

World Constitutions Illustrated

Edited by
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Croatia

**Constitution of the Republic of Croatia, 1990
Consolidated to 16 June 2010**

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William S. Hein & Co., Inc.
Buffalo, New York
2010

The translation is based on the consolidated version published in the Official Gazette No. 85/2010. It encompasses the text of the Constitution of the Republic of Croatia (Official Gazette 56/90, 135/97, 8/98 – consolidated version, 113/2000, 124/2000 – consolidated version, 28/2001, 41/2001 – consolidated version, 55/2001 – correction), as well as the Revision of the Constitution of the Republic of Croatia promulgated on 16 June 2010 and published in the Official Gazette 76/2010.
Language revision by Zlata Pavić

Cite as: Branko Smerdel & Ana Horvat Vuković, trans.,
Constitution of the Republic of Croatia, 1990, consolidated to 16
June 2010 (HeinOnline World Constitutions Illustrated library
2010)

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THE CONSTITUTION OF THE REPUBLIC OF CROATIA

I. HISTORICAL FOUNDATIONS

The millenary identity of the Croatian nation and the continuity of its statehood, confirmed by the course of its entire historical experience within different forms of states and by the preservation and growth of the idea of a national state, founded on the historical right of the Croatian nation to full sovereignty, manifested in:

- the formation of Croatian principalities in the seventh century;
- the independent mediaeval state of Croatia founded in the ninth century;
- the Kingdom of Croats established in the tenth century;
- the preservation of the identity of the Croatian state in the Croatian-Hungarian personal union;
- the independent and sovereign decision of the Croatian Parliament (*Sabor*) of 1527 to elect a king from the Habsburg dynasty;

- the independent and sovereign decision of the Croatian Parliament on the Pragmatic Sanction of 1712;
- the conclusions of the Croatian Parliament of 1848 regarding the restoration of the Triune Kingdom of Croatia under the authority of the Viceroy (*Ban*) grounded on the historical, national and natural right of the Croatian nation;
- the Croatian-Hungarian Compromise of 1868 on the relations between the Kingdom of Dalmatia, Croatia and Slavonia and the Kingdom of Hungary, grounded on the legal traditions of both states and the Pragmatic Sanction of 1712;
- the decision of the Croatian Parliament of 29 October 1918 to dissolve state relations between Croatia and Austria-Hungary and the immediate affiliation of independent Croatia, invoking its historical and natural right as the Nation, with the State of Slovenes, Croats and Serbs, proclaimed on the former territory of the Habsburg Monarchy;
- the fact that the Croatian Parliament had never sanctioned the decision of the National Council of the State of Slovenes, Croats and Serbs to unite with Serbia and Montenegro in the Kingdom of Serbs, Croats and Slovenes (1 December 1918), subsequently (3 October 1929) proclaimed as the Kingdom of Yugoslavia;
- the establishment of the Home Rule (*Banovina*) of Croatia in 1939, whereas Croatian state identity was restored within the Kingdom of Yugoslavia;
- establishment of the foundations of state sovereignty during the course of the World War II, by the decisions of the Antifascist Council of National Liberation of Croatia (1943), expressed in opposition to the proclamation of the Independent State of Croatia (1941), and subsequently in the Constitution of the People's Republic of Croatia (1947) and all later constitutions of the Socialist Republic of Croatia (1963-1990), on the threshold of historical changes, marked by the collapse of the communist system and transformations of the European international order, the Croatian nation reaffirmed its millenary statehood by its freely expressed will at the first democratic elections (1990).
- the new Constitution of the Republic of Croatia (1990) and Victory of the Croatian nation and its defenders in the justified, legitimate, defensive Homeland War for the liberation (1991-1995), whereby the Croatian nation demonstrated its resolve and determination to establish and preserve the Republic of Croatia as a free and independent, sovereign and democratic state.

Considering the presented historical facts and universally accepted principles of the modern World, as well as the inalienable and indivisible, nontransferable and inexhaustible right of the Croatian nation to self-determination and state sovereignty, including its fully preserved right to secession and association as the basic preconditions of peace and stability of the international order, the Republic of Croatia is established as the national state of the Croatian people and the state of the members of national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians, Bosniaks, Slovenes, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens, and who are guaranteed equality with citizens of Croatian nationality as well as realization of national rights in accordance with the democratic norms of the United Nations Organization and countries of the free world.

Respecting the will of the Croatian nation and all citizens, as resolutely expressed in the free elections, the Republic of Croatia is hereby founded and shall develop as a sovereign and democratic state in which equality, freedoms and human rights are guaranteed and ensured, and their economic and cultural progress and social welfare promoted.

II. BASIC PROVISIONS

Article 1

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

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

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

Article 2

The sovereignty of the Republic of Croatia is inalienable, indivisible and nontransferable.

The sovereignty of the Republic of Croatia extends to its land area, rivers, lakes, canals, internal maritime waters, territorial sea and the airspace above these.

The Republic of Croatia shall exercise its sovereign rights and jurisdiction in the maritime areas and the seabed of the Adriatic Sea and subsoil thereof beyond its state territory up to the borders with its neighbors, in accordance with international law.

The Croatian Parliament (*Sabor*) or the people directly shall, independently and in accordance with the Constitution and law, decide:

- on the regulation of economic, legal and political relations within the Republic of Croatia;
- on the preservation of natural and cultural wealth and its utilization;
- on association into alliances with other states.

When entering into alliances with other states, the Republic of Croatia shall retain its sovereign right to decide on the powers thereby granted, as well as the right to withdraw freely from such associations.

Article 3

Freedom, equal rights, national equality and equality of genders, love of peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the environment, the rule of law and a democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia and the grounds for interpretation of the Constitution.

Article 4

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

The principle of separation of powers includes the forms of mutual cooperation and reciprocal checks and balances provided by the Constitution and law.

Article 5

In the Republic of Croatia laws shall conform to the Constitution, and other rules and regulations shall conform to the Constitution and law.

Everyone shall abide by the Constitution and law and respect the legal order of the Republic of Croatia.

Article 6

Formation of political parties is free.

Internal organization of political parties shall be in accordance with the fundamental constitutional democratic principles.

Parties shall publicize the accounts on sources of their assets and property.

Political parties which aim to undermine the free democratic order or endanger the existence of the Republic of Croatia by their programs or violent activities are unconstitutional. The decision on unconstitutionality shall be made by the Constitutional Court of the Republic of Croatia.

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

Article 7

The Armed Forces of the Republic of Croatia shall protect its sovereignty and independence and defend its territorial integrity.

In protecting its sovereignty and independence and in defending its territorial integrity, the Republic of Croatia may be assisted by the allied states pursuant to the concluded international agreements.

The Armed Forces of the allied states may cross the border and enter the Republic of Croatia or operate within its borders pursuant to the concluded international agreements, upon a decision by the Croatian Parliament enacted after a proposal by the Government of the Republic of Croatia and providing prior consent by the President of the Republic of Croatia has been granted.

The Republic of Croatia may offer assistance to its allied states in case of an armed attack launched against one or more of them, pursuant to the concluded international agreements, upon a decision by the Croatian Parliament enacted after a proposal by the Government of Croatia and providing prior consent by the President of the Republic of Croatia has been granted.

The Armed Forces of the Republic of Croatia may cross or operate beyond its borders upon a decision by the Croatian Parliament enacted after a proposal by the Government of Croatia, and providing prior consent by the President of the Republic of Croatia has been granted.

The decisions referred to Sections 3, 4 and 5 of this Article shall be taken by a majority of all representatives of the Croatian Parliament.

Should the President of the Republic of Croatia deny his consent referred to in Sections 3, 4 and 5 of this Article, the Croatian Parliament shall reach the decision by a two-thirds majority of all representatives.

Upon a decision by the Government of the Republic of Croatia and providing prior consent by the President of the Republic of Croatia, the Armed Forces of the Republic of Croatia may cross the borders of the Republic of Croatia to conduct exercises and training organized by international organizations which the Republic of Croatia has joined or is in the process of joining on the basis of international agreements, or to offer humanitarian aid.

Upon a decision by the Government of the Republic of Croatia and providing prior consent by the President of the Republic of Croatia, the Armed Forces of the allied states may cross the borders of the Republic of Croatia to conduct exercises and training organized by international organizations which the Republic of Croatia has joined or is in the process of joining on the basis of international agreements, or to offer humanitarian aid.

In the circumstances referred to in Articles 17 and 101 of the Constitution the Armed Forces, if the nature of danger so demands, may be used as assistance to the police and other governmental bodies.

The Armed Forces of the Republic of Croatia may also be used as assistance in fire protection, rescue missions, and in monitoring and protecting the Republic of Croatia's rights at sea.

The defense system, command, administration and democratic supervision of the Armed Forces of the Republic of Croatia shall be regulated by the Constitution and the law.

Article 8

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

Article 9

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

No Croatian citizen shall be exiled from the Republic of Croatia or deprived of citizenship, nor extradited to another state unless in pursuance of a decision to extradite or hand over, made in accordance with an international agreement or the *acquis communautaire* of the European Union.

Article 10

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

Parts of the Croatian nation in other states shall be guaranteed special concern and the protection by the Republic of Croatia.

Article 11

The coat-of-arms of the Republic of Croatia is the historic Croatian coat-of-arms whose base consists of 25 alternating red and white (argent) fields.

The flag of the Republic of Croatia consists of three colors: red, white and blue, with the historic Croatian coat-of-arms in the center.

The anthem of the Republic of Croatia is “Our Beautiful Homeland” (*Lijepa naša domovino*).

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

Article 12

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

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

Article 13

The capital of the Republic of Croatia is Zagreb.

The status, jurisdiction and organization of the capital city of Zagreb shall be regulated by law.

III. PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. GENERAL PROVISIONS

Article 14

Everyone in the Republic of Croatia shall enjoy all rights and freedoms, regardless of race, color, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics.

All shall be equal before the law.

Article 15

Members of all national minorities shall have equal rights in the Republic of Croatia.

Equality and protection of the rights of national minorities shall be regulated by the Constitutional Law which shall be adopted in the procedure provided for the adoption of organic laws.

Besides the general electoral right, a special right of the members of national minorities to elect their representatives into the Croatian Parliament may be provided by law.

Members of all national minorities shall be guaranteed freedom to express their nationality, to use their language and script, and to have cultural autonomy.

Article 16

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

Any restriction of freedoms or rights shall be proportional to the nature of the necessity for restriction in each individual case.

Article 17

During a state of war or an immediate threat to the independence and unity of the State, or in the event of severe natural disasters, individual freedoms and rights guaranteed by the Constitution may be restricted. This shall be decided by the Croatian Parliament by a two-thirds majority of all members or, if the Croatian Parliament is unable to meet, by the President of the Republic at the proposal of the Government and upon the counter-signature of the Prime Minister.

The extent of such restrictions shall be adequate to the nature of the danger, and may not result in the inequality of persons in respect of race, color, gender, language, religion, national or social origin.

Not even in the case of an immediate threat to the existence of the State may restrictions be imposed on the application of the provisions of this Constitution concerning the right to life, prohibition of torture, cruel or degrading treatment or punishment, on the legal definitions of punishable offences and punishments, or on freedom of thought, conscience and religion.

Article 18

The right to appeal against first-instance decisions by the courts or other authorities shall be guaranteed.

The right to an appeal may exceptionally be excluded in cases specified by law, provided other legal remedies are ensured.

Article 19

Individual decisions of administrative agencies and other bodies vested with public authority shall be grounded on law.

Judicial review of decisions made by administrative agencies and other bodies vested with public authority shall be guaranteed.

Article 20

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

2. PERSONAL AND POLITICAL FREEDOMS AND RIGHTS

Article 21

Every human being has the right to life.

In the Republic of Croatia there shall be no capital punishment.

Article 22

Freedom and personality of everyone shall be inviolable.

No one shall be deprived of liberty, nor may his liberty be restricted, except upon a court decision in accordance with law.

Article 23

No one shall be subjected to any form of maltreatment or, without his consent, to medical or scientific experimentation.

Forced and compulsory labor shall be forbidden.

Article 24

No one shall be arrested or detained without a written court warrant issued pursuant to law. Such a warrant shall be read and served on the person at the time of the arrest.

The police may arrest a person without a warrant when he or she is reasonably suspected of having committed a serious criminal offence defined by law. The arrested person shall be promptly informed, in understandable terms, of the reasons for the arrest and of his or her rights determined by law.

Any person arrested or detained shall have the right to institute proceedings before a court, which shall decide on the legality of the arrest without a delay.

Article 25

All arrested and convicted persons shall be treated humanely and their dignity shall be respected.

Anyone who is detained and accused of a criminal offence shall have the right to be brought before the court within the shortest term specified by law and to be acquitted or sentenced within the statutory time limit.

A detainee may be released on legal bail to defend himself.

Any person who has been illegally deprived of liberty or convicted shall, in conformity with law, be entitled to damages and a public apology.

Article 26

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

Article 27

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

Article 28

Everyone shall be presumed innocent and may not be considered guilty of a criminal offence until his guilt has been proven by a final court judgment.

Article 29

Everyone shall have the right to have an independent and impartial court established by law determine, in a fair manner and within a reasonable time, his rights and obligations, or a suspicion or charge of a punishable offence.

In the case of suspicion or charge of a punishable offence, the suspected, charged or prosecuted person shall have the right:

- to be informed in detail and in a language which he understands, within the shortest possible time, of the nature and grounds for the accusation against him and of the evidence incriminating him ,
- to have adequate time and opportunity to prepare his defense,
- to a defense counsel and free communication with him, and to be informed of this right,
- to defend himself in person or with the assistance of a defense counsel of his own choosing, and if he has not sufficient means to engage a counsel, to have a free counsel under the terms specified by law,
- to be tried in his presence if he is accessible to the court,

- to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as the witnesses against him,

- to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

The suspected, charged and prosecuted person shall not be forced to admit his or her guilt.

Illegally obtained evidence shall not be admitted in court proceedings.

Criminal proceedings shall only be instituted before a court of justice upon the request of an authorized prosecutor.

Article 30

In conformity with the law, the sentence for a serious and exceptionally dishonorable criminal offence may result in the loss of acquired rights to perform certain types of labor, or to a ban on their acquisition for a specific period of time if so required for the protection of legal order.

Article 31

No one shall be punished for an act which was not defined as a criminal offence by law or international law prior to its commission, nor may be sentenced to a penalty which was not defined by law. If a less severe penalty is prescribed by law after the commission of an act, such penalty shall be imposed.

No one may be tried anew nor punished in criminal proceedings for an act for which he or she has already been acquitted or sentenced by a final court judgment in accordance with law.

The cases and reasons for a renewal of court proceedings referred to in Section 2 of this Article may only be provided by law, in accordance with the Constitution and international agreements.

There shall be no statute of limitations for the criminal offences of wartime profiteering, nor for criminal offences committed in the process of transformation and privatization of property rights during the Homeland War and peaceful reintegration, state of war or immediate threat to the independence and territorial integrity of the country, provided they were prescribed by law or, pursuant to international law, do not fall under the statute of limitations. All material gains acquired as the result of such offences, or in connection with them, shall be confiscated.

Article 32

Anyone legally residing within the territory of the Republic of Croatia shall enjoy freedom of movement and freedom to choose his place of residence.

Every citizen of the Republic of Croatia shall have the right to leave the State territory at any time and settle abroad permanently or temporarily, and to return to his homeland at any point in time.

Freedom of movement within the Republic of Croatia and the right to enter or leave it may exceptionally be restricted by law if this is necessary to protect the legal order, health, or the rights and freedoms of others.

Article 33

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

No alien lawfully residing within the territory of the Republic of Croatia shall be expelled or extradited to another state, except in pursuance of a decision made in accordance with an international agreement or law.

Article 34

Homes shall be inviolable.

A search of a home or any other premises may only be ordered by a court's reasoned and written warrant, in conformity with law.

The tenant or his or her representative is entitled to be present during the search of his or her home or premises along with the statutory presence of two witnesses.

Under the conditions provided by law, the police authorities may enter a person's home or premises and carry out a search without any witnesses and without a warrant or the tenant's consent if this is indispensable in order to enforce a warrant or to apprehend an offender, or to prevent a serious danger to life and health of people or a large amount of property.

A search aimed at finding or securing evidence for which there is reasonable probability of such being found in the perpetrator's home may only be carried out in the presence of witnesses.

Article 35

Everyone shall be guaranteed respect for and legal protection of personal and family life, dignity, reputation and honor.

Article 36

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

Restrictions necessary for the protection of State security and the conduct of criminal proceedings may only be prescribed by law.

Article 37

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

The protection of data and the supervision of the operation of information systems in the Republic of Croatia shall be regulated by law.

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

Article 38

Freedom of thought and expression shall be guaranteed.

Freedom of expression shall specifically include freedom of the press and other media of communication, freedom of speech and public expression, and free establishment of all institutions of public communication.

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

The right of access to information in the possession of public authorities shall be guaranteed. Restrictions on the right of access to information must be proportional to the nature of the necessity for restriction in each individual case, as well as be necessary in a free and democratic society, and shall be prescribed by law.

The right to correction shall be guaranteed to anyone whose constitutional and legal rights have been violated by public information.

Article 39

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

Article 40

Freedom of conscience and religion, and freedom to publicly manifest religion or other belief shall be guaranteed.

Article 41

All religious communities shall be equal before the law and shall be separated from the State.

Religious communities shall be free, in conformity with law, to perform public religious services, to open schools, educational and other institutions, social and charitable establishments and to manage them, and shall in their activity enjoy the protection and the State's assistance.

Article 42

Everyone shall be guaranteed the right to public assembly and peaceful protest in conformity with law.

Article 43

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

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

Article 44

Everyone in the Republic of Croatia shall have the right to take part in the conduct of public affairs and to have access to public employment under equal conditions.

Article 45

All Croatian citizens who have reached the age of eighteen shall have universal and equal right to vote in elections for the Croatian Parliament, for the President of the Republic of Croatia or for the European Parliament, as well as at state referenda in accordance with law.

In elections for the Croatian Parliament, voters not residing in the Republic of Croatia shall have the right to elect three representatives, in accordance with law.

In elections for the Croatian Parliament, for the President of the Republic and for the European Parliament, as well as at state referenda, the right to vote shall be exercised in direct elections by secret ballot, whereby voters not residing in the Republic of Croatia shall exercise their right to vote at polling stations in the seats of the diplomatic-consular missions of the Republic of Croatia in the countries where they reside.

In elections for the Croatian Parliament, for the President of the Republic and for the European Parliament, as well as at state referenda, the Republic of Croatia shall ensure the right to vote to its citizens residing in the Republic of Croatia who are abroad at the time of the elections and may vote in the seats of diplomatic-consular missions of the Republic of Croatia in the respective countries, or in any other way specified by law.

Article 46

Everyone shall have the right to submit petitions and complaints, to make proposals to governmental and other public bodies, and to receive answers thereto.

Article 47

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

A conscientious objection shall be allowed to all those who are unwilling to participate in the performance of military service in the Armed Forces due to their religious or moral convictions. Such persons shall be obliged to perform other duties specified by law.

3. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Article 48

The right of ownership shall be guaranteed.

Ownership implies obligations. Property owners and beneficiaries shall contribute to the general welfare.

An alien may acquire property under conditions spelled out by law.

The right of inheritance shall be guaranteed.

Article 49

Entrepreneurial and market freedom shall be the basis of the economic system of the Republic of Croatia.

The State shall ensure all entrepreneurs an equal legal status on the market. The abuse of the monopoly position as defined by law shall be forbidden.

The State shall stimulate economic progress and social welfare and shall care for the economic development of all its regions.

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

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

Article 50

Property may, in the interest of the Republic of Croatia, be restricted or expropriated by law upon the payment of compensation equal to its market value.

The exercise of entrepreneurial freedom and property rights may exceptionally be restricted by law for the purposes of protecting the interests and security of the Republic of Croatia, nature, the environment and public health.

Article 51

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

The system of taxation shall be based on principles of equality and equity.

Article 52

The sea, seashore and islands, waters, airspace, mineral wealth and other natural resources, as well as land, forests, fauna and flora, other parts of nature, real estate and goods of special cultural, historic, economic or ecological significance which are specified by law to be of interest to the Republic of Croatia, shall enjoy special protection.

The way in which goods of interest to the Republic of Croatia may be used and exploited by their owners and by holders of rights to them, and the compensation for the imposed restrictions on them, shall be regulated by law.

Article 53

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

The Croatian National Bank shall be autonomous and independent, and shall notify the Croatian Parliament of its operations.

The Governor of the Croatian National Bank shall govern the Croatian National Bank and manage its operations.

The organization and the objectives, tasks and competences of the Croatian National Bank shall be regulated by law.

Article 54

The State Auditing Office shall be the highest auditing institution of the Republic of Croatia, and its operation shall be autonomous and independent.

The State Auditing Office shall be governed by the Auditor General, who shall notify the Croatian Parliament of the operation of the Office.

The establishment and the competences, as well as the functioning of the State Auditing Office shall be regulated by law.

Article 55

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

Everyone shall be free to choose their vocation and occupation, and all jobs and duties shall be accessible to everyone under the same conditions.

Article 56

Employees shall have the right to a fair remuneration, such as to ensure free and decent standard of living for them and their families.

Maximum working hours shall be regulated by law.

Every employee shall be entitled to paid weekly rest and annual holidays and these rights may not be renounced.

In conformity with law, employees may participate in the decision-making process in their enterprise.

Article 57

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

The rights in connection with childbirth, maternity and childcare shall be regulated by law.

Article 58

The State shall ensure the right to assistance for weak, helpless and other citizens unable to meet their basic needs owing to unemployment or incapacity to work.

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

The State shall devote special care to the protection of Croatian defenders, Croatian war veterans with disabilities, widows, parents and children of Croatian defenders killed in the war.

Receiving humanitarian aid from abroad may not be forbidden.

Article 59

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

Article 60

In order to protect their economic and social interests, all employees shall have the right to form trade unions and shall be free to join them or leave them.

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

The formation of trade unions in the Armed Forces and the police may be restricted by law.

Employers shall have the right to form associations and shall be free to join them or leave them.

Article 61

The right to strike shall be guaranteed.

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

Article 62

The family shall enjoy the special protection of the State.

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

Article 63

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

Article 64

Parents shall have the duty to bring up, support and educate their children, and shall have the right and freedom to decide independently on their upbringing.

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

Physically and mentally disabled and socially neglected children shall have the right to special care, education and welfare.

Children shall be bound to take care of their old and helpless parents.

The State shall take special care of parentless minors or parentally neglected children.

Article 65

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

Children under legal age may not be employed or forced or allowed to do work which is harmful to their health or morality.

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

Article 66

In the Republic of Croatia, education is accessible to everyone under the same conditions and in accordance with abilities.

Compulsory education is free in accordance with law.

Article 67

Private schools and educational institutions may be established under the conditions specified by law.

Article 68

The autonomy of universities shall be guaranteed.

Universities shall independently decide on their organization and work in conformity with law.

Article 69

Freedom of scientific, cultural and artistic creativity shall be guaranteed.

The State shall encourage and assist the development of science, culture and arts.

The State shall protect scientific, cultural and artistic goods as its spiritual values.

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

The State shall promote and assist in the care for physical education and sports.

Article 70

Everyone shall have the right to a healthy life.

The State shall ensure conditions for a healthy environment.

Everyone shall be bound, within their powers and activities, to pay special attention to the protection of public health, nature and environment.

IV. ORGANIZATION OF GOVERNMENT

1. THE CROATIAN PARLIAMENT

Article 71

The Croatian Parliament (*Sabor*) is a representative body of the people and is vested with the legislative power in the Republic of Croatia.

Article 72

The Croatian Parliament shall have no less than 100 and no more than 160 members, elected on the basis of direct universal and equal right to vote by secret ballot.

Article 73

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

The number of members of the Croatian Parliament, and the conditions and procedures for their election, shall be regulated by law.

Article 74

Elections for members of the Croatian Parliament shall be held not later than 60 days after the expiry of the mandate or the dissolution of the Croatian Parliament.

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

The Croatian Parliament shall be constituted by the selection of its President in the first session where the majority of its members are present.

Article 75

Members of the Croatian Parliament shall not have an imperative mandate.

Members of the Croatian Parliament shall receive regular monetary remuneration and shall have other rights specified by law.

Article 76

Members of the Croatian Parliament shall enjoy immunity.

No representative shall be prosecuted, detained or punished for an opinion expressed or vote cast in the Croatian Parliament.

No representative shall be detained, nor shall criminal proceedings be instituted against him or her without the consent of the Croatian Parliament.

A representative may be detained without the consent of the Croatian Parliament only if caught in the act of committing a criminal offence which carries a penalty of imprisonment of more than five years. In such a case, the President of the Croatian Parliament shall be notified thereof.

If the Croatian Parliament is not in session, approval for the detention of a representative, or for the continuation of criminal proceedings against him, shall be given and his right to immunity decided by the credentials-and-immunity committee, such a decision being subject to subsequent confirmation by the Croatian Parliament.

Article 77

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

Article 78

The Croatian Parliament may be dissolved in order to call early elections upon a decision of the majority of all members.

The President of the Republic may dissolve the Croatian Parliament, in conformity with Article 104 of the Constitution.

Article 79

The Croatian Parliament shall sit in regular sessions twice a year: in the period between January 15 and July 15, and between September 15 and December 15.

The Croatian Parliament shall convene an emergency session at the request of the President of the Republic, the Government, or the majority of its members.

The President of the Croatian Parliament may, upon prior consultation with the parliamentary clubs of members of the parliamentary parties, call it to an emergency session.

Article 80

The Croatian Parliament shall have a President and one or more Vice Presidents.

The internal organization and proceedings of the Croatian Parliament shall be regulated by its Standing Rules.

The Standing Rules shall be passed by a majority vote of all members.

Article 81

The Croatian Parliament shall:

- decide on the adoption and amendments to the Constitution;
- pass laws;
- adopt the state budget;
- decide on war and peace;
- adopt documents which express the policy of the Croatian Parliament,
- adopt the Strategy of national security and the Strategy of defense of the Republic of Croatia,
- realize civilian control over the Armed Forces and security services of the Republic of Croatia,
- decide on alterations of the borders of the Republic of Croatia;
- call referenda;
- carry out elections, appointments and dismissals from office, in conformity with the Constitution and law;
- supervise the work of the Government of the Republic of Croatia and other public officials accountable to the Croatian Parliament, in conformity with the Constitution and law;
- grant amnesty for criminal offences;
- conduct other affairs as specified by the Constitution.

Article 82

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

Representatives shall vote in person.

Article 83

Laws (organic laws) regulating the rights of national minorities shall be adopted by a two-thirds majority vote of all representatives in the Croatian Parliament.

Laws (organic laws) which elaborate the constitutionally defined human rights and fundamental freedoms, the electoral system, the organization, purview and operation of governmental bodies and the organization and purview of local and regional self-government shall be adopted by the majority of all representatives in the Croatian Parliament.

The decision referred to in Article 8 of the Constitution shall be adopted by a two-thirds majority of all representatives in the Croatian Parliament.

Article 84

Sessions of the Croatian Parliament shall be public.

Article 85

Each representative in the Croatian Parliament, the parliamentary clubs, the working bodies of the Croatian Parliament, and the Government of the Republic of Croatia shall have the right to propose laws.

Article 86

Members of the Croatian Parliament shall have the right to pose parliamentary questions to the Government or to any of its individual members.

One tenth of representatives of the Croatian Parliament may submit an interpellation on the work of the Government of the Republic of Croatia as a whole or any of its individual members.

The possibility of parliamentary questions and interpellation shall be regulated in detail in the Standing Rules.

Article 87

The Croatian Parliament may call a referendum on a proposal for the amendment of the Constitution, on a bill, or on any other issue within its competence.

The President of the Republic may, at the proposal of the Government and with the counter-signature of the Prime Minister, call a referendum on a proposal for the amendment of the Constitution, or on any other issue which the President considers to be important for the independence, the unity and the existence of the Republic of Croatia.

The Croatian Parliament shall call a referendum regarding issues referred to in Sections 1 and 2 of this Article when so requested by ten percent of all voters in the Republic of Croatia.

At referenda, decisions shall be made by a majority of voters who turned out.

Decisions made at referenda shall be binding.

A law on referenda shall be passed. The conditions for holding consultation referenda may also be prescribed by law.

Article 88

The Croatian Parliament may authorize the Government of the Republic of Croatia to regulate certain issues within its competence by decrees, for a maximum period of one year, excluding issues relating to the elaboration of constitutionally defined human rights and fundamental freedoms, minority

rights, the electoral system, the organization, authority and operation of governmental bodies and local self-government.

Decrees based on statutory authority shall not have a retroactive effect.

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

Article 89

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

If the President of the Republic considers the promulgated law not to be in accordance with the Constitution, he may initiate the constitutionality review of the law before the Constitutional Court of the Republic of Croatia.

Article 90

Before entering into force, laws and other rules and regulations of governmental bodies shall be published in “*Narodne Novine*”, the Official Gazette of the Republic of Croatia.

Before entering into force, the rules and regulations of bodies vested with public authority shall be publicized in an accessible way and in accordance with law.

A law shall enter into force not earlier than on the eighth day after its publication unless otherwise specified by law for exceptionally justified reasons.

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

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

Article 91

State revenues and expenditures shall be determined in the state budget.

A law whose implementation requires financial funds shall specify the sources of such funds.

Article 92

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

The composition, competence and powers of the commissions of inquiry shall be in accordance with law.

The chairperson of the commission of inquiry shall be appointed by a majority of representatives from among the representatives of the opposition.

Article 93

The People’s Ombudsman is a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms established by the Constitution, laws and international legal acts on human rights and freedoms to which the Republic of Croatia has acceded.

Any person may file a complaint with the People’s Ombudsman if it considers that his or her constitutional or statutory rights have been endangered or violated by the illegal or irregular conduct of governmental bodies, bodies of local and regional self-government or legal entities vested with public authority.

The People’s Ombudsman shall be elected by the Croatian Parliament for a term of eight years. The People’s Ombudsman shall be autonomous and independent in his work.

The conditions for the election and dismissal from office, as well as the jurisdiction and functioning of the Ombudsman and his Deputies shall be regulated by law. In order to protect fundamental constitutional rights, a law

may also delegate certain powers concerning individuals and legal entities to the People's Ombudsman.

The People's Ombudsman and other commissioners of the Croatian Parliament entrusted with the promotion and protection of human rights and fundamental freedoms shall enjoy the same immunity as representatives of the Croatian Parliament.

2. THE PRESIDENT OF THE REPUBLIC OF CROATIA

Article 94

The President of the Republic of Croatia shall represent and stand for the Republic of Croatia at home and abroad.

The President of the Republic shall take care of the regular and harmonized functioning and stability of the government.

The President of the Republic is responsible for the defense of independence and territorial integrity of the Republic of Croatia.

Article 95

The President of the Republic shall be elected in direct elections by secret ballot, on the basis of universal and equal right to vote, for a term of five years.

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

The President of the Republic shall be elected by a majority of voters who turned out. If no candidate has obtained such majority, new elections shall be held after 14 days.

Two candidates who obtained the largest number of votes in the first election shall have the right to stand at the new election. If one of these candidates withdraws, the candidate who obtained the next highest number of votes shall acquire the right to stand at the new election.

Elections for the President of the Republic shall be held at least 30 and no more than 60 days before the expiry of the term of office of the incumbent President.

Prior to assuming office, the President of the Republic shall take a solemn oath before the President of the Constitutional Court swearing loyalty to the Constitution.

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

Article 96

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

After the election, the President of the Republic shall resign from membership in a political party and notify the Croatian Parliament thereof.

Article 97

In the case where the President of the Republic is temporarily prevented from performing his duties because of his absence or illness or vacation, the President of the Republic may entrust the President of the Croatian Parliament with the duty of substituting him. The President of the Republic shall decide on his return to duty.

If the President of the Republic is prevented from performing his duties for a longer period of time due to illness or inability, and particularly if he is unable to decide on entrusting his duties to a temporary substitute, the President of the Croatian Parliament shall assume the duty as a temporary President of the Republic upon a decision issued by the Constitutional Court. The Constitutional Court shall render such a decision upon the Government's proposal.

In the case of death or resignation submitted to the President of the Constitutional Court of the Republic of Croatia and of which the President of the

Croatian Parliament shall be notified, or when the Constitutional Court establishes the existence of reasons for the termination of the mandate of the President of the Republic, the duty of the temporary President of the Republic shall be assumed by the President of the Croatian Parliament by force of the Constitution.

When the President of the Croatian Parliament issues an act to promulgate a law as a temporary President of the Republic, such an act shall be countersigned by the Prime Minister of the Republic of Croatia.

The elections for the new President of the Republic shall be held within 60 days from the day the temporary President of the Republic assumed the duty in accordance with Section 3 of this Article.

Article 98

The President of the Republic shall:

- call elections for the Croatian Parliament and call its first session;
- call referenda, in conformity with the Constitution;
- give the mandate to form the Government to the person who, upon the distribution of seats in the Croatian Parliament and consultations, enjoys the confidence of the majority of its members.
- grant pardons;
- confer decorations and other awards specified by law;
- perform other duties specified by the Constitution.

Article 99

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

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

The President of the Republic shall, with the prior counter-signature of the Prime Minister of the Republic of Croatia, appoint and recall diplomatic representatives of the Republic of Croatia, at the proposal of the Government and upon the opinion of the authorized committee of the Croatian Parliament.

The President of the Republic shall receive credentials and letters of recall from foreign diplomatic representatives.

Article 100

The President of the Republic is the Commander-in-Chief of the Armed Forces of the Republic of Croatia.

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

On the basis of the decision of the Croatian Parliament, the President of the Republic may declare war and conclude peace.

In case of an immediate threat to the independence, unity and existence of the State, the President of the Republic may, with the counter-signature of the Prime Minister, order deployment of the Armed Forces even without a declaration of the state of war.

Article 101

During the state of war, the President of the Republic may issue decrees with the force of law on the grounds of and within the authority obtained from the Croatian Parliament. If the Croatian Parliament is not in session, the President of the Republic is authorized to regulate all the issues required by the state of war by decrees with the force of law.

In the case of an immediate threat to the independence, unity and existence of the State, or if the governmental bodies are prevented from the regular performance of their constitutional duties, the President of the Republic shall issue decrees with the force of law at the proposal of the Prime Minister and with his counter-signature.

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

If the President of the Republic does not submit a decree for approval to the Croatian Parliament as set forth in Section 3 of this Article, or if the Croatian Parliament fails to approve it, the decree with the force of law ceases to be in force.

In the cases referred to in Sections 1 and 2 of this Article, the President of the Republic may call a session of the Government and preside over such a session.

Article 102

The President of the Republic may propose the Government to hold a session and consider certain issues.

The President of the Republic may be present at the session of the Government and take part in the discussion.

Article 103

The President of the Republic and the Government of the Republic of Croatia shall cooperate in directing the operations of intelligence services in accordance with the Constitution and law.

The appointment of the heads of intelligence services shall, upon a prior opinion of the authorized committee of the Croatian Parliament, be counter-signed by both the President of the Republic and the Prime Minister of the Republic of Croatia.

Article 104

The President of the Republic may dissolve the Croatian Parliament at the Government's proposal, with the counter-signature of the Prime Minister and upon consultations with the representatives of the parliamentary clubs if, upon the Government's call to a vote of confidence the Croatian Parliament has passed a vote of no confidence, or if the Parliament has failed to approve the state budget within 120 days from its proposal.

The President of the Republic may not dissolve the Croatian Parliament at the Government's proposal if impeachment proceedings for the violation of the Constitution have been instituted against him.

Article 105

The President of the Republic may be impeached for any violation of the Constitution committed in the performance of his duties.

The proceedings for the impeachment of the President of the Republic may be instituted by the Croatian Parliament by a two-thirds majority of all representatives.

The impeachment of the President of the Republic shall be decided upon by the Constitutional Court of the Republic of Croatia by a two-thirds majority of all the judges.

The Constitutional Court shall decide on the impeachment of the President of the Republic of Croatia within 30 days from the day the proposal to impeach the President for violation of the Constitution was submitted.

If the Constitutional Court of the Republic of Croatia impeaches the President of the Republic, his presidential duties shall cease by force of the Constitution.

Article 106

The President of the Republic shall enjoy immunity.

The President of the Republic may not be detained and no criminal proceedings may be instituted against him without the prior consent of the Constitutional Court.

The President of the Republic may be detained without a prior consent of the Constitutional Court only if he has been caught in the commission of a criminal offence for which a penalty of imprisonment of more than five years is prescribed. In such case, the governmental body which has detained the President of the Republic shall immediately notify the President of the Constitutional Court accordingly.

Article 107

In the performance of his duties the President of the Republic shall be assisted by advisory bodies. The members of these bodies shall be appointed and dismissed by the President of the Republic. Appointments contrary to the principle of separation of powers shall not be permitted.

Advisory, expert and other tasks shall be performed by the Office of the President of the Republic. The organization and the powers of the Office shall be regulated by the President's decision. The Office of the President of the Republic and the Government's expert services cooperate in performing the tasks of their joint interest. The necessary means for the operation of the Office of the President of the Republic shall be secured in the budget of the Republic of Croatia.

3. THE GOVERNMENT OF THE REPUBLIC OF CROATIA

Article 108

The Government of the Republic of Croatia shall exercise executive powers in conformity with the Constitution and law.

Article 109

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

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

Article 110

The person to whom the President of the Republic gives the mandate to form the Government shall propose its members.

Immediately upon the formation of the Government, but no later than 30 days from the acceptance of the mandate, the mandatary shall present the Government and its program to the Croatian Parliament and demand a vote of confidence.

The Government shall take up office when a vote of confidence is passed by a majority of all members of the Croatian Parliament.

The Prime Minister and the members of the Government shall take a solemn oath before the Croatian Parliament. The text of the oath shall be determined by law.

Upon the Croatian Parliament's vote of confidence in the new Government of the Republic of Croatia, the President of the Republic shall issue a decision on the appointment of the Prime Minister, counter-signed by the President of the Croatian Parliament, and the Prime Minister shall issue a decision on the appointment of the members of the Government, counter-signed by the President of the Croatian Parliament.

Article 111

If the mandatary fails to form the Government within 30 days from accepting the mandate, the President of the Republic may decide to extend the term for no more than 30 additional days.

If the mandatary fails to form the Government during the extended term, or if the proposed Government fails to obtain a vote of confidence from the Croatian Parliament, the President of the Republic shall give the mandate to form the Government to another person.

Article 112

If the Government has not been formed in accordance with Articles 110 and 111 of the Constitution, the President of the Republic shall appoint a provisional non-partisan Government and simultaneously call early elections for the Croatian Parliament.

Article 113

The Government of the Republic of Croatia shall:

- propose legislation and other acts to the Croatian Parliament,
- propose the state budget and the annual statement of accounts,
- execute laws and other decisions of the Croatian Parliament,
- enact decrees to implement the laws,
- conduct foreign and internal policies,
- direct and control the operation of the state administration,
- take care of the economic development of the country,
- direct the performance and development of public services,
- perform other duties determined by the Constitution and law.

Article 114

The organization, functioning and decision-making of the Government, as well as types of acts it issues shall be regulated by law and the Rules of Procedure.

Article 115

The Government shall be responsible to the Croatian Parliament.

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

Article 116

At the proposal of at least one fifth of the members of the Croatian Parliament, a vote of confidence in the Prime Minister, in individual members of the Government or in the Government as a whole, shall be put in motion.

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

No debate or vote of confidence may be taken before the expiry of seven days from the date when the motion was submitted to the Croatian Parliament.

The debate and the vote of confidence shall be carried out no later than 30 days from the day the motion was submitted to the Croatian Parliament.

A vote of no confidence shall be accepted if it has been carried by the majority of all members of the Croatian Parliament.

If the Croatian Parliament rejects the proposal for a vote of no confidence, the representatives who have submitted it may not repeat the proposal before the expiry of six months.

If a vote of no confidence in the Prime Minister or the Government as a whole is passed, the Prime Minister and the Government shall submit their resignation. If the vote of confidence in the new mandatary and the members he proposes for the Government is not passed within 30 days, the President of the Croatian Parliament shall notify the President of the Republic of Croatia thereof. After the notification is received, the President of the Republic shall promptly issue a decision to dissolve the Croatian Parliament and simultaneously call elections for the Croatian Parliament.

If a vote of no confidence in an individual member of the Government is passed, the Prime Minister may propose another member for a parliamentary vote of confidence, or the Prime Minister and the Government may submit their resignation.

Section 7 of this Article shall apply in all the cases of resignation of the Prime Minister or the Government.

Article 117

The organization and responsibilities as well as operation of state administration shall be regulated by law.

The law may entrust certain responsibilities of the state administration to bodies of local and regional self-governments, or to the legal entities vested with public authority.

The status of civil servants and the legal status of state employees shall be regulated by law and other rules and regulations.

4. THE JUDICIARY

Article 118

Judicial power shall be exercised by the courts.

Judicial power shall be autonomous and independent.

The courts shall administer justice according to the Constitution, law, international agreements and other sources of law in force.

Article 119

The Supreme Court of the Republic of Croatia, as the highest court, shall ensure the uniform application of laws and equal justice for all.

The President of the Supreme Court of the Republic of Croatia shall be appointed and dismissed by the Croatian Parliament at the proposal of the President of the Republic, with the prior opinion of the general session of the Supreme Court of the Republic of Croatia and of the authorized committee of the Croatian Parliament. The President of the Supreme Court shall be appointed for a four-year term of office.

The establishment, jurisdiction, composition and organization of the courts, as well as court proceedings shall be regulated by law.

Article 120

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

The public may be barred from a hearing or part thereof for such reasons as may be necessary in a democratic society in the interest of morals, public order or State security, especially if minors are on trial, or in order to protect the parties' private lives, or in marital disputes and proceedings in connection with guardianship and adoption, or for the purpose of protection of military, official or business secrets and of the protection of the security and defense of the Republic of Croatia, but only to the extent which is, in the opinion of the court, absolutely necessary in the specific circumstances in which the presence of the public might be harmful to the interests of justice.

Article 121

Judgeship is entrusted to judges personally.

Lay assessors and court advisors shall participate in the administration of justice, in conformity with law.

Article 122

Judges shall enjoy immunity in accordance with law.

Judges and lay assessors who take part in the administration of justice shall not be called to account for an opinion or a vote given in the process of judicial decision-making unless there is a violation of law on the part of a judge.

A judge may not be detained nor be on remand in criminal proceedings initiated for a criminal offence committed in performance of his judicial duty without the consent of the National Judicial Council.

Article 123

A judge shall discharge his duties as a permanent office.

A judge shall be removed from judicial office:

- at his own request,
- if he has become permanently incapacitated to hold office,
- if he has been sentenced for a criminal offence which makes him unworthy to hold judicial office,
- if, in conformity with law, the National Judicial Council so decides due to the commission of an act of serious infringement of discipline,
- upon reaching seventy years of age.

A judge shall have the right to appeal the decision on removal from office to the Constitutional Court within 15 days from the day the decision was served, and have the Constitutional Court decide in such a procedure and composition as is determined by the Constitutional Law on the Constitutional Court of the Republic of Croatia.

A judge shall have the right to appeal the decision of the National Judicial Council on disciplinary liability to the Constitutional Court of the Republic of Croatia within 15 days from the day the decision was served. The Constitutional Court shall decide on the appeal in such a way and procedure as is determined by the Constitutional Law on the Constitutional Court of the Republic of Croatia.

In the cases referred to in Sections 3 and 4 of this Article, the Constitutional Court shall decide within 30 days from the day the appeal was submitted. The decision of the Constitutional Court excludes the right to a constitutional complaint.

A judge shall not be transferred against his will except when a Court is abolished or reorganized in conformity with law.

A judge shall not hold an office or perform work defined by law as being incompatible with his judicial office.

Article 124

The National Judicial Council is an autonomous and independent body that shall assure the autonomy and independence of the judiciary in the Republic of Croatia.

In conformity with the Constitution and law, the National Judicial Council shall autonomously decide on the appointment, advancement, transfer, removal from office as well as the disciplinary liability of individual judges and the presidents of courts, except regarding the President of the Supreme Court of the Republic of Croatia.

The National Judicial Council shall render the decisions referred to in Section 2 of this Article impartially, pursuant to criteria defined by law.

The National Judicial Council participates in the training and education of judges, and other employees within the judiciary.

The National Judicial Council shall consist of eleven members, namely of seven judges, two university professors of law as well as of two members of the Croatian Parliament, one of whom shall be from the ranks of the opposition.

Members of the National Judicial Council shall select their President among themselves.

Presidents of courts may not be elected as members of the National Judicial Council.

Members of the National Judicial Council shall be elected for a four-year term and no one may be a member of the National Judicial Council for more than two subsequent terms.

The jurisdiction, organization, process of electing members and proceedings of the National Judicial Council shall be regulated by law.

5. THE OFFICE OF THE PUBLIC PROSECUTOR

Article 125

The Office of the Public Prosecutor is an autonomous and independent judicial body empowered and authorized to proceed against those who commit criminal and other punishable offences, to undertake legal measures for the protection of the property of the Republic of Croatia and to provide legal remedies for the protection of the Constitution and law.

The Chief Public Prosecutor of the Republic of Croatia shall be appointed by the Croatian Parliament for a four-year term, at the proposal of the Government of the Republic of Croatia and with a prior opinion of the authorized committee of the Croatian Parliament.

Deputy Public Prosecutors shall, in conformity with the Constitution and law, be appointed, dismissed and have their disciplinary liability decided by the National Council of the Public Prosecution Service.

The National Council of the Public Prosecution Service shall render the decisions referred to in Section 3 of this Article impartially, pursuant to criteria defined by law.

Deputy Public Prosecutors shall assume their duty permanently.

The National Council of the Public Prosecution Service shall consist of eleven members, namely of seven Deputy Public Prosecutors, two university professors of law, as well as of two members of the Croatian Parliament, one of which shall be from the ranks of the opposition.

Members of the National Council of the Public Prosecution Service shall be elected for a four-year term and no one may be a member of the National Council of the Public Prosecution Service for more than two subsequent terms.

Members of the National Council of the Public Prosecution Service shall select their President among themselves.

Head officials of the public prosecution offices may not be elected as members of the National Council of the Public Prosecution Service.

The jurisdiction, organization, process of electing members and the proceedings of the National Council of the Public Prosecution Service shall be regulated by law.

The establishment, organization, jurisdiction and competence of the Office of the Public Prosecutor shall be regulated by law.

V. THE CONSTITUTIONAL COURT OF THE REPUBLIC OF CROATIA

Article 126

The Constitutional Court of the Republic of Croatia shall consist of thirteen judges elected by a two-thirds majority of members of the Croatian Parliament from among notable jurists, especially judges, public prosecutors, lawyers and university professors of law, in such a way and procedure as is regulated by the Constitutional Law. The judges of the Constitutional Court shall be appointed for a term of eight years, which term shall be extended if a new judge has still not been elected or has not taken up office upon the expiry of the previous judge's term, until such a time as a new judge shall take up office, but for no longer than six months.

The committee of the Croatian Parliament authorized for constitutional issues shall carry out the candidacy proceedings and the nomination of judges of the Constitutional Court of the Republic of Croatia to the Croatian Parliament.

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

Article 127

The judges of the Constitutional Court of the Republic of Croatia shall not perform any other public or professional duties.

The judges of the Constitutional Court of Croatia shall enjoy the same immunity as the members of the Croatian Parliament.

Article 128

A judge of the Constitutional Court of the Republic of Croatia may be relieved of office before the expiry of the term for which he has been elected if he requests to be relieved, if he is sentenced to imprisonment, or if he is permanently incapacitated from performing his duties, as established by the Court itself.

Article 129

The Constitutional Court of Croatia shall:

- decide on the conformity of laws with the Constitution;
- decide on the conformity of other regulations with the Constitution and the laws;
- if necessary, decide on the constitutionality of laws and the constitutionality and legality of other rules and regulations which have lost their legal force, provided that not more than one year has passed from the moment of their loss of legal force until the submission of a request or a proposal to institute proceedings
- decide on constitutional complaints against individual decisions of governmental bodies, bodies of local and regional self-government units and legal entities with public authority, when these decisions violate human rights and fundamental freedoms, as well as the right to local and regional self-government guaranteed by the Constitution of the Republic of Croatia,
- observe the realization of constitutionality and legality and notify the Croatian Parliament of the instances of unconstitutionality and illegality which come to light thereby,
- decide on jurisdictional disputes between the legislative, the executive and the judicial branches of government,
- decide, in conformity with the Constitution, on the impeachment of the President of the Republic;

- supervise the constitutionality of programs and activities of political parties and may, in conformity with the Constitution, ban their work,
- supervise the constitutionality and legality of elections and national referenda, and decide on electoral disputes outside the courts' jurisdiction;
- perform other duties specified by the Constitution.

Article 130

Should the Constitutional Court ascertain that the authorized body has, against his obligation to do so, not enacted a rule or a regulation needed for the enforcement of the Constitution, law or other regulations, it shall notify the Government thereof, while the Croatian Parliament shall be notified of the regulations which the Government has been obliged to enact.

Article 131

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

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

In the cases referred to in Article 129 Section 1 line 3 of the Constitution, if the Constitutional Court finds that a law is not in conformity with the Constitution or that some other regulation is not in conformity with the Constitution and the laws, it shall enact a decision ascertaining their unconstitutionality or illegality.

Article 132

The procedure and conditions for the election of judges of the Constitutional Court of the Republic of Croatia and the termination of their office, the conditions and time-limits for the institution of proceedings for the assessment of constitutionality and legality, the procedure and legal effects of its decisions, the protection of human rights and fundamental freedoms guaranteed by the Constitution, and other issues important for the performance of duties and work of the Constitutional Court of the Republic of Croatia, shall be regulated by a Constitutional Law.

The Constitutional Law shall be passed in accordance with the procedure determined for amending the Constitution.

The internal organization of the Constitutional Court of the Republic of Croatia shall be regulated by its Rules of Procedure.

VI. LOCAL AND REGIONAL SELF-GOVERNMENT

Article 133

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

The right to self-government shall be realized through local, respectively regional representative bodies, composed of members elected in free elections by secret ballot on the grounds of direct, equal and general voting rights.

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

Citizens of the European Union shall also exercise the rights guaranteed by this Article, in conformity with law and the *acquis communautaire* of the European Union.

Article 134

Municipalities and towns shall be units of local self-government and their areas shall be determined in the way prescribed by law. Other units of local self-government may be provided for by law.

Counties shall be units of regional self-government. The area of a county is determined in the way prescribed by law.

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

Forms of local self-government may, in conformity with law, be established in localities and parts thereof.

Article 135

Units of local self-government shall carry out the affairs within local jurisdiction that directly fulfill the needs of citizens, in particular affairs related to the organization of localities and housing, area and urban planning, public utilities, child care, social welfare, primary health care, education and elementary schools, culture, physical education and sports, technical culture, consumer protection, protection and improvement of the environment, fire protection and civil defense.

Units of regional self-government shall carry out the affairs of regional significance, in particular affairs related to education, health services, area and urban planning, economic development, traffic and traffic infrastructure and the development of a network of educational, health, social and cultural institutions.

The affairs of local and regional jurisdiction shall be regulated by law. When allocating these affairs, priority shall be given to bodies which are closest to citizens.

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

Article 136

Units of local and regional self-government shall have the right, within the limits provided by law, to regulate autonomously and in accordance with their statutes the internal organization and jurisdiction of their bodies and to accommodate them to the local needs and potentials.

Article 137

In carrying out the affairs within their jurisdiction, units of local and regional self-government shall be autonomous and subject only to the review of constitutionality and legality by authorized governmental bodies.

Article 138

Units of local and regional self-government shall have the right to their own revenues and to dispose of them freely in carrying out affairs within their jurisdiction.

The revenues of local and regional units of self-government shall be proportional to their authorities provided for by the Constitution and law.

The State shall, in conformity with law, assist the units of local self-government which are weaker financially.

VII. INTERNATIONAL RELATIONS

1. INTERNATIONAL AGREEMENTS

Article 139

Pursuant to the Constitution, law, and rules of international law, the conclusion of international agreements shall be within the authority of the Croatian Parliament, President of the Republic, or the Government of the Republic of Croatia, depending on the nature and content of the respective international agreement.

Article 140

International agreements which entail the passage or amendment of laws, international agreements of a military and political nature, and international

agreements which financially commit the Republic of Croatia shall be subject to ratification in the Croatian Parliament.

International agreements which grant international organizations or alliances powers derived from the Constitution of the Republic of Croatia shall be subject to ratification in the Croatian Parliament by a two-thirds majority of all representatives.

The President of the Republic shall sign the documents on ratification, approval or acceptance of, and accession to, international agreements ratified by the Croatian Parliament in conformity with Sections 1 and 2 of this Article.

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

Article 141

International agreements concluded and ratified in accordance with the Constitution and made public, and which are in force, shall be part of the internal legal order of the Republic of Croatia and shall be above law in terms of legal effects. Their provisions may be amended or repealed only under such conditions and in such a way as is specified by them, or in accordance with general rules of international law.

2. ASSOCIATION AND DISASSOCIATION

Article 142

The procedure for association of the Republic of Croatia into alliances with other states may be instituted by at least one third of the members of the Croatian Parliament, the President of the Republic, and the Government of the Republic of Croatia.

It is prohibited to initiate any procedure for the association of the Republic of Croatia into alliances with other states if such an association leads, or might lead, to a renewal of a South Slavic state community or to a renewal of Balkan interstate bonds of any kind.

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

Any decision concerning the association of the Republic of Croatia shall be made at a referendum by a majority of voters who turned out.

Such a referendum shall be held within 30 days of the date when the decision was rendered by the Croatian Parliament.

The provisions of this Article concerning association shall also apply to the conditions and procedure for disassociation of the Republic of Croatia.

VIII. THE EUROPEAN UNION

1. LEGAL BASIS OF MEMBERSHIP AND THE TRANSFER OF CONSTITUTIONAL POWERS

Article 143

Pursuant to Article 142, the Republic of Croatia, as a member state of the European Union, participates in the creation of a European community so as to ensure, together with other European states, lasting peace, freedom, security and prosperity and to realize other common objectives, in accordance with fundamental principles and values underlying the existence of the European Union.

Pursuant to Articles 140 and 141 of the Constitution, the Republic of Croatia entrusts the institutions of the European Union with such powers as are necessary for the realization of rights and fulfillment of obligations assumed on the basis of membership.

2. PARTICIPATION IN THE INSTITUTIONS OF THE EUROPEAN UNION

Article 144

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

The Croatian Parliament shall take part in the European legislative process, in accordance with the Treaties the European Union is founded upon.

The Government of the Republic of Croatia shall report to the Croatian Parliament on proposals of legal acts and decisions in the adoption of which it participates within the institutions of the European Union. The Croatian Parliament can reach conclusions on these proposals, in pursuance of which the Croatian Government shall then act in the institutions of the European Union.

The Croatian Parliament's oversight of the Government of Croatia's actions in the institutions of the European Union shall be regulated by law.

In the Council and in the European Council, the Republic of Croatia is represented by the Government or the President of the Republic, in accordance with their constitutional powers.

3. THE LAW OF THE EUROPEAN UNION

Article 145

The exercise of rights derived from the *acquis communautaire* of the European Union shall be equal to the exercise of rights guaranteed by the Croatian legal order.

Legal acts and decisions which the Republic of Croatia has accepted within the institutions of the European Union shall apply in the Republic of Croatia, in pursuance of the *acquis communautaire* of the European Union.

Croatian courts shall protect subjective rights grounded on the *acquis communautaire* of the European Union.

Governmental bodies, bodies of the local and regional self-governments as well as legal entities vested with public authority shall directly apply the law of the European Union.

4. THE RIGHTS OF THE CITIZENS OF THE EUROPEAN UNION

Article 146

The citizens of the Republic of Croatia are citizens of the European Union, enjoying the rights guaranteed by the *acquis communautaire* of the European Union, especially:

the freedom of movement and taking up residence in any member state,

the active and passive right to vote in elections for the European Parliament, and in local elections in another member state, in accordance with that state's regulations,

the right to diplomatic and consular protection of any member state equal to the protection of its own citizens, when in a country where the Republic of Croatia has no diplomatic or consular missions,

the right to submit petitions to the European Parliament and complaints to the European Ombudsman, as well as the right to communicate with the institutions and advisory bodies of the European Union in the Croatian language, as well as in any official language of the European Union, and to receive a reply in the same language.

All rights shall be exercised in accordance with the conditions and limitations prescribed by the Treaties, the European Union is founded upon, and by measures adopted pursuant to these Treaties.

All citizens of the European Union shall enjoy all rights guaranteed by the *acquis communautaire* of the European Union when in the Republic of Croatia.

IX. AMENDMENTS TO THE CONSTITUTION

Article 147

Amendments to the Constitution of the Republic of Croatia may be proposed by at least one fifth of members of the Croatian Parliament, the President of the Republic, and Government of the Republic of Croatia.

Article 148

The Croatian Parliament shall decide on whether to start proceedings to amend the Constitution by a majority of all members.

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

Article 149

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

Article 150

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

X. CONCLUDING PROVISIONS

Article 151

The Croatian Parliament shall pass the Constitutional Law on the Implementation of the Constitution within 6 months of 16 June 2010, the day the Revision of the Constitution of the Republic of Croatia was promulgated.

Article 152

The Revision of the Constitution shall enter into force on 16 June 2010 as the day of its promulgation, with the exception of Article 9 Section 2 in the part pertaining to the execution of decisions to surrender issued pursuant to the *acquis communautaire* of the European Union, as well as Article 133 Section 4 and Articles 144, 145 and 146 of the Constitution of the Republic of Croatia which shall enter into force on the day of the accession of the Republic of Croatia to the European Union.

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Alphabetical Listing of Terms Used in the Constitution of the Republic of Croatia

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Translation: Ana Horvat Vuković, mag. iur.

A

Acquis communautaire of the EU – Art.9.Sec.2, Art.133.Sec.4, Arts.145, 146 and 152

Adriatic Sea – Art.2

Advisory bodies of the President of the Republic – appointment and dismissal – Art.107

Airspace – Art.2.Sec.2 and Art.52.Sec.1

Albanians – Sec.2 of the Historical Foundations

Aliens – Arts.26 and 33

- The right to acquire property – Art.48.Sec.3

Alliances with other states – Art.2.Sec.4.subsec.3, Art.2.Sec.5, Arts.7 and 142

Amendment of the Constitution – Arts.147-150

- Authorized proponents – Art.147
- Previous opinion on starting the amendment proceedings – Art.148.Sec.1
- Establishment of draft amendments – Art.148.Sec.2
- Deciding – Art.149
- Promulgation of amendments to the Constitution of the Republic of Croatia – Art.150.

Annual holiday – right to annual holidays with pay – Art.56.Sec.3

Anthem of the Republic of Croatia – Art.11.Sec.3

Antifascist Council of National Liberation of Croatia (1943) – Sec.1.subsec.12 of the Historical Foundations

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Armed assault – Art.7.Sec.4

Armed Forces of the allied states – Art.7.Secs.2-5 and 8

Armed Forces of the Republic of Croatia – Arts.7, 60-61, 81, 83 and 100

- Commander-in-Chief – Art.100.Sec.1
- Duty to protect the sovereignty and independence as well as the territorial integrity – Art.7.Sec.1
- Crossing the border – Art.7.Secs.5-8 and Art.83.Sec.3
- Offering humanitarian aid – Art.7.Secs.8 and 9
- Protection of territorial integrity – Art.7.Sec.1
- Protection of sovereignty – Art.7.Secs.1 and 2
- Exercises and training within the international organizations – Art.7.Secs.8 and 9
- Restricting the right to strike – Art.61.Sec.2
- Forming trade unions – Art.60.Sec.3

Arrest (prohibition of enforcing an arrest or a decision on detention without a written court warrant issued pursuant to law) – Art.24.Sec.1

Arrested person – rights – Arts.24 and 25

Artistic creativity – Art.69.Secs.1 and 4

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- Capital of the Republic of Croatia (Zagreb)** – Art.13.Sec.1
- Status, jurisdiction and organization – Art.13.Sec.2
 - Possibility for Zagreb to be attributed the status of a county by law – Art.134.Sec.3
- Care for children** – Arts.63-65 and Art.135.Sec.1
- Censure – prohibition of censure** – Art.38.Sec.3
- Charged person** – Art.29.Secs.2 and 3
- Childbirth, maternity and childcare** – Art.57.Sec.2 and Art.58
- Right to assistance for weak, helpless and other citizens unable to meet basic needs owing to unemployment or incapacity to work – Art.58.Sec.1
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 - Affairs within regional purview – Art.135.Secs.2-4, Art.137
 - Autonomy of units of regional self-government – statute – Art.136
 - Own revenues – Art.138
 - Bodies of units of regional self-government – Art.137
 - Revenues – Art.138.Secs.1 and 2
 - Laws on the organization, purview and financing of units of regional self-government – Art.83.Sec.2
- Religion, freedom to publicly manifest religion – Art.40**
- Religious communities – Art.41**
- Equality before the law – Art.41.Sec.1
 - Freedom to establish and manage certain institutions and establishments – Art.41.Sec.2
- Responsibility of the Government of the Republic of Croatia – Art.114**
- Retroactivity of laws – Art.90.Secs.3-5**
- Revenues and expenditures (state) – Art.91.Sec.1**
- Right of inheritance – Art.48.Sec.4**
- Right of ownership – Art.48.Sec.1**
- Right of public assembly and peaceful protest – Art.42**
- Right to appeal – Art.18**
- Right to association – Sec.2 of the Historical Foundations, Art.2.Sec.5 and Art.142**
- Right to life – Art.21**
- Right to secession and accession procedure – Sec.2 of the Historical Foundations and Art.142**
- Right to self-determination – Sec.2 of the Historical Foundations**
- Right to vote – Arts.45.Sec.1, 144 and 146**
- General,
 - Equal,
 - Croatian citizens who are 18 years of age.
 - Direct elections, secret vote
 - Voting of Croatian citizens not residing in the Republic of Croatia, and of the Croatian citizens residing in the Republic of Croatia who find themselves abroad at the time of elections – Art.45.Secs.2 and 4
 - Defenders – see Croatian defenders

- Participation in the institutions of the EU – Art.144
- Active and passive right to vote in elections for the EU Parliament – Art.146

Right to work and freedom of work – Art.55

Rights of EU citizens – Art.146

Roma – Sec.2 of the Historical Foundations

Romanians – Sec.2 of the Historical Foundations

Rule of law – principle - Art.3

Russians – Sec.2 of the Historical Foundations

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Schools – Arts.41 and 66

- Freedom to establish private schools and educational institutions – Art.67
- Freedom of the religious communities to open schools and educational institutions – Art.41.Sec.2

Scientific creativity – Art.69.Secs.1 and 4

- Development of science – Art.69.Sec.2
- Protection of scientific goods – Art.69.Sec.3

Sea (territorial) – Croatia's sovereignty – Art.2.Sec.2

Sea, seashore and islands – Art.52.Sec.1

Seabed of the Adriatic Sea and subsoil thereof (sovereignty and jurisdiction) – Art.2.Sec.3

Secession – right to secession – Sec.2 of the Historical Foundations (see Disassociation – Art.142)

Self-determination – Sec.2 of the Historical Foundations

Sentence for a serious and exceptionally dishonorable criminal offence – consequences – Art.30

Serbs – Sec.2 of the Historical Foundations

Slovaks – Sec.2 of the Historical Foundations

Slovenes – Sec.2 of the Historical Foundations

Social justice – Art.3

Social security and social insurance – Art.57.Sec.1

Social state – Art.1.Sec.1

Social welfare – Art.135.Sec.1

Sources of financial funds for implementation of laws – Art.91.Sec.3

Sources of law – see Courts – Art.118.Sec.3

Sovereign state – Secs.2 and 3 of the Historical Foundations

Sovereignty of the Republic of Croatia – Art.1.Sec.1 and Art.2

- Sovereignty – inalienable, indivisible and nontransferable – Art.2.Sec.1
- Sovereignty – territorial limits – Art.2.Sec.2
- Sovereign rights and jurisdiction pursuant to international law – Art.2.Sec.3
- Direct decision-making of the people and the Croatian Parliament – Art.2.Sec.4

Sports – Art.69.Sec.5 and Art.135.Sec.1

Standing Rules of the Croatian Parliament – Art.80.Secs.2 and 3

State administration – Art.117

- Organization and responsibilities of the state administration – Art.117.Sec.1
- Civil servants – status – Art.117.Sec.3
- State employees – legal status – Art.117.Sec.3
- Limitations to the right to strike – Art.61.Sec.2
- Entrusting certain responsibilities of the state to bodies of local and regional self-governments by law – Art.117.Sec.2
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State Auditing Office – Art.54

State budget – Art.91 and Art.113.Sec.1

- Adoption – majority – Art.91.Sec.2

State identity – Sec.1, Sec.1.subsec.13 and Sec.3 of the Historical Foundations, Art.2
State revenues and expenditures – Art.91.Sec.1
Statute of limitations – no statute of limitations for certain criminal offences – Art.31.Sec.4
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Strike – the right to strike – Art.61
 - Restrictions of the right to strike – Art.61.Sec.2
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 - President of the Republic – Art.95.Secs.1, 2 and 5
 - Mandatory to form the Government – Art.110.Secs.1 and 2, Art.111
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 - Judges – Art.123
 - Members of the National Judicial Council – Art.124.Sec.8
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 - Objectives of their formation – Art.60
 - Joining and leaving them – Art.60.Sec.1
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Units of local self-government – Arts.134-138
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W

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