

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 for 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 the 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, Romanies 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 nontransferable.

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 inalienable.

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 neither 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, recognized 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;
- political pluralism and free, direct and democratic elections;
- 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.

I. 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.

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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 authorize 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 separate from the state and equal before the law.

The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by way 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 license.

The exercise of this right may be restricted only during a state of emergency or war.

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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 citizen 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 the 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.

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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 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 organizations.

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

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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.

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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 expatriates, 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.

III. THE ORGANIZATION OF STATE AUTHORITY

1. The Assembly of the Republic of Macedonia

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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 Romanies, 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.

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Article 84

The President of the Republic of Macedonia

- nominates a mandator 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.

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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 vote 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 organization 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 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 organizations is adopted by the Assembly by a majority vote of the total number of Representatives of the Assembly and proposed by the President of the Republic, the Government or at least 40 Representatives of the Assembly.

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X.AMENDMENTS TO THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA

AMENDMENT I

1. The Republic of Macedonia has no territorial pretensions towards any neighboring 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 as 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.

AMENDMENT III

1. Detention until the indictment may last, by a court decision, for a maximum period of 180 days from the day of detention.

After the indictment, detention may be prolonged or determined by a competent court in case and in procedure prescribed by law.

2. This amendment replaces Paragraph 5 of Article 12 of the Constitution.

AMENDMENT IV

1. The citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others taking responsibility for the present and future of their fatherland, aware of and grateful to their predecessors for their sacrifice and dedication in their endeavours and struggle to create an independent and sovereign state of Macedonia, and responsible to future generations to preserve and develop everything that is valuable from the rich cultural inheritance and coexistence within Macedonia, equal in rights and obligations towards the common good - the Republic of Macedonia - in accordance with the tradition of the Krushevo Republic and the decisions of the Antifascist People's Liberation Assembly of Macedonia, and the Referendum of September 8, 1991, have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating the rule of law, guaranteeing human rights and civil liberties, providing

peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community, and, in this regard, through their representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections, adopt

2. Item 1 of this amendment replaces the Preamble of the Constitution of the Republic of Macedonia.

AMENDMENT V

1. The Macedonian language, written using its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.

Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified below.

Any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language, in accordance with the law.

Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use that official language to communicate with the regional office of the central government with responsibility for that municipality; such an office shall reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which shall reply in that language in addition to Macedonian.

In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.

In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.

2. This amendment replaces Article 7 of the Constitution of the Republic of Macedonia.

AMENDMENT VI

1. Equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life;

2. Item 1 of this amendment is an addition to line 2 of Article 8 of the Constitution of the Republic of Macedonia.

AMENDMENT VII

1. The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical Methodist Church, the Jewish Community and other Religious communities and groups are separate from the state and equal before the law.

2. The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical Methodist Church, the Jewish Community and other Religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law.

3. Item 1 of this amendment replaces paragraph 3 of Article 19 and Item 2 replaces paragraph 4 of Article 19 of the Constitution of the Republic of Macedonia.

AMENDMENT VIII

1. Members of communities have a right freely to express, foster and develop their identity and community attributes, and to use their community symbols.

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

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

Members of communities 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 another language, the Macedonian language is also studied.

2. This amendment replaces Article 48 of the Constitution of the Republic of Macedonia.

AMENDMENT IX

1. The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status.

2. Item 1 of this amendment replaces paragraph 2 Article 56 of the Constitution of the Republic of Macedonia.

AMENDMENT X

1. The Assembly can take a decision 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.

2. For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority

vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who belong to communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.

3. This amendment replaces Article 69 of the Constitution of the Republic of Macedonia.

AMENDMENT XI

1. The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to communities not in the majority in the population of Macedonia.

2. The Public Attorney protects the constitutional rights and legal rights of citizens when these are violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

3. Item 1 of this amendment replaces paragraph 1 of Article 77, and Item 2 is added to paragraph 2 of Article 77 of the Constitution of the Republic of Macedonia.

AMENDMENT XII

1. The Assembly shall establish a Committee for Inter-Community Relations.

The Committee consists of 19 members of whom 7 members each are from the ranks of the Macedonians and Albanians within the Assembly, and a member

each from among the Turks, Vlachs, Romas, Serbs and Bosniaks. If one of the communities does not have representatives, the Public Attorney, after consultation with relevant representatives of those communities, shall propose the remaining members of the Committee.

The Assembly elects the members of the Committee.

The Committee considers issues of inter-community 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 Committee and to make decisions regarding them.

In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by a majority vote whether the procedure applies.

2. Item 1 of this amendment replaces Article 78 of the Constitution of the Republic of Macedonia and line 7 of Article 84 is deleted.

AMENDMENT XIII

1. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia.

2. Item 1 of this amendment is added to paragraph 2 of Article 86 of the Constitution of the Republic of Macedonia.

AMENDMENT XIV

1. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the

total number of Representatives who belong to the communities not in the majority in the population of Macedonia.

2. This amendment is added to paragraph 2 of Article 104 of the Constitution of the Republic of Macedonia.

AMENDMENT XV

1. The Assembly elects the judges of the Constitutional Court. The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the population of Macedonia. The term of office of the judges is nine years without the right to re-election.

2. This amendment replaces paragraph 2 of Article 109 of the Constitution of the Republic of Macedonia.

AMENDMENT XVI

1. Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the population of Macedonia. The laws on local finances, local elections, boundaries of municipalities, and the city of Skopje shall be adopted by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who belong to the communities not in the majority in the population of Macedonia.

2. This amendment replaces paragraph 5 of Article 114 of the Constitution of the Republic of Macedonia.

AMENDMENT XVII

1. 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 public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law.

2. In the city of Skopje the citizens directly and through representatives participate in decision-making on issues of relevance to the city of Skopje, particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law.

3. Item 1 of this amendment replaces paragraph 1 of Article 115 of the Constitution of the Republic of Macedonia, and Item 2 replaces paragraph 2 of Article 117 of the Constitution of the Republic of Macedonia.

AMENDMENT XVIII

1. A decision to amend the Preamble, the articles on local self-government, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject-matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives who belong to the communities not in the majority in the population of Macedonia.

2. With this amendment a new paragraph is added to paragraph 4 of Article 131 of the Constitution of the Republic of Macedonia.