



Organization for Security and Co-operation in Europe

OSCE Mission to Croatia

News in brief

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Parliament adopts law on permanent state election commission

On 31 March, Parliament adopted the Law on the State Election Commission (SEC), with a majority of 96 votes and three abstentions. The establishment of a permanent and professional electoral body was in part fostered by the Mission and the ODIHR at a roundtable organized in Parliament in December 2005, opened by Prime Minister Dr. Ivo Sanader.

The Mission welcomes this development, but hopes that further electoral reform will incorporate additional recommendations proposed by the OSCE/ODIHR and the Council of Europe/Venice Commission. These include giving the SEC the authority to manage voter's lists once other laws, such as the Law on Voter Lists, are adjusted accordingly. The Law on the SEC allows for such an adjustment through a provision enabling the SEC to carry out tasks stipulated in other legislation.

As is provided by the new law at the national level, the Mission hopes that further electoral reform will also relieve local judges of SEC responsibilities, enabling them to cope more efficiently with Croatia's large backlog of cases in other areas. The Mission's proposal to include another state institution, apart from Parliament, in the selection process of SEC members was not included in the final legislation.

Parliament adopts three-year plan for combating corruption

Despite a number of reforms, the Croatian public continues to perceive corruption as endemic to public life and services. The judiciary, health care services, and public administration are viewed as the most corrupt. Transparency International's Corruption Perception Index for 2005 ranks Croatia 70 out of 158 countries, up from position 74 in 1999. The European Commission noted in its November 2005 Progress Report the need for a national anti-corruption strategy, which should contain clear benchmarks, designate responsible institutions and provide adequate financial resources and a timetable for implementation. The strategy was among the key priorities listed in the Accession Partnership with Croatia, adopted by the EU Council in February 2006.

In early April Parliament adopted the Government-sponsored Plan for Combating Corruption from 2006 to 2008. The Plan covers six sectors: the judiciary, health care services, local and regional self-government, political parties and public administration, public expenditure, as well as science, education and sports. The plan outlines measures to be taken over the next three years by public bodies in each of the six sectors and envisages the establishment of a national council to monitor its implementation. As stated in the Plan, these measures aim to

identify and sanction corrupt individuals, strengthen professional ethics among state employees and make state bodies more accountable to the public in order to restore citizens' trust in government at all levels. Specific measures include:

- Judiciary: restructuring the court system, making case law available to the public, enhancing ethics training for judicial staff, reducing the backlog of cases, ensuring a financial disclosure requirement for judges and prosecutors;
- Health care services: reform of the legal framework, insurance, and financing;
- Local and regional self-government: reinforcing existing state mechanisms controlling local and regional authorities, particularly in relation to public expenditure;
- Political parties and public administration: stricter control over the financing of political parties; preventing conflict of interest among elected officials whose public duties overlap with private business interests; further education and training targeted at public administration and public service employees;
- Public financing: reform of public procurement, privatization, and the budgeting process of state bodies.

While the Plan presents an ambitious programme in terms of time frames and goals, the means needed to achieve these goals remain less clearly defined.

Repeat local elections conducted calmly and in line with regulations

According to Croatia's leading democratization NGO, GONG, which monitored repeat local elections in Dubrovnik-Neretva County, Požega-Slavonia County and the city of Velika Gorica, polls were conducted in a calm and professional manner. Turnout was relatively high at an average of 45 per cent. In February the Government had ordered repeat elections following a long drawn out controversy over the trading of mandates in the aftermath of the May 2005 local elections.

Although the Croatian Democratic Union (HDZ) won the highest number of seats overall, the results indicated increasing support for the Social Democratic Party (SDP), placing the two parties neck and neck in the latest test of strength before the next parliamentary elections in 2007. The only clear-cut victory was in Požega-Slavonia County, where an SDP-led coalition won the majority of council seats, ousting the former HDZ-led coalition which had ruled the county for the past 15 years. While an HDZ-led coalition won the highest number of votes in Dubrovnik-Neretva County, they did not secure enough seats to form a government on their own. Local SDP officials and independent candidate, Stipo Gabrić Jambo, have announced they will form a governing coalition. In Velika Gorica where the HDZ won 35 per cent of the vote, the party needs a coalition partner if they are to oust the ruling SDP-led coalition. The decisive coalition partner in this case would be the Democratic Center (DC), party of former Minister of Justice Vesna Škare-Ozbolt, who remains undecided whether to work with the HDZ or the SDP.

The far-right Croatian Party of Rights (HSP) were only able to pass the electoral threshold in Dubrovnik-Neretva County - winning no seats in Požega-Slavonia County or Velika Gorica - and have openly admitted defeat. HSP President, Anto Djapic, has said that voters unfairly blamed his party for toppling local governments in the three locales, adding, however, that the party had learnt a lesson.

Return of refugees: Non-enforcement of court orders as major factor in the delay in return of occupied property

Lengthy administrative and judicial delays continue to prevent some Serb owners from regaining possession of private homes that were allocated to temporary users by the Government in the mid-1990s. In the case of Nikola Kljajić, a 79-year old internally displaced Serb, a request for the return of his occupied house in Central Croatia, remains unsuccessful after almost 8 years, despite his use of administrative and judicial remedies. Kljajić's case is indicative of a particular type of housing return problem in Croatia, and is similar to *Kunić v. Croatia* in which the European Court of Human Rights is reviewing whether such delays in the return of property violate the right to a fair trial in reasonable time as well as the right to property.

Despite a judgment in 1999 that the property be returned to him, Kljajić remains unable to repossess his home due to a lack of enforcement of the final court decision. A court-ordered eviction of the 'temporary user' in the autumn of 2005 failed for technical reasons. In early April 2006, a second eviction failed because the occupant - who has refused to apply for housing care - also refused to vacate the property. The court had not summoned the police to enforce its eviction despite prior indications that the occupant was unlikely to leave voluntarily. In the meantime, Kljajić resides in a flat in Vukovar, subject to the execution of a final decision on eviction issued by the Vukovar Municipal Court in 2001.

Journalist suing Croatia for violation of human rights

The trial of a Croatian journalist who is suing the State of Croatia for alleged infringement of his human rights, acts of slander, damage to his reputation and intimidation, commenced on 12 April in Zagreb. Zeljko Peratović, a former journalist for the state-owned daily *Vjesnik*, claims he was subject to years of illegal surveillance by Croatia's counter-intelligence agency POA, violating his right to privacy, freedom of speech and the right to work. He alleges he was then unfairly slandered by the former head of POA, Franjo Turek, in 2003. Mr. Peratović is claiming 800,000 HKN (€100, 800) in compensation.

In a controversial presentation shown to the President in 2003, the head of the POA, Turek, accused Mr. Peratović and five other journalists of endangering Croatia's national security by collaborating with foreign secret services and diplomats. These accusations were later published in the national daily *Vecernji List* and the political weekly *Nacional*. Mr. Peratović claims that his dismissal from *Vjesnik* in 2005 was mainly a result of the allegations against him. He has subsequently been unable to find employment.

Following the March 2005 findings of the Parliamentary Council for the Control of Secret Services, which determined that there were grounds to suspect that the POA had violated the constitutionally guaranteed human rights of the six journalists in question, Mr. Peratović decided to file a law suit. His initial offer of an out-of-court settlement was refused by the State. Lawyers representing the State argue that Croatia is not liable for damages suffered by the plaintiff.

National conference on social cohesion held in Zagreb

On 12 April, the Regional Forum of NGOs from Eastern Croatia (Regional Forum) supported by the Mission, organized a national conference in Zagreb entitled 'Social Cohesion –

Driving Force or Obstacle to Development?’ The conference represented an important step forward in the building of civil society in Croatia by bringing together for the first time at the national level high-profile participants from the non-governmental sector, local authorities and academia, as well as from the key State institutions, the National Foundation for Civil Society Development, the Council for Civil Society Development and the Government Office for Co-operation with NGOs.

Opening the conference, the Deputy Head of Mission reminded those gathered of the significant progress made by civil society in the last decade, encouraging participants to continue in their efforts to co-operate, network and exchange best practices. Good co-operation between local authorities and NGOs in the counties of Osijek-Baranja and Sibenik-Knin were presented as best practice examples. However, it was noted that obstacles hindering the implementation of these practices in other areas include the lack of a normative framework and the fact that local partnerships depend on the good will of local officials. Conference participants observed that Croatia has a critically low level of social cohesion according to Council of Europe indicators.

Several participants from different parts of the country asked the Regional Forum to organise similar conferences in their counties in order to foster co-operation between local authorities and NGOs. The Head of the Government Office for NGOs has offered to forward the conclusions of the conference to the Government.

The conference also contributed to the progress of the national working group for the development of a draft national strategy for civil society development, which is attempting its third draft since 2000.