

Croatia

by Tena Prelec

Capital: Zagreb
Population: 4.17 million
GNI/capita, PPP: \$22,880

Source: World Bank *World Development Indicators*.

Nations in Transit Ratings and Averaged Scores

| NIT Edition | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| National Democratic Governance | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.75 |
| Electoral Process | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 | 3 | 3 | 3 |
| Civil Society | 2.75 | 2.75 | 2.5 | 2.5 | 2.5 | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 |
| Independent Media | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4.25 | 4.25 |
| 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 | 4.5 | 4.5 | 4.5 | 4.5 | 4.5 |
| Corruption | 4.5 | 4.5 | 4.25 | 4 | 4 | 4 | 4 | 4.25 | 4.25 | 4.25 |
| Democracy Score | 3.71 | 3.71 | 3.64 | 3.61 | 3.61 | 3.68 | 3.68 | 3.68 | 3.71 | 3.75 |

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). 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.

EXECUTIVE SUMMARY

The year 2017 did not bring the democratic progress in Croatia for which many had hoped, and some thought they had seen.¹ The right-wing Croatian Democratic Union (HDZ)-led government, headed by Prime Minister Andrej Plenković, has an indisputably more moderate look: the former Eurocrat has adopted a much softer, less confrontational rhetoric in stark contrast with Tomislav Karamarko's leadership of the same party in 2012-16, which was much more brazenly nationalistic and prone to accusations of corruption. But at a closer look, there were no democratic indicators under which Croatia made true progress over the course of the year.

The rights of women and LGBT persons remained under attack by right-wing groups that have, at times, found support in government figures. Nationalistic and xenophobic incidents, such as the burning of a copy of the Serbian minority newspaper *Novosti*, were met with only lukewarm condemnation from the authorities. In the media sphere, there has been an involution in the independence of the public broadcaster Croatian Radio and Television (HRT), which was only partially offset by the rising influence of new outlets such as the broadcaster N1 and some online media platforms. Not-for-profit media, often the hardest to control politically, saw their sustainability under threat due to a considerable loss of public funding and the government's reluctance to allocate EU resources that were meant for them. The electoral process kept its course, with minor irregularities recorded at the local elections in May. A law strengthening "local sheriffs", instead of curtailing their power, was pushed through—in spite of evidence that their excessive discretion fosters local state capture. Civil society groups recorded no deterioration in their status, but also no progress.

The judicial system, however, experienced visible deterioration during the year. Croatia's judiciary was already in bad shape due to politicization of the body tasked with choosing judges, the National Judicial Council (DSV), and of appointments to Croatia's most powerful tribunal—the Constitutional Court. But in 2017, the government reshuffle in the spring crushed hopes of a wholesome improvement for the foreseeable future. In May, the junior coalition partner Most was ousted and the HDZ reformed its thin coalition by relying on a "rump" version of the Liberal Democrats (HNS) and an array of minor parties. While Most had taken hold of the Ministry of Justice and professed commitment to a reform program to guarantee the judiciary's independence, HNS was a much cozier partner, and the ministerial post moved back into HDZ's hands on June 9.² The crisis in the judiciary was highlighted by some high-profile cases, in which the independence and impartiality of the judiciary was bitterly disputed.

The government reshuffle was caused by the crisis that defined much of the year in Croatia: the discovery of towering debts and widespread financial mishandling in the major food company Agrokor. The fall of Ivica Todorić's financial empire, the largest company in the Balkans, had political implications because HDZ's current finance minister, Zdravko Marić, previously served as a director at Agrokor, and Most tried (unsuccessfully) to oust him from the government. Nothing exemplified the troubles affecting Croatia more than the gargantuan Agrokor crisis: it amplified citizens' perceptions that the powerful are "all in it together," that the same people and same schemes have been going on for decades, and that the country never completed its democratic transition despite joining the European Union (EU). A particularly worrying aspect of the Agrokor affair was the likelihood it would be investigated by the Zagreb regional tribunal,³ and not by the anticorruption agency, USKOK. The widely held assumption that Todorić bought a shielded space for himself in which he built his empire, keeping Agrokor away from the gazing eyes of all the institutions that should have controlled it, seemed set to remain by the end of the year.

The opposition's inability to mount a significant challenge to the HDZ continued through 2017. On the left side of the political spectrum, voters punished the Social Democratic Party (SDP) for its clumsy attempt of a turn to the right at the last parliamentary elections. The party did not recover during the year, and furthermore suffered the same accusations of clientelism that followed the HDZ. With the involution of the SDP, a number of left-wing political options started to appear, but none of them mounted a significant challenge to the mainstream parties. The HDZ, though themselves experiencing a dip in support, have benefited from this upheaval among the opposition and ended the year polling at 31.9 percent, well ahead

of the SDP at 18.9 percent. A populist anti-establishment party, Živi Zid, gained significant traction throughout 2017, polling at 12.4 percent—a further indication of voters’ disillusionment.⁴

While the HDZ’s political leadership adopted, from the outside, a more moderate look than in the party’s past, the extent and profoundness of this change was debatable. The year offered plenty of examples: when HDZ parliamentarian Franjo Lucić was caught on tape attempting to bribe a journalist, he resigned from some of his functions, but kept his parliamentary post. Regional governor Alojz Tomašević, whose wife accused him of physical assault, did not resign either. There was no resolution to the issue of a plaque in the Jasenovac Second World War concentration camp that was ostensibly pro-ustaša—Croatia’s fascist wartime government. Highly compromised personalities remained part of the Constitutional Court. The televised suicide of convicted Bosnian Croat war criminal Slobodan Praljak in November prompted statements and gestures of support rather than condemnation, making many masks slip. The clientelism and nationalism that have characterized Croatian politics for a long time appeared to quieten down and be obfuscated, but not eradicated.

Score changes:

- **National Democratic Governance declined from 3.50 to 3.75** due to the Agrokor case and its handling by the authorities, which revealed deep dysfunction in the relations between political elites and business interests and raised the question of state capture and systemic risk to the regional economy; as well as the continued strengthening of illiberal groups, which Croatia’s government and president have tolerated or even encouraged.

Asa result, Croatia’s Democracy Score declines from 3.71 to 3.75.

Outlook for 2018:

The possibility of early parliamentary elections cannot be wholly discounted, considering that the government commands a very slim majority, relying on a varied coalition and on the external support of individual parliamentarians. However, this scenario looks unlikely, as it is not in HDZ’s interest to risk the current set-up while a bigger storm is brewing over the Agrokor affair. The government’s majority is thin, but nevertheless comfortable: in the remnants of the HNS, HDZ has found a very docile partner. In the likely case that the ballot would not return an outright majority for the right-wing, they would struggle to find a suitable coalition partner in a second round of elections. HNS would not get enough votes if running on its own, and it is unlikely that Most would enter a third coalition with the HDZ after the treatment it received in 2017. An SDP-HDZ coalition, though highly unlikely because it would put off voters from either side, looks less unthinkable in this context. However if, as it seems, the same leadership stays in power, it is unlikely that any substantial progress or deterioration will occur along Croatia’s path to democratization.

In early 2018, the election of the second mandate of the Commission for the Prevention of the Conflict of Interest will show whether Croatian politicians are prepared to stand independent scrutiny. Agrokor will continue to dominate a good portion of the media coverage and keep leaving its mark on the economic and political atmosphere: the way the Croatian judiciary will deal with the untangling of this issue will be a defining test of its competences—one that the judiciary has previously failed in other high-profile cases. A new law affecting local government does not bode well in terms of guaranteeing more transparency and curtailing state capture at the local level. It is hoped that the sustainability of the non-profit media sector will be guaranteed with the allocation of the European Social Fund, which at the moment seems in doubt. Civil society can count on much of the same resources they had before, though it is yet to be seen whether NGOs unsympathetic to the dominant political rhetoric will see their funds confirmed to

the same amount. Finally, the simmering conflict between the President, Kolinda Grabar-Kitarović, and the prime minister may hold more surprises for 2018, while hopeful contenders for the presidency will start gearing up for the 2020 presidential election.

MAIN REPORT

National Democratic Governance

| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|------|------|------|------|------|------|------|------|------|
| 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 |

- Croatia’s government is centered around the right-wing Croatian Democratic Union (HDZ) and a constellation of moderate to extreme minor right-wing parties, including the Croatian Social Liberal Party (HSL), Croatian Growth (Hrast), the Croatian Christian Democratic Party (HDS), the eight national minority MPs, a handful of independent MPs, and the Liberal Democrats (HNS).⁵ The latter joined the government after the June reshuffle, when the centrists from Most left the coalition.
- The leader of HDZ, Andrej Plenković, became prime minister after the parliamentary vote in September 2016, forming government with the centrist party Bridge of Independent Lists (Most). Many wondered how the polished Eurocrat Plenković would survive in the lion’s den of HDZ politics,⁶ which, until then, had been dominated by much more brazenly nationalistic figures. But survive he did, and by the end of 2017 he looked to have succeeded where former Social Democrat (SDP) leader Zoran Milanović failed: giving his party a more centrist appeal, without losing significantly to other political parties. In winning over the hardliners in his party, Plenković gradually let go of the refined manners he exhibited in Brussels and—while never losing his cool—started showing a much sharper edge. In the spring government reshuffle over the Agrokor affair, he ruthlessly dealt with the junior coalition partner Most—a centrist (to center-right) party that had been vocal in calling for reforms, though often displaying considerable inconsistency in their demands—through firing the Most ministers who had called for HDZ Finance Minister Zdravko Marić’s dismissal. The HDZ leadership thus dodged early elections that looked unavoidable and reeled in an even more centrist coalition partner, the Liberal Democrats (HNS). At the local parliamentary elections in May, the senior coalition party recorded a very solid performance virtually nation-wide, winning in 13 out of 20 regions. The HDZ led the polls throughout the year, ending the year with 31.9 percent,⁷ ahead of the SDP at 18.9 percent, Živi Zid at 12.4 percent, and Most at 7.3 percent—even though the most popular politician continued to be “Nobody”,⁸ highlighting the electorate’s disillusionment with politics. After the collapse of HDZ’s popularity in 2016 under the weight of alleged corruption scandals involving former leader Tomislav Karamarko, the party’s resilience was a remarkable achievement. However, the fairly progressive rhetoric of the prime minister was not always backed by equally pitched actions.
- The Agrokor crisis triggered a thriller-like spring in the Croatian parliament. On May 4, the junior coalition member Most and opposition parties—the Social Democratic Party (SDP), the Croatian Liberal Democrats (HNS), Croatian Peasant Party (HSS), Croatian Party of Pensioners (HSU), Živi Zid, and Snaga—requested a vote of no confidence in HDZ’s finance minister, Zdravko Marić. Between 2012 and 2016, Marić was Agrokor’s Executive Director for Strategy and Capital Markets.⁹ Most and the opposition asserted that, from his privileged position, Marić necessarily knew about Agrokor’s alleged financial irregularities and that his presence in the government represented a conflict of interest. Plenković dismissed the ministers from Most’s quota after they requested the expulsion of Marić from the government,¹⁰ although the Croatian constitution casted doubt over whether the prime minister had the power to dismiss the ministers.¹¹ The HDZ then responded by initiating a vote of no confidence in the Speaker of the Parliament, Most leader Božo Petrov. The no-confidence motion against Marić did not pass, resulting in a tie: 75-75.¹² Instead, the decisive vote to save him came from a former SDP member, Tomislav Saucha, who was indicted for corruption and awaiting trial at the end of the year (see Corruption). During the same parliamentary session, Božo Petrov resigned.¹³ The next day, HDZ secured 76 votes for Gordan Jandroković’s nomination as the new Speaker of Parliament.¹⁴ The final

twist came at the beginning of June when HNS, a historical ally of the SDP, joined the HDZ-led coalition, securing it a majority in parliament.¹⁵ HNS dissidents, led by Anka Mrak-Taritaš, founded a new party, Civil Liberal Alliance (GLAS, Voice).¹⁶

- SDP, the largest opposition party, continued to undergo a crisis throughout the year. During the parliamentary elections in the fall of 2016, the SDP was tipped for victory but considerably underperformed, allowing the HDZ to obtain an unexpected narrow victory under Plenković's new leadership. Since then, it has been a downward curve for the SDP. Zoran Milanović, the party's former leader who was widely blamed for bringing more right-wing, inflammatory rhetoric to the fore when taking on Plenković in the pre-election debates,¹⁷ stepped down, though the party was unable to find a particularly popular leader. The new leader, Davor Bernardić, lacked appeal with the public, which was reflected in the party's polling performance, which fell from 25.2 percent in January 2016 to 18.9 percent in December 2017.¹⁸ SDP's performance in the local elections in May 2017 was likewise underwhelming, with the party managing to hold on to power in the coastal city of Rijeka and its Primorsko-Goranska county (a stronghold of the center-left), but recording bitterly disappointing outcomes in Zagreb and Split. Despite these results, Bernardić was reconfirmed as party leader in late September.¹⁹
- Simultaneous with the significant deterioration of the largest center-left party, a number of alternatives started appearing on the left and in the center. In Zagreb, the newly formed Lijevi Blok (Left block) group made a good showing at the local elections in May, representing a coalition composed of several minor left-wing formations,²⁰ including Radnička fronta (Workers Front), Za grad (For The City) and the recently established parties Zagreb je NAŠ (*Zagreb Is Ours*) and Nova Lijevice (*New Left*). A noteworthy liberal centrist party was Pametno (*Smart*), founded in 2015. The HNS-splinter party GLAS, led by Anka Mrak-Taritaš, completed the list of recently established left-wing and centrist offerings. These developments have prompted speculations of the possibility of the emergence of a "new Croatian left".²¹ However, throughout the year these political groupings were too small and weak to significantly impact the national political scene. This is partially attributable to the fact that the whole Croatian political scene has tilted further to the right over the past five years.²²
- Some novelty was recorded on the far-right end of the political spectrum as well. As the HDZ was taking a more moderate turn under Plenković, a new party called Neovisni za Hrvatsku (*Independents for Croatia*) was founded by the politicians Bruna Esih, who has been referred to as an icon of the Croatian right,²³ and Zlatko Hasenbegović, formerly HDZ's highly controversial culture minister. Polling in September cast doubt on the ability of Neovisni za Hrvatsku, as with other recently formed parties, to make it long term.²⁴
- Neighboring Slovenia and Croatia have been at odds for years over a border dispute concerning 19 square kilometers of sea in the Bay of Piran, which, crucially, affords access to international waters. On June 29,²⁵ an ad hoc international tribunal in The Hague ruled on the border dispute, giving Slovenia the lion's share of the contested area and granting it direct access to international waters via a corridor through Croatian waters.²⁶ Croatia refused to recognize the judgment, maintaining that the process was flawed after it emerged that a Slovenian official discussed the case with a member of the arbitration committee in 2015.²⁷ On December 29, Slovenia started implementing the new border regime, leading to tensions between the two countries, albeit without serious incidents by the end of the year.²⁸
- On November 29, the International Tribunal for the Former Yugoslavia (ICTY) issued its final ruling before the conclusion of the tribunal's mandate at the end of the year.²⁹ In this judgment, the ICTY dismissed an appeal from six Bosnian Croat generals (Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić, and Berislav Pušić) and confirmed their convictions for a series of grave offences including crimes against humanity, with sentences ranging from 10 to 25 years' imprisonment. During the proceedings, Slobodan Praljak committed suicide by drinking poison in court as the sentence was being handed down.³⁰ Praljak's suicide had deep reverberations on the Croatian political scene. Several political leaders—including the president and the prime minister—initially criticized the ruling, with Plenković backtracking after harsh criticism from international media as well

as domestic opponents.³¹ A commemoration for Praljak, attended by ministers and ex ministers,³² took place in Zagreb, while an impromptu altar with the writing “Hero” remained in the capital’s central square for several days. The episode lifted the veil of a long-time controversy: HDZ’s official position that Croatia was not an aggressor in the Bosnian war.

- The collapse of food giant Agrokor precipitated the political crisis and government reshuffle in the spring and had a huge impact on all aspects of Croatian politics, economy and society (see: Independent Media, Judicial Framework and Independence, and Corruption). For several decades Agrokor, led and majority owned by Ivica Todorić, went on an acquisition spree. The company acquired assets in the food and beverage sector: the purchases were debt-financed, and little effort was made to integrate the acquisitions. In January, it became apparent that Agrokor had simply borrowed too much money and could not service its debts. Because Agrokor was Croatia’s biggest company—with annual revenues of €6.5 billion (\$8 billion), 60,000 employees, and accounting for around 15 percent of the GDP—its collapse was considered unthinkable and intervention by the government became inevitable. On April 6, the Croatian government passed the Act on Special Administration Procedures for Companies of Systemic Importance for the Republic of Croatia,³³ known as Lex Agrokor, which allowed the government to appoint a special administrator to restructure the company.
- Later in April, Ante Ramljak was appointed as special administrator and Todorić was removed. In May, after initial checks, Ramljak disclosed that Agrokor’s total liabilities stood at €5.4 billion (\$6.65 billion).³⁴ At the start of June, Agrokor raised a further €480 million (\$591 million) of debt from a consortium of hedge funds and local banks,³⁵ providing the company with much-needed working capital to see it through the all-important summer tourist season. During the summer, Ramljak warned investors that Agrokor’s past financial statements could not be relied upon and hired Price Waterhouse Coopers (PwC) to conduct an audit. In October, Agrokor published the PwC findings, exposing huge accounting irregularities.³⁶ PwC found that, under Todorić, Agrokor had greatly overstated its assets and profits and understated its liabilities, finding €500 million (\$615 million) of previously undisclosed liabilities and concluding that Agrokor had made a loss of €1.5 billion (\$1.84 billion) in 2016. In November, Ivica Todorić turned himself in at a police station in London, where he had been hiding while arguing, via his blog,³⁷ that the Croatian government was conducting a witch hunt against him. A trial for his extradition to Croatia is scheduled to take place in April 2018.³⁸

Electoral Process

| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|------|------|------|------|------|------|------|------|------|
| 3.25 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 | 3 | 3 | 3 |

- Croatia’s electoral process did not record significant variations in 2017, with the minor irregularities that took place during the local elections in May in line with expectations. Legislators failed to spearhead an overdue change in the legal framework regulating the electoral districts, and some issues remained in terms of guaranteeing the political independence of the State Electoral Commission.³⁹
- Local elections were held on May 21 and 28. Voters were asked to indicate preferences for the composition of city councils, the councils of smaller municipalities (općine), and regional councils, which are decided in one round. A two-round system is applied for the election of mayors and regional governors, unless the 50 percent threshold is met by a candidate in the first round. The official turnout was 35.1 percent, up from 33 percent recorded at the 2013 local elections.⁴⁰
- Although local elections in the past have been most susceptible to irregularities occurring on polling day,⁴¹ electoral monitoring by GONG found that there was no substantial difference in the irregularities recorded at the 2017 elections in comparison to the previous local elections in 2013.⁴² Episodes causing concern ranged from photographing ballots, to convincing elderly people to vote in the elections,⁴³ and

from forcing a candidate to present himself as a representative of a minority,⁴⁴ to a worryingly high number of invalid ballot papers filled out in Split.⁴⁵

- There were no discussions on changes to the electoral law during the year. The implementation of a decision of the Constitutional Court, which ruled in 2010 that electoral districts ought to be changed within a year due to them being highly uneven as a consequence of internal and external migration of Croatian citizens,⁴⁶ remained uncompleted in 2017.

Civil Society

| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|------|------|------|------|------|------|------|------|------|
| 2.75 | 2.75 | 2.5 | 2.5 | 2.5 | 2.75 | 2.75 | 2.75 | 2.75 | 2.75 |

- Civil society saw no substantial deterioration nor improvement in 2017. There have been no changes to the legal framework regulating non-governmental organizations. Civil society leaders reported fewer direct attacks from the government than there were in 2016; however, they did note that the overall situation was, if anything, worse, not better. Civil society leaders considered the government’s approach to the sector as unsubstantive, with rhetoric that presented itself as moderate but offered no real support to civil society,⁴⁷ and which instead downplayed threats and allowed dangerous behaviors to be minimized and legitimized.⁴⁸
- The main public source of funding for civil society organizations in Croatia is the National Foundation for Civil Society Development.⁴⁹ The Foundation was established in 2006 and foresaw the allocation of 14 percent of the national lottery profit to civil society organizations.⁵⁰ This support has fluctuated: Culture Minister Zlatko Hasanbegović,⁵¹ under the Orešković administration, halved funding to 7 percent,⁵² and the figure was then increased to 11 percent under Plenković.⁵³ In October, the government announced that the same contribution will be made available in 2018.⁵⁴ Activists expressed concerns that organizations producing work critical of the government may see their funds slashed.⁵⁵ This concern ended up being partially justified, as the Center for Dealing with the Past “Documenta” lost its funding,⁵⁶ while the right-wing group U Ime Obitelji (*In the Name of The Family*) was granted government funds for the first time—a controversial move, considering that the group openly advocated the curtailment of LGBT and women’s rights.⁵⁷ Next to this source of income, NGOs rely marginally on private donations and, more substantially, on EU-funded projects.
- Education reform triggered vibrant protests in 2017. HDZ, allegedly caving to pressure from Croatia’s powerful Catholic Church and right-wing lobby groups,⁵⁸ has been reluctant to implement a school reform that was formulated under a left-wing government. On June 1, grassroots activists asking for the implementation of the reform organized a protest that saw tens of thousands of people on the streets, after a 50,000-strong protest that took place exactly a year before. With the June government reshuffle, the new Minister of Education, Blaženka Divjak, took over from Pavo Barišić.⁵⁹ Divjak, who hails from the HDZ’s center-left junior partner HNS,⁶⁰ started to reassemble the team that, under the supervision of independent expert Boris Jokić and appointed by the SDP government in 2015, produced the school reform stopped by the Orešković government in spring 2016.⁶¹ In July 2017, the Council of the European Union issued a recommendation for the education reform to be further pursued in line with the original objectives.⁶²
- Far-right tendencies among certain groups continued to cause concerns. In a positive development, the usually highly politically charged August 5 celebrations in Knin for the anniversary of Operation Storm—a decisive victory for the Croatian army against the Krajina Serbs during the Croatian War of Independence in 1995—were subdued in comparison to previous years. However, other episodes were more worrying. A black shirts’ march in Zagreb in June was followed by several instances of individuals burning copies of the Serbian minority newspaper *Novosti*,⁶³ a left-of-center publication often critical of the government. The police reacted, but did not do much to prevent the events. Prime

Minister Plenković condemned the episodes, but minimized their weight by referring to the perpetrators as “members of a marginal party”.⁶⁴ Furthermore, a fascist slogan appeared near the Jasenovac WWII concentration camp. The plaque, bearing the Ustaša era slogan “Za dom spremni” (*Ready for the homeland*), was installed by Croatian war veterans and right-wing politicians in November 2016.⁶⁵ The plaque contained the coat of arms of the Croatian Defense Forces (HOS), a fighting division active during the war in Croatia in 1991-92. National minority MPs pressured for the removal of the inscription after supporting HDZ during the 2017 government reshuffle.⁶⁶ The problem remained largely unresolved by year’s end, although the sign was moved to the nearby town of Novska in September.⁶⁷

- Women’s rights, and reproductive rights in particular, continued to be a pressing issue. In February, the Minister of Foreign and European Affairs, Davor Ivo Stier, and his advisor Vladislav Ilčić stated that Croatia does not consider abortion to be a human right.⁶⁸ Both Stier and Ilčić were replaced during the course of 2017, indicating that Plenković’s government decided to take a more moderate rhetoric, but women’s rights campaigners maintained that the government’s actions amounted to window-dressing rather than a genuine change of heart.⁶⁹ Since 2013, when the constitutional referendum on banning gay marriage was pushed by the right-wing group U Ime Obitelji, the issue of LGBT and women’s rights came strongly to the fore, becoming an increasingly politicized issue. Activists lamented that the atmosphere grew worse under successive HDZ-led governments from January 2016, citing the scarcer availability of data and the authorities’ unwillingness to force hospitals to perform abortions as examples of this backsliding on women’s rights.⁷⁰ In 2014, roughly half of Croatian doctors refused to carry out the surgery,⁷¹ but the government failed to release statistics on this phenomenon during 2017. Croatia signed, but has not ratified, the Council of Europe’s Istanbul Convention and the UN’s CEDAW framework on preventing and combatting violence against women.⁷²
- The government’s lukewarm reaction to a particularly shocking incident of violence against women was a further cause of concern. In September, the wife of regional governor Alojz Tomašević reported her husband to the police for aggravated assault, but the governor did not resign and continued performing his official duties.⁷³ Civil society in the field of LGBT and women’s rights became increasingly polarized during the year, with left-wing groups, including CESI, Libela, fAKTIV, PaRiter, and Domine opposing impediments to reproductive rights, and right-wing groups, with U Ime Obitelji being the most prominent, pushing strong anti-abortion stances. The 2017 International Women’s Day demonstration in Zagreb on March 8 was a particularly heartfelt demonstration for pro-choice organizations, as thousands of protesters rallied against the right-wing rhetoric permeating the state, including an ambivalent Constitutional Court decision that ruled that the banning of abortion was illegal but that measures to restrict access to abortion were legitimate.⁷⁴ On the other hand, the Hod za Život (March for Life) demonstration in May saw a large participation of pro-life campaigners in Split and in Zagreb.⁷⁵ Regional differences in the exercise of LGBT rights also exist: in Croatia’s north-west, the LGBT community was able to hold a 10-day long festival without incident in Rijeka and in the Istria region. Elsewhere in the country, the situation was less open, even in the capital, which saw an attack on Zagreb’s LGBT club SuperSuper in February.⁷⁶

Independent Media

| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|------|------|------|------|------|------|------|------|------|
| 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4.25 | 4.25 |

- There were no major tectonic shifts in Croatia’s media landscape in 2017. Despite the more moderate rhetoric espoused by the new HDZ leadership, media independence has not improved and there is instead evidence pointing at backtracking. Political and economic forces continued to try to exert influence and control over the three most significant broadcasters—first and foremost the public service,

the Croatian National Radio-Television (HRT), then RTL (owned by RTL Media Group, a part of the Bertelsmann media and education conglomerate), and Nova TV (CME Media Enterprises B.V.). Control was also sought over the daily papers *Jutarnji List*, *Slobodna Dalmacija* (owned by Hanza media), *Večernji List* (Styria Medien), and *Novi List* (recently acquired by J&T). The tabloid *24sata*, despite its very wide circulation, was less prone to political control because its content is considered to be mainly geared towards entertainment.⁷⁷

- While there were no significant changes in the leadership of the HRT, HDZ's control over the public broadcaster intensified after the collapse of the HDZ-Most coalition in May.⁷⁸ Establishing control over the HRT's program schedule was particularly important for HDZ, as the party's electorate, composed primarily of an older and rural population, draws information widely from the state broadcaster.⁷⁹ In June, the editor of the talk show *Otvoreno (Openly)*, Domagoj Novokmet, was dismissed for not inviting the anticorruption prosecutor (USKOK) to participate in a program in which their work was discussed.⁸⁰ In September, the political TV program *Hrvatska Uživo (Croatia Live)* was suddenly discontinued without official explanation.⁸¹ Other employees reported being admonished and the need to be careful not to make any further mistakes as it could cost them their jobs.⁸² In October, HDZ announced that they would expand the HRT's coverage of Bosnia and Herzegovina, despite the public service being nominally non-politicized; HDZ described the move as correcting the mistakes of the SDP administration, which closed the broadcaster's bureaus in Sarajevo and Mostar in 2014.⁸³
- One example of the intensifying political influence on the state broadcaster during 2017 was selection of less confrontational journalists to conduct TV interviews with top politicians, such as ministers, the prime minister, and the president, thus creating the general impression of a flattering, less inflammatory rhetoric, while high-profile investigative stories were conspicuously absent. The control exerted by the Plenković administration was therefore somewhat subtle, and yet no less effective. As a consequence, self-censorship abounded, leading one journalist to describe the situation as “the worst ever, at least over the last ten years,” with a “total loss of interest in probing the actions of the powerful.”⁸⁴
- A change in ownership of the daily *Novi List* contributed to the curtailment of the paper's incisiveness. The daily, which is published in Rijeka but enjoys nationwide reach, was bought by the Slovak investment fund J&T in mid-2016.⁸⁵ Two more media outlets, *Zadarski List* and *Glas Istre*, were bought by the fund via its firm JOJ Media House. J&T is close to Hungary's energy firm MOL, which owns the controlling share in former state oil company INA. Media reports assert that those purchases were agreed at meetings between J&T and actors close to the HDZ-led government, namely Jozo Petrović, a MOL consultant and advisor to Karamarko.⁸⁶ The fund's access to the Croatian market, in the tourism, energy, and real estate sectors, was then allegedly agreed in exchange for the takeover of unsympathetic regional media outlets. A new editor was appointed and *Novi List's* oftentimes critical stance towards the government and HDZ in particular was thus said to be “euthanized”, with the paper's more incisive political content now buried on the inside pages.⁸⁷
- Online media outlets became increasingly significant. In 2017, 90.6 percent of Croatian internet users visited information websites—the second-highest score among EU countries, and well above the EU average of 70.2 percent.⁸⁸ However, the overall percentage of internet users was 75 percent, below the EU average of 79.3 percent, and only 77 percent of Croatian households had internet access, compared with the EU average of 85 percent.⁸⁹ Some fringe and up-and-coming outlets, operating mostly online, positively contributed to the variety of the media on offer. The ascent of the CNN-sponsored broadcaster N1, established in 2014, has provided a valuable addition to TV watchers and internet users alike, although the outlet is only accessible via the internet and cable TV. Informative web portals include for-profit outlets Index, Telegram, Net.hr, and the website of the well-read tabloid *24sata*, and non-profit ventures *Lupiga*, *Forum*, *Libela*, *H-Alter*, the education-focused website *Srednja*, and the fact-checking platform *Faktograf*.
- Sources of funding for non-profit media remained in dire straits during the year, with both government and EU funding being curtailed and halted. Government funding for non-profit outlets was established by the Milanović government in 2013, which decided to distribute funds through a public call operated

by the Ministry of Culture⁹⁰ and to allocate 3 percent of the Fund for Pluralism to non-profit media.⁹¹ The latter source of funding, the more important of the two, was abolished by Culture Minister Zlatko Hasenbegović in 2016,⁹² triggering protests.⁹³ Furthermore, the European Social Fund invested HRK 30 million (\$4.97 million) towards supporting non-profit media in Croatia, but the distribution of this pot of money, which was supposed to be allocated by December 2015,⁹⁴ has been repeatedly delayed. The new minister, Nina Obuljen-Koržinek, has established a working group tasked with creating the criteria for allocation,⁹⁵ which had not produced any output by the end of the year. In November, the media reported that Obuljen-Koržinek was considering distributing most of the funding to smaller commercial outlets,⁹⁶ instead of allocating the money to the less politically congenial non-profit media, as originally envisioned.⁹⁷ The deadline for the allocation of the money is 2020, otherwise the funds will have to be returned to Brussels.

- The Agrokor group had a strong influence on the media throughout the year, as the embattled conglomerate controlled a large share of the advertising revenue for most mainstream outlets. The firm was highly indebted with several media companies at year’s end.⁹⁸ One of the first creditors that Agrokor paid off was the Hamza media group, which controls the daily papers *Jutarnji List* and *Slobodna Dalmacija*.

Local Democratic Governance

| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|------|------|------|------|------|------|------|------|------|
| 3.75 | 3.75 | 3.75 | 3.75 | 3.75 | 3.75 | 3.75 | 3.75 | 3.75 | 3.75 |

- Local elections in May saw the rise of independent candidates and a convincing performance by HDZ across the country—with the exception of the capital and a few other large cities. However, a controversial new law on local administration triggered concerns that further power will be handed over to local strongmen, thus increasing the incidence of systemic clientelism and state capture.
- Croatia is divided into 576 units of local and regional government, although the issue of reducing this number has been discussed in recent years. This issue came under the limelight during Most’s stint as a coalition partner between January 2016 and May 2017, with a reduction in local and regional government units featuring prominently in the party’s political program. Another party that advocated a full-scale reform was Pametno, which suggested a wholesale abolition of the current set-up.⁹⁹ The party proposed a radical overhaul of the current system by dividing Croatia into five regions—instead of the current 20—and 123 municipalities.
- A Draft Law on the Changes and the Additions to the Law on Local and Regional Self-management was undergoing consultations at the end of the year.¹⁰⁰ Among other changes, the law seeks to give more executive power to the highest elected officials—the municipality mayors (*načelnici*), city mayors (*gradonačelnici*), and regional governors (*župani*). However, a new study¹⁰¹ carried out by GONG across four localities—Zagreb, Dubrovnik, Slavonski Brod, and Istria region—“found with a scientific method what the man on the street already knew”: that local government structures are captured by deeply-rooted clientelism, and that a key driver of this was the excessive power of those key officials, whom they referred to as “strong sheriffs”.¹⁰² Their research proposed a radical reduction in the number of units, followed by the introduction of further checks and balances in the local government and the decision-making process—the precise opposite of the what the new law foresees. The funding of local government units by a mix of government funding and local taxation was strongly affected by the latest tax reform, which came into force in January.¹⁰³
- HDZ enjoyed overall success in the May local elections, and the SDP’s lackluster electoral result epitomized the party’s steady deterioration. The centrist Most party lost ground, conceding victory to HDZ even in Metković, where the party was founded. Several independent candidates won the mayoral

contests in important cities, namely Zagreb, Osijek, and Varaždin. Incipient left-wing options threw their hats in the ring: Zagreb je NAŠ, the political party Nova Lijevice (*New Left*, founded in December 2016), and Marijana Puljak’s center-left party Pametno (*Smart*, founded in 2015). Puljak came third in the mayoral elections in Split, not qualifying for the final round, but the party obtained seven seats in the Split city council.¹⁰⁴ The newly-formed far right party Neovisni Za Hrvatsku was able to obtain 8.2 percent of the vote in the local elections in Zagreb, winning five seats in the city council.¹⁰⁵

- Extensive wildfires spread throughout the coastal region of Dalmatia in the summer of 2017, reaching its peak in July and bearing political consequences due to the delayed and subdued reaction of political leaders.¹⁰⁶ The wildfires reached the inhabited outskirts of Split, burning more than 4500 hectares to the ground.¹⁰⁷ Due to the late deployment of official reinforcements, ordinary citizens—including football club supporters—helped keep the fires at bay. As a consequence, Prime Minister Plenković and President Grabar-Kitarović were bitterly criticized for not taking more decisive action.¹⁰⁸
- Pressed by Neovisni za Hrvatsku, on September 1 Zagreb’s mayor Milan Bandić, a former SDP member but running as an independent, organized a vote to rename Marshal Tito Square in central Zagreb in order to secure a majority in the city council.¹⁰⁹ This decision profoundly divided public opinion: the former Yugoslav President, Josip Broz Tito, is still held in high regard by a large segment of the population.

Judicial Framework and Independence

| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|------|------|------|------|------|------|------|------|------|
| 4.25 | 4.25 | 4.25 | 4.25 | 4.25 | 4.50 | 4.50 | 4.50 | 4.50 | 4.50 |

- Judicial independence deteriorated further in 2017. The appointment of judges has been a long-standing issue in Croatia, with the National Judicial Council (DSV)—the ostensibly autonomous body responsible for ensuring the independence of the judiciary—becoming an increasingly politicized institution throughout the year.¹¹⁰ Most’s demise from government saw the abandonment of an attempt, spearheaded by Most’s Justice Minister Ante Šprlje, at a whole-hearted reform to eradicate the politicization of the judiciary. According to the latest Eurobarometer study, 75 percent of Croats did not trust their legal system. The public perception of judicial independence plummeted over the course of the year, dropping by 12 percent between April and November, placing Croatia among the two worst-performing EU countries (only ahead of Slovenia).¹¹¹
- High-profile cases openly displayed the unsatisfactory state of judicial independence in Croatia. The State Prosecutor's Office for the Suppression of Organized Crime and Corruption (USKOK) experienced funding shortfalls, especially regarding preparatory investigations, hampering the agency’s effectiveness in gathering evidence for the prosecution, although USKOK remained relatively independent and free of political pressures in 2017.¹¹² Members of the agency have instead complained about judicial processes following the investigation stages, noting that not much has changed substantively in recent years: those who have money will slip through the cracks of the imperfect judicial system.¹¹³ However, deficiencies in Croatia’s judiciary were very clearly on show in 2017, raising concerns about the system’s suitability to tackle Agrokor, the most complex case Croatia has seen since its independence.¹¹⁴
- The Horvatinčić trial was one such case. In the summer of 2011, the businessman Tomislav Horvatinčić killed two Italian citizens who were sailing along the Croatian coast by running over them with his motorboat, which had been left on autopilot. It was not the first time that casualties accompanied Horvatinčić’s motoring accidents.¹¹⁵ Horvatinčić changed his version of events: he initially testified that he tried to stop the boat but that technical issues had prevented it, while later he stated that he had a momentary blackout due to a medical condition.¹¹⁶ On October 13, a court in Šibenik county cleared

him of manslaughter,¹¹⁷ which the public received with disbelief and indignation, sparking outrage on social media and even on the streets.¹¹⁸ Media commentary highlighted how Horvatinčić’s acquittal was reflective of the justice system in Croatia, noting the lack of a level playing field.¹¹⁹

- On October 11, Croatia’s parliament voted in three new Constitutional Court judges: Miroslav Šeparović, Mato Arlović, and Goran Selanec. Selanec, at only 41, was the fresh face of the crowd, and came to the bench after pursuing an impressive career, including obtaining his doctorate at the University of Michigan and devoting his academic and legal career to human rights issues. Selanec’s election was widely regarded as a positive development,¹²⁰ with SDP nominating him as their official candidate instead of Mato Arlović, a heavyweight of the party who served as an MP from 1990 to 2008 and vice-president of the Croatian parliament from 1990 to 1992.¹²¹ However, Arlović was also appointed to the Court, as was Šeparović—a HDZ favorite who was President of the Constitutional Court from 2009 to 2016 and Minister of Justice between 1995 and 1998. Miroslav Šeparović was unanimously elected to the court’s presidency for another four year term,¹²² despite accusations that he plagiarized his doctoral thesis.¹²³ Davorin Mlakar, a HDZ-nominated judge elected in 2016 who admitted to using a false name and faced accusations of accepting a €210,000 (\$258,000) bribe,¹²⁴ remained a member of the Constitution Court during the year.
- The first term of the Commission for the Prevention of the Conflict of Interests—a body elected by the parliament, but independent from it—ends on January 15, 2018. The Commission is tasked with enforcing conflict of interest legislation by providing advice to officials, investigating cases, and administering limited sanctions including public reproaches and fines. It has been described as an “unwanted baby” of the EU accession process:¹²⁵ when it was created, the Commission was not considered to be powerful, and as a result, its first mandate has been distinctly non-politicized. However, the body became more influential, primarily by increasing its visibility in the media. The Commission members, headed by the well-respected President Dalija Orešković,¹²⁶ were not afraid to investigate any public figure, including Croatian President Kolinda Grabar-Kitarović, Zagreb mayor Milan Bandić, and the Minister of Finance and Vice Prime Minister Martina Dalić.
- The handling of a number of other prominent cases have raised eyebrows, and increased public perceptions of judicial ineffectiveness and impunity. In May, the mayor of Varaždin, Ivan Čehok, was reelected despite an ongoing trial for abuse of power and for allegedly accepting a HRK 100,000 (\$16,500) bribe.¹²⁷ The trial of Chamber of Commerce chairman Nadan Vidošević, accused of misappropriating HRK 32.9 million (\$5.8 million), only began in January, three years after the end of the pre-judicial inquiry.¹²⁸ Adding to the concerns with judicial independence raised by these cases, the assignment of the impending Agrokor trial to the State’s Attorney Office of the Republic of Croatia (DORH), without the preparatory work passing through USKOK, created significant doubts about the judicial handling of the matter.¹²⁹ Experts contend that DORH does not have the means nor the expertise required to verify the high number of complex documents that need to be considered in the Agrokor investigation.¹³⁰

Corruption

| 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
|------|------|------|------|------|------|------|------|------|------|
| 4.5 | 4.5 | 4.25 | 4 | 4 | 4 | 4 | 4.25 | 4.25 | 4.25 |

- Corruption remained at comparable levels with previous years. Next to the high number of prominent cases that remained unresolved in 2017, the nomination of the new external members of the parliament’s anticorruption committee in October triggered concerns that the body was being politicized, due to the replacement of anticorruption specialists with party-backed candidates.¹³¹ The Agrokor scandal further aggravated public perceptions of corruption by bringing to the fore a

complicated mix of economic power, political influence, and a wide range of informal and corrupt practices.

- With Prime Minister Andrej Plenković replacing Tomislav Karamarko at the helm of HDZ, the party's corruption scandals were no longer under the starkest light in 2017. However, in July HDZ lawmaker Franjo Lucić was caught on tape trying to bribe a journalist to not publish an investigation revealing Lucić's involvement in corrupt dealings.¹³² The trial of former party leader Tomislav Karamarko, who was accused of a conflict of interest in relation to the MOL-INA affair, has never taken place due to insufficient grounds to initiate the prosecution.¹³³ HDZ—the party itself—was found guilty of embezzlement in 2014, but the trial remained awaiting resolution in 2017 due to the Supreme Court reversing the 2014 ruling for a procedural inaccuracy: the key witness, former HDZ treasurer Mladen Barišić, refused to answer questions in court.¹³⁴ The new trial started in June 2016 but was ongoing, with witness testimonies continuing throughout 2017.¹³⁵ Several witnesses and defendants have failed to appear in court, frustrating much of the trial's proceedings this year.
- SDP became embroiled in a high-profile scandal at the beginning of the year. In February, evidence emerged that Tomislav Saucha, a close aide to former SDP leader Zoran Milanović, had falsified travel expenses for over HRK 500,000 (\$78,500). During the parliament crisis in May, Saucha's vote was crucial in preventing the dismissal of Finance Minister Zdravko Marić—and Saucha thus probably saved the government. By backing Marić, Saucha became the first SDP parliamentarian ever to give official support to HDZ.¹³⁶ Rumors about his motives for such a move abound. His trial has been delayed.¹³⁷
- The trial of Zdravko Mamić, the most powerful man in Croatian football and former chief executive of Dinamo Zagreb, started on April 27. USKOK charged Mamić and three other Dinamo executives for their involvement in the embezzlement of almost HRK 116 million (\$19.2 million) through the football club, and for committing tax fraud amounting to HRK 12.2 million (\$2 million). The key witness was Real Madrid's Luka Modrić, one of the world's most renowned midfielders, himself suspected of taking part in a money laundering scheme for his transfer from Dinamo to Tottenham in 2008. Modrić gave a detailed testimony at first, but later withdrew his statements, saying that he could not remember.¹³⁸ A similar case of "amnesia" occurred with Liverpool defender Dejan Lovren, but only after his home in Zagreb was burgled days before he was due to give testimony.¹³⁹ Mamić's influence extended beyond Croatian football: he has ties with political parties, judges, and public officials, and media speculations link him to the Balkan criminal underworld.¹⁴⁰ Because of Mamić's friendship with some of Zagreb's most influential judges, the prosecution ensured that his trial took place in the eastern Croatian city of Osijek to avoid undue influence.¹⁴¹
- Zdravko Mamić allegedly organized a birthday party for Croatia's president, Kolinda Grabar-Kitarović. As elected officials are not allowed to receive gifts exceeding HRK 500 (\$82), and given Mamić's involvement in a number of high-profile corruption scandals, the birthday party was raised with the Commission for the Conflict of Interest. The Commission, however, could not start a case against Grabar-Kitarović for a lack of evidence: police refused to hand over material due to the president's status as a protected person, and refused a further request by the Commission to declassify the information.¹⁴²
- The fall of Agrokor boss Ivica Todorić risks exposing an array of corrupt practices that have occurred in Croatia for decades. However, the assignment of the case to DORH and not to USKOK (see Judicial Framework and Independence) means that the prosecution will not encompass corruption, and Todorić's meddling in politics will not be investigated.

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