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Date: 31/10/2024

**DH-DD(2024)1252**

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Meeting: 1514<sup>th</sup> meeting (December 2024) (DH)

Communication from an NGO (The European Roma Rights Centre) (21/10/2024) concerning the case of X and Others v. Albania (Application No. 73548/17).

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.

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Réunion : 1514<sup>e</sup> réunion (décembre 2024) (DH)

Communication d'une ONG (The European Roma Rights Centre) (21/10/2024) relative à l'affaire X et autres c. Albanie (requête n° 73548/17) **[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.

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DGI

21 OCT. 2024

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**Council of Europe**  
**DGI - Directorate General of Human Rights and Rule of Law**  
**Department for the Execution of Judgments of the ECHR**  
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**21 October 2024**

## **RULE 9 SUBMISSION**

**with regard to the execution of: X AND OTHERS v. ALBANIA**

*(Applications nos. [73548/17](#) and [45521/19](#)), judgment of 31 May 2022 (final 31/08/2022)*

### **I. INTRODUCTION**

1. This 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 supported by Commissioner for Protection from Discrimination of Albania ("the CPD").
2. The ERRC<sup>1</sup> 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 *X and Others against Albania no. 73548/17*<sup>2</sup> lodged on 5 October 2017 (communicated on 3 April 2019) and *X and Y against Albania no. 45521/19*<sup>3</sup> lodged on 26 August 2019 (communicated on 18 December 2019) against the Republic of Albania. On 31 May 2022, the European Court of Human Rights addressed the allegations from both applications in a single judgment under the name *X and Others v. Albania (Applications nos. 73548/17 and 45521/19)*, which became final on 31 August 2022.<sup>4</sup>

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<sup>1</sup> Find out more on: [www.errc.org](http://www.errc.org)

<sup>2</sup> *X and Others against Albania* (Application no. [73548/17](#)), available on: <https://hudoc.echr.coe.int/eng?i=001-192816>.

<sup>3</sup> *X and Y against Albania*, (Application no. [45521/19](#)), available on: <https://hudoc.echr.coe.int/?i=001-200390>.

<sup>4</sup> *X and Others v. Albania* (Applications nos. [73548/17](#) and [45521/19](#)), available on: <https://hudoc.echr.coe.int/eng?i=001-217624>.

3. The ERRC acknowledges the Albanian Government's stated commitment to implementing the *X and Others v. Albania* judgment, as reflected in the action plans submitted on 1 June 2023 (DH-DD(2023)675)<sup>5</sup> and 17 October 2024 (DH-DD(2024)1200).<sup>6</sup>
4. This submission aims to emphasize that despite the Albanian Government's official commitment to implement the *X and Others* judgment and address the identified issues, desegregation at the Naim Frasheri school in Korça has not yet been achieved. Moreover, new cases of segregation of Romani and Egyptian students continue to emerge across the city and the country, even after the adoption of the judgment.

## II. CASE DESCRIPTION

5. The judgment *X and Others v. Albania* involves two applications: *X and Others against Albania no. 73548/17* and *X and Y against Albania no. 45521/19*. They were filed by the ERRC on behalf of Romani and Egyptian parents and their children from Korça, a city in Albania, concerning the segregation of Romani and Egyptian children in the Naim Frasheri primary school, submitted to the European Court of Human Rights (ECtHR).

### *X and Others against Albania no. 73548/17*

6. The case concerns the alleged segregation at the Naim Frasheri School in Korça. On 19 March 2018, the applicants were granted anonymity under Rule 47 § 4 of the Rules of the Court. They were represented by the ERRC. In 2016, it appeared that around 99% of the students at the school were of Roma or Egyptian origin. In 2012, the Government initiated a pilot project aimed at promoting attendance and academic progress among Romani and Egyptian students, which led to the other students leaving the school. On 22 September 2015, the Commissioner for the Protection from Discrimination determined that the situation amounted to indirect discrimination based on race and ethnicity and urged the authorities to take action to end the segregation. On 14 April 2017, the Ministry of Education and Sport sent a letter to the applicants' representative, outlining steps to ensure the desegregation of the school. However, the applicants claimed that segregation continued, and that the quality of education remained poor. They lodged a complaint under Article 1 of Protocol No. 12 to the Convention, arguing that they had been discriminated against due to the Government's policies.

### *X and Y against Albania no. 45521/19*

7. The application relates to identical factual and legal circumstances raised in the case of *X and Others v. Albania*, no. 73548/17, notice of which was given to the Government on 3 April 2019. It concerned the alleged segregation of Romani pupils at the Naim Frasheri School in Korça. The applicants, including a grandmother acting on behalf of her minor grandchildren, were represented by the ERRC.
8. The judgment *X and Others v. Albania* concerns failure of the authorities to implement swift and comprehensive desegregation measures in the Naim Frashëri elementary school in Korça, attended almost exclusively by Romani and Egyptian children. The ECtHR held that the delays and the non-implementation of appropriate desegregating measures could not be considered as having had an objective and reasonable justification, and therefore there was a

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<sup>5</sup> DH-DD(2023)675, available on: [https://hudoc.exec.coe.int/?i=DH-DD\(2023\)675E](https://hudoc.exec.coe.int/?i=DH-DD(2023)675E).

<sup>6</sup> DH-DD(2024)1200, available on: [https://hudoc.exec.coe.int/ENG/?i=DH-DD\(2024\)1200E](https://hudoc.exec.coe.int/ENG/?i=DH-DD(2024)1200E)

violation of the general prohibition of discrimination (violation of Article 1 of Protocol No. 12).

Under Article 46, the ECtHR held that, in view of the violation found, the measures to be taken must ensure the end of the discrimination of Romani and Egyptian pupils of the “Naim Frashëri” school, as ordered by the decision of the Commissioner against Discrimination of 22 September 2015.

## II. INDIVIDUAL MEASURES

9. The ERRC asserts that, based on the information provided by the Government in their first action plan<sup>7</sup> and information gathered from the applicants, the measures intended to end the violations of the applicants’ rights have not been effectively implemented yet.
10. The action plan’s information on the applicants’ situation reveals several ongoing issues related to segregation and educational inequality. The Government reported that of the original applicants, two continue to attend the Naim Frasheri school, meaning they remain in a segregated environment, with no evidence that the desegregation measures mandated by the *X and Others* judgment have been implemented. This reflects a persistent systemic problem, as the educational rights of these students continue to be violated. Additionally, there is no information on whether the five applicants who completed primary school have enrolled in high school or received support to further their education. This lack of follow-up creates a significant gap in understanding the long-term impact of the Government’s efforts—or lack thereof—to ensure educational equality for Romani and Egyptian students. The four applicants who left school after reaching the age of compulsory education are also a concern, as it is unclear what their future educational prospects are. There is no clarity on whether they will continue their studies or face barriers that prevent them from furthering their education. For the applicant who emigrated, no follow-up is provided on whether this student remains outside the country or has returned. It is also unknown if their emigration was influenced by challenges they faced within the Albanian education system, raising further concerns about the broader context driving such decisions. Finally, the applicant transferred to the Asdreni school is now attending another institution that is predominantly attended by Romani and Egyptian children. According to data in the action plan, in the 2022-2023 academic year of the 257 pupils at Asdreni, 172 (67%) were Romani and Egyptian, while only 85 (33%) were from the majority population. This perpetuates the same discriminatory practices in a different setting, as transferring students from one segregated school to another does not constitute meaningful progress toward desegregation.
11. Recently, the ERRC received information from the applicants that differs from what was reported by the Government. The applicants informed the ERRC that, one applicant is currently enrolled in the 8<sup>th</sup> grade at Naim Frasheri School, while another has dropped out. Another applicant is also in the 8<sup>th</sup> grade but attends Asdreni School. Four applicants have completed the nine years of compulsory education at Naim Frasheri School; two of them went on a two-year agricultural vocational school but are now unemployed, and one registered for high school but dropped out in the second year. One applicant left school after reaching the compulsory school-leaving age and emigrated. One applicant failed the 7<sup>th</sup> grade at Naim Frasheri School. He expressed a desire to continue his education at Asdreni School instead, and his family requested enrollment there. However, the principal of Asdreni declined citing a policy of not accepting students from Naim Frasheri anymore due to concerns that these students are often perceived as poor performers, with irregular attendance and a lack of commitment to their studies. Another applicant transferred to

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<sup>7</sup> Supra note 5, page 2-3.

Asdreni School after completing primary education and completed the 9th grade there. She then attended an arts high school and graduated last year. Lastly, one applicant left Naim Frasheri in the 7th grade due to health issues.

12. The Government's first action plan further states that internal consultations with teachers and Romani and Egyptian parents reveal a reluctance on the part of parents to transfer their children to other schools, primarily due to concerns about their children's ability to adapt to a new environment mid-year and the belief that the teachers at Naim Frasheri school, with their experience working with Romani and Egyptian pupils, are better suited to addressing their children's "*special needs*".<sup>8</sup> This is contradicted by the information the ERRC received from the applicants directly, indicating that some were willing to transfer to another school but received no support in doing so.
13. The ERRC also considers that the emphasis on transferring Romani and Egyptian students to other schools as the sole solution for desegregation is problematic. If Romani and Egyptian students are required to transfer to other schools in order to address segregation, the burden of solving a problem they did not cause falls unfairly on them. It is unclear whether the parents were offered other options to allow their children to study in non-segregated environments without requiring a mid-year transfer. Without such options, it seems that parents are left to choose between a segregated environment and the potentially disruptive transfer of their children, neither of which promotes equal access to quality education. Furthermore, the belief that Naim Frasheri's teachers are better suited to deal with Romani and Egyptian children reflects a system where schools are segregated not just physically but also in terms of the expectations and assumptions about students' needs and abilities. This situation normalizes segregation as the default option and ignores the broader structural reforms needed to ensure all children can access quality, inclusive education in a diverse setting. The goal should be to create inclusive educational environments in all schools, rather than perpetuating the belief that only certain schools are "equipped" to handle Romani and Egyptian students.
14. The Government's suggestion that the applicants who have reached the age of compulsory education can attend "*second chance*" classes<sup>9</sup> raise several concerns about the effectiveness and equity of this approach. It is important to note that this program is not widely implemented in many schools across Albania. Many schools show little interest in sustaining it, as teachers who are already committed to regular classes are expected to also manage part-time sessions. This additional responsibility requires extra effort, requiring teachers to work beyond their agreed hours without receiving compensation for the overtime. Schools often claim they do not have enough staff to cover the program, while education offices insist that adjustments should be made to teachers' schedules. Based on information received by the ERRC, these second chance classes are not held in the Naim Frasheri School but in a facility of a non-profit entity.

It is also important to clarify the status and quality of these second chance schools. Are they considered part of the formal education system, and do they provide the same level of education as mainstream schools? If these classes are not equivalent to formal education, then this option may not adequately support students in acquiring the skills and qualifications they need to advance in life. There is also a risk that these second chance programs may be segregated or disproportionately attended by Romani and Egyptian students. If the same patterns of segregation persist in these classes, then the students are again merely being shifted from one segregated setting to another, perpetuating educational inequality rather than addressing it. Another concern is whether there are any fees or hidden costs associated with attending these second chance classes. Many Romani and Egyptian

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<sup>8</sup> Supra note 5, page 3.

<sup>9</sup> Ibid.

families face socio-economic challenges, and any financial barriers could deter students from enrolling in these programs. It is important that these classes be fully accessible, free of charge, and provide adequate support for marginalized students. Attending second chance classes part-time raises questions about the students' ability to continue their education after completing the program. Can students who attend second chance schools easily transition into high school, or are they limited in their future educational opportunities? Without clear pathways for further education, these programs risk becoming a dead-end for students, rather than offering a meaningful second chance at completing their education. In summary, while second chance classes may provide an alternative for students who have left formal education, they do not address the deeper systemic issues of segregation and educational inequality. Ensuring that these programs are formal, accessible, inclusive, and provide pathways for further education is essential to avoid placing Romani and Egyptian students in yet another marginalized educational setting.

15. Conclusion: In light of the foregoing, despite the Government having paid just satisfaction to the applicants, the ERRC maintains that the measures to fully address the violations of the applicants' rights have not yet been effectively implemented.

### III. GENERAL MEASURES

16. The implementation of the *X and Others* judgment is a critical opportunity to end educational segregation and prevent future occurrences in schools in Albania.
17. In May 2024, the Committee on the Elimination of Racial Discrimination (CERD) issued its concluding observations on Albania's combined thirteenth and fourteenth periodic reports.<sup>10</sup> Despite the country's efforts to prevent discrimination against Romani and Egyptian children and promote their enrolment in preschool and compulsory education, the Committee expressed concern over low attendance rates, poor academic performance, and high dropout rates among these groups. It also highlighted reports of discrimination and de facto segregation in certain schools.  
CERD recommended that the Albanian government continue its efforts to ensure that Romani and Egyptian children have access to education without discrimination. This includes implementing measures to increase their enrolment and attendance in compulsory education and addressing the root causes of discrimination and segregation in the education system. The Committee urged the authorities to fully implement the ECtHR's judgment in *X and Others v. Albania* from 31 May 2022, and to intensify efforts to provide equal educational opportunities, particularly in preschool, to prevent future segregation.
18. In June 2023, the Advisory Committee on the Framework Convention for the Protection of National Minorities released its Fifth Opinion on Albania, noting that school segregation remains a persistent issue in the country.<sup>11</sup> This was underlined by the case *X and Others* judgement. During a visit to the segregated school, the Advisory Committee observed the challenges faced by its management and learned that factors such as socio-economic conditions and the appeal of free school meals contributed to the segregation of Romani and Egyptian students. While the authorities are committed to addressing these issues, the Advisory Committee emphasized the need for a more coordinated and systemic approach

<sup>10</sup> Committee on the Elimination of Racial Discrimination (CERD), May 2024, Concluding Observations on the Combined Thirteenth and Fourteenth Periodic Reports of Albania, <https://documents.un.org/doc/undoc/gen/g24/076/25/pdf/g2407625.pdf>.

<sup>11</sup> The information presented is based on the Advisory Committee on the Framework Convention for the Protection of National Minorities – Fifth Opinion on Albania, issued on June 6, 2023. For more details, you can refer to the full document [here](#).

to desegregate affected schools. It urged decisive action to integrate schools experiencing de facto segregation and highlighted the importance of collaboration to provide quality inclusive education. Addressing the socio-economic factors that contribute to segregation, particularly housing patterns, is also essential. The spatial segregation of Romani and Egyptian communities worsens school segregation, indicating a need for integrated housing policies to improve educational access. Authorities have recognized instances where students from Romani and Egyptian minorities make up a significant majority in segregated schools. They have indicated that they are working on these issues, attributing some of the segregation to spatial housing conditions. According to World Bank data, 19% of Romani students attend segregated schools in Albania. The Advisory Committee stressed the importance of maintaining inclusive classes and enhancing overall educational outcomes rather than merely merging schools. Access to education for Romani and Egyptian minorities faces additional hurdles, particularly for the Romani population, who often encounter language barriers. Although participation in compulsory education has improved for these minorities, significant gaps remain compared to the majority population. To effectively monitor educational outcomes, including dropout rates disaggregated by gender, the Advisory Committee called for the establishment of a comprehensive data collection system. While commending existing initiatives, it stressed the need for further cooperation with minority representatives to enhance educational access. To tackle dropout rates, the Advisory Committee recommended appointing Romani and Egyptian education mediators to collaborate with teachers and social workers, promoting the value of education within these communities. In December 2023, a resolution was adopted that called for decisive action to integrate segregated schools and address the socio-economic factors contributing to school segregation, reinforcing the need for a collaborative approach to ensure inclusive education.

19. The ERRC views the segregation of Romani and Egyptian children as a form of structural racial discrimination fuelled by antigypsyism—the specific racism directed toward Roma,<sup>12</sup> alongside stigma and prejudice that hinder the inclusion 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.
20. The Government states that Albanian legislation ensures a comprehensive legal prohibition of discrimination, citing the 2020 amendments to the Law "On Protection from Discrimination", which introduced new forms of discrimination, including segregation.<sup>13</sup> The Government also references laws that address the status of national minorities in Albania.<sup>14</sup> However, when it comes to the legal framework on education, the Government does not provide specific information on how segregation is addressed under the laws and by-laws governing pre-university education and how these align with other related laws, including the anti-discrimination law.
21. We cannot effectively address the issue of segregation in education if we lack the courage to name and acknowledge it. The ERRC points out that the current Law No. 69/2012 "On Pre-University Education System in the Republic of Albania" does not include a specific prohibition of segregation. Moreover, the law makes no mention of segregation at all. Furthermore, the law does not regulate critical elements such as the obligation of parents to enrol their children in schools within their designated catchment areas to prevent "white flight", nor does it outline the specific duties of each authority—including the Ministry of Education and Sport, municipalities, schools, and education inspectorates—in preventing

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<sup>12</sup> <https://www.enar-eu.org/about/antigypsyism/>.

<sup>13</sup> Supra note 5, page 4.

<sup>14</sup> Ibid.

and addressing segregation. One way to do that is that Law 69/2012 includes a provision that mandates the creation of a system to prevent segregation in schools. This can be achieved by requiring schools to adopt internal policies and rules for reporting and recognizing instances of 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 and Sport. These Guidelines should provide specific directions for schools on how to structure classes to prevent segregation and foster inclusion. Furthermore, the prohibition of segregation should be reinforced by a misdemeanour 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.

22. Segregation is perpetuated by a provision that permits students to enrol in schools outside their designated zone if space is available. Such provision is often abused by parents of students belonging to the majority population to prevent their children from studying in schools attended by Romani and Egyptian students. Therefore, it is crucial to restrict enrolment of students belonging to the majority population in schools outside the catchment zone to limited cases where it is necessary for attending classes in the mother tongue or due to a change of residence.
23. The Government notes in the action plan that apart from the food assistance programme implemented since 2012, the over-representation of Romani and Egyptian children in Naim Frasheri school was result of the demographic changes in the areas around the school, where there is a strong presence of Romani/Egyptian population which tend to attend schools closest to their place of residence.<sup>15</sup> 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 of Romani and Egyptian children and encourages inclusive education. To this end, a by-law encouraged to be adopted that outlines the criteria and indicators for determining the zoning of primary schools. In light of the existing segregation of Romani and Egyptian 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.
24. 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 and Sport should provide financial support to schools, if necessary, to facilitate these measures. This provision would encourage municipalities to promote interethnic inclusion within schools and work actively to prevent segregation.
25. The need for more effective and adequate monitoring mechanisms for the implementation of desegregation measures in schools is crucial for protecting against segregation. Therefore, we propose amendments to Article 27 (State Inspectorate of Education) to include a provision that explicitly grants the State Educational Inspectorate the authority to supervise the measures to prevent segregation and the enforcement of desegregation measures. This provision should include a clear and comprehensive definition of measures aimed at preventing segregation and implementing desegregation. The Inspectorate should

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<sup>15</sup> Supra note 5, page 11.

be responsible for analysing and reporting on the state of segregation in primary education while also defining parameters to ensure effective monitoring of these 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 fulfil 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, analyse the state of education concerning discrimination and segregation, and publicly report on the situation in primary schools, sharing their findings with the broader community.

26. The Government explains that the action plan from June 2023 was drafted in close coordination with all relevant institutions at the central and local levels.<sup>16</sup> Various civil society organizations, including Romani and Egyptian NGO's, along with the CPD, were consulted and participated in different coordination meetings. However, the absence of information regarding the consultation of the affected parents and children during the drafting process raises concerns. While it is encouraging that a questionnaire was distributed among members of the community living near Naim Frashëri School aiming to gather information about the current situation at the school and assess the awareness of the targeted groups regarding desegregation measures and their impact on the community<sup>17</sup> and the involvement of civil society organizations is commendable, the lack of direct engagement with those most impacted by the violations—namely the affected families—reveals a gap in the process. The perspectives and experiences of parents and children are critical to ensuring that the measures address their specific needs and circumstances. In future coordination efforts, ensuring the meaningful participation of those directly impacted is essential for a comprehensive and effective approach to addressing the issues raised in the judgment.
27. The ERRC will refrain from commenting point 3. “General Policy Framework”, point 4. “Measures to Increase Equal Access to Quality and Inclusive Education for Roma and Egyptians at All Levels of Education” and point 4.1 “Specific measures related to segregation envisaged in the Action Plan” of the first action plan submitted by the Government. We concur with the Government’s statement that the measures outlined in these two sections are not to be considered or assessed within the framework of the execution of the *X and Others* judgment, as they pertain to broader, more general policies such as the National Action Plan for Equality, Inclusion and Participation of Roma and Egyptian communities in the Republic of Albania 2021-2025, that is being evaluated and monitored in conformity with the methodology and mechanism provided for in the National Action Plan.
28. The establishment of a working group under the Secretary General of the Ministry of Education and Sport to oversee the execution of the judgment (by Order No. 645, dated 03.11.2022) is a critical step toward effectively combating the school segregation of Romani and Egyptian students. The Government reported that the working group has verified the situation of Romani and Egyptian pupils at Naim Frashëri School and other elementary schools in Korça and held discussions with various stakeholders on measures to implement the judgment.<sup>18</sup> Also, it is welcomed that the Government reports in its second action plan that a working group was established in order to increase the social well-being of families in need and marginalized groups in August 2024,<sup>19</sup> however there is no information provided on what are the specific goals of the working group, who are the members of the

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<sup>16</sup> Supra note 5, page 3.

<sup>17</sup> Supra note 6, page 2.

<sup>18</sup> Supra note 5, page 2.

<sup>19</sup> Supra note 6, page 2.

working group, what is the scope of the group's activities, what is the timeline for achieving its objectives, how will the working group engage with marginalized communities and what resources have been allocated to the working group? The ERRC believes that is important to emphasize the necessity of involving Romani civil society, parents, and children in this process. Additionally, it is essential for the working groups to regularly report on its activities and findings to promote transparency and accountability. Furthermore, this working groups must not be seen as a temporary bodies solely focused on the *X and Others* judgment. They should evolve into permanent entities committed to addressing segregation across the entire education system, ensuring that long-term, nationwide efforts are made to prevent and eliminate segregation.

29. While the Government has reported taking measures such as renovating the Naim Frashëri school, implementing projects for inclusive education, prioritizing low-income parents for economic assistance or employment, addressing school dropout rates, and providing psycho-social support<sup>20</sup>—these measures may still fall short when it comes to effectively addressing and combating segregation. While school renovations and inclusive education projects improve the physical infrastructure and offer more supportive learning environments, they do not directly address the core issue of segregation. Without active efforts to include Romani and Egyptian students with other groups, such measures may improve conditions within a segregated environment but fail to dismantle the underlying separation. Prioritizing low-income parents for economic assistance and employment is an important step toward addressing poverty in the community. However, economic empowerment alone does not necessarily lead to desegregation within schools. Without specific policies to ensure that children attend integrated schools, economic improvements for families are unlikely to resolve issues of educational segregation. Efforts to reduce school dropout rates among Romani and Egyptian students, while valuable, do not tackle the root cause of segregation. If these students remain isolated in predominantly Romani and Egyptian schools or classes, the dropout rate may decrease, but they will still be deprived of an inclusive educational experience. Dropout prevention needs to be coupled with desegregation policies to ensure that students are part of a diverse school environment. Providing psycho-social support for teachers, parents, and community members can help deal with individual challenges, but it does not address the broader structural problem of segregation. Without clear strategies and policies aimed at integrating Romani and Egyptian students with their non-Romani peers, psycho-social support may have limited impact on the overall issue of segregation. In summary, while these measures aim to support the community and address some of the challenges they face, they may not be effective in achieving genuine desegregation unless accompanied by specific and intentional efforts to include these students into mainstream schools and classrooms.
30. The Government reported that over the past three years, all students who completed basic education at "Naim Frashëri" school have continued their studies in high schools and vocational secondary schools, with guidance from teachers in collaboration with parents to help align students with professions suited to their abilities. On average, each school year, about 60% of students enrol in vocational schools, while 40% continue in general high schools. However, information provided by the CPD reveals a different reality. The quality of education at Naim Frashëri School is reported to be among the lowest within the ZVA district, which fails to ensure effective learning and real educational opportunities for Romani and Egyptian children. This has been confirmed by public institutions. Regarding secondary education, in the 2023-2024 academic year, only 5 Romani and 31 Egyptian students attended secondary education in the entire Korça Region. These low figures, compared to the total number of Romani and Egyptian students in basic education, clearly

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<sup>20</sup> Supra note 5 and 6.

indicate a trend of school dropouts and low enrolment in secondary education and beyond. The objectives and measures outlined in the action plans are not only unmet, but the situation has deteriorated.

31. The absence of comprehensive data and consistent monitoring by public authorities despite various recommendations, poses a significant challenge in implementing practical, concrete, and effective desegregation measures. The European Commission's reports on Albania have repeatedly emphasized the need for such data, noting that its absence limits the ability to monitor key indicators and outcomes in strategic documents. The Office of the Commissioner for Protection from Discrimination of Albania is currently conducting a feasibility study on segregated education in the country. Upon completion, the study, along with its recommendations, will be submitted to the Committee of Ministers as supporting documentation. As noted by the CPD in information provided to the ERRC regarding the progress in implementing the judgment, until the end of the school year 2023 - 2024, the measures taken have been minimalist, slow and have not had a positive impact on the resolution of the issue of segregation at the "Naim Frashëri" school.
32. The statistics for the 2022-2023, 2023-2024 and some preliminary data for 2024-2025 school year provided by the Government in the action plans highlight that the Naim Frashëri school is still segregated. For instance, the statistics for the 2022-2023 school year draw attention to a concerning pattern of segregation in the Korça municipality, with several schools disproportionately attended by Romani and Egyptian students. Naim Frashëri is not the only school affected—at least three other schools (Asdreni, Ismail Qemali, Demokracia) in the same municipality face a similar issue of over-representation of Romani and Egyptian pupils. In stark contrast, schools such as Mpshqipe, Sevasti Qirjazi, and Stavri Themeli have almost no Romani and Egyptian students revealing a clear divide within the school system. This geographic clustering of Romani students within certain schools, coupled with their exclusion from others, is a hallmark of segregation.
33. The statistics provided for the 2022-2023 school year, also suggest that the zoning policies currently in place are contributing to segregation rather than preventing it. In theory, zoning policies are meant to ensure that students attend schools based on their residential areas, promoting a mix of students from diverse backgrounds. However, the numbers indicate that in schools like Ismail Qemali (57%), Asdreni (67%), and Demokracia (41%), Romani and Egyptian students are concentrated, while in other schools such as Mpshqipe, Sevasti Qirjazi, and Stavri Themeli, there are almost no Romani and Egyptian students (1%). This stark contrast suggests that current zoning practices may be reinforcing segregation by clustering Romani families into specific school catchment areas, either due to the geographic concentration of Romani and Egyptian communities or due to unequal enforcement of zoning policies. Moreover, the lack of balance in the representation of Romani and Egyptian students across schools suggests that "white flight" or selective enrolment may be occurring, where majority families move their children to schools with fewer Romani and Egyptian students. Without clear and enforced zoning policies that aim to prevent such imbalances, segregation persists, as families from the majority population may be choosing schools outside their zoned areas to avoid inclusive environments. To effectively tackle segregation, zoning regulations should be designed to promote greater inclusion, by redrawing catchment areas, enforcing more equitable enrolment rules, or actively preventing families from circumventing zoning to enrol in less diverse schools.
34. The Government's first action plan indicates the suspension of the food support program at Naim Frashëri School following the publication of the judgment. The ERRC considers that although the food support programme implemented since 2012 contributed to the over-representation of Romani and Egyptian children in Naim Frashëri school it is a vital component that can significantly impact student retention, educational outcomes, and

overall inclusion. When food support programs are limited to schools predominantly attended by Romani and Egyptian students, they can inadvertently reinforce segregation by creating an incentive for low-income families to cluster around these institutions. By expanding food support programs to include other schools in the area, the motivation for families to congregate in specific schools is diminished, which could facilitate a more equitable distribution of students across different educational settings. If food support initiatives are extended to all schools within the municipality, including those with few or no Romani and Egyptian students, it could foster more diverse enrolment patterns. Families from marginalized backgrounds may be more inclined to enrol their children in schools with comprehensive support systems, thereby promoting integration and reducing the concentration of Romani and Egyptian students in certain schools.

35. The Government further stated that although the food support program has been suspended, families and parents of children enrolled in Naim Frashëri School, as well as Romani and Egyptian children attending other schools in the city who meet the criteria, are entitled to receive allowances for pre-university students in public educational institutions in accordance with DCM No. 666 dated 10.10.2019. This decree outlines the financial quota for food in canteens and dormitories and establishes the criteria for receiving scholarships and allowances for pre-university students. However, the ERRC reports that poor families must apply for the scholarship under Law 666, and many applications are rejected because these families are already receiving social support or other assistance through the social aid scheme.
36. Regarding the specific measures and activities enlisted in the Government first and second action plan the ERRC specifically notes:

**Establishment of a joint working groups:** The working groups established to address school segregation lacks representation from parents and civil society. While meetings have occurred, the absence of key stakeholders raises concerns about inclusivity and comprehensive decision-making.

**Enrolment, attendance and drop-out analysis:** There is insufficient information regarding a thorough analysis of enrolment, school attendance, and dropout rates in the specified schools, as instructed by the Commissioner against Discrimination. This lack of data hinders the assessment of progress and the development of targeted interventions.

**Guidelines for Educational Institutions:** No steps have been taken to develop guidelines for pre-university educational institutions that incorporate key findings from the judgments. This gap raises questions about the commitment to addressing the over-representation of Romani and Egyptian students in schools.

**Monitoring and reassessment of enrolments in Naim Frashëri, Asdreni and Ismail Qemali:** The plan for monitoring and reassessment of enrolments in the specific schools has been partially addressed, with indications that the situation remains unchanged. Merging these schools could further entrench the segregation of Romani and Egyptian students rather than promote integration. With the high percentages of Romani and Egyptian students (57% in Ismail Qemali, 67% in Asdreni, and 83% in Naim Frashëri), a merger would create a larger institution that remains predominantly composed of these groups.

**Mediator Appointment:** The appointment of mediators from the Romani and Egyptian communities has been delayed, along with ongoing discussions regarding their profiles, terms of reference, and funding sources. Based on information received by the ERRC, it

would be helpful for the government to clarify whether the currently appointed mediators have the capacity to effectively fulfill their roles, particularly since the social worker at Naim Frasheri School is responsible for two additional schools, and the cultural mediator also serves as the coordinator for the Roma Community Centre in Korca.

**Class Size and Teacher-Student Ratios:** While progress has been made in achieving smaller class sizes at Naim Frasheri School, based on the information received by the ERRC, there are concerns that attendance is inconsistent, and the actual number of children attending may be lower than what has been reported.

**Distance Criteria for School Transportation:** There has been no progress in reevaluating the distance criteria for free school transportation, which could affect educational accessibility for vulnerable groups. The Government should consider removing any distance criteria for free school transportation when there is a case of school segregation. Transportation should be free for all pupils who experienced segregation.

**Awareness Campaigns:** Awareness campaigns aimed at promoting the enrolment of non-Romani and Egyptian students in Naim Frasheri School have not been conducted, potentially contributing to dropout issues.

**Economic Aid and Employment Opportunities:** The prioritization of families needing economic aid or employment opportunities has not been adequately addressed. The Commissioner against Discrimination has received several complaints from Romani and Egyptian families who were rejected to receive the scholarship for their children because they were already receiving social support or other assistance through the social aid scheme.

**E-Albania Registration Opportunities:** The goal of enabling Romani and Egyptian parents to register their children in other schools through e-Albania by September 2023 has not been achieved, raising concerns about limited options for parents.

**Teacher Training:** While there is mention of providing training to teaching staff, no specifics regarding the nature and extent of the training have been provided.

**Reporting on National Action Plan:** Reporting on the National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptians is scheduled; however, there are concerns about achieving the objectives given the delays in planned actions.

37. **In conclusion, the ERRC submits that the Albanian Government has not yet taken all the individual and general measures necessary to comply with the judgment in X and Others v. Albania and to address the issues highlighted by the ECtHR.**

#### IV. CONCLUDING REMARKS

38. For the reasons above, the ERRC respectfully requests the Committee of Ministers to continue examining the execution of the judgment in *X and Others v. Albania* case under the enhanced procedure.

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 addresses the root causes of segregation and ensures the full integration of Romani and Egyptian students in schools, including the applicants.
- Establish a standardized system for collecting and reporting data on school enrollments in Naim Frasheri and other schools in Korca and throughout the country.
- Amend the legal framework to specifically address school segregation.
- Create and implement guidelines for pre-university educational institutions based on the *X and others judgement* to address the over-representation of Romani and Egyptian students.
- Introduce zoning regulations that promote inclusion and prevent school segregation by taking into account ethnic and racial diversity when drawing school boundaries and ensure that zoning decisions account for the ethnic composition of students to balance representation across schools and promote diversity.
- Offer technical assistance and support to local authorities to strengthen their capacity to effectively implement desegregation measures.
- Reintroduce and expand food support programs to all schools across municipalities, rather than suspending or limiting them to segregated schools.
- Review distance criteria for free school transportation to improve accessibility for vulnerable children.
- Ensure the direct participation of Romani and Egyptian parents, civil society organizations, and children in the development and implementation of policies and measures to combat segregation.
- Conduct awareness campaigns to encourage non-Romani and non-Egyptian families to enroll their children in schools like Naim Frasheri, fostering a more integrated student body.
- Require the working groups to report regularly on progress and engage with marginalized communities to ensure transparency and accountability.
- Assess the effectiveness of existing measures and regularly report to the Committee on progress and challenges encountered in executing the judgment.

The European Roma Rights Centre.