

Government coalition agrees on 23 November 2003 for next parliamentary elections; ODIHR election expert team visits Croatia

An ODIHR election expert team paid a working visit to Zagreb between 16 and 19 September to assess the outlook for the observation of the next Croatian parliamentary elections. Prime Minister Ivica Racan announced later on 22 September that agreement had been reached within the ruling coalition that the elections will take place on 23 November 2003.

The two-person ODIHR team held working meetings with the President of the State Election Commission, the Chairpersons of relevant parliamentary committees, and representatives of the Ministry of Foreign Affairs and the Ministry of Justice, Administration and Local Self-Government. Discussions were also held with representatives of major political parties, the media, and civil society. ODIHR briefing and de-briefing sessions were held at Mission Headquarters for senior Mission staff and representatives of the diplomatic community.

The ODIHR team will make recommendations on the deployment of an observation mission and will soon issue a follow-up report on progress made by Croatia in fulfilling the recommendations made by the ODIHR in its Final Report on the 2000 Croatian Parliamentary Elections. The preliminary ODIHR assessment is that the overall election-related legislation and procedures governing parliamentary elections have not significantly changed since 2000. While some important overarching changes have been made, such as new legislation guaranteeing increased minority representation in the Parliament, more specific issues related to improving the administration and logistics of holding parliamentary elections both in and outside of Croatia will need to be examined further.

Concession awarded for third HTV channel

On 16 September 2003, Croatian Council for Radio and Television allocated a ten-year concession for the frequency of the third national television channel to the Croatian RTL (HRTL) consortium. HRTL comprises a number of leading Croatian companies and the largest European television house, German RTL.

The Mission has long advocated the privatization of the third HRT television channel under an open and transparent process, in line with expert recommendations put forth upon Croatia's accession to the Council of Europe in 1996. The Head of Mission expressed his optimism that the allocation of the third frequency would introduce healthy competition and pluralism within the television market, and provide a wider variety of views in television news programming to the Croatian public.

The President of the Croatian Journalists' Association (HND) stated that the concession should contribute to media pluralism, while the President of the Media Council of the Croatian Helsinki Committee for Human Rights (HHO) stated that he anticipates a further enrichment of Croatian media culture. He stressed at the same time that HRTL should be monitored to ensure that relevant Croatian programming regulations were adhered to by HRTL. In contrast, the HHO President was critical of the concession process, stating that the decision could instead strengthen the media monopoly in Croatia. Some print media agreed, emphasizing that the German *Westdeutsche Allgemeine Zeitung* (WAZ) - already co-owner of the largest Croatian media publisher Europe Press Holding (EPH) - is an RTL shareholder.

Implementation of Law on HRT delayed

One of the key aspects of the new Law on Croatian Radio-Television (HRT) adopted in February 2003 - the formation of a new HRT Programme Council - remains to be implemented several months after the deadlines foreseen in the Law have passed. The new Law changed the system of appointing the Council members from one based on civil society nominations to one where members are chosen by the Parliament on the basis of suggestions by parliamentary clubs. The Government adopted this provision arguing that the new system was more accountable and operational.

In line with Article 18 of the Law on HRT, the Parliamentary Committee for Information, Computerization and the Media announced a public invitation in early April for nominations to the new HRT Programme Council. On 22 April, the Committee received 145 applications and forwarded them to parliamentary clubs. The parliamentary clubs were supposed to harmonize their choices and return a joint list of candidates to the Committee within a 15-day deadline, i.e. 6 May. If parliamentary clubs do not harmonize the proposal of all Council candidates, the Committee shall determine the remaining number of candidates, taking into consideration equal representation of candidates proposed by clubs of the parliamentary majority and the parliamentary minority. This remains to be done; once established, the Council would then appoint the HRT management, programme editors and directors.

The Acting HRT General Director told the Mission that he believes the current situation essentially leaves HRT without supervision. The Croatian Journalists' Association's (HND) body for electronic media, Forum 21, issued a statement criticizing the Parliament and warned that the situation within the HRT was illegal since the Council was not in a position to fulfil its obligation to monitor HRT's coverage of the election campaign.

Continuing evictions of former holders of occupancy/tenancy rights from government-owned flats

Several individual cases continue to underscore the dual tracks pursued by the Government on the issue of terminated occupancy/tenancy rights. In judicial proceedings across the country, the Government as a property owner is continuing to seek termination of occupancy/tenancy rights, including cases in which the former occupancy/tenancy rights holders remain in possession of their apartments, have never left Croatia, and will become displaced for the first time as a result of contemporaneous court action sought by the Government. In contrast, the Government has proposed to provide housing care for former occupancy/tenancy rights holders. The Government has not yet clarified whether those whose occupancy/tenancy rights remain the subject of judicial process are eligible for housing care, including those who have remained in the flats during the process.

Most recently, the Zadar County Court, at the request of the State Attorney, has scheduled for 30 September an eviction of a former occupancy/tenancy rights holder from a Ministry of Defence flat. The person has remained in Croatia at all times during the armed conflict. During the conflict, the flat was occupied by a family of displaced persons. In 1995, the displaced family returned to their home, allowing the former occupancy/tenancy rights holder to return to the flat. However, the Ministry of Defence initiated a lawsuit in 1995 for termination of the occupancy/tenancy right based on unjustified absence. The Government's lawsuit was rejected at the municipal court level in 1997. Yet in 2000 the Zadar County Court granted the appeal of the Ministry of Defence and terminated the occupancy/tenancy right, explaining that in order to have preserved this right the former occupant should have filed a lawsuit to evict the displaced family during the conflict.

In the case above, the housing care programme as defined by the Government decision would apparently not be applicable since the former occupancy/tenancy rights holder has never been a refugee or displaced person. The Mission has raised this type of case with the Ministry of Defence and the State Attorney.

Mission funds pre-election media monitoring

On 15 September, the Mission signed an agreement with the Media Council of the Croatian Helsinki Committee for Human Rights (HHO) to finance the monitoring of Croatian media during the election campaign. (The next parliamentary elections will take place on 23 November 2003.) The Mission will also utilize the expertise of a media monitoring organization recommended by the ODIHR to train and assist the Council before and during the monitoring to ensure that its work is carried out in accordance with international standards. The monitoring is expected to cover the six weeks preceding Election Day and, in addition to a final report, the findings will be announced jointly by the Mission and the HHO at two-week intervals during the campaign.