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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**SELECTION  
OF THE BULLETIN ON CONSTITUTIONAL CASE-LAW**

**DECISIONS OF THE CONSTITUTIONAL COURT OF CROATIA  
CONCERNING MINORITIES**

Identification: CRO-95-1-003

English full text French full text Full text other language

a) Croatia / b) Constitutional Court / c) / d) 2 February 1995 / e) U-II-433/1994 / f) / g) *Narodne novine*, 9/1995 / h) .

**Keywords of the systematic thesaurus:**

- 2.1.1.1 Sources of Constitutional Law - Categories - Written rules - Constitution.
- 2.1.1.2 Sources of Constitutional Law - Categories - Written rules - Quasi-constitutional enactments.
- 5.2.31 Fundamental Rights - Civil and political rights - Linguistic freedom.
- 5.2.37 Fundamental Rights - Civil and political rights - Protection of minorities and persons belonging to minorities.

**Keywords of the alphabetical index:**

Language rights / Local self-government / Local self-government, international relations / Minorities.

**Headnotes:**

The Republic of Croatia, as a State, is the sole and exclusive subject of international law. The State recognises and executes international agreements.

A county (*zupanija*, a unit of local administration and self-government) cannot establish its statute directly on the basis of international documents.

The territory of a county is defined by the Republic and its laws, not by a county and its statute.

The exercise and protection of national rights of minorities lies within the jurisdiction of the Republic, which regulates them by laws, it is not a subject-matter to be regulated by a county statute.

Only the units of local self-government (a municipality, a district and a township), and not a county, may introduce into official use two or more languages and scripts. Only under the conditions specified by law can official use of a language of the members of ethnic and national communities or minorities, along with the Croatian language, be specified.

The county does not have the authority to regulate the use of a minority language, to determine the kinds of county taxes, to designate the administrative procedure before its bodies, to prescribe the protection of "Istrianity" (as an expression of the Istrian pluriethnos), to stipulate that the right of consensus is guaranteed by the Commission for Issues and Protection of the Indigenous Italian National Community on matters within its self-governing competence which are of special interest to members of the Italian national community, to give to the representative body of the county a name differing from its legal definition, to determine a specific immunity for the members of the County Assembly, or to regulate the procedure for relieving the county prefect of his duty otherwise than regulated by law.

Symbols of a county, such as the anthem and the county day, lie within the self-governing competence of the county and can be regulated by the county statute.

The bodies of a local self-government and administration unit can, in accordance with its statute, have their

seats outside the seat of the unit. It is in conformity with the Constitution that a county, within its self-governing competence, cooperates with other local units and associations, or cooperates with and joins international organisations of regional and local units and associations of the same kind.

The right to initiate the procedure for changing the territorial boundaries belongs to the county assembly, after consultation with the representative bodies of municipalities and townships or citizens.

It is not in discordance with the Constitution and the laws to guarantee to members of the Italian national community the right to university education in their own language according to special *curricula*.

A county may, within its self-governing competence, decide to hold a referendum.

A county may by its statute determine the cases in which the duty of members of the representative body of a local self-government unit is incompatible with another duty.

A county is allowed to provide in its statute for other sources of funds, apart from those specified by law; it is not in discordance with the law if a county prescribes that fines and property seized because of administrative offences, prescribed by the county itself, are the county's own revenue source.

#### **Summary:**

The government of the Republic of Croatia disputed the constitutionality and legality of the Statute of the County of Istria seeking a suspension, at the same time, of the execution of the Statute.

Eighteen provisions, and parts of the preamble, were repealed by the Constitutional Court's decision.

#### **Languages:**

Croatian, English and Italian (translations by the Court).

#### **Identification: CRO-94-3-025**

English full text French full text Full text other language

a) Croatia / b) Constitutional Court / c) / d) 14 December 1994 / e) U-I-693/1994 / f) / g) *Narodne novine*, 96/1994 / h) *Bilten*, 49, 32.

#### **Keywords of the systematic thesaurus:**

4.2.7 Institutions - Legislative bodies - Law-making procedure.

#### **Keywords of the alphabetical index:**

Telecommunications / Minorities.

#### **Headnotes:**

Unless it is otherwise specified by the Constitution, Parliament adopts laws by majority vote, provided that a majority of representatives are present at the session.

## Summary:

The motion to review the act regulating telecommunications questioned the procedure in which the act was adopted, alleging that it was adopted when the representatives of national communities and minorities were not present. The Court found the procedure constitutional since the act was adopted by a majority vote.

## Languages:

Croatian.

Identification: CRO-94-2-016

English full text French full text Full text other language

a) Croatia / b) Constitutional Court / c) / d) 7 June 1994 / e) U-VII-54/1993 / f) / g) *Narodne novine*, 51/1994 / h) .

## Keywords of the systematic thesaurus:

- 1.3.5.2 **Constitutional Justice** - Types of litigation - Electoral disputes - Parliamentary elections.
- 1.4.4 **Constitutional Justice** - The subject of review - Quasi-constitutional legislation.
- 4.2.13 **Institutions** - Legislative bodies - Political parties.
- 4.2.3 **Institutions** - Legislative bodies - Composition.
- 5.2.37 **Fundamental Rights** - Civil and political rights - Protection of minorities and persons belonging to minorities.

## Keywords of the alphabetical index:

Omission of the legislator / Right to proportional representation.

## Summary:

According to the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia (Article 18.1) national and ethnic communities or minorities who represents more than 8% of the population of the Republic of Croatia are entitled to be proportionally represented in the Croatian Parliament and in its Government, as well as in the supreme judicial bodies. The procedure of election and recall of the representatives of the said communities and minorities is regulated by electoral laws and other provisions regulating elections in the Republic of Croatia.

The Constitutional Court was asked to appoint representatives of the Serbian National Party to the Chamber of zupanije of the Croatian Parliament.

The claim was not accepted because the existing laws on elections regulate representation of ethnic and national communities and minorities in the Chamber of Representatives, but not in the Chamber of zupanije. The decision of the Court stressed the duty of Parliament to provide for relevant legislation in order to implement constitutional norms on representation of ethnic and national communities which have no elected representative.