



Strasbourg, 4 May 2000

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Restricted  
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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

(VENICE COMMISSION)

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

**Article 1**

In the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Communities or Minorities in the Republic of Croatia (“Official Gazette”, no. 65/91, 27/92 and 34/92 – cleared text) Article 3 is amended and reads:

“The Republic of Croatia shall protect the equality of the members of the Albanian, Austrian, Bosniac, Czech, Hunagarian, German, Roma, Ruthenian, Slovak, Slovenian, Serb, Italian, Ukrainian, Jewish and other ethnic and national communities or minorities and shall promote their mutli-directional development.

**Article 2**

Article 13 is erased.

**Article 3**

In Article 15, Paragraph 1 the wording “outside of the territory of the districts with special status (Article 21)” is erased.

In Paragraphs 3 and 4, the wording “outside of the territory of the districts with special status” is erased.

**Article 4**

In Article 18, Paragraph 1 the word “Parliament” is replaced by the wording “Croatian State Parliament”.

In paragraph 2 the wording “Parliament of the Republic of Croatia” is replaced by the wording “Croatian State Parliament”.

**Article 5**

In Article 20, Paragraph 2 the wording “i.e. districts” is erased.

**Article 6**

Chapter V and Articles 21 to 51 are erased.

**Article 7**

Chapter VI and Articles 52 to 57 are erased.

**Article 8**

Article 58 is erased.

**Article 9**

Chapter VIII and Articles 60 and 61 are erased.

**Article 10**

The title of Chapter X before Article 63: “X. Final Provisions” are amended and read: “X. Interim and Final Provisions.”

**Article 11**

The provision of Article 18, Paragraph 1, a part of the provision of Paragraph 4 pertaining to the manner of election and recall from duty of representatives as per Paragraph 1, and the provision from Paragraph 5 of this Article shall be applied from the announcement of the results of the first census of the Republic of Croatia.

**Article 12**

By the coming into force of this Constitutional Law, the Constitutional Law on the Temporary Non-application of Certain Provisions of the Constitutional Law on Human Rights and Freedoms and on the Rights of the Ethnic and National Communities or Minorities in the Republic of Croatia shall cease to be valid ("Official Gazette", No. 68/95).

**Article 13**

By the coming into force of this Constitutional Law, the provision of Article 68, Paragraph 4 of the Law on Local Self-government and Administration ("Official Gazette", No. 90/92, 94/93, 117/93, 5/97 and 128/99) shall cease to be valid.

**Article 14**

The Committee for Legislation is tasked with determining and issuing a cleared text of the Constitutional Law on Human Rights and Freedoms and on the Rights of the Ethnic and National Communities or Minorities in the Republic of Croatia.

**Article 15**

This Constitutional Law shall come into force on the day of its proclamation by the House of Representatives of the Croatian State Parliament.

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

**For Articles 1, 2, 3, 5, 6, 7, 8, 9 and 13:**

These provisions of the Draft Constitutional Law cancel all provisions referring to the districts with special status, since in the present conditions in the Republic of Croatia a requirement for such a form of protection of minority rights no longer exists.

The international documents and national legislation ensure other more adequate forms of assuring minority rights, and the provisions, proposed to be erased, are assessed as inadequate.

**For Article 4:**

The proposal is to co-ordinate the title of the Parliament with the Constitution of the Republic of Croatia.

**For Article 10:**

The nomo-technical improvement of text is proposed.

**For Article 11:**

The proposal is to postpone the application of the provisions on the representation of national minorities in the Croatian State Parliament until the completion of the census, since the deadline for the census is 2001, which allows sufficient time before next regular elections in 2004 to harmonise the election legislation, even with the proposed postponement.

**For Article 12**

After the adoption of this Constitutional Law, the Constitutional Law on Temporary Non-application of Specified Provisions of the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Communities or Minorities in the Republic of Croatia shall cease to be effective.

**CROATIAN STATE PARLIAMENT  
HOUSE OF REPRESENTATIVES  
SPEAKER**

DRAFT LAW No. 44

Class: 016-02/00-01/01

Number: 61-00-02

Zagreb, 27 April 2000

**TO: THE REPRESENTATIVES OF THE HOUSE OF  
REPRESENTATIVES OF THE CROATIAN  
STATE PARLIAMENT**

**PRESIDENTS OF THE WORKING BODIES  
OF THE HOUSE OF REPRESENTATIVES**

Pursuant to Article 131, Paragraph 1 of the Standing Orders of the House of Representatives of the Croatian State Parliament, and in relation to the Article 136 of the Constitution of the Republic of Croatia, enclosed please find the *Draft Amendment to the Constitutional Law on Human Rights and Freedoms and Rights of the Ethnic and National Communities or Minorities in the Republic of Croatia, with the Draft Proposal of the Constitutional Law on Amendments to the Constitutional Law*, submitted to the Speaker of the House of Representatives of the Croatian State Parliament by the Government of the Republic of Croatia by the Act of 27 April 2000.

As the representatives who will participate in the work of the House of Representatives of the Croatian State Parliament and its working bodies on behalf of the Government, the Government appointed Zeljka Antunovic, Vice-Prime Minister of the Republic of Croatia, Ranko Marijan, Deputy Minister of Justice, Administration and Local Self-government and Lidija Lukina Karajkovic, Assistant Minister of Justice, Administration and Local Self-government.

**SPEAKER**  
Zlatko Tomcic, B.Sc.  
(seal, signature)