Croatia

by Petar Dorić

Capital: Zagreb Population: 4.24 million GNI/capita, PPP: US\$19,359

Source: World Bank's World Development Indicators

]	Nations	in Trans	it Rating	gs and A	veraged	l Scores			
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
National Democratic Governance	3.50	3.25	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
Electoral Process	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.00
Civil Society	2.75	2.75	2.75	2.75	2.50	2.50	2.50	2.75	2.75	2.75
Independent Media	4.00	3.75	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00
Local Democratic Governance	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Judicial Framework and Independence	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.50	4.50	4.50
Corruption	4.75	4.50	4.50	4.50	4.25	4.00	4.00	4.00	4.00	4.25
Democracy Score	3.75	3.64	3.71	3.71	3.64	3.61	3.61	3.68	3.68	3.68

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).

EXECUTIVE SUMMARY

Croatia's political elite spent most of 2015 sparring over ideological differences rather than getting on with the business of governance and reforms, or dealing with the sluggish economy and high unemployment rate. New, old, and imagined ideological cleavages dominated many aspects of political, economic, and social life. The narrow margin of victory in the second round of the presidential election in January, at less than 1 percent, illustrated these divisions, as did the close results of the early November parliamentary elections and the parties' inability to form a government for most of November and December.

The candidate of the right-wing Croatian Democratic Union (HDZ), Kolinda Grabar-Kitarović, won the January presidential elections, defeating the incumbent, Ivo Josipović, in a close race. The November 8 parliamentary election was also won by a HDZ-led coalition. The results—specifically the strong third-place showing of the independent MOST (Bridge) coalition—revealed that a considerable segment of the electorate was fed up with the traditional options and wanted to try something else. MOST, acting as the kingmaker between HDZ and the incumbent Social Democratic Party (SDP), eventually decided to throw in its lot with HDZ, but it remained unclear whether and how this new actor would be able to influence the government in the year ahead.

The presidential campaign also ushered in a period of ideological answers to complex policy problems from both the right and the left. On the left, for example, civil society calls for the elimination of loans denominated in Swiss francs were based more on social or moral considerations than on economic reasoning. Many on the right adopted a nationalist agenda, opposing minority language rights in specific towns and demanding perpetual special status for veterans.

Separately during the year, major court decisions rolled back previous gains on corruption prosecutions. The rulings raised suspicions that the judiciary was acting on political motives in anticipation of HDZ's expected return to power. The fact that courts found procedural errors in all of the major cases against former HDZ prime minister Ivo Sanader not only cast doubt on the quality of the judicial system, but also reflected a certain tolerance for corruption in the society. While corruption has become less acceptable than before, and the public is strongly critical of the political classes in general, major public figures—such as a former prime minister, a capital city mayor, a football club manager, and a convicted war criminal—are still able to count on a significant level of popular support and gain access to suspicious funds while fighting charges.

The media did little to investigate politicians or persuade the public to think differently about corruption or policy matters. The editorial tone in most outlets ranges from bland to politically friendly or clearly partisan, and those that carry alternative views or information continue to fight for economic survival.

The arrival of the refugee crisis in September seemed to rouse the public and politicians from their relative torpor. During the first days of the reception of thousands of refugees, the government was proud of its performance. When the true scale of the problem sunk in, however, panic and spats with Serbia, Slovenia, and Hungary soon followed. By the end of the year, over 550,000 refugees had passed through Croatia. Determination to help the refugees was and continues to be a governmental policy and a popular social stance. Yet the crisis accentuated the increasingly divergent views of the right-leaning HDZ and the center-left SDP, which in turn reflect a real social divide.

Score changes:

- Electoral Process rating improved from 3.25 to 3.00 due to the more free and fair conduct of the November parliamentary elections in comparison with past balloting.
- **Corruption rating declined from 4.00 to 4.25** due to the reversal of major corruption verdicts, including those against former prime minister Ivo Sanader, ahead of elections in which his party was expected to perform well.

As a result, Croatia's Democracy Score remained unchanged at 3.68.

Outlook for 2016: The appearance of the independent political coalition MOST challenged the longstanding dominance of HDZ and SDP. While the MOST-HDZ government has now been formed, it is unclear whether and how MOST will exert influence. The group could serve as a catalyst for accelerated reforms, namely in public administration and economic policies; it could also rein in the ideological excesses of its coalition partner. Yet there is a danger that MOST will simply be trapped between the two major parties, which have deep and broad interests in maintaining the status quo.

Regardless of MOST's role, the country faces a difficult year. The economic situation requires urgent policy measures. The designated prime minister, a nonpartisan businessman, could begin to address these, but he will have a number of other concerns: Political polarization will remain intense, the refugee flows may continue, and wider European Union politics suggest that Croatia and its neighbors will be hard pressed to manage their relations while adhering to humanitarian principles. Therefore the extent to which the incoming government can advance new ideas and sustain the energy needed to get results remains to be seen.

MAIN REPORT

National Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.50	3.25	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50

- The year was marked by further political polarization between the ruling Social Democratic Party (SDP) and the opposition Croatian Democratic Union (HDZ). In a continuation of the previous year's trend, political discourse centered on ideological arguments. For example, HDZ continued to accuse its perceived enemies of having opposed Croatia's independence¹. SDP, meanwhile, continued to claim that previous HDZ governments had "robbed the country."² Neither provided clear ways to address the economic and social problems affecting Croatia.
- While these ideological clashes consumed considerable energy and attention, governing structures were able to manage them. For example, despite pressure all year from veterans who literally camped in front of the government building, the SDP-led government continued to engage with them in a civil manner and without open conflict. In August, President Kolinda Grabar-Kitarović, affiliated with HDZ and elected in January, promptly rejected a petition signed by 3,000 respected academic and religious figures advocating adoption of the controversial slogan "Za Dom Spremni" ("Ready for the Homeland") as a salute for the military, despite her past public rhetoric signaling support for such ideas.³ Due to its use by the Nazi puppet regime in Croatia during World War II, this salute or slogan is widely seen as a symbol of discrimination against Croatian Serbs and an expression of social conservatism or religious extremism more generally.
- At the same time, Grabar-Kitarović's first year in the presidency was marked by undue partisanship. Her public statements both implicitly and explicitly demonstrated her support for an HDZ agenda rather than a national agenda (in contrast to previous presidents Stjepan Mesić and Ivo Josipović). Her remarks also revealed her lack of clarity on the constitutional duties of the president, as distinguished from those of the prime minister and government.⁴
- This institutional confusion included foreign policy issues, as was most on display during the refugee crisis that erupted in September. Grabar-Kitarović adopted public positions that were closer to those of Belgrade and Budapest than to the policy of the Croatian government. The president effectively led a parallel foreign policy by speaking openly in support of Hungarian prime minister Viktor Orbán's positions and suggesting a more militarized border to deal with the refugees, even as the Croatian government criticized such ideas.⁵
- The mass movement of refugees across the Balkans tested regional relations and raised tensions with Serbia and Slovenia. A standoff with Belgrade in mid-September, when Croatia temporarily closed its border, was defused. Nevertheless, the mutual recriminations between capitals again highlighted just how quickly relations could break down.⁶
- Tensions were also present along the border with Slovenia, as the refugee flows stretched the resources of all the states in the region that were serving as transit countries. However, the biggest issue in Slovenian-Croatian relations remained the unresolved sea border. Croatia left the arbitration process in 2015, citing irregularities on the Slovenian side, while Ljubljana insisted that the blame lay with Zagreb.⁷ Both are committed to finding agreement, but it was unclear at the end of 2015 how they would overcome the impasse.

Electoral Process

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.00

- Grabar-Kitarović won the second round of the presidential election in January, defeating Josipović, the incumbent, 50.74 percent to 49.26 percent. Voter turnout was 61 percent.⁸ The first round of voting, held in December 2014, had been won by Josipović, who had received 38 percent compared to 37 percent by Grabar-Kitarović, 16 percent by Ivan Sinčić (of Live Wall, a new formation) and 6 percent by Milan Kujundžić (of the right-wing Alliance for Croatia). The election was considered to have met international standards, and the results were not disputed.⁹
- Parliamentary elections were held on November 8, 2015, with 60.85 percent turnout. They were also found to have conformed with international standards.¹⁰ The results were very close, with the HDZ-led Domoljubna koalicija (Patriotic Coalition) winning 59 of the 151 seats, the SDP-led bloc Hrvatska raste (Croatia Grows) taking 56, the independent MOST (Bridge) coalition securing 19, and a variety of small parties and ethnic minorities accounting for the remainder.¹¹ Some new parties led by well-known political figures, including Josipović and former environment minister Mirela Holy, did not make it over the 5 percent threshold to win representation.
- A key feature of the parliamentary elections was the use of preferential voting for the first time outside of European Parliament elections. The system allows voters to select a candidate directly, regardless of ranking on the party list. At the very least, this shook up internal party considerations regarding placement on the lists.
- The biggest surprise was MOST's strong results. A coalition of independent candidates and smaller parties headed by Metković mayor Božo Petrov, MOST was initially considered a factor in certain regions rather than a nationwide contender, but it benefited from public dissatisfaction with the two main political parties. After capturing 19 mandates, the group spent most of November and December negotiating with both sides, but not without internal tensions; one of its leaders was expelled from the coalition.
- Facing a deadline to either form a government or trigger new elections, MOST reached an agreement with HDZ at the end of December, creating a governing majority of 78 seats (with 15 of the original 19 MOST seats).¹²

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2.75	2.75	2.75	2.75	2.50	2.50	2.50	2.75	2.75	2.75

Civil Society

- Croatia's civil society is vibrant and continues to play a significant role in public life. As in years past, two blocs within the sector—one considered socially liberal and focused on human rights, environmental issues, and other such topics, and the other considered more conservative and associated with the Roman Catholic Church, veterans' groups, and ethnically focused cultural organizations—vied for influence over the government and the population.
- Conservative groups dominated the headlines for most of the year. Veterans' organizations managed to block state implementation of the right to use minority languages on government buildings as required by law in cities such as Vukovar.¹³ Their actions included supporting Vukovar's HDZ mayor, Ivan Penava, in his resistance to the state's prerogative over this issue.
- Veterans also continued to demand recognition of their special status through protests in Zagreb. Having established an encampment in October 2014, veterans spent the year demonstrating in front of the Ministry of Defense, calling for the replacement of the incumbent defense minister. They were also seeking constitutional confirmation of the extended social rights and ideological values that would make Croatian war veterans a privileged class in the country. Yet their tactics sometimes

appeared to dampen enthusiasm for their causes. When several veterans' group members who were camped out in front of the Ministry of Defense brought gas canisters to the site and attacked police in May, even supporters condemned the escalation.¹⁴

- The influence of conservative groups, particularly the Catholic Church and its related organizations, is significant and has an effect on the consolidation of democratic liberalism in the state. President Grabar-Kitarović rejected church leaders' summer 2015 initiative to formally adopt the phrase "Za Dom Spremni" as an official military slogan, but the effort underscored the substantial polarization of society. The idea had been suggested before, but this was the first time that two bishops got involved to support the initiative; a third bishop publicly asked for a referendum.¹⁵
- Nongovernmental organizations (NGOs) focused on human rights and reform processes also remained active. LGBT (lesbian, gay, bisexual, and transgender) advocacy groups managed to organize Pride Parades in Zagreb and Split in 2015 and had helped push through changes to the family law that allowed legal same-sex partnerships with some restrictions.
- Others in the human rights and reform bloc have become directly involved in politics. The head of the NGO Živi zid (Live Wall), Ivan Sinčić, who ran for president in 2014, also ran in the 2015 parliamentary elections; his party received one seat to further its efforts to help indebted Croatians. The NGO has worked on preventing evictions in Croatia.
- However, parts of the sector remain marginalized due to their work on the documentation of wartime human rights abuses. The NGO Documenta, which researches the events of the war in Croatia from 1991 to 1995, continued to face denunciations from veterans' organizations and other far-right groups, as well as public insults, threats, and accusations of treason¹⁶.
- Labor unions are active across the economy, but with limited results. For instance, at the beginning of October, several teachers' unions managed to organize a strike demanding a salary increase of 4 percent.¹⁷ The strike paralyzed the school system for three days, but it did not achieve any concrete objectives, other than making a show of strength and securing general preelection promises from the two main political parties.

Independent Media

Γ	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
	4.00	3.75	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00

- Political and economic pressures continue to squeeze major media outlets. A small number of highquality media outlets, like the state-funded weekly *Novosti* and several news websites, cannot make up for the generally poor standards of mainstream media.
- HRT, which is largely funded by public license fees, has fallen short of its promised role as a highly professional public-service broadcaster. Its influence has grown in the past few years; the company oversees four nationwide television stations, three radio channels, and 3,000 relatively well-paid employees.¹⁸ Yet little changed in 2015 with respect to its management structures, programming standards, or business model.
- Lack of ownership transparency continues to plague the media. One of the dominant print-sector companies, Europa Press Holding (EPH), retained opaque ownership arrangements even after it went through a prebankruptcy settlement in 2014 that in theory was intended to make its ownership more transparent.¹⁹ It is unclear how and why the new owners, well-known lawyer Marijan Hanžeković and prominent banker Franjo Luković, acquired the right to buy the company's debts.²⁰
- During the first year under its new ownership, EPH began thinning out so-called "ideological journalists" from the liberal end of the spectrum. *Slobodna Dalmacija*, a regional newspaper owned by the company, fired one of its best-known liberal columnists, Boris Dežulović, and hired several far-right journalists such as Tihomir Dujmović, Višnja Starešina, and Ivica Šola.²¹

- The professional organizations of the media sector also began to divide based on ideological views in 2015. A group of journalists who were unhappy with the spring election of Saša Leković as president of the Croatian Journalists' Association (HND) formed their own organization, Croatian Journalists and Publicists (HNiP) in July.²² They disagreed with Leković's leadership in positioning the HND to take a stronger stand on the murky connections between government and private media ownership in Croatia.²³
- Historical revisionism, particularly regarding events during and after World War II, became increasingly common in Croatian media during 2015. Such revisionism appeared not only on the fringes of the internet, but also in mainstream papers such as *Većernji list* and *Slobodna Dalmacija*.²⁴
- Having accumulated a large amount of debt that leaves it vulnerable to a buyout, the one independent daily, Rijeka-based *Novi list*, appeared likely to be taken over by the new owners. Former owner of EPH, Ninoslav Pavić has expressed public intrest but new ownerwhip has not been found by the end of the year.

Local Democratic Governance

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75

- The government did not have sufficient political power during 2015 to make a serious effort at decentralization, despite promises that it would do so and pressures from Brussels to finally address the country's bloated administrative system. Croatia has 21 county legislatures and executives, 127 city-level councils and administrations, and 429 smaller municipalities, though it remains very much a centralized state.²⁵
- This large and complex administrative system is far too expensive for the country. Yet it has value from a political point of view, serving as a patronage mechanism for both main parties. This made a reorganization particularly unappealing to the parties as they vied for support ahead of the November parliamentary elections.
- The need to clarify administrative responsibilities and reform relations between the levels of government is growing more urgent. As city-level governments eye lucrative concession opportunities, the competition for oversight of these transactions has intensified. Several mayors, such as those from Rijeka, Osijek and Split revived the older idea of a revised administrative status for their cities that would put them on par with Zagreb, which holds the status of both city and county. This request appears to have gained some political traction, as the SDP's electoral platform included a compromise solution whereby cities like Split, Osijek and Rijeka would gain some county-level powers over concession rights in certain maritime areas. However, by the end of 2015 there had been no substantial progress on the issue.
- The struggle over dual-script (Latin and Cyrillic) public signs in Vukovar cast doubt on the power of the central government over local administrations, as the HDZ-led local government refused to implement the minority-language signage regulations as instructed by the SDP-led central government.²⁶

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.50	4.50	4.50

Judicial Framework and Independence

- The year was marked by several high-profile cases that challenged the integrity of the judicial system and the government's anticorruption strategies. A series of Supreme Court and Constitutional Court rulings that overturned high-profile corruption judgments against top HDZ figures raised suspicions that the courts were repositioning themselves politically ahead of an expected HDZ victory in the parliamentary elections.
- In the most visible set of decisions, high courts overturned convictions in three of the main corruption cases against former HDZ prime minister Ivo Sanader, citing procedural errors. In July, the Constitutional Court reversed two convictions in which Sanader was found to have taken bribes from Hungary's MOL oil firm and Austria's Hypo Bank. In October, the Supreme Court annulled a March 2014 Zagreb County Court verdict in which Sanader was found guilty of rigging public tenders and misusing public funds in the so-called Fimi Media case. Each of the cases was set for retrial.²⁷
- A 2010 constitutional amendment that lifted the statute of limitations on war profiteering and related economic crimes from 1991–95 was one of the most important anticorruption measures of recent years. However, the July Constitutional Court decision regarding Sanader's Hypo Bank conviction argued that the lower courts had failed to legally establish whether the nature of his alleged offenses, which dated to 1994–95, fit the definition set by the constitutional provision.²⁸ It also found that the stricter version of a criminal law used to prosecute him was not in effect at the time of the alleged crime, and could not be applied to the case. The ruling called into question the government's ability to effectively pursue earlier corruption and privatization cases.
- War crimes cases were also affected by the year's rulings. Court decisions in Bosnia and Herzegovina and Croatia between January and April resulted in the release of convicted war criminal Branimir Glavaš due to procedural mistakes identified by Constitutional Court,²⁹ which overruled the Supreme Court.³⁰ He would face a retrial. After winning his release, Glavaš engaged in a series of public provocations, including statements related to war crimes.³¹
- With questionable timing, the Constitutional Court in October asked the government to revise legislation that would bar citizens convicted of corruption from elected office. Because the court handed the legislation back to the government at the end of the parliamentary session, no changes could be made before the November elections.
- A county court in Split continued a trial against several soldiers for alleged wartime crimes against enemy soldiers and civilians at a local improvised prison within a military base called Lora. Although the alleged abuses took place some 20 years earlier, the courts were still in the very early stages of the proceedings. The local court's inability to call known witnesses called into question its competence in the matter.³²

Corruption

ſ	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Ī	4.75	4.50	4.50	4.50	4.25	4.00	4.00	4.00	4.00	4.25

- The government's decade-long effort to build anticorruption cases against high-level officials appeared to be ending in failure in 2015. Major verdicts were reversed, accused actors were freed, and a number reentered political life. In effect, all major cases were on the cusp of failing, partly due to what now appears to be less than professional work done by the Office of the State Prosecutor for the Suppression of Corruption and Organized Crime (USKOK). The former state prosecutor, Mladen Bajić, has defended what critics saw as a deliberately slow process by noting the need for precise and careful investigations and prosecutorial steps.³³ These efforts seem to have been inadequate.
- Former prime minister Sanader, the highest-ranking official to be jailed for corruption, was released in November after the Constitutional Court and Supreme Court overturned his convictions on

procedural grounds, though he would have to face new trials (see Judicial Framework and Independence).³⁴

- A number of public figures charged with corruption have been able to avoid pretrial detention by posting large bail amounts with funds that they may have acquired illegally. Zagreb mayor Milan Bandić easily paid his bail of €2 million (\$2.2 million) in late 2014 and—after being briefly rearrested—returned to his duties in April.³⁵ He spent the fall actively campaigning for the parliamentary elections as leader of his own list. The brothers and soccer magnates Zoran and Zdravko Mamić also easily produced a large amount of money, about €1.6 million (\$1.8 million), for bail after being charged with embezzlement and tax evasion.³⁶
- Concerns over judicial corruption are also on the rise. At the beginning of November, the media reported on potentially incriminating police recordings of a Constitutional Court judge conferring with a key defendant—Zdravko Mamić.³⁷
- The pattern of higher courts overturning major convictions on procedural grounds raises serious questions about the credibility of the judicial process. High-profile defendants appear to be outmaneuvering investigators and prosecutors, finding technical mistakes in their work that allow the defense to seek new trials. At times it seems as if the judicial system is specifically working against anticorruption efforts. The Constitutional Court's July ruling in the Sanader case threatened a key element of the national anticorruption strategy by making it more difficult to prosecute cases dating to the war years (see Judicial Framework and Independence)—a period when the country's major privatizations of state assets were conducted without proper scrutiny and helped to create a new class of wealthy, politically connected businessmen.

AUTHOR: Petar Dorić

Petar Dorić is a journalist and analyst based in Spilt, Croatia. He holds a Masters of International Relations from the City College of New York.

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² "Milanovic u saboru; HDZovci slusajte svetog oca," [Milanovic at Parliament: HDZ should listen to the Pope], Jutarnji list, 21 January 2015 <u>http://www.jutarnji.hr/vijesti/hrvatska/premijer-milanovic-u-saboru-hdz-ovci-slusajte-</u> svetog-oca-on-je-duhovit-covjek.-ljudi-nisu-zecevi/467671/

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⁵ "Migrant crisis: Croatia President Kolinda Grabar-Kitarovic backs border fence," International Business Times, 14 October 2015, <u>http://www.ibtimes.co.uk/migrant-crisis-croatia-president-kolinda-grabar-kitarovic-backs-border-</u> fence-1524002

⁶ "Ostojic: Pokazalo se da nikakvi zidovi, puske, ni oruzje ne mogu rijesiti ovakvu krizu," [Ostojic: It is proven that walls, guns or ammunition can not solve refuge crisis], Novi List, 20 September 2015,

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⁷ "Slovenci ne mogu doći sebi: Hrvati su neetični, prisluškivanje je kriminal" [Slovenians lost it: Croatians are not ethical as wiretapping is illegal!], Tportal.hr, 24 July 2015, <u>http://www.tportal.hr/vijesti/svijet/390389/Slovenci-ne-mogu-doci-sebi-Hrvati-su-neeticni-prisluskivanje-je-kriminal.html</u>

⁸ "Potpuni resultati izbori," [Complete election results], State Electoral Commission of Croatia, http://www.izbori.hr/140zas/rezult/1/nrezultati.html#close

⁹ State Electoral Commission of the Republic of Croatia,

http://www.izbori.hr/ws/index.html?documentId=96879D17360762D2C1257C6600435493

http://www.osce.org/odihr/elections/croatia/223631?download=true

¹¹ Ethnic minority representatives won 8 seats. The smaller groupings were the Our Own Right coalition (3), the Croatian Democratic Alliance of Slavonia and Baranja (HDSSB, 2), the Labor and Solidarity Coalition (2), the Successful Croatia coalition (1), and Živi zid (Live Wall, 1), http://www.rezultati-izbora.com

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¹⁹ See *Nations in Transit 2015* for details.

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