outlets. On the national level, both public television and radio (HRT) and private radio channels aired election related programs according to the media regulation adopted by the Sabor.

Although the regulation was largely respected, representatives of both the private and public media considered it inappropriate. The implementation of the regulation in the public media resulted in marathon broadcasting of reports on political parties that lacked effectiveness and reduced analytical capacity of the regular programs of HTV. The privately-owned TV NOVA refused to fulfill its regulatory obligations, arguing that compliance would inflict serious financial costs on their business, and implementing instead their own standards for equitable coverage of the campaign. TV NOVA's non-compliance was not widely condemned.

The EOM conducted a media monitoring exercise. The results indicate that the electronic as well as the print media dedicated the greatest proportion of their news coverage to the largest political parties. In general, the tone of coverage in both electronic and print media was neutral.

HTV news programs dedicated 35% of their political coverage to Government activities (functions of the state administration as distinct from the governing coalition). For political parties, the largest amount of coverage was given equally to the governing Social Democratic Party (SDP), and the opposition Croatian Democratic Union (HDZ), at 13%. Four smaller parliamentary parties received less significant coverage, between 6-10% each. TV NOVA covered the Government in 33% of the political news programs while in their coverage of the political parties, the HDZ received 20% and the SDP 16%.

Newspapers and weekly journals provided voters with a variety of political views, though with the focus on the leading political parties – HDZ and SDP. One of the weekly journals was noticeably more critical of all their political subjects.

Some contestants, above all the established parties, extensively used their right to place paid political advertisements into media outlets. Monitoring of the first and second channel of HTV and TV NOVA in their prime time broadcasts indicated that HDZ used by far the greatest amount of the paid time.

The SEC received complaints regarding a number of breaches of the campaign silence period. The Chairman of the SEC expressed his frustration at the lack of enforcement mechanisms available to the State Election Commission in this regard

Election Day

There were very few reports of election related incidents. The EOM Long Term observers reported a calm and orderly election process.

Preliminary voter turnout was reported by the SEC as approximately 66% within Croatia's 10 constituencies, representing a decline of 9 % from the 2000 parliamentary elections. Anecdotal estimates of out-of-country participation indicated a doubling in voter participation in Serbia and Montenegro from a very low base in 2000. This was in part attributed to a program of bus transportation provided by the Government of Serbia and partly funded by the European Commission Delegation in Zagreb.

MISSION INFORMATION AND ACKNOWLEDGEMENTS

The OSCE/ODIHR Election Observation Mission (EOM) is headed by Ian Mitchell (Canada). This statement is based on the findings of 19 election experts from the OSCE/ODIHR EOM, based in Zagreb and six cities in the Republic of Croatia, who have been deployed since 29 October. The Mission did not deploy short-term observers to monitor the election day proceedings.

The EOM will publish a comprehensive report on the parliamentary elections, including recommendations, within one month after the election process is completed.

The EOM wishes to express appreciation to the authorities of the Republic of Croatia, including the Ministry of Foreign Affairs, the State Election Commission, the Ministry of Justice, State Administration and Local Self-Government, and other state and municipal authorities for their co-operation and assistance during the course of the observation. The EOM is also grateful for the support of the OSCE Mission to Croatia. The Mission wishes to thank the embassies of OSCE participating States accredited in Croatia for their co-operation.

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This Preliminary Statement is also available in Croatian. The English version of this Preliminary Statement is the only official version.
