

**THE COMMITTEE FOR CONSTITUTION, STANDING ORDERS
AND POLITICAL SYSTEM OF THE CROATIAN
PARLIAMENT**

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The Committee for Constitution, Standing Orders and Political System of the Croatian Parliament, on the basis of its competence as per Article 57 of the Standing Orders of the Croatian Parliament, determined the cleared text of the Constitution of the Republic of Croatia at its session held on 23 April 2001.

The cleared text of the Constitution of the Republic of Croatia comprises the Constitution of the Republic of Croatia ("Official Gazette", No. 56/90, 135/97, 8/98 – cleared text, 113/2000, 124/2000 – cleared text) and the Amendments to the Constitution of the Republic of Croatia published in the "Official Gazette", No. 28/2001, in which the time of its coming into effect is denoted.

Class: 012-02/01-01/03

Zagreb, 25 April 2001

President
of the Committee for Constitution, Standing Orders
and Political System of the Croatian Parliament
Mato Arlovic, M.Sc., signed

**CONSTITUTION OF THE REPUBLIC OF CROATIA
(cleared text)**

I. HISTORICAL FOUNDATIONS

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

- in the formation of Croatian principalities 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;
- in the preservation of the identity of the Croatian state in the Croatian-Hungarian personal union;
- in the autonomous and sovereign decision of the Croatian Parliament (Sabor) of 1527 to elect a king from the Habsburg dynasty;

- in the autonomous and sovereign decision of the Croatian Parliament to sign the Pragmatic Sanction of 1712;
- in the conclusions of the Croatian Parliament 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, state and natural right of the Croatian nation;
- in the Croatian-Hungarian Settlement Agreement 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 Parliament of 29 October 1918 to dissolve public-law relations between Croatia and Austria-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 Parliament 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 (1 December 1918), subsequently (3 October 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 Antifascist Council of National Liberation of Croatia (1943), expressed counter to the proclamation of the Independent State of Croatia (1941), and subsequently in the Constitution of the People's Republic of Croatia (1947) and several later constitutions of the Socialist Republic of Croatia (1963-1990), at the threshold of the historical changes marked by the collapse of the communist system and changes in the European international order, the Croatian nation by its freely expressed will at the first democratic elections (1990) reaffirmed its millenary statehood. By the New Constitution of the Republic of Croatia (1990) and the victory in the Homeland War (1991-1995), the Croatian nation demonstrated its will and determination to establish and defend the Republic of Croatia as a free, independent, sovereign and democratic state.

Considering the presented historical facts and universally accepted principles of the modern world, as well as the inalienable and indivisible, non-transferable and non-exhaustible right of the Croatian nation to self-determination and state sovereignty, including its fully maintained right to secession and association, as the basic preconditions for peace and stability of international order, the Republic of Croatia is established as the nation state of the Croatian nation and state of members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and the others who are its citizens, and who are guaranteed equality with citizens of Croatian nationality and the realization of national rights in accordance with the democratic norms and standards of the United Nations Organization and the countries of the free world.

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

II. BASIC PROVISIONS

Article 1

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

Power in 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 their 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 extends over its land area, rivers, lakes, canals, internal maritime waters, territorial sea, and the air space above these.

In accordance with international law, the Republic of Croatia shall exercise its 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 neighbors.

The Croatian Parliament and the 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 cultural 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 to freely withdraw from such associations.

Article 3

Freedom, equal rights, national equality and gender 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 and the basis for the interpretation of the Constitution.

Article 4

In the Republic of Croatia, the state authority shall be organized on the principle of the division of authority into the legislative, executive and judicial branches and it shall be limited by the constitutionally guaranteed right to local and regional self-government.

The principle of division of authority shall include the forms of mutual co-operation and mutual verification of holders of authority, stipulated by the Constitution and law.

Article 5

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

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

Article 6

The establishment of political parties shall be free.

The internal organization of political parties shall be in conformity with the fundamental constitutional democratic principles.

The parties shall publicly declare the origin of their resources and property.

The political parties which by their programme or violent activity are inclined towards the disruption of the free democratic system or which are endangering the existence of the Republic of Croatia, shall be unconstitutional. The Constitutional Court of the Republic of Croatia shall decide on the unconstitutionality.

The position and financing of political parties shall be regulated by law.

Article 7

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

The armed forces of the Republic of Croatia may cross its borders or act across its borders only on the basis of the prior decision of the Croatian Parliament.

The armed forces may cross the borders of the Republic of Croatia as a part of exercises within the framework of international defense organisations, which the Republic of Croatia has joined or is joining on the basis of international treaties as well as in order to provide humanitarian aid, even without a prior decision of the Croatian Parliament.

Article 8

The borders of the Republic of Croatia may only be altered by a decision of the Croatian Parliament.

Article 9

Croatian citizenship, its acquisition and termination shall be regulated by law.

No citizen of the Republic of Croatia may be exiled from the Republic of Croatia or be deprived of citizenship, neither may he be extradited to another state.

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 and protection of these and other state symbols shall be regulated by law.

Article 12

The Croatian language and 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 be introduced into official use along with the Croatian language and the Latin script, under conditions stipulated by law.

Article 13

The capital of the Republic of Croatia is Zagreb.

The law shall stipulate the position, scope of activities and organization of the capital city of Zagreb.

II. PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. JOINT PROVISIONS

Article 14

Everyone in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, color, sex, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics.

All shall be equal before the law.

Article 15

Members of all ethnic minorities shall be guaranteed equality in the Republic of Croatia.

Equality and protection of the rights of ethnic minorities shall be regulated by the Constitutional Law, which shall be adopted pursuant to the procedure of passing organic laws.

Besides the universal franchise, the law may ensure a special right to members of national minorities to elect their representatives into the Croatian Parliament.

Members of all national minorities shall be guaranteed the freedom to express their ethnic affiliation, freedom to use their language and script, as well as a cultural autonomy.

Article 16

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

Every limitation of freedom or right shall be proportional to the nature of the need for limitation in each particular case.

Article 17

In a state of war or immediate threat to the independence and unity of the state, or great natural disasters, individual freedoms and rights guaranteed by the Constitution may be restricted. This shall be decided by the Croatian Parliament by a two-thirds majority of all representatives or, if the Croatian Parliament is unable to convene, by the President of the Republic, at the proposal of the Government and with the counter-signature of the Prime Minister.

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

social origin.

Not even in the case of an immediate threat to the existence of the state may restrictions be imposed on the application of the provisions of the Constitution concerning the right to life, prohibition of torture, cruel or degrading treatment or punishment, on the legal determination of criminal acts and punishments, or on the 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 excluded in cases specified by law if other legal safeguards are ensured.

Article 19

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

Judicial control 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 the Constitution concerning human rights and fundamental freedoms shall be held personally accountable 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 compulsory labour shall be forbidden.

Article 24

No one shall be arrested or detained without a written court order based on law. Such an order shall be read and served on the arrested person at the moment of deprivation of freedom.

The police may arrest a person without a court order when he is reasonably suspected of having committed a serious criminal act defined by law, with the obligation of immediately handing such a person over to the court. The arrested person shall be immediately informed, in the manner 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 deprivation of freedom.

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 criminal act shall have the right to be brought before the court within the shortest term specified by law and to be acquitted or sentenced within the legal term.

A detainee may be out on pretrial release, with a legal guarantee.

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 of the Republic of Croatia and foreigners shall be equal before the courts and other state bodies and other bodies vested with public powers.

Article 27

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

Article 28

Everyone shall be innocent and may not be presumed guilty of a criminal act until his guilt has been proved by a final court verdict.

Article 29

Everyone shall be entitled to a fair decision, within a reasonable period of time, on his rights and obligations, or on a suspicion or charges for a criminal act, by an independent and impartial court, established by law.

In case of a suspicion or charges for a criminal act, a suspect, charged or accused person shall have the right to:

- be informed, within the shortest possible period of time, in detail and in the language he understands, on the nature and reasons for the charges filed against him and on the evidence incriminating him,
- have adequate time and possibility to prepare the defense,
- a defense counsel and unhindered establishment of communication with the defense counsel, and to be informed about this right,
- defend himself alone or with the assistance of the defense counsel chosen by him, and if he is lacking the sufficient funds to pay for a defense counsel, he shall be entitled to a free defense counsel under the condition stipulated by law,
- be tried in his presence if he is accessible to the court,
- examine or have the prosecution witnesses examined and to request that the presence and examination of the defense witnesses is provided under the same conditions as for the prosecution witnesses,
- free assistance of an interpreter, if he does not understand or does not speak the language used at the court.

A suspect, charged and accused person shall not be forced to admit his guilt.

Illegally obtained evidence shall not be used in court proceedings.

Criminal proceedings may only be initiated before a court, upon request of the authorized prosecutor.

Article 30

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

Article 31

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

No one may be tried again or punished in criminal proceedings for a criminal act of which he was already acquitted or sentenced for by a final court decision in accordance with the law.

Cases and reasons for the renewal of proceedings referred to in Paragraph 2 of this Article may only be stipulated by law, in accordance with the Constitution and international agreement.

Article 32

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

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

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

Article 33

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

No foreigner who legally finds himself in the territory of the Republic of Croatia may be banished or extradited to another state, unless a decision passed in accordance with an international treaty or law is to be enforced.

Article 34

A home shall be inviolable.

Only a court may order the search of a home or other premises, by an explained written order, based on law.

It shall be the right of the tenant that he or his representative and two obligatory witnesses are present during the search of the home or another area.

In accordance with the conditions foreseen by the law, police authorities may enter a person's home or premises and carry out a search in the absence of witnesses, even without a court

warrant or consent from the holder of the apartment, if this is indispensable in order to enforce an arrest warrant or to apprehend the perpetrator of a criminal act, or to eliminate serious danger to life and people's health or major property.

A search aimed at finding or securing evidence for which there is a reasonable probability to be found in the home of the perpetrator of a criminal act, may only be conducted in the presence of witnesses.

Article 35

Everyone shall be guaranteed respect and legal protection of their own and family life, dignity, reputation and honor.

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 state's security or 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 the consent from the examined person, 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 state shall be regulated by law.

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

Article 38

Freedom of thought and expression of thought shall be guaranteed.

Freedom of expression of thought shall specifically include freedom of the press and other media, 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 and legally determined rights have been violated by public communication.

Article 39

Any call for or incitement to war, to the use of 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 or other convictions shall be guaranteed.

Article 41

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

Religious communities shall be free, in conformity with law, to publicly perform religious services, to open schools, teaching establishments, other institutions, social and charitable

institutions and manage them, and shall enjoy the protection and assistance of the state in their activity.

Article 42

Everyone shall be recognized the right to public assembly and peaceful protest, in accordance with the law.

Article 43

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

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

Article 44

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

Article 45

The Croatian citizens who have turned 18 years of age shall have universal and equal suffrage in accordance with the law. The right of suffrage shall be exercised at direct elections, by secret ballot.

In the elections for the Croatian Parliament and the President of the Republic, the Republic of Croatia shall also ensure suffrage to its citizens who find themselves outside of its borders at the time of the elections, so that they may also vote in the countries in which they find themselves or in another manner specified by law.

Article 46

Everyone shall have the right to submit petitions and complaints, to make proposals to state and other public bodies, and to receive answers thereto.

Article 47

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

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

3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Article 48

The right to ownership shall be guaranteed.

Ownership shall imply obligation. Holders of the ownership right and its users shall be obliged to contribute to the general good.

A foreign person may acquire the right to ownership under the conditions stipulated by law.

The right to inheritance shall be guaranteed.

Article 49

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

The state shall ensure all entrepreneurs an equal legal status on the market. The misuse of a monopoly position stipulated by law shall be forbidden.

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

The rights acquired through the investment of capital shall not be lessened by law, or by any other legal act.

Foreign investors shall be guaranteed free transfer and repatriation of profits and of the capital invested.

Article 50

Ownership may be restricted or taken away by law in the interest of the Republic of Croatia, with the compensation of 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 of Croatia, nature, human environment and human health.

Article 51

Everyone shall be obliged to participate in the defrayment of public expenses in accordance with his economic capabilities.

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, but also land, forests, flora and fauna, other parts of nature, real estate and objects of special cultural, historic, economic and ecological significance which are determined by law to be of interest to the Republic of Croatia, shall enjoy its special protection.

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

Article 53

The Croatian National Bank is the central bank of the Republic of Croatia.

The position, rights and duties of the Croatian National Bank shall be regulated by law.

The Croatian National Bank shall be independent in its work and responsible to the Croatian Parliament.

Article 54

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

Everyone shall be free to choose his vocation and occupation, and all jobs and duties shall be accessible to everyone under equal conditions.

Article 55

Every employed person shall have the right to remuneration, thereby ensuring a free and

decent life for himself and his family.

Maximum working hours shall be regulated by law.

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

Employed persons may, in conformity with the law, participate in decision-making in the firm.

Article 56

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

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

Article 57

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

The state shall ensure special care for the protection of disabled persons and their integration into social life.

Receiving humanitarian assistance from abroad may not be forbidden.

Article 58

Everyone shall be guaranteed the right to health care, in accordance with the law.

Article 59

In order to protect their economic and social interests, all employees shall have the right to establish trade unions and shall be free to join and leave them.

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

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

Employers shall have the right to establish associations and shall be free to join and leave them.

Article 60

The right to strike shall be guaranteed.

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

Article 61

The family shall enjoy special protection of the state .

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

Article 62

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

Article 63

Parents shall be obliged to bring up, support and school their children, and shall have the right and freedom to decide independently on the upbringing of their children.

Parents shall be responsible for ensuring the right of their children to a full and harmonious development of their personalities.

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

Children shall be obliged to take care of old and helpless parents.

The state 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 the 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 education shall be compulsory and free.

Everyone shall have access, under equal conditions, to secondary and university education in accordance with his abilities.

Article 66

Private schools and teaching establishments may be founded under the conditions stipulated by law.

Article 67

The autonomy of universities shall be guaranteed.

A university shall independently decide on its organization and work in conformity with law.

Article 68

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

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

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

The protection of moral and material rights deriving from scientific, cultural, artistic, intellectual and other creative endeavor shall be guaranteed.

The state shall promote and assist in the care of physical culture and sport.

Article 69

Everyone shall have the right to a healthy life.

The state shall ensure the conditions to a healthy environment.

Everyone shall be obliged, within their powers and activities, to pay special attention to the protection of human health, nature and human environment.

IV. ORGANIZATION OF STATE AUTHORITIES

1. THE CROATIAN PARLIAMENT

Article 70

The Croatian Parliament shall be the representative body of the citizens and it shall be vested with the legislative power in the Republic of Croatia.

Article 71

The Croatian Parliament 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.

Article 72

Representatives shall be elected to the Croatian Parliament for a term of four years.

The number of representatives in the Croatian Parliament, the conditions and procedure for their election, shall be stipulated by law.

Article 73

The elections for representatives in the Croatian Parliament shall be held not later than 60 days after the expiry of the mandate or the dissolution of the Croatian Parliament.

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

The Croatian Parliament shall be constituted with the election of the Speaker, at the first session attended by the majority of representatives.

Article 74

Representatives in the Croatian Parliament shall not have a binding mandate.

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

Article 75

Representatives in the Croatian Parliament shall enjoy immunity.

No representative may be called to criminal account, detained or punished for an opinion expressed or vote cast in the Croatian Parliament.

No representative shall be detained, nor shall criminal proceedings be instituted against him, without the approval of the Croatian Parliament.

A representative may be detained without the assent of the Croatian Parliament only if he has been caught committing a criminal act which carries a penalty of imprisonment of more than five years. In such a case, the Speaker of Croatian Parliament shall be notified thereof.

When the Croatian Parliament is not in session, the approval for deprivation of freedom of a representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided upon by the Credentials and Privileges Commission, such a decision being subject to subsequent confirmation by the Croatian Parliament.

Article 76

The term of office of representatives in the Croatian Parliament may be extended by law only in the event of war or in the cases as per Articles 17 and 100 of the Constitution.

Article 77

The Croatian Parliament may be dissolved for the reason of calling early elections, if so decided by the majority of all representatives.

The President of the Republic may, in conformity with the provisions of Article 103 of the Constitution, dissolve the Croatian Parliament.

Article 78

The Croatian Parliament shall be in regular session twice a year: the first time between January 15 and July 15 and the second time between September 15 and December 15.

The Croatian Parliament shall sit in emergency sessions at the request of the President of the Republic, the Government, or the majority of representatives.

The Speaker of the Croatian Parliament may convene the Croatian Parliament for an emergency session, with a previously obtained opinion of the clubs of representatives of parliamentary parties.

Article 79

The Croatian Parliament shall have a Speaker and one or more Deputy Speakers.

The internal organization and mode of work of the Croatian Parliament shall be regulated by the rules of procedure.

The rules of procedure shall be adopted by a majority vote of all representatives.

Article 80

The Croatian Parliament shall:

- decide on the adoption and amendment of the Constitution,
- adopt laws,
- adopt the state budget,
- decide on war and peace,
- adopt acts by which it shall express the policy of the Croatian Parliament,
- adopt the Strategy of National Security and the Strategy of Defense of the Republic of Croatia,
- decide on alteration of the borders of the Republic of Croatia;
- call referenda,
- conduct elections, appointments and relief of duty, in accordance with the Constitution and law,
- supervise the work of the Government of the Republic of Croatia and other holders of public duties responsible to the Croatian Parliament, in accordance with the Constitution and law,
- grant amnesty for criminal acts,
- perform other tasks determined by the Constitution.

Article 81

The Croatian Parliament shall pass decisions by a majority vote, provided that a majority of the representatives are present at the session, unless otherwise determined by the Constitution.

The representatives shall vote personally.

Article 82

Laws (organic laws) regulating the rights of national minorities shall be passed by the Croatian Parliament by a two-thirds majority vote of all representatives.

Laws (organic laws) which elaborate the constitutionally determined human rights and fundamental freedoms, the electoral system, the organization, scope of activity and mode of work of state bodies, as well as the organization and scope of activity of local and regional self-government shall be passed by the Croatian Parliament by a majority vote of all representatives.

The Croatian Parliament shall pass the decision as per Article 7, Paragraph 2 and Article 8 of the Constitution by a two-thirds majority vote of all representatives.

Article 83

Sessions of the Croatian Parliament shall be public.

Article 84

Every representative, clubs of representatives and working bodies of the Croatian Parliament and the Government of the Republic of Croatia shall have the right to propose laws.

Article 85

The representatives in the Croatian Parliament shall have the right to pose representative's questions to the Government of the Republic of Croatia and to individual ministers.

At least one tenth of the representatives of the Croatian Parliament may submit an interpolation regarding the work of the Government of the Republic of Croatia or of an individual member thereof.

The posing of representative's questions and submitting of interpolations shall be more specifically regulated by the rules of procedure.

Article 86

The Croatian Parliament may call a referendum on a proposal for the amendment of the Constitution, on a proposal of a law, or another issue within its scope of activities.

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

The Croatian Parliament shall call a referendum on the issues as per Paragraphs 1 and 2 of this Article, in accordance with the law, if so demanded by ten percent of the total number of voters in the Republic of Croatia.

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

The decisions made at referenda shall be binding.

A law on referenda shall be passed.

Article 87

The Croatian Parliament may authorize the Government of the Republic of Croatia, for a maximum period of one year, to regulate individual issues falling within its scope of activity by decrees, except those relating to the elaboration of the constitutionally defined human rights and fundamental freedoms, ethnic rights, electoral system, organization, scope of activities and mode of work of state bodies and local self-government.

The decrees based on legal authority may not have a retroactive effect.

The decrees passed on the basis of legal authority shall cease to be valid upon the expiration of the period of one year from the day such authority was granted, unless otherwise decided by the Croatian Parliament.

Article 88

The President of the Republic shall promulgate laws within eight days from the day they were passed in the Croatian Parliament.

Should the President of the Republic consider that a promulgated law is not in conformity with the Constitution, he may initiate proceedings for the assessment of constitutionality of the law before the Constitutional Court of the Republic of Croatia.

Article 89

Before coming into force, laws and other regulations of state bodies shall be published in "Narodne novine", the Republic of Croatia's official gazette.

Before coming into force, regulations of the bodies with public powers shall be published in an accessible manner, in accordance with the law.

A law shall come into force at the earliest on the eighth day after its publication, unless otherwise stipulated by law for especially justified reasons.

Laws and other regulations of state bodies and bodies with public powers may not have a retroactive effect.

Only individual provisions of a law, for especially justified reasons, may have a retroactive effect.

Article 90

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

A law whose implementation requires financial funds, shall specify the sources of such funds.

Article 91

The Croatian Parliament may form inquiry commissions regarding any issue of public interest.

The inquiry commissions shall have the composition, scope of activities and powers in accordance with the law.

The chairman of the inquiry commission shall be elected by the majority of representatives from the ranks of the opposition representatives.

Article 92

The Ombudsman shall be the commissioner of the Croatian Parliament protecting the constitutional and legal rights of citizens in proceedings before the state administration and bodies vested with public powers.

The Ombudsman shall be elected by the Croatian Parliament for a term of eight years.

The conditions for the election and relief of duty, scope of activities and mode of work of the Ombudsman and his deputies shall be regulated by law.

The protection of constitutional and legal rights of citizens in the proceedings conducted in the Ministry of Defence, armed forces and security services, protection of the rights of citizens before the bodies of local and regional self-government, as well as protection of the right to local and regional self-government before the bodies of state authority shall be provided within the framework of institution of the Ombudsman.

2. PRESIDENT OF THE REPUBLIC OF CROATIA

Article 93

The President of the Republic of Croatia shall represent and act on behalf of the Republic of Croatia at home and abroad.

The President of the Republic shall take care of the regular and co-ordinated functioning and stability of the state authorities.

The President of the Republic shall be responsible for the defense of the independence and territorial integrity of the Republic of Croatia.

Article 94

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

No one may be elected President of the Republic more than twice.

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

repeated after 14 days.

The two candidates who received the largest number of votes in the first election shall have the right to stand at the repeated election. If one of those candidates withdraws his candidacy, the candidate who is next by the number of received votes shall acquire the right to stand for election.

The election of the President of the Republic shall be conducted not less than 30 and not more than 60 days before the expiration of the mandate.

Before assuming duty, the President of the Republic shall take a solemn oath before the president of the Constitutional Court of the Republic of Croatia, swearing loyalty to the Constitution.

The election of the President of the Republic, the oath and its taking shall be regulated by law.

Article 95

The President of the Republic shall not perform any other public or professional duty.

After the election, the President of the Republic shall submit a resignation to the membership in a political party, about which he shall inform the Croatian Parliament.

Article 96

In the event of short term incapacity due to absence, illness, or annual leave, the President of the Republic may entrust the Speaker of the Croatian Parliament to be his replacement. The President of the Republic shall decide about the resumption of his duties.

In the event of long term incapacity due to an illness or incapability, and especially if the President of the Republic is not in the condition to decide on entrusting the duties on a temporary deputy, the Speaker of the Croatian Parliament shall take over the duty of temporary President of the Republic on the basis of the decision of the Constitutional Court. The Constitutional Court shall decide on this matter at the proposal of the Government.

In the event of death, the resignation to be submitted to the President of the Constitutional Court of the Republic of Croatia, about which the Speaker of the Croatian Parliament is to be informed, or when the Constitutional Court has established reasons for termination of the mandate of the President of the Republic, the duty of the temporary President of the Republic shall, pursuant to the Constitution, be assumed by the Speaker of the Croatian Parliament.

When the Speaker of the Croatian Parliament, as the temporary President of the Republic, adopts an act on the proclamation of a law, the act shall be counter-signed by the Prime Minister of the Republic of Croatia.

The election of a new President of the Republic shall be held within 60 days from the day of take-over of the duty of the temporary President of the Republic, in conformity with Paragraph 3 of this Article.

Article 97

The President of the Republic shall:

- call the elections for the Croatian Parliament and convene its first session;
- call referenda, in conformity with the Constitution;
- give the mandate for the composition of the Government to the person who, on the basis of the distribution of representative seats in the Croatian Parliament and conducted consultations, enjoys the confidence of the majority of all representatives;
- grant pardons;
- confer decorations and awards specified by law;
- perform other duties determined by the Constitution.

Article 98

The President of the Republic and the Government of the Republic of Croatia shall cooperate in the creation and implementation of the foreign policy.

The President of the Republic shall, at the Government's proposal and with the counter-signature of the Prime Minister, decide on the establishment of diplomatic missions and consular offices of the Republic of Croatia abroad.

The President of the Republic shall pass decisions on the appointment and recall of heads of diplomatic missions of the Republic of Croatia abroad, at the proposal of the Government and with an opinion obtained from the competent committee of the Croatian Parliament, with the previous counter-signature of the Prime Minister of the Republic of Croatia.

The President of the Republic shall receive letters of credence and letters of recall from heads of foreign diplomatic missions.

Article 99

The President of the Republic shall be the Commander-in-Chief of the armed forces of the Republic of Croatia.

The President of the Republic shall appoint and relieve of duty military commanders, in conformity with the law.

The President of the Republic shall proclaim war and conclude peace on the basis of the decision of the Croatian Parliament.

In case of immediate danger to the independence, integrity and existence of the state, the President of the Republic may, with the counter-signature of the Prime Minister, order the use of armed forces although a state of war has not been proclaimed.

Article 100

During a state of war, the President of the Republic may pass decrees with the force of law on the basis and within the framework of the powers vested upon him by the Croatian Parliament. If the Croatian Parliament is not in session, the President of the Republic shall have the authority to regulate all issues required by a state of war by decrees with the force of law.

In case of immediate danger to the independence, integrity and existence of the state, or when the bodies of state authorities are prevented from regular performance of their constitutional duties, the President of the Republic may, at the proposal of the Prime Minister and with his counter-signature, pass decrees with the force of law.

The President of the Republic shall submit the decrees with the force of law for approval to the Croatian Parliament as soon as the Parliament is in a position to meet.

Should the President of the Republic fail to submit a decree to the Croatian Parliament for confirmation, in accordance with Paragraph 3 of this Article, or if the Croatian Parliament does not confirm the stated decree, the decree with the force of law shall cease to be valid.

In the case as per Paragraphs 1 and 2 of this Article, the President of the Republic shall have the right to convene a Government session and preside over the Government session convened in this manner.

Article 101

The President of the Republic may propose to the Government to convene a session and consider certain issues.

The President of the Republic may be present at a session of the Government and participate in the discussion.

Article 102

The President of the Republic and the Government of the Republic of Croatia shall, in accordance with the Constitution and law, co-operate in directing the work of security services.

The President of the Republic and the Prime Minister of the Republic of Croatia shall counter-sign the appointment of the heads of security services, with the previously obtained opinion of the competent committee of the Croatian Parliament.

Article 103

The President of the Republic may, at the proposal of the Government and with the counter-signature of the Prime Minister, after consultations with representatives of the clubs of representatives of the parliamentary parties, dissolve the Croatian Parliament, should the Croatian Parliament pass a vote of non-confidence in the Government upon the Government's request for passing a vote of confidence, or should it fail to adopt the state budget within 120 days from the day of proposal.

The President of the Republic may not, at the proposal of the Government, dissolve the Croatian Parliament as long as the proceedings for determination of his responsibility for a violation of the Constitution are ongoing.

Article 104

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

Proceedings for the impeachment of the President of the Republic may be instituted by the Croatian Parliament 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 the Republic of Croatia by a two-thirds majority of all the judges.

The Constitutional Court shall adopt a decision on the impeachment of the President of the Republic of Croatia for a violation of the Constitution within 30 days from the day of receipt of the proposal initiating the impeachment of the President of the Republic for the violation of the Constitution.

Should the Constitutional Court of the Republic of Croatia sustain the impeachment, the duty of the President of the Republic shall cease pursuant to the Constitution.

Article 105

The President of the Republic shall have the immunity of inviolability.

The President of the Republic may not be detained, nor may criminal proceedings be initiated against him without the previous consent of the Constitutional Court.

The President of the Republic may be detained without the consent of the Constitutional Court only if he was caught performing a criminal act for which a prison sentence for a period longer than five years has been stipulated. In such a case, the state body which detained the President of the Republic shall be obliged to immediately inform the President of the Constitutional Court about it.

Article 106

The President of the Republic shall be assisted by advisory bodies in the performance of his duties. The members of those bodies shall be appointed and relieved of duty by the President of the Republic. No appointments contrary to the principle of division of powers shall be allowed.

Advisory, expert and other tasks shall be performed in the Office of the President of the Republic. The organization and scope of activity of the Office shall be regulated by law and rule book.

3. GOVERNMENT OF THE REPUBLIC OF CROATIA

Article 107

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

Article 108

The Government of the Republic of Croatia shall consist of a Prime Minister, one or more Deputy Prime Ministers and ministers.

The Prime Minister and members of the Government may not perform any other public or professional duty without the approval of the Government.

Article 109

Members of the Government shall be proposed by the person who was given the mandate to compose the Government by the President of the Republic.

The Prime Minister Designate shall be obliged to present the programme of the Government and the Government to the Croatian Parliament and request the vote of confidence immediately after the composition of the Government, and at the latest within 30 days from the day of the acceptance of the mandate.

The Government shall take up its duties when it has received the vote of confidence of the majority of all representatives in the Croatian Parliament.

The Prime Minister and members of the Government shall take a solemn oath before the Croatian Parliament. The text of the oath shall be stipulated by law.

On the basis of the decision of the Croatian Parliament on expressing the vote of confidence in the Government of the Republic of Croatia, the President of the Republic shall adopt the decision on the appointment of the Prime Minister, with the counter-signature of the Speaker of the Croatian Parliament, and the Prime Minister shall adopt the decision on the appointment of the Government members, with the counter-signature of the Speaker of the Croatian Parliament.

Article 110

Should the Prime Minister Designate fail to compose the Government within 30 days from the day of accepting the mandate, the President of the Republic may extend his mandate for a maximum of 30 days.

Should the Prime Minister Designate fail to compose the Government in that period as well, or should the proposed Government not receive the vote of confidence by the Croatian Parliament, the President of the Republic shall give the mandate for the composition of the Government to another person.

Article 111

If the Government is not composed in accordance with Articles 109 and 110 of the Constitution, the President of the Republic shall appoint a temporary non-party Government and at the same time call early elections for the Croatian Parliament.

Article 112

The Government of the Republic of Croatia shall:

- propose laws and other acts to the Croatian Parliament;
- propose the state budget and the annual financial statement;
- enforce laws and other decisions of the Croatian Parliament;

- adopt decrees for the implementation of laws;
- conduct the foreign and domestic policy;
- direct and supervise the work of state administration;
- attend to the economic development of the country;
- direct the work and development of public services;
- perform other tasks determined by the Constitution and law.

Article 113

The organization, mode of work, decision-making and the types of acts passed by the Government shall be stipulated by law and rules of procedure.

Article 114

The Government shall be accountable to the Croatian Parliament.

The Prime Minister and members of the Government shall be jointly responsible for the decisions passed by the Government and personally responsible for their respective fields of work.

Article 115

A vote of confidence in the Prime Minister, individual Government member, or the Government as a whole, may be initiated at the proposal of at least one fifth of the representatives in the Croatian Parliament.

A vote of confidence in the Government may also be requested by the Prime Minister.

The vote of confidence may not be discussed or conducted before the expiration of seven days from the day of delivery of the proposal to the Croatian Parliament.

The discussion and the conduct of the vote of confidence shall be carried out at the latest within 30 days from the day of delivery of the proposal to the Croatian Parliament.

The decision on non-confidence is passed if the majority of the total number of representatives in the Croatian Parliament voted for it.

Should the Croatian Parliament refuse the proposal for a vote of no confidence, the representatives who proposed it may not submit the same proposal again before the expiration of six months.

If a vote of no confidence in the Prime Minister or the Government as a whole is passed, the Prime Minister and the Government shall submit resignation. If no vote of confidence is passed in the new Prime Minister Designate and the members he is proposing for the composition of the Government within 30 days, the Speaker of the Croatian Parliament shall

inform the President of the Republic of Croatia about it. Upon receiving the notification of the Speaker of the Croatian Parliament, the President of the Republic shall immediately adopt a decision on dissolution of the Croatian Parliament and at the same time call elections for the Croatian Parliament.

If a vote of no confidence in an individual member of the Government is passed, the Prime Minister may propose another member instead of him to the Croatian Parliament to give a vote of confidence, or the Prime Minister and the Government may submit resignation.

In all the cases when the Prime Minister or the Government have submitted resignation, the procedure shall be conducted in accordance with Paragraph 7 of this Article.

Article 116

The organisation and tasks of the state administration and the manner of their performance shall be regulated by law.

Certain tasks of the state administration may be entrusted by law to the bodies of local and regional self-government and legal persons vested with public powers.

The law and other regulations shall stipulate the status of state officials and the working-legal status of employees.

4. JUDICIAL POWER

Article 117

Judicial power shall be performed by courts.

Judicial power shall be autonomous and independent.

The courts shall administer justice according to the Constitution and law.

Article 118

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

President of the Supreme Court of the Republic of Croatia shall be elected and relieved of duty by the Croatian Parliament, at the proposal of the President of the Republic, with prior opinion of the General Assembly of the Supreme Court of the Republic of Croatia and the competent committee of the Croatian Parliament. The President of the Supreme Court of the Republic of Croatia shall be elected for a period of four years.

The establishment, scope of activities, composition and organization of courts, as well as the proceedings before the courts, shall be regulated by law.

Article 119

Court hearings shall be public and verdicts shall be pronounced publicly on behalf of the Republic of Croatia.

The public may be barred from the entire trial or part thereof due to reasons necessary in a democratic society in the interest of morality, public order or state security, especially if minors are being tried, or to protect private lives of the parties, or in marital disputes and proceedings in connection with guardianship and adoption, or for the purpose of protection of a military, official or business secret, and for the protection of security and defense of the Republic of Croatia, but only in the scope which is, in the opinion of the court, unconditionally necessary in special circumstances in which the public could be harmful to the interests of justice.

Article 120

Lay judges shall also participate in trials, in compliance with the law.

Article 121

Judges shall have immunity in compliance with the law.

Judges and lay judges participating in a trial may not be held responsible for an expressed opinion or voting while passing a court verdict, unless the law has been violated by the judge, which is a criminal act.

A judge may not be detained in the proceedings initiated for having committed a criminal act while performing the judicial duty without the approval of the State Judicial Council.

Article 122

Judicial duty shall be permanent.

Exceptionally to the provision of Paragraph 1 of this Article, on the occasion of assuming judicial duty for the first time, judges shall be appointed for a term of five years. Following the repeated appointment, a judge shall perform his duty permanently.

A judge shall be relieved of his judicial duty:

- at his own request;
- if he has become permanently incapacitated to perform his duty;
- if he has been sentenced for a criminal act which makes him unworthy of performing judicial duty;
- it is so decided by the State Judicial Council, in conformity with law, owing to the commission of an act of serious infringement of discipline;
- when he has fulfilled seventy years of age.

A judge shall have the right to, within 15 days from the day of delivery of the decision, submit to the Constitutional Court of the Republic of Croatia an appeal against the decision to relieve him of judicial duty, about which the Constitutional Court shall decide in the manner and composition stipulated by the Constitutional Law on the Constitutional Court of the

Republic of Croatia.

A judge shall have the right to appeal against the decision of the State Judicial Council on his disciplinary responsibility to the Constitutional Court of the Republic of Croatia within 15 days from the day of delivery of the decision. The Constitutional Court shall decide about the appeal in the manner and according to the procedure stipulated by the Constitutional Law on the Constitutional Court of the Republic of Croatia.

In the cases as per Paragraphs 4 and 5 of this Article, the Constitutional Court shall be obliged to pass a decision within 30 days from the receipt of the appeal. The decision of the Constitutional Court shall exclude the right to the constitutional complaint.

A judge shall not be transferred against his will, except in cases of the abrogation of the court or re-organisation thereof in compliance with the law.

A judge shall not perform a duty or work defined by law as incompatible with the judicial duty.

Article 123

Judges shall, in conformity with the Constitution and law, be appointed and relieved of duty by the State Judicial Council, which shall also decide on their disciplinary responsibility.

In the process of appointing and relieving of duty of judges, the State Judicial Council shall be obliged to obtain an opinion of the competent committee of the Croatian Parliament.

The State Judicial Council shall consist of eleven members, elected by the Croatian Parliament from among notable judges, lawyers and university professors of law, in the manner and procedure stipulated by law. The majority of members of the State Judicial Council shall come from the ranks of judges.

Presidents of courts may not be elected as members of the State Judicial Council.

Members of the State Judicial Council shall be elected for a term of four years, with a stipulation that no person may be elected member of the State Judicial Council for more than two times in a row.

The president of the State Judicial Council shall be elected by secret ballot by the majority of members of the State Judicial Council for a term of two years.

The scope of activities and mode of work of the State Judicial Council shall be regulated by law.

5. PUBLIC PROSECUTOR'S OFFICE

Article 124

The Public Prosecutor's Office shall be an independent and impartial judicial body authorised and obliged to act against perpetrators of criminal and other acts liable to punishment, undertake legal actions in order to protect the property of the Republic of

Croatia, as well as to submit legal means to protect the Constitution and law.

The Chief Public Prosecutor of the Republic of Croatia shall be appointed by the Croatian Parliament for a term of four years, at the proposal of the Government of the Republic of Croatia, with prior opinion of the competent Committee of the Croatian Parliament.

On the occasion of assuming the Public Prosecutor's duty for the first time, Deputy Public Prosecutors shall be appointed for a term of five years. Following the repeated appointment, a Deputy Public Prosecutor shall perform his duty permanently.

The appointment, relief of duty and the disciplinary responsibility of the Deputy Public Prosecutors shall be decided upon by the Public Prosecutors' Council, in compliance with the Constitution and law. The Public Prosecutors' Council shall be elected by the Croatian Parliament in the manner and procedure determined by the law. The majority of the total number of members of the Public Prosecutors' Council shall come from the ranks of Deputy Public Prosecutors.

Heads of Public Prosecutors' Offices may not be elected members of the Public Prosecutors' Council.

The scope of activities, organisation and manner of work of the Public Prosecutors' Council shall be regulated by law.

The establishment, organisation, scope of activities and competence of the Public Prosecutor's Office shall be regulated by law.

V. THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

Article 125

The Constitutional Court of the Republic of Croatia shall consist of thirteen judges elected by the Croatian Parliament for a term of eight years from among outstanding jurists, especially judges, public prosecutors, lawyers and university professors of law.

The procedure of candidacy of judges of the Constitutional Court and of the proposal for election to the Croatian Parliament shall be implemented by the Committee of the Croatian Parliament, competent for the Constitution.

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

Article 126

Judges of the Constitutional Court of the Republic of Croatia may not perform any other public or professional duty.

Judges of the Constitutional Court of the Republic of Croatia shall enjoy immunity, as the members of the Croatian Parliament do.

Article 127

A judge of the Constitutional Court of the Republic of Croatia may be relieved of duty

before the expiration of the term for which he was elected if he requests to be relieved of duty, if he is sentenced to a term of imprisonment, or if he is permanently incapacitated to perform his duty, which shall be established by the Court itself.

Article 128

The Constitutional Court of the Republic of Croatia shall:

- decide on the conformity of laws with the Constitution;
- decide on the conformity of other regulations with the Constitution and law;
- may evaluate the constitutionality of laws and constitutionality and legality of other regulations whose validity has ceased, if not more than a year has passed between that cessation and submitting of the request or proposal to initiate proceedings;
- decide on the occasion of constitutional complaints against individual decisions of the state bodies, bodies of local and regional self-government units and legal persons with public powers when those decisions have violated human rights and fundamental freedoms, as well as the right to local and regional self-government, guaranteed by the Constitution of the Republic of Croatia;
- monitor the exercise of constitutionality and legality and report to the Croatian Parliament about noted occurrences of unconstitutionality and unlawfulness;
- decide on jurisdictional disputes between the bodies of legislative, executive and judicial authorities;
- 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 constitutionally and legality of elections and state referenda, and decide on electoral disputes which do not fall within the jurisdiction of courts;
- perform other duties determined by the Constitution.

Article 129

Should the Constitutional Court determine that the competent body has not adopted a regulation for the implementation of the Constitutional provisions, law and other regulations, and it was obliged to adopt such a regulation, it shall inform the Government about it, and it shall inform the Croatian Parliament about the regulations the Government was obliged to adopt.

Article 130

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

The Constitutional Court of the Republic of Croatia shall repeal or annul another regulation if it finds it to be unconstitutional or illegal.

In the cases as per Article 128, Paragraph 1, Sub-Paragraph 3 of the Constitution, should the Constitutional Court of the Republic of Croatia determine that a law is not in conformity with the Constitution, or that another regulation is not in conformity with the Constitution and law, it shall adopt a decision on the establishment of unconstitutionality or unlawfulness.

Article 131

The procedure and conditions for the election of judges of the Constitutional Court of the Republic of Croatia and the termination of their duty, the conditions and deadlines for the initiation of proceedings for the assessment of constitutionality and legality, the procedure and legal effect of its decisions, protection of the human rights and basic freedoms guaranteed by the Constitution 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 Law.

The Constitutional Law shall be passed pursuant to the procedure stipulating the amendment of the Constitution.

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

VI. SELF-GOVERNMENT AT THE SETTLEMENT, LOCAL AND REGIONAL LEVEL

Article 132

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

The right to self-government shall be exercised through local or regional representative bodies, composed of members elected at free and secret elections on the basis of direct, equal and universal suffrage.

Citizens may directly participate in the management of local affairs through public meetings, referenda and other forms of direct decision-making in accordance with the law and statute.

Article 133

Local self-government units shall be municipalities and towns and their area shall be determined in the manner stipulated by law. Other units of local self-government may also be established by law.

Regional self-government units shall be counties. The area of a county shall be determined in the manner stipulated by law.

The law may determine the county status to the capital City of Zagreb. Large towns in the Republic of Croatia may also be granted the county authorities by law.

Forms of self-government on a settlement level may be established in a settlement or a part thereof, in accordance with the law.

Article 134

Local self-government units shall perform affairs from the local scope of activities, by which the needs of citizens are directly exercised, in particular the affairs related to the design of settlements and housing, physical and town planning, utility services, children's care, social care, primary health protection, character development and primary school education, culture, physical culture and sports, protection of consumers, protection and promotion of natural environment, fire-prevention and civil protection.

Regional self-government units shall conduct affairs with the regional significance, in particular the affairs related to school system, health system, physical and town planning, economic development, traffic and traffic infrastructure, as well as the planning and development of the network of educational, health, social and cultural institutions.

The affairs from the local and regional scope of activities shall be regulated by law. On the occasion of assigning those tasks, the priority shall be given to the bodies which are closest to the citizens.

On the occasion of determining the scope of activities of local and regional self-government units, the width and nature of the affairs shall be taken into account, as well as demands of efficiency and economy.

Article 135

Local and regional self-government units shall have the right to, within the framework of the law, independently determine by their statutes the internal organization and scope of activities of their bodies and to adjust them to local needs and possibilities.

Article 136

While performing the tasks from their scope of activities, the bodies of local and regional self-government units shall be independent and liable only to the supervision of constitutionality and legality by the authorized state bodies.

Article 137

Local and regional self-government units shall have the right to their own revenues, which they shall freely dispose of while performing the activities from their scope of activities.

The revenues of local and regional self-government units shall be proportional to their powers, foreseen by the Constitution and law.

The state shall be obliged to financially assist weak local self-government units, in compliance with the law.

VII. INTERNATIONAL RELATIONS

1. INTERNATIONAL AGREEMENTS

Article 138

The conclusion of international contracts shall be, depending on the nature and content of the international contract, within the competence of the Croatian Parliament, President of the Republic and the Government of the Republic of Croatia, in accordance with the Constitution, law and rules from the international law.

Article 139

International agreements, which entail the adoption or amendment of laws, international agreements of a military and political nature, and international agreements which financially commit the Republic of Croatia shall be subject to ratification of the Croatian Parliament.

International contracts which grant international organizations or alliances powers derived from the Constitution of the Republic of Croatia shall be subject to ratification of the Croatian Parliament by a two-thirds majority vote of all representatives.

The President of the Republic shall sign documents on ratification, access, approval or acceptance of international contracts, confirmed by the Croatian Parliament on the basis of Paragraphs 1 and 2 of this Article.

International contracts which are not subject to confirmation of the Croatian Parliament shall be concluded by the President of the Republic at the proposal of the Government or by the Government of the Republic of Croatia.

Article 140

International contracts concluded and ratified in accordance with the Constitution and made public, and which are in force, shall be part of the domestic legal system of the Republic of Croatia and shall have legal force superior to law. Their provisions may be amended or repealed only under conditions and in the manner determined within them or in accordance with the general rules of international law.

2. ASSOCIATION AND DISASSOCIATION

Article 141

The right to initiate the procedure of the association of the Republic of Croatia into alliances with other states shall have minimum one third of representatives of the Croatian Parliament, the President of the Republic, and the Government of the Republic of Croatia.

It shall be prohibited to initiate any procedure of association of the Republic of Croatia into alliances with other states if such associations lead, or might lead, to the renewal of the Yugoslav state community or to a Balkan state alliance of any kind.

Any association of the Republic of Croatia shall first be decided upon by the Croatian Parliament, by a two-thirds majority vote of all representatives.

Any decision concerning the association of the Republic of Croatia shall be made at a referendum by a majority vote of the total number of electors in the state.

The referendum shall be held within 30 days from the day the decision was adopted by the Croatian Parliament.

The provisions of this Article concerning association shall also relate to the conditions and procedure of disassociation of the Republic of Croatia.

VIII. AMENDMENT OF THE CONSTITUTION

Article 142

The right to propose amendments to the Constitution of the Republic of Croatia shall have minimum one fifth of representatives of the Croatian Parliament, the President of the Republic, and the Government of the Republic of Croatia.

Article 143

The Croatian Parliament shall decide whether to start the proceedings of amendment of the Constitution by a majority vote of all representatives.

The Draft Amendments to the Constitution shall be determined by the Croatian Parliament by a majority vote of all representatives.

Article 144

A decision to amend the Constitution shall be made by the Croatian Parliament, by a two-thirds majority vote of all representatives.

Article 145

Amendments to the Constitution shall be promulgated by the Croatian Parliament.

IX. FINAL PROVISIONS

Article 146

By coming into force of the Amendments to the Constitution of the Republic of Croatia (“Official Gazette”, No. 28/2001), the House of Counties of the Croatian Parliament shall stop operating and the duties of the former president and members of the State Judicial Council and the president of the Supreme Court of the Republic of Croatia shall cease.

Article 147

The Croatian Parliament shall adopt the Constitutional Law for the Implementation of the Constitution of the Republic of Croatia.

Following a comparison with the original text, errors were determined in the cleared text of the Constitution of the Republic of Croatia published in the "Official Gazette", No. 41 dated 7 May 2001, a

C O R R E C T I O N

OF THE CONSTITUTION OF THE REPUBLIC OF CROATIA (cleared text) **is being issued**

In the Historical Foundations Sub-Paragraph 1, Alinea 12 the words "Of the state" shall read "State" and the word "made" shall read "expressed".

In the Article 2, Paragraph 4 the words "Croatian Parliament and people directly", shall read: "Croatian Parliament or people directly".

In the Article 7 after Paragraph 3, two Paragraphs shall be added and should read:
"In cases envisaged by Articles 17 and 100 or the Constitution, armed forces, if the nature of danger demands so, can be used as an assistance to the police and other state bodies.

Defence system, commanding, administration and democratic supervision over armed forces of the Republic of Croatia are determined by the Constitution and law."

In the Article 80, after the Sub-Paragraph 6, Sub-Paragraph 7 shall be added and shall read:

"- realises civil supervision over military forces and security services of the Republic of Croatia"

Klasa: 012-02/01-01/03
Zagreb, 13 June 2001

Secretary
Of the Committee for Constitution, Rule-Book and
Political system of the Croatian Parliament
Jasna Klarin-Kuspilic, signed