

# THE CONSTITUTION OF THE REPUBLIC OF CROATIA

as of 15 January 2014

Consolidated text, Official Gazette Nos 56/90, 135/97, 113/00, 28/01, 76/10 and 5/14

(Edited and translated by the Constitutional Court of the Republic of Croatia)

The consolidated text of the Constitution of the Republic of Croatia is a compilation of the following texts:

- **The Constitution of the Republic of Croatia**, which entered into force on the date of its promulgation on 22 December 1990 (Official Gazette number 56 of 22 November 1990 – OG No 56/90);
- **The Constitutional Act on Amendments to the Constitution of the Republic of Croatia**, which entered into force on the date of its publication on 15 December 1997 (Official Gazette number 135 of 15 November 1997 – OG No 135/97);
- **Amendments to the Constitution of the Republic of Croatia**, which entered into force on the date of its promulgation on 9 December 2000 (Official Gazette number 113 of 16 November 2000 – OG No 113/00);
- **Amendments to the Constitution of the Republic of Croatia**, which entered into force on the date of its promulgation on 28 March 2001 (Official Gazette number 28 of 2 April 2001 – OG No 28/01);
- **Amendments to the Constitution of the Republic of Croatia**, which entered into force on the date of its promulgation on 16 June 2010, except for Article 4 in the part related to decisions on extradition or surrender adopted pursuant to the *acquis communautaire* of the European Union, Article 26 and added Articles 141b, 141c and 141d in Article 29 of the Amendments to the Constitution, which entered into force on the day of accession of the Republic of Croatia to the European Union on 1 July 2013 (Official Gazette number 76 of 18 June 2010 – OG No 76/10);
- **Amendments to the Constitution of the Republic of Croatia (popular constitutional initiative)** which entered into force on 1 December 2013 (Official Gazette number 5 of 15 January 2014 – decision of the Constitutional Court of the Republic of Croatia No SuP-O-1/2014 of 14 January 2014).

## I HISTORICAL FOUNDATIONS

The millennial national identity of the Croatian nation and the continuity of its statehood, confirmed by the course of its entire historical experience in various political forms and by the perpetuation and development of a state-building idea grounded on the historical right of the

Croatian nation to full sovereignty, have manifested themselves in:

- the formation of the Croatian principalities in the seventh century;
- the independent medieval state of Croatia established in the ninth century;
- the Kingdom of the Croats established in the tenth century;
- the preservation of the attributes of statehood under the Croatian-Hungarian personal union;
- the independent and sovereign decision of the Croatian Parliament in 1527 to elect a king from the Habsburg Dynasty;
- the independent and sovereign decision of the Croatian Parliament to ratify the Pragmatic Sanction in 1712;
- the conclusions of the Croatian Parliament of 1848 regarding the restoration of the integrity of the Triune Kingdom of Croatia under the authority of the *ban* (viceroy), rooted in the historical, national and natural right of the Croatian nation;
- the Croatian-Hungarian Settlement Agreement of 1868 regulating relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, resting on the legal traditions of both states and the Pragmatic Sanction of 1712;
- the decision of the Croatian Parliament of 29 October 1918 to sever all constitutional ties between Croatia and Austria-Hungary, and the simultaneous accession of independent Croatia, invoking its historical and natural national rights, to the State of Slovenes, Croats and Serbs, proclaimed in the former territory of the Habsburg Empire;
- the fact that the Croatian Parliament never ratified the decision made by the National Council of the State of Slovenes, Croats and Serbs to unite with Serbia and Montenegro in the Kingdom of Serbs, Croats and Slovenes (1 December 1918), subsequently proclaimed the Kingdom of Yugoslavia (3 October 1929);
- the establishment of the Banat of Croatia in 1939, which restored Croatian state autonomy within the Kingdom of Yugoslavia;
- the establishment of the foundations of state sovereignty during the course of the Second World War, as expressed in the decision of the Territorial Antifascist Council of the National Liberation of Croatia (1943) in opposition to the proclamation of the Independent State of Croatia (1941), and then in the Constitution of the People's Republic of Croatia (1947) and in all subsequent constitutions of the Socialist Republic of Croatia (1963-1990), at the historic turning point characterised by the rejection of the communist system and changes in the international order in Europe, in the first democratic elections (1990), when the Croatian nation reaffirmed, by its freely expressed will, its millennial statehood;

[OG 28/01, Art. 1, 28 March 2001]

[OG 76/10., Art. 1, 16 June 2010]

- the new Constitution of the Republic of Croatia (1990) and the victory of the Croatian nation and Croatia's defenders in the just, legitimate and defensive war of liberation, the Homeland War (1991-1995), wherein the Croatian nation demonstrated its resolve and readiness to establish and preserve the Republic of Croatia as an independent and autonomous, sovereign and democratic state.

[OG 76/10., Art. 1, 16 June 2010]

#### Deleted

[OG 28/01., Art.1, 28 March 2001 - paragraph 2 deleted, OG 135/97]

Setting forth from these historical facts and the universally accepted principles governing the contemporary world and the inalienable and indivisible, non-transferable and perpetual right of the Croatian nation to self-determination and state sovereignty, including the inviolable right to secession and association as the fundamental conditions for peace and stability of the international order, the Republic of Croatia is hereby established as the nation state of the Croatian nation and the state of the members of its national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens and who are guaranteed equality with citizens of Croatian nationality and the exercise of their national rights in accordance with the democratic norms of the United Nations and the countries of the free world.

[OG 135/97, Art. 1, 15 December 1997.]

[OG 76/10, Art.1, 16 June 2010 - designated as "Article 2"]

Respecting the will of the Croatian nation and all citizens so unwaveringly expressed in free elections, the Republic of Croatia is hereby established and shall further develop as a sovereign and democratic state in which equality, freedoms and the rights of man and citizen are guaranteed and secured, and economic and cultural advancement and social welfare are promoted.

## **II BASIC PROVISIONS**

### **Article 1**

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

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

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

### **Article 2**

The sovereignty of the Republic of Croatia is inalienable, indivisible and non-transferable.

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

The Republic of Croatia, in accordance with international law, shall exercise sovereign rights and jurisdiction over the maritime zones and seabed of the Adriatic Sea outside its state territory up to the borders of neighbouring countries.

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

[OG 113/00, Art. 1, 9 November 2000]

- the regulation of economic, legal and political matters in the Republic of Croatia;
- the preservation of natural and cultural wealth and use of the same;
- alliances with other states.

The Republic of Croatia shall conclude alliances with other states, retaining its sovereign right to decide upon the powers to be so delegated and the right to freely withdraw therefrom.

[OG 135/97, Art. 2, 15 December 1997 - substitution of words in Art. 2, OG 56/90]

### **Article 3**

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

[OG 113/00, Art. 2, 9 November 2000]

### **Article 4**

In the Republic of Croatia, government shall be organised on the principle of separation of powers into the legislative, executive, and judicial branches, and limited by the constitutionally guaranteed right to local and regional self-government.

[OG 113/00, Art. 3, 9 November 2000]

The principle of separation of powers encompasses forms of mutual cooperation and reciprocal checks and balances as stipulated by the Constitution and law.

[OG 113/00, Art. 3, 9 November 2000]

### **Article 5**

In the Republic of Croatia, laws shall comply with the Constitution. Other regulations shall comply with the Constitution and law.

[OG 135/97, Art. 6, 15 December 1997]

[OG 76/10, Art. 2, 16 June 2010]

All persons shall be obliged to abide by the Constitution and law and respect the legal order of the Republic of Croatia.

### **Article 6**

[OG 113/00, Art. 4, 9 November 2000]

The right to establish political parties shall be unrestricted.

The internal structure of political parties shall comply with fundamental constitutional democratic principles.

Political parties shall publicly disclose the sources of their finances and assets.

Political parties which, in their platforms or by violent action, intend to undermine the free democratic order or threaten the existence of the Republic of Croatia shall be deemed

unconstitutional. The Constitutional Court of the Republic of Croatia shall decide on such unconstitutionality.

The status and financing of political parties shall be regulated by law.

### **Article 7**

[OG 76/10, Art. 3, 16 June 2010]

[OG 113/00, Art. 5, 9 November 2000 - revision of Article 7, OG 56/90]

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

Assistance in the protection of the sovereignty and independence and defence of territorial integrity may also be rendered to the Republic of Croatia by allied states pursuant to ratified international treaties.

The armed forces of allied states may cross the national border and enter the Republic of Croatia or operate within the national borders thereof as stipulated under ratified international treaties, pursuant to a decision of the Croatian Parliament proposed by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The Republic of Croatia may render assistance to allied states in the case of armed aggression on one or more thereof as stipulated under ratified international treaties, pursuant to a decision of the Croatian Parliament proposed by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The armed forces of the Republic of Croatia may cross its national borders or operate across its borders pursuant to a decision of the Croatian Parliament proposed by the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The decision specified in paragraphs (3), (4) and (5) of this Article shall be made by the Croatian Parliament by a majority vote of all of its members.

If the President of the Republic of Croatia denies the consent specified in paragraphs (3), (4) and (5) of this Article, the Croatian Parliament shall make the decision by a two-thirds majority vote of all of its Members.

The armed forces of the Republic of Croatia may cross the national borders of the Republic of Croatia for the purpose of military exercises and training within the framework of international organisations to which the Republic of Croatia has acceded or is in the process of acceding pursuant to international treaties and for the purpose of rendering humanitarian assistance, pursuant to a decision of the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

The armed forces of allied states may cross the national borders of the Republic of Croatia for the purpose of military exercises and training within the framework of international organisations to which the Republic of Croatia has acceded or is in the process

of acceding pursuant to international treaties and for the purpose of rendering humanitarian assistance, pursuant to a decision of the Government of the Republic of Croatia with the prior consent of the President of the Republic of Croatia.

Under the circumstances specified in Articles 17 and 100\* of the Constitution, the armed forces may, if necessitated by the nature of a threat, be deployed to assist the police and other state bodies.

The armed forces of the Republic of Croatia may also be deployed to assist firefighting and rescue operations and surveillance and protection of the rights of the Republic of Croatia at sea.

The defence structure, chain of command, administration and democratic oversight of the armed forces of the Republic of Croatia shall be regulated by the Constitution and law.

[OG 135/97, Art. 6, 15 December 1997 - added words in Art. 7, OG 56/90]

[OG 28/01, Art. 2, 28 March 2001 - deleted words in Art. 7, OG 113/00]

\*Number "100" should read "101".

### **Article 8**

The borders of the Republic of Croatia may be altered solely by a decision of the Croatian Parliament.

[OG 113/00, Art. 75, 9 November 2000]

[OG 135/97, Art. 2, 15 December 1997 - substitution of words in Art. 8, OG 56/90]

### **Article 9**

Croatian citizenship, and its acquisition and revocation, shall be regulated by law.

A citizen of the Republic of Croatia may not be forcibly expelled from the Republic of Croatia nor deprived of citizenship, nor extradited to another state, except in the execution of a decision on extradition or surrender made in accordance with an international treaty or the *acquis communautaire* of the European Union.

[OG 135/97, Art. 6, 15 December 1997]

[OG 76/10, Art. 4, 16 June 2010, except in the part related to the execution of decisions on extradition or surrender adopted pursuant to the *acquis communautaire* of the European Union, which enters into force on the day of accession of the Republic of Croatia to the European Union - Art. 31]

### **Article 10**

The Republic of Croatia shall safeguard the rights and interests of its citizens living or residing abroad, and shall promote their ties to their homeland.

The Republic of Croatia shall guarantee particular care and protection to those parts of the Croatian nation in other countries.

### **Article 11**

The coat-of-arms of the Republic of Croatia shall be the historical Croatian coat-of-arms which is based on twenty-five alternating red and white (argent) fields.

The flag of the Republic of Croatia shall consist of a tricolour of red, white and blue, with the historical Croatian coat-of-arms in the centre.

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

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

#### **Article 12**

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

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

#### **Article 13**

The capital city of the Republic of Croatia is Zagreb.

The status, remit and organisation of the capital city Zagreb shall be regulated by law.

[OG 113/00, Art. 6, 9 November 2000]

### **III PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

[OG 28/01, Art. 3, 28 March 2001]

#### **1. COMMON PROVISIONS**

#### **Article 14**

All persons in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth, education, social status or other status.

[OG 135/97, Art. 3, 15 December 1997]

[OG 28/01, Art. 4, 28 March 2001]

All persons shall be equal before the law.

#### **Article 15**

[OG 135/97, Art. 4, 15 December 1997]

Equal rights for the members of all national minorities in the Republic of Croatia shall be guaranteed.

Equality and protection of the rights of national minorities shall be regulated by a constitutional act to be enacted under the procedure stipulated for organic laws.

[OG 113/00, Art. 7, 9 November 2000]

Over and above general suffrage, the right of the members of national minorities to elect their representatives to the Croatian Parliament may be stipulated by law.

[OG 113/00, Art. 7, 9 November 2000]

The freedom of the members of all national minorities to express their national affiliation, to use their language and script, and to exercise cultural autonomy shall be guaranteed.

[OG 113/00, Art. 7, 9 November 2000]

### **Article 16**

Freedoms and rights may only be restricted by law in order to protect the freedoms and rights of others, the legal order, and public morals and health.

Any restriction of freedoms or rights shall be proportionate to the nature of the need for such restriction in each individual case.

[OG 113/00, Art. 8, 9 November 2000]

### **Article 17**

Individual constitutionally guaranteed freedoms and rights may be restricted during a state of war or any clear and present danger to the independence and unity of the Republic of Croatia or in the event of any natural disaster. Such restriction shall be decided upon by the Croatian Parliament by a two-thirds majority of all Members of Parliament or, if the Croatian Parliament is unable to convene, at the proposal of the Government and with the countersignature of the Prime Minister, by the President of the Republic.

[OG 113/00, Art. 9, 9 November 2000]

[OG 28/01, Art. 5, 28 March 2001]

The extent of such restrictions must be appropriate to the nature of the threat, and may not result in the inequality of citizens with respect to race, colour, gender, language, religion, or national or social origin.

[OG 28/01, Art. 5, 28 March 2001]

Even in cases of clear and present danger to the existence of the state, no restrictions may be imposed upon the provisions of this Constitution stipulating the right to life, prohibition of torture, cruel or degrading treatment or punishment, and concerning the legal definitions of criminal offences and punishment, and the freedom of thought, conscience and religion.

[OG 135/97, Art. 2, 15 December 1997 - substitution of words in Art. 17, OG 56/90]

### **Article 18**

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

By way of exception, the right to appeal may be denied in cases specified by law if other forms of legal protection are ensured.

### **Article 19**

Individual acts of state administration and bodies vested with public authority shall be grounded in law.

Judicial review of individual acts made by administrative authorities and other bodies vested with public authority shall be guaranteed.

### **Article 20**

Whosoever violates the provisions of the Constitution concerning human rights and fundamental freedoms shall be held personally liable and may not be exculpated by invoking a higher order.

## **2. PERSONAL AND POLITICAL LIBERTIES AND RIGHTS**

### **Article 21**

Each human being has the right to life.

There shall be no capital punishment in the Republic of Croatia.

### **Article 22**

Human liberty and personality shall be inviolable.

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

### **Article 23**

No one may be subjected to any form of ill-treatment or, without his/her consent, to medical or scientific experiments.

Forced and compulsory labour shall be forbidden.

### **Article 24**

No one may be arrested or detained without a written warrant grounded in law. Such warrant shall be read and presented to the person placed under arrest at the moment of arrest.

The police authorities may arrest a person without a warrant provided that they immediately surrender the person arrested to the court when there is reasonable suspicion that such person has perpetrated a grave criminal offence as defined by law. Such person shall be promptly informed, in understandable terms, of the reasons for arrest and of his/her rights as stipulated by law.

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

### **Article 25**

Any arrested and convicted person shall be accorded humane treatment, and the dignity of such individual shall be respected.

Whosoever is detained and indicted of a criminal offence shall have the right to be brought before a court within the minimum time specified by law and to be acquitted or convicted within the statutory term.

A detainee may be released on bail to defend himself/herself.

Whosoever has been unlawfully deprived of liberty or convicted shall have the right to compensation and a public apology in accordance with law.

### **Article 26**

All citizens of the Republic of Croatia and aliens shall be equal before the courts, state bodies and other bodies vested with public authority.

[OG 28/01, Art. 6, 28 March 2001]

#### **Article 27**

The legal profession, as an autonomous and independent service, shall provide everyone with legal aid in accordance with law.

[OG 28/01, Art. 7, 28 March 2001]

#### **Article 28**

Everyone is presumed innocent and may not be held guilty of a criminal offence until such guilt is proven by a final court judgment.

#### **Article 29**

[OG 113/00, Art. 10, 9 November 2000]

Everyone shall be entitled to have his/her rights and obligations, or suspicion or accusation of a criminal offence, decided upon fairly and within a reasonable time by an independent and impartial court established by law.

In the case of suspicion or accusation of a criminal offence, the suspected, accused or indicted person shall be entitled:

- to be informed promptly, in a language which he/she understands and in detail, of the nature of and reasons for the charges against him/her and the evidence incriminating him/her;
- to have adequate time and facilities to prepare his/her defence;
- to a defence counsel and unrestricted communication therewith, and to be informed of this right;
- to defend himself/herself in person or through a defence counsel of his/her own choosing, or, if he/she has not sufficient means to pay for such counsel, to have free counsel provided under the conditions specified by law;
- to be present at his/her trial insofar as he/she is at the disposal of the court;
- to examine or have examined witnesses against him/her and to obtain the attendance and examination of witnesses on his/her behalf under the same conditions as witnesses against him/her;
- to have the free assistance of an interpreter if he/she cannot understand or speak the language used in court.

An admission of guilt may not be coerced from a suspected, accused or indicted individual.

Evidence obtained illegally may not be admitted in court proceedings.

Criminal proceedings may only be initiated before the court at the request of an authorised prosecutor.

#### **Article 30**

The sentence for a severe and particularly ignominious criminal offence may, in accordance with law, have as a consequence the loss of acquired rights or a ban on exercising, for a set period, certain rights pertaining to the conduct of specific affairs, if this is required to safeguard the legal order.

### **Article 31**

No one may be punished for an act which, prior to its commission, did not constitute a criminal offence under domestic or international law, nor may such individual be sentenced to a penalty which was not then prescribed by law. If a more lenient penalty is prescribed by law after the commission of the said offence, such penalty shall be imposed.

No one may be re-tried or punished in criminal proceedings for an act for which such individual has already been acquitted or sentenced by a final court judgment in accordance with law.

[OG 113/00, Art. 11, 9 November 2000]

The cases and reasons for the renewal of court proceedings under paragraph (2) of this Article may be stipulated solely by law, in accordance with the Constitution and international treaties.

[OG 113/00, Art. 11, 9 November 2000]

The statute of limitations shall not apply to the criminal offences of war profiteering, or any criminal offences perpetrated in the course of economic transformation and privatisation and perpetrated during the period of the Homeland War and peaceful reintegration, in wartime and during times of clear and present danger to the independence and territorial integrity of the state, as stipulated by law, or those not subject to the statute of limitations under international law. Any gains obtained by these acts or in connection therewith shall be confiscated.

[OG 76/10, Art. 5, 16 June 2010]

### **Article 32**

Anyone lawfully within the territory of the Republic of Croatia shall enjoy freedom of movement and freedom to choose his/her residence.

[OG 135/97, Art. 6, 15 December 1997]

All citizens of the Republic of Croatia shall be entitled to leave the state territory at any time and permanently or temporarily settle abroad, and to return at any time.

[OG 135/97, Art. 6, 15 December 1997]

[OG 28/01, Art. 8, 28 March 2001]

The right of movement within the territory of the Republic of Croatia and the right of entry into and exit from it may exceptionally be restricted by law if necessary to protect the legal order, or the health, rights and freedoms of others.

[OG 135/97, Art. 6, 15 December 1997]

### **Article 33**

Foreign citizens and stateless persons may be granted asylum in Croatia, unless they are being prosecuted for non-political crimes and activities contrary to the fundamental principles of international law.

No alien legally residing in the territory of the Republic of Croatia shall be expelled or extradited to another state, except in cases of enforcement of decisions made in compliance with an international treaty or law.

[OG 135/97, Art. 6, 15 December 1997]

### **Article 34**

The home is inviolable.

Only a court may order the search of a home or other premises pursuant to a written warrant construed and issued in accordance with law.

A tenant or his/her authorised representative shall be entitled to be present during the search of his/her home or other premises together with the mandatory presence of two witnesses.

Subject to the conditions specified by law, police authorities may enter a home or other premises even without a warrant or consent from the tenant and conduct a search in the absence of witnesses if this is necessary to enforce an arrest warrant or apprehend an offender, or to prevent any grave threat to the life and health of people or to substantial property.

A search to locate or secure evidence, which is reasonably suspected to be in the home of a perpetrator of a criminal offence, may only be conducted in the presence of witnesses.

### **Article 35**

[OG 135/97, Art. 3, 15 December 1997]

Respect for and legal protection of each person's private and family life, dignity, and reputation shall be guaranteed.

[OG 28/01, Art. 9, 28 March 2001]

### **Article 36**

The freedom and privacy of correspondence and all other forms of communication shall be guaranteed and inviolable.

Restrictions necessitated by the protection of national security and the conduct of criminal prosecution may be prescribed solely by law.

[OG 135/97, Art. 5, 15 December 1997]

### **Article 37**

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

Protection of data and monitoring of the operations of information systems in the state shall be regulated by law.

[OG 135/97, Art. 5, 15 December 1997]

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

### **Article 38**

Freedom of thought and expression shall be guaranteed.

Freedom of expression shall particularly encompass freedom of the press and other media, freedom of speech and public opinion, and free establishment of all institutions of public communication.

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

The right of access to information held by any public authority shall be guaranteed. Restrictions on the right of access to information must be proportionate to the nature of the need for such restriction in each individual case and necessary in a free and democratic society, as stipulated by law.

[OG 76/10, Art. 6, 16 June 2010]

The right of correction is guaranteed to anyone whose constitutionally and legally established rights have been violated by public communication.

[OG 113/00, Art. 12, 9 November 2000]

### **Article 39**

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

### **Article 40**

Freedom of conscience and religion and the freedom to demonstrate religious or other convictions shall be guaranteed.

### **Article 41**

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

Religious communities shall be free, in compliance with law, to publicly conduct religious services, open schools, colleges or other institutions, and welfare and charitable organisations and to manage them, and they shall enjoy the protection and assistance of the state in their activities.

### **Article 42**

[OG 113/00, Art. 13, 9 November 2000]

Everyone shall be guaranteed the right of public assembly and peaceful protest, in compliance with law.

[OG 28/01, Art. 10, 28 March 2001]

### **Article 43**

Everyone shall be guaranteed the right to freedom of association for the purposes of the protection of common interests or the promotion of social, economic, political, national, cultural and other convictions and aims. For this purpose, anyone may freely form trade unions and other associations, join them or leave them, in accordance with law.

[OG 113/00, Art. 14, 9 November 2000]

[OG 28/01, Art. 11, 28 March 2001]

The right to freedom of association shall be restricted by the prohibition of any violent threat to the democratic constitutional order and the independence, unity, and territorial integrity of the Republic of Croatia.

[OG 135/97, Art. 6, 15 December 1997]

### **Article 44**

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

[OG 135/97, Art. 6, 15 December 1997]

[OG 28/01, Art. 12, 28 March 2001]

### **Article 45**

All Croatian citizens who have reached the age of eighteen years (voters) shall be entitled to universal and equal suffrage in elections for the Croatian Parliament, the President of the Republic of Croatia and the European Parliament and in decision-making procedures by national referendum, in compliance with law.

In elections for the Croatian Parliament, voters who do not have registered domicile in the Republic of Croatia shall be entitled to elect three representatives in accordance with law.

In elections for the Croatian Parliament, the President of the Republic of Croatia and the European Parliament and in decision-making procedures by national referendum, suffrage shall be exercised in direct elections by secret ballot, wherein voters who do not have registered domicile in the Republic of Croatia shall vote at polling stations in the premises of diplomatic-consular offices of the Republic of Croatia in the foreign countries in which they reside.

In elections for the Croatian Parliament, the President of the Republic of Croatia and the European Parliament and in decision-making procedures by national referendum, the Republic of Croatia shall secure the exercise of suffrage for its citizens with registered domicile in the Republic of Croatia who are outside its borders during elections so that they may vote in diplomatic-consular offices of the Republic of Croatia in the foreign countries in which they are located or in some other manner as specified by law.

*[OG 135/97, Art. 6 and 7, 15 December 1997 - replacing and adding words in Art. 45, OG 56/90]*

*[OG 28/01, Art. 13, 28 March 2001 - revision of paragraph 1 and adding words in Art. 45, OG 113/00]*

#### **Article 46**

Everyone shall be entitled to file petitions and complaints and to submit proposals to state and other public bodies, and to receive responses thereto.

*[OG 28/01, Art. 14, 28 March 2001]*

#### **Article 47**

Military service and defence of the Republic of Croatia shall be the duty of every capable citizen of the Republic of Croatia.

*[OG 135/97, Art. 6, 15 December 1997]*

*[OG 28/01, Art. 15, 28 March 2001]*

Conscientious objection shall be allowed for all those who, based on religious or moral conviction, are not willing to perform military duties in the armed forces. Such persons are obliged to perform other duties as specified by law.

### **3. ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

#### **Article 48**

The right to property shall be guaranteed.

Property entails obligations. Holders of a proprietary right and its users shall contribute to the common good.

A foreign person may acquire the right to property under the conditions specified by law.

The right to inheritance shall be guaranteed.

#### **Article 49**

Free enterprise and free markets shall form the foundation of the economic system of the Republic of Croatia.

[OG 135/97, Art. 6, 15 December 1997]

The state shall ensure all entrepreneurs equal legal status on the market. The abuse of monopolies, as defined by law, shall be forbidden.

[OG 28/01, Art. 16, 28 March 2001]

The state shall encourage the economic progress and social prosperity of its citizens, and care for the economic development of all regions.

[OG 135/97, Art. 5, 15 December 1997]

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

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

#### **Article 50**

Restriction or deprivation of property may be prescribed by law in the interest of the Republic of Croatia, subject to compensation equal to the market value of the property.

[OG 135/97, Art. 6, 15 December 1997]

Free enterprise and proprietary rights may be exceptionally restricted by law for the purposes of protecting the interests and security of the Republic of Croatia, nature and the human environment and human health.

[OG 135/97, Art. 6, 15 December 1997]

#### **Article 51**

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

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

#### **Article 52**

The sea, seashore, islands, waters, air space, mineral resources, and other natural resources, as well as land, forests, flora and fauna, other components of the natural environment, real estate and items of particular cultural, historical, economic or ecological significance which are specified by law to be of interest to the Republic of Croatia shall enjoy its special protection.

[OG 135/97, Art. 6, 15 December 1997]

The manner in which any resources of interest to the Republic of Croatia may be used and exploited by holders of rights thereto and by their owners, as well as compensation for any restrictions as may be imposed thereon, shall be regulated by law.

[OG 135/97, Art. 6, 15 December 1997]

#### **Article 53**

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

The Croatian National Bank shall be autonomous and independent, and shall report on its work to the Croatian Parliament.

The Croatian National Bank shall be managed and its operations shall be conducted by the Governor of the Croatian National Bank.

The organisation, purpose, tasks and competence of the Croatian National Bank shall be governed by law.

*[OG 135/97, Arts. 2 and 8, 15 December 1997 - revision of paragraph 1 and substitution of words in Art. 53, OG 56/90]  
[OG 28/01, Art. 17, 28 March 2001 - substitution of words in Art. 53, OG 113/00]*

### **Article 53a**

OG 76/10, Art. 9, 16 June 2010]

The State Audit Office shall be the supreme audit institution of the Republic of Croatia, and shall be autonomous and independent in its work.

The State Audit Office shall be managed by the Auditor General, who shall report on its work to the Croatian Parliament.

The establishment, organisation, competence and operation of the State Audit Office shall be governed by law.

### **Article 54**

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

Everyone shall be free to choose his/her vocation and occupation, and shall have access to each workplace and post under equal conditions.

### **Article 55**

Each employee shall be entitled to remuneration enabling him/her to ensure a free and decent life for himself/herself and his/her family.

Maximum working hours shall be regulated by law.

Each employee shall be entitled to a weekly rest period and paid annual leave, and may not waive these rights.

Employees may, in accordance with law, participate in decision-making in their places of employment.

### **Article 56**

The right of employees and their family members to social security and social insurance shall be regulated by law and collective agreements.

Rights related to childbirth, maternity and child care shall be regulated by law.

### **Article 57**

The state shall ensure the right to assistance for weak, infirm or other persons unable to meet their basic subsistence needs as a result of their unemployment or incapacity for work.

[OG 135/97, Art. 5, 15 December 1997]

[OG 28/01, Art. 18, 28 March 2001]

The state shall devote special care to the protection of persons with disabilities and their inclusion in social life.

[OG 135/97, Art. 5, 15 December 1997]

[OG 76/10, Art. 10, 16 June 2010]

The state shall devote special care to the protection of Croatian war veterans and disabled Croatian war veterans, as well as the widows, parents and children of fallen Croatian war veterans.

[OG 76/10, Art. 10, 16 June 2010]

Receiving humanitarian aid from abroad may not be forbidden.

### **Article 58**

Everyone shall be guaranteed the right to health care in accordance with law.

[OG 28/01, Art. 9, 28 March 2001]

### **Article 59**

In order to protect their economic and social interests, all employees shall be entitled to form trade unions and they shall be free to join and leave them.

[OG 135/97, Art. 9, 15 December 1997]

Trade unions may form their federations and join international trade union organisations.

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

Employers shall be entitled to form associations and they shall be free to join and leave them.

[OG 135/97, Art. 9, 15 December 1997]

### **Article 60**

The right to strike shall be guaranteed.

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

### **Article 61**

The family shall enjoy special protection of the state.

[OG 135/97, Art. 5, 15 December 1997]

**Marriage is a living union between a woman and a man.\***

[Popular constitutional initiative of 1 December 2013, OG 5/14, Decision of the Constitutional Court No. SuP-O-1/2014 of 14 January 2014]

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

\* In OG 5/14, Article 61 is marked as "Article 62" in accordance with the Decision on calling a national referendum, OG 134/13.

### **Article 62**

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

[OG 135/97, Art. 5, 15 December 1997]

### **Article 63**

Parents shall bear responsibility for the upbringing, support and education of their children, and they shall have the right and freedom to make independent decisions concerning the upbringing of their children.

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

Children with physical and mental disabilities and socially neglected children shall be entitled to special care, education and welfare.

Children shall be obliged to take care of their elderly and infirm parents.

The state shall devote special care to orphans and minors neglected by their parents.

[OG 135/97, Art. 5, 15 December 1997]

### **Article 64**

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

Children shall not be employed before reaching the age specified by law, nor shall they be forced or allowed to do any work that is harmful to their health or morality.

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

[OG 76/10, Art. 11, 16 June 2010]

### **Article 65**

[OG 76/10, Art. 12, 16 June 2010]

In the Republic of Croatia, everyone shall have access to education under equal conditions and in accordance with his/her aptitudes.

Compulsory education shall be free, in accordance with law.

### **Article 66**

[OG 113/00, Art. 16, 9 November 2000]

Subject to the conditions specified by law, the establishment of private schools and learning institutions shall be permitted.

### **Article 67**

The autonomy of universities shall be guaranteed.

Universities shall independently decide on their organisation and operation, in compliance with law.

#### **Article 68**

The freedom of scientific, cultural and artistic creativity shall be guaranteed.

The state shall encourage and support the development of science, culture and the arts.  
[OG 135/97, Art. 5, 15 December 1997]

The state shall protect scientific, cultural and artistic assets as national spiritual values.  
[OG 135/97, Art. 5, 15 December 1997]

The protection of moral and material rights deriving from scientific, cultural, artistic, intellectual and other creative efforts shall be guaranteed.

The state shall encourage and support care for physical culture and sports.  
[OG 135/97, Art. 5, 15 December 1997]

#### **Article 69**

Everyone shall have the right to a healthy life.

The state shall ensure conditions for a healthy environment.  
[OG 135/97, Art. 5, 15 December 1997]  
[OG 28/01, Art. 20, 28 March 2001]

Everyone shall, within the scope of his/her powers and activities, accord particular attention to the protection of human health, nature and the human environment.  
[OG 28/01, Art. 20, 28 March 2001]

## **IV ORGANISATION OF GOVERNMENT**

### **1. CROATIAN PARLIAMENT**

[OG 113/00, Art. 75, 9 November 2000]  
[OG 135/97, Art. 2, 15 December 1997, substitution of words in heading I of Title IV, OG 56/90]

#### **Article 70**

The Croatian Parliament shall be a representative body of the people and shall be vested with legislative power in the Republic of Croatia.  
[OG 113/00, Art. 75, 9 November 2000]

Deleted.

[OG 28/01, Art. 21, 28 March 2001 - paragraph 2 deleted]

[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 70, OG 56/90]  
[OG 113/00, Art. 75, 9 November 2000, substitution of words in Art. 70, OG 56/90]

#### **Article 71**

The Croatian Parliament shall have no fewer than 100 and no more than 160 Members elected on the basis of direct, universal and equal suffrage by secret ballot.  
[OG 28/01, Art. 22, 28 March 2001]

Deleted.

[OG 28/01, Art. 22, 28 March 2001]

Deleted.

[OG 113/00, Art. 17, 9 November 2000]

Deleted.

[OG 113/00, Art. 17, 9 November 2000]

*[OG 135/97, Art. 6, 15 December 1997, a word added in Art. 4, OG 56/90]*

*[OG 113/00, Art. 17, 9 November 2000, revision of Art. 2, OG 56/90]*

### **Article 72**

Members of the Croatian Parliament shall be elected for a term of four years.

[OG 113/00, Art. 75, 9 November 2000]

[OG 28/01, Art. 23, 28 March 2001]

*[OG 28/01, Art. 23, 28 March 2001, paragraph 2 deleted; paragraph 3 became paragraph 2]*

The number of Members of the Croatian Parliament and the conditions and procedure for their election thereto shall be regulated by law.

[OG 28/01, Art. 23, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 72, OG 56/90]*

### **Article 73**

The election of Members to the Croatian Parliament shall be held not later than 60 days after the expiry of the term of office or the dissolution of the Croatian Parliament.

[OG 113/00, Art. 18, 9 November 2000]

[OG 28/01, Art. 24, 28 March 2001]

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

[OG 113/00, Art. 18, 9 November 2000]

[OG 28/01, Art. 24, 28 March 2001]

The Croatian Parliament shall be constituted by the election of its Speaker at its first session attended by a majority of its Members.

[OG 113/00, Art. 18, 9 November 2000]

[OG 28/01, Art. 24, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 73, OG 56/90]*

### **Article 74**

Members of the Croatian Parliament shall have no imperative mandate.

[OG 113/00, Art. 75, 9 November 2000]

Members of the Croatian Parliament shall receive regular monetary remuneration and shall exercise any such other rights as may be prescribed by law.

[OG 28/01, Art. 25, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 74, OG 56/90]*

### **Article 75**

Members of the Croatian Parliament shall enjoy immunity.

[OG 113/00, Art. 75, 9 November 2000]

No Member of Parliament shall be held criminally liable, detained or sentenced for an opinion expressed or a vote cast in the Croatian Parliament.

[OG 28/01, Art. 26, 28 March 2001]

No Member of Parliament shall be detained nor shall any criminal proceeding be instigated against him/her without approval by the Croatian Parliament.

[OG 28/01, Art. 26, 28 March 2001]

A Member of Parliament may be detained without approval by the Croatian Parliament only if he/she has been caught in the perpetration of a criminal offence carrying a sentence of imprisonment exceeding five years. In such a case, the Speaker of the Croatian Parliament shall be notified thereof.

[OG 28/01, Art. 26, 28 March 2001]

If the Croatian Parliament is not in session, approval for the detention of a Member of Parliament or the continuation of criminal prosecution against him/her shall be given and the decision on his/her right to immunity shall be made by the Credentials and Privileges Commission, subject to its subsequent confirmation by the Croatian Parliament.

[OG 135/97, Art. 10, 15 December 1997]

[OG 28/01, Art. 26, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 75, OG 56/90]*

### **Article 76**

The term of office of Members of the Croatian Parliament may be extended by law only in the event of war or in the cases specified in Articles 17 and 101 of the Constitution.

[OG 113/00, Art. 19, 9 November 2000]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 76, OG 56/90]*

### **Article 77**

[OG 113/00, Art. 20, 9 November 2000]

The Croatian Parliament may be dissolved in order to call early elections if so decided by a majority of all of its Members.

[OG 28/01, Art. 27, 28 March 2001]

The Croatian Parliament may be dissolved by the President of the Republic in accordance with the provisions of Article 104 of the Constitution.

[OG 28/01, Art. 27, 28 March 2001]

### **Article 78**

The Croatian Parliament shall be in regular session twice annually: between 15 January and 15 July, and between 15 September and 15 December.

[OG 113/00, Art. 21, 9 November 2000]

[OG 28/01, Art. 28, 28 March 2001]

The Croatian Parliament shall sit in emergency session at the request of the President of the Republic, the Government or a majority of its Members.

[OG 113/00, Art. 21, 9 November 2000]

[OG 28/01, Art. 28, 28 March 2001]

The Speaker of the Croatian Parliament may, upon receiving a prior opinion from the parliamentary parties, convene the Parliament in an emergency session.

[OG 113/00, Art. 21, 9 November 2000]

[OG 28/01, Art. 28, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 78, OG 56/90]*

## **Article 79**

[OG 113/00, Art. 20, 9 November 2000]

The Croatian Parliament shall have a Speaker and one or more Deputy Speakers.

[OG 28/01, Art. 29, 28 March 2001]

*[OG 28/01, Art. 29, 28 March 2001, paragraph 2 deleted; paragraph 3 became paragraph 2]*

The internal organisation and operating method of the Croatian Parliament shall be regulated by its Standing Orders.

[OG 28/01, Art. 29, 28 March 2001]

The Standing Orders shall be adopted by a majority vote of all Members of Parliament.

[OG 28/01, Art. 29, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 79, OG 56/90]*

## **Article 80**

The Croatian Parliament shall:

- decide on the adoption of and amendments to the Constitution;
- adopt laws;
- adopt the state budget;
- decide on war and peace;
- adopt documents expressing the policy of the Croatian Parliament;
- adopt the National Security Strategy and the Defence Strategy of the Republic of Croatia;
- exercise civilian oversight of the armed forces and security services of the Republic of Croatia;
- decide on alterations of the borders of the Republic of Croatia;
- call referenda;
- conduct elections, appointments and dismissals in conformity with the Constitution and law;
- supervise the work of the Government of the Republic of Croatia and other holders of public office reporting to the Croatian Parliament, in conformity with the Constitution and law;
- grant amnesty for criminal offences; and
- perform any such other tasks as may be specified by the Constitution.

[OG 135/97, Art. 6, 15 December 1997]

[OG 113/00, Art. 23, 9 November 2000]

[OG 28/01, Art. 30, 28 March 2001]

## **Article 81**

Deleted.

[OG 28/01, Art. 30, 28 March 2001]

*[OG 113/00, Art. 24, 9 November 2000, revision of Art. 81, OG 56/90]*

## **Article 82**

Unless otherwise specified by the Constitution, the Croatian Parliament shall adopt decisions by a majority vote, provided that a majority of its Members are present at the session.

[OG 28/01, Art. 32, 28 March 2001]

Members of Parliament shall vote in person.

### **Article 83\***

[OG 113/00, Art. 20, 9 November 2000]

The Croatian Parliament shall adopt laws (organic laws) regulating the rights of national minorities by a two-thirds majority of all Members.

[OG 28/01, Art. 33, 28 March 2001]

The Croatian Parliament shall adopt laws (organic laws) elaborating constitutionally established human rights and fundamental freedoms, the electoral system, the organisation, remit and operation of state bodies, and the organisation and remit of local and regional self-government by a majority vote of all Members.

[OG 28/01, Art. 33, 28 March 2001]

The Croatian Parliament shall adopt the decision specified in Article 8 of the Constitution by a two-thirds majority of all Members.

[OG 28/01, Art. 33, 28 March 2001]

[OG 76/10, Art. 13, 28 March 2010]

Deleted.

[OG 28/01, Art. 33, 28 March 2001]

\*In OG 76/10, Article 83 is marked as "Article 82".

### **Article 84**

Sessions of the Croatian Parliament shall be public.

[OG 113/00, Art. 75, 9 November 2000]

[OG 28/01, Art. 34, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 84, OG 56/90]*

### **Article 85**

[OG 28/01, Art. 35, 28 March 2001]

*[OG 113/00, Art. 26, 9 November 2000, revision of Art. 85, OG 56/90]*

The right to propose bills shall be vested in each Member of Parliament, the parliamentary parties and the working bodies of the Croatian Parliament as well as the Government of the Republic of Croatia.

### **Article 86**

[OG 113/00, Art. 27, 9 November 2000]

Members of the Croatian Parliament shall be entitled to pose questions to the Government of the Republic of Croatia and individual ministers.

A minimum of one tenth of the Members of the Croatian Parliament may submit an interpellation on the work of the Government of the Republic of Croatia or any of its members.

[OG 28/01, Art. 36, 28 March 2001]

Questions from Members of Parliament and the submission of interpellations shall be regulated in more detail by the Standing Orders.

[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 86, OG 56/90]

### **Article 87\***

The Croatian Parliament may call a referendum on proposals to amend the Constitution, a bill or any such other issue as may fall within its remit.

[OG 28/01, Art. 37, 28 March 2001]

The President of the Republic may, at the proposal of the Government and with the countersignature of the Prime Minister, call a referendum on a proposal to amend the Constitution or any such other issue as he/she may deem to be of importance to the independence, integrity and existence of the Republic of Croatia.

The Croatian Parliament shall call referenda on the issues specified in paragraphs (1) and (2) of this Article in accordance with law, when so requested by ten percent of the total electorate of the Republic of Croatia.

[OG 113/00, Art. 28, 9 November 2000]

[OG 28/01, Art. 37, 28 March 2001]

At referenda, decisions shall be made by a majority of voters taking part therein.

[OG 76/10, Art. 14, 28 March 2010]

Decisions made at referenda shall be binding.

A law shall be adopted on referenda. Such law may also stipulate the conditions for holding consultative referenda.

[OG 76/10, Art. 14, 28 March 2010]

\*In OG 76/10, Article 87 is marked as "Article 86".

### **Article 88**

The Croatian Parliament may, for a maximum period of one year, authorise the Government of the Republic of Croatia to regulate by decree individual issues falling within the remit of Parliament, save for those pertaining to the elaboration of constitutionally established human rights and fundamental freedoms, national rights, the electoral system, and the organisation, remit and operation of state bodies and local self-government.

[OG 28/01, Art. 38, 28 March 2001]

Decrees based on statutory authority shall not have retroactive effect.

Decrees passed on the basis of statutory authority shall cease to be valid upon the expiry of a period of one year from the date when such authority was granted, unless otherwise decided by the Croatian Parliament.

[OG 28/01, Art. 38, 28 March 2001]

## **Article 89**

[OG 113/00, Art. 29, 9 November 2000]

Laws shall be promulgated by the President of the Republic within eight days from the date of their enactment by the Croatian Parliament.

If the President of the Republic holds that a promulgated law does not conform with the Constitution, he/she may institute proceedings to review the constitutionality of such law before the Constitutional Court of the Republic of Croatia.

## **Article 90**

[OG 113/00, Art. 30, 9 November 2000]

Before their entry into force, laws and other regulations of state bodies shall be published in *Narodne novine*, the official journal of the Republic of Croatia.

Regulations of bodies vested with public authority shall, before their entry into force, be published in an accessible manner, in compliance with law.

A law shall enter into force no earlier than the eighth day after the date of its publication, unless otherwise specified thereby for exceptionally justified reasons.

Laws and other regulations of state bodies and bodies vested with public authority shall not have retroactive effect.

Only individual provisions of a law may have retroactive effect for exceptionally justified reasons.

## **Article 91\***

State revenues and expenses shall be established in the state budget.

The Croatian Parliament shall enact the state budget by a majority vote of all Members of Parliament.

[OG 76/10, Art. 15, 28 March 2010]

Any law whose implementation requires financial resources shall provide for the sources thereof.

\*In OG 76/10, Article 91 is marked as "Article 90".

## **Article 92**

The Croatian Parliament may form commissions of inquiry on any issue of public interest.

[OG 113/00, Art. 31, 9 November 2000]

[OG 28/01, Art. 39, 28 March 2001]

The composition, remit and powers of such commission of inquiry shall be defined by law.

The chairperson of a commission of inquiry shall be elected by a majority of Members of Parliament representing the opposition.

[OG 113/00, Art. 31, 9 November 2000]

[OG 28/01, Art. 39, 28 March 2001]

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 92, OG 56/90]*

### **Article 93\***

*[OG 76/10, Art. 16, 28 March 2010]*

The Ombudsman shall be a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms enshrined in the Constitution, laws and international legal instruments on human rights and freedoms ratified by the Republic of Croatia.

Everyone may lodge a complaint to the Ombudsman if he/she deems that his/her constitutional or legal rights have been threatened or violated as a result of any illegal or irregular act by state bodies, local and regional self-government bodies and bodies vested with public authority.

The Croatian Parliament shall elect the Ombudsman for a term of eight years. The Ombudsman shall be autonomous and independent in his/her work.

Conditions for the election and dismissal of the Ombudsman and his/her deputies, his/her remit, and the method of his/her work shall be regulated by law. By law, the Ombudsman may also be vested with certain powers with regard to legal and natural persons in order to protect fundamental constitutional rights.

The Ombudsman and other commissioners of the Croatian Parliament responsible for the promotion and protection of human rights and fundamental freedoms shall enjoy the same immunity as Members of the Croatian Parliament.

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 93, OG 56/90]*

*[OG 113/00, Art. 32, 9 November 2000, substitution of words and adding a paragraph in Art. 93, OG 56/90]*

*[OG 28/01, Art. 39, 28 March 2001, substitution of words in Art. 93, OG 56/90]*

*\*In OG 76/10, Article 93 is marked as "Article 92".*

## **2. PRESIDENT OF THE REPUBLIC OF CROATIA**

### **Article 94**

*[OG 113/00, Art. 33, 9 November 2000]*

The President of the Republic of Croatia shall represent and act on behalf of the Republic of Croatia at home and abroad.

The President of the Republic shall ensure the regular and balanced functioning and stability of state authority.

The President of the Republic shall be responsible for the defence of the independence and territorial integrity of the Republic of Croatia.

### **Article 95**

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

No one shall be elected President of the Republic more than twice.

[OG 113/00, Art. 34, 9 November 2000]

The President of the Republic shall be elected by a majority of votes cast. If none of the candidates wins such a majority, the election shall be repeated after 14 days.

The two candidates who win the largest number of votes at the first elections shall have the right to stand for the repeated election. If either of these candidates withdraws, the right to stand for the repeated election shall be acquired by the candidate who has received the next highest number of votes.

Elections for the President of the Republic shall be held not less than 30 and not more than 60 days before the expiry of the incumbent's term of office.

Prior to taking office, the President of the Republic shall swear a solemn oath before the President of the Constitutional Court of the Republic of Croatia, pledging loyalty to the Constitution.

[OG 113/00, Art. 34, 9 November 2000]

The election of the President of the Republic, the oath and its recitation shall be regulated by law.

[OG 113/00, Art. 34, 9 November 2000]

## **Article 96**

[OG 113/00, Art. 35, 9 November 2000]

The President of the Republic shall not perform any other public or professional duty.

Once elected, the President of the Republic shall resign from membership of any political party and shall notify the Croatian Parliament thereof.

[OG 28/01, Art. 41, 28 March 2001]

## **Article 97**

[OG 113/00, Art. 36, 9 November 2000]

If the President of the Republic is prevented from discharging his/her duties for a shorter period as a result of his/her absence, illness or use of annual leave, he/she may entrust the Speaker of the Croatian Parliament to discharge his/her duties on his/her behalf. The President of the Republic shall decide on the resumption of his/her duties.

If the President of the Republic is prevented from discharging his/her duties for a longer period as a result of illness or incapacity and, in particular, if he/she is incapable of making the decision to entrust somebody to discharge his/her duties on a temporary basis, the Speaker of the Croatian Parliament shall assume the office of President *pro tempore* of the Republic pursuant to a decision of the Constitutional Court. The Constitutional Court shall decide thereon at the proposal of the Government.

In the event of the death of the President of the Republic, his/her resignation, which is to be tendered to the President of the Constitutional Court of the Republic of Croatia and disclosed to the Speaker of the Croatian Parliament, or if the Constitutional Court finds any grounds for the termination of his/her term of office, the Speaker of the Croatian Parliament shall assume the office of President *pro tempore* of the Republic by virtue of the Constitution.

When the Speaker of the Croatian Parliament, acting as President *pro tempore* of the Republic, makes a decision promulgating a law, such decision shall be countersigned by the Prime Minister of the Republic of Croatia.

Elections for a new President of the Republic shall be held within 60 days from the date when the President *pro tempore* of the Republic assumed office under paragraph (3) of this Article.

[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 97, OG 56/90]

### **Article 98**

The President of the Republic shall:

- call elections for the Croatian Parliament and convene its first session;
- call referenda in conformity with the Constitution;
- entrust the mandate to form the Government to a person who, based on the distribution of seats in the Croatian Parliament and completed consultations, enjoys the confidence of the majority of all Members of Parliament;
- grant pardons;
- confer decorations and awards specified by law; and
- perform any such other duties as may be specified by the Constitution.

[OG 113/00, Art. 37, 9 November 2000]

[OG 28/01, Art. 42, 28 March 2001]

[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 98, OG 56/90]

### **Article 99**

[OG 113/00, Art. 38, 9 November 2000]

The President of the Republic and the Government of the Republic of Croatia shall cooperate in the formulation and implementation of foreign policy.

The President of the Republic shall, at the proposal of the Government and with the countersignature of the Prime Minister, decide on the establishment of diplomatic missions and consular offices of the Republic of Croatia abroad.

The President of the Republic shall, at the proposal of the Government and subject to the opinion of the relevant committee of the Croatian Parliament and the prior countersignature of the Prime Minister of the Republic of Croatia, make decisions on the appointment and recall of the heads of diplomatic missions of the Republic of Croatia abroad.

[OG 28/01, Art. 43, 28 March 2001]

The President of the Republic shall receive letters of credence and letters of recall from the heads of foreign diplomatic missions.

### **Article 100**

[OG 135/97, Art. 11, 15 December 1997]

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

The President of the Republic shall appoint and dismiss military commanders, in compliance with law.

[OG 113/00, Art. 39, 9 November 2000]

*[OG 113/00, Art. 37, 9 November 2000, paragraph 3 deleted, paragraph 4 became Art. 3]*

Pursuant to a decision of the Croatian Parliament, the President of the Republic may declare war and conclude peace.

[OG 113/00, Art. 39, 9 November 2000]

[OG 28/01, Art. 49, 28 March 2001]

In the event of a clear and present danger to the independence, integrity and existence of the Republic of Croatia, the President of the Republic may, with the countersignature of the Prime Minister, order the use of the armed forces even if a state of war has not been declared.

[OG 113/00, Art. 39, 9 November 2000]

### **Article 101**

[OG 113/00, Art. 40, 9 November 2000]

During a state of war, the President of the Republic may issue decrees with the force of law on the basis and within the limits of the powers conferred thereon by the Croatian Parliament. If the Croatian Parliament is not in session, the President of the Republic shall be authorised to issue decrees with the force of law in order to regulate all issues imposed by the state of war.

[OG 28/01, Art. 45, 28 March 2001]

In the event of a clear and present danger to the independence, integrity and existence of the state, or when state authorities are prevented from performing their constitutional duties, the President of the Republic may, at the proposal of the Prime Minister and subject to his/her countersignature, issue decrees with the force of law.

The President of the Republic shall submit decrees with the force of law to the Croatian Parliament for approval as soon as the latter is in a position to convene.

[OG 28/01, Art. 45, 28 March 2001]

If the President of the Republic fails to submit any such decree to the Croatian Parliament for approval in compliance with paragraph (3) of this Article, or if the Croatian Parliament fails to approve it, the decree with the force of law shall cease to be valid.

[OG 28/01, Art. 45, 28 March 2001]

In the cases specified in paragraphs (1) and (2) of this Article, the President of the Republic shall be entitled to call a session of the Government and to preside thereover.

*[OG 135/97, Arts. 2 and 5, 15 December 1997, substitution of words in Art. 101, OG 56/90]*

### **Article 102**

[OG 113/00, Art. 41, 9 November 2000]

The President of the Republic may propose to the Government that it hold a session to consider specific issues.

The President of the Republic may attend any session of the Government and participate in deliberations.

### **Article 103**

[OG 113/00, Art. 42, 9 November 2000]

The President of the Republic and the Government of the Republic of Croatia shall, in accordance with the Constitution and law, cooperate in directing the work of the security services.

The appointment of the heads of the security services shall, subject to a prior opinion obtained from the relevant committee of the Croatian Parliament, be countersigned by the President of the Republic and the Prime Minister of the Republic of Croatia.

[OG 28/01, Art. 46, 28 March 2001]

[OG 135/97, Arts. 2 and 12, 15 December 1997, substitution of words in Art. 103, OG 56/90]

#### **Article 104**

[OG 113/00, Art. 43, 9 November 2000]

The President of the Republic may, at the proposal of the Government, with the countersignature of the Prime Minister and after consultations with representatives of the parliamentary parties, dissolve the Croatian Parliament if the latter, following the Government's motion of confidence, passes a vote of no confidence in the Government or fails to adopt the state budget within 120 days after the date on which it was proposed.

[OG 28/01, Art. 47, 28 March 2001]

The President of the Republic may not dissolve the Croatian Parliament at the proposal of the Government while impeachment proceedings are underway against him/her for any violation of the Constitution.

[OG 28/01, Art. 47, 28 March 2001]

#### **Article 105**

The President of the Republic shall be impeachable for any violation of the Constitution that he/she has committed while discharging his/her duties.

Proceedings for the impeachment of the President of the Republic may be instituted by the Croatian Parliament by a two-thirds majority of all Members of Parliament.

[OG 28/01, Art. 48, 28 March 2001]

The Constitutional Court of the Republic of Croatia shall decide on the impeachment of the President of the Republic by a two-thirds majority of all of its judges.

The Constitutional Court shall make its decision on the impeachment of the President of the Republic within 30 days from the date on which it receives the proposal to impeach the President of the Republic for a violation of the Constitution.

[OG 113/00, Art. 44, 9 November 2000]

If the Constitutional Court of the Republic of Croatia sustains the impeachment, the President of the Republic shall be relieved of his/her duty by virtue of the Constitution.

#### **Article 105a**

[OG 113/00, Art. 45, 9 November 2000]

The President of the Republic shall enjoy immunity.

The President of the Republic shall not be detained nor shall any criminal prosecution be instigated against him/her without prior approval by the Constitutional Court.

The President of the Republic may be detained without approval by the Constitutional Court only if he/she has been caught in the perpetration of a criminal offence carrying a sentence of imprisonment exceeding five years. In such a case, the state body which has detained the President of the Republic shall forthwith notify the President of the Constitutional Court thereof.

#### **Article 106**

[OG 113/00, Art. 46, 9 November 2000]

In the performance of his/her duties, the President of the Republic shall be assisted by advisory bodies. The members of such bodies shall be appointed and dismissed by the President of the Republic. Appointments contrary to the principle of separation of powers shall not be allowed.

Advisory, professional and other tasks shall be performed by the Office of the President of the Republic. The President of the Republic of Croatia shall regulate the organisation and the remit of the Office by his/her decision. The Office of the President of the Republic and the staff services of the Government of the Republic of Croatia shall cooperate in the performance of tasks of common interest. The funding required for the work of the Office of the President of the Republic shall be secured in the state budget of the Republic of Croatia.

[OG 76/10, Art. 17, 16 June 2010]

### **3. THE GOVERNMENT OF THE REPUBLIC OF CROATIA**

#### **Article 107**

The Government of the Republic of Croatia shall exercise executive power in compliance with the Constitution and law.

#### **Article 108**

[OG 113/00, Art. 47, 9 November 2000]

The Government of the Republic of Croatia shall consist of a Prime Minister, one or more Deputy Prime Ministers, and Ministers.

The Prime Minister and the members of the Government may not perform any other public or professional duty without the consent of the Government.

#### **Article 109\***

[OG 113/00, Art. 48, 9 November 2000]

Members of the Government shall be proposed by the person to whom the President of the Republic has entrusted the mandate to form a Government.

Immediately upon forming the Government, or 30 days after accepting the mandate at the latest, the Prime Minister-Designate shall present the Government and its policies to the Croatian Parliament and seek a vote of confidence.

[OG 28/01, Art. 49, 28 March 2001]

The Government shall assume office when a vote of confidence is passed by a majority of all Members of the Croatian Parliament.

[OG 28/01, Art. 49, 28 March 2001]

The Prime Minister and the members of the Government shall swear a solemn oath before the Croatian Parliament. The text of the oath shall be specified by law.  
[OG 28/01, Art. 49, 28 March 2001]

Pursuant to the decision of the Croatian Parliament on confidence in the Government of the Republic of Croatia, the President of the Republic shall adopt a decision on the appointment of the Prime Minister, which decision shall be co-signed by the Speaker of the Croatian Parliament, while the Prime Minister shall adopt a decision on the appointment of the members of the Government, which decision shall be co-signed by the Speaker of the Croatian Parliament.

\*In OG 28/01, Article 109 is marked as "Article 110".

#### **Article 109a\***

[OG 113/00, Art. 49, 9 November 2000]

If the Prime Minister-Designate fails to form a Government within 30 days of accepting the mandate, the President of the Republic may extend such mandate for a maximum of an additional 30 days.

If the Prime Minister-Designate fails to form a Government in such an extended period or if the proposed Government fails to secure a vote of confidence from the Croatian Parliament, the President of the Republic shall confer the mandate to form a Government to another person.

[OG 28/01, Art. 50, 28 March 2001]

\*In OG 28/01, Article 109a is marked as "Article 111".

#### **Article 109b\***

[OG 113/00, Art. 49, 9 November 2000]

If no Government is formed in accordance with Articles 109 and 109a of the Constitution, the President of the Republic shall appoint an interim non-partisan Government and simultaneously call an early election for the Croatian Parliament.

[OG 28/01, Art. 51, 28 March 2001]

\*In OG 28/01, Article 109b is marked as "Article 112".

#### **Article 110\***

[OG 113/00, Art. 50, 9 November 2000]

The Government of the Republic of Croatia shall:

- propose bills and other acts to the Croatian Parliament;
- propose the state budget and annual accounts;
- execute laws and other decisions of the Croatian Parliament;
- adopt decrees to implement laws;
- conduct foreign and domestic policy;
- direct and control the operation of state administration;
- tend to the economic development of the country;
- direct the performance and development of public services;
- perform other duties determined by the Constitution and law.

[OG 28/01, Art. 52, 28 March 2001]

[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 110, OG 56/90]

\*In OG 28/01, Article 110 is marked as "Article 113".

### **Article 111**

[OG 113/00, Art. 51, 9 November 2000]

The organisation, operation, decision-making and types of acts rendered by the Government shall be regulated by law and by its standing orders.

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 111, OG 56/90]*

### **Article 112\***

[OG 113/00, Art. 52, 9 November 2000]

The Government shall be accountable to the Croatian Parliament.

[OG 28/01, Art. 53, 28 March 2001]

The Prime Minister and the members of the Government shall be jointly accountable for the decisions made by the Government, and shall be personally accountable for their respective purviews.

\*In OG 28/01, Article 112 is marked as "Article 115".

### **Article 113\***

[OG 113/00, Art. 53, 9 November 2000]

A vote of confidence in the Prime Minister, a specific member of the Government or the entire Government may be called following a motion of not less than one fifth of the Members of the Croatian Parliament.

[OG 28/01, Art. 54, 28 March 2001]

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

No vote of confidence, or debate thereon, may be conducted before the expiry of seven days following the date on which the motion was submitted to the Croatian Parliament.

[OG 28/01, Art. 54, 28 March 2001]

Debate and a vote of confidence shall be conducted not later than 30 days after the day on which the motion was submitted to the Croatian Parliament.

[OG 28/01, Art. 54, 28 March 2001]

A vote of no confidence shall be carried if supported by a majority of the total number of Members of the Croatian Parliament.

[OG 28/01, Art. 54, 28 March 2001]

If a vote of no confidence is not carried by the Croatian Parliament, the Members of Parliament who submitted the motion may not resubmit the same motion before the end of six months.

[OG 28/01, Art. 54, 28 March 2001]

If a vote of no confidence in the Prime Minister or in the entire Government is carried, the Prime Minister and the Government shall resign. If a vote of confidence in the new Prime Minister-Designate and the members put forward as members of the Government is not carried within 30 days, the Speaker of the Croatian Parliament shall notify the President of the Republic of Croatia of the same. Upon such notification from the Speaker of the Croatian Parliament, the President of the Republic shall immediately dissolve Parliament and simultaneously call a parliamentary election.

[OG 28/01, Art. 54, 28 March 2001]

If a vote of no confidence is carried with respect to a Government member, the Prime

Minister may put forward to the Croatian Parliament another member for a vote of confidence, or the Prime Minister and the Government may resign.

[OG 28/01, Art. 54, 28 March 2001]

In all cases in which the Prime Minister or Government resigns, the provisions of paragraph (7) of this Article shall apply.

\*In OG 28/01, Article 113 is marked as "Article 116".

#### **Article 114**

[OG 113/00, Art. 54, 9 November 2000]

The organisation, responsibilities, and the operation of state administration shall be regulated by law.

Certain responsibilities of state administration may be entrusted by law to the bodies of local and regional self-government and legal persons vested with public authority.

The status of civil servants and the labour-law status of government employees shall be regulated by law and other regulations.

### **4. JUDICIAL POWER**

#### **Article 115\***

Judicial power shall be exercised by the courts.

Judicial power shall be autonomous and independent.

Courts shall administer justice according to the Constitution, law, international treaties and other valid sources of law.

[OG 76/10, Art. 18, 16 June 2010]

\*In OG 76/10, Article 115 is marked as "Article 117".

#### **Article 116\***

[OG 113/00, Art. 55, 9 November 2000]

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

[OG 76/10, Art. 19, 16 June 2010]

The President of the Supreme Court of the Republic of Croatia shall be appointed and dismissed by the Croatian Parliament at the proposal of the President of the Republic, following a prior opinion of the general session of the Supreme Court of the Republic of Croatia and of the competent committee of the Croatian Parliament. The President of the Supreme Court of the Republic of Croatia shall be appointed for a term of four years.

[OG 28/01, Art. 55, 28 March 2001]

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

\*In OG 28/01, Article 116 is marked as "Article 119".

In OG 76/10, Article 116 is marked as "Article 118".

#### **Article 117**

Court hearings shall be open to the public and judgments shall be pronounced publicly in the name of the Republic of Croatia.

The public may be excluded from proceedings or part thereof for reasons necessary in a democratic society in the interest of morals, public order or national security, in particular if minors are tried, or in order to protect the private lives of the parties, or in marital disputes and proceedings connected with custody and adoption, or for the purpose of the protection of military, official or trade secrets and for the protection of the security and defence of the Republic of Croatia, but only to the extent which is, in the opinion of the court, absolutely necessary in the specific circumstances where publicity may harm the interests of justice.

[OG 113/00, Art. 56, 9 November 2000]

#### **Article 118\***

[OG 76/10, Art. 20, 16 June 2010]

Judicial office shall be vested in judges personally.

Lay judges and court advisors shall participate in court proceedings in compliance with law.

\*In OG 76/10, Article 118 is marked as "Article 120".

#### **Article 119\***

[OG 113/00, Art. 57, 9 November 2000]

Judges shall enjoy immunity in accordance with law.

Judges and lay judges who participate in court proceedings may not be held to account for an opinion or a vote given in the process of judicial decision-making unless there is a violation of law on the part of a judge which constitutes a criminal offence.

[OG 28/01, Art. 56, 28 March 2001]

A judge may not be remanded in custody or investigative detention in connection with any criminal prosecution initiated for a criminal offence perpetrated in the performance of his/her judicial office without the prior consent of the National Judicial Council.

[OG 76/10, Art. 21, 16 June 2010]

[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 119, OG 56/90]

\*In OG 28/01, Article 119 is marked as "Article 122".

In OG 76/10, Article 119 is marked as "Article 121".

#### **Article 120\***

[OG 113/00, Art. 58, 9 November 2000]

Judges shall have life tenure.

[OG 76/10, Art. 22, 16 June 2010, paragraph 2 deleted, paragraphs 3 to 8 became paragraphs 2 to 7]

A judge shall be relieved of office:

- at his/her own request;
- if permanently incapacitated from performing his/her duties;
- if sentenced for a criminal offence making him/her unworthy of holding judicial office;
- if, in accordance with law, the State Judicial Council so decides due to the perpetration of a grave infringement of discipline;

- on reaching seventy years of age.

A judge shall have the right to lodge an appeal against a decision relieving him/her of judicial office with the Constitutional Court within 15 days after the date on which the decision has been served. The Constitutional Court shall rule on the appeal applying such procedure and being of such composition as determined by the Constitutional Act on the Constitutional Court of the Republic of Croatia.

A judge shall have the right to lodge an appeal against a decision by the National Judicial Council on disciplinary accountability with the Constitutional Court within 15 days after the date on which the decision has been served. The Constitutional Court shall decide on the appeal in the manner and by applying the procedure as determined by the Constitutional Act on the Constitutional Court of the Republic of Croatia.

In the cases specified in paragraphs (3) and (4) of this Article, the Constitutional Court shall rule within no more than 30 days from the day the appeal has been lodged. Such ruling of the Constitutional Court shall exclude the right to a constitutional complaint.

[OG 76/10, Art. 22, 16 June 2010]

A judge may not be transferred against his/her will except in cases where a court is abolished or reorganised in compliance with law.

A judge may not perform a function or do work defined by law as being incompatible with his/her judicial office.

[OG 135/97, Art. 13, 15 December 1997, substitution of words in Art. 120, OG 56/90]

\*In OG 76/10, Article 120 is marked as "Article 122".

### **Article 121\***

[OG 76/10, Art. 20, 16 June 2010]

[OG 113/00, Art. 59, 9 November 2000, revision of Art. 121, OG 56/90]

The State Judicial Council is an autonomous and independent body that ensures the autonomy and independence of the judicial branch in the Republic of Croatia.

The State Judicial Council shall autonomously decide, in conformity with the Constitution and law, on the appointment, promotion, transfer, dismissal and disciplinary accountability of judges and presidents of courts, except in the case of the President of the Supreme Court of the Republic of Croatia.

The decisions specified in paragraph (2) of this Article shall be made by the Council in an impartial manner on the basis of the criteria set forth by law.

The State Judicial Council shall participate in the training and professional development of judges and other judicial personnel.

The State Judicial Council shall consist of eleven members, of whom seven shall be judges, two university professors of law and two Members of Parliament, one of whom shall be from the ranks of the opposition.

The members of the State Judicial Council shall elect a chair from their ranks.

Presidents of courts may not be elected to the State Judicial Council.

The members of the State Judicial Council shall be elected for a term of four years. No one may serve as member of the National Judicial Council for more than two terms of office.

The remit, organisation, manner of election and mode of operation of the State Judicial Council shall be regulated by law.

*[OG 135/97, Art. 13, 15 December 1997, substitution of in Art. 121, OG 56/90]  
[OG 28/01, Art. 57, 28 March 2001, substitution of words in Art. 121, OG 113/00]*

\*In OG 28/01, Article 121 is marked as "Article 124".

In OG 76/10, Article 121 is marked as "Article 123".

## **5. STATE ATTORNEY'S OFFICE**

*[OG 113/00, Art. 60, 9 November 2000]*

### **Article 121a\***

*[OG 76/10, Art. 24, 16 June 2010]*

*[OG 113/00, Art. 60, 9 November 2000, added Art. 121a, OG 56/90]*

The State Attorney's Office is an autonomous and independent judicial body empowered and duty-bound to instigate prosecution of perpetrators of criminal and other offences, to initiate legal measures to protect the property of the Republic of Croatia and to apply legal remedies to protect the Constitution and law.

The Croatian Parliament shall appoint the State Attorney General for a term of office of four years, at the proposal of the Government of the Republic of Croatia and following a prior opinion of the relevant committee of the Croatian Parliament.

Deputy state attorneys shall be appointed, dismissed, and have their disciplinary accountability determined by the State Attorney Council.

The decisions specified in paragraph (3) of this Article shall be made by the State Attorney Council in an impartial manner on the basis of the criteria set forth by law.

Deputy state attorneys shall have life tenure.

The State Attorney Council shall consist of eleven members, of whom seven shall be deputy state attorneys, two university law professors and two Members of Parliament, one of whom shall be from the ranks of the opposition.

The members of the State Attorney Council shall be elected for a term of four years. No one may serve as member of the State Attorney Council for more than two terms of office.

The members of the State Attorney Council shall elect a chair from their ranks.

The heads of state attorney offices may not be elected to the State Attorney Council.

The remit, organisation, manner of election and mode of operation of the State Attorney Council shall be regulated by law.

The establishment, organisation, remit and jurisdiction of the State Attorney Council shall be regulated by law.

*[OG 28/01, Art. 58, 28 March 2001, substitution of words in Art. 121a, OG 113/00]*

\*In OG 28/01, Article 121a is marked as "Article 125".

In OG 76/10, Article 121a is marked as "Article 124".

## **V THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA**

### **Article 122\***

The Constitutional Court of the Republic of Croatia shall consist of thirteen justices elected by a two-thirds majority of the Members of the Croatian Parliament from among notable jurists, especially judges, state attorneys, attorneys and university law professors pursuant to the procedure and method set forth by a constitutional act. The term of office of a Constitutional Court justice shall be eight years and shall be extended by up to six months in exceptional cases, where, upon the expiry of an incumbent's term of office, a new justice has not been elected or has not assumed office.

*[OG 76/10, Art. 25, 16 June 2010]*

The committee of the Croatian Parliament in charge of the Constitution shall conduct the procedure for the nomination and proposal of candidates for justices of the Constitutional Court of the Republic of Croatia to the Croatian Parliament.

*[OG 113/00, Art. 61, 9 November 2000]*

*[OG 28/01, Art. 59, 28 March 2001]*

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

*[OG 113/00, Art. 61, 9 November 2000, substitution of words in Art. 122, OG 56/90]*

*[OG 28/01, Art. 59, 28 March 2001, substitution of words in Art. 122, OG 56/90]*

\*In OG 28/01, Article 122 is marked as "Article 126".

\*In OG 76/10, Article 122 is marked as "Article 125".

### **Article 123**

The justices of the Constitutional Court of the Republic of Croatia may not perform any other public or professional duty.

The justices of the Constitutional Court of the Republic of Croatia shall enjoy the same immunity as Members of the Croatian Parliament.

*[OG 113/00, Art. 75, 9 November 2000]*

*[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 123, OG 56/90]*

### **Article 124**

A justice of the Constitutional Court of the Republic of Croatia may be relieved of office prior to the expiry of the term for which he/she has been elected at his/her own request,

if he/she is sentenced to imprisonment, or if he/she is permanently incapacitated for the performance of duties, which is to be ascertained by the Court itself.

### **Article 125\***

The Constitutional Court of the Republic of Croatia:

- shall decide on the compliance of laws with the Constitution;
- shall decide on the compliance of other regulations with the Constitution and laws;
- may decide on the constitutionality of laws and the constitutionality and legality of other regulations which are no longer valid, provided that less than one year has elapsed from the moment of such cessation until the filing of a request or a proposal to institute proceedings;
- shall decide on constitutional complaints against individual decisions taken by state bodies, bodies of local and regional self-government and legal persons vested with public authority where such decisions violate human rights and fundamental freedoms, as well as the right to local and regional self-government guaranteed by the Constitution of the Republic of Croatia;
- shall monitor compliance with the Constitution and laws and shall report to the Croatian Parliament on detected violations thereof;
- shall decide on jurisdictional disputes between the legislative, executive, and judicial branches;
- shall decide, in conformity with the Constitution, on the impeachment of the President of the Republic;
- shall monitor compliance of the platforms and activities of political parties with the Constitution and may, in compliance with the Constitution, ban non-compliant parties;
- shall monitor whether elections and referenda are conducted in compliance with the Constitution and laws and shall resolve electoral disputes falling outside the jurisdiction of the courts;
- shall perform other duties specified by the Constitution.

[OG 135/97, Art. 5, 15 December 1997]

[OG 113/00, Art. 62, 9 November 2000]

[OG 28/01, Art. 60, 28 March 2001]

\*In OG 28/01, Article 125 is marked as "Article 129".

### **Article 125a\***

[OG 113/00, Art. 63, 9 November 2000]

If the Constitutional Court finds that a competent body charged with enacting a regulation needed for the application of the Constitution, law or other regulation has failed to do so, it shall notify the Government thereof, and shall notify the Croatian Parliament when the Government has been charged with enacting such regulation and has failed to do so.

[OG 28/01, Art. 61, 28 March 2001]

\*In OG 28/01, Article 125a is marked as "Article 130".

### **Article 126**

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

The Constitutional Court of the Republic of Croatia shall repeal or annul any other regulation if it finds it to be unconstitutional or unlawful.

In the cases specified in Article 125, paragraph (1), indent 3 of the Constitution, if the Constitutional Court of the Republic of Croatia finds that a law is non-compliant with the Constitution or that another regulation is non-compliant with the Constitution and law, it shall hand down a decision pronouncing non-compliance with the Constitution or law.

[OG 113/00, Art. 64, 9 November 2000]

#### **Article 127\***

The procedure and conditions for the appointment of justices of the Constitutional Court of the Republic of Croatia and the termination of their office, the conditions and time limits for instituting proceedings for the assessment of constitutionality and legality, the procedure and legal effects of its decisions, the protection of human rights and fundamental freedoms guaranteed by the Constitution, and other issues vital to the performance of the duties and work of the Constitutional Court of the Republic of Croatia shall be regulated by a constitutional act.

[OG 113/00, Art. 65, 9 November 2000]

[OG 28/01, Art. 62, 28 March 2001]

Such constitutional act shall be adopted in accordance with the procedure determined for amending the Constitution.

The internal organisation of the Constitutional Court of the Republic of Croatia shall be regulated by its standing orders.

\*In OG 28/01, Article 127 is marked as "Article 132".

## **VI COMMUNITY-LEVEL, LOCAL AND REGIONAL SELF-GOVERNMENT**

[OG 113/00, Art. 66, 9 November 2000]

#### **Article 128\***

[OG 113/00, Art. 67, 9 November 2000]

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

The right to local and regional self-government shall be exercised through local and/or regional representative bodies, composed of members elected in free elections by secret ballot on the basis of direct, equal and general suffrage.

Citizens may directly participate in the administration of local affairs, through meetings, referenda and other forms of direct decision-making, in compliance with law and local ordinances.

The rights specified in this Article shall be exercised by European Union nationals in compliance with law and the EU *acquis communautaire*.

[OG 76/10, Art. 26, 16 June 2010, enters into force on the day of accession of the Republic of Croatia to the European Union]

\*In OG 76/10, Article 128 is marked as "Article 132".

#### **Article 129**

[OG 113/00, Art. 68, 9 November 2000]

Municipalities and towns shall be units of local self-government, and their territories shall be determined in the manner prescribed by law. Other units of local self-government may be provided by law.

Counties shall be units of regional self-government. The territory of a county shall be determined in the manner prescribed by law.

The capital city of Zagreb may be accorded the status of a county by law. Larger cities in the Republic of Croatia may be given the authority of a county by law.

Forms of community-level self-government may be established in a community or any part thereof.

*[OG 135/97, Art. 14, 15 December 1997, substitution of words in Art. 129, OG 56/90]*

### **Article 129a\***

*[OG 113/00, Art. 69, 9 November 2000]*

Units of local self-government shall administer affairs of a local nature by which the needs of citizens are directly fulfilled, and in particular affairs related to the organisation of localities and housing, zoning and urban planning, public utilities, child care, social welfare, primary health services, early and primary education, culture, physical education and sports, technical culture, consumer protection, protection and improvement of the environment, fire protection and civil defence.

*[OG 76/10, Art. 26, 16 June 2010]*

Units of regional self-government shall administer affairs of regional significance, and in particular affairs related to education, public health, zoning and urban planning, economic development, transportation and the transportation infrastructure, as well as planning and the development of the network of educational, health, social and cultural institutions.

Affairs falling within the remit of local and regional self-government shall be regulated by law. When devolving such matters, priority shall be accorded to the bodies which are closest to the citizen.

When determining the remit of local and regional self-government units, the scope and nature of affairs and the requirements of efficiency and economy shall be taken into account.

*\*In OG 76/10, Article 129a is marked as "Article 134".*

### **Article 129b**

*[OG 113/00, Art. 69, 9 November 2000]*

Units of local and regional self-government shall have the right, within the limits provided by law, to autonomously regulate, through their charters, the internal organisation and jurisdiction of their bodies and adapt them to local needs and capacities.

### **Article 130**

*[OG 113/00, Art. 70, 9 November 2000]*

In administering the affairs within their jurisdiction, units of local and regional self-government shall be autonomous and subject only to the review of constitutionality and legality by authorised state bodies.

*[OG 135/97, Art. 5, 15 December 1997, substitution of words in Art. 130, OG 56/90]*

## **Article 131**

[OG 113/00, Art. 71, 9 November 2000]

Units of local and regional self-government shall be entitled to their own revenues and to dispose of them freely in the performance of the tasks under their remit.

Revenues of local and regional units of self-government shall be proportional to their powers as envisaged by the Constitution and law.

The state shall provide financial assistance to weaker units of local and regional self-government in compliance with law.

## **VII INTERNATIONAL RELATIONS**

### **1. INTERNATIONAL TREATIES**

#### **Article 132\***

[OG 113/00, Art. 72, 9 November 2000]

Pursuant to the Constitution, law and rules of international law, the concluding of international treaties, depending on the nature and content of the international treaty, shall be under the competence of the Croatian Parliament, the President of the Republic or the Government of the Republic of Croatia.

[OG 28/01, Art. 63, 28 March 2001]

\*In OG 28/01, Article 132 is marked as "Article 139".

#### **Article 133\***

The Croatian Parliament shall ratify all international treaties which require the adoption of amendments to laws, international treaties of a military and political nature, and international treaties which give rise to financial commitments for the Republic of Croatia.

[OG 135/97, Art. 6, 15 December 1997]

[OG 113/00, Art. 73, 9 November 2000]

[OG 28/01, Art. 64, 28 March 2001]

International treaties which grant an international organisation or alliance powers derived from the Constitution of the Republic of Croatia shall be ratified by the Croatian Parliament by a two-thirds majority of all Members of Parliament.

[OG 28/01, Art. 64, 28 March 2001]

The President of the Republic shall sign the documents of ratification, accession, approval or acceptance of international treaties ratified by the Croatian Parliament in conformity with paragraphs (1) and (2) of this Article.

[OG 113/00, Art. 73, 9 November 2000]

[OG 28/01, Art. 64, 28 March 2001]

International treaties which are not subject to ratification by the Croatian Parliament shall be concluded by the President of the Republic, at the proposal of the Government, or by the Government of the Republic of Croatia.

[OG 113/00, Art. 73, 9 November 2000]

[OG 28/01, Art. 64, 28 March 2001]

[OG 135/97, Art. 15, 15 December 1997, substitution of words in Art. 133, OG 56/90]

\*In OG 28/01, Article 133 is marked as "Article 140".

### **Article 134**

[OG 135/97, Art. 16, 15 December 1997]

International treaties which have been concluded and ratified in accordance with the Constitution, which have been published and which have entered into force shall be a component of the domestic legal order of the Republic of Croatia and shall have primacy over domestic law. Their provisions may be altered or repealed only under the conditions and in the manner specified therein or in accordance with the general rules of international law.

## **2. ASSOCIATION AND DISSOCIATION**

[OG 113/00, Art. 74, 9 November 2000]

### **Article 135\***

[OG 135/97, Art. 6, 15 December 1997]

A procedure entailing the association of the Republic of Croatia into alliances with other states may be initiated by at least one-third of the Members of the Croatian Parliament, the President of the Republic and the Government of the Republic of the Croatia.

[OG 28/01, Art. 65, 28 March 2001]

Any procedure for the association of the Republic of Croatia into alliances with other states, if such association leads, or may lead, to a renewal of a South Slavic state union or to any form of consolidated Balkan state is hereby prohibited.

Any association of the Republic of Croatia shall first be decided by the Croatian Parliament by a two-thirds majority of all Members.

[OG 28/01, Art. 65, 28 March 2001]

Any decision concerning the association of the Republic of Croatia shall be made in a referendum by a majority of all voters voting in the referendum.

[OG 76/10, Art. 28, 16 June 2010]

Such referendum shall be held within 30 days from the date on which the decision was passed by the Croatian Parliament.

[OG 28/01, Art. 65, 28 March 2001]

The provisions of this Article concerning association shall also pertain to the conditions and procedures for the dissociation of the Republic of Croatia.

\*In OG 28/01, Article 135 is marked as "Article 142".

\*In OG 76/10, Article 135 is marked as "Article 141".

## **VIIA EUROPEAN UNION\***

[OG 76/10, Art. 29, 16 June 2010]

\* Title VIIA was added to the constitutional text by Article 29 of the Amendments to the Constitution of the Republic of Croatia (OG 76/10). The numeration of Articles 141a, 141b, 141c, and 141d follows the numeration of articles in the consolidated text of the Constitution of the Republic of Croatia (OG 41/01, 55/01 – corrigendum), and not the numeration of articles in the original texts by means of which the Constitution was amended, for which reason the numerical order of articles in Title VIIA was broken.

## **1. LEGAL GROUNDS FOR MEMBERSHIP AND TRANSFER OF CONSTITUTIONAL POWERS**

### **Article 141a**

[OG 76/10, Art. 29, entered into force on 1 July 2013, the day of accession of the Republic of Croatia to the European Union]

Pursuant to Article 141\* of the Constitution, the Republic of Croatia shall, as a Member State of the European Union, participate in the creation of European unity in order to ensure, together with other European states, lasting peace, liberty, security and prosperity, and to attain other common objectives in keeping with the founding principles and values of the European Union.

Pursuant to Articles 139 and 140\*\* of the Constitution, the Republic of Croatia shall confer upon the institutions of the European Union the powers necessary for the enjoyment of rights and fulfilment of obligations ensuing from membership.

\*Number "141" should read "135".

\*\*Numbers "139 and 140" should read "133 and 134".

## **2. PARTICIPATION IN EUROPEAN UNION INSTITUTIONS**

### **Article 141b**

[OG 76/10, Art. 29, entered into force on 1 July 2013, the day of accession of the Republic of Croatia to the European Union]

The citizens of the Republic of Croatia shall be directly represented in the European Parliament where they shall, through their elected representatives, decide upon matters falling within their purview.

The Croatian Parliament shall participate in the European legislative process as regulated in the founding treaties of the European Union.

The Government of the Republic of Croatia shall report to the Croatian Parliament on the draft regulations and decisions in the adoption of which it participates in the institutions of the European Union. In respect of such draft regulations and decisions, the Croatian Parliament may adopt conclusions which shall provide the basis for the Government's actions in European Union institutions.

Oversight by the Croatian Parliament of the actions of the Government of the Republic of Croatia in European Union institutions shall be regulated by law.

The Republic of Croatia shall be represented in the Council of the European Union and in the European Council by the Government and the President of the Republic of Croatia in accordance with their respective constitutional powers.

## **3. EUROPEAN UNION LAW**

[OG 76/10, Art. 29, entered into force on 1 July 2013, the day of accession of the Republic of Croatia to the European Union]

#### **Article 141c**

The exercise of the rights ensuing from the European Union *acquis communautaire* shall be made equal to the exercise of rights under the Croatian legal order.

All the legal acts and decisions accepted by the Republic of Croatia in European Union institutions shall be applied in the Republic of Croatia in accordance with the European Union *acquis communautaire*.

Croatian courts shall protect individual rights based on the European Union *acquis communautaire*.

State bodies, bodies of local and regional self-government and legal persons vested with public authority shall apply European Union law directly.

### **4. RIGHTS OF EUROPEAN UNION CITIZENS**

[OG 76/10, Art. 29, entered into force on 1 July 2013, the day of accession of the Republic of Croatia to the European Union]

#### **Article 141d**

Citizens of the Republic of Croatia shall be European Union citizens and shall enjoy the rights guaranteed by the European Union *acquis communautaire*, and in particular:

- freedom of movement and settlement in the territory of all Member States;
- active and passive suffrage in European parliamentary elections and in local elections in another Member State, in accordance with that Member State's law;
- the right to the diplomatic and consular protection of any Member State which is equal to the protection provided to own citizens when present in a third country where the Republic of Croatia has no diplomatic-consular representation;
- the right to submit petitions to the European Parliament, complaints to the European Ombudsman, and the right to apply to European Union institutions and advisory bodies in the Croatian language, as well as in all the other official languages of the European Union, and to receive a reply in the same language.

All rights shall be exercised in compliance with the conditions and limitations laid down in the founding treaties of the European Union and the measures undertaken pursuant to such treaties.

In the Republic of Croatia, all rights guaranteed by the European Union *acquis communautaire* shall be enjoyed by all citizens of the European Union.

## **VIII AMENDING THE CONSTITUTION**

#### **Article 136\***

Amendments to the Constitution of the Republic of Croatia may be proposed by a minimum of one-fifth of the Members of the Croatian Parliament, the President of the Republic and the Government of the Republic of Croatia.

[OG 113/00, Art. 75, 9 November 2000]

[OG 28/01, Art. 66, 28 March 2001]

[OG 135/97, Art. 6, 15 December 1997, substitution of words in Art. 136, OG 56/90]

\*In OG 28/01, Article 136 is marked as "Article 143".

### **Article 137\***

The Croatian Parliament shall decide by a majority of all Members of Parliament whether or not to initiate a procedure for changing the Constitution.

[OG 28/01, Art. 67, 28 March 2001]

Draft amendments to the Constitution shall be determined by a majority of all the Members of the Croatian Parliament.

[OG 28/01, Art. 67, 28 March 2001]

\*In OG 28/01, Article 137 is marked as "Article 144".

### **Article 138\***

[OG 28/01, Art. 68, 28 March 2001]

A decision to amend the Constitution shall be made by a two-thirds majority of all Members of the Croatian Parliament.

\*In OG 28/01, Article 138 is marked as "Article 145".

### **Article 139\***

Amendments to the Constitution shall be promulgated by the Croatian Parliament.

[OG 113/00, Art. 75, 9 November 2000]

[OG 28/01, Art. 69, 28 March 2001]

[OG 135/97, Art. 2, 15 December 1997, substitution of words in Art. 139, OG 56/90]

\*In OG 28/01, Article 139 is marked as "Article 146".

## **TRANSITIONAL AND CONCLUDING PROVISIONS OF THE CONSTITUTION OF THE REPUBLIC OF CROATIA AND ITS AMENDMENTS**

**The Constitution of the Republic of Croatia** (Official Gazette No. 56 of 22 December 1990):

### **"IX TRANSITIONAL AND CONCLUDING PROVISIONS**

#### **Article 140**

The Republic of Croatia shall remain part of the Socialist Federal Republic of Yugoslavia until the Yugoslav Republics reach a new agreement, or until the Croatian Parliament decides otherwise.

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

#### **Article 141**

This Constitution shall apply from the day of its promulgation by the Croatian Parliament, unless otherwise specified by the Constitutional Act for its implementation regarding the application of its individual provisions.

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

#### Article 142

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

[OG 135/97, Art. 18, 15 December 1997, Title "IX Transitional and Concluding Provisions" and Arts. 140, 141 and 142 were deleted; OG 56/90]

### **The Constitutional Act on Amendments to the Constitution of the Republic of Croatia** (Official Gazette No. 135 of 15 December 1997):

#### "Article 18

Title 'IX Transitional and Concluding Provisions' and Articles 140, 141 and 142 shall be deleted.

#### Article 19

The Committee for the Constitution, Standing Orders and Political System of the House of Representatives of the Croatian Parliament shall be authorised to make and publish the text of the Constitution of the Republic of Croatia pursuant to this Constitutional Act.

#### Article 20

The Constitutional Act shall enter into force on the day of its publication in Narodne novine."

### **Amendments to the Constitution of the Republic of Croatia** (Official Gazette No. 113 of 16 November 2000):

#### "Article 76

The Amendments to the Constitution shall enter into force on the day of its promulgation."

### **Amendments to the Constitution of the Republic of Croatia** (Official Gazette No. 28 of 2 April 2001):

#### "Article 70

After Article 146, Title IX and Articles 146a, 146b and 146c shall be added which read:

#### IX CONCLUDING PROVISIONS

##### Article 146a

On the entering into force of these Amendments to the Constitution of the Republic of Croatia, the House of Counties of the Croatian Parliament shall cease all its activities and the duties of the current President and members of the State Judicial Council and the President of the Supreme Court of the Republic of Croatia shall cease.

##### Article 146b

The Croatian Parliament shall pass the Constitutional Act for the Implementation of the Constitution of the Republic of Croatia.

Article 146c

The Amendments to the Constitution of the Republic of Croatia shall enter into force on the day of their promulgation by the House of Deputies of the Croatian Parliament.'

**Amendments to the Constitution of the Republic of Croatia** (Official Gazette No. 76 of 18 June 2010):

"Article 30

The Croatian Parliament shall pass the Constitutional Act for the Implementation of the Constitution of the Republic of Croatia within 6 months from the day of the promulgation of the Amendments to the Constitution.

Article 31

The Amendments to the Constitution shall enter into force on the day of their promulgation, except for Article 4 in the part relating to the execution of decisions on surrender delivered in accordance with the *acquis communautaire* of the European Union, Article 26 and added Articles 141b, 141c, and 141d in Article 29 of these Amendments, which shall enter into force on the day of accession of the Republic of Croatia to the European Union."

## Abbreviations

**OG** - Official Gazette of the Republic of Croatia, Art. = Article.

**Text in square brackets written in regular font:** amendments to the Constitution that are in force.

**Text in square brackets written in italic font:** previous amendments to the Constitution that are no longer in force.

**Meaning of the notes in square brackets in the following order:** [Number of the Official Gazette in which amendments were published, Article holding the amendments, date on which the amendments entered into force - note on the content of the amendments, number of the Official Gazette in which the text of the relevant amendments was published].

**Text marked with "\*" -** editorial explanations of numerical designations or numbers in the texts of the 2001 and 2010 Amendments to the Constitution.

**The marks and the symbol are not part of the text of the Constitution and may not be quoted when the text of the Constitution is cited.**