

# CONSTITUTION OF THE REPUBLIC OF CROATIA

## I. 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 political forms and by the perpetuation and development of the state-building idea grounded in the historical right of the Croatian nation to full sovereignty, has manifested itself:

- in the formation of the Croatian principalities in the seventh century;
- in the independent medieval state of Croatia established in the ninth century;
- in the Kingdom of the Croats established in the tenth century;
- in the preservation of the attributes of statehood under the Croatian-Hungarian personal union;
- in the independent and sovereign decision of the Croatian Parliament in 1527 to elect a king from the Habsburg Dynasty;
- in the independent and sovereign decision of the Croatian Parliament to ratify the Pragmatic Sanction in 1712;
- in the conclusions of the Croatian Parliament of 1848 regarding the restoration of the integrity of the Triune Kingdom of Croatia under the authority of the ban (viceroy), rooted in the historical, national and natural right of the Croatian nation;
- in the Croatian-Hungarian Compromise of 1868 regulating relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, resting on the legal traditions of both states and the Pragmatic Sanction of 1712;
- in the decision of the Croatian Parliament of 29 October 1918 to sever all constitutional ties between Croatia and Austria-Hungary, and the simultaneous accession of independent Croatia, invoking its historical and natural national rights, to the State of Slovenes, Croats and Serbs, proclaimed in the former territory of the Habsburg Empire;
- in the fact that the Croatian Parliament never ratified the decision made by 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 proclaimed the Kingdom of Yugoslavia (3 October 1929);
- in the establishment of the Banate of Croatia in 1939, which restored Croatian state autonomy within the Kingdom of Yugoslavia;
- in the establishment of the foundations of state sovereignty during the course of the Second World War, as expressed in the decision of the Territorial Antifascist Council of the National Liberation of Croatia (1943) in opposition to proclamation of the Independent State of Croatia (1941), and then in the Constitution of the People's Republic of Croatia (1947) and in all subsequent constitutions of the Socialist Republic of Croatia (1963-1990), at the historic turning-point characterized by the rejection of the communist system and changes in the international order in Europe, in the first democratic elections (1990), the Croatian nation reaffirmed, by its freely expressed will, its millennial statehood;

– in the new Constitution of the Republic of Croatia (1990) and the victory of the Croatian nation and Croatia’s defenders in the just, legitimate and defensive war of liberation, the Homeland War (1991-1995), wherein the Croatian nation demonstrated its resolve and readiness to establish and preserve the Republic of Croatia as an independent and autonomous, sovereign and democratic state.

Setting forth from these historical facts and the universally accepted principles governing the contemporary world and the inalienable and indivisible, non-transferable and perpetual right of the Croatian nation to self-determination and state sovereignty, including the inviolable right to secession and association as the fundamental conditions for peace and stability of the international order, the Republic of Croatia is hereby established as the nation state of the Croatian nation and the state of the members of its national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens and who are guaranteed equality with citizens of Croatian nationality and the exercise of their national rights in compliance with the democratic norms of the United Nations and the countries of the free world.

Respecting the will of the Croatian nation and all citizens so unwaveringly expressed in free elections, the Republic of Croatia is hereby established and shall further develop as a sovereign and democratic state in which equality, freedom and human and civil rights are guaranteed and secured, and economic and cultural advancement and social welfare are promoted.

## **II. BASIC PROVISIONS**

### **Article 1**

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

Power in the Republic of Croatia derives from the people and rests with the people as a community of free and equal citizens.

The people 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 non-transferable.

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

The Republic of Croatia, in accordance with international law, shall exercise sovereign rights and jurisdiction over the maritime zones and seabed of the Adriatic Sea outside its state territory up to the borders of neighbouring countries.

The Croatian Parliament and people shall directly, independently, and in compliance with the Constitution and law, decide upon:

– the regulation of economic, legal and political matters in the Republic of Croatia;

- the preservation of natural and cultural wealth and use of the same;
- association in alliances with other states.

The Republic of Croatia may conclude alliances with other states, retaining its sovereign right to decide upon the powers to be so delegated and the right to freely withdraw therefrom.

### **Article 3**

Freedom, equal rights, national and gender equality, peace-making, social justice, respect for human rights, inviolability of ownership, conservation of nature and the 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 separation of powers into the legislative, executive and judicial branches, but also limited by the constitutionally-guaranteed right to local and regional self-government.

The principle of separation of powers encompasses forms of mutual cooperation and reciprocal checks and balances as stipulated by the Constitution and law.

### **Article 5**

In the Republic of Croatia, laws shall comply with the Constitution. Other regulations shall comply with the Constitution and law.

All persons shall be obliged to abide by the Constitution and law and respect the legal order of the Republic of Croatia.

### **Article 6**

The right to establish political parties shall be unrestricted.

The internal structure of political parties shall comply with fundamental constitutional democratic principles.

Political parties shall publicly disclose the sources of their finances and assets.

Political parties which, in their platforms or by violent action, intend to undermine the free democratic order or threaten the existence of the Republic of Croatia shall be deemed unconstitutional. The Constitutional Court of the Republic of Croatia shall decide on such unconstitutionality.

The status 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.

Assistance in the protection of sovereignty and independence and defence of territorial integrity may also be rendered to the Republic of Croatia by allied states pursuant to ratified international treaties.

The armed forces of allied states may cross the national border and enter the Republic of Croatia or operate within the national borders thereof as stipulated under ratified international treaties, pursuant to a decision by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The Republic of Croatia may render assistance to allied states in case of armed aggression on one or more thereof as stipulated under ratified international treaties, pursuant to a decision of

the Croatian Parliament proposed by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The armed forces of the Republic of Croatia may cross its national borders or operate across its borders pursuant to a decision of the Croatian Parliament proposed by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The decision specified in paragraphs (3), (4) and (5) of the Article shall be made by the Croatian Parliament by a majority vote of all of its members.

Insofar as the President of the Republic of Croatia denies the consent specified in paragraphs (3), (4) and (5) of this Article, the Croatian Parliament shall make the decision by a two-thirds majority of votes of all of its members.

The armed forces of the Republic of Croatia may cross the national borders of the Republic of Croatia for the purpose of military exercises and training within the framework of international organisations to which the Republic of Croatia has acceded or is in the process of acceding pursuant to international treaties and for the purpose of rendering humanitarian assistance, pursuant to a decision by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The armed forces of allied states may cross the national borders of the Republic of Croatia for the purpose of military exercises and training within the framework of international organisations to which the Republic of Croatia has acceded or is in the process of acceding pursuant to international treaties and for the purpose of rendering humanitarian assistance, pursuant to a decision by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

Under the circumstances specified in Articles 17 and 101 of the Constitution, the armed forces may, if necessitated by the nature of a threat, be deployed to assist the police and other state bodies.

The armed forces of the Republic of Croatia may also be deployed to assist fire fighting and rescue operations and surveillance and protection of the rights of the Republic of Croatia at sea.

The defence structure, chain of command, administration and democratic oversight of the armed forces of the Republic of Croatia shall be regulated by the Constitution and law.

### **Article 8**

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

### **Article 9**

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

A citizen of the Republic of Croatia may not be forcibly exiled from the Republic of Croatia nor deprived of citizenship, nor extradited to another state, except in case of execution of a

decision on extradition or surrender made in compliance with international treaty or the acquis communautaire of the European Union.

### **Article 10**

The Republic of Croatia shall safeguard the rights and interests of its citizens living or residing abroad, and shall promote their ties to their homeland.

The Republic of Croatia shall guarantee particular care and protection to those portions of the Croatian nation in other countries.

### **Article 11**

The coat-of-arms of the Republic of Croatia shall be the historical Croatian coat-of-arms which is based on twenty-five alternating red and white (argent) fields.

The flag of the Republic of Croatia shall consist of a tricolour of 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 lyrics to 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 Cyrillic or some other script may be introduced in official use together with the Croatian language and Latin script under conditions specified by law.

### **Article 13**

The capital city of the Republic of Croatia is Zagreb.

The status, jurisdiction and organization of the capital city Zagreb shall be regulated by law.

### **III. PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

#### **1. COMMON PROVISIONS**

##### **Article 14**

All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics.

All persons shall be equal before the law.

##### **Article 15**

Equal rights for the members of all national minorities in the Republic of Croatia are guaranteed.

Equality and protection of the rights of national minorities shall be regulated by a constitutional act to be enacted under the procedure stipulated for organic law.

Over and above general suffrage, the right of the members of national minorities to elect their representatives to the Croatian Parliament may be stipulated by law.

The freedom of the members of all national minorities to express their nationality, to use their language and script, and to exercise cultural autonomy shall be guaranteed.

##### **Article 16**

Freedoms and rights may only be curtailed by law in order to protect the freedoms and rights of others, the legal order, and public morals and health.

Any restriction of freedoms or rights shall be proportionate to the nature of the need to do so in each individual case.

##### **Article 17**

Individual constitutionally-guaranteed freedoms and rights may be curtailed during a state of war or any clear and present danger to the independence and unity of the Republic of Croatia or in the event of any natural disaster. Such curtailment shall be decided upon 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.

The extent of such restrictions must be adequate to the nature of the threat, and may not result in the inequality of citizens with respect to race, colour, gender, language, religion, national or social origin.

Even in cases of clear and present danger to the existence of the state, no restrictions may be imposed upon the provisions of this Constitution stipulating the right to life, prohibition of torture, cruel or unusual

treatment or punishment, and concerning the legal definitions of criminal offences and punishment, and the freedom of thought, conscience and religion.

#### **Article 18**

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

By way of exception, the right to appeal may be denied in cases specified by law if other legal protections are ensured.

#### **Article 19**

Individual decisions of governmental agencies, the civil service and bodies vested with public authority shall be grounded in law.

Judicial review of individual decisions made by governmental agencies and other bodies vested with public authority shall be guaranteed.

#### **Article 20**

Whosoever violates the provisions of the Constitution concerning human rights and fundamental freedoms shall be held personally liable and may not be exculpated by invoking a higher order.

### **(1) PERSONAL AND POLITICAL LIBERTIES AND RIGHTS**

#### **Article 21**

Each human being has the right to life.

There shall be no capital punishment in the Republic of Croatia.

#### **Article 22**

Human liberty and personality shall be inviolable.

No one shall be deprived of liberty, nor may such liberty be restricted, except when specified by law, upon which a court shall decide.

#### **Article 23**

No one may be subjected to any form of abuse or to medical or scientific experimentation with his or her consent.

Forced and compulsory labour shall be forbidden.

#### **Article 24**

No one may be arrested or detained without a written court order grounded in law. Such an order has to be read and presented to the person placed under arrest at the moment of said arrest.

The police authorities may arrest a person without a warrant when there is reasonable suspicion that such person has perpetrated a grave criminal offence as defined by law. Such person shall be promptly informed, in understandable terms, of the reasons for arrest and of his/her rights as stipulated by law.

Any person arrested or detained shall have the right to appeal before a court, which must forthwith decide on the legality of the arrest.

#### **Article 25**

Any arrested and convicted person shall be accorded humane treatment, and the dignity of such individual shall be respected.

Whosoever is detained and indicted of a criminal offence shall have the right to be brought before a court within the minimum time specified by law and to be acquitted or convicted within the statutory term.

A detainee may be released on bail to defend him-/herself.

Whosoever is illegally deprived of liberty or convicted shall, in compliance with law, be entitled to indemnification and a public apology.

#### **Article 26**

All citizens of the Republic of Croatia and aliens shall be equal before the courts, governmental agencies and other bodies vested with public authority.

#### **Article 27**

The legal profession, as an autonomous and independent service, shall provide everyone with legal aid in compliance with law.

#### **Article 28**

Everyone is presumed innocent and may not be held guilty of a criminal offence until such guilt is proven by a binding court judgment.

#### **Article 29**

Everyone shall be entitled have his or her rights and obligations, or suspicion or accusation of a criminal offence decided upon fairly before a legally established, independent and impartial court within a reasonable period.



In the case of suspicion or accusation of a criminal offence, the suspected, accused or indicted person shall be entitled:

- to be informed in detail and in a language he/she understands, within the shortest possible term, of the nature and grounds for the charges against him/her and the evidence incriminating him/her,
- to have adequate time and opportunity to prepare his/her defence,
- to defence counsel and unrestricted communication therewith, and to be informed of this right,
- to mount his/her own defence independently or with the assistance of a defence counsel of his/her own choice, and if he/she lacks the resources to engage such counsel, to have free counsel provided under the conditions specified by law,
- to be present at his/her trial insofar as he/she is at the disposal of the court,
- to interrogate or to arrange for interrogation of witnesses for the prosecution and to demand the attendance and questioning of defence witnesses under the same conditions which apply to witnesses for the prosecution,
- to assistance by an interpreter free of charge insofar as he/she does not understand the language used in the court.

An admission of guilt may not be coerced from a suspected, accused or indicted individual.

Evidence obtained illegally may not be admitted in court proceedings.

Criminal proceedings may only be initiated before the court at the request of an authorized prosecutor.

### **Article 30**

The sentence for a severe and particularly ignominious criminal offence may, in compliance with law, have as a consequence the loss of acquired rights or a ban on exercising, for a set period, certain rights pertaining to the conduct of specific affairs, if this is required to safeguard the legal order.

### **Article 31**

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

No one may be re-tried nor penalized in criminal prosecution for an act for which such individual has already been acquitted or sentenced by a binding court judgment in accordance with law.

The cases and reasons for the renewal of court proceedings under paragraph (2) of this Article may be stipulated solely by law, in accordance with the Constitution and international treaties.

The statute of limitations shall not apply to the criminal offences of war profiteering, nor any criminal offences perpetrated in the course of economic transformation and privatization and perpetrated during the period of the Homeland War and peaceful reintegration, wartime and during times of clear and present

danger to the independence and territorial integrity of the state, as stipulated by law, or those not subject to the statute of limitations under international law. Any gains obtained by these acts or in connection therewith shall be confiscated.

### **Article 32**

Anyone lawfully within the territory of the Republic of Croatia shall enjoy freedom of movement and freedom to choose his/her residence.

All citizens of the Republic shall be entitled to leave the state territory at any time and permanently or temporarily settle abroad, and to return at any time.

The right to movement within the territory of the Republic of Croatia and the right to depart may be exceptionally be curtailed by law, if necessary to protect the legal order, or the health, rights and liberties of others.

### **Article 33**

Foreign citizens and stateless persons may be granted asylum in Croatia, unless they are being prosecuted for non-political crimes and activities contrary to the fundamental principles of international law.

No alien legally in the territory of the Republic of Croatia shall be banished or extradited to another state, except in cases of enforcement of decisions made in compliance with an international treaty or law.

### **Article 34**

The home is inviolable.

Only a court may order the search of a home or other premises pursuant to a written warrant drafted and explained in compliance with law.

A tenant or his/her authorized representative shall be entitled to be present during the search of his/her home or other premises together with two mandatory witnesses.

Subject to the conditions specified by law, the police authorities may enter a home or other premises even without a warrant or consent from the tenant and conduct a search in the absence of witnesses insofar as this is essential to enforce an arrest warrant or apprehend an offender, or to prevent any grave threat to life or substantial property.

A search to locate or secure evidence, which is reasonably suspected to be in the home of a perpetrator of a criminal offence, may only be conducted in the presence of witnesses.

### **Article 35**

Respect for and legal protection of each person's private and family life, dignity, reputation shall be guaranteed.

### **Article 36**

The freedom and privacy of correspondence and all other forms of communication shall be guaranteed and inviolable.

Restrictions necessitated by the protection of national security and the conduct of criminal prosecution may be prescribed solely by law.

### **Article 37**

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

Protection of data and oversight of the operations of information systems in the state shall be regulated by law.

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

### **Article 38**

Freedom of thought and expression shall be guaranteed.

Freedom of expression shall particularly encompass freedom of the press and other media, freedom of speech and public opinion, 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 access to information held by any public authority shall be guaranteed. Restrictions on the right to access to information must be proportionate to the nature of the need for such restriction in each individual case and necessary in a free and democratic society, as stipulated by law.

The right to correction is guaranteed to anyone whose constitutionally and legally established rights have been violated by public communication.

### **Article 39**

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

### **Article 40**

Freedom of conscience and religion and the freedom to demonstrate religious or other convictions shall be guaranteed.

#### **Article 41**

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

Religious communities shall be free, in compliance with law, to publicly conduct religious services, open schools, academies or other institutions, and welfare and charitable organizations and to manage them, and they shall enjoy the protection and assistance of the state in their activities.

#### **Article 42**

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

#### **Article 43**

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

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 of Croatia.

#### **Article 44**

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

#### **Article 45**

All Croatian citizens who have reached the age of eighteen years (voters) shall be entitled to universal and equal suffrage in elections for the Croatian Parliament, the President of the Republic of Croatia and the European Parliament and in decision-making procedures by national referendum, in compliance with law.

In elections for the Croatian Parliament, voters who do not have registered domicile in the Republic of Croatia shall be entitled to elect three representatives in compliance with law.

In elections for the Croatian Parliament, the President of the Republic of Croatia and the European Parliament and in decision-making procedures by national referendum, suffrage shall be exercised in direct elections by secret ballot, wherein voters who do not have registered domicile in the Republic of Croatia shall vote at polling stations in the premises of diplomatic-consular offices of the Republic of Croatia in the foreign countries in which they reside.

In elections for the Croatian Parliament, the President of the Republic of Croatia and the European Parliament and in decision-making procedures by national referendum, the Republic of Croatia shall secure exercise of suffrage for its citizens with registered domicile in the Republic of Croatia who are

outside of its borders during elections such that they may vote in diplomatic-consular offices of the Republic of Croatia in the foreign countries in which they located or in some other manner as specified by law.

#### **Article 46**

Everyone shall be entitled to file petitions and complaints and to submit proposals to governmental and other public bodies, and to receive responses thereto.

#### **Article 47**

Military service and defence of the Republic of Croatia shall be the duty of every capable citizen of the Republic of Croatia.

Conscientious objection shall be allowed to all of those who, based on religious or moral conviction, are not willing to perform military duties in the armed forces. Such persons are obliged to perform other duties as specified by law.

### **3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **Article 48**

The right of ownership shall be guaranteed.

Ownership shall imply obligations. Holders of the right of ownership and its users shall contribute to the general welfare.

A foreign person may exercise the right of ownership under the conditions specified by law.

The right of inheritance shall be guaranteed.

#### **Article 49**

Free enterprise and free markets shall form the foundation of the economic system of the Republic of Croatia.

The state shall ensure all entrepreneurs equal legal status on the market. The abuse of monopolies, as defined by law, shall be forbidden.

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

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

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

### **Article 50**

In the interest of the Republic of Croatia, ownership may be restricted or rescinded by law, subject to indemnification equal to the market value of the pertinent property.

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

### **Article 51**

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

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

### **Article 52**

The sea, seashore, islands, waters, air space, mineral resources, and other natural assets, as well as land, forests, flora and fauna, other components of the natural environment, real estate and items of particular cultural, historical, economic or ecological significance which are specified by law to be of interest to the Republic of Croatia shall enjoy its special protection.

The manner in which any assets of interest to the Republic of Croatia may be used and exploited by holders of rights thereto and by their owners, as well as compensation for any restrictions as may be imposed thereon, shall be regulated by law.

### **Article 53**

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

The Croatian National Bank shall be autonomous and independent, and shall report on its work to the Croatian Parliament.

The Croatian National Bank shall be managed and its operations shall be conducted by the Governor of the Croatian National Bank.

The organisation, purpose, tasks and remit of the Croatian National Bank shall be governed by law.

### **Article 54**

The State Audit Office shall be the supreme audit institution of the Republic of Croatia, and shall be autonomous and independent in its work.

The State Audit Office shall be managed by the Auditor General, who shall report on its work to the Croatian Parliament.

The establishment, organisation, purview and operation of the State Audit Office shall be governed by law.

#### **Article 55**

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

Everyone shall be free to choose his/her vocation and occupation, and shall have access to each workplace and post under equal conditions.

#### **Article 56**

Each employee shall be entitled to remuneration enabling him/her to ensure a free and suitable life for himself/herself and his/her family.

Maximum working hours shall be regulated by law.

Each employee shall be entitled to a weekly rest and annual holidays with pay, and shall never waive these rights.

Employees may, in conformity with law, participate in decision-making in their places of employment.

#### **Article 57**

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

Rights related to child-birth, maternity and child care shall be regulated by law.

#### **Article 58**

The state shall ensure the right to assistance for weak, infirm or other persons unable to meet their basic subsistence needs as a result of their unemployment or incapacity for work.

The state shall devote special care to the protection of persons with disabilities and their inclusion in social life.

The state shall devote special care to the protection of Croatian war veterans and disabled Croatian war veterans, as well as the widows, parents and children of fallen Croatian war veterans.

Receiving humanitarian aid from abroad may not be forbidden.

#### **Article 59**

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

### **Article 60**

In order to protect their economic and social interests, all employees shall be entitled to form trade unions and they shall be free to join and leave them.

Trade unions may form their federations and join international trade union organisations.

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

Employers shall be entitled to form associations and they shall be free to join and leave them.

### **Article 61**

The right to strike shall be guaranteed.

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

### **Article 62**

The family shall enjoy special protection of the state.

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

### **Article 63**

The state shall protect maternity, children and youth, and shall create social, cultural, educational, material and other conditions promoting the achievement of the right to a suitable life.

### **Article 64**

Parents shall bear responsibility for the upbringing, welfare and education of their children, and they shall have the right and freedom to make independent decisions concerning the upbringing of their children.

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

Physically and mentally disabled and socially neglected children shall be entitled to special care, education and welfare.

Children shall be obliged to take care of their elderly and infirm parents.

The state shall devote special care to orphans and minors neglected by their parents.

### **Article 65**

Everyone shall have the duty to protect children and infirm persons.



Children shall not be employed before reaching the age specified by law, nor shall they be forced or allowed to do any work that is harmful to their health or morality.

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

#### **Article 66**

In the Republic of Croatia, everyone shall have access to education under equal conditions and in accordance with his/her aptitudes.

Compulsory education shall be free, in conformity with law.

#### **Article 67**

Subject to the conditions specified by law, the establishment of private schools and learning institutions shall be permitted.

#### **Article 68**

The autonomy of universities shall be guaranteed.

Universities shall independently decide on their organisation and operation, in compliance with law.

#### **Article 69**

The freedom of scientific, cultural and artistic creativity shall be guaranteed.

The state shall encourage and support the development of science, culture and the arts.

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

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

The state shall encourage and support care for physical culture and sports.

#### **Article 70**

Everyone shall have the right to a healthy life.

The state shall ensure conditions for a healthy environment.

Everyone shall, within the scope of their powers and activities, accord particular attention to the protection of human health, nature and the human environment.

## **IV. ORGANISATION OF GOVERNMENT**

### **1. CROATIAN PARLIAMENT**

#### **Article 71**

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

#### **Article 72**

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

#### **Article 73**

Deputies in the Croatian Parliament shall be elected for a term of four years.

The number of deputies in the Croatian Parliament and the conditions and procedure for their election thereto shall be regulated by law.

#### **Article 74**

The election of deputies to the Croatian Parliament shall be held not later than 60 days after the expiry of the term of office or the dissolution of the Croatian Parliament.

The first session of the Croatian Parliament shall be held no later than 20 days after the completion of elections.

The Croatian Parliament shall be constituted by the election of its Speaker at its first session attended by a majority of its deputies.

#### **Article 75**

Deputies in the Croatian Parliament shall have no imperative mandate.

Deputies in the Croatian Parliament shall receive a regular monetary remuneration and shall exercise any such other rights as may be specified by law.

#### **Article 76**

Deputies in the Croatian Parliament shall enjoy immunity.

No deputy shall be held criminally liable, detained or sentenced for an opinion expressed or a vote cast in the Croatian Parliament.

No deputy shall be detained nor shall any criminal proceeding be instigated against him/her without approval by the Croatian Parliament.

A deputy may be detained without approval from the Croatian Parliament only if he/she has been caught in the perpetration of a criminal offence carrying a sentence of imprisonment exceeding five years. In such a case, the Speaker of the Croatian Parliament shall be notified thereof.

If the Croatian Parliament is not in session, approval for the detention of its deputy or the continuation of criminal prosecution against him/her shall be given and the decision on his/her right to immunity shall be made by the Credentials and Privileges Commission, subject to its subsequent confirmation by the Croatian Parliament.

#### **Article 77**

The term of office of deputies in the Croatian Parliament may be extended by law only in the event of war or in the cases specified in Articles 17 and 101 of the Constitution.

#### **Article 78**

The Croatian Parliament may be dissolved in order to call early elections if so decided by a majority of all of its deputies.

The Croatian Parliament may be dissolved by the President of the Republic in accordance with the provisions of Article 104 of the Constitution.

#### **Article 79**

The Croatian Parliament shall be in regular session twice annually: between 15 January and 15 July, and between 15 September and 15 December.

The Croatian Parliament shall sit in emergency session at the request of the President of the Republic, the Government or a majority of its deputies.

The Speaker of the Croatian Parliament may, upon receiving a prior opinion from the parliamentary parties, convene the parliament in an emergency session.

#### **Article 80**

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

The internal organisation and operating method of the Croatian Parliament shall be regulated by its Standing Orders.

The Standing Orders shall be adopted by a majority vote of all deputies.

## **Article 81**

The Croatian Parliament shall:

- decide on the adoption of and amendments to the Constitution;
- adopt laws;
- adopt the central budget;
- decide on war and peace;
- adopt documents expressing the policy of the Croatian Parliament;
- adopt the National Security Strategy and the Defence Strategy of the Republic of Croatia;
- exercise civilian oversight of the armed forces and security services of the Republic of Croatia;
- decide on alterations of the borders of the Republic of Croatia;
- call referenda;
- conduct elections, appointments and dismissals in conformity with the Constitution and law;
- supervise the work of the Government of the Republic of Croatia and other holders of public offices reporting to the Croatian Parliament, in conformity with the Constitution and law;
- grant amnesty for criminal offences; and
- perform any such other tasks as may be specified by the Constitution.

## **Article 82**

Unless otherwise specified by the Constitution, the Croatian Parliament shall adopt decisions by a majority vote, provided that a majority of its deputies are present at the session.

Deputies shall vote in person.

## **Article 83**

The Croatian Parliament shall adopt laws (organic laws) regulating the rights of national minorities by a two-thirds majority vote of all deputies.

The Croatian Parliament shall adopt laws (organic laws) elaborating constitutionally established human rights and fundamental freedoms, the electoral system, the organisation, remit and operation of governmental agencies and the civil service, and the organisation and purview of local and regional self-government by a majority vote of all deputies.

The Croatian Parliament shall adopt the decision specified in Article 8 of the Constitution by a two-thirds majority vote of all deputies.

#### **Article 84**

Sessions of the Croatian Parliament shall be public.

#### **Article 85**

The right to propose bills shall be vested in each deputy, the parliamentary parties and the working bodies of the Croatian Parliament as well as the Government of the Republic of Croatia.

#### **Article 86**

Deputies in the Croatian Parliament shall be entitled to pose questions to the Government of the Republic of Croatia and individual ministers.

At least one tenth of the deputies in the Croatian Parliament may submit an interpellation on the work of the Government of the Republic of Croatia or any of its members.

Questions from deputies and the submission of interpellations shall be regulated in more detail by the Standing Orders.

#### **Article 87**

The Croatian Parliament may call a referendum on proposals to amend the Constitution, a bill or any such other issue as may fall within its purview.

The President of the Republic may, at the proposal of the Government and with the countersignature of the Prime Minister, call a referendum on a proposal to amend the Constitution or any such other issue as he/she may deem to be of importance to the independence, integrity and existence of the Republic of Croatia.

The Croatian Parliament shall call referenda on the issues specified in paragraphs (1) and (2) of this Article in accordance with law, when so requested by ten percent of the total electorate of the Republic of Croatia.

At such referenda, decisions shall be made by a majority of voters taking part therein.

Decisions made at referenda shall be binding.

A law shall be adopted on any such referendum. Such law may also stipulate the conditions for holding a consultative referendum.

#### **Article 88**

The Croatian Parliament may, for a maximum period of one year, authorise the Government of the Republic of Croatia to regulate by decree individual issues falling within the purview of the Parliament, save for those pertaining to the elaboration of constitutionally established human rights and fundamental

freedoms, national rights, the electoral system, and the organisation, remit and operation of governmental bodies and local-self government.

Decrees based on statutory authority shall not have retroactive effect.

Decrees passed on the basis of statutory authority shall cease to be valid upon the expiry of a period of one year from the date when such authority was granted, unless otherwise decided by the Croatian Parliament.

#### **Article 89**

Laws shall be promulgated by the President of the Republic within eight days from the date of their enactment by the Croatian Parliament.

If the President of the Republic holds that a promulgated law does not conform with the Constitution, he/she may institute proceedings to review the constitutionality of such law before the Constitutional Court of the Republic of Croatia.

#### **Article 90**

Before their entry into force, laws and other regulations of government bodies shall be published in Narodne novine, the official journal of the Republic of Croatia.

Ordinances of bodies vested with public authority shall, before their entry into force, be published in an accessible manner, in compliance with law.

A law shall enter into force no earlier than the eighth day after the date of its publication, unless otherwise specified thereby for exceptionally justified reasons.

Laws and other regulations of governmental bodies and bodies vested with public authority shall not have retroactive effect.

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

#### **Article 91**

Governmental revenues and expenses shall be established in the central budget.

The Croatian Parliament shall enact the central budget by a majority vote of all deputies.

Any law whose implementation requires financial resources shall provide for the sources thereof.

#### **Article 92**

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

The composition, remit and powers of such commission of inquiry shall be defined by law.

The chairperson of a commission of inquiry shall be elected by a majority of deputies representing the opposition.

### **Article 93**

The Ombudsperson shall be a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms enshrined in the Constitution, laws and international legal instruments on human rights and freedoms ratified by the Republic of Croatia.

Everyone may lodge a complaint to the Ombudsperson if he/she deems that his/her constitutional or legal rights have been threatened or violated as a result of any illegal or irregular act by governmental bodies and the civil service, local and regional self-governmental bodies and bodies vested with public authority.

The Croatian Parliament shall elect the Ombudsperson for a term of eight years. The Ombudsperson shall be autonomous and independent in his/her work.

Conditions for the election and dismissal of the Ombudsperson and his/her deputies, their authority, and the method of their work shall be regulated by law. By law, the Ombudsperson may also be vested with certain powers with regard to legal and natural persons in order to protect the fundamental constitutional rights.

The Ombudsperson and other commissioners of the Croatian Parliament responsible for the promotion and protection of human rights and fundamental freedoms shall enjoy the same immunity as deputies in the Croatian Parliament.

## **2. PRESIDENT OF THE REPUBLIC OF CROATIA**

### **Article 94**

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 ensure the regular and balanced functioning and stability of government.

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

### **Article 95**

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

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

The President of the Republic shall be elected by a majority of all voters who turn out. If none of the candidates has won such a majority, the election shall be repeated after 14 days.

The two candidates who win the largest number of votes at the first elections shall have the right to stand for the repeated election. If any of these candidates withdraws, the right to stand for repeated election shall be acquired by the candidate who has received the next highest number of votes.

Elections for the President of the Republic shall be held not less than 30 and not more than 60 days before the expiry of the incumbent's term of office.

Prior to taking office, the President of the Republic shall swear a solemn oath before the President of the Constitutional of the Republic of Croatia, declaring loyalty to the Constitution.

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

### **Article 96**

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

Once elected, the President of the Republic shall resign from membership in any political party and shall notify the Croatian Parliament thereof.

### **Article 97**

In case the President of the Republic is prevented from discharging his/her duties for a shorter period as a result of his/her absence, illness or use of annual leave, he/she may entrust the Speaker of the Croatian Parliament to discharge his/her duties on his/her behalf. The President of the Republic shall decide on the resumption of his/her duties.

In case the President of the Republic is prevented from discharging his/her duties for a longer period as a result of illness or incapacity and, in particular, if he/she is incapable of making the decision to entrust somebody to discharge his/her duties on a temporary basis, the Speaker of the Parliament shall assume the office of President pro tempore of the Republic pursuant to the decision of the Constitutional Court. The Constitutional Court shall decide thereon at the proposal of the Government.

In the event of the death of the President of the Republic, his/her resignation, which is to be tendered to the Chief Justice of the Constitutional Court of the Republic of Croatia and disclosed to the Speaker of the Croatian Parliament, or when the Constitutional Court finds any grounds for the termination of his/her term of office, the Speaker of the Croatian Parliament shall assume the office of President pro tempore of the Republic by virtue of the Constitution.

When the Speaker of the Croatian Parliament, acting as the President pro tempore of the Republic, makes a decision promulgating a law, such a decision shall be countersigned by the Prime Minister of the Republic of Croatia.

Elections for a new President of the Republic shall be held within 60 days from the date when the President pro tempore of the Republic assumed office under paragraph (3) of this Article.

### **Article 98**

The President of the Republic shall:



- call elections for the Croatian Parliament and convene its first session;
- call referenda in conformity with the Constitution;
- entrust the mandate to form the Government to a person who, based on the distribution of seats in the Croatian Parliament and completed consultations, enjoys the confidence of a majority of all deputies;
- grant pardons;
- confer decorations and awards specified by law; and
- perform any such other duties as may be specified by the Constitution.

### **Article 99**

The President of the Republic and the Government of the Republic of Croatia shall co-operate in the formulation and implementation of foreign policy.

The President of the Republic shall, at the proposal of the Government and with the countersignature 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, at the proposal of the Government and subject to the opinion of the relevant committee of the Croatian Parliament and the prior countersignature of the Prime Minister of the Republic of Croatia, make decisions on the appointment and recall of the chiefs of diplomatic missions of the Republic of Croatia abroad.

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

### **Article 100**

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 dismiss military commanders, in compliance with law.

Pursuant to a decision of the Croatian Parliament, the President of the Republic may declare war and conclude peace.

In the event of a clear and present danger to the independence, integrity and existence of the Republic of Croatia, the President of the Republic may, with the countersignature of the Prime Minister, order the employment of the armed forces even if a state of war has not been declared.

### **Article 101**

During a state of war, the President of the Republic may issue decrees with the force of law on the basis and within the limits of the powers conferred thereto by the Croatian Parliament. If the Croatian

Parliament is not in session, the President of the Republic shall be authorised to issue decrees with the force of law in order to regulate all issues imposed by the state of war.

In the event of a clear and present danger to the independence, integrity and existence of the state, or when government bodies are prevented from performing their constitutional duties, the President of the Republic may, at the proposal of the Prime Minister and subject to his/her countersignature, issue decrees with the force of law.

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

If the President of the Republic fails to submit any such decree to the Croatian Parliament for approval in compliance with paragraph (3) of this Article, or is the Croatian Parliament fails to approve it, the decree with the force of law shall cease to be valid.

In the cases specified in paragraphs (1) and (2) of this Article, the President of the Republic shall be entitled to call a session of the Government and to preside thereover.

#### **Article 102**

The President of the Republic may propose to the Government to hold a session and consider specific issues.

The President of the Republic may attend any session of the Government and participate in deliberations.

#### **Article 103**

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 appointment of the heads of security services shall, subject to a prior opinion obtained from the relevant committee of the Croatian Parliament, be countersigned by the President of the Republic and the Prime Minister of the Republic of Croatia.

#### **Article 104**

The President of the Republic may, at the proposal of the Government, with the countersignature of the Prime Minister and after consultations with representatives of the parliamentary parties, dissolve the Croatian Parliament if the latter, following the Government's motion of confidence, passes a vote of no confidence in the Government or fails to adopt the central budget within 120 days after the date on which it was proposed.

The President of the Republic may not dissolve the Croatian Parliament at the proposal of the Government as long as impeachment proceedings are underway against him/her for any violation of the Constitution.

### **Article 105**

The President of the Republic shall be impeachable for any violation of the Constitution that he/she has committed while discharging his/her 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 deputies.

The Constitutional Court of the Republic of Croatia shall decide on the impeachment of the President of the Republic by a two-third majority vote of all of its judges.

The Constitutional Court shall make its decision on the impeachment of the President of the Republic within 30 days from the date on which it receives the proposal to impeach the President of the Republic for a violation of the Constitution.

If the Constitutional Court of the Republic of Croatia sustains the impeachment, the President of the Republic shall be relieved of his/her duty by virtue of the Constitution.

### **Article 106**

The President of the Republic shall enjoy immunity.

The President of the Republic shall not be detained nor shall any criminal prosecution be instigated against him/her without prior approval by the Constitutional Court.

The President of the Republic may be detained without approval from the Constitutional Court only if he/she has been caught in the perpetration of a criminal offence carrying a sentence of imprisonment exceeding five years. In such a case, the governmental agency which has detained the President of the Republic shall forthwith notify the Chief Justice of the Constitutional Court thereof.

### **Article 107**

In the performance of his/her duties, the President of the Republic shall be assisted by advisory bodies. The members of such bodies shall be appointed and dismissed by the President of the Republic. Appointments contrary to the principle of separation of powers shall not be allowed.

Advisory, professional and other tasks shall be performed by the Office of the President of the Republic. The Office of the President of the Republic and the staff services of the Government of the Republic of Croatia shall co-operate in the performance of tasks of common interest. The funding required for the work of the Office of the President of the Republic shall be secured in the central budget of the Republic of Croatia.

## **3. THE GOVERNMENT OF THE REPUBLIC OF CROATIA**

### **Article 108**

The Government of the Republic of Croatia shall exercise executive power in compliance with the Constitution and law.

### **Article 109**

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 the members of the Government may not perform any other public or professional duty without consent of the Government.

### **Article 110**

Members of Government shall be proposed by a person to whom the President of the Republic has entrusted the mandate to form Government.

Immediately upon forming the Government, or 30 days after accepting the mandate at the latest, Prime Minister-Designate shall present the Government and its policies to the Croatian Parliament and seek a vote of confidence.

The Government shall assume office when a vote of confidence is passed by a majority of all deputies of the Croatian Parliament.

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

Pursuant to the decision of the Croatian Parliament on confidence in the Government of the Republic of Croatia, the President of the Republic shall adopt a decision on the appointment of the Prime Minister, which decision shall be co-signed by the Speaker of the Croatian Parliament, while the Prime Minister shall adopt a decision on the appointment of the members of the Government, which decision shall be co-signed by the Speaker of the Croatian Parliament.

### **Article 111**

If the Prime Minister-Designate fails to form a Government within 30 days of accepting the mandate, the President of the Republic may extend such mandate for a maximum of an additional 30 days.

If the Prime Minister-Designate fails to form a Government in such extended period or if the proposed Government fails to secure a vote of confidence from the Croatian Parliament, the President of the Republic shall confer the mandate to form Government to another person.

### **Article 112**

If no Government is formed in accordance with Articles 110 and 111 of the Constitution, the President of the Republic shall appoint an interim non-partisan Government and simultaneously call an early election for the Croatian Parliament.

### **Article 113**

The Government of the Republic of Croatia shall:

- propose bills and other acts to the Croatian Parliament,
- propose the central budget and annual accounts,
- execute laws and other decisions of the Croatian Parliament,
- adopt decrees to implement laws,
- conduct foreign and domestic policy,
- direct and control the operation of the civil service,
- tend to the economic development of the country,
- direct the performance and development of public services,
- perform other duties determined by the Constitution and law.

### **Article 114**

The organization, mode of operation and decision-making of the Government shall be regulated by law and its standing orders.

### **Article 115**

The Government shall be accountable to the Croatian Parliament.

The Prime Minister and the members of the Government shall be jointly accountable for the decisions made by the Government, and shall be personally accountable for their respective purviews.

### **Article 116**

A vote of confidence in the Prime Minister, a specific member of the Government or the entire Government may be called following a motion of not less than one fifth of the deputies of the Croatian Parliament.

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

No vote of confidence, or debate thereon, may be conducted before the expiry of seven days following the date on which the motion was submitted to the Croatian Parliament.

Debate and the vote of confidence shall be conducted not later than 30 days after the day on which the motion was submitted to the Croatian Parliament.

A vote of no confidence shall be carried if supported by a majority of the total number of members of the Croatian Parliament.

If a vote of no confidence is not carried by the Croatian Parliament, the deputies who sponsored the motion may not resubmit the same motion prior to the end of six months.

If a vote of no confidence in the Prime Minister or in the entire Government is carried, the Prime Minister and the Government shall resign. If a vote of confidence in the new Prime Minister-Designate and the members put forward as members of the Government is not carried within 30 days, the Speaker of the Croatian Parliament shall notify the President of the Republic of Croatia of the same. Upon such notification from the Speaker of the Croatian Parliament, the President of the Republic shall immediately dissolve Parliament and simultaneously call a parliamentary election.

If a vote of no confidence is carried with respect to a Government member, the Prime Minister may put forward to the Croatian Parliament another member for a vote of confidence or the Prime Minister and the Government may resign.

In all cases in which the Prime Minister or Government resign, the provisions of paragraph (7) of this Article shall apply.

#### **Article 117**

The organization and responsibilities as well as operation of the civil service shall be regulated by law.

Certain responsibilities of the civil service may be entrusted by law to the bodies of local and regional self-government and legal persons vested with public authority.

The status of civil servants and the labour status of governmental employees shall be regulated by law and other regulations.

### **4. JUDICIAL POWER**

#### **Article 118**

Judicial power shall be exercised by the courts.

Judicial power shall be autonomous and independent.

Courts shall administer justice according to the Constitution, law, international treaties and other valid sources of law.

#### **Article 119**

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

The Chief Justice of the Supreme Court of the Republic of Croatia shall be appointed and dismissed by the Croatian Parliament at the proposal of the President of the Republic, following a prior opinion of the general session of the Supreme Court of the Republic of Croatia and of the competent committee of the

Croatian Parliament. The Chief Justice of the Supreme Court of the Republic of Croatia shall be appointed for a term of four years.

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

#### **Article 120**

Court hearings shall be open to the public and judgments shall be pronounced publicly in the name of the Republic of Croatia

The public may be barred from proceedings or part thereof for reasons necessary in a democratic society in the interest of morals, public order or national security, in particular if minors are tried, or in order to protect the private lives of the parties, or in marital disputes and proceedings connected with custody and adoption, or for the purpose of protection of military, official or trade secrets and for the protection of the security and defence of the Republic of Croatia, but only to the extent which is, in the opinion of the court, absolutely necessary in the specific circumstances where publicity may harm the interests of justice.

#### **Article 121**

Judicial duty shall be vested in judges personally.

Lay magistrates and court advisors shall participate in court proceedings in compliance with law.

#### **Article 122**

Judges shall enjoy immunity in accordance with law.

Judges and lay magistrates who participate in court proceedings may not be held to account for an opinion or a vote given in the process of judicial decision-making unless there exists a violation of law on the part of a judge which constitutes a criminal offence.

A judge may not be remanded in custody or investigative detention in connection with any criminal prosecution initiated for a criminal offence perpetrated in the performance of his/her judicial duty without the prior consent of the National Judicial Council.

#### **Article 123**

Judges shall have life tenure.

A judge shall be relieved of office:

- at his/her own request,
- if permanently incapacitated from performance of duties,
- if sentenced for a criminal offence making him/her unworthy of holding judicial office,

- if, in conformity with law, the National Judicial Council so decides due to the perpetration of grave infringement of discipline,
- when reaching seventy years of age.

A judge shall have the right to lodge an appeal against a decision relieving him/her of judicial duty with the Constitutional Court within 15 days after the date on which the decision has been served. The Constitutional Court shall rule on the appeal applying such procedure and being of such composition as determined by the Constitutional Act on the Constitutional Court of the Republic of Croatia.

A judge shall have the right to lodge an appeal against a decision by the National Judicial Council on disciplinary accountability with the Constitutional Court within 15 days after the date on which the decision has been served. The Constitutional Court shall decide on the appeal in the manner and by applying the procedure as determined by the Constitutional Act on the Constitutional Court of the Republic of Croatia.

In the cases specified in paragraphs (4) and (5) of this Article, the Constitutional Court shall rule within no more than 30 days from the day the appeal has been lodged. Such ruling of the Constitutional Court shall exclude the right to a constitutional petition.

A judge shall not be transferred against his/her will except in cases when the court is abolished or reorganized in compliance with law.

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

#### **Article 124**

The National Judicial Council is an autonomous and independent body that ensures the autonomy and independence of the judicial branch in the Republic of Croatia.

The National Judicial Council shall autonomously decide, in conformity with the Constitution and law, on the appointment, promotion, transfer, dismissal and disciplinary accountability of judges and presiding judges, except in the case of the Chief Justice of the Supreme Court of the Republic of Croatia.

The decisions specified in paragraph (2) of this Article shall be made by the Council in an impartial manner on the basis of the criteria set forth by law.

The National Judicial Council shall participate in the training and development of judges and other judicial personnel.

The National Judicial Council shall consist of eleven members, of whom seven shall be judges, two university professors of law and two members of Parliament, one of whom shall be from ranks of the opposition.

The members of the National Judicial Council shall elect a chair from their ranks.

The presidents of courts may not be elected to the National Judicial Council.

The members of the National Judicial Council shall be elected for a four-year term. No one may serve as member of the National Judicial Council for more than two terms of office.



The purview, organisation, manner of election and mode of operation of the National Judicial Council shall be regulated by law.

## **5. PUBLIC PROSECUTION SERVICE**

### **Article 125**

The Public Prosecution Service is an autonomous and independent judicial body empowered and duty-bound to instigate prosecution of perpetrators of criminal and other penal offences, to initiate legal measures to protect the property of the Republic of Croatia and to apply legal remedies to protect the Constitution and law.

The Croatian Parliament shall appoint the Prosecutor General for a four-year term of office, at the proposal of the Government of the Republic of Croatia and following a prior opinion of the relevant committee of the Croatian Parliament.

Deputy Prosecutors General shall be appointed, dismissed and have their disciplinary accountability determined by the National Prosecutorial Council.

The decisions specified to in paragraph (3) of this Article shall be made by the National Prosecutorial Council in an impartial manner on the basis of the criteria set forth by law.

Deputy Prosecutors General shall have life tenure.

The National Prosecutorial Council shall consist of eleven members, of whom seven shall be deputy prosecutors general, two university law professors and two members of Parliament, one of whom shall be from among the ranks of the opposition.

The members of the National Prosecutorial Council shall be elected for a term of four years. No one may serve as member of the National Prosecutorial Council for more than two terms of office.

The members of the National Prosecutorial Council shall elect a chair from their ranks.

The chiefs of Public Prosecution Office may not be elected into the National Prosecutorial Council.

The purview, organisation, manner of election and mode of operation of the National Prosecutorial Council shall be regulated by law.

The establishment, organisation, purview and jurisdiction of the National Prosecutorial Council shall be regulated by law.

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

### **Article 126**

The Constitutional Court of the Republic of Croatia shall consist of thirteen judges elected by a two-thirds majority of the deputies of the Croatian Parliament from among notable jurists, especially judges, public prosecutors, attorneys and university law professors pursuant to the procedure and method set forth by a constitutional act. The term of office of a Constitutional Court justice shall be eight years, to be extended,

in exceptional cases up to six months, where upon expiry of an incumbent's term of office a new justice has not been elected or has not assumed office.

The committee of the Croatian Parliament in charge of constitutional issues shall conduct the procedure for the nomination and proposal of candidates for justices of the Constitutional Court of the Republic of Croatia to the Croatian Parliament.

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

#### **Article 127**

The justices of the Constitutional Court of the Republic of Croatia may not perform any other public nor professional duty.

The justices of the Constitutional Court of the Republic of Croatia shall enjoy same immunity as members of the Croatian Parliament.

#### **Article 128**

A justice of the Constitutional Court of the Republic of Croatia may be relieved of office prior to the expiry of the term for which he has been elected at his/her own request, if he/she is sentenced to imprisonment, or if he/she is permanently incapacitated from the performance of duties, which is to be ascertained by the Court itself.

#### **Article 129**

The Constitutional Court of the Republic of Croatia:

- shall decide upon the compliance of laws with the Constitution,
- shall decide upon the compliance of other regulations with the Constitution and laws,
- may decide on the constitutionality of laws and the constitutionality and legality of other regulations which are no longer valid, provided that less than one year has elapsed from the moment of such cessation until the filing of a request or a proposal to institute proceedings,
- shall decide on constitutional petitions against individual decisions taken by governmental agencies, bodies of local and regional self-government and legal persons vested with public authority where such decisions violate 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,
- shall monitor compliance with the Constitution and laws and shall report to the Croatian Parliament on detected violations thereof,
- shall decide upon jurisdictional disputes between the legislative, executive and judicial branches,
- shall decide, in conformity with the Constitution, on the impeachment of the President of the Republic,

- shall supervise compliance of the platforms and activities of political parties with the Constitution and may, in compliance with the Constitution, ban non-compliant parties,
- shall monitor whether elections and referenda are conducted in compliance with the Constitution and laws and shall resolve electoral disputes falling outside the jurisdiction of the courts,
- shall perform other duties specified by the Constitution.

### **Article 130**

Insofar as the Constitutional Court finds that a competent body charged with enacting a regulation needed for the application of the Constitution, law or other regulation has failed to do so, it shall notify the Government thereof, and shall notify the Croatian Parliament when the Government has been charged with enacting such regulation and failed to do so.

### **Article 131**

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 any other regulation if it finds it to be unconstitutional or illegal.

In the cases specified in Article 129, paragraph (1), sub-paragraph 3 of the Constitution, if the Constitutional Court of the Republic of Croatia finds that a law is non-compliant with the Constitution and law or that another regulation is non-compliant with the Constitution and law, it shall hand down a decision pronouncing non-compliance with the Constitution or law.

### **Article 132**

The procedure and conditions for the appointment of justices 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 constitutionality and legality, the procedure and legal effects of its decisions, the protection of human rights and fundamental freedoms guaranteed by the Constitution, and other issues vital to the performance of duties and work of the Constitutional Court of the Republic of Croatia shall be regulated by a constitutional act.

Such constitutional act shall be adopted in accordance with the procedure determined for amending the Constitution.

The internal organization of the Constitutional Court of the Republic of Croatia shall be regulated by its standing orders.

## **VI. COMMUNITY-LEVEL, LOCAL AND REGIONAL SELF-GOVERNMENT**

### **Article 133**

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

The right to local and regional self-government shall be exercised through local and/or regional representative bodies, composed of members elected in free elections by secret ballot on the grounds of direct, equal and general suffrage.

Citizens may directly participate in the administration of local affairs, through meetings, referenda and other forms of direct decision-making, in compliance with law and local ordinances.

The rights specified in this Article shall be exercised by European Union nationals in compliance with law and EU *acquis communautaire*.

#### **Article 134**

Municipalities and towns shall be units of local self-government, and their territories shall be determined in the manner prescribed by law. Other units of local self-government may be provided by law.

Counties shall be units of regional self-government. The territory of a county shall be determined in the manner prescribed by law.

The capital city of Zagreb may be accorded the status of a county by law. Larger cities in the Republic of Croatia may be given the authority of a county by law.

Forms of community-level self-government may be established in a community or any part thereof.

#### **Article 135**

Units of local self-government shall administer affairs of local jurisdiction by which the needs of citizens are directly fulfilled, and in particular affairs related to the organization of localities and housing, zoning and urban planning, public utilities, child care, social welfare, primary health services, education and primary schools, culture, physical education and sports, customer protection, protection and improvement of the environment, fire protection and civil defence.

Units of regional self-government shall administer affairs of regional significance, and in particular affairs related to education, public health, zoning and urban planning, economic development, transportation and transportation infrastructure and the development of the network of educational, health, social and cultural institutions.

Affairs falling within the purview of local and regional self-government shall be regulated by law. When devolving such matters, priority shall be accorded to the bodies which are closest to the citizen.

When determining the purviews of local and regional self-government units, the scope and nature of affairs and the requirements of efficiency and economy shall be taken into account.

### **Article 136**

Units of local and regional self-government shall have the right, within the limits provided by law, to autonomously regulate, through their charters, the internal organization and jurisdiction of their bodies and adapt them to local needs and capacities.

### **Article 137**

In administering the affairs within their jurisdiction, units of local and regional self-government shall be autonomous and subject only to the review of the constitutionality and legality by the authorized national governmental bodies.

### **Article 138**

Units of local and regional self-government shall be entitled to their own revenues and to dispose of them freely in the performance of the tasks under their purview.

Revenues of local and regional units of self-government shall be proportional to their powers as envisaged by the Constitution and law.

The state shall provide financial assistance to weaker units of local and regional self-government in compliance with law.

## **VII INTERNATIONAL RELATIONS**

### **1. INTERNATIONAL TREATIES**

#### **Article 139**

Pursuant to the Constitution, law and rules of international law, international treaties may be concluded, depending on the nature and content of an international treaty, by the Croatian Parliament, the President of the Republic or the Government of the Republic of Croatia.

#### **Article 140**

The Croatian Parliament shall ratify all international treaties which require the adoption of amendment to laws, international treaties of military and political nature, and international treaties which give rise to financial commitments for the Republic of Croatia.

International treaties which grant an international organization or alliance powers derived from the Constitution of the Republic of Croatia shall be ratified by the Croatian Parliament by a two-thirds majority of all deputies.

The President of the Republic shall sign the documents of ratification, accession, approval or acceptance of international treaties ratified by the Croatian Parliament in conformity with paragraphs (1) and (2) of this Article.

International treaties which are not subject to ratification by the Croatian Parliament are concluded by the President of the Republic, at the proposal of the Government, or by the Government of the Republic of Croatia.

#### **Article 141**

International treaties which have been concluded and ratified in accordance with the Constitution, published and which have entered into force shall be a component of the domestic legal order of the Republic of Croatia and shall have primacy over domestic law. Their provisions may be altered or repealed only under the conditions and in the manner specified therein or in accordance with the general rules of international law.

### **2. ASSOCIATION AND DISSASOCIATION**

#### **Article 142**

A procedure entailing the association of the Republic of Croatia into alliances with other states may be initiated by at least one-third of the deputies of the Croatian Parliament, the President of the Republic and the Government of the Republic of the Croatia.

Any procedure for the association of the Republic of Croatia into alliances with other states, if such association leads, or may lead, to a renewal of a South Slavic state union or to any form of consolidated Balkan state is hereby prohibited.

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

Any decision concerning the association of the Republic of Croatia shall be made in a referendum by a majority vote of all voters voting in the referendum.

Such a referendum shall be held within 30 days from the date on which the decision has been passed by the Croatian Parliament.

The provisions of this Article concerning association shall also pertain to the conditions and procedures for the dissociation of the Republic of Croatia.

## **VIII. EUROPEAN UNION**

### **1. LEGAL GROUNDS FOR MEMBERSHIP AND TRANSFER OF CONSTITUTIONAL POWERS**

#### **Article 143**

Pursuant to Article 142 of the Constitution, the Republic of Croatia shall, as a Member State of the European Union, participate in the creation of European unity in order to ensure, together with other European states, lasting peace, liberty, security and prosperity, and to attain other common objectives in keeping with the founding principles and values of the European Union.

Pursuant to Articles 140 and 141 of the Constitution, the Republic of Croatia shall confer upon the institutions of the European Union the powers necessary for the enjoyment of rights and fulfilment of obligations ensuing from membership.

## **2. PARTICIPATION IN EUROPEAN UNION INSTITUTIONS**

### **Article 144**

The citizens of the Republic of Croatia shall be directly represented in the European Parliament where they shall, through their elected representatives, decide upon matters falling within their purview.

The Croatian Parliament shall participate in the European legislative process as regulated in the founding treaties of the European Union.

The Government of the Republic of Croatia shall report to the Croatian Parliament on the draft regulations and decisions in the adoption of which it participates in the institutions of the European Union. In respect of such draft regulations and decisions, the Croatian Parliament may adopt conclusions which shall provide the basis on for the Government's actions in European Union institutions.

Parliamentary oversight by the Croatian Parliament of the actions of the Government of the Republic of Croatia in European Union institutions shall be regulated by law.

The Republic of Croatia shall be represented in the Council and the European Council by the Government and the President of the Republic of Croatia in accordance with their respective constitutional powers.

## **3. EUROPEAN UNION LAW**

### **Article 145**

The exercise of the rights ensuing from the European Union *acquis communautaire* shall be made equal to the exercise of rights under Croatian law.

All the legal acts and decisions accepted by the Republic of Croatia in European Union institutions shall be applied in the Republic of Croatia in accordance with the European Union *acquis communautaire*.

Croatian courts shall protect subjective rights based on the European Union *acquis communautaire*.

Governmental agencies, bodies of local and regional self-government and legal persons vested with public authority shall apply European Union law directly.

## **4. RIGHTS OF EUROPEAN UNION CITIZENS**

### **Article 146**

Citizens of the Republic of Croatia shall be European Union citizens and shall enjoy the rights guaranteed by the European Union *acquis communautaire*, and in particular:

– freedom of movement and residence in the territory of all Member States,

- active and passive voting rights in European parliamentary elections and in local elections in another Member State, in accordance with that Member State’s law,
- the right to the diplomatic and consular protection of any Member State which is equal to the protection provided to own citizens when present in a third country where the Republic of Croatia has no diplomatic-consular representation,
- the right to submit petitions to the European Parliament, complaints to the European Ombudsman and the right to apply to European Union institutions and advisory bodies in the Croatian language, as well as in all the other official languages of the European Union, and to receive a reply in the same language.

All rights shall be exercised in compliance with the conditions and limitations laid down in the founding treaties of the European Union and the measures undertaken pursuant to such treaties.

In the Republic of Croatia, all rights guaranteed by the European Union *acquis communautaire* shall be enjoyed by all citizens of the European Union.

## **IX. AMENDING THE CONSTITUTION**

### **Article 147**

Amendments to the Constitution of the Republic of Croatia may be proposed by a minimum of one-fifth of the members of the Croatian Parliament, the President of the Republic and the Government of the Republic of Croatia.

### **Article 148**

The Croatian Parliament shall decide by a majority of all deputies whether or not to initiate the procedure for amending the Constitution.

Draft amendments to the Constitution shall be determined by a majority of all the members of the Croatian Parliament.

### **Article 149**

The decision to amend the Constitution shall be made by a two-thirds majority of all deputies.

### **Article 150**

Amendment of the Constitution shall be promulgated by the Croatian Parliament.



## **X. FINAL PROVISIONS**

### **Article 151**

The Croatian Parliament shall enact the Constitutional Act Implementing the Constitution of the Republic of Croatia within six months from the 16th day of June 2010, the date of promulgation of the Amendments to the Constitution of the Republic of Croatia.

### **Article 152**

The Amendments to the Constitution shall enter into force on the day of their promulgation, the 16th day of June 2010, with the exception of Article 9, paragraph (2) pertaining to execution of a decision on extradition or surrender in compliance with the *acquis communautaire* of the European Union, and Article 133, paragraph (4) and Articles 144, 145 and 146 of the Constitution of the Republic of Croatia, which shall enter into force on the date of accession of the Republic of Croatia to the European Union.