

CROATIAN PARLIAMENT

2532

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby pass a

DECISION

ON THE PROCLAMATION OF THE CONSTITUTIONAL LAW ON THE RIGHTS OF NATIONAL MINORITIES

I hereby proclaim the Constitutional Law on the Rights of National Minorities, which was adopted by the Croatian Parliament at its session on 13 December 2002.

Number: 01-081-02-3955/2
Zagreb, 19 December 2002

President
of the Republic of Croatia
Stjepan Mesic, *signed*

CONSTITUTIONAL LAW

ON THE RIGHTS OF NATIONAL MINORITIES

I BASIC PROVISIONS

Article 1

The Republic of Croatia, in accordance with:

- the Constitution of the Republic of Croatia,
- the principles of the Charter of the United Nations,
- the General Declaration on the Rights of a Man, International Pact on Civil and Political Rights, International Pact on Economic, Social and Cultural Rights,
- the Final Act of the Organization for Security and Co-operation in Europe, the Paris Charter for New Europe and other OSCE documents related to the rights of a man, especially the Document of the OSCE Copenhagen Meeting on Human Dimension and the Document of the OSCE Moscow Meeting on Human Dimension,
- the Convention of the Council of Europe for Protection of the Rights of a Man and Fundamental Freedoms, as well as the Protocols with this Convention,

- the International Convention on the Repeal of all Forms of Racial Discrimination, the Convention on the Prevention and Penalizing of the Crime of Genocide, the Convention on the Rights of a Child,
- the Declaration on the Repeal of all Forms of Intolerance and Discrimination on the Grounds of Religion and Conviction,
- the Convention on Fighting against Discrimination in the Area of Education,
- the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities,
- the Framework Convention of the Council of Europe for the Protection of National Minorities,
- the European Charter on Regional and Minority Languages,
- the European Charter on Local /Settlement/ Self-government,
- the SEI instruments for the protection of minority rights,
- the Lund Recommendation on the Efficient Participation of National Minorities in Public Life

shall take an obligation to respect and protect the rights of national minorities and other fundamental rights and freedoms of a man and citizen, the rule of law and all other highest values of its constitutional and international legal system, with respect to all its citizens.

Article 2

Apart from human rights and freedoms which are recognized by constitutional provisions, the Republic of Croatia also recognizes and protects all other rights foreseen in the international documents as per Article 1 of this Constitutional Law, depending on the exceptions and limitations foreseen in these documents, without discrimination on the basis of sex, race, the colour of skin, language, professing of religion, political and other conviction, national and social origin, connection with a national minority, ownership, the status inherited by birth or pursuant to some other basis, in compliance with Articles 14 and 17, Paragraph 3 of the Constitution of the Republic of Croatia.

Article 3

(1) The rights and freedoms of persons who belong to national minorities (hereinafter: members of a national minority), as basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities.

(2) Ethnic and multicultural diversity and spirit of understanding, mutual respect and tolerance shall contribute to the promotion of development of the Republic of Croatia.

Article 4

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

(2) Members of national minorities shall exercise the rights and freedoms stipulated by the Constitution of the Republic of Croatia, as well as the rights and freedoms stipulated by this Constitutional Law and special laws, in the equal manner as other citizens [gradjani] of the Republic of Croatia.

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

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

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

(6) This Constitutional Law or a special law shall render it possible to exercise certain rights and freedoms depending on the numerical representation of members of national minorities in the Republic of Croatia or in one of its areas, on their acquired rights and on the international agreements, which are a part of the internal legal system of the Republic of Croatia, in compliance with the Constitution of the Republic of Croatia.

Article 5

A national minority in the sense of this Constitutional Law shall be a group of Croatian citizens [drzavljani], whose members have been traditionally settled in the territory of the Republic of Croatia, and who have ethnic, linguistic, cultural and/or religious characteristics which are different than those of other citizens [gradjani], and who are guided by the wish for the preservation of those characteristics.

Article 6

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

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

Article 7

The Republic of Croatia shall ensure the exercise of special rights and freedoms of members of national minorities which they enjoy individually or together with other

persons belonging to the same national minority, and together with members of other national minorities when it is stipulated by this Constitutional Law or a special law, in particular:

1. the use of their language and script, privately and in public use and in official use;
2. education in the language and script which they use;
3. the use of their signs and symbols;
4. cultural autonomy by way of preservation, development and expression of one's own culture and the preservation and protection of one's cultural assets and tradition;
5. the right to profess one's religion and to establish religious communities together with other members of that religion;
6. access to the media and the performance of activities of public information (receiving and forwarding information) in the language and script which they use;
7. self-organising and association for the purpose of exercising mutual interests;
8. representation in the representative bodies at the state and local level and in administrative and judicial bodies;
9. participation of members of national minorities in the public life and in management of local affairs through the councils and through representatives of national minorities;
10. protection from any activity which endangers or may endanger their existence, the exercise of rights and freedoms.

Article 8

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

II. RIGHTS AND FREEDOMS

Article 9

(1) Members of national minorities shall have the right to use their surname and name in a language which they use, and to its official recognition for them and their children through the entry into registers of births, marriages and deaths and other official documents, in compliance with the regulations of the Republic of Croatia.

(2) Members of national minorities shall have the right to have the form for the personal identification card printed and filled out also in the language and script which they use.

Article 10

Members of national minorities shall have the right to freely use their language and script, privately and publicly, including the right to display signs, inscriptions and other information in the language and script which they use, in compliance with the law.

Article 11

(1) Members of national minorities shall have the right to education in the language and script which they use.

(2) The education of members of a national minority shall be performed in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution), with the education in the language and script which they use, under the conditions and in the manner stipulated by a special law on the education in the language and script of national minorities.

(3) School institutions with the education in the language and script of a national minority may be established and education may be conducted for a smaller number of pupils than the number which is stipulated for school institutions with education in the Croatian language and script.

(4) The curriculum in the language and script of a national minority shall, except for the general part, obligatorily contain a part, the content of which is related to a specific quality of a national minority (mother tongue, literature, history, geography and cultural opus of a national minority).

(5) The right and obligation of pupils educated in the language and script of national minorities shall be to learn the Croatian language and Latin script according to the determined curriculum, apart from their own language and script.

(6) Educational work in a school institution with the education in the language and script of a national minority shall be conducted by teachers from among the ranks of a national minority who have excellent command of the language and script of the national minority, or by teachers who are not from among the ranks of the national minority, but who have excellent command of the language and script of the national minority.

(7) The institutions of higher education shall organise the conduct of the programme of education of school counselors and teachers for the performance of tasks of education in the language and script used by national minorities in a part containing specific qualities of a national minority (mother tongue, literature, history, geography and cultural creativity of a national minority).

(8) Members of national minorities may establish pre-school institutions, primary and secondary schools and institutions of higher education for the purpose of conducting the education of members of national minorities in the manner and under the conditions stipulated by laws.

(9) Pupils attending schools in the Croatian language and script shall be enabled to learn the language and script of a national minority in the manner stipulated by a special law, according to the curriculum determined by the competent central state administration body, along with providing financial means in the state budget and in the budgets of local self-government units.

Article 12

(1) The equal official use of the language and script used by members of a national minority shall be exercised in the area of a local self-government unit, when members of a particular national minority comprise at least one third of the population of such a unit.

(2) The equal official use of the language and script used by members of a national minority shall also be exercised when it is anticipated in the international agreements which, in compliance with the Constitution of the Republic of Croatia, form a part of the internal legal system of the Republic of Croatia and when it is stipulated by the statute of a local self-government unit or by the statute of a regional self-government unit in compliance with the provisions of a special law on the use of the language and script of national minorities in the Republic of Croatia.

(3) Other conditions and manner of the official use of the language and script used by members of a national minority in the representative and executive bodies and in the procedure before administrative bodies of local self-government units and regional self-government units; in the procedure before the state administration bodies of first instance, in the procedure before judicial bodies of first instance; in the procedures conducted by the State Prosecutor's Office and notaries public, and by legal persons with public powers, shall be regulated by a special law on the use of language and script of national minorities.

Article 13

The law which regulates the use of language and script of national minorities, and/or the statutes of local self-government units shall stipulate the measures providing for the preservation of traditional names and signs and giving the names of persons and significant events for the history and culture of a national minority in the Republic of Croatia to settlements, streets and squares in the areas traditionally, or to a considerable number, populated by members of national minorities.

Article 14

(1) The use of signs and symbols of national minorities and the celebration of national minorities' holidays shall be free.

(2) National minorities may display appropriate signs and symbols of national minorities along with the official use of signs and symbols of the Republic of Croatia. When the national anthem and/or a solemn song of a national minority is being performed, the national anthem of the Republic of Croatia shall be obligatorily performed beforehand.

(3) Local self-government units and regional self-government units shall be obliged to stipulate by the statute the official use and the manner of use of the flag and symbols of national minorities.

Article 15

(1) For the purpose of preservation, development, promotion and expression of their own national and cultural identity, members of national minorities may establish associations, endowments and foundations, as well as institutions for the performance of public information activities, cultural, publishing, museum, archival, library and scientific activities.

(2) The Republic of Croatia, local self-government units and regional self-government units, shall finance the activity of institutions as per Paragraph 1 of this Article, according to their possibilities.

(3) Associations, endowments, foundations and institutions as per Paragraph 1 of this Article may state in their title that national minorities are their founders.

Article 16

(1) Members of national minorities, their associations and councils of national minorities or representatives of national minorities shall freely maintain contacts with a nation with which they share the same ethnic, linguistic, cultural and/or religious characteristics and with legal persons with the seat in the area of the state of that nation which perform the tasks of education, science, culture, publishing and humanitarian activities.

(2) The associations of members of national minorities and councils of national minorities or representatives of national minorities may receive from the state bodies of the nation with which they share the characteristics as per Paragraph 1 of this Article and from legal persons of that state, without paying the custom duties, newspapers, magazines, books, movies, videotapes, recordings, in a limited number of copies, which they use for their needs and which they can distribute to members of a national minority without paying a compensation.

(3) The associations of members of national minorities may organise guest performances by professional and amateur cultural and art groups for the members of national minorities and organise other cultural and art performances and exhibitions which contribute to the enrichment of the culture and identity of a national minority. In such cases, foreign persons participating in the conduct of performances and exhibitions shall not need the work permit.

(4) Members of national minorities may freely express their religious affiliation and profess their religion and, in compliance with that, belong to a religious community.

Article 17

(1) On the basis of laws and implementing regulations, which regulate the activities of public information, production and broadcast of radio and television

programmes, education, museum, archival and library activity and the protection and preservation of cultural assets, the conditions shall be created for the acquaintance of all citizens of the Republic of Croatia, especially of children and youth, through the content of educational work and through obligatory, as well as optional educational subjects, with the history, culture and religion of national minorities.

(2) With the objective of exercising the provisions of Paragraph 1 of this Article, the measures shall be undertaken which will alleviate the access to the media for members of national minorities.

Article 18

(1) Radio and television stations at the national, regional and local level shall have the task of promoting understanding for the members of a national minority, to produce and/or broadcast programmes intended for the information of members of national minorities in the languages of national minorities, the production and broadcast of programmes which stimulate and improve the preservation, development and expression of cultural, religious and other identity of national minorities, the preservation and protection of their cultural assets and tradition and the production and broadcast of programmes by which members of a national minority in that area get acquainted with the work and tasks of their council of national minority and of the representative of national minorities. Legal persons performing the activity of public information (the press, radio and television) shall enable the associations of members of national minorities and institutions of national minorities to participate in the creation of the programme intended for national minorities.

(2) The state budget and the budgets of local and regional self-government units shall provide the funds for co-financing of programmes of radio and television stations which they own, which programmes are intended for national minorities, in compliance with the possibilities and according to the criteria set forth by the Government of the Republic of Croatia, upon the proposal of the Council for National Minorities, or by the competent bodies of local and regional self-government units upon the proposal of the council of national minorities.

(3) With the aim of exercising the rights of members of national minorities to the information through the press, radio and television in the script and language of a national minority, members of national minorities, their councils of national minorities and representatives of national minorities and their associations may perform the activity of public information (publish newspapers, produce and broadcast radio and television programme and perform the activity of news agencies), in compliance with the law.

Article 19

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

(2) Members of national minorities shall elect a minimum of five and a maximum of eight of their representatives in special electoral units, in compliance with the law regulating the election of representatives into the Croatian Parliament, whereby the acquired rights of national minorities may not be decreased.

(3) Members of national minorities who participate in the total population of the Republic of Croatia with more than 1.5% shall be guaranteed a minimum of one and a maximum of three representative seats for the members of that national minority, in compliance with the law regulating the election of representatives into the Croatian Parliament.

(4) Members of national minorities who participate in the total population of the Republic of Croatia with less than 1.5% shall have the right to elect a minimum of four representatives, members of national minorities, in compliance with the law regulating the election of representatives into the Croatian Parliament.

Article 20

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

(2) If at least one member of a national minority, which participates in the population of the local self-government unit with more than 5 % and less than 15 %, is not elected in the representative body of the self-government unit on the basis of universal suffrage, the number of members of the representative body of the self-government unit shall be increased by one member, and the member of a national minority, who was not elected first according to the proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.

(3) If, based on universal suffrage, a national minority which accounts for at least 15% in the population of a local self-government unit, is not represented in the representative body of the local self-government unit by the number of members of the national minority which is proportional to its share in the population of that local self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a local self-government unit.

(4) If, based on universal suffrage, a national minority which accounts for more than 5 % in the population of a regional self-government unit, is not represented in the representative body of the unit by the number of members proportional to its share in the population of that regional self-government unit, the number of members of the representative body of the unit shall be increased up to the number which is necessary to exercise the representation, and those members of a certain minority, who were not elected, according to the order of proportional success of each slate in the elections, shall be considered elected, unless otherwise stipulated by the law regulating the election of members of the representative body of a regional self-government unit.

(5) If the representation of members of national minorities in the representative body of a local self-government unit is not reached even with the application of the provisions as per Paragraphs 2 and 3 of this Article, or if the representation of members of national minorities in the representative body of a regional self-government unit is not reached even with the application of the provisions as per Paragraph 4 of this Article, by-elections shall be called in the self-government unit in compliance with these provisions.

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

(7) The official census results shall be relevant to the determination of the number of members of a national minority for the implementation of the provisions of this Article. Prior to each elections, the official census results on the number of members of national minorities in a local or regional self-government unit shall be conformed to possible changes registered in the last confirmed voter's list of that unit.

Article 21

Local self-government units and regional self-government units, in which members of national minorities do not constitute the majority of population, may determine by their statutes that members of national minorities, or a larger number of members of national minorities, are elected to the representative body of a local self-government unit or regional self-government unit than it ensues from their share in the total population of the unit.

Article 22

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

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

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

(4) Members of national minorities shall have priority in the filling of posts as per Paragraphs 2 and 3 of this Article, under equal conditions.

III COUNCILS AND REPRESENTATIVES OF NATIONAL MINORITIES IN SELF-GOVERNMENT UNITS

Article 23

Members of national minorities shall elect, in the manner and under the conditions stipulated by this Constitutional Law, their representatives for the reason of participation in the public life and management of local affairs through the councils and representatives of national minorities in self-government units, in order to improve, preserve and protect the position of national minorities in the society.

Article 24

(1) In self-government units in the area of which members of an individual national minority participate with at least 1.5 % in the total population of the self-government unit, in local self-government units in the area of which more than 200 members of an individual national minority are living, and regional self-government units in the area of which more than 500 members of a national minority are living, members of each of those national minorities may elect the Council of National Minority.

(2) Ten members of a national minority shall be elected into the Council of National Minority of a municipality, 15 members into the Council of National Minority of a town and 25 members into the Council of National Minority of a county.

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

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

(5) The members of the Council of National Minority and minority representatives shall be elected directly, by secret ballot, for a four-year term, and the provisions of the Law, which regulate the election of the members of representative bodies of local self-government units, shall be appropriately applied to the election procedure and other issues related to their election.

(6) The census, corrected (increased or decreased) by that number of voters who are registered in or deleted from the voter's list, compiled for the election of members of representative bodies of local self-government units, shall be relevant to the determination of the number of members of a national minority for the conduct of the provisions of this Article.

Article 25

(1) The Council of National Minority shall be a non-profit legal person. It shall acquire the capacity of a legal person by the entry into the Register of Councils of National Minorities, which is kept by the Ministry competent for general administration affairs.

(2) The Council of National Minority shall be responsible for its commitments with its entire assets.

(3) The title of the Council of National Minority shall be in the Croatian language and Latin script, as well as in the language and script used by the national minority which founded the Council.

(4) The title of the Council of National Minority shall contain the sign of the national minority and the sign of the area for which it was elected.

(5) The Minister competent for general administrative affairs shall stipulate the content of the Register of Councils of National Minorities and the manner of its keeping by a Rule Book, as well as the form of requests for entry into the Register of Councils of National Minorities.

Article 26

The members of the Council of National Minority shall elect the President of the Council by secret ballot. The Council of National Minority shall also elect a person who shall replace the President of the Council in case of his absence or him being prevented to perform his duty.

Article 27

(1) The Council of National Minority shall pass the working programme, financial plan and annual financial statement, as well as the statute which regulates the issues of significance for the work of the Council.

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

(3) The Council of National Minority shall pass the Statute, working programme, financial plan and the annual financial statement by the majority of votes of all members.

(4) The statute, financial plan and the annual financial statement of the Council of National Minority shall be published in the official gazette of the local or regional self-government unit for the area of which the Council was established.

Article 28

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

(2) The funds for the exercise of specific programmes of the Council of National Minority may also be provided from the state budget of the Republic of Croatia.

Article 29

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

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

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

Article 30

(1) The members of the Council of National Minority shall perform their duties, as a rule, voluntarily and with the care of a good host.

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

Article 31

(1) The Council of National Minority in a self-government unit shall have the right to:

- propose to the bodies of a self-government unit the measures for the improvement of the position of a national minority in the state or in an area thereof, including the submission of proposals of general acts which regulate the issues of significance for a national minority to the bodies which adopt them;

- propose candidates for duties in state administrative bodies and bodies of self-government units;
- be informed about each issue which the working bodies of the representative body of a self-government unit will discuss, and which pertains to the position of a national minority;
- provide opinions and proposals with regard to the programmes of radio and television stations at the local and regional level intended for national minorities or programmes which deal with minority issues.

(2) The bodies of self-governments units shall regulate the manner, deadlines and the procedure for the exercise of rights stipulated in Paragraph 1 of this Article by its general acts.

Article 32

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

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

(3) If the Ministry competent for general administration evaluates that the general act as per Paragraph 2 of this Article or some of its provisions is contrary to the Constitution, this Constitutional Law or special laws which regulate the rights and freedoms of national minorities, it shall terminate its implementation within eight days.

(4) The decision on the termination of implementation shall be forwarded, without a delay to the municipal mayor, city mayor, that is, to the county mayor and to the president of the representative body which passed the general act and the information on the passing of the decision shall be forwarded to the Council for National Minorities and to the Council of National Minority based on which information the decision was passed.

(5) The Ministry competent for general administration shall forward to the Government of the Republic of Croatia the decision on the termination of implementation of the general act with a proposal for the initiation of the procedure for the assessment of conformity with the Constitution and law before the Constitutional Court of the Republic of Croatia and it shall inform a self-government unit on that.

(6) The termination of the implementation of the general act shall cease if the Government of the Republic of Croatia does not initiate the procedure as per Paragraph 5 of this Article within 30 days from the day of receipt of the decision as per Paragraph 5 of this Article.

Article 33

(1) Two or more Councils of National Minorities founded in the same local self-government unit, two or more Councils of National Minorities founded in different local self-government units, two or more Councils of National Minorities founded in the same regional self-government unit and two or more Councils of National Minorities founded in different regional self-government units may establish the co-ordination of Councils of National Minorities for the purpose of conformation and promotion of mutual interests.

(2) The Councils of National Minorities shall conform the positions on the issues from their scope of activities through the co-ordination of Councils of National Minorities.

(3) The Councils of National Minorities may authorise the co-ordination of Councils of National Minorities to undertake particular measures as per Article 31 of this Constitutional Law, on their behalf.

(4) It shall be considered that the Councils of National Minorities of regional self-government units have established a co-ordination of Councils of National Minorities for the area of the Republic of Croatia when more than half of Councils of National Minorities of regional self-government units joined the agreement on the establishment of this co-ordination.

(5) The co-ordination of Councils of National Minorities, which was established by the Councils of National Minorities of regional self-government units for the area of the Republic of Croatia, may pass decisions on signs and symbols of national minorities and on the manner of celebration of holidays of national minorities with the consent of the Council for National Minorities.

Article 34

(1) A minority representative shall perform his tasks under the title which has to be in the Croatian language and Latin script and in the language and script used by the national minority which elected him and which contains the mark of the area for which he was elected.

(2) A minority representative shall open an account for funds which are used for the exercise of minority rights in the area of a local self-government unit for which he was elected, the financial plan for the use of those funds and the annual financial statement for those funds. The financial plan and the annual financial statement for the funds used for the exercise of minority rights, shall be published in the official gazette of the self – government unit for the area of which the minority representative has been elected.

(3) The provisions of Articles 28, 29, 30, 31, 32 and 33 of this Constitutional Law shall be adequately applied to a minority representative and his competencies and duties.

IV THE COUNCIL FOR NATIONAL MINORITIES

Article 35

(1) The Council for National Minorities shall be established in order for national minorities to participate in the public life of the Republic of Croatia and especially to discuss, propose, regulate and resolve issues related to the exercise and protection of rights and freedoms of national minorities. With that goal, the Council shall co-operate with the competent state bodies and bodies of self-government units, councils of national minorities or minority representatives, associations of national minorities and legal persons performing the activities, through which minority rights and freedoms are exercised.

- (2) The Council for National Minorities shall have the right to:
- propose to the bodies of state authorities to discuss certain issues of significance for a national minority, particularly the implementation of this Constitutional Law and special laws regulating minority rights and freedoms;
 - propose to the bodies of state authorities measures to improve the position of a national minority in the state or in an area thereof;
 - provide opinions and proposals about the programmes of public radio stations and public television intended for national minorities and about the manner in which minority issues are being treated in the programmes of public radio stations and public television and other media;
 - propose the undertaking of economic, social and other measures in the areas that are traditionally or in a significant number inhabited by members of national minorities in order to preserve their existence in those areas.
 - request and acquire from the bodies of state authorities and bodies of local and regional self-government the data and reports required for discussing the issues from its scope of activities;
 - invite and request the presence of representatives of bodies of state authorities and bodies of local and regional self-governments, which competence includes the issues from the scope of activities of the Council established by this Constitutional Law and the Statute of the Council.

(3) The Council for National Minorities shall co-operate in the issues of interest for national minorities in the Republic of Croatia with the competent bodies of international organizations and institutions which deal with the issues of national minorities as well as with the competent bodies of parent countries of members of national minorities in the Republic of Croatia.

(4) The Council for National Minorities shall allocate the funds provided from the state budget for the needs of national minorities. The beneficiaries of the funds shall submit annual reports to the Council on the expenditure of the funds which were allocated to them from the state budget, of which the Council shall inform the Government of the Republic of Croatia and the Croatian Parliament.

(5) If the Council for National Minorities fails to pass a decision on the allocation of funds as per Paragraph 4 of this Article within 90 days from the adoption of the state budget, the Government of the Republic of Croatia shall pass a decision on it.

Article 36

(1) The Government of the Republic of Croatia shall appoint members of the Council for National Minorities for a four-year term, as follows:

- seven members of national minorities, from among the ranks of persons proposed by councils of national minorities,
- five members of national minorities from among the ranks of distinguished cultural, scientific, expert, religious employees from among the ranks of persons proposed by minority associations and other minority organisations, religious communities, legal persons and citizens, members of national minorities.

(2) The members of the Council for National Minorities shall also be representatives of national minorities in the Croatian Parliament.

(3) The Council for National Minorities shall have a President and two Deputy Presidents appointed by the Government of the Republic of Croatia from among the ranks of the members of the Council. One of them shall be obligatorily a member of the Council from among the ranks of a national minority which participates in the total population of the Republic of Croatia with more than 1.5%.

(4) On the occasion of the appointment of members of the Council for National Minorities, the Government of the Republic of Croatia shall take into account the share of members of particular national minorities in the total population of the Republic of Croatia, as well as the fact that the composition of the Council shall reflect their identity and specific quality, historical values, ethnic, cultural and every other diversity.

(5) The President and Deputy Presidents of the Council for National Minorities shall perform their duty professionally and the President of the Council shall also be the Head of the Expert Office of the Council.

(6) The Government of the Republic of Croatia shall establish the Expert Office of the Council for the performance of expert and administrative tasks for the Council for National Minorities and it shall determine the approximate number of its officials and employees.

(7) The Council for National Minorities shall have a Statute adopted with the consent of the Government of the Republic of Croatia. The Statute shall more precisely regulate the scope of activities and the organization of the Council.

(8) The Council for National Minorities shall adopt the working programme, the financial plan, the annual financial statement and decisions on the allocations of funds which are provided in the state budget for the needs of national minorities.

(9) The Council for National Minorities shall adopt a Rule Book on the Internal Order of the Expert Office of the Council upon the proposal of the President of the Council.

(10) The Council for National Minorities shall pass decisions with the majority of all members.

(11) The working programme of the Council for National Minorities, the financial plan and the annual financial statement of the funds of the Council for National Minorities, and the acts, whereby the Council for National Minorities allocates the funds provided in the state budget for the needs of national minorities, shall be published in the "Official Gazette".

V. SUPERVISION

Article 37

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

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

(3) At least once a year, the Government of the Republic of Croatia shall submit to the Croatian Parliament a report on the implementation of this Constitutional Law and on the expenditure of funds provided in the state budget for the needs of national minorities, and the Council for National Minorities shall submit to the Croatian Parliament or to its working body competent for the exercise of rights of national minorities, a bi-annual report on the issues which fall within the scope of activities of the Council and a quarterly report on the expenditure of funds provided in the state budget for the needs of national minorities.

Article 38

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

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

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

VI. INTERIM AND FINAL PROVISIONS

Article 39

(1) The provisions of Article 19 of this Constitutional Law shall be applied from the day of coming into effect of the law which shall, in compliance with these provisions, regulate the election of representatives to the Croatian Parliament.

(2) The representative bodies of local and regional self-government units, which term of office still runs, and in which the right to representation of minority representatives has not been exercised, in compliance with the provisions of Article 20 of this Constitutional Law, shall be filled in with an appropriate number of representatives, members of national minorities within 90 days from the day of coming into effect of this Constitutional Law.

Article 40

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

Article 41

This Constitutional Law shall neither change nor abolish the rights of national minorities acquired on the basis of international agreements which are, pursuant to the Constitution of the republic of Croatia, a part of the internal legal system of the Republic of Croatia.

Article 42

(1) The Government of the Republic of Croatia shall appoint members of the Council for National Minorities as well as the President and Deputy of the Council for National Minorities within 90 days from the day of coming into effect of this Constitutional Law, at the latest.

(2) If the Councils of National Minorities have not been established before the expiration of the deadline as per Paragraph 1 of this Article, or if those councils do not propose candidates for the members of the Council for National Minorities to the Government of the Republic of Croatia, the Council for National Minorities shall be comprised of the members appointed pursuant to the provisions of Article 36, Paragraph

1, Sub-paragraph 2 and of the members determined pursuant to the provisions of Article 36, Paragraph 2 of this Constitutional Law.

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

Article 43

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

(2) On the day of coming into effect of this Constitutional Law, the provisions of Article 9 of the Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units ("Official Gazette" No. 33/2001) shall cease to be applied in the part stipulating the election of members of representative bodies of local and regional self-government units from among the ranks of members of national minorities, and the provisions of Article 61 of the Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units shall cease to be valid.

Article 44

The Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia ("Official Gazette", No. 65/91, 27/92, 34/92 – consolidated text, 51/00 and 105/00- consolidated text) shall cease to be valid on the day of coming into effect of this Constitutional Law.

Article 45

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

Class: 016 – 01/02 – 01/01
Zagreb, 13 December 2002

CROATIAN PARLIAMENT
Speaker of
The Croatian Parliament
Zlatko Tomcic, *signed*