

## CONSTITUTION OF THE REPUBLIC OF MACEDONIA

### PREAMBLE

Taking as the points of departure the historical, cultural, spiritual and statehood heritage of the Macedonian people and their struggle over centuries for national and social freedom as well as the creation of their own state, and particularly the traditions of statehood and legality of the Krushevo Republic and the historic decisions of the Anti-Fascist Assembly of the People's Liberation of Macedonia, together with the constitutional and legal continuity of the Macedonian state as a sovereign republic within Federal Yugoslavia and freely manifested will of the citizens of the Republic of Macedonia in the referendum of September 8th, 1991, as well as the historical fact that Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanics and other nationalities living in the Republic of Macedonia, and intent on:

- the establishment of the Republic of Macedonia as a sovereign and independent state, as well as a civil and democratic one;
  - the establishment and consolidation of the rule of law as a fundamental system of government;
  - the guaranteeing of human rights, citizens' freedoms and ethnic equality;
  - the provision of peace and a common home for the Macedonian people with the nationalities living in the Republic of Macedonia;
- and on

- the provision of social justice, economic wellbeing and prosperity in the life of the individual and the community,

the Assembly of the Republic of Macedonia adopts

## THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA

### I. BASIC PROVISIONS

#### Article 1

The Republic of Macedonia is a sovereign, independent, democratic and social state. The sovereignty of the Republic of Macedonia is indivisible, inalienable and non-transferable.

#### Article 2

Sovereignty in the Republic of Macedonia derives from the citizens and belongs to the citizens.

The citizens of the Republic of Macedonia exercise their authority through democratically elected Representatives through referendum and through other forms of direct expression.

#### Article 3

The territory of the Republic of Macedonia is indivisible and inviolable.

The existing borders of the Republic of Macedonia are inviolable. The borders of the Republic of Macedonia may be changed only in accordance with the constitution.

#### Article 4

Citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia.

A subject of the Republic of Macedonia may either be deprived of citizenship, nor expelled or extradited to another state.

Citizenship of the Republic of Macedonia is regulated by law.

#### Article 5

The state symbols of the Republic of Macedonia are the coat of arms, the flag and the national anthem. The coat of arms, the flag and the national anthem of the Republic of Macedonia are adopted by law by a two-thirds majority vote of the total number of Assembly Representatives.

## **Article 6**

The Capital of the Republic of Macedonia is Skopje.

## **Article 7**

The Macedonian language, written using its Cyrillic alphabet, is the official language in the Republic of Macedonia. In the units of local self-government where the majority of the inhabitants belong to a nationality, in addition to the Macedonian language and Cyrillic alphabet, their language and alphabet are also in official use, in a manner determined by law. In the units of local self-government where there is a considerable number of inhabitants belonging to a nationality, their language and alphabet are also in official use, in addition to the Macedonian language and Cyrillic alphabet, under conditions and in a manner determined by law.

## **Article 8**

The fundamental values of the constitutional order of the Republic of Macedonia are:

- the basic freedoms and rights of the individual and citizen, recognised in international law and set down in the Constitution;
  - the free expression of national identity;
  - the rule of law;
  - the division of state powers into legislative, executive and judicial;
  - the legal protection of property;
  - the freedom of the market and entrepreneurship;
  - humanism, social justice and solidarity;
  - local self-government;
  - proper urban and rural planning to promote a congenial human environment, as well as ecological protection and development;
- and

- respect for the generally accepted norms of international law.

Anything that is not prohibited by the Constitution or by law is permitted in the Republic of Macedonia.

## **II. BASIC FREEDOMS AND RIGHTS OF THE INDIVIDUAL AND CITIZEN**

### **1. Civil and political freedoms and rights**

#### **Article 9**

Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status.

All citizens are equal before the Constitution and law.

#### **Article 10**

The human right to life is irrevocable.

The death penalty shall not be imposed on any grounds whatsoever in the Republic of Macedonia.

#### **Article 11**

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.

#### **Article 12**

The human right to freedom is irrevocable.

No person's freedom can be restricted except by court decision or in cases and procedures determined by law.

Persons summoned, apprehended or detained shall immediately be informed of the reasons for the summons, apprehension or detention and on their rights. They shall not be forced to make a statement. A person has a right to an attorney in police and court procedure.

Persons detained shall be brought before a court as soon as possible, within a maximum period of 24 hours from the moment of detention, and the legality of their detention shall there be decided upon without delay.

Detention may last, by court decision, for a maximum of 90 days from the day of detention. Persons detained may, under the conditions determined by law, be released from custody to conduct their defence.

#### **Article 13**

A person indicted for an offence shall be considered innocent until his/her guilt is established by a legally valid court verdict. A person unlawfully detained, apprehended or convicted has a right to legal redress and other rights determined by law.

#### **Article 14**

No person may be punished for an offence which has not been declared an offence punishable by law, or by other acts, prior to its being committed, and for which no punishment has been prescribed. No person may be tried in a court of law for an offence of which he/she has already been tried and for which a legally valid court verdict has already been brought.

#### **Article 15**

The right to appeal against individual legal acts issued in first instance proceedings by a court, administrative body, organisation or other institution carrying out public mandates is guaranteed.

#### **Article 16**

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.

#### **Article 17**

The freedom and confidentiality of correspondence and other forms of communication is guaranteed.

Only a court decision may authorise non-application of the principle of the inviolability of the confidentiality of correspondence and other forms of communication, in cases where it is indispensable to a criminal investigation or required in the interests of the defence of the Republic.

#### **Article 18**

The security and confidentiality of personal information are guaranteed.

Citizens are guaranteed protection from any violation of their personal integrity deriving from the registration of personal information through data processing.

#### **Article 19**

The freedom of religious confession is guaranteed.

The right to express one's faith freely and publicly, individually or with others is guaranteed.

The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law.

#### **Article 20**

Citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions.

Citizens may freely establish associations of citizens and political parties, join them or resign from them.

The programmes and activities of political parties and other associations of citizens may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance.

Military or paramilitary associations which do not belong to the Armed Forces of the Republic of Macedonia are prohibited.

#### **Article 21**

Citizens have the right to assemble peacefully and to express public protest without prior announcement or a special licence. The exercise of this right may be restricted only during a state of emergency or war.

#### **Article 22**

Every citizen on reaching 18 years of age acquires the right to vote. The right to vote is equal, universal and direct, and is exercised at free elections by secret ballot.

Persons deprived of the right to practise their profession by a court verdict do not have the right to vote.

#### **Article 23**

Every citizen has the right to take part in the performance of public office.

#### **Article 24**

Every citizen has a right to petition state and other public bodies, as well as to receive an answer.

A citizen cannot be called to account or suffer adverse consequences for attitudes expressed in petitions, unless they entail the committing of a criminal offence.

#### **Article 25**

Each citizen is guaranteed the respect and protection of the privacy of his/her personal and family life and his/her dignity and repute.

#### **Article 26**

The inviolability of the home is guaranteed.

The right to the inviolability of the home may be restricted only by a court decision in cases of the detection or prevention of criminal offences or the protection of people's health.

#### **Article 27**

Every citizen of the Republic of Macedonia has the right of free movement on the territory of the Republic and freely to choose his/her place of residence.

Every citizen has the right to leave the territory of the Republic and to return to the Republic.

The exercise of these rights may be restricted by law only in cases where it is necessary for the protection of the security of the Republic, criminal investigation or protection of people's health.

#### **Article 28**

The defence of the Republic of Macedonia is the right and duty of every citizen.

The exercise of this right and duty of citizens is regulated by law.

#### **Article 29**

Foreign subjects enjoy freedoms and rights guaranteed by the Constitution in the Republic of Macedonia, under conditions regulated by law and international agreements.

The Republic guarantees the right of asylum to foreign subjects and stateless persons expelled because of democratic political convictions and activities.

Extradition of a foreign subject can be carried out only on a basis of a ratified international agreement and on the principle of reciprocity. A foreign subject cannot be extradited for political criminal offences. Acts of terrorism are not regarded as political criminal offences.

### **2. Economic, social and cultural rights.**

#### **Article 30**

The right to ownership of property and the right of inheritance are guaranteed. Ownership of property creates rights and duties and should serve the wellbeing of both the individual and the community. No person may be deprived of his/her property or of the rights deriving from it, except in cases concerning the public interest determined by law. If property is expropriated or restricted, rightful compensation not lower than its market value is guaranteed.

**Article 31**

Foreign subjects in the Republic of Macedonia may acquire the right of ownership of property under conditions determined by law.

**Article 32**

Everyone has the right to work, to free choice of employment, protection at work and material assistance during temporary unemployment.

Every job is open to all under equal conditions. Every employee has a right to appropriate remuneration. Every employee has the right to paid daily, weekly and annual leave.

Employees cannot waive this right.

The exercise of the rights of employees and their positions are regulated by law and collective agreements.

**Article 33**

Everyone is obliged to pay tax and other public contributions, as well as to share in the discharge of public expenditure in a manner determined by law.

**Article 34**

Citizens have a right to social security and social insurance, determined by law and collective agreement.

**Article 35**

The Republic provides for the social protection and social security of citizens in accordance with the principle of social justice.

The Republic guarantees the right of assistance to citizens who are infirm or unfit for work.

The Republic provides particular protection for invalid persons, as well as conditions for their involvement in the life of the society.

**Article 36**

The Republic guarantees particular social security rights to veterans of the Anti-Fascist War and of all Macedonian national liberation wars, to war invalids to, to those expelled and imprisoned for the ideas of the separate identity of the Macedonian people and of Macedonian statehood, as well as to members of their families without means of material and social subsistence.

The particular rights are regulated by law.

**Article 37**

In order to exercise their economic and social rights, citizens have the right to establish trade unions. Trade unions can constitute confederations and become members of international trade union organisations.

The law may restrict the conditions for the exercise of the right to trade union organisation in the armed forces, the police and administrative bodies.

**Article 38**

The right to strike is guaranteed.

The law may restrict the conditions for the exercise of the right to strike in the armed forces, the police and administrative bodies.

**Article 39**

Every citizen is guaranteed the right to health care.

Citizens have the right and duty to protect and promote their own health and the health of others.

**Article 40**

The Republic provides particular care and protection for the family. The legal relations in marriage, the family and cohabitation are regulated by law.

Parents have the right and duty to provide for the nurturing and education of their children.

Children are responsible for the care of their old and inform parents.

The Republic provides particular protection for parentless children and children without parental care.

**Article 41**

It is a human right freely to decide on the procreation of children.

The Republic conducts a humane population policy in order to provide balanced economic and social development.

**Article 42**

The Republic particularly protects mothers, children and minors. A person under 15 years of age cannot be employed.

Minors and mothers have the right to particular protection at work. Minors may not be employed in work which is detrimental to their health or morality.

**Article 43**

Everyone has the right to a healthy environment to live in.

Everyone is obliged to promote and protect the environment.

The Republic provides conditions for the exercise of the right of citizens to a healthy environment.

**Article 44**

Everyone has a right to education.

Education is accessible to everyone under equal conditions.

Primary education is compulsory and free.

**Article 45**

Citizens have a right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law.

**Article 46**

The autonomy of universities is guaranteed.

The conditions of establishment, performance and termination of the activities of a university are regulated by law.

**Article 47**

The freedom of scholarly, artistic and other forms of creative work is guaranteed.

Rights deriving from scholarly, artistic or other intellectual creative work are guaranteed.

The Republic stimulates, assists and protects the development of scholarship, the arts and culture.

The Republic stimulates and assists scientific and technological development.

The Republic stimulates and assists technical education and sport.

**Article 48**

Members of nationalities have a right freely to express, foster and develop their identity and national attributes.

The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities.

Members of the nationalities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity.

Members of the nationalities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in the language of a nationality, the Macedonian language is also studied.

**Article 49**

The Republic cares for the status and rights of those persons belonging to the Macedonian people in neighbouring countries, as well as Macedonian ex-patriate, assists their cultural development and promotes links with them.

The Republic cares for the cultural, economic and social rights of the citizens of the Republic abroad.

### **3. Guarantees of basic freedoms and rights**

#### **Article 50**

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.

#### **Article 51**

In the Republic of Macedonia laws shall be in accordance with the Constitution and all other regulations in accordance with the Constitution and law.

Everyone is obliged to respect the Constitution and the laws.

#### **Article 52**

Laws and other regulations are published before they come into force. Laws and other regulations are published in 'The Official Gazette of the Republic of Macedonia at most seven days after the day of their adoption.

Laws come into force on the eighth day after the day of their republication at the earliest, or on the day of publication in exceptional cases determined by the Assembly.

Laws and other regulations may not have a retroactive effect, except in cases when this is more favourable for the citizens.

#### **Article 53**

Attorneyship is an autonomous and independent public service, providing a legal assistance and carrying out public mandates in accordance with the law.

#### **Article 54**

The freedoms and rights of the individual and citizen can be restricted only in cases determined by the Constitution. The freedoms and rights of the individual and citizen can be restricted during states of war or emergency, in accordance with the provisions of the Constitution.

The restriction of freedoms and rights cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status.

The restriction of freedoms and rights cannot be applied to the right to life, the interdiction of torture, inhuman and humiliating conduct and punishment, the legal determination of punishable offences and sentences, as well as to the freedom of personal conviction, conscience, thought and religious confession.

### **4. Foundations for economic relations**

#### **Article 55**

The freedom of the market and entrepreneurship is guaranteed.

The Republic ensures an equal legal position to all parties in the market. The Republic takes measures against monopolistic positions and monopolistic conduct on the market.

The freedom of the market and entrepreneurship can be restricted by law only for reasons of the defence of the Republic, protection of the natural and living environment or public health.

#### **Article 56**

All the natural resources of the Republic of Macedonia, the flora and fauna, amenities in common use, as well as the objects and buildings of particular cultural and historical value

determined by law, are amenities of common interest for the Republic and enjoy particular protection.

The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of the Macedonian people and of the nationalities and the treasures of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use.

#### **Article 57**

The Republic of Macedonia stimulates economic progress and provides for a more balanced spatial and regional development, as well as for the more rapid development of economically underdeveloped regions.

#### **Article 58**

Ownership and labour form the basis for management and sharing in decision-making. Participation in management and decision-making in public institutions and services is regulated by law, on the principles of expertise and competence.

#### **Article 59**

Foreign investors are guaranteed the right to the free transfer of invested capital and profits. The rights obtained on the basis of the capital invested may not be reduced by law or other regulations.

#### **Article 60**

The National Bank of the Republic of Macedonia is a currency-issuing bank.

The National Bank is autonomous and responsible for the stability of the currency, monetary policy and for the general liquidity of payments in the Republic and abroad.

The organisation and work of the National Bank are regulated by law.

### **III THE ORGANISATION OF STATE AUTHORITY**

#### **1. The Assembly of the Republic of Macedonia**

##### **Article 61**

The Assembly of the Republic of Macedonia is a representative body of the citizens and the legislative power of the Republic is vested in it. The organisation and functioning of the Assembly are regulated by the Constitution and by the Rules of Procedure.

##### **Article 62**

The Assembly of the Republic of Macedonia is composed of 120 to 140 Representatives.

The Representatives are elected at general, direct and free elections and by secret ballot.

The Representatives represents the citizens and makes decisions in the Assembly in accordance with his/her personal convictions.

A Representative's mandate cannot be revoked.

The mode and conditions of election of Representatives are regulated by a law adopted by a two-thirds majority vote of the total number of Representatives.

##### **Article 63**

The Representatives for the Assembly are elected for a term of four years. The mandate of Representatives is verified by the Assembly. The length of the mandate is reckoned from the constitutive meeting of the Assembly. Each newly-elected Assembly must hold a constitutive meeting 20 days at the latest after the election was held. The constitutive meeting is called by the President of the Assembly of the previous term.

If a constitutive meeting is not called within the time laid down, the Representatives assemble and constitute the Assembly themselves on the twenty-first day after the completion of the elections. Elections for Representatives to the Assembly are held within the last 90 days of the term of the current Assembly, or within 60 days from the day the dissolution of the Assembly. The term of office of the Representatives to the Assembly can be extended only during states of war or emergency.

Cases where a citizen cannot be elected a Representative, owing to the incompatibility of this office with other public offices or professions already held, are defined by law. The Assembly is dissolved when more than half of the total number of Representatives votes for dissolution.

#### **Article 64**

Representatives enjoy immunity.

A Representative cannot be held to have committed a criminal offence or be detained owing to views he/she has expressed or to the way he/she has voted in the Assembly.

A Representative cannot be detained without the approval of the Assembly unless found committing a criminal offence for which a prison sentence of at least five years is prescribed.

The Assembly can decide to invoke immunity for a Representative without his/her request, should it be necessary for the performance of the Representative's office.

Representatives may not be called up for duties in the Armed Forces during the course of their term of office.

A Representative is entitled to remuneration determined by law.

#### **Article 65**

A Representative may resign his/her mandate.

The Representative submits his/her resignation in person at a session of the Assembly.

The mandate of a Representative terminates if he/she is sentenced for a criminal offence for which a prison sentence of at least five years is prescribed.

The Representative can have his/her mandate revoked for committing a criminal offence making him/her unfit to perform the office of a Representative, as well as for absence from the Assembly for longer than 6 months for no justifiable reason. Revocation of the mandate is determined by the Assembly by a two-thirds majority vote of all Representatives.

#### **Article 66**

The Assembly is in permanent session.

The Assembly works at meetings.

The meetings of the Assembly are called by the President of the Assembly.

The Assembly adopts the Rules of Procedure by a two-thirds majority vote of the total number of Representatives.

#### **Article 67**

The Assembly elects a President and one or more Vice-Presidents from the ranks of the Representatives by a majority vote of the total number of Representatives.

The President of the Assembly represents the Assembly, ensures the application of the Rules of Procedure and carries out other responsibilities determined by the Constitution and the Rules of Procedure of the Assembly.

The office of the President of the Assembly is incompatible with the performance of other public offices, professions or appointment in a political party.

The President of the Assembly issues notice to the election of Representatives and of the President of the Republic.

#### **Article 68**

The Assembly of the Republic of Macedonia

- adopts and changes the Constitution;
- adopts laws and gives the authentic interpretation of laws;
- determines public taxes and fees;
- adopts the budget and the balance of payments of the Republic;
- adopts the spatial plan of the Republic;
- ratifies international agreements;
- decides on war and peace;
- makes decisions concerning any changes in the borders of the Republic;
- makes decisions on association in the disassociation from any form of union or community with other states;

- issues notice of a referendum;
  - makes decisions concerning the reserves of the Republic;
  - sets up councils;
  - elects the Government of the Republic of Macedonia;
  - carries out elections and discharges judges;
  - selects, appoints and dismisses other holders of public and other offices determined by the Constitution and law;
  - carries out political monitoring and supervision of the Government and other holders of public office responsible to the Assembly;
  - proclaims amnesties;
- and
- performs other activities determined by the Constitution.

In carrying out the duties within its sphere of competence, the Assembly adopts decisions, declarations, resolutions, recommendations and conclusions.

**Article 69**

The Assembly may work if its meeting is attended by a majority of the total number of Representatives. The Assembly makes decisions by a majority vote of the Representatives attending, but no less than one-third of the total number of Representatives, in so far as the Constitution does not provide for a qualified majority.

**Article 70**

The meetings of the Assembly are open to the public.

The Assembly may decide to work without the presence of the public by a two-thirds majority vote of the total number of Representatives.

**Article 71**

The right to propose adoption of a law is given to every Representative of the Assembly, to the Government of the Republic and to a group of at least 10,000 voters.

The initiative for adopting a law may be given to the authorised instances by any citizen, group of citizens, institutions or associations.

**Article 72**

An interpellation may be made concerning the work of any public office-holder, the Government and any of its members individually, as well as on issues concerning the performance of state bodies.

Interpellations may be made by a minimum of five Representatives.

All Representatives have the right to ask a Representative's question. The mode and procedure for submitting and debating on an interpellation and Representative's question are regulated by the Rules of Procedure.

**Article 73**

The Assembly decides on issuing notice of a referendum concerning specific matters within its sphere of competence by a majority vote of the total number of Representatives.

The decision of the majority of votes in a referendum is adopted on condition that more than half of the total number of voters voted. The Assembly is obliged to issue notice of a referendum if one is proposed by at least 150,000 voters.

The decision made in a referendum is binding.

**Article 74**

The Assembly makes decisions on any change in the borders of the Republic of Macedonia by a two-thirds majority vote of the total number of Representatives.

The decision on any change in the borders of the Republic is adopted by referendum, in so far as it is accepted by the majority of the total number of voters.

**Article 75**

Laws are declared by promulgation.

The promulgation declaring a law is signed by the President of the Republic and the President of the Assembly.

The President of the Republic may decide not to sign the promulgation declaring a law. The Assembly considers the President of the Republic is then obligated to sign the promulgation in so far as it is adopted by a majority vote of the total number of Representatives.

The President is obligated to sign promulgation if the law has been adopted by a two-thirds majority vote of the total number of Representatives in accordance with the Constitution.

#### **Article 76**

The Assembly sets up permanent and temporary working bodies. The Assembly may set up survey commissions for any domain or any matter of public interest.

A proposal for setting up a survey of commission may be submitted by a minimum of 20 Representatives.

The Assembly sets up a permanent survey commission for the protection of the freedoms and rights of citizens.

The findings of the survey commissions form the basis for the initiation of proceedings to ascertain the answerability of public office-holders.

#### **Article 77**

The Assembly elects the Public Attorney.

The Public Attorney protects the constitutional and legal rights of citizens when violated by bodies of state administration and by other bodies and organisations with public mandates.

The Public Attorney is elected for a term of eight years, with the right to one re-election.

The conditions for election and dismissal, the sphere of competence and the mode of work of the Public Attorney are regulated by law.

#### **Article 78**

The Assembly establishes a Council for Inter-Ethnic Relations. The Council consists of the President of the Assembly and two members each from the ranks of the Macedonians, Albanians, Turks, Vlachs and Romanians, as well as two members from the ranks of other nationalities in Macedonia.

The President of the Assembly is President of the Council. The Assembly elects the members of the Council.

The Council considers issues of inter-ethnic relations in the Republic and makes appraisals and proposals for their solution.

The Assembly is obliged to take into consideration the appraisals and proposals of the Council and to make decisions regarding them.

## **2. The President of the Republic of Macedonia**

#### **Article 79**

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

The President of the Republic exercises his/her rights and duties on the basis and within the framework of the Constitution and laws.

#### **Article 80**

The President of the Republic of elected is general and directs elections, by secret ballot, for a term of five years. A person may be elected President of the Republic of Macedonia two times at most.

The President of the Republic shall be a citizen of the Republic of Macedonia.

A person may be elected President of the Republic if over the age of 40 on the day of election.

A person may not be elected President of the Republic if, on the day of the election, he/she has not been a resident of the Republic of Macedonia for at least ten years within the last fifteen years.

#### **Article 81**

A candidate for President of the Republic can be nominated by a minimum of 10,000 voters or at least 30 Representatives. A candidate for President of the Republic is elected if voted by a majority of the total number of voters.

If in the first round of voting no candidate wins the majority required, voting in the second round is restricted to the two candidates who have won most votes in the first round.

The second round takes place within 14 days of the termination of voting in the first round. A candidate is elected President if he/she wins a majority of the votes of those who voted, provided more than half of the registered voters voted.

If in the second round of voting no candidate wins the required majority of votes, the whole electoral procedure is repeated.

If only one candidate is nominated for the post of President of the Republic and he/she does not obtain the required majority of votes in the first round, the whole electoral procedure is repeated.

The election of the President of the Republic takes place within the last 60 days of the term of the previous President. Should the term of office of the President of the Republic be terminated for any reason, the election of a new President takes place within 40 days from the day of termination.

Before taking up office, the President of the Republic of Macedonia makes a solemn declaration before the Assembly of his/her commitment to respect the Constitution and laws.

#### **Article 82**

In case of death, resignation, permanent inability to perform his/her duties, or in case of termination of the mandate in accordance with the provisions of the Constitution, the office of the President of the Republic is carried out by the President of the Assembly until the election of the new President.

Decisions on the applicability of the conditions for the occasion of the office of the President of the Republic are the official duty of the Constitutional Court.

Should the President of the Republic be temporarily unable to perform his/her duties, the President of the Assembly deputises for him/her. While the President of the Assembly is performing the office of President of the Republic, he/she takes part in the work of the Assembly without the right to vote.

#### **Article 83**

The duty of the President of the Republic is incompatible with the performance of any other public office, profession or appointment in a political party.

The President of the Republic is granted immunity.

The Constitutional Court decides by a two-thirds majority vote of the total number and approving of detention for the President of the Republic.

#### **Article 84**

The President of the Republic of Macedonia

- nominates a mandatory to constitute the Government of the Republic of Macedonia;
- appoints and dismisses by decree ambassadors and other diplomatic representatives of the Republic of Macedonia abroad;
- accepts the credentials and letters of recall of foreign diplomatic representatives;
- proposes two judges to sit on the Constitutional Court of the Republic of Macedonia;
- proposes two members of the Republican Judicial Council;
- appoints three members to the Security Council of the Republic of Macedonia;
- proposes the members of the Council for Inter-Ethnic Relations;
- appoints and dismisses other holders of state and public office determined by the Constitution and the law;
- grants decorations and honours in accordance with the law;
- grants pardons in accordance with the law;

and

- performs other duties determined by the Constitution.

#### **Article 85**

The President of the Republic addresses the Assembly on issues within his/her sphere of competence at least once a year.

The Assembly may request the President of the Republic to state an opinion on issues within his/her sphere of competence.

#### **Article 86**

The President of the republic is President of the Security Council of the Republic of Macedonia.

The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members appointed by the President of the Republic.

The Council considers issues relating to the security and defence of the Republic and makes policy proposals to the Assembly and the Government.

#### **Article 87**

The President is held accountable for any violations of the Constitution in exercising his/her rights and duties.

The procedure for determining the President of the Republic's answerability is initiated by the Assembly with a two-thirds majority vote of all Representatives.

It is the Constitutional Court that decides on the answerability of the President by a two-thirds majority vote of all judges.

If the Constitutional Court considers the President answerable for a violation, his/her mandate is terminated by the force of the Constitution.

### **3. The Government of the Republic of Macedonia.**

#### **Article 88**

Executive power is vested in the Government of the Republic of Macedonia.

The Government exercises its rights and competence on the basis and within the framework of the Constitution and law.

#### **Article 89**

The Government is composed of a Prime Minister and Ministers. The Prime Minister and the Ministers cannot be Representatives in the Assembly.

The Prime Minister, Deputy Prime Ministers and Ministers are guaranteed immunity. The Government decides on their immunity. The Prime Minister, Deputy Prime Ministers and Ministers cannot be called up for duties in the Armed Forces.

The office of Prime Minister or Minister is incompatible with any other public office or profession.

The organisation and mode of working of the Government are regulated by law.

#### **Article 90**

The President of the Republic of Macedonia is obliged, within 10 days of the constitution of the Assembly, to entrust the mandate for constituting the Government to a candidate from the party or parties which has/have a majority in the Assembly.

Within 20 days from the day of being entrusted with the mandate, the mandatory submits a programme to the Assembly and proposes the composition of the Government.

The Government is elected by the Assembly on the proposal of the mandatory and on the basis of the programme by a majority vote of the total number of Representatives.

#### **Article 91**

The Government of the Republic of Macedonia

- determines the policy of carrying out the laws and other regulations of the Assembly and is responsible for their execution;

- proposes laws, the budget of the Republic and other regulations adopted by the Assembly;
  - proposes a spatial plan of the Republic;
  - proposes decisions concerning the reserves of the Republic and sees to their execution;
  - adopts by laws and other acts for the execution of laws;
  - lays down principles on the internal organisation and work of the Ministries and other administrative bodies, directing and supervising their work;
  - provides appraisals of drafts of laws and other acts submitted to the Assembly by other authorised bodies;
  - decides on the recognition of states and governments;
  - establishes diplomatic and consular relations with other states;
  - makes a decision on opening diplomatic and consular offices abroad;
  - proposes the appointment of ambassadors and Representatives of the Republic of Macedonia abroad and appoints chiefs of consular offices;
  - proposes the Public Prosecutor;
  - appoints and dismisses holders of public and other office determined by the Constitution and laws;
- and
- performs other duties determined by the Constitution and law.

#### **Article 92**

The Government and each of its members are accountable to the Assembly.

The Assembly may take a vote of no-confidence in the Government. A vote of no-confidence in the Government may be initiated by a minimum of 20 Representatives.

The vote of no-confidence in the Government is taken after three days have elapsed since the last vote, unless proposed by a majority of all Representatives.

A vote of no-confidence in the Government is adopted by a majority vote of all the Representatives. If a vote of no-confidence in the Government is passed, the Government is obliged to submit its resignation.

#### **Article 93**

The Government itself has the right to raise the question of confidence before the Assembly.

The Government has the right to submit its resignation. The resignation of the Prime Minister, his/her death or permanent inability to perform his/her duties, entails the resignation of the Government.

The Government ceases its term of office when the Assembly is dissolved.

When a vote of no-confidence in the Government has been passed, it has submitted its resignation, or its term of office has ceased owing to the dissolution of the Assembly, the same Government remains on duty until the election of a new Government.

#### **Article 94**

A member of the Government has the right to submit his/her resignation.

The Prime Minister may propose the dismissal of a member of the Government.

The Assembly decides on the proposal for the dismissal of a member of the Government at its first meeting following the proposal. If the Prime Minister dismisses more than one-third of the initial composition of the Government, the Assembly follows the same procedure as for the election of a new Government.

#### **Article 95**

The state administration consists of Ministers and other administrative bodies and organisations determined by law. Political organisation and activities within bodies of state administration are regulated by a law to be adopted by a two-thirds majority vote of all Representatives.

#### **Article 96**

The bodies of state administration perform the duties within their sphere of competence autonomously and on the basis and within the framework of the Constitution and laws, being accountable for their work to the Government.

#### **Article 97**

The bodies of state administration in the fields of defence and the police are to be headed by civilians who have been civilians for at least three years before their election to these offices.

### **4. The Judiciary**

#### **Article 98**

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 organisation for the judiciary.

Emergency courts are prohibited.

The types of courts, their spheres of competence, their establishment, abrogation, organisation 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.

#### **Article 99**

A judge is elected without restriction of his/her term of office.

A judge cannot be transferred against his/her will.

A judge is discharged:

- if he/she so requests;
  - if he/she permanently loses the capability of carrying out a judge's office, which is determined by the Republican Judicial Council;
  - if he/she fulfils the conditions for retirement;
  - if he/she is sentenced for a criminal offence to a prison term of a minimum of six months;
  - owing to a serious disciplinary offence defined in law, making him/her unsuitable to perform a judge's office as decided by the Republican Judicial Council;
- and
- owing to unprofessional and unethical performance of a judge's office, as decided by the Republican Judicial Council in a procedure regulated by law.

#### **Article 100**

Judges are granted immunity.

The Assembly decides on the immunity of judges.

The performance of a judge's office is incompatible with other public office, profession or membership in a political party.

Political organisation and activity in the judiciary is prohibited.

#### **Article 101**

The Supreme Court of Macedonia is the highest court in the Republic, providing uniformity in the implementation of the laws by the courts.

#### **Article 102**

Court hearings and the passing of verdicts are public.

The public can be excluded in cases determined by law.

#### **Article 103**

The court tries cases in council.

The law determined cases in which a judge can sit alone.

Jury judges take part in a trial in cases determined by law.

Jury judges cannot be held answerable for their opinions and decisions concerning their verdict.

#### **Article 104**

The Republican Judicial Council is composed of seven members.

The Assembly elects the members of the Council.

The members of the Council are elected from the ranks of outstanding members of the legal profession for a term of six years with the right to one re-election.

Members of the Republican Judicial Council are granted immunity. The Assembly decides on their immunity.

The office of a member of the Republican Judicial Council is incompatible with the performance of other public offices, professions or membership in political parties.

#### **Article 105**

The Republican Judicial Council

- proposes to the Assembly the election and discharge of judges and determines proposals for the discharge of a judge's office in cases laid down in the Constitution;
  - decides on the disciplinary answerability of judges;
  - assesses the competence and ethics of judges in the performance of their office;
- and
- proposes two judges to sit on the Constitutional Court of Macedonia.

### **5. The Public Prosecutor's Office**

#### **Article 106**

The Public Prosecutor's Office is a single and autonomous state body carrying out legal measures against persons who have committed criminal and other offences determined by law; it also performs other duties determined by law.

The Public Prosecutor's Office carries out its duties on the basis of and within the framework of the Constitution and law. The Public Prosecutor is appointed by the Assembly for a term of six years and is discharged by the Assembly.

#### **Article 107**

The Public Prosecutor is granted immunity.

The Assembly decides on his/her immunity.

The office of the Public Prosecutor is incompatible with the performance of any other public office, profession or membership in a political party.

## **IV. THE CONSTITUTIONAL COURT OF MACEDONIA**

#### **Article 108**

The Constitutional Court of Macedonia is a body of the Republic protecting constitutionality and legality.

#### **Article 109**

The Constitutional Court of Macedonia is composed of nine judges. The Assembly elects the judges to the Constitutional Court by a majority vote of the total number of Representatives.

The term of office of the judges is nine years without the right to re-election. The Constitutional Court elects a President from its own ranks for a term of three years without the right to re-election.

Judges of the Constitutional Court are elected from the ranks of outstanding members of the legal profession.

#### **Article 110**

The Constitutional Court of Macedonia.

- decides on the conformity of laws with the Constitution;
- decides on the 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 communication, conscience, thought and activity as well as to the prohibition of discrimination among citizens on the grounds 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 programmes and status of political parties and associations of citizens;
- and
- decides on other issues determined by the Constitution.

**Article 111**

The office of judge of the Constitutional Court is incompatible with the performance of other public office, profession or membership in a political party.

Judges of the Constitutional Court are granted immunity. The Constitutional Court decides on their immunity. Judges of the Constitutional Court cannot be called up for duties in the Armed Forces.

The office of a judge of the Constitutional Court ceases when the incumbent resigns. A judge of the Constitutional Court shall be discharged from office if sentenced for a criminal offence to unconditional imprisonment of a minimum of six months, or if he/she permanently loses the capability of performing his/her office, as determined by the Constitutional Court.

**Article 112**

The Constitutional Court shall repeal or invalidate a law if it determines that the law does not conform to the Constitution. The Constitutional Court shall repeal or invalidate a collective agreement, other regulation or enactment, statute or programme of a political party or association, if it determines that the same does not conform to the Constitution or law.

The decisions of the Constitutional Court are final and executive.

**Article 113**

The mode of work and the procedure of the Constitutional Court are regulated by the enactment of the Court.

**V. LOCAL SELF-GOVERNMENT**

**Article 114**

The right of citizens to local self-government is guaranteed. Municipalities are units of local self-government.

Within municipalities forms of neighbourhood self-government may be established.

Municipalities are financed from their own sources of income determined by law as well as by funds from the Republic.

Local self-government is regulated by a law adopted by a two-thirds majority of the total number of Representatives.

**Article 115**

In units of local self-government, citizens directly and through representatives participate in decision-making on issues of local relevance particularly in the fields of urban planning, communal activities, culture, sport, social security and child care, preschool education, primary education, basic health care and other fields determined by law.

The municipality is autonomous in the execution of its constitutionally and legally determined spheres of competence; supervision of the legality of its work is carried out by the Republic.

The carrying out of specified matters can by law be entrusted to the municipality by the Republic.

**Article 116**

The territorial division of the Republic and the area administered by each municipality are defined by law.

**Article 117**

The City of Skopje is a particular unit of local self-government the organisation of which is regulated by law. In the City of Skopje, citizens directly and through representatives participate in decision-making on issues of relevance for the City of Skopje particularly in the

field of urban planning, communal activities, culture, sport, social security and child care, preschool education, primary education, basic health care and other fields determined by law. The City of Skopje is financed from its own sources of income determined by law, as well as by funds from the Republic. The City is autonomous in the execution of its constitutionally and legally determined spheres of competence; supervision of the legality of its work is carried out by the Republic.

By law, the Republic can entrust the carrying out of specified matters to the City.

## **VI. INTERNATIONAL RELATIONS**

### **Article 118**

The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law.

### **Article 119**

International agreements are concluded in the name of the Republic of Macedonia by the President of the Republic of Macedonia. International agreements may also be concluded by the Government of the Republic of Macedonia, when it is so determined by law.

### **Article 120**

A proposal for association in a union or community with other states or for dissociation from a union or community with other states may be submitted by the President of the Republic, the Government or by at least 40 Representatives.

The proposal for association in or dissociation from a union or community with other states is accepted by the Assembly by a two-thirds majority vote of the total number of Representatives. The decision of association in or dissociation from a union or community with other states is adopted if it is upheld in a referendum by the majority of the total number of voters in the Republic.

### **Article 121**

A decision of association or dissociation concerning membership in international organisations is adopted by the Assembly by a majority vote of the total number of Representatives of the Republic, the Government or at least 40 Representatives of the Assembly.

## **VII. THE DEFENCE OF THE REPUBLIC AND STATES OF WAR AND EMERGENCY**

### **Article 122**

The Armed Forces of the Republic of Macedonia protect the territorial integrity and independence of the Republic.

The defence of the Republic is regulated by a law adopted by a two-thirds majority vote to the total number of Representatives.

### **Article 123**

No person is authorised to recognise occupation of the Republic of Macedonia or of part thereof.

### **Article 124**

A state of war exists when direct danger of military attack on the Republic is impending, or when the Republic is attacked, or war is declared on it.

A state of war is declared by the Assembly by a two-thirds majority vote of the total number of Representatives of the Assembly, on the proposal of the President of the Republic, the Government or at least 30 Representatives.

If the Assembly cannot meet, the decision on the declaration of a state of war is made by the President of the Republic who submits it to the Assembly for confirmation as soon as it can meet.

### **Article 125**

A state of emergency exists when major natural disasters or epidemics take place.

A state of emergency on the territory of the Republic of Macedonia or on part thereof is determined by the Assembly on a proposal by the President of the Republic, the Government or by at least 30 Representatives.

The decision to establish the existence of a state of emergency is made by a two-thirds majority vote of the total number of Representatives and can remain in force for a maximum of 30 days. If the Assembly cannot meet, the decision to establish the existence of a state of emergency is made by the President of the Republic, who submits it to the Assembly for confirmation as soon as it can meet.

#### **Article 126**

During a state of war or emergency, the Government, in accordance with the Constitution and law, issues decrees with the force of law. The authorisation of the Government to issue decrees with the force of law lasts until the termination of the state of war or emergency, on which the Assembly decides.

#### **Article 127**

During a state of war, if the Assembly cannot meet, the President of the Republic may appoint and discharge the Government, as well as appoint or dismiss officials whose election is within the sphere of competence of the Assembly.

#### **Article 128**

The mandate of the judges of the Constitutional Court of Macedonia, as well as members of the Republican Judicial Council is extended for the duration of the state of war or emergency.

### **VII. CHANGES IN THE CONSTITUTION**

#### **Article 129**

The Constitution of the Republic of Macedonia can be changed or supplemented by constitutional amendments.

#### **Article 130**

A proposal to initiate a change in the Constitution of the Republic of Macedonia may be made by the President of the Republic, by the Government, by at least 30 Representatives, or by 150,000 citizens.

#### **Article 131**

The decisions to initiate a change in the Constitution are made by the Assembly by a two-thirds majority vote of the total number of Representatives.

The draft amendment of the Constitution is confirmed by the Assembly by a majority vote of the total number of Representatives and then submitted to public debate.

The decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

The change in the Constitution is declared by the Assembly.

### **IX. TRANSITIONAL AND FINAL CLAUSES**

#### **Article 132**

Time of residence in other republics in the Socialist Federal Republic of Yugoslavia is also included in the time span specified in Article 80, Paragraph 5.

#### **Article 133**

A Constitution Act shall be adopted for the implementation of the Constitution.

The Constitution Act is adopted by a two-thirds majority vote of the total number of Representatives.

The Constitution Act is declared by the Assembly and comes into force simultaneously with the declaration of the Constitution.

#### **Article 134**

This Constitution comes into force on the day it is declared in the Assembly of the Republic of Macedonia.

### **AMENDMENTS TO THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA**

#### **Amendment I**

1. The Republic of Macedonia has no territorial pretensions towards any neighbouring state.
2. The borders of the Republic of Macedonia can only be changed in accordance with the Constitution and on the principle of free will, as well in accordance with generally accepted international norms.
3. Clause 1. of this Amendment is an Addendum to Article 3 of the Constitution of the Republic of Macedonia. Clause 2. replaces Paragraph 3 of the same Article.

**Amendment II**

1. In the exercise of this concern the Republic will not interfere in the sovereign rights of other states or in their internal affairs.
2. This Amendment is an Addendum to Paragraph 1 of Article 49 of the Constitution of the Republic of Macedonia.

These Amendments are an integral part of the Constitution of the Republic of Macedonia and came into force on the day they were promulgated, on January 6th, 1992.