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The Constitutional Design and Practical Implementation of Human Rights in North Macedonia

- **ABSTRACT:** *The paper examines the constitutional design and practical implementation of human rights in the Republic of North Macedonia, with a particular focus on the normative framework established by the Constitution of 1991 and its interaction with international human rights law. The Constitution enshrines the protection of human rights and fundamental freedoms as one of the core principles of the constitutional order, reflecting the democratic and liberal foundations of the state. Human rights are positioned at the center of the constitutional framework and are conceived as an essential element of the country's legal and political identity. Moreover, the Constitution guarantees a broad spectrum of civil, political, economic, social, and cultural rights, while simultaneously affirming the principles of equality and non-discrimination and establishing specific safeguards for the protection of minority rights. Beyond the normative recognition of rights, the study also analyses the constitutional guarantees and mechanisms established for their effective protection in the country, including access to judicial remedies and constitutional review. These mechanisms aim to ensure that human rights are not merely declaratory but practically enforceable within the domestic legal order.*

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Furthermore, the study explores the relationship between constitutional norms and international human rights instruments. Article 118 of the Constitution provides that generally accepted principles of international law and ratified international treaties form an integral part of the domestic legal system and are directly applicable by national institutions and courts. While international human rights treaties enjoy a privileged legal status, the Constitution retains its position as the supreme legal authority, prevailing in the event of a normative conflict. This constitutional model reflects a deliberate balance between openness to international human rights standards and the preservation of constitutional sovereignty. Overall, the paper argues that the 1991 Constitution represents a coherent framework that integrates international human rights norms within a constitutionally anchored system of democratic governance and the rule of law.

■ **KEYWORDS:** *Constitution, human rights, freedoms, duties, citizen, protection*

1. Human Rights in the Macedonian Constitutional Order: Normative Structure and Legal Meaning

The 1991 Macedonian Constitution¹ is instrumental in laying the legal groundwork for protecting human rights. It embraced a broad range of civil, political, social, economic, and cultural rights, while also recognising the rights of national minorities. Despite the limitations of certain rights during exceptional circumstances, the Constitution emphasised judicial protection and equality before the law. Article 8 of the Macedonian Constitution enshrined fundamental values of the constitutional order of the country, where the basic freedoms and rights of individuals and citizens, recognised in international law, are set down in the first paragraph.

The Constitution includes a specific Chapter II dedicated to the “Fundamental Freedoms and Rights of the Individual and the Citizen”, which lists a wide range of rights that form the foundation of the state’s legal order. This chapter highlights the priority assigned to human rights within the Macedonian legal system.

Basic Freedoms and Rights of the Individual and Citizen are further divided into civil and political freedoms and rights, and economic, social, and cultural rights. In Macedonia’s legal system, the terms “human rights”, “fundamental

¹ *Constitution of North Macedonia*, Official Gazette of the Republic of Macedonia, No. 52 [Online]. Available at: <https://www.slvesnik.com.mk/content/pdf/USTAV-eng.pdf> (Accessed: 30 November 2024).

rights”, and “constitutional rights” are related but are understood and used in different contexts.

“Human Rights” refer to the basic rights and freedoms that all individuals are inherently entitled to simply because they are human. These rights are universal, inalienable, and protected under the Constitution and international law. Human rights are grounded in international law and protected through international treaties and conventions, understood predominantly through the lens of these international instruments. The Macedonian Constitution acknowledges and upholds the protection of human rights. The country is a signatory to many international human rights treaties that ensure the protection of individual freedoms and dignity.

“Fundamental rights”² are defined as core rights that are guaranteed and protected by a country’s Constitution or fundamental legal documents. These rights are often derived from human rights but are recognised as essential to the functioning of the state and society. Fundamental rights are explicitly outlined in the Macedonian Constitution as rights that the state must guarantee to all its citizens.³ Fundamental rights in the country are a subset of human rights, but they are those specifically guaranteed within the national context, typically more closely linked to the Constitution.

The term “constitutional rights” is used to enumerate rights explicitly defined and guaranteed by the Constitution of the country. These rights represent the highest form of legal protection within the domestic legal system and are essential for the state’s framework. In North Macedonia, constitutional rights are enshrined in the Constitution as part of the nation’s commitment to the rule of law and democracy.⁴

The Chapter II of the Constitution constitutes the core framework for the protection of individual rights and freedoms and guarantees these rights to all citizens as a foundation for dignity, equality, and freedom in both public and private life. Among the key constitutional guarantees are the inviolability of human dignity and the right to life⁵, the human right to physical and moral dignity is irrevocable, any form of torture, or inhuman or humiliating conduct or punishment, is prohibited. Forced labour is prohibited, and equality before

2 The ECtHR’s point of departure is that the definition of fundamental rights must be the same for all individuals living in the Council of Europe. The notion of a shared and uniform minimum standard of fundamental rights protection expresses the idea of universal human rights, which need to be recognised and protected throughout Europe. Differences in national fundamental rights standards become relevant only in the stage of the assessment of limitations. It is well known that restrictions on most Convention rights can be justified by the need to protect public interests or the rights and interests of others, provided they meet certain conditions. See: Gerards, 2018, pp. 495–515.

3 Jordanova and Kotevska, 2020.

4 Karakamisheva-Jovanovska, 2025a, pp. 145–190.

5 Art. 10 of the Constitution.

the law coupled with the prohibition of discrimination. The Constitution further guarantees freedom of thought, conscience, and religion, freedom of expression, freedom of assembly and association, and freedom of movement.

Judicial guarantees form an essential part of this catalogue. The Constitution ensures the right to a fair trial and judicial protection, including procedural safeguards such as the right to defence and public hearings. The right to privacy is protected through the inviolability of the home, correspondence, and personal data, while the right to property is guaranteed subject to conditions and procedures prescribed by law. Political rights are also enshrined, including the right to vote, stand for office, and participate in political life.

A separate and particularly significant catalogue concerns the rights of national minorities, set out in Article 48 of the Constitution. This provision guarantees minorities the right to preserve and express their cultural, linguistic, and religious identity, to receive education in their own language, to use their language in public life, and to participate in public and political affairs. Minorities are also entitled to establish associations and institutions aimed at preserving their cultural and social identity.⁶ The Constitution recognises environmental rights in Article 43, affirming the right of individuals to live in a healthy environment and imposing a duty on the state to protect nature and ensure sustainable development for present and future generations.

The Constitution stipulates and protects many economic, social, and cultural rights, some of which are as follows: property and inheritance rights; rights to work; the obligation to pay taxes; the right to social security and social protection of citizens in accordance with the principle of social justice, particularly the social security rights of veterans of the Anti-Fascist War and of all Macedonian national liberation wars, war invalids, and those expelled and imprisoned for the ideas of the separate identity of the Macedonian people and of Macedonian statehood; the right to establish trade unions; the right to strike; the right to health care, particularly care and protection for the family, and special protections particularly for mothers, children, and minors; the right to a healthy environment to live in; the right to education; freedom of scholarly, artistic, and other forms of creative work; and protection of the ethnic, cultural, linguistic, and religious identity of the nationalities on national territory. The Republic cares for the status and rights of persons belonging to the Macedonian people in neighbouring countries, as well as Macedonian expatriates; assists their cultural development; and promotes links with them.

The Constitution provides mechanisms for how citizens can enforce basic freedoms and rights, allows for the incorporation of international law into its legal system, giving ratified international treaties and agreements

6 Council of Europe, 2022.

significant legal standing, provided they do not conflict with the Constitution itself.⁷ The relationship is one in which international obligations are respected, but they must align with national constitutional principles. It affirms that the state respects the international law on human rights and that international instruments guide the country's policies and practices in their respect and protection.

Taken together, these catalogues demonstrate that the Macedonian Constitution establishes a comprehensive, structured, and value-oriented system of rights protection, integrating civil, political, social, minority, and environmental dimensions within a unified constitutional framework.

The Constitution adopts a predominantly monist approach to international human rights law, whereby ratified international treaties and conventions automatically become part of the domestic legal order without the need for additional implementing legislation. In accordance with constitutional provisions, ratified international treaties – including those relating to human rights – are directly applicable by domestic courts and public authorities. This framework ensures that international human rights standards are binding within the national legal system upon ratification. At the same time, the Constitution maintains its position as the supreme legal authority of the state. While ratified international human rights instruments enjoy a privileged legal status and take precedence over ordinary legislation, they cannot override constitutional provisions. In the event of a normative conflict, constitutional norms prevail, thereby preserving constitutional supremacy while ensuring openness to and effective integration of international human rights law.⁸

2. Vertical and Horizontal Protection of Human Rights in the Macedonian Constitutional System

The Macedonian Constitution adopts both vertical and horizontal conceptions of the functioning of human rights. It explicitly envisions the protection of human rights, both in the relationship between the individual and the state (vertical) and in relations between individuals (horizontal).⁹ Specifically, Article 9 of the Constitution includes provisions that allow for human rights to be upheld not only in dealings with the state but also in private relationships. According to the Constitution, the **judiciary** (particularly the courts) is responsible for protecting human rights in cases brought before them. Further, 27 basic courts, four appeal courts, two administrative courts, and one Supreme Court are required to ensure that domestic laws are in accordance with the country's Constitution and

7 Karakamisheva-Jovanovska and Saveski, 2022, pp. 315–349.

8 Trajkovska and Trajkovski, 2016, pp. 266–288.

9 Karakamisheva-Jovanovska, 2025b, pp. 191–238.

international human rights treaties, to which the Macedonian state is a party. Citizens can seek judicial remedies for the protection of their rights.

The Constitutional Court is not a regular court, but a separate organ of the Republic that plays a central role in protecting the constitutional rights and freedoms of citizens.¹⁰ It is responsible for reviewing laws and other legal acts to ensure that they align with the Constitution. If a law or legal act is found to be in conflict with the Constitution, the Court has the power to annul it. The Constitutional Court also hears cases involving the protection of fundamental rights and freedoms when individuals claim that their rights have been violated by legal acts.

The Ombudsman is an independent institution responsible for protecting citizens' rights and freedoms from maladministration or violation by public authorities. The Ombudsman investigates complaints regarding violations of rights by government bodies and other state institutions, offering recommendations for corrective actions. The Assembly also plays a role in protecting freedoms and rights by enacting laws that respect and protect them. It is responsible for adopting legislation that aligns with the Constitution and international human rights standards. Moreover, the Assembly can monitor government actions to ensure compliance with the protection of rights.

The Constitution also provides special protection to certain groups explicitly mentioned in the Constitution; for example, protection of children, stating that children have the right to special care, protection, and assistance. It specifically mentions the protection of children from abuse and exploitation. Regarding citizens, the Constitution guarantees the rights and freedoms of all citizens with a special emphasis on equality before the law. However, it also outlines certain protections for ethnic communities and ensures their rights, such as the right to preserve their identity, language, and culture, as well as the rights to use their language in public life and to participate in public affairs. Regarding persons with disabilities, the Constitution ensures their rights, providing for their protection and guaranteeing their rights to full participation in social, political, and cultural life. The Constitution also protects vulnerable marginalised groups as well as foreigners.

3. Axiological Foundations of Individual Rights under the Macedonian Constitution

The Macedonian Constitution articulates a set of guiding principles governing the status of the individual within the state, grounded in the foundational values

10 See more: <https://www.confueconstco.org/reports/rep-xii/Macedonia-EN.pdf> (Accessed: 30 November 2024).

of human dignity, freedom, and equality. These principles constitute the axiological core of the constitutional order and shape both the interpretation and application of individual rights and freedoms. Human dignity occupies a central position within the constitutional framework. The Constitution emphasises the inviolability of human dignity as a fundamental principle, framing the protection of individual rights around respect for the inherent worth of every person. Human dignity thus functions as the normative cornerstone of the Macedonian legal order and as a guiding value for the protection of fundamental rights. Equality before the law represents another key constitutional principle. The Constitution guarantees equal treatment of all individuals, irrespective of ethnicity, gender, religion, political beliefs, or other personal characteristics. This principle serves as the basis for the prohibition of discrimination and ensures that all persons enjoy rights and freedoms under equal conditions. Freedom is likewise a foundational constitutional value. The Constitution guarantees a broad range of freedoms, including freedom of expression, assembly, religion, and association. These freedoms are recognised as essential prerequisites for the functioning of a democratic society, enabling individuals to participate freely in public life and to develop their personal and collective identities.

Closely linked to equality is the principle of non-discrimination¹¹, which provides protection against unequal treatment on grounds such as ethnicity, gender, age, disability, or political affiliation. Together with the rule of law, these principles ensure that the exercise of state power is subject to legal constraints and effective checks and balances. The rule of law guarantees access to legal remedies and judicial protection whenever individual rights and freedoms are violated.

The axiological foundations of the Macedonian Constitution are strongly influenced by universal human rights and democratic values enshrined in international legal instruments, notably the UN Universal Declaration of Human Rights, the European Convention on Human Rights, the International Covenant on Civil and Political Rights and other human rights documents, which sources reflect a commitment to justice, equality, and the protection of human dignity, consistent with liberal democratic ideals. Notably, the Constitution does not establish a formal hierarchical ordering among human rights and freedoms. All rights are presented as fundamental and equally protected under the law. Nevertheless, certain groups – such as ethnic minorities, children, mothers, and persons with disabilities – benefit from specific constitutional safeguards, reflecting an awareness of historical marginalisation and particular vulnerability. While judicial practice may, in specific cases, accord greater weight to certain rights, the constitutional text itself endorses a comprehensive and egalitarian framework of rights protection grounded in democratic and humanistic values.

11 Kotevska, 2020.

Several freedoms and rights are particularly important for the political, social, and economic system of the country. These rights are essential to ensure the functioning of democracy, social cohesion, and economic development. The right to vote and to be voted, as a political right, is crucial for the democratic governance of the country. It ensures that citizens can participate in the political process by choosing their representatives in the Assembly and other government positions. This right is fundamental in promoting the political and institutional stability and legitimacy of the government, as it ensures that elected officials are accountable to the people. In a democratic society, political participation is the cornerstone of legitimacy. The Constitution guarantees universal suffrage (for all citizens of voting age), which helps ensure that the government is representative of the will of the people. Freedom of speech and expression is central to the democratic functioning of the country, particularly in terms of promoting political and social pluralism and public debate. Citizens and media outlets are free to express opinions, criticise government actions, and engage in open discussions on national issues. Free press and open public discourse are critical for transparency, accountability, and the prevention of corruption. This freedom supports the development of a modern civil society and helps maintain the power of government officials and institutions. The right to work and social security (economic and social rights) is fundamental for economic development and social stability in the country. It ensures that individuals have the opportunity to contribute to the economy and access decent employment. Along with the right to work, the right to social security ensures that citizens are protected from economic hardship through welfare programs, unemployment benefits, and social assistance. The right to property is central to the Macedonian market economy and the development of private sector businesses. This right guarantees that individuals can own and control their property and assets, which is essential for entrepreneurship and investment in the economy. Strong property rights also provide individuals with a sense of security, enabling them to make long-term investments and secure their financial futures. All human rights and freedoms in the Constitution are interconnected and essential for the political, social, and economic stability of the country.

4. Limitations on Constitutional Rights and Freedoms and Stipulated Duties under the Macedonian Constitution

The Macedonian Constitution contains limitations so-called “*clauses*” that limit the exercise of certain constitutional freedoms and rights primarily designed to balance individual freedoms with public interests, national security, public order, and the protection of others’ rights. The Macedonian Constitution provides for

certain general limitations that apply to the exercise of freedoms and rights.¹² These “clauses” are generally framed to ensure that rights are exercised within a framework preserving social order, national security, and public welfare. The Constitution allows limitations on certain rights, provided that these limitations are prescribed by law, necessary in a democratic society, and respect the essence of the right or freedom. For example, Article 16 of the Constitution addresses general limitations on rights and freedoms, stating:

‘The freedom of personal conviction, conscience, thought and public expression of thought is guaranteed. The freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed. Free access to information and the freedom of reception and transmission of information are guaranteed. The right of reply via the mass media is guaranteed. The right to a correction in the mass media is guaranteed. The right to protect a source of information in the mass media is guaranteed. Censorship is prohibited.’

Some rights in the Constitution are specifically subject to limitations, often due to their interaction with other social, economic, or political interests: the right to assembly (Article 21) – the Constitution guarantees freedom of assembly, but the right may be limited in situations where public order is at risk. Authorities can regulate the time, place, and manner of assemblies to ensure that they do not disrupt public order. These rights may be subject to regulations to balance them with the needs of society, such as national security, public health, and the rights of others. The proportionality test is a key principle when applying limitations to rights and freedoms. The Constitution does not explicitly outline the proportionality test in detail, but it is implied in general “limitation clauses”.¹³ According to the proportionality test, the limitation must be necessary to achieve a legitimate aim (e.g. national security, public order), and it must be the least restrictive means to achieve that aim. This ensures that restrictions on freedoms are not excessive, and that the limitation must be proportionate to the severity of the issue it is trying to address. In practice, this means that any limitation on a constitutional right must be carefully justified and balanced against the potential harm to an individual’s rights.

The Constitution also addresses the exceptional circumstances under which freedoms and rights can be restricted, most notably during a state of emergency. The Constitution allows for the declaration of a state of emergency under exceptional circumstances, such as war or natural disasters, which may affect the normal

¹² Karakamisheva, 2009, pp. 151–166.

¹³ Feiertag, 2025.

functioning of the state. In such a state of emergency, the government has the authority to temporarily restrict certain rights. However, even during a state of emergency, the Constitution stipulates that there are certain inviolable rights that cannot be limited, such as the right to life (except in cases of lawful armed conflict), prohibition of torture and inhuman or degrading treatment, prohibition of slavery and forced labour, and judicial protection of rights. These inviolable rights cannot be suspended under any circumstance, even during a state of emergency. In a state of emergency, other rights can be restricted, but the restrictions must be proportional and based on a law designed to address the crisis while respecting the core principles of the Constitution.

The Macedonian Constitution provides a solid framework for protecting freedoms and rights, reflecting the fundamental principles of democracy, equality, and human dignity. However, to evaluate whether this regulation is appropriate for the challenges of modern times, we must consider both the strengths and potential areas for improvement based on contemporary issues such as digital rights, global security concerns, and social changes. The Constitution is grounded in universal human rights principles, emphasising democracy, the rule of law, and the protection of individual freedoms. It guarantees civil, political, social, and economic rights that are aligned with international norms. The limitation clauses are flexible and allow restrictions on rights for reasons such as public safety, national security, morality, and the protection of others' rights. This flexibility is essential for adapting to changing global security threats and societal dynamics while preserving the essence of the rights. The proportionality principle ensures that any restrictions on rights are necessary and proportional to achieving legitimate aims such as national security or public health. This offers a framework for balancing individual freedoms with the common good, a vital feature of modern democratic governance.

In the modern era, the rapid development of technology presents significant challenges related to digital rights, including data privacy, surveillance, and freedom of expression online. The Constitution addresses freedom of speech and privacy; however, these provisions may require further clarification in the digital age. For instance, the regulation of personal data and how they are collected, processed, and protected needs to be better defined, especially with the rise of big data, artificial intelligence, and surveillance technologies; the boundaries of free speech online, including issues such as hate speech and online misinformation, require careful regulation to ensure that freedom of expression is protected without compromising public order or security. While the Constitution provides a framework for limiting rights in the interest of national security, modern security challenges – such as cyber security threats, terrorism, and global pandemics – have made it necessary for states to balance security measures with individual privacy and freedoms.

In the age of global terrorism and cyber attacks, governments often implement surveillance measures that could infringe on privacy. The Constitution includes broad clauses that allow for restrictions on rights; however, more specific safeguards may be needed to prevent excessive state surveillance and ensure that individual privacy is not compromised. The ability to declare a state of emergency is also crucial in times of crisis (*e.g.* pandemics, war). However, modern crises may require more precise guidelines for the suspension of rights to ensure that any restriction is necessary, proportional, and temporary. While the Constitution ensures the protection of rights through the judicial system, the independence of the judiciary is crucial for ensuring that human rights are effectively safeguarded.¹⁴

Challenges surrounding judicial corruption or political influence in the judicial process may hinder the effective enforcement of constitutional rights. The COVID-19 pandemic and the rise of global health crises have highlighted the importance of balancing individual freedoms with public health needs. While the Constitution includes provisions on the protection of health, there is a need for clearer guidelines on how public health measures (*e.g.* quarantine or vaccination mandates) can be implemented without unduly restricting rights, especially in situations that may require temporary restrictions on freedoms for public health reasons. Although the Macedonian Constitution provides a strong foundation for protecting individual rights and freedoms, its provisions must evolve to address modern challenges, particularly in the areas of digital rights, security, discrimination, and public health. The general limitations on rights provide flexibility, but there is a need for clearer definitions and more specific protections in areas such as AI, data privacy and surveillance. Furthermore, judicial independence and strong enforcement mechanisms are critical for ensuring that the Constitution can effectively protect freedoms and rights in the face of contemporary global challenges. Overall, while the Constitution is well-structured for the protection of rights, modern legal reforms and policy adjustments are necessary to ensure that it remains fully effective in the 21st century.

The Macedonian Constitution imposes certain duties on individuals. These duties are generally framed to ensure the functioning of a democratic state, respect for the rights of others, and the well-being of society as a whole. Respect for the Constitution and Laws (Article 51) – individuals are required to respect the Constitution and the laws of the country; duty to defend the homeland (Article 28) – citizens are obligated to defend the country in case of war or national defence needs. This duty applies to all citizens. The payment of taxes (Article 33) – citizens are required to pay taxes and contributions in accordance with the law. This duty applies to all citizens. In addition to general duties, public officials (such

14 Guide to Law Online: North Macedonia [Online]. Available at: <https://guides.loc.gov/law-north-macedonia/legislative> (Accessed: 29 November 2024).

as government employees, members of parliament, etc.) have specific responsibilities related to public office, including serving the public interest and adhering to ethical standards in exercising their duties. In general, the duties listed above apply to all citizens, with some specific obligations for public officials and military personnel in particular circumstances.

5. Access to Justice and the Right to an Effective Remedy under the Macedonian Constitution

The Macedonian Constitution provides for the right of access to justice and the right to an effective remedy, ensuring that individuals can seek legal protection for their rights and freedoms through an accessible and fair judicial process.¹⁵ These rights are embedded in the Constitution and are key to upholding the rule of law and protecting individuals from violations of their rights. The right to access to justice is generally implied through various provisions in the Constitution that guarantee the right to a fair trial and the right to judicial protection.

Specifically, Article 8 of the Constitution provides that the basic freedoms and rights of the individual and citizen are recognized in international law and set down in the Constitution with meaning that everyone is equal before the law and that the rights and freedoms of individuals and citizens can be protected through legal means. Article 50 guarantees that every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts, as well as before the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency. Judicial protection of the legality of individual acts of state administration, as well as of other institutions carrying out public mandates, is guaranteed. A citizen has the right to be informed on human rights and basic freedoms as well as actively to contribute, individually or jointly with others, to their promotion and protection. This guarantees that individuals can access justice through the judicial system and ensures that their cases will be heard by a court that is independent and impartial. The Constitution also ensures the right to an effective remedy, which is the right to seek redress and appropriate legal protection if one's rights or freedoms are violated. This is particularly important in cases where individuals feel that their constitutional or legal rights have been infringed upon by public authorities or other individuals. Article 15 further reinforces this right and stipulate that citizen has a right to appeal against individual legal acts issued in a first instance proceedings by a court, administrative body, organization or other institution carrying out public mandates and that this right is constitutionally guaranteed. This provision guarantees that access to

15 Saveski, 2018, pp. 625–638.

the courts is available for individuals whose rights are violated and it ensures that legal protection is not just a theoretical right but also a practical one.

The Constitution also safeguards judicial independence, which is vital for the effective exercise of access to justice. Article 98 provides the framework for the judiciary's independence - judiciary power is exercised by courts. Courts are autonomous and independent. Courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution. There is one form of organization for the judiciary. Emergency courts are prohibited. The types of courts, their spheres of competence, their establishment, abrogation, organization and composition, as well as the procedure they follow are regulated by a law adopted by a majority vote of two-thirds of the total number of Representatives. Judges are independent, subject only to the Constitution and the law. Judges cannot be removed from office except in cases defined by law, ensuring that they can perform their duties without external interference. The Constitution guarantees the right to legal aid for those who are unable to afford legal representation, which is important to ensure that the right to access justice is not hindered by financial constraints. The Constitution addresses the right to legal aid, ensures that individuals who cannot afford a lawyer still have the means to seek justice and an effective remedy in cases of legal disputes. If constitutional rights or freedoms are violated, the Constitution guarantees the possibility of legal recourse and remedies. Article 110 allows individuals to apply to the Macedonian Constitutional Court to protect their constitutional rights. The Constitutional Court can assess the constitutionality of laws and acts, and it has the authority to annul any laws or provisions that violate the Constitution. This provides a remedy for individuals who believe that their constitutional rights have been violated by the legislative or executive branches of the government.

6. Fundamental Rights Adjudication in North Macedonia

The protection of fundamental rights in the country is overseen by several state bodies and institutions. These institutions play a crucial role in ensuring that individual rights and freedoms are respected in accordance with the Constitution and international human rights standards. The Macedonian Constitutional Court plays a primary role in ensuring the protection of fundamental human rights. Chapter IV (Article 108-113) of the Macedonian Constitution deals with the Constitutional Court,¹⁶ which is defined as a state institution responsible for protecting the state's compliance with the Constitution and the law (Article 108). With regard to the scope of the Court, the Constitutional Court's duties are as follows: decides on the conformity of laws with the Constitution; decides on the

¹⁶ *Constitution of North Macedonia*, Official Gazette of the Republic of Macedonia, No. 52.

conformity of collective agreements and other regulations with the Constitution and laws; protects the freedoms and rights of the individual and citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the ground of sex, race, religion or national, social or political affiliation; decides on conflicts of competency among holders of legislative, executive and judicial offices; decides on conflicts of competency among Republic bodies and units of local self-government; decides on the answerability of the President of the Republic; decides on the constitutionality of the programmes and statutes of political parties and associations of citizens; and decides on other issues determined by the Constitution.

Based on Article 113 of the Constitution, the Constitutional Court exercises its duties according to an internal act, that is, the Act of the Constitutional Court. The court is also responsible for ensuring the harmonisation of national laws with the Constitution, which guarantees a broad range of human rights and freedoms.

The Ombudsman is an independent institution tasked with protecting individuals' rights and freedoms against violations by public authorities.¹⁷ The Ombudsman investigates complaints related to the violation of human rights, inequality, or abuse of power by state authorities and public institutions. The institution has the power to issue recommendations, propose measures to resolve complaints, and provide legal advice to citizens regarding their rights.¹⁸

The judicial system, including the Supreme Court and lower courts, is a central institution for protecting human rights. Citizens can seek judicial redress if their fundamental rights are violated, and courts can declare laws or actions that are incompatible with the Constitution or international human rights standards. The judiciary is responsible for interpreting and applying laws in a manner consistent with constitutional rights and international agreements.

The Ministry of Justice plays a role in ensuring that human rights are protected within the legal framework of the country. It is responsible for advancing reforms to improve the rule of law, and it oversees the implementation of judicial decisions pertaining to human rights. The ministry also works on improving the legal framework related to fundamental rights and engages with international human rights bodies.

The Agency for the Protection of the Right to Free Access to Information ensures citizens' right to access information held by public authorities, as

17 See more: Ombudsman of the Republic of North Macedonia [Online]. Available at: <https://ennhri.org/our-members/north-macedonia/> (Accessed: 4 December 2024).

18 Law on the Ombudsman of 2018 [Online]. Available at: <https://www.refworld.org/legal/legislation/natlegbod/2018/en/122684> (Accessed: 4 December 2024).

guaranteed by the Constitution and laws on freedom of information.¹⁹ It safeguards transparency and accountability in government actions, which are crucial elements in protecting civil rights.

The Commission for Protection against Discrimination (CPAD) is responsible for combating all forms of discrimination, including discrimination based on race, gender, ethnicity, disability, religion, or other characteristics.²⁰ It investigates complaints and can issue decisions and recommendations to address discriminatory practices.

The State Commission for the Prevention of Corruption plays an important role in protecting citizen rights by preventing corruption, which may undermine the protection of fundamental rights and public trust in institutions.²¹

The National Human Rights Committee (Advisory Body), established under the United Nations (UN) framework, advises the government on issues related to the protection and promotion of human rights. It engages with international human rights bodies, such as the UN Human Rights Council. These bodies work together to ensure that fundamental rights are respected, and they can intervene when individuals' rights are infringed. Additionally, the country is a signatory to various international human rights conventions, and these bodies also collaborate with international organisations to protect human rights within the country.

7. Conclusion

The study has examined the constitutional design and practical implementation of human rights in the Republic of North Macedonia, with particular emphasis on the normative architecture established by the 1991 Constitution and its interaction with international human rights law. The analysis demonstrates that the Constitution places human rights and fundamental freedoms at the core of the constitutional order, embedding them within a comprehensive catalogue of civil, political, economic, social, cultural, minority, and environmental rights. Through Chapter II and the fundamental values enshrined in Article 8, the Constitution reflects a clear commitment to human dignity, equality, freedom, and the rule of law, positioning human rights as a constitutive element of the state's democratic and legal identity. The study further shown that the Macedonian constitutional system adopts an integrated model of rights protection, combining vertical and horizontal applicability of human rights with a predominantly monist approach

19 See more: Agency for Protection of the Right to Free Access to Public Information [Online]. Available at: <https://aspi.mk/en/home-en/> (Accessed: 5 December 2024).

20 See more: Commission on Prevention and Protection Against Discrimination [Online]. Available at: <https://kszd.mk/?lang=en> (Accessed: 5 December 2024).

21 See more: State Commission for the Prevention of Corruption [Online]. Available at: <https://dksk.mk/en/> (Accessed: 6 December 2024).

to international law. Ratified international human rights treaties form an integral part of the domestic legal order and guide the interpretation and application of constitutional rights, while constitutional supremacy is preserved in cases of normative conflict. The institutional framework for rights protection – encompassing the judiciary, the Constitutional Court, the Ombudsman, and specialised independent bodies – provides multiple avenues for access to justice, effective remedies, and constitutional adjudication. At the same time, the Constitution establishes carefully circumscribed limitation clauses, grounded in legality, necessity, and proportionality, and identifies a core of non-derogable rights that remain inviolable even in states of emergency.

Overall, the Macedonian Constitution offers a coherent, value-oriented, and largely complex framework for the protection of human rights, aligned with international standards and liberal-democratic principles. Nevertheless, as the analysis suggests, the effectiveness of this framework ultimately depends on its interpretation, institutional practice, and adaptability to contemporary challenges such as digitalisation, public health crises, security concerns etc. By mapping the constitutional foundations, axiological commitments, and institutional mechanisms of human rights protection, the paper provides a necessary groundwork for further examination of constitutional practice, judicial interpretation, and compliance with international human rights obligations, issues that will be explored in greater depth in the second part of this study

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