

THE CONSTITUTIONAL ACT ON THE RIGHTS OF NATIONAL
MINORITIES IN THE REPUBLIC OF CROATIA
THE CROATIAN PARLIAMENT

Pursuant to the Article 88 of the Constitution of the Republic of Croatia, I herewith pass the following
DECISION

on Promulgation of the Constitutional Act on the Rights of National Minorities

I herewith promulgate the Constitutional Act on the Rights of National Minorities, that has been adopted by the Croatian Parliament at the session on 13th December 2002.

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

The President
of the Republic of Croatia
Stjepan Mesić

THE CONSTITUTIONAL ACT ON THE
RIGHTS OF NATIONAL MINORITIES
IN THE REPUBLIC OF CROATIA
I. BASIC PROVISIONS

Article 1 The Republic of Croatia, in conformity with:

- the Constitution of the Republic of Croatia,
- the principles of the Charter of the United Nations,
- the Universal Declaration on 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 Security and Cooperation in Europe (OSCE), the Charter of Paris for a New Europe and other documents of the OSCE concerning human rights, in particular the Document of the Copenhagen Meeting on the Human Dimension and the Document of the Moscow Meeting of the OSCE on the Human Dimension,
- the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols,
- the International Covenant on the Elimination of Racial Discrimination, the Convention for the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child,
- Declaration on Elimination of all Sorts of Intolerance and Discrimination on the Grounds of religion and Persuasion,
- Convention on fight against discrimination in the area of education
- UN Declaration on rights of persons members of national or ethnic, religious and linguistic minorities,
- the Framework Convention of the Council of Europe for the Protection of National Minorities of the Council of Europe,
- The Europe Charter on regional and minority languages,
- The Europe Charter on local (regional) self-government
- Instruments of the Central-European Initiative for minority right protection
- The Lund recommendation on effective participation of national minorities in public life

Commits 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 of the constitutional and international legal order of all its citizens.

Article 2

Beside human rights and freedoms recognised by the provisions of the Constitutions, The Republic of Croatia recognises also all other rights foreseen by international documents from the Article 1 of this Constitutional Act, depending on exceptions and restrictions foreseen by this documents, without discrimination according to race, skin colour, language, religion, political and other persuasion, national and social order, connection to national minority, status inherited by birth or some other basis pursuant to the Art. 14. and 17. paragraph 3. of the Constitution of the Republic of Croatia.

Article 3

(1) Persons belonging to national minorities are entitled to rights and freedoms (in further text: members of national minority), as fundamental human rights and freedoms, that are an inseparable part of the democratic system of the Republic of Croatia and are enjoying the necessary support and protection, including positive measures to the benefit of national minorities.

(2) The ethnic and multicultural diversity and the spirit of understanding, appreciation and tolerance

contribute to the promotion of development of the Republic of Croatia.

Article 4

- (1) Every citizen of the Republic of Croatia has the right: to declare freely to be a member of some national minority in the Republic of Croatia; to exercise either on its own or together with other members of this national minority or together with members of other national minorities rights and freedoms as determined by this Constitutional Act and other minority rights and freedoms determined by special acts.
- (2) The members of national minorities exercise in the same way as other citizens of the Republic of Croatia: rights and freedoms determined by the Constitution of the Republic of Croatia, and rights and freedoms determined by this Constitutional Act and special acts.
- (3) The rights and freedoms determined by this Constitutional Act and rights and freedoms of national minorities determined by special acts, the national minorities and their members exercise in the way and under conditions determined by this Constitutional Act and special acts.
- (4) Every kind of discrimination on the basis of membership to a national minority is prohibited. Equality before the law and equal legal protection is guaranteed to members of national minorities.
- (5) It is forbidden to undertake measures that would change the proportion among the inhabitants in the areas inhabited by persons who belong to national minorities, and which are aimed at making more difficult or restricting rights and freedoms determined by this Constitutional Act and by special acts.
- (6) By means of this Constitutional Act or special acts, it is possible to determine the realization of certain rights and freedoms, according to numerical representation of members of national minority in the Republic of Croatia or in some part of its territory, acquired rights and international contracts that, according to the Constitution of the Republic of Croatia, are a constituent part of the inner legal order of the Republic of Croatia.

Article 5

A national minority in the sense of this Constitutional Act, is a group of Croatian citizens whose members traditionally inhabit the territory of the Republic of Croatia, its members having ethnic, linguistic, cultural and/or religious characteristics different from other citizens and are lead by the wish to preserve these characteristics.

Article 6

- (1) The Republic of Croatia can, together with other states, make international contracts by means of which the issue of rights and freedoms of members of national minorities in Croatia will be regulated.
- (2) When making international contracts from paragraph 1 of this Article, the Republic of Croatia will advocate creation and promotion of conditions necessary for keeping and developing cultures of members of national minorities, and preserving the essential parts of their identity, religion, language, tradition and cultural heritage.

Article 7

The Republic of Croatia ensures realization of special rights and freedoms of the members of national minorities enjoyed by them individually or together with other persons belonging to the same national minority, and when being determined by this Constitutional Act or special acts, together with members of other national minorities, especially:

1. usage of own language and script, in private and public use, and in official use;
2. education and schooling in the language and script they are using;
3. usage of own insignia and symbols;
4. cultural autonomy by means of keeping, developing and expressing their own culture, and preserving and protecting their cultural material heritage and tradition;
5. right of confessing own religion and founding of religious communities together with other members if this religion;
6. access to media of mass communication and performing of actions of public information (receiving and distribution of information) in the language and script they are using;
7. self-organising and uniting for realization of common interests;
8. representation in representation bodies on national and local level, and in administration and judicial bodies;
9. participation of members of national minorities in public life and administration of local affairs by means of Councils and representatives of national minorities;
10. protection from every act that endangers or can endanger their existence and exercise of rights and

freedoms.

Article 8

The provisions of this Constitutional Act and provisions of special acts by means of which rights and freedoms of members of national minorities are being regulated, must be explained and implemented with the purpose of respecting the members of national minorities and Croatian people, development of understanding, solidarity, tolerance and dialogue between them.

II. RIGHTS AND FREEDOMS

Article 9

(1) Members of national minorities have the right to use their family name and first name in the language they are using and that is officially recognised to them and their children by entering 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 have the right that the form of the identity card is being printed and filled out in the language and script they are using.

Article 10

Members of national minorities have the right to use freely their language and script, in private and in public, including the right to set up insignia and signs and other information in the language and script they are using, in compliance with the law.

Article 11

(1) A member of a national minority has the right to education and schooling in the language and script the national minority is using.

(2) Education and schooling of members of national minorities is being executed in pre-school institutions, primary and secondary schools and other school institutions (in the further text: school institution) with teaching in the language and script they are using, under provisions and in the way determined by the special act on education and schooling in the language and script of national minorities.

(3) School institutions with teaching in the language and script of a national minority can be established and education and schooling executed for a number of students smaller than those determined for school institutions with teaching in Croatian language and script.

(4) The teaching plan and programme in the language and script of the national minority beside the general part, must contain a part the content of which is in connection to the particularity of a national minority (mother tongue, literature, history, geography and cultural creation of the national minority).

(5) It is the right and obligation of students being educated in the language and script of national minorities to learn, beside their own language and script, the Croatian language and Latin script, according to the determined teaching plan and programme.

(6) Educational work in a schooling institution with teaching in the language and script of a national minority is

being performed by teachers who are members of the national minority, who are fully in command of the language and script of the national minority, or teachers who are not members of the national minority, but are fully in command of the language and script of the national minority.

(7) Institutions of higher education organise the implementation of programmes of education of educators, primary and secondary school teachers for performing of work of education and schooling in the language and script the national minorities are using, in the part containing particularities of the national minority (mother tongue, literature, history, geography and cultural creativity of the national minority).

(8) The members of national minorities can, for the purpose of exercising education and schooling of their members, in the way and under the provisions of this act, establish institutions of pre-school education, primary and secondary schools.

(9) It will be made possible for the students of a school institution in Croatian language to learn the language and script of a national minority in the way determined by a special act, and according to the teaching programme determined by the competent body of the central state administration, with provision of financial means in the state budget and in budgets of units of local self-government.

Article 12

(1) Official equal use of language and script used by members of national minority is being realised in the area of the unit of local self-government when the members of a national minority make at least one third of the population of the unit.

(2) Official equal use of language and script used by members of national minority is also being realised

in cases

when, foreseen by international contracts and in consistence with the Constitution of the Republic of Croatia, it is a part of the inner legal order of the Republic of Croatia and when it is determined by the statute of the unit of local self-government or by the statute of the unit of regional self-government in consistence with provisions of the special act on usage of language and script of national minorities in the Republic of Croatia.

(3) Other conditions and ways of official usage of language and script used by members of national minority in representative and executive bodies and in the procedure at administrative bodies of the units of local self-government and units of regional self-government; in the procedure at bodies of the state administration of the first degree; in procedure at judicial bodies of the first degree; in procedures lead by the State Attorney and notaries public, and legal entities having public authorities, are being regulated by a special act on usage of language and script of the national minorities.

Article 13

By the act, by means of which usage of language and script of national minorities is being regulated, and/or by means of statutes of the units of local self-government measures are being determined that enable preservation of traditional names and signs, giving traditional names to places, streets and squares and names of persons and events significant for history and culture of the national minority in Croatia in areas traditionally or in a significant number inhabited by members of national minority.

Article 14

(1) The usage of insignia and symbols of national minorities and celebration of holidays of national minorities in Croatia is free.

(2) Beside official usage of insignia and symbols of the Republic of Croatia, national minorities can use corresponding insignia and symbols of national minorities. When an anthem or a hymn of an ethnic and national community or minority is used, the national anthem of the Republic of Croatia must obligatory be performed beforehand.

(3) The Statute of a local self-government units must regulate the way of using the national flag and symbols of a national minority.

Article 15

(1) Members of national minorities can found associations, foundations, endowments and institutions for performing activities of public information, cultural, editorial, museum, archive, librarian and scientific activities with the aim of preservation, development, promotion and expression of their national and cultural identity.

(2) The Republic of Croatia, units of local self-government and regional self-government, consistent to their possibilities, are financing activities of the institutions from paragraph 1. of this Article.

(3) Associations and foundations and institutions from sec.1. of this Article can express in their name that the national minorities are their founders.

Article 16

(1) Members of national minorities, their associations and National Minorities Councils, or members of national minorities, freely keep contacts with people with whom they share the same ethnic, linguistic, cultural and/or religious characteristics, and with legal entities with seats in the territory of the state of that people, that perform activities of education and schooling, science, culture, editorial and humanitarian activities.

(2) Associations of members of national minorities and National Minorities Councils, or representatives of national minorities can for its own usage receive free of customs fees newspapers, magazines, books, films, video tapes, sound carriers in a limited number of copies, from state bodies of people with whom they share characteristics from sec.1. of this Article and from legal entities, and they can, free of charge, distribute them to members of the national minority.

(3) Associations of members of national minority can organize for members of the national minority guest performances of professional and amateur cultural art groups, and organize other cultural and art events and exhibitions that contribute to enrichment of culture and identity of the national minority. In such cases foreigners who participate in preparation of events and exhibitions need not have a work licence.

(4) Members of national minority may freely express their religious affiliation and confess their religion and in accordance with it belong to a religious community.

Article 17

(1) On the basis of laws and implementation regulations by means of which activities of public information, production and broadcasting of radio and television programme have been regulated, and also the education

and schooling, museums, archives and librarian activities, and protection and preservation of cultural heritage, conditions are being created that all the citizens of the Republic of Croatia, particularly children and youth get acquainted with history, culture and religion of national minorities, through the content of educational work and compulsory and optional curriculum.

(2) With the purpose of realization of provisions of the sec. 1. of this Article, measures will be undertaken that will make access to the media easier for member of national minorities.

Article 18

(1) Radio and television station on national, regional and local level have the task to promote understanding for members of national minorities, produce and/or broadcast shows aimed for informing members of national minorities in languages of national minorities, creation and broadcast of programme by means of which preservation, development and expression of cultural, religious and forms of identity of national minorities is being promoted, preservation and protection of their cultural material heritage and tradition, and creation and broadcasting of programme by means of which members of national minorities in this territory are getting acquainted with work and tasks of their National Minorities Councils and representatives of national minorities. Legal entities performing the activity of public information (print, radio, television) will enable participation in the creation of programme aimed for national minorities to associations of representatives of national minorities and institutions of national minorities.

(2) In the state budget and in the budget of local and regional self-government the financial means are being ensured for the co-financing of programmes of radio and television stations in their ownership aimed for national minorities, consistent to possibilities and criteria set by the Government of the Republic of Croatia and proposal of the Council for national minorities, or a competent body of units of local and regional self-government, on proposal of the National Minorities Council.

(3) With the aim of exercising rights of members of national minorities to information by means of print and radio and television in the language and script of the members of national minorities, their National Minorities Councils and representatives of national minorities and their associations can perform activities of public information (issue newspapers, produce and broadcast radio and television programme, and perform the activity of news agencies) consistent to the law.

Article 19

(1) The Republic of Croatia guarantees to members of other national minorities the right to be represented in the Croatian Parliament (Sabor).

(2) Members of national minorities elect no less than five and no more than eight of their representatives in special election constituencies, pursuant to the law by means of which the election of representatives to the Croatian Parliament (Sabor) is being regulated, and by means of which no acquired rights of the members of national minorities can be reduced.

(3) To the members of national minorities that in the total amount of population of the Republic of Croatia participate with more than 1.5%, one seat is being guaranteed, and maximum three representative seats of members of this particular national minority, pursuant to the act by means of which election of representatives to the Croatian Parliament (Sabor) is being regulated.

(4) Members of national minorities, that in the total amount of population of the Republic of Croatia participate with less than 1.5%, have the right to elect four representatives of their members, pursuant to the act by means of which election of representatives to the Croatian Parliament (Sabor) is being regulated.

Article 20

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

(2) If to the representative body of the unit of local self-government on the basis of universal suffrage at least one member of the national minority, which in the territory of the local self-government unit participate with more than 5% and less than 15% has not been elected, the number of members of the representative body of the local self-government unit will be increased for one member, and considered to be elected will be that member of national minority who is not elected as first in order according to the proportional success of each voting list on the elections, if by provisions of the act on the election of members of representative bodies of the local self-government units has not been regulated otherwise.

(3) If to the representative body of the unit of local self-government on the basis of universal suffrage not that number of representatives of members of national minorities is ensured that in the population of the local self-government unit participate with minimum 15%, as much ensures a representation of members of national minority in proportion to its part in the local population, the number of members of the representative body will be increased up to the number required in order for the representation to be

realized, and considered to be elected will be that member of national minority who is not elected as the first one in order according to the proportional success of each voting list on the elections, if by provisions of the law on the election of members of representative bodies of the local self-government units has not been regulated otherwise.

(4) If to the representative body of the unit of regional self-government on the basis of universal suffrage not that number of representatives of members of national minorities is ensured that in the population of the local self-government unit participates with over 15%, as much ensures a representation of members proportional to their proportion in the population of the regional self-government unit, the number of members of the representative body will be increased up to the number required in order for the representation to be realized, and considered to be elected will be that member of national minority who is not elected as first in order according to the proportional success of each voting list on the elections, if by provisions of the law on the election of members of representative bodies of the local self-government units has not been regulated otherwise.

(5) If by implementation of provisions of paragraphs 2 and 3 of this Article no representation of members of national minorities in the representative body of the local self-government unit has been achieved. If neither by implementation of provisions of the paragraph 4 of this Article a representation of members of national minorities to the representative body of the regional self-government unit cannot be achieved, by-elections will be called in the unit of self-government consistent to these provisions.

(6) The nomination and election of the members of the representative body of the local self-government unit or regional self-government unit according to provisions of the paragraphs 2, 3, 4, and 5 of this Article is being regulated by the law, by means of which election of members of representative bodies of the local and regional self-government units has been regulated.

(7) For determination of the number of members of national minorities for the purpose of implementation of provisions of this Article, competent are the official results of the census. Before each election, official results of the census on the number of members of national minorities in the local self-government unit or regional self-government unit are being coordinated, with potential changes that are registered in the last confirmed list of voters of this constituency.

Article 21

The units of local and regional self-government in which members of national minorities do not make the majority of the population can determine by their statutes, that to the representative body of the unit of the local self-government or regional self-government a member of national minorities or a larger number of members of national minorities be elected from their proportion in the total amount of local population.

Article 22

(1) In the unit of local self government and unit of regional self government (in the further text: unit of self-government) in which according to the provisions of this Constitutional Act a proportional representation of members in its representative body of members of national minorities has to be ensured, representation of members of national minorities in its executive body is being secured.

(2) Representation in the bodies of government administration and judicial bodies is being ensured to members of national minorities, consistent to the provisions of special acts, taking into consideration the participation of members of national minorities in the total population at the level on which the government administration or judicial body is operating, and taking into account their acquired rights.

(3) Representation in the bodies of unit of self-government is ensured to members of national minorities, consistent to the provisions of special acts, by means of which local and regional self-government has been regulated and consistent to acquired rights.

(4) In appointment of seats from paragraphs 2 and 3 of this Article, the advantage, under the same conditions have representatives of national minorities.

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

Article 23

With the aim of promotion, preservation and protection of status of national minorities in the society, the members of national minorities are electing their representatives, in the way and under the conditions determined by this Constitutional Act, for participation in public life and administration of local affairs through Councils and representatives of national minorities in the unit of self-government.

Article 24

(1) In the units of self-government in the territory of which the members of national minorities participate with at least 15% in the total population of the unit of self-government, in the units of self-government in the territory of which live over 200 members of an individual national minority, and in units of regional self-government in the territory of which live over 500 members of national minority, members of each such national minority can elect a National Minorities Council.

(2) 10 members are being elected to the Community National Minorities Council, to the City National Minorities Council 15 members are being elected, and to the County National Minorities Council 25 members of national minorities are being elected.

(3) In cases when not even one of the conditions from paragraph 1. of this Article for the election of the National Minorities Council have been met, and in the territory of the unit of self-government live at least 100 members of the national minority, for the territory of such unit of self-government a representative of the national minorities shall be elected.

(4) Candidates for the members of National Minorities Councils or candidates for representatives of national minorities can be nominated by associations of national minorities or at least 20 members of national minorities from the territory of the community, or 30 from the territory of the city or 50 from the county.

(5) The members of the National Minorities Council and representatives of national minorities are being elected directly, in secret vote, for the period of four years. To the procedure of elections and other issues connected to their election provisions of the act by means of which election of members to the representative bodies of the unit of self-government has been regulated.

(6) Competent for determination of the number of members of national minorities for the purpose of implementation of the provisions of this Article is the census, which is being corrected (increased or reduced) for that number of voters who are being registered or erased from the list of voters that is being made for the elections of the member of representative bodies of the unit of local self-government.

Article 25

(1) The National Minorities Council is a non-profit legal entity. The characteristics of a legal entity acquires the Council by being entered to the register of the National Minorities Councils run by the ministry in charge of affairs of general administration.

(2) The Council is liable with its total property for its affairs.

(3) The name of the National Minorities Council must be in Croatian language and in Latin script, and in the language and script used by the national minority that has established the Council.

(4) The name of the National Minorities Council must contain the sign of the national minority and the sign of the region for which it has been elected.

(5) The Minister in charge of affairs of general administration will determine, by means of a book of rules, the contents of the register of the National Minorities Council and the way of its managing, and the request form for entering to the register of National Minorities Councils.

Article 26

The members of the National Minorities Council are electing by secret vote the president of the council. The National Minorities Council elects also the person who will act instead of the president of the council in cases of his/her absence or if he/she is prevented.

Article 27

(1) The National Minorities Council adopts a program of work, financial plan and final statement of account, and a statute by means of which important issues for the work of the council are being regulated.

(2) The president of the National Minorities Council represents the Council, calls the sessions of the council and has rights and obligations determined by the statute of the council.

(3) The statute, the programme of work, the financial plan and the final statement of account of the council are being passed by a majority vote of all its members.

(4) The statute, financial plan and final state of account of the National Minorities Council are being published in the official gazette of the local or regional self-government unit, for the territory of which it has been established.

Article 28

(1) The units of self-government provide financial means for the work of the National Minorities Councils, including financial means for administrative affairs for their needs, and may also provide financial means for certain activities set by the programme of work of the National Minorities Council.

(2) The financial means for implementation of certain programmes of the National Minorities Council can also be provided in the state budget of the Republic of Croatia.

Article 29

- (1) The means that the National Minorities Council realises from its property are: from donations, gifts, inheritances or some other basis, can be used exclusively for activities and affairs of importance for the national minority set in the programme of work of the National Minorities Council.
- (2) The means that the National Minorities Council acquires from the state budget of the Republic of Croatia or budget of the unit of self-government can be used exclusively for purposes set by the budget and the law, or resolution by which the execution of the budget is being regulated, or for purposes, in cases of the means from the state budget of the Republic of Croatia, determined by the Committee for national minorities.
- (3) When the National Minorities Council procures goods or service or executes works by using the means from paragraph 2. of this Article, they can be used only under the conditions and in the way determined by the provision of the Public Procurement Act.

Article 30

- (1) Members of the National Minorities Council perform their offices, as a rule, voluntarily and with the care of a good master.
- (2) Member of the National Minorities Council can receive compensation from means of the Council only for real costs they were having while performing their work for the council and rewards, for the monthly or some other period of time, it is approved and up to the amount approved by the Minister in charge of general administration.

Article 31

- (1) The National Minorities Councils in the unit of self-government are entitled to:
 - Propose to the bodies of the units of self-government measures for improvement of situation of the national minority in the country or on some of the regions, including giving proposal drafts of general legal acts by means of which issues of importance for the national minority are being regulated to the bodies passing them;
 - Nominate candidates for offices in bodies of the state administration and bodies of the units of self-government;
 - Be informed of every issue that is to be discussed by the committees of the representative body of the unit of self-government, and considers the situation of the national minority;
 - Give opinions and proposals to the programmes of radio and television stations on local and regional level aimed for national minorities or on programmes related to minority issues.
- (2) The bodies of the units of self-government will by their general legal acts regulate the ways, terms and procedures of exercising the rights determined in the paragraph 1 of this Article.

Article 32

- (1) The municipality (government) of the self-government unit has the commitment, when preparing general acts, to ask for opinion of the National Minorities Council established for that particular region, and proposals about provisions by means of which rights and freedoms of the national minorities have been regulated.
- (2) If the Council of National Minority deems that the general legal act of the self-government unit or some of its provisions contradict the Constitution, this Constitutional Act or special acts regulating rights and freedoms of national minorities, it must about this fact immediately inform the ministry in charge of general administration. Information on this fact will also be given to the municipality (government) of the self-government unit and to the National Minorities Committee.
- (3) The ministry in charge of general administration, if it evaluates that the general legal act from paragraph 2 of this Article or some of its provisions contradict the Constitution, against this Constitutional Act or special acts regulating rights and freedoms of national minorities, it will in an eight days term, discontinue its implementation.
- (4) The decision on discontinuance of the implementation will be delivered without delay to the president of the community, the mayor, the county mayor, the president of the representative body that has issued the general legal act, and the information on the decision will be sent to the National Minorities Committee and Council of National Minorities on the basis of which information the decision has been made.
- (5) The ministry in charge of general administration proceeds to the Government of the Republic of Croatia the resolution on discontinuance of the implementation of the general legal act with the proposal for starting the procedure for evaluation of coordination with the Constitution and law at the Constitutional court of the Republic of Croatia, informing of it the self-government unit.
- (6) The implementation on discontinuance of a general act will be discontinued if the Government of the

Republic of Croatia does not start a procedure from the paragraph 5 of this Article in a 30 days term, from the day of filing the resolution form paragraph 5 of this Article.

Article 33

- (1) Two or more National Minorities Councils established in the same local self-government unit, two or more National Minorities Councils established in different local self-government units, two or more National Minorities Councils established in same regional self-government units, two or more National Minorities Councils established in different regional self-government units, can with the purpose of coordination or promotion of common interest found a coordination of National Minorities Councils.
- (2) The National Minorities Councils through Coordination of National Minorities Councils coordinate their opinions on issues from their scope of work.
- (3) The National Minorities Councils can authorize the Coordination of the National Minorities Councils to undertake in their name the necessary steps from Article 13 of this Constitutional Act.
- (4) It is considered that Councils of National Minorities of the regional self-government units have established a coordination of National Minorities Councils for the territory of the Republic of Croatia, when more than half of the total number of National Minorities Councils of regional self-government units joined the agreement on foundation of the Coordination.
- (5) The Coordination of National Minorities Councils that the National Minorities Councils of regional self-government units have established for the territory of the Republic of Croatia can make decisions on insignia and symbols of national minorities and ways of celebrating holidays of national minorities with the approval of the National Minorities Committee.

Article 34

- (1) A representative of a national minority performs his activity under the name that must be in Croatian language and Latin script and in the language and script used by the national minority that has elected him/her, and containing insignia of region for which he/she has been elected.
- (2) The representative of national minority opens an account for financial means used for exercising of minority rights in the territory of the local self-government unit for which he/she has been elected, for the financial plan of usage of these means and final statement of account. The financial plan and the final statement of account of means used for exercising of minority rights, are being published in the official gazette of the local self-government unit for the territory of which the minority representative has been elected.
- (3) The provisions of the Articles 28, 29, 30, 31, 32 and 33 of this Constitutional Act are being respectively applied to the representative of national minority and his/her authorities and commitments.

IV. THE NATIONAL MINORITIES COMMITTEE

Article 35

- (1) The National Minorities Committee is being established, for participation of national minorities in the public life of the Republic of Croatia, and mostly for consideration and suggestion of regulation and solution of issues connected to exercising and protection of rights and freedoms of national minorities. With this aim the Committee cooperates with the competent government bodies and bodies of self-government units, National minority councils, or representatives of national minorities, associations of national minorities and legal entities performing activities by means of which minority rights and freedoms are being exercised.
- (2) The National Minorities Committee has the right to: - propose to bodies of the state authority to consider some issues of importance for the national minority, and particularly the implementation of this Constitutional act and special acts by means of which minority rights and freedoms have been regulated;
 - to draft measures for promotion of situation of national minority in the state or in some of its parts to the bodies of state power;
 - to give opinions and proposals on programmes of public radio and television aimed for national minorities, and on treatment of minority issues in programmes of public radio and television stations and other means of communication;
 - to propose the implementation of economic, social and other measures in the regions of traditionally or predominantly inhabited by national minorities in order to preserve their existence in that regions,
 - to request and obtain from the state authorities and authorities of the local and regional self-government data and reports necessary for considering issues from their scope;
 - to call and request the presence of representative of state authorities and authorities of local and regional self-government, competent for the issues in scope of the National Minorities Committee, as regulated by

this Constitutional act and the statute of the Committee

(3) The National Minorities Committee cooperates in issues of interest for national minorities in the Republic of Croatia with the competent bodies of international organisations and institutions dealing with issues of national minorities, and competent bodies of parent countries of the members of national minorities in the Republic of Croatia.

(4) The National Minorities Committee distributes the financial means being ensured in the state budget for the needs of national minorities. The users of the means submit to the Committee yearly reports on the expenditure of the means being remitted to them from the state budget, and the Committee report of the fact to the Government of Republic of Croatia and the Croatian Parliament (Sabor).

(5) If in a 90 days term from the adoption the state budget, the National Minorities Committee does not decide on distribution of the finances from sec.4. of this Article, the decision on it is being passed by the Government of Republic of Croatia.

Article 36

(1) The members of the National Minorities Committee are being appointed by the Government of the Republic of Croatia for a period of four years, in the following way:

- Seven members of national minorities from persons nominated by the National Minority Councils,
- Five members of national minorities from the group of persons prominent in culture, science, religion and other professions, nominated by minority associations and other organisations of minorities, religious communities, legal entities and citizens-members of national minorities.

(2) The members of the National Minorities Committee are also representatives of national minorities in the Croatian Parliament (Sabor).

(3) The National Minorities Committee has a president and two vice presidents, nominated by the Government of the Republic of Croatia, from the members of the Committee. One of them must be a member of the Committee of the national minority that in the total population of the Republic of Croatia participates with more than 1,5%.

(4) When appointing members of the Committee, the Government of the Republic of Croatia will take into account the proportion of members of particular national minorities in the total population of the Republic of Croatia, and also of the fact that the structure of the Committee reflects their identity and difference, and historical values, ethnic, cultural and every other diversity.

(5) The president and vice presidents of the National Minorities Committee perform their office professionally, and the president of the Committee is also the director of the professional services of the Committee.

(6) For performance of professional and administrative work for the National Minorities Committee, the Government of the Republic of Croatia will found a professional service of the Committee and determine an approximate number of its employees.

(7) The National Minorities Committee has its statute passed with the agreement of the Government of the Republic of Croatia. The scope and organisation of work of the Committee is being more precisely regulated by the statute.

(8) The National Minorities Committee adopts its programme of work, financial plan, final statement of account and decisions on distribution of financial means ensured in the state budget for the needs of national minorities.

(9) The National Minorities Committee will adopt a book of rules on the inner organisation of work of the professional service of the Committee on the proposal of the president of the Committee.

(10) The National Minorities Committee decides by the majority of all its members.

(11) The programme of work of the National Minorities Committee, the financial plan and the final statement of account of the Committee, and legal acts by means of which the Committee distributes the financial means ensured in the state budget for the needs of national minorities, are being published in the official gazette »Narodne novine«.

V. THE SUPERVISION

Article 37

(1) The exercising of rights and freedoms of national minorities guaranteed by the Constitution, this Constitutional Act and special acts is being supervised by the bodies of the state administration, according to issues from their scope.

(2) The Government of the Republic of Croatia coordinates the work of the government administration bodies in the implementation of this Constitutional Act and special acts regulating the issues of importance for national minorities.

(3) At least once a year, the Government of the Republic of Croatia submits to the Croatian Parliament (Sabor) a report on the implementation of this Constitutional Act and on expenditure of means ensured in the state budget for the needs of national minorities, and the National Minorities Committee submits to the Croatian Parliament or some of its committees dealing with exercise of rights of national minorities a half-year report on issues being the scope of work of the Committee and a quarterly report on expenditure of the means ensured in the state budget for the needs of national minorities.

Article 38

(1) The National Minority Councils or representatives of national minorities in the self-government unit can request from the competent body of the state administration to execute supervision over the implementation of this Constitutional Act and special acts regulating rights and freedoms of national minorities by the self-government units where they are established and to undertake measures for lawful acting of these bodies, on the fact of which the National minorities Committee is being informed, that must inform of its stand-

point the National Minority Councils or the representative of national minority.

(2) The National Minority Council can request from the Government of the Republic of Croatia to supervise the implementation of this Constitutional Act and special acts regulating the rights and freedoms of national minorities by the bodies of state administration and to undertake measures for lawful acting of these bodies.

(3) The National Minority Councils, or representatives of national minorities and the National Minority Committee have the right, in consistence with the provisions of the Constitutional Act on the Constitutional Court of the Republic of Croatia, to file a constitutional complaint to the Constitutional Court of the Republic of Croatia, if by their own evaluation or due to initiative of the members of national minority it is deemed that rights and freedoms of members of national minorities have been abused, that are guaranteed by the provisions of this Constitutional Act and special acts.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 39

(1) The provision of the Article 19 of this Constitutional Act will be implemented from the day of entering into force of the act by means of which, and consistent to this provision the election of representatives to the Croatian Parliament will be regulated.

(2) The representative bodies of the local and regional self-government units with mandate in duration, and where the right to representation of members of national minorities consistent to the provisions of the Article 20 of this Constitutional Act has not been exercised, will be appointed by an appropriate number of members of national minorities in a 90 days term from the day of entering into force of this Constitutional Act.

Article 40

Nothing in this Constitutional Act shall be interpreted as if it included any right to perform any kind of act against fundamental principles of international law, particular sovereignty, unity, territorial integrity and independence of the Republic of Croatia.

Article 41

By this Constitutional Act, rights and freedoms of national minorities determined by international agreements, that are consistent to the Constitution and are a constituent part of the inner legal order of the Republic of Croatia, are neither changed not cancelled.

Article 42

(1) The Government of the Republic of Croatia shall appoint members of the National Minorities Committee not later than 90 days from the day of entering in force of this Constitutional Act.

(2) If by expiry of the term from sec.1. of this Article the National Minorities Councils are not established, or if these councils do not nominate candidates to the Government of the Republic of Croatia for members of the National Minorities Committee, the National Minorities Committee will consist of members appointed according to the provision of the Article 36, paragraph 1, subparagraph two and the members determined according to the provision of the Article 36 paragraph 2 of this Constitutional Act.

(3) Until the foundation of professional services of the National Minorities Committee, professional and administrative work for the Committee will be performed by the National Minorities Office of the Government of the Republic of Croatia.

Article 43

(1) On the day on entering into force of this Constitutional Act the provisions of the Article 4 paragraph 1 point 1 of the Act On Usage Of Language And Script Of National Minorities («Narodne novine» Nr.

51/00) cease to be valid.

(2) On the day of entering into force of this Constitutional Act the provision of the Article 9 of the Act on election of the members of representative bodies of local and regional self-government units (»Narodne novine« Nr. 33/01) cease to be implemented, in the part regulating the election of members of representative bodies of local and regional self-government units from members of national minorities, and also the provision of the Article 61 of the Act on election of the members of representative bodies of local and regional self-government units cease to be valid.

Article 44

On the day of entering into force of this Constitutional Act the Constitutional Act on Rights and Freedoms of Ethnic and National Communities or Minorities in the Republic of Croatia (»Narodne novine« Nr. 65/91, 27/92, 34/92 - final text, 51/00 and 105/00 - final text) ceases to be valid.

Article 45

This Constitutional Act enters into force on the day of its publishing in »Narodne novine«.
Zagreb, 13th December 2002
The Croatian Parliament
President Of the Croatian Parliament
Zlatko Tomčić, m.p.