

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES



Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 25/10/2024

DH-DD(2024)1234

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1514th meeting (December 2024) (DH)

Communication from NGOs (European Roma Rights Centre and Commission on Prevention and Protection against Discrimination of North Macedonia) (16/10/2024) concerning the case of Elmazova and Others v. North Macedonia (Application No. 11811/20) (appendices are available at the Secretariat upon request).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1514^e réunion (décembre 2024) (DH)

Communication d'ONG (European Roma Rights Centre et Commission on Prevention and Protection against Discrimination of North Macedonia) (16/10/2024) relative à l'affaire Elmazova et autres c. Macédoine du Nord (requête n° 11811/20) (des annexes sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



Council of Europe
DGI - Directorate General of Human Rights and Rule of Law
Department for the Execution of Judgments of the ECHR
By email only: dgi-execution@coe.int

DGI
16 OCT. 2024
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

15 October 2024

RULE 9 SUBMISSION
with regard to the execution of:
ELMAZOVA AND OTHERS v. NORTH MACEDONIA
(Applications nos. [11811/20](#) and [13550/20](#)), judgment of 13 December 2022 (final 13/03/2023)

I. INTRODUCTION

1. This joint submission is made in accordance with Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments. It has been written by the applicants' legal representative, the European Roma Rights Centre ("the ERRC") and the Commission on Prevention and Protection against Discrimination of North Macedonia ("the CPPD").
2. The ERRC¹ is a Roma-led international public interest law organisation whose vision is for Romani women and men to overcome antigypsyism and its legacy, to achieve dignity, equality, and full respect for their human rights, and to use their experience to contribute to a more just and sustainable world. The ERRC represented the applicants in the two applications, *Seriha Elmazova and Others v. North Macedonia* and *Divan Jasharov and Others v. North Macedonia*, filed before the European Court of Human Rights (ECtHR) on 28 February 2020 and 6 March 2020, respectively. Both cases were communicated on 30 August 2021.² On 13 December 2022, the ECtHR addressed the allegations from both applications in a single

¹ Find out more on: www.errc.org

² *Seriha Elmazova and Others v. North Macedonia* and *Divan Jasharov and Others v. North Macedonia*, (Applications nos. [11811/20](#) and [13550/20](#)), available on: <https://hudoc.echr.coe.int/eng?i=001-211975>.

judgment under the name *Elmazova and Others v. North Macedonia* (Applications nos. 11811/20 and 13550/20), which became final on 13 March 2023.³

3. The Commission for Prevention and Protection against Discrimination (CPPD)⁴ is the first specialised, professional, and independent national equality body that was established with the adoption of the Law on Prevention and Protection against Discrimination (Official Gazette of Republic of North Macedonia No. 258/2020, 24 October 2020).⁵ The CPPD is an independent and autonomous body that operates in accordance with its legal competencies in terms of informing and raising awareness on discrimination related issues and protective mechanisms; undertaking actions for prevention of discrimination and acting protecting against discrimination in received or *ex officio* initiated cases. The CPPD began its work on January 25, 2021. It plays a key role in driving positive changes toward substantive equality, promoting human rights, and eliminating all forms of discrimination, enjoying strong trust among the citizens of the Republic of North Macedonia. The CPPD addresses various grounds of discrimination, including sex, race, color, gender, marginalized group status, ethnicity, language, citizenship, social origin, religion or belief, education, political affiliation, personal or social status, mental or physical disability, age, family or marital status, property status, health, and any other grounds. The CPPD operates autonomously, in line with the responsibilities set out by North Macedonia's Law on Prevention and Protection Against Discrimination. It serves as a key driver of positive change, promoting substantive equality, advancing human rights, and working to eliminate all forms of discrimination, earning high levels of public trust across the country.
4. The ERRC and the CPPD jointly commend the North Macedonian Government's efforts to implement the *Elmazova and Others v. North Macedonia* judgment, as documented in the action plans submitted on 14/09/2023 ([DH-DD\(2023\)1098](#))⁶ and 30/09/2024(DH-DD(2024)1099).⁷
5. We are writing this submission to highlight that, despite the North Macedonian Government's official commitment to implement the *Elmazova* judgment and address the identified issues, desegregation in the two concerned schools has yet to occur. Furthermore, cases of segregation of Romani pupils continue to arise across the country after the *Elmazova* judgment was adopted.

II. CASE DESCRIPTION

6. The judgment *Elmazova and Others v. North Macedonia* involves two applications: *Seriha Elmazova and Others v. North Macedonia* (Applications no. 11811/20) and *Divan Jasharov and Others v. North Macedonia* (Application no. 13550/20). They were filed by the ERRC on behalf of Romani parents and their children from Bitola and Štip, two cities in North Macedonia, concerning the segregation of Romani children in two primary schools: G.S. in Bitola and G.D. in Štip, submitted to the European Court of Human Rights (ECtHR).

7. *Seriha Elmazova and Others v. North Macedonia* (Application no. 11811/20)

³*Elmazova and Others v. North Macedonia* (Applications nos. 11811/20 and 13550/20), available on: <https://hudoc.echr.coe.int/fre?i=001-221503>.

⁴ Find out more on: <https://kszd.mk/>

⁵ The Law on Prevention and Protection Against Discrimination, Official Gazette of the Republic of North Macedonia, No. 258, on 30 October 2020.

⁶ Available at: [https://hudoc.exec.coe.int/eng?i=DH-DD\(2023\)1098E](https://hudoc.exec.coe.int/eng?i=DH-DD(2023)1098E).

⁷ Available at: [https://hudoc.exec.coe.int/?i=DH-DD\(2024\)1099E](https://hudoc.exec.coe.int/?i=DH-DD(2024)1099E).

This case concerns the segregation of Romani pupils at G.S. Primary School in Bitola during the 2018/2019 academic year. The applicants, residing in the Bair district, claimed discrimination, asserting that Romani children were primarily enrolled at G.S., while Macedonian children from the same area attended T.A. School. Evidence showed that over 80% of pupils at G.S. were Roma, while T.A. was predominantly Macedonian (95.1%). The Constitutional Court, however, rejected the complaint, stating the evidence did not sufficiently demonstrate segregation or discriminatory treatment. The court noted that parents had voluntarily enrolled their children in G.S. without formally requesting transfers to T.A.

In subsequent years, the number of Romani pupils at G.S. remained high, with 80 out of 93 first graders in the 2020/2021 academic year and all 77 first graders in 2021/2022 being Roma. In February 2022, the ERRC submitted a complaint about continued segregation, which led the CPPD to recommend stricter enforcement of catchment area decisions to reduce Roma segregation.

8. Divan Jasharov and Others v. North Macedonia (Application no. 13550/20)

This case involves Romani pupils placed in Roma-only classes at G.D. Primary School in Štip during the 2017/2018 and 2018/2019 academic years. The applicants, including thirty-three Romani children and their parents, alleged exclusion from regular education and discrimination. The Constitutional Court found that the ethnic composition of classes did not alone indicate segregation or inferior education. Although a significant percentage of G.D. pupils were Roma (64% in 2017/2018 and 67% in 2018/2019), the court concluded that there was no evidence of differential treatment or discrimination based on ethnicity. The court deemed the constitutional complaint premature, requiring exhaustion of ordinary remedies first.

In the 2020/2021 and 2021/2022 academic years, the percentage of Romani pupils in first grade remained high, with two Roma-only classes in the latter year. The CPPD later acknowledged systemic ethnic segregation stemming from the Primary Education Act, emphasizing the negative consequences of separating Romani and non-Romani children. The Commission recommended stricter enforcement of catchment area regulations to combat segregation.

9. In the judgment from 13 December 2022, the ECtHR found violation of Article 14 in conjunction with Article 2 of Protocol No. 1 and noted that it was primarily for the respondent State to take positive effective measures to correct the applicants' factual inequality and avoid the perpetuation of the discrimination that resulted from their over-representation at school. No explanation was provided as to why no measure has been taken to correct the imbalance in the ethnic composition of the two schools in question, or to redistrict the school district map, or why no other appropriate desegregating measure has been taken, notwithstanding the repeated recommendations by the Ombudsman in this regard (§74). Under Article 46, the Court considered that measures to be taken in the context of the present case must ensure the end of the segregation of Romani pupils in the impugned State-run primary schools, as recommended by the European Commission against Racism and Intolerance, the national Commission for Prevention and Protection against Discrimination, and the Ombudsman (§89).

III. INDIVIDUAL MEASURES

10. The ERRC and the CPPD assert that, based on the details provided by the Government in their two action plans⁸ and information gathered from the schools and local authorities, the measures intended to end the violations of the applicants' rights have not been effectively implemented yet.
11. Recent information obtained on 7 October 2024 from the primary school G.D. (Štip) shows that applicants Dj.M. (no. 25) and M.M. (no. 26) continued their education in the same school during the 2022/23 academic year and were placed in predominantly Roma classes.⁹ Additionally, applicant A.M. (no. 23) was not registered in the school records for the 2022/23 school year due to the failure to provide a personal identification number (ЕМБГ). Furthermore, the applicants Z.B. (no. 3), T.D. (no. 7), S.D. (no. 9), S.D. (no. 11), I.Dj. (no. 13), E.D. (no. 16), G.I. (no. 19), Gj.J. (no. 22), R.O. (no. 30), F.Sh. (no. 33), A.S. (no. 35), B.V. (no. 36), F.V. (no. 39), and L.V. (no. 40) attended sixth grade in class VI-1, which consisted of 24 students—21 Roma and 3 Turkish.¹⁰ To our understanding, class VI-1 (consisted of 24 pupils – 21 Roma and 3 Turkish) could also be considered a segregated Roma-only class, as many Roma in Štip identify as Turkish for historical reasons. Additionally, no Macedonian students were enrolled in this class. Applicants A.D. (no. 5), E.D. (no. 17), and Ch.H. (no. 18), who also continued their education at primary school G.D. in the 2022/23 academic year, were in the fifth grade in class V-3. This class was a Roma-only class consisting of 11 Roma students.
12. In the academic year 2023/24 the applicants Z.B. (no. 3), T.D. (no. 7), S.D. (no. 11), I.Dj. (no. 13), G.I. (no. 19), Gj.J. (no. 22), R.O. (no. 30), F.Sh. (no. 33), A.S. (no. 35), F.V. (no. 39) and L.V. (no. 40) attended seventh grade, in class VII-1 this time composed of 20 pupils – 17 Roma and 3 Turkish.¹¹ No Macedonian students were enrolled in this class again, while the number of Romani students decreased from 21 to 17 compared to class VI-1 from 2022/2023.
13. Furthermore, the applicants A.D. (no. 5), S.D. (no. 9), Ch.H. (no. 18), and B.V. (no. 36) attended sixth grade during the 2023/24 academic year, specifically in a Roma-only class (VI-3), which consisted of 16 Romani students. We would like to note that applicant E.D. (no. 16) was once again placed in the sixth grade, this time in class VI-1, which included 14 Roma, 9 Macedonians, 3 Turkish, and 1 Vlach student, even though, according to previous information received by the school, this applicant had completed the sixth grade in 2022/23. Therefore, in 2023/24, he should have been enrolled in the seventh grade. The same situation occurred with B.V. (no. 36) and S.D. (no. 9), who should have advanced to seventh grade in 2023/24 academic year

⁸ [DH-DD\(2023\)1098](#) from 14/09/2023 and [DH-DD\(2024\)1099](#) from 30/09/2024.

⁹ The applicant M.M. (no. 26) attended fourth grade in a class that was composed of 4 Macedonian pupils and 14 Roma and the applicant Dj.M. (no.25) attended second grade in a class that was composed of 4 Macedonian pupils and 11 Roma.

¹⁰ According to the information provided by the school the ethnic composition of the classes in sixth grade in the academic year 2022/23 were as follows: VI-1 – 24 pupils - 21 Roma and 3 Turks, VI-2 – 28 pupils – 9 Macedonian, 17 Roma and 2 Turk and VI-3 – 28 pupils – 15 Macedonian, 10 Roma , and 2 Vlachs. The applicants attended the VI-1 class.

¹¹ In 2022/2023 the same applicants attended the sixth grade in class VI-1, which consisted of 24 students—21 Roma and 3 Turks.

but instead were placed again in the sixth grade. Applicant M.M. (no. 26) attended the fifth grade during the 2023/24 academic year, in a predominantly Roma class (V-1), consisting of 16 pupils—12 Roma and 4 Macedonians. According to information from the school, applicants E.D. (no. 17) and J.M. (no. 25) unenrolled from the school by decision of the Teachers' Council, archive no. 09-486 dated 23 August 2023, while applicant A.M. (no. 23) had not attended school since 1 September 2021.

14. The ERRC and the CPPD are concerned by the fact that three applicants have repeated the sixth grade (no.16, 36 and 9), two have disenrolled from the school (no.17 and 25), while one has been absent since 2021 (no.23). Additionally, applicants who progressed to higher grades continue to be placed in Roma-only or predominantly Roma classes in 2023/2024.
15. The most recent information for the 2024/2025 academic year indicates that applicants Z.B. (no. 3), T.D. (no. 7), S.D. (no. 11), I.Dj. (no. 13), G.I. (no. 19), Gj.J. (no. 22), R.O. (no. 30), F.Sh. (no. 33), A.S. (no. 35), F.V. (no. 39), and L.V. (no. 40) are attending the eighth grade in a predominantly Roma class VIII-1, which consists of 19 students—17 Roma and 2 Turks. Additionally, applicants A.D. (no. 5), S.D. (no. 9), Ch.H. (no. 18), and B.V. (no. 36) are enrolled in the seventh grade in a Roma-only class (VII-3) comprising 15 Romani students. Applicant M.M. (no. 26) is in the sixth grade class VI-1, which is predominantly Roma, consisting of 25 pupils—21 Roma and 4 Macedonians. This same class is also attended by applicant E.D. (no. 16), who has been placed in the sixth grade for the third time. Lastly, applicants E.D. (no. 17) and J.M. (no. 25) remain disenrolled, while applicant A.M. (no. 23) has been still absent (since 2021).
16. The information provided by the Government in the two action plans and the information we received directly by the school regarding the educational circumstances of the applicants at G.D. primary school in Štip reveals several concerning trends related to segregation and irregular attendance. Firstly, the classification of some classes as "mixed" in the Government's action plans, when in reality they consist of over 70% Romani students, is misleading. We firmly believe that the high concentration of Romani students in these classes constitutes segregation, which can adversely affect their educational experience and social integration. The case of applicant A.M. (no. 23), who was not registered due to the lack of a personal identification number, raises significant concerns about administrative barriers that may prevent access to education. This issue underlines the need for schools to implement more inclusive practices that facilitate enrollments for all students, regardless of their identification status. The pattern of repeated grade retention for applicants such as E.D. (no. 16), B.V. (no. 36), and S.D. (no. 9) is alarming. Being placed in the same grade multiple times can have detrimental effects on a child's educational trajectory and self-esteem. It suggests that the educational system is failing to adequately address the needs of these students, which may be tied to broader issues of engagement and support within the school. Moreover, the continued segregation into Roma-only classes in first grade but also progressing to higher grades, indicates that measures currently in place to promote equitable access to quality education are insufficient. We are especially alarmed by the situation for the sixth-grade and seventh-grade applicants, who are overwhelmingly placed in Roma-only classes. Hence, we urge the relevant authorities in Štip to swiftly address these systemic issues ensuring that all students, regardless of their background, receive a quality and inclusive education that is essential for fostering a more inclusive and equitable society.

17. The data on applicants enrolled in G.S. (Bitola) primary school provided in the Government's action plans also reveal some troubling trends. The information raises serious concerns regarding the educational experiences of the applicants, particularly highlighting a pattern of irregular attendance and repeated grade retention. Notably, applicants S.M. (no. 35) and Sh.D. (no. 8) have been held back due to insufficient attendance, which not only disrupts their educational progress but may also adversely affect their overall development and future opportunities. Furthermore, several fifth-grade students, including B.K. (no. 20), have been unable to advance to the next grade due to poor attendance or performance. The ongoing predominance of Romani students in the overall school population and the segregation into Roma-only classes raises important questions about the effectiveness of the current measures implemented by the authorities in Bitola to reduce over-representation, combat segregation and ensure equitable access to quality education. Although M.M. (no. 27) has been placed in a mixed class, being labeled as an irregular student underscores broader issues related to attendance and engagement across the board. The situation for sixth-grade applicants is equally concerning, with several students, including U.A. (no. 3) and Dj.K. (no. 14), classified as irregular. This pattern of irregular attendance could have long-term implications for their educational success. In the seventh grade, the presence of irregular students such as F.G. (no. 12) and D.M. (no. 25) further illustrates the challenges faced at this academic level. The issues with attendance are not confined to a single grade, indicating potential systemic barriers that hinder consistent engagement and achievement. While some applicants have successfully completed their nine-year primary education, the circumstances under which others are struggling highlight an urgent need for intervention. It is crucial for educational authorities in Bitola to address these patterns of irregular attendance and ensure that all applicants receive the support they need to succeed academically. This should include not only monitoring attendance but also implementing effective strategies to engage students and provide them with the necessary resources for educational success.
18. Lastly, we note that the Government in its second action plan (DH-DD(2024)1099 from 30/09/2024) failed to provide information on the status of the applicants enrolled in G.S. (Bitola) and G.D. (Štip) for the 2024/2025 academic year.

IV. INFORMATION ON THE ENROLMENT IN G.D. AND G.S. IN THE ACADEMIC YEARS IN 2022/2023, 2023/24 and 2024/2025

19. According to enrollment data provided in the Government's action plans, in G.D. (Štip) in the academic year 2022/2023 Romani students comprised a significant majority (61.36%) of the total enrollment (590 students), a trend that continued in 2023/24 with 60% of the 573 enrolled pupils being Roma. This consistent high percentage raises concerns about the effectiveness of some of the adopted measures in tackling the systemic segregation within the educational system. The first-grade classes in both years 2022/2023 and 2023/2024 include Roma-only classes. In addition, the classification of some classes predominated by Roma as "mixed" often masks the fact that the vast majority of students are from one ethnic group. The number of requests for transfers from students in the catchment area to other schools is notable, with more requests from Macedonian parents being submitted and granted compared to those from Roma. Additionally, the trend of late enrollments points to potential barriers for families that may prevent timely

registration, further contributing to unequal educational opportunities. The Government has not provided data on enrollments in the current 2024/2025 academic year. Additionally, the Government's action plan does not provide detailed class distribution for grades two to nine.

20. In G.S. (Bitola), the percentage of Romani students was even higher, reaching nearly 90% of the total enrollment in both academic years. The overwhelming presence of Romani students in this school highlights continuation of the issue of racial segregation. In first grade, 62 out of 69 pupils were Roma in 2022/23, and this trend continued in 2023/24 with 57 out of 59. Similar to G.D., the number of transfer requests granted at G.S. also indicates a prevalence of requests by Macedonian parents, suggesting continuation of "white flight". The Government has not provided data on enrollments in the current 2024/2025 academic year. Additionally, the Government's action plan does not provide detailed class distribution for grades two to nine.
21. The Ombudsman in its Information on the status of enrollment of Romani pupils in G.S. - Bitola and G.D. - Štip for the Academic Year 2023/24 concluded that: *"Roma students continue to be enrolled exclusively in the central building of G.D. Primary School. In the 2022/23 academic year, 61.36% of the 590 enrolled students were Roma. In the 2023/24 academic year, the number of Roma students is 341, which accounts for 59.51% of a total of 573 students. The number of classes in the first grade remains the same for both academic years, with a total of three classes in the central building. In the previous year, 47 Roma students were enrolled, and one class (I-1) consisted of 19 students, all of whom were Roma. Similarly, in the 2023/24 academic year, three classes were formed in the central building for first-grade students, with a total of 25 Roma students. Once again, one class (I-3) is composed entirely of Roma students. Regarding the issuance of consent for enrolling students from Goce Delchev Primary School in other primary schools in Štip, last academic year, out of a total of 32 consents issued, 25 were for Macedonian students and 7 for Roma students. In the 2023/24 academic year, of a total of 34 consents, 24 were granted to Macedonian students and 10 to Roma students."*
22. Most recent data we received on 7 October 2024 from the G.D. Primary School in Štip slightly differ from those presented in the Government's action plans. According to these data in 2022/2023 academic year in G.D. (Štip), out of 571 students enrolled in the main school building,¹² 343 (60.07%) were Roma, 202 (35.37%) were Macedonians, 17 (2.97%) were Turkish, and 9 (1.57%) were Vlach. In the first grade, 65 students were enrolled: 47 Roma, 17 Macedonians, and 1 Vlach. Three first-grade classes were formed in the main building, one of which (class I-1) consisted solely of 19 Romani students.¹³ The Government's action plans do not provide detailed class distribution for grades two to nine, but it is important to highlight that predominantly Roma and Roma-only classes are also formed in these higher grades. Due to the evident discrepancies and errors in the data provided by G.D. (Štip), particularly for grades fourth, sixth, seventh, and eighth, we request from the Government to provide an accurate and updated list of data, including class distribution for grades two through nine for the 2022/2023 academic year. We present the data received by G.D. below.

¹² The school is composed of a main building and two district schools in the villages Tri Cheshmi and Shashavarlija. However, Roma pupils follow classes only in the main building.

¹³ I-1 – 19 pupils – all Roma, I-2 – 23 pupils – 5 Macedonians, 17 Roma and 1 Vlach, I-3 – 23 pupils – 12 Macedonians and 11 Roma.

The ethnic breakdown for the other grades in the main building for the 2022/23 academic year was as follows:

- Second grade: 68 students in total – 54 Roma, 11 Macedonians, 2 Turkish, and 1 Vlach. Four classes were formed in second grade, with two (class II-1 and II-3) being Roma-only.¹⁴
- Third grade: 81 students in total – 54 Roma, 24 Macedonians, and 3 Turkish. Three classes were formed, with class III-3 comprising 26 students, of whom 23 (88.46%) were Roma.¹⁵
- Fourth grade: 64 students in total – 39 Roma and 24 Macedonians.¹⁶ Three classes were formed, with class IV-1 having 18 students, of whom 14 (77.77%) were Roma.¹⁷
- Fifth grade: 49 students in total – 31 Roma, 15 Macedonians, 2 Turkish, and 1 Vlach. Three classes were formed, one of which (class V-3) was a Roma-only class with 11 students.¹⁸
- Sixth grade: 80 students in total – 48 Roma, 24 Macedonians, 5 Turkish, and 2 Vlach.¹⁹ Three classes were formed, with class VI-1 consisting of 24 students, of whom 21 were Roma and 3 Turkish.²⁰
- Seventh grade: 58 students in total – 29 Roma, 21 Macedonians, 3 Turkish, and 2 Vlach.²¹ Four classes were formed, with class VII-3 comprising 12 students, of whom 9 were Roma and 3 Turkish.²²
- Eighth grade: 73 students in total – 31 Roma, 43 Macedonians, and 2 Turkish.²³ Three classes were formed, with class VIII-3 comprising 24 students, of whom 20 were Roma and 4 Macedonians.²⁴
- Ninth grade: 48 students in total – 18 Roma, 28 Macedonians, and 2 Turkish. Three classes were formed in this grade.²⁵

In the academic year 2023/2024 in G.D. out of out of 568 students enrolled in the

¹⁴ II-1- 17 pupils- 8 Macedonians, 8 Roma and 1 Turkish, II-2- 17 pupils- all Roma, II-3- 18 pupils-all Roma, II-4-16 pupils- 3 Macedonians, 11 Roma, 1 Turk and 1 Vlach.

¹⁵ III-1- 26 pupils- 13 Macedonians and 13 Roma, III-2- 29 pupils- 9 Macedonians, 18 Roma and 2 Turks, III-3- 26 pupils- 2 Macedonian, 23 Roma and 1 Turk.

¹⁶ **The mistake in calculation is in the data provided by the school. According to ERRC's calculation there are a total of 63 pupils enrolled in fourth grade.**

¹⁷ IV-1-18 pupils- 4 Macedonians and 14 Roma, IV-2- 26 pupils- 12 Macedonians, 14 Roma, **IV-3- 20 pupils- 8 Macedonians and 11 Roma (the mistake in calculation is in the data provided to the school. According to ERRC's calculation class IV-3 has 19 pupils).**

¹⁸ V-1- 20 pupils-9 Macedonians and 11 Roma, V-2-18 pupils- 6 Macedonians, 9 Roma, 2 Turks and 1 Vlach, V-3-11 pupils- all Roma.

¹⁹ **The mistake in calculation is in the data provided by the school. According to ERRC's calculation there are a total of 79 pupils enrolled in sixth grade.**

²⁰ VI-1- 24 pupils-21 Roma and 3 Turks, VI-2- 28 pupils-9 Macedonians, 17 Roma and 2 Turks, VI-3-28 pupils- 15 Macedonians, 10 Roma and 2 Vlach **(the mistake in calculation is in the data provided to the school. According to ERRC's calculation class VI-3 has 27 pupils).**

²¹ **The mistake in calculation is in the data provided by the school. According to ERRC's calculation there are a total of 55 pupils enrolled in seventh grade.**

²² VII-1-17 pupils-11 Macedonians, 5 Roma and 1 Vlach, VII-2-13 pupils-4 Macedonians, 8 Roma and 1 Vlach, VII-3-12 pupils- 9 Roma and 3 Turks, VII-4- 16 pupils-6 Macedonians and 7 Roma. **(the mistake in calculation is in the data provided to the school. According to ERRC's calculation class VII-4 has 13 pupils).**

²³ **The mistake in calculation is in the data provided by the school. According to ERRC's calculation there are a total of 76 pupils enrolled in eighth grade.**

²⁴ VIII-1- 25 pupils-23 Macedonians, 4 Roma and 2 Turks, **(the mistake in calculation is in the data provided to the school. According to ERRC's calculation class VIII-1 has 29 pupils),** VIII-2- 24 pupils-16 Macedonians and 7 Roma **(the mistake in calculation is in the data provided to the school. According to ERRC's calculation class VIII-2 has 23 pupils).** VIII-3-24 pupils-4 Macedonians and 20 Roma.

²⁵ IX-1-17 pupils- 9 Macedonians and 8 Roma, IX-2-16 pupils-14 Macedonians and 2 Roma, IX-3-15 pupils- 5 Macedonians, 8 Roma and 2 Turks.

main school building, 336 (59.15%) were Roma, 201 (35.38%) were Macedonians, 23 (4.04%) were Turkish, and 8 (1.40%) were Vlach. In the first grade, 54 students were enrolled: 25 Roma and 29 Macedonians. Three first-grade classes were formed in the main building, one of which (class I-3) consisted solely of 14 Roma students.²⁶ The Government's action plan does not provide detailed class distribution for grades two through nine. However, it is important to emphasize that predominantly Roma and Roma-only classes are also present in these higher grades. We request that the Government provide additional data for the 2023/2024 academic year, including class distribution from second to ninth grade.

The ethnic breakdown for the other grades in the main building for the 2023/24 academic year was as follows:

- Second grade: 64 students in total – 46 Roma, 17 Macedonians, and 1 Vlach. Three classes were formed, two predominated by Roma pupils and one being Roma-only (II-1).²⁷
- Third grade: 65 students in total – 51 Roma, 12 Macedonians, and 2 Turkish. Four classes were formed, with class III-2 and III-3 being Roma-only.²⁸
- Fourth grade: 73 students in total – 47 Roma, 23 Macedonians, and 3 Turkish. Three classes were formed, with class IV-3 having 26 pupils of whom 23 (88.46) were Roma.²⁹
- Fifth grade: 59 students in total – 34 Roma, 24 Macedonians, and 1 Turkish. Three classes were formed, one of which is predominantly consisted of Roma students (V-1) with 16 pupils in total of which 12 Roma.³⁰
- Sixth grade: 66 students in total – 45 Roma, 13 Macedonians, 6 Turkish, and 2 Vlach. Three classes were formed, with class VI-3 consisting of 16 students, all Roma.³¹
- Seventh grade: 70 students in total – 36 Roma, 25 Macedonians, 7 Turkish, and 2 Vlach. Three classes were formed, with class VII-1 comprising 20 students, of whom 17 were Roma and 3 Turkish. No Macedonian students were enrolled in this class.³²
- Eighth grade: 56 students in total – 31 Roma, 21 Macedonians, 2 Turkish and 2 Vlach. Four classes were formed, with class VIII-3 comprising 12 students, of whom 10 were Roma and 2 Turkish. No Macedonian students were enrolled in this class.³³
- Ninth grade: 61 students in total – 21 Roma, 37 Macedonians, 2 Turkish and 1 Vlach. Three classes were formed in this grade, with class IX-3 having 12 Romani students out of total 17.³⁴

²⁶ I-1 – 23 pupils – 19 Macedonian and 4 Roma, I-2 – 17 pupils – 10 Macedonians and 7 Roma, I-3 – 14 pupils –all Roma.

²⁷ II-1- 19 pupils- all Roma, II-2- 20 pupils- 5 Macedonians, 14 Roma and 1 Vlach, II-3- 25 pupils-12 Macedonians and 13 Roma.

²⁸ III-1- 17 pupils- 8 Macedonians, 8 Roma and 1 Turk, III-2- 17 pupils-all Roma, III-3- 16 pupils-all Roma, III-4-15 pupils- 4 Macedonians, 10 Roma and 1 Turk.

²⁹ IV-1-22 pupils- 13 Macedonians and 9 Roma, IV-2- 25 pupils- 8 Macedonians, 15 Roma and 2 Turks, IV-3- 26 pupils- 2 Macedonians, 23 Roma and 1 Turk.

³⁰ V-1- 16 pupils- 4 Macedonians and 12 Roma, V-2-25 pupils- 12 Macedonians and 13 Roma, V-3-18 pupils-8 Macedonians, 9 Roma and 1 Turk.

³¹ VI-1- 27 pupils- 14 Roma, 9 Macedonians, 3 Turks and 1 Vlach, VI-2- 23 pupils- 4 Macedonians, 15 Roma, 3 Turks and 1 Vlach, VI-3-16 pupils-all Roma.

³² VII-1-20 pupils-17 Roma and 3 Turks, VII-2-23 pupils- 9 Macedonians, 11 Roma and 3 Turks, VII-3-27 pupils- 16 Macedonians, 8 Roma, 1 Turk and 2 Vlach.

³³ VIII-1- 18 pupils-11 Macedonians, 6 Roma and 1 Vlach, VIII-2- 11 pupils-5 Macedonians, 5 Roma and 1 Vlach, VIII-3- 12 pupils- 10 Roma and 2 Turks, VIII-4-15 pupils-5 Macedonians and 10 Roma.

³⁴ IX-1-22 pupils- 17 Macedonians, 3 Roma and 2 Turks, IX-2-22 pupils- 15 Macedonians,6 Roma and 1 Vlach, IX-3-17 pupils- 5 Macedonians and 12 Roma.

23. The data reveal that segregation continues in the 2023/2024 school year, with one class consisting solely of Romani students, while the other two classes have 41.17% and 17.39% Romani students, respectively. The uneven distribution of Romani students across the classes suggests that school authorities may still be yielding to the pressure and preferences of Macedonian parents when forming the classes. Such practices reinforce segregation and hinder efforts toward integration and equal education. Even if the segregated Roma-only class resulted from the late enrollment of Romani children after the initial enrollment deadline, the ERRC and the CPPD maintain that this does not prevent school authorities from redistributing students to ensure better representation and inclusion. We remain concerned that these practices perpetuate educational inequality and urge authorities to take decisive action to create non-discriminatory learning environments that respect the rights of all students.
24. According to Article 53 of the Law on Primary Education,³⁵ primary schools are required to conduct instruction in sections and classes, with specific guidelines regarding class size. The law stipulates that the number of students in a class should generally range from 20 to 30 students, with provisions allowing for exceptions under certain circumstances. Notably, paragraph (6) of this article allows for the formation of classes with fewer than 20 students, but this requires prior approval from the class founder and a positive opinion from the Ministry of Education. In the context of the Roma-only classes observed in G.D., G.S., but also other schools, it is crucial to determine whether the necessary permissions were obtained from both the Municipality and the Ministry to operate with fewer than 20 students. The formation of such classes raises significant questions about compliance with educational regulations and the intention behind segregating Romani students into smaller, dedicated groups. As nearly all of the identified Roma-only classes contain fewer than 20 students, it becomes imperative to investigate whether these classes were established in accordance with the legal framework. The question is whether the

³⁵ Одделенија и паралелки

Член 53

(1) Наставата во основното училиште се изведува по одделенија и паралелки.

(2) Одделението е воспитно-образовна целина во која се реализираат наставните програми според наставниот план за една учебна година. Учениците од исто одделение се распоредени по паралелки.

(3) Паралелка се формира од ученици од исто одделение.

(4) Бројот на ученици во паралелката е од 20 до 30 ученици.

(5) По исклучок од ставот (4) на овој член, во услови на вонредните околности од членот 50 став (9) од овој закон, Владата го утврдува максималниот број на учениците во паралелка.

(6) Паралелка може да се формира и со помалку од 20 ученици по добиена согласност од основачот.

(7) Основачот може да формира паралелка од ставот (6) на овој член, по претходно позитивно мислење од Министерството.

(8) Наставата по изборните предмети училиштето ја организира во групи за кои се пријавени најмалку 15 ученици од исто одделение, од исти или различни паралелки.

(9) Во основното училиште може да се формира и комбинирана паралелка, по правило, од ученици од прво до трето одделение, со ученици од четврто и петто одделение или со ученици од шесто до деветто одделение, по добиена согласност од основачот.

(10) Основачот може да формира комбинирана паралелка од ставот (9) на овој член, по претходно позитивно мислење од Министерството.

(11) Комбинирана паралелка може да има најмногу до 10 ученици.

(12) Кога не може да се организира наставата по одделенија во паралелки за учениците во здравствени установи, казнено-поправни или воспитно-поправни установи, најблиското основно училиште организира индивидуална или групна воспитно-образовна работа.

(13) Бројот на учениците со попреченост во паралелка го утврдува училишниот инклузивен тим од членот 16 став

(1) од овој закон, водејќи грижа за рамномерна распределба по паралелки, во зависност од видот на попреченоста и видот и обемот на потребните прилагодувања.

school has provided the required documentation to the Municipality and the Ministry to justify the need for smaller classes and the creation of Roma-only classes. Additionally, was there an adequate rationale presented that aligns with the overarching goals of inclusivity and equitable education for all students, regardless of their ethnic background?

25. The ERRC received information from the school that in the academic year 2024/2025 in G.D. out of out of 532 students enrolled in the main school building, 331 (62.21%) were Roma, 170 (31.95%) were Macedonians, 24 (4.51%) were Turkish, and 7 (1.31 %) were Vlach. In the first grade, 50 students were enrolled: 35 Roma, 11 Macedonians and 4 Turkish. Three first-grade classes were formed in the main building, two of which almost entirely consisted of Romani pupils (class I-1 and I-3), with no Macedonian students enrolled.³⁶ It is important to note that predominantly Roma and Roma-only classes are also formed in the higher grades.

The ethnic breakdown for the other grades in the main building for the 2024/25 academic year is as follows:

- Second grade: 57 students in total – 29 Roma and 28 Macedonians. Three classes were formed, one being Roma-only (II-3), consisted of 17 students, all Roma.³⁷
- Third grade: 55 students in total – 38 Roma, 16 Macedonians, and 1 Vlach. Three classes were formed, with class III-1 being Roma-only consisted of 18 students, all Roma.³⁸
- Fourth grade: 61 students in total – 48 Roma, 11 Macedonians, and 1 Turkish. Three classes were formed, with class IV-3 having 26 pupils of whom 23 (88.46) were Roma.³⁹
- Fifth grade: 71 students in total – 46 Roma, 22 Macedonians, and 3 Turkish. Three classes were formed, with class V-3 beings consisted of 25 students out of which 23 are Roma.⁴⁰
- Sixth grade: 75 students in total – 50 Roma, 23 Macedonians and Turkish. Three classes were formed, with class VI-1 consisting of 25 students, out of which 21 Roma.⁴¹
- Seventh grade: 51 students in total – 32 Roma, 13 Macedonians, 4 Turkish, and 2 Vlach. Three classes were formed, with class VII-3 comprising 15 students, all Roma.⁴²
- Eighth grade: 63 students in total –30 Roma, 24 Macedonians, 7 Turkish and 2 Vlach. Three classes were formed, with class VIII-1 comprising 19 students, of whom 17 were Roma and 2 Turkish. No Macedonian students were enrolled in this

³⁶ I-1 – 16 pupils –13 Roma and 3 Turks, I-2 – 19 pupils – 11 Macedonians and 8 Roma, I-3 – 15 pupils –14 Roma and 1 Turk.

³⁷ II-1- 24 pupils- 20 Macedonians and 4 Roma, II-2- 16 pupils- 8 Macedonians and 8 Roma, II-3- 17 pupils-all Roma.

³⁸ III-1- 18 pupils- all Roma, III-2- 19 pupils-5 Macedonians, 13 Roma and 1 Vlach, III-3- 18 pupils- 11 Macedonians and 7 Roma.

³⁹ IV-1-17 pupils- 8 Macedonians,8 Roma and 1 Turk, IV-2- 15 pupils- all Roma, IV-3- 15 pupils- all Roma, IV-4-14 pupils-3 Macedonians, 10 Roma and 1 Turk.

⁴⁰ V-1- 22 pupils- 13 Macedonians and 9 Roma, V-2-24 pupils- 8 Macedonians, 14 Roma and 2 Turks, V-3-25 pupils-1 Macedonian, 23 Roma and 1 Turk.

⁴¹ VI-1- 25 pupils- 21 Roma and 4 Macedonians, VI-2- 27 pupils- 12 Macedonians, 14 Roma and 1Turk, VI-3-23 pupils -7 Macedonians, 15 Roma and 1 Turk.

⁴² VII-19- pupils- 9 Macedonians, 7 Roma, 2 Turks, and 1 Vlach, VII-2-17 pupils- 4 Macedonians, 10 Roma, 2 Turks, and 1 Vlach, VII-3-15 pupils- all Roma.

class.⁴³

- Ninth grade: 49 students in total – 23 Roma, 22 Macedonians, 2 Turkish and 2 Vlach. Four classes were formed in this grade, with class IX-3 having only 9 students of which 7 Roma and 2 Turkish. No Macedonian students were enrolled in this class.⁴⁴

26. The Government reported in its action plan that 32 requests for transfers of pupils from the catchment area of G.D. (Štip) to other schools were approved during the 2022/23 academic year. The majority of these transfers, 25 in total, were granted to Macedonian parents. Additionally, we received information from the Municipality of Štip, based on the Ministry of Interior's list, indicating that 153 pupils from G.D.'s catchment area were expected to enroll in the first grade for the 2023/24 academic year. Of these, 97 were Macedonian, 51 were Roma, and 5 were Turkish. However, 39 students transferred to schools outside the area, including 33 Macedonians. For the 2024/2025 academic year, 132 students belong to the school's designated area, with 79 Macedonian, 52 Roma, and 1 Turkish. Notably, 40 students transferred to other schools, 38 of whom were Macedonian. These figures highlight the ongoing trend of "white flight," with Macedonian students increasingly leaving G.D. catchment area for other schools.
27. According to data provided by the Government in its action plan in the academic year 2022/23 in G.S. (Bitola) out of 659 pupils enrolled in the school, 590 (89.53%) were Roma, 67 were Macedonians and two Turkish. In first grade in the academic year 2022/23 a total of 69 pupils were enrolled: 62 Roma, 6 Macedonians and 1 Turkish. In first grade, four classes were formed out of which three were mixed and one is Roma-only. The ethnic composition of the pupils enrolled in the academic year 2022/23 for the other grades was as follows: second grade – total of 90 pupils: 88 Roma and two Macedonians; third grade - total of 87 pupils: 74 Roma and 13 Macedonians; fourth grade – total of 93: 84 Roma and 9 Macedonians; fifth grade – total of 80: 75 Roma and 5 Macedonians; sixth grade – total of 81: 70 Roma and 11 Macedonians; seventh grade – total of 68: 64 Roma, three Macedonians and one Turkish; eight grade – total of 46: 40 Roma and 6 Macedonians and ninth grade – total of 45: 33 Roma and 12 Macedonians.

In the academic year 2023/24 in G.S. (Bitola) out of 609 pupils enrolled in the school, 550 (89.98%) were Roma, 56 were Macedonians, two Albanians and one Turkish. In first grade in the academic year 2023/24 a total of 59 pupils were enrolled: 57 Roma and two Macedonians. In first grade, four classes were formed out of which three are Roma-only and one is mixed. The ethnic composition of the pupils enrolled in the academic year 2023/24 for the other grades was as follows: second grade – total of 73 pupils: 67 Roma, five Macedonians and one Turkish; third grade - total of 78 pupils: 76 Roma, one Macedonian and one Albanian; fourth grade – total of 83 pupils: 70 Roma and 13 Macedonians; fifth grade – total of 84 pupils: 74 Roma, nine Macedonians and one Albanian; sixth grade – total of 83 pupils: 78 Roma and five Macedonians; seventh grade – total of 64 pupils: 53 Roma and 11 Macedonians; eight grade – total of 54 pupils: 49 Roma and five Macedonians and ninth grade –

⁴³ VIII-1- 19 pupils-17 Roma and 2 Turks, VIII-2- 22 pupils-8 Macedonians, 10 Roma and 4 Turks, VIII-3-22 pupils- 16 Macedonians, 3 Roma, 1 Turk and 2 Vlach.

⁴⁴ IX-1-15 pupils- 11 Macedonians, 3 Roma and 1 Vlach, IX-2- 11 pupils- 6 Macedonians, 4 Roma and 1 Vlach, IX-3-9 pupils- 7 Roma and 2 Turks and IX-4-14 pupils- 5 Macedonians and 9 Roma.

total of 31 pupils: 26 Roma and five Macedonians.

28. This situation represents a regression compared to the previous year, when only one class was composed exclusively of Romani students in first grade. The increase in Roma-only classes underlines the deepening of school segregation at the school and further entrenches the division along ethnic lines. We are concerned that the school's class formation practices not only fail to address segregation but have actually worsened it compared to previous years. The persistent high enrollment of Romani students, coupled with the limited number of non-Romani students, indicates a continuous trend of segregation with a high tendency that G.S. becomes a Roma-only school. It is crucial that school authorities take immediate action to reverse this trend, ensuring that all children, regardless of ethnicity, receive equal opportunities for integration and learning in a diverse environment. Furthermore, we note the Governments failure to provide data on class dispersion from second to ninth grade which would have shown the composition of classes in those grades. Data is also not provided for the present 2024/2-25 academic year which limits the ability to assess the effectiveness of any of the already undertaken measures by authorities.
29. The Ombudsman in its Information on the status of enrollment of Romani pupils in G.S. - Bitola and G.D. - Štip for the Academic Year 2023/24 concluded that: *"Data provided from the Ombudsman for the 2022/2023 and 2023/2024 academic year for G.S. Primary School in Bitola reveals that there have been no positive changes in addressing the issue of segregation of Roma students. In the 2022/23 academic year, 89.93% of the total 659 students were Roma, and in the 2023/2024 academic year, 89.98% of the total 609 students from grades 1 to 9 are Roma. Furthermore, there have been no changes in the composition of classes for first-grade students. In the 2022/23 academic year, the representation of Roma students in four classes was 89.85%, while in 2023/2024 school year, the percentage of Roma students in the same number of classes (four) has increased to 96.61%. A similar trend is observed regarding the consent for enrolling students from G.S. Primary School in other primary schools in Bitola. In 2022/2023 academic year, out of a total of 37 consents issued, 30 were for Macedonian students and 7 for Roma students. In the 2023/24 academic year, out of a total of 19 consents, 15 were granted to Macedonian students and 4 to Roma students"*.
30. We reached out to G.S. Primary School and local authorities in Bitola to obtain more up-to-date enrollment data, including for the ongoing 2024/2025 academic year. On 4 October 2024, we received a response from the Bitola Municipality, which provided only a brief overview of the number of first-grade students enrolled at G.S. for the 2023/2024 and 2024/2025 academic years. According to the data, a total of 71 pupils were enrolled in first grade during the 2023/2024 school year, 65 of whom were Roma and 6 were Macedonian. For the 2024/2025 academic year, 64 pupils were enrolled in first grade, with 59 Roma and 5 Macedonian students. We wish to highlight that this information differs from the data provided to us by the school in an official response dated 16 November 2023. In that reply, it was reported that a total of 61 students were enrolled in the first grade for the 2023/2024 school year, with the following class breakdown: I-1: 14 students, all Roma; I-2: 16 students, 2 Macedonians and 12 Roma; I-3: 15 students, all Roma; and I-4: 16 students, all Roma. Furthermore, this information also contradicts the data provided by the

Ombudsman in the Information on the Status of Enrollment of Roma Pupils at G.S. - Bitola and G.D. - Štip for the Academic Year 2023/24. According to the Ombudsman, four first-grade classes were formed in the 2023/2024 school year, with a total of 59 students enrolled: 57 Roma (96.6%) and only 2 Macedonian students. The class distribution was as follows: I-1: 14 students, all Roma; I-2: 15 students, 13 Roma and 2 Macedonians; I-3: 15 students, all Roma; and I-4: 15 students, all Roma. These discrepancies in the data raise concerns about the credibility, consistency and reliability of the data shared by the school with different entities.

V. ACTIVITIES OF THE MUNICIPALITY OF BITOLA AND ŠTIP

31. In November 2023, and again in September 2024, the ERRC submitted multiple Freedom of Information (Fol) requests to national and local authorities, including the Municipalities of Bitola and Štip, the primary schools, and the Ministry of Education and Science. These requests sought updates on the implementation of the *Elmazova* judgment. On 23 November 2023, the Municipality of Bitola briefly responded (no. 41-332/3), indicating that a consultant had been appointed to draft a desegregation plan. However, the Municipality of Bitola did not answer all of the questions raised by the ERRC. In a response dated 4 October 2024, the Municipality of Bitola informed us that it is considering a new proposal aimed at preventing the segregation of Romani students in G.S. The proposal suggests that G.S. Primary School be designated for grades one to five, serving students from both the G.S. and T.A. catchment areas. Meanwhile, T.A. would cater to grades six to nine, also drawing students from both areas. We view this proposal as a potentially strategic approach to addressing the segregation of Romani students at G.S. However, while this restructuring may facilitate inclusion in the lower grades, it is crucial to ensure that inclusive practices and support mechanisms are extended to the upper grades at T.A. The success of this proposal will hinge on various factors, including community engagement, resource allocation, and ongoing monitoring of enrollment patterns and the overall school climate. Without comprehensive measures and a firm commitment to inclusion, there is a risk that Romani students may still face marginalization within the education system, despite structural changes. Therefore, it is imperative for local authorities to establish clear objectives, actively engage the affected communities, and implement effective strategies to promote diversity and equality across all grades. In the same response from 4 October 2024, the school attached a letter in which it describes the key challenges that they face in addressing segregation. Among others they write: *“The problem has been raised to several institutions, and we have already been labeled as a Roma school. The awareness among the population in our municipality is still focused on stereotypical thinking and discrimination against citizens from other ethnic communities. When it comes to zoning, we have a problem because we regularly comply with the regulations, send invitations, and personally deliver them to doors, accompanied by information about our school. However, the issue arises from the neighboring schools, T.A. and T.P., which enroll our children (Macedonians) without respecting the rules and laws for enrolling first-grade students, without consent given from our side. The enrollment deadline is until May 31, and they should not accept our students until then. The children are already enrolled there, and later some of them seek consent after the deadline has passed, which they are allowed to obtain since any school with available spots has the right to enroll a student*

(even though they are already registered there). When a Roma student applies to enroll in another school, they are clearly advised to come and enroll in ours because this is where their environment is. Additionally, Macedonian parents openly express their stance that they do not want their children to study in our school, where 90% of the population are Roma.⁴⁵

32. The ERRC and CPPD observe that the Municipality of Bitola's and G.S.'s reluctance to provide consistent, reliable, and comprehensive data on the number of children enrolled in the school and the measures undertaken so far is reflected in the Government's action plans, which lack details regarding the specific steps taken by the Municipality of Bitola to implement the *Elmazova* judgment.
33. In contrast, progress appears to be advancing in Štip. On 14 November 2023, the ERRC received a response from the Municipality of Štip indicating that an action plan had been developed on 3 April 2023, along with a copy of the plan. The ERRC and CPPD commend the Municipality of Štip for adopting this action plan, recognizing that racial segregation of Romani pupils at G.D. has been a longstanding issue in the municipality, persisting for over a decade. The action plan identifies two main causes for this segregation: first, the school's location in a predominantly Romani neighbourhood, and second, the insistence of parents of Macedonian students to keep their children in separate classes from Romani students. Efforts by the school administration to address this issue have consistently faced protests from Macedonian parents. The action plan outlines five key measures to tackle segregation: 1) the adoption of a new rezoning policy by the Municipal Council in April 2023; 2) the establishment of a new rulebook for first-grade enrollment by the Municipal Council in April 2023; 3) public forums organized by the Municipality in May 2023 to change the perception of the school as a "Roma school"; 4) outreach to Romani parents to inform them about enrollment deadlines in May 2023; and 5) the redistribution of Romani students across all schools in the municipality based on prior consultations with Romani parents.
34. On 30 September 2024, we received a formal response from the Municipality of Štip, indicating that the planned Measure No. 5, which aimed to distribute Romani students across all schools in the municipality, had not achieved positive outcomes. Despite the Municipality's partnership with JP Stipion 2011, a public transport company intended to transport Romani students during the 2023/2024 academic year and offer free public transportation to attend other primary schools, this measure was not implemented. The failure was attributed to the lack of submitted consent forms from parents of first-grade Romani children wishing to enroll their children in different schools. As a result, the municipality intends to revise and update the action plan to better address these challenges.

⁴⁵ Original text in Macedonian language: "...Проблемот е произнесен до повеќе институции и ние веќе сме етикетирани како ромско училиште. Свесноста кај популацијата на нашата општина сеуште е насочена кон стереотипно размислување и дискриминација на граѓаните од другите етнички заедници. Кога станува збор за реорганизација имаме проблем бидејќи ние регуларно ја почитуваме, праќаме покани и лично ги доставуваме на врата проследено со презентација на нашето училиште меѓутоа проблемот произлегува од соседните училишта Т.А. и Т.П кои без почитување на правилата и законите за запишување на ученици во прво одделение ги запишуваат нашите деца (македонци) без согласност дадена од наша страна а секако рокот за запишување е до 31 мај и тие не смеат да примаат наши ученици до тогаш. Децата се веќе запишани кај нив и подоцна дел од нив после поминат рок бараат согласност која смеат да ја добијат бидејќи секое училиште кое има слободни места има право да прими ученик (иако се веќе запишани кај нив). Кога ученик Ром ќе се пријави да се запише во друго училиште јасно им нагласуваат да дојде да се запише во нашето бидејќи тука им е средината. Исто така родителите македонци јасно искажуваат став дека не сакаат нивните деца да учат во нашето училиште каде што 90% од популацијата се Роми".

35. On 7 October 2023, we received information from the Municipality of Štip that starting from the 2024/2025 academic year, the municipality will introduce free meals for students in G.D. primary school from grades 1 to 5 for the entire school year (a public procurement procedure has already been initiated). While providing food subsidies can be beneficial in addressing issues of poverty and improving students' overall well-being, its impact in a segregated school setting could be more complex. We remind the authorities of the recent judgment in *X and Others v. Albania*⁴⁶, where the introduction of a food subsidy program at Naim Frasheri School in Korca, Albania inadvertently triggered "white flight." As more Romani and Egyptian children enrolled in the school, segregation worsened. In addition, in a school where segregation is prevalent, free meals may not address the root causes of inequality, such as the lack of inclusion and disparities in educational resources. Without efforts to promote inclusivity and equal opportunities, food subsidies could risk perpetuating segregation by improving conditions without challenging the structural issues that lead to such division. Therefore, while the initiative is positive from a welfare perspective, it should ideally be extended to all other schools in the same municipality and be coupled with broader efforts to desegregate schools and promote integration.
36. The ERRC and CPPD acknowledge the progress made by the Municipality of Štip in fulfilling the first two measures of the action plan but expresses concern about the lack of active involvement and consultation process with the Romani community (parents and children). It is concerning that neither the Municipality of Štip nor the Government's action reports has detailed any concrete activities directly involving the affected parents and children in determining the best educational options for them. We stress that the involvement of applicants and other Romani parents and children is crucial to ensuring that the proposed measures are effective, inclusive, and responsive to the community's needs. Without their active participation, there remains a significant risk that the measures will fail to address the core issues or adequately reflect the realities faced by Romani families affected by segregation.

VI. GENERAL MEASURES

37. Following decisions against schools in Štip and Bitola in 2022, in January 2024 the CPPD issued an Opinion against D.J. primary school in Prilep for indirect and ongoing discrimination that led to segregation of Romani pupils.⁴⁷ This ruling came in response to a complaint filed by the ERRC on behalf of Romani parents and their children, who reported that when they tried to enroll their children in the nearby K.G.J. primary school, they were directed to D.J., a predominantly Romani school with high number of Roma-only classes. The CPPD's Opinion confirms that schools were divided along ethnic lines. The Commission urged D.J. to stop forming classes based on ethnicity and recommended that the Municipality of Prilep enforce catchment area rules to promote desegregation. In September 2024, the ERRC received reports from Romani parents that segregation continues at the designated primary school in Prilep during the 2024/2025 school year, with Romani children still

⁴⁶ *X and Others v. Albania* (Applications nos. [73548/17](#) and [45521/19](#)), available at: <https://hudoc.echr.coe.int/eng?i=001-217624>.

⁴⁷ <https://www.errc.org/press-releases/north-macedonian-equality-body-finds-discrimination--segregation-of-roma-in-prilep-school>.

being placed in Roma-only or predominantly Roma classes. This information was corroborated with data received from the school on 9 October 2024. According to the data obtained from the school D.J. (Prilep) for the 2024/2025 academic year, out of a total of 1,195 students, 1,022 are Roma (85.52%) and 173 are Macedonians (14.47%). In the first grade, 142 students were enrolled, of whom 128 are Roma and 14 are Macedonians. Seven classes have been formed for the first-grade students, five of which are completely segregated, consisting only of Romani students. Throughout the entire school, from first to ninth grade, there are a total of 28 classes composed solely of Romani students.

38. On 24 September 2024, the ERRC submitted a petition to the Commission for Protection against Discrimination (CPPD), highlighting concerns about school segregation at the primary school R.K. in Kočani.⁴⁸ The petition was supported by evidence gathered on basis of a Freedom of Information (Fol) request, revealing high concentrations of Romani students in several classes during the 2023/2024 and 2024/2025 academic years. In response, on 25 September 2024, the CPPD informed the ERRC that it had already initiated *ex officio* proceedings on 17 September 2024, to address discrimination at the same school and that all documentation and evidence provided by the ERRC would be integrated into the ongoing investigation.
39. At the time of drafting this submission, the ERRC received information about another case of potential segregation in education of Romani students, this time in the Veles municipality at P.B. Primary School. Statistical data from the school for the past three academic years show a clear over-representation of Romani students in both the overall student body and across various classes from first to ninth grade, including the establishment of a Roma-only class in the 5th grade for the 2024/2025 academic year.⁴⁹ Based on this information, the ERRC submitted a petition to the CPPD on 8 October 2024. The ERRC would like to note that fact that the Ministry of Education and Science was already aware of the situation in P.B. as stated in their reply from 27 November 2023 in response to an ERRC's Fol request but to our knowledge it took no action to address the problem.
40. The Government's action plans state that, following the Government's decision on 16 May 2023, the Ministry of Education and Science was tasked with preparing an analysis of the actual situation regarding possible segregation in schools throughout North Macedonia, beyond the two schools highlighted in the Elmazova judgment. However, none of the two action plans so far submitted by the Government provides any information on the progress of this analysis. Furthermore, the action plans fail to report on new cases of school segregation that have emerged since the adoption of the Elmazova judgment, like the case of D.J. in Prilep. It is crucial that the Government not only conducts this analysis but also ensures that its findings are promptly shared publicly and acted upon to prevent further cases of segregation and to promote equality in education for all students in North Macedonia.
41. The European Commission against Racism and Intolerance (ECRI), during its most recent monitoring cycle in 2023, received further information indicating that the problem of school segregation persists in certain schools in North Macedonia.⁵⁰ This is particularly evident in schools where the majority of pupils are Roma, and the situation cannot be explained by the local demographic composition. This

⁴⁸ <https://www.facebook.com/EuropeanRomaRightsCentre/photos/-we-have-just-filed-another-complaint-against-school-segregation-in-a-case-at-ra/829055692717442/>.

⁴⁹ In the academic 2024/2025 class V-b is consisted of 16 students – all Roma.

⁵⁰ ECRI Report on North Macedonia (sixth monitoring cycle), published on 20 September 2023, available at : <https://rm.coe.int/sixth-ecri-report-on-north-macedonia/1680ac8c47>, p.24-25.

segregation is often the result of non-Romani parents transferring their children to other schools once the proportion of Romani students reaches a certain level. ECRI recommended that the authorities: *i) establish a special task force aimed at ending all forms of de-facto segregation of Roma children in schools, in particular in primary schools, and ii) intensify their efforts to close the educational outcome gap between Roma and non-Roma children, inter alia by expanding the Roma education mediators programme also to secondary schools*. The Government's action plans have not reported on the developments with relation to ECRI's latest recommendations.

42. The establishment of a working group to oversee the execution of the judgment on 16 May 2023 is a crucial step toward effectively combating the school segregation of Romani students. The involvement of various institutions, including the Ministry of Justice, the Ministry of Education and Science, and local municipalities, reflects a comprehensive approach to this issue. However, it is vital to emphasize the importance of including Roma civil society, parents, and children in this process. Their perspectives and experiences are essential for understanding the challenges faced by the community and ensuring that the measures implemented are genuinely effective and responsive to their needs. Furthermore, it is crucial that this working group is not only a temporary measure focused only on the *Elmazova* judgment but becomes a durable entity committed to addressing segregation on a nationwide scale. As recommended by ECRI establishing a special task force aimed at ending all forms of *de facto* segregation of Romani children in schools, particularly in primary schools, would be a significant step forward. Regarding the progress of the working group, the action plans do not provide information on the number of meetings held since 7 June 2023 or the progress made in the group's work, particularly given that over a year has passed since its establishment. Additionally, following the parliamentary elections held on 8 May 2024 and the subsequent formation of a new government, it is important to inquire whether there have been any changes in the membership of the working group. Addressing these questions will provide a clearer picture of the ongoing efforts and the effectiveness of the working group in supporting the rights and integration of the Romani community within the educational system.
43. The Government reported in its action plans about a study visit to Croatia from 4-6 June 2024, which offered a significant opportunity for stakeholders to explore strategies for addressing the educational challenges faced by Romani children. However, the action plan lacks crucial information on the lessons learned from this visit, especially in light of the ongoing issues related to school segregation of Romani pupils in Croatia. The ERRC is of view that Croatia should not be considered an adequate model for the educational measures to be taken in North Macedonia. The Oršuš case specifically relates to the discriminatory treatment of Romani children in two primary schools in the Međimurje area, where their placement in Roma-only classes was allegedly justified by the claim of inadequate command of the Croatian language.⁵¹ This situation is different from the *Elmazova* judgment in North Macedonia, where language barriers were not a cause of segregation. Moreover, although the supervision of the European Court's judgment in *Oršuš and Others v. Croatia* was closed some time ago, school segregation and discriminatory treatment of Romani children in primary schools in the Međimurje County and throughout Croatia continue to persist today. Consequently, the Croatian Ombudswoman's report for 2023 highlights the lack of progress in education, noting that despite

⁵¹ *Oršuš and Others v. Croatia* (Application no. 15766/03), available at: <https://hudoc.echr.coe.int/eng/?i=001-97689>.

numerous activities aimed at improvement, the desired outcomes have not been achieved in several areas.⁵² The National Strategy for the Inclusion of Roma (2013-2020) aimed to eliminate classes attended solely by Romani students by 2020; however, empirical research from 2018 indicated that this goal remains unfulfilled. Alarming, 45% of Romani children in Međimurje were still attending classes dominated by Romani students. Moreover, data collected by the Ombudsman in 2023 paints an even more dire picture. Among 24 schools attended by Romani students, 80 entirely ethnically segregated classes were reported, attended by 950 Romani children. This means that 36% of Romani students in these schools are in completely segregated classes, with an additional 54% in classes where over 70% of their peers are Roma. The existence of segregated classes correlates with lower educational quality, as evidenced by higher average grades in mixed classes, raising critical questions about the educational outcomes for Romani children. Additionally, the report indicates that several regional schools in Croatia remain almost entirely ethnically segregated, with institutions like Strmec Elementary School and Petrijanec Elementary School having 100% and 94% Romani students, respectively. The dropout rate among Romani children is alarmingly high; nine out of ten premature school leavers are Roma. In the 2022/2023 school year alone, 48 Romani children dropped out of primary education. The Ombudsman emphasized the urgent need for comprehensive measures to eliminate segregated classes, advocating for a thorough analysis of the segregation of Romani students and the development of a desegregation action plan. The UN Committee for the Elimination of Racial Discrimination has issued several recommendations that Croatia must report on within a year, including the necessity to end de facto discrimination in schools and enhance efforts for quality, inclusive education for Romani children.⁵³ Given these circumstances, North Macedonia should critically assess the applicability of Croatia's practices rather than adopt them uncritically.

44. The implementation of the *Elmazova* judgment is a critical opportunity to end educational segregation and prevent future occurrences in schools in North Macedonia. Amendments to the Law on Primary Education are a positive starting step, an initial tool for addressing the problem of discrimination and segregation in education. A broader revision of the entire legal framework is needed to strengthen provisions for the prevention and protection against discrimination, as segregation is one of its forms. In this context, we remind the Government of the obligation to align the legislation with the Law on Prevention and Protection against Discrimination (LPPD) in accordance with Article 48, because achieving educational goals is impossible without comprehensive systems for equal and safe education. This recommendation is in line with the assessments and recommendations from the document "Analysis of the Harmonization of Legislation in the Field of Anti-Discrimination", developed within the work of the National Coordinative Body for Monitoring the State of Non-Discrimination and the implementation of laws, bylaws, and strategic documents in this field, coordinated by the Ministry of Labor and Social

⁵² Ombudsman Report 2023, *Diskriminacija temeljem rasnog ili etničkog podrijetla*, available at:

<https://www.ombudsman.hr/hr/diskriminacija-temeljem-rasnog-ili-etnickog-podrijetla-2023/#romi>

⁵³ *Concluding Observations on the Combined Ninth to Fourteenth Periodic Reports of Croatia* (CERD/C/HRV/CO/9-14, 02 October 2023, page 6), available at: <https://documents.un.org/doc/undoc/gen/g23/180/93/pdf/g2318093.pdf>

- Policy in collaboration with the OSCE Mission to Skopje in 2019. The extensive harmonization model includes: introducing all general definitions of discrimination and the grounds for potential discrimination into each law; incorporating specific forms of discrimination and provisions related to promoting equality in the specific area covered by each law; introducing general procedures for dealing with discrimination cases, as well as specific procedures related to the field covered by the relevant law; and including the misdemeanour provisions set out in the LPPD and specific disciplinary and misdemeanour provisions related to the law in question.
45. The ERRC and the CPPD view the proposed law for amendments and additions to the Law on Primary Education as a lukewarm and insufficient attempt to address the issue of racial segregation in primary education. Instead, we advocate for specific provisions that will tackle the problem of school segregation at its root, namely the "white flight," provisions that will lead to positive obligations for all parties involved (the Ministry of Education, municipalities, schools, the Bureau for Development of Education, and the State Education Inspectorate) to implement measures and policies to prevent segregation and implement desegregation, provisions for oversight over the implementation of such measures, and measures to strengthen the responsibilities and capacities of key actors.
46. We cannot effectively address the issue of segregation if we lack the courage to name and acknowledge it. The draft amendments to the Law on Primary Education, published on 18 September 2024, in the Electronic National Register of Regulations of the Republic of North Macedonia, employ the terms "физичко одделување" (physical separation)⁵⁴ and "физичко одвојување" (physical isolation)⁵⁵ instead of explicitly using the term segregation (сегрегација). While segregation and physical separation are related concepts, they hold distinct meanings, particularly in educational and social contexts. Segregation encompasses a broader context of inequality and systemic separation based on specific characteristics, often leading to significant social and economic disparities. In contrast, physical separation merely refers to the act of keeping groups apart without necessarily indicating an underlying social issue. The ERRC and CPPD view the segregation of Romani children as a form of structural racial discrimination fueled by antigypsyism—the specific racism directed toward Roma,⁵⁶ alongside stigma and prejudice that hinder the integration

⁵⁴ **Член 1**

Во Законот за основното образование („Службен весник на Република Северна Македонија“ бр. 161/19 и 229/20), во член 5 во став (2) во алинејата 2, по зборот „запишување“ се додаваат зборовите „и формирање на паралелки“.

По ставот (6) се додаваат два нов ставови (7) и (8), кои гласат:

„(7) Се забранува виктимизација, односно трпење штетни последици од страна на раководно лице или друго лице во училиштето поради преземање на дејствија за заштита од дискриминација, односно пријава за дискриминација, почната постапка за заштита од дискриминација, сведочење во текот на постапката или на друг начин се учествува во постапката за заштита од дискриминација.

(8) Се забранува дискриминација и физичко одделување на учениците врз дискриминаторска основа при запишување и формирање на паралелки во основните училишта без легитимна или објективен цел, согласно Законот за спречување и заштита од дискриминација.“

⁵⁵ **Член 18**

Во член 53 ставот (12) се менува и гласи:

„(12) Ако не може да се организира наставата по одделенија во паралелки за учениците во казнено-поправни или воспитно-поправни установи, основното училиште од член 22 став (1) алинеја 2 од овој закон, организира индивидуална или групна воспитно-образовна работа.“

По ставот (13) се додава нов став (14), кои гласат:

„(14) При формирањето на паралелките во основните училишта, задолжително да се води сметка за балансирано распоредување на сите ученици, со цел да се избегне нивно физичко одвојување, освен ако во училиштето се формира само една паралелка во одделение. Балансираното распоредување на учениците по паралелки го врши директорот на училиштето.“

⁵⁶ <https://www.enar-eu.org/about/antigypsyism/>.

of Romani students. Although not always intentionally enforced by educational authorities, segregation is perpetuated by legal gaps and a lack of proactive measures to address the problem, such as tackling "white flight" and fostering inclusive education.

47. Furthermore, the prohibition of segregation should be reinforced by a misdemeanor provision that imposes a fine on the responsible individual within the legal entity. This approach would serve as a deterrent against discriminatory practices and ensure accountability for actions that perpetuate segregation. By holding specific individuals liable for violations, it reinforces the principle that all stakeholders, including schools, organizations, and governing bodies, must actively work to eliminate segregation in educational settings. Implementing such a provision would not only emphasize the seriousness of the issue but also promote a culture of compliance and respect for the rights of all students, fostering a more inclusive environment. This financial penalty would encourage legal entities to prioritize equitable practices and take proactive measures to prevent segregation, ultimately contributing to the overall goal of ensuring equal access to education for all students.
48. Following the example of the by-law "Guidelines for Reporting and Protecting a Student Victim of Any Form of Violence, Abuse, and Neglect," which was adopted under Article 66, paragraph 2 of the Law on Primary Education, a provision should be introduced to establish a legal framework for similar guidelines aimed at preventing and protecting against discrimination and segregation in education. Specifically, the Law on Primary Education should include a provision that mandates the creation of a system to prevent discrimination and segregation in schools. This can be achieved by requiring schools to adopt internal policies and rules for reporting and recognizing instances of discrimination and segregation, as well as outlining the measures to be taken against both the perpetrator and the victim. Furthermore, the implementation of these measures should be governed by Guidelines developed by the Ministry of Education, in collaboration with the Bureau for Development of Education and the Agency for Audio and Audiovisual Media Services. These Guidelines should provide specific directions for schools on how to structure classes to prevent segregation and foster interethnic integration.
49. The Draft Law on Amending and Supplementing the Law on Primary Education introduces the concept of "balanced distribution" (балансирано распоредување) in the formation of classes in primary schools. The ERRC and CPPD argue that this term needs further clarification and definition within the proposed by-law to ensure its meaning and practical application are clearly understood. Without such clarification, the law may create uncertainty regarding the threshold at which a distribution is deemed disproportionate and, therefore, unlawful. For example, a potential criterion for measuring balance could be when the percentage of children from a specific ethnic group significantly exceeds their representation within the total population of that age group in the educational cycle and administrative-territorial unit. Additionally, we oppose the legislative exception for cases where only one class is established per grade, as this may allow for the formation of Roma-only classes or continue to contribute to the over-representation of Romani students in certain schools.
50. In North Macedonia, inclusive education is often interpreted as primarily focusing on students with disabilities, rather than encompassing all students and their individual differences and needs by identifying and removing barriers to learning. These barriers may include potential legal restrictions that fail to address discrimination and do not ensure the full participation of all students, as outlined in international

conventions and European documents. Shifting the focus to the needs of all students, rather than labeling specific groups, would represent a move toward a rights-based approach. Therefore, we propose a revision of the definition of Inclusive Education to state that it means all students should attend and be welcomed in their nearest schools, participating in regular classes appropriate to their age. All students should receive support to learn, contribute, and engage in every aspect of school life. Furthermore, inclusive education should influence the development and design of schools, classrooms, programs, and activities, ensuring that all students learn and participate together. It should also create opportunities for learning to accept individual differences and work towards reducing bullying, harassment, and segregation among students.

51. We also believe that the proposed changes to the role of the school's inclusive team are insufficient. Therefore, we recommend enhancing this role by mandating the inclusive team to develop an inclusive school program aimed at addressing inequality and fostering community and full participation for all students. The inclusive team should prioritize cultivating an inclusive culture where all stakeholders work collaboratively, appreciate diversity, and ensure that every student, particularly those who are vulnerable and marginalized, receives a high-quality education. Inclusive teams must act as change leaders within schools, transforming organizational functions by establishing guidelines for implementing inclusive education rooted in its core values. This includes creating conditions that support the personal and professional development of teachers and educational staff—recognizing their talents, enhancing their skills, and awakening the potential of all students. Additionally, organizational development should encompass fostering a school culture that embraces differences and promotes inclusion. School inclusive teams should be responsible for maintaining a collegial, interactive school culture focused on providing support to both teachers and students throughout the educational process. They need to strengthen teachers' morale, foster partnerships with parents, and promote professional collegiality, thereby positively influencing the overall learning environment.
52. Segregation is perpetuated by a provision that permits students to enroll in schools outside their designated zone if space is available. Therefore, it is crucial to restrict enrollment in schools outside the zone to cases where it is necessary for attending classes in the mother tongue or due to a change of residence. Given that municipalities, as founders, are responsible for adopting zoning regulations, it is essential that they receive written guidelines to establish zoning in a manner that prevents segregation and encourages interethnic integration. To this end, a by-law should be adopted that outlines the criteria and indicators for determining the zoning of primary schools. In light of the existing segregation of Romani communities in housing, relying solely on residence as the objective criterion for zoning could exacerbate segregation within primary schools. Consequently, the by-law should primarily focus on the criterion of residence, but if this approach results in segregation, zoning decisions should also consider the ethnic or racial affiliations of the students involved.
53. We also propose an amendment stipulating that if a school has more than 20% of students from a single ethnic or racial minority, special measures must be implemented to prevent segregation. Furthermore, there should be a plan to gradually reduce this percentage to a maximum of 10%. If a school exceeds this percentage in one academic year, actions must be taken to decrease it in the following year. This approach recognizes the need for targeted interventions that

can lead to sustainable change, ultimately benefiting both students and the community at large. Monitoring and oversight of this implementation are essential, and the Ministry of Education should provide financial support to schools, if necessary, to facilitate these measures in collaboration with the Bureau for Development of Education. This provision would encourage municipalities to promote interethnic integration within schools and work actively to prevent segregation.

54. The need for more effective and adequate monitoring mechanisms for the implementation of anti-discrimination measures in schools is crucial for protecting against segregation. Therefore, we propose amendments to the Law on Educational Inspection to include a provision that explicitly grants the State Educational Inspectorate the authority to supervise the enforcement of anti-discrimination laws. This provision should include a clear and comprehensive definition of measures aimed at preventing segregation. The Inspectorate should be responsible for analyzing and reporting on the state of segregation in primary education while also defining parameters to ensure effective monitoring of these prevention measures. Additionally, the Inspectorate must prioritize training and education, specifically providing inspectors with training in human rights, anti-discrimination, and other relevant fields to enhance their ability to carry out their responsibilities effectively. To fulfill these roles, the Inspectorate should be equipped with sufficient resources and staff. This will enable them to monitor the realization of all elements of the right to education, analyze the state of education concerning discrimination and segregation, and publicly report on the situation in primary schools, sharing their findings with the broader community. This proposed amendment is essential as it establishes a framework for accountability and transparency in addressing segregation in schools, ensuring that anti-discrimination measures are not only in place but actively enforced and evaluated. By empowering the State Educational Inspectorate, we can foster an educational environment that is inclusive and equitable for all students, ultimately contributing to a more just society.
55. **In conclusion, we submit that the North Macedonian Government have not yet taken all the individual and general measures necessary to comply with the judgment in *Elmazova and Others v. North Macedonia* and to address the issues highlighted by the ECtHR.**

IV. CONCLUDING REMARKS

56. For the reasons above, the submitting parties respectfully request the Committee of Ministers to continue examining the execution of the judgment in *Elmazova and Others v. North Macedonia* case under the enhanced procedure.
57. Furthermore, in light of the ongoing school segregation against Romani students and the evident challenges faced by the Government in addressing the issues raised in this judgment, we respectfully call on the Committee of Ministers to urge the Government to:
- Continue developing and implementing a comprehensive action plan that tackles the root causes of segregation and ensures the full integration of Romani students in schools, including the applicants.
 - Establish a standardized system for collecting and reporting data on school enrollments and class distribution from grades one to nine.

- Require municipalities and schools to provide accurate enrollment data and monitor measures to prevent inconsistencies.
- Provide detailed information on the analysis of potential segregation across schools in North Macedonia, beyond the two schools highlighted in the *Elmazova* judgment, including newly identified cases like D.J. in Prilep, ensuring prompt intervention.
- Offer technical assistance and support to local authorities to enhance their capacity to effectively implement desegregation measures.
- Facilitate dialogue between relevant stakeholders, including Romani communities, ensuring their voices are heard in the decision-making processes concerning education.
- Significantly reduce the risk of a lost generation of Romani students by developing targeted support programs such as tutoring and mentoring to bridge educational gaps, along with after-school programs to further enhance learning and engagement.
- Ensure food support programs are extended to schools across municipalities, not limited to segregated schools.
- Report on efforts to implement ECRI's recommendations, including the establishment of a task force to end Roma segregation in schools, the expansion of the Roma education mediators' program to secondary schools, and additional support in Roma-majority areas to close educational gaps.
- Amend national legislation considering the above recommendations of ERRC and CPPD.
- Assess the effectiveness of existing measures and regularly report to the Committee on progress made and challenges encountered in executing the judgment.

European Roma Rights Centre
Commission on Prevention and
Protection against Discrimination –
North Macedonia