



**INTERNATIONAL ELECTION OBSERVATION MISSION
REPUBLIC OF CROATIA
ELECTION TO THE HOUSE OF REPRESENTATIVES
2 - 3 January 2000**

PRELIMINARY STATEMENT

Zagreb, 4 January 2000 – The International Election Observation Mission (IEOM) for the 2-3 January 2000 election to the House of Representatives of the State Parliament of the Republic of Croatia issues this statement of preliminary findings and conclusions. The International Election Observation Mission is a joint effort of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (PA), and the Parliamentary Assembly of the Council of Europe (PACE).

Ms. Helle Degn, the OSCE Chairman-in-Office's Special Representative for the election in Croatia and President of the OSCE Parliamentary Assembly, leads the OSCE Election Observation Mission. Mr. Nikolai Vulchanov heads the OSCE/ODIHR Election Observation Mission. Mr. Daniel Goulet leads the Parliamentary Assembly delegation of the Council of Europe.

The preliminary statement is issued before the disposition of complaints and appeals, before the announcement of official election results, and before an analysis of the International Election Observation Mission's findings was completed. The OSCE/ODIHR will issue a comprehensive report on the parliamentary election within a month after publication of the final results. The Council of Europe delegation will report to the January session of the Parliamentary Assembly.

The Election Observation Mission wishes to express appreciation to the Ministry of Foreign Affairs, the Office for Cooperation with the OSCE, the State Election Commission, and the Parliament of the Republic of Croatia for their assistance and cooperation during the course of the observation.

Preliminary Conclusions

The 2-3 January 2000 election to the House of Representatives of the State Parliament of the Republic of Croatia marked progress towards meeting its commitments as a participating State of the OSCE and as a member of the Council of Europe. The election took place within a new legislative framework that remedied some concerns expressed by the international community after previous elections in Croatia. The Constitutional Court further improved the electoral environment through important decisions and the prompt disposition of complaints. A plurality of political parties were able to compete more effectively for seats in the House of Representatives. And the 76.7% turnout on polling day was an indication of increased voter confidence in the electoral process.

However, important concerns that fundamentally impede Croatia's democratic development remain. First among such concerns is a provision of the Law on Citizenship granting ethnic Croats born abroad and having no permanent residence in Croatia the right to Croatian citizenship and the right to vote. Second, a large number of citizens of Croatia, mostly members of the Serb minority, who left the country during the war, remain effectively unable to assert their citizenship and therefore exercise their right to vote. Third, a provision of the election law granting national minorities the right to special seats in the House of Representatives has been used

to justify the creation of separate ethnic voter registers, with the ethnicity of individuals identified, that raise a risk of discrimination and intimidation. The newly elected House of Representatives must address these concerns as a matter of priority.

As during previous elections, though somewhat improved, the State media remained excessively biased in favor of the ruling party, both in quantitative and qualitative terms. Other important concerns relate to the effective participation of political parties in the work of election commissions, the accuracy and transparency of voter registers, campaign financing provisions, and certain provisions of the election law that remained vague. Some of these shortcomings may be addressed through instructions issued by the State Election Commission in time for the presidential election scheduled for 24 January.

On election day, for the first time in Croatia, non-partisan domestic observers were able to monitor the event, a significant improvement. Polling and vote count procedures were conducted generally in a calm and orderly manner, and voters were able to express their political will freely. However, some irregularities were observed, including lack of privacy for voters, and complex procedures that should be remedied for the presidential poll. The polling in Bosnia and Herzegovina was marred by an excessive number of voters in some polling stations and irregularities, raising concerns about the integrity of the process there.

The OSCE and the Council of Europe stand ready to continue the dialogue with the Parliament, the Government and other authorities of Croatia with a view to addressing the concerns and recommendations contained in this statement and forthcoming reports.

Preliminary Findings

Legislative and Regulatory Framework

New election and constituency laws were adopted on 29 October 1999 and came into force on 13 November. Despite an agreement reached on 25 May 1999 between the ruling and six main opposition political parties to develop a consensus-based legislative framework for the parliamentary elections, regrettably the new election law did not enjoy the full support of opposition parties. Moreover, the pattern of introducing significant changes to the legislative framework shortly before an election was repeated.

Notwithstanding its late adoption, the new election law remedied some concerns expressed after the 1995 and 1997 elections in Croatia, thus marking progress in meeting the country's commitments of democratic governance as a participating State of the OSCE and as a member of the Council of Europe.

The Constitutional Court further improved the electoral environment through important decisions and the prompt disposition of complaints. The newly created Ethical Commission also contributed to the electoral environment.

However, **important concerns that fundamentally impede Croatia's democratic development** and included in a non-paper published by the international community in October 1998 remain to be addressed. These concerns include:

- **Representation of ethnic Croats abroad** – The provision of the Law on Citizenship granting ethnic Croats born abroad and with no permanent residence in Croatia the right to Croatian citizenship and the right to vote remains a significant concern. However, the new election law eliminated the fixed quota over-representation of these out-of-country voters in Parliament, 12 seats in the outgoing Parliament. The election law introduced a new system of 10 electoral constituencies with regional proportional representation of 14 seats each in the Parliament and a 5% threshold. One additional constituency of 5 seats was reserved for national minorities and another constituency for out-of-country voters. The number of seats allocated for the out-of-country constituency will be determined based approximately on the average number of votes required for election in the 10 in-country constituencies (maximum 14 seats).
- **Disenfranchisement of refugees** – A large number of citizens of Croatia, mostly members of the Serb minority, who left the country during the war, were effectively prevented from asserting their citizenship of Croatia, thus denying them the right to vote. The authorities of Croatia adopted a Return Program to facilitate this process. However, a large number of refugees from Croatia in the Federal Republic of Yugoslavia (FRY) and Republika Srpska of Bosnia and Herzegovina were disenfranchised again. In an

attempt to remedy this problem, the State Election Commission extended the list of documents accepted to register and to vote abroad. This, in turn, heightened concerns of potential multiple voting for out-of-country voters. Indelible ink, introduced for voters in Bosnia and Herzegovina did not eliminate the possibility of transborder multiple voting.

- **Representation of national minorities** – The election law grants five seats to national minorities in the House of Representatives, allocating one seat each to the Serbs, Italians, Hungarians, Czechs and Slovaks together, and “others” (Austrians, Germans, Ukrainians, Ruthenians and Jews). However, the number of Members of Parliament elected by national minorities has been reduced repeatedly since independence. These special minority seats have been used to justify the provision for ethnic voter registers, with the ethnicity of individuals identified, that raises a potential risk of discrimination and intimidation. Moreover, while the law provides for voters from national minorities to choose between the ethnic and general ballots, new administrative provisions creating separate minority and general lists reinforced the potential to force an “ethnic” vote.

Other concerns, also to be addressed, include:

- **Accuracy and transparency of voter registers** – The Law on Voter Lists, adopted in 1992, was not amended for this election. The law provides for voter registers to be updated on an on-going basis and to be open for inspection by individual voters. Opposition political parties complained about inaccuracies in the registers and about lack of transparency. Regrettably, the law does not provide for the voter lists to be posted for public inspection.
- **Composition of election commissions** – In contrast to the 1995 and 1997 elections, the new law introduced multiparty election commissions, thus increasing the confidence of voters and candidates in the electoral process. The law provides for “standing” and “augmented” members of commissions, the latter including political party representatives. However, these party representatives could join the commissions only after the registration of candidates and other preparations were completed.
- **Further concerns** – The new election law provisions governing campaign finances are not sufficient. For instance, the law does not compel political parties to disclose their financial records after the election. Moreover, the election law remains vague in some essential areas: documents and procedures required for voter identification during in- and out-of-country polling; accountability for ballots printed and distributed to polling stations; procedures for sorting different types of ballots during the vote count; and aggregation of results at constituency level. The State Election Commission attempted to clarify some of these vague provisions by issuing 12 mandatory instructions. However, some of the instructions further increased the complexity of the electoral system, introducing for example new categories of polling stations at a very late stage. Moreover, instead of issuing mandatory instructions to ensure uniform procedures at polling stations, the State Election Commission issued mere “reminders”.

The Media

The election law includes certain provisions to govern the conduct of a diverse electronic and print media in Croatia, *inter alia* providing for broadcast-time and print-space to all political parties for campaign purposes on a non-discriminatory basis. To supplement these provisions, the House of Representatives adopted a set of Regulations for Coverage of the Election Campaign by Croatian Radio and Television (HRT), the State broadcaster and the main source of news for a majority of the population in Croatia and adjacent areas of Bosnia and Herzegovina. These Regulations stipulate that HRT, in its news and editorial coverage, may not give preferential treatment to “candidates already holding official government position”.

In contrast to previous elections and so far as the mandatory broadcast-time were concerned, opposition parties were granted access to on an equal basis. However, a succession of free party advertisements on State television, with no debate or discussion did little to provide voters with any real opportunity to identify the main political forces and election issues.

More significantly and as during previous elections, though somewhat improved, the news and editorial coverage of HRT clearly favored the ruling party, both in quantitative terms as well as through an overwhelmingly positive coverage of government officials representing the ruling party and a negative coverage of the

opposition. However, the opposition did have access to the private electronic media that provided a more balanced coverage of the electoral campaign. The private electronic media was also engaged in voter education.

In general, the print media provided a welcome alternative to the electronic media by covering a much wider range of topics and by reporting on news events ignored by the national broadcasters.

Election Day

On election day, polling procedures, including the vote count, were conducted generally in a calm and orderly manner. Except for isolated cases of intimidation of voters and domestic observers, citizens were able to express their political will freely. For the first time in Croatia, non-partisan domestic observers were able to monitor the polling. However, in a number of cases, the secrecy of the vote was endangered by inadequate screening for voting booths and by the use of private houses as polling stations. In a number of precincts, the complexity of polling procedures had a negative impact on the work of precinct commissions.

Out-of-country voting was held over two days in diplomatic representations of Croatia in 79 countries. In Bosnia and Herzegovina, voting took place in 15 locations (with 29 polling stations), following an agreement between the authorities of that country and Croatia. In the end, more than 100,000 voters cast ballots in Bosnia and Herzegovina, the overwhelming majority ethnic Croats. This resulted in overcrowding, with 5,000-8,000 voters casting ballots in some polling stations, raising concerns about the integrity of the process. Serious irregularities observed in some polling stations must be investigated.

This preliminary statement is based on the findings of the OSCE/ODIHR Election Observation Mission established on 19 November 1999 in Zagreb, covering the ten in-country constituencies throughout Croatia. The findings include the pre-election preparations and the election campaign. The European Institute for the Media, based in Dusseldorf (Germany), undertook a long-term media monitoring for the OSCE Mission to Croatia and the OSCE/ODIHR, with financial support from the European Commission. This statement is also based on the election-day findings of the IEOM's more than 350 short-term observers, including 25 parliamentarians from the OSCE Parliamentary Assembly and nine from the Parliamentary Assembly of the Council of Europe. Observers visited more than 1,200 polling stations out of the 6,500 across Croatia and all 29 polling stations in Bosnia and Herzegovina.

The International Election Observation Mission wishes to express appreciation to the OSCE participating States for the generous secondment of observers, the OSCE Mission to Croatia for their support, as well as the OSCE Mission of Bosnia and Herzegovina and the OSCE Mission to Kosovo for their participation in the observation effort.

The OSCE/ODIHR Election Observation Mission will remain in Croatia to observe the presidential election scheduled for 24 January.

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