



Office for Democratic Institutions and Human Rights

REPUBLIC OF CROATIA

PARLIAMENTARY ELECTIONS

5 July 2020

ODIHR Election Assessment Mission Final Report



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ODIHR Election Assessment Mission Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Republic of Croatia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 5 July parliamentary elections.

The elections were competitive and pluralistic. Voters were provided with a wide range of political alternatives and ample information about contestants, thereby facilitating an informed choice. The COVID-19 pandemic constituted a clear challenge for all electoral stakeholders and significantly impacted the campaign, much of which moved online as opportunities for traditional campaigning were limited. The election administration ensured a well-managed process, although some procedures were only adopted shortly before election day. The controversy around the right to vote of persons with COVID-19 was swiftly resolved as a result of stakeholder engagement and prompt judicial review that ensured a functioning system of checks and balances.

The legal framework provides a solid basis for the conduct of democratic elections. However, it remains fragmented and certain aspects, particularly the conduct and oversight of election campaigns, remain under-regulated and could benefit from further harmonization and consolidation.

Members of the parliament were elected through a proportional system in ten multi-seat constituencies in-country and one abroad, as well as through majoritarian contests for the reserved national minorities' seats. The absence of regular review of constituency boundaries together with deviations in the size of in-country constituencies, with most of them exceeding the legally prescribed limit, undermine the principle of equality of the vote and are contrary to international good practice. Calls by the Constitutional Court for the parliament to rectify the situation have thus far not been acted upon.

The elections were administered professionally by electoral bodies in a four-tier structure, led by the permanent and independent State Election Commission (SEC). The SEC held regular sessions, with decisions adopted in a collegial manner and published promptly. However, no minutes of meetings were published, which reduced transparency. For these elections, the SEC adopted nine binding instructions and co-operated with the health authorities to define protective measures for the different aspects of the electoral process.

The system of voter registration is complex and reliant on the collaboration of various institutions. It involves passive registration of in-country voters, active registration of voters without residence in Croatia, as well as accommodations for national minorities, voters temporarily changing residence, and those without a valid ID. The intricacies of registration arrangements, particularly those relating to out-of-country voters, are not easily understandable for stakeholders and could benefit from a more concerted effort on public information.

An inclusive candidate registration process granted 192 lists and a total of 2,720 candidates access to the ballot across constituencies. These included several new parties, which eventually entered

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

parliament for the first time. During the short campaign, a broad range of political views were heard, although the tone of the campaign was at times acrimonious, with personal accusations among leading candidates dominating over issue and policy-based discussions.

Women were generally well-represented in the election administration, including in leadership positions. Gender equality and issues of particular relevance to women were addressed in the campaign, although often in a provocative and polarizing manner. The legal requirement for minimum gender representation was not met by some 20 per cent of lists, including notably by the governing party, leaving women under-represented as candidates and in top positions on lists. While only 23 per cent of the newly elected members of parliament are women, this is an improvement in comparison to past elections.

The new law on campaign finance has brought about improvements to the transparency of reporting on campaign spending. Contestants largely complied with their obligations to publish preliminary reports. Transparency and accountability could be further improved by regulating loans for campaign purposes.

Traditional and online media offered voters multiple opportunities to access information about contestants and the campaign. While the public broadcaster fulfilled its legal responsibilities, instances of violations of media-related campaign rules online, including those pertaining to campaign silence period, were noted. The oversight role of the SEC is weakened by the lack of an effective media monitoring mechanism and sanctioning powers. Contrary to international good practice, defamation and insults remain criminalized.

In line with OSCE commitments, the legislation provides for international and citizen observation, as well as for observers on behalf of parties and independent candidates. Accreditation is facilitated through an online registration system.

Citizens are free to self-identify as belonging to one of 22 recognized national minorities, which gives them the option of voting for the reserved national minorities' seats. Competition for these seats and the number of votes cast for minority candidates were low. The continuing need for the minority representation arrangements in place were questioned by some parties, while others emphasized that any changes would constitute a step back for the minorities' status and rights.

The system of election dispute resolution provides for a timely and overall effective adjudication of complaints. However, no sanctions or enforcement mechanisms are foreseen for breaches of campaign rules, and the mandates of oversight bodies are insufficiently delineated. Distribution of unsolicited campaign materials and text messages by some contestants raised questions of compliance with personal data protection principles.

In line with ODIHR's methodology, the EAM did not carry out a systematic or comprehensive election day observation but visited a limited number of polling stations. Election day proceedings were well-run and orderly, in keeping with the health protection measures. Efforts were undertaken to maximally accommodate home voting requests, also used by persons in self-isolation and those diagnosed with COVID-19. The secrecy of the vote was not fully ensured in some of the polling stations visited. Large numbers of voter inquiries pointed to the need for a more proactive and comprehensive voter information. The reported turnout of 46.90 per cent was the lowest for parliamentary elections in the country.

This report offers a number of recommendations to support efforts to bring elections in the Republic of Croatia fully in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations focus on the need to harmonize and improve

consistency of election legislation, to address the deviations in the size of constituencies, to decriminalize defamation and insult, to strengthen the gender representation requirement, and to stipulate sanctions and enforcement mechanisms for campaign violations. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Permanent Mission of the Republic of Croatia to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 2020 parliamentary elections, ODIHR deployed an Election Assessment Mission (EAM) from 20 June to 12 July.² The ODIHR EAM was led by Lolita Cigane and consisted of eight experts drawn from eight OSCE participating States. The EAM was based in Zagreb and visited some localities around the capital.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner but visited a limited number of polling stations.

The ODIHR EAM wishes to thank the Ministry of Foreign Affairs and European Affairs (MFEA) and the State Election Commission (SEC) for their co-operation and assistance, as well as to express gratitude to representatives of other state and municipal institutions, judiciary, election commissions, political parties, media, civil society, and other interlocutors for sharing their views.

III. BACKGROUND

Croatia is a parliamentary republic with a directly elected president. The prime minister leads the government and requires an absolute majority of the 151 members of the unicameral parliament (*Sabor*) to take office. In the last parliamentary elections held on 11 September 2016, the Croatian Democratic Union (HDZ) and its allies won 61 seats, the Social Democratic Party of Croatia (SDP) and its People's Coalition partners won 54 seats. In addition to 8 seats reserved for national minorities, the remaining 28 seats were won by 6 other parties or coalitions.³

HDZ formed a coalition government with *Most* and the MPs representing national minorities. However, in June 2017, *Most* left the government, which was consequently joined by the Croatian People's Party – Liberal Democrats (HNS), who had previously been part of the SDP-led coalition during the 2016 elections. This led to a split within HNS, with some of its members remaining in opposition and forming the Civil Liberal Alliance (*Glas*). It was reported that in total 35 MPs changed allegiance or party during the parliamentary term.⁴ At the time of dissolution, there were 23 parties and 14 independents in the parliament, including 29 female MPs.⁵

² See [previous ODIHR election reports on the Republic of Croatia](#).

³ These included the Bridge Party (*Most*, 13 seats), a coalition led by Human Shield (*Živi Zid*, 8 seats), a coalition led by the Istrian Democratic Assembly (IDS, 3 seats), a coalition led by Bandić Milan 365 - Labor and Solidarity Party (2 seats), the Croatian Democratic Alliance of Slavonia and Baranja (HDSSB, 1 seat), and the Independent list (1 seat).

⁴ See [analysis](#) on floor crossing in the parliament.

⁵ See [parliamentary records](#) on the composition of the outgoing parliament. Only 19 female MPs were elected; the increase was due to substitutions during the parliamentary term.

These were the third elections in 14 months following the European Parliament elections in May 2019 and the two-round presidential election in December 2019 and January 2020. Based on the four-year mandate and constitutional provisions for the holding of elections, the next parliamentary elections were due to take place by mid-December 2020 at the latest. On 14 May 2020, Prime Minister Andrej Plenković announced the intention of the governing majority to propose the dissolution of the parliament and to hold the elections. On 18 May, the parliament voted to dissolve itself, and on 20 May, President Zoran Milanović called the election for 5 July, in accordance with his constitutional role.⁶

The COVID-19 pandemic was a significant factor in the timing of these elections. The government argued that if the parliament went to full term, an election in late autumn would probably have been hampered by a possible ‘second wave’ of infections. Opposition politicians expressed the view that the government was seeking to capitalize on the perceived successful management of the health crisis at the time of parliament’s dissolution and cited frequent public appearances of key government officials who also stood as candidates.

While the political landscape is very diverse, it continues to be dominated by the two major parties, HDZ and SDP, which have formed the basis of all governments since independence.⁷ A number of new parties were established shortly before these elections and contested parliamentary seats for the first time, notably the right-wing Homeland Movement (*Domovinski pokret*) and the left-green We Can! (*Možemo!*).

IV. ELECTORAL SYSTEM

All 151 Members of the parliament are directly elected to represent 12 constituencies: 10 multi-member territorial constituencies electing 14 deputies each, and 2 special non-territorial ones. Of the two special constituencies, one elects three deputies that represent Croatian citizens living abroad without permanent residence in the country and the other elects a total of eight deputies who represent national minorities.

Deputies of the territorial constituencies and the one representing citizens living abroad are elected through a proportional representation list system. The threshold for seat allocation is five per cent of the valid votes in the given constituency. Voters can cast one preferential vote for a candidate within a chosen list; it takes effect only if the candidate has received at least ten per cent of the votes cast for that list.⁸

The 8 deputies representing the 22 constitutionally recognized minorities are elected in 6 separate majoritarian races. Within this constituency, 3 seats are reserved for the Serb minority and 5 seats for the other 21 minorities.⁹ Voters identified in the voter register as belonging to national

⁶ Article 74 of the Constitution provides that parliamentary elections “shall be held not later than 60 days after the expiry of the term of office or the dissolution of the Croatian Parliament.” The parliament was dissolved with 105 votes in favor to 8 against, with 4 abstentions. The presidential decree calling the elections came into effect on 2 June.

⁷ HDZ has been in power for 22 of the 29 years of independence. SDP was in power in 2000 - 2003 and in 2011-2015.

⁸ In case two or more candidates obtain the same number of preferential votes, the order on the list is decisive. If the number of seats won by a list is larger than the number of candidates who qualify on the basis of preferential votes, the rest of seats are allocated according to the order of candidates on the list.

⁹ Hungarian and Italian minorities elect one deputy each; Czech and Slovak minorities jointly elect one; one deputy is jointly elected by Albanian, Bosniak, Montenegrin, Macedonian and Slovenian minorities; one deputy is jointly elected by Austrian, Bulgarian, German, Jewish, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, and Wallachian minorities.

minorities on the basis of prior self-declaration have the option to vote either for their territorial constituency lists or for national minority candidates.

While the principle of the equality of the vote is guaranteed by the Constitution, in practice it is undermined by the fact that the boundaries of the ten territorial constituencies remained unchanged since the Law on Constituencies was first adopted in 1999, despite significant population changes.¹⁰ Notwithstanding the legal requirement that the number of registered voters in constituencies should not differ by more than 5 per cent, the final voter list revealed divergences of up to 12.73 per cent below and 13.53 per cent above the average number of voters. The difference between the largest and smallest constituencies amounted to 96,494 voters.¹¹ In addition to recurrent ODIHR recommendations drawing attention to this issue, in 2010 the Constitutional Court also alerted the parliament of the need to redraw constituency boundaries in line with the updated voter and population figures.¹² One complaint lodged with the SEC and further appealed with the Constitutional Court after these elections was related to the deviation in the size of constituencies (see Complaints and Appeals section).

Constituency boundaries should be reviewed to ensure the equality of the vote. The law should foresee periodic review of constituency boundaries or sizes to account for changes in voter and population numbers.

V. LEGAL FRAMEWORK

The conduct of parliamentary elections is primarily governed by the Constitution and the Law on the Election of Representatives to the Croatian Parliament (LERCP), last amended in 2015. The legal framework also encompasses a number of other laws and is complemented by SEC instructions.¹³ In addition, the jurisprudence of the Constitutional Court contributes to shaping the electoral legal framework.

The legal framework provides a solid basis for the conduct of democratic elections. However, it remains fragmented, and certain elements of the electoral process, such as the conduct of the election campaign, are under-regulated. The only significant change since the last parliamentary elections has been the adoption of the Law on Financing of Political Activities, Election Campaigns and Referenda (hereafter Campaign Finance Law) in 2019. The 2018 proposal by the SEC for a draft election code aimed at harmonizing provisions applicable to different elections was not acted upon. The Minister of Public Administration informed the ODIHR EAM that the intention is to revise the electoral legislation with a view to eliminating potential inconsistencies after the 2021 local government elections.

¹⁰ Paragraph 21 of the [UN Human Rights Committee General Comment 25](#) on Article 25 of the International Covenant on Civil and Political Rights states: "...The principle of one person, one vote, must apply and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters..." The [2002 Code of Good Practice in Electoral Matters](#) of the Venice Commission of the Council of Europe I, 2.2.v, states: "In order to guarantee equal voting power, the distribution of seats must be reviewed at least every ten years, preferably outside election periods."

¹¹ The largest constituency IX had 414,254 voters and the smallest constituency IV had 317,760 voters.

¹² In its 8 December 2010 [Notification on the Unequal Weight of Votes in the Constituencies](#), the Constitutional Court stated that "the legality and the general democratic character of the elections depend on the equal distribution of the voters in the general constituencies (the equality of the votes directly depends on this distribution)" and that "it is necessary to change and amend the Law on Constituencies without delay."

¹³ These include the Constitutional Law on the Rights of National Minorities (2002), the Law on the State Election Commission (2006, amended in 2007), the Law on Constituencies (1999), the Law on the Voter Register (2012, last amended in 2019), and the Law on Political Parties (1993, last amended in 2001).

Electoral legislation should be comprehensively reviewed to ensure consolidation and harmonization of applicable provisions. Consideration could be given to adopting a single unified electoral code.

VI. ELECTION ADMINISTRATION

Elections were administered by electoral bodies in a four-tier structure, including the SEC, 12 Constituency Election Commissions (CECs),¹⁴ 559 Municipal Election Commissions (MECs) and City Election Commissions (CiECs), and 6,998 Voting Committees (VCs).¹⁵ For the out-of-country vote, 109 VCs were formed in 41 countries in co-ordination with the MFEA.¹⁶

The SEC is a permanent and independent body, with its members appointed by the parliament for a period of eight years.¹⁷ The SEC's responsibilities include the conduct of elections and referenda, political party and campaign finance oversight, voter information, and providing recommendations for electoral reforms.¹⁸ For these elections, the SEC adopted nine mandatory instructions regulating different aspects of the electoral process.

During the electoral period, the SEC held several sessions in a collegial manner, some on a very short notice. Decisions taken at the sessions observed were preceded by little debate and adopted unanimously, indicating that some of the issues might have been resolved prior to the formal sessions. Not all sessions and their agendas were announced on the SEC website.¹⁹ By the time of these elections, no minutes of sessions or excerpts were published since the beginning of 2020, which detracts from transparency.²⁰ However, decisions taken during sessions and respective materials were usually published online promptly.

To increase transparency and accountability, it is recommended to ensure at all times that election-related meetings of the SEC are public and that all minutes are published online in a timely manner.

The CECs are composed of a president, two members, and their deputies who are appointed by the SEC from among judges and prominent lawyers. Two members are nominated by the party or coalition forming the government and two by the parliamentary opposition. The appointment of

¹⁴ Ten for territorial constituencies I to X, the SEC as CEC for the out-of-country constituency (XI), and one for the national minorities' constituency (XII).

¹⁵ Of these, 137 VCs were designated for special voting by the military, voters in peacekeeping missions, crews on ships, and voters in social welfare institutions.

¹⁶ The out-of-country vote did not take place as planned in Brazil, Chile, Indonesia, Morocco, and South Africa due to COVID-19.

¹⁷ The SEC is composed of a president, who is the president of the Supreme Court, four vice presidents, and four members. Three of the vice presidents and one member were women. The SEC is supported in its work by 17 staff.

¹⁸ On 18 March, the SEC proposed to the parliament technical changes concerning ballot design, voting at diplomatic and consular missions, and the remuneration of election officials. Of the proposed changes, only an increase in fees for VC chairpersons and deputies was granted.

¹⁹ Due to COVID-19 and the urgency of some matters, some sessions took place "by electronic means of communication", as per the SEC Rules of Procedure. This took place as an email exchange, which is not public and not observable. This raises questions of consistency with the legal requirements for sessions (Article 18 of the Law on the State Election Commission) and for voting during sessions (Article 11 of the SEC Rules of Procedure) to be public.

²⁰ Paragraph 19 of the [2011 UNHRC General Comment No. 34](#) to Article 19 of the [International Covenant on Civil and Political Rights](#) states "To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective, and practical access to such information."

MECs/CiECs and VCs follows the same formula. Based on the information received by the ODIHR EAM from election commissions at different levels, despite having the same rights and obligations as other members, the members nominated by parties did not always actively participate in the work of the respective bodies. Based on the SEC data, 34.3 per cent of CEC members and 45.2 per cent of MEC/CiEC members were women.

In response to the COVID-19 pandemic, the SEC relied on the Croatian Institute for Public Health (CIPH) to provide recommendations on various aspects of the process.²¹ Technical instructions with epidemiological guidance for the organization of the vote on election day were only presented by the SEC at the beginning of the election week. A controversy arose in connection with these instructions, suggesting that persons infected with COVID-19, and initially also persons with a fever or other characteristic symptoms, would not be permitted to vote, due to the health risks involved.²² This position was challenged by citizen election observers and academics as violating the universality of suffrage and led to the filing of a motion with the Constitutional Court by a candidate (see Complaints and Appeals section). The Court did not uphold the SEC's position and obligated it to adjust the procedures in order to facilitate the exercise of the right to vote of persons diagnosed with COVID-19. The SEC altered its technical instructions promptly; however, this happened only two days before elections. The instructions were, thus, amended twice after having been issued at the beginning of the election week.

To prepare the lower-level election commissions for their duties, the SEC provided a webinar for the leadership of CECs, a training video for other commissions and VCs, as well as a manual for VCs. Several interlocutors described the training materials as not easily understandable and suggested that the training provided could be more interactive.

The SEC may consider revising offline and online training modules and materials for lower-level electoral commissions and voting committees in order to make them more practical, user-friendly and interactive.

The law and a SEC instruction provide for a number of adaptations aimed at facilitating the participation by persons with disabilities, including the possibilities to request a mobile ballot, to vote immediately outside a polling station, and to be assisted by a person of their choice.²³ The ODIHR EAM was informed that the overall accessibility of the electoral process differs from

election to election and varies for different types of disabilities.²⁴ The Ombudsperson for Disability and various organisations representing persons with disabilities are advocating with the SEC to facilitate more effective participation by systematically ensuring the physical accessibility of polling stations, as well as access to information about procedures, contestants, and campaigns, in line with international obligations.²⁵

²¹ This included health-related recommendations for the work of electoral bodies, collection of candidate support signatures, and election rallies, published on the SEC website on 28 May and 8 June.

²² Based on immediate public reactions, the SEC altered the technical instructions shortly after their publication, removing a prohibition for voters with a fever or other symptoms to access polling stations; however, making the exclusion of infected persons from the vote even more explicit, grounding it in the Law on the Protection of the Population from Infectious Diseases.

²³ According to CIPH [data](#), 511,281 persons (12 per cent of the population) have a disability.

²⁴ For these elections, based on a collaboration between the SEC and the Croatian Blind Union, some voter information material was printed in Braille and candidate lists were prepared in an audio format. However, the large ballot did not allow printing it in Braille or providing assistive tools. The SEC financed the provision of interpreters for blind and deaf voters in polling stations.

²⁵ Article 29 of the [Convention on the Rights of Persons with Disabilities](#) requires states to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others;

In co-operation with disabled persons' organizations, the SEC could develop voter information in an accessible format, including large print, easy-to-read materials, as well as audio and video features with sign language, and make them available on its website. The physical accessibility of polling stations should be continuously improved.

VII. VOTER REGISTRATION

Citizens aged 18 years and above on election day are eligible to vote. The voter list is compiled by the Ministry of Public Administration (MPA). Voter registration is passive, based on electronic records of citizenship, permanent residence, and travel documents contained in two registries – one for voters inside the country and another for voters without residence in Croatia, respectively. The Zagreb Office of General Administration, in co-ordination with the MFEA and diplomatic missions abroad, compiles the voter list for the out-of-country constituency. These voters must actively register with these bodies to take part in the elections.

Voters must hold a valid ID to be included in the voter list.²⁶ Due to the outbreak of COVID-19, cards which were due to expire were to remain temporarily valid until the declaration of the end of the pandemic. Eligible voters, both in-country and abroad, without a valid ID could vote with a “blue certificate” obtained from their local administration or their embassy or consulate on election day.²⁷

The legal framework takes temporary changes of residence into account. Voters who are temporarily resident in another constituency can transfer their registration to that constituency in advance. Voters with a permanent residence in Croatia who know they will be outside the country on election day can pre-register to vote for their respective in-country constituency from abroad.

As of the 24 June cut-off date, a total of 3,859,487 voters were registered to vote in these elections. The majority of eligible voters – 3,674,665 (95.2 per cent) – are registered within Croatia.²⁸ Out of 891,286 citizens not resident in the country, 184,822 (4.8 per cent of the total voter list) actively registered to vote.²⁹ The exact number of voters eligible for the out-of-country constituency is unknown.³⁰ According to the MPA, most of such voters have dual citizenship, with some 300,000 residing in Bosnia and Herzegovina alone. While noting a clear improvement in the accuracy of the voter list over the last decade, some political parties and other interlocutors mentioned the imprecise figures for the out-of-country electorate as an issue of concern.

[...] including the right and opportunity for persons with disabilities to vote and be elected [...] inter alia, by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.”

²⁶ In its [2015 Final Report](#), ODIHR has recommended that “all eligible voters should be listed on the voter list, whereas ID cards should solely serve for proving a voter’s identity.”

²⁷ In total, 607 such requests were made on election day inside the country and 8,837 abroad.

²⁸ Of these, 24,932 voters registered to vote outside their place of residence; 2,172 voters received a “yellow certificate” enabling them to vote at any polling station in their constituency or at a special polling station outside their constituency; and 11,110 voters pre-registered to vote abroad. Voters could also be registered at specific institutions, including the military, ships’ crews, prisoners and detainees, and voters in social welfare institutions.

²⁹ The highest numbers of active registrations were in Bosnia and Herzegovina (74,569), Serbia (31,239), and Germany (13,963). Active registration can be done through an in-person request or “ex officio” for holders of an electronic ID available since 2015 to citizens living abroad.

³⁰ The address and current status of 185,560 citizens was described to the ODIHR EAM as not verifiable. This figure has been reduced considerably following voter list clean-ups in the past.

The LERCP grants members of parliament the right to access the voter register during their term but, according to the MPA, the data contained therein cannot be extracted or copied. The Law on the Voter Register also gives candidates contesting the elections the right to obtain the names and addresses of voters registered in their constituency.³¹ The provisions regulating access to the voter register raised questions of compliance with the General Data Protection Regulation (GDPR) of the European Union as the purpose and scope of data processing are not clearly stipulated.³²

Overall, in conjunction with the electoral system for the parliamentary elections, the multiple sources of voter data and the options on where to vote result in a complex voter registration set-up, which is not always easily understandable for VCs, candidates, and voters alike. This underlines the need for comprehensive voter information, including in order to safeguard public confidence in the integrity of the voter list (see *Election Day* section).

VIII. CANDIDATE REGISTRATION

Any citizen with the right to vote can stand for election, with the exception of those sentenced to a prison term of more than six months, or those who are not legally rehabilitated from a conviction for specified serious crimes. Candidates are not required to be resident in the constituency in which they stand.

Candidates may only run on a list of a registered party, a coalition of parties, or citizens' initiatives, with each list including 14 candidates (and 6 alternates) in the 10 territorial constituencies. Candidate lists for the three seats in the out-of-country constituency must have between 6 and 14 names. Citizens' initiatives need to collect 500 signatures in support of their lists, while parties and coalitions are free from this requirement. Individual candidacies are provided for in single-seat races in the national minority constituency.³³

In total, 2,669 candidates were registered on 192 lists, of which 92 were put forward by coalitions and 5 by citizens' initiatives, with the number of lists in the 10 territorial constituencies ranging between 13 and 22.³⁴ The inclusive nature of the candidate registration and the wide spectrum of political alternatives offered a broad choice for the electorate.

Lists are required to have a minimum of 40 per cent of candidates of each gender. However, in the absence of effective sanctions, some parties disregarded this legal requirement.³⁵ In total, 39 lists (20.3 per cent), failed to meet the gender quota. This was particularly noticeable in the case of HDZ, which did not comply with it in any of its 11 lists.³⁶ Other parties and coalitions were broadly compliant. The Restart Coalition did not meet the quota in two of their ten lists and the Homeland Movement – in one of their ten lists. However, *Možemo!* and *Most* were compliant with the

³¹ According to the MPA, this is a common request of national minority candidates.

³² Article 6.3 of the GDPR requires that the basis of data processing must be established in law, which will also determine the purpose of processing and may contain specific provisions to adapt the application of the GDPR rules, including related to the types of data subject to processing, the data subjects concerned, entities to which data may be disclosed and for what purposes.

³³ Such candidacies need to be supported with 100 signatures.

³⁴ Based on the SEC [data](#), this is an increase compared to the 2015 (166 lists) and 2016 (177 lists) elections. There were 11 lists for the out-of-country constituency; the SDP-led Restart Coalition did not submit a list in line with their long-standing objection to the principle of a diaspora constituency.

³⁵ The Constitutional Court had decided in 2015 that the disqualification of incompliant lists would be disproportionate given that the Law on Gender Equality provides for a fine of HRK 50,000 (EUR 6,600).

³⁶ The only other party that failed to comply with the quota in any of its lists was the Croatian Christian Democratic Party, which ran in five constituencies and did not win any seats.

legislation in all of their 11 lists. The SEC informed the ODIHR EAM that the information on the non-compliant lists had been passed to the Prosecutor General to initiate misdemeanor proceedings.

There is no legal requirement as to the order, in which candidates of each gender should appear on the lists. Among the five top-scoring parties, which between them gained almost 95 per cent of the votes, only 12 of the 50 lists in the 10 constituencies were led by women.³⁷ Only one party, *Možemo!*, adopted a formal internal requirement for alternating genders on candidate lists. The percentage of women included in the more winnable top five positions on lists ranged from 14 per cent in the case of HDZ to 52 per cent on lists of *Možemo!*. While an improvement in comparison to previous elections, only 34 women (23 per cent) were elected to parliament.³⁸

To ensure a more balanced participation and representation of women and men as candidates and in the composition of the parliament, the legal gender representation requirement could be strengthened through more effective enforcement mechanisms and the introduction of an additional requirement for alternating positions between genders on candidate lists.

The number of candidates competing for the eight reserved national minority seats has fallen significantly over the last few elections.³⁹ In these elections, there were 21 candidates, including two running uncontested.⁴⁰ Some national minority candidates were also included in the lists of majority parties competing in the ten territorial constituencies.

IX. ELECTION CAMPAIGN

The official campaign period started on 18 June and ended 16 days later, with a campaign silence period on the day before the election. COVID-19 played a significant role in the campaign discourse. Despite the overwhelming vote in parliament for dissolution, the timing of the elections became an increasingly controversial issue, including as the number of new confirmed cases of COVID-19 continued to increase as election day neared.

Some pandemic-related government decisions taken during the campaign, including the discussions around the restrictions on crossing of the border with Bosnia and Herzegovina, were perceived by some opposition parties and civil society representatives as having been politically motivated. This debate and wider concerns about COVID-19 overshadowed campaigning on other topics, with considerably less attention devoted to policy issues. The health and isolation status of the Prime Minister became a campaign issue following his encounter with a COVID-infected person and resulted in an exchange of accusations among some of the key contestants.

The pandemic also had the effect of making it more difficult for parties to convey their messages through face-to-face campaigning. Although all parties were forced to alter their strategies, this was a particular disadvantage for parties without an established support base and longer-term media presence, especially those contesting parliamentary elections for the first time. In compliance with CIPH's recommendations restricting public gatherings, contestants significantly reduced the number and size of campaign rallies and meetings. Some limited outdoor gatherings were held, and flyers were distributed door-to-door and on the streets. On 26 June, the Restart Coalition announced

³⁷ In the ten territorial constituencies, of the five largest parties, the HDZ had no lists led by women, Restart Coalition - 1, *Most* - 2, Homeland Movement - 3, and *Možemo!* - 6.

³⁸ This is below the 30 per cent target of the 1995 UN Fourth World Conference on Women [Beijing Declaration and Platform for Action](#) and below the minimum 40 per cent target of the Council of Europe [Recommendation Rec\(2003\)3 on balanced participation of women and men in political and public decision making](#).

³⁹ In 2011, there were 69 national minority candidates, in 2015 - 49, and in 2016 - 29.

⁴⁰ The Hungarian and Italian minority candidates ran unopposed.

that it would hold no further rallies or organized meetings with the public to limit the potential spread of COVID-19. Billboards were employed by a range of parties, some of which were observed and reported to be defaced, in a few cases with inflammatory language or symbols.⁴¹

Most of the campaign took place in both broadcast and online media and social networks.⁴² Some of it was markedly negative in tone and sought to link contemporary politicians to Croatia's fascist and communist past. While maintaining his constitutionally required neutrality, President Milanović expressed regret over the harsh nature of some of the debates.⁴³

In the period between the calling of the election and the official campaign period, some politicians and civil society organizations appeared to instrumentalize the issue of abortion. This was divisive and sharpened the tone in the debate about social values. There was little visibility of female candidates in the campaign, and some of the language used when describing women had the effect of marginalizing them as victims of rape and abuse, rather than treating them as equal citizens. Adoption rights for LGBTI citizens was a campaign issue with some parties proposing additional legal rights while others campaigned to maintain the current ban. Positively, the rights of persons with disabilities were addressed in several manifestos.

While comprehensively outlined to media and parties in a SEC press release, campaign silence provisions lacked enforcement measures or penalties for breaches.⁴⁴ The ODIHR EAM observed some violations of campaign silence rules by online media, as well as through messages on contenders' social networks profiles and paid political ads on Facebook. Additionally, a number of parties sent text messages on the day of the election seeking votes.

X. CAMPAIGN FINANCE

Campaign finance is regulated by the newly adopted 2019 Campaign Finance Law. The new elements introduced by this law include the electronic submission of donations and campaign expenditure reports, the publication of all reports in a centralized and uniform manner on the SEC website, and the obligation to sign contracts for donations that exceed in value HRK 5,000.⁴⁵ The SEC is mandated with oversight of campaign finances and may request information from contestants, advertising services and all authorities relevant to the verification of financial statements.

Electoral contestants are obliged to open a special account for campaign purposes within a timeframe starting six months before the planned election date and ending the day a candidature is submitted.⁴⁶ The SEC can request any information regarding transactions of these accounts from banks. Political parties, candidates and independent lists may finance their election campaigns using their own funds and through donations by physical and legal persons. Donations from foreign entities, anonymous sources, state authorities and state companies, religious and humanitarian associations, and trade unions are prohibited. There are legally determined limits on donation

⁴¹ For instance, a billboard of a minority candidate was reported to have been defaced with a swastika.

⁴² A Croatian diaspora group organized a debate among the 4 of the 11 parties competing in the out-of-country constituency, which was viewable on their website and Facebook page.

⁴³ In a 30 June 2020 [interview](#), the President stated his opinion that the campaign was harsh and negative in several respects and that politicians were lying more in recent debates than in previous elections.

⁴⁴ See the SEC [statement on the obligation to respect campaign silence](#).

⁴⁵ EUR 1 is approximately HRK 7.52.

⁴⁶ If the election date has not been set, the date from which special accounts could be opened is calculated from the date of previous elections.

amounts.⁴⁷ Discounts received on media advertisements must be reported. The law is silent on how loans taken by contestants to finance election campaign costs must be treated. Given that loans under certain circumstances, such as advantageous conditions or write-offs, may become a form of contribution, good practice indicates that these should be regulated.⁴⁸

In order to enhance transparency and to minimize the possibility of circumvention of regulations on donations, consideration should be given to the regulation of loans taken to finance campaign activities.

The campaign expenses of political parties and lists that obtain at least five per cent of the valid votes within a constituency, elected minority candidates and parties that proposed them, as well as unsuccessful national minority candidates reaching a certain threshold of votes are proportionately reimbursable. The level of reimbursement is determined by the government at the latest seven days after the calling of elections. The limit for campaign expenditures is set at HRK 1,500,000 per constituency.

Contestants must submit preliminary reports on received donations and campaign expenditures to the SEC 7 days before election day, and final reports within 30 days following the election. The SEC informed the ODIHR EAM that all contestants submitted preliminary reports; three of them after the prescribed deadline. Sanctions for non-compliance with campaign finance regulations include fines and reduction, suspension or forfeiture of reimbursement of campaign expenses, depending on the gravity of the breach. The modifications brought about by the new Campaign Finance Law, in particular the modalities of submission of reports and the publication of all reports on the SEC website, in line with a previous ODIHR recommendation, constitute another step in gradually improving campaign finance regulations and further enhance transparency and accountability in campaign spending.⁴⁹

XI. MEDIA

A. MEDIA ENVIRONMENT

The media landscape is pluralistic, comprised of a variety of public and commercial television and radio channels, as well as print media and internet portals. Numerous media outlets work within a shrinking advertising market.⁵⁰ Television remains the main source of information, while radio enjoys the highest rate of public trust.⁵¹ The most popular TV channels include the private RTL and Nova TV and the public broadcaster *Hrvatska Radiotelevizija* (HRT), which includes five TV channels and 12 radio stations. Print media circulation has been reducing over the last decade.

Several ODIHR EAM interlocutors raised concerns about the lack of financial autonomy of many of the non-profit media in light of a cut in state funding in 2016.⁵² A delay in the distribution of

⁴⁷ A physical person can donate up to HRK 30,000 and a legal person up to HRK 200,000.

⁴⁸ Paragraph 171 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states: “Legislation may allow parties and candidates to take out loans to finance their campaign [...] It is important that rules on transparency deal consistently with such resources”.

⁴⁹ Contestants are issued credentials to access an online system. Upon submission of their financial data, the reports are generated by the system in a uniform format.

⁵⁰ This includes, according to the Ministry of Culture, 27 TV channels, 137 radio stations (9 of which non-profit), 280 electronic publications (124 non-profit), and 106 outlets broadcasting via satellite, cable and the Internet.

⁵¹ See Eurobarometer, Public opinion in the European Union, [Croatia country report 2019](#).

⁵² The Law on Electronic Media provides that in order to qualify as non-profit media, a stipulated share of the media’s daily production must serve to satisfy the informational, educational, scientific, expert, artistic, cultural, and other needs of the public. The revenues from their activities may only be used for the improvement and

funds for the non-profit media sector from the European Social Fund by the Ministry of Culture also contributed to the worsening of conditions for these media. Conditions were further exacerbated by the economic downturn brought about by the pandemic. The financial challenges faced by a large number of media companies, especially at the local level, weaken their editorial independence, reducing their capacity to provide diverse and trustworthy political information. This was seen by some ODIHR EAM interlocutors as having the potential of detracting over time from the ability of citizens to make well-informed choices.⁵³

To enhance the editorial and operational independence of non-profit media, consideration could be given to establishing a regulatory and policy framework of targeted support, including measures to reinforce their financial sustainability.

Around 92 per cent of people in Croatia use the Internet.⁵⁴ The most searched news portals are *Index.hr*, *Net.hr*, as well as the online versions of the most read print dailies. Facebook is the most used social network. Ninety-one per cent of Internet users read news online; however, trust in online media and social networks as a source of information is declining. There is a widespread concern over the influence of disinformation in the political sphere.⁵⁵

B. LEGAL AND REGULATORY FRAMEWORK

Freedom of expression is guaranteed by the Constitution, which prohibits censorship and establishes the right of access to information held by any public authority. The latter right is also ensured by the 2013 Access to Information Act (last amended in 2015). However, according to the Croatian Journalists' Association, as of June 2020, there were 905 ongoing lawsuits against journalists for defamation and insults, including numerous civil proceedings that are problematic due to financial penalties on journalists judged guilty of defamation. Criminal defamation is regulated under the Penal Code and civil defamation under the 2005 Obligations Act (last amended in 2018) and the 2004 Media Act (last amended in 2013).⁵⁶ In a positive development, the offence of "shaming" has recently been decriminalized; however, ODIHR EAM media interlocutors did not consider this move sufficient to ensure protection of journalists from lawsuits.

Defamation and insult should be decriminalized. To fully guarantee the freedom of expression, civil remedies designed to restore the reputation harmed could also be reviewed to ensure that they are proportionate to the actual harm caused.

The LERCP provides the general legal framework for the media coverage of campaigns, which the SEC interpreted as also applicable to online media.⁵⁷ In line with the Rules of Procedure for

development of their own product. The funding scheme for non-profit media was introduced in 2014 by the SDP government.

⁵³ See the Council of Europe Committee of Ministers [Declaration on the Financial Sustainability of Quality Journalism in the Digital Age, Draft Recommendation on Promoting a Favorable Environment for Quality Journalism in the Digital Age](#) by the Council of Europe Committee of Ministers, as well as the [Statement on Freedom of Expression and Information in Times of Crisis](#) by the Council of Europe Committee of Experts on media environment and reform.

⁵⁴ [Internet World Stats](#), Internet users as of December 2019.

⁵⁵ A Eurobarometer survey found that 73 percent think that fake news jeopardize democracy; see [Croatia country report 2019](#).

⁵⁶ The OSCE Representative on Freedom of the Media has repeatedly called for decriminalization of defamation, including in the 6 July 2019 [statement](#). In addition, the [2018 OSCE Ministerial Council Decision on the Safety of Journalists](#) has called on the participating States "to ensure that defamation laws do not carry excessive sanctions or penalties that could undermine the safety of journalists and/or effectively censor journalists and [...] to revise and repeal such laws, in compliance with participating States' obligations under international human rights law."

⁵⁷ See SEC [statement](#) of 2 July 2020.

Electronic Media with National Concession in the Republic of Croatia during the Election Campaign adopted by the Parliament in 2014, further regulations were established by national broadcasting media within seven days after elections were called. The public broadcaster is obliged to guarantee at least five minutes of free airtime to all contestants, and public and private TV channels are entitled to host one debate each during the campaign.

Political advertising is regulated under the Media Act and the 2009 Law on Electronic Media (last amended in 2013). The latter also defines the duties of the Agency for Electronic Media. With a mandate to monitor the electronic media for adherence to legal provisions, the Agency conducts media monitoring and has sanctioning powers but no explicit responsibility to oversee the coverage of the campaign. While the SEC is responsible for the adjudication of media-related complaints during elections, it does not conduct its own media monitoring and does not receive monitoring data from the Agency for Electronic Media, nor does it have the authority to impose sanctions.

To assist the SEC in the implementation of media-related legal provisions, the Agency for Electronic Media could be granted a more formal role in monitoring election coverage, including online. A mechanism for sharing of media monitoring results with the SEC could be established.

C. MEDIA COVERAGE OF THE ELECTION CAMPAIGN

HRT fulfilled its legal obligation to offer all contenders the required free airtime and to inform voters about election day procedures. Broadcast, print and electronic media covered the campaign through a variety of formats and three main debates were broadcast by the mainstream TV channels HRT, Nova TV and RTL in the week prior to elections, which offered voters multiple occasions to access different political views. Online versions of traditional media and social networks were used to further disseminate political information.

On 28 June, the SEC called on media to consider a gender equality criterion in their campaign coverage, in line with the parliament-adopted rules for media. This call was triggered by a complaint filed by a network of civil society associations advocating for women's rights challenging the underrepresentation of women in RTL's campaign-related programs. This was the only media-related complaint received and reviewed by the SEC during the campaign. In response, RTL organized a political talk show among women candidates. However, the show was criticized for the selection of topics perceived to be of interest to women rather than general campaign issues.

The central role played by social media as a campaign tool in these elections has also underlined the importance of enhancing the ability of users to distinguish between different types of content and to critically evaluate the information circulating online. ODIHR EAM media interlocutors raised concerns over the use, by some contenders, of paid political advertising cloaked within editorial content (referred to as native advertising). While the ODIHR EAM observed some instances of such ads online, duly marked as political advertisement in line with the legal requirements, it is possible that this new marketing tool may not be immediately recognizable to some, which could lead to users confusing editorial and paid content.⁵⁸ The Agency for Electronic Media has developed media literacy programmes in co-operation with several political and

⁵⁸ The Council of Europe Committee of Ministers [Declaration on the Financial Sustainability of Quality Journalism in the Digital Age](#) states that "[...] it is of the utmost importance that individuals are empowered to understand this [digital] environment and its challenges" and that "[...] individuals need to develop a wide range of skills for media and information". The Council of Europe Committee of Ministers [Recommendation CM/Rec\(2018\)1 on Media Pluralism and Transparency of Media Ownership](#) calls on EU member States to develop a coordinated national media literacy policy and to "introduce legislative provisions, or strengthen existing ones, that promote media literacy with a view to enabling individuals to access, understand, critically analyze, evaluate, use and create content through a range of legacy and digital (including social) media."

academic institutions and the civil society, including with an aim of raising awareness about the safe use of new media.

To support voters' ability to make an informed choice, the Agency for Electronic Media could further develop its media and digital literacy programmes to foster critical analysis of political information accessible online and build partnerships with the media to promote them.

XII. ELECTION OBSERVATION

In line with the OSCE commitments, the LERCP provides for the observation of elections by international organizations, political party representatives, groups of voters who nominated independent candidates, and registered NGOs. Observers are allowed to follow the work of electoral bodies, as well as the voting, counting and tabulation processes, and are entitled to access electoral materials with the exception of the voter list. The SEC opened an online platform, through which parties and observer organizations could directly register their observers. In total, 13 observers were accredited to observe the work of the SEC, 103 to observe the work of polling stations abroad, and 8,573 to follow the work of in-country election commissions and VCs. Observers were deployed, among others, by the citizen election observer organization GONG and the Roma National Council.

XIII. PARTICIPATION OF NATIONAL MINORITIES

The rights of persons belonging to national minorities are guaranteed by the Constitution, and Croatia is signatory to the Council of Europe Framework Convention for the Protection of National Minorities. Schooling is provided in national minority languages in some areas, but legal provisions for the dual use of the Cyrillic script for the Serb communities in areas where they constitute a third of residents have not been universally adhered to by local authorities, despite efforts by the central government to enforce them.⁵⁹

In total, there were 295,091 eligible voters who had the right to vote for the 8 seats reserved for national minorities' MPs. Of these minorities approximately 190,000 citizens self-identified as Serbs. The national minorities' representatives that the ODIHR EAM met with indicated that many members of these communities enjoy integrated, secure and stable positions in Croatian society. This has been protected in part by the political representation that they enjoy, not least since minorities' MPs tend to support the government. However, some interlocutors noted that political, economic and social conditions for some Serb communities had been particularly challenging in recent years. Political participation and inclusion of the Roma minority is limited, with the community remaining generally the most vulnerable and disadvantaged.

Some parties questioned the continuing need for national minorities' reserved seats. Others, in particular the representatives of the Serb community and the National Minorities' Council, were adamant that they were still necessary. It is not possible to assess the level of electoral participation of national minorities since they are able to vote either for their territorial constituency or the national minorities' constituency, and positively, they are included on the main voter list. Furthermore, minority representation in the parliament is guaranteed, whatever the turnout. The number of voters opting to vote in the national minorities' constituency in these elections was low, with a total of 29,369 votes cast for the eight seats. Representatives of national minorities noted that the different color and size of minority ballots and the use of a separate ballot box discourage some eligible minority voters. This may also diminish the secrecy of the vote since by selecting a

⁵⁹ See, for instance, the [OSCE High Commissioner for National Minorities](#) call for dialogue in 2016.

particular kind of ballot these voters are *de facto* declaring their voting intention not only to the ballot issuer, but also to observers and other voters present.

Consideration could be given to equalizing the size and color of ballot papers or introducing other secrecy protection measures so as to promote equal treatment of all groups of voters and help protect the secrecy of the vote.

XIV. COMPLAINTS AND APPEALS

Complaints about the electoral process can be filed by political parties, candidates, representatives of independent candidate lists, at least 100 voters or at least 5 per cent of voters of a specific electoral constituency. Complaints must be filed with the SEC within 48 hours from the moment the alleged irregularity has occurred. SEC decisions can be appealed to the Constitutional Court within 48 hours and the Court should decide on the appeal within 48 hours. The Constitutional Court oversees the overall constitutionality and lawfulness of elections. Overall, these provisions establish a timely and effective mechanism for the resolution of election related disputes.

Prior to election day, one complaint was filed with the SEC regarding the order of lists on the ballot; it was dismissed for lack of legal grounds. After election day, the SEC received nine complaints, seven of which pertained to errors in counting and recording of preferential votes. The SEC upheld four of them and corrected the relevant protocols and results. One complaint was not examined since it was filed after the deadline, and one concerned the divergences in the numbers of registered voters among the territorial constituencies. The SEC's dismissal of the latter was appealed to the Constitutional Court, which upheld the SEC's decision on the grounds that the plaintiff did not dispute any specific election procedure or SEC decision.⁶⁰ One request for a recount or annulment of the election in the out-of-country constituency was also rejected by the SEC and the Court as unfounded.

The Constitutional Court promptly reviewed a motion that was filed with regards to the exclusion of persons diagnosed with COVID-19 from the vote, thereby providing an effective and timely remedy. The Court found the denial of entry to polling stations for citizens infected with COVID-19 and the need to be in self-isolation to be in line with the Constitution, which guarantees the protection of public health. However, it emphasized that these citizens should nevertheless be afforded the opportunity to vote outside polling stations as foreseen for other categories of citizens, using procedures that would protect the health of all stakeholders. The Court mandated the SEC to adapt the relevant procedures accordingly, and the commission complied.

The legislation does not provide clear and encompassing regulations on the conduct of the election campaign and does not stipulate sanctions for infractions. The LERCP foresees the establishment of an *ad hoc* independent, seven-member Ethics Commission, which evaluates the conduct of contestants against a Code of Ethics and promotes ethical and democratic principles in campaigns.⁶¹ However, the legislation does not vest it with sanctioning powers and envisages only warnings and statements in response to violations. The scope of responsibilities of the Ethics Commission, including *vis-à-vis* the SEC on media-related issues, appeared to be unclear to several ODIHR EAM interlocutors. During these elections, the Ethics Commission received six complaints regarding the content of campaign advertising and the destruction of election material. It issued

⁶⁰ The plaintiff, a *Most* candidate, requested that in light of the deviations in numbers of registered voters among constituencies, "[...] the legality and constitutionality of elections should be monitored".

⁶¹ Members of the Ethics Commission are nominated by the parliamentary political parties and appointed before every election by the Constitutional Court from amongst prominent non-political public figures.

two warnings in response to complaints related to political online and TV advertisements, where it found the content to have violated the Code of Ethics.

The scope of jurisdiction of institutions responsible for oversight and the enforcement mechanisms available to them should be clearly defined. Clear rules on campaign activities and consequences for non-compliance, including with campaign silence rules, should be established in the law.

The Agency for the Protection of Personal Data issued a set of recommendations and guidelines regarding the processing of personal data by electoral contestants based on the GDPR, including in connection with the distribution of campaign materials. The Agency informed the ODIHR EAM that it received and was investigating some 20 complaints from citizens, who received unsolicited personalized campaign materials without them having disclosed their contact details or given their consent to electoral contestants.

XV. ELECTION DAY

A. VOTING AND COUNTING

In line with 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 and around Zagreb. In most of these polling stations, the voting process was well organized and efficiently administered by VC members who appeared knowledgeable of their duties. The SEC's epidemiological guidance was followed; however, notably this covered only the inside of polling stations, but not the voters in the queues.⁶² Positively, a high number of young people and women served in the leadership positions and as members of VCs.

Nevertheless, the ODIHR EAM witnessed some procedural inconsistencies. As noted by ODIHR in 2011 and 2015, voting screens were placed in a manner that compromised the secrecy of the vote in some of the polling stations visited. Also, some instances of family voting and of voters marking the large ballots outside the voting screens were observed.

The biggest challenge faced by the election administration was the facilitation of voting by persons in self-isolation and those diagnosed with COVID-19. For this purpose, the SEC drew on the existing provisions for voting by persons with disabilities and extended them to voters with COVID-19, while adapting the procedures to the epidemiological guidelines.⁶³ Mobile voting had never been used extensively, is essentially trust-based and therefore underregulated. Voters could request a mobile ballot until noon on election day, without a specific procedure or justification required, but also without a guarantee that it will be granted. Many, but not all requests could be served.⁶⁴ Apart from mobile voting, no other form of advance or remote voting was envisaged.

The SEC and legislators could review the electoral legal framework and sub-legal acts to assess to what extent they cover and allow adapting to extraordinary emergency situations, such as health

⁶² This involved the use of masks, gloves, sanitizers, social distancing, and disinfecting of surfaces. Voters were also asked to measure their temperature at home but were not required to wear masks.

⁶³ Voters in self-isolation voted in-person in front of their homes. Voters diagnosed with COVID-19 were not allowed to have direct contact with polling staff or to touch the ballot but could vote assisted by a trusted person, who marked the ballot on the voter's behalf and handed it over to the election officials outside his/her home. The latter compromise was meant to protect both suffrage rights and public health.

⁶⁴ In the town of Đakovo, a hot-spot with high numbers of self-isolations and infections, some 10 out of 36 VCs were dealing with COVID-related cases, dispatching mobile teams to respond to approximately 360 requests from homebound voters. Across the country, the SEC and VCs received some 1,800 requests for home voting – some 600 requests from voters in self-isolation and around 60 from voters with COVID-19.

pandemics, and to fill in the gaps in preparation for such situations in the future by developing and maintaining contingency plans.

On election day, the SEC received hundreds of phone calls and emails from voters requesting guidance on various issues, which could indicate that voter information may have been inadequate. Voters also sought information from lower-level commissions and the civil society organisation GONG. In polling stations, no graphic explanations of how to mark ballots were available.

The SEC may consider developing and implementing election-specific voter information, including through the media. The SEC may also consider establishing an online helpdesk or a hotline to address problems occurring on election day.

B. TABULATION AND ANNOUNCEMENT OF RESULTS

MECs and CiECs tabulated the results for the territorial and the national minorities constituencies. For the greater Zagreb area, tabulation was managed in a transparent and highly efficient manner by the city administration. The tabulation process involved a double-blind data entry system, with two data entry clerks consecutively entering the results per polling station. The SEC released preliminary results a few hours after the closing of polls.

The SEC, in co-ordination with the MFEA, tabulated the results for the out-of-country constituency. Several ODIHR EAM interlocutors were of the opinion that, with the exception of Bosnia and Herzegovina and Germany, the two-day period for voting abroad is unnecessary and places unjustified burdens on the institutions involved. Decisions on the number of out-of-country polling stations were reportedly based on past turnout rather than the number of voters registered for these elections. The turnout at many of these polling stations was very low.⁶⁵ In its proposal for revision of the electoral law, the SEC has already suggested to reform the out-of-country vote.

The SEC annulled the results in two polling stations where the number of ballots in ballot boxes was higher than the number of voters who had been issued a ballot.⁶⁶ While the SEC simply annulled the vote at one of the polling stations where this occurred abroad, a repeat election was organised at the in-country polling station, although this did not influence the election results.⁶⁷

The SEC published election results per constituency, with a breakdown per polling station; however, did not immediately provide a precise aggregate turnout figure for the election on the whole. The numbers of eligible voters per constituency as published by the MPA before election day differed from the corresponding numbers published by the SEC after election day. Furthermore, the SEC reported the turnout for the out-of-country constituency and the national minority races as 100 per cent. Upon inquiry, it was clarified to the ODIHR EAM that the discrepancy between the initial MPA and the final SEC figures stems from the difference between the number of actively registered voters without in-country residence and the number of these and minority voters that actually voted, with the latter also being used for calculating the turnout.⁶⁸ However, this information is not publicly available, complicating independent verification, and

⁶⁵ In 12 out of the 41 countries, the number of voters remained below or equal to 5, in 5 additional countries below 10, in 15 additional countries below 100, and in seven additional countries – below 1,000.

⁶⁶ In the municipality of Raša (Istria) and in Stockholm, Sweden.

⁶⁷ In 2015, ODIHR recommended changing the existing procedures so that elections are repeated in individual polling stations only if the scale of irregularities can affect the election results.

⁶⁸ According to the SEC, based on the methodology in place since 2015, the participation in the out-of-country constituency was measured against the number of active registrations. Eligible voters for the national minority constituency are included in the regular voter list, and only the number of effective voters was used to calculate the turnout.

may raise questions as to the soundness of the methodology applied. The turnout for these elections provided by the SEC as 46.90 per cent was the lowest in the history of parliamentary elections.⁶⁹ The final election results were published by the SEC on 16 July.

To further enhance transparency and public confidence, the SEC, in collaboration with other bodies handling voter lists, could review how the election results and all the source and supporting data are published to ensure the clarity of the methodology, consistency of data, and its verifiability.

XVI. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in the Republic of Croatia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed.⁷⁰ The legislative reforms should be undertaken well in advance of elections and through an inclusive consultation, including with civil society. ODIHR stands ready to assist the authorities of the Republic of Croatia to further improve the electoral process and to address recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. Constituency boundaries should be reviewed to ensure the equality of the vote. The law should foresee periodic review of constituency boundaries or sizes to account for changes in voter and population numbers.
2. Electoral legislation should be reviewed comprehensively in order to ensure consolidation and harmonization of applicable provisions. Consideration could be given to a single unified electoral code.
3. To ensure a more balanced participation and representation of women and men as candidates and in the composition of the parliament, the legal gender representation requirement could be strengthened through more effective enforcement mechanisms and the introduction of an additional requirement for alternating positions between genders on candidate lists.
4. Defamation and insult should be decriminalized. To fully guarantee the freedom of expression, civil remedies designed to restore the reputation harmed could also be reviewed to ensure that they are proportionate to the actual harm caused.
5. The scope of jurisdiction of institutions responsible for oversight and the enforcement mechanisms available to them should be clearly defined. Clear rules on campaign activities and consequences for non-compliance, including with campaign silence rules, should be established in the law.

⁶⁹ See [Narod HR analysis on voter turnout](#).

⁷⁰ In paragraph 25 of the [1999 OSCE Istanbul Document](#), all OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations from the [Final Report on the 2015 parliamentary elections](#) is assessed by the ODIHR EAM as follows: recommendations 7, 12, 17 were implemented fully, recommendations 5, 11 were implemented partially.

B. OTHER RECOMMENDATIONS

Election administration

6. To increase transparency and accountability, it is recommended to ensure at all times that election-related meetings of the SEC are public and that all minutes are published online in a timely manner.
7. The SEC may consider revising offline and online training modules and materials for lower-level commissions and voting committees in order to make them more practical, user-friendly and interactive.
8. In co-operation with disabled persons' organizations, the SEC could develop voter information in an accessible format, including large print, easy-to-read materials, as well as audio and video features with sign language, and make them available on its website. The physical accessibility of polling stations should be continuously improved.

Campaign finance

9. In order to enhance transparency and to minimize the possibility of circumvention of regulations on donations, consideration should be given to the regulation of loans taken to finance campaign activities.

Media

10. To enhance the editorial and operational independence of non-profit media, consideration could be given to establishing a regulatory and policy framework of targeted support, including measures to reinforce their financial sustainability.
11. To assist the SEC in the implementation of media-related legal provisions, the Agency for Electronic Media could be granted a more formal role in monitoring election coverage, including online. A mechanism for sharing of media monitoring results with the SEC could be established.
12. To support voters' ability to make an informed choice, the Agency for Electronic Media could further develop its media and digital literacy programmes to foster critical analysis of political information accessible online and build partnerships with the media to promote them.

Participation of national minorities

13. Consideration could be given to equalizing the size and color of ballot papers or introducing other secrecy protection measures so as to promote equal treatment of all groups of voters and help protect the secrecy of the vote.

Election day

14. The SEC and legislators could review the electoral legal framework and sub-legal acts to assess to what extent they cover and allow adapting to extraordinary emergency situations, such as health pandemics, and to fill in the gaps in preparation for such situations in the future by developing and maintaining contingency plans.

15. The SEC may consider developing and implementing election-specific voter information, including through the media. The SEC may also consider establishing an online helpdesk or a hotline to address problems occurring on election day.
16. To further enhance transparency and public confidence, the SEC, in collaboration with other bodies handling voter lists, could review how the election results and all the source and supporting data are published to ensure the clarity of the methodology, consistency of data, and its verifiability.

ANNEX: FINAL RESULTS

No of registered voters	3,701,924	
No of ballots cast	1,736,065	46.90%
No of valid ballots	1,695,785	97.79%
No of invalid ballots	39,248	2.26%

Party / Coalition / Candidate*	No of votes	No of seats
<i>Constituencies I-X</i>		
HDZ	417,431	45
HDZ, HSLS	107,248	11
HDZ, HDS	78,451	7
Restart Coalition - SDP, HSSU, HSU, SNAGA, GLAS, IDS, PGS	414,645	41
Homeland Movement, HRVATSKI SUVERENISTI, BLOK HKS, HRAST - POKRET ZA USPJEŠNU HRVATSKU, SU, ZELENA LISTA	174,249	16
MOST	100,969	8
MOŽEMO!, ZAGREB JE NAŠ! NL, RF, ORAH, ZA GRAD	93,084	7
IP, PAMETNO, FOKUS	33,613	3
HNS	8,835	1
REFORMISTI, HSS BRAĆE RADIĆ, UMIROVLJENICI	8,355	1
<i>Constituency XI</i>		
HDZ	17,905	3
<i>Seats Reserved for National Minorities</i>		
Serb minority (SDSS)	13,228	3
Hungarian minority (Democratic Union of Hungarians in Croatia)	2,807	1
Italian minority (Furio Radin, independent candidate)	890	1
Czech and Slovak minorities (Vladimir Bilek, independent candidate)	1,514	1
Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Wallachian and Jewish minorities (Alliance of Roma in RoC, KALI SARA)	3,745	1
Albanian, Bosnian, Montenegrin, Macedonian and Slovenian minorities (Union of Albanians in RoC - UARH)	1,725	1
TOTAL		151

* This table is based on the results published on the SEC [website](#).

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (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.

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 150 staff.

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, 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. ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

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**, 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. 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.

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).