

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF MACEDONIA AND PROTECTION FROM AGE DISCRIMINATION

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Abstract: The Constitutional court of the Republic of Macedonia, according to the Constitution and the principle of check and balances of powers, has two very powerful tools to control the work of executive branch. First, the Constitutional Court, based on a request of a party, has a power to determine whether a law is in accordance with the constitution or no. Since the constitution guarantees the right to equality, the Constitutional court can determine whether a provision in the law can be discriminatory on any ground, including age. The second tool is through the mechanism of human rights protection. Namely, the Constitutional court has the power to decide on the violation of some constitutional rights of individuals. Although the list of rights and freedoms that fall within the jurisdiction of the Constitutional court is very short (only four rights are protected), the protection from discrimination is protected. From this perspective, the paper is trying to analyse the work of the Constitutional court in the cases of protection from age discrimination. The Court has decided at least two cases regarding claims of age discrimination. The two cases are not decided in the favour of the claimant, which can be not contradictory if the Constitutional court had good arguments for its decisions. However, the Constitutional Court solves these cases against some generally accepted principles of protection from age discrimination in international law and the case-law of some very relevant and authoritative international jurisdiction. In this way, the paper tries to draw conclusion on the reasons why the Constitutional court is not ready to offer good protection against age discrimination. Besides the approach of the Constitutional court, the paper analysis the legislation that is in place to offer protection of age discrimination, the European Union law regarding age discrimination, than the perception of age discrimination in Republic of Macedonia, reported cases on age discrimination, as well as the forms on which age discrimination occurs in the Republic of Macedonia.

Keywords: human rights, equality, age discrimination, constitutional court.

JEL Classification:

