



Office for Democratic Institutions and Human Rights

REPUBLIC OF CROATIA

EARLY PARLIAMENTARY ELECTIONS
17 APRIL 2024

ODIHR NEEDS ASSESSMENT MISSION REPORT
19-22 March 2024



Warsaw
28 March 2024

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I. INTRODUCTION

Following an invitation from the authorities of the Republic of Croatia to observe the 17 April 2024 early parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 19 to 22 March. The NAM included Keara Castaldo, ODIHR Senior Election Adviser, and Kakha Inaishvili, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for these elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR observation activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, civil society, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign and European Affairs for its assistance in organizing the NAM as well as all of its interlocutors for taking time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

On 14 March, the parliament voted to dissolve and on 15 March the president scheduled early parliamentary elections for 17 April. Voters will elect 151 members of the *Sabor* (parliament). The legal framework for parliamentary elections remains substantially unchanged since the previous elections, leaving most ODIHR electoral recommendations unaddressed. ODIHR has previously recommended that constituency boundaries be reviewed to ensure equality of the vote, and a new Law on Constituencies was adopted in 2023. Still, the process was criticized by several ODIHR NAM interlocutors as lacking inclusive consultation. On 18 March, the Constitutional Court issued a warning to the president and his affiliated opposition party noting that his current constitutional role is incompatible with participating in the parliamentary elections as a candidate or public endorser, which was met by criticism by the affected parties and in a dissenting Opinion of three justices.

The election administration has begun preparations for these elections, anticipating multiple electoral contests in the course of 2024, including by producing instructions and online webinars for various electoral stakeholders. Most ODIHR NAM interlocutors expressed confidence in the overall professionalism of election management bodies, including in the conduct of election-day procedures. Civil society organizations have noted areas in which continued progress is needed to enable the autonomous participation of persons with various types of disabilities.

Voter registration is passive and voters lists are derived from a centralized electronic voter register maintained by the Ministry of Justice and Public Administration. Members of parliament and electoral contestants have access to certain voter data related to their respective constituencies, and voters may scrutinize and request updates to their personal voter records. Voters may also request a temporary change in order to cast a ballot outside of their constituency of permanent residence. While interlocutors were satisfied with the current possibilities for voters to update or change their records, several raised concerns about the apparent inconsistency of voter register data and other population

data, including Census survey statistics, possibly due to inflation caused by citizens residing abroad with a permanent address in the country.

Registered political parties as well as coalitions of parties or citizen initiatives can nominate lists of potential candidates, and associations representing national minorities can nominate majoritarian candidates in the respective constituency. ODIHR NAM interlocutors did not raise major concerns about candidate nomination or registration procedures, but several noted the lack of effective enforcement of the current gender requirements for candidate lists, which allows parties to register noncompliant lists by paying a fine. Women are currently underrepresented in parliament and other decision-making positions. ODIHR has previously recommended the authorities consider possibilities for independent candidates to contest the elections.

The Constitution guarantees the freedoms of association and peaceful assembly and no ODIHR NAM interlocutors noted major concerns about the ability to freely conduct campaign activities. Many positively expected that the elections could experience a high level of voter engagement. ODIHR has previously noted that the conduct of election campaigns is underregulated and that the existing legislation does not stipulate sanctions for infractions. Some interlocutors expected the use of automated accounts to manipulate content on social networking platforms and noted a lack of discussion on potential policy efforts to regulate online campaigns. Some also raised concerns about the potential misuse of state resources by incumbent politicians, as well as the potential for intolerant and sexist rhetoric in the campaign.

Campaigns can be funded by party funds and individual donations and the law sets limits on contributions and expenditures. Parliamentary parties are entitled to public funding based on the election results, tied to the number of elected candidates. Additional public funding is available for elected candidates of the underrepresented gender and national minorities. Contestants submit interim and final financial reports to the State Election Commission, which are published online. Most ODIHR NAM interlocutors expressed satisfaction with the existing campaign finance regulations; however, some noted that transparency could be further improved, particularly in relation to the sources and amounts of funding of political advertising in media.

The freedom of expression is guaranteed by the Constitution, which prohibits censorship and establishes the right of access to information. The media landscape is diverse with a wide variety of broadcasters, print media and online portals. Some stakeholders informed the ODIHR NAM that political associations continue to exist among many media outlets, and noted a high volume of pending litigation against journalists. ODIHR has previously recommended the decriminalization of defamation and slander in favour of civil remedies. The Agency for Electronic Media monitors the electronic media for adherence to legal provisions, and holds sanctioning powers, but has no explicit responsibility to oversee the coverage of the campaign or to report on any monitoring of media content during the election period.

The legal framework provides for expedited timelines for the resolution of these complaints, stipulating a 48-hour timeline for each step of the complaint and appeal process related to decisions of election management bodies. ODIHR NAM interlocutors did not raise concrete concerns with respect to mechanisms for election dispute resolution, but several described what they perceive as a continued erosion of public trust in the judiciary, and particularly regarded the recent decision of the Constitutional Court as potentially politically aligned.

Most ODIHR NAM interlocutors welcomed a potential ODIHR activity for the upcoming elections, noting the value of previous ODIHR recommendations and the importance of an external assessment, including due to the highly polarized political environment. The ODIHR NAM noted stakeholder

confidence in the professionalism and impartiality of the election administration in organizing the elections and in the integrity of election-day procedures. At the same time, interlocutors noted that some areas would benefit from closer attention, including issues related to voter registration; the conduct and oversight of the campaign, including online; campaign finance regulations; the participation of women; as well as the media environment and coverage of the elections. On this basis, the ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming parliamentary elections.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Croatia is a parliamentary republic. The *Sabor* (parliament) comprises 151 members and is elected for a four-year term; the prime minister leads the government and requires an absolute majority of the parliament to take office. The president is directly elected for a maximum of two five-year terms.

In the last parliamentary elections held on 5 July 2020, the ruling Croatian Democratic Union (HDZ)-led coalition won 66 seats, while the opposition Restart Coalition (RK), led by Social Democratic Party of Croatia (SDP) – received 41 seats.¹ The Homeland Movement, a party formed prior to the 2020 parliamentary elections, led a coalition of 6 other parties and obtained 16 seats.² In addition to 8 seats reserved for national minorities, the remaining 20 seats were won by 6 additional parties or coalitions.³

On 17 February, several opposition parties jointly organised a major protest in Zagreb against the appointment of a former judge as the chief state attorney, alleging ties to the ruling party and to former officials who have been charged with corruption. The protestors also demanded the dissolution of parliament and subsequent early elections. On 14 March, the parliament was dissolved and on 15 March, President Zoran Milanović scheduled early elections for 17 April. This year, in addition to the early parliamentary elections, Croatians will also vote in European Parliament elections in June and in a presidential election expected later this year.

On 15 March, President Milanović announced his intention to run for office as a non-partisan candidate on the SDP list without resigning his position, and expressed his desire to become prime minister following an SDP victory in the elections. On 17 March, the president made a statement on his Facebook page reiterating his plan to become prime minister, regardless of his participation in the elections. In reaction to these comments, the Constitutional Court issued a warning on 18 March which stated that the constitutional role of the president is incompatible with standing for candidacy in parliamentary elections. The Court also cautioned the president and the SDP to “immediately stop activities that are contrary to the Constitution”, indicating that such activities could result in the Court’s annulment of electoral actions and decisions, including candidate nomination and ultimately

¹ HDZ-led coalition included: Croatian Social Liberal Party (HSLs), Croatian Demochristian Party (HDS), and Croatian Democratic Alliance of Slavonia and Baranja (HDSSB). SDP-led coalition included: Croatian Peasant Party (HSS), Voice of Croatia (GLAS), Istrian Democratic Assembly (IDS), Croatian Party of Pensioners (HSU), People’s and Civil Engagement Party (SNAGA), Alliance of Primorje-Gorski Kotar (PGS).

² These included Croatian Sovereignists (HS), Croatian Conservative Party (HKS), HRAST - Movement for Successful Croatia (HRAST), Bloc for Croatia (BzH), Green List (ZL) and Pensioners Party (SU).

³ These included the Bridge Party (*Most*, 8 seats), Green-Left coalition (7 seats), SIP-PAMENTO-FOKUS coalition (3 seats). Croatian People’s Party – Liberal Democrats (HNS-LD, 1 seat), People’s Party–Reformists (NS-R, 1 seat). In the outgoing parliament, 39.7 per cent of MPs are below 45 years of age.

the election results.⁴ Following the issuance of the Court’s warning, three justices issued a dissenting opinion in which they cautioned against the impact that the warning could have on SDP’s ability to exercise fundamental freedoms of expression and due process, and considered that reference to potential annulment of election results was unreasonable.⁵ On 20 March, the State Election Commission called on the president to refrain from participating in the electoral campaign in support of any election participant or coalition during media appearances, and recommended all contestants to adhere to the warning of the Constitutional Court.⁶

The Constitution includes gender equality among the “highest values of the constitutional order” and provides for equal opportunities for men and women in public and private life. In addition, the Gender Equality Act lays a foundation for promoting and safeguarding gender equality, and prohibits gender discrimination. Nevertheless, women remain under-represented in parliament and other decision-making positions, holding one-third of seats (51 of 151 mandates) in parliament and only 25 per cent of ministerial positions in the government (4 of 16 ministers).⁷ Three of the 13 judges of the Constitutional Court and 9 of 31 judges of the Supreme Court are women.

ODIHR has observed 11 elections in Croatia since 1997.⁸ Most recently, ODIHR deployed an Election Assessment Mission to the 2020 parliamentary elections. The Mission’s final report contains 14 recommendations, including 16 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.⁹

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

All 151 members of parliament are directly elected to represent 12 constituencies: 10 multi-member territorial constituencies electing 14 deputies each, and 2 special non-territorial ones. Of the two special constituencies, one elects three deputies that represent citizens living abroad without permanent residence in the country, and the other is reserved for voters from designated minority groups and elects a total of eight deputies.

Elections in most constituencies are conducted through a proportional representation system with preferential voting on open lists, whereas elections of representatives from the minority constituency is through a majoritarian contest. In the proportional constituencies, lists that receive at least five per cent of the valid votes are eligible for seat allocation. Preferential votes are successful if the candidate receives at least ten per cent of the vote for that list.

The parliamentary elections are regulated by the 1990 Constitution (last amended in 2014) and the 1999 Law on the Election of Representatives to the Croatian Parliament (hereinafter Election Law,

⁴ See 18 March 2024 [Warning \(U-VII-1263/2024\) of the Constitutional Court of Croatia](#). Article 89 of the Constitutional Law on the Constitutional Court stipulates that if the Court “ascertains that the participants in the elections act contrary to the Constitution and the law, it shall inform the public over the media, if needed warn the competent bodies, and in case of violation which influenced or might have influenced the results of the elections, shall annul all or separate electoral activities and decisions, which preceded such violation”.

⁵ See the 18 March 2024 [Dissenting Opinion](#) regarding the Constitutional Court Warning (U-VII-1263/2024).

⁶ See the SEC’s [20 March 2024 Press Release](#).

⁷ Source: [parliament website](#). The UN Committee on the Elimination of Discrimination against Women, in its [2015 Concluding Observations on the combined fourth and fifth periodic reports of Croatia](#), has recommended the promotion of equal participation of women in political and public life, particularly at senior and decision-making levels, and has suggested adopting temporary special measures such as a gender parity system for appointments and accelerated recruitment of women in senior positions.

⁸ See all [prior ODIHR election observation reports on Croatia](#).

⁹ In Paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See the ODIHR Electoral Recommendations Database at [Paragraph25.odihr.pl](#).

last amended in 2019). The legal framework also encompasses a number of other laws and is complemented by the SEC instructions.¹⁰ In addition, the jurisprudence of the Constitutional Court contributes to shaping the electoral legal framework. Croatia is a party to major international and regional instruments related to the holding of democratic elections.¹¹

The legal framework governing the conduct of the elections has remained largely unchanged, leaving most previous ODIHR recommendations unaddressed, including those related to the introduction of sanctions and enforcement mechanisms for campaign violations, mechanisms to enforce gender representation in candidate lists, and the decriminalization of defamation. Several interlocutors emphasized that the legal framework remains fragmented and would benefit from consolidation and the harmonization of regulations for different types of elections.

The only significant change to the legal framework for the upcoming elections has been the adoption of the 2023 Law on Constituencies. A long-standing recommendation of previous ODIHR reports includes the need to periodically review and update constituency boundaries, accounting for changes in voter and population numbers. In February 2023, the Constitutional Court suspended the previous law and ordered revision of existing constituencies with the aim to restore the equality of the vote. In the resulting legislation, the number of constituencies and elected representatives have remained the same, while some constituencies were enlarged mainly due to depopulation.¹² The Ministry of Justice and Public Administration informed the ODIHR NAM that the process of adoption of the new law was preceded by a public consultation period. However, a number of ODIHR NAM interlocutors described a lack of meaningful efforts to undertake an inclusive and thorough revision process, claiming that alternative proposals presented by civil society organizations and political parties were not discussed or incorporated. The Constitutional Court informed the government that the updated law fulfils the constitutional requirements for the equality of the vote.

C. ELECTION ADMINISTRATION

The elections will be administered by the SEC, 11 Constituency Election Commissions (ConECs), 552 Municipal Election Commissions (MECs) and City Election Commissions (CiECs), and some 7,000 Voting Committees (VCs). In addition, a number of Voting Committees will be formed in 41 countries for voters residing abroad. Despite the short timeline to organize the election process, the SEC has been actively preparing for the upcoming elections, and has already issued several regulations and instructions, including online webinars for contestants, voters and other stakeholders. Overall, ODIHR NAM interlocutors generally described confidence in the professionalism and impartiality of the election management bodies and did not raise any major concerns regarding the transparency and integrity of the election process, including the conduct of election-day procedures.

¹⁰ These include the 2002 Constitutional Law on the Rights of National Minorities (amended in 2007), the 1993 Law on Political Parties (last amended in 2007), the 2019 Law on Financing of Political Activities, Election Campaigns and Referenda, the 2023 Law on Constituencies, the 2006 Law on the State Election Commission (amended in 2007), the 2012 Law on the Voter Register (last amended in 2019).

¹¹ Including the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICRD), 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1995 Council of Europe Framework Convention for the Protection of National Minorities, 2003 UN Convention against Corruption, and 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). Croatia is a member of the Council of Europe's European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

¹² For instance, constituency No. 7 covers a vast area that includes Sisak-Moslavina, Karlovac, and Zadar. Similarly, constituency No. 4 has been expanded due to the region's declining population. The city of Zagreb is now divided into three electoral districts rather than four.

The SEC is a permanent and independent body responsible for the organization of elections and referenda. The president of the Supreme Court serves as the SEC president and is joined by four vice-presidents and four members; two of the vice presidents are appointed by the Supreme Court from among its judges, while the other two vice-presidents and members are appointed by parliament, with equal representation from the ruling and opposition parties.¹³ All SEC members are appointed for eight years.

The law and a SEC instruction provide for a number of adaptations aimed at facilitating the participation of persons with disabilities, including possibilities to request voting via a mobile ballot box or to be assisted inside the polling station by a person of their choice.¹⁴ The SEC requires municipalities to designate polling station premises with adapted access to ensure that voters with limited mobility can independently access the voting room. If a polling station is physically inaccessible, Voting Committees are instructed to assist a voter to vote immediately outside a polling station. There are no assistive tools available to enable autonomous voting by voters with visual impairments, such as Braille ballot templates or tactile guides, which the SEC explained is challenging to implement due to the size of the open-list ballots. The Croatian Union of Associations of Persons with Disabilities has noted persistent architectural, informational, regulatory and social barriers to the fully independent participation of persons with disabilities in the electoral process.¹⁵

The ConECs are composed of a president, two members, and their deputies, all of whom are appointed by the SEC from among judges and prominent lawyers. An additional four temporary members are nominated by parliamentary political parties after the process of candidate registration: two members by the party or coalition forming the government, and two by the parliamentary opposition. The responsibilities of the ConECs include appointing lower bodies and aggregating and submitting voting results at the constituency level to the SEC. The MECs, CiECs and VCs are temporary bodies that are appointed for each election following the same formula as ConECs. The primary responsibilities of these lower bodies include the designation of polling stations, the appointment and supervision of Voting Committees, and making all material and logistical arrangements for the conduct of the election. The Voting Committees are appointed by MECs or CiECs no later than five days prior to election day and are responsible for conducting voting and counting on election day.¹⁶

D. VOTER REGISTRATION

Citizens at least 18 years of age are eligible to vote. Positively, there are no restrictions on voting rights on the basis of disability or legal capacity.

Voter registration is passive. A permanent and centralized electronic voter register is maintained by the Ministry of Justice and Public Administration (MoJPA) based on data from various institutions to establish the voting-eligible population and produce constituency voter lists.¹⁷ No ODIHR NAM interlocutors raised concerns related to malfeasance in relation to the implementation or maintenance of voter lists. Several noted discrepancies between other sources of population data, including Census

¹³ The president of the Supreme Court is appointed by the parliament on the basis of a nomination by the president; justices are nominated by the National Judicial Council.

¹⁴ The UN Committee on the Rights of Persons with Disabilities, in its [2015 Concluding Observations](#) on the initial report of Croatia, recommended that “measures be taken to make the electoral process fully accessible to all persons with disabilities and to facilitate their participation in representative and executive bodies”.

¹⁵ See the [2023 Analysis](#), which also notes a lack of alternative and advance voting methods, assistive technologies, and other practical and financial support for voters and candidates with disabilities.

¹⁶ Voting Committees may also be established in specialised social institutions, including prisons and detention centres and long-term care facilities. Members of ships crews and military can vote in polling stations determined by respective ministries.

¹⁷ The Ministry of Justice and Ministry of Public Administration were merged in 2020.

survey data, with the total voting-eligible population featured in the voter register, and indicated possible inflation of the voter register data due to citizens residing abroad and remaining registered in-country. Members of parliament and electoral contestants are granted access to certain voter register data related to eligible voters within their respective constituencies. The ODIHR NAM was not informed of any efforts by relevant authorities to conduct an audit of relevant data or take other steps to allay public concerns or misconceptions about these data.

Citizens may check their individual entry in the lists, in-person or online, during a period of public scrutiny, and may request certain changes in their registration to the competent authorities by 6 April. Citizens may submit a request with the relevant municipal authority to cast a ballot in a constituency other than that in which they are registered, at one of approximately 90 specially-designated polling stations. On election day, citizens who were excluded from voter lists due to lacking a registered address connected to their identification document may register to vote at a polling station at their place of residence by obtaining a certificate at the respective municipal authority or consular office.

Citizens residing abroad with an out-of-country address connected to their national identity card are automatically included in special voter lists for polling stations established abroad; voters temporarily abroad may submit an advance request with their consular office in order to cast a ballot abroad (for their in-country constituency). ODIHR NAM interlocutors were generally satisfied with the procedures available to voters to update their records, but some noted a potential lack of awareness of the possibility for citizens to indicate their voting place based on residency on election day.

E. CANDIDATE REGISTRATION

Eligible voters, with the exception of those sentenced to a prison term of more than six months, or those who are not legally rehabilitated from a conviction for specified serious crimes, may stand for elections to parliament. Positively, there are no limitations on the right to stand on the basis of disability. Candidates may stand in any constituency in the country, regardless of their place of current residence.

Registered political parties as well as coalitions of parties or citizen initiatives can nominate lists of potential candidates. Each list should include 14 candidates in the 10 territorial constituencies. For the three seats in the out-of-country constituency, candidate lists must have between 6 and 14 names. There is no possibility for an independent candidate to stand in the territorial or out-of-country constituencies. Individual candidacies are provided for in single-seat races in the national minority constituency, where candidates can also be nominated by national minority associations. ODIHR has previously recommended allowing for independent candidacies in all constituencies. Citizens' initiatives must collect 500 signatures in support of their lists, while minority candidacies need 100 signatures. Candidates nominated by political parties and coalitions are exempt from this requirement.

By law, candidate lists are required to have at least 40 per cent of candidates of each gender, without specifying the order or frequency in which candidates of each gender should be listed. Failure to comply with the gender requirement is subject to a fine of HRK 50,000 (per constituency),¹⁸ but is not grounds for the SEC to reject the registration of the candidate list.¹⁹ Some ODIHR NAM interlocutors noted that in the absence of effective sanctions, political parties may opt to pay the fine rather than make meaningful efforts towards the equal representation of genders. ODIHR has previously recommended that the gender requirement be strengthened by reintroducing more

¹⁸ Equivalent to approximately EUR 6,600. One euro is equivalent to approximately 7.6 Croatian *kuna* (HRK). Croatia joined the euro area on 1 January 2023.

¹⁹ A 2015 decision of the Constitutional Court repealed the legal provision for invalidating candidate lists that do not meet the gender requirement, describing the provision as disproportionate given the financial penalty.

effective enforcement mechanisms, as well as by including additional requirements such as alternating positions among genders on candidate lists.

The procedures for candidate nomination and registration began on 16 March and will end on 29 March. The SEC plans to publish candidate lists for each constituency on 30 March, within the 48 hours deadline. Complaints regarding published candidate lists may be lodged with the SEC within 48 hours following their publication.

F. ELECTION CAMPAIGN

The official campaign period will start on 30 March, upon the publication of the list of candidates, and will end with a silence period on the day prior to the elections. The Constitution guarantees the freedoms of association and peaceful assembly and ODIHR NAM interlocutors did not note any major concerns about the ability to freely conduct campaign activities. Many positively anticipate that the elections could experience a high level of voter engagement.

ODIHR has previously noted that the conduct of election campaigns is underregulated and that the existing legislation does not stipulate sanctions for infractions.²⁰ Prior to each election, the Constitutional Court appoints a seven-member Ethics Commission, which evaluates the conduct of contestants against a Code of Ethics and promotes ethical and democratic principles in campaigns, but cannot issue sanctions.²¹ Some ODIHR NAM interlocutors expected the use of automated accounts to manipulate content on social networking platforms and noted a lack of discussion on potential policy efforts to regulate online campaigns. Some also raised concerns about the potential misuse of public resources by incumbent politicians.

The campaign is expected to feature topics such as corruption, the role and conduct of the judiciary, as well as migration and certain social issues, such as reproductive rights and the rights of sexual minorities, which may heighten polarization or feature harmful rhetoric. Some ODIHR NAM interlocutors described instances of inflammatory, sexist, and xenophobic rhetoric, including by prominent public officials, in the pre-election period.²²

G. CAMPAIGN FINANCE

Political parties, candidates and independent lists may finance campaigns using their own funds as well as through donations (including in-kind) by physical and legal persons.²³ Donations from foreign entities, anonymous sources, state authorities and state companies, religious and humanitarian associations, and trade unions are prohibited. Third-party campaign financing is not regulated by law, nor is the oversight of loans taken by contestants to finance election campaigns. ODIHR has previously recommended such loans be regulated to minimize the possibility of circumventing donation regulations.

²⁰ ODIHR has previously recommended introduction of clear rules on campaign activities and on consequences for non-compliance with the rules.

²¹ The chair of the Ethics Commission is the President of the Croatian Academy of Sciences and Arts while members are nominated by the parliamentary political parties from amongst prominent non-political public figures.

²² See also paragraph 13(b) of the August 2023 Concluding Observations of the UN Committee on the Elimination of Racial Discrimination, which noted concerns related to “[the] use of racist hate speech by politicians, particularly at the regional and local levels, and by influential public figures, and the lack of information on investigations, prosecutions and convictions of politicians and public figures for hate speech”.

²³ Natural and legal persons who make donations in the form of products or services (including donations made in other non-pecuniary forms, such as movable or immovable property, property rights, etc.) must issue a certificate specifying the market value of the donation.

The law sets limits on campaign contributions and expenditures. An individual can donate up to HRK 30,000 (equivalent in Euros) and a legal person up to HRK 200,000 (approximately EUR 26,360). The total campaign costs per candidate list should not exceed HRK 1.5 million (approximately EUR 197,700) per constituency. The law also provides for the proportional reimbursement from public funds of campaign costs for lists that obtain at least five per cent of the valid vote in their constituency and for elected candidates in the constituency designated for national minorities.²⁴ Additional public funding is allocated to parties for each candidate elected from the underrepresented gender.²⁵

The SEC oversees campaign finances and may request information from contestants, and all authorities relevant to the verification of financial statements. Contestants are obliged to open a special bank account to carry out all campaign finance transactions, and must submit to the SEC interim finance reports on received donations and expenditures seven days before election day, which are published on the SEC website. Final reports must be submitted within 30 days following the publication of election results, after which the SEC has 30 days to review and publish these reports and any related findings. Sanctions for non-compliance with campaign finance regulations include fines and reduction, suspension or forfeiture of reimbursement of campaign expenses, depending on the gravity of the breach. Most ODIHR NAM interlocutors expressed satisfaction with the existing campaign finance regulations; however, some noted that transparency could be further improved, particularly in relation to the sources and amounts of funding of political advertising in media.

H. MEDIA

The media landscape is diverse with a wide variety of commercial and public broadcasters as well as print media. While television is still considered a main source of political information, there is an increase in Internet news portals at the national and local levels. While efforts are made by respective authorities to publish information about media ownership, some stakeholders informed the ODIHR NAM that political associations continue to exist among many media outlets and that a lack of transparency often persists, as the ultimate owners may remain hidden behind business entities. According to several interlocutors, the distribution of state-sponsored advertising, either by institutions or enterprises, may create additional political pressure on media outlets, particularly at the local level.

The freedom of expression is guaranteed by the Constitution, which prohibits censorship and establishes the right of access to information held by any public authority. The latter right is also ensured by the 2013 Access to Information Act. Defamation and insult remain criminal offenses, despite previous ODIHR recommendations, and according to the Croatian Journalists' Association, more than 900 lawsuits against journalists remain pending, many for protracted periods of time, and seeking compensation totalling more than EUR 10 million.²⁶ Some ODIHR NAM interlocutors raised concerns that a number of lawsuits against journalists were strategically initiated by individuals from public life, including politicians and judges.

The Agency for Electronic Media monitors the electronic media for adherence to legal provisions. The Agency holds sanctioning powers but no explicit responsibility to oversee the coverage of the

²⁴ Unsuccessful candidates for the minority constituency that obtain more than 15 per cent votes shall be entitled to 15 per cent of the amount of the reimbursement to which an elected candidate is entitled.

²⁵ For each elected MP of the under-represented gender, the nominating political party shall be entitled to additional compensation amounting to 10 per cent of the funding envisaged for each elected candidate. Parliamentary parties are entitled to public funding tied to the number of elected candidates.

²⁶ Criminal defamation is regulated under the Penal Code and civil defamation under the 2005 Obligations Act and the 2004 Media Act.

campaign or to report on any monitoring of media content during the election period. Following 2021 amendments to the Electronic Media Act, platforms for the exchange of audio-visual content are included in the regulatory responsibility of the Council; however, this scope does not include social networking platforms, which remain largely unregulated.

The Election Law provides the general legal framework for the media coverage of campaigns and further regulations are established in line with rules of procedure for electronic media, which are endorsed by the parliament after the elections are called. Political advertising in media is regulated under the Media Act and the 2009 Law on Electronic Media, none of which currently regulate online advertising. The public broadcaster is obliged to guarantee at least five minutes of free airtime to all contestants, and public and private TV channels are entitled to host one debate each during the campaign. Several ODIHR NAM interlocutors questioned the editorial independence of the public broadcaster and alleged that its coverage is sympathetic to ruling party ideologies.

While the SEC is responsible for the adjudication of media-related complaints during elections, it does not conduct its own media monitoring and does not receive monitoring data from the Agency for Electronic Media, nor does it have the authority to impose sanctions. ODIHR has previously recommended granting the Council for Electronic Media a more formal role in monitoring election coverage, including online, as well as introducing a mechanism for sharing media monitoring results with the SEC.

Earlier this year, the parliament began reviewing amendments to the Criminal Code introduced by the government which would criminalise the unauthorised leaking of investigative or evidentiary documents from criminal proceedings.²⁷ Several ODIHR NAM interlocutors expressed serious concerns regarding the repercussions it may have for journalistic sources and the right to information.²⁸

I. ELECTION DISPUTE RESOLUTION

Complaints about the electoral process can be filed by political parties, candidates, representatives of citizen initiative lists, or by at least 100 voters or at least 5 per cent of voters of a specific electoral constituency. The legal framework provides for expedited timelines for the resolution of these complaints, stipulating a 48-hour timeline for each step of the complaint and appeal process. Complaints must be filed with the SEC within 48 hours from the moment the alleged irregularity has occurred. SEC decisions can be appealed to the Constitutional Court within 48 hours and the Court should decide on the appeal within 48 hours. The Constitutional Court oversees the overall constitutionality and lawfulness of elections and can issue warnings to electoral participants. It can be addressed directly in cases when electoral activities are in breach of the Constitution or the law. While ODIHR NAM interlocutors did not raise concrete concerns with respect to mechanisms for election dispute resolution, several described what they perceive as a continued erosion of public trust in the judiciary, and particularly regarded the recent warning of the Constitutional Court as potentially politically aligned, undermining trust in the Court.

²⁷ The amendments provide for sanctions including imprisonment for up to three years for disclosing the sensitive information.

²⁸ On 11 March 2024, [the Croatian Journalists' Association issued an open letter](#) to citizens about the dangers of amendments to the criminal code. The [European Federation of Journalists](#) also called on the MPs to drop the aforementioned amendments.

J. ELECTION OBSERVATION

The Election Law provides for the observation of elections by international organizations, political party representatives, groups of voters who nominated independent candidates, and registered NGOs. Observers are allowed to follow the work of electoral bodies, as well as the voting, counting and tabulation processes, and are entitled to access electoral materials with the exception of the voter list. Several organizations and political parties, including some met by the ODIHR NAM, expressed an intention to follow various aspects of the electoral process, such as the election-day procedures as well as the content of the campaign, including in relation to the participation of women and other underrepresented groups.²⁹

IV. CONCLUSION AND RECOMMENDATION

Most ODIHR NAM interlocutors welcomed a potential ODIHR activity for the upcoming elections, noting the value of previous ODIHR recommendations and the importance of an external assessment, including due to the highly polarized political environment. The ODIHR NAM noted stakeholder confidence in the professionalism and impartiality of the election administration in organizing the elections and in the integrity of election-day procedures. At the same time, interlocutors noted that some areas would benefit from closer attention, including issues related to voter registration; the conduct and oversight of the campaign, including online; campaign finance regulations; the participation of women; as well as the media environment and coverage of the elections. On this basis, the ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming parliamentary elections.

²⁹

For example, the [NGO GONG](#) and the [Center for Education, Counseling and Research \(CESI\)](#).

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Marko Perić, Plenipotentiary Minister, Department for Visa
Lada Ćurković, Head of OSCE Department

Ministry of Justice and Public Administration

Sanjin Rukavina, State Secretary
Krešimir Orešković, Director, Directorate for Political System and General Administration
Terezija Marić, Head, Department for Civil Conditions and Modernization of Administrative Procedures
Gordana Vidaković, Head, Voter Registry office

Constitutional Court

Snježana Bagić, Deputy President
Ksenija Podgornik, Head of the Office of the President

Council for Electronic Media

Josip Popovac, President, Director of the Agency for Electronic Media
Robert Tomljenović, Deputy President, Deputy Director of the Agency for Electronic Media
Mladen Čutura, Member
Katija Kušec, Member
Željko Topić, Member
Davor Marić, Member

Croatian Radio and Television - HRT

Ivica Ružičić, Editor, Information Media Service Department
Suzana Wolf Pendić, Head of Desk
Sanja Rabuzin, Election Headquarters, Radio
Tomiaslav Špoljar, Election Headquarters, TV

Political Parties

Nives Milošić-Lisjak, Policy Co-ordinator, Možemo!
Nives Rudar, Advisor, Možemo!
Arsen Bauk, Deputy Chairperson, SDP
Matej Mišić, Secretary of the Club, SDP

Civil Society and Media

Anamarija Tkalčec, Co-ordinator, Centre for Education, Counselling and Research (CESI)
Iva Zelić, Expert, Centre for Education, Counselling and Research (CESI)
Josip Šipić, Project Leader, Centre for Education, Counselling and Research (CESI)
Oriana Ivković Novokmet, Executive Director, Gong
Josipa Dika, Senior Project Co-ordinator, Gong
Hrvoje Zovko, Chairperson, Journalists Association of Croatia
Melisa Skender, General secretary, Journalists Association of Croatia
Domagoj Novokmet, Journalist, News Platform N1

Diplomatic Missions Resident in Croatia

Representatives of diplomatic missions of Czech Republic, France, Italy, Ireland, Sweden, Switzerland, Turkey, United Kingdom, and the United State of America.³⁰

³⁰ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Croatia