

# **Report on Constitution of Croatia**

## **Introduction**

Croatia is a country in Central Europe and Southeastern Europe on the Adriatic Sea. Neighboring countries include Bosnia and Herzegovina, Hungary, Montenegro, Serbia, and Slovenia. Geographically, Croatia is diverse with flat plains, low mountains, and islands. Croatia controls most land routes from Western Europe to the Aegean Sea and Turkish Straits. The government system is a presidential/parliamentary democracy. The chief of state is the president, and the head of government is the prime minister. Croatia has a mixed economic system which includes a variety of private freedom, combined with centralized economic planning and government regulation. Croatia is a member of the European Union (EU).

## **The constitution**

The Croatian Parliament adopted the Constitution of the Republic of Croatia on 22 December 1990. It is popularly known as the 'Christmas Constitution'. Parliament adopted amendments to the Constitution in 1997, 2000, 2001 and 2010. The Constitution of the Republic of Croatia comprises several types of legal norms which determine the historical foundation of the state and prescribe and protect the basic rights and duties of its citizens and governmental institutions in accordance with liberal, democratic and social values. In terms of the range and number of its articles, it is one of the shortest European constitutions.

## **Form of Government**

The head of Government in Croatia is the Prime Minister of the country who is nominated by the country's President. The country comprises of 20 other government members who serve as either government ministers or deputy prime ministers or both. The government members are selected by the prime minister and confirmed by the Parliament also known as *Sabor*. The government of Croatia exercises its executive authority in accordance to the legislation and the Croatian Constitution enacted by Parliament.

## **Constitutional Institutions**

The structure of the state power (institutions and bodies) of Croatia is:

1. The Croatian Parliament

2. The President of the Republic of Croatia
3. The Government of the Republic of Croatia
4. The judicial power
5. State attorneyship

The **politics of Croatia** are defined by a parliamentary, representative democratic republic framework, where the Prime Minister of Croatia is the head of government in a multi-party system. Executive power is exercised by the Government and the President of Croatia. Legislative power is vested in the Croatian Parliament (Croatian: *Sabor*). The Judiciary is independent of the executive and the legislature. The parliament adopted the current Constitution of Croatia on 22 December 1990 and decided to declare independence from Yugoslavia on 25 May 1991.

The President of the Republic is the head of state and the commander in chief of the Croatian armed forces and is directly elected to serve a five-year term. The government, the main executive power of Croatia, is headed by the prime minister, who has four deputy prime ministers who serve also as government ministers. Twenty ministers are in charge of particular activities. The executive branch is responsible for proposing legislation and a budget, executing the laws, and guiding the foreign and internal policies. The parliament is a unicameral legislative body. The number of *Sabor* representatives (MPs) ranges from 100 to 160; they are elected by popular vote to serve four-year terms. The powers of the legislature include enactment and amendment of the constitution and laws; adoption of the government budget, declarations of war and peace, defining national boundaries, calling referenda and elections, appointments and relief of officers, supervising the Government of Croatia and other holders of public powers responsible to the Sabor, and granting of amnesties. The Croatian constitution and legislation provides for regular presidential and parliamentary elections, and the election of county prefects (county presidents) and assemblies, and city and municipal mayors and councils.

Croatia has a three-tiered, independent judicial system governed by the Constitution of Croatia and national legislation enacted by the Sabor. The Supreme Court (Croatian: *Vrhovni sud*) is the highest court of appeal in Croatia, while municipal and county courts are courts of general jurisdiction. Specialised courts in Croatia are: commercial courts and the Superior Commercial Court, misdemeanour courts and the Superior Misdemeanour Court, administrative courts and the Superior Administrative Court. Croatian Constitutional Court (Croatian: *Ustavni sud*) is a court that deals primarily with constitutional law. Its main authority is to rule on whether laws that are challenged are in fact unconstitutional, i.e., whether they conflict with constitutionally established rights and freedoms. The State Attorney's Office represents the state in legal proceedings.

## **Procedure for selection of head of state and head of executive**

The President of the Republic is the head of state; he or she is directly elected and serves a five-year term. The president is the commander in chief of the armed forces, has the procedural duty of appointing the prime minister with the consent of the Sabor (Parliament) through a majority vote (majority of all MPs), and has some influence on foreign policy. The prime minister is the head of executive body.

## **Provisions for declaring emergency**

In Croatia emergency rule may be declared by the Parliament by a two-thirds majority of all representatives. If the Parliament is unable to convene, emergency rule is declared by the President of the Republic.

## **Provisions related to judicial review**

As discussed earlier there's a three-tiered system of courts. The highest tier of which is the Supreme Court which is the highest court of appeal and court of cassation. The lower two levels of the judiciary consist of 15 county courts as courts of first instance for serious criminal offences and courts of appeal for decisions of the lower (municipal) courts and 32 municipal courts as courts of first instance for misdemeanours and minor criminal offences and courts of original jurisdiction (first instance) in civil (including family and labour) lawsuits (county courts and municipal courts are known as general or ordinary courts), as well as specialized courts: 9 commercial courts and the High Commercial Court. 4 administrative courts and the High Administrative Court, the High Criminal Court and the High Misdemeanour Court.

Municipal courts are established for the territory of one or more municipalities, one or more towns/cities or parts of an urban area, and the county, commercial and administrative courts are established for the territory of one or more counties. The High Commercial Court, the High Administrative Court, the High Criminal Court, the High Misdemeanour Court and the Supreme Court are established for the territory of the Republic of Croatia.

Judges are appointed by the National Judicial Council and hold office until the age of seventy.