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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**The Principal State Acts  
of the Republic of Croatia**

- \* Constitution of the Republic of Croatia
- \* Constitutional Decision on the Sovereignty and Independence of the Republic of Croatia
- \* Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia
- \* Law on the Election of the President of the Republic of Croatia
- \* Law on the Elections of Representatives in the Parliament (SABOR) of the Republic of Croatia

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**THE CONSTITUTION  
OF THE REPUBLIC OF CROATIA**

## 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 statal forms and by the perpetuation and growth of the idea of one's own state, based on the Croatian nation's historical right to full sovereignty, manifested itself:

- in the formation of Croatian 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 subjectivity of the Croatian state in the Croatian-Hungarian personal union;
- in the autonomous and sovereign decision of the Croatian Sabor of 1527 to elect a king from the Habsburg dynasty;
- in the autonomous and sovereign decision of the Croatian Sabor to sign the Pragmatic Sanction of 1712;
- in the conclusions of the Croatian Sabor of 1848 regarding the restoration of the integrity of the Triune Kingdom of Croatia under the power of the Ban, on the basis of the historical statal and natural right of the Croatian nation;
- in the Croato-Hungarian Compromise of 1868 regulating the relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, on the basis of the legal traditions of both states and the Pragmatic Sanction of 1712;
- in the decision of the Croatian Sabor of October 29, 1918, to dissolve state relations between Croatia and Austro-Hungary and the simultaneous affiliation of independent Croatia, invoking its historical and natural right as a nation, with the State of Slovenes, Croats and Serbs, proclaimed on the theretofore territory of the Habsburg Monarchy;
- in the fact that the Croatian Sabor never sanctioned the decision of the National Council of the State of Slovenes, Croats and Serbs to unite with Serbia and Montenegro in the Kingdom of Serbs, Croats and Slovenes (December 1, 1918), subsequently (October 3, 1929) proclaimed the Kingdom of Yugoslavia;
- in the establishment of the Banovina of Croatia in 1939 by which Croatian state identity was restored in the Kingdom of Yugoslavia;
- in laying the foundations of state sovereignty during the Second World War, through decisions of the Antifascists Council of the National Liberation of Croatia (1943), as counter to the proclamation of the Independent

State of Croatia (1941), and subsequently in the Constitution of the Peoples's Republic of Croatia (1947), and several later constitutions of the Socialist Republic of Croatia (1963-1990).

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

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

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

### II. BASIC PROVISIONS

#### Article 1

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

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

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

#### Article 2

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

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

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

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

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

#### Article 3

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

#### Article 4

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

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

#### Article 8

The frontiers 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 nor 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 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.

### Article 13

The capital of the Republic of Croatia is Zagreb.

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

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

### 1. Common Provisions

#### Article 14

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

All shall be equal before the law.

#### Article 15

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

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

#### Article 16

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

#### Article 17

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

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

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

of penal offences and punishments, and on freedom of thought, conscience and religion.

#### Article 18

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

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

#### Article 19

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

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

#### Article 20

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

## 2. Personal and Political Freedoms and Rights

#### Article 21

Every human being shall have the right to life.

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

#### Article 22

Man's freedom and personality shall be inviolable.

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

#### Article 23

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

Forced and obligatory labour shall be forbidden.

#### Article 24

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

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

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

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

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

#### Article 25

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

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

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

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

#### Article 26

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

#### Article 27

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

#### Article 28

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

#### Article 29

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

- to a fair trial before a competent court specified by law;
- within the shortest possible term to be informed of the reasons for the charges preferred against him and of the evidence incriminating him;

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

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

Evidence illegally obtained shall not be admitted in court proceedings.

#### Article 30

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

#### Article 31

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

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

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

#### Article 32

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

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

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

#### Article 33

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

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

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

#### Article 34

Homes shall be inviolable.

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

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

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

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

#### Article 35

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

#### Article 36

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

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

#### Article 37

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

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

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

#### Article 38

Freedom of thought and expression of thought shall be guaranteed.

Freedom of expression shall specifically include freedom of the press and other media of communication, freedom of speech and public

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

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

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

#### Article 39

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

#### Article 40

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

#### Article 41

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

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

#### Article 42

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

#### Article 43

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.

#### Article 44

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



#### Article 45

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

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

#### Article 46

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

#### Article 47

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

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

### 3. Economic, Social and Cultural Rights

#### Article 48

The right of ownership shall be guaranteed.

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

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

The right of inheritance shall be guaranteed.

#### Article 49

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

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

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

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

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

#### Article 50

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

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

#### Article 51

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

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

#### Article 52

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

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

#### Article 53

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

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

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

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

#### Article 54

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

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

#### Article 55

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

Maximum working hours shall be 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.

#### Article 56

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

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

#### Article 57

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

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

Receiving humanitarian help from abroad may not be forbidden.

#### Article 58

Every citizen shall be guaranteed the right to health care.

#### Article 59

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

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

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

#### Article 60

The right to strike shall be guaranteed.

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

#### Article 61

The family shall enjoy special protection of the Republic.

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

#### Article 62

The Republic shall protect maternity, children and young people, and shall create social, cultural, educational, material and other conditions 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 independently to decide on the upbringing of children.

Parents shall be responsible for ensuring the right of their children 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 or parentally neglected children.

#### Article 64

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

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

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

#### Article 65

Primary schooling shall be compulsory and free.

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

#### Article 66

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

#### Article 67

The autonomy of universities shall be guaranteed.

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

#### Article 68

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

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

#### Article 69

Everyone shall have the right to a healthy life.

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

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

### IV. ORGANIZATION OF GOVERNMENT

#### 1. The Croatian Sabor

##### Article 70

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

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

##### Article 71

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

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

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

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

##### Article 72

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

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

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

##### Article 73

Elections for representatives in the Chambers of the Croatian Sabor shall be held no 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 Croatian Sabor shall be held not later than 20 days after the completion of the elections.

##### Article 74

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

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

##### Article 75

Representatives in the Croatian Sabor shall enjoy immunity.

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

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

A representative may be detained without assent of his Chamber only if he has been 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 president of the Chamber concerned shall be notified thereof.

If the Chamber is not in session, approval for the detention of the representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided

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

#### Article 76

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

#### Article 77

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

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

#### Article 78

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

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

#### Article 79

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

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

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

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

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

#### Article 80

The Chamber of Representatives shall:

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

- carry out elections, appointments and relief of office, in conformity with the Constitution and law;

- supervise the work of the Government of the Republic of Croatia and other holder of public powers responsible to the Sabor, in conformity with the Constitution and law;

- grant amnesty for penal offences;

- conduct other affairs as specified by the Constitution.

#### Article 81

The Chamber of Županije:

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

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

- shall give to the Chamber of Representatives prior opinion on the procedure for the enactment of the Constitution and laws which regulate national rights, elaborate constitutionally determined freedoms and rights of man and the citizen and the electoral system, the organization, responsibilities and operation of government bodies, and the organization of local self-government and administration;

- may, within a period of 15 days from the date of the passage of a law in the Chamber of Representatives, with a substantiated opinion return the law for fresh consideration in the Chamber of Representatives. In such a case, the Chamber of Representatives shall decide on the passage of such a law by a majority vote of all representatives except when the Chamber of Representatives passes laws by a two-thirds majority;

- shall conduct other affairs as specified by the Constitution.

#### Article 82

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

Representatives shall vote personally.

#### Article 83

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

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

chamber of Representatives by a majority vote of all representatives.

#### Article 84

Sessions of the Croatian Sabor shall be public.

#### Article 85

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

#### Article 86

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

#### Article 87

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

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

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

Decisions made at referenda shall be binding.

A law shall be passed on referenda.

#### Article 88

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

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

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

ity, unless otherwise decided by the Chamber of Representatives.

#### Article 89

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

#### Article 90

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

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

#### Article 91

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

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

#### Article 92

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

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

#### Article 93

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

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

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

## 2. The President of the Republic of Croatia

#### Article 94

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

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

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

#### Article 95

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

No one shall be President of the Republic more than 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 no less than 30 and no more than 60 days before the expiry of this term.

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

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

#### Article 96

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

#### Article 97

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

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

#### Article 98

The President of the Republic shall:

- call elections for the Chambers of the Sabor and shall convene their first session;
- call referenda, in conformity with the Constitution;

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

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

- grant pardons;

- confer decorations and other awards specified by law;

- perform other duties specified by the Constitution.

#### Article 99

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

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

#### Article 100

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

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

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

#### Article 101

The President of the Republic shall pass decrees with the force of law and take emergency measures in the event of a state of war or an immediate danger to the independence and unity 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 Chamber of Representatives may not be dissolved.

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

#### Article 102

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

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

Article 103

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

Article 104

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

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

Article 105

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

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

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

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

Article 106

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

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

Article 107

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

Article 108

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

Article 109

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

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

Article 110

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

Article 111

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

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

Article 112

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

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

Article 113

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

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

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

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

If the Chamber of Representatives rejects the proposal for a vote of no confidence, the representatives who made it may not again make the same proposal before the expiry of three 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 judgments 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 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 Županije of the Croatian Sabor a request for protection against the decision to relieve him of office.

A judge shall not be transferred against his will.

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

##### Article 121

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

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

The president and members shall be proposed by the Chamber of Županije, and shall be elected by the Chamber of Representatives for a term of eight years from among notable judges, public prosecutors, lawyers and university professors of 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 Representatives at the proposal of the Chamber of Županije for a term of eight years from among outstanding jurists, especially judges, public prosecutors, lawyers and university professors of law.

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

Article 123

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

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

Article 124

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

Article 125

The Constitutional Court of Croatia shall:

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

Article 126

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

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

Article 127

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

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

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

VI. ORGANIZATION OF LOCAL  
SELF-GOVERNMENT AND  
ADMINISTRATION

Article 128

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

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

A law shall be passed on local self-government.

Article 129

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

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

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

#### Article 130

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

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

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

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

#### Article 131

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

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

Large towns may by law be organized as Županije.

### VII. INTERNATIONAL RELATIONS

#### 1. International Agreements

##### Article 132

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

##### Article 133

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

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

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

#### Article 134

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

#### 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

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

##### Article 137

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

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

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

#### Article 138

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

#### Article 139

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

### IX. TRANSITIONAL AND CONCLUDING PROVISIONS

#### Article 140

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

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

#### Article 141

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

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

#### Article 142

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

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

**D E C I S I O N**  
**on the Promulgation of the Constitution**  
**of the Republic of Croatia**

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

Number: 6301-90-9  
Zagreb, December 22, 1990

SABOR OF THE REPUBLIC OF CROATIA

President of the Chamber  
of Associated Labour  
**Ivan Matija**

President of the Sabor  
**Dr.Žarko Domljan**

President  
of the Chamber of Communes  
**Slavko Degoricija**

President  
of the Socio-Political Chamber  
**Ivan Vekić**

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

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

- proceeding from the inalienable, unconsumable, indivisible and untransferable right of the Croatian nation to self-determination, including the right of disassociation and association with other nations and States, and from the sovereignty of the Republic of Croatia rests in all its citizens,
- executing the will of the people as expressed at the referendum of May 19, 1991,
- in view of the fact that the SFRY does not function as a state founded on constitutionalism and the rule of law, and that human rights, the rights of national minorities and the rights of its federal units are being flagrantly violated,
- bearing in mind that Yugoslavia's federal system does not make it possible to resolve the state-political and economic crisis, and that no agreement has been reached among its constituent republics that would make it possible to transform the federal state into a union of sovereign states,
- declaring that the Republic of Croatia respects the equal rights of the other republics of the present-day SFRY in the wish gradually to regulate with them on an equal footing and by democratic and peaceful means all issues arising from their common life to date; respecting their sovereignty and territorial integrity, and expressing readiness to reach with them, as an autonomous and independent State, agreement on economic, political, defence and other relations,

the Parliament of the Republic of Croatia is hereby enacting the

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

#### I

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

#### II

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

The Republic of Croatia is initiating proceedings for international recognition.

#### III

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

#### IV

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

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

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

#### V

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

VI

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

VII

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

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

President of the Chamber of Associated Labour  
Ivan Matija

President of the Parliament  
Dr. Žarko Domljan

President of the Chamber of Communes  
Luka Bebić

President of the Socio-Political Chamber  
Ivan Vekić

**THE CONSTITUTIONAL LAW ON HUMAN RIGHTS  
AND FREEDOMS AND THE RIGHTS OF NATIONAL  
AND ETHNIC COMMUNITIES OR MINORITIES  
IN THE REPUBLIC OF CROATIA**



The Parliament of the Republic of Croatia, according to the Articles 3, 14 and 15 of the Constitution of the Republic of Croatia, and wishing to:

- protect and guarantee the realization of human and national minorities' rights at the highest level achieved in the democratic environment of modern international community;
- enable less numerous ethnic and national communities or minorities of the same language, religion and race, a free development of their distinctive characteristics within the majority citizen community or majority communities without abuses by either the majority or the minority;
- in accordance with the aspiration that the Republic of Croatia be a modern, open and democratic member of the family of European and world states, in which its citizens, in exercising their civil, political and other rights, will not be divided on the basis of nationality, language, religion, genetic heritage or characteristics having natural causes.
- bearing in mind the efforts of the international community, particularly those made by the European Community and the Hague Peace Conference on Yugoslavia, towards the solution of open issues brought about by disintegration of Yugoslavia and the emergence of new states on its territory, has decided to adopt.

**THE CONSTITUTIONAL LAW OF HUMAN RIGHTS AND FREEDOMS  
AND THE RIGHTS OF NATIONAL AND ETHNIC COMMUNITIES  
OR MINORITIES IN THE REPUBLIC OF CROATIA**

**I. BASIC PROVISIONS**

Article 1

The Republic of Croatia in accordance with:

- the Constitution of the Republic of Croatia,
- the principles of the United Nations Charter,
- the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights,
- the Final Act of the Conference on Security and Cooperation in Europe (CSCE Helsinki), the Paris Charter on New Europe and other CSCE documents referring to human rights, especially the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE and the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE,
- the European Council Convention on Protection of Human Rights and Basic Freedoms and its protocols,
- the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Pun-

ishment of the Crime of Genocide, and the Convention on The Rights of the Child,

- pledges to respect and protect national and other fundamental human rights and freedoms, the rule of law, and other supreme values of its constitutional and international legal system for all its citizens.

**II. HUMAN RIGHTS AND FREEDOMS**

Article 2

The Republic of Croatia fully recognizes and protects human rights and freedoms, and especially:

- a) the right to life (Article 21 of the Constitution of the Republic of Croatia)
- b) the right not to be exposed to torture or inhuman or humiliating acts (Article 23, Paragraph 1 of the Constitution)
- c) the right not to be exposed to slavery or forced labour (the Constitution, Article 23, Paragraph 2 of the Constitution);
- d) the right to freedom and personal integrity (Article 22 of the Constitution)
- e) the right to fair public hearing by unbiased court within the legal scope of punish-

able acts and punishments (Articles 29 and 31 of the Constitution)

f) the right to private and family life, home and correspondence (Articles 35 and 37 of the Constitution);

g) the right to freedom of thought, conscience and religion (Articles 38 and 40 of the Constitution);

h) the right to freedom of expression (Article 38 of the Constitution);

i) the right to peaceful assembly and freedom of association (Articles 42 and 43 of the Constitution);

j) the right to work and freedom of work (Article 54, Paragraph 1 of the Constitution);

k) the right to marriage and family (Article 62 of the Constitution);

l) the right to effective legal remedy prescribed by law and generally available to all individuals whose human rights have been violated (Article 18)

m) all other rights provided by the international instruments from Article 1 of this Law, depending only on the exceptions and restrictions enumerated in those instruments, without any discrimination based on sex, race, colour, language, religion, political and other beliefs, national and social background, cultivating links with a national minority, property, status, achieved by birth or otherwise (Articles 14 and 17, Paragraph 3 of the Constitution).

#### Article 3

The Republic of Croatia protects the equality of national and ethnic groups or minorities and thus encourages their universal development.

#### Article 4

The Republic of Croatia shall assist the development of the relations between national and ethnic communities or minorities with the nationality of their parent country in order to promote their national, cultural and language development.

Ethnic and national communities or minorities have the right to self-organization and association in order to realize their national or other rights in compliance with the Constitution of the Republic of Croatia and this Law.

### III. CULTURAL AUTONOMY AND OTHER RIGHTS OF ETHNIC OR NATIONAL GROUPS OR MINORITIES

#### Article 5

Ethnic or national communities or minorities within the Republic of Croatia have a right of cultural autonomy (Article 15 of the Constitution).

#### Article 6

The Republic of Croatia guarantees the members of all national or ethnic communities or minorities:

a) full observance of the principles of non-discrimination as prescribed in the international instruments in Article 1 of this Law;

b) the right to be protected from any activity which could threaten their survival;

c) the right to identity, culture, religion, public and private use of a language and alphabet and education;

d) the protection of equality in participating in public affairs, e. g. the right to political and economic freedoms in social sphere, access to media, and in education and cultural matters in general;

e) the right to decide to which ethnic and national community or minority a citizen wishes to belong, and to exercise all the rights related to this choice, either individually or in association with other persons. This right particularly refers to cases of marriage between members of different national or ethnic communities or minorities but not at the expense of the parties involved.

The principles mentioned in Paragraph 1 of this Article shall apply to Croats living in the regions where they are not the majority group in relation to one or more national or ethnic communities or minorities.

#### Article 7

Members of all ethnic or national communities or minorities in the Republic of Croatia are entitled to the free use of their language and alphabet, both publicly and privately.

In those municipalities where members of a national or ethnic community or a minority represent the majority of the total population, the alphabet and language of that national or ethnic community or minority will be officially used together with the Croatian language and the Latin alphabet.

#### Article 8

Local self-governing units may decide to use two or more languages and alphabets officially, taking into account the number of the

members and interests of national or ethnic communities or minorities.

#### Article 9

Possession and use of national or ethnic emblems and symbols of national or ethnic communities or minorities shall be free.

Parallel to the official use of emblems and symbols of ethnic and national communities or minorities, using appropriate emblems and symbols of the Republic of Croatia is mandatory.

Prior to the playing of the anthem or a solemn song of a particular national and ethnic community or minority, the national anthem of the Republic of Croatia will inevitably be played.

The statute of the local self-governing units may regulate the way in which the national flag and symbols of national and ethnic communities or minorities are to be used.

#### Article 10

Members of national and ethnic communities or minorities are free to organize informative and publishing activities in their native language and alphabet.

The Republic of Croatia and local self-governing bodies provide financial aid for the realisation of the rights listed in Paragraph 1 of this Article, depending on its financial resources.

#### Article 11

Members of national and ethnic communities or minorities are free to found cultural and other societies aimed at preserving their national and cultural identity. These societies are autonomous and the Republic of Croatia and local self-governing bodies provide financial support in accordance with their financial resources.

#### Article 12

The Republic of Croatia protects historic monuments and the entire cultural heritage of national and ethnic communities or minorities.

#### Article 13

The districts, where the members of ethnic and national communities or minorities represent the majority of the population, have a special status and will adopt their statutes in compliance with this Law.

### Education

#### Article 14

Members of ethnic and national communities or minorities living in the Republic of

Croatia are educated in kindergartens and schools in their own language and alphabet, with programs adequately presenting their history, culture and science if such a wish is expressed.

Education in the part of school program from Paragraph 1 of this Article not related to the students' national affiliation is provided in the range and content regulated by authorized agencies of the Republic of Croatia.

The part of the program related to the national affiliation of students should be designated by the agencies from Paragraph 2 of this Article following the suggestions from the Office of the Government of the Republic of Croatia for Inter-ethnic Relations.

#### Article 15

In towns and other populated areas outside the special statute districts (Article 21 of this Constitutional Law) where national and ethnic communities or minorities represent a relative majority of the population, and if the number of students allows for it, separate educational institutions or school departments will be established with classes held in the language and alphabet of the particular national or ethnic community or minority, if such a wish is expressed.

In cases when that such schools or school departments cannot be established according to the criteria stated in Paragraph 1 of this Article, due to a small number of students, the instruction of the subjects, which are related to the national affiliation of the students (language, literature, history, etc.) will be carried out within a separate school department by teachers of the same national affiliation if such a wish is expressed by the students' parents.

In towns and populated areas outside the territories of special statute municipalities, from which, during and after World War II, the native population of other ethnic and national communities or minorities was banished into parent countries or the policy of forced migration into parent countries was pursued, teaching a foreign language can be introduced as an optional subject, beginning with the fourth grade of elementary education until the end of secondary education, that foreign language being the language of that ethnic and national community or minority, regardless of the percentage of the total population that those ethnic and national communities or minorities represent in that region.

In towns and populated areas outside the territories of special statute districts in order to protect collective rights of autochthonous ethnic and national communities or minorities, steps for special protection for taking part in public affairs shall be taken, as well as in education, culture, spiritual and religious life and in access to public media regardless of their share in total population.

Measures from paragraph 4. of this Article shall be undertaken until the reestablishment of the system of the proper institutions aimed to foster and promote national particularities and culture and educational institutions of the minority communities in the former scope.

#### Article 16

Besides municipal funds, the Republic of Croatia provides adequate funding for the realization of the programs enumerated in Article 14 of this Law.

#### Article 17

Members of national and ethnic communities or minorities may found private kindergartens, schools and other educational institutions.

### IV. PROPORTIONAL PARTICIPATION IN REPRESENTATIONAL AND OTHER BODIES

#### Article 18

Members of national and ethnic communities or minorities who make more than 8 % of the population of the Republic of Croatia are entitled to being proportionally represented in the Croatian Parliament and its Government as well as in the supreme judicial bodies.

Members of national and ethnic communities or minorities whose share in the population of the Republic of Croatia is below 8 % are entitled to electing a total of five representatives to the House of Representatives of the Croatian Parliament.

Representatives from Paragraph 2 of this Article represent all national and ethnic communities or minorities they have been elected by and are obliged to protect their interests.

The procedure of electing and recalling the representatives from Paragraphs 1 and 2 of this Article will be regulated by electoral laws and other provisions regulating elections in the Republic of Croatia.

Representation of a national and ethnic community or minority from Paragraph 1 of this Article in other government bodies of the Republic of Croatia is stipulated by law on organisation of the state authorities.

#### Article 19

Members of national and ethnic communities or minorities are entitled to be represented in the bodies of local self-government in proportion to their share in the total population of a particular local self-governing unit.

The right stated in Paragraph 1 of this Article is guaranteed by the Law which regulates local self-government and by the Unit Statute of the Local self-government.

#### Article 20

In order to apply the provisions of this Law of the rights of ethnic and national communities or minorities on culture, education, access to media and to realize their proportional representation in public agencies and other institutions in these areas, the Government of the Republic of Croatia has its Inter-ethnic Relations Office.

For the territory of one or more municipalities where the number of the members of national or ethnic communities or minorities and their interests require so, the Government of the Republic of Croatia will establish local Inter ethnic Relations Offices.

### V. DISTRICTS (REGIONS) WITH SPECIAL SELF-GOVERNING (AUTONOMOUS) STATUS

#### Article 21

The districts (regions) with a special self-governing (autonomous) status (further in the text: "special statute districts") in which members of an ethnic and national community or minority, according to the 1981 census, make over than 50% of the population, have, within the system of local self-government of the Republic of Croatia special statute.

Organisation of the special statute district must not be contrary to the constitutional order of the Republic of Croatia as an integral and indivisible state.

To the Special statute districts and municipalities within them shall apply the Law on local self-government unless provisioned otherwise.

#### Article 22

The territories of the districts from Article 21, Paragraph 1, embrace the following municipalities: Dvor, Glina, Hrvatska Kostajnica, Vojnić, Vrginmost, Benkovac, Donji Lapac, Gračac, Knin, Obrovac and Titova Korenica.

The boundaries of the municipalities from Paragraph 1 of this Article are determined by the Law on the territories of the municipalities in the Republic of Croatia ("The Official Gazette" no. 39/62, 5/63, 13/65, 54/65, 27/67, 6/68, 21/68, 30/70, 11/73, 6/74, 42/74, 1/75, 9/78, 31/80, 40/81, 5/86 and 27/88), by the precepts of the cited Law, which were in effect on May 30, 1990.

The following municipalities from the above paragraph: Knin, Obrovac, Benkovac, Gračac, Titova Korenica, and Donji Lapac consti-

tute the autonomous district of Knin, and the municipalities of Glina, Vrginmost, Hrvatska Kostajnica, Dvor na Uni, and Vojnić constitute the autonomous district of Glina.

#### Article 23

Electing or appointing members of the District and Municipal Assembly of the special statute districts and municipalities and its Executive Council is based on the principle of proportional representation of citizens with regards to their national and ethnic or minority affiliation.

The principle from Paragraph 1 of this Article applies to the public services bodies, as well as public authority agencies and their employees.

#### Article 24

Regulations and decisions passed by the special statute district and municipal assemblies and their executive and other bodies must protect the national rights, status and interests of Croats as well as members of other national and ethnic communities or minorities living on its territory.

#### Article 25

In the special statute districts and municipalities, the Croats and other inhabitants have the same rights and responsibilities as members of majority ethnic and national communities or minorities who make a majority on the territory of a special statute district and municipality, as well as all the special rights and responsibilities stipulated through this Law for members of ethnic and national communities or minorities.

#### **The competence and structure of a special statute district Original competence**

#### Article 26

A special statute district is independent in deciding and administering affairs within the original competence stipulated by this Law.

The original competence of a special statute district includes:

1. coordinating optimal use and planning of land and urban development on its territory;
2. promoting the development of economic activities in compliance with the overall economic policy of the Republic;
3. catering for common interests of the population on the territory of a special statute district regarding the construction and maintenance of communication network and other utility services and activities important for the district;
4. environmental protection on its territory;

5. providing the conditions for satisfying common interests of its citizens in the sphere of culture; and particularly the preservation and protection of cultural heritage of interest to national and ethnic communities or minorities, promoting cultural and scientific activities, founding and maintaining museums, scientific and other libraries, theatres, bands and orchestras which foster this ethnic and national community's or minority's traditions;

6. fulfilling conditions necessary for satisfying the needs of the population in health and rehabilitation protection and social welfare requiring solidarity in participation in compliance with the particular regulations;

7. providing the conditions for the realization of common interests of the population of a district in secondary education, science and the use of modern technology;

8. providing public peace and order and traffic safety on its territory;

9. special care for effecting human, civil and ethnic rights of all inhabitants as well as the special protection for the inhabitants ethnically and nationally different from the majority national and ethnic communities and minorities;

10. establishing services and institutions of a special statute district for performing the activities hereof listed.

#### Article 27

Municipalities constituting a district are autonomous in deciding and administering affairs from the original competence of the district, delegated to them by the district assembly.

#### Article 28

Bodies of special statute districts directly enforce laws and regulations of the central government authorities (transferred competence), unless for these activities a local government agency of the Republic of Croatia has been established.

In performing activities from the transferred domain, district agencies obey instructions of the Government and other central bodies of the state administration of the Republic of Croatia.

President of the District Assembly and the head of the Executive Council of the District Assembly are responsible for legality and proper performance of the activities mentioned in Paragraph 1 of this Article.

#### **District bodies and services**

#### Article 29

The bodies of a special statute district are:  
- district assembly  
- district assembly executive council

- President of the district assembly and
- district court.

### Competence of the district assembly

#### Article 30

Special statute district assembly specially:

- considers and decides all important questions of political, economic, cultural and social life and development of the district;

- adopts developmental, urban-planning and other spacial plans when authorized by the law; district budget and balance, founds district funds, makes or confirms district funds, financial plans and balances;

- establishes public enterprises and institutions of interest to the district;

- establishes health, cultural, scientific and school institutions of district significance;

- elects, appoints and releases, in accordance with the Law and the statute, the president of the district assembly and his deputy, heads of the working bodies, directors and managers of public companies and other officials as required by law;

- establishes district services and organizations performing services of interest to the district.

### Regulations, general enactments and decisions

#### Article 31

District assembly autonomously adopts the following regulations and general enactments:

- District Statute;
- district budget and balance;
- the decision on founding district funds and district funds balances,
- the decision on founding public enterprises, and district institutions for education, health, science, social welfare and sport,
- developmental and urban-planning plans.

District assembly is authorized to pass bylaws, in accordance with the law in the following domains:

1. organization of district offices and their employees,
2. protection and preservation of historic and national heritage,
3. local customs and habits and cultural institutions,
4. environmental protection
5. crafts and cottage industries,
6. fairs and markets,
7. preventive activities and first aid in general accidents,
8. mines, stone - pits, mineral and thermal waters,
9. hunting and fishing,
10. flora and fauna protected parks, except national parks,

11. servicing local roads, waterworks and public works of district interest,
12. communication and transport of district interest,
13. tourism and hotel industry,
14. agriculture, woods, anti - hail stations, land - improvement,
15. aid and charity,
16. kindergartens,
17. school building construction.

District assembly passes other regulations and general enactments and decisions as authorized by law.

#### Article 32

Composition of the district assembly, its executive council, the election procedure, the competence and the way of functioning, is established by the district statute in accordance with this Law and the Law Regulating Local Self-government and Electoral Law.

#### Article 33

Elected members of district assemblies in special statute districts give an oath of allegiance after the verification, of their mandate, the text of which shall be established by the Parliament of the Republic of Croatia.

#### Article 34

President of the district assembly is elected and recalled by the district assembly, upon a confirmation by the Government of the Republic of Croatia.

President of the district assembly represents the special statute district and is the representative of the authorities of the Republic of Croatia in the special statute district.

#### Article 35

Regulations and decisions passed by the special statute district assembly must fully respect sovereignty, independence and international subjectivity of the Republic of Croatia.

Constitutional court of the Republic of Croatia reviews the regulations passed by the special statute district assembly and executive regulations of its executive council and other bodies which according to the provisions of this Law, may be founded in the area, upon their accordance with the Constitution and the laws of the Republic of Croatia.

#### Article 36

Executive bodies of the special statute district assembly and bodies with public author-

ities, enforce the regulations of the Republic of Croatia, of Županijas and the special statute district assembly.

In case of doubt which regulation is to be applied, The Constitutional Court of the Republic of Croatia shall rule.

Judicial review of legality of administrative decisions and acts of the bodies with public authorities from Paragraph 1 of this Article is carried out by the Administrative court of the Republic of Croatia.

### **District agencies**

#### **Article 37**

District assembly, in accordance with law and the district statute establishes district agencies and organizations for performing administrative and expert jobs from the original competence of special statute district.

General labour law is applied to employment rights and the position of the employees in district agencies and organizations.

The way of administering and procedure and the way of establishing responsibility of heads of services or organizations responsible to the president of district assembly and head of its executive council is to be regulated by the enactment on establishing district services and organizations from Paragraph 1 of this Article.

### **District and municipal court**

#### **Article 38**

In special statute districts municipal and district courts are established. Municipal courts are established for the territory of one or more municipalities, and district courts for the territory of a district.

Municipal courts also make decisions in cases from the original competence of the district.

District courts also decide cases on appeal from the original competence of the district.

Courts from Paragraphs 2 and 3 have special divisions to decide cases from the original competence.

#### **Article 39**

Judges of the Special Division from the preceding Article are appointed and released on the proposal of the municipal, or the district assembly, by the Republic Judicial Council.

If the Republic Judicial Council does not accept the proposal of the District and Municipal Assembly from Paragraph 1 of this Article for the election and the removal from office of a judge, it shall give argumentation for its decision.

The judges of the District and Municipal Court, before taking the office, shall give the solemn oath like all judges in other courts of the Republic of Croatia.

#### **Article 40**

The national composition of the judges and municipal and district courts employees shall correspond to the national composition of the population on the territory of a special statute municipality or a district.

#### **Article 41**

The municipal court's decisions from Article 38 shall be brought in the name of the Republic of Croatia.

Against the valid second instance decision of the Special Division of the district court, an extraordinary redress to the Supreme Court of the Republic of Croatia may be filed, and if one of the human rights and freedoms established by the Constitution or this statute is violated, one may submit a constitutional complaint to the constitutional Court of the Republic of Croatia.

#### **Article 42**

The Supreme Court of the Republic of Croatia shall decide on the conflict of jurisdiction with the Special Department of the municipal or district courts.

### **Police administration**

#### **Article 43**

In special statute districts a police administration shall be established.

Police administration shall perform all the duties regarding the protection of public order and peace on the territory of special statute districts; the duties regarding the security of traffic, keeping of the public records, as well as issuing certificates and transcripts from these records, and other internal affairs assigned to it by a law.

Administration of other tasks, except the tasks of protection of the constitutional order, control and protection of the state borders, can be assigned by law to the police administration from Paragraph 2 of this Article.

#### **Article 44**

The national composition of the police administration employees must correspond to the national composition of the population on the territory of a special statute district.

In towns and other populated areas the national composition of the police officers must

correspond to the national composition of the population.

#### Article 45

The head of police administration shall be appointed and released by the Government of the Republic of Croatia, upon the proposal of the special statute district assembly.

Other head officials and authorized officers of a police administration are appointed and released by the Minister of Interior Affairs following suggestions from the special statute district assembly.

The state administration central bodies from Paragraph 1 and 2 of this Article will appoint or designate the named persons if they fulfil requirements prescribed by the law and other regulations for the election, appointment and designation.

#### **Government Commissioner of the Republic of Croatia**

#### Article 46

The Government of the Republic of Croatia shall appoint its commissioner for a special statute district.

Government's commissioner represents the Government of the Republic of Croatia before the special statute district's authorities, informs the Government about the application of the decisions of the Government of the Republic of Croatia as well as of the provisions of this Law and other regulations which regulate the rights of national and ethnic communities or minorities.

#### Article 47

On a proposal of the Government of the Republic of Croatia, the President of the Republic of Croatia can dissolve a special statute district assembly and its executive council if they by their decisions or other acts, violate:

- the Constitution and the laws of the Republic of Croatia, specially if by this the realization of the constitutional and statutory rights of citizens is being disrupted, or they are being placed in a position of inequality.

- sovereignty and territorial integrity of the Republic of Croatia.

In the cases from Paragraph 1 of this Article the district assembly can initiate within 48 hours, the procedure of a review of the constitutionality and legality of the decision of the President of the Republic, at the Constitutional Court of the Republic of Croatia.

Until the decision of the Constitutional Court of the Republic of Croatia, the district assembly and its executive council can bring only those decisions which cannot stand delay or if

harmful consequences of wider scale could arise because the decision has not been brought.

#### Article 48

If, on the basis of the provision of the former Article, the district assembly and its executive council was dissolved, the new elections for the district assembly shall be performed within three months from the decision of the Constitutional Court of the Republic of Croatia, and respectively a new executive council shall be appointed within thirty days.

#### **Education**

#### Article 49

Members of ethnic and national communities or minorities living in special statute districts are educated in kindergartens and schools which in their own language and alphabet based on separate programmes adequately present their history, culture and science if such a wish is expressed.

Education of Croats in the special statute districts is carried out in separate kindergartens and schools or educational departments of these schools and kindergartens in the Croatian language and Latin alphabet.

Educational institutions from Paragraph 1 and 2 of this Article are financed in the scope and by the criteria valid throughout the Republic of Croatia.

#### Article 50

On the territory of special statute districts, education in the part of school program not related to the students' national affiliation is provided in the range and content regulated by authorized agencies of the Republic of Croatia.

The program related to the students' national affiliation is designated in accordance with the provision from Article 14, Paragraph 3 of this Law.

#### **Other provisions**

#### Article 51

Toponyms in the settlements in special statute districts shall be written primarily in the Croatian language and the Latin alphabet, and secondary in the language and alphabet of ethnic and national communities or minorities.



## **VI. PROPERTY AND FINANCING OF THE SPECIAL STATUTE MUNICIPALITIES AND DISTRICTS**

### **Article 52**

All the movables and the immovables, except for those which are, according to the provisions of special laws, property of the Republic of Croatia, and which belong to the special statute municipalities and districts, as well as the rights which belong to them are the property of the special statute municipalities and districts.

The property from Paragraph 1 of this Article, the rights and the obligation as well as the shares of other entitled persons shall be registered in public records.

### **Article 53**

The revenues of special statute municipalities and districts are:

1. the revenue from the movables and immovables which are their property
2. the revenue from the companies, agencies, institutions and other organizations which are their property
3. special municipal taxes and rates, in accordance with the special statute
4. the revenue from the sale of immovables and movables which are their property
5. gifts, inheritances, legacies
6. grants and subsidies of the Republic of Croatia anticipated in the state budget or in special law, and,
7. other revenues established by law.

### **Article 54**

The revenue and the expenses of a special status municipality and district shall be determined in the annual budget.

The regulations on the financing of public enterprises shall be applied to making, bringing, executing, changing, temporary financing, permanent reserve and special accounts of the special status municipalities and districts, the annual account of the annual budget as well to taking and giving loans.

### **Article 55**

The special statute municipality and district assembly shall overview the overall material financial operation.

In order to implement the overview over the operation from Paragraph 1 of this Article, the municipality and district assembly can, in accordance with the statute, elect a controlling committee. Control shall be performed at least four times a year and once without previous notice.

The results of the supervision will be reported to the municipal and district assembly and the Commissioner of the Republic of Croatia.

### **Article 56**

The distribution of property, assets and liabilities between special statute municipalities and special statute districts shall be determined by the contract between the district and the municipalities within its composition.

### **Article 57**

Central administration's agency responsible for financial affairs supervises the legality of the material and financial operation of a special statute district or a municipality within the district.

The agency from Paragraph 1 of this Article shall cease the application, annul or invalidate, illegal acts of material or financial operation of the municipality and initiate the proceeding against the responsible person.

## **VII. INTERNATIONAL SUPERVISION AND COOPERATION**

### **Article 58**

The Republic of Croatia shall conclude an international agreement for the supervision of the implementation of the provisions of this Law on the special statute districts.

An international body, established on the basis of the agreement from Paragraph 1 of this Article shall supervise the implementation of the provisions about the special statute districts.

The body from Paragraph 2 of this Article will report to and instruct all interested parties.

The Republic of Croatia shall implement recommendations given by the body from the previous Paragraph.

In case of dispute about the implementation of the recommendation, a decision from the Court for Human Rights shall be asked.

### **Article 59**

The Republic of Croatia shall cooperate and seek counsel, directly or through the mixed committees, with governments and other institutions of interested states for full realization of human rights and the rights of the national and ethnic communities or minorities.

## **VIII. JUDICIAL PROTECTION**

### **Article 60**

Every citizen of the Republic of Croatia can appeal to the Court for Human Rights, after

having used all available internal legal remedies in cases in the field of human rights and freedoms and rights and status of national and ethnic communities or minorities which are guaranteed by the Constitution of the Republic of Croatia, international agreements which bound the Republic of Croatia, this Law and other laws which are in force in the Republic of Croatia.

Until the establishment of the Court of Human Rights by the convention between all the states created on the territory of former SFR Yugoslavia, the Provisional Court of Human Rights is hereby established.

The Provisional Court from the preceding Paragraph shall consist of its President and four members of high moral character, who must possess the qualifications required for the appointment to high judicial office or be jurisconsult of recognized competence. The President and two members shall be nominated by the Presidency of the European Community from among the ranks of citizens of its Member States, and the two members shall be nominated by the Parliament of the Republic of Croatia from among its own nationals.

#### Article 61

Special statute municipalities and districts may submit the constitutional complaint to the Constitutional Court of the Republic of Croatia if they hold that the authorities of the Republic of Croatia have, through their acts or activities, violated the freedoms and human rights and the rights of ethnic and national communities or minorities guaranteed by this Law.

### IX. CRIMINAL ACTS

#### Article 62

Under the criminal code of the Republic of Croatia every action, stimulation, organization

Class: 016-02/91-01/02  
Zagreb, December 4, 1991

#### SABOR OF THE REPUBLIC OF CROATIA

President of the Chamber  
of Associated Labour  
Ivan Matija

President  
of the Chamber of Communes  
Luka Bebić

President  
of the Socio-Political Chamber  
Vice Vukojević

President of the Sabor  
Dr. Žarko Domljan

or helping with the action which could endanger the existence of certain national and ethnic community or minority, provoke national hatred, be conducive to discrimination or putting into an unequal position is forbidden and punishable.

### X. FINAL PROVISIONS

#### Article 63

Where any general legislation and powers are provided by this Constitutional Law or are applied in fields governed by this Law they shall not be applied in a manner which will encroach upon the essential content of the human rights and freedoms and the rights of national and ethnic communities or minorities which are protected by this Constitutional Law.

#### Article 64

In compliance with Article 134 of the Constitution of the Republic of Croatia and this Law, none of the rights which the Republic of Croatia has directly, or as a legal successor of former Yugoslavia, taken over or is to take over through international agreements (the Osim Agreements and others), will not be altered, annulled nor their realization obstructed.

#### Article 65

Subject to reserve of the principles codified by Articles 34 through 38 of the Vienna Convention on the Law of Contract of 1949, the provisions of this Constitutional Law shall be implemented and interpreted in compliance with the agreements made with the United Nations Organization.

**THE LAW ON THE ELECTION  
OF THE PRESIDENT OF THE REPUBLIC OF CROATIA**

## THE LAW ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC OF CROATIA

### General Provisions

#### Article 1

The president of the Republic of Croatia shall be elected by Croatian citizens who have reached the age of eighteen years (in further text: electors) at direct elections by secret ballot for a term of 5 years.

#### Article 2

Any Croatian citizen who has reached the age of 18 years may be elected president of the Republic of Croatia.

#### Article 3

Elections for the president of the Republic of Croatia shall be called by the Government of the Republic of Croatia within a term which makes it possible to conduct them within a minimum of 30 days and maximum of 60 days before the expiry of the incumbent president's term of office.

In the event of the termination of the term of office of the president of the Republic of Croatia according to Article 97, paragraph 1, of the Constitution, elections for the President of the Republic of Croatia shall be called by the Government of the Republic of Croatia so that they can be conducted within a term of 60 days from the date when the outgoing president ceased to perform his office.

#### Article 4

The day of elections for the president of the Republic of Croatia shall be determined by a writ to call the elections.

At least 30 days shall elapse from the date of the call for elections of the president of the Republic of Croatia and the holding of such elections.

#### Article 5

Electors who at the time of the elections find themselves outside the boundaries of the Republic of Croatia shall be ensured their electoral right concerning election of the president of the Republic of Croatia in diplomatic-consular missions and foreign offices of the Republic of Croatia.

#### Article 6

Freedom of electors' choice and secret ballot shall be guaranteed.

No one shall be called to account for the way he has voted or for not voting.

No one may demand that electors disclose their voting choice.

### Nomination of Candidates

#### Article 7

Candidates for the president of the Republic of Croatia may be proposed by political parties registered in the Republic of Croatia, and by electors individually or in groups.

Two or more political parties registered in Croatia may propose one candidate.

Political parties shall propose candidates for the president of the Republic of Croatia in the way provided for by their by-laws or a special decision made on the basis thereof.

#### Article 8

All those who are proposed by one or more political parties and supported by signatures duly collected from at least 10,000 electors, or who have been proposed by electors on the basis of at least 10,000 duly collected signatures shall be eligible as candidates for president of the Republic of Croatia.

#### Article 9

Signatures of electors in the nomination procedure for the election of the president of the Republic shall be collected on a prescribed form in which their first and family names and identity numbers shall be entered, and the same data shall also be entered for each proposer signed.

A proposer may by his signature support only one candidate for the president of the Republic.

#### Article 10

Proposals for candidates for the president of the Republic of Croatia made in conformity with the conditions and the way specified in Articles 7, 8 and 9 of this Law shall reach the Electoral Commissions of the Republic of Croatia not later than 12 days from the date of the call for elections.

Proposals for candidates as referred to in the preceding paragraph shall be accompanied by

a court-attested declaration of the candidate concerning their acceptance of the nomination.

Together with the proposal for a candidate for the president of the Republic, the political party concerned shall also submit a testified declaration signed by a person who according to the party's by-laws represents the party, which confirms that the party has proposed the candidate in conformity with the conditions specified in Article 7, paragraph 3, of this Law.

#### Article 11

The Electoral Commission of the Republic of Croatia shall within 48 hours from the expiry of the time-limit mentioned in Article 10, paragraph 1, of this Law, publish the list of candidates for the president of the Republic of Croatia in all daily newspapers in the Republic of Croatia and over Croatian Radio-Television.

The Electoral Commission of the Republic of Croatia shall, within the term mentioned in the preceding paragraph, send the list of candidates for the president of the Republic to diplomatic-consular missions and foreign offices abroad for its publication.

#### Article 12

Candidates for the president of the Republic of Croatia shall be entered in the list of candidates in alphabetic order of their family names. The name of the party or parties or the party coalition which have or has proposed the candidates shall be cited together with their first and family names and identity numbers. If a candidate has been proposed by electors, "independent candidate" shall be added to this first and family name.

#### Article 13

From the day when the Electoral Commission of the Republic of Croatia has published the list of candidates until 24 hours before the day of the elections, all candidates for the president of the Republic of Croatia shall have under the same conditions the right to present and explain their electoral programmes and electoral campaign.

#### Article 14

Croatian Radio-Television shall during the period of the electoral campaign, within the framework of its radio and television programmes, give each candidate equal time to present their electoral programme.

All media of public communication shall make it possible for all candidates for the president of the Republic to present their programmes and conduct their electoral campaign under the same conditions.

#### Article 15

On the day of the elections and 24 hours preceding it any campaign and any publication of preliminary results or estimates of results of the elections shall be forbidden.

#### Article 16

A candidate for the president of the Republic of Croatia who has at the elections obtained a minimum of 10 per cent of votes shall be entitled to an equal compensation for electoral campaign expenses.

Funds for covering the compensation referred to in the preceding paragraph of this Article shall be ensured from the funds for financing the election costs.

The amount of the compensation referred to in paragraph 1 of this Article shall be determined by the Government of the Republic of Croatia not later than 30 days before the date of the elections.

#### Elections

#### Article 17

The president of the Republic of Croatia, regardless of whether one or more candidates stand for the elections, shall be elected by a majority vote of all the electors who voted. If none of the candidates obtained such a majority, the elections shall be repeated after 14 days.

If several candidates were put up for the elections, the candidate who in the first round of voting obtained the largest number of votes shall have the right to stand for a fresh election. If one of the candidates withdraws, the candidate who is next in number of votes obtained shall have the right to stand for a fresh elections.

If, owing to the withdrawal of a candidate who under the provisions of the preceding paragraph had the right to stand for a fresh election, there remains only one candidate, elections shall be carried out.

At a fresh election the candidate who has obtained the largest number of votes shall be elected. If the candidates have obtained the same number of votes, the elections shall be held again.

#### Article 18

If one of the candidates for the president of the Republic dies between the day of the publication of the list of candidates and 48 hours before the day of the elections, the political party or parties may instead of him propose a new candidate. In such a case the conditions regarding the number of signatures cited in Article 8 of this Law shall not be required.

If one of the candidates who has the right to stand at fresh elections dies in the period from the day of the first voting at which none of the candidates obtained the majority referred to in Article 17, paragraph 1, of this Law and the date of the fresh elections, the entire electoral procedure shall be repeated.

#### Article 19

If according to the provisions of Article 17 of this Law elections for the president of the Republic of Croatia are repeated, in the period from the first day of voting and 24 hours before the day of the fresh elections, candidates for the president of the Republic of Croatia shall have all rights regarding the presentation of their electoral programmes and regarding the electoral campaign as determined in Articles 13 and 14 of this Law.

#### Bodies for the Conduct of Election

#### Article 20

Elections for the president of the Republic of Croatia shall be conducted by the Electoral Commission of the Republic of Croatia, commune electoral commissions and electoral committees.

Only persons having the right to vote may be members of the electoral commissions and electoral committees or their deputies.

Members of electoral commissions and their deputies shall be graduate lawyers and they may not be members of any political party.

Members of electoral committees and their deputies may not be members of any political party.

#### Article 21

The Electoral Commission of the Republic of Croatia shall consist of a chairman and four members, each of whom shall have a deputy, who shall be appointed by the Constitutional Court of Croatia from among members of the Supreme Court of Croatia and other outstanding lawyers.

A commune electoral commission shall consist of a chairman and two members, each of whom shall have a deputy, who shall be appointed by the Electoral Commissions of the Republic of Croatia from among judges and other lawyers.

#### Article 22

The Electoral Commission of the Republic of Croatia shall:

1. Ensure the lawful preparation and conduct of elections for the president of the Republic of Croatia;

2. Appoint members of commune electoral commissions and issue binding instructions for the

work of commune electoral commissions and electoral committees;

3. Prescribe forms for the procedure of preparation and conduct of the elections;

4. Supervise the work of commune electoral commissions;

5. On the basis of valid propositions of candidates draw up a list of candidates for the president of the Republic of Croatia;

6. Supervise the correctness of electoral campaigns in conformity with this Law;

7. Announce the results of the elections for the president of the Republic of Croatia;

8. Carry out other work as specified by this law.

The Electoral Commission of the Republic of Croatia shall publish binding instructions for the work of commune electoral commissions and electoral committees in all daily newspapers in the Republic of Croatia and over Croatian Radio-Television.

#### Article 23

Commune electoral commissions shall:

1. Ensure the lawful conduct of the elections at the polling stations in their respective areas;

2. Designate polling stations;

3. Appoint electoral committees;

4. Make all technical preparations for the conduct of the elections in their respective areas according to the binding instructions of the Electoral Commission of the Republic of Croatia;

5. Collect and count the ballots at polling stations in their communes and send the results to the Electoral Commission of the Republic of Croatia in the way and within the time-limits set by the latter;

6. Perform other work specified by this Law.

#### Article 24

Electoral committees shall directly conduct voting at the elections for the president of the Republic of Croatia and ensure correctness and secrecy of voting.

- 38 - An electoral committee shall be appointed for every polling station. An electoral committee shall consist of a chairman and two members. The chairman and the members shall have deputies.

Commune electoral commissions shall appoint members and deputy members of the electoral committees not later than five days before the date of the election of the president.

Registered political parties which have proposed candidates for the election of the president of the Republic of Croatia may appoint observers to monitor the work of the bodies in charge of the conduct of the elections.

The Electoral Commissions of the Republic of Croatia shall by its binding instructions determine the rights and duties of the observers and the way they shall monitor the work of the bodies in charge of the conduct of the elections.

### Conduct of Elections

#### Article 25

Voting in elections for the president of the Republic of Croatia shall take place at polling stations in the territory of the Republic of Croatia and, in conformity with Article 5 of this Law, at the polling station in Croatian diplomatic-consular missions and foreign offices.

Every polling station shall have an ordinal number.

Not later than five days before the date of the elections, the Electoral Commission of the Republic of Croatia shall for polling stations abroad, and commune electoral commissions for the area of the Republic of Croatia, publish which polling stations have been determined, with the designation which electors shall vote at individual stations.

#### Article 26

Polling stations shall be determined with regard to the number of electors and territorial distances respectively, so that the number of electors at one polling station shall be such as not to cause any difficulties in voting at the time set for voting. A separate room shall be provided for each polling station.

Rooms provided for voting shall be arranged so as to ensure secrecy of voting.

### Voting and Determining the Results of Voting

#### Article 27

Votes shall be cast personally.  
Voting shall be carried out on ballots.

#### Article 28

A ballot shall contain:

1. First and family name of the candidate;
2. Full and abridged name of the political

~~party or parties or the party coalition which have~~  
or has proposed the candidate. If a candidate has been proposed by Croatian citizens, his first and family name shall be followed by the designation "independent candidate".

Candidates shall be listed on the ballots in the order in which they are cited on the list of candidates. An ordinal number shall be placed before the first and family name of every candidate.

At a fresh election for the president of the Republic, candidates shall be entered in the ballots so that first place is taken by the candidate who obtained more votes at the first voting.

#### Article 29

Votes shall be cast only for the candidates listed on the ballots.

Ballots shall be filled in by encircling the ordinal number preceding the name of the candidate voted for.

Ballots from which it is possible to determine with certainty and unambiguously for which candidate the vote was cast shall also be valid.

#### Article 30

Ballots which have not been filled in and ballots have been filled in so that it is not possible with certainty to determine for which candidate the vote was cast shall be deemed invalid.

A ballot on which an elector has voted for two or more candidates shall also be deemed invalid.

#### Article 31

Voting shall last uninterruptedly from 7 a.m. to 7 p.m. Polling station shall close at 7 p.m. Electors who find themselves at this time in the polling stations shall be enabled to vote.

A polling station at which all registered electors have voted shall be closed even before the time-limit referred to in the preceding paragraph.

#### Article 32

Members of electoral committee and their deputies shall be present at the polling stations during the entire time of voting.

The chairman of an electoral committee shall ensure maintenance of law and order during voting. In case of need, the chairman shall request assistance from the police, who shall when they arrive at the polling station, proceed according to the chairman's instructions and within the framework of their statutory powers.

No one may come armed to a polling station, except in the case referred to paragraph 2 of this Article.

#### Article 33

The chairman of an electoral committee or a member of an electoral committee authorized by him shall check in the electoral list whether the elector about to vote is entered in the list.

An elector who owing to a bodily defect or because he is illiterate would not be able to vote in the way provided for this Law, may come to the polling station escorted by another person

who is literate and who will on his authority encircle the ordinal number preceding the name of the candidate for whom the elector wants to vote.

If an elector is not entered in the electoral list, the chairman shall not allow him to vote, unless the elector proved by a certificate of a competent authority that he has the right to vote.

If an elector who has no possibility to vote at the polling station notifies thereof the electoral committee, the committee shall make it possible for him to vote.

Voting in the way determined in paragraphs 2,3, and 4 of this Article shall be by name of the voter involved entered in the record of the work of the electoral committee.

#### Article 34

Electors serving in the armed forces of the Republic of Croatia shall vote at the polling stations designated for them by the ministry of justice and administration at the proposal of the defence minister.

Electors who as members of the crews of maritime and river vessels of the Croatian merchant marine find themselves at the time of the election outside the boundaries of the Republic of Croatia shall vote at the polling stations determined by the minister of maritime affairs.

Electors deprived of liberty shall vote at the polling stations determined by the minister of justice and administration.

#### Article 35

After voting has been completed, the electoral committee shall first count the unused ballots and place them in a separate folder and seal it.

After that the electoral committee shall, according to the electoral list or excerpts therefrom and on the basis of the record, determine the total number of the electors who have voted, and start opening the ballot boxes and counting the votes.

If at the counting of votes at the a polling station it is found that the number of those voting according to the electoral list is bigger than the number of votes according to the ballots, the results of the voting shall be valid according to the ballots cast.

If at the counting of votes at polling station it is found that the number of electors who have voted is smaller than the number of votes in the ballot box, the electoral committee shall be dissolved and a new one appointed, and voting at the polling station shall be repeated. Voting results at this polling station shall be determined within 24 hours after the repeated voting.

#### Article 36

When an electoral committee has determined the voting results at the polling station, it will in the record of its work register the number of electors according to the electoral list or an excerpt therefrom, how many electors voted according to the electoral list or the excerpt therefrom, and how many on the basis of Article 33, paragraph 3, of this Law, and how many altogether, and how many votes were received by each of the candidates, and how many ballots were declared invalid.

All other facts relevant to voting shall be entered in the record of the work of the electoral committee.

Each member of an electoral committee may enter his observations in the record.

The record shall be signed by all members of the electoral committee.

#### Article 37

An electoral committee shall send to the commune electoral commission the record of this work together with other electoral material not later than within twelve hours after the closing of the polling station.

Electoral committees in Croatian diplomatic-consular missions and foreign offices shall deliver the document referred to in the preceding paragraph directly to the Electoral Commission of the Republic of Croatia within twelve hours from the closing of the polling stations.

#### Article 38

A commune electoral commission shall add together the voting results at the polling stations not later than 24 hours after the hour of the closing the polling stations.

The commune electoral commissions shall transmit the voting results in its area to the Electoral Commission of the Republic of Croatia together with the record of its work in the way and within the term determined by the latter.

#### Article 39

A commune electoral commission shall keep a record of its work in which it shall enter:

1. The number of electors registered in the electoral list or excerpts therefrom;

2. The number of those who voted and of invalid ballots;

3. The first and family name of each candidate with the designation how many votes individual candidates obtained in the area of the commune.

Each member of the electoral commission of a constituency may enter his observations in the



record. The record shall be signed by all members of the commune electoral commission.

#### Article 40

The result of the election of the president of the Republic of Croatia shall be determined by the Electoral Commission of the Republic of Croatia on the basis of the voting results at all polling stations.

#### Article 41

When the Electoral Commission of the Republic of Croatia has determined the results of the elections of the president of the Republic of Croatia, it shall immediately make known:

1. The number of electors registered in the electoral list, the number of electors who voted, how many votes individual candidates obtained, and how many ballots were found invalid;

2. The first and family name of the candidate elected.

If none of the candidates for the president of the Republic of Croatia has obtained the majority required for election according to Article 17, paragraph 1, of this Law, the Electoral Commission of the Republic of Croatia shall make known in all daily newspapers in the Republic of Croatia and over Croatian Radio Television the first and family names of the two candidates who have obtained the largest number of votes and who have the right to take part in a fresh election.

### Election Expenses

#### Article 42

Funds for the defrayment of election expenses shall be provided in the budget of the Republic of Croatia.

The funds referred to in the preceding paragraph shall be disposed of by the Electoral Commission of the Republic of Croatia.

The Electoral Commission of the Republic of Croatia shall determine the way the funds for the conduct of the elections shall be used, and shall supervise their use.

The Electoral Commission of the Republic of Croatia shall allocate appropriate funds to commune electoral commissions.

### Protection of Electoral Rights

#### Article 43

The Constitutional Court of Croatia shall supervise the constitutionality and legality of the election of the president of the Republic of

Croatia and decide electoral disputes in conformity with the provisions of this Law.

#### Article 44

A political party, two or more political parties, and electors that have proposed a candidate for the president of the Republic of Croatia, and candidates for the president of the Republic of Croatia, may lodge a complaint concerning irregularities in the nomination procedure.

A complaint concerning irregularities in the electoral procedure may only be lodged by the political party, two or more political parties and electors whose candidates were voted on in the election of the president of the Republic.

If a candidate for the president of the Republic was proposed by several political parties, or by several electors, the complaint shall be deemed as legally valid even if it was lodged by one political party only, or by any of the electors who proposed the nomination.

#### Article 45

A complaint concerning irregularities in the nomination procedure or in the procedure for the election of the president of the Republic of Croatia shall be lodged with the Electoral Commission of the Republic of Croatia within 48 hours from the expiry of the date when the act was committed against which the complaint is being lodged.

The Electoral Commission of the Republic of Croatia shall render a ruling on the complaint within 48 hours from the date of receipt of the complaint or the date of receipt of the electoral materials to which the complaint relates.

#### Article 46

If in considering a complaint as referred to in Article 45 the Electoral Commission of the Republic of Croatia finds that there were irregularities which substantially influenced, or might have influenced, the result of the election, it shall annul the acts in this procedure and order that these acts be repeated within a specified term, so as to make it possible for the election to be held on the day for which it was called.

If there is no possibility of repeating the annulled acts as referred to in the preceding paragraph, or if these irregularities relate to the voting procedure, and have substantially influenced, or might have influenced, the results of the election, the Electoral Commission of the Republic of Croatia shall annul the election of the president of the Republic of Croatia and shall fix another term for a fresh election.

#### Article 47

An appeal may be lodged against the ruling of the Electoral Commissions of the Republic of Croatia with the Constitutional Court of Croatia by the complaints and by the candidate for the president of the Republic of they are not satisfied with this ruling.

An appeal as referred to in the preceding paragraph shall be lodged with the Constitutional Court of the Republic of Croatia within 48 hours counting from the expiry of the day of receipt of the attacked ruling that has been questioned.

The appeal shall be submitted through the Electoral Commission of the Republic of Croatia.

I shall be deemed that the appeal has been lodged in time if it has been delivered to the Electoral Commission of the Republic of Croatia before the expiry of the term cited in paragraph 2 of this Article.

The Constitutional Court of Croatia shall render a ruling on the appeal within 48 hours from the date of receipt of the appeal.

#### Article 48

Neither a complaint nor an appeal in the procedure for the protection of electoral rights shall defer the performance of electoral procedures prescribed by this Law.

#### Assuming Duty and Swearing in

#### Article 49

The elected president of the Republic of Croatia shall assume duty on the last day of the term of the outgoing president.

### SABOR OF THE REPUBLIC OF CROATIA

President of the Chamber  
of Associated Labour  
**Ivan Matija**

President  
of the Chamber of Communes  
**Luka Bebić**

President  
of the Socio-Political Chamber  
**Vice Vukojević**

In the event of the election of the president of the Republic of Croatia according to Article 97 of the Constitution of the Republic of Croatia, the elected president shall assume duty on the day of the announcement of the electoral results.

On the day of assuming duty, the president of the Republic of Croatia shall be sworn in before the Constitutional Court of the Republic of Croatia, by which he shall undertake to respect the Constitution.

The oath reads:

"I swear on my honour that I will perform the duty of President of the Republic of Croatia conscientiously and responsibly for the benefit of all Croatian citizens, that I will abide by the Constitution and law and respect the legal order to the Republic of Croatia, strive to preserve the independence, existence and unity of the Republic of Croatia, and do all I can to ensure the normal functioning of all government bodies."

#### Concluding Provision

#### Article 50

This Law shall enter into force on the eight day from the day of its publication in *Narodne novine*.

**THE LAW ON THE ELECTIONS  
OF REPRESENTATIVES IN THE PARLIAMENT (SABOR)  
OF THE REPUBLIC OF CROATIA**

**THE LAW ON THE ELECTIONS  
OF REPRESENTATIVES IN THE PARLIAMENT (SABOR)  
OF THE REPUBLIC OF CROATIA**

**General provisions**

**Article 1**

This Law regulates elections for the representatives in the House of Representatives and the House of Counties of the Parliament of the Republic of Croatia (hereinafter referred to as Elections of Representatives).

**Article 2**

Representatives shall be elected by Croatian citizens, who have reached the age of 18 years (hereinafter referred to as electors), in direct elections, by secret voting, for a term of 4 years.

**Article 3**

A Croatian citizen, who has reached the age of 18 years, may be elected representative.

**Article 4**

Elections for representatives shall be called by the President of the Republic of Croatia.

At least 30 days must elapse from the date of the calling of elections to the date of elections for representatives.

The date of elections for representatives shall be determined by a decision on the calling of elections.

**Article 5**

In the elections for representatives exercising of electing rights shall be ensured in diplomatic-consular missions and foreign offices of the Republic of Croatia located abroad, for the electors who find themselves outside the borders of the Republic of Croatia at the time of elections.

The electors who find themselves outside the borders of the Republic of Croatia at the time of elections, but whose residence is on the territory of the Republic of Croatia, shall elect the representatives depending on their place of residence on the territory of the Republic of Croatia, voting in conformity with Paragraph 1 of this Article.

The electors who do not have the place of residence on the territory of the Republic of Croatia shall vote for the representatives in the House of Representatives, in conformity with Paragraph 1 of this Article, on the basis of the state lists, under the conditions and in the manner as provided by Article 24 hereof.

**Article 6**

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

A representative cannot be, at the same time, a judge of the Constitutional Court of the Republic of Croatia, a judge, public prosecutor, deputy public prosecutor, public attorney, deputy public attorney, public defender, deputy public defender, deputy minister, director of a state institute, director of a body within a ministry, head of staff of the office of the Government of the Republic of Croatia. It may be stipulated by the law that the representative's duty is incompatible with another duty as well.

The persons performing any of the duties from Paragraph 2 of this Article may run for a representative, but if elected, they must resign either from the representative's duty or from the duty the performing of which is incompatible with the duty of a representative.

The representative elected in an electoral unit, who accepts one of the duties from Paragraph 2, of this Article, is substituted by a deputy elected in the electoral unit.

The representative elected from the state list, who accepts one of the duties from Paragraph 2, of this Article, is substituted by the first successive candidate who was not elected from the state list from which the representative was elected.

The deputy representative commences his representative duty according to the provisions of this Law after the elected representative has resigned from the duty or after the House of Representatives or the House of Counties find that the representative performs a duty from Paragraph 2, of this Article.

A representative cannot be, at the same time, the president, vice president, a minister or other member of the Government of the Republic of Croatia, nor a deputy minister. In the period during which the representative performs the duty of the president, vice president, minister or other member of the Government of the Republic of Croatia or the deputy minister, his representative mandate is at a standstill and the duty is carried out by his deputy who would have replaced him if his mandate had expired in conformity with the provisions of Paragraphs 4 and 5, of this Article.

#### Article 7

Representatives do not have binding term.  
Representatives are not recallable.

#### Article 8

A representative's term shall expire prior to the expiry of the period for which he has been elected in the following events:

1. if he resigns;
2. if he has been deprived of his business ability by an effective court ruling;
3. if he has been convicted to a prison penalty for a period exceeding 6 months, by an effective court ruling;
4. if he accepts the election or appointment to one of the duties incompatible with the duty of a representative in accordance with Article 6, Paragraph 2, of this Law.

#### Article 9

Representatives have their respective deputies assuming their duty in the event of the occurrence of one of the conditions as listed in Article 8 hereof.

Deputy representatives shall be elected, along with the representatives, in the manner as provided by this Law.

#### Article 10

Members of ethnic and national communities or minorities, with the share of the population of the Republic of Croatia exceeding 8% as per the population census from 1981, shall be entitled to be represented in the Parliament proportionally to their respective participation in the overall population in the manner as provided by this Law. The basis for the computation of their proportional representation in the House of Representatives shall be the number of 120 representatives in this House.

Members of ethnic and national communities or minorities whose participation in the population of the Republic of Croatia is below 8% shall be entitled to elect at least 5 representatives in the House of Representatives of the Parliament of the Republic of Croatia, and one of them shall have to be elected by the members of each, Hungarian, Italian, Czech and Slovakian, as well as Russian and Ukrainian, German and Austrian minorities.

#### Article 11

Freedom of determination of voters and secrecy of voting shall be guaranteed. No one may be called to account because of voting or because he has not voted. No one may require from a voter to disclose his voting determination.

### Nomination of Candidates

#### Article 12

Candidates for representatives and their deputies may be proposed by political parties which have been registered in the Republic of Croatia, and electors either individually or jointly.

Two or more parties which have been registered in the Republic of Croatia may propose one candidate or his deputy, and a joint state or county list.

Political parties shall propose candidates for representatives and their deputies in the manner as provided by their Statute, or by a separate decision reached on the basis of the Statutes.

#### Article 13

Candidates for representatives and their deputies shall be proposed by the electors on the basis of the validly collected signatures.

When candidates for a representative or his deputy are proposed by the electors in the electoral unit in which, under this Law, one representative and his deputy shall be elected, at least 400 signatures shall have to be collected for the validity of such candidature.

In electoral units from Article 10, Paragraph 2 hereof, 100 signatures shall have to be collected for the validity of the candidature.

When the electors propose a state list, at least 5000 signatures shall have to be collected for the validity of the candidature.

When electors propose a district list, at least 500 signatures have to be collected to ensure validity of candidature.

#### Article 14

Electors' signatures in the nomination procedure for representatives and their deputies shall be collected on a prescribed form in which the name and the surname, the nationality, the address, and the personal number of the proposed candidate shall be entered, and the same data, except for the nationality, shall be entered for each signed proposer as well.

Each elector may support by his signature only one candidate for a representative and for his deputy, and one state or county list only.

#### Article 15

Proposals for candidates for representatives and their deputies, who shall be elected hereunder individually in an electoral unit, must reach the electoral committee of the electoral unit within 12 days from the date of the calling of elections at the latest. Proposals for state lists or district lists must reach the Electoral Commission

of the Republic of Croatia within 12 days from the date of the calling of elections at the latest.

The proposal for candidates from Paragraph 1, of this Article, shall obligatorily include the name and the surname, the nationality, the address, and the personal identification number of each proposed candidate, as well as the candidate's verified statement on the acceptance of candidature.

The proposal for a state list shall obligatorily include, additional to the date from the preceding Paragraph, the title of the list, whereas the candidates on the list shall be listed from number 1 to number 60 conclusively. The proponent is free to establish the order in which candidates appear on the list.

The title of the list shall be the full and abbreviated name, if there be any, of the party, parties or party coalition which have proposed the list. If the list has been proposed by a group of electors, its title shall be an "independent state list" or "independent county list".

The bearer of the list is not necessarily a candidate proposed on the list.

#### Article 16

The competent electoral commission of an electoral unit shall, within 48 hours from the expiry of the term from Article 15, Paragraph 1 hereof, compile, from all validly proposed candidates, a list of candidates of the electoral unit and publish it in all daily newspapers in the Republic of Croatia, and on the Croatian Radio-Television.

The Electoral Commission of the Republic of Croatia shall, within 48 hours from the expiry of the term from Article 15, Paragraph 1 hereof, accept and publish all validly proposed state list in all daily newspapers in the Republic of Croatia and on the Croatian Radio-Television.

The Electoral Commission of the Republic of Croatia shall publish a collective list of all validly proposed state lists in the manner from the preceding Paragraph. The collective list shall include the title of each state list, as well as the name and the surname of the bearer of each state list.

The Electoral Commission of the Republic of Croatia shall, within the period from Paragraph 2 of this Article, furnish all Croatian diplomatic-consular missions and foreign offices with all accepted state lists, as well as with the collective list of state lists, with the purpose of their announcement in public.

County electoral commission shall accept and publish county lists and collective list of county lists under the conditions, in the manner and within the period stipulated for the acceptance and publishing of state lists and collective list of state lists in Paragraphs 2 and 3, of this Article, by the Electoral Commission of the Republic of Croatia.

#### Article 17

Candidates shall be included into the list of candidates of an electoral unit in the alphabetical order of their surnames. Along with their respective names and surnames, and their personal numbers, the name of the party and/or parties and/or party coalition which has, and/or which have proposed the candidate, shall be obligatorily entered as well. If a candidate has been proposed by electors, "independent candidate" shall be entered next to his name and surname.

The parties and/or the coalitions which have proposed respective lists, shall be entered into the collective list of the state or county list in the alphabetical order of their respective full names. If several parties have proposed a collective state or county list, then it shall be entered into the collective list under the name of the first in order proposing party.

#### Article 18

All candidates for representatives and all political parties which have proposed the candidates, shall be entitled to present and explain their electoral programmes, and to electoral campaign, under equal conditions, from the date of the publishing of the candidate lists of electoral units and of the collective list of state or county lists, up to 24 hours before the elections.

#### Article 19

In the period of the electoral campaign, the Croatian Radio-Television shall be obliged, within the framework of its radio and television programmes, to enable all political parties, minority communities from Article 10, Paragraph 2 hereof, participating in the elections for representatives, to present their electoral programmes in equal portions of time.

All mass media shall be obliged to enable all political parties and minority communities from Article 10, Paragraph 2 hereof, participating in the elections for representatives, and the candidates for representatives, to present their programmes and conduct their electoral campaign under equal conditions.

#### Article 20

Any campaign whatsoever, as well as any publishing of previous results, or estimates of election results, shall be forbidden on the election day, as well as during the preceding 24 hours.

#### Article 21

A candidate for the representative, who will be elected by individual election in the electoral unit, obtaining at least 6% of the votes in the

elections, and the political party whose state or county list shall obtain at least 3% of the votes in the elections, shall have the right to equal reimbursement of the expenses of the electoral campaign.

Resources for the coverage of the reimbursement from the preceding Paragraph shall be provided from the funds for the coverage of election expenses.

The amount of the reimbursement from Paragraph 1 of this Article shall be determined by the Government of the Republic of Croatia 30 days prior to the election day at the latest.

### **Elections of Representatives in the House of Representatives of the Parliament of the Republic of Croatia**

#### **Article 22**

124 representatives shall be elected into the House of Representatives of the Parliament of the Republic of Croatia (hereinafter referred to as the House of Representatives).

The number of the representatives of the House of Representatives may be increased in conformity with the conditions from Article 26 hereof.

#### **Article 23**

64 representatives shall be elected in the House of Representatives in electoral units, and one representative shall be elected in each of them.

Sixty representatives shall be elected in electoral units, and one representative shall be elected in each of them on the approximately equal number of electors.

One representative in the House of Representatives shall be elected by the members of each, Hungarian, Italian, Czech and Slovakian, Russian and Ukrainian, as well as German and Austrian minorities, in special electoral units which are defined by the Law on Electoral Units for the House of Representatives of the Parliament of the Republic of Croatia.

Regardless, whether one or more candidates take part in the elections, the candidates obtaining the largest number of votes of the voters who have cast their ballots shall be elected representative. If two or more candidates obtain equal number of votes, the elections shall be repeated.

#### **Article 24**

60 representatives shall be elected in the House of Representatives in such a manner that the territory of the entire Republic of Croatia makes one electoral unit and that all electors

taking a vote elect all representatives on the basis of the state list.

The number of representatives to be elected from each state list, shall be determined in the following manner:

The total number of votes obtained by each state list (the electoral mass of the list) shall be divided by the numbers from 1 to 60 inclusive. Out of all obtained results, the 60th result shall be the common divisor by which the total number of votes of each state list (the electoral mass of the list) shall be divided. Each state list shall obtain as many representatives seats as many times the total number of its obtained votes (the electoral mass) contains the common divisor. The result shall be calculated to two decimal places, with the numbers from 1 to 4 to be rounded off to the lower figure, and those from 5 to 9 to the higher figure until the round numbers are obtained. If the votes have been divided in such a way that its impossible to establish which of the two or more state lists would obtain which representative seat, it shall belong to that state list which has obtained more votes.

The state list obtaining less than 3% of votes in the elections, shall not participate in the share of representative seats.

#### **Article 25**

From each state list, candidates shall be elected from the ordinal number 1 to the number equalling the number of representative seats obtained by a certain list.

Deputy representatives from each state list shall be the candidates who have not been elected, in the order from the first non-elected candidate to the number equalling the number of the representative seats obtained by a certain list at the most.

#### **Article 26**

If the representation of ethnic and national communities and minorities, as required under Article 10 hereof, is not reached in the elections for the representatives in the House of Representatives, the number of the representatives of the House of Representatives shall increase up to the number which is needed for the required representation to be attained, and the members of a certain community or a minority, who have been put up on state list, but have not been elected, shall be considered as elected representatives in the order corresponding to the proportional success of each individual list in the elections.

If it is impossible to attain the required representation of communities or minorities in the manner as provided by the preceding Paragraph, the President of the Republic of Croatia shall call by-elections in that number of special electoral units as required for the attainment of the proportion. By-elections shall have to take place within

60 days from the date of the first session of the newly elected houses of the Parliament.

### **Elections of the Representatives in the House of Counties of the Parliament of the Republic of Croatia**

#### **Article 27**

To the House of Counties of the Parliament of the Republic of Croatia three representatives shall be elected in each county, in such a way that the territory of a county shall constitute one electoral unit and that all the voters who cast their votes elect, on the basis of county lists, all three representatives of the county.

The number of representatives to be elected from each county list shall be established in the following manner:

The total number of votes received by each county list (electoral mass of the list) is divided by the numbers starting from 1 up to conclusively 3. Of all the results obtained, the third result in sequence is a common divisor by which the total number of votes of each county list (electoral mass of the list) is divided. Each county list shall get as many representative seats as many times the total number of votes it received (electoral mass) contains the common divisor. If the votes are divided so that it is impossible to determine which of the two or more county lists would receive which representative seat, it will belong to the district list which had received more votes in favour.

County list which receives less than 5% of votes in the elections shall not participate in sharing of representative seats.

#### **Article 28**

From each candidate list are elected the candidates starting with number 1 up to the number denoting the number of seats which the list has won.

A deputy representative is elected from each list together with the representative.

### **Bodies for the Conduct of Elections**

#### **Article 29**

The bodies for the conduct of elections for representatives shall be as follows: the Electoral Commission of the Republic of Croatia, electoral commissions of electoral units, county electoral commissions and electoral committees.

A member of an electoral commission and electoral committee, as well as a deputy member of this body, may be only a person having the right to vote.

Members of electoral commissions and their deputies must be law school graduates, and they may not be members of any political party.

#### **Article 30**

The Electoral Commission of the Republic of Croatia consists of the chairman and four members, each of whom has his own deputy, to be appointed by the Constitutional Court of the Republic of Croatia from among the judges of the Supreme Court of the Republic of Croatia and other eminent lawyers.

The electoral commission of an electoral unit consists of the chairman and two members, each of whom has his own deputy to be appointed by the Electoral Commission of the Republic of Croatia from among the judges or other lawyers.

County electoral commission consists of the chairman and two members, each having a deputy, appointed by the Electoral Commission of the Republic of Croatia among the judges or other lawyers.

#### **Article 31**

The Electoral Commission of the Republic of Croatia shall perform the following:

1. it shall take care of the lawful preparation and conduct of the elections for representatives;

2. it shall appoint the members of electoral commissions and give binding instructions for the work of electoral commissions of electoral units and electoral committees;

3. it shall define polling stations and appoint electoral committees in Croatian diplomatic-consular missions and foreign offices;

4. it shall prescribe forms in the procedure of preparation and the conduct of the elections;

5. it shall supervise the work of electoral commissions of electoral units;

6. it shall publish the state lists and compile a collective list of state lists, on the basis of the valid proposals;

7. it shall supervise the regularity of the election campaign in keeping with this Law;

8. it shall publish the election results;

9. it shall perform other tasks as provided by this Law as well.

The Electoral Commission of the Republic of Croatia is obliged to publish binding instructions for the work of electoral commissions of electoral units and electoral committees in all daily newspapers in the Republic of Croatia and on the Croatian Radio and Television.



### Article 32

The electoral commission of an electoral unit shall perform the following:

1. it shall take care of the lawful conduct of the elections in polling stations on its territory;
2. it shall determine polling stations;
3. it shall appoint electoral committees;
4. it shall carry out all technical preparations for the holding of elections on its territory, under the binding instructions of the Electoral Commission of the Republic of Croatia;
5. it shall compile and publish the list of candidates for representatives in the electoral units, on the basis of the valid proposal of the candidates;
6. it shall collect and add up the voting results in polling stations on its territory, and deliver them to the Electoral Commission of the Republic of Croatia in the manner and term as provided thereby;
7. it shall perform other work as provided by this Law as well.

### Paragraph 32a

The county electoral commission shall:

1. take care of the lawful preparation of the elections for the representatives in the House of Counties;
2. take care of the lawful conduct of the elections at polling stations in the county;
3. perform all technical preparations or conduct the elections on the territory of the county, in accordance with the binding instructions of the electoral commission of the Republic of Croatia;
4. publish the county lists and compile and publish a collective list of county lists on the basis of valid nominations;
5. supervise the regularity of election promotion in compliance with this Law;
6. collect and establish the voting results at polling stations on the territory of the county and submit them to the Electoral Commission of the Republic of Croatia in the manner and within the period set by the Commission;
7. perform other tasks stipulated by Law.

### Article 33

The electoral committees shall directly conduct the voting in the elections for representatives and ensure the regularity and secrecy of voting.

A electoral committee shall be appointed for each place at which votes will be cast. The electoral committee consists of the chairman and two members. Deputies shall be appointed to the chairman and the members of the committee.

The competent electoral commission shall appoint the members and member deputies of the

electoral committee not later than five days prior to the date on which elections for representatives are to be held.

Registered political parties proposing the candidates for the election of representatives in the Parliament of the Republic of Croatia may appoint observers who will observe the work of the bodies for the conduct of the elections.

The Electoral Commission of the Republic of Croatia shall determine, by its binding instructions, the rights and obligations of the observers, as well as the manner of the observing of the work of the bodies which conduct of the elections.

### Conduct of Elections

#### Article 34

Voting for the election of the representatives shall be carried out in polling stations on the territory of the Republic of Croatia and, in keeping with Article 5 hereof, in the polling stations in Croatian diplomatic-consular missions and foreign offices abroad as well.

Each polling station will be given the ordinal number.

Not later than five days prior to the elections, the Electoral Commission of the Republic of Croatia shall announce for polling stations abroad, and electoral commissions for electoral units on the territory of the Republic of Croatia, which polling stations have been defined, indicating which voters will cast their electors in each individual station.

#### Article 35

The electors serving in the armed forces of the Republic of Croatia shall cast their votes in the polling stations designated by the Minister of Justice and Administration at the proposal of the Minister of Defense.

The electors who as members of the crew of the sea and river ships of the Croatian Trade Marine find themselves outside of the borders of the Republic of Croatia on the election day, shall vote in the polling stations designated by the Minister of Maritime Affairs.

The electors who are under arrest shall vote in the polling stations designated by the Minister of Justice and Administration.

#### Article 36

The polling stations shall be defined with regard to the number of electors and/or distance, in a manner that the number of electors in one polling station is such that casting of votes can be carried out without difficulties within the period as provided for voting. A separate room shall be

arranged in such a way as to ensure the secrecy of voting.

### **Voting and Determining the Results of Voting**

#### **Article 37**

Voting shall be performed in person.

Voting shall be performed on ballots.

Ballots are printed in the state printing house assigned by the Electoral Commission of the Republic of Croatia under the Commission's direct supervision and must have serial number printed on them.

#### **Article 38**

A ballot on which a vote is cast in the electoral unit where one representative is elected, shall include the following:

1. the name and surname of the candidate and his deputy;
2. the full and abbreviated names of the political party and/or parties or a party coalition proposing the candidate. If the candidate has been proposed by a group of electors, a remark "an independent candidate" shall be placed next to his name and surname.
3. the serial number.

Candidates shall be listed on the ballot in the same order in which they are cited on the candidate list. An ordinal number shall be placed in front of the name and surname of each candidate.

#### **Article 39**

A ballot on which votes shall be cast for one of the state or county lists, shall include the following:

1. the title of the list;
2. the name and surname of the bearer of the list.
3. the serial number.

State lists shall be listed on the ballot in the same order in which they are cited on the collective list of the state or county lists. An ordinal number shall be placed in front of the title of the list.

#### **Article 40**

Votes shall be cast only for the candidates and/or state or county lists as cited on the ballot.

A ballot shall be filled in such a way that the ordinal number is encircled in front of the name of the candidate, and/or the title of the state or county list for whom and/or which the vote is cast.

The ballot, from which it may be established in a certain and doubtless way for which candidate and/or which state list a vote was cast, shall be considered valid as well.

#### **Article 41**

The ballot which has not been filled in, as well as the ballot which has been filled in such a way that it may not be established with certainty for which candidate and/or which state list a vote was cast, shall be considered invalid.

The ballot on which an elector has cast his vote for two or more candidates, and/or two or more state or county lists, shall be considered invalid as well.

#### **Article 42**

Voting shall last permanently from 7 a.m. to 7 p.m. At 7 p.m. the polling stations shall be closed. The electors finding themselves in the polling station shall be allowed to cast their votes.

The polling station in which all registered electors have cast their votes, shall be closed prior to the expiry of the time from the preceding Paragraph.

#### **Article 43**

During the entire time of voting, all members of the electoral committee or their deputies must be present in the polling station.

The chairman of the electoral committee shall take care of the maintenance of peace and order during the voting. If necessary, the chairman shall require the assistance of the police who shall, upon arrival at the polling station, act in accordance with his instructions, and within the framework of legal authorization.

No one shall be allowed to come to the polling station armed, except in the event as provided in Paragraph 2 of this Article.

#### **Article 44**

The chairman of the polling committee, or a member of the electoral committee who has been authorized by him, shall check in the electoral list whether the elector who has come to cast a ballot, has been entered in the list.

An elector who, due to any physical disability whatsoever, or because he is illiterate, would not be able to vote in the manner as provided by this Law, may come to the polling station escorted by a person who is literate and who shall, on his authorization, encircle those ordinal numbers in front of the names of the candidates, and/or the state or county list, for which the elector is casting his vote.

If an elector has not been registered in the electoral list, the chairman shall not allow him to

vote, unless the elector proves by a certificate that he has the right to vote.

When the elector, who is not in a position to vote in the polling station, advises thereof the electoral committee, the committee shall enable him to vote.

The voting, in the manner as provided in Paragraphs 2, 3 and 4 of this Article, shall be entered in the record of work of the electoral committee by each individual name.

#### Article 45

Upon completion of voting, the electoral committee shall first count the unused ballots and place them in a separate envelope which shall be sealed.

Thereafter, the electoral committee shall establish, on the basis of the electoral list, and/or the excerpt from the voting register, and on the basis of the record, the total number of the electors who have voted, and it shall open the ballot boxes and count the votes.

If on the occasion of the counting of votes it is established in the polling station that the number of the votes on the basis of the electoral list exceeds the number of the votes based on the ballots, the voting results as per ballots shall prevail. If on the occasion of the counting of the votes in the polling station it is established that the number of the electors who have voted is lower than the number of the votes in the ballot box, the polling committee shall be dismissed, and a new committee shall be appointed, and the voting shall be repeated in this polling station. The result of the voting in this polling station shall be established within 24 hours after the repeated voting.

#### Article 46

When the electoral committee establishes the results of the voting in the polling station, the number of the electors as per the electoral list, and/or as per the excerpt from the electoral list, shall be entered in the record, as well as how many electors have cast their votes as per the electoral list, and/or the excerpt from the electoral list, and how many on the basis of Article 44, Paragraph 3 hereof, and how many altogether, how many votes have been obtained by each of the candidates, and how many by each state or county list, and how many ballots have been declared invalid.

All other facts of importance for the voting shall be also entered in the record of the work of the electoral committee.

Each member of the electoral committee may give his comments on the record. The record shall be signed by all members of the electoral committee.

#### Article 47

The electoral committee shall submit the record of its work with other election material to the electoral commission of the electoral unit not later than within twelve hours from the closing of the polling station.

The electoral committee in the Croatian diplomatic-consular missions and foreign offices shall submit the acts from the preceding paragraph directly to the Electoral Commission of the Republic of Croatia within twelve hours from the closing of the polling station.

#### Article 48

The electoral commission of the electoral unit shall determine the voting results in the polling stations on its territory within 24 hours from the time of the closing of the polling station.

The electoral commission of the electoral unit shall submit the election results on its territory to the Electoral Commission of the Republic of Croatia along with the record on its work, in the manner and within a period determined thereby.

#### Article 49

The electoral commission of the electoral unit shall keep a record of its work, in which the following will be entered:

1. the number of the electors registered in the electoral list, and/or the excerpt from the electoral list on its territory;

2. the number of the electors who have cast the ballots, and the number of ballots which have been declared invalid;

3. the name and the surname of each individual candidate, indicating how many votes each candidate has obtained in the electoral unit;

4. the name and surname of the candidate who has been elected in the electoral unit;

5. the number of the votes obtained by each individual state list on its territory.

Each member of the electoral commission of the electoral unit may give his comments on the record. The record shall be signed by all members of the electoral commission of the electoral unit.

#### Article 49a

The county electoral commission keeps record of its work in which it shall enter:

1. the number of electors registered in the electoral list or the excerpt for from the electoral list of the territory of the county;

2. the number of electors who have cast their votes and the number of ballots declared invalid;

3. the number of votes received by each county list;

4. the number of representative seats won by each county list, and the names and surnames of the candidates from each county list who have been elected for representatives, as well as the names and surnames of their deputies.

Any member of the county electoral commission may give his remarks on the record. The record is signed by all the members of the electoral commission of the electoral unit.

#### Article 50

The results of the elections for representatives shall be established by the Electoral Commission of the Republic of Croatia on the basis of the voting results in all polling stations all electoral units in the Republic.

#### Article 51

When the results of the voting for representatives are established by the Electoral Commission of the Republic of Croatia, it shall announce forthwith the following:

1. the number of the electors registered in the electoral list, the number of the electors who have voted in each electoral unit, how many votes have been obtained by each individual candidate in each electoral unit, how many votes have been obtained by each individual state or county list, and how many ballots were invalid;

2. the name and surname of the candidate who has been elected in each electoral unit in which one representative is elected;

3. the number of representative seats which each state list has obtained, and names and surnames of the candidates from each state list who have been elected representatives.

4. the number of representative seats which individual county list has won in each county, and the names and surnames of the candidates from the individual county list who have been elected for representatives and the names and surnames of their deputies.

### Election Expenses

#### Article 52

Funds for the covering of the election expenses shall be provided in the budget of the Republic of Croatia.

The Electoral Commission of the Republic of Croatia shall dispose of the funds from the preceding paragraph.

The Electoral Commission of the Republic of Croatia shall determine the manner of use of the funds for the conduct of elections, and it shall supervise the use thereof.

The Electoral Commission of the Republic of Croatia shall allocate adequate funds to the

electoral commissions in electoral units and to the county electoral units.

### Protection of the Electoral Rights

#### Article 53

The Constitutional Court of the Republic of Croatia shall supervise the constitutionality of the elections for representatives in the House of Representatives of the Parliament of the Republic of Croatia, and it shall settle disputes in conformity with provisions of this Law.

#### Article 54

A complaint lodged on account of the irregularity in the nomination the procedure putting up of candidates, by a political party, two or more political parties, and/or the electors who have proposed a candidate for the representative, and/or a state or district list, as well as by the candidates for a representative.

A complaint may be lodged on account of the irregularity in the election procedure only by a political party, two or more political parties and the electors whose candidates for a representative, and/or for whose state or county lists it has been voted in the elections. A complaint may be lodged by the candidates for representatives as well, for whom it has been voted.

If a candidate has been proposed for a representative, and/or a state or district list by more political parties, and/or more electors, the complaint shall be considered valid also when it has been lodged by one political party only, and/or any one of the elector who was a proposer of the candidature.

#### Article 55

A complaint on account of the irregularity in the nomination procedure and in the procedure of elections for representatives shall be lodged with the Electoral Commission of the Republic of Croatia within 48 hours counting from the expiry of the date when the action was performed in respect of which the complaint has been lodged.

The Electoral Commission of the Republic of Croatia shall be obligated to pass a decision in respect of the complaint within 48 hours from the date when the complaint has been delivered, and/or from the date when election materials to which the complaint refers have been submitted thereto.

#### Article 56

If the Electoral Commission of the Republic of Croatia, while deciding on the complaint from Article 55 hereof, establishes that there were irregularities which had substantially affected, or

could have affected the results of the elections, it shall annul the actions in this procedure and rule that within a defined period of time, which must enable the elections to be held on the date when called, these actions shall be repeated.

If there is no possibility of repeating the void actions from the preceding paragraph, or if the irregularities refer to the voting procedure, and they have substantially affected, and/or could affected election results, the Electoral Commission of the Republic of Croatia shall declare elections of representatives in a certain electoral precinct, and/or elections on the basis of the state or county list void, and determine the time within which the repeated elections shall be held.

#### Article 57

The appeal, as well as the candidates for a representative who is dissatisfied with such decision, are entitled to lodge an appeal with the Constitutional Court of the Republic of Croatia against the decision of the Electoral Commission of the Republic of Croatia.

The appeal from the preceding paragraph shall be lodged with the Constitutional Court of the Republic of Croatia within 48 hours counting from the expiry of the date when the refuted decision has been received.

The appeal shall be lodged through the Electoral Commission of the Republic of Croatia.

The appeal shall be considered as submitted within the prescribed time period, if it has been submitted to the Electoral Commission of the Republic of Croatia prior to the expiry of the term from paragraph 2 of this Article.

The Constitutional Court of the Republic of Croatia shall be obligated to reach a decision on the appeal within 48 hours from the date of the appeal.

#### Article 58

The submitted complaint and/or appeal in the procedure of the protection of the election right, shall not postpone the performing of election actions as prescribed by this Law.

### Transitional and Final Provisions

#### Article 59

No tax shall be paid on requests and decision in the procedure under provisions of this Law.

#### Article 60

The Law on the Election and Recall of commission members and representatives (Narodne novine No. 7/90) ceases to be valid on the date of the coming into force of this Law.

#### Article 61

This Law comes into force on the eight day from the date of its being published in "Narodne novine".

#### Article 62

The Law on the Changes and Amendments to the Law on the Elections of Representatives in the Parliament of the Republic of Croatia enters into force on the day of publication in "Narodne novine" and shall become applicable from the day it entered into force, except for the provisions of Articles 1 and 2, of this Law, which become applicable from the day of the establishment of the results of the first elections for the House of Representatives of the Parliament of the Republic of Croatia.

PARLIAMENT  
OF THE REPUBLIC OF CROATIA

President  
of the Social and political Council  
Vice Vukojević, LI.B.

President of the Parliament  
Žarko Domljan, D.Sc.

President  
of the Council of Municipalities  
Luka Bebić, B.Sc.

President  
of the Associated Labour Council  
Ivan Matija, M.Sc.

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The amended text of the Law on the Elections of Representatives in the Parliament of the Republic of Croatia comprises the Law on the Elections of Representatives in the Parliament of the Republic of Croatia (*Narodne novine* No. 22/92), and the amendments there to published in *Narodne novine* No. 1/93 which indicate the time of their becoming effective.