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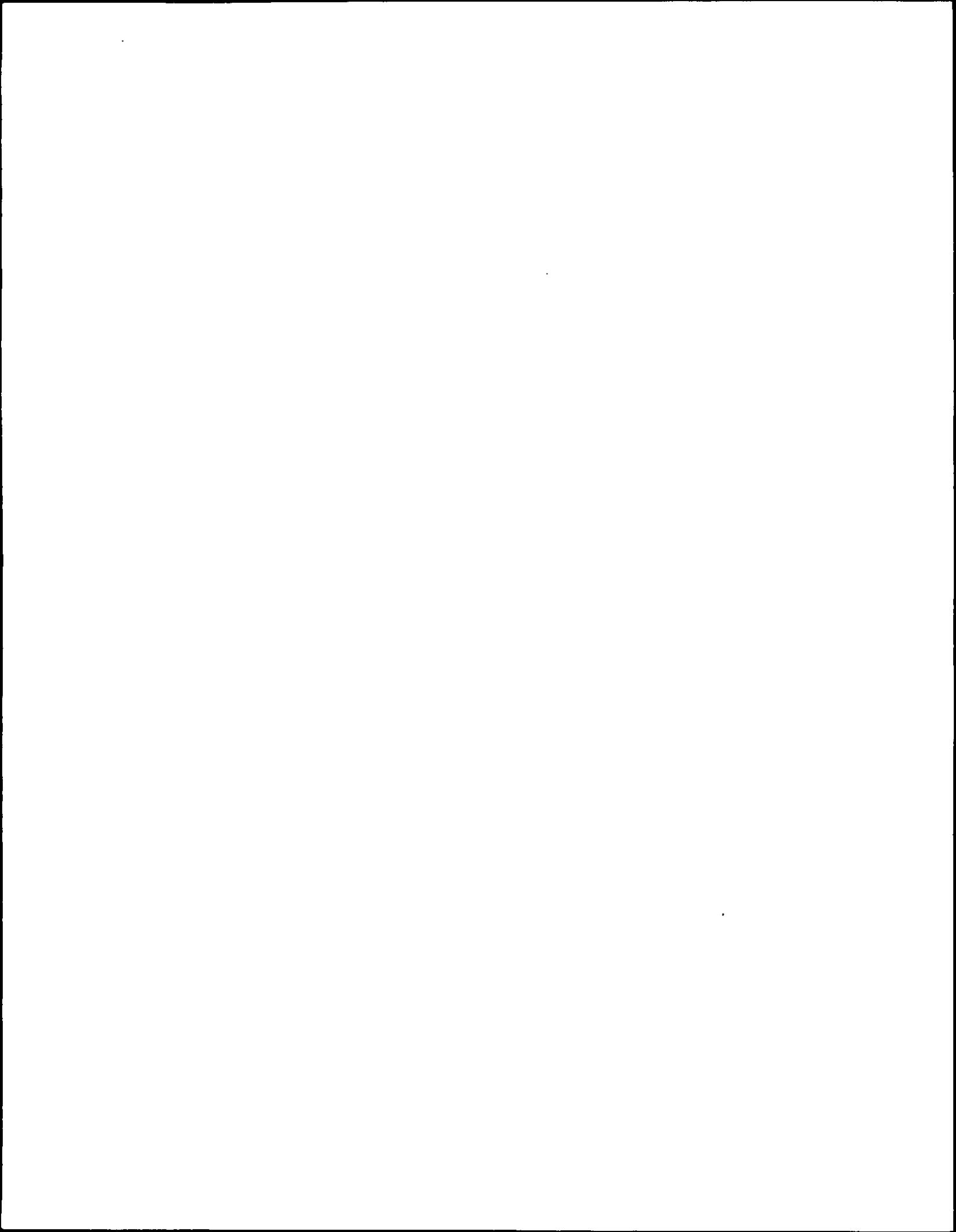
# **Republic of Croatia**

## ***1995 Election Observation Report***

**Cathy Salay**  
**edited by Katarina Duich**



International Foundation for Election Systems  
1101 15th Street, N.W., Third Floor  
Washington, D.C. 20005  
phone: (202) 828-8507 • fax: (202) 452-0804



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## EXECUTIVE SUMMARY

On September 18, 1995, the Croatian House of Representatives was called into session and immediately presented with a new election law that included significant amendments to the existing legislation. On that day the content of the law was made public for the first time. After only a few hours of debate, the new election law was passed without change, using emergency procedures. On September 22, new elections were scheduled for Sunday, October 29, 1995, from 7:00 a.m. to 7:00 p.m. On September 29, 1995, the Croatian House of Representatives was dissolved. This constituted the third round of multi-party elections since 1990, when the Croatian Democratic Union (HDZ) led by President Franjo Tudjman, gained the majority in both houses of the Parliament for the first time.

### **Election Law**

Pre-election monitors raised doubts about the nature of the election changes and the swift pace with which they were ushered in. Concern has also been raised as to the lack of discussion in the passage of the election law changes. An article by Patrick Moore of the *OMRI Daily Digest* stated that the "new electoral law... favors the HDZ by allowing for only 28 deputies to be elected on a district basis, as opposed to at-large candidacies on party lists." In addition, he stated that "the number of seats reserved for the Serbian minority has been reduced, and 12 deputies will be elected at-large by Croats abroad in what is seen as an attempt by the HDZ to obtain at least a two thirds majority in the *Sabor*." By gaining a three-fourths majority President Tudjman could, at will, change the Constitution of Croatia.

### **The Opposition**

An opponent to the HDZ was a coalition of seven smaller parties that reached an agreement to jointly field candidates for the "special list" (a list of candidates for twenty-eight single-member districts). However, the main opposition to the HDZ remained the Croatian Social Liberal Party (HSLP). Also of significance is the Croatian Party of Rights (HSP)—a traditionally-right wing group that has moved to a more moderate right-of-center position.

### **Ethnic Composition**

Croatian citizens outnumber any other ethnic group in Croatia. Their share of the population has been estimated at 4.7 million and consists of approximately 75 percent of the population. The second largest ethnic group consists of Serbs that constitute 12 percent of the country's population. Local minorities also exist in Croatia and include Muslims, Slovenians, Italians, and Czechs.<sup>1</sup>

Although the prior election law guaranteed proportional representation of national and ethnic minorities that exceed 8 percent of the population in Croatia, the *Constitutional Act on Non-Implementation of Some Regulations of the Constitutional Act on Human and Minorities' Rights in Croatia of 1995* contains a clause which overrides this process and reduces from thirteen to three

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<sup>1</sup> CIA World Fact Book 1994.

the number of seats guaranteed to the Serbian minority.<sup>2</sup>

In spite of concerns involving the difficult political environment of Croatia with regard to the Bosnian conflict and their effect on the 1995 Parliamentary elections of the Republic of Croatia, IFES representative Cathy Salay focused on the technical aspects of the electoral process. Through information and materials gathered at meetings during the observation mission, it was anticipated that the voting process would represent an opportunity for the Croatian voting population to express their will in a free and fair manner. The following report is a representation of the particular experience of the IFES representative.

Note: IFES would like to thank members of the Organization for Security and Cooperation in Europe—Parliamentary Assembly for their assistance while in Croatia. This report has been compiled from a number of sources; effort was made to note the sources where applicable.

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<sup>2</sup> Report of the National Democratic Institute for International Affairs Pre-election Assessment Delegation, October 16, 1995.

## I. Introduction

The International Foundation for Election Systems (IFES) is a pioneer in assisting emerging or existing democracies in the organizing and strengthening of free and fair electoral systems. Established in 1987 as a private, non-profit foundation, IFES has quickly developed a reputation as a leader in monitoring, supporting, and strengthening the democratic election process around the globe. IFES has established a solid record of achievement by concentrating on the following activities: pre-election technical assessment, on-site technical assistance, commodities procurement, voter and civic education, poll worker training, election observation, IFES Resource Center and IFES publications, symposiums, conferences, and election official exchanges.

Upon receipt of an invitation from the Croatian Parliament, IFES worked in conjunction with the Organization for Security and Cooperation in Europe (OSCE) in monitoring the October 29, 1995 elections for the House of Representatives of the Parliament of the Republic of Croatia. Their goal was to monitor the conditions under which elections in Croatia were held, in order to further the knowledge of the international community about the Croatian electoral system. IFES Program Officer Cathy Salay was present in Croatia the week prior to the elections. By focusing on the technical aspects of the electoral process, she was able to provide a series of observations and broad recommendations. Funding was provided by the U.S. Agency for International Development.



## II. Legal Framework

During the 1990s, Croatia experienced a new Constitution, a Declaration of Independence, laws governing citizenship rights, human rights legislation, and several laws regarding electoral policies. These laws are of significant importance when examining the election process and the Parliamentary election of 1995 in Croatia.

### **The Croatian Constitution**

On December 22, 1990, the Republic of Croatia passed a new Constitution governing its citizens. Containing 142 articles, the Croatian Constitution now governs a broad range of fundamental principles regarding the individual, the government and its relations with its citizens, as well as other significant aspects of Croatian society.

#### ***Personal and Political Freedoms and Rights***

The enumeration of individual rights is contained in Articles 21 through 47. Specifically, these involve the freedom of speech and the freedom of the press and other forms of media communication. All citizens who have reached the age of eighteen have been given the right of universal and equal suffrage, including the right to vote directly and secretly. The right to vote for the Sabor and the President is also granted under the Constitution outside the borders of the country in the states where Croatian citizens reside.

#### ***Parliament—Sabor***

Articles 70 through 93 form the foundation for the creation of a bicameral legislature (the Croatian Sabor) composed of a Lower House called the House or Chamber of Representatives, and an Upper House called the Chamber of Counties or House of Regions. Members of both Houses are elected to four-year terms.

Either House may be dissolved through a majority of votes by members of both Houses. The Chamber of Representatives may be dissolved by the President in conformity with those laws as stated under the Constitution.

All representatives within the Chamber of Representatives, working committees of the Chamber of Representatives, the Chambers of Counties, and the Government of the Republic of Croatia maintain the right and privilege to propose laws.

#### **The Lower House**

The Chamber of Representatives consists of a minimum of 100 representatives and a maximum of 160 representatives who are elected directly. The current electoral law set the number at 127. The Constitution states that the Chamber shall have both a President and one or more vice-presidents. The President of the Chamber of Representatives acts as the President of the Sabor.

The Chamber of Representatives decides, inter alia, on the enactment and amendment of the Constitution, the enactment of laws in the adoption of the state budget, the holding of referenda, the implementation of elections, grants for penal offences, and on appointments.

### **The Upper House**

The Chamber of Counties consists of three representatives directly elected in each county of Croatia. The President of the Republic of Croatia may nominate up to five representatives to the Chamber of Counties from among "especially deserving" citizens of the Croatia. The Constitution further states that the Chamber shall have a President and one or more Vice Presidents. The Chamber of Counties, inter alia, proposes to the Chamber of Representatives bills and the calling of referenda.

### ***The President***

The powers under the Croatian presidency were significantly strengthened under the Constitution of 1990. The President maintains the power to call elections for the Croatian Sabor, to call referenda, to appoint and dismiss the President of the Sabor, and to appoint and dismiss vice-presidents of the Sabor. The President is commander-in-chief of all armed forces of the Republic and maintains power in appointing members of the National Defense Council; however, the President may only proclaim war and conclude peace on the basis of a decision by the Croatian Sabor.

### ***Judicial Branch and Local Government***

The remaining articles under the Constitution of the Republic of Croatia delineate the powers and structure of the government involving the judicial branch and the Constitutional Court. The Constitutional Court of the Republic of Croatia has been given the authority and legitimate power to supervise the constitutionality and legality of elections, supervise the constitutionality and legality of public referenda, and decide electoral disputes which do not fall within the jurisdiction of lower courts.

The Constitutional Court is also tasked with the supervision of the constitutionality and legality of the programs and activities of political parties and prohibits those actions which hinder the constitutional order, independence, unity, or territorial integrity of the Republic of Croatia. The provisions outlining local self-government and administration, amending the Constitution, and rules for international relations are also contained in these articles.

### **The Electorate**

#### ***Law on Citizenship***

The Law on Citizenship was approved by the Croatian Parliament on June 25, 1991, together with the Declaration of Independence. It contains regulations on obtaining citizenship, on its termination, and on procedural regulations (Appendix I).

***Constitutional Law on Human Rights and Minorities***

The Constitutional Law on Human Rights and Minorities was passed on December 4, 1991. The Law regulates participation for minorities depending on their share of the entire population (Appendix J). A minority group who makes up more than eight percent of the population is entitled to being proportionately represented, while minorities whose share is below eight percent are entitled to elect five representatives to the House of Representatives (Article 18).

In accordance with this law, the Serbian minority would have elected 13 representatives, the other minorities together at least five. However, on September 20, 1995, the House of Representatives adopted the *Constitutional Act on the Non-Implementation of Some Regulations of the Constitutional Act on Human and Minority Rights in Croatia*. Under the new law, the number of seats for the Serbs was reduced from thirteen to three. It is unclear whether these numbers are based on accurate census data, since according to the Croatian government, a census was not taken in 1995.



### **III. Electoral Procedures**

The Electoral Law of the Republic of Croatia allows and enumerates upon the rights of all Croatian citizens who have reached the age of eighteen the right of equal suffrage. Further, the law gives the right to any Croatian citizen who has reached the age of eighteen the right to be elected as a representative. Parliamentary terms are set for four years unless the body is dissolved through a majority vote of the Sabor or by the President of the Republic.

#### **Electoral Commissions**

There are four primary bodies that carry out the elections in Croatia: the Election Commission of the Republic of Croatia (Central Election Commission or CEC), the election commissions of the voting units (district election commissions), the county election commissions, and the voting boards.

All members of the Croatian electoral authorities, are eligible voters within the Republic of Croatia. Members of the CEC are appointed by the Constitutional Court from among judges of the Supreme Court and other eminent lawyers. The CEC names members of the other election commissions and promulgates rules for their working, and is responsible for the overall facilitation of elections within the Republic.

The commissions for twenty-eight election units are selected by the CEC from among judges and lawyers. The district election commissions determine polling places, appoint voting boards, collect and count the votes, and are responsible for coordinating the organization of polling stations within each district.

Polling Commissions or members of the voting boards, are selected by the district Commissions. The voting boards oversee the actual voting in elections for representatives and secure the fairness and secrecy of the vote. Voting board members must be present at the polling place the entire time voting is taking place.

No representatives of any of these bodies may be a member of any political party and, as such, they must all sign a document to that effect. However, it should be noted that many of these persons are employees of the state.

Participating in the work of each of these bodies, but not as voting members, are two party observers, one representing the ruling party HDZ, and one representing the opposition. The opposition observer was chosen by a drawing from between a unified candidate from the majority of opposition parties (KOSPI) and another opposition party which did not join this effort, the HSP. The HSP won the drawing for the observer position on the CEC and for fifteen of the twenty-eight opposition observers at the election unit commissions. Both party observers were required to participate in the work of the election commissions and polling committees.

### Changes to the Electoral System

Prior to the current law, the electoral law established a unicameral legislature called the *Sabor*, elected on a mixed principle of local representation and national lists. This mixed principle consisted of sixty-four representatives of territorial constituencies, sixty representatives from national lists, and representatives of national minorities, who may or may not associate themselves with specific political parties. Elections were held under this strategy in 1992. In 1993, the Constitution of the Republic was modified to provide and establish a bicameral legislature through the creation of an Upper House or Chamber of Counties and a Lower House, also referred to as the House of Representatives or Chamber of Representatives.<sup>3</sup>

The current system, adopted in the September of 1995, relies on a mixed principle of local representation and national lists and is the result of an initiative by the Croatian Democratic Community Party (HDZ), the present ruling party of government, in the Chamber of Representatives.

According to information given by the Croatian CEC subsequent to the 1995 election of the Croatian Parliament, the new House of Representatives or Lower Chamber of Parliament (*Sabor*) consists of 127 members. Of this total, 80 were elected by political party on the state lists under the proportional *d'Hondt* system. The *d'Hondt* method allocates seats for each list corresponding to the percentage of votes received, plus a share of those votes cast for parties that do not cross the allocated threshold percentage. An additional twenty-eight representatives were elected through a majoritarian system where one representative came from each of the twenty-eight voting districts comprising the single constituency list.

An additional twelve members were elected from voters living abroad, called the diaspora, using the *d'Hondt* system, which comprised the special list. For the approximately 460,000 Croatian diaspora voters, 239 polling stations were set up in forty-two countries around the world.

Members of ethnic minorities and communities in the Republic of Croatia are entitled to elect seven representatives to the Croatian Parliament's House of Representatives. Members of the Serbian minority in the constituency representing the whole of Croatia's territory elected three representatives by a relative majority vote on a special ballot. Other minorities elected their representatives in the following special constituencies: members of the Italian minority elected one representative in the Buje constituency; members of the Hungarian minority elected one representative in the Osijek constituency; members of the Czech and Slovak minorities elected their representative in the Daruvar constituency; and members of the Ruthenian, Ukrainian, German, and Austrian minorities elected one representative in the Osijek constituency.

A separate ballot was issued for each list. Although ballots for the minority list were only available

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<sup>3</sup> Allcock, John, B. "Croatia." Bogdan Szajkowski ed. *Political Parties of Eastern Europe, Russia, and the Successor States*. 1994, pp. 136-137.

at a few designated polling places, the Serbian ballot was available at all polling places. It was given to those Serbian voters who identify themselves as such, and request to vote on the Serbian ballot. If members of the Serbian minority, or any of the four designated minorities, chose not to vote for their minority candidates but for a single mandate district ballot instead, they were required to sign a document to this effect and received a special certificate from the voting board. This permitted them to cast their ballot in their district rather than for a minority candidate. Voting boards were instructed to keep these certificates as they had to be filed with the election unit commissions.

Voters were able to vote on a maximum of two ballots, one for the state list, and one from either a district list, a minority list, or from the Serbian minority list.

### **Observers and Monitors**

The new law amends the provisions regarding the participation of domestic non-partisan observers and political party poll watchers. Previously, each party could send an observer to the national and regional election commissions and polling places. For the 1995 elections, the party in government (majority party) was allowed one non-voting representative and all of the opposition parties combined were allowed one non-voting representative. As previously stated, the representatives were determined by drawing.

### **Voter Thresholds for State Lists**

There is no minimum threshold of voters required in the electoral law in order for an election to be declared legally valid. Candidates for the majoritarian system needed to receive a relative majority.

Under the new electoral law, a state list of a political party or independent state list which received less than 5 percent of the votes at the election could not take part in the division of representative seats; prior to the new law, the threshold was 3 percent. State lists of two political parties or two-party coalition lists required 8 percent of the votes to qualify for a division of the seats. Finally, state lists of three or more political parties or coalition lists of three or more parties which received less than 11 percent of the votes were not able to take part in the division of representation seats.<sup>4</sup>

### **Nomination and Registration of Candidates and Party Lists**

In order for voters or groups of voters, who are not organized as political parties, to nominate and register candidates for parliament, they must collect 400 signatures for single-member districts. These candidates cannot be members of political parties. To propose a state list, at least 5,000 signatures are required for a valid candidacy. County lists and special lists require 500 signatures. Voters may only support one candidate, one state list, a special list, and a county list. Signatures must be collected within fourteen days of the announcement of the elections and candidates must submit verification of their acceptance of the candidacy.<sup>5</sup>

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<sup>4</sup> Article 24. *Law on Elections of Representatives to the Parliament of the Republic of Croatia.*

<sup>5</sup> Articles 12-17. *Law on Elections of Representatives to the Parliament of the Republic of Croatia.*

Political parties propose candidates for representatives and their deputies in the manner envisaged by their statutes or by a special decision on the basis of the statute.

Authorized district election commission's units were obligated, under law, to have published within forty-eight hours of the deadline for the proposals, a list of candidates for their voting unit in all daily newspapers and on Croatian Radio-Television. The CEC was obligated to have published all other candidate lists within forty-eight hours. It should be noted that some of these lists were not available by the stated deadline.

### **Campaign Financing**

According to campaign finance laws of the Republic of Croatia, a candidate for representative who is elected by individual vote in the voting unit and who receives at least six percent of the votes, and a political party whose state list or special list or county list receives at least five percent of the vote, shall have the right to an equivalent supplement for the expenses of the election campaign. Funds for covering the supplement are secured from those resources as designated as covering election expenses. The Government must, according to the law, thirty days before the elections, determine the amount of the expense supplement.<sup>6</sup>

### **Media**

The majority of radio stations in Croatia are under government control. The government also holds controlling interests in two of the four daily newspapers and some weeklies. National television is state owned and controlled, and consists of four state channels, including one satellite channel. The state network, Croatian Radio-Television (HRT) was obligated, under electoral law provisions, to enable all political parties and minority communities taking part in the Parliamentary elections, to put forth their election platforms within an equal amount of time. As such, HRT allowed each political party contesting the Parliamentary elections one hour of free time within the framework of programming.

During the one hour of free time, HRT prepared seventeen questions to be asked of each party by a moderator (see Appendix G). The parties could not alter the format and were required to respond to the specific questions; they were not able to develop their own agendas and methods of presenting their policy preferences.

### **Voting Procedures**

#### ***Voter Registration***

All local election commissions were required to publish and communicate to the Election Commission of Croatia, the voter lists by voting unit not later than five days before the election. According to the Croatian CEC, areas recaptured by the Croatian army since May were able to vote.

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<sup>6</sup> Article 21. *Law on Elections of Representatives to the Parliament of the Republic of Croatia.*

Croatian displaced persons elected one representative and his deputy from the constituency in which they resided, and not from the constituency in which they cast their votes. The Polling Commission cooperated to establish headquarters of polling committees for the constituencies that were still under occupation. They cooperated with the Government Office for Refugees and Displaced Persons and the Government Commissioner for specific areas.

Lists of permanent residents, created before the Bosnian conflict which has had a significant effect on the displacement of numerous Croatian citizens, were used to generate voter lists. This action enabled displaced persons, including many of the minority populations, to vote in the elections only if they had returned to their former areas of residence and if they had not informed governmental authorities that they had left the country. According to the CEC, no names were allowed to be purged from the lists of permanent residents unless the residents themselves changed the status of their residency.

#### ***Notice of Voting***

In both 1990 and 1992, notices were sent to voters prior to election via post, notifying them of their presence on voter lists and the site of their polling place. Although not required by law, many voters expected this form of notification. However, according to information given in meetings by the Croatian CEC, in most areas these notifications were not sent by the election commissions.

#### ***Location of Polling Places***

Voting was conducted at designated polling places, each of which had been given an identification number. Polling stations were open from 7:00 a.m. to 7:00 p.m. on 29 October 1995 for election day activities. Five days before the elections, the CEC was required to publicly announce which polling stations had been designated for the use of the diaspora. A list of specified voters was given for each polling station abroad. The district election commissions were charged with this same activity for the polling station within the Republic of Croatia.

The polling stations were not allowed to display party symbols, photographs, artistic paintings, or symbols (other than state symbols). However, there was no ban on election paraphernalia at any distance from the polling station entrance. Further, polling stations had to be organized in such a way that no person should see who a voter cast his ballot for by separating the polling space with curtains, barriers, or some other means in order to secure the secrecy of the vote.

Any person who was out of his voting district on election was required to notify the municipal authorities in order to be taken off the voting registry. The voter was required to note which election district they were in, to be able to vote in such districts.

#### ***Ballots***

There were three ballots: a white ballot for the state list; a green ballot for the single mandate districts; and a pink ballot for the Serbian minorities. Ballots for the other four minorities were offered at the special polling stations designated for that purpose. Croatian voters received two

ballots, one listing the candidate in the single member district and one with the fourteen party lists.

There was no stipulation in the electoral law to officially seal the ballot boxes, and the election boards (polling stations) were not instructed to do so.

## IV. Observation Delegation Meetings

The program for the Delegation of the Organization for Security and Cooperation in Europe (OSCE) in which Cathy Salay, IFES representative took part, was prepared in conjunction with the Committee for Foreign Affairs of the Croatian Parliament. It included meetings with representatives of the Croatian Parliament, the Government of the Republic of Croatia, Constitutional Court, the Central Election Commission of the Republic of Croatia, eight political parties or coalitions, national minorities, and members of the media. The Delegation also met with representatives of the United Nations High Commission for Refugees, United Nations Protection Forces, the Organization for Democracy and International Human Rights, and the European Commission.

### Definition of Constituencies and Voter Registration

According to statistics given by the Croatian government, the Republic of Croatia was divided into twenty-eight electoral districts, had 6,684 polling places, and 3,634,233 registered voters on election day. In addition, there was a total of 238 polling places in forty-two countries for diaspora voters. Of these, ninety-six polling places and 312,000 voters were located in Bosnia-Herzegovina.

A total of 1,433 candidates, including candidates listed on fourteen state lists (Appendix B) and seven special lists, plus candidates running in the twenty-eight constituencies and five special minority constituencies, participated in the election of 29 October 1995.

Of the total number of registered voters, approximately 68.8 percent cast their ballot during election day. An additional 27.24 percent of the diaspora voted abroad for the Parliamentary election. The total percentage of those casting invalid ballots was 3.31 for the state list and 1.4 for the diaspora.

### Media

As previously stated, the state controlled media body, Croatian Radio-Television (HRT) was required by the election law, to allot fair and equal air-time to all political parties participating in the Parliamentary elections. During this time, HRT created a list of seventeen questions with which to ask each party representative. HRT established its own rules and guidelines as to what it considered acceptable to broadcast. As such, HRT reserved the right to edit or reject any political advertisement from being broadcast.

Several complaints were heard regarding these matters by political parties and, in addition, complaints were noted regarding significant delays in the broadcasting of opposition party's advertisements and in their censorship. These complaints were heard by the IFES representative in a series of meetings with political party leaders and representatives and members of the Constitutional Court.

Similar complaints were heard in relation to state controlled radio. According to political party representatives, these involved delays in advertisement broadcasting and/or editing by HRT before being aired over the radio. Although opposition political parties approached the Constitutional Court

in regard to these matters, and subsequent rulings were given by the Court in favor of the opposition, HRT failed to comply with the Court's decision (a series of Constitutional Court rulings are available in the IFES/Washington Resource Center).

Finally, it was noted that it was difficult for the independent media of Croatia to report on all activities of the pre-election campaigning period. As such, a meeting was established in order to speak to all radio, television, and print media sources. However, it was attended and represented only by those persons representing state-owned and controlled media.

### **Selection of Party Observers**

Two political party observers were required to monitor and participate in polling station activities. Problems were noted concerning the manner in which the observers were selected. According to the electoral law, one observer is to be represented by the ruling party, while the other is determined through a consensus of the opposition parties. However, the decision was ultimately made through a drawing due to the fact that the Croatian Party of Rights (HSP) refuted all other methods. The outcome resulted in the allocation fifteen of the twenty-eight monitors to the district election commissions. According to political party representatives, a formal protest to this outcome was presented by other political parties, but no action was taken.

Identical to the district level, precinct polling stations also had one out of two observers as members of the HDZ, while the other was selected by a consensus of the opposition or through a drawing. Problems regarding the selection process of these monitors were similar to the district observers.

### **Polling Station Observations**

On 29 October, IFES representative Cathy Salay traveled to the Osijek and Eastern Slavonia region to monitor election day activities. As such, she visited approximately one dozen polling stations. Observations were noted regarding the opening procedures, polling station procedures throughout voting day, closing methods, and counting of the votes.

### ***Secrecy of the Vote***

In most polling stations visited, the secrecy of the vote was not guaranteed. Persons were noted as voting in groups or in families, and partitions were either not available to voters or not properly set up. In some cases, voters cast their ballots together because of a lack of voter education as to proper voting procedures.

An avid attempt was produced in order to "hide" this family-style voting in some cases; while in other polling locations, family-style voting was freely on display and no attempt was made to stop it by polling station workers.

There were several cases of improper voting procedures on ballots which reflected as lack of voter education and this was enhanced by the fact that voting methods were neither announced nor displayed in the majority of locations visited.

### ***Polling Stations***

In many cases, alcohol was present at polling stations. Some polling stations could not accommodate all of the voters. This not only made voting uncomfortable and unnecessarily time-consuming, but did not enable anonymity during the ballot process. High numbers of voters were seen in all polling sites which were visited throughout the day.

Because there were often several polling station tables set up in one building, it was noted that, at times, a voter would retrieve a ballot from one polling station table and return it to another table designated for as a separate polling station location. As a result, final vote counts were incorrect. In some cases, no visible instructions on proper voting procedures were located in polling places. Further, political party symbols were seen in polling stations. Finally, some of the polling stations were not located in public buildings, as should have been the case.

### ***Registration Lists***

In many instances the voter lists were found to be inaccurate or incomplete. This was said to be the result of the Bosnian conflict and the absence of an accurate census, according to poll workers. Election workers would, on numerous occasions, simply write the voter's name on the list without the proper certification documents. This occurred in cases involving the diaspora voters and the displaced voters. In some cases where certification was required, voters would simply refuse to vote.

### ***Political Party Observers***

Most of the political party monitors were members of the ruling party HDZ and, at times, it was noted that more than one HDZ party observer was present in a single polling site. Conversely, opposition party members were, in some instances, absent from polling stations. In one case, a political party observer from the HDZ began distributing ballots.

### ***Polling Station Workers***

In some instances, poll workers were uneducated and ill-trained of their duties. There were no identification badges given to the poll workers. It was normal for polling stations to be crowded and voters did not know who to ask if a question was raised. Because the IFES observer wore an identification/accreditation badge, she was often asked voting procedure questions.

Officials seemed interested in knowing where the election monitors were going and what their specific tasks were. There were instances of government and polling station officials requesting identification and accreditation information from the IFES representative. In several cases, the IFES representative was asked by officials what locations would next be monitored.

### ***Serbian Voting***

Serbian voters in Croatia could either choose to vote on the single member district ballot or the Serbian minority ballot in addition to the state ballot. The ballot provided to the Serbian minority was often separated from the other ballots, and the Serbian voters were required to choose which

ballot to cast in the presence of other voters and poll workers. As a result, many Serbian voters hesitated about whether to cast the minority Serbian ballot which called into question the confidentiality of the vote.

### **Counting of the Votes**

The IFES consultant observed the counting of the votes at a polling site located in Slavonski Brod designated as polling site #30. All poll workers from both the morning and afternoon shifts and both political party observers were present during the counting of the ballots.

In general, officials seemed to be well informed and prepared for the counting of the ballots. They had no questions regarding the process of which they were to follow.

A polling site representative, noted as the head of the polling location, read aloud all instructions and verified the counting of all ballots from the three respective ballot boxes. It should be noted that the ballot boxes at this particular site were sealed prior to the counting, although this was not a specified instruction designated in the electoral law.

During the counting of the unused ballots, it was noted that the number was incorrect. Rather than recounting the ballots in order to secure the proper number, the poll workers signed and certified that the number was correct, denoting a discrepancy in the tally.

In one instance, a political party representative, who was acting in the role of monitor, began counting the unused ballots, in order to expedite the process.

When the counting had been completed, the ballots were placed in an unsealed envelope to be delivered to the election authorities.

## V. Recommendations

IFES is aware that the continuing conflict in the former Yugoslavia has affected the political environment and, as a result, the democratic election process in Croatia. With this in mind, IFES hopes that the peace process currently in effect will operate to transform the environment toward a greater promotion of democracy. In order to improve the problems found in these elections, the following recommendations are suggested:

### **Diaspora Voters**

IFES believes that the methods undertaken for Croatian voters living abroad should be re-evaluated and improved. In relation, the methods of which quotas were enacted for the number of seats for those persons residing abroad should also be re-evaluated by the Croatian legislature.

### **Minority Representation**

A census should be undertaken by the Croatian Government in order for a more proper and equitable allocation of seats to be given to the minorities proportionate to their population in the Republic. This case is especially applicable to the number of Serbians living in Croatia. Further, it would be desirable for a more accurate representation of all political parties at all levels of the voting process, including the membership of voting boards and monitoring/observation activities.

### **Media**

In relation to the procedures of the state owned and controlled Croatian Radio and Television (HRT), a more equitable and impartial procedure should be utilized in order to represent the views of all political parties of the country.

### **Complaint Process**

The rulings of the Constitutional Court seriously need re-evaluation in order for their decisions to be enforced throughout election procedures. Although based on our knowledge, the Court rules in a fair and impartial manner, its decisions were not always followed.

### **Voter Registration**

In addition to a census being undertaken in order for the population to be represented on the voter lists, the voter lists should be purged and updated to ensure their accuracy. This procedure is especially important due to the current conflict in the former Yugoslavia.

### **Secrecy of the Vote**

The secrecy of the vote should be ensured in all polling locations throughout the country. The fact that Serbian voters had to request their own ballot in the presence of others, raises concerns regarding the anonymity of the vote. Proper polling booth requirements should be followed in order for all citizens to vote in anonymity and in an individual manner.

**Campaign Finance**

Campaign finance regulations and procedures should be written into the electoral law in a clear manner reflecting equity towards all political parties. This includes the proper reporting of expenditures regarding amount and source of funding.

**Notification of Polling Location**

Although not included in the Croatian electoral law, it should be necessary for all Croatian voting citizens to be aware of where they are required to vote. This also lies in reference to their proper status on the registration lists. Although this information was published, citizens were expecting notification by mail as had been the procedure for past elections.

**Voter Education and Poll Worker Training**

It is extremely important that all citizens be aware of the rights and responsibilities to vote in the election process. It was found that poll workers lacked significant information on poll worker procedures. Further, voters lacked information on specific voting procedures, which was evidenced in the numerous instances of family-style voting where one person voted for each individual family member. Many voting citizens were also found to be unaware of political party platforms.

## **VI. Conclusion**

To many in the international community, the Croatian Parliamentary elections were widely seen as an attempt by the HDZ to gain strong power over the Croatian government. They were held with very short notice at a time when the ruling party (the HDZ) was at its peak popularity after a series of military victories in the Krajina and Slavonia regions. However, the three-fourths majority necessary in the Parliament in order to amend the Constitution was not achieved by the HDZ.

In terms of broad observations of the process, IFES notes that there were both positive and negative aspects to the election. Participation by a wide range of voters and political parties is seen as a positive step toward fully free and democratic elections in the Republic of Croatia, as is the attempt of the election authorities to closely follow the new election guidelines. Serious technical concerns include guarantees to the secrecy of the vote and considerations of guarantees for minority rights. Though there were both positive and negative aspects noted in the technical area of the Croatian Parliamentary election, the achievement of the Croatian election authorities in organizing the electoral process under acute time constraints has certainly been noted. IFES commends all those citizens who participated in the furthering of the new democratic structure of voting in the Republic of Croatia and hopes to have provided a resource to the international community about the Croatian voting structure.



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## **Appendix A**

### **Election Monitoring Program**

#### **Thursday, October 26**

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Meeting with the Organization of Security and Cooperation in Europe (OSCE) ODIHR Delegation;

Reception hosted by the Speaker of the Parliament of the Republic of Croatia, Dr. Nedjokjko Mihanovic;

Meeting with the OSCE Parliamentary Assembly Delegation

#### **Friday, October 27**

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Meeting with representatives of the Electoral Commission of the Republic of Croatia: Mr. Jakob Mletic, Deputy Chairman; Mr. Branko Hrvatin, responsible for international relations;

Meeting with representatives of the Constitutional Court of the Republic of Croatia: Mr. Jadranko Crnic, President of the Constitutional Court; Mr. Ivica Malcic; Judge on the Constitutional Court; Mr. Ivan Marijan, Judge on the Constitutional Court;

Meeting with the political party representatives of the Croatian Independent Democrats: Mr. Stipe Mesic;

Meeting with the political party representatives of the Social Democratic Action of Croatia: Mr. Dragutin Palasek; Mr. Ivan Siber;

Meeting with Mr. Bozidar Petrac, Head of the Delegation of the Parliament of the Republic of Croatia to the Parliamentary Assembly of the OSCE;

Briefing on the electoral regulations by Mr. Gerald Mitchell, Coordinator for the ODIHR in Croatia;

Briefing on the human rights situation by Mr. Pierre Jambor, Chief of Mission for Croatia for the UNHCR, and Mr. Gonzalo Argas Llosa, External Relations Officer for the UNHCR;

Briefing on the military situation in Croatia by representatives of the Analysis and Assessment Unit of the UN Peace Forces Headquarters;

Meeting with representatives of the coalition of the Croatian Peasant Party, the Istrian Democratic Assembly, the Croatian People's Party, the Croatian Christian Democratic Union, the Croatian Part of Slavonia and Baranja;

Meeting with representatives of the press;

Meeting with representatives of minority communities: Mr. Bosko Petrovic, Independent Serbian Party; Radovan Vukelic, Serbian People's Party; Mr. Vid Bogdan; Roma;

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### **Saturday, October 28**

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Meeting with political party representatives of the Croatian Democratic Union: Mr. Mario Jelusic, Mr. Tomislav Krusic;

Meeting with political party representatives of the Croatian Party of Rights: Mr. Boris Kandare;

Meeting with political party representatives of the Croatian Social-Liberal Party: Mr. Boze Kovacevic; Mr. Hrvoje Kraljevic; Mr. Jozo Rados;

Meeting with political party representatives of the Social-Democratic Party of Croatia: Mr. Maricic; Mr. Marin Saric;

Meeting with the Vice-President of the Government, Minister of Justice, Mr. Davorin Mlakar;

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### **Sunday, October 29**

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Election Day, monitoring of polling stations throughout Osijek and Eastern Slavonia.

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### **Monday, October 30**

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Meeting of the OSCE's ODIHR Delegation;

Meeting of the OSCE Parliamentary Assembly Delegation;

Meeting with the representatives of the Helsinki Commission on Human Rights.

## Appendix B

### Political Parties of the Republic of Croatia

ASH	Social Democratic Action of Croatia
DGS	Domovinska Gradanska Party
HDZ	Croatian Democratic Community
HKDS	Croatian Christian Democratic Party
HKS	Croatian Conservative Party
HKDU	Croatian Christian Democratic Union
HND	Croatian Independent Democrats
HNS	Croatian Popular Party
HSLs	Croatian Social-Liberal Party
HSNZ	Croatian Natural Law Party
HSP	Croatian Party of Rights
HSP-1861	Croatian Party of Rights-1861
HSS	Croatian Peasant Party
IDS	Istrian Democratic Assembly
NSP	Independent Party of Rights
SBHS	Croatian Party of Slavonia and Baranja
SDP	Social Democratic Party of Croatia
SDU	Social Democratic Union of Croatia



**Appendix C****Presidential Elections of 2 August 1992**

<b>Candidate</b>	<b>Number</b>	<b>Votes</b>	<b>Percentage</b>
Drazen Budisa, HSLS	585,535		21.87
Ivan Cesar, HKDU	43,134		1.61
Savaka Dabcevic-Kucar, HNS	161,242		6.02
Silvije Degen, SSH	108,979		4.07
Dobroslav Paraga, HSP	144,695		5.40
Franjo Tudjman, HDZ	1,519,100		56.73
Marko Vesilica, Croatian Democratic Party	45,593		1.70
Anton Vujic, SDP	18,783		0.70
TOTAL NUMBER (of eligible voters)	2,627,061		73.01%



**Appendix D****Elections to the House of Representatives of 2 August 1992**

<b>Party</b>	<b>Seats</b>	<b>Percentage</b>	<b>Distribution of Seats 1995</b>
HDZ	85	61.6	73
HSLs	14	10.1	14
IDS/DA/RDS	8	4.3	3
HNS	6	4.3	6
HSP	5	3.6	5
HSS	3	2.2	3
SNS	3	2.2	3
Serbian Independents	5	3.6	-
Others	4	2.9	8
HND			12



**Appendix E****Elections to the House of Regions of 7 February 1993**

<b>Party</b>	<b>Seats</b>	<b>Percentage of Seats</b>
HDZ	37	54
HSLs	16	24
HSS	5	7
IDS	3	4
SDP	1	2
HNS	1	2
HNS	1	7
Nominated by the President	5	7



## Appendix F

### Official Results for the State Lists of the Parliamentary Election of the Republic of Croatia

Affiliation	Votes	Percentage	Total Seats
HDZ	1,093,399	45.23	42
Coalition - including: HSS IDS HNS SBHS HKDU	441,390	18.26	16
HSLs	279,240	11.55	10
SDP	215,838	8.93	8
HSP	121,095	5.01	4
SDU	78,282	3.24	0
HND	72,612	3.00	0
ASH	40,348	1.67	0
HSP-1861	31,530	1.30	0
HKDS	16,986	.70	0
HSNZ	7,835	0.32	0
HKS	6,858	0.28	0
NSP	6,607	0.27	0
DGS	5,343	0.22	0
<b>TOTAL</b>	<b>2,417,363</b>	<b>100%</b>	<b>80</b>



**Appendix G****Official Results for the Special Lists  
of the Parliamentary Election of the Republic of Croatia**

<b>Affiliation</b>	<b>Votes</b>	<b>Percentage</b>	<b>Total Seats</b>
HDZ	97,012	90.02	12
HSP	3,888	3.61	0
Union of Homeland and Diaspora	3,256	3.02	0
ASH	1,188	1.10	0
HKDS	648	0.60	0
DGS	218	0.20	0
<b>TOTAL</b>	<b>107,772</b>	<b>100%</b>	<b>12</b>



## Appendix H

### Questions Put Forward by Croatian Radio and Television to the Representatives of State Ballots for the Election of the House of Representatives

#### Discussion and presentation of the candidates

#### *Political, economic, social, and cultural life of the Republic of Croatia:*

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1. How, according to your evaluation, has your party contributed to the establishment of the Croatian state in the period since the last election held in 1992?
2. In your opinion, which factor predominated in the liberation of the occupied territories by Operations "Flash" and "Storm", the political or the military factor? How do you value the impact of the liberation of the occupied territories by the two operations on the stabilization of the overall political and economic life of the State?
3. What, in your opinion, should be done to strengthen further the international position of the Republic of Croatia—what are your suggestions?
4. How would you complete the re-integration of the remaining occupied territories of the Republic of Croatia?
5. What measures should be undertaken to bring about the reconstruction of the country and the return of displace persons to their homes?
6. How would your party, if it were in charge of Government, solve economic issues, including ensuring the stability of the kuna, and social issues?
7. What would you do to complete the process of the transformation of ownership and privatization, and what are your views on denationalization?
8. What measures, in your opinion, can be undertaken to attract foreign capital for the development of the Republic of Croatia?
9. What does your party program offer for the promotion of science, the arts, education, and sport?
10. What are your views on Croats residing abroad and their return to Croatia?
11. How can demographic renewal best be implemented?
12. What should be the status of national minorities in the Republic of Croatia?
13. What are your comments on the situation in Bosnia and Herzegovina, the status of the Federation and the future confederation between Croatia and Bosnia and Herzegovina?
14. How do you see the future and what are the prospects for the development of the Croatian state?

*Question for candidates in the constituencies*

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1. What is your party's attitude toward local problems and how do you propose to solve them?

*Question for candidates of national minorities in special constituencies*

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1. How satisfied are you with the status of your national minority in the Republic of Croatia, and what are your suggestions and possibilities?

Final address to the public

## Appendix I

### The Law on Croatian Citizenship (Amended Text)

#### I. GENERAL PROVISIONS

##### Article 1

This Law regulates Croatian citizenship), the prerequisites for its acquisition as well as for its termination.

##### Article 2

The citizen of the Republic of Croatia who is at the same time a foreign citizen, shall be, before the authorities of the Republic of Croatia, deemed to be exclusively a Croatian citizen.

#### II. ACQUIRING CITIZENSHIP

##### Article 3

Croatian citizenship shall be acquired:

1. by origin;
2. by birth on the territory of the Republic of Croatia;
3. by naturalization;
4. according to international treaties.

##### Article 4

A child shall acquire Croatian citizenship by origin if:

1. both of his or her parents were, at the time of his or her birth, Croatian citizens;
2. one of his or her parents was, at the time of his or her birth, a Croatian citizen, and the child was born in the Republic of Croatia;
3. one of his or her parents was, at the time of his or her birth, a Croatian citizen, while the other was a stateless person or a person whose citizenship was unknown, and the child was born abroad.

The child who is a foreign citizen or is a

stateless person, shall acquire Croatian citizenship by origin, if, according to the provisions of a special Law, he or she was adopted with kinship legal effect by Croatian citizens. Such a child shall be deemed to be a Croatian citizen from the moment of his or her Birth.

##### Article 5

A child born abroad whose one parent was, at the time of his or her birth, a Croatian citizen shall acquire Croatian citizenship by origin if he or she is, by the age of eighteen, signed up for registration as Croatian citizen by the authorized body of the Republic of Croatia abroad or in the Republic of Croatia or if he or she establishes residence in the Republic of Croatia.

A child born abroad, whose one parent was, at the time of his or her birth a Croatian citizen, but he or she does not meet one of the prerequisites from Paragraph 1 of this Article, shall acquire Croatian citizenship if he or she would otherwise be left stateless.

A child who shall acquire Croatian citizenship according to Paragraph 1 or 2 of this Article is deemed to be a Croatian citizen from the moment of his or her birth.

##### Article 6 (deleted)

##### Article 7

The child who was born or found on the territory on the Republic of Croatia shall acquire Croatian citizenship if both of his or her parents are unknown or are persons whose citizenship is unknown or are stateless persons. The child shall lose Croatian citizenship if by the time he or she is fourteen it shall be determined that both of his or her parents are foreign citizens.

## Article 8

A foreign citizen who files a petition for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalization if he or she meets the following prerequisites:

1. that he or she has reached the age of eighteen years and that his or her legal capacity has not been taken away.
2. that he or she has had his or her foreign citizenship revoked or that he or she submits proof that he or she will get a revocation if he or she would be admitted to Croatian citizenship.
3. that before the filing of the petition he or she had a registered place of residence for a period of not less than five years constantly on the territory of the Republic of Croatia.
4. that he or she is proficient in the Croatian language and Latin script.
5. that a conclusion can be derived from his or her conduct that he or she is attached to the legal system and customs persisting in the Republic of Croatia and that he or she accepts the Croatian culture.

It shall be deemed that the prerequisites from point 2 paragraph 1 of this Article have been met, if the petition was filed by a stateless person or by a person who, according to the Law of the country whose citizen he or she is, will lose it by naturalization.

If the foreign country does not envisage the revocation or is asking for prerequisites to be met, which can not be met, a statement by the person who has filed the petition stating that if he or she acquires Croatian citizenship, he or she renounces foreign citizenship, is sufficient.

## Article 8a

A guarantee of admission to Croatian citizenship may be issued to a foreigner who has filed a petition for admission to Croatian citizenship, and who, at the time of filing a petition did not receive a revocation of foreign citizenship or who does not have proof that he would get a revocation if he gets admitted to Croatian citizenship, if he meets all other prerequisites from Article 8, Paragraph 1, of this Law.

The guarantee issued shall be valid for a period of two years.

## Article 9

A person who is born on the territory of the Republic of Croatia can acquire Croatian citizenship although he or she does not meet the prerequisites from Article 8, paragraph 1, points 1, 2 and 4 of this Law.

## Article 10

The foreigner who is married to a Croatian citizen and to whom permanent residency on the territory of the Republic of Croatia had been approved, can acquire Croatian Citizenship by naturalization although he or she does not meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

## Article 11

An emigrant, as well as his or her descendants can acquire Croatian Citizenship by naturalization although they do not Meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

The foreign citizen who is married to an emigrant who has acquired Croatian citizenship according to the provisions of paragraph 1 of this Article can acquire Croatian citizenship although he or she does not meet the prerequisites from Article 8 paragraph 1, points 1-4 of this Law.

According to paragraph 1 of this Article, an emigrant is a person who has emigrated from Croatia with the intention to live permanently abroad.

## Article 12

A foreign citizen whose admission to Croatian citizenship would be of interest for the Republic of Croatia, can acquire Croatian citizenship by naturalization although he or she does not meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

Croatian citizenship can be acquired by the spouse of the person from paragraph 1 of this Article who has acquired Croatian citizenship although he or she does not meet the prerequisites from Article 8, paragraph 1, point 1-4 of this Law.

The authorized Ministry shall issue an opinion on the existence of an interest in the admission to Croatian citizenship of a foreigner from paragraph

1 of this Article.

Article 13

A minor shall acquire Croatian citizenship by naturalization:

1. if both parents acquire citizenship by naturalization, or,
2. if only one parent acquires citizenship by naturalization and the child lives in the Republic of Croatia, or
3. if only one parent acquires citizenship by naturalization, the other one is a stateless person or a person of unknown citizenship and the child is living abroad.

According to the provision of Paragraph 1 of this Article, a minor of a person from Article 9. of this Law shall acquire citizenship by naturalization.

Article 114

A minor who is a foreign citizen or a stateless person, which was adopted by a Croatian citizen, with parental legal effect shall acquire Croatian citizenship upon the filing of a petition by his or her adoptive parents, although he or she does not meet the prerequisites from Article 8, Paragraph 1, points 1-4 of this Law.

Article 15

A Croatian citizen who petitioned for and had his or her Croatian citizenship revoked for the reasons of acquiring citizenship in another country, which was set forth as a prerequisite by the foreign country in which place of residence for conducting a profession or a business, can regain Croatian citizenship although he or she does not meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

Article 16

A member 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 to be a Croatian citizen.

The statement from paragraph 1 of this Article shall be given before the competent authority or before

the diplomatic or consular office of the Republic of Croatia abroad.

III. TERMINATION OF CITIZENSHIP

Article 17

Croatian citizenship shall be terminated:

1. by revocation;
2. by renouncement;
3. according to international treaties.

Article 18

A revocation of Croatian citizenship can be given to the person who has filed a petition for a revocation and meets the following prerequisites:

1. that he or she has reached 18 years of age;
2. that there are no impediments related to his or her military service obligations;
3. that he or she has paid due taxes, duties and other public obligations as well as obligations towards the legal and physical persons in the Republic of Croatia, for which a writ of execution was issued;
4. that he or she has duly settled all the property related legal issues stemming from marriage or from the child-parent relationship towards the Croatian citizens and towards the persons who remain in the Republic of Croatia;
5. that he or she is a foreign citizen or that he or she has proved that he or she will acquire foreign citizenship;

A revocation of Croatian citizenship can not be acquired by a person against whom in the Republic of Croatia criminal proceedings are being carried out for an act which is prosecuted *ex offio* or if he or she was sentenced to jail in the Republic of Croatia, until he or she serves the sentence.

Article 19

The decree on the revocation of Croatian citizenship shall be set aside by a special decree, upon the receipt of a petition by a person whose citizenship was revoked if he or she does not acquire foreign citizenship in one year from the date of the publishing of the decree of the revocation in "Narodne novine" and he or she continues to live in the Republic of Croatia.

The decree on revocation shall be set aside by

special decree upon the receipt of a petition from the person whose citizenship was revoked and who moved out of the Republic of Croatia if he or she did not acquire foreign citizenship in three years from the date of moving and if he or she notifies the diplomatic consular office of the Republic of Croatia abroad directly the authority in charge of issuing the decree revocation about this within the following three years.

#### Article 20

Croatian citizenship shall be terminated by revocation for a child by the age of 18:

1. upon the petition from both parents whose citizenship was terminated by revocation, or,
2. if Croatian citizenship was terminated in this way for one parent, while the other parent is a foreign citizen.

Croatian citizenship shall be terminated by revocation upon the petition by the adoptive parents, for a child by the age of eighteen, who was adopted with kinship legal effect by foreign citizens.

#### Article 21

The Croatian citizen who has reached the age of eighteen who resides abroad and who is at the same time a foreign citizen, can renounce his or her Croatian citizenship.

#### Article 22

Croatian citizenship shall be terminated by renouncement for a child by the age of eighteen:

1. upon the petition from both parents whose citizenship was terminated by renouncement, or,
2. if Croatian citizenship was terminated in this way for one parent, while the other parent is a foreign citizen.

Croatian citizenship shall be terminated by renouncement upon the petition by the adoptive parents, for a child by the age of eighteen, who was adopted with kinship legal effect by foreign citizens.

#### Article 23

The person whose Croatian citizenship was terminated according to Article 20 or Article 22 of this Law, while he or she was a minor, shall regain Croatian citizenship if he or she for a period of not less than a

year constantly resides on the territory of the Republic of Croatia. and if he or she issues a written statement stating that he or she considers himself or herself a Croatian citizen.

### IV. PROCEDURAL PROVISIONS

#### Article 24

The petition for the acquisition or termination of citizenship shall be filed with the police headquarters or police station.

The petition for the acquisition or termination of citizenship may be filed through the diplomatic or consular office of the Republic of Croatia abroad.

The petition for acquiring citizenship for a minor shall be filed by a parent, namely the parent shall issue a written statement stating that he or she considers himself or herself a Croatian citizen.

In the case of the acquisition or termination of citizenship, the consent of a child older than 14 years of age is mandatory.

#### Article 24a

Croatian citizenship is acquired by naturalization as of the day on which the decree on admission to Croatian citizenship was served.

Croatian citizenship acquired by a given statement is acquired as of the date of the given statement.

Croatian citizenship is terminated by revocation as of the day on which the decree on revocation of Croatian citizenship was served.

Croatian citizenship is being terminated by renouncement as of the date of the given statement on renouncement.

#### Article 25

The affairs regarding citizenship shall be conducted by the Ministry of the Interior, and the decree on the acquisition or termination of citizenship shall be issued by the Minister of the Interior.

#### Article 26

The Ministry of the Interior shall deny a petition for the acquisition or termination of citizenship if the prerequisites are not met, unless otherwise specified by this Law.

The Ministry of the Interior may deny a petition

for the acquisition or termination of citizenship although all the prerequisites are met if it is of the opinion that there are reasons of interest for the Republic of Croatia because of which the petition for the acquisition or termination of the citizenship should be denied.

#### Article 27

A register shall be kept on Croatian citizenship.

The Register of Citizenship shall be kept by the Municipal Registrar's Office, while the Register of Croatian citizens who reside abroad shall be kept by the respective diplomatic or consular office of the Republic of Croatia abroad as well.

Persons born in the Republic of Croatia shall be registered in the Register of Citizenship kept by the Registrar's Office of the municipality in which the place of birth of that person is.

Persons born abroad shall be registered in the Register of Citizenship kept by the Registrar's Office of the Municipality in which the person filing the petition for the acquisition or termination of Croatian citizenship resides.

Persons who acquire Croatian citizenship on the basis of the provisions of this Law, and who do not reside in the Republic of Croatia, shall be registered in the Central Register. The Central Register shall be kept by the body authorized for carrying out general administration in the City of Zagreb.

#### Article 28

The Certificate of Citizenship is a public document which serves to prove Croatian citizenship, and is issued by the Municipal Registrar's Office or the authorized diplomatic or consular office of the Republic of Croatia abroad.

The Ministry of the Interior is in charge of the procedure for the determination of citizenship.

#### Article 29

Croatian citizenship is evidenced by a valid identity card, military identity card or passport.

A Croatian citizen who does not have any of the documents listed in Paragraph I of this Article shall prove Croatian citizenship with the Certificate of Citizenship which shall be issued by the Municipal Registrar's Office, based on the records.

## V. TRANSITIONAL AND CONCLUDING PROVISIONS

### Article 30

A Croatian citizen is deemed to be a person who has acquired this status according to the Laws valid until the taking effect of this law.

A member of the Croatian people who, by the date on which this Law takes effect, is not a Croatian citizen, and on the said date has registered place of residence in the Republic of Croatia, shall be deemed to be a Croatian citizen if he or she issues a written statement that he or she considers himself or herself a Croatian citizen.

The written statement from Paragraph 2 of this Article shall be submitted to the police headquarters or police station of the municipality on whose territory the person resides.

Determination of the prerequisites from Paragraph 2 of this Article shall be carried out by the police headquarters or police station. If they shall determine that all the prerequisites are met, they shall order an entry into the Register of Citizenship without issuing a written decree. If they shall determine that all the prerequisites are not met, they shall deny the petition by a decree.

### Article 31

The Minister of the Interior shall prescribe forms for keeping the Register of Citizenship, the content of Certificates of Citizenship and the manner of keeping the Register.

The Minister of the Interior shall determine the price of the form for the Certificate of Citizenship which shall be paid by the petitioner.

### Article 32

The impediments for the revocation of citizenship regarding military service (Article 18, Paragraph 1, point 2) shall be prescribed by the Minister of Defence after acquiring consent from the Minister of the Interior.

### Article 33

The regulations according to the provisions of Article 31 and 32 of this Law shall be passed within 60 days of the date on which the Law takes effect.

**Article 34**

Information contained in the Registers of Citizenship according to Article 4, Paragraph 2 and Article 20, Paragraph 2 of this Law are an official secret.

**Article 35**

The procedures initiated according to the Law on Citizenship of the Socialist Republic of Croatia ("Narodne novine", No. 32/77) shall be completed according to the provisions of this Law.

**Article 36**

The supervision upon the implementation of this Law and the regulations passed on the basis of this Law

shall be carried out by the Ministry of the Interior.

**Article 37**

The Law on Citizenship of the Socialist Republic of Croatia ("Narodne novine", No. 32/77) shall be annulled on the day on which this Law takes effect.

Until the regulations from Article 31 of this Law are passed the Regulations on keeping the Register, the form for keeping the Register and the form for the Certificate of Citizenship ("Narodne novine" No. 7/78, 42/81) shall apply.

**Article 38**

This Law enters into force on the day of its publication in "Narodne Novine".

Number 224-01/91-01/03  
Zagreb, June 26. 1991.

PARLIAMENT OF THE REPUBLIC OF CROATIA (SABOR)

## Appendix J

### The Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Minorities in the Republic of Croatia

The Parliament of the Republic of Croatia, according to the Articles 3, 14 and 15 of the Constitution of the Republic of Croatia, and wishing to:

- protect and guarantee the realization of human and national minorities' rights at the highest level achieved in the democratic environment of modern international community;
- enable less numerous ethnic and national communities or minorities of the same language, religion and race, a free development of their distinctive characteristics within the majority citizen community or majority communities without abuses by either the majority or the minority;
- in accordance with the aspiration that the Republic of Croatia be a modern, open and democratic member of the family of European and world states, in which its citizens, in exercising their civil, political and other rights, will not be divided on the basis of nationality, language, religion, genetic heritage or characteristics having natural causes.
- bearing in mind the efforts of the international community, particularly those made by the European Community and the Hague Peace Conference on Yugoslavia, towards the solution of open issues brought about by disintegration of Yugoslavia and the emergence of new states on its territory, has decided to adopt.

#### THE CONSTITUTIONAL LAW OF HUMAN RIGHTS AND FREEDOMS AND THE RIGHTS OF NATIONAL AND ETHNIC COMMUNITIES OR MINORITIES IN THE REPUBLIC OF CROATIA

##### I. BASIC PROVISIONS

###### Article 1

The Republic of Croatia in accordance with:

- the Constitution of the Republic of Croatia,
- the principles of the United Nations Charter,
- the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights,
- the Final Act of the Conference on Security and Cooperation in Europe (CSCE Helsinki), the Paris Charter on New Europe and other CSCE documents referring to human rights, especially the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the

CSCE and the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE,

- the European Council Convention on Protection of Human Rights and Basic Freedoms and its protocols,
- the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Convention on The Rights of the Child,
- pledges to respect and protect national and other fundamental human rights and freedoms, the rule of law, and other supreme values of its constitutional and international legal system for all its citizens.

## II. HUMAN RIGHTS AND FREEDOMS

### Article 2

The Republic of Croatia fully recognizes and protects human rights and freedoms, and especially:

- a) the right to life (Article 21 of the Constitution of the Republic of Croatia)
- b) the right not to be exposed to torture or inhuman or humiliating acts (Article 23, Paragraph 1 of the Constitution)
- c) the right not to be exposed to slavery or forced labour (the Constitution, Article 23, Paragraph 2 of the Constitution);
- d) the right to freedom and personal integrity (Article 22 of the Constitution)
- e) the right to fair public hearing by unbiased court within the legal scope of punishable acts and punishments (Articles 29 and 31 of the Constitution)
- f) the right to private and family life, home and correspondence (Articles 35 and 37 of the Constitution);
- g) the right to freedom of thought, conscience and religion (Articles 38 and 40 of the Constitution);
- h) the right to freedom of expression (Article 38 of the Constitution);
- i) the right to peaceful assembly and freedom of association (Articles 42 and 43 of the Constitution);
- j) the right to work and freedom of work (Article 54, Paragraph 1 of the Constitution);
- k) the right to marriage and family (Article 62 of the Constitution);
- l) the right to effective legal remedy prescribed by law and generally available to all individuals whose human rights have been violated (Article 18)
- m) all other rights provided by the international instruments from Article 1 of this Law, depending only on the exceptions and restrictions enumerated in those instruments, without any discrimination based on sex, race, colour, language, religion, political and other beliefs, national and social background, cultivating links with a national minority, property, status, achieved by birth or otherwise (Articles 14 and 17, Paragraph 3 of the Constitution).

### Article 3

The Republic of Croatia protects the equality of national and ethnic groups or minorities and thus encourages their universal development.

### Article 4

The Republic of Croatia shall assist the development of the relations between national and ethnic communities or minorities with the nationality of their parent country in order to promote their national, cultural and language development.

Ethnic and national communities or minorities have the right to self-organization and association in order to realize their national or other rights in compliance with the Constitution of the Republic of Croatia and this Law.

## III. CULTURAL AUTONOMY AND OTHER RIGHTS OF ETHNIC OR NATIONAL GROUPS OR MINORITIES

### Article 5

Ethnic or national communities or minorities within the Republic of Croatia have a right of cultural autonomy (Article 15 of the Constitution).

### Article 6

The Republic of Croatia guarantees the members of all national or ethnic communities or minorities:

- a) full observance of the principles of non-discrimination as prescribed in the inter-national instruments in Article 1 of this Law;
- b) the right to be protected from any activity which could threaten their survival;
- c) the right to identity, culture, religion, public and private use of a language and alphabet and education;
- d) the protection of equality in participating in public affairs, e.g. the right to political and economic freedoms in social sphere, access to media, and in education and cultural matters in general;
- e) the right to decide to which ethnic and national community or minority a citizen wishes to belong, and to exercise all the rights related to this choice, either individually or in association with other persons. This right particularly refers to cases of marriage between members of different national or ethnic communities or minorities but not at the expense of the parties involved.

The principles mentioned in Paragraph 1 of this Article shall apply to Croats living in the regions where they are not the majority group in relation to one or more national or ethnic communities or minorities.

#### Article 7

Members of all ethnic or national communities or minorities in the Republic of Croatia are entitled to the free use of their language and alphabet, both publicly and privately.

In those municipalities where members of a national or ethnic community or a minority represent the majority of the total population, the alphabet and language of that national or ethnic community or minority will be officially used together with the Croatian language and the Latin alphabet.

#### Article 8

Local self-governing units may decide to use two or more languages and alphabets officially, taking into account the number of the members and interests of national or ethnic communities or minorities.

#### Article 9

Possession and use of national or ethnic emblems and symbols of national or ethnic communities or minorities shall be free.

Parallel to the official use of emblems and symbols of ethnic and national communities or minorities, using appropriate emblems and symbols of the Republic of Croatia is mandatory.

Prior to the playing of the anthem or a solemn song of a particular national and ethnic community or minority, the national anthem of the Republic of Croatia will inevitably be played.

The statute of the local self-governing units may regulate the way in which the national flag and symbols of national and ethnic communities or minorities are to be used.

#### Article 10

Members of national and ethnic communities or minorities are free to organize informative and publishing activities in their native language and alphabet.

The Republic of Croatia and local self-governing

bodies provide financial aid for the realisation of the rights listed in Paragraph 1 of this Article, depending on its financial resources.

#### Article 11

Members of national and ethnic communities or minorities are free to found cultural and other societies aimed at preserving their national and cultural identity. These societies are autonomous and the Republic of Croatia and local self-governing bodies provide financial support in accordance with their financial resources.

#### Article 12

The Republic of Croatia protects historic monuments and the entire cultural heritage of national and ethnic communities or minorities.

#### Article 13

The districts, where the members of ethnic and national communities or minorities represent the majority of the population, have a special status and will adopt their statutes in compliance with this Law.

### Education

#### Article 14

Members of ethnic and national communities or minorities living in the Republic of Croatia are educated in kindergartens and schools in their own language and alphabet, with programs adequately presenting their history, culture and science if such a wish is expressed.

Education in the part of school program from Paragraph 1 of this Article not related to the students' national affiliation is provided in the range and content regulated by authorized agencies of the Republic of Croatia.

The part of the program related to the national affiliation of students should be designated by the agencies from Paragraph 2 of this Article following the suggestions from the Office of the Government of the Republic of Croatia for Inter-ethnic Relations.

#### Article 15

In towns and other populated areas outside the

special statute districts (Article 21 of this Constitutional Law) where national and ethnic communities or minorities represent a relative majority of the population, and if the number of students allows for it, separate educational institutions or school departments will be established with classes held in the language and alphabet of the particular national or ethnic community or minority, if such a wish is expressed.

In cases when that such schools or school departments cannot be established according to the criteria stated in Paragraph 1 of this Article, due to a small number of students, the instruction of the subjects, which are related to the national affiliation of the students (language, literature, history, etc.) will be carried out within a separate school department by teachers of the same national affiliation if such a wish is expressed by the students' parents.

In towns and populated areas outside the territories of special statute municipalities, from which, during and after World War II, the native population of other ethnic and national communities or minorities was banished into parent countries or the policy of forced migration into parent countries was pursued, teaching a foreign language can be introduced as an optional subject, beginning with the fourth grade of elementary education until the end of secondary education, that foreign language being the language of that ethnic and national community or minority, regardless of the percentage of the total population that those ethnic and national communities or minorities represent in that region.

In towns and populated areas outside the territories of special statute districts in order to protect collective rights of autochthonous ethnic and national communities or minorities, steps for special protection for taking part in public affairs shall be taken, as well as in education, culture, spiritual and religious life and in access to public media regardless of their share in total population.

Measures from paragraph 4 of this Article shall be undertaken until the reestablishment of the system of the proper institutions aimed to foster and promote national particularities and culture and educational institutions of the minority communities in the former scope.

#### Article 16

Besides municipal funds, the Republic of Croatia provides adequate funding for the realization of the

programs enumerated in Article 14 of this Law.

#### Article 17

Members of national and ethnic communities or minorities may found private kindergartens, schools and other educational institutions.

### IV. PROPORTIONAL PARTICIPATION IN REPRESENTATIONAL AND OTHER BODIES

#### Article 18

Members of national and ethnic communities or minorities who make more than 8% of the population of the Republic of Croatia are entitled to being proportionally represented in the Croatian Parliament and its Government as well as in the supreme judicial bodies.

Members of national and ethnic communities, or minorities whose share in the population of the Republic of Croatia is below 8% are entitled to electing a total of five representatives to the House of Representatives of the Croatian Parliament.

Representatives from Paragraph 2 of this Article represent all national and ethnic communities or minorities they have been elected by and are obliged to protect their interests.

The procedure of electing and recalling the representatives from Paragraphs 1 and 2 of this Article will be regulated by electoral laws and other provisions regulating elections in the Republic of Croatia.

Representation of a national and ethnic community or minority from Paragraph 1 of this Article in other government bodies of the Republic of Croatia is stipulated by law on organisation of the state authorities.

#### Article 19

Members of national and ethnic communities or minorities are entitled to be represented in the bodies of local self-government in proportion to their share in the total population of a particular local self-governing unit.

The right stated in Paragraph 1 of this Article is guaranteed by the Law which regulates local self-government and by the Unit Statute of the Local self-government.

## Article 20

In order to apply the provisions of this Law of the rights of ethnic and national communities or minorities on culture, education, access to media and to realize their proportional representation in public agencies and other institutions in these areas, the Government of the Republic of Croatia has its Inter-ethnic Relations Office.

For the territory of one or more municipalities where the number of the members of national or ethnic communities or minorities and their interests require so, the Government of the Republic of Croatia will establish local Inter-ethnic Relations Offices.

#### V. DISTRICTS (REGIONS) WITH SPECIAL SELF-GOVERNING (AUTONOMOUS) STATUS

## Article 21

The districts (regions) with a special self-governing (autonomous) status (further in the text: "special statute districts") in which members of an ethnic and national community or minority, according to the 1981 census, make over than 50% of the population, have, within the system of local self-government of the Republic of Croatia special statute.

Organisation of the special statute district must not be contrary to the constitutional order of the Republic of Croatia as an integral and indivisible state.

To the Special statute districts and municipalities within them shall apply the Law on local self-government unless provisioned otherwise.

## Article 22

The territories of the districts from Article 21, Paragraph 1, embrace the following municipalities: Dvor, Glina, Hrvatska Kostajnica, Vojnić, Vrginmost, Benkovac, Donji Lapac, Gračac, Knin, Obrovac and Titova Korenica.

The boundaries of the municipalities from Paragraph 1 of this Article are determined by the Law on the territories of the municipalities in the Republic of Croatia ("The Official Gazette" no. 39/62, 5/63, 13/65, 54/65, 27/67, 6/68, 21/68, 30/70, 11/73, 6/74, 42/74, 1/75, 9/78, 31/80, 40/81, 5/86 and 27/88), by the precepts of the cited Law, which

were in effect on May 30, 1990.

The following municipalities from the above paragraph: Knin, Obrovac, Benkovac, Gračac, Titova Korenica, and Donji Lapac constitute the autonomous district of Knin, and the municipalities of Glina, Vrginmost, Hrvatska Kostajnica, Dvorna Uni, and Vojnić constitute the autonomous district of Glina.

## Article 23

Electing or appointing members of the District and Municipal Assembly of the special statute districts and municipalities and its Executive Council is based on the principle of proportional representation of citizens with regards to their national and ethnic or minority affiliation.

The principle from Paragraph 1 of this Article applies to the public services bodies, as well as public authority agencies and their employees.

## Article 24

Regulations and decisions passed by the special statute district and municipal assemblies and their executive and other bodies must protect the national rights, status and interests of Croats as well as members of other national and ethnic communities or minorities living on its territory.

## Article 25

In the special statute districts and municipalities, the Croats and other inhabitants have the same rights and responsibilities as members of majority ethnic and national communities or minorities who make a majority on the territory of a special statute district and municipality, as well as all the special rights and responsibilities stipulated through this Law for members of ethnic and national communities or minorities.

#### The competence and structure of a special statute district Original competence

## Article 26

A special statute district is independent in deciding and administering affairs within the original competence stipulated by this Law.

The original competence of a special statute

district includes:

1. coordinating optimal use and planning of land and urban development on its territory;
2. promoting the development of economic activities in compliance with the overall economic policy of the Republic;
3. catering for common interests of the population on the territory of a special statute district regarding the construction and maintenance of communication network and other utility services and activities important for the district;
4. environmental protection on its territory;
5. providing the conditions for satisfying common interests of its citizens in the sphere of culture; and particularly the preservation and protection of cultural heritage of interest to national and ethnic communities or minorities, promoting cultural and scientific activities, founding and maintaining museums, scientific and other libraries, theatres, bands and orchestras which foster this ethnic and national community's or minority's traditions;
6. fulfilling conditions necessary for satisfying the needs of the population in health and rehabilitation protection and social welfare requiring solidarity in participation in compliance with the particular regulations;
7. providing the conditions for the realization of common interests of the population of a district in secondary education, science and the use of modern technology;
8. providing public peace and order and traffic safety on its territory;
9. special care for effecting human, civil and ethnic rights of all inhabitants as well as the special protection for the inhabitants ethnically and nationally different from the majority national and ethnic communities and minorities;
10. establishing services and institutions of a special statute district for performing the activities hereof listed.

#### Article 27

Municipalities constituting a district are

autonomous in deciding and administering affairs from the original competence of the district, delegated to them by the district assembly.

#### Article 28

Bodies of special statute districts directly enforce laws and regulations of the central government authorities (transferred competence), unless for these activities a local government agency of the Republic of Croatia has been established.

In performing activities from the transferred domain, district agencies obey instructions of the Government and other central bodies of the state administration of the Republic of Croatia.

President of the District Assembly and the head of the Executive Council of the District Assembly are responsible for legality and proper performance of the activities mentioned in Paragraph 1 of this Article.

#### District bodies and services

#### Article 29

The bodies of a special statute district are:

- district assembly
- district assembly executive council
- President of the district assembly and
- district court.

#### Competence of the district assembly

#### Article 30

Special statute district assembly specially:

- considers and decides all important questions of political, economic, cultural and social life and development of the district;
- adopts developmental, urban-planning and other special plans when authorized by the law; district budget and balance, founds district funds, makes or confirms district funds, financial plans and balances;
- establishes public enterprises and institutions of interest to the district;
- establishes health, cultural, scientific and school institutions of district significance;
- elects, appoints and releases, in accordance with the Law and the statute, the president

of the district assembly and his deputy, heads of the working bodies, directors and managers of public companies and other officials as required by law;

- establishes district services and organizations performing services of interest to the district.

### Regulations, general enactments and decisions

#### Article 31

District assembly autonomously adopts the following regulations and general enactments:

- District Statute;
- district budget and balance;
- the decision on founding district funds and district funds balances,
- the decision on founding public enterprises, and district institutions for education, health, science, social welfare and sport,
- developmental and urban-planning plans.

District assembly is authorized to pass bylaws, in accordance with the law in the following domains:

1. organization of district offices and their employees,
2. protection and preservation of historic and national heritage,
3. local customs and habits and cultural institutions,
4. environmental protection
5. crafts and cottage industries, 6. fairs and markets,
7. preventive activities and first aid in general accidents,
8. mines, stone-pits, mineral and thermal waters,
9. hunting and fishing,
10. flora and fauna protected parks, except national parks,
11. servicing local roads, waterworks and public works of district interest,
12. communication and transport of district interest,
13. tourism and hotel industry,
14. agriculture, woods, anti-hail stations, land-improvement,
15. aid and charity,

16. kindergartens,

17. school building construction.

District assembly passes other regulations and general enactments and decisions as authorized by law.

#### Article 32

Composition of the district assembly, its executive council, the election procedure, the competence and the way of functioning, is established by the district statute in accordance with this Law and the Law Regulating Local Self-government and Electoral Law.

#### Article 33

Elected members of district assemblies in special statute districts give an oath of allegiance after the verification, of their mandate, the text of which shall be established by the Parliament of the Republic of Croatia.

#### Article 34

President of the district assembly is elected and recalled by the district assembly, upon a confirmation by the Government of the Republic of Croatia.

President of the district assembly represents the special statute district and is the representative of the authorities of the Republic of Croatia in the special statute district.

#### Article 35

Regulations and decisions passed by the special statute district assembly must fully respect sovereignty, independence and international subjectivity of the Republic of Croatia.

Constitutional court of the Republic of Croatia reviews the regulations passed by the special statute district assembly and executive regulations of its executive council and other bodies which according to the provisions of this Law, may be founded in the area, upon their accordance with the Constitution and the laws of the Republic of Croatia.

## Article 36

Executive bodies of the special statute district assembly and bodies with public authorities, enforce the regulations of the Republic of Croatia, of Županijas and the special statute district assembly.

In case of doubt which regulation is to be applied, The Constitutional Court of the Republic of Croatia shall rule.

Judicial review of legality of administrative decisions and acts of the bodies with public authorities from Paragraph 1 of this Article is carried out by the Administrative court of the Republic of Croatia.

**District agencies**

## Article 37

District assembly, in accordance with law and the district statute establishes district agencies and organizations for performing administrative and expert jobs from the original competence of special statute district.

General labour law is applied to employment rights and the position of the employees in district agencies and organizations.

The way of administering and procedure and the way of establishing responsibility of heads of services or organizations responsible to the president of district assembly and head of its executive council is to be regulated by the enactment on establishing district services and organizations from Paragraph 1 of this Article.

**District and municipal court**

## Article 38

In special statute districts municipal and district courts are established. Municipal courts are established for the territory of one or more municipalities, and district courts for the territory of a district.

Municipal courts also make decisions in cases from the original competence of the district.

District courts also decide cases on appeal from the original competence of the district.

Courts from Paragraphs 2 and 3 have special divisions to decide cases from the original competence.

## Article 39

Judges of the Special Division from the preceding Article are appointed and released on the proposal of the municipal, or the district assembly, by the Republic Judicial Council.

If the Republic Judicial Council does not accept the proposal of the District and Municipal Assembly from Paragraph 1 of this Article for the election and the removal from office of a judge, it shall give argumentation for its decision.

The judges of the District and Municipal Court, before taking the office, shall give the solemn oath like all judges in other courts of the Republic of Croatia.

## Article 40

The national composition of the judges and municipal and district courts employees shall correspond to the national composition of the population on the territory of a special statute municipality or a district.

## Article 41

The municipal court's decisions from Article 38 shall be brought in the name of the Republic of Croatia.

Against the valid second instance decision of the Special Division of the district court, an extraordinary redress to the Supreme Court of the Republic of Croatia may be filed, and if one of the human rights and freedoms established by the Constitution or this statute is violated, one may submit a constitutional complaint to the constitutional Court of the Republic of Croatia.

## Article 42

The Supreme Court of the Republic of Croatia shall decide on the conflict of jurisdiction with the Special Department of the municipal or district courts.

**Police administration**

## Article 43

In special statute districts a police administration shall be established.

Police administration shall perform all the duties regarding the protection of public order and peace on the territory of special statute districts; the duties regarding the security of traffic, keeping of the public records, as well as issuing certificates and transcripts from these records, and other internal affairs assigned to it by a law.

Administration of other tasks, except the tasks of protection of the constitutional order, control and protection of the state borders, can be assigned by law to the police administration from, Paragraph 2 of this Article.

#### Article 44

The national composition of the police administration employees must correspond to the national composition of the population on the territory of a special statute district.

In towns and other populated areas the national composition of the police officers must correspond to the national composition of the population.

#### Article 45

The head of police administration shall be appointed and released by the Government of the Republic of Croatia, upon the proposal of the special statute district assembly.

Other head officials and authorized officers of a police administration are appointed and released by the Minister of Interior Affairs following suggestions from the special statute district assembly.

The state administration central bodies from Paragraph 1 and 2 of this Article will appoint or designate the named persons if they fulfil requirements prescribed by the law and other regulations for the election, appointment and designation.

#### **Government Commissioner of the Republic of Croatia**

#### Article 46

The Government of the Republic of Croatia shall appoint its commissioner for a special statute district.

Government's commissioner represents the Government of the Republic of Croatia before the special statute district's authorities, informs the Government about the application of the decisions of

the Government of the Republic of Croatia as well as of the provisions of this Law and other regulations which regulate the rights of national and ethnic communities or minorities.

#### Article 47

On a proposal of the Government of the Republic of Croatia, the President of the Republic of Croatia can dissolve a special statute district assembly and its executive council if they by their decisions or other acts, violate:

- the Constitution and the laws of the Republic of Croatia, specially if by this the realization of the constitutional and statutory rights of citizens is being disrupted, or they are being placed in a position of inequality.
- sovereignty and territorial integrity of the Republic of Croatia.

In the cases from Paragraph 1 of this Article the district assembly can initiate within 48 hours, the procedure of a review of the constitutionality and legality of the decision of the President of the Republic, at the Constitutional Court of the Republic of Croatia.

Until the decision of the Constitutional Court of the Republic of Croatia, the district assembly and its executive council can bring only those decisions which cannot stand delay or if harmful consequences of wider scale could arise because the decision has not been brought.

#### Article 48

If, on the basis of the provision of the former Article, the district assembly and its executive council was dissolved, the new elections for the district assembly shall be performed within three months from the decision of the Constitutional Court of the Republic of Croatia, and respectively a new executive council shall be appointed within thirty days.

#### Education

#### Article 49

Members of ethnic and national communities or minorities living in special statute districts are educated in kindergartens and schools which in their

own language and alphabet based on separate programmes adequately present their history, culture and science if such a wish is expressed.

Education of Croats in the special statute districts is carried out in separate kindergartens and schools or educational departments of these schools and kindergartens in the Croatian language and Latin alphabet.

Educational institutions from Paragraph 1 and 2 of this Article are financed in the scope and by the criteria valid throughout the Republic of Croatia.

#### Article 50

On the territory of special statute districts, education in the part of school program not related to the students' national affiliation is provided in the range and content regulated by authorized agencies of the Republic of Croatia.

The program related to the students' national affiliation is designated in accordance with the provision from Article 14, Paragraph 3 of this Law.

#### Other provisions

#### Article 51

Toponyms, in the settlements in special statute districts shall be written primarily in the Croatian language and the Latin alphabet, and secondary in the language and alphabet of ethnic and national communities or minorities.

### VI. PROPERTY AND FINANCING OF THE SPECIAL STATUTE MUNICIPALITIES AND DISTRICTS

#### Article 52

All the movables and the immovables, except for those which are, according to the provisions of special laws, property of the Republic of Croatia, and which belong to the special statute municipalities and districts, as well as the rights which belong to them are the property of the special statute municipalities and districts.

The property from Paragraph 1 of this Article, the rights and the obligation as well as the shares of other entitled persons shall be registered in public records.

#### Article 53

The revenues of special statute municipalities and districts are:

1. the revenue from the movables and immovables which are their property
2. the revenue from the companies, agencies, institutions and other organizations which are their property
3. special municipal taxes and rates, in accordance with the special statute
4. the revenue from the sale of immovables and movables which are their property
5. gifts, inheritances, legacies
6. grants and subsidies of the Republic of Croatia anticipated in the state budget or in special law, and,
7. other revenues established by law.

#### Article 54

The revenue and the expenses of a special status municipality and district shall be determined in the annual budget.

The regulations on the financing of public enterprises shall be applied to making, bringing, executing, changing, temporary financing, permanent reserve and special accounts of the special status municipalities and districts, the annual account of the annual budget as well to taking and giving loans.

#### Article 55

The special statute municipality and district assembly shall overview the overall material financial operation.

In order to implement the overview over the operation from Paragraph 1 of this Article, the municipality and district assembly can, in accordance with the statute, elect a controlling committee. Control shall be performed at least four times a year and once without previous notice.

The results of the supervision will be reported to the municipal and district assembly and the Commissioner of the Republic of Croatia.

#### Article 56

The distribution of property, assets and liabilities between special statute municipalities and special statute districts shall be determined by the contract

between the district and the municipalities within its composition.

#### Article 57

Central administration's agency responsible for financial affairs supervises the legality of the material and financial operation of a special statute district or a municipality within the district.

The agency from Paragraph 1 of this Article shall cease the application, annul or invalidate, illegal acts of material or financial operation of the municipality and initiate the proceeding against the responsible person.

### VII. INTERNATIONAL SUPERVISION AND COOPERATION

#### Article 58

The Republic of Croatia shall conclude an international agreement for the supervision of the implementation of the provisions of this Law on the special statute districts.

An international body, established on the basis of the agreement from Paragraph 1 of this Article shall supervise the implementation of the provisions about the special statute districts.

The body from Paragraph 2 of this Article will report to and instruct all interested parties.

The Republic of Croatia shall implement recommendations given by the body from the previous Paragraph.

In case of dispute about the implementation of the recommendation, a decision from the Court for Human Rights shall be asked.

#### Article 59

The Republic of Croatia shall cooperate and seek counsel, directly or through the mixed committees, with governments and other institutions of interested states for full realization of human rights and the rights of the national and ethnic communities or minorities.

### VIII. JUDICIAL PROTECTION

#### Article 60

Every citizen of the Republic of Croatia can appeal to the Court for Human Rights, after having

used all available internal legal remedies in cases in the field of human rights and freedoms and rights and status of national and ethnic communities or minorities which are guaranteed by the Constitution of the Republic of Croatia, international agreements which bound the Republic of Croatia, this Law and other laws which are in force in the Republic of Croatia.

Until the establishment of the Court of Human Rights by the convention between all the states created on the territory of former SFR Yugoslavia, the Provisional Court of Human Rights is hereby established.

The Provisional Court from the preceding Paragraph shall consist of its President and four members of high moral character, who must possess the qualifications required for the appointment to high judicial office or be jurisconsult of recognized competence. The President and two members shall be nominated by the Presidency of the European Community from among the ranks of citizens of its Member States, and the two members shall be nominated by the Parliament of the Republic of Croatia from among its own nationals.

#### Article 61

Special statute municipalities and districts may submit the constitutional complaint to the Constitutional Court of the Republic of Croatia if they hold that the authorities of the Republic of Croatia have, through their acts or activities, violated the freedoms and human rights and the rights of ethnic and national communities or minorities guaranteed by this Law.

### IX. CRIMINAL ACTS

#### Article 62

Under the criminal code of the Republic of Croatia every action, stimulation, organization or helping with the action which could endanger the existence of certain national and ethnic community or minority, provoke national hatred, be conducive to discrimination or putting into an unequal position is forbidden and punishable.

## X. FINAL PROVISIONS

### Article 63

Where any general legislation and powers are provided by this Constitutional Law or are applied in fields governed by this Law they shall not be applied in a manner which will encroach upon the essential content of the human rights and freedoms and the rights of national and ethnic communities or minorities which are protected by this Constitutional Law.

### Article 64

In compliance with Article 134 of the Constitution

of the Republic of Croatia and this Law, none of the rights which the Republic of Croatia has directly, or as a legal successor of former Yugoslavia, taken over or is to take over through international agreements (the Osim Agreements and others), will not be altered, annulled nor their realization obstructed.

### Article 65

Subject to reserve of the principles codified by Articles 34 through 38 of the Vienna Convention on the Law of Contract of 1949, the provisions of this Constitutional Law shall be implemented and interpreted in compliance with the agreements made with the United Nations Organization.

class: 016-02/91-01/02  
Zagreb, December 4, 1991

## PARLIAMENT OF THE REPUBLIC OF CROATIA (SABOR)

President of the Sabor  
Žarko Domljan, D.Sc.

President of the Chamber  
of Associated Labour  
Ivan Matija

President  
of the Chamber of Communes  
Luka Bebić

President  
of the Socio-Political Chamber  
Vice Vukojević

Amended text published in *Narodne novine* No. 34/92 comprises The Constitutional Law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia published in *Narodne novine* No. 65/91 and amendments published in *Narodne novine* No. 27/92.

## **Appendix K**

**Report from the OSCE Parliamentary Assembly Delegation on the  
“Elections to the House of Representatives in the Republic of Croatia,  
29 October 1995”**



PRELIMINARY DRAFT

REPORT FROM OSCE  
PARLIAMENTARY ASSEMBLY DELEGATION  
ON THE

**ELECTIONS  
TO  
THE HOUSE OF REPRESENTATIVES  
IN THE  
REPUBLIC OF CROATIA**

**29 OCTOBER 1995**

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE  
Parliamentary Assembly  
Rådhusstraede 1, DK-1466 Copenhagen K., Denmark  
Tel +45 3332-9400 ■ Fax +45 3332-5505 ■ E-mail: oscepa@inet.uni-c.dk

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## 1. EXECUTIVE SUMMARY

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These were the third multi-party parliamentary elections held in Croatia and only the second since independence was declared in 1991. This lack of democratic tradition still effected the conduct of the pre-election and campaign periods.

The war in the former Yugoslavia, including Croatia, effected the political environment. It also seemed to effect the manner in which the new electoral law was passed and the subsequent calling of elections to the House of Representatives.

Croatian legislation (election law available in English from the Secretariat along with other legislation) provides sufficient conditions for free and fair elections. However, some aspects of the law and its application did not meet desired standards.

Election day procedures were generally carried out in an orderly manner and in accordance with the law. However, the following is a list of findings that describe aspects of Croatian law and certain electoral practices that do not meet the desired standards.

- Under the new election law, people of Croatian origin living permanently abroad have been given the right to apply for citizenship, vote and be elected to parliament. The vast majority (75%) of these persons are citizens of, and permanently live in, Bosnia-Herzegovina. Furthermore, the law reserves 12 seats in parliament for those living permanently abroad, or almost 10 percent. The Delegation questions the wisdom of not only giving all these persons the right to vote, but the unprecedented guarantee of the right to elect 12 members to the House of Representatives.
- The use of a quota system for minority representation, especially Serbian without the benefit of an accurate census may result in under-representation and alienation.
- The electoral law allows only two observers to monitor polling places: one observer from the party in Government and one from all parties outside Government.<sup>7</sup> Furthermore, the system used for selecting opposition party monitors for the district election commissions was flawed, resulting in over-representation of political parties favorable to the ruling party (HDZ).
- Secrecy of voting was not consistently upheld. The majority of polling stations were not equipped with proper booths or other arrangements that would have ensured privacy and secrecy for voting. Voters belonging to the Serbian minority had to ask for a separate ballot in the presence of others, which raised questions about voter anonymity and intimidation.
- State-owned Croatian Radio-Television (HRT) did not fully comply with the election law requiring equal time and equal treatment of political parties—developing rules that allowed

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<sup>7</sup>However, the law allows for more observers to be present at local elections which, when held concurrently with national elections, use the same polling places. This was the case in Zagreb for the current election cycle.

for subjective decision-making. In addition, rulings against HRT by the Election Commission and Constitutional Court were not always enforced.

- Lists of registered voters were inaccurate due in part to dislocations caused by the war and the absence of a recent census.

Although some minor procedural and technical violations were witnessed in some polling stations, the Delegation believes that a variety of choices between candidates and points of view were offered, and that the elections were generally conducted in an orderly and free manner. However, pre-election flaws marred the overall fairness of the election.

The Delegation's statement was published on 30 October 1995 (see Annex 3).

## 2. DELEGATION

The Delegation of the OSCE Parliamentary Assembly monitored the elections in Croatia at the invitation of the Republic of Croatia. Upon receipt of the invitation, Frank Swaelen, the President of the OSCE Parliamentary Assembly, at the proposal of national delegations, appointed the Delegation.

Are NAESS	Norway, Head of Delegation
Gerolf ANNEMANS	Belgium
Patrick HOSTEKINT	Belgium
Josef JEŽEK	Czech Republic
Dalibor MATULKA	Czech Republic
Bjørn ELMQUIST	Denmark
Tiit KÄBIN	Estonia
Lous COLOMBANI	France
Jean-Michel FOURGOUS	France
Marcel PORCHER	France
Olaf FELDMANN	Germany
Hans RAIDEL	Germany
Bjørn Hope GALTUNG	Norway
Ciril PUCKO	Slovenia
Jožef KOPŠE	Slovenia

The Delegation was accompanied by the following members of the International Secretariat of OSCE Parliamentary Assembly:

Pentti VÄÄNÄNEN	Deputy Secretary General
Susanne SCHOEDEL	Assistant
Christopher SHARMAN	Assistant

In addition, the following persons joined the Delegation as advisors and observers:

Robert HAND ..... Commission on Security and Cooperation in Europe, Washington  
Janice HELWIG ..... Advisor to the United States Delegation of the OSCE in Vienna  
Elyette LEVY-HEISBOURG ..... France, Advisor to the National Assembly  
Cathy SALAY ..... International Foundation for Electoral Systems, Washington

### 3. PROGRAMME

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The programme for the Delegation of OSCE Parliamentarians was prepared in conjunction with the Committee for Foreign Affairs of the Croatian Parliament (see Annex 2). It included meetings with representatives of the Croatian Parliament, the Government, Constitutional Court, Central Election Commission, eight political parties or coalitions, national minorities and the media. The Delegation also met with representatives of UNHCR, UNPF, ODIHR and the EU.

### 4. THE NEW ELECTORAL SYSTEM

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The new House of Representatives will consist of 127 members. Of this total, 28 were elected through a majoritarian system—with one representative coming from each of the 28 voting districts (single constituency list). An additional 80 members were elected through the proportional d'Hondt system (state list). Also, 12 members were elected from voters abroad using the same system (special list). Seven members of ethnic and national minorities were to be elected—four from special districts through a majoritarian system and three Serbian members from a district composed of the Republic of Croatia.<sup>8</sup>

A separate ballot was issued for each list. Whereas ballots for the minority list were only available at a few designated polling places, the Serbian ballot was available at all places. Voters were able to vote on a maximum of two ballots, one for the state list (80 seats) and one for either a district list (28 seats, single constituency), a minority list (only at designated polling places) or the Serbian list. Members of the diaspora (voters abroad) could only vote for the diaspora list.

Opposition parties were unsuccessful in their attempts to amend the new law which sets aside 12 seats for Croatians permanently living abroad, or nearly 10% of the House of Representatives.

#### **Nomination and Registration of Candidates and Party Lists**

##### *Nominations by Individuals*

In order for voters or groups of voters, who were not organized as political parties to nominate

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<sup>8</sup>If the representation of ethnic and national communities or minorities is not achieved, the total number of representatives will be increased by one place in order to achieve representation. The member of the certain community or minority who was a candidate but not elected on the state list which received the most votes shall be considered an elected representative. Article 58a, Croatian Election Law.

and register candidates for the parliament, they had to collect 400 signatures for single-member districts. These candidates could not be members of political parties. To propose a state list, at least 5,000 signatures were necessary for a valid candidacy. County lists and special lists required 500 signatures. Voters could only support one candidate, one state list, special list and county list.

#### *Nominations by Political Parties*

Political parties proposed candidates for representatives and their deputies in the manner envisaged by their statutes or by a special decision passed on the basis of their statutes.

#### *Deadline for Registration*

The signatures had to be collected within 14 days of the announcement of the elections and candidates must have submitted a verified statement accepting the candidacy.

#### *Deadline for Certification*

Authorized district election commissions were required to publish, within 48 hours of the deadline for registering candidates, a list of candidates for their voting unit in all daily newspapers and on Croatian Radio-Television. The Central Election Commission (CEC) was responsible for publishing all other candidate lists within 48 hours (except county lists for the Upper House). Testimony indicated that to a limited extent some lists were not available by the deadline.

#### *Resolution of Complaints and Disputes*

From testimony gathered, the pre-election complaint process ran smoothly and fairly. All parties were able to register their candidates and party lists with little or no problem.

#### *Defining Constituencies and Voter Registration*

The republic was divided into 28 electoral districts, had 6,684 polling places and 3,631,248 million registered voters. For the 460,000 voters abroad, there were a total of 239 polling places in 42 countries (312,000 voters and 96 polling places were in Bosnia-Herzegovina).

All local election commissions were required to publish and communicate to the CEC the voter lists by voting unit not later than five days before the election. This was accomplished in most cases.

#### *Campaigning*

Parties vigorously campaigned through demonstrations and rallies and numerous printed materials. Provisions in the election law guaranteed candidates and parties equal access to and treatment by the state-owned media (Croatian Radio-Television, HRT). However, the Delegation found that HRT did not fully comply with the election law, covering the ruling party much more frequently and developing rules that allowed for subjective decision-making on moral content, etc. (see Media section 5.2).

The Delegation noted that the ruling party apparently ignored election laws by having military personnel in uniform at party functions and in advertising. No campaigning was legally allowed

from midnight the day before the election.

### *Campaign Finance*

Accusations were made that the President of the Republic of Croatia and others of the ruling party used state funds for travel, mailings and other activities that really constituted campaigning for the HDZ in the elections. If true, combined with the apparent ability to ensure maximized broadcast coverage for their campaign, this would be a serious flaw in the election. However, the OSCE Parliamentary delegation was not able to confirm these accusations.

It is unfortunate that there is not sufficient transparency in campaign financing and expenditures to clarify the situation.

### **Voting Procedures**

Voting was conducted at polling places, each of which was given an identification number. Polling stations were open from 7:00 am to 7:00 pm. Five days before the elections, at the latest, the CEC was required to announce which polling places had been set up for voters abroad with a notation on which voters will vote at a particular place, while the district election commissions were to do this for the territory of the Republic of Croatia. In most cases this was carried out.

### *Voters with Special Status*

Voters in the armed forces were to vote at polling places determined by the Minister of Administration at the Proposal of the Minister of Defense. Sea and river boat crews and members of the merchant marine who were outside the borders of Croatia voted at places determined by the Minister of Maritime Affairs. Prisoners (voters in custody) voted at places determined by the Minister of Justice.

### *Location Polling Sites*

According to the law, voting places were determined with consideration to the number of voters, to distance, and in such a way that the number of voters at a polling place allocated voting without difficulty during the time allotted.

### *Party Observers*

The new law amends the provisions regarding the participation of domestic non-partisan observers and political party pollwatchers. Previously each party could send an observer to the regional and national election commissions and polling places. For the current elections, the party in government (majority party) is allowed one observer and all the opposition parties combined are allowed one observer, both of whom will participate in the work of the election commissions and polling committees.

### *Ballots*

The law states that the ballot shall be filled out such that the number before the name of the candidate, or the name of the state list, special list or county list, for which the vote is being cast shall be circled. Ballots in which it was indisputable who the voter selected were considered valid.

Incomplete and unclear ballots on which it was not possible to tell with certainty which candidate or party list a voter selected, were considered invalid. Ballots with multiple selections were also considered invalid.

#### *Voter Notification*

In both 1990 and 1992, notices were made to voters prior to the elections in Zagreb, notifying them of their presence on voter lists and the site of their polling place. Although not required by law many voters were expecting this form of notification, however, this process did not take place.

#### **Validity of Elections**

There is no minimum threshold of voters required in the Croatian election law for an election to be declared legally valid. Candidates for the majoritarian system needed to receive a relative majority.

State lists of political parties or state lists of independents which received less than five percent of the votes at the election did not qualify to take part in the division of representative seats. In addition, state lists of two political parties or two-party coalition lists needed eight percent of the votes or more to qualify. Finally, state lists of three or more political parties or coalition lists of three or more parties needed 11% of the votes or more to qualify to take part in the division of representative seats.<sup>9</sup> Similar thresholds exist for the diaspora special list and because of this, the ruling party (HDZ) received all 12 seats (see Annex 4).

## **5. ELECTION OBSERVATIONS**

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Of the total number of registered voters, 2,498, 186 actually voted: a turnout of 68.8%. The number of invalid ballots for state lists was 82, 592 (3.3%). Of the diaspora vote (voters abroad), 108,164 voted or 23.5% with 1,577 invalid ballots (1.5%).

A total of 1,433 candidates, including candidates listed on 14 state lists and seven special lists, plus candidates running in the 28 constituencies and five special minority constituencies, stood for election on October 29.

#### **Legal and Practical Conditions**

##### *Serbian Voters*

The ballot for the Serbian candidates was separate, and Serbian voters had the possibility to choose either the state list and the list for the directly elected district candidates, or the state list and the Serbian list. Voters had to decide this in the presence of others, which raised questions about the anonymity of the vote.

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<sup>9</sup>Article 24, Law on Organization of Representatives of the Parliament of the Republic of Croatia

### *Election Commissioners*

There were three primary bodies that carried out the elections in Croatia: the Central Election Commission of the Republic of Croatia (CEC), the election commissions of the voting units (district election commissions) and the voting boards in the polling stations.

The CEC appointed members of the other election commissions and made rules for their working, among other things.

The district election commission determined polling places and appointed the voting boards, who had to be present at the polling place the entire time the voting took place. The voting board consisted of a chairperson and two members who each had a deputy.

### *Selection of Party Observers*

For these elections, two party observers were allowed to monitor polling stations. They could participate in the work of the voting boards, but were not voting members. In the pre-election period, much attention was focused on the way the party observers were selected. According to the law, one observer represents the ruling party (HDZ), and the other observer is determined by a consensus of the opposition parties in the Parliament. However, this choice had to be made by drawing because the Croatian Party of Rights (HSP) did not accept the proposals of the other parties. Finally, because of the manner in which the drawing was held, the HSP won 15 out of the 28 observers to the district election commissions, which the other parties protested to no avail.<sup>10</sup>

Like on district level, at the *precinct polling stations* one out of the two observers was a member of the HDZ, and the other was selected by consensus of the opposition parties or by lot. Problems with the selection process of these observers was the same as for the district observers.

### *The Media*

Although private media enterprises exist in Croatia, the state-owned Croatian Radio Television (HRT) and state-owned press are the dominant news sources. Independent media was often stretched thin trying to cover the vast array of political functions, and for the Delegation it seemed to be difficult to get into touch with them. A meeting with the press, which was organized by government authorities, was attended overwhelmingly by people representing state-owned media.

### *Print Media*

The government has controlling interest in two of four daily newspapers and some weeklies. State-owned media was generally favorable of government policy, and of the ruling party. The Delegation did not hear testimony that independent media outlets were being harassed.

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<sup>10</sup>Additional complaints were made that more party observers were allowed for local elections than were allowed for the national election. Election officials did not provide a sufficient answer for the discrepancy.

### *Television and Radio*

National television and radio are state owned and controlled. Television consists of four state channels (including one satellite channel). The authority in charge of the state network, HRT, had decided to allow each party participating in the election one hour of free time.

However, for that one hour of free time, HRT prepared 17 questions to ask of each party by a moderator. The parties could not alter the format and had to respond to those questions without being able to develop their own agenda and methods of presenting their policy preferences. Representatives of different parties complained that the questions pointed to the successes of the ruling party instead of the programmes of each party.<sup>11</sup>

Furthermore, HRT set up its own rules and reserved for itself the right to reject advertisements for some parties because of minor problems or because of amoral content. The Delegation heard numerous complaints about the delayed broadcasting of opposition TV commercials, and in some instances outright censorship.

In regard to radio, similar situations occurred. Testimony was given that the broadcasting of opposition commercials were delayed. In some instances edited by HRT before being aired. Even after the parties involved appealed to the Constitutional Court and received favorable rulings, HRT failed in some instances to comply.

### **Observations at Polling Stations**

On election day the OSCE Parliamentary Delegation divided into seven groups which visited more than 100 polling stations. These were located in half of the 28 single-member districts (see Annex 1). One group observed the voting in Bosnia-Herzegovina, specifically in the Western Herzegovinian region. Entering Bosnian territory near Livino, the group travelled to Tomislavgrad, Posusje and Mostar, before returning to Croatia near Imotski. Most monitors arrived at the polling stations prior to commencement, and observed the opening procedures. Members of the Delegation were also present at the closing of polling stations, monitoring the closing procedures and the counting of votes.

The Delegation found that the election authorities generally performed their duty in an efficient and orderly manner. In most polling stations the practical arrangements were satisfactory and in accordance with the law: good order was maintained, voting board members were clearly visible and accessible, ballot papers were available and the ballot boxes were properly sealed and guarded. However, in some instances these were sealed without the presence of observers because some polling stations opened before the scheduled time, or because domestic monitors were not aware of their rights to observe this process.

Voters received two ballots in most cases. A white ballot for state party lists and a green ballot for district candidates. Members of the Serbian minority could request a Serbian candidate ballot

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<sup>11</sup>The Delegation made several requests for copies of these questions and was assured of their delivery, however, at the time of this report, the list of questions had not been received.

that was pink, or if they chose not to vote for their minority candidates, but for the single constituency district list. Instead, they could sign a document stating this and they received a special certificate from the voting board which allowed them to vote for the district list. In special voting stations for ethnic and national minorities, minority voters could also choose between the district list and the minority list by following the same process described above. Voters from abroad were issued one ballot for the 12 representatives of the diaspora.

The Delegation, however, observed some irregularities and breaches of proper procedures:

**Secrecy of the Vote** — in the majority of the polling stations the secrecy of the vote was not guaranteed. Partitions were not set up properly or were missing. In some places the voting places were crowded, so that those present found it difficult, if not impossible, to vote anonymously. Some voters, apparently members of the same family, were witnessed marking their ballots together without being coerced by anyone. Especially in Knin, the voting procedure was disorganized.

**Registration Lists** — The Delegation found that voting lists were in many cases inaccurate, due in part to dislocations caused by the war and the absence of a recent census. In the formerly occupied areas, voting lists would have several thousand voters who did not live in the precincts and where less than 50 people voted. According to the CEC, this was caused because no names were allowed to be purged from the lists of permanent residents unless the residents themselves changed the status of their residency. Voting lists at other stations were sometimes incomplete. However, government offices were open to allow voters to receive certification to vote on election day.

**Party Observers** — The majority of the party observers were members of the ruling party HDZ.<sup>12</sup> Furthermore, it appeared that more than one observer from the HDZ was present in some polling stations, although the election law did not provide for this.<sup>13</sup> The observers on behalf of the opposition often showed up for a short time and then left, sometimes because they had to cover several voting places.

### Counting of Votes

The Delegation observed the closing and vote counting procedures in several polling stations. No irregularities were observed

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<sup>12</sup>The OSCE Parliamentary Assembly team travelling in Bosnia-Herzegovina discovered no party observers at the polling stations, opposition or majority, although some polling stations said they were contacted by opposition representatives who simply did not show up.

<sup>13</sup>This may be a result of elections to the city council being held concurrently, and in many cases sharing the same polling station.

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## 6. RECOMMENDATIONS

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The election predominantly met the preconditions for free and fair elections. Citizens had adequate opportunity to participate in the political process. There is hope that the peace process will help Croatia succeed in further securing and preserving normal conditions for democracy. In order to improve the shortcomings of these elections, the following recommendations are suggested by the Delegation:

- 1) **Croatian Voters Abroad** — *The Delegation feels that the liberal citizenship policy, especially in regard to persons living permanently in Bosnia-Herzegovina, and the quota of seats reserved for these persons in the House of Representatives, should be re-evaluated by the legislature.*
- 2) **Minority Representation** — *The Government should undertake a census as soon as possible in order to devise a more equitable and less arbitrary policy for the representation of minority citizens, especially Serbian.*
- 3) **Media** — *Concerning the pre-election period, the state-owned Croatian Radio-Television should guard its impartiality and provide equal opportunity for all parties to present their programmes.*
- 4) **Complaint Process** — *The appeals procedure seemed to function in accordance with the law, however, there needs to be an effective way to enforce the rulings of the CEC and the Constitutional Court.*
- 5) **Voter Registration** — *A census or other mechanism should be implemented to ensure the accuracy of voter registration lists.*
- 6) **Voting Boards** — *Voting boards should be set up in such a manner that all parties in the Sabor are represented. This change would help to avoid over influence on the voting process by a single party. The Delegation recommends a wider presence of political parties, from the opposition in particular, to reinforce public confidence in the election process. The Delegation would also recommend that all parties take advantage of any opportunity to participate in the monitoring process.*
- 7) **Secrecy of the Vote** — *The secrecy of the vote should be ensured in the polling stations. This could be done by setting up booths, or at least partitions, in a manner which allows the voters to vote without being observed by others.*
- 8) **Finance** — *Clear standards for campaign financing and reporting of expenditures should be adopted.*
- 9) **Notification for Voters** — *Even though not required by law, it would be desirable for voters to receive notification of when and where elections will take place and the current status of their registration. Although this information was publicized, some citizens were expecting notification by mail.*

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**Are Naess**  
**Head of Delegation**

### *Television and Radio*

National television and radio are state owned and controlled. Television consists of four state channels (including one satellite channel). The authority in charge of the state network, HRT, had decided to allow each party participating in the election one hour of free time.

However, for that one hour of free time, HRT prepared 17 questions to ask of each party by a moderator. The parties could not alter the format and had to respond to those questions without being able to develop their own agenda and methods of presenting their policy preferences. Representatives of different parties complained that the questions pointed to the successes of the ruling party instead of the programmes of each party.<sup>11</sup>

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The Delegation found that the election authorities generally performed their duty in an efficient and orderly manner. In most polling stations the practical arrangements were satisfactory and in accordance with the law: good order was maintained, voting board members were clearly visible and accessible, ballot papers were available and the ballot boxes were properly sealed and guarded. However, in some instances these were sealed without the presence of observers because some polling stations opened before the scheduled time, or because domestic monitors were not aware of their rights to observe this process.

Voters received two ballots in most cases. A white ballot for state party lists and a green ballot for district candidates. Members of the Serbian minority could request a Serbian candidate ballot

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The Delegation, however, observed some irregularities and breaches of proper procedures:

**Secrecy of the Vote** — in the majority of the polling stations the secrecy of the vote was not guaranteed. Partitions were not set up properly or were missing. In some places the voting places were crowded, so that those present found it difficult, if not impossible, to vote anonymously. Some voters, apparently members of the same family, were witnessed marking their ballots together without being coerced by anyone. Especially in Knin, the voting procedure was disorganized.

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## 6. RECOMMENDATIONS

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The election predominantly met the preconditions for free and fair elections. Citizens had adequate opportunity to participate in the political process. There is hope that the peace process will help Croatia succeed in further securing and preserving normal conditions for democracy. In order to improve the shortcomings of these elections, the following recommendations are suggested by the Delegation:

- 1) **Croatian Voters Abroad** — *The Delegation feels that the liberal citizenship policy, especially in regard to persons living permanently in Bosnia-Herzegovina, and the quota of seats reserved for these persons in the House of Representatives, should be re-evaluated by the legislature.*
- 2) **Minority Representation** — *The Government should undertake a census as soon as possible in order to devise a more equitable and less arbitrary policy for the representation of minority citizens, especially Serbian.*
- 3) **Media** — *Concerning the pre-election period, the state-owned Croatian Radio-Television should guard its impartiality and provide equal opportunity for all parties to present their programmes.*
- 4) **Complaint Process** — *The appeals procedure seemed to function in accordance with the law, however, there needs to be an effective way to enforce the rulings of the CEC and the Constitutional Court.*
- 5) **Voter Registration** — *A census or other mechanism should be implemented to ensure the accuracy of voter registration lists.*
- 6) **Voting Boards** — *Voting boards should be set up in such a manner that all parties in the Sabor are represented. This change would help to avoid over influence on the voting process by a single party. The Delegation recommends a wider presence of political parties, from the opposition in particular, to reinforce public confidence in the election process. The Delegation would also recommend that all parties take advantage of any opportunity to participate in the monitoring process.*
- 7) **Secrecy of the Vote** — *The secrecy of the vote should be ensured in the polling stations. This could be done by setting up booths, or at least partitions, in a manner which allows the voters to vote without being observed by others.*
- 8) **Finance** — *Clear standards for campaign financing and reporting of expenditures should be adopted.*
- 9) **Notification for Voters** — *Even though not required by law, it would be desirable for voters to receive notification of when and where elections will take place and the current status of their registration. Although this information was publicized, some citizens were expecting notification by mail.*

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**Are Naess**  
**Head of Delegation**

## ANNEX 3

PRESS RELEASE 30 October 1995

**PARLIAMENTARY ELECTIONS IN CROATIA**

A Delegation of the OSCE Parliamentary Assembly monitored Elections in Croatia on 29 October 1995 at the invitation of the Croatian Parliament. The Delegation concludes that Croatian law provides the citizens with sufficient conditions for free and fair elections. Citizens have adequate opportunity to participate in the political process.

However, the Delegation feels that the manner in which the Croats living abroad participate in the elections and their representation in the new Parliament are both reasons for concern. The Delegation also feels that in the absence of a census adequate representation for national minorities, including the Serbian minority, may not be achieved.

In addition, the Delegation feels that the state owned media did not cover the campaign in an impartial manner. Although the Constitutional Court appeared to rule fairly on complaints in such matters, these rulings were not always enforced, or were delayed.

Election authorities, in particular the officials in the polling stations, appeared to perform their duties in an efficient and orderly manner. The Delegation feels, however, that the secrecy of the vote was not consistently guaranteed. In addition, the fact that the ballot for the Serbian candidates was separate and voters had to choose in the presence of others, both raise concern about voter anonymity.

It would have been desirable for a larger representation of political parties at all levels of the electoral process, including the composition of voting boards and monitoring activities.

On 27 and 28 October the Delegation met with representatives of the Croatian Parliament, the Government, Constitutional Court, Central Election Commission, eight political parties or coalitions, national minorities and the media. The Delegation also met with representatives of the UNHCR, UNPF, ODIHR and the EU. On 29 October members of the Delegation visited more than 100 polling stations in several parts of Croatia, including Zagreb, Split, Knin, Osijek, Rijeka, Sisak and Petrinje. They also visited seven polling stations in Bosnian cities, including Mostar.

The Delegation, led by Mr. Are Naess, Member of the Norwegian Parliament, included 14 parliamentarians from eight countries: Belgium, Czech Republic, Denmark, Estonia, France, Germany, Norway and Slovenia.

The Delegation is aware that the war in the former Yugoslavia, including Croatia, affected the political environment of the elections. With this in mind, the Delegation wishes every success to the newly elected Parliament and the Croatian Government in promoting peace in the region in order to create normal conditions for the consolidation of parliamentary democracy.

The Delegation will issue its conclusions and recommendations in a detailed report shortly.

Further information can be obtained from the International Secretariat in Copenhagen by contacting Deputy Secretary General of the OSCE Parliamentary Assembly Pentti Väänänen, Ms. Susanne Schoedel, or Mr. Chris Sharman.

## ANNEX 4

ELECTION RESULTS<sup>15</sup>**UNOFFICIAL RESULTS FOR THE STATE LISTS (2 November 1995)**

Affiliation	Votes	Percentage	Total Seats
Croatian Democratic Community (HDZ)	1,092,502	45.23	42
<i>Coalition:</i>			
Croatian Peasants' Party (HSS), Istrian Democratic Assembly (IDS), Croatian People's Party (HNS), Croatian Christian Democratic Union (HKDU) and Croatian Party of Slavonia and Baranja (SBHS)	440,797	18.25	16
Croatian Social-Liberal Party (HSLs)	279,059	11.55	10
Social Democratic Party of Croatia (SDP)	215,486	8.92	7
Croatian Party of Rights (HSP)	120,957	5.01	4
Social Democratic Union of Croatia (SDU)	78,159	3.24	0
Croatian Independent Democrats (HND)	72,522	3.00	0
Social Democratic Action of Croatia (ASH)	40,297	1.67	0
Croatian Party of Rights 1861 (HSP-1861)	31,497	1.30	0
Croatian Christian Democratic Party (HKDS)	17,051	0.71	0
Croatian Natural Law Party (HSNZ)	7,982	0.33	0
Croatian Conservative Party (HKS)	7,306	0.30	0
Independent Party of Rights (NSP)	6,603	0.27	0
Domovinska Gradanska Stranka, (DGS)	5,376	0.22	0
<b>Total</b>	<b>2,415,594</b>	<b>100.00</b>	<b>80</b>

**UNOFFICIAL RESULTS FOR THE SPECIAL LISTS (2 November 1995)**

Affiliation	Votes	Percentage	Seats
Croatian Democratic Community (HDZ)	95,919	89.99	12
Croatian Party of Rights (HSP)	3,861	3.62	0
Union of Homeland and Diaspora	3,226	3.03	0
Croatian Party of Rights 1861 (HSP-1861)	1,554	1.46	0
Social Democratic Action of Croatia (ASH)	1,171	1.10	0
Croatian Christian Democratic Party (HKDS)	640	0.60	0
Domovinska Gradanska Stranka (DGS)	216	0.20	0
<b>Total</b>	<b>106,587</b>	<b>100.00</b>	<b>12</b>

<sup>15</sup>The final results will be included in the final report. These were the latest results available.

