



**Organisation for Security and Co-Operation In Europe
Office for Democratic Institutions and Human Rights**

Observation Delegation to the Croatian Presidential Elections 1997

STATEMENT

PRESIDENTIAL ELECTION IN THE REPUBLIC OF CROATIA

15 JUNE 1997

Upon receipt of an official invitation by the Ministry for Foreign Affairs of the Republic of Croatia, representatives of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) observed the election campaign and the balloting for the June 15, 1997 Croatian Presidential Election.

Senator Paul Simon (USA) was appointed as Special Co-ordinator for the Observation Mission by the OSCE Chairman-in-Office.

Mr, Kare Vollan (Norway) was appointed as the ODIHR On-site Co-ordinator for the Observation Mission.

The ODIHR conducted a long-term observation of the April 13th Municipal Elections in the Republic of Croatia, and re-established a presence one month prior to the June 15th Presidential election in order to observe the pre-election period and make an assessment of the electoral framework.

On Election Day itself, the ODIHR deployed 104 observers throughout the country covering all countries. The observers came from the following 25 OSCE participating States: Azerbaijan, Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, United Kingdom, USA and Japan (which has observer status to the OSCE).

This statement is given before the final results have been declared, and before it has been possible to verify the official figures;

SUMMARY OF CONCLUSIONS

The Mission has concluded that the process leading up to the election was fundamentally flawed, and did not meet the minimum standards for a meaningful and democratic election in line with OSCE standards.

I. Election Day

The OSCE / ODIHR Observation Mission concludes that while the election authorities in the Republic of Croatia administered a generally efficient process on election day itself there were some notable election day concerns.

- A) Secrecy of the Ballot** - A secret ballot continues to be compromised. This is partly due to the layout of the polling station, in which voting booths are consistently placed in full view and close proximity to the polling station committees and in view of other voters and observers. In some polling stations, a private polling booth separated by cunning, barrier or some other means, as required by law, was not provided. Family voting was also frequently observed,
- B) Political Party Monitors** - Election day observations, noted a lack of sufficient political party monitors representing all candidates contesting the election. This is of concern considering the independent nature of polling committees in Croatia has been called into question, and the fact that the Croatian authorities continuously fail to accredit domestic non-partisan observers.
- C) The Voter Register** - The voter register identified all Croatian citizens according to their ethnic identity. There is no necessity to register the electorate according to ethnic identity in an election to determine the President of the Republic, and this practice. could introduce a discriminatory and intimidating factor to the election process.

In Eastern Slavonia, the voter register turned out to not have been accurately updated and completed. In some cases an entire street was left off the register. In other instances, voters who were added to the register for the April election found that their identity number was not on the register, thus requiring that they return to the municipality to correct the omission. This could have served to deter the participation of a number of voters.

At some polling stations in Eastern Slavonia the number of voters registered was lower than in the April municipal elections. Since the register was being updated until the eve of election day, the right of the voters to check their names on the list up to 14 days before election day could not be exercised. In fact the observers were not able to actually see the register at all before the Election Day itself.

II. The Overall Election Process

More significantly, the OSCE / ODIHR Observation Mission notes fundamental concern with both the nature of the election process in the Republic of Croatia and the environment in which it has been conducted.

The process leading up to the June 15 elections (as opposed to the actual voting on election day) was marked by serious and substantive deficiencies, The election process afforded enormous electoral advantages to the ruling party candidate and limited the ability of the two opposition candidates to campaign freely and equally with the incumbent. These flaws not only could have had a direct impact on the ultimate election results, but they also seriously undermine the fairness of the process itself Moreover, many elements of this election process -

especially media issues, out-of-country voting, and independent election monitoring -- run contrary to the spirit of the OSCE election related commitments.

The following issues have been identified as a serious threat to the integrity of future election processes in the Republic of Croatia unless addressed:

- A) Media:** the OSCE Commitments call for unimpeded access to the media on a non-discriminatory basis. However, state controlled radio and television gave overwhelming coverage of the ruling party candidate relative to opposition candidates during the campaign.
- B) Out-of-Country Voting:** Close to 400,000 Bosnian Croats and other ethnic Croats with no permanent residence in Croatia -- *and comprising almost 10^a% of the potential electorate* -have been enfranchised.
- C) Ethnic Serb Refugees;** Conversely, approximately 200,000 primarily ethnic Serb voters - *approximately 5% of the potential electorate* -- who fled Croatia in advance of military operations in 1995 were effectively disenfranchised by a publicly articulated -- and implemented - Croatian Government policy of preventing the "mass return" of Serb refugees to Croatia.
- D) Campaign Violence/Candidate Security:** Although the government took belated steps to provide personal security to opposition candidates, these measures were reactionary and taken too late to prevent physical attacks against both opposition candidates, including a violent attack by a military officer against one candidate ten days before the voting
- E) Unofficial Campaigning:** The ruling party candidate exploited the advantages of incumbency - including widespread political advertising, use of government resources, and extensive coverage of non-official events by state television - to launch an unofficial campaign outside the parameters of established election regulations.
- F) Election Monitoring:** The Central Election commission's refusal to accredit independent non-partisan monitors runs contrary the spirit of the 1990 OSCE Copenhagen Document (paragraph 8), which supports the participation of domestic observers in elections in OSCE states. This ongoing refusal to enhance the transparency of the process by accrediting domestic civic observers continues to undermine public and international! confidence in the electoral process.
- G) Disparity of Resources/Campaign Financing:** Throughout the campaign there was a striking disparity in campaign spending and political advertising heavily in favour of the ruling party
- H) Use of State Resources:** While all incumbents in democracies have some advantages, the ruling party in these elections took inordinate advantage of its control of virtually all central government organs, most local government authorities, and the media to conduct an election campaign advantageous to the ruling party candidate.

I) **Election commissions:** There is ongoing concern that calls into question the independence of polling commissions. However, using its commanding majority in parliament, earlier this year the ruling party defeated legislation aimed at mandating multi-party membership of election commissions.

III. Media

Throughout the campaign the ruling party candidate incumbent enjoyed an immense advantage in media exposure and news coverage from the state-owned electronic media (Croatian Radio and Television-HRT). For example, during the final days of the campaign, the main daily news program provided approximately 8 -12 times more coverage to the ruling party candidate than to the two other candidates combined. Independent analysts also concluded that state-owned television disproportionately downplayed coverage of events of significance to opposition candidates - including a physical attack on one candidate. (Independent, quantitative media analyses were conducted by the National Democratic Institute and the European Institute for the Media)

A) **Evening News:** The main evening television news program *Dnevnik*, broadcast for 30 minutes every evening from 1930 - 2000 on HRT channels 1 and 2, devoted an overwhelming amount of coverage time to the ruling party candidate, President Tudjman; relative to the two opposition candidates. *Dnevnik* is by far the most prominent source of news for the vast majority of the Croatian electorate, especially outside of major urban centres. For example, according to one independent analysis, during the period May 28 - June 7, the amount of coverage of President Tudjman on *Dnevnik* was 300 times greater than that of SDP candidate Tomac and 12 times greater than that of HSLs candidate Gotovac. It is also important to note that over 50% of the coverage of Gotovac was in connection with the attack against him in Pula on June 5. It is also important to note that this period does not cover candidate Tudjman's Vukovar train ride, which received over 49 minutes of coverage in a special *Dnevnik* edition on June 8.

<u>Candidate</u>	<u>Appearances</u>	<u>Coverage (seconds)</u>
Franjo Tudjman	33	4802
Vlado Gotovac	7	400
Zdravko Tomac	1	16

(Source: *European Institute for the Media*)

Another independent analysis of *Dnevnik* for the period June 6 - June 9, which also included coverage of the Gotovac attack demonstrated overwhelming coverage of candidate Tudjman relative to the opposition candidates:

Candidate Coverage (seconds)

Franjo Tudjman 3058
Gotovac + Tomac 387

(Source: *National Democratic Institute*)

B) News Commentary: The evening television news commentary program Motrista also devoted an overwhelming amount of time to the ruling party candidate during the campaign;

<u>Candidate</u>	<u>Appearances</u>	<u>Coverage (seconds)</u>
Franjo Tudjman	23	2961
Vlado Gotovac	6 1437*	
Zdravko Tomac	1	21

(Source: European Institute for the Media; 5/28-6/7)

*Including coverage of the attack on Gotovac in Pula

<u>Candidate</u>	<u>Coverage (seconds)</u>
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Franjo Tudjman	3 775
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Gotovac + Tomac	1504 *
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(Source: National Democratic Institute: June 6-9)

*Including coverage of the attack on Gotovac in Pula

C) Promotion of the Incumbent Candidate: On June 8, one week before elections, HRT provided several hours of live television coverage of President Tudjman travelling aboard the "Peace Train" to Vukovar. Although the UN had forbidden live coverage of the 2ceremonies (including a 40-minute speech by Tudjman) in Vukovar, they were carried on state radio immediately following their conclusion. Furthermore, the ceremony in its entirety was carried in a special nation-wide broadcast on June 8 following *Dnevnik*. The HDZ has also created a campaign advertisement out of footage from the Vukovar train trip.

◇ The special daily feature *Hrvatski Spomenar*, which precedes the daily news and carries footage of significant events since Croatian independence, prominently depicted Tudjman in most segments.

D) Exaggerated Reporting of Routine HDZ Events: On June 4th, the lead item on *Dnevnik* was a 9.5 minute report on Tudjman opening a road in Gorican, including camera shots of HDZ placards and banners. That same program also carried a 2:39 report on Tudjman's new book as well as 2:00 on a National Security Council session chaired by the President. No opposition candidate was shown or mentioned in that program.

◇ On February 22, *Dnevnik* carried a 23-minute report on Tudjman's re-nomination by the HDZ for the post of President of Croatia. No such coverage was provided for the nominations of the other candidates.

◇ On June 13, the last day of the election campaign, *Dnevnik* carried a 10 minute lead item on the President dedicating a monument to a Croatian historical figure in Metkovic. There

were no references to any of the opposition candidate until a brief election round up at the very end of the broadcast.

E) Under Exposure of Key Opposition Events: By contrast, a major news story - the attacking of a Presidential candidate by a military officer at a campaign rally on June 5 - was only the third item on *Dnevnik* on June 6 and received only approximately 5 : 00 of coverage.

◇ On June 10, the HSLs, with the support of its other opposition partners, officially requested that the Croatian Government postpone elections in order to compensate candidate Gotovac for time lost as a result of his injuries - a request rejected within hours by the Croatian government. This story was carried only 20 minutes into *Dnevnik*.

F) Print Media: An analysis of the two prominent national dailies concluded an overwhelming trend in positive reporting on the campaign of candidate Tudjman, as opposed to neutral or even critical reporting on the campaign of the two opposition candidates.

G) Non-Independence of State-Owned Media: It should be noted that the Director of HRT, Mr. Ivica Mudrinic, is a prominent member of the ruling HDZ (*Politicki Vodici* 1996, p. 117)

IV. Out-of Country Voting of Ethnic Croats

This practice of enfranchising ethnic Croats who are citizens of Bosnia-Herzegovina, on purely ethnic grounds and not according to origin or naturalisation, is unique among OSCE participating States, It may also be in contravention of the spirit and letter of the Dayton accords. Because of the last minute organisation and geographical spread of the Diaspora voting, this observation Mission was unable to monitor out-of country voting.

A) Eligibility: This Franchise is potentially conferred on all *ethnic* Croats around the world, as elaborated in Article 16 of the Law on Citizenship:

A number of the Croatian people who does not have a place of residence in the Republic of Croatia can acquire Croatian citizenship if he or she meets the prerequisites from Article 8, paragraph 1, point 5 of this law and if he or she issues a written statement that he or she considers himself or herself be a Croatian citizen. (Note: Art. 8,1, 5 requires that: "a conclusion can be derived from his or her conduct that he or she is attached to the legal system and custom persisting in the Republic of Croatia and that he or she accepts the Croatian culture. "

B) Numbers: The Central Election commission announced on June 11 that 377,705 Croatian citizens abroad (including 330,000 in Bosnia and Herzegovina) were eligible to vote under this provision, out of a total potential electorate of 4,060,312, *In other words, 9.3 % of the overall electorate had no permanent residence in Croatia. Indeed the vast majority of them have never lived in Croatia.* In line with Croatian law, the CEC announced that voting would be conducted in 158 polling stations in diplomatic and consular Missions and "foreign offices" in 46 countries.

C) Electoral Significance: The significance of this electorate to the election process is especially telling given its pattern of voting in recent elections. In October 1995 elections for the lower house of parliament - the last elections in which Diaspora Croats were eligible to vote -- 90.02% of participating Diaspora voters supported the ruling HDZ.

D) Violation of Dayton: The conferring of Croatian citizenship and franchise of the Bosnian Croats represents a violation of the letter of the Dayton Accords. Annex 4 ("Constitution of Bosnia and Herzegovina"), Article I, paragraph 7, subsection (d) of Dayton specifies:

(d) Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement approved by the parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter.

No such bilateral agreement has been approved by the Parliamentary Assembly in accordance with this provision.

Finally, it is noted with concern that Croatia's enfranchisement of 330,000 Bosnian Croats undermines their commitment to a unitary Bosnian state.

E) Problems in Monitoring: Finally, this Mission has serious concerns about the inability of election monitors, including political party representatives, to oversee out-of country voting. There is strong concern, therefore, about the lack of transparency and potential for manipulation of the out-of-country vote.

V. Voting By Refugee Populations Outside Croatia

A) Profile and Significance: In striking paradox to the enfranchisement of the non-resident ethnic Croatian Diaspora, as many as 300,000 lifelong (primarily ethnic Serb) residents who fled the country for the FRY, Bosnia, and other locations since the outbreak of hostilities in 1991, including are estimated 200,000 who fled in advance of military operations in 1995 have been disenfranchised. This accounts for approximately 5% of the overall electorate. Although polling stations have been established in the FRY and in Bosnia and Herzegovina for Croatian citizen voters in those countries, the Croatian authorities have erected a series of political, legal, and administrative barriers that have effectively denied this refugee population the ability to acquire Croatian citizenship.

B) Electoral Significance: Given the policy of the Croatian government, supported by the ruling party candidate, of opposing refugee returns, the disenfranchisement of this refugee population carries significant electoral implications, This is particularly significant in contrast to the enfranchisement of large numbers of Diaspora Croats.

C) Unequal and Inadequate Protection: Although the Croatian authorities took belated steps to provide personal security for the opposition candidates, they did not undertake adequate measures to prevent physical attacks on both opposition candidates during the campaign. The OSCE commitments call for "campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates are prevented from freely presenting their views. . . "

D) Intimidation of Opposition Candidates: In two reported incidents near the beginning of the campaign SUP candidate Tomac's vehicle was stoned, Despite these incidents the Croatian authorities failed to increase security which could have prevented a much more serious attack against candidate Gotovac on June 5.

E) Pula: In a serious incident, HSLS candidate Gotovac was attacked by a military officer while speaking at a campaign rally in Pula on June 5. Gotovac suffered a cerebral concussion and was advised by physicians not to exert himself for 10-day period. In an effort to compensate for lost time during the campaign Gotovac (with the support of his opposition partners) petitioned the Croatian government for a two-week postponement of elections - a request supported by the other opposition candidate. The Croatian authorities promptly rejected Gotovac' request arguing that election legislation did not provide for such a case. As a result, Gotovac opportunity to campaign was severely abbreviated.

VI. Unofficial Campaigning

A) Legal Parameters: Based upon Articles 10, 11, and 13 of the Law on Election of the President of the Republic of Croatia, the official campaign period for this election ran from midnight on May 27 through midnight of June 13. However, the ruling party conducted several campaign-type activities prior to the commencement of the official campaign.

B) Pre-Campaign Examples: On May 14, on the occasion of the 75th birthday of President Tudjman (an unofficial event), state-owned HRT provided live television coverage celebration at the Croatian National Theatre, a public institution. The ceremony included a three-hour play casting president Tudjman as the culmination of over a millennium of Croatian historical achievements.

◇ Furthermore, the National Bank of Croatia authorised the minting of commemorative coins in honour of the "First president of the Republic of Croatia Dr. Franjo Tudjman "" (*Narodne Novine. no 49. 5/13/97*)

◇ State television broadcast a several-part documentary about Tudjman's life shortly before his birthday.

◇ A prominent state-funded billboard campaign ostensibly promoting a musical performance, but depicting President Tudjman with the slogan "All Croatian Victories for Vukovar," appeared around the country in early May. Nothing on the billboards noticeably indicated that they were other than paid political advertisements.

VII. Election Observation

A) Denial of Accreditation to Domestic Non-partisan Observers: Another serious concern is the absolute exclusion of domestic non-partisan observers from the election process in the Republic of Croatia. This restriction runs contrary to the spirit of the Copenhagen Document which states that the presence of both foreign and domestic observers can enhance the election process.

There are civic organisations that exist in Croatia with the necessary training, organisation and willingness to undertake this important civic duty, For example, as it did prior to April 1997 local and upper house parliamentary elections, The Central Election Commission

again refused repeated requests by the non-governmental organisation "GONG" ("Citizens Organised to Monitor the Voting") to allow it to monitor the elections. The CEC cited lack of explicit statutory authorisation for such monitoring. It is important to underline, however, that election statutes *do not* prohibit such monitoring. (Nor do relevant laws govern the activities of international monitors).

B) Inconsistency with OSCE Practices: The failure of the CEC to honour CONG's request is inconsistent with the spirit of the 1990 OSCE Copenhagen Document, which stipulate; that participating states should allow not only international observers but also domestic observers to observe the electoral process. (*1990 OSCE Copenhagen Document, paragraph 8*)

C) Police Harassment: Furthermore, GONG monitors who attempted to observe the voting unofficially on June 15 reported harassment by police officials in several locations, including Rijeka and Split.

VIII. Disparity of Campaign Resources

The ruling party benefited from an apparently enormous advantage of resources to run its campaign. Examples of the disparity include:

A) Paid Political Advertising; Thousands of billboards promoting the Tudjman Candidacy were ubiquitous around Croatia. Whereas, the Observation Mission failed to see a single billboard advertisement for either Gotovac or Tomac. Only a few small posters for Gotovac and Tomac were observed in the larger^r cities.

◇ For the period June 6-13, paid political advertising for the ruling party candidate exceeded the combined total of the two opposition candidates by a factor of twenty. Total paid advertising during this period totalled:

<u>Candidate</u>	<u>Paid Ads</u>
Tudjman	2014 seconds
Gotovac	95 seconds
Tomac	06 seconds

(*source: National Democratic Institute*)

◇ On June 13, the last day of the campaign, the HDZ inserted 42 cm x 77 cm glossy posters into every copy of every single major daily in Croatia. During the campaign, the Tudjman campaign ran several full-page and/or multi-page promotions for its candidate.

IX. Use of State Resources by the Incumbent Candidate

A) Background: The ruling HDZ - which controls the Presidency, the Government, both houses of parliament, and most local governments - was able to use its authority to decisively influence the electoral process in favour of the HDZ. In addition to its adoption of favourable electoral legislation (described above), the HDZ used its incumbency to inordinate advantage.

- B)** On June 8, the HDZ candidate travelled aboard the "Peace Train" to Vukovar. This event required massive state resources, including the expedited repair of railways, the assembling of three trains with twenty-one cars, and the gathering of 500-1,000 participants, including large numbers of local government officials.
- C) Control of Government:** The HDZ-led Zagreb City Government denied permission to the SDP to hold an election rally in the Zagreb's central "Ban Jelacic" square on Friday, June 13, the last day of the campaign period. The previous two nights had seen back-to-back rallies by the Tudjman and Gotovac campaigns.. We also note that the HDZ had held its concluding campaign rally on Ban Jelacic Square on the last Friday of the campaign for local and parliamentary elections on April 11,1997.
- ◇ Until now, the GOC has failed to fulfil its legal obligations to reimburse the opposition parties for incurred in the April election campaigns severely limiting those parties' abilities to wage effective. (Law on Elections of Representatives to the Parliament of the Republic of Croatia, Article 21, Law on the Election of Representative Bodies of Local Self Government and Administration Units, Article 22).

X. Selection and Composition of Election Commissions

- A) Concern over HDZ control of Election Commissions:** A significant concern is that the Central and Commune Election Commissions and the Polling Station Committees may not be selected in an unbiased manner. Many of the judges and lawyers that compose the so-called independent Central and Commune Election Commissions are state employees. In turn they appoint the Polling Station Committees which administer the election at polling station level. As long as this remains the case, there will remain a lack of confidence in Croatia that the Central and Commune Election Commissions and Polling Station Committees are composed of independent persons.

According to Article 21 of the Law on the Election of the President of the Republic of Croatia, the CEC is appointed by the Constitutional Court. Furthermore, the CEC is responsible for naming the over 500 municipal election commissions, substantially ensuring ruling party presence in the local commissions as well. It is noted that Article 24 of the Presidential election law does permit "*registered political parties which have proposed candidates... to monitor the work of the bodies in charge of the conduct of the elections.*"

- B) Ruling Party Rejected Multi-Party Concept:** In February 1997, the HDZ-controlled House of Representatives rejected an opposition-proposed draft law mandating that election commissions be multi-party. Earlier, the one-party HDZ Government had also denounced the proposed draft law.

XII. Recommendations

The OSCE / ODIHR Observation Mission offers the following recommendations:

- A) Independent Media:** The Croatian authorities should consider taking immediate steps to ensure that the governing board of HRT becomes a truly de-politicised and independent body, in order to prevent future abuses of access to the state media.

- B) Out of Country Voting:** The issue of whether or not ethnic Croats who permanently reside in Bosnia-Herzegovina should be afforded Croatian citizenship should be addressed. If present practice is considered out of keeping with OSCE commitments, or with the Dayton Agreement, legislation should be introduced to bring it into line with OSCE standards.
- C) Composition of Election commissions:** The Croatian government should consider amending its electoral law to ensure clearly defined multi-party participation in election commissions at all levels. While it is recognised that political parties can place observers in the commissions, this is no substitute for full fledged multi-party commissions.
- D) Disenfranchisement of Refugees:** The Croatian government should take appropriate steps to ensure that all individuals with the right to Croatian citizenship (and franchise) are able to take advantage of that right without unnecessary impediment.
- E) Election Monitoring:** The Croatian Government should take all necessary steps to ensure accreditation of non-partisan domestic monitors in future elections.
- F) Campaign Resources:** Croatian regulations relating to campaign, financing and transparency thereof should be reviewed, in order to enable all parties to compete with each other on a basis of equal treatment as stipulated in the OSCE commitments.
- G) Candidate Debates:** The major candidates in the next election should consider participating in televised debates, a practice now followed in most democracies.

For further information please contact the OSCE / ODIHR On-site Co-ordinator, Mr. Kare Vollan, OSCE / ODIHR On-site Co-ordinator

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