

# CONSTITUTION OF THE REPUBLIC OF MACEDONIA<sup>1</sup>

## SELECTED PROVISIONS OF RELEVANCE TO MIGRATION AND RIGHT OF FOREIGNERS

### I. BASIC PROVISIONS

#### Article 4

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

A citizen of the Republic of Macedonia can not be deprived of citizenship, nor can he/she be expelled from the Republic of Macedonia. A citizen of the Republic of Macedonia can not be extradited to another country, except based on a ratified international agreement upon a decision of the Court.<sup>2</sup>

Citizenship of the Republic of Macedonia is regulated 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;
- [...]
- respect for the generally accepted norms of international law.

Anything that is not prohibited by the Constitution of 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.

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<sup>1</sup> The Constitution of the Republic of Macedonia was adopted by the Assembly of the Republic of Macedonia on 17 November 1991. The whole text in English is available online at the Assembly's web site (URL = <http://www.sobranie.mk/en/default.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>). The Constitution was published in the "Official Gazette of the Republic of Macedonia" (OGRM) no. 2/91 of 22 November 1991, while the Amendments to the Constitution were published in OGRM nos. 1/92, 31/98, 91/01, 84/03, 107/05, 3/09, (correction in no. 13/09), and 49/2011. The selected provisions govern various rights and freedoms to which foreigners in the Republic of Macedonia are entitled, while the provisions referring to Macedonian citizens may be useful for comparison and general information purposes.

<sup>2</sup> Amended by Amendment XXXII to the Constitution of 12 April 2011.

#### 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.

[...]

#### 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.

[...]

#### 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.

#### Article 22

Every citizen on reaching 18 years of age acquires the right to vote.

[...]

#### 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 29

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

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

Extradition of a foreigner can be carried out only on the basis of a ratified international agreement and on the principle of reciprocity. A foreigner 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

Foreigners 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 position are regulated by law and collective agreements.

#### Article 34

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

#### Article 39

Every citizen is guaranteed the right to health care.

[...]

#### Article 44

Everyone has a right to education.

Education is accessible to everyone under equal conditions.

Primary education is compulsory and free.

#### Article 48<sup>3</sup>

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

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

Members of the communities 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 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.

#### 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.

#### Article 51

[...]

(2) Everyone is obliged to respect the Constitution and the laws.

#### Article 54

[...]

(3) 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.

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<sup>3</sup> Changed by Amendment VIII to the Constitution of 16 November 2001.

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

##### 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.

#### **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.