



**International
Election Observation Mission
Croatia
Local Government Elections
20 May 2001**



Statement of Preliminary Findings and Conclusions

Zagreb, 21 May 2001 – This statement of preliminary findings and conclusions on the 20 May Local Government elections in Croatia is issued jointly by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission (EOM) and the Congress of Local and Regional Authorities of the Council of Europe (CLRAE).

Preliminary Conclusions

The 20 May 2001 Local Government elections in Croatia were conducted generally in accordance with OSCE commitments and Council of Europe standards for democratic elections. This assessment confirms the improvements noted during the 2000 parliamentary and presidential elections. However, shortcomings remain, some of which were highlighted during past elections.

A new Election Law provides for democratic elections. The strengths of the legislative and regulatory framework include:

- Political parties have the right to be represented on election commissions;
- “Leaders” of party lists must be ready to take up the mandate if elected;
- Elected local representatives must be permanent residents in their constituency;
- Political parties are encouraged to take account of proportionate minority representation and gender balance in the composition of their candidate lists;
- Regulations provide parties with equal access to State-owned media and reduced advertising rates in the media; and
- Liberal provisions for non-partisan domestic observers.

The elections were contested by tens of thousands of candidates at the municipal, town and county levels, representing a broad spectrum of political parties, coalitions and independent lists. The campaign was generally well conducted, focusing on socio-economic and national issues. Media coverage of the campaign was mostly balanced, though the governing coalition parties received greater visibility. The State-owned Croatian radio-television (HRT) continued to improve, providing a generally balanced coverage.

The most significant concern in this election relates to the provisions in the new Election Law for minority representation, where procedures for implementing the principle are inadequate. The Election Law provides for by-elections to fill any outstanding seats required to ensure proportional minority representation. However, the procedures for by-elections are not established and there is no clear decision on how to incorporate such members into the representative body. The reliance on the outcome of the 2001 census that may not be known until April 2002 to establish minority representation is also problematic. Moreover, three problems relating to minorities highlighted in previous elections remain: (1) the voter registers continue to identify the ethnicity of voters; (2) the 1991 Law on Citizenship disadvantages persons who are not ethnic Croats; and (3) ethnic Croat and Serb displaced persons are afforded unequal voting rights.

Other concerns regarding the new Election Law include:

- No provisions for the posting of results at the polling station and the publication of results at intermediate and national levels by polling station;
- No provision for ineligible candidates on a list to be replaced, at times resulting in the disqualification of an entire list;
- No provision for a permanent State Election Commission;
- No articulated penalties for violations;
- No regulations regarding party accountability for campaign financing and expenditure;
- Short administrative deadlines for the confirmation of candidate lists and for the nomination of party commission members, as well as too short a period for the election campaign; and
- Confusion resulting from the late adoption of the law.

On election day, polling was conducted in a calm atmosphere and in accordance with the law and regulations, thus continuing a trend noted last year. The only exception was “family” voting, noted in half of observed polling stations. The vote count was also conducted accurately.

The OSCE/ODIHR stands ready to continue the dialogue with the authorities of Croatia with a view to addressing the concerns contained in this statement.

Preliminary Findings

Background

Croatia underwent significant political changes in January and February 2000 with the election of a new Parliament and President, signalling the end of 10 years of dominance by the Croatian Democratic Union (HDZ). However, most local government bodies continued to be governed by a HDZ majority.

The new government has expressed a commitment to addressing concerns relating to the return of Serb refugees, equal opportunity for citizenship rights regardless of ethnicity, and the full restoration of property rights. However, challenges in these areas persist.

As during the 2000 elections, voters were again primarily concerned with socio-economic issues. These issues dominated the campaign debate together with the performance of the national government, European integration and the arrest of individuals accused of war crimes.

The local government elections were contested by tens of thousands of candidates for 566 Councils at the municipal, town and county levels, representing a broad spectrum of political parties, coalitions and independent lists. A total of 3.8 million voters were registered.

Legislative Framework

The Law for the Local Government Election was adopted at a late stage, just nine days before the elections were called. This is a recurring problem in Croatia, again resulting in a high degree of uncertainty and confusion, as many political parties and election commissions appeared unfamiliar with the new Election Law, particularly due to the extent of changes between the draft law and the final version adopted.

Article 15 of the Election Law mandates party lists to include the same number of candidates as there are seats available in the body to be elected. Except in the case of death of a candidate, no replacement mechanism is foreseen in the Election Law for disqualified candidates. The Constitutional Court confirmed that, in the event a list of candidates falls short of the required number, then the entire list is to be disqualified. Such a severe penalty is not reasonable.

The new Election Law contains no stipulated penalties for violations. The Criminal Code contains some penalties for violations of the right of voters, but there are no penalties contained in any law for violations of campaign regulations or other relevant election procedures.

The Election Law also fails to regulate political party campaign spending. Article 21 provides for partial compensation for parties receiving a minimum of one seat in a representative body. However, there are no regulations regarding the use of these funds, nor any provisions to account for the source or use of campaign funds. In addition, the Election Law fails to prohibit the use of State resources by the parties in power.

The Election Law encourages political parties to provide for gender balance in their candidate lists. An analysis of data from 10 out of the 21 counties throughout the country showed women candidates representing between 13 and 22% of lists. However, very few were placed in high enough positions on lists to be elected. The notable exception was Vesna Pusić, the main rival to the incumbent mayor of Zagreb.

National Minority Representation and Participation

The 1991 Law on Citizenship, disadvantaging those who are not ethnic Croats, has not been amended. As OSCE/ODIHR has commented in previous reports, this law should be brought into line with international standards and should create equal citizenship conditions for all regardless of ethnicity. This inequality was further highlighted in 1999 when the Constitutional Court relaxed the residency requirements for voting in the country, permitting ethnic Croats living in Bosnia and Herzegovina and holding dual citizenship to vote for local government elections in Croatia.

The new Election Law provides for minorities to be represented in proportion to their size of the population in each local government unit and encourages parties to take account of minorities in constituting their list of candidates. The Election Law also provides for by-elections to correct results that are not representative of the local population. However, the lack of any clear provisions in the Election Law to implement the proportionality is of concern. There are no procedures for the holding of by-elections. Further the Election Law does not stipulate whether the elected body will be increased in size to allow for the inclusion of any additionally elected minority representative, or whether previously elected members would be replaced by the newly-elected minority representative.

Moreover, the results of the 2001 census regarding ethnic self-identity are to be used to determine minority population levels and thus determine their level of proportional representation in the local government unit. There are concerns about providing minority rights based on census data where the Census Law does not regulate the inclusion of refugees, displaced persons or Croats living abroad into particular electoral units.

An additional element for minority representation is Article 9 of the Law on Voter Registers (1992), which requires voters to be identified by ethnicity. Such a requirement may present risks for

minority communities. In addition, the lists of candidates published in some newspapers also include the ethnicity of the individuals.

The Election Law sets different rights to ethnic Croat and Serb displaced persons in terms of their right to vote, in effect discriminating in favour of the former. This is another legacy from an earlier practice that requires consideration.

The Serb People's Council (SNV) complained to the State Election Commission that ethnic Serb voters in three counties were not provided with an adequate number of polling stations. Following the complaint, additional polling stations were provided in two of the counties, but Sisak County only offered transportation to the ethnic Serb voters to distant polling stations. The SNV considered this inadequate as ethnic Serb voters were apprehensive to travel to ethnic Croat villages to exercise their right to vote.

In October 2000, the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia were amended, *inter alia*, to refer to Roma for the first time as a national minority. However, Roma participation in the electoral process remained low. The community leadership was concerned that many Roma chose not to identify themselves as such in the 2001 census, thus undermining their right to proportional representation in the future.

Election Administration

The election administration bodies performed in professional manner. However, the work of the State Election Commission could be further improved by the establishment of a permanent election commission with full-time administrative staff. The relatively slow process for identifying the extended - political party – membership on election commissions must also be addressed. This process can be expedited as the basis for membership is the political composition of an out-going local government council, which is known in advance. Article 28 of the Election Law provides that all members of an electoral commission shall have equal rights and obligations. This requires that all members are identified and appointed in a timely fashion to participate fully and equally in the work of commissions.

The Election Law does not provide for formal party representation on polling station Voting Committees. This contradicts the provisions for parliamentary elections, in which Voting Committees have formal party members. On the positive side, 51% of polling stations visited on election day, the commission chairs were women.

Election Campaign

The election campaign was generally well conducted but low-key compared to the parliamentary or presidential elections. Political parties used the opportunity to broadcast campaign spots on TV and posters were put up across the country. The election campaign largely focused on socio-economic and national issues.

In Petrinja, in Sisak County, an Independent Serb Democratic Party (SDSS) campaign meeting was called off, after protesters, allegedly from the Croatian Party of Rights (HSP), harassed the SDSS supporters. The protest was prompted by the publication of names of local Serbs, including some persons on the SDSS candidate list, accused of war crimes in Petrinja during the war. In Pula, in

Istria County, a series of provocative posters were displayed by unknown persons, attempting to associate the Istrian Democratic Assembly (IDS) with Italian fascists.

The campaign in Dalmacija was dominated by managerial and editorial changes at the formerly pro-HDZ but State-owned *Slobodna Dalmacija* newspaper just prior to the start of the election campaign, provoking a series of protest actions in Split. This highlighted earlier reactions to the arrest of General Norac for alleged war crimes. In addition, there were demonstrations both against the arrest and the changes at the newspaper, as well as verbal abuse against the President during an appearance in Split.

Media

Coverage on HRT and some private media included free campaign spots, discussion programs with party representatives, regional political presentations, and paid advertising. In addition, parties had the possibility to advertise in newspapers.

The Election Law provides only general guidelines for media coverage of the campaign. However, the State-owned HRT issued its own regulations on the coverage of the election campaign. These provided political parties with fair and equal access. In addition, the provision for reduced rates for parties wishing to advertise during the campaign was a further positive aspect.

The tone of the coverage, in both electronic and print media, tended to be fairly balanced but offered the ruling coalition greater visibility, with a tendency to focus primarily on the government and its senior members. The President, Prime Minister and Mayor of Zagreb received extensive but largely balanced coverage. There was little coverage of, or debate about, specific municipal or regional issues.

The EOM's monitoring of HRT indicated that the positive trends identified during the 2000 elections have continued, with a fairly balanced coverage offered to all participants. However, HRT reflected the general media tendency to focus on the government and governing coalition. Monitoring of the two main HTV news programs – *Dnevnik* and *Odjeci Dana*, showed 63% of coverage devoted to government activities, fairly balanced in terms of positive and negative tone. However, the 6-9% of the coverage given to the HDZ was mostly neutral or negative. The HTV political program *Panorama's* coverage of the two main rivals for the position of Zagreb City Mayor devoted 30% more time to the SDP candidate.

Jutarnji List and *Vecernji List*, the largest circulation daily newspapers, provided generally balanced coverage of parties and personalities, though again with a high focus on the government (59% and 67%, respectively). Monitoring of *Slobodna Dalmacija* showed a clear difference in the type of coverage offered by the newspaper prior to and after the change in the editor in early May. Prior to the change the government received 39% of the coverage, overwhelmingly negative, as opposed to the HDZ receiving 20% coverage, overwhelmingly positive. After the change of leadership, the government received 65% coverage, 65% positive, and the HDZ 6% coverage, overwhelmingly negative.

Election Day

Continuing a trend noted during the 2000 presidential elections, polling was conducted in a generally calm atmosphere and in accordance with the law and regulations. Thus, in 93% of polling stations visited, observers reported a “good” or “OK” overall impression. Party or non-partisan

observers were present in 82% of polling stations visited. In an overwhelming majority of observed polling stations (94%), voter identification documents were checked properly. With regard to a polling station environment conducive to a free vote, an insignificant number of reports were received about campaign material on display (2.7%), and pressure on voters or tension (2%). However, the large number of voters assigned to each polling station at times caused overcrowding and compromised the secrecy of the vote (15%). Another significant problem was voters not finding their name on the register in some regions. Police presence in the vicinity of polling stations was reported in just one case and inside a polling station was noted only in two cases (0.2%), local officials in 4 cases (0.5%), and other unauthorised persons were noted in 10 (1.2%) polling stations visited. However as during previous elections, group or “family” voting was noted in 46% of polling stations visited, and proxy voting was noted in 6%.

The Election Law does not provide for the posting of results at polling stations after the count or for the general publication of results by polling station. This is regrettable as it decreases the transparency of the process. Nonetheless, the counting process was assessed by observers as “Good” or “OK” in 90% of cases observed at polling stations, and the aggregation process at MECs and TECs characterised as “orderly and proper” in 100% of the cases observed.

Domestic observer groups were very active on election day, deploying some 3,000 observers. This deployment was fully facilitated by election commissions and the provision in the Election Law for the accreditation and rights of domestic observers. However, some expansion of the rights of such observers during the pre-election period could strengthen their contribution to the election process.

***This statement is also available in Croatian.
However, the English text remains the only official version.***

Mission Information

The statement is issued prior to the completion of the entire electoral process and a complete analysis of the EOM’s findings. The OSCE/ODIHR and the CLRAE will issue comprehensive reports shortly after the publication of the final election results.

The OSCE/ODIHR Election Observation Mission, headed by Mark Stevens (UK), was established on 18 April with a team of 12 international experts and long-term observers. The EOM co-ordinated the deployment of 136 international observers on election day. Observers reported from more than 830 polling stations covering 18 Counties and Zagreb City.

The CLRAE delegation consisted of six representatives, lead by Mr. Keith Whitmore (UK).

The EOM wishes to thank the Government of Croatia, the Office for International Co-operation, the State Election Commission and subordinate commissions throughout the country for their co-operation and assistance during the course of the observation.

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