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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT CONSTITUTIONAL LAW**  
**ON THE RIGHTS OF NATIONAL MINORITIES**  
**IN CROATIA**  
**(as adopted at first reading)**

## **I. CONSTITUTIONAL BASIS FOR THE ADOPTION OF THE CONSTITUTIONAL LAW**

The Constitutional basis for the adoption of the Constitutional Law is contained in the provision of Article 15, Paragraph 2 of the Constitution of the Republic of Croatia.

## **II. ASSESSMENT OF THE SITUATION AND BASIC ISSUES THAT NEED TO BE REGULATED BY THE LAW AND THE CONSEQUENCES OF THE ADOPTION OF THE LAW**

The Constitution of the Republic of Croatia stipulates in the provision of Article 15: “(1) Members of all national minorities shall be guaranteed equality in the Republic of Croatia. (2) The equality and protection of the rights of national minorities shall be regulated by the Constitutional Law, which shall be adopted pursuant to the procedure of passing organic laws. (3) Besides the universal suffrage, the Law may ensure a special right to members of national minorities to elect their representatives into the Croatian Parliament. (4) Members of all national minorities shall be guaranteed the freedom to express their national affiliation, freedom to use their language and script and cultural autonomy. The Republic of Croatia is a party in several international agreements which regulate the protection of national minorities and the rights and freedoms of members of national minorities. Those are, particularly, the Framework Convention for the Protection of National Minorities (the Law on Ratification of the Framework Convention was published in the “Official Gazette – International Agreements”, No. 14/97), then the Convention for the Protection of Human Rights and Basic Freedoms and the Protocols to this Convention (the Law on Ratification of the Convention and of the Protocols to the Convention was published in the “Official Gazette – International Agreements”, No. 18/97), then the European Charter on Regional or Minority Languages (the Law on Ratification of the European Charter was published in the “Official Gazette – International Agreements”, No. 18/97).

The protection of national minorities and of the rights and freedoms of members of national minorities in the Republic of Croatia are regulated by the Constitutional Law on Human Rights and Freedoms and on the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia (Official Gazette, No. 35/91, 27/92, 34/92 – cleared text, 68/95 and 50/2000), whereby the temporary non-application of certain provisions of this Constitutional Law was subsequently determined by 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 Ethnic and National Communities or Minorities in the Republic of Croatia (Official Gazette, No. 68/95). Certain rights and freedoms of members of national minorities are also regulated by the provisions of several special laws, such as the Law on Education in the Language and Script of National Minorities (Official Gazette, No. 51/2000), the Law on the Use of Language and Script of National Minorities in the Republic of Croatia (Official Gazette, No. 51/2000), the Law on the Election of Representatives into the Croatian State Parliament (Official Gazette, No. 116/99), the Law on the Election of the Members of Representative Bodies of Local and Regional Self-government Units (Official Gazette, No. 3/2001), the Law on the State Administration System (Official Gazette, No. 75/93, 48/99, 15/2000 and 59/2001). The Republic of Croatia also concluded two bilateral international agreements, whereby it regulated some issues of the protection and exercise of rights and freedoms of the members of Italian and Hungarian national minorities in the Republic of Croatia (those are the Agreement between the Republic of Croatia and the Republic of Hungary on the Protection of the Hungarian Minority in the Republic of Croatia and of the

Croatian minority in the Republic of Hungary – “Official Gazette – International Agreements”, No. 8/95 and the Agreement between the Republic of Croatia and the Republic of Italy on the Rights of Minorities – “Official Gazette – International Agreements”, No. 18/97). Indeed, the protection of national minorities and the exercise of certain rights and freedoms of members of national minorities in the Republic of Croatia are also provided for by the fact that the Republic of Croatia allocates significant funds in the state budget, whereby it assists or ensures the work of associations of national minorities and the performance of activities in the area of education, science, culture, publishing, which are of interest for national minorities.

A circumstance that the Constitutional Law on Human Rights and Freedoms and on the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia was adopted before the Republic of Croatia became a contractual party of the above-mentioned international agreements, that, by the conclusion of the Framework Convention for the Protection of National Minorities the Republic of Croatia undertook the obligation to regulate the protection of national minorities and the exercise of certain rights and freedoms of members of national minorities, which are not regulated by the laws of the Republic of Croatia or which are not regulated in compliance with the provisions of the Framework Convention; the need to regulate, by the Constitutional Law, the principles on which the regulation of the protection of national minorities and the rights and freedoms of members of national minorities is based, which have already been regulated by special laws or will be regulated by special laws; and the need to regulate, by the Constitutional Law, the issues of the improvement, preservation and protection of the position of national minorities through the institute of minority self-government in local self-government units and in regional self-government units, and the need for the adoption of the Constitutional Law in formal and legal and in substantial sense, in compliance with the amendments to the Constitution adopted after the coming into effect of the valid Constitutional Law, represent a reason for the adoption of this Constitutional Law and mark the basic issues which will be regulated by it.

By the adoption of this Constitutional Law, the protection of national minorities and the rights and freedoms of members of national minorities will be regulated in compliance with the Constitution of the Republic of Croatia and international agreements, a part of which is the Republic of Croatia.

### **III. ASSESMENT AND SOURCES OF NECESSARY FUNDS FOR THE IMPLEMENTATION OF THE LAW**

No special funds in the state budget shall be necessary for the implementation of this Constitutional Law.

### **IV. PROPOSAL TO ADOPT THE CONSTITUTIONAL LAW USING EMERGENCY PROCEDURE**

The need to regulate the equality and protection of national minorities and the rights and freedoms of members of national minorities by the Constitutional Law in compliance with the provisions of the Constitution of the Republic of Croatia and the provisions of international agreements which regulate the issues of protection and certain freedoms and rights of national minorities and their members, as well as the circumstance of stipulation of temporary non-application of a significant number of provisions of the valid Constitutional Law on Human Rights and Freedoms of Ethnic and National Communities or Minorities in

the Republic of Croatia, represents a justified reason for the state to adopt this Constitutional Law using emergency procedure and to stipulate its coming into effect on the day of publication in the "Official Gazette", pursuant to the provision of Article 89, Paragraph 3 of the Constitution of the Republic of Croatia.

## **V. TEXT OF THE FINAL PROPOSAL OF THE LAW WITH AN EXPLANATION**

### **I. BASIC PROVISIONS**

#### Article 1

The rights and freedoms of members of national minorities, as the basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities, with the aim that ethnic and multicultural diversity and spirit of understanding, mutual respect and tolerance contributes to the promotion of development of the Republic of Croatia.

#### Article 2

(1) Every citizen of the Republic of Croatia shall have: the right to express himself freely that he is a member of a national minority in the Republic of Croatia, the right to exercise, by himself or together with other members of that national minority or together with members of other national minorities, the rights and freedoms stipulated by this Constitutional Law and other minority rights and freedoms stipulated by special laws.

(2) Any discrimination based on affiliation to a national minority shall be forbidden and members of national minorities shall be guaranteed equality before the law and equal legal protection.

(3) The undertaking of measures which change the proportion among the population of the areas inhabited by persons belonging to national minorities and which are directed at hindering the exercise or the restriction of rights and freedoms stipulated by this Constitutional Law and special laws, shall be forbidden.

(4) National minorities and their members shall exercise the rights and freedoms stipulated by this Constitutional Law and the rights and freedoms of members of national minorities stipulated by special laws, in the manner and under the conditions stipulated by this Constitutional Law and special laws.

(5) This Constitutional Law or a special law shall provide for the exercise of certain rights and freedoms depending on the numerical representation of members of national minorities in the Republic of Croatia or in one of its areas, on their acquired rights and on the international agreement.

#### Article 3

(1) A national minority shall be a group of Croatian citizens which is smaller in terms of numbers than the rest of the population, whose members have been traditionally settled in the

territory of the Republic of Croatia, and who have ethnic, language, cultural and/or religious characteristics which are different than those of the rest of the population, and who are guided by the wish for the preservation of those characteristics.

#### Article 4

(1) The Republic of Croatia may conclude international agreements with other countries whereby it shall regulate the issues of the rights and freedoms of members of national minorities in the Republic of Croatia.

(2) On the occasion of concluding international agreements as per Paragraph 1 of this Article, the Republic of Croatia shall advocate the standpoint that they should create and promote the conditions necessary for the maintenance and development of culture of members of national minorities, and the preservation of significant components of their identity, that is, their religion, language, tradition and cultural heritage.

#### Article 5

Apart from the rights and freedoms exercised by members of national minorities equally as other citizens, the Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they shall enjoy individually or together with other persons belonging to the same national minority, and when thus stipulated by this Constitutional Law or a special law, together with members of other national minorities, in particular:

1. the use of a minority language and script privately and in public use, and in the official use;
2. education in the language and script of minorities;
3. the use of their signs and symbols;
4. maintenance, development and expression of one's own culture and the preservation and protection of one's cultural assets and tradition;
5. the right to profess one's religion and to establish religious communities;
6. access to the means of public information and the performance of activities of public information;
7. self-organising and association for the purpose of exercising mutual interests;
8. to the representation in the representative bodies at the state and local level, in administrative and judicial bodies and participation in public affairs;
9. to the minority self-government;
10. protection from any activity which endangers or may endanger their existence, the exercise of rights and freedoms.

#### Article 6

The provisions of this Constitutional Law and the provisions of special laws regulating the rights and freedoms of members of national minorities shall be interpreted and applied for the purpose of respecting the members of national minorities and other citizens of the Republic of Croatia, the development of understanding, solidarity, tolerance and dialogue among them.

## II. RIGHTS AND FREEDOMS

### Article 7

- (1) Members of national minorities shall have the right to use their surname and name in a minority language, and to its official recognition for them and their children through the entry into registers of births, marriages and deaths and official documents, in compliance with the regulations of the Republic of Croatia.
- (2) Members of national minorities shall have the right to have the form for the personal identification card printed and filled out also in the language and script which they use.

### Article 8

Members of national minorities shall have the right to freely use the language and script of a national minority, privately and in public, including the right to display signs, inscriptions and other information in their language and script.

### Article 9

- (1) Members of national minorities shall have the right to be educated in the language and script which they use.
- (2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools, with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.
- (3) The institutions of higher education shall organise the conduct of the programme of education of pedagogues, professors and teachers for the performance of tasks of education in the language and script used by national minorities in the part containing specific qualities of a national minority (mother tongue, literature, history, geography and cultural creativity of a national minority).
- (4) Members of national minorities may establish pre-school institutions, primary and secondary schools and institutions of higher education for the purpose of conducting the education of members of national minorities in the manner and under the conditions stipulated by laws.

### Article 10

- (1) The equal official use of the language and script of national minorities shall be exercised in the area of a municipality or town when members of a particular national minority comprise at least one third of the population of such a local self-government unit.
- (2) Other conditions and manner of official use of the language and script of national minorities in the representative and executive bodies and in the procedure before administrative bodies of self-government units, in the procedure before the state administration bodies of first instance, judicial bodies of first instance, in the procedures

conducted by the State Prosecutor's Office and notaries public, and by legal persons with public powers, shall be regulated by a special law on the use of language and script of national minorities.

#### Article 11

The law regulating the use of language and script of national minorities, and/or the statutes of municipalities and towns, shall stipulate the measures providing for the preservation of traditional names and signs and giving the names of persons and events of significance for the history and culture of a national minority in the Republic of Croatia to settlements, streets and squares in the areas traditionally or to a considerable number populated by members of national minorities.

#### Article 12

- (1) The use of signs and symbols of national minorities shall be free.
- (2) During the official use of signs and symbols of national minorities, the appropriate signs and symbols of the Republic of Croatia shall be displayed alongside them. When the national anthem and/or a solemn song of a national minority is being performed, the national anthem of the Republic of Croatia shall be performed beforehand.
- (3) Local and regional self-government units shall be obliged to stipulate by the statute the official use and the manner of the use of the flag and symbols of national minorities.

#### Article 13

- (1) For the purpose of maintenance, development and expression of their own culture, members of national minorities shall establish associations, endowments and foundations, as well as institutions for the performance of publishing, museum, library and scientific activities, activities of public information and other activities.
- (2) The Republic of Croatia, the regional self-government units and the local self-government units shall provide assistance in the establishment and activity of the new, and in the activity of the existing institutions performing the tasks of protection and preservation of cultural assets of significance for national minorities; of the institutions performing activities of education of members of national minorities, the publishing activity and the activity of public information in the languages and script of national minorities.

#### Article 14

Members of national minorities may establish and be the members of associations which are established for the purpose of the preservation of national and cultural identity of a national minority. These associations may state in their title that they are the associations of national minorities.

#### Article 15

- (1) Members of national minorities, their associations and minority self-government, shall freely maintain contacts with the nation to which members of a national minority belong, with the bodies of the parent country which take care of the position of members of

their nation in other countries, with legal persons of the parent country performing the tasks of education, science, culture, publishing and humanitarian activities.

(2) The associations of members of national minorities and minority self-government may receive from the bodies of the parent country and from legal persons of the parent country, without paying the custom duties, the newspapers, magazines, books, movies, videotapes, recordings, in a limited number of copies, which they use for their needs and which they can distribute to members of a national minority without paying a compensation.

(3) The associations of members of national minorities may organise guest performances by professional and amateur cultural and arts groups and organise other cultural and arts performances and exhibitions which contribute to the enrichment of the culture and identity of a national minority. When such performances and exhibitions are organised for the needs of members of national minorities, the foreign persons participating in those activities shall not have work permit.

(4) Members of national minorities shall freely express their religious affiliation and profess their religion. Religious communities, whose members are the members of a national minority, may invite and receive priests of the appropriate religious communities from the parent country for the purpose of conducting religious ceremonies and providing religious guidance in the language of a national minority.

#### Article 16

The laws regulating the activities of public information, education, museum and library activity and the protection and preservation of cultural assets, and the regulations for their implementation, shall create the conditions for the acquaintance of all citizens of the Republic of Croatia, especially through the programmes of public institutions performing the tasks of production and broadcasting of radio and/or television programme, and especially of children and youth through the content of educational work and obligatory and optional educational subjects, with the history, culture and religion of national minorities and, with that aim, the measures will be undertaken which will alleviate the access to the media for members of national minorities.

#### Article 17

(1) With the aim of exercising the rights of members of national minorities to the information through the press, radio and television in the language of a national minority, the broadcast of the programme of public radio and public television shall be provided for, in the language of a national minority, in an appropriate duration; the take-over and distribution of radio and television programme of parent countries of national minorities shall be stimulated and the information activity of national minorities shall be fostered. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations and institutions of national minorities the participation in the creation of the programme intended for national minorities.

(2) Regional radio stations and regional TV studios, as the public media, shall have a special task of promoting regional programmes and programmes in the languages of national minorities in that area, the programmes which stimulate and improve the maintenance, development and expression of their cultural, religious and other identity, the preservation



and protection of cultural assets and tradition and the programmes by which the members of a national minority in that area are getting acquainted with the work and tasks of the minority self-government.

#### Article 18

(1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the Croatian Parliament by at least five representatives.

(2) National minorities which account for more than 1.5% of the total population of the Republic of Croatia shall be guaranteed at least one representative seat, or as many representatives as the number of times that the average number of voters who voted for one MP on the basis of universal and equal suffrage, is contained within the number of voters of the national minority who participated in the election.

(3) The members of national minorities, which participate in the population with less than 1.5% of inhabitants, shall have the right to elect at least four representatives to the Croatian Parliament, in compliance with the Law on the Election of Representatives into the Croatian Parliament.

(4) The representatives as per Paragraph 3 of this Article shall be the representatives of all national minorities which elected them and they shall be obliged to protect their interests.

(5) Political parties and at least one hundred of voters, members of a national minority, shall have the right to propose candidates for representatives of national minorities.

(6) The manner of the election of the representatives as per Paragraphs 2 and 3 of this Article shall be regulated by law and other regulations stipulating the elections in the Republic of Croatia.

#### Article 19

(1) The Republic of Croatia shall guarantee members of national minorities the right to representation in the representative bodies of local self-government units and in representative bodies of regional self-government units (hereinafter: self-government units).

(2) If at least one member of a national minority, which participates in the population of the local self-government unit with more than 5 percent and less than 15 percent, is not elected in the representative body of the self-government unit on the basis of equal and general suffrage, members of such national minorities shall have the right to jointly elect one member of the representative body in the by-elections. In that case, the area of that local self-government unit shall constitute the electoral unit.

(3) If, based on equal and universal suffrage, a national minority which accounts for at least 15% in the population of a local self-government unit, is not represented in a representative body of the unit by the number of members proportional to its share in the population of that local self-government unit, the members of that national minority shall have the right to elect that number of additional members to the representative body that ensures, together with the already elected members of the representative body, the representation proportional to their share in the population of the local self-government unit.

(4) If, based on equal and universal suffrage, a national minority which accounts for more than five per cent in the population of a regional self-government unit, is not represented in a representative body of the unit by the number of members proportional to its share in the population of that regional self-government unit, the members of that national minority shall have the right to elect that number of additional members to the representative body that ensures, together with the already elected members of the representative body of that national minority, such representation.

(5) The nomination and election of the members of representative bodies of self-government units pursuant to the provisions of Paragraphs 2, 3 and 4 of this Article shall be regulated by the law regulating the election of the members of representative bodies of self-government units.

(6) The number of members of the representative body of a self-government unit, determined by its statute, shall be increased by the number of members elected pursuant to the provisions of Paragraphs 2 and 3 of this Article.

(7) Self-government units may determine by their statutes that a certain number of the members of a national minority or national minorities are elected into the representative body of a self-government unit, regardless of their share in the total population of the unit.

#### Article 20

(1) In a self-government unit in which, pursuant to the provisions of this Constitutional Law, proportional representation of the members of its representative body needs to be ensured from among the ranks of members of national minorities, the representation of the representatives of a national minority shall be ensured in its executive body.

(2) The members of national minorities shall be ensured representation in the state administration and judicial bodies in compliance with the provisions of a special law, taking into account the share of members of national minorities in the total population at the level at which the state administration or judicial body was established.

(3) Members of national minorities shall be ensured proportional representation in the administrative bodies of self-government units in compliance with the provisions of a special law regulating local and regional self-government.

#### Article 21

The voters' list shall be relevant for determination of the number of members of a national minority, for the purpose of the implementation of the provisions of Articles 18 and 19 of this Constitutional Law.

### **III. MINORITY SELF-GOVERNMENT IN SELF-GOVERNMENT UNITS**

#### Article 22

Members of national minorities shall elect, in the manner and under the conditions set forth by this Constitutional Law, minority self-governments, that is, minority representatives in local self-government units and regional self-government units in order to improve, preserve

and protect the position of national minorities in the society and to implement and protect their rights and freedoms determined by this Constitutional Law and special laws.

#### Article 23

(1) Minority self-governments shall be elected in self-government units in the area of which the members of an individual national minority participate with at least 1.5 % in the total population of the self-government unit or in the area of which more than 200 members of an individual national minority are living, that is, in the area of a regional self-government unit in which more than 500 members of a certain national minority are living.

(2) Ten representatives, members of a national minority, shall be elected into minority self-government of a municipality, 15 members into minority self-government of a town and 25 members into minority self-government of a county.

(3) In cases when at least one of the conditions as per Paragraph 1 of this Article for the election of minority self-government has not been fulfilled, and there are at least 100 members of a national minority living in the area of minority self-government, a minority representative shall be elected for the area of such self-government unit.

(4) The candidates for the representatives of minority self-government, that is, the candidates for minority representatives, may be proposed by the associations *of national minorities or by at least 20* members of a national minority from the area of a municipality, that is, 30 members from the area of a town and 50 members from the area of a county.

(5) The members of minority self-governments and minority representatives shall be elected directly, by secret ballot, for a four-year term, and the provisions of the Law which regulates the election of the members of representative bodies of local self-government units shall be appropriately applied to the election procedure.

(6) The voters' list shall be relevant for the implementation of the provisions of this Article.

#### Article 24

(1) Minority self-government shall be a non-profit legal person. It shall acquire the capacity of a legal person by the entry into the minority self-government register, which is kept by the Ministry competent for general administration affairs.

(2) The title of minority self-government shall be in the Croatian language and Latin script, as well as in the language and script used by the national minority which established minority self-government.

(3) The title of minority self-government shall contain the sign of the national minority and the sign of the area for which it was established.

#### Article 25

(1) The bodies of minority self-government shall be the Council and the President of the Council.

(2) The Council of Minority Self-government shall comprise members of a national minority, elected pursuant to the provision of Article 23 of this Constitutional Law.

(3) The members of the Council of Minority Self-government shall elect the President of the Council by secret ballot. The Council of Minority Self-government shall also elect a person who shall replace the President of the Council in case of his absence or incapacity.

#### Article 26

(1) The Council of Minority Self-government shall pass the working programme, financial plan and annual accounts, as well as the statute which regulates the issues of significance for the work of minority self-government.

(2) The President of the Council of Minority Self-government shall represent and act on behalf of minority self-government, convene the sessions of the Council and have the rights and obligations set forth by the Statute of Minority Self-government.

(3) The Council of Minority Self-government shall pass the Statute of Minority Self-government, working programme, financial plan and the annual account by the majority of votes of its members.

(4) The statute, financial plan and the annual accounts of minority self-government shall be published in the official gazette of the self-government unit for the area for which minority self-government was established.

#### Article 27

(1) Self-government units shall provide the funds for the work of minority self-government bodies, including the funds for the performance of administration tasks for their needs, and they may also provide the funds for the conduct of specific activities set forth in the working programme of minority self-government.

(2) The funds for the exercise of specific programmes of minority self-government may also be provided from the state budget of the Republic of Croatia.

#### Article 28

(1) The funds, which minority self-government gains from its property, from donations, gifts, inheritance or some other basis, may be used exclusively for the activities and tasks of importance for the national minority which were set forth in the working programme of minority self-government.

(2) The funds, which minority self-government gains from the state budget of the Republic of Croatia or the budget of a local self-government unit, may be used exclusively for the purposes set forth by the budget and law, that is, by a decision which regulates the execution of the budget, or for the purposes determined by the Council for National Minorities, in the case of funds from the state budget of the Republic of Croatia.

(3) When minority self-government purchases goods or services or performs works using the funds as per Paragraph 2 of this Article, it may only use them under the conditions and in the manner stipulated by the Law on Purchase.

Article 29

(1) The members of minority self-government and of its bodies shall perform their duties, as a rule, voluntarily and with the care of a good host.

(2) The members of minority self-government and members of its bodies may only receive a compensation for the costs they had while performing the tasks for minority self-government from minority self-government funds, as well as a reward, on a monthly basis or some other period of time, if approved, and to the amount approved, by the minister competent for general administration.

Article 30

Minority self-government, that is, minority representatives in a self-government unit shall have the right to:

- propose to the bodies of self-government units to discuss certain issues of significance for a national minority, and particularly the implementation of this Constitutional Law and of special laws which regulate minority rights and freedoms in the territory of a self-government unit;
- propose to the bodies of a self-government unit the measures for the improvement of the position of a national minority in the state or in an area thereof, including the submission of proposals of general acts which regulate the issues of significance for a national minority;
- be informed about each issue which the working bodies of the representative body of a self-government unit will discuss, and which pertains to the position of a national minority;
- provide opinions and proposals to the bodies of self-government units with regard to the programmes of public local radio stations and television intended for national minorities or which deal with minority issues.

Article 31

(1) The authorities of a self-government unit shall be obliged, in the preparation of general acts, to request an opinion and proposals from a minority self-government established for its area with regard to the provisions which regulate the rights and freedoms of national minorities.

(2) Should minority self-government deem that the proposal of a general act as per Paragraph 1 of this Article or of some of its provisions, is contrary to the Constitution, this Constitutional Law or special laws regulating the rights and freedoms of national minorities, it shall be obliged to immediately inform about it the authorities of the self-government unit, the ministry competent for general administration and the Council for National Minorities.

(3) Should the ministry competent for general administration or the Council for National Minorities deem that the proposal of a general act as per Paragraph 1 of this Article or of the provisions thereof is contrary to the Constitution, this Constitutional Law or special laws, they shall inform about their opinion the authorities of the local self-government unit and request from the representative body of the local self-government unit not to pass such an act, that is, such provisions.

## Article 32

- (1) Two or more minority self-governments of regional self-government units may establish the co-ordination of minority self-governments, which shall not have the capacity of a legal person, for the conformation and promotion of mutual interests.
- (2) Minority self-governments shall conform the positions on the issues from their scope of activities through the co-ordination of minority self-governments.
- (3) Minority self-governments may authorise the co-ordination of minority self-governments to undertake the measures as per Article 30 of this Constitutional Law, on their behalf.

**IV. THE COUNCIL FOR NATIONAL MINORITIES**

## Article 33

- (1) The Council for National Minorities shall be established in order to discuss, propose, regulate and resolve the issues related to the exercise and protection of the rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, minority self-governments, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.
- (2) The Council for National Minorities shall have the right to:
  - propose to the bodies of state legislative and executive authorities to discuss certain issues of significance for a national minority, particularly the implementation of this Constitutional Law and special laws regulating minority rights and freedoms;
  - propose to the bodies of state legislative and executive authorities the measures to improve the position of a national minority in the state or in an area thereof;
  - provide opinions and proposals to the state legislative and executive authorities about the programmes of public radio stations and public television intended for national minorities and about the manner in which minority issues are being treated in the programmes of public radio stations and public television and other media;
  - propose the undertaking of economic, social and other measures in the areas that are traditionally or in a significant number populated by the members of national minorities in order to preserve their existence in those areas.
- (3) The Council for National Minorities shall allocate the funds provided from the state budget for the needs of national minorities. The beneficiaries of the funds shall submit annual reports to the Council on the expenditure of the funds which were allocated to them from the state budget, of which the Council shall inform the Government of the Republic of Croatia and the Croatian Parliament. The Council shall co-operate with the competent bodies of the Council of Europe in the issues of interest for national minorities in the Republic of Croatia.
- (4) If the Council for National Minorities fails to pass a decision on the allocation of funds as per Paragraph 4 of this Article within 90 days from the adoption of the state budget, the Government of the Republic of Croatia shall pass a decision on it.

Article 34

- (1) The Government of the Republic of Croatia shall appoint the members of the Council for National Minorities as follows:
- seven members of the Council, members of national minorities, from among the ranks of persons proposed by minority self-governments,
  - five members of the Council, members of national minorities, from among the ranks of distinguished cultural, scientific, expert, religious employees from among the ranks of persons proposed by minority associations and other minority organisations, religious communities, legal persons and citizens, members of national minorities.
- (2) The members of the Council for National Minorities shall also be:
- representatives of national minorities in the Croatian Parliament.
- (3) The Council shall have a President and a Deputy President. The President of the Council and Deputy president of the Council shall be appointed by the Government of the Republic of Croatia from among the ranks of the members of the Council, which are appointed pursuant to the provision of Paragraph 1 of this Article.
- (4) On the occasion of the appointment of the members of the Council for National Minorities, the Government of the Republic of Croatia shall take into account the share of members of particular national minorities in the total population of the Republic of Croatia, as well as the fact that the composition of the Council shall reflect their identity and specific quality and historical values, ethnic, cultural and every other diversity.
- (5) The President of the Council for National Minorities shall perform his/her duty professionally and he/she shall be the Head of the Expert Service of the Council.
- (6) The Government of the Republic of Croatia shall establish the Expert Service of the Council for the performance of expert and administrative tasks for the Council for National Minorities and it shall determine the framework number of its senior and lower- grade civil servants.
- (7) The Council for National Minorities shall adopt a Rulebook on the Internal Order of the Expert Service of the Council at the proposal of the President of the Council.
- (8) The working programme of the Council for National Minorities, the financial plan and the annual financial statement of the funds of the Council for National Minorities, and the acts, whereby the Council for National Minorities allocates the funds ensured in the state budget for the needs of national minorities, shall be published in the "Official Gazette".

**V. SUPERVISION**

Article 35

- (1) The rights and freedoms of national minorities guaranteed by the Constitution, this Constitutional Law and special laws shall be implemented and their exercise shall be supervised by state administration bodies in the issues from their competence.

(2) The Government of the Republic of Croatia shall co-ordinate the work of state administration bodies in the implementation of this Constitutional Law and special laws regulating the issues of significance for national minorities.

#### Article 36

(1) Minority self-government in a self-government unit may request from the competent state administration body to conduct supervision over the implementation of this Constitutional Law and special laws regulating the rights and freedoms of national minorities on the part of the bodies of self-government units in which they are established and to undertake measures providing for the legal operation of those bodies, on which it shall inform the Council for National Minorities which shall be obliged to inform minority self-government about its opinion.

(2) The Council for National Minorities may request from the Government of the Republic of Croatia to conduct supervision over the implementation of this Constitutional Law and special laws regulating the rights and freedoms of national minorities on the part of state administration bodies and to undertake measures providing for the legal operation of those bodies.

(3) Minority self-governments and the Council for National Minorities shall have the right, in compliance with the provisions of the Constitutional Law on the Constitutional Court of the Republic of Croatia, to file a constitutional complaint before the Constitutional Court of the Republic of Croatia if they deem, by their own assessment or upon an initiative of members of a national minority, that the rights and freedoms of members of national minorities, stipulated by this Constitutional Law and special laws, have been violated.

### VI. INTERIM AND FINAL PROVISIONS

#### Article 37

The provisions of Articles 18 and 19 of this Constitutional Law shall be applied from the day of coming into effect of the law which shall, in compliance with these provisions, regulate the election of representatives to the Croatian Parliament, that is, the election of members of the representative bodies of self-government units.

#### Article 38

Nothing contained in this Law shall be interpreted as if including any kind of right to perform any activities or conduct acts contrary to the basic principles of the international law, and in particular the sovereignty, unity, territorial integrity and independence of the Republic of Croatia.

#### Article 39

This Constitutional Law shall neither change nor abolish the rights of national minorities acquired on the basis of international agreements in which the Republic of Croatia is a contracting party.



#### Article 40

(1) The Government of the Republic of Croatia shall appoint the members of the Council for National Minorities as per the provision of Article 34, Paragraph 1 of this Law, the President of the Council for National Minorities and his Deputy until 31 December 2002, at the latest.

(2) Until the establishment of the Expert Service of the Council for National Minorities, the expert and administrative tasks for the Council for National Minorities shall be performed by the Office for National Minorities of the Government of the Republic of Croatia.

#### Article 41

The provision of Article 4, Paragraph 1 of the Law on the Use of Language and Script of National Minorities ("Official Gazette", No. 51/2000) shall cease to be valid on the day of coming into effect of this Constitutional Law.

#### Article 42

The Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia ("Official Gazette", No. 65/91, 27/92, 34/92 – the cleared text, 68/95 and 51/2000) shall cease to be valid on the day of coming into effect of this Constitutional Law.

#### Article 43

This Constitutional Law shall come into force on the day of its publication in the "Official Gazette".

### EXPLANATION

#### 1. Article 1

This provision defines the fundamental political and normative standpoint in relation to the protection of national minorities and the rights and freedoms of members of national minorities.

#### 2. Article 2

The Constitution of the Republic of Croatia ("Official Gazette", No. 41/2001 – cleared text and 55/2001), stipulates in Article 15 that: "equality shall be guaranteed to the members of all national minorities" (Paragraph 1); "the equality and protection of rights of national minorities shall be regulated by the Constitutional Law which shall be adopted according to the procedure for adoption of organic laws" (Paragraph 2); "the members of all national minorities shall be guaranteed expression of national affiliation, free use of their language and script and a cultural autonomy." The Constitution of the Republic of Croatia, in Article 82, Paragraph 1, stipulates that: "Laws (organic laws) regulating the rights of national minorities, shall be passed by the Croatian Parliament, by a two-thirds majority vote of all representatives."

The provision of Article 15, Paragraph 2 of the Constitution of the Republic of Croatia was applied in the manner that a constitutional law, starting with the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia ("Official Gazette", No. 65/91), was regulating some of the rights and freedoms of members of national minorities (individually or together with other members), while some rights and freedoms were regulated by special (organic) laws. Such an approach was also accepted in this Constitutional Law.

The provision of Paragraph 1 of this Article elaborates the provision of Article 15, Paragraph 4 of the Constitution of the Republic of Croatia, whereby the members of all national minorities are guaranteed the freedom of expression of national affiliation and the appropriate provisions of Article 9 of the Framework Convention for the Protection of National Minorities (hereinafter: the Framework Convention).

The provision of Paragraph 2 of this Article is based on the provision of Article 4 of the Framework Convention.

The provision of Paragraph 4, Article 2 of this Constitutional Law expresses the understanding on the part of the Constitutional Court of the Republic of Croatia from the Decision and Ruling of 12 April 2000 ("Official Gazette", No. 36/2001) that the legal establishment of a difference between members of national minorities depending on their share in the population of the Republic of Croatia is not inconsistent with the constitutional provisions.

### 3. Article 3

The Constitution of the Republic of Croatia ("Official Gazette", No. 56/90), in the Historical Foundations, established the Republic of Croatia "as the national state of the Croatian nation and the state of members of other nations and minorities who are its citizens: Serbs, Moslems, Slovenes, Czechs, Slovaks, Italians, Hungarians and others,...."

The Constitutional Law on Amendments to the Constitution of the Republic of Croatia ("Official Gazette", No. 135/97), in the Historical Foundations, established the Republic of Croatia as the national state of the Croatian nation and the state of members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians and others, who are its citizens,....."

The Constitutional Law on Amendments to the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities ("Official Gazette", No.51/2000), marks the following to comprise national minorities: Albanians, Austrians, Bosnians, Bulgarians, Montenegrins, Czechs, Hungarians, Macedonians, Germans, Poles, Romans, Rumanians, Russians, Ruthenians, Slovaks, Slovenes, Serbs, Italians, Turks, Ukrainians, Vlachs, Jews and other ethnic and national communities and follows their universal development."

The provision of Article 3 defines the notion of national minority in accordance with international documents, primarily documents of the United Nations, and in accordance with the proposal of the European Commission for Democracy through Law (the Venice Commission) on the Framework Convention for the Protection of National Minorities,

accepted by the member states of the Council of Europe and other states signatories of this Framework Convention.

4. Article 4

The provision of Article 18 of the Framework Convention stipulates that parties to the Framework Convention (the Republic of Croatia is a party to the Framework Convention) shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

The Republic of Croatia already has two international agreements as per this Article. Those are the Agreement between the Republic of Croatia and the Republic of Hungary on the Protection of the Hungarian Minority in the Republic of Croatia and of the Croatian Minority in the Republic of Hungary ("Official Gazette – International Agreements", No. 8/95) and the Agreement between the Republic of Croatia and the Republic of Italy on Minority Rights ("Official Gazette – International Agreements", No. 15/97).

5. Article 5

This provision determines the rights and freedoms of members of national minorities, some of which rights and freedoms are stipulated in more detail by this Constitutional Law, and some are being elaborated by special laws.

6. Article 6

This provision is regulated in compliance with the provisions of Article 2 and Article 6 of the Framework Convention and stipulates the obligation of the bodies of state executive authorities, the bodies of local self-government units and regional self-government units and others who apply this Constitutional Law and the provisions of special laws regulating the rights and freedoms of members of national minorities.

7. Article 7

This provision is based on the provision of Article 11 of the Law on the Ratification of the Framework Convention for the Protection of National Minorities ("Official Gazette", No. 14/97) – (hereinafter: the Framework Convention) and provides for the implementation of the provision of Article 8, Paragraphs 2 and 3 of the Law on the Personal Identification Card ("Official Gazette", No. 11/2002), according to which: (2) When so determined by a special law or international agreements, the form of the personal identification card for a person – a national minority member, is also printed in the language of the national minority. (3) The form as per Paragraph 2 of this Article is filled out in the Croatian language and Latin script and in the language and script of members of national minorities.

8. Article 8

This provision stipulates the basic rights and freedoms of members of national minorities which the Republic of Croatia has accepted to recognise by signing the Framework Convention, which regulates them in the provision of Article 11.

9. Article 9

The Constitution of the Republic of Croatia, in the provision of Article 15, Paragraph 4, guarantees to the members of national minorities free use of their language and script.

A special law as per Paragraph 2 of this Article is the Law on Education in the Language and Script of National Minorities ("Official Gazette", No. 51/2000), and the need of recognition that every person who belongs to a national minority has the right to learn in his minority language and script, not interfering with the learning of the official language and script, is stipulated by the provision of Article 14 of the Framework Convention.

The provision of Paragraph 3 expresses the principled understanding (already) elaborated in the provision of Article 6 of the Law on Education in the Language and Script of National Minorities.

The provision of Paragraph 4 particularly stipulates that members of national minorities may establish pre-school institutions, primary and secondary schools and institutions of higher education, in the manner and according to the procedure stipulated by special laws for the establishment of those educational institutions.

10. Articles 10 and 40

A special law from this Article is the Law on the Use of Language and Script of National Minorities in the Republic of Croatia ("Official Gazette", No. 51/2000), and the endeavour to provide for the use of the language used by national minorities in the communication with the bodies of authorities is expressed in the provision of Article 10, Paragraphs 2 and 3 of the Framework Convention. Since equal official use of the languages and scripts of national minorities under the provision of Paragraph 1 of this Article is exercised in the area of a municipality or town, when the members of a particular national minority constitute at least a third of the population of such a self-government unit, the provision of Article 40 of the Constitutional Law stipulates the cessation of validity of the provision of Article 16, Paragraph 1 of the Law on the Election of Representatives to the Croatian State Parliament ("Official Gazette", No. 116/99) whereby the exercise of this right was tied with the need for the members of a particular national minority to constitute the majority of the population in the area of a municipality or town.

11. Article 11

The Law on the Use of Language and Script of National Minorities in the Republic of Croatia ("Official Gazette", No. 51/2000) stipulates in the provision of Article 9 the marking of the name of places and geographic localities, names of streets and squares, as well as written signs and other written signs in traffic, also in the language and script of a national minority in the municipality or town in which the language and script of the national minority is in equal official use (those are the cases from Article 4 of that Law).

12. Article 12

The valid Constitutional Law already stipulates, in the provision of Article 9, the freedom of use of signs and symbols of national minorities.

13. Article 13

Under the regulations of the Republic of Croatia, members of national minorities have the right to establish trading companies, institutions, associations, funds and foundations, religious communities, political parties and other legal persons, in the manner and under the conditions stipulated by laws, equally to the rights of other Croatian citizens. This provision, because of the significance for national minorities, also particularly stipulates the right to the establishment of those legal persons who perform activities of special significance for national minorities and constitute the foundation of the so-called cultural autonomy of national minorities.

14. Article 14

Members of national minorities shall have the right to establish associations with the aim of preservation of the national and cultural identity of a national minority, which also in their title express that they involve associations of national minorities.

15. Article 15

This provision regulates some right of members of national minorities and their associations (also including the minority self-government) in the manner in which those rights were recognised to members of the Hungarian minority and their associations by the Law on Ratification of the Agreement between the Republic of Croatia and the Republic of Hungary on the Protection of the Hungarian Minority in the Republic of Croatia and of the Croatian Minority in the Republic of Hungary ("Official Gazette – International Agreements", No. 8/95).

16. Article 16

The implementation of Article 16, Paragraph 1 needs to provide for the mutual familiarity and understanding between the members of the Croatian nation and the members of national minorities in the Republic of Croatia, development of understanding and tolerance, neighbourliness and friendly relations.

17. Article 17

The maintenance and development of the culture of national minorities, and the preservation of essential components of identity of national minorities (religion, language, tradition and cultural heritage) is not possible without the right of members of national minorities to information through the press, radio and television, in the language of a national minority (Paragraph 1).

The Law on Croatian Radio-television ("Official Gazette", No. 17/2001) stipulates in the provision of Article 53 that: "Regional radio stations and regional TV studios shall be public media of the HRT – with a special task of promotion of regional programmes and the programmes in the languages of national minorities in that area." The provision of Paragraph 2, Article 17, in a somewhat wider content, *extends* the obligation from Article 53 to other regional radio stations and TV studios, which are not a part of the Croatian Radio-television.

18. Article 18

De lege lata exercise of the right to representation in the Croatian Parliament is guaranteed to members of national minorities by the Law on the Election of Representatives to the Croatian State Parliament ("Official Gazette", No. 116/99), in the provisions of Articles 16 to 19, precisely to the election of five representatives, whereby the provision of Article 17 stipulates which national minorities elect one representative each, independently or jointly.

The provision of Article 18 guarantees members of national minorities the right to representation in the Croatian Parliament by at least five representatives. On that occasion, the provision of Paragraph 2 stipulates the election of representatives from among the ranks of a national minority, which participates in the total population of the Republic of Croatia with more than 1%. The provision of Paragraph 3 stipulates that members of national minorities, whose share in the population is less than 1%, have the right to elect at least four representatives to the Croatian Parliament, in compliance with the law regulating the election of representatives into the Croatian Parliament. The provisions of Paragraphs 5 and 6 stipulate the right to propose candidates and the manner of election of representatives, members of national minorities.

19. Article 19

The Law on Local and Regional Self-government ("Official Gazette", No. 33/2001), in the provision of Article 28, stipulates an approximate number of the members of representative bodies of self-government units (municipalities from 7 to 13 members, and a maximum of 13 to 19 members, counties from 31 to 51 members).

The valid Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units ("Official Gazette", No. 33/2001), which stipulates in the provision of Article 9, Paragraph 1 that the number of members of a representative body from the ranks of members of national minorities will be determined by the statutes of self-government units, in accordance with their proportional share in the total population of a self-government unit.

The provision of Article 19 stipulates the conditions according to which members of national minorities are elected as members of self-government units, and determines the percentages of the share of members of national minorities in the population of self-government units when the proportional representation of members of national minorities in representative bodies is being secured.

20. Article 20

The provision of Paragraph 1, Article 20 stipulates the obligation of representation of members of national minorities in the executive bodies of those units of local self-government in which proportional representation of members of national minorities in their representative body is being secured under the provisions of this Constitutional Law.

The Law on the State Administration System ("Official Gazette", No. 75/93, 48/99, 15/2000 and 59/2001), in the provision of Article 8, stipulates that members of national minorities are ensured representation in the ministries and state administration organisations, taking into account their total share in the population of the Republic of Croatia (Paragraph 1), and the Government of the Republic of Croatia supervises the implementation of representation of

members of national minorities in the bodies of state administration. The provision of Paragraph 2, Article 20, also stipulates the adoption of provisions of special laws (the Law on Courts, the Law on the State Prosecutor's Office) which will provide for the representation of members of national minorities in state administration and judicial bodies, taking into account their share in the total population at the level at which the state administration or judicial body was established.

The valid Law on Local and Regional Self-government does not contain provisions regulating representation of members of national minorities in the bodies of self-government units.

21. Article 21

This Constitutional Law and some special laws which regulate the rights and freedoms of members of national minorities ties the exercise of particular rights and freedoms to the share of members of national minorities in a particular area (the state, a self-government unit), thus the provision of Article 21 stipulates that the voters' register is relevant for the purpose of determination of the number of members of national minorities.

22. Chapter III. Minority Self-government in Self-government Units (Articles 22-31)

In order to improve, preserve and protect the position of national minorities and implement and protect the rights and freedoms of members of national minorities, determined by this Constitutional Law and special laws, the Constitutional Law stipulates the establishment of minority self-government in local self-government units and in regional self-government units (hereinafter: self-government units), and in the cases when the conditions for the establishment of minority self-government stipulated by this Constitutional Law (Article 23) are not fulfilled in a particular self-government unit, the election of a minority representative is stipulated.

Minority self-government is established as a non-profit legal person (Article 24), and its bodies are the Council for Minority Self-government, comprised of the elected representatives of a national minority, and the President of the Council (Article 25). The means of labour for minority self-government are provided from the budget of a self-government unit (Article 27) and from the sources stipulated in the provision of Article 28. The rights granted to minority self-government, that is, to minority representatives, for the purpose of improvement, preservation and protection of the position of a national minority and the members of a national minority, are stipulated in the provision of Article 30, while the provision of Article 31 stipulates the obligations of the bodies of a self-government unit and of the state administration bodies in the protection of national minorities and of the rights and freedoms of their members.

23. Article 32

Pursuant to this provision, minority self-governments established for the areas of regional self-government units, may establish co-ordinations of minority self-governments which do not have the capacity of a legal person.

24. Chapter IV. Council for National Minorities (Articles 33 and 34)

This Constitutional Law establishes the Council for National Minorities which will perform specific tasks with regard to the protection of national minorities and the exercise of the rights and freedoms of members of national minorities at the state level (Article 33), while the provision of Article 34 determines the composition of the Council for National Minorities (appointed by the Government of the Republic of Croatia), and the manner of performance of professional and administrative tasks for the needs of the Council for National Minorities. The composition of the Council for National Minorities shall include members of national minorities (12 members) who are appointed by the Government of the Republic of Croatia, and according to the position, members of national minorities elected as representatives in the Croatian Parliament. On the occasion of appointment of the members of the Council for National Minorities, the Government of the Republic of Croatia must take into consideration not only the share of members of individual national minorities in the population of the Republic of Croatia, but also the need for the Council to comprise members of as large as possible number of national minorities, in order to provide for the protection, also through the work of the Council, of those minority groups which cannot achieve that due to the small number of the members of a national minority.

25. Chapter V. Supervision (Articles 35 and 36)

Regulates the supervision over the implementation of this Constitutional Law and special laws regulating the rights and freedoms of members of national minorities (Article 35) and the authority of minority self-government to request the implementation of supervision from the competent bodies of state administration as well as the authority of the Council for National Minorities to request the implementation of supervision from the Government of the Republic of Croatia.

Stipulates the competence of minority self-governments and of the Council for National Minorities to submit constitutional complaints, in compliance with the provisions of the Constitutional Law on the Constitutional Court of the Republic of Croatia, should they deem that the rights and freedoms of members of national minorities stipulated by this Constitutional Law and special laws have been violated.

26. Article 37

The provisions regulating the election of representatives to the Croatian Parliament from the ranks of the members of national minorities, that is, the election of members of representative bodies of self-government units, shall be applied from the day of coming into effect of the laws which will regulate the election of representatives to the Croatian Parliament, that is, the election of members of representative bodies of self-government units.

27. Article 38

This provision assumed the provision of Article 14 of the Constitutional Law on the Amendments to the Constitutional Law on Human Rights and Freedoms and of the Rights of Ethnic and national minorities in the Republic of Croatia (Official Gazette, No. 51/2000), in a somewhat changed stipulation. Namely, the provision of Article 15 of the Constitutional Law assumed the provision of Article 21 of the Framework Convention for the Protection of



National Minorities, and the utterance of this provision of the Framework Convention is not completely suitable to the appropriate provision of the Constitutional Law.

28. Article 39

Since this Constitutional Law is adopted after the Republic of Croatia had concluded several international agreements which regulate the rights of national minorities, the provision of Article 38 explicitly stipulates, so that there would be no doubt in the implementation of these international agreements, that this Constitutional Law does not revoke the rights of national minorities acquired on the basis of (former) international agreements.

29. Article 40

The Government of the Republic of Croatia is obliged to appoint the members of the Council for National Minorities and the President of the Council, which it appoints pursuant to the provision of Article 34, Paragraphs 1 and 2 of the Constitutional Law. Until the Expert Service of the Council for National Minorities has been established, the expert and administrative tasks for the Council shall be performed by the Office for National Minorities of the Government of the Republic of Croatia.

30. Article 42

The Constitutional Law on Human Rights and Freedoms and of the Rights of Ethnic and National Communities and Minorities in the Republic of Croatia (“Official Gazette”, No. 65/91, 27/92, 34/92 – cleared text, 68/95 and 51/2000) shall cease to be valid on the day of coming into effect of this Constitutional Law.

31. Article 43

The day of the publication of this Constitutional Law in the “Official Gazette” is stipulated as the day of its coming into effect. This stipulation is based on the fact that this Constitutional Law is being passed as an organic law.