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#### THE CONSTITUTION OF THE REPUBLIC OF CROATIA

#### HISTORICAL FOUNDATIONS

The millennial national identity of the Croatian nation and the continuity of its statehood, confirmed by the course of its entire historical experience in various statal forms and by the perpecuation and growth of the idea of one's own state, based on the Croatian nation's historical right to full sovereignty, manifested itself:

- in the formation of Croatian principal-

ities in the seventh century;

- in the independent mediaeval state of Croatia founded in the ninth century;

- in the Kingdom of Croats established in

the tenth century;

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- in the preservation of the subjectivity of the Croatian state in the Croatian-Hungarian personal union;

- in the autonomous and sovereign decision of the Croatian Sabor of 1527 to elect a king

from the Habsburg dynasty;

- in the autonomous and sovereign decision of the Croatian Sabor to sign the Pragmatic Sanction of 1712:

- in the conclusions of the Croatian Sabor of 1848 regarding the restoration of the integrity of the Triune Kingdom of Croatia under the power of the Ban, on the basis of the historical statal and natural right of the Croatian nation;

- in the Croato-Hungarian Compromise of 1868 regulating the relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, on the basis of the legal traditions of both states and the Pragmatic Sanction of 1712;.

 in the decision of the Croatian Sabor of October 29, 1918, to dissolve state relations between Croatia and Austro-Hungary and the simultaneous affiliation of independent Croatia, invoking its historical and natural right as a nation, with the State of Slovenes, Croats and Serbs, proclaimed on the theretofore territory of the Habsburg Monarchy;

- in the fact that the Croatian Sabor never sanctioned the decision of the National Council of the State of Slovenes, Croats and Serbs to unite with Serbia and Montenegro in the Kingdom of Serbs, Croats and Slovenes (December 1, 1918), subsequently (October 3, 1929) proclaimed the

Kingdom of Yugoslavia;

- in the establishment of the Banovina of Croatia in 1939 by which Croatian state identity was restored in the Kingdom of Yugoslavia;

- in laying the foundations of state sovereignty during the Second World War, through decisions of the Antifascists Council of the National Liberation of Croatia (1943), as counter to the proclamation of the Independent State of Croatia (1941), and subsequently in the Constitution of the Peoples's Republic of Croatia (1947), and several later constitutions of the Socialist Republic of Croatia (1963-1990).

At he historic turn-point marked by the rejection of the communist system and changes in the international order in Europe, the Croatian nation reaffirmed at the first democratic elections (1990) by its freely expressed will its millennial statehood and resolution to establish the republic

of Croatia as a sovereign state.

Proceeding from the above-presented historical facts, and from the generally accepted principles in the modern world and the inalienability and indivisibility, nontransferability and nonconsumability of the right of the Croatian nation to self-determination and state sovereignty, including the inviolable right to secession and association, as the basic preconditions for peace and stability of the international order, the Republic of Croatia is hereby established as the national state of Croatian nation and a state of members of other nations and minorities who are citizens: Serbs, Moslems, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others, who are guaranteed equality with citizens of Croatian nationality and the realization of ethnic rights in accordance with the democratic norms of the United Nations Organization and the free world countries.

Respecting the will of the Croatian nation and all citizens, resolutely expressed at free elections, the Republic of Croatia is hereby formed and shall develop as a sovereign and democratic state in which the equality and freedoms and rights of man and citizen shall be guaranteed and ensured, and their economic and cultural progress and social welfare promoted.

#### Π. BASIC PROVISIONS

#### Article 1

The Republic of Croatia is a unitary and indivisible democratic and social state.

Power of the Republic of Croatia derives from the people and belongs to the people as a community of free and equal citizens.

The people shall exercise this power through the election of representatives and through direct decision-making.

#### Article 2

The sovereignty of the Republic of Croatia is inalienable, indivisible and untransferable.

The sovereignty of the Republic of Croatia encompasses its land area, rivers, lakes, canals, internal maritime waters, territorial sea, and the air space above these.

The Republic of Croatia shall exercise, in accordance with international law, sovereign rights and jurisdiction in the maritime areas and the seabed and subsoil thereof of the Adriatic Sea outside the state territory up to the borders with its neighbours.

The Croatian Sabor and people shall directly, independently and in accordance with the Constitution and law, decide:

- on the regulation of economic, legal and political relations in the Republic of Croatia:
- on the preservation of natural and cuitural wealth and its utilization;
- on association in alliances with other states.

The Republic of Croatia may conclude alliances with other states, retaining the sovereign right to decide by itself on the powers to be transferred and the right freely to withdraw from them.

#### Article 3

Freedom, equal rights, national equality, love of peace social justice, respect for human rights, inviolability of ownership, conservation of nature and the human environment, the rule of law and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia.

#### Article 4

In the Republic of Croatia government shall be organized on the principle of the separation of powers into the legislative, executive and judicial hranches.

#### Article 5

In the Republic of Croatia laws shall conform with the Constitution, other rules and regulations shall conform with the Constitution and law.

Everyone shall abide by the Constitution and law an respect the legal order of the Republic.

#### Article 6

Formation of political parties shall be free.

Political parties shall be formed according to the territorial principle.

The work of any political party which by its programme or activity violently endangers the democratic constitutional order, independence, unity or territorial integrity of the Republic of Croatia shall be prohibited.

#### Article 7

The armed forces of the Republic of Croatia shall protect its sovereignty and independence and shall defend its territorial integrity.

The defence system of the Republic of Croatia shall be regulated bay law.

#### Article 8

The frontiers of the Republic of Croatia may only be altered by a decision of the Croarian Sabor.

#### Article 9

Croatian citizenship, its acquisition and

termination shall be regulated by law.

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No citizen of the Republic of Croatia shall be exiled from the Republic nor be deprived of citizenship, and may not be extradited to another

#### Article 10

The Republic of Croatia shall protect the rights and interests of its citizens living or staying abroad, and shall promote their links with the homeland.

Parts of the Croatian nation in other states shall be guaranteed special concern and protection by the Republic of Croatia,

#### Article 11

The coat-of-arms of the Republic of Croatia is the historical Croatian coat-of-arms whose base consists of 25 alternating red and white (argent) fields.

The flag of the Republic of Croatia consists of three colours; red, white and blue, with the historical Croatian coat-of-arms in the centre.

The anthem of the Republic of Croatia is

"Lijepa naša domovino".

The description of the historical Croatian coat-of-arms and flag, the text of the anthem, and the use of these and other state symbols shall be regulated by law.

#### Article 12

The Croatian language and the Latin script shall be in official use in the Republic of Croatia.

In individual local units another language and the Cyrillic or some other script may, along with the Croatian language and the Latin script, be introduced into official use under conditions specified by law.

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#### Article 13

The capital of the Republic of Croatia is

Zagreb.

The city of Zagreb shall be a separate territorial and administrative unit whose organization shall be regulated by law.

## III. FUNDAMENTAL FREEDOMS AND RIGHTS OF MAN AND CITIZEN

#### 1. Common Provisions

#### Article 14

Citizens of the Republic of Croatia shall enjoy all rights and freedoms, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other properties.

All shall be equal before the law.

#### Article 15

Members of all nations and minorities shall have equal rights in the Republic of Croatia.

Members of all nations and minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy.

#### Article 16

Freedoms and rights may only be restricted by law to protect the freedoms and rights of other people and the public order, morality and health.

#### Article 17

During a state of war or an immediate danger to the independence and unity of the Republic, or in the event of some natural disaster, individual freedoms and rights guaranteed by the Constitution may be restricted. This shall be decided by the Croatian Sabor by a two-thirds majority of all representatives or, if Croatian Sabor is unable to meet, by the President of the Republic.

The extent of such restrictions shall be adequate to the nature of the danger, and may not result in the inequality of citizens in respect of race, colour, sex, language, religion, national or

social origin.

Not even in the case of immediate danger to the existence of the state may restrictions be imposed on the applications of the provisions of this Constitution concerning the right to life, prohibition of torture, cruel or degrading treatment or punishment, and on the legal definitions of penal offences and punishments, and on freedom of thought, conscience and religion.

#### Article 18

The right to appeal against individual legal acts made in first-instance proceedings before courts or other authorized bodies shall be guaranteed.

The right to appeal may exceptionally be denied in cases specified by law if other legal protection is ensured.

#### Article 19

Individual acts of state administration and bodies vested with public powers shall be based on law.

Judicial review of the legality of individual acts of administrative authorities and bodies vested-with public powers shall be guaranteed.

#### Article 20

Anyone violating the provisions of this Constitution concerning the basic freedoms and rights of man and the citizen shall be held personally responsible and may not exculpate himself by invoking a higher order.

# 2. Personal and Political Freedoms and Rights

#### Article 21

Every human being shall have the right to life.

In the Republic of Croatia there shall be no capital punishment.

#### Article 22

Man's freedom and personality shall be inviolable.

No one shall be deprived of liberty, nor may his liberty be restricted, except when so specified by law, which shall be decided by a court.

#### Article 23

No one shall be subjected to any form of maltreatment or, without his consent, to medical or scientific experiments.

Forced and obligatory labour shall be

forbidden.

#### Article 24

No one shall be arrested or detained without a written court order base on law. Such

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an order shall be read and served on the arrested person at the moment of arrest.

The police may without a court order arrest a person reasonably suspected of having committed a serious criminal offence defined by law, and shall immediately hand him over to the court.

The arrested person shall be immediately informed in a way understandable to him of the reasons for arrest and of his rights determined by law.

Any person arrested or detained shall have the right to appeal to the court, which shall without delay decide on the legality of the arrest.

#### Article 25

Any arrested and condemned persons shall be treated humanely and their dignity shall be respected.

Anyone who is detained and accused of a penal offence shall have the right within the shortest term specified by law to be brought before the court, and within the statutory term to be acquitted or condemned.

A detainee may be released on legal bail to defend himself.

Any person who has been illegally deprived of liberty or condemned shall, in conformity with law, be entitled to damages and a public apology.

#### Article 26

All citizens and aliens shall be equal before courts, government bodies and other bodies vested with public powers.

#### Article 27

The Bar as an autonomous and independent service shall provide citizens with legal aid, in conformity with law.

#### Article 28

Everyone shall be presumed innocent and may not be considered guilty of a penal offence until his guilt has been proved by a final court judgement.

#### Article 29

Anyone suspected or accused of a penal offence shall have the right:

- to a fair trial before a competent court

specified by law:

- within the shortest possible term to be informed of the reasons for the charges preferred against him and of the evidence incriminating him;

- to a defence counsel and free communication with him, and to be informed of his right:

- to be tried in his presence if he is accessible to the court, and to defend himself by himself or with the assistance of the defence counsel chosen by him.

A charged and accused person shall not be forced to testify against himself or to admit his

guilt.

Evidence illegally obtained shall not be admitted in court proceedings.

#### Article 30

A penal judgement for a serious and exceptionally dishonourable penal offence may, in conformity with law, have as consequence loss of acquired rights or a ban on acquiring, for a specific time, certain rights to the conduct of specific affairs, if this is required for the protection of the legal order.

#### Article 31

No one shall be punished for an act which before its commission was not defined by law or international law as a punishable offence, nor may he be sentenced to a punishment which was not defined by law. If after the commission of an act a less severe punishment is determined by law, such punishment shall be imposed.

No one may again be tried for an act for which he was already sentenced and for which a

final court judgement was passed.

No criminal proceedings shall be repeated against a person acquitted by a final court judgement.

#### Article 32

Anyone who legally finds himself on the territory of the Republic shall have the right freely to move and choose a residence.

Every citizen of the Republic shall have the right at any time to leave the state territory and permanently or temporarily to settle abroad, and at any time to return home.

The right of movement within the Republic and the right to enter or leave it may exceptionally be restricted by law, if this is necessary to protect the legal order, or the health, rights and freedoms of others.

#### Article 33

Foreign citizens and stateless persons may obtain asylum in Croatia, unless they are persecuted for nonpolitical crimes and activities contrary to the basic principles of international law.

No alien who legally finds himself on the territory of the Republic shall be banished or extradited to another state, unless a decision made

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in accordance with a treaty or law is to be enforced.

#### Article 34

Homes shall be inviolable.

Only a court may by a warrant based on law and a statement of reasons order the search of a home or other premises.

The tenant concerned shall have the right, personally or through his representatives and two obligatory witnesses, to be present at the search of his home or other premises.

Subject to conditions spelled out by law, police authorities may even without a court warrant or consent from the tenant enter his home or premises and carry out a search in the absence of witnesses, if this is indispensable to enforce an arrest warrant or to apprehend the offender, or to prevent serious danger to life or major property.

A search aimed at finding or securing evidence, which there is reasonable probability to believe is to be found in the home of the perpetrator of a penal offence, may only be carried out in the presence of witnesses.

#### Article 35

All citizens shall be guaranteed respect for and legal protection of personal and family life, dignity, reputation and honour.

#### Article 36

Freedom and secrecy of correspondence and all other forms of communication shall be guaranteed and inviolable.

Restrictions necessary for the protection of the Republic's security and the conduct of criminal proceedings may only be prescribed by law.

#### Article 37

Everyone shall be guaranteed the safety and secrecy of personal data. Without consent from the person concerned, personal data may be collected, processed and used only under conditions specified by law.

Protection of data and supervision of the work of information systems in the Republic shall be regulated by law.

The use of personal data contrary to the purpose of their collection shall be prohibited.

#### Article 38

Freedom of thought and expression of thought shall be guaranteed.
Freedom of expression shall specifically

include freedom of the press and other media of communication, freedom of speech and public

expression, and free establishment of all institutions of public communication.

Censorship shall be forbidden. Journalists shall have the right to freedom of reporting and access to information.

The right to correction shall be guaranteed to anyone whose constitutionally determined rights have been violated by public communication.

#### Article 39

Any call for or incitement to war, or resort to violence, national, racial or religious hatred, or any form of intolerance shall be prohibited and punishable.

#### Article 40

Freedom of conscience and religion and free public profession of religion and other convictions; shall be guaranteed.

#### Article 41

All religious communities shall be equal before the law and shall be separate from the state.

Religious communities shall be free, in conformity with law, publicly to perform religious services, open schools, teaching establishments and other institutions, social and charitable institutions and to manage them, and shall in their activity enjoy the protection and assistance of the state.

#### Article 42

All citizens shall be guaranteed the right to peaceful assembly and public protest.

#### Article 43

Cirizens shall be guaranteed the right to free association for the purposes of protection of their interests or promotion of social, economic, political, national, cultural and other convictions and objectives. For this purpose, citizens may freely form political parties, trade unions and other associations, join them or leave them.

The right to free association shall be restricted by the prohibition of any violent threat to the democratic constitutional order and the independence, unity and territorial integrity of the Republic.

#### Article 44

Every citizen of the Republic shall have the right, under equal conditions, to take part in the conduct of public affairs, and have access to public service.

#### Article 45

All citizens of the Republic who have reached the age of eighteen years shall have universal and equal suffrage. This right shall be exercised at direct elections by secret ballot.

In election for the Croatian Sabor and the President of the Republic, the Republic shall ensure suffrage to all citizens who at the time of the elections find themselves outside its borders, so that they may vote in the states in which they find themselves or in any other way specified by law.

#### Article 46

All citizens shall have the right to submit petitions and complaints, to make proposals to government and other public bodies and to receive answers thereto.

#### Article 47

Military service and the defence of the Republic shall be the duty of all citizens able to perform it.

Conscientious objection shall be allowed to all those who for religious or moral beliefs are not willing to participate in the performance of military duties in the armed forces. Such persons shall be obliged to perform other duties specified by law.

#### 3. Economic, Social and Cultural Rights

#### Article 48

The right of ownership shall be guaranteed.

Ownership implies obligations. Holders of the right of ownership and its users shall contribute to the general good.

A foreign person may acquire the right of ownership under conditions spelled out by law.

The right of inheritance shall be guaranteed.

#### Article 49

Entrepreneurial and market freedom shall be the basis of the economic system of the Republic.

The state shall ensure all entrepreneurs an equal legal status on the market. Monopolies shall be forbidden.

The Republic shall stimulate economic progress and social welfare and shall care for the economic development of all regions.

The rights acquired through the investment of capital shall not be lessened by law, nor by any other legal act. Foreign investors shall be guaranteed free transfer and repatriation of profit and the capital invested.

#### Article 50

Ownership may in the interests of the Republic be restricted by law, or property taken over against indemnity equal to its market value.

Entrepreneurial freedom and property rights may exceptionally be restricted by law for the purposes of protecting the interests and security of the Republic, nature, the human environment and human health.

#### Article 51

Everyone shall participate in the defrayment of public expenses, in accordance with their economic possibilities.

The tax system shall be based on the principles of equality and equity.

#### Article 52

The sea, seashore and islands, waters, air space, mineral wealth and other natural resources, as well as land, forests, fauna and flora, other parts of nature, real estate and things of special cultural, historic, economic or ecological significance which are specified by law to be of interest to the Republic, shall enjoy its special protection.

The way in which goods of interest to the Republic may be used and exploited by holders of rights to them and by owners, and compensation for the restrictions imposed on them, shall be regulated by law.

#### Article 53

The National Bank of Croatia shall be the central bank of the Republic of Croatia.

The National Bank of Croatia shall, within the framework of its rights and duties, be responsible for the stability of the currency and for general payment liquidity at home and abroad.

The National Bank of Croatia shall be independent in its work and shall be responsible to the Croatian Sabor. Profits made through the operations of the National Bank of Croatia shall accrue to the state budget.

The status of the National Bank of Croatia shall be regulated by law.

#### Article 54

Everyone shall have the right to work and to freedom of work.

Everyone shall be free to choose his vocation and occupation, and all work places and duties shall be accessible to everyone under the same conditions.

#### Article 55

Every employed person shall have the right to remuneration, ensuring for himself and his family a free and decent life.

Maximum working hours shall be regu-

lated by law.

Every employed person shall have the right to a weekly rest and annual holidays with pay, and may not renounce these rights.

Employed persons may, in conformity with law, participate in decision-making in the firms in which they work.

#### Article 56

The right of those employed and of members of their families to social security and social insurance shall be regulated by law and collective agreements.

Rights in connection with childbirth, maternity and child care shall be regulated by law.

#### Article 57

The Republic shall ensure to weak, helpless and other unprovided-for citizens due to unemployment or incapacity to work the right to assistance to meet their basic needs.

The Republic shall ensure special care for the protection of disabled persons and their inclusion in social life.

Receiving humanitarian help from abroad may not be forbidden.

#### Article 58

Every citizen shall be guaranteed the right to health care.

#### Article 59

In order to protect their economic and social interests, all employees and employers shall have the right to form trade unions and freely to join an leave them.

Trade unions may form their federations and associate in international trade union organizations.

Formation of trade unions in the armed forces and the police may be restricted by law.

#### Article 60

The right to strike shall be guaranteed.

The right to strike may be restricted in the armed forces, the police, government administration and the public services specified by law.

#### Article 61

The family shall enjoy special protection of the Republic.

Marriage and legal relations in marriage, common-law marriage and families shall be regulated by law.

#### Article 62

The Republic shall protect maternity, children and young people, and shall create social, cultural, educational, material and other conditions conductive to the realization of the right to a decent life.

#### Article 63

Parents shall have the duty to bring upsupport and school their children, and shall have the right and freedom independently to decide on the upbringing of children.

Parents shall be responsible for ensuring the right of their children to the full and harmoni-

ous development of their personalities.

Physically and mentally handicapped and socially neglected children shall have the right to special care, education and welfare.

Children shall be bound to take care of

old and helpless parents.

The Republic shall take special care of parentless minors or parentally neglected children.

#### Article 64

Everyone shall have the duty to protect

children and helpless persons.

Children may not be employed before reaching the legally determined age, nor may they be forced or allowed to do work which is harmful to their health or morality.

Young people, mothers and disabled persons shall be entitled to special protection at

work.

#### Article 65

Primary schooling shall be compulsory and free.

Everyone shall have access, under the same conditions, to secondary and higher education in accordance with his abilities.

#### Article 66

Under conditions specified by law, citizens may open private schools and teaching establishments.

#### Article 67

The autonomy of universities shall be guaranteed.

Universities shall independently decide on their organization and work in conformity with law.

#### Article 68

Freedom of scientific, cultural and artistic creativity shall be guaranteed.

The Republic shall stimulate and assist the development of science, culture an the arts.

The Republic shall protect scientific, cultural and artistic goods as spiritual national values.

Protection of moral and material rights deriving from scientific, cultural, artistic, intellectual and other creative endeavour shall be guaranteed.

The Republic shall promote physical culture and sport.

#### Article 69

Everyone shall have the right to a healthy life.

The Republic shall ensure citizens the right to a healthy environment.

Citizens, government, public and economic bodies and associations shall be bound, within their powers and activities, to pay special attention to the protection of human health, nature and the human environment.

#### IV. ORGANIZATION OF GOVERNMENT

#### 1. The Croatian Sabor

#### Article 70

The Croatian Sabor is a body of the elected representatives of the people an is vested with the legislative power in the Republic of Croatia.

The Croatian Sabor shall consist of a Chamber of Representatives and a Chamber of Zupanije.

#### Article 71

The Chamber of Representatives shall have no less than 100 and no more than 160 representatives, elected on the basis of direct universal and equal suffrage by secret ballot.

Citizens in every zupanija shall on the basis of universal suffrage directly and by secret ballot elect 3 representatives to the Chamber of Zupanije.

The President of the Republic shall upon the expiry of his term become a lifelong member of the Chamber of Zupanije, unless he explicitly renounces this duty.

The President of the Republic may nominate up to 5 representatives to the Chamber of Zupanije from among citizens especially deserving for the Republic.

#### Article 72

Representatives in the Chambers of the Croatian Sabor shall be elected for a term of four years.

No one shall at the same time be a representative in the Chamber of Representatives and the Chamber of Zupanije.

The number of and conditions and procedure for the election of representatives to the Chambers of the Croatian Sabor shall be regulated by lawa

#### Article 73

Elections for representatives in the Chambers of the Croatian Sabor shall be held no later tan 60 days after the expiry of the mandate or the dissolution of the Chambers of the Croatian Sabor.

The first session of the Chambers of Croatian Sabor shall be held not later than 20 days after the completion of the elections.

#### Article 74

Representatives in the Croatian Sabor shall not have an imperative mandate.

Representatives in the Croatian Sabor shall have a regular monetary remuneration and shall have other rights specified by law.

#### Article 75

Representatives in the Croatian Sabor shall enjoy immunity.

No representative shall be called to account criminally, detained or punished for an opinion expressed or vote cast in the Sabor.

No representative shall be detained, nor shall criminal proceedings be instituted against him without approval thereof by the Chamber of which he is a member.

A representative may be detained without assent of his Chamber only if he has been eaught in the act of committing a criminal offence which carries a penalty of imprisonment of more than five years. In such a case, the president of the Chamber concerned shall be notified thereof.

If the Chamber is not in session, approval for the detention of the representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided | 02-10-95 17:27 | CAPLIN & DRYSDALE → 203 674 1591

by the credentials-and-immunity commission of his Chamber, such a decision being subject to subsequent confirmation by the Chamber.

#### Article 76

The term of office of representatives in Croatian Sabor may be extended by law only in the event of war.

#### Article 77

The Chamber of Representatives and the Chamber of Zupanije may be dissolved if so decided by the majority of all their representatives.

The president of the Republic may, in conformity with the Constitution, dissolve the Chamber of Representatives.

#### Article 78

The Chambers of the Croatian Sabor shall be in regular session twice a year: the first time between January 15 and June 30, and the second time between September 15 and December 15.

The Chambers of Croatian Sabor shall sit in emergency session at the request of the President of the Republic, the Government or the majority of representatives in the Chamber.

#### Article 79

The internal organization and mode of work of Chamber of Representatives and the Chamber of Zupanije shall be regulated by their respective rules of procedure.

The rules of procedure shall be passed by

a majority vote of all representatives.

The Chamber of Representatives and the Chamber of Zupanije shall each have a chairman and one or more vice-chairman.

The rights and duties of the chairmen and vice-chairman shall be defined by the Chambers' rules of procedure.

The chairman of the Chamber of Representatives shall be the president of the Croatian Sabor.

#### Article 80

The Chamber of Representatives shall:

- decide on the enactment and amendment of the Constitution;
  - pass laws;
  - adopt the state budget;
  - decide on the war and peace;
- decide on alternations of the boundaries of the Republic;
  - call referenda;

- carry out elections, appointments and relief of office, in conformity with the Constitution and law:
- supervise the work of the Government of the Republic of Croatia and other holder of public powers responsible to the Sabor, in conformity with the Constitution and law;

- grant amnesty for penal offences;

- conduct other affairs as specified by the Constitution.

#### Article 81

The Chamber of Županije:

- shall propose to the Chamber of Representatives bills and the calling of referenda;

- shall discuss and may give opinion on questions falling within the competence of the

Chamber of Representatives;

- shall give to the Chamber of Representatives prior opinion on the procedure for the enactment of the Constitution and laws which regulate national rights, elaborate constitutionally determined freedoms and rights of man and the citizen and the electoral system, the organization, responsibilities and operation of government bodies, and the organization of local self-government and administration;
- may, within a period of 15 days from the date of the passage of a law in the Chamber of Representatives, with a substantiated opinion return the law for fresh consideration in the Chamber of Representatives. In such a case, the Chamber of Representatives shall decide on the passage of such a law by a majority vote of all representatives except when the Chamber of Representatives passes laws by a two-thirds majority;

- shall conduct other affairs as specified

by the Constitution.

#### Article 82

Unless otherwise specified by the Constitution, the Chamber of Representatives and the Chamber of Zupanije shall make decisions by a majority vote, provided that a majority of representatives are present at the session.

Representatives shall vote personally.

#### Article 83

Laws which regulate national rights shall be passed by the Chamber of Representatives by a two-thirds majority vote of all representatives.

Laws which elaborate the constitutionally defined freedoms and the rights of man and the citizen, the electoral system, the organization, responsibilities and operation of government bodies and the organization of local self-government and administration shall be passed by the

chamber of Representatives by a majority vote of all representatives.

#### Article 84

Sessions of the Croatian Sabor shall be public.

#### Article 85

All representatives in the Chamber of Representatives, working bodies of the Chamber of Representatives, the Chamber of Zupanije and the Government of the Republic of Croatia shall have the right to propose laws.

#### Article 86

Representatives in the Chambers of the Croatian Sabor shall, in conformity with the rules of procedure, have the right to put questions to the Government of the Republic of Croatia and to individual ministers.

#### Article 87

The Chamber of Representatives may call a referendum on a proposal for the amendment of the Constitution, on a bill or any other issue falling within its competence.

The President of the Republic may, at the proposal of the Government and with the counter-signature of the prime minister, call referendum on a proposal for the amendment of the Constitution or any other issue which he considers to be important for the independence, unity and existence of the Republic.

At such a referendum, a decision shall be made by the majority of the voters who voted, provided that the majority of the total number of electors have taken part in the referendum.

Decisions made at referenda shall be binding.

A law shall be passed on referenda.

#### Article 88

The Chamber of Representatives may, for a maximum period of one year, authorize the Government of the Republic of Croatia to regulate by decrees individual issues falling within its competence, except those relating to the elaboration of constitutionally defined freedoms and rights, national rights, the electoral system, the organization, responsibilities and operations of government bodies and local self-government.

Decrees based on statutory authority shall not have a retroactive effect.

Decrees passed on the bases of statutory authority shall cease to be valid after the expiry of a period of one year from the date when the Chamber of Representatives received such author-

ity, unless otherwise decided by the Chamber of Representatives.

#### Article 89

Laws shall be promulgated by the President of the Republic within eight days from the date when they were, in conformity with the Constitution, passed in the Chamber of Representatives.

#### Article 90

Before coming into force, laws shall be published in Narodne novine, the Republic's official gazette.

A law shall come into force at the earliest on the eight day after publication, unless otherwise specified by law for especially justified reasons. Only individual provisions of a law may have a retroactive effect.

#### Article 91

State revenues and expenditures shall be determined by the state budget.

A law whose application demands financial funds shall specify the sources of such funds.

#### Article 92

The Chambers of the Croatian Sabor may form inquiry commissions regarding any issue of public interest.

The composition, responsibilities and powers of inquiry commissions shall be in accord with law.

#### Article 93

An ombudsman, who shall be a commissioner of the Croatian Sabor, shall protect the constitutional and legal rights of citizens in proceedings before government administration and bodies vested with public powers.

The ombudsman shall be elected by the Chamber of Representatives for a term of eight years.

Conditions for the election and relief of office and the mode of work of the ombudsman and his deputies shall be regulated by law.

## 2. The President of the Republic of Croatia

#### Article 94

The President of the Republic of Croatia is the head of state.

The President of the Republic shall represent the Republic at home and abroad, be responsible for abiding by the Constitution, and ensure

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the continuance and unity of the Republic and the regular functioning of government.

#### Article 95

The President of the Republic shall be elected, on the basis of universal and equal suffrage at direct election by secret ballot, for a term of five years.

No one shall be President of the Republic

more than :wice.

The President of the Republic shall be elected by a majority vote of all electors who voted. If none of the candidates has obtained such a majority, a new election shall be held after 14

days.

The two candidates who at the first election obtained the largest number of votes shall have the right to stand at the new election. If one of the candidates who obtained the largest number of votes withdraws his candidature, the candidate who is next in the number of votes obtained shall acquire the right to be elected.

Elections for the President of the Republic shall be held no less than 30 and no more than 60

days before the expiry of this term.

Before assuming duty, the President of the Republic shall take a solemn oath swearing loyalty to the Constitution.

The election of the President of the Repu-

blic shall be regulated by law.

#### Article 96

The President of the Republic shall not, except for party-related duties, perform any other public or professional duty.

#### Article 97

In the event of the death of the President of the Republic, his resignation, or his being permanently prevented from performing his duties, the occurrence of which shall be established by the Constitutional Court of Croatia at the proposal of the Government of the Republic of Croatia, the duty of the President of the Republic shall be temporarily assumed by the president of the Croatian Sabor.

The election of a new President of the Republic shall be carried out within 60 days from the date when the former president ceased to perform his duties.

#### Article 98

The President of the Republic shall:

- call elections for the Chambers of the Sabor and shall convene their first session;

- call referenda, in conformity with the Constitution;

- appoint and relieve of duty the prime minister of the Republic of Croatia;

- at the proposal of the prime minister of the Republic of Croatia appoint and relieve of duty its vice-premiers and members;

- grant pardons;

confer decorations and other awards

specified by law;

- perform other duties specified by the Constitution.

#### Article 99

The President of the Republic shall, at the Government's proposal, decide on the establishment of diplomatic and other representative offices

of the Republic of Croatia abroad.

The President of the Republic shall appoint and recall diplomatic representatives of the Republic of Croatia, receive letters of credence and letter of recall from foreign diplomatic representatives.

#### Article 100

The President of the Republic is commander-in-chief of the armed forces of the Republic of Croatia.

The President of the Republic shall appoint members of the National Defence Council of the Republic of Croatia and preside over it, and shall appoint and relieve of duty military commanders, in conformity with law.

On the basis of a decision by the Croatian Sabor, the President of the Republic may proclaim

war and conclude peace.

#### Article 101

The President of the Republic shall pass decrees with the force of law and take emergency measures in the event of a state of war or an immediate danger to the independence and unity or the Republic, or when government bodies are prevented from regularly performing constitutional duties. During the time the President of the Republic is making use of such powers, the Chamber of Representatives may not be dissolved.

The President of the Republic shall submit decrees with the force of law for approval to the Chamber of Representatives as soon as the Sabor

is in a position to meet.

#### Article 102

The President of the Republic may convene a session of the Government of the Republic of Croatia and place on its agenda items which he deems should be considered.

The President of the Republic shall preside over the session of the Government at which

he is present.

#### Article 103

The President of the Republic may give to the Croatian Sabor information of, and shall once a year submit to it a report on, the state of the Republic.

#### Article 104

The President of the Republic may, at the proposal of the Government and with the counter-signature of the prime minister, after having consulted the chairman of the Chamber, dissolve the Chamber of Representatives, if this Chamber has passed a vote of no confidence in the Government, or if it has not approved the state budget within a month from the date when it was proposed.

The President of the Republic may not again dissolve the Chamber of Representatives before the expiration of one year from the date of its dissolution.

#### Article 105

The President of the Republic shall be impeachable for any violation of the Constitution he has committed in the performance of his duties.

Proceedings for the impeachment of the President of the Republic may be instituted by the Camber of Representatives by a two-thirds majority vote of all representatives.

The impeachability of the President of the Republic shall be decided upon by the Constitutional Court of Croatia by a two-thirds majority vote of all judges.

If the Constitutional Court of Croatia sustains the impeachment, the duty of the President of the Republic shall cease by force of the Constitution.

#### Article 106

In the performance of his powers the President of the Republic shall be assisted by a Presidential Council and other advisory and auxiliary bodies whose members shall be appointed and recalled by the President of the Republic.

### 3. The Government of the Republic of Croatia

#### Article 107

The Government of the Republic of Croatia shall exercise executive powers in conformity with the Constitution and law.

#### Article 108

The Government of the Republic of Croatia shall consist of a prime minister, vice-premiers, ministers and other members.

#### Article 109

The organization, operation and decision-making by the Government shall be regulated by law and its rules of procedure.

The internal organization of ministries shall be regulated by Government decrees, and services for the conduct of its affairs shall be set up by it.

#### Article 110

The Government shall pass decrees in conformity with the Constitution and law, introduce bills, propose the state budget, and enforce laws and other regulations enacted by the Croatian Sabor.

#### Article 111

The Government shall be responsible to the President of the Republic and the Chamber of Representatives of the Sabor of the Republic of Croatia.

The prime minister, vice-premiers and members of the Government shall be jointly responsible for the decisions made by the Government, and shall be personally responsible for their respective competences.

#### Article 112

The prime minister shall, not later than 15 days from his nomination, present the Government to the Chamber of Representatives and ask for a vote of confidence in the Government.

The nomination of the prime minister and members of the government shall be deemed to have been accepted if confidence in it has been expressed by a majority of all representatives in the Chamber of Representatives.

#### Article 113

At the proposal of at least a tenth of the representatives in the Chamber of Representatives, a vote of confidence in the prime minister, individual Government members or the Government as a whole may be requested.

A vote of confidence in the Government may also be requested by the prime minister.

No vote of confidence may be taken before the expiry of three days from the date of service of the proposal to the Chamber of Representatives.

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A no confidence decision shall be accepted if it has been voted for by the majority of the total

number of representatives.

If the Chamber of Representatives rejects the proposal for a vote of no confidence, the representatives who made it may not again make the same proposal before the expiry of three month.

If a vote of no confidence in the prime minister or the Government as a whole is passed, the prime minister shall submit his resignation to the president of the Republic, who shall dissolve the Government.

If a vote of no confidence in an individual member of the Government is passed, the prime minister may resign or may propose to the President of the Republic to relieve of duty the member of the Government against whom the vote of no confidence was passed.

#### Article 114

The organization of state administration

shall be regulated by law.

Employees in state administration shall be appointed on the basis of public competition, unless otherwise specified by law.

#### 4. Judicial Power

#### Article 115

Judicial power shall be exercised by courts.

Judicial power shall be autonomous and independent.

Courts shall administer justice on the basis of the Constitution and law.

#### Article 116

The Supreme Court of the Republic of Croatia, as the highest court, shall ensure uniform application of laws and equality of citizens.

The establishment, jurisdiction, composition and organization of courts and court proceedings shall be regulated by law.

The formation, competence and organization of the office of public prosecutor shall be regulated by law.

#### Article 117

Court hearings shall be open and judgements shall be passed publicly in the name of the

Republic of Croatia.

The public may be barred from a hearing or part thereof if minors are being tried, or for the purposes of protection of the private lives of the parties, or in marital disputes and proceeding in connection with guardianship and adoption, or for the purposes of protection of military, official

or business secrets, and for the protection of security of the Republic's defence.

#### Article 118

Justice shall be administered by judges and lay-assessors in conformity with law.

#### Article 119

Judges and lay-assessors who take part in the administration of justice shall not be called to account for an opinion given in the process of judicial decision-making.

Judges shall, in conformity with law, enjoy the same immunity as representatives in the

Croatian Sabor.

#### Article 120.

\_iudicial office shall be permanent.

A judge shall be relieved of his judicial office:

- at his own request;

- if he has become permanently incapaci-

tated to perform his office;

- if he has been sentenced for a criminal offence which makes him unworthy to hold judicial office;

- If in conformity with law it is so decided by the High Judiciary Council of the Republic owing to the commission of an act of serious

infringement of discipline.

The judge concerned shall have the right to submit to the Chamber of Zupanije of the Croatian Sabor a request for protection against the decision to relieve him of office.

A judge shall not be transferred against

his will.

A judge shall not perform an office or work defined by law as being incompatible with his judicial office.

#### Article 121

Judges and public prosecutors shall, in conformity with the Constitution and law, be appointed and relieved of duty by, and questions concerning their disciplinary responsibilities decided upon by, the High Judiciary Council of the Republic.

The High Judiciary Council of the Repub-

lic shall have a president and 14 members.

The president and members shall be proposed by the Chamber of Zupanije, and shall be elected by the Chamber of Representatives for a term of eight years from among notable judges, public prosecutors, lawyers and university professors of taw, in conformity with law.

## V. THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

#### Article 122

The Constitutional Court of the Republic of Croatia shall consist of 11 judges elected by the Chamber of Representatives at the proposal of the Chamber of Zupanije for a term of eight years from among outstanding jurists, especially judges, public prosecutors, lawyers and university professors of law.

The Constitutional Court of the Republic of Croatia shall elect a president for a term of four years.

#### Article 123

Judges of the Constitutional Court of the Republic of Croatia shall not perform any other public or professional duties.

Judges of the Constitutional Court of Croatia shall enjoy the same immunity as representatives in the Croatian Sabor.

#### Article 124

A judge of the Constitutional Court of the Republic of Croatia may be relieved of office before the expiry of the term for which he was elected if he requests to be relieved, if he is sentences to a term of imprisonment, or if he is permanently incapacitated to perform his office, as established by the Court itself.

#### Article 125

The Constitutional Court of Croatia shall:

- decide on the conformity of laws with the Constitution:
- decide on conformity of other regulations with the Constitution and law:
- protect the constitutional freedoms and rights of man and citizen;
- decide jurisdictional disputes among legislative, executive and judicial branches;
- decide, in conformity with the Constitution, on the impeachability of the President of the Republic;
- supervise the constitutionality of the programmes and activities of political parties and may, in conformity with the Constitution, ban their work:
- supervise the constitutionality and legality of elections and republican referenda, and decide electoral disputes which do not fall within the jurisdiction of courts:
- conduct other affairs specified by the Constitution.

#### Article 126

The Constitutional Court of Croatia shall repeal a law if it finds to be unconstitutional.

The Constitutional Court of Croatia shall repeal or annual any other regulation if it finds it to be unconstitutional or illegal.

#### Article 127

Conditions for the election of judges of the Constitutional Court of the Republic of Croatia and the termination of their office, conditions and time-limits for instituting proceedings for the assessment of the constitutionality and legality, procedure and the legal effect of its decisions, protection of the constitutional freedoms and rights of man and citizen, and other issues important for the performance of duties and work of the Constitutional Court of the Republic of Croatia, shall be regulated by the Constitutional Act.

The Constitutional Act shall be passed by the procedure determined for amending the Constitution.

The internal organization of the Constitutional Court of the Republic of Croatia shall be regulated by its rules of procedure.

# VI. ORGANIZATION OF LOCAL SELF-GOVERNMENT AND ADMINISTRATION

#### Article 128

Citizens shall be guaranteed the right to local self-government.

The right to local self-government shall include the right to decide on needs and interests of local significance, particularly of localities and housing, public utilities, child care, social welfare, culture, physical culture, sport and technical culture, and the protection and promotion of the environment.

A law shall be passed on local self-government.

#### Article 129

Units of local self-government shall, in conformity with law, be communes and districts of towns. Their areas shall be determined by law after the opinion of the inhabitants of the areas concerned has been heard.

The organization and responsibilities of the bodies of self-government units shall be regulated by their by-laws in conformity with law.

Citizens may directly participate in the management of local affairs, in conformity with law and the by-laws off local self-government units.

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Citizens shall also have the right to establish, in conformity with law, other forms of local self-government in localities and parts thereof.

#### Article 130

Units of local self-government shall, in conformity with law and by-laws, be independent in the conduct of local affairs and shall only be subjected to the supervision of legality by competent bodies of the Republic.

In communes and districts or towns, local self-government bodies may be established by law. The organization and responsibilities of such bodies shall be regulated by law.

Specific affairs of state administration may be by law transferred to the responsibility of local self-government bodies.

In conducting such affairs, bodies of local selfgovernment units shall be subordinate, in conformity with law, to bodies of state administration.

#### Article 131

Županije are units of local administration and self-government. Areas of Županije shall be determined by law so as to express the historical, transport and economic factors, and to be natural self-government units within the framework of the Republic.

The organization and responsibilities of Zupanija bodies shall be determined by law.

Large towns may by law be organized as Zupanije.

#### VII. INTERNATIONAL RELATIONS

#### 1. International Agreements

#### Article 132

International agreements shall, on behalf of the Republic of Croatia, be concluded by the President of the republic, but may also be concluded, in conformity with law, by Government of the Republic of Croatia.

#### Article 133

International agreement which entail the passage or amendment of laws, international agreements of a military and political nature, and international agreements which financially commit the Republic shall be subject to ratification by the Croatian Sabor.

International agreements which grant international organizations or alliances powers derived from the Constitution of the Republic of Croatia, shall be subject to ratification by the

Croatian Sabor by a two-thirds majority vote of all representatives.

#### Article 134

International agreement concluded and ratified in accordance with the Constitution and made public shall be part of the Republic's internal legal order and shall in terms of legal effect be above law. Their provisions may be changed or repealed only under conditions and in the way specified in them, or in accordance with the general rules of international law.

#### Association and Secession

#### Article 135

Procedure for the association of the Republic of Croatia in alliances with other states may be instituted by at least one third of the representatives in the Croatian Sabor, by the President of the Republic, or by the Government of the Republic of Croatia.

Such association of the Republic shall first be decided upon by the Croatian Sabor by a twothirds majority vote of all representatives.

The decision concerning the Republic's association shall be made on the basis of a referendum by a majority vote of the total number of electors in the Republic.

Such referendum shall be held within 30 days from the date the decision was rendered by the Croatian Sabor.

The provisions of this Constitution concerning association shall also relate to conditions and procedure for disassociation (secession) of the Republic of Croatia, except when owing to extraordinary circumstances the Croatian Sabor may, at the proposal of a third of the representatives, or of the President of the Republic, or the Government of the Republic of Croatia, for the purposes of protection of the Republic of Croatia, decide on disassociation (secession) by a two-thirds majority vote of all representatives present.

#### VIII. AMENDING THE CONSTITUTION

#### Article 136

Amendment of the Constitution of the Republic of Croatia may be proposed by at least one fifth of the representatives in the Chamber of Representatives of the Croatian Sabor, the President of the Republic, and the Government of the Republic of Croatia.

#### Article 137

The Chamber of Representatives shall, upon hearing the opinion of the Chamber of

Zupanije, decide by a majority vote of all representatives whether or not to start proceedings for the amendment of the Constitution.

A draft amendment of the Constitution shall require a majority vote of all representatives.

#### Article 138

A decision to amend the Constitution shall, on the basis of a prior opinion of the Chamber of Zupanije, be made by the Chamber of Representatives by a two-thirds majority vote of all representatives.

#### Article 139

Amendment of the Constitution shall be promulgated by the Chamber of Representatives of the Croatian Sabor.

## IX. TRANSITIONAL AND CONCLUDING PROVISIONS

#### Article 140

The Republic of Croatia shall remain part of the Socialist Federal Republic of Yugoslavia until a new agreement is reached by the Yugoslav republics, or until the Croatian Sabor decides otherwise.

If the territorial integrity of the Republic of Croazia is infringed by an act of or procedure by a federal organ or an organ of other republics or provinces, members of the Federation, or if the Republic is brought into an unequal position in the Federation, or its interests are endangered, the Republic of Croatia's organs shall on the basis of the right to self-determination and the sovereignty of the Republic of Croatia established by the Constitution, make the necessary decisions for the protection of the sovereignty and interests of the Republic of Croatia.

#### Article 141

This Constitution shall apply as of the date of its promulgation by the Croatian Sabor, unless otherwise specified by the Constitutional Act for its implementation regarding the application of its individual provisions.

Elections for the Croatian Sabor and the President of the Republic shall be called in accordance with the electoral laws, which shall be passed not later than one year after the promulgation of this Constitution.

#### Article 142

A Constitutional Act shall be passed for the implementation of this Constitution.

Pursuant to Article 438 of the Constitution of the Republic of Croatia, the Sabor of the Republic of Croatia enacted at the session of the Chamber of Associated Labour, the Chamber of Communes and the Socio-Political Chamber, held on December 22, 1990, the

# DECISION on the Promulgation of the Constitution of the Republic of Croatia

The Constitution of the Republic of Croatia, enacted by the Sabor of the Republic of Croatia at the session of the Chamber of Associated Labour, the Chamber of Communes and the Socio-Political Chamber, held on December 21, 1990, is hereby promulgated and becomes effective.

Number: 6301-90-9

Zagreb, December 22, 1990

#### PARLIAMENT OF THE REPUBLIC OF CROATIA (SABOR)

President of the Chamber of Associated Labour Ivan Matija President of the Parliament Žarko Domljan, D.Sc.

President
of the Chamber of Communes
Slavko Degoricija

President
of the Socio-Political Chamber
Ivan Vekić

# CONSTITUTIONAL DECISION ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF CROATIA

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Pursuant to Article 140, paragraph 1, of the Constitution of the Republic of Croatia,

proceeding from the inalienable, unconsumable, indivisible and untransferable right of the Croatian nation to self-determination, including the right of disassociation and association with other nations and States, and from the sovereignty of the Republic of Croatia rests in all its citizens,

executing the will of the people as expressed at the referendum of May 19, 1991,

in view of the fact that the SFRY does not function as a state founded on constitutionalitz and the rule of law, and that human rights, the rights of national minorities and the rights of its federal units are being flagrantly violated,

bearing in mind that Yugoslavia's federal system does not make it possible to resolve the statepolitical and economic crisis, and that no agreement has been reached among its constituent republics

that would make it possible to transform the federal state into a union of sovereign states,

declaring that the Republic of Croatia respects the equal rights of the other republics of the presentday SFRY in the wish gradually to regulate with them on an equal footing and by democratic and peaceful means all issues arising from their common life to date; respecting their sovereignty and territorial integrity, and expressing readiness to reach with them, as an autonomous and independent State, agreement on economic, political, defence and other relations,

the Parliament of the Republic of Croatia is hereby enacting the

# CONSTITUTIONAL DECISION ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF CROATIA

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The Republic of Croatia is hereby proclaimed a sovereign and independent state.

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By this act, the Republic of Croatia initiates proceedings for disassociation from the other republics and from the SFRY.

The Republic of Croatia is initiating proceedings for international recognition.

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International agreements concluded and acceded to by the SFRY shall apply in the Republic of Croatia provided they do not conflict with the Constitution and legal system of the Republic of Croatia, on the basis of the provisions of the international law on state succession relating to international agreements.

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Only those laws shall be in force on the territory of the Republic of Croatia which have been passed by the Parliament of the Republic of Croatia, and until the termination of disassociation, also those federal regulations which have not been repealed.

The Republic of Croatia assumes all the rights and obligations that were transferred to the bodies of the SFRY by the Constitution of the Republic of Croatia and by the Constitution of the SFRY.

Procedure for assuming these rights and duties shall be prescribed by the Constitutional Act.

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The state boundaries of the Republic of Croatia are the internationally recognized state boundaries of the present-day SFRY in the part which relates to the Republic of Croatia, and the boundaries between the Republic of Croatia and the Republics of Slovenia, Bosnia and Herzegovina, Serbia and Montenegro within the framework of the present-day SFRY.

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Accepting the principles of the Charter of Paris, the Republic of Croatia guarantees to all its citizens their national and all other fundamental rights and freedoms of man and the citizen, a democratic order, the rule of law and all other greatest values of its constitutional order and the international legal order.

VII

The present Constitutional Decision shall come into force upon promulgation by the Parliament of the Republic of Croatia.

Class 010-03/91-02/06 Zagreb, 25 June 1991

President of the Chamber of Associated Labour Ivan Matija

President of the Parliament Zarko Domljan, D.Sc.

President of the Chamber of Communes
Luka Bebić

President of the Socio-Political Chamber Ivan Vekić