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REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: CROATIA

AUTHORED BY
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Report on Political Participation of Mobile EU Citizens

Croatia

*Viktor Koska**

Abstract:

The Republic of Croatia is the newest Member State of the European Union and the question of political participation of non-Croat EU nationals is a recent one. Non-resident Croat citizens have the right to vote and to stand as candidates in national and European Parliament (EP) elections, while non-citizen residents from the EU have the right to vote and to stand as candidates in local and EP elections. However, electoral registration is not automatic for non-citizen residents, which is a challenge to their political participation. Several further difficulties remain, such as the lack of campaigns targeting specifically the political rights of non-citizen residents, particularly EU citizens.

Sažetak:

Republika Hrvatska je najnovija država članica Europske unije, te se pitanje političkog sudjelovanja državljana EU u Hrvatskoj, pojavljuje tek od nedavno. Nerezidentni hrvatski državljani imaju pravo glasovati i kandidirati se na nacionalnim izborima i izborima za Europski parlament (EP). Državljeni EU-a sa prebivalištem u Hrvatskoj imaju pravo glasovati i kandidirati se na lokalnim i EP izborima. Međutim, registracija birača nije automatska za stanovnike koji nisu hrvatski državljani, što je izazov njihovoj političkoj participaciji. Postoji još nekoliko poteškoća, kao što je nedostatak kampanja usmjerenih konkretno na politička prava stranih državljana Hrvatskoj, posebice građana EU-a.

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1. Introduction

The Republic of Croatia is the newest Member State of the European Union, having acceded on 1 July 2013 after ten years of negotiations. This means that the question of political participation of non-Croat EU nationals is a recent one. The first European Parliament (EP) elections in Croatia were held in April 2013, to elect 12 MEPs, who served in the EP between accession and the 2014 EP election. The Croatian citizenship constellation includes several categories of citizens, whose rights differ significantly. These include the fully enfranchised resident citizens, resident national minorities, non-resident citizens, non-citizen residents (including EU and non-EU citizens), and others.¹

Non-resident Croat citizens have the right to vote and to stand as candidates in national and European Parliament (EP) elections (see Table 1). National citizens abroad can cast their votes in person at diplomatic missions and designated places. Electoral registration is automatic for Croats abroad voting in the polling station of their residence. If voting at another station, they need to register 10 days before the election.

Non-citizen residents from the EU have the right to vote and to stand as candidates in both local and EP elections. The voter registration is not automatic. Re-registration is required for each election.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents in Croatia

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	YES	YES	YES ²
Non-resident citizens	European Parliament	YES	YES	YES	YES ³
Non-citizen residents	Local Legislative	YES ⁴	YES	NO	N/A
Non-citizen residents	Local Mayoral	N/A	N/A	N/A	N/A
Non-citizen residents	European Parliament	YES	YES	NO	N/A

Source: Originally based on the data provided by GLOBALCIT CER 2017 and updated by the authors.

Legend: N/A (not applicable).

¹ For a more detailed overview of the development of the Croatian citizenship regime and existing Croatian

citizenship legislation, see Koska (2011) and Ragazzi, Štiks, and Koska (2013).

² Personal voting at diplomatic missions and designated institutions.

³ Personal voting at diplomatic missions and designated institutions.

⁴ The following categories have electoral rights: EU citizens with permanent or registered residence in the municipality where the election is held.

1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

As a result of the violent break-up of the former Yugoslavia, the contemporary Croatian citizenship regime is very complex. It encompasses different categories of citizens, and each category of citizens bears distinct citizenship rights. Croatian Constitution defines Croatia as ‘a national state of Croatian people and members of other nations and minorities who are its citizens’. Such provision defines nation in ethnic terms, where all members of Croatian ethnic community are considered as the part of Croatian nation regardless of their residency. On the other hand, this definition also recognizes the presence of particular national minorities, which are its citizens and may claim particular political and cultural rights vis-a-vis the state.

In the Republic of Croatia, the enfranchised Croatian citizens can vote in several levels of election. These include: elections for President of the Republic of Croatia; elections for representatives to the Croatian Parliament; local elections and elections for representatives from the Republic of Croatia to EU Parliament. Additionally, enfranchised Croatian citizens can vote in referendums, while national minorities can also vote in the special elections for the special institutions and bodies according to the Act on Human Right and National Minorities. Croatian legislation stipulates that all Croatian citizens who are over eighteen years of age have the right to vote and stand as the candidates in all types of elections. There are no restrictions on voting rights of mentally disabled citizens and for prisoners and persons convicted of criminal offences. However, not all Croatian citizens can vote in all elections. Registered domicile in a particular municipality is required for voting and stand as a candidate in the local and regional elections.⁵

Non-national EU citizens who have a registered residency in Republic of Croatia can vote in local and regional elections, local referendums and elections of representatives of Republic of Croatia to European Parliament. To meet its obligations as an EU Member State, Croatia regulated the EU citizens’ voting rights through enactment of the *Act on Electoral Rights of Citizens of Other EU Member States in Regional and Local Legislative Elections* and the *Act on Elections of MEPs from Croatia*, both passed in July 2010. Additionally, EU citizens’ rights to vote in local elections is regulated by the *Act on Local Elections*, adopted in December 2012. Their right to vote in local referendum is regulated with the *Act on Referendum* and other forms of personal participation in performing state power and local (regional) self-government. Foreigners with permanent residency in Republic of Croatia, who are not citizens of any EU member state, currently have no electoral rights.

According to EUROSTAT data,⁶ in 2017, a total of 15,091 EU citizens resided in Croatia. This number included 7,324 male and 7,767 female foreign EU residents in the country. Regarding age distribution, out of the total number of EU citizens in Croatia, 1,180 are below 15 years of age; 251 are between 15 and 19; 428 are between 20 and 24; 660 between 25 and 29. Moreover, 2,198 residents are aged 30 to 39; 2,294 are in the age range from 40 to 49; 3,299 from 50 to 64 and 4,781 are 65 or older. Additionally, EUROSTAT indicates that the employment rate of EU nationals in Croatia for 2017 stood at 55.3 per cent. However, these records have to be read and interpreted with caution since their accuracy in the database has been flagged with low reliability.

⁵ For a general overview of access to electoral rights in Croatia, see Sajfert (2013)

⁶ <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do> (accessed 21 July 2018)

There is also limited information on the exact numbers of non-resident Croats. The Croatian community in Bosnia and Herzegovina amounts to about 800,000 people, and estimates of Croats in the Americas are at 400,000 people.

2. Non-national EU citizen's franchise in EP and local elections

2.1. Overview of the relevant administrative regulations and voter registration

Procedures for setting up, determining the content and ways of management of the voter register, including the procedures for registration, correction and deletion from the register for all voters enfranchised for voting in a particular type of elections (resident citizens, non-resident citizens, resident non-national EU citizens) is regulated by the *Act on Voter Register (AVR)*. Registration in the voter register of the Croatian citizens with residency in the republic of Croatia is automatic. Removal from registry can occur only in cases of death or the *ex lege* loss voting rights due to termination of Croatian citizenship.

Article 4 of AVR states that a voter can exercise his voting right only after being placed on the electoral roll. Voter register consists of three records: 1) record of resident citizen voters; 2) record of non-resident citizen voters; and 3) record of voters who are citizens of member states to European Union and who exercise voting rights in the Republic of Croatia (Article 5).

The non-national EU citizens who are permanent or registered residents in Republic of Croatia and who intend to exercise their voting rights there have to register in *The record on voters who are citizens of member states to European Union and who exercise voting rights in Republic of Croatia* according to their place of permanent or registered residency in Republic of Croatia (Article 9 of the AVR). In the voter registry, the voter can be entered only for one town or municipality and only for one state (Article 10 of AVR). The voter's enter to the registry is made according to the information contained in the Citizens' registry, collection of permanent and registered residence data and travel document records (Article 11 of the AVR).

The record on voters who are citizens of member states to European Union and who exercise voting rights in Republic of Croatia contains the following information on registered voter: 1) registration number, 2) surname and name, 3) citizenship, 4) personal identification number (OIB), 5) sex, 6) date of birth, 7) information on permanent residency or registered residency in Republic of Croatia, including the name of the settlement, street address, house number and sub number, 8) information on place of previous residency abroad, including the name of the state, place, name of the street and street number and 9) annotation (Article 21 of AVR).

In addition to the AVR, a series of by-laws regulate additional procedures, requirements and periods for voter registration, applicable to different types of elections and/or referendums in which the non-national EU citizens may exercise their voting rights (Article 19 of the AVR). Non-national EU citizens' registration for voting in the EP elections is further regulated by the *Act on elections of MEPs from*

Croatia (AEMEP). The AEMEP stipulates that all non-national EU citizens with permanent or registered residency in Croatia have the right to vote in EP elections under the same conditions as Croatian citizens. However, their registration in the voters' registry is not automatic. In order to be eligible to vote, non-national EU citizens have to submit the request for inscription in the voters' registry to the competent authority not later than 30 days before the election day (article 4 of the AEMEP).

Together with their request, non-national EU citizens have to provide a statement, which contains the information on their citizenship, their residential address in Croatia. If applicable, the statement also needs to contain information on the place or electoral unit in their home EU country, in which their name has been last entered in the voters registry, along with a statement that the voter will exercise his or her voting right in EP elections only in Croatia and a statement that the voter is not deprived of voting rights in the EU country of which he or she is citizen.

Article 4 of the AEMEP, once the voter has been entered to the voter registry, the competent authority must inform the State Election Commission (SEC) about his or her registration no later than eight days from the date of entry in the registry. Non citizen EU residents can cast their vote in EP Elections in Croatia only at the polling stations in their places of permanent or registered residency (article 9 of the AEMEP).

If a non-national EU citizen exercised his right to vote in EP elections in Croatia, he or she cannot vote in the same EP elections in the country of his citizenship or any other EU Member State (article 6 of the AEMEP). Croatian Ministry competent for the voter registry will inform the other EU Members States on their citizens who exercised their voting right in EP elections in Croatia. According to article 22 of the AVR, EU citizens who requested inscription in the voter's registry for EP elections, will be deleted ex officio from the registry after these elections. This means that they have to re-register for all subsequent elections.

The registration of non- citizen EU residents for voting in local elections and local referendums are regulated according to the AVR and two complementary laws on local elections: *Act on electoral rights of citizens of other EU member states in regional and local legislative elections* (AEREURLE) and the *Act on local elections* (ALE).

Article 2 of the ALE stipulates that all non-national EU citizens can vote in the elections for the local representative bodies. Additionally, the Article 5 of *the Act on referendum and other forms of personal participation in performing state power and local (regional) self-government* (AoR) allows the EU nationals to participate in local and/or regional referendums if they have permanent residency in the area of the unit of the local self-government and/or unit of regional self-government in which the particular local/regional referendum is held. According to the same article, non-national EU citizens can also take part in the consultative referenda and citizen assemblies announced for the local and/or regional unit of self-government in which they have a registered permanent residency. However, the law denies the vote these citizens in national referendums (Article 5 of the AoR) as well as the vote for executive office elections at the local and regional levels (i.e., elections for municipal chief, mayor and head of county and their deputies) (Article 2 of the ALE).

The registration procedure for non-national EU citizens voting in local elections is similar to the one for voting in the EP elections. Article 20 of the AVR

requires permanent or registered residency in Republic of Croatia for non-national EU citizens in order to participate in elections for both local and regional representative bodies and local referendum. Registration is not automatic and therefore EU citizens have to register in order to be able to vote.

The AEREURLE stipulates that in order to vote in the local and/or regional elections, non-national EU citizens have to submit a request to the competent administrative body in charge of the voter registry in their place of permanent or registered residence (Article 3 of the AEREURLE). The request has to be submitted no later than 30 days before the election day. Additionally, such person must provide a statement certified by a public notary, containing information on their citizenship, address of permanent residency and registered residency in the unit of local and/or regional self-government in which the local and/or regional elections are taking place, along with the statement that the person is not denied voting rights in the EU members state of his or her citizenship.

While registration procedures for participation in local elections are properly defined in the Law, legislation which regulates the participation of EU citizens in local and consultative referenda and citizen assemblies is less ambiguous. Even though AVR explicitly states that non-national EU citizens wishing to vote in local referendums may register according to their place of residence (article 20 of the AVR) and later defines criteria and procedure for being deleted from the respective voter register, the AoR does explicitly refer to EU citizens. Hence, the right of non-national EU citizens to participate in local referendum can be only understood (and exercised) if the named acts are read as complementary to one another.

Except in cases of death or emigration from Croatia, non-national EU citizens can be deleted from the voters' registry only upon their request (article 22 of the AVR). Such deletion is accompanied by a note on the legal grounds for removal of the record from the electoral roll of EU citizens resident in Croatia.

The described procedure for voting registration shows that the administrative regulation and prerequisites for non-citizen EU residents to exercise voting rights is far from simple. The administrative aspects of voting rights require significant effort on behalf of the voter in order to be registered and become eligible to vote at any elections or referenda.

Interviews with relevant stakeholders emphasize different aspects of practical obstacles that hinder EU citizens' access to voting rights. These can be summarised in three key issues: a) complex administrative procedures b) complex web of rules for different levels election, which may confuse voters and demotivate them from engaging in registration procedures and d) short timeframe within which the registration needs to be conducted. The issue of the timeframe designated for the registration to the voter registry is specially challenging. The deadline for registration of 30 days before the election (article 3, AEREURLE) may be in collision with the legally proscribed time frames between which the Government is allowed to call for elections and the time when the called elections must be held, which amount to 30 to 60 days (article 6, ALE).

The complexity of the administrative procedure has been highlighted as the key obstacle for political participation during the interviews with representatives of Delegation of the European Parliament in Croatia and NGOs dealing with Croatian electoral issues. Technical aspects of registration, according to a representative of the

EP Delegation contributes to the discouragement of even those EU nationals who would otherwise be inclined to vote.

This statement has been further confirmed by CSO representatives and backed up with anecdotal evidence. The interviewee who was largely involved in the national campaign conducted by his CSO on raising Croatian citizens' awareness on the importance of the EP elections, noted that the general interest of non-citizen EU residents to vote was marginal. As a result, they were not in the focus of CSO campaigns. However, there were a few cases in which EU citizens approached this particular CSO with complaints that the registration procedure is was complicated:

Procedure is like that, that EU citizen needs to get to the Office of Public Administration, and in order for the office to act on behalf of the citizen, Office needs to contact the country of origin... the citizen needs to get into the registry, but also to provide a proof that he has a registered residency in the line of the procedure proscribed for foreign citizens in the Aliens' Act.⁷

Additional issues, partially related to registration, stem from the different electoral rules and voting procedure for EP elections in comparison to local elections. As the interviewed CSO representative emphasized, discrepancies between two sets of electoral rules for the two types of election lead to a situation where it is unclear to citizens for what elections they have registered; for what elections they still need to register; and after all, they are not sure what they will be able vote for.⁸

The last, but not the least, challenge concerning voter registration, is related to the timeframe for registration prior to the elections. As one of the interviewees - who is a non-citizen EU resident and a CSO activist - emphasised, it is often not just the registration procedure hinders larger electoral turnout among those EU citizens who would be interested to vote. The current provisions require that the registration is completed not later than 30 days before the elections. However, this provision raises two further challenges that may pose an obstacle to a successful voter registration.

First, according to an interviewee, current legislative provisions in Croatia consider an EU citizen 'as almost ideal typical Habermasian political subject, who is well informed, and look way ahead of time and would register for the sake of democracy and keep registered just in case if he would want to vote that he could in practice do it'.⁹ However, in practice, non-national EU citizens often become interested in the elections when the campaign has already started, and in a time frame much closer to actual day of elections. Where this is the case, citizens either realize that it is already too late to register, or they find the complex procedures too much time consuming.

The second challenge for registration is more technical in nature, and stems from the potential discrepancy between the provision for non-national EU citizens to register and the defined time frame within which government needs to organize the elections. This becomes particularly important when it comes to local elections. Article 6 of the ALE defines that Government of the Republic of Croatia adopts a decree that calls for elections. This Decree also contains the date on which the elections must be held. From the moment of announcing the elections up to their implementation, there must not pass less than 30 and more than 60 days. Hence, if the Government opts for holding the elections 30 days from the announcement, non-

⁷ Personal interview with a CSO representative, January 2019.

⁸ Personal interview with a CSO representative, January 2019.

⁹ Personal interview with a CSO representative, January 2019.

national EU citizens did not register before the official announcement would not be able to cast votes. To reiterate, they are required to register 30 days before the election day.

2.2. Information during the election campaign

Active mobilization of non-national EU citizens to vote in the local and/or EU elections was very limited, or modest at best. The review of national legislation, electoral content published by relevant stakeholders and authorities, both from the side of Government, CSO and EU Delegation, reveal that the issue of non-national EU voting was not a central focus of any campaign focused on the increase the electoral turnout in the elections. Even though the law (AEMEUP) stipulates that the State Election Commission is obliged to inform the public, by means of public communication, about non-national EU citizens voting rights and means and procedures to realise them, there was no public campaign that specifically targetted this section of electorate. This does not mean that there was no national electoral campaign for mobilising Croatian citizens to vote in local and European elections; rather, political participation of non-national EU citizens was simply not in the specific focus of such campaigns.

The actions of competent authorities, such as State Election Commission, which is by law defined to be in charge of informing non-national EU citizens on their voting and candidacy rights, remained mostly within the boundaries of legally defined minimum. For example, as the article 6 (4) of the AEMEUP defines that SEC has obligation to inform the public about voting and candidacy rights of non-national EU citizens, SEC frequently fulfilled this obligation but issuing a three-page public announcement, written in Croatian language, in which procedures for registration and candidacy have been described. This announcement was available only on the official website of CES, and uploaded on a barely visible link, which was not directly accessible from the main page of the website.

For the upcoming 2019 elections, at the moment of writing this report, the Official website of SEC contained a visible link to EP elections and procedures. However, the available information was only in the Croatian language. The webpage did not provide simple and user-friendly access to a step-by-step guide on how non-national EU citizens can exercise their voting rights.¹⁰

The Delegation of the European Parliament in Croatia is currently actively preparing for the forthcoming elections in 2019, and to some extent it plans to target at least some sections of non-national EU citizens. The central part of its preparation is built around the campaign, *This Time I Vote (Ovaj put glasam)*, which is a part of a larger EU-level campaign, with a focus on specific target audiences, such as the youth, students, and young professionals.¹¹

However, as the representative of the Delegation highlighted, for the last EP elections, non-national EU citizens were not targeted by the electoral campaign.¹²

¹⁰ <https://www.izbori.hr/site/izbori-referendumi/izbori-clanova-u-europski-parlament-iz-republike-hrvatske/izbori-clanova-u-europski-parlament-iz-republike-hrvatske-2019-1759/1759>

¹¹ For more information see: <https://www.ovajputglasam.eu/>

¹² Personal interview with a Delegation of the EP in Croatia representative, January 2019.

This was due to the specific conditions of the Croatian accession to EU, where the first subsequent local elections were held in 2013, and the EP elections the following year. In such circumstances and with short timeframes, the activities of the Delegation were limited to the local implementation of the centrally designed (at the level of European Commission) EP elections campaign. The primary focus of this campaign was to inform and mobilise Croatian resident citizens to vote, while the non-national EU citizens were not specifically recognised as a potential target group. As the interviewee, this may be primarily the result of the very low number of non-national EU citizens in Croatia. However, the Delegation expressed its willingness to focus on specific target audiences for the upcoming 2019 elections. Primarily, the focus will be on the weak abstainers but who have experienced some benefits of the membership in EU (such as high-level managers, businesspeople, exchange students). As highlighted during the interview, the number of non-national EU citizens residing in Croatia demographically and professionally fit this target group. Hence the expected effect of campaign is to address at least some sections of the non-national EU citizen population.

Finally, the CSO representative who participated in the research highlights that so far, educational and promotional campaigns towards non-national EU citizens have been limited or virtually inexistent.¹³ However, this is the systemic outcome of the current political context in Croatia, where there is generally no campaign to mobilize and educate citizens to vote. This is caused by two dynamics. First, there is structural reluctance of competent authorities to act beyond minimally defined legal obligations. Second, little education is provided even for formal actors who participate in the elections (such as members of local electoral committees). CSOs are expected to launch and implement educational and promotional campaigns, but they commonly lack financial and human capacities to carry out large-scale national projects.

2.3. Political parties and candidacy rights

To date, Croatian political parties have not targeted groups of mobile EU citizens. However, CSO representatives interviewed for this research highlighted a case of a non-national EU citizen elected to local municipality council from a center-left party list. With the exception of this single case there have been no records of candidacy and election of the non-national EU citizens in either EP or local elections. Even so, revealed that there are no structural or societal obstacles for this to happen in the future.¹⁴ As my interviewee emphasized, he was active in drafting particular sections of political platforms for a few emerging political parties, and was personally invited to be a candidate on the list (both in local and EP elections). He nonetheless refused for two reasons. First he was more interested in contributing to Croatian politics through more informal channels – as an active supporter rather than potential leader. Second, he was discouraged by the overwhelming bureaucratic procedures required for candidacy.

¹³ Personal interview with a CSO representative, January 2019.

¹⁴ Personal interview with a prominent member of the CSO scene in Croatia, (who is also a non-national EU citizen with permanent residency in Croatia), January 2019.

The right to candidacy of non-national EU citizens to compete in local elections is regulated by the *Act on electoral rights of citizens of other EU member states in regional and local legislative elections* (AEREURLE) and *Act on local elections* (ALE). Article 3 (3) of ALE defines that citizens of other EU Member States have the right to be elected as a member of the representative body of the unit of local and regional self-government. Further procedures for such candidacy are determined in the AEREURLE. Article 6 of the AEREURLE defines that citizens of other EU Member States can run and be elected as members of representative units of local and regional self-government under the same terms as Croatian citizens. Non-national EU citizens may be deprived of right to exercise candidacy rights only in circumstances where, either in Croatia or in the EU member state of his origin, the person had been deprived of working capacity by a legally valid court order, or in the case where the person was denied the right to candidacy due to a court decision in criminal or civil proceedings.

In order to enter the candidacy list of a particular party competing in the local elections, non-national EU citizen must provide a statement verified with a notary public which contains following information: a) his or her citizenship, b) address of permanent or temporary residence in the area of the unit where the elections for which he or she is competing are held and proof or document issued by the competent authorities of state of citizenship, that his or her right to run in the elections is not denied in his or her state of origin, or that such restriction on candidacy rights does not exist in that state. If a non-national EU citizen cannot provide such document, his or her candidacy will be considered invalid (Art 7 of AEREURLE).

Non-national EU citizen right to run for the elections for the Croatian representatives to European Parliament are regulated by the *Act on Elections of MEPs from Croatia* (AEMEP). According to the AEMEP, non-national EU citizens can be elected as a member of European Parliament if they have permanent or temporary residence in Croatia, have not been, either in Croatia or the EU member state of his citizenship been denied candidacy rights by the single legal or administrative decision. The person also needs to be inscribed in the voter registry of the Republic of Croatia. The proposal of the electoral list the contains a non-national EU candidate must contain the following information for such a candidate: a) name and surname, b) day, month and year of birth, c) Personal Identification Number (OIB), d) address of his or her permanent or temporary residence and e) sex.

Each candidate list with a candidate who is a citizen of another EU Member State, must also be supported by the following statements:

- a) statement which contains information on his or her citizenship, date and place of birth, last address in his country of EU citizenship, address of his residency in the Republic of Croatia, and where it is relevant, it must contain information on the place and electoral unit where his or her name was last entered in the voters' registry in his country of EU citizenship.
- b) statement in which he confirms that he or she is not running in the EP elections in any other EU member state.
- c) statement that he or she has not been denied candidacy rights in his country of EU citizenship by any court or administrative decision. If the later statement is not submitted with the candidacy list, such list will be deemed invalid. After receiving such candidacy list, SEC is obliged to, via Croatian

Ministry in charge of the voter's registry, check the validity of the later statement the candidate's country of EU citizenship.

2.4. Turnout

Statistics on electoral turnout of the non-national EU citizens are not available from the officially published information on the local and EP elections. However, on written demand to Ministry of Public Administration of the Republic of Croatia, it is possible to receive information on the number of non-national EU citizens who registered to vote in the local and EP elections in Croatia. According to information provided by the Ministry of Public Administration of the Republic of Croatia, for the local elections in 2017, in *The record on voters who are citizens of member states to European Union and who exercise voting rights in Republic of Croatia* there were 25 registered voters. There is no information on electoral turnout of these voters.

For the EP elections held in 2013 there was not a single registered voter in this record, while for the EP elections in 2014 there were 8 registered voters. There is no information on electoral turnout of these voters.¹⁵

There were no (or only marginal) political debates or media reports on non-national EU voters, their participation and their potential impact on electoral outcomes.

3. Non-resident citizens' franchise in national and EP elections when residing in other EU member States

Non-resident citizens of Croatia are entitled to vote in elections for representatives to Croatian Parliament (national elections) and in the elections for representatives from Republic of Croatia to the EU Parliament (EP elections).

Elections to the Croatian Parliament are regulated by the *Act on elections for representative to Croatian Parliament* (AECPP). The representatives to Croatian Parliament are elected from ten national electoral units, and two special electoral units. The first special unit is for non-resident Croats and second special electoral unit is designated for representatives of national minorities. In total 140 representatives (14 per unit) are elected from the regular electoral units and an additional eight representatives are elected from the special electoral unit for national minorities.

According to the article 9 of the AECPP, there are three representatives of non-resident Croatian citizens. They are elected from the special electoral unit (the XI electoral unit). Representatives to Croatian Parliament are elected according to the proportional representation and preferential voting. The voter can vote only for one list, but may give one preferential vote to any candidate from that list.

¹⁵ Information provided in e-mail correspondence between the author of the report and the Ministry of Public Administration of the Republic of Croatia, July 2018.

Elections for representatives from Republic of Croatia to the EP are regulated by the *Act on Elections of MEPs from Croatia* (AEMEP). Representatives to European Parliament are elected according to the proportional representation and preferential voting, as in national elections. Unlike in the national elections, the whole Republic of Croatia is a single electoral unit in EP elections. All voters, regardless of their citizenship and residency vote in this unit. In the 2014 elections the total of 11 representatives were elected from Croatia.¹⁶

3.1. Overview of relevant administrative regulations

The procedure of voter registration of the non-resident citizens for voting in national and EP elections is regulated by AVR. According to the article 9 (2) of the AVR, non-resident Croatian citizens enter *The Record on voters who are Croatian citizens but without residency in the Republic of Croatia* of the voter registry. These citizens enter the record according to the state and address that is associated with them in the official files in the Republic of Croatia. Article 10 of the AVR stipulates that a voter can be entered only for one town or municipality and only for one state. Article 11 of the same law notes that entry to registry is made according to the information contained in the Citizen's registry, collection of permanent and registered residence data and travel document records. If the competent authorities in charge for administering the later records and registry do not have the information of non-resident Croatian citizen's address abroad, such voter may enter the registry without the record on their state and address abroad.

The record on voters who are Croatian citizens without residency in the Republic of Croatia contains the following information on the registered voter: 1) registration number; 2) surname and name; 3) nationality; 4) identification number and Personal identification number (OIB); 5) Sex; 6) date of birth; 7) address abroad including state, settlement, street and house number; and 8) annotation (article 13 of AVR).

The registration of the non-resident Croatian citizens to the voters' registry is automatic. However, in order to cast their vote in the elections, non-resident citizens need to go through active registration of voters who do not have residency in the Republic of Croatia.

The competent authorities and procedures on how non-resident citizens enter voting registry are defined in AVR. According to article 14 of the AVR, police administrations and stations are in charge of management of the collection of data on permanent and temporary residence, and are responsible to deliver the following information to competent administrative body based on the citizens' residency: a) all registered persons who are 18 and older and have registered residency; b) all persons who are 18 and older and who do not have residency in Croatia, but are issued Croatian ID with the information on residency abroad; c) registration and cancellation of residency, d) changes of address of persons who are 18 and older, d) acceptance to and termination of Croatian citizenship and f) changes or cancellations of identification number of citizen. Additionally, authorities administering the issue of

¹⁶ Source: Državno izborno povjerenstvo Republike Hrvatske;
<https://www.izbori.hr/site/UserDocsImages/408>

travel documents are responsible for delivering information on the address and state of residence of Croatian citizens who do not have residency in the Republic of Croatia.

The citizen can be deleted from the voters registry in several cases. Firstly, the person will be deleted in case of death or in the case of termination of Croatian citizenship. Deletion from the registry is always followed by the annotation in which competent authority needs to define the legal ground according to which the person is deleted from the registry. Furthermore, if the competent authority determines without any doubts that the citizens registered in *the Record on voters who are Croatian citizens with residency in Republic of Croatia* has permanently moved abroad, such citizens will be deleted from this record. The competent authority will afterward request that such citizens enter the *The record on voters who are Croatian citizens without residency in the Republic of Croatia*. Finally, the article 18 of AVR, which regulates the changes of residency, prescribes that in case a voter cancels their residence in the Croatia, the public office located in the place of their last residence in Croatia will delete him from *the Record on voters who are Croatian citizens with residency in Republic of Croatia* and request his registration to *the record on voters without residency in the Republic of Croatia*.

According to the AVR (article 24), every citizen has the right to check his record in the voter register and ask to supplement or change the content of his or her record at any time during the year. However, in the election year, such request must be filed not later than ten days before the election day.

In addition to registration in the voter register, non-resident citizens have to actively register for voting in the national elections and EP elections. Active registration of the voters who will vote abroad at a particular consular area is conducted by the diplomatic consular missions of Croatia. In cases of non-resident Croatian citizens who are in Croatia during the elections, their active registration is conducted by the office according to the place where the citizen is going to be located on the election day.

The active registration procedure begins on the day of the announcement of the elections, and can be conducted by the voter not later than 10 days before the day when the elections are held. Non-resident citizens file their request for active registration at the diplomatic consular mission headquarters in which they are situated on the day of the election.

Not all non-resident citizens have to go through active registration. The citizens who are issued Croatian Identification Card with the information on residence abroad, and want to vote in the headquarters of diplomatic consular area of their registered residence, do not need to go through this procedure. However, the non-resident citizens with such Croatian Identification Card who want to cast their vote in the Republic of Croatia or in the diplomatic consular offices outside their residence area, must go through active registration in order to vote.

In his or her request for active registration, non-resident citizen has to provide information of the state and address of residency, and to state the diplomatic consular mission or address of his temporary stay in the Republic of Croatia on the day of elections. Active registration is possible online via system e-gradani (e-citizen) for those citizens who have a registered account on this platform.

Non-resident citizens can cancel or change their request for active registration no later than ten days before the elections.

The non-resident Croatian citizens cast their vote in European Elections in the headquarters of diplomatic and consular missions (article 9 of AEMEP). According to article 6 of the same law, the Croatian citizen who exercised his right to vote and candidacy in the EP elections in another member state, cannot vote or be a candidate in the same elections in the Republic of Croatia or in the same elections in any other member state.

3.3. Turnout

The State Electoral Commission websites provides access to very detailed overview of the electoral turnout for all national and EP elections. From this data, we can refer to the electoral turnout in XI electoral unit in order to have a broader perspective on the categories of voters abroad.

In the 2013 EP election,¹⁷ there were 2,166 Croatian voters residing in other EU Member States, and 2,440 voters residing in Bosnia and Herzegovina. There was a similar number of voters registered for the 2014 EP elections.¹⁸ Out of the total of 6,560 citizens with residence abroad who voted in the elections, there were 2,792 from Bosnia and Herzegovina and 2,265 residing in all other EU Member States combined. Political participation of Croatian citizens in national and EP elections is rather proportionate. A total of 3,066 Croats residing abroad cast their votes in the 2016 National Parliamentary.¹⁹

However, the electoral turnout of Croatian citizens in Bosnia and Herzegovina in 2016 National Elections was 17,667. This is six times as large as the turnout of the same constituency for the EP elections. In total, in the national elections, Croatian voters from Bosnia and Herzegovina formed approximately 85 per cent of all voters with residency abroad. There are two reasons for this.

Firstly, the low electoral turnout on the EP election may be the consequence of the perception that in comparison to the national elections, EP elections are the ones of the lower political importance. The fact that there is no special electoral unit for Croats abroad, and hence no special allocated quota for this electorate in the EP elections, also may lead to lower incentives for political parties to invest their resources in the higher mobilization of Croatian citizens to vote in these elections.

However, in the national parliamentary elections, the special representation of Croatian citizens abroad by 3 seats, creates incentives for political parties to compete more for votes than they do during the EP elections. Considering that the Croatian citizens with residency in Bosnia and Herzegovina traditionally vote for right wing parties,²⁰ such electorate stimulates parties on the right spectrum of Croatian politics to compete for their votes. Hence they actively engage in mobilisation in the effort to increase their electoral turnout.

¹⁷ Source: Državno izborno povjerenstvo Republike Hrvatske, <https://www.izbori.hr/arhiva-izbora/index.html#/app/eu-parlament-2013>

¹⁸ Source: državno izborno povjerenstvo Republike Hrvatske, <https://www.izbori.hr/arhiva-izbora/index.html#/app/eu-parlament-2014>

¹⁹ Source: Državno izborno povjerenstvo Republike Hrvatske, <https://www.izbori.hr/arhiva-izbora/index.html#/app/parlament-2016>

²⁰ For more information on the electoral rights of Croats abroad, and voting attitudes of Croatia citizens in Bosnia and Herzegovina see: Zakošek (2002), (Kasapović 2010a), (2010b), (2012)

The fact that the number of voters in EU member states only marginally increases in national elections, may lead to the conclusion that there is still no political option which in this category of Croatian voters abroad recognises the potential for long term mobilization and electoral gain. How the political competition for these new categories of Croatian electorate will develop remains to be seen.

The question of non-resident citizen voters in Croatian political system is politically a highly debated topic. The existing research on citizenship and voter behaviour in Croatia often emphasises and critically reflects on the so-called diaspora voting in national elections. However, the debate is mainly focused on the non-resident voters from Bosnia and Herzegovina. It commonly excludes non-resident voters who have residency in the EU.

The special representation of the Croats abroad in Croatian Parliament has often been perceived as a topic of contention. This has been particularly emphasised in the context of the Croatian parliamentary democracy, based on the proportional electoral system. The representatives allocated to the so-called diaspora lists, were often perceived as those who were decisive in determination of the electoral winner. Furthermore, political scientists highlighted that dual citizenship for this category of Croats abroad is highly controversial issue considering that Croats in Bosnia and Herzegovina are not minority but one of the constitutive people of this country. Considering that over 800,000 citizens of Bosnia and Herzegovina possess Croatian citizenship, this may have produced additional differentiation among the citizens of Bosnian and Herzegovina and further destabilized this already fragile political community. At the moment, a number of Bosnian citizens who also have Croatian citizenship, enjoy full EU citizenship rights, including working and traveling to EU without visa requirements, which in practice puts them in the privileged position in comparison with their other Bosnian co-nationals.²¹

However, the issue of non-resident citizens in other EU Member States has not been a topic of interest of the major political parties so far, and little media attention has been dedicated to this issue. As one of the interviewees emphasized, with particular focus on the EP elections, the major electoral campaign in Croatia were oriented towards raising the awareness of the resident citizens on the importance of the EP elections.²² There is a general lower interest of the national electorate to vote in these elections, and the limited educational and public campaign resources are hence primarily oriented towards resident Croatian citizens. However, considering the growing number of Croatian emigrants to EU member states, this topic may emerge as crucial in future electoral campaigns; both for the national and EU elections.

4. Conclusion

²¹ For more information on Croatian citizenship and Croatian citizens abroad see: Koska (2013), Ragazzi (2009)

²² Personal interview with a prominent member of the CSO scene in Croatia, (who is also a non-national EU citizen with permanent residency in Croatia), January 2019.

This report identifies several obstacles for political participation of mobile EU citizens in local and EP elections in Croatia can be identified. However, some of these obstacles are not solely related to non-national EU citizens, but are related to all categories of Croatian citizens, regardless of their residency.

Firstly, in Croatia there is a general lack of citizens' knowledge on the key information of European Union, its institutions, values, political mechanisms and processes and in general about EU citizenship and the rights and opportunities which it brings for its bearers. While, as the results of the study conducted by Bakker, van der Kolk, Berkely and Koska (2017) reveal, this is not exclusive Croatian situation, as this study show that this is a greater phenomenon experienced by almost all member states. What Croatia is in comparison additionally lacking is adequate general citizenship education. The importance of local elections is often neglected in public discourse and as one of the interviewees emphasised, citizens are often confused about the purpose of particular elections and not familiar with the candidates who are on the ballots. Hence, it is difficult to expect broader citizen engagement with EU related political processes, elections including, if they are not familiar with EU citizenship and do not recognize that they feel and share the values it promotes. On the other hand, non-national citizens also have limited knowledge of local politics, and their interest to actively engage (at least as voters) in local elections may seem to be the outcome of their partial political integration into the Croatian society and local communities.

Secondly, there seems to be generally lower public interest in European politics. Croatian society, including political elites, do not recognize the non-national EU citizens as their potential electorate and full members of society. This may be due to the low numbers of the resident non-national EU citizens. Similar attitudes in Croatia are reserved for many categories of Croatian citizens who reside abroad. Despite a recent increase of the emigration of Croatian citizens to other EU member states, and the fact that following the 1990s more than 200,000 Croatian citizens of Serbian nationality left the country and permanently settled in Serbia^{13, 23} no major national or leading party who representing national minorities in Croatia recognised the potential electorate in these groups. It seems that in public imagination of the nation, to use the Anderson's term (1983) those who leave cease to exist in public imaginary as the full members of Croatian polity.^{24 14} On the other hand, it seems that non-national EU citizens with residency in Croatia, Croatian citizens of Serbian ethnicity in Serbia and new Croat emigrants to EU members states share a similar lack of interest in long term political participation for Croatian institutions and elections for Croatian representatives to EU Parliament.

Thirdly, the registration procedures for non-national EU citizens seems to detract even those EU citizens who would otherwise be motivated to vote. While the representatives of CSO interviewed consider the procedure to be too bureaucratic, the interviewed non-national EU citizens emphasise that bureaucratic obstacles are a challenge, but that they would not be insurmountable if the proper information on registration and longer deadlines for registration were available. Furthermore, the limited opportunities to complete the registration online and in a user-friendly online

²³ For further information on the Serbian refugees from Croatia see: Petričušić (2004), Djurić (2010), Koska (2008, 2015)

²⁴ It may be argued that this lack of interest does not affect relations with Croats in Bosnia and Herzegovina, and at least discursively Traditional Croatian Emigration. For more on both of these groups and Croatian citizenship policies towards them see Ragazzi (2009)

environment, impose an additional hindrance to the effective exercise of electoral rights. An additional obstacle for greater participation of non-national EU citizens may be the insufficient information provided in languages other than Croatian, and poor use of informal means of communication.

Most of interviewees shared similar concerns regarding information channels through which the non-resident Croatian citizens are targeted to participate in the elections. While the official information dissemination is provided to all non-resident Croatian citizens via diplomatic consular missions, the interviewees (particularly from CSOs) argued that there is a discrepancy how different categories of non-resident citizens are targeted through informal, but institutionally supported channels. As was highlighted in the interviews, particular political parties cooperate with Croatian Catholic Missions abroad and different expatriates' organizations, in order to disseminate information on the elections and mobilize citizens who attend such organizations to vote. However, such means of communication target only sections of Croatian emigration, who arguably may be on the similar stance of the political spectrum. Since there is still no solid social research on the demographic stratification and social profile of new Croatian emigration that left the country following the accession to EU, it may be only speculated whether these informal channels equally reach all categories of non-resident citizens.

Last, but not least, one of the obstacles to greater participation lies in the legislation and unequal treatment of non-resident Croatian nationals and non-national EU citizens in voting registration procedures. As was elaborated in the report, current legislation often stipulates the deadlines for registration for non-national EU citizens which in theory can lead to situations where it is practically impossible to register for the voting in the elections. Non-resident Croatian citizens have the opportunity to actively register for elections up to ten days before the election day. The time frame within which non-national EU citizens have to register is 30 days. This is may be perceived even as a counterintuitive regulation, since registration procedures for non-national EU citizens are far more complex than the one needed for Croatian citizens abroad, and hence ask for more time invested in to the process.

Information collected through interviews reveals that some non-national EU citizens are highly active in Croatian politics. They seem to prefer involvement in more informal modes of political participation, rather than being directly involved in formal politics. Anecdotal evidence shows that non-national EU citizens often not just participate, but also become among the main initiators of public campaigns, protests and in some cases creators of new political party platforms.

While research on the demographic profile of mobile EU citizens in Croatia is limited, it is possible to assume the categories of such citizens in line with interviews. Most of the non-national EU citizens are exchange students, young professionals, people who moved for family reunification purposes and high skilled professionals. These are also the groups who have already experienced the benefits of the membership to EU, and have already developed some attachment and high-level integration in the Croatian society. A properly focused informative campaign, which would provide information on political processes both in Croatia and on the EU level, coupled with simple online manuals for step-by-step registration and voting instructions would likely increase electoral participation of non-Croat EU citizens.

However, all this information must be available in their native languages and disseminated through formal and informal channels (at Universities, local media,

social networks, NGOs etc.). When it comes to recent Croatian emigrants, it is difficult to develop a successful mode of mobilization, since such emigrants may have been motivated to leave due to disappointment with political and economic conditions in the country. Hence, they may be less interested in keeping in touch with Croatian politics and elections. However, consular missions should develop creative and proactive means to connect with these citizens, and aim to develop networks which may disseminate all information via formal and informal channels.

Finally, the following policy recommendations may remove the obstacles for electoral participation and mobilize greater electoral turnout:

1. On the state level the education for European union and citizenship (both EU and national) should be continuously supported. These topics should be integrated to schools as a part of the regular curricula, and followed by ongoing public information campaigns, particularly on the specific occasions such as Europe Days and during election years.
2. Competent authorities, such as SEC, should have a more proactive approach, and play a stronger role in mobilizing public media. They should engage in launching campaigns for informing citizens of the importance of political participation.
3. EU delegation, competent national authorities and CSOs should cooperate more closely in developing public campaigns and analysing the existing strengths and weaknesses of the existing registration procedures in Croatia.
4. Equalisation registration procedures for non-national EU citizens with the registration procedures for Croatian citizens would enhance political participation of the former. For instance, the registration deadlines for non-national EU citizens should be equal as the ones for Croatian citizens abroad.
5. Information on candidacy and voting rights should be easily accessible and available in the native language of EU citizens.
6. The registration procedure should be digitalized to the fullest extent in order to provide EU citizens with an easy access to highest possible scope of voting rights attributed to EU citizenship status.
7. Harmonisation of the existing legislation is necessary in order to clearly define the scope of rights of EU citizens and procedures according to which they can exercise these rights.

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Legislation

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