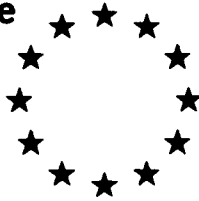


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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

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

&

APPENDIX

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 special 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 Behić

President
of the Socio-Political Chamber
Vice Vukojević

President of the Sabor
Dr. Žarko Domijan

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.

Amended text published in *Narodne novine* No. 34/92¹ comprises The Constitutional Law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia published in *Narodne novine* No. 65/91 and amendments published in *Narodne novine* No. 27/92

CONSTITUTIONAL LAW
ON THE TEMPORARY SUSPENSION OF CERTAIN PROVISIONS
OF THE CONSTITUTIONAL LAW
OF HUMAN RIGHTS AND FREEDOMS
AND THE RIGHTS OF NATIONAL AND ETHNIC COMMUNITIES OR MINORITIES
IN THE REPUBLIC OF CROATIA

Article 1

Under this law will be temporary suspended the application of certain provisions of the Constitutional Law of human rights and freedoms and the rights of national and ethnic communities or minorities in the Republic of Croatia (hereafter "Constitutional Law") (Official Gazette, N°34/92) concerning the rights and the protection of communities or minorities which constitute more than 8% of the population, in accordance with the census of 1991 and this until the results of the first census of the Republic of Croatia.

Article 2

Until the delay laid down by article 1 of the present law, the application of articles 13, 18. para. 1 and 5, 21 to 51, 52 to 57, 58, 60, 61 of the Constitutional Law will be suspended.

Article 3

Until the delay laid down by article 1 of the present law will be suspended the application of the following provisions of article 15 para.1, 3 and 4 of the Constitutional Law: *areas outside the special statute districts (kotavera) (Article 21)*, the following part of article 18. par. 4: *1. and* as well as the following part of article 20 para. 2 of the Constitutional Law: *and the districts*

Article 4

Until the delay laid down by article 1 of the present law will be suspended the application of the provisions of special laws adopted on the basis of the provisions of the Constitutional Law.

Article 5

The present law will enter into force at the date of promulgation by the High Chamber of the croatian Parliament.

Zagreb, 20 September 1995

EXTRACT OF THE CONSTITUTION
OF THE REPUBLIC OF CROATIA

III. Fundamental freedoms and rights of man and citizen

1. Common provisions:

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.