

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
North Macedonia	2024	North Macedonia / Constitutional Court / V 6p. 121/2023	https://ustavensud.mk/archives/31409	Religion	Constitutional Court of the Republic of North Macedonia	The Constitutional Court of the Republic of North Macedonia, upon an initiative submitted by the Association for Development "Youth for Public Interest" – Debar, represented by Isamudin Osmanliu, initiated a procedure to assess the constitutionality of Rule on Accommodation and Order in the Army of the Republic of Macedonia in which Article 4 prohibits religious practice within the military facilities. The plaintiff argued that the Rule does not align with the freedom of religion as stipulated in the Constitution of North Macedonia. This prohibition indirectly targets mostly the Muslim army members as they have religious duties to pray numerous times during the day and especially on Fridays.	The Constitutional Court of North Macedonia did not impose specific sanctions in its ruling since its role is to assess the constitutionality of legal provisions. The ruling resulted in the annulment of the contested provision, which had imposed an absolute ban on religious practices in military facilities. This decision sets example for future cases, reinforcing that any restriction must be legally justified and proportionate. The annulment of the provision, which had disproportionately affected Muslim army members, now enables them to perform religious rites within military facilities.	The Constitutional Court of North Macedonia reviewed the constitutionality of Paragraph 4, Clause 1 of the Rules on Accommodation and Order in the Army of the Republic of Macedonia and ruled that the provision banning religious practices in military facilities violated Article 54 of the Constitution, which allows restrictions on rights only if based on law, ensuring non-discrimination. It also contradicted Article 19, which guarantees freedom of religion, and Article 8, which upholds fundamental rights. The Court cited European human rights standards (Article 9 ECHR) and found the rule lacked a legal basis, imposing an unjustified and absolute ban instead of a proportionate restriction. Thus, the provision was annulled on the grounds that it imposed an absolute ban on religious practices in military facilities without any legal justification.	The Constitutional Court addressed key issues concerning the absolute ban on religious practices in military facilities, examining whether it violated constitutional and international human rights norms. It emphasized that fundamental rights cannot be entirely prohibited but may only be proportionally restricted by law, referencing the Constitution. The ruling reaffirmed that freedom of religion must be respected even in structured environments like the military. The Court also clarified that a rule cannot override constitutional rights. Additionally, it applied Article 9 of the ECHR, stressing the need to balance military discipline with fundamental freedoms.	"Оспорената одредба воспоставува целосна забрана наместо пропорционално ограничување, што е спротивно на уставните и меѓународните стандарди." "The contested provision establishes a total ban instead of a proportional restriction, which contradicts constitutional and international standards"

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