

CROATIAN PARLIAMENT

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

DECISION

PROMULGATING THE CONSTITUTIONAL NATIONAL MINORITY RIGHTS ACT

I hereby promulgate the Constitutional National Minority Rights Act, as enacted by the Croatian Parliament at its session of 13 December 2002.

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

Stjepan Mesić
President
of the Republic of Croatia (*m.p.*)

CONSTITUTIONAL NATIONAL MINORITY RIGHTS ACT

I. BASIC PROVISIONS

Article 1.

The Republic of Croatia, pursuant to:

- the Constitution of the Republic of Croatia,
- the principles embodied in the Charter of the United Nations,
- the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights,
- the Final Act of the Organisation for Security and Cooperation in Europe (OSCE), the Charter of Paris for a New Europe and other documents of the OSCE concerning human rights, in particular the Document of the Copenhagen Meeting on the Human Dimension and the Document of the Moscow Meeting of the OSCE on the Human Dimension,
- the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, with the accompanying Protocols,

- the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child,
- the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,
- the Convention Against Discrimination in Education,
- the UN Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities,
- the Council of Europe Framework Convention for the Protection of National Minorities,
- the European Charter for Regional or Minority Languages,
- the European Charter of Local Self-Government,
- CEI Instrument for the Protection of Minority Rights,
- the Lund Recommendations on the Effective Participation of National Minorities,

shall undertake the obligation to respect and protect the rights of national minorities and other fundamental human and civil rights and freedoms, the rule of law and the other, highest values embodied in its Constitution and the international legal order to all of its citizens.

Article 2.

Over and above the human rights and freedoms enshrined in its constitutional provisions, the Republic of Croatia shall recognise and safeguard all other rights envisaged in the international documents specified in Article 1 of this Constitutional Act, subject only to those exceptions and limitations stipulated therein, without any discrimination based on gender, race, skin colour, language, religion, political and other conviction, national and social status, association with any national minority, property, status inherited by birth or on any other basis, in compliance with Articles 14 and 17(3) of the Constitution of the Republic of Croatia.

Article 3.

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

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

Article 4.

(1) Each citizen of the Republic of Croatia shall be entitled to freely express his/her affiliation with any national minority in the Republic of Croatia and to exercise, individually or jointly

with other members of his/her respective national minority or jointly with the members of other national minorities, the rights and freedoms defined in this Constitutional Act and other minority rights and freedoms as defined in special legislation.

(2) The members of national minorities shall exercise, in a manner identical to all other citizens of the Republic of Croatia, the rights and freedoms guaranteed by the Constitution of the Republic of Croatia and the rights and freedoms defined by this Constitutional Act and special legislation.

(3) The rights and freedoms stipulated by this Constitutional Act and the rights and freedoms of the members of national minorities stipulated by special legislation shall be exercised by the national minorities and their members pursuant to and under the conditions stipulated in this Constitutional Act and special legislation.

(4) Any discrimination based on affiliation with a national minority is hereby prohibited. The members of national minorities shall be guaranteed equality before the law and equal legal protection.

(5) Any measures designed to alter the ethnic structure in areas populated by national minorities with a view to undermining the exercise of or limiting the rights and freedoms stipulated by this Constitutional Act and special legislation shall be prohibited.

(6) Under this Constitutional Act or special legislation, it shall be possible to exercise specific rights and freedoms depending on the share in the population which members of national minorities have in the Republic of Croatia as a whole or in one of its specific areas, as well as on already acquired rights and international treaties, which in accordance with the Constitution of the Republic of Croatia are a component of the internal legal order of the Republic of Croatia.

Article 5.

In the sense of this Constitutional Act, a national minority shall be a group of Croatian citizens whose members have traditional domicile in territory of the Republic of Croatia and whose ethnic, linguistic, cultural and/or religious traits differ from the rest of the population, and who are motivated by the desire to preserve these traits.

Article 6.

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

(2) Upon conclusion of the international treaties specified in paragraph 1 of this Article, the Republic of Croatia shall endeavour by this means to create and improve conditions necessary for preservation and development of minority cultures and preservation of the essential components of their identity, such as religion, language, traditions and cultural heritage.

Article 7.

The Republic of Croatia shall ensure exercise of the special rights and freedoms of the members of national minorities which they enjoy individually or jointly with other members of the same national minority or, where so specified in this Constitutional Act or special legislation, jointly with the members of other national minorities, in particular:

1. use of their language and script, privately and publicly, and in official use;
2. education in their language and script;
3. use of their insignia and symbols;
4. cultural autonomy through the preservation, development and expression of their own culture, preservation and protection of their cultural resources and traditions;
5. practise of their religion and establishment of their religious communities together with other members of the same religion;
6. access to the media and public information services (receiving and dissemination of information) in their language and script;
7. self-organisation and association in pursuit of their common interests;
8. representation in representative bodies at the national and local levels, and in administrative and judicial bodies;
9. participation by members of national minorities in public life and local self-government through national minority councils and representatives;
10. protection from any activity jeopardising or potentially jeopardising their continued existence and the exercise of their rights and freedoms.

Article 8.

The provisions of this Constitutional Act and the provisions of special legislation regulating the rights and freedoms of the members of national minorities shall be interpreted and applied with the purpose of ensuring respect for the members of national minorities and other citizens of the Republic of Croatia and the development of understanding, solidarity, tolerance and dialogue among them.

II. RIGHTS AND FREEDOMS

Article 9.

(1) The members of national minorities shall have the right to use their family names and first names in the language they use, and to have their names and the names of their children officially recognised through entry in registers of vital statistics and other official documents, in compliance with the effective regulations of the Republic of Croatia.

(2) The members of national minorities shall be entitled to have the forms for their identity cards printed and completed in the language and script of their use.

Article 10.

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

Article 11.

(1) The members of national minorities shall have the right to education in their own language and script.

(2) Education for members of national minorities shall be provided in preschools, primary and secondary schools and other educational institutions (hereinafter: schools) with instruction in the language and script which they use, under the conditions and as prescribed by special legislation governing education in the languages and scripts of national minorities.

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

(4) The syllabus and curriculum of education in the language and script of a national minority shall, in addition to a general section, consist of minority-specific subjects (native language, literature, history, geography and cultural tradition).

(5) Students undergoing education in the language and script of a national minority shall have both the right and obligation to simultaneously study the Croatian language and Latin script in accordance with the prescribed syllabus and curriculum.

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

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

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

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

Article 12.

(1) Equality in the official use of a minority language and script shall be exercised in the territory of a local self-government unit in which the members of a national minority compose a minimum of one third of the population.

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

(3) Other conditions and modalities for the official use of minority languages and scripts in representative and executive bodies, in procedures before administrative bodies in local and regional self-government units, in first-instance procedures before governmental bodies, in first instance trials, in procedures conducted by the Public Prosecutor's Office, notaries public and legal persons vested with public authority shall be regulated by special legislation on the use of minority languages and scripts.

Article 13.

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

Article 14.

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

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

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

Article 15.

(1) For the purpose of preservation, development, promotion and expression of their national and cultural identity, the members of national minorities may establish organisations, endowments and foundations, and institutions involved in the public dissemination of information, and cultural, publishing, museum, library or scholarly activities.

(2) The Republic of Croatia, and local and regional self-government units, in line with their capacity, shall finance the functioning of the institutions specified in paragraph (1) of this Article.

(3) The names of organisations, endowments, foundations and institutions specified in paragraph (1) of this Article may contain a reference to the particular national minority that established them.

Article 16.

(1) Members of national minorities, their associations and national minority councils and representatives may freely maintain contacts with people with whom they share the same ethnic, linguistic, cultural and/ or religious traits, and with legal entities based in the country of that people which engage in educational, scholarly, cultural, publishing and humanitarian activities.

(2) National minority associations and national minority councils and representatives may receive from the bodies of the country of the people with whom they share the same traits specified in paragraph (1) of this Article duty-free newspapers, journals, books, films, videocassettes, phonograms in a limited number of copies for their own use and may distribute free of charge to the members of the national minority concerned.

(3) National minority associations may arrange guest performances by professional and amateur cultural and artistic troupes, and organise other cultural and artistic events and exhibitions contributing to the enrichment of national minority culture and identity. In such cases the visiting aliens do not need to secure labour permits.

(4) The members of national minority may freely express and practise their religion and thereby belong to a religious community.

Article 17.

(1) Pursuant to the laws and enabling regulations governing public dissemination of information, production and broadcasting of radio and television programming, education, museum, archival and library activities, and preservation and conservation of the cultural heritage, conditions shall be created to familiarize all citizens of the Republic of Croatia, particularly children and youths, with the history, culture and religious beliefs of national minorities through the curriculum of educational programmes and required and elective school subjects.

(2) To serve the purpose delineated in paragraph (1) of this Article, measures shall be undertaken to enable access to the media by the members of national minorities.

Article 18.

(1) Radio and television stations at the national, regional and local levels shall be specifically charged with the promotion of understanding for members of national minorities, to produce and/ or broadcast programmes designed to inform the members of national minorities in minority languages, to encourage and promote the preservation, development and expression of minority cultural, religious and other identity, preservation and protection of national heritage and traditions, and to inform the members of a national minority members in the relevant area about the tasks and duties of the respective national minority councils and representatives. Legal persons engaged in the public dissemination of information (print, radio

and television) shall allow minority associations and institutions access to participate in the creation of programmes intended for national minorities.

(2) Funds shall be allocated in the central state budget and the budgets of the local and regional governments to co-finance minority programming on radio and television stations owned by them, in accordance with available capacity and the criteria defined by the Croatian Government at the proposal of the National Minorities Advisory Board or by the relevant local and regional governments at the proposal of the national minority councils.

(3) In the interest of ensuring the exercise of the right of national minorities to information through the press, radio and television in the minority languages and scripts, the members of national minorities, their national minority councils and representatives and their associations may engage in the public dissemination of information (publish newspapers, produce and broadcast radio and television programming and perform news agency activities) in compliance with law.

Article 19.

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

(2) A minimum of three seats in the Croatian Parliament shall be reserved for representatives of those national minorities which, on the effective date of this Constitutional Law, account for more than 1.5 percent of the population of the Republic of Croatia and which achieve their right to representation on the basis of universal suffrage, by election from the party slates of such minorities or slates proposed by voters belonging to such minorities, in compliance with legislation governing the election of deputies to the Croatian Parliament.

(3) National minorities which account for less than 1.5% of the population of the Republic of Croatia shall, in addition to their right to exercise universal suffrage, be entitled to the special right to vote enabling them to elect five deputies belonging to such national minorities from within their own special constituencies, all in compliance with legislation governing the election of deputies to the Croatian Parliament and without the possibility of impinging upon the acquired rights of national minorities.”

Article 20.

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

(2) Barring election of a minimum of one member of a national minority which accounts for more than 5% and less than 15% of the population of a self-government unit to the representative body of the self-government unit by universal suffrage, the number of members of the representative body shall be increased by one member and the minority member not elected first in the order of proportional success of each electoral slate shall be deemed elected, unless specified otherwise in legislation governing the election of members to the representative bodies of the self-government units.

(3) Insofar as election by universal suffrage fails to result in the number of minority members in the representative body of a local self-government unit to which said national minority

would be entitled given that they account for a minimum of 15% in the local population, the number of members of the representative body of that unit shall be increased to the number required to achieve such representation, and those minority members not elected first in the order of proportional success of each electoral slate shall be deemed elected, unless specified otherwise in legislation governing the election of members to the representative bodies of the self-government units.

(4) Insofar as election by universal suffrage fails to result in the number of minority members in the representative body of a local self-government unit to which said national minority would be entitled given that they account for a minimum of 15% in the local population, the number of members of the representative body of that unit shall be increased to the number required to achieve such representation, and those minority members not elected first in the order of proportional success of each electoral slate shall be deemed elected, unless specified otherwise in legislation governing the election of members to the representative bodies of the self-government units.

(5) Should the application of the provisions of paragraphs (2) and (3) of this Article fail to secure adequate representation of minority members in the representative body of a local self-government unit, or the representative body of a regional self-government under paragraph 4 of this Article, a by-election shall be announced in the self-government unit concerned in compliance with these provisions.

(6) The candidacy and election of members to the representative bodies in local and regional self-government units pursuant to paragraphs (2), (3), (4) and (5) of this Article shall be regulated by the legislation governing the election of members to the representative bodies of local and regional self-government units.

(7) The criterion relevant for determining the number of national minority members with reference to implementation of the provisions of this Article shall be the official census data on the number of national minority members in a particular local or regional self-governmental unit, which shall be adjusted (upward or downward) by the number of voters entered in or deleted from the electoral register of such unit during the period from the census to the latest confirmation of the electoral register.

Article 21.

The local and regional self-government units in which the members of national minorities do not constitute a majority may stipulate in their charters that minority members are to be elected to the representative body in or above their proportional share in the total population of that unit.

Article 22.

(1) In those local or regional self-government units (hereinafter: self-government units) in which proportional representation of national minorities is mandated under the provisions of this Constitutional Act, such minority representation shall also be secured in the executive bodies of such units.

(2) The representation of national minority members in public administration and the courts shall be ensured in compliance with the provisions of special legislation and other

employment policy papers of such bodies, by taking into account the share of national minority members in the total population at the level where any such public agency or court has been established as well as their acquired rights.

(3) The representation of national minority members in local or regional self-governmental bodies shall be ensured in compliance with the provisions of special legislation governing local and regional self-government and other employment policy papers of such bodies, and in keeping with acquired rights.

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

III. NATIONAL MINORITY COUNCILS AND REPRESENTATIVES IN SELF-GOVERNMENT UNITS

Article 23.

In the interest of advancement, preservation and protection of the status of national minorities in society, the members of national minorities may elect, in the manner and under the conditions defined in this Constitutional Act, their national minority councils and national minority representatives in self-government units.

Article 24.

(1) The members of national minorities may elect national minority councils in those self-government units in which they account for a minimum of 1.5% of the total population, in local self-government units in which over 200 members of a given national minority live, and in regional self-government units in which over 500 members of a national minority live.

(2) Ten members shall be elected to municipal national minority councils, fifteen members shall be elected to city national minority councils, and twenty-five members shall be elected to county national minority councils.

(3) In cases when not even a minimum of one of the conditions specified in paragraph (1) of this Article is not met for election of a national minority council, but not less than 100 members of a given national minority live in the territory of a self-government unit, a national minority representative shall be elected for such self-government unit.

(4) The candidates for membership in national minority councils and the candidates for national minority representatives may be nominated by national minority associations or not less than 20 members of a national minority living in the territory of a municipality, 30 living in the territory of a city and 50 in the territory of a county.

(5) The members of national minority councils and national minority representatives shall be elected by direct secret ballot for a four-year term, with the election procedure to be conducted in compliance with legislation governing the election of representatives to the representative bodies of local self-government units.

(6) The population census adjusted (increased or decreased) by that number of voters who were registered or deleted from the voter roll compiled for election of the members of

representative bodies in self-government units shall be deemed relevant to determine the number of national minority members for implementation of the provisions of this Article.

Article 25.

- (1) A national minority council shall be a non-profit legal person. The status of legal person shall be acquired by entry in the register of national minority councils maintained by the ministry in charge of general administrative affairs.
- (2) National minority councils shall be liable for their financial commitments with the entirety of their assets.
- (3) The name of a national minority council shall be rendered in the Croatian language and in Latin script, and in the language used by the national minority which established the council.
- (4) The name of a national minority council must contain the designation of the national minority and the designation of the territory for which it was elected.
- (5) The minister in charge of general administrative affairs shall issue special rules to govern the content of the register of national minority councils and the methods for its maintenance and the application forms for entry in the register of national minority councils.

Article 26.

The members of a national minority councils shall elect its chairperson by secret vote. A national minority council shall elect an individual to stand in for the chairperson in case of his/her absence or inability to perform duties.

Article 27.

- (1) A national minority council shall adopt its operating programme, budget and annual financial statement, and a charter to regulate matters of significance to the council's work.
- (2) The chairperson of a national minority council shall represent and proceed on behalf of the council, convene sessions of the council and he/she shall have the rights and obligations specified by the council's charter.
- (3) The charter, operating programme, budget and annual financial statement of a national minority council shall be adopted by a majority vote of all members.
- (4) The charter, budget and annual financial statement of a national minority council shall be published in the official bulletin of the local or regional self-government in which it was established.

Article 28.

- (1) Self-government units shall allocate funding for the work of national minority councils, including funding to perform administrative tasks for their own needs, and funding may also be allocated to conduct specific activities formulated in the national minority council's operating programme.

(2) The funds for implementation of specific programmes of national minority councils may also be allocated from the central state budget of the Republic of Croatia.

Article 29.

(1) The funds which a national minority councils secure from their assets, from donations, gifts and inheritances, or by any other means may be utilized only for activities and tasks of importance to the national minority established in the operating programme of the national minority council.

(2) The funding which a national minority council receives from the central budget of the Republic of Croatia or the budget of a self-government unit may be used solely for the purposes specified in the budget and by law, or in compliance with the decision on budget execution, or for a purpose established by the National Minorities Advisory Board when involving funds allocated from the central budget of the Republic of Croatia.

(3) When a national minority council procures goods or services or renders works using the funding specified in paragraph (2) of this Article, such funding may be utilized only under the terms and conditions stipulated by the Public Procurement Act.

Article 30.

(1) The members of national minority councils shall, as a rule, perform their duties on a voluntary basis and with the due diligence of a good manager.

(2) The funds of the national minority councils may be used solely for reimbursement of council members for the costs which they incur in the performance of their council-related duties and for remuneration of members for monthly or some other periods if approved, and to levels approved, by the minister in charge of general administrative affairs.

Article 31.

(1) National minority councils in self-government units shall be entitled to:

- propose to the bodies of self-government units measures to improve the position of the respective national minority nationally or in a specific area, including proposals for general ordinances to regulate issues relevant to that national minority;
- nominate candidates for posts in the civil service and the bodies of self-government units;
- be kept apprised of any issue to be discussed by the committees of the representative bodies of a self-government unit that are relevant to the status of that national minority;
- provide opinions and submit proposals pertaining to local and regional radio and television broadcasts intended for national minorities or addressing minority concerns.

(2) The bodies of self-government units shall regulate the methods, deadlines and procedures for exercise of the rights specified in paragraph (1) of this Article through their general ordinances.

Article 32.

- (1) In the preparation of draft ordinances, the executive authority of a self-government unit shall seek from national minority councils established in its territory opinions and proposals on provisions which regulate the rights and freedoms of national minorities.
- (2) Insofar as a national minority council deems that an ordinance of a self-government unit or any provision thereof contravenes the Constitution, this Constitutional Act or special legislation which governs the rights and freedoms of national minorities, it shall be obliged to forthwith notify the ministry in charge of general administrative affairs thereof. Notification thereof shall also be submitted to the executive authority of the self-government unit and the National Minorities Advisory Board.
- (3) Insofar as the ministry in charge of general administrative affairs assesses that the ordinance specified in paragraph (2) of this Article or any of provisions thereof contravenes the Constitution, this Constitutional Act or special legislation governing the rights and freedoms of national minorities, it shall halt its enforcement within a period not to exceed eight days.
- (4) The decision to halt enforcement shall be delivered without delay to the municipal chief official, mayor, or county prefect, and the chairperson of the representative body which adopted the general ordinance, and notification of such decision shall be delivered to the National Minorities Advisory Board and the national minority council which issued the notification serving as the basis for the decision.
- (5) The ministry in charge of general administrative affairs shall forward to the Croatian Government the decision to halt enforcement of the general ordinance with the proposal for assessment of its compliance with the Constitution and law before the Constitutional Court of the Republic of Croatia and notify the self-government unit thereof.
- (6) Halt of enforcement of the general ordinance shall be lifted insofar as the Croatian Government fails to initiate the procedure stipulated in paragraph (5) of this Article within a period of 30 days after the date on which the decision specified in paragraph (5) of this Article is received.

Article 33.

- (1) Two or more national minority councils established in the same local self-government unit, two or more national minority councils established in different local self-government units, two or more national minority councils established in the same regional self-government unit or two or more national minority councils established in different regional self-government units may, in order to align or advance common interests, establish a national minority coordinating council.
- (2) Through the national minority coordinating council, national minority councils shall align positions on matters under their jurisdiction.
- (3) National minority councils may authorize a national minority coordinating council to undertake on their behalf the individual measures specified in Article 31 of this Constitutional Act.

(4) National minority councils in regional self-government units shall be deemed to have established a national minority coordinating council for the entire territory of the Republic of Croatia when over one half of the national minority councils in regional self-government units accede to the agreement on establishment of this coordinating council.

(5) Bodies coordinating national minority councils throughout the territory of the Republic of Croatia, as specified in paragraph (4) of this Article, shall be non-profit legal persons. They shall acquire legal personality by their entry in the register maintained by the ministry in charge of general administrative affairs. The methods of operation and funding of such coordinating bodies shall be regulated by law.

(6) The elected national councils of national minorities shall act as coordinating bodies of national minority councils.

(7) Where so specified by international treaties, the coordination function with regard to national minorities may also be performed by the umbrella organisations of such minorities.

(8) The Serbian National Council shall act as a coordinating body of Serbian minority councils throughout the territory of the Republic of Croatia, and shall have legal personality.”

(9) The national minority coordinating council established by national minority councils in regional self-government units for the territory of the Republic of Croatia may make a decision on the insignia and symbols of national minorities with the consent of the National Minorities Advisory Board.

Article 34.

(1) A national minority representative shall perform his/her duties under a designation which must be in the Croatian language in the Latin script and in the language and script used by the national minority which elected him/her and which indicates the territory which such representative was elected.

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

(3) The provisions of Articles 28, 29, 30, 31, 32 and 33 of this Constitutional Act shall be applied accordingly to national minority representatives and their authority.

IV. NATIONAL MINORITIES ADVISORY BOARD

Article 35.

(1) The National Minorities Advisory Board shall be established in the interest of national minority participation in public life in the Republic of Croatia, and in particular to consider and propose modes for the regulation and resolution of matters pertaining to the exercise and protection of minority rights and freedoms. To this end, the Advisory Board shall co-operate

with the relevant governmental and self-governmental bodies, national minority councils and representatives, national minority associations and legal persons involved in activities related to the exercise of national minority rights and freedoms.

(2) The National Minorities Advisory Board shall be entitled to:

- propose to the state authorities debate on specific issues of importance to a national minority, particularly the implementation of this Constitutional Act and special legislation governing minority rights and freedoms;
- propose to the state authorities measures to improve the status of a national minority at the nation-wide level or in a specific area;
- to proffer opinions and proposals concerning public radio and television broadcasts aimed at national minorities or the treatment of minority issues in public radio and television broadcasts or other media;
- propose the implementation of economic, social or other measures in areas traditionally or significantly populated by national minorities with a view to preserving their existence in those areas,
- seek and receive from the central governmental and local and regional governmental bodies information and reports required for the consideration of matters under their jurisdiction;
- summon and request the presence of representatives of a central governmental or local and regional governmental body responsible for matters under the Advisory Board's purview as defined in this Constitutional Act and the Articles of Association of the Advisory Board.

(3) The National Minorities Advisory Board shall co-operate in matters of interest to national minorities in the Republic of Croatia with the relevant international organisations and institutions involved in minority issues and with the relevant authorities of the ethnic core countries of the various national minorities in the Republic of Croatia.

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

(5) Insofar as the National Minorities Advisory Board does not decide upon the disbursement of the funds specified in paragraph (4) of this Article within a period not to exceed 90 days after enactment of the central state budget, such decision shall be made by the Croatian Government.

Article 36.

(1) The members of the National Minorities Advisory Board shall be appointed by the Croatian Government for a four-year term, as follows:

– seven national minority members from among the ranks of persons nominated by the national minority councils,

– five national minority members from among the ranks of distinguished cultural, scholarly, professional and religious personalities nominated by minority associations and other minority organizations, religious communities, legal persons and individual citizens who are members of national minorities.

(2) The national minority representatives with seats in the Croatian Parliament shall also be members of the National Minorities Advisory Board.

(3) The National Minorities Advisory Board shall have a chairperson and two deputy chairpersons appointed by the Croatian Government from among the Advisory Board's members. One of these officials shall be a member of the Advisory Board from among the ranks of the national minority which accounts for more than 1.5% of the total population of the Republic of Croatia.

(4) In the appointment of members to the National Minorities Advisory Board, the Croatian Government shall take into consideration the share of a particular national minority in the total population of the Republic of Croatia, and the need for the Advisory Board's composition to reflect the identity and distinctive features of those national minorities, their historic values, their diverse ethnic, cultural and other traits.

(5) The chairperson and deputy chairpersons of the National Minorities Advisory Board shall perform their duties professionally, and the Advisory Board's chairperson shall also serve as chief of its staff service.

(6) The Croatian Government shall establish a staff service to perform the technical and administrative tasks of the National Minorities Advisory Board, and it shall determine the general number of civil servants and governmental employees therein.

(7) The National Minorities Advisory Board shall have its articles of association which it shall adopt with the consent of the Croatian Government. The articles of association shall regulate the scope of the Board's activity and the organization of its operations.

(8) The National Minorities Advisory Board shall adopt its operating programme, budget, annual financial statement and the decision on management of the funds allocated from the central state budget for needs of national minorities.

(9) The National Minorities Advisory Board shall adopt the rules governing the internal order of the Advisory Board's staff service at the proposal of the chairperson of the Advisory Board.

(10) The National Minorities Advisory Board shall make valid decisions by a majority of all members.

(11) The operating programme of the National Minorities Advisory Board, the budget and annual financial statement concerning the funds of the National Minorities Advisory Board, and the by-laws governing management of the funds allocated to the National Minorities

Advisory Board for the needs of national minorities shall be published in the official journal of the Republic of Croatia, *Narodne novine*.

V. OVERSIGHT

Article 37.

- (1) Exercise of the minority rights and freedoms guaranteed by the Constitution, this Constitutional Act and special legislation shall be overseen by the relevant governmental agencies within the scope of their jurisdiction.
- (2) The Croatian Government shall co-ordinate the work of governmental agencies in the enforcement of this Constitutional Act and the special legislation regulating matters of importance to national minorities.
- (3) Not less than once annually, the Croatian Government shall report to the Croatian Parliament on the progress of enforcement of this Constitutional Act and expenditure of the funds allocated from the central state budget for the needs of national minorities, while the National Minorities Advisory Board shall file semi-annual reports to the Croatian Parliament or its committee in charge of minority rights on matters within the purview of the Advisory Board and quarterly reports on expenditure of the funds provided from the central state budget for the needs of national minorities.

Article 38.

- (1) A national minority council or representative in a self-government unit may request oversight by the relevant central governmental agency of enforcement of this Constitutional Act and special legislation governing minority rights and freedoms by the bodies of this self-government unit, and to take action to ensure the legality of procedure by these bodies, and to notify the National Minorities Advisory Board, which in turn shall inform the national minority council or representative of its position on the matter.
- (2) The National Minorities Advisory Board may request from the Croatian Government oversight of enforcement of this Constitutional Act and special legislation governing minority rights and freedoms by governmental agencies and to take action to ensure the legality of procedure by these agencies.
- (3) Pursuant to the provisions of the Constitutional Act on the Constitutional Court of the Republic of Croatia, national minority councils or representatives and the National Minorities Advisory Board may file a constitutional appeal with the Constitutional Court if, in their opinion or if acting at the initiative of the members of a national minority, they deem the minority rights and freedoms safeguarded by this Constitutional Act and special legislation have been violated.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 39.

(1) The provision of Article 19 of this Constitutional Act shall become effective as of the date of entry into force of legislation governing the election of members to the Croatian Parliament in compliance therewith.

(2) The representative bodies of local and regional self-government units with terms still in progress but in which the right to representation by minority representatives has not been exercised in compliance with the provisions of Article 20 hereof, shall be expanded by the corresponding number of minority representatives within a period not to exceed 90 days after entry into force of this Constitutional Act.

Article 40.

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

Article 41.

This Constitutional Act shall neither amend nor annul the rights of national minorities arising from the international treaties to which the Republic of Croatia is a signatory and which form a component of the internal legal order of the Republic of Croatia.

Article 42.

(1) The Croatian Government shall appoint the members of the National Minorities Advisory Board and its chairperson and deputy chairpersons within a period not to exceed 90 days after the date of entry into force of this Constitutional Act.

(2) If, at the close of the period specified in paragraph (1) of this Article the national minority councils are not established or if they fail to propose their candidates to the National Minorities Advisory Board to the Croatian Government, the National Minorities Advisory Board shall be composed of the members appointed under Article 36(1)2 and the members appointed in compliance with Article 36(2) of this Constitutional Act.

(3) Pending establishment of the staff service of the National Minorities Advisory Board, the required technical and administrative services for the Advisory Board shall be provided by the Croatian Government's Office for National Minorities.

Article 43.

(1) As of the date of entry into force of this Constitutional Act, the provision of Article 4(1)1 of the Minority Language and Script Use Act (*Narodne novine*, no. 51/2000) shall no longer be valid.

(2) As of the date of entry into force of this Constitutional Act, the provision of Article 9 of the Local and Regional Self-government Representative Body Elections Act (*Narodne novine*, no. 33/2001) shall no longer apply in that portion stipulating the election of representatives to the representative bodies of local and regional self-government units from among the ranks of national minorities, as well as the provision of Article 61 thereof.

Article 44.

As of the date of entry into force of this Constitutional Act, the Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia (*Narodne novine*, no. 65/91, 27/92, 34/92 – consolidated text, 51/00 and 105/00 – consolidated text) shall no longer be valid.

Article 45.

This Constitutional Act shall enter into force on the date of its publication in the official journal of the Republic of Croatia, *Narodne novine*.