

THE 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 growth of state-building ideas based on the historical right to full sovereignty of the Croatian nation, manifested itself:

- in the formation of Croatian principalities in the 7th century;
- in the independent medieval state of Croatia founded in the 9th century;
- in the Kingdom of Croats established in the 10th century;
- in the preservation of the subjectivity of the Croatian state in the Croatian-Hungarian personal union;
- in the autonomous and sovereign decision of the Croatian Parliament of 1527 to elect a king from the Habsburg dynasty;
- in the autonomous and sovereign decision for 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 Vice-Roy (Ban) on the basis of the historical state and natural right of the Croatian nation;
- in the Croatian-Hungarian Compromise of 1868 regulating the relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, on the basis of the legal traditions of both states and the Pragmatic Sanction of 1712;
- in the decision of the Croatian Parliament of October 29, 1918, to dissolve state 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 in the former territory of the Habsburg Empire;
- in the fact that the Croatian Parliament never sanctioned the decision passed 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 (December 1, 1918), subsequently proclaimed the Kingdom of Yugoslavia (October 3, 1929);
- 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 World War Two, through decisions of the Anti-Fascist Council of the National Liberation of Croatia (1943), to oppose the proclamation of the Independent State of Croatia (1941), and subsequently in the Constitution of the People's Republic of Croatia (1947), and several subsequent constitutions of the

Socialist Republic of Croatia (1963–1990).

At the historic turning-point marked by the rejection of the communist system and changes in the international order in Europe, the Croatian nation reaffirmed, in the first democratic elections (1990), by its freely expressed will, its millennial statehood and its resolution to establish the Republic of Croatia as a sovereign state.

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

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

II BASIC PROVISIONS

1. The Republic of Croatia is a unitary and indivisible democratic and social state. Power in the Republic of Croatia is derived from the people and belongs to the people as a community of free and equal citizens. The people shall exercise this power through the election of representatives and through direct decision-making.
2. The sovereignty of the Republic of Croatia is inalienable, indivisible and untransferable. The sovereignty of the Republic of Croatia encompasses its lands, rivers, lakes, canals, internal maritime waters, territorial sea and the air space above these. The Republic of Croatia shall exercise, in accordance with international law, sovereign rights and jurisdiction over the maritime areas and the seabed and subsoil thereof of the Adriatic Sea outside the state territory up to the borders of neighboring countries. The Croatian Parliament and people shall directly, independently and in

accordance with the Constitution and law, decide:

- on the regulation of economic, legal and political relations in the Republic of Croatia;
- on the preservation of natural and 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 withdraw from them freely.

3. Freedom, equal rights, national equality, 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.
4. The government in the Republic of Croatia is organized on the principle of separation of powers into the legislative, executive and judicial branches.
5. Laws in the Republic of Croatia shall conform with the Constitution, and other rules and regulations shall conform with the Constitution and law. Everyone shall abide by the Constitution and law and respect the legal order of the Republic.
6. Formation of political parties shall be free. Political parties shall be organized according to a territorial principle. The work of any political party which by its program of activity violently endangers the democratic constitutional order, independence, unity or territorial integrity of the Republic of Croatia shall be prohibited.
7. The armed forces of the Republic of Croatia shall protect its sovereignty and independence and shall defend its territorial integrity. The defense system of the Republic of Croatia shall be regulated by law.
8. The borders of the Republic of Croatia may only be altered by decision of the Croatian Parliament.
9. Croatian citizenship, its acquisition and termination shall be regulated by law. No citizen of the Republic of Croatia shall be exiled from the Republic or be deprived of citizenship, and may not be extradited to another state.

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.

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 colors: red, white and blue, with the historical Croatian coat-of-arms in the center.

The anthem of the Republic of Croatia is "Lijepa naša domovino".

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

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

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

13. The capital of the Republic of Croatia is Zagreb.

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

III FUNDAMENTAL FREEDOMS AND RIGHTS OF MAN AND CITIZEN

1. Common Provisions

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

All shall be equal before the law.

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

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

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

17. During a state of war or an immediate danger to the independence and

unity of the Republic, or in the event of some natural disaster, individual freedoms and rights guaranteed by the Constitution may be restricted. This shall be decided by the Croatian 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 shall be adequate to the nature of the danger, and may not result in the inequality of citizens in respect of race, color, sex, language, religion, national or social origin.

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

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

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

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

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

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

2. Personal and Political Freedoms and Rights

21. Every human being shall have the right to life.

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

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.

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

Forced and obligatory labor shall be forbidden.

24. No one shall be arrested or detained without a written court order based on law. Such an order shall be read and given to the arrested person at the moment of arrest.

The police may without a court order arrest a person reasonably suspected

of having committed a serious criminal offense defined by law, and shall immediately hand him over to the court. The arrested person shall be immediately informed in a way understandable to him of the reasons for arrest and of his rights determined by law.

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

25. Any arrested and convicted person shall be treated in a humane manner and his dignity shall be respected.

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

A person in custody may be released on legal bail to defend himself.

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

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

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

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

29. Anyone suspected or accused of a penal offense shall have the right:

- to a fair trial before a competent court specified by law;
- to be informed of the reasons for the charges brought against him and of the evidence incriminating him within the shortest possible term;
- to a defense attorney and free communication with him, and to be informed of this right;
- to be tried in his presence if he is accessible to the court, and to defend himself by himself or with the assistance of the defense counsel chosen by him;

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

Illegally obtained evidence shall not be admitted in court proceedings.

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

protection of legal order.

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

No one may again be tried for an act for which he was already sentenced and for which a final court judgement was passed.

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

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

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

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

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

No alien who legally finds himself on the territory of the Republic shall be banished or extradited to another state, unless a decision made in accordance with an international agreement or law is to be enforced.

34. Homes shall be inviolable.

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

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

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

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

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

36. Freedom and secrecy of correspondence and all other forms of communication shall be guaranteed and inviolable.
Restrictions necessary for the protection of the Republic's security and the conduct of criminal proceedings may only be prescribed by law.
37. Everyone shall be guaranteed the safety and secrecy of personal data. Without consent from the person concerned, personal data may be collected, processed and used only under conditions specified by law. Protection of data and supervision of the work of information systems in the Republic shall be regulated by law.
The use of personal data contrary to the purpose of their collection shall be prohibited.
38. Freedom of thought and expression of thought shall be guaranteed. Freedom of expression shall specifically include freedom of the press and other media of communication, freedom of speech and public expression, and free establishment of all institutions of public communication. Censorship shall be forbidden. Journalists shall have the right to freedom of reporting and access to information.
The right to correction shall be guaranteed to anyone whose constitutionally determined rights have been violated by public communication.
39. Any call for or incitement to war, or resort to violence, national, racial or religious hatred, or any form of intolerance shall be prohibited and punishable.
40. Freedom of conscience and religion and free public profession of religion and other convictions shall be guaranteed.
41. All religious communities shall be equal before the law and shall be separate from the state.
Religious communities shall be free, in conformity with law, publicly to perform religious services, open schools, teaching establishments or other institutions, social and charitable institutions and to manage them, and shall in their activity enjoy the protection and assistance of the state.
42. All citizens shall be guaranteed the right to peaceful assembly and public protest.
43. Citizens shall be guaranteed the right to free association for the purposes of protection of their interests or promotion of social,

economic, political, national, cultural and other convictions and objectives. For this purpose, citizens may freely form political parties, trade unions and other associations, join them or leave them.

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

44. Every citizen of the Republic shall have the right, under equal conditions, to take part in the conduct of public affairs, and have access to public service.
45. All citizens of the Republic who have reached the age of eighteen years shall have universal and equal suffrage. This right shall be exercised at direct elections by secret ballot.
In elections for the Croatian Parliament and the President of the Republic, the Republic shall ensure suffrage to all citizens who at the time of the elections find themselves outside its borders, so that they may vote in the states in which they find themselves or any other way specified by law.
46. All citizens shall have the right to submit petitions and complaints, to make proposals to government and other public bodies and to receive answers thereto.
47. Military service and the defense of the Republic shall be the duty of all citizens able to perform it.
Conscientious objection shall be allowed to all those who for religious or moral beliefs are not willing to participate in the performance of military duties in the armed forces. Such persons shall be obliged to perform other duties specified by law.

3. Economic, Social and Cultural Rights

48. The right to ownership shall be guaranteed.
Ownership implies obligations. Holders of the right to ownership and its users shall contribute to the general welfare.
A foreign person may acquire the right to ownership under conditions spelled out by law.
The right to inheritance shall be guaranteed.
49. Entrepreneurial and market freedom shall be the basis of the economic system of the Republic.
The state shall ensure all entrepreneurs an equal legal status on the market. Monopolies shall be forbidden.
The Republic shall stimulate economic progress and social welfare and shall care for the economic development of all regions.

The rights acquired through the investment of capital shall not be lessened by law, nor by any other legal act.

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

50. Ownership may in the interests of the republic be restricted by law, or property taken over against indemnity equal to its market value. Entrepreneurial freedom and property rights may exceptionally be restricted by law for the purposes of protecting the interests and security of the Republic, nature, the human environment and human health.
51. Everyone shall participate in the defrayment of public expenses, in accordance with their economic possibilities.
The tax system shall be based on the principles of equality and equity.
52. The sea, seashore and islands, waters, air space, mineral wealth and other natural resources, as well as land, forests, fauna and flora, other parts of nature, real estate and things of special cultural, historical, economic or ecological significance which are specified by law to be of interest to the Republic, shall enjoy its special protection.
The way in which goods of interest to the Republic may be used and exploited by holders of rights to them and by owners, and compensation for the restrictions imposed on them, shall be regulated by law.
53. The National Bank of Croatia shall be the central bank of the Republic of Croatia.
The National Bank of Croatia shall, within the framework of its rights and duties, be responsible for the stability of the currency and for general payment liquidity at home and abroad.
The National Bank of Croatia shall be independent in its work and shall be responsible to the Croatian Parliament. Profits made through the operations of the National Bank of Croatia shall accrue to the state budget.
The status of the National Bank of Croatia shall be regulated by law.
54. Everyone shall have the right to work and to freedom of work.
Everyone shall be free to choose his vocation and occupation, and all work places and duties shall be accessible to everyone under the same conditions.
55. Every employed person shall have the right to remuneration, ensuring for himself and his family a free and decent life.
Maximum working hours shall be regulated by law.
Every employed person shall have the right to a weekly rest and annual holidays with pay, and may not renounce these rights.

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

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

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

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

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

Receiving humanitarian aid from abroad may not be forbidden.

58. Every citizen shall be guaranteed the right to health care.

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

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

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

60. The right to strike shall be guaranteed.

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

61. The family shall enjoy special protection of the Republic.

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

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

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

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

Physically and mentally handicapped and socially neglected children shall

have the right to special care, education and welfare.

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

The republic shall take special care of parentless minors and of parentally neglected children.

64. Everyone shall have the duty to protect children and helpless persons. Children may not be employed before reaching the legally determined age, nor may they be forced or allowed to do work which is harmful to their health or morality. Young people, mothers and disabled persons shall be entitled to special protection at work.
65. Primary schooling shall be compulsory and free. Everyone shall have access, under the same conditions, to secondary and higher education in accordance with the abilities.
66. Under conditions specified by law, citizens may open private schools and teaching establishments.
67. The autonomy of universities shall be guaranteed. Universities shall independently decide on their organization and work in conformity with law.
68. Freedom of scientific, cultural and artistic creativity shall be guaranteed. The Republic shall stimulate and assist the development of science, culture and the arts. The Republic shall protect scientific, cultural and artistic goods as spiritual national values. Protection of moral and material rights deriving from scientific, cultural, artistic, intellectual and other creative endeavour shall be guaranteed. The Republic shall promote physical culture and sports.
69. Everyone shall have the right to a healthy life. The Republic shall ensure citizens the right to a healthy environment. Citizens, government, public and economic bodies and associations shall be bound, within their powers and activities, to pay special attention to the protection of human health, nature and the human environment.

IV ORGANIZATION OF GOVERNMENT

1. The Croatian Parliament

70. The Croatian Parliament (Sabor) is a body of the elected representatives of the people and is vested with the legislative power in the republic of Croatia.

The Croatian Parliament shall consist of the House of Representatives (Zastupni-ki dom) and the House of Counties (-upanijski dom).

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

Citizens in every county shall on the basis of universal suffrage directly and by secret ballot elect 3 representatives to the House of Counties.

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

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

72. Representatives in the Houses of the Croatian Parliament shall be elected for a term of four years.

No one shall at the same time be a representative in the House of Representatives and the House of Counties.

The number of and conditions and procedure for the election of representatives to the Houses of the Croatian Parliament shall be regulated by law.

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

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

74. Representatives in the Croatian Parliament shall not have an imperative mandate.

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

75. Representatives in the Croatian Parliament shall enjoy immunity.

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

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

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

If the House is not in session, approval for the detention of the representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided by the Parliamentary Immunity and Mandate Commission of his House, such a decision being subject to subsequent confirmation by the House.

76. The term of office of representatives in the Croatian Parliament may be extended by law only in the case of war.

77. The House of Representatives and the House of Counties may be dissolved if so decided by majority of all their representatives. The President of the Republic may, in conformity with the Constitution, dissolve the House of Representatives.

78. The Houses of the Croatian Parliament shall be in regular session twice a year: the first time between January 15 and June 30, and the second time between September 15 and December 15. The Houses of the Croatian Parliament shall sit in emergency session at the request of the President of the Republic, the Government or the majority of representatives in the House.

79. The internal organization and mode of work of the House of Representatives and the House of Counties shall be regulated by their respective rules of procedure.

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

The House of Representatives and the House of Counties shall each have a Chairman and one or more Vice-Chairmen.

The rights and duties of the Chairmen and Vice-Chairmen shall be defined by the Houses' rules of procedure.

The Chairman of the House of Representatives shall be the Chairman of the Croatian Parliament.

80. The House of Representatives shall:

- decide on the enactment and amendment of the Constitution;
- pass laws;
- adopt the state budget;
- decide on war and peace;
- decide on alterations of the borders of the Republic;
- call referenda;
- carry out elections, appointments and relief of office, in conformity with the Constitution and law;
- supervise the work of the Government of the Republic of Croatia and other holders of public powers responsible to the Parliament, in

- conformity with the Constitution and law;
- grant amnesty for penal offenses;
- conduct other affairs as specified by the Constitution.

81. The House of Counties:

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

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

Representatives shall vote personally.

83. Laws which regulate national rights shall be passed by the House of Representatives by a two-thirds majority vote of all representatives. Laws which elaborate the constitutionally defined freedoms and the rights of man and the citizen, the electoral system, the organization, responsibilities and operation of local self-government and administration shall be passed by the House of Representatives by a majority vote of all representatives.

84. Sessions of the Croatian Parliament shall be public.

85. All representatives of the House of Representatives, working bodies of the House of Representatives, the House of Counties and the Government of the Republic of Croatia shall have the right to propose laws.

86. Representatives in the Houses of the Croatian Parliament shall, in conformity with the rules of procedure, have the right to put questions

to the Government of the Republic of Croatia and to individual ministers.

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

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

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

Decisions made at referenda shall be binding.

A law shall be passed on referenda.

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

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

Decrees passed on the basis of statutory authority shall cease to be valid after the expiry of a period of one year from the date when the House of Representatives received such authority, unless otherwise decided by the House of Representatives.

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

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

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

91. State revenues and expenditures shall be determined by the state budget. A law whose application demands financial funds shall specify the sources of such funds.

92. The Houses of the Croatian Parliament may form inquiry commissions regarding any issue of public interest.
The composition, responsibilities and powers of inquiry commissions shall be in accord with law.

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

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

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

2. The President of the Republic of Croatia

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

The President of the Republic shall represent the Republic at home and abroad, be responsible for abiding by the Constitution, and ensure the continuance and unity of the Republic and the regular functioning of government.

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

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

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

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

Elections for the President of the Republic shall be held in no less than 30 and no more than 60 days before the expiry of his term.

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

The election of the President of the Republic shall be regulated by law.

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

97. In the event of the death of the President of the Republic, his resignation, or his being permanently prevented from performing his duties, the occurrence of which shall be established by the

Constitutional Court of Croatia at the proposal of the Government of the Republic of Croatia, the duty of the President of the Republic shall be temporarily assumed by the Chairman of the Croatian Parliament.

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

98. The President of the Republic shall:

- call elections for the Chambers of the Parliament and shall convene their first session;
- call referenda, in conformity with the Constitution;
- appoint and relieve of duty the Prime Minister of the Republic of Croatia;
- at the proposal of the Prime Minister of the Republic of Croatia appoint and relieve of duty its deputy prime ministers and members;
- grant pardons;
- confer decorations and other awards specified by law;
- perform other duties specified by the Constitution.

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

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

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

The President of the Republic shall appoint members of the National Defense Council of the Republic of Croatia and preside over it, and shall appoint and relieve of duty military commanders, in conformity with law. On the basis of a decision by the Croatian Parliament, the President of the Republic may proclaim war and conclude peace.

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

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

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

should be considered.

The President of the Republic shall preside over sessions of the Government at which he is present.

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

104. The President of the Republic may, at the proposal of the Government and with the counter-signature of the Prime Minister, after having consulted the Chairman of the House, dissolve the House of Representatives, if this House has passed a vote of no confidence to the Government, or if it has not approved the state budget within a month from the date when it was proposed.

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

105. The President of the Republic shall be impeachable for any violation of the Constitution he has committed in the performance of his duties. Proceedings for the impeachment of the President of the Republic may be instituted by the House of Representatives by a two-thirds majority vote of all representatives.

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

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

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

3. The Government of the Republic of Croatia

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

108. The Government of the Republic of Croatia shall consist of a Prime Minister, Deputy Prime Ministers, Ministers and other members.

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

The internal organization of ministers shall be regulated by Government

decrees, and services for the conduct of its affairs shall be set up by it.

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

111. The Government shall be responsible to the President of the Republic and the House of Representatives of the Parliament of the Republic of Croatia.

The Prime Minister, Deputy Prime Ministers and members of the Government shall be jointly responsible for the decisions made by the Government, and shall be personally responsible for their respective departments.

112. The Prime Minister shall, not later than 15 days from his nomination, present the Government to the House of Representatives and ask for a vote of confidence in the Government.

The nomination of the Prime Minister and members of the Government shall be deemed to have been accepted if confidence in it has been expressed by a majority of all representatives in the House of Representatives.

113. At the proposal of at least a tenth of the representatives in the House of Representatives, a vote of confidence to the Prime Minister, individual Government members or the Government as a whole may be requested.

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

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

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

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

If a vote of no confidence to the Prime Minister or the Government as a whole is passed, the Prime Minister shall submit his resignation to the President of the Republic, who shall dissolve the Government.

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

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

4. Judicial Power

115. Judicial power shall be exercised by courts.
Judicial power shall be autonomous and independent.
Courts shall administer justice on the basis of the Constitution and law.
116. The Supreme Court of the Republic of Croatia, as the highest court, shall ensure uniform application of laws and equality of citizens.
The establishment, jurisdiction, composition and organization of courts and court proceedings shall be regulated by law.
The formation, competence and organization of the office of public prosecutor shall be regulated by law.
117. Court hearings shall be open and judgements shall be passed publicly in the name of the Republic of Croatia.
The public may be barred from a hearing or part thereof if minors are being tried, or for the purposes of protection of the private lives of the parties, or in marital disputes and proceedings in connection with guardianship and adoption, or for the purposes of protection of military, official or business secrets, and for the protection of security of the Republic's defense.
118. Justice shall be administered by judges and lay-assessors in conformity with law.
119. Judges and lay-assessors who take part in the administration of justice shall not be called to account for an opinion given in the process of judicial decision-making.
Judges shall, in conformity with law, enjoy the same immunity as representatives in the Croatian Parliament.
120. Judicial office shall be permanent.
A judge shall be relieved of his judicial office:
- at his own request;
 - if he has become permanently incapacitated to perform his office;
 - if he has been sentenced for a criminal offense which makes him unworthy to hold judicial office;
 - if in conformity with law it is so decided by the High Judiciary Council of the Republic owing to the commission of an act of serious infringement of discipline.
- The judge concerned shall have the right to submit to the House of Counties of the Croatian Parliament a request for protection against the decision to relieve him of office.
A judge shall not be transferred against his will.

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

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

The High Judiciary Council of the Republic shall have a president and 14 members.

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

V THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

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

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

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

Justices of the Constitutional Court of Croatia shall enjoy the same immunity as representatives in the Croatian Parliament.

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

125. The Constitutional court of Croatia shall:

- decide on the conformity of laws with the Constitution;
- decide on the conformity of other regulations with the Constitution and the law;
- protect the constitutional freedoms and rights of man and the citizen;
- decide jurisdictional disputes among legislative, executive and judicial branches;
- decide, in conformity with the Constitution, on the impeachability of the President of the Republic;
- supervise the constitutionality of the programs and activities of

political parties and may, in conformity with the Constitution, ban their work;

- supervise the constitutionality and legality of elections and republican referenda, and decide electoral disputes which do not fall within the jurisdiction of courts;
- conduct other affairs specified by the Constitution.

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

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

127. Conditions for the election 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 the constitutionality and legality, procedure and the legal effect of its decisions, protection of the constitutional freedoms and rights of man and the citizen, and other issues important for the performance of duties and work of the Constitutional Court of the Republic of Croatia, shall be regulated by the Constitutional Law.

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

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

VI ORGANIZATION OF LOCAL SELF-GOVERNMENT AND ADMINISTRATION

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

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

A law shall be passed on local self-government.

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

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

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

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

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

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

Specific affairs of state administration may be by law transferred to the responsibility of local self-government bodies. In conducting such affairs, bodies of local self-government units shall be subordinate, in conformity with law, to bodies of state administration.

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

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

Large towns may by law be organized as counties.

VII INTERNATIONAL RELATIONS

1. International Agreements

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

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

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

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

2. Association and Secession

135. Procedure for the association of the Republic of Croatia in alliances with other states may be instituted by at least one third of the

representatives in the Croatian Parliament, by the President of the Republic, or by the Government of the Republic of Croatia. Such association of the Republic shall first be decided upon by the Croatian Parliament by a two-thirds majority vote of all representatives.

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

Such referendum shall be held within 30 days from the date the decision was rendered by the Croatian Parliament by a two-thirds majority vote of all representatives.

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

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

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

VIII AMENDING THE CONSTITUTION

136. Amendment of the Constitution of the Republic of Croatia may be proposed by at least one fifth of the representatives in the House of representatives of the Croatian Parliament, the President of the Republic, and the Government of the Republic of Croatia.

137. The House of Representatives shall, upon hearing the opinion of the House of Counties, decide by a majority vote of all representatives whether or not to start proceedings for the amendment of the Constitution. A draft amendment of the Constitution shall require a majority vote of all representatives.

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

139. Amendment of the Constitution shall be promulgated by the House of Representatives of the Croatian Parliament.

IX TRANSITIONAL AND CONCLUDING PROVISIONS

140. The Republic of Croatia shall remain part of the Socialist Federal

Republic of Yugoslavia until a new agreement is reached by the Yugoslav republics, or until the Croatian Parliament decides otherwise.

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

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

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

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

全球法律法规

Global Laws & Regulations

全球法律法规

Global Laws & Regulations