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Европско движење Северна Македонија
European Movement North Macedonia



SFPA
Slovak Foreign Policy Association

NATIONAL CONVENTION ON THE EUROPEAN UNION IN THE REPUBLIC OF NORTH MACEDONIA

„EUROPEAN STANDARDS FOR CONSTITUTIONAL JUDICIARY AS A CHALLENGE FOR THE CONSTITUTIONAL COURT OF THE REPUBLIC OF NORTH MACEDONIA”

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NEWSLETTER



17TH SESSION OF WORKING GROUP 3:

JUDICIARY AND FUNDAMENTAL RIGHTS

(CHAPTER 23)



The seventeenth session of Working Group 3: “Judiciary and Fundamental Rights” (Chapter 23) was held at an exceptionally important moment for the Republic of North Macedonia. This is a period when the state is called upon, by domestic actors, the European Union, and other international bodies to strengthen the rule of law and align its institutions with European standards.

At the core of these reforms lies the Constitutional Court, an institution whose role is crucial for the protection of fundamental rights and whose reform, according to experts and the public, is of essential importance.

The issues raised at this session concerned: the competences of the Constitutional Court and its limitations in influencing judicial system reforms; transparency in the selection of judges and political influences in that process; the introduction of the constitutional complaint as a practice applied in other states that contributes to strengthening the competences of the Constitutional Court in the protection of fundamental rights; the application of European standards, as well as other related matters.

For the Republic of North Macedonia, the path toward the European Union is not merely a political or diplomatic agenda but a process of deep social and institutional transformation. The European Commission and the Council of Europe continuously emphasize that Chapter 23 – Judiciary and Fundamental Rights is one of the most complex and significant in the negotiation process.

The judicial branch must ensure its independence in accordance with the EU’s principle of checks and balances a process that represents a key precondition for the administration of justice and the consistent application of the principle that all are equal before the law.

On the other hand, judicial institutions must strengthen their human and material capacities, achieve greater efficiency in their work, and, of course, greater transparency, thus enabling citizens to form realistic perceptions of their performance.

It is also of great importance that the legal framework be built on the basis of respect for the judgments of the European Court of Human Rights, as well as through consultation of domestic judicial practices, especially those that have resulted in lengthy and inefficient procedures, in order to prevent their repetition.

The NCEU-MK once again created space for dialogue among various stakeholders in the judiciary, the academic community, judges, prosecutors, and other interested parties. Stakeholders value this opportunity as an important platform where they can publicly express their views and opinions.

Moreover, the NCEU-MK serves as an opportunity to hear experiences from the European Union on the discussed topics and to jointly formulate recommendations for improving the situation within the judicial system.





Mileva GJUROVSKA

National Coordinator of NCEU-MK, Professor at Institute for Sociology, Faculty of Philosophy, University of Ss. Cyril and Methodius, Skopje, President of European Movement EMMK

In her opening address, Mileva Gjurovska emphasized the significant role of Working Group 3 in the reforms of the judicial system and the European integration process, noting that more than 200 issues related to the judiciary have been addressed so far. She highlighted the uniqueness of the Convention's methodology, which enables dialogue among all stakeholders and serves as a model for regional initiatives.

She placed special emphasis on the rule of law as a fundamental value of the European Union, which applies not only to candidate countries but also to member states where deviations are observed. Gjurovska underlined that constitutional justice is a topic rarely discussed in public but essential for meeting European standards.

According to Gjurovska, the Constitutional Court must have a central role in the reforms, ensuring the alignment of laws with the Constitution, the independence of judges, and transparency in their selection. She warned that the Constitutional Court must not be used for political purposes, but rather must act as a faithful guardian of the rule of law and the effective protection of human rights, in line with the European Convention on Human Rights and the case law of the European Court of Human Rights (ECtHR).



Ana

PAVLOVSKA DANEVA

Constitutional Court of North Macedonia, Professor at the Faculty of Law "Iustinianus Primus", University of Ss. Cyril and Methodius, Skopje

Ana Pavlovska Daneva, judge of the Constitutional Court of the Republic of North Macedonia and professor at the Faculty of Law "Iustinianus Primus," began her presentation by emphasizing that in this dialogue she holds a "dual role" as a university professor and as a current constitutional judge.

She noted that this dual perspective allows her to observe issues related to constitutional justice from both theoretical and practical standpoints.

According to Pavlovska Daneva, the modern legal order cannot be imagined without the existence of a complete and effective mechanism for the protection of the Constitution.

It is precisely constitutional justice that represents this mechanism, guaranteeing that all branches of power are subordinated to the law and that the entire legal system functions in accordance with the Constitution. The Constitutional Court plays a key role as an arbiter, assessing the constitutionality of laws and the legality of bylaws, thereby limiting and controlling the actions of state authorities and ensuring balance among the branches of power.

However, when discussing the situation in North Macedonia, she pointed to numerous challenges and deviations from European standards. Although the European Union does not have a unified model of constitutional justice that member states must adopt, there are recommended standards and principles, most often formulated by the Venice Commission and through European-level judicial practice. These standards concern not only the functioning of the Constitutional Court as an institution but also the attitude of other institutions, the Parliament, the Government, and the regular judiciary, toward the decisions of the Constitutional Court.

In the Republic of North Macedonia, there is a systemic weakness: the decisions of the Constitutional Court are not consistently respected by the Parliament and the executive branch. The biggest problem is that even when the Court annuls or repeals unconstitutional laws or provisions, the Parliament often fails to act promptly to fill the resulting legal gaps. This creates a "legal vacuum", which undermines legal certainty and leaves citizens in a state of uncertainty.

She described in detail the case concerning the Electoral Code. In May 2025, the Constitutional Court annulled provisions that increased the signature threshold for independent candidates. This decision was supposed to be implemented immediately, as local elections were approaching. However, instead of a timely and transparent intervention, the Parliament reacted with a delayed extraordinary session, without public debate and without involving all stakeholders. Instead of a real substantive change, the proposed reduction of the threshold was merely symbolic, from 1% to 0.95% rendering the Court's decision almost meaningless. According to Pavlovska Daneva, this case illustrates the disrespectful attitude toward the Constitutional Court, even amounting to "mockery" of its decisions.

An even more serious example, according to Pavlovska Daneva, concerns the amendments to the Criminal Code, particularly Article 353 – Abuse of Official Position. In February 2025, the Constitutional Court initiated proceedings due to suspicions that the 2023 amendments were unconstitutional. She warned that if the Court were to annul these provisions, i.e. the adopted amendments and additions, it would create a serious legal vacuum, as the criminal offense would be left without a legal basis for sanctioning. This would mean that officials who commit abuses could not be punished.

In order to avoid such an outcome, the Court gave the Parliament a six-month deadline to adopt new, harmonized provisions. However, even after the deadline expired, the Parliament failed to act. According to her, this opens a fundamental dilemma whether the Constitutional Court should strictly adhere to legal deadlines or take into account the broader social consequences of its decisions. Pavlovska Daneva emphasized that the Constitutional Court is not an ordinary court and therefore must have a broader vision, since its role is fundamentally different and of essential importance for the protection of constitutionality and legal certainty.

She stressed that every case before the Constitutional Court carries a political dimension, since laws are adopted by politicians, but the Court's duty is to neutralize that political element and ensure impartial legal protection. The problem arises when other institutions fail to understand or deliberately ignore the Court's role. As she noted, even members of Parliament often do not grasp the essence of the effects of annulment decisions for instance, that the annulment of a legal amendment does not revive the previous provision, and that the Constitutional Court cannot act as a "positive legislator."

She also offered strong criticism of the frequent practice of political elites to carry out mass replacements of officials whenever there is a change of government. Although it is legitimate to replace ministers and holders of the highest executive offices, in North Macedonia the practice extends to many other positions, often with questionable legality. In recent years, this has also been done by adopting new laws that redefine institutions and job positions, resulting in the automatic exclusion of former officeholders without the possibility of legal protection. In this way, authorities bypass the opportunity for the Administrative Court to rule on such cases. According to Pavlovska Daneva, this raises serious concerns about institutional stability and resistance to political influence.

At the end of her reflection on the role of the Constitutional Court in the Republic of North Macedonia, she offered several recommendations at the institutional, societal, and legislative levels:

1. Systematic Education

It is necessary to provide regular training for members of Parliament, ministers, and civil servants on the role and competences of the Constitutional Court, the nature of its decisions, and the obligation to respect and implement them in institutional practice. Such education would contribute to a better understanding of the importance of constitutional justice and promote legal culture within institutions.

2. Public Debate and Awareness

It is important to encourage broader public discussion on the significance of the Constitutional Court within the democratic system and on the mechanisms that can ensure consistent implementation of its decisions.

Increased transparency and openness would help build the needed trust between citizens and constitutional justice, strengthening its role as the guardian of constitutionality and fundamental rights.

3. Constitutional and Legislative Amendments

In the long term, it is necessary to consider introducing a system of a priori control of laws, enabling the Constitutional Court to provide an opinion before their adoption.

In this way, the alignment of laws with constitutional principles would be ensured at the drafting stage, preventing legal gaps, strengthening the rule of law, and fulfilling the key role of the Constitutional Court as the guardian of the constitutional order and human rights.

As she emphasized, the rule of law is not the exclusive duty of the Constitutional Court, but a shared responsibility of all institutions and political actors. Only through transparency, accountability, and alignment with European standards can the Constitutional Court truly perform its function as a guardian of law and democracy in the state.

Masha MAROCHINI ZRINSKI

Constitutional Court of Croatia,
Professor at the Faculty
of Law, University of Rijeka



Masha Marochini Zrinski, judge of the Constitutional Court of the Republic of Croatia and professor at the University of Rijeka, presented in her lecture the practices of applying the standards of the European Court of Human Rights (ECtHR) within the Croatian legal system. Instead of focusing on the general control of the constitutionality of laws, she concentrated on the protection of human rights and the ways in which the standards developed by the ECtHR are integrated into constitutional complaints.

In her presentation, she addressed four thematic areas: the right to property and the issue of protected tenants, the right to home, freedom of expression, and the conditions of detention.

The first case, "Statileo," concerns the long-standing conflict between apartment owners and protected tenants. The problem dates back to 1996, when the Law on Tenancy was adopted, obliging private owners to rent out their apartments at symbolic prices, while the rights of protected tenants were often inherited across generations.

In its judgment, the European Court of Human Rights found that such legislation disproportionately restricted the owners' right to the peaceful enjoyment of their property, contrary to Article 1 of Protocol No. 1 of the European Convention.

The Croatian legislator's 2018 attempt to rectify the situation was annulled by the Constitutional Court, as the proposed measures placed the other party, the protected tenants, at a disadvantage, shifting the burden from one vulnerable group to another.

Finally, with the "Law on the Implementation of the Statileo Judgment" (2024), a more balanced regulation was established, better aligning the interests of both sides. Although the solution is not without shortcomings, the Constitutional Court ruled that the law complies with the Constitution and ECtHR standards, representing a positive step toward harmonizing national legislation with European law.

The second case, "Right to Home," involved multiple instances in which the ECtHR found violations of this right, particularly because national courts often ordered evictions without assessing the proportionality and necessity of the measure in each specific case. In the cited case, the applicant claimed discrimination regarding the demolition of her home, which was built without a permit, arguing that there were many other illegal structures in her neighborhood that were not subject to demolition. In this case, the Constitutional Court did not rule directly on the violation, but returned the case to the regular courts, emphasizing that they are obliged to apply the criteria established by the ECtHR.

These criteria include: the applicant's awareness of the illegality of the construction; the degree of public interest justifying the demolition; the existence of adequate alternative housing; and the personal and family circumstances of the affected individual. Through this, the Constitutional Court clearly emphasized the obligation of regular courts to apply the principles of proportionality and humanity, in line with European standards, rather than formally relying solely on the legality of construction.

The third case, "Freedom of Expression and Its Conflict with the Right to Reputation and Honor," concerns the boundaries of public criticism and the protection of freedom of speech. In this case, the applicant was convicted of defamation for statements publicly criticizing the then-president of the Croatian Football Federation.

The regular courts assessed that the statement in question was a false factual assertion rather than a value judgment, and imposed a penalty. The Constitutional Court, following the standards of the European Court of Human Rights (ECtHR), adopted a different approach.

It determined that the applicant's statement was made in the context of a public debate concerning an institution funded by public resources and a person with a high degree of public exposure, which altered the nature of the expression.

Although the penalty was symbolic, it could have resulted in imprisonment, thus having a chilling effect that could discourage citizens from expressing critical opinions toward public figures. The Court concluded that the imposed sanction was not necessary in a democratic society and that a violation of the right to freedom of expression, guaranteed by Article 10 of the European Convention on Human Rights, had occurred.

The fourth case, "Conditions of Detention," concerns compliance with Article 3 of the European Convention on Human Rights, which prohibits torture and inhuman or degrading treatment. As early as 2001, the ECtHR established that the conditions in prisons themselves can constitute a violation of this right, even in the absence of physical violence, if they are degrading or inhumane.

In the case of "Merš v. Croatia," the Court precisely defined standards for the minimum size of prison cells, ruling that a space of less than three square meters per person almost always constitutes a violation of Article 3 of the Convention. As a result, the Constitutional Court of Croatia had to adjust its jurisprudence to European standards.

In several cases, the Court found violations of detainees' rights, particularly in situations involving overcrowding, lack of hygiene, and excessive isolation. Through this practice, the Constitutional Court reaffirmed its role as a protector of human dignity, emphasizing that no one, regardless of status, should be subjected to conditions that degrade their human dignity.

Marochini Zrinski emphasized the role of the Constitutional Court as a key intermediary tasked with transmitting and integrating European standards into the national legal system. She pointed out that all four cases clearly illustrate how the European Court of Human Rights develops legal standards, and that the national courts are obliged to apply them not only formally but substantively, guided by the spirit rather than merely the letter of the law.

According to her, the state bears primary responsibility for creating and resolving structural problems such as in the case of protected tenants. At the same time, courts must demonstrate readiness to examine proportionality and necessity in each individual case, in order to ensure genuine protection of human rights.



The conclusion was clear: perfect solutions do not exist, but the measure of success of constitutional justice lies in the extent to which its decisions reflect the obligation to respect and apply European human rights standards. In this way, the Constitutional Court becomes a bridge between the national legal system and the supranational European framework for the protection of human rights, contributing to a stronger rule of law and greater legal certainty in society.



**Mirjana
LAZAROVA TRAJKOVSKA**

Judge at the Supreme Court of
the Republic of
North Macedonia and former
Judge at the European Court of
Human Rights

Mirjana Lazarova Trajkovska, former judge of the Constitutional Court of the Republic of North Macedonia and of the European Court of Human Rights (ECtHR), and currently a judge of the Supreme Court, shared her experience from three different perspectives: academic, constitutional, and European. She emphasized that the topic of constitutional justice and the application of European standards is of fundamental importance, particularly because the Republic of North Macedonia continues to face serious institutional weaknesses, which slow down progress toward the rule of law and European integration.

Through a comparative analysis of the Constitutional Courts of North Macedonia and Croatia, Lazarova Trajkovska pointed out that the Constitutional Court of the Republic of North Macedonia remains primarily focused on the abstract control of constitutionality and legality, that is, on assessing the compliance of laws with the Constitution. In contrast, the Constitutional Court of Croatia has, for more than two decades, actively dealt with individual constitutional complaints, thereby playing a direct and substantial role in the protection of human rights and freedoms.

According to her, there is a frequent perception in the Macedonian public that the Constitutional Court is “the most unreformed institution,” which essentially reflects its limited competences, insufficient institutional dynamism, and unfulfilled role in ensuring the effective protection of citizens’ fundamental rights.

Lazarova Trajkovska further highlighted the role of the ECtHR as an indirect European constitutional court. Although the Strasbourg Court has never formally declared itself as such, its judgments often have constitutional effects in practice, as they oblige states to address essential and systemic problems, either through amendments to legislation or through improvements in judicial practice and institutional mechanisms.

According to the methodology of the European Court of Human Rights (ECtHR), particularly through the practice of so-called “pilot judgments”, the Court has developed an effective mechanism for addressing repetitive and systemic violations of human rights. The most well-known example of this is the case of *Broniowski v. Poland* (2004), which represents a turning point in the ECtHR’s judicial practice.

In this case, the applicant, Mr. Broniowski, was one of tens of thousands of Polish citizens whose property was lost after the Second World War on territories that Poland had ceded to the Soviet Union. Although the state adopted a law providing for compensation, it was never fully implemented, resulting in thousands of identical applications to the Court. Instead of resolving each case individually, the ECtHR adopted a pilot judgment, finding that a systemic problem existed within the national legal order and ordering Poland to establish an effective compensation mechanism for all affected citizens. This approach, later applied in other cases such as *Ivanov v. Ukraine*, represented a new philosophy of judicial intervention: the Court did not limit itself to the individual case but required the state to resolve the broader institutional problem.

According to judge Lazarova Trajkovska, this methodology should serve as an example for national constitutional courts, which should not wait for individual initiatives but proactively identify recurring rights violations at an early stage. There are positive examples in the region of constitutional courts that have successfully adapted to European standards of human rights protection. One such example is the Slovenian “Lokenda Strategy,” developed as a systemic response to the problem of excessively lengthy judicial proceedings. Through this strategy, the Constitutional Court of Slovenia introduced a mechanism for compensating citizens for the excessive duration of court cases, thereby preventing thousands of complaints from reaching the ECtHR. The practice of the Constitutional Court of Serbia was also highlighted, as in several cases it acted promptly, preventing the mass referral of cases to the ECtHR.

In relation to the Macedonian context, she critically noted that the Constitutional Court has limited capacity and rarely acts on its own initiative, even though the Constitution allows it to do so. Moreover, regular judges seldom refer initiatives for constitutional review, which creates an impression of lethargy and lack of energy throughout the judicial system.

A particular issue, she stressed, concerns the method of selecting constitutional judges. In North Macedonia, the selection processes are often non-transparent, politically motivated, and accompanied by a public perception that each new composition of the Court is “worse than the previous one.” To strengthen the legitimacy and integrity of the Court, transparent nomination and selection procedures are essential, along with guarantees of judicial independence and professionalism.

Lazarova Trajkovska strongly advocates for the introduction of a broad constitutional complaint, which would enable individual protection of human rights before the Constitutional Court. According to her, North Macedonia remains an isolated “island” in the region, as almost all neighboring countries already have such a mechanism. She cited examples from Kosovo, where constitutional judges are required to know the official languages of the ECtHR, and where a special department exists for monitoring its case law. The Constitutional Court of Bosnia and Herzegovina, she noted, functions as one of the strongest institutions despite the country’s political instability.

Another important aspect emphasized by judge Lazarova Trajkovska is the interaction between the Constitutional Court and the Supreme Court, as well as other judicial institutions. In her view, the lack of regular dialogue and institutional cooperation creates gaps in the application of European standards and weakens the rule of law.

As an illustrative example, she cited Turkey’s experience in 2005, when the introduction of the constitutional complaint initially met resistance from Supreme Court judges, who feared interference with their jurisdiction. However, this mechanism proved to be extremely beneficial, as it contributed to higher-quality jurisprudence and better protection of human rights. Commenting on the situation within the Macedonian judiciary, Lazarova Trajkovska identified several fundamental problems:

- Abuse in the adoption of laws without proper public consultation;
- Misunderstandings about the effects of annulment decisions issued by the Constitutional Court;
- Lack of political will to implement genuine and substantive reforms.

She warned that misinterpretation or disregard of constitutional decisions can lead to institutional conflicts, legal uncertainty, and long-term distrust in the judiciary. It is particularly important, she stressed, for the judiciary itself to recognize its responsibility and become an active factor of stability, trust, and protection of citizens’ rights.



Denis PRESHOVA

Professor of Constitutional Law and Political System, Faculty of Law “Iustinianus Primus”, Ss. Cyril and Methodius University, Skopje

Denis Preshova, a professor at the Faculty of Law “Iustinianus Primus” in Skopje, provided an in-depth analysis of the state of the Constitutional Court of the Republic of North Macedonia and its role in the context of European standards and reform processes.

According to him, this Court has not succeeded in building the reputation and authority that a true guardian of the Constitution ought to have.

Preshova emphasized that the Constitutional Court of the Republic of North Macedonia largely performs its work through abstract control of constitutionality and legality, meaning that its main focus is on laws and by-laws, rather than on the protection of individual human rights. In contrast, most constitutional courts in Europe, especially in the region, have long introduced the constitutional complaint as a mechanism for the individual protection of citizens. North Macedonia remains an exception, which reduces the Court’s capacity to act as a true guarantor of the rule of law.

He underlined the difference between the theoretical jurisdiction of the Court and its practical functioning. Although, formally, the Court has the mandate to protect constitutionality and fundamental rights, in practice this function is minimal, resulting in the perception of the Court as an institution with weak institutional integrity.

A key problem, according to Preshova, is the politicization of the selection of constitutional judges. In the Republic of North Macedonia, the nomination and selection process is often closed, non-transparent, and heavily influenced by political parties. As a consequence, there is persistent public distrust in the integrity of the judges, and each new composition is perceived as “worse” than the previous one. This directly affects the credibility of the Court, diminishing its authority both before citizens and institutions.

The lack of independence is further reflected in decisions often perceived as politically motivated or the result of pressure. According to Preshova, this is one of the main reasons why the Constitutional Court has failed to fulfill its role as the guardian of the constitutional order and human rights.

Another serious issue is the lack of self-initiative. Preshova noted that the Court rarely acts on its own initiative, even though the Constitution allows it. In practice, the Court mostly reacts only to submitted initiatives, and even those are not always treated with sufficient seriousness. Even regular courts rarely make referrals for constitutional review. This creates an impression of institutional passivity and lethargy within the judiciary.

Preshova also highlighted the practice of institutions failing to respect or delaying the implementation of Constitutional Court decisions. This leads to legal gaps and institutional confusion. He cited cases where, after annulment decisions by the Court, the Parliament failed to react in time to adopt new regulations, leaving citizens in a state of legal uncertainty. Such situations not only undermine the reputation of the Court, but also erode the rule of law.

Preshova concluded that, although the European Union does not have a unified model of constitutional justice, there are nonetheless standards derived from the case law of the European Court of Human Rights and from the recommendations of the Venice Commission.

These standards require constitutional courts to play an active role in protecting human rights and ensuring that laws are consistent with constitutional values.

In North Macedonia, according to Preshova, these standards have not been implemented sufficiently. The Constitutional Court remains formally isolated and insufficiently integrated into the European judicial culture. As he pointed out, what is needed is a change not only in the legal framework, but also in the mindset of institutions and judges themselves.

In his presentation, Preshova also provided directions for possible reforms.

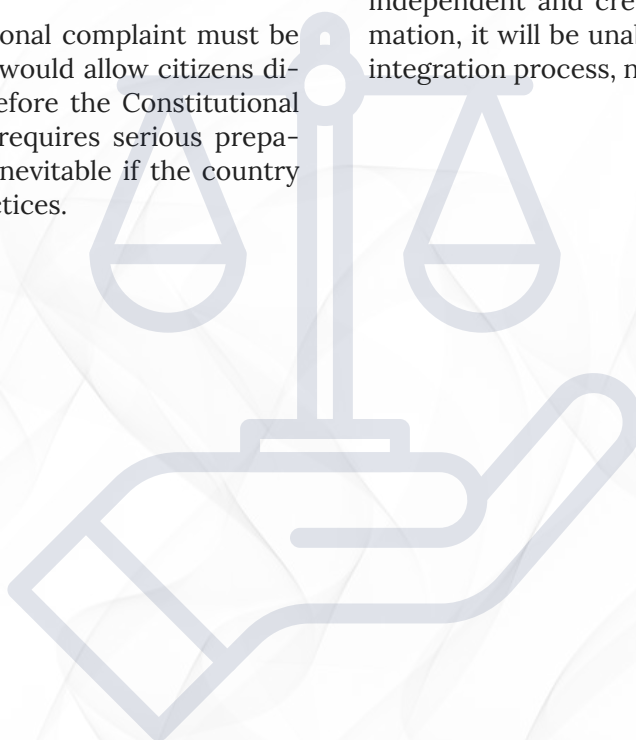
First, he argued that a constitutional complaint must be introduced as a mechanism that would allow citizens direct protection of their rights before the Constitutional Court. This reform, although it requires serious preparation and capacity-building, is inevitable if the country seeks to align with European practices.

Second, it is necessary to ensure a transparent, merit-based system for the selection of constitutional judges, with clear criteria regarding integrity and expertise.

Third, the Constitutional Court must show greater initiative, open proceedings on its own motion, and position itself as an active guardian of the rule of law, rather than a passive arbiter.

Finally, Preshova emphasized that the Constitutional Court must not operate in isolation. A constructive dialogue is needed between the Constitutional Court, the Supreme Court, the ordinary judiciary, and the academic community. Only through open debate and exchange of experiences can a culture of respect for constitutionality and human rights be established.

He concluded his presentation with a clear message: the future of the Constitutional Court will depend on the institution's ability to reform itself and become a truly independent and credible body. Without such transformation, it will be unable to fulfill its role in the European integration process, nor restore citizens' trust.





Discussion

The discussion revolved around several key themes: the need for a constitutional complaint, transparency in the selection of constitutional judges, the capacities of the Constitutional Court, issues related to *actio popularis*, and the relationship between the Constitutional Court and the regular judiciary.



1. Constitutional Complaint as a Tool for the Protection of Rights

Many participants supported the idea of introducing a constitutional complaint, emphasizing that it is necessary for citizens to have an adequate legal remedy when their fundamental rights are violated. It was mentioned that the European Court of Human Rights (ECtHR) has in several cases recognized the constitutional complaint as an effective instrument.

However, there were also reservations, particularly regarding whether there is sufficient institutional capacity for its introduction. Some participants warned that, without enough judges and advisors with the appropriate expertise, the Court would become overburdened and unable to act in a timely manner. Therefore, it was suggested that existing mechanisms (for example, requests for protection of freedoms and rights) be gradually strengthened before moving to a full-scale introduction of the constitutional complaint.

2. Actio Popularis – Advantages and Weaknesses

The Macedonian system allows any citizen to submit an initiative for the assessment of constitutionality, which is rare in Europe. This openness promotes transparency and civic engagement, but at the same time results in a large number of initiatives, many of which are unfounded or legally incomplete.

The Court often spends time on these, leading to delays in proceedings and a loss of focus on substantive human rights issues.

Some participants argued that this mechanism should be reconsidered and filters introduced, so that the Court can concentrate on more serious cases. Others, however, emphasized the value of *actio popularis* as an element of democratic culture and as a mechanism of public control over authorities.

3. Quality and Selection of Constitutional Judges

Throughout the discussion, the view frequently emerged that “institutions are defined by the people who lead them.”

The selection of judges must be transparent, based on integrity and expertise. Examples were mentioned from other countries where candidates undergo public interviews, even televised ones, allowing the public to become familiar with their professional and personal profiles.

Such processes increase citizens’ trust and reduce perceptions of political influence. Participants agreed that in the Republic of North Macedonia, the selection of constitutional judges lacks transparency and often results in suspicions of political bargaining.

4. Reforms and a Law on the Constitutional Court

Should a Law on the Constitutional Court be adopted? Some participants expressed support for adopting such a law, which could strengthen the institution, particularly regarding its autonomy in defining criteria for the selection of constitutional judges.

However, others warned that such a law could easily become a tool for political influence and control over judges, especially if adopted by a simple parliamentary majority. This, they argued, could open the door to political interference in the Court’s functioning.

Therefore, it was proposed that any such law should be adopted by a two-thirds majority and through broad political consensus, ensuring that it truly reinforces, rather than undermines, the Court’s independence.

5. Capacity and Efficiency of the Court

Participants once again addressed the issue of the Constitutional Court’s efficiency, emphasizing that many cases are resolved with significant delays sometimes years later thereby undermining the very essence of rights protection.

It was noted that the current composition of judges has introduced some self-regulatory measures, such as limiting the timeframes for handling cases, which represents a positive step forward.

Nevertheless, participants agreed that deeper and systemic reforms are necessary.

Particular emphasis was placed on the need for staff strengthening through the employment of more legal advisors with strong professional expertise, who would prepare cases related to human rights and constitutional jurisprudence.

This is especially important if, in the future, a constitutional complaint is introduced, since such a mechanism would require a higher level of legal expertise and organizational capacity.

6. Relationship with the Regular Judiciary and Other Institutions

One of the topics discussed was the relationship between the Constitutional Court and the Supreme Court, with an emphasis on the need for closer cooperation and better coordination between these two highest judicial bodies in the country.



Participants recalled that in countries where the constitutional complaint exists, tensions and overlapping jurisdictions often arise between the constitutional and supreme courts. However, such challenges are usually overcome through regular institutional dialogue, joint conferences, and formalized forms of legal cooperation.

In the case of the Republic of North Macedonia, the Constitutional Court mainly deals with the review of the constitutionality of laws, and therefore rarely comes into direct contact with the regular judiciary. Nevertheless, according to participants, establishing continuous dialogue and structured cooperation between these two institutions is essential for enhancing legal coherence, harmonizing judicial practice, and strengthening the rule of law.

7. Implementation of the Constitutional Court's Decisions

The failure to respect and implement Constitutional Court decisions was identified as one of the key issues in the functioning of the legal system.

Participants emphasized that institutions often delay or completely ignore court rulings, which creates legal uncertainty and undermines the authority of the Court.

The rule of law cannot exist without the consistent enforcement of constitutional decisions and clear accountability of institutions obligated to respect them.

8. Transparency and Public Access to the Court's Work

Enhancing transparency was recognized as an essential precondition for restoring public trust in the Constitutional Court and strengthening its legitimacy.

Participants agreed that the public must have greater access to the Court's work, as this not only increases accountability but also reinforces the perception of independence and integrity of constitutional justice.

As a concrete proposal, it was suggested that sessions of the Constitutional Court be recorded and broadcast publicly, either via television or online platforms. Such a practice already exists in many EU member states, contributing to greater transparency, public oversight, and trust in judicial processes.

Additionally, it was recommended that the Court publish shorter, easily understandable summaries of its decisions accessible to the general public, as well as regular annual reports reviewing key rulings and their impact.