

CONSTITUTION OF THE REPUBLIC OF CROATIA

I. HISTORICAL FOUNDATIONS

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

- in the formation of Croatian principalities in the seventh century;
- in the independent mediaeval state of Croatia founded in the ninth century;
- in the Kingdom of Croats established in the tenth century;
- in the preservation of the identity of the Croatian state in the Croatian-Hungarian personal union;
- in the autonomous and sovereign decision of the Croatian Sabor (Parliament) of 1527 to elect a king from the Hapsburg dynasty;
- in the autonomous and sovereign decision of the Croatian Sabor to sign the Pragmatic Sanction of 1712;
- in the conclusions of the Croatian Sabor of 1848 regarding the restoration of the integrity of the Triune Kingdom of Croatia under the power of the Ban, on the basis of the historical statal and natural right of the Croatian nation;
- in the Croato-Hungarian Settlement Agreement of 1868 regulating the relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, on the basis of the legal traditions of both states and the Pragmatic Sanction of 1712;
- in the decision of the Croatian Sabor of 29 October 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 on the theretofore territory of the Hapsburg Monarchy;
- in the fact that the Croatian Sabor never sanctioned the decision of the National Council of the State of Slovenes, Croats and Serbs to unite with Serbia and Montenegro in the Kingdom of Serbs, Croats and Slovenes (1 December 1918), subsequently (3 October 1929) proclaimed the Kingdom of Yugoslavia;
- in the establishment of the Banovina of Croatia in 1939, by which Croatian state identity was restored in the Kingdom of Yugoslavia;
- in laying the foundations of state sovereignty during the Second World War, through decisions of the Antifascist Council of National Liberation of Croatia (1943), as counter to the proclamation of the Independent State of Croatia (1941), and subsequently in the Constitution of the People's Republic of Croatia (1947) and several later constitutions of the Socialist Republic of Croatia (1963-1990).

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

Proceeding from the above-presented historical facts and from the generally accepted principles in the modern world and the inalienability and indivisibility, nontransferability and nonconsumability of the right of the Croatian nation to self-determination and state sovereignty, including the inalienable right to secession and association as the basic precondition for peace and stability of the international order, the Republic of Croatia is hereby established as the national state of the Croatian nation and the state of members of other nations and minorities who are its citizens: Serbs, Moslems, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others, who are guaranteed equality with citizens of Croatian nationality and the realization of ethnic rights in accordance with the democratic norms and standards of the United Nations Organization and the free world countries. Respecting the will of the Croatian nation and all citizens, resolutely expressed in free elections, the Republic of Croatia is hereby formed and shall develop as a sovereign and democratic state in which the equality and freedoms and rights of man and citizen shall be guaranteed and ensured, and their economic and cultural progress and social welfare promoted.

II. BASIC PROVISIONS

Article 1

The Republic of Croatia is a unitary and indivisible democratic and social state. Power in the Republic of Croatia derives from the people and belongs to the people as a community of free and equal citizens. The people shall exercise this power through the election of representatives and through direct decision-making.

Article 2

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

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

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

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

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

Article 3

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

Article 4

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

Article 5

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

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

Article 6

Formation of political parties shall be free. Political parties shall be formed according to the territorial principle.

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

Article 7

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

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

Article 8

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

Article 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.

Article 10

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

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

Article 11

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

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

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

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

Article 12

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

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

Article 13

The capital of the Republic of Croatia is Zagreb.

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

III. FUNDAMENTAL FREEDOMS AND RIGHTS OF MAN AND CITIZEN

1. General Provisions

Article 14

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

All shall be equal before the law.

Article 15

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

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

Article 16

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

Article 17

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

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

Not even in the case of an immediate threat 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 degrading treatment or punishment, on the legal definitions of penal offences and punishments, or on freedom of thought, conscience and religion.

Article 18

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

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

Article 19

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

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

Article 20

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

2. Personal and Political Freedoms and Rights

Article 21

Every human being shall have the right to life:

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

Article 22

Man's freedom and personality shall be inviolable.

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

Article 23

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

Forced and compulsory labour shall be forbidden.

Article 24

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

The police may arrest a person without a court order when he is reasonably suspected of having committed a serious criminal offence defined by law. Such a person shall be immediately handed over to the court.

The arrested person shall be immediately notified, in terms understandable to him, of the reasons for arrest and of his rights determined by law.

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

Article 25

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

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

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

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

Article 26

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

Article 27

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

Article 28

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

Article 29

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

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

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

Evidence illegally obtained shall not be admitted in court proceedings.

Article 30

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

Article 31

No one shall be punished for an act which before its commission was not defined by law or international law as a punishable offence, nor may he be sentenced to a punishment

which was not defined by law. If a less severe punishment is determined by law after the commission of an act, such punishment shall be imposed.

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

No criminal proceedings shall be re-instituted against a person acquitted by a final court judgement.

Article 32

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

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

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

Article 33

Foreign citizens and stateless persons may obtain asylum in Croatia, unless they are prosecuted for nonpolitical crimes and activities contrary to the basic principles of international law. No alien who legally finds himself on the territory of the Republic shall be banished or extradited to another state, unless a decision made in accordance with a treaty or law is to be enforced.

Article 34

Homes shall be inviolable.

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

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

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

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

Article 36

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

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

Article 37

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

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

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

Article 38

Freedom of thought and expression of thought shall be guaranteed.

Freedom of expression shall specifically include freedom of the press and other media of communication, freedom of speech and public expression, and free establishment of all institutions of public communication.

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

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

Article 39

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

Article 40

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

Article 41

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

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

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

Article 42

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

Article 43

Citizens shall be guaranteed the right to free association for the purposes of protection of their interests or promotion of their social, economic, political, national, cultural 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 independence, unity and territorial integrity of the Republic.

Article 44

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

Article 45

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

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

Article 46

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

Article 47

Military service and the defence of the Republic shall be the duty of every citizen able to perform it.

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

3. Economic, Social and Cultural Rights

Article 48

The right of ownership shall be guaranteed.

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

A foreign person may acquire property under conditions spelled out by law.

The right of inheritance shall be guaranteed.

Article 49

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

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

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

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

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

Article 50

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

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

Article 51

Everyone shall participate in the defrayment of public expenses in accordance with his or her economic capabilities.

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

Article 52

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

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

Article 53

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

The National Bank of Croatia shall, within the framework of its rights and duties, be responsible for the stability of the currency and for general payment liquidity at home and abroad. The National Bank of Croatia shall be independent in its work and shall be responsible to the Croatian Sabor. Profits made through the operations of the National Bank of Croatia shall accrue to the state budget.

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

Article 54

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

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

Article 55

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

Maximum working hours shall be regulated by law.

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

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

Article 56

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

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

Article 57

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

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

Receiving humanitarian help from abroad may not be forbidden.

Article 58

Every citizen shall be guaranteed the right to health care.

Article 59

In order to protect their economic and social interests, all employees and employers shall have the right to form trade unions and shall be free 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.

Article 60

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

Article 61

The family shall enjoy special protection of the Republic.

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

Article 62

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

Article 63

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

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

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

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

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

Article 64

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

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

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

Article 65

Primary schooling shall be compulsory and free.

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

Article 66

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

Article 67

The autonomy of universities shall be guaranteed.

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

Article 68

Freedom of scientific, cultural and artistic creation 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 national spiritual values.

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

The Republic shall promote physical culture and sport.

Article 69

Everyone shall have the right to a healthy life.

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

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

health, nature and the human environment.

IV. ORGANIZATION OF GOVERNMENT

1. The Croatian Sabor (Parliament)

Article 70

The Croatian 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 Sabor shall consist of a Chamber of Deputies and a Chamber of županije (counties).

Article 71

The Chamber of Deputies 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.

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

Upon the expiry of his term of office, the President of the Republic shall 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 Chamber of Counties from among citizens especially deserving for the Republic.

Article 72

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

No one shall at the same time be a representative in the Chamber of Deputies and the Chamber of Counties.

The number of representatives in the Chambers of the Croatian Sabor, and the conditions and procedures for their election, shall be regulated by law.

Article 73

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

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

Article 74

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

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

Article 75

Representatives in the Croatian Sabor shall enjoy immunity.

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

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

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

When the Chamber is not in session, approval for the detention of a representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided by the credentials-and-immunity commission of his Chamber, such a decision being subject to subsequent confirmation by the Chamber.

Article 76

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

Article 77

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

The President of the Republic may, in conformity with the Constitution, dissolve the Chamber of Deputies.

Article 78

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

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

Article 79

The internal organization and mode of work of the Chamber of Deputies and the Chamber 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 Chamber of Deputies and the Chamber of Counties shall each have a Chairman (Speaker) and one or more Deputy Chairmen.

The rights and duties of the Chairman and Deputy Chairman shall be defined by each Chamber's rules of procedure.

The Chairman of the Chamber of Deputies shall be the president of the Croatian Sabor.

Article 80

The Chamber of Deputies shall:

- decide on the enactment and amendment of the Constitution;
- pass laws;
- adopt the state budget;
- decide on the war and peace;
- decide on alterations of the boundaries of the Republic;
- call referenda;
- carry out elections, appointments and relief of office, in conformity with the Constitution and law;

- supervise the work of the Government of the Republic of Croatia and other holders of public powers responsible to the Sabor, in conformity with the Constitution and law;
- grant amnesty for penal offences;
- conduct other affairs as specified by the Constitution.

Article 81

The Chamber of Counties shall:

- propose to the Chamber of Deputies bills and the calling of referenda;
- discuss and give opinion on questions falling within the competence of the Chamber of Deputies;
- give to the Chamber of Deputies 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 citizen and the electoral system, the organization, responsibilities and operation of government bodies, and the organization of local self-government and administration;
- within a period of 15 days from the date of the passage of a law in the Chamber of Deputies, it may, with a substantiated opinion, return the law to the Chamber of Deputies for fresh consideration. In such a case, the Chamber of Deputies shall decide on the passage of such a law by a majority vote of all representatives except when the Chamber of Deputies passes laws by a two-thirds majority;
- conduct other affairs as specified by the Constitution.

Article 82

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

Representatives shall vote personally.

Article 83

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

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

be passed by the Chamber of Deputies by a majority vote of all representatives.

Article 84

Sessions of the Croatian Sabor shall be public.

Article 85

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

Article 86

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

Article 87

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

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

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

Decisions made at referenda shall be binding.

A law shall be passed on referenda.

Article 88

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

Decrees based on statutory authority shall not have a retroactive effect. Decrees passed on the basis of statutory authority shall cease to be valid after the expiry of the period of one year from the date when the Chamber of Deputies granted such authority, unless otherwise decided by the Chamber of Deputies.

Article 89

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

Article 90

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

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

Article 91

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

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

Article 92

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

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

Article 93

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

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

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

2. The President of the Republic of Croatia

Article 94

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

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

Article 95

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

No one 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, new elections shall be held after 14 days.

The two candidates who obtained the largest number of votes in the first election 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 stand for election.

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

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

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

Article 96

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

Article 97

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

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

Article 98

The President of the Republic shall:

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

Article 99

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

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

Article 100

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

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

On the basis of the decision of the Croatian Sabor, the President of the Republic may proclaim war and conclude peace.

Article 101

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

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

Article 102

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

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

Article 103

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

Article 104

The President of the Republic may, at the proposal of the Government and with the counter-signature of the Prime Minister, after consultations with the Chairman of the Chamber, dissolve the Chamber of Deputies, if this Chamber has passed a vote of no confidence in the Government, or if it has failed to approve the state budget within a month from the date when it was proposed.

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

Article 105

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

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

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

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

Article 106

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

3. The Government of Republic of Croatia

Article 107

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

Article 108

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

Article 109

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

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

Article 110

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

Article 111

The Government shall be responsible to the President of the Republic and the Chamber of Deputies of the Sabor 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 competencies.

Article 112

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

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

Article 113

At the proposal of a least a tenth of the representatives in the Chamber of Deputies, a vote of confidence in the Prime Minister, individual Government members, or the Government as a whole, may be requested.

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

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

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

If the Chamber of Deputies 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 in the Prime Minister or the Government as a whole is passed, the Prime Minister shall submit his resignation to the President of the Republic, who shall dissolve the Government.

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

Article 114

The organization of state administration shall be regulated by law.

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

4. Judicial Power

Article 115

Judicial power shall be exercised by courts.

Judicial power shall be autonomous and independent.

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

Article 116

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

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

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

Article 117

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

The public may be barred from a hearing or part thereof if minors are being tried, or to protect the private lives of the parties, or in marital disputes and proceeding in connection with guardianship and adoption, or for the purpose of protection of military, official or business secrets, and for the protection of security of the Republic's defence.

Article 118

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

Article 119

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

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

Article 120

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 offence which makes him unworthy to hold judicial office;
- if in conformity with law it is so decided by the High Judiciary Council of the Republic owing to the commission of an act of serious infringement of discipline.

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

A judge shall not be transferred against his will.

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

Article 121

Judges and public prosecutors shall, in conformity with the Constitution and law, be appointed and relieved of duty by the High Judiciary Council of the Republic, which will also decide on all matters concerning their disciplinary responsibilities.

The High Judiciary Council of the Republic shall have a president and 14 members. The president and members shall be proposed by the Chamber of Counties, and shall be elected by the Chamber of Deputies 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

Article 122

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

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

Article 123

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

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

Article 124

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

Article 125

The Constitutional Court of Croatia shall:

- decide on the conformity of laws with the Constitution;
- decide on the conformity of other regulations with the Constitution and law;
- protect the constitutional freedoms and rights of man and citizen;
- decide jurisdictional disputes between the legislative, executive and judicial branches;
- decide, in conformity with the Constitution

on the impeachability of the President of the Republic;

- supervise the constitutionality of the programmes and activities of political parties and may, in conformity with the Constitution, ban their work;
- supervise the constitutionality and legality of elections and republican referenda, and decide electoral disputes which do not fall within the jurisdiction of courts;
- perform other duties specified by the Constitution.

Article 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.

Article 127

Conditions for the election of judges of the Constitutional Court of the Republic of Croatia and the termination of their office, conditions and time-limits for instituting proceedings for the assessment of the constitutionality and legality, procedures and legal effects of its decisions, protection of the constitutional freedoms and rights of man and

citizen, and other issues important for the performance of duties and work of the Constitutional Court of the Republic of Croatia, shall be regulated by the Constitutional Act.

The Constitutional Act shall be passed 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 rules of procedure.

VI. ORGANIZATION OF LOCAL SELF-GOVERNMENT AND ADMINISTRATION

Article 128

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

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

A law shall be passed on local self-government.

Article 129

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

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

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

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

Article 130

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

Local self-government bodies in the municipalities and districts or towns may be established by law. The organization and responsibilities of such bodies shall be regulated by law.

Specific affairs of state administration may be transferred, by law, 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.

Article 131

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

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

Large cities may by law be organized as Counties.

VII. INTERNATIONAL RELATIONS

1. International Agreements

Article 132

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

Article 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 Sabor.

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

Article 134

International agreements concluded and ratified in accordance with the Constitution and made public shall be part of the Republic's internal legal order and shall be above law in

terms of legal effects. 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

Article 135

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

Such association of the Republic shall first be decided upon by the Croatian Sabor by a 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 Sabor.

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

VIII. AMENDING THE CONSTITUTION

Article 136

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

Article 137

The Chamber of Deputies, upon obtaining the opinion of the Chamber of Counties, shall decide by a majority vote of all representatives whether or not to start proceedings for the amendment of the Constitution.

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

Article 138

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

Article 139

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

IX. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 140

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

If the territorial integrity of the Republic of Croatia should be infringed by an act of or procedure by a federal organ or organs of other republics or provinces, members of the Federation, or if the Republic should be placed in an unequal position in the Federation, or its interests should be 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 decision for the protection of the sovereignty and interests of the Republic of Croatia.

Article 141

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

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

Article 142

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