

Please note that the translation provided below is only provisional translation and therefore does NOT represent an official document of the Republic of Croatia. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in Croatian language.

Please note that this translation is a final text version published in the Official Gazette no. 155/2002.

(Official Gazette no. 155/2002)

CONSTITUTIONAL LAW ON THE RIGHTS OF NATIONAL MINORITIES

ZAGREB, December 13, 2002

I BASIC PROVISIONS

Article 1

The Republic of Croatia, pursuant to:

- the Constitution of the Republic of Croatia,
- the principles embodied in the Charter of the United Nations,
- the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights,
- the Final Act of the Organisation for European Security and Co-operation, the Charter of Paris for a New Europe and other OSCE documents relating to human rights, especially the Document of the Copenhagen Meeting (OSCE) of the Conference on the Human Dimension and the Document of the Moscow Meeting (OSCE) on the Human Dimension,
- the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, with the pertaining Protocols
- the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child,
- the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- the Convention Against Discrimination in Education,
- the UN Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities,
- the Council of Europe Framework Convention for the Protection of National Minorities
- the European Charter for Regional or Minority Languages
- the European Charter of Local Self-Government,

- CEI Instrument for the Protection of Minority Rights.
- the Lund Recommendations on the Effective Participation of National Minorities

undertakes to respect and protect the rights of national minorities and other fundamental rights and freedoms of man and citizen, the rule of law and all other highest values enshrined in its own Constitution and in international law in relation to all its citizens.

Article 2

In addition to the human rights and freedoms recognised under its constitutional provisions, the Republic of Croatia shall recognise and protect all other rights envisaged in the international documents referred to in Article 1 of this Constitutional Law, subject to exceptions and limitations provided in these documents, without any discrimination based on gender, race, colour of skin, language, religion, political and other beliefs, national and social background, association with a national minority, property, status inherited by birth or on any other basis, in accordance with Articles 14 and 17, paragraph 3 of the Constitution of the Republic of Croatia.

Article 3

(1) The rights and freedoms of the members of national minorities, being fundamental human rights and freedoms, shall constitute an inseparable part of the democratic system in the Republic of Croatia and shall enjoy necessary support and protection, including relevant measures taken in favour of national minorities.

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

Article 4

(1) Every citizen of the Republic of Croatia shall have the right to freely express his/ her national affiliation, the right to exercise individually or jointly with other members of his/her respective national minority or jointly with members of other national minorities the rights and freedoms defined in this Constitutional Law and other minority rights and freedoms as defined in special laws.

(2) Members of national minorities shall enjoy on an equal footing with other citizens of the Republic of Croatia the rights and freedoms guaranteed under the Constitution of the Republic of Croatia as well as the rights and freedoms defined by this Constitutional Law and special laws.

(3) The rights and freedoms defined by this Constitutional Law as well as the rights and freedoms of the members of national minorities defined in special laws shall be exercised by the national minorities and their members pursuant to and under the conditions stipulated in this Constitutional Law and relevant special laws.

(4) Any discrimination based on ethnic origin shall be prohibited. The members of national minorities shall be guaranteed equality before law and equal legal protection.

(5) It shall be prohibited to take any measures designed to change the ethnic structure in areas populated by national minorities, with a view to undermining the exercise of or limiting the rights and freedoms defined by this Constitutional Law and special laws.

(6) Under this Constitutional Law or a special law it shall be possible to exercise certain rights and freedoms depending on the share of population which members of national minorities enjoy in the Republic of Croatia or one of its areas, the already acquired rights and the international treaties, which in accordance with the Constitution of the Republic of Croatia are part of the internal legal framework of the Republic of Croatia.

Article 5

A national minority within the terms of this Law shall be considered a group of Croatian citizens whose members have been traditionally inhabiting the territory of the Republic of Croatia and whose ethnic, linguistic, cultural and/ or religious characteristics differ from the rest of the population, and who are motivated to preserve these characteristics.

Article 6

(1) The Republic of Croatia may enter into international treaties with other States to regulate issues concerning the rights and freedoms of members of national minorities in the Republic of Croatia.

(2) When entering into international treaties referred to in para. 1 of this article the Republic of Croatia shall seek thereby to create and upgrade conditions required for the preservation and development of minority cultures and the preservation of essential components of their identity, such as religion, language, traditions and cultural heritage.

Article 7

The Republic of Croatia shall also ensure the exercise of special rights and freedoms of national minority members they enjoy individually or jointly with other members of the same national minority or, where so provided in this Constitutional Law or a special law, jointly with members of other national minorities, in particular with regard to:

1. the use of their language and script, private and public, as well as official use;
2. education in their language and script;
3. the use of their insignia and symbols;
4. cultural autonomy through the preservation, development and expression of their own culture, preservation and protection of their cultural heritage and tradition;
5. practising their religion and establishing their religious communities together with other members of the same religion;
6. access to the media and public information services (receiving and disseminating information) in their language and script;
7. self-organisation and association in pursuance of their common interests;
8. representation in the Parliament and in local government bodies, in administrative and juridical bodies;
9. participation of the members of national minorities in public life and local self-government through the Council and representatives of national minorities;
10. protection from any activity jeopardising or potentially jeopardising their continued existence and the exercise of their rights and freedoms.

Article 8

The provisions of this Constitutional Law and of special laws governing the rights and freedoms of national minority members shall be construed and applied with a view to ensuring respect for the members of national minorities and other citizens of the Republic of Croatia, to promoting 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 family name and first name(s) in the language they use, and to have their name officially recognised to them and their children through entry in registers of vital statistics and other official documents, in accordance with current regulations of the Republic of Croatia.

(2) Members of national minorities shall have the right to have their identity cards printed and completed also in the language and script of their use.

Article 10

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

Article 11

(1) Members of national minorities shall have the right to education in the language and script used by them.

(2) Education of members of national minorities shall be provided in kindergartens, primary and secondary schools with instruction in the language and script of their use, under the conditions and as prescribed by a special law on education in the language and script of national minorities.

(3) Schools with instruction in the language and script of a national minority can be established for a number of students smaller than the one prescribed for schools with instruction in the Croatian language and script.

(4) The syllabus and curriculum of education in the language and script of a national minority shall along with its general part comprise minority-specific subjects (native language, literature, history, geography and cultural tradition).

(5) Students being educated in the language and script of a national minority shall have the right and obligation to study in parallel the Croatian language and script according to the prescribed curriculum.

(6) Teachers in schools with instruction in the language and script of a national minority shall be members of that national minority and fully proficient in the respective minority language and script, or teachers who are not members of that national minority but are fully proficient in the language and script of the respective national minority.

(7) Higher education institutions shall organise teacher training courses for instruction in the languages and script of national minorities in the part of the curriculum containing minority-specific subjects (native language, literature, history, geography, cultural tradition).

(8) Members of national minorities may for the purposes of minority education establish kindergartens, primary and secondary schools and higher education institutions, in the manner and under the conditions stipulated by law.

(9) For pupils of a Croatian language school arrangements shall be made for instruction in the language and script of a national minority as defined in a special law, according to a curriculum defined by the competent central government body, with funds to be provided from the state budget and the budget of the local self-government unit concerned.

Article 12

(1) Equality in the official use of a minority language and script shall be exercised in the territory of a self-government unit where the members of a national minority make at least one third of the population.

(2) Equality in the official use of a minority language and script shall also be practised when so envisaged in international treaties to which the Republic of Croatia is a party and when so stipulated in the statute of a local or regional self-government unit, pursuant to the provisions of the special Law on the Use of Minority Languages and Script in the Republic of Croatia.

(3) Other conditions and modalities of the official use of minority languages and script in representative and executive bodies, in procedures before administrative bodies of local and regional self-government units, in first-instance procedures before government bodies, in first-instance court proceedings, in procedures conducted by the Public Attorney's Office, notaries public and legal persons with public powers, shall be regulated by a special law on the use of minority languages and script.

Article 13

The law regulating the use of minority languages and script and/ or the statutes of self-government units shall define measures to facilitate the preservation of traditional names and signs and the naming of places, streets and squares after the persons or events important for the history and culture of the respective national minority in the Republic of Croatia, in the areas traditionally or in terms of numbers significantly populated by the national minority concerned.

Article 14

(1) The use of insignia and symbols as well as the celebration of national minority holidays shall be free.

(2) In the official use of insignia and symbols of national minorities the corresponding insignia and symbols of the Republic of Croatia shall be displayed concurrently. When a national anthem and/ or ceremonial song of a national minority is played, the national anthem of the Republic of Croatia shall be played first.

(3) Local and regional self-government units shall define in their statutes the official use and the manner of using the flag and symbols of a national minority.

Article 15

(1) Members of national minorities may for the purpose of preservation, development, promotion and manifestation of their national and cultural identity establish organisations, trusts and foundations, as well as institutions engaging in public information, cultural, publishing, museum, library or scientific activities.

(2) The Republic of Croatia, the local and regional self-government units, according to their capacities, finance the functioning of the institutions from para 1. of this article.

(3) The names of organisations, trusts, foundations and institutions under para. 1 of this article may contain a reference to the particular national minority.

Article 16

(1) Members of national minorities, their organisations and minority self-governments may maintain contacts with people with whom they share the same ethnic, linguistic, cultural and/ or religious characteristics, as well as with legal entities having a seat in the country of that people, engaging in educational, scientific, cultural, publishing and humanitarian activities.

(2) National minority organisations and minority self-governments may receive from the bodies and legal entities of the country of the people with whom they share the same characteristics referred to in para. 1 of this article duty-exempted newspapers, magazines, books, films, video-cassettes, sound carriers in a limited number of copies for their own use and may distribute them without charge to the members of the national minority concerned.

(3) National minority organisations may arrange guest performances of professional and amateur cultural societies, as well as organise other cultural and artistic events and exhibitions contributing to the enrichment of culture and identity of a national minority. In such cases the visiting aliens need not be in possession of a labour permit.

(4) National minority members shall be free to manifest and practise their religion and thereby express their allegiance to that religious community.

Article 17

(1) The laws regulating public information services, production and broadcasting of radio and TV programmes, education, museum and library activities, preservation and conservation of cultural heritage shall create conditions for better acquaintance of all citizens of the Republic of Croatia, particularly children and young people through educational programmes, mandatory and optional school curriculum subjects, with the history, culture and religion of the national minorities.

(2) To this end steps will be taken to facilitate access by national minority members to the media.

Article 18

(1) Radio stations and TV studios at nation-wide, regional and local level shall be specifically tasked to promote understanding for members of national minorities, to produce and/ or broadcast programmes designed to inform national minority members in minority languages, to encourage and promote the preservation, development and manifestation of minority cultural, religious and other identity, preservation and conservation of national heritage and traditions, as well as to inform national minority members in the region about the work and tasks of the respective minority self-government. Legal entities engaging in public information services (the press, radio and TV) shall enable the minority organisations and institutions to participate in the creation of programmes intended for national minorities

(2) In the state budget and the budgets of the local and regional self-government units funds shall be assigned for co-financing minority programmes on radio and television stations owned by them, in accordance with available capacities and the criteria defined by the Croatian Government on the proposal of the Council for National Minorities or by the competent local and regional self-government units on the proposal of the national minority councils.

(3) In order to ensure the right of national minority members to information through the press, radio and TV in the minority language and script, national minority members, minority self-governments and minority organizations can engage in public information activities (publish newspapers, produce and broadcast radio and TV programmes and engage in news agencies) as provided for by the law.

Article 19

(1) National minorities shall have the right to representation in the Croatian Parliament.

(2) Members of national minorities can elect at least five and not more than eight MPs in special constituencies in accordance with the law regulating the election of MPs, which, however, shall not derogate the already acquired rights of national minorities.

(3) A national minority with a share of more than 1.5% in the total population of the Republic of Croatia shall be guaranteed at least one and not more than three parliament seats in accordance with the law regulating the election of MPs.

(4) National minorities with a share of less than 1.5% in the total population of the Republic of Croatia shall have the right to elect at least four MPs from among the members of national minorities in accordance with the law regulating the election of MPs.

Article 20

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

(2) Unless at least one member of a national minority having a share in the population of a self-government unit above 5% and below 15% is elected by universal suffrage to the representational body of the self-government unit, the number of members of the representational body shall be increased by one member and as elected shall be considered a minority member who has not been elected as the first in the order of proportional success of each electoral list, unless otherwise provided in the law governing the election of members of the representational body of the self-government unit.

(3) Unless an election by universal suffrage fails to result in as many minority members in the representational body of a local self-government unit as pertaining to the respective national minority having at least 15% share in the local population, the number of members of the representational body of that unit shall be increased to a number required to achieve that representation and as elected shall be considered minority members who have not been elected in the order of proportional success of each electoral list, unless otherwise provided in the law governing the election of members of the representational body of the local self-government unit.

(4) Unless an election by universal suffrage fails to result in as many minority members in the representational body of a regional self-government unit as pertaining to the respective national minority having more than 5% share in the population of the regional self-government unit, the number of members of the representational body of that unit shall be increased to a number required to achieve that representation and as elected shall be considered minority members who have not been elected in the order of proportional success of each electoral list, unless otherwise provided in the law governing the election of members of the representational body of the regional self-government unit.

(5) Should even the application of the provisions of paras. 2 and 3 of this article fail to result in the desired representation of minority members in the representational body of a local self-government unit, or a regional self-government body under para. 4 of this article, in compliance with these provisions, a by-election shall be announced in the self-government unit concerned..

(6) Candidacy and the election of members of the representational bodies of local and regional self-government units pursuant to the provisions of paras. 2, 3, 4 and 5 of this article shall be regulated under the law governing the election of members of the representational bodies of local and regional self-government units.

(7) Official census results shall be a basis for determining the number of minority members required for the implementation of the provisions of this article. Prior to any election, the official census results in respect of the number of minority members in a local or regional self-government unit shall be adjusted to changes which may have been recorded in the latest confirmed polling list of that unit.

Article 21

The local and regional self-government units where minority members do not constitute a majority can stipulate in their statutes that minority members are to be elected to the representational body in or above their proportional share in the total population of that unit.

Article 22

(1) In a local or regional self-government unit (hereinafter: self-government unit) where a proportional representation of minority members is required under the provisions of this Constitutional Law, such minority representation shall also be secured in the unit's executive body.

(2) Minority representation shall be ensured in government and judiciary bodies in compliance with a special law, with allowance to be made for the share of a national minority in the total population in the area where a government or a judiciary body has been formed, as well as for the acquired rights.

(3) The members of national minorities shall be granted the right to 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 with the acquired rights.

(4) In filling the vacancies referred to in paragraphs 2 and 3 of this article, preference under the same conditions shall be given to the representatives of national minorities.

III MINORITY SELF-GOVERNMENT IN SELF-GOVERNMENT UNITS**Article 23**

For promotion, preservation and protection of the position of national minorities in the society, the members of national minorities can elect, in the manner and under the conditions defined in this Constitutional law, their minority self-governments or minority representatives in the self-government units.

Article 24

(1) Minority self-governments can be elected in self-government units where members of a national minority have at least 1.5% share in the total population, or where more than 200 members of a national minority are resident, or in the area of a regional self-government unit where more than 500 members of a national minority are resident.

(2) 10 representatives shall be elected to a minority self-government of a municipality, 15 to a minority self-government of a town, 25 to a minority self-government of a county.

(3) In cases where at least one of the requirements for the election of a minority self-government under para. 1 of this article has not been met, and in an area with at least 100 residing members of a national minority, a minority representative shall be elected for the territory of such self-government unit.

(4) Candidates for minority self-governments or candidates for minority representatives can be nominated by minority organisations or at least 20 members of a national minority from the territory of a municipality, or 30 from the territory of a town or 50 from the territory of a county.

(5) Members of minority self-governments and minority representatives shall be elected by direct secret ballot for a four-year term, with the election procedure to be conducted in compliance with the law regulating the election of representatives to representative bodies of local self-government units.

(6) Relevant for the determination of the number of national minority members for the purpose of implementing the provisions of this article shall be the national census increased or reduced by

the number of voters entered in or deleted from the electoral register drawn up to elect representatives to the representative bodies of local self-government units.

Article 25

(1) A minority self-government shall be considered a non-profit legal entity. Its legal status shall be acquired by registration with the ministry responsible for general administrative affairs.

(2) For its obligations the minority self-government shall be liable with its entire assets.

(3) The name of a minority self-government shall be in both the Croatian language and Latin script and in the language and script of the national minority which has formed the minority self-government.

(4) The name of a minority self-government shall contain a reference to the national minority in question and the territory it has been established for.

(5) The minister responsible for public administration affairs shall define the tenor of the register of the minority self-government and the manner in which it is to be kept, as well as the application form for entry in the register of national minorities

Article 26

The members of the minority self-government shall elect their chairperson by secret ballot. The minority self-government shall also elect a person to act on behalf of the chairperson in case of his or her absence or inability to perform his or her duties.

Article 27

(1) Minority self-government shall pass its programme of work, financial plan and annual balance sheet, as well as its statute regulating matters relevant for work of the minority self-government.

(2) The chairman of the minority self-government shall represent and act on behalf of the minority self-government, convene council sessions, and have powers and duties as defined in the statute of the minority self-government.

(3) The minority self-government statute, programme, financial plan and annual balance sheet shall be passed by a majority vote of the council members.

(4) The minority self-government statute, financial plan and annual balance sheet shall be published in the official gazette of the self-government unit where the minority self-government has been established.

Article 28

(1) Self-government units shall ensure funds for operation of minority self-government bodies, including funds required for their administrative services, and may also ensure funds for specific activities as defined in the respective minority self-government programmes.

(2) Funds required for certain minority self-government programmes can also be provided from the national budget.

Article 29

(1) The funds obtained by a minority self-government from its property, from donations, grants, inheritance or other sources may only be used for the activities and purposes relevant for the respective national minority as defined in its programme.

(2) The funds obtained by a minority self-government from the national budget or a self-government unit's budget can be used solely for the purposes envisaged in the budget or the law or

a decision regulating budget expenditures, or, when it comes to national budget funds, for purposes designated by the Council for National Minorities.

(3) When purchasing goods or services or performing works financed from funds referred to in para. 2 of this article, the minority self-government may use them solely under the conditions and in the way stipulated by the Procurement Act.

Article 30

(1) Members of a minority self-government and its bodies shall, as a rule, perform their duties on a voluntary basis and with due care of a good husband.

(2) Members of a minority self-government and its bodies may only be reimbursed for costs incurred while carrying out their duties for the minority self-government and remunerated on a monthly or other basis, only if so approved and up to a limit thus approved by the minister in charge of general administration.

Article 31

(1) Minority self-governments in a self-government unit shall be entitled to:

- propose to self-government units measures to improve the position of the respective national minority nation-wide or in a specific area, including proposals of by-laws to regulate issues relevant for that national minority;
- propose candidates for duties in government administration bodies and bodies of self-government units;
- be informed of any issue to be discussed by the committees of the self-government unit's representative bodies, of relevance to that national minority;
- give their views and make proposals to self-government unit's bodies concerning local and regional radio and TV broadcasts intended for national minorities or addressing minority issues.

(2) In their bylaws the bodies of self-government units shall define the manner, time schedule and procedure applicable in exercising the rights stipulated in paragraph 1 of this article.

Article 32

(1) In drafting its by-laws the self-government unit's administration shall seek opinions and proposals of the minority self-government formed in its area regarding the provisions regulating minority rights and freedoms.

(2) Should a minority self-government deem a self-government unit's by-law or any of its provisions to be in contravention of the Constitution, this Constitutional Law or special laws governing the minority rights and freedoms, it shall immediately notify thereof the ministry in charge of general administration, the self-government unit's administration and the Council for National Minorities.

(3) If the ministry responsible for general administration or the Council for National Minorities assess the by-law from para. 2 of this article or any of its provisions to be in contravention of the Constitution, this Constitutional Law or the special laws governing the minority rights and freedoms, the ministry shall suspend its implementation within eight days.

(4) A decision suspending implementation of a by-law shall be forwarded without delay to the mayor or county prefect as well as the chairman of the representative body which has passed the by-law, and the notification of the decision shall be forwarded to the Council for National

Minorities and the minority self-government on the basis of whose notification the decision has been made.

(5) The Ministry in charge of general administration shall forward to the Croatian Government the decision suspending the implementation of the by-law along with a proposal to initiate proceedings to assess its conformity with the Constitution and the law before the Constitutional Court of the Republic of Croatia and notify the respective self-government unit accordingly.

(6) The suspension of a by-law shall cease to apply if the Croatian Government fails to initiate the proceedings from para. 5 of this article within 30 days of the date of receipt of a decision to this effect.

Article 33

(1) Two or more minority self-governments of a local or regional self-government unit may for the purpose of harmonisation and promotion of joint interests set up a steering committee of minority self-governments.

(2) Through the steering committee the minority self-governments shall harmonise their views on matters within the scope of their responsibilities.

(3) Minority self-governments may authorise the steering committee to take on their behalf measures from article 31 of this Constitutional Law.

(4) The minority self-governments of regional self-government units shall be deemed to have set up a steering committee for the territory of the Republic of Croatia once the agreement to set up such a steering committee has been acceded by more than half of the minority self-governments of regional self-government.

(5) The minority self-government steering committee set up by minority self-governments of regional self-government units for the territory of the Republic of Croatia can make decisions on the national minority insignia and symbols and on minority holidays, in concordance with the Council for National Minorities.

Article 34

(1) A minority representative shall perform his/ her duties under the title both in the Croatian language and Latin script and in the language and script of the national minority which has elected him/ her, containing also a reference to the region for which he/ she has been elected.

(2) The minority representative shall open an account for funds utilised to implement minority rights in the area of the self-government unit for which he/ she has been elected, present the financial plan for utilising such funds and prepare the balance sheet. The financial plan and the balance sheet for funds utilised in the implementation of minority rights shall be published in the official gazette of the local self-government unit for the area of which the minority representative has been elected.

(3) To the minority representative, his/ her powers and obligations the provisions of articles 28, 29, 30, 31, 32 and 33 hereof shall apply as appropriate.

IV COUNCIL FOR NATIONAL MINORITIES

Article 35

(1) A Council for National Minorities shall be set up to consider and propose ways of regulating and addressing issues related to the exercise and safeguarding of minority rights and freedoms. To this end the Council shall co-operate with competent government and self-government bodies, minority self-governments, national minority organisations and legal entities engaged in activities related to the exercise of minority rights and freedoms.

(2) The Council for National Minorities shall be entitled to:

- propose to legislative and executive authorities debates on particular issues relevant for a national minority, especially the implementation of this Constitutional Law and the special laws governing minority rights and freedoms;
- propose to legislative and executive authorities measures to improve the position of a national minority nation-wide or in a specific area;
- give views and make proposals concerning public radio and TV broadcasts intended for national minorities, or the treatment of minority issues in public radio and TV broadcasts or other media;
- propose taking economic, social or other measures in areas traditionally or significantly populated by national minorities with a view to preserving their existence in those areas.
- seek and receive from the central government and local and regional government bodies information and reports required for considering matters within their scope;
- invite and request the presence of representatives of a central government or local and regional government body responsible for matters within the scope of the Council as defined in this Constitutional Law and the Statute of the Council.

(3) The Council for National Minorities shall co-operate in matters of interest to national minorities in the Republic of Croatia with competent international organisations and institutions engaged in minority issues and with the competent authorities of the countries of origin of the national minorities in the Republic of Croatia.

(4) The Council for National Minorities shall disburse the state budget funds earmarked for the needs of national minorities. The beneficiaries of these funds shall file annual reports on the use of funds being remitted to them from the state budget, which in turn shall be reported by the Council to the Croatian Government and Parliament.

(5) In case of failure of the Council for National Minorities to decide upon the disbursement of the funds referred to in paragraph 4 of this article within 90 days of the passage of the state budget, the matter shall be decided upon by the Croatian Government.

Article 36

(1) Members of the Council for National Minorities shall be appointed by the Croatian Government for a four-year term, viz.:

- seven minority members from among the persons proposed by minority self-governments
- five minority members from among prominent cultural, scientific, professional or religious figures proposed by minority organisations, religious communities, legal entities or individual members of national minorities.

(2) Members of the Council for National Minorities shall also be national minority MPs.

(3) The Council for National Minorities shall have its Chairman and Vice-Chairman, appointed by the Croatian Government from among the Council members.

(4) In appointing the members of the Council for National Minorities the Croatian Government shall take into account the share of particular national minorities in the total population of the Republic of Croatia, as well as the need for the Council's composition to reflect the identity and

distinctive features of those national minorities, their historic values, their ethnic, cultural and every other peculiarity.

(5) Chairman of the Council for National Minorities shall carry out his/ her duties professionally and head the Council's administrative and technical services.

(6) The Croatian Government shall form the Council's administrative service to perform technical and administrative duties for the Council for National Minorities, and establish the approximate number of its staff.

(7) The Council for National Minorities shall have its statute being passed with the approval of the Croatian Government. The statute shall define in more detail the Council's scope of work and organisation.

(8) The Council for National Minorities shall pass its agenda, financial plan, balance sheet and decisions on the disbursement of state budget funds assigned for the needs of national minorities.

(9) The Council for National Minorities shall pass the organisation rules, proposed by the chairperson of the Council, applicable to its professional services.

(10) The decisions by the Council for National Minorities shall be passed by the majority of votes of all its members.

(11) The agenda, financial plan and balance sheet of the Council for National Minorities, as well as the bylaws by virtue of which the Council is disbursing the funds provided from the state budget for the needs of national minorities, shall be published in the Official Gazette.

V SUPERVISION

Article 37

(1) The implementation of the minority rights and freedoms guaranteed by the Constitution, this Constitutional Law and the special laws shall be supervised by relevant government bodies within the scope of their responsibilities.

(2) The Croatian Government shall co-ordinate the work of government bodies in the application of this Constitutional Law and the special laws regulating issues of relevance to national minorities.

(3) At least once a year the Croatian Government shall report to the Croatian Parliament on the progress of implementing this Constitutional Law and the utilisation of funds provided from the state budget for the needs of national minorities, whereas the Council for National Minorities shall file semi-annual reports to the Croatian Parliament or its committee in charge of minority rights on matters within the responsibility of the Council plus quarterly reports on the utilisation of funds provided from the state budget for the needs of national minorities.

Article 38

(1) A minority self-government or a minority representative in a self-government unit may request from the competent government body to review the application of this Constitutional Law and the special laws governing minority rights and freedoms by the self-government units where they were established, and to take actions to ensure the legality of procedure, and to notify thereof the Council for National Minorities, which in turn shall inform the minority self-government or a minority representative about its position on the matter.

(2) The Council for National Minorities may request from the Croatian Government to review the application of this Constitutional Law and the special laws governing minority rights and freedoms by the government bodies and to take actions to ensure the legality of procedure.

(3) Pursuant to the provisions of the Constitutional Act on the Constitutional Court of the Republic of Croatia, the minority self-governments or a minority representative and the Council for National Minorities may lodge a constitutional complaint with the Constitutional Court if in their opinion or if acting upon an initiative by national minority members they consider the minority rights and freedoms safeguarded by this Constitutional Law and the special laws to have been violated.

VI TRANSITIONAL AND FINAL PROVISIONS

Article 39

(1) The provision of article 19 of this Constitutional Law shall apply as of the date of entry into force of a law regulating in line with this provision the election of MPs.

(2) The representative bodies of local and regional self-government units whose mandate is running, but where the right to representation by minority representatives has not been exercised in line with the provisions of article 20 hereof, shall be replenished by a corresponding number of minority representatives in the manner and within the time limits prescribed by the law regulating the election of representatives to the local and regional self-government representative bodies.

Article 40

Nothing in this Law shall be construed as including any right to engage in any activity or perform any act contrary to the fundamental principles of international law, and in particular the sovereignty, unity, territorial integrity and independence of the Republic of Croatia.

Article 41

The rights of national minorities arising from international treaties to which the Republic of Croatia is a party shall not be altered or abolished by this Constitutional Law.

Article 42

(1) The Government of the Republic of Croatia shall appoint the members of the Council for National Minorities as well as its Chairman and Vice-Chairman as provided in article 34, para. 1 hereof within 90 days of the date of entry into force of this Constitutional Law.

(2) If by the expiry of the deadline from para. 1 of this article minority self-governments are not established, or if they fail to nominate before the Croatian Government their candidates to the Council for National Minorities, the Council shall be composed of the members appointed under the provisions of article 36, para. 1, indent 2 and the members appointed according to the article 36, para 2 hereof.

(3) Pending the formation of the administrative service of the Council for National Minorities, the required technical and administrative services for the Council shall be provided by the Government Office for National Minorities.

Article 43

(1) As of the date of entry into force of this Constitutional Law the provision of article 4, para.1, clause 1 of the Law on the Use of Minority Languages and Script (Official Gazette No. 51/2000) shall cease to apply.

(2) As of the date of entry into force of this Constitutional Law the provision of article 9 of the Law on the Election of Representatives to Representative Bodies of Local and Regional Self-government Units (Official Gazette No. 33/2001) shall cease to apply in its part stipulating the

election of representatives to the representative bodies of local and regional self-government units from among the members of national minorities, as well as the provision of article 61 thereof.

Article 44

As of the date of entry into force of this Constitutional Law the Constitutional Law on Human Rights and Freedoms and of the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia (Official Gazette Nos. 65/91, 27/92, 34/92 - revised text, 51/2000 and 105/2000- revised text) shall cease to apply.

Article 45

This Constitutional Law shall enter into force as of the date of its publication in the Official Gazette of the Republic of Croatia.

December 13, 2002