Restricted Judicial Activism of Constitutional Court of the Republic of North Macedonia Regarding Protection of Human Rights and Freedoms

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Abstract: In this paper, the author analyzes the issue of protection of human rights and freedoms within the constitutional judiciary, which was often questioned because of supremacy of parliamentary acts in the face of any other legal acts. However, after the end of World War II, a large number of constitutions of different countries incorporated in their provisions a large body of human rights and freedoms, which practically influenced constitutional democracy to incorporate the issue of the protection of those rights and freedoms within the competence of the constitutional judiciary. The aim of this paper is by explaining and assessing the role of the Constitutional Court in protection of human rights and freedoms in Republic of North Macedonia using: normative legal method, comparative legal method, and the quantitative methods by presenting numerical data from the annual reports of this court as well as the qualitative methods by analyzing the proceedings before this court related to this matter, to focus on the specific analysis of ineffectiveness of this court in the practice, which is due to the reduced trend of submitted requests from citizens, because there is no fully covered protection of all rights and freedoms by the constitution of this country.

Keywords: constitutional democracy; the constitutionality; constitutional judiciary; ordinary judiciary; constitutional complaint

1. Introduction

According to the comparative analysis of constitutional practice, it can be seen that two powers of the constitutional judiciary dominate: normative control of constitutionality and protection of human rights and freedoms. So, the last word regarding the interpretation of the constitution is the constitutional judgement, which must sanction any violation of the constitution, regardless of whether that violation comes from the legislative, executive or judicial power. In the context of modern constitutional democracy, the role of the constitutional judiciary is constantly being

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reformed in the sense that it is no longer only an actor of abstract control, but also a citizen court, who can freely address the protection of their constitutional rights. Also, this court is no longer just a negative legislator, but also the positive legislator i.e. creator of the general legal norms. In this regard, to see the active role of the constitutional judiciary according to what was emphasized above, we will bring three sufficient examples of innovative decisions of the Constitutional Court of Slovenia that contribute to the development of contemporary constitutional decision-making analyzed by the professor of the constitutional law at the Faculty of Law of Ljubljana University, prof. Ciril Ribičič (Ribičič, 2016) as follows:

"The Constitutional Court abandoned the "negative" approach already in the process of deciding on the first constitutional complaint in case no. Up-16/92, issued on November 25, 1992, which was that some of the regional election commissions did not validate the lists of candidates for a smaller political party because its name contained several names of several other major political parties. In order to facilitate the participation of this political party in the recent parliamentary elections, the Constitutional Court issued decisions under the authority of other bodies (in the case of the decisions of the electoral commission on the confirmation of the list) and also the decision to change the name of the candidate list. The decision was an activist and brave, especially considering that it was the first successful constitutional complaint decided by the Constitutional Court at a time when the law had not yet settled the decision-making procedure about constitutional complaints. A political party that initiated a constitutional complaint in the elections was not successful (it did not enter in the parliament) but the Constitutional Court allowed her, its candidates and voters to participate in the elections. That is why we can make that decision among the decisions of "positive activism", ie constitutional-judicial activism in favor of the protection of human rights and freedoms.

The Constitutional Court assessed the decision in case no. U-I-25/92, issued on March 4, 1993, that the Law on Denationalization was in contravention of the Constitution because it did not regulate the position of natural and legal persons in the same way. That is why in the Law, in three places, the word "physical" persons have been wiped out to change the Law on Denationalization instead of Parliament. The Constitutional Court thus aligned the Act with the Constitution, which is obviously a function that, according to classical constitutional law theory, belongs to the Parliament as a positive legislator. In such cases, the Constitutional Act usually calls for the existence of only one possible constitutional solution, ie that Parliament could not find another way to eliminate the violation of the Constitution. Opponents

of such solutions could argue that this prevents dialogue between the Constitutional Court and Parliament, but it is not entirely so. When the constitutional court interprets the constitution its decision has the power of the constitution until then, when the law changes, parliament can always bring a different legal solution, provided it is in accordance with the constitution. If not, it is very certain that the constitutional court will re-decide on it and make a final decision.

The Constitutional Court on several occasions banned the conduct of a referendum, referring to the doctrine of constitutional democracy. According to this doctrine, the Constitution restricts everyone, including majority decision-making of parliamentary deputies, and majority decision-making of voters in a referendum. So already in decision no. U-I-266/95, issued on November 20, 1995, prohibited the collection of signatures for a referendum on the seizure of citizenship to those, more than 170.000, obtained immediately after the independence of Slovenia on the basis of promises from documents issued before the plebiscite of independence of Slovenia. The Constitutional Court prohibited the conduct of some other referendums with the explanation that they could lead to counter-productive consequences. A great echo had the decision of the Constitutional Court forbidding a referendum on building a mosque in Ljubljana. The Constitutional Court has decided in Decision no. U-I-111/04 issued on July 8, 2004, considered that it is a constituent part of the right to free expression of the faith and independence of religious communities that they can build religious buildings in accordance with their faith and customs. That is why it overturned the decision of the City Council of Ljubljana to call a referendum on which the majority would decide on the rights of minorities. In this case, the Constitutional Court also referred to the doctrine of constitutional democracy" (Ribičič, 2016).

2. Normative Analysis of the Protection of Human Rights and Freedoms by the Constitutional Court of the Republic of North Macedonia

The Constitutional Court in the Republic of North Macedonia was established by the 1963 socialist constitution and started operating in 1964 and remained in existence with the 1974 socialist constitution, but that court had no competence to protect human rights at all and did not have an effective opportunity for control of legislative and executive power, which means that it was completely marginalized. However, with the independence of the Republic of North Macedonia in 1991 and the adoption of the new constitution, the jurisdiction of the constitutional court for the protection of human rights is incorporated. However, from then until today, this court is the most unreformed court in the country, although several times there have been some

initiatives for reforming it. The Constitution of RM does not contain a provision guaranteeing the right to judicial protection of human rights, but this protection is provided through the constitutional guarantees of fundamental rights in Article 50. In general, the constitutional concept regarding human rights and freedoms is based on the Article 8 of the Constitution which stipulates that, the fundamental freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution, are the fundamental values of the constitutional order of the Republic of North Macedonia.

According to Article 50 of the Constitution, 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 North 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. According to Article 54 of the Constitution, 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, color 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. According to Article 110, paragraph 1, line 3 of the Constitution, the Constitutional Court protects the freedoms and rights of the individual and citizen relating to the freedom of conviction, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the ground of sex, race, religion or national, social or political affiliation (Articles 8, 50, 54 and 110 of the Constitution of Republic of North Macedonia, 1991), but, other rights must seek their protection in a regular court procedure, before the Ombudsman, and other institutions.

As can be noted, there is an extremely restrictive jurisdiction of the Constitutional Court to protect only 3, out of 24 basic civil and political freedoms and rights, and does not determine the protection of any of the 17 economic, social and cultural

rights. Because of this limited jurisdiction of the constitutional court, citizens have a limited right to protection of only three rights and freedoms that are defined in the Constitution, which cannot be considered a constitutional complaint of the German, Austrian or Spanish type, but a special kind of request. In 2014, the Government proposed a Draft-Amendment to the Constitution that broadens the jurisdiction of the Constitutional Court to examine complaints from individuals about violations of their human rights, wherein the list of rights and freedoms was substantially expanded, but this Amendment has not been adopted. The Constitution of North Macedonia does not define the jurisdiction of the Constitutional Court and ordinary courts, in particular the Supreme Court in the area of protection of fundamental rights and freedoms, giving the citizen the opportunity to choose which protection mechanism to start: constitutional, ordinary or both (Мукоска-Чинго, Весела, 2002).

So, it is about the extremely constitutional-law unfavorable and socially unacceptable restrictive definition of the jurisdiction of the Constitutional Court of North Macedonia, which is in direct conflict with international law, ratified international treaties, constitutional law of the EU, and the statute and practice of the European Court of Human Rights (Јордан Арсов, 2011).

On the other hand, the procedure for protection of rights and freedoms, in more detail it is regulated by the Rules of Procedure, which stipulates that, any citizen (the regulation of the authorized applicants of this request is even more restrictive, because the authorized applicants are only citizens, but not legal persons or foreigners, see more at: Рената Тренеска-Дескоска, 2006), considering that an individual act or action has infringed his/her right or freedom, as provided in article 110 paragraph 3 of the Constitution of the Republic of North Macedonia, he/she may request protection by the Constitutional court within 2 months from the day of delivery of the final or legally enforced individual act, namely from the date on which he/she became aware of the activity undertaken creating such an infringement, but not later than 5 years from the day of the undertaking. In the request from article 51, it is necessary to state the reasons due which a protection is being asked, the acts or the actions with which they are infringed, facts and evidences on which the request is based, as well as other data necessary for the decision of the Constitutional court. The request for protection of freedoms and rights is being delivered for an answer to the submitter of the individual act, namely the entity which has undertaken an action of their infringement, within 3 days from the day of delivery. The time-frame for an answer is 15 days. Within 30 days at the latest from the day when the case has been

given for work, a report is being submitted for a meeting or the Court is being informed for the course of the procedure. For the protection of freedoms and rights, the Constitutional court decides, by rule, on the basis of a held public hearing. The participants in the procedure and the public attorney, and if necessary other persons, entities or organizations are being invited on the public hearing. The public hearing may be held although some of the participants in the procedure or the public attorney who have been duly invited, do not attend. With the decision for protection of freedoms and rights, the Constitutional court will define whether there is an infringement and depending on that, it will annul the individual act, prohibit the action causing the infringement or refuse the request. During the procedure, the Constitutional court may pass a resolution for ending the execution of the individual act or action until adopting final decision (Articles 51-57 of the Rules of Procedure of Constitutional Court).

The Constitutional Court performs the protection of human rights in two ways: indirectly and directly. The constitutional court performs the indirect form of protection of human rights through the review of the constitutionality of laws and other general legal acts. In this way constitutional court through the exclusion from the legal order of unconstitutional regulations, prevents possible violation of basic rights. Direct form of protection of fundamental human rights and freedom is reflected in the decision of this court on whether by individual acts and acts of the state authority there has been a violation or denial of some right or freedoms prescribed by the Constitution. In addition, direct protection of fundamental rights before the constitutional court does not exclude or replace the primary form of their protection which takes place before the judiciary, is already complementary, providing protection in a situation where no other form of protection is prescribed, that is, in a situation where all other remedies have been exhausted, which did not provide adequate protection.

Regarding indirect protection of human rights and freedoms, according to former president of the Constitutional Court, Elena Goševa, the legislator is obliged to incorporate the constitutionally established freedoms and rights when they are normed and passed laws and other regulations. If the provisions of laws and other regulations do not incorporate the constitutionally established freedom and rights, or when they are violated and limited contrary to the provisions of the Constitution, constitutional court protection in the proceedings before the Constitutional Court can be achieved at the request of citizens or by the official judgment of the Constitutional Court itself. Interpretation of constitutional norms is carried out by the Constitutional

Court in the manner of assessing whether the Constitution violated the freedoms and rights in these laws and other regulations and can remove them from the legal order as opposed to the Constitution, with the fact of erga omnes. Personally, she considers it to be the essential competence of the Constitutional Court. This is especially because the constitutional-judicial analysis assesses whether the laws and regulations are in accordance with the Constitution and whether through their implementation the rights and freedoms of citizens are exercised in judicial, administrative and other cases of competent authorities and institutions (Elena Goševa, 2014).

On the other hand, with regard to the question that, once the Constitutional Court has passed a judgment of unconstitutionality, in what way is it binding for the referring court and for other courts, in National Report of the Constitutional Court of RM prepared for the XVth Congress of the European Constitutional Courts (National Report of CCRM, 2011, pp. 13-14), it is noted that, given the fact that the decisions of the Constitutional Court are final and enforceable they are binding for all authorities, organizations and institutions, including the other courts. The legal effect, that is, the effects of the decisions of the Constitutional Court depend on the type of the decision. Thus, if it is a decision of the Court which annulled a law or other regulation, its effect is "ex tunc". According to this rule, such decisions of the Court have an effect not only in the future but also retroactively, that is from the moment of the adoption of the annulled law or other regulation. The consequences from the implementation of the annulled law or other regulation are removed with restoration of the matters to previous condition, i.e. condition that existed prior to the adoption of the very law, that is, other regulation. In line with this legal effect of the annulling decisions of the Constitutional Court, and for the purposes of removing the consequences from the implementation of the law or other regulation that was annulled, Article 81 paragraph 1 of the Book of Procedures of the Constitutional Court envisages that everyone who had his/her right violated with a final or effective act adopted on the basis of a law, regulation or other general act which was annulled by a decision of the Constitutional Court, is entitled to request from the competent authority to annul that individual act, within 6 months from the date of the publication of the decisions of the Court in the "Official Gazette of the Republic of North Macedonia". If the consequences from the implementation of the law, regulation or general act which was annulled by a decision of the Constitutional Court may not be removed with a change of the individual act in the sense of the preceding paragraph, the Court may adjudicate that the consequences be removed by restoration to previous condition, with a damage compensation or in some other way.

However, in no process law of the Republic of North Macedonia is there an express provision that the repetition of a court procedure may be requested also in case when a law on the basis of which an effective court decision was made was annulled by a decision of the Constitutional Court. But, the absence of such provision should not be an obstacle for the competent court to decide on a concrete request by the party for the annulment or change of an effective court decision on that ground as well, since the annulling decision of the Constitutional Court binds it to that, given that its legal effect applies to all (erga omnes), including other courts as well. With regard to the enforcement of the effective court decisions and final or effective concrete acts of other authorities adopted on the basis of a law or other regulation which was annulled by a decision of the Constitutional Court, the effect of such decision of the Court reflects in a manner that the enforcement of these acts may not be allowed and implemented, and if the enforcement has been commenced, it shall be suspended (Article 80 of the Book of Procedures of the Constitutional Court). With the repeal that is annulment, the act practically ceases to be valid and is no longer part of the legal order, which is reflected in all procedures before the other courts deciding on requests for the exercise, that is, protection of the rights of citizens based on the annulled law. In such case, the competent court in the decision-making on the individual requests may not apply the law, that is, the regulation that was annulled, but shall apply the law, that is, regulation that was valid previously. Unlike the annulling decisions, the legal effects of the decisions of the Constitutional Court which repeal a law, other regulation or general act refer to the future only, which means that the repealed law, other regulation or general act ceases to be implemented and to generate legal effect "ex nunc" (from the repeal onward) and the consequences from the application to the repeal remain. That practically means that all final or effective individual acts adopted on the basis of a law, other regulation or general act which was repealed by a decision of the Constitutional Court, and the enforcement of which was concluded remain, that is, there may be no request for their annulment or modification. With regard to the procedure pending before the courts and other authorities, and with regard to the final and effective individual acts the enforcement of which was not concluded, the legal effect, that is effects of the repealing decision are the same as with the annulling decision of the Court. In case when the Constitutional Court decides, with a decision, on the protection of the freedoms and rights, the Constitutional Court determines the manner of removal of the consequences from the application of the individual act or action with which those rights and freedoms were violated. Unlike the legal effects of the decisions of the Constitutional Court which annul or repeal a law, other regulation or general act

which apply to all, the effects of the decisions of the Constitutional Court which annul an individual final or effective act with which a freedom or right of a citizen was violated, are restricted only to the parties in the dispute which is resolved with the annulled act. The effect of such decisions of the Constitutional Court is "inter partes" (National Report of the Constitutional Court of Republic of North Macedonia, 2011).

3. Empirical Analysis of the Protection of Human Rights and Freedoms by the Constitutional Court of the Republic of North Macedonia

Table 2. The number of requests addressed to the Constitutional Court for the protection of human rights and freedoms for the period 2007-2017 (Annual Reports of the Constitutional Court of RNM, 2007-2017)

Year	Filed requests	Solved cases	Rejected requests	Denied requests	Determined violation of the right
2007	10	1	/	1	/
2008	6	6	5	1	/
2009	15	15	14	/	/
2010	9	6	5	/	1
2011	23	23	20	3	/
2012	25	27	21	6	/
2013	22	13	13	/	/
2014	13	16	14	2	/
2015	13	14	12	2	/
2016	8	11	10	1	/
2017	5	5	5	/	/

As can be seen in the table above, comparing data's on the Court's handling of submitted requests, we can conclude that the Court decided in 149 requests from 2007 to 2017, while the total number of solved cases is 137, of which 16 requests were denied, and just at only one request in 2010 the court determined the violation of the right and for that case held a public hearing. Worrying is the fact that the Court rejected 119 requests, due to procedural barriers to decision-making or lack of jurisdiction. Empirical analysis shows that citizens are insufficiently acquainted with the conditions when can be demanded the protection of freedoms and rights, as well as the legal nature of the decisions of the Constitutional Court, which as a result has a big number of rejected requests. Especially for the restrictive activism of the Constitutional Court in the protection of human rights, speaks the small number of requests submitted to the Court, as well as the downward trend in the last four years (2014-2017) compared to 2011, 2012 and 2013. It should be noted that, in the area of protection of freedoms and rights, upon requests for protection of the freedoms

and rights of the individual and the citizen, there is no unification in the handling of these requests, and it must exist in order to increase the integrity and activism of this court. This effect would also be achieved by extending the jurisdiction of the Constitutional Court i.e. the list of rights to be extended, and thus the jurisdiction of the Court to be greater.

As seen above, during the entire analyzed period 2007-2017, the case U. no. 84/2009 is the only case under which the Court has reached a decision establishing that a violation of the freedoms and rights has been violated and annulled the decision adopted by the Municipal Election Commission. In this decision the court noted that, Xhavid Rushani from the village of Zajas, Kichevo, filed a request with the Constitutional Court of the Republic of North Macedonia for the protection of the freedoms and rights under Article 110 line 3 of the Constitution referring to the right to political association and activity, violated with the keeping of penal records which were not supposed to exist (lack of promptness), that is, failure to issue a certificate to the submitter that the conviction had been erased, with the Resolution no.01-31/2 of 06.02.2009 by the Municipal Electoral Commission in Zajas, and the Resolution of the Administrative Court URP no. 122/2009 of 06.02.2009 and with the failure to adopt a legal act, resolution by the Municipal Electoral Commission-Zajas, upon a submitted request for resolution. According to the statements in the request, the competent authorities should have updated the penal records timely, pursuant to the legal consequences deriving from the Law on Amnesty ("Official Gazette of the Republic of North Macedonia", no.18/2002), since upon the entry into force of this Law the criminal procedure K.no.1149/01 before the Skopje I Skopje Basic Court against the submitter of the request was suspended. Such legal consequence should have been erased from the penal records ex officio, while the candidacy of the submitter should have been accepted. The submitter noted that for an identical case (existence of penal records), the Administrative Court had adopted a judgment with which the initially rejected candidacy of Rufi Osmani for mayor of Gostivar had been accepted, for identical reasons as in the concrete case with the submitter. With the adoption of the challenged resolution by the Municipal Electoral Commission-Zajas and the Administrative Court, the submitter's right to political activity was violated. The reason being that with the resolution passed by the Municipal Electoral Commission-Zajas, with which his candidacy was rejected, the submitter practically was not in a position to influence the state authorities to act promptly and to correct the unjustified existence of the penal records. With the Resolution by the Administrative Court, which was dismissed since the lawsuit was filed by an unauthorized person, the submitted had been denies access to court, and there were

no reasons for that in the law. Following the additional submittal of the complete evidence to the candidacy, the Municipal Electoral Commission-Zajas rejected to issue a resolution to the submitter and informed him verbally that his candidacy would not be accepted, and the petition request would not be considered. Therewith, the submitter had his right guaranteed under Article 24 of the Constitution denied, and according to it every citizen is entitled to submit petition requests to state bodies and other public services, and to receive an answer to them. Given the urgency of the procedures envisaged in the Electoral Code, the Municipal Electoral Commission-Zajas had to inform the submitter in writing about the legal destiny of the petition request with which the submitter made a supplement to the candidacy. With the failure to adopt a legal act upon the submitter's request, the Municipal Electoral Commission-Zajas violated the submitter's right to political activity, since the Administrative Court later on stated its view that it could not act and dismissed the lawsuit of the submitter as inadmissible, owing to the non-existence of a legal act-resolution of the Municipal Electoral Commission-Zajas upon the submitter's request. On the basis of the constitutional and legal provisions noted, the held public debate and the established facts of the case, the Court finds that the right to political activity of the person Xhavid Rushani was violated, through the failure to accept his candidacy for mayor of the Zajas Municipality at the local elections held in March 2009. Given the fact that the state, through its bodies, allowed incorrect data from the penal records to be an obstacle for a citizen to exercise his passive electoral right, that is to take part in the elections for mayor of the Zajas Municipality as a candidate who met the legal conditions for nomination for this function, the Court found that the dismissal of the candidacy for mayor of the person Xhavid Rushani as a result of the such incorrect data from the penal records essentially means a violation of the right to political association and activity of this person, behind whose nomination was an organized group of citizens pursuant to the existing regulation (The Decision of Constitutional Court on the case U. no. 84/2009).

In this regard, as another factor for restricted judicial activism of the Constitutional Court, which has to do with the restricted activism of ordinary courts, it should be noted the fact that, namely, since 1991, no initiative has been submitted before the Constitutional Court with a preliminary question on the constitutionality of a legal act in a procedure before the ordinary courts. As noted by Denis Preshova (Preshova, 2018), there are many factors and reasons for such dire situations. When it comes to the concrete constitutional review, although a clear provision in Article 18 of the Law on Courts exists, which stipulates that, the court shall raise an initiative for conducting a procedure to assess the compliance of the law with the Constitution

when the procedure questions its compliance with the Constitution, and shall inform the next higher court and the Supreme Court of the Republic of North Macedonia thereof, the judges are obviously not prepared and do not want to use it, and the Constitutional Court does not take any steps to encourage them. There are three reasons for this. The first reason is related to the fact that the procedure before the Constitutional Court can delay the court proceedings, which may cause that the ordinary judges lose points when their work is being evaluated by the Judicial Council since the relevant laws do not provide for such a situation. The second reason can certainly be found in the fact that in addition to the aforementioned legal provision there is no other legal norm that further regulates the procedure for initiation of concrete constitutional review by the ordinary courts. Even the Rules of Procedure of the Constitutional Court do not foresee such a specific possibility. This leads to a conclusion that such a request or initiative from the ordinary courts will be processed as any other initiative for abstract constitutional review. A third reason may be that the Constitutional Court does not have the necessary authority and reputation and therefore the ordinary judges do not consider addressing it. Furthermore, the election of constitutional judges is another factor, having in mind that there are no precise and objective criteria for their election. If the constitutional judge is only a distinguished "lawyer" without a significant contribution to the development of the legal system and the legal doctrine in the Republic of North Macedonia, than it is quite understandable that such a judge could be underestimated and met with, in many situations justified, resistance. Such a situation and reasons related to the concrete constitutional review certainly can be demotivating for the judges to take any initiative; although none of these reasons is an insurmountable obstacle and cannot fully justify the attitude of the ordinary judges (Preshova, 2018).

4. Conclusion

After normative and empirical analysis of judicial activism of the Constitutional Court of the Republic of North Macedonia regarding the protection of human rights and freedoms, it can be drawn the followed conclusions:

Ordinary courts and constitutional courts are competent to protect human rights. Only if ordinary courts fails and do not act on the protection of human rights and freedoms, when there is no other legal protection path, it is possible to activate constitutional court mechanisms through constitutional complaint.

Current request for the protection of human rights cannot be considered as an effective remedy of legal protection, so there is a need for radical reform in order to change the whole system of human rights protection by the constitutional judiciary, this more so, because RNM as part of the EC is subject to the jurisdiction of the European Court of Human Rights. Above every European Constitutional Court is a European Court of Human Rights that protects human rights. In this way, the European Court of Human Rights becomes a corrective of the final decisions of the Constitutional Courts, in the same way that the constitutional court corrects the final decisions of the ordinary courts in the domestic legal order.

As noted, especially in the last two years, a small number of citizens decide to seek human rights protection before the Constitutional Court, and there is also a marked decline in the trend of filed requests. The main reason for this should be sought in the sense that the country's constitution does not fully cover the protection of all kinds of human rights and freedoms by the Constitutional Court, while other rights and freedoms are protected by ordinary courts and administrative court; therefore there is a strong necessity to expand the current list of rights and freedoms that are protected before Constitutional Court.

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