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

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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 pursuant to Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments. It has been prepared jointly by the applicants' legal representative, the European Roma Rights Centre (ERRC), and the Commissioner for Protection from Discrimination of Albania (CPD).

2. The European Roma Rights Centre (ERRC)[1] is a Roma-led international public interest law organization committed to ensuring that Romani women and men overcome antigypsyism and its legacy, achieve dignity and equality, and fully enjoy their human rights, thereby contributing to a more just and sustainable world. The ERRC represented the applicants in the two cases before the European Court of Human Rights: *X and Others v. Albania* (Application no. 73548/17, lodged on 5 October 2017 and communicated on 3 April 2019)[2] and *X and Y v. Albania* (Application no. 45521/19, lodged on 26 August 2019 and communicated on 18 December 2019)[3]. On 31 May 2022, the Court delivered a single

[1] Find out more on:www.errc.org.
[2] X and Others against Albania (Application no. 73548/17), available on: https://hudoc.echr.coe.int/eng?i=001-192816.
[3] X and Y against Albania, (Application no. 45521/19),available on: https://hudoc.echr.coe.int/?i=001-200390.

judgment addressing both applications under the title *X and Others v. Albania* (Applications nos. 73548/17 and 45521/19), which became final on 31 August 2022.[4]

3. The Commissioner for Protection from Discrimination of Albania (CPD)[5] is an independent public institution established under Law No. 10 221 of 4 February 2010, *On Protection from Discrimination*, in line with European Union directives in the field of non-discrimination.

4.The ERRC and the CPD take note of the Committee of Ministers' conclusions from its 1514th Human Rights (DH) meeting in December 2024, which expressed concern that the *Naim Frashëri* School remains segregated and that similar patterns persist in other schools across Albania. In line with the Committee's call for "concrete and decisive measures to address segregation rapidly and systematically," this submission highlights that the Albanian Government has yet to adopt or implement such measures effectively. The continued segregation of Romani and Egyptian pupils, despite the Government's action plans and coordination initiatives, demonstrates persistent structural shortcomings. The ERRC and CPD therefore urge the Committee to maintain enhanced supervision of this case, request the Government to submit specific evidence of desegregation results (including timelines, resource allocations, and measurable indicators) and to ensure that these efforts are implemented in close consultation with affected communities.

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

[4] X and Others v. Albania (Applications nos. 73548/17 and 45521/19), available on: https://hudoc.echr.coe.int/eng?i=001-217624.
[5] https://www.kmd.al/

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 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.

III. INDIVIDUAL MEASURES

9. At the time of drafting this Rule 9.2 submission, the Albanian Government has not yet submitted its updated action plan to the Committee of Ministers. The ERRC asserts that, based on the information provided by the Government in its previous action plans and the information gathered from the applicants, the measures intended to remedy the violations of the applicants' rights have not been effectively implemented.

10. Despite the commitments outlined by the Government, tangible progress toward desegregating the Naim Frashëri School and ensuring equal access to quality, non-segregated education for Romani and Egyptian children remains lacking.

11. The Government's previous action plans indicate that two of the original applicants continue to attend Naim Frashëri School, remaining in a segregated environment, with no evidence that the desegregation measures mandated by the *X and Others* judgment have been implemented. There is also no information on whether applicants who completed primary school progressed to secondary education or received support to do so, leaving significant gaps in understanding the long-term impact of the Government's efforts to ensure educational equality for Romani and Egyptian students. Some applicants left school after reaching the compulsory age, while one emigrated, raising concerns about barriers to further education and the broader context influencing such decisions. The transfer of

another applicant to Asdreni School, which remains predominantly attended by Romani and Egyptian pupils (67% of 257 students in 2022–2023), demonstrates that moving students between segregated schools does not constitute meaningful desegregation. According to ERRC's information from 2024–2025, one applicant currently in the 9th grade at Naim Frashëri School was unable to obtain a government scholarship due to administrative obstacles related to jobseeker registration, a challenge affecting many Romani and Egyptian families. Of 94 families applying for scholarships under Council of Ministers' Decision No. 666, only 26 were successful, while the remainder were rejected due to incomplete registration or overlapping economic aid. Although seven families filed complaints with the Commissioner for Protection from Discrimination, which recognized discrimination in their favor, the municipality appealed, delaying effective redress and limiting students' access to educational support. Another applicant, previously in the 8th grade at Asdreni School, is now in the 9th grade there. She reported that her class of 21 students includes 15 Egyptian children and noted that the teaching quality at Asdreni is better than at Naim Frashëri, and she is performing well academically. A further concerning case involves an applicant who failed the 7th grade at Naim Frashëri and sought enrollment at Asdreni School. The principal refused admission, citing a policy of not accepting students from Naim Frashëri due to perceptions that these students are poor performers with irregular attendance and lack of commitment. As a result, this applicant dropped out of school entirely.

12. The Government's first action plan claims that Romani and Egyptian parents were generally reluctant to transfer their children to other schools, citing concerns about adaptation and the perceived suitability of Naim Frashëri teachers in addressing their children's "special needs." However, information collected directly from affected families indicates that some parents were willing to transfer their children but received no practical support from the authorities to do so. These findings are further corroborated by the *Commissioner for Protection from Discrimination's (CPD) Feasibility Study commissioned by the Council of Europe on the Situation of the Naim Frashëri School, Korçë, and the Medium and Long-Term Desegregation Measures,*[6] which confirms that parental reluctance is not the primary barrier. Instead, the study highlights that the lack of institutional support, including guidance, enrolment assistance, and logistical measures, remains a key factor perpetuating segregation. This demonstrates that the persistence of segregation at Naim Frashëri School is structurally reinforced by inadequate governmental action rather than community preferences.

13. Additional findings from the *Feasibility Study on the Situation of the "Naim Frashëri" School, Korçë, and the Medium and Long-Term Desegregation Measures* reveal that community members are divided on whether the school should be closed or children redistributed to other schools. To the question, "Do you think the 'Naim Frashëri' school should be closed to resolve the segregation situation?" 46% answered No, 43% answered Yes, and 10% responded Don't know, indicating a lack of consensus within the community on whether closure would meaningfully address segregation. These findings underscore that a single solution is neither practical nor equitable. Instead, there is an urgent need for

[6] *See Annex 1.*

the Government to develop multiple, context-specific options for desegregation, designed in consultation with affected communities, and tailored to their needs. Such measures should ensure inclusive, high-quality educational environments while respecting the perspectives, priorities, and well-being of all students and families involved.

14. In light of the above, despite the Government having paid just satisfaction to the applicants, the ERRC maintains that the individual measures required to fully address the violations of the applicants' rights have still not been effectively implemented.

IV. GENERAL MEASURES

15. The implementation of the *X and Others v. Albania* judgment remains a critical opportunity to end educational segregation and prevent future occurrences in Albanian schools, particularly for Romani and Egyptian children. Evidence from the Feasibility Study, *The Situation of the Naim Frashëri School, Korçë, and the Medium and Long-Term Desegregation Measures* demonstrates that without targeted and enforced measures, segregation persists despite nominal policies promoting inclusive education.

16. Overall, access to education for Roma and Egyptian communities in Albania remains problematic, with segregation in schools persisting despite legal and policy measures. The employment rate among Romani and Egyptians continues to be very low, reflecting broader socio-economic marginalization, while access to health services and personal documents has improved only gradually. Implementation of the National Action Plan for Equality, Inclusion, and Participation of Roma and Egyptians (2021–2025), as well as the commitments made under the Poznań framework, has been poor. The institutional capacity of the Ministry of Health and Social Protection, which coordinates Roma-related policies, remains weak, limiting the effectiveness of inclusion measures. Additional efforts and resources are needed to accelerate the inclusion of Romani and Egyptians, combat antigypsyism and discrimination, and address educational and spatial segregation. The 2024 European Commission Albania Progress Report highlights these challenges, noting ongoing gaps in education, employment, and social inclusion for Roma and Egyptians.[7]

17. Despite repeated recommendations and proposed measures, no meaningful improvements have been made to address segregation in education in Albania. The current Law No. 69/2012 on the Pre-University Education System neither prohibits segregation nor establishes clear obligations for parents, schools, municipalities, or the Ministry of Education and Sport to prevent it. Provisions allowing students to enrol outside their designated catchment areas continue to be abused, particularly by parents seeking to avoid Romani and Egyptian students, further entrenching segregation. The school has not adopted a local desegregation plan, and the municipality has not developed a new rezoning plan, leaving zoning decisions that exacerbate segregation unaddressed. Consequently, schools continue to reflect entrenched ethnic and racial divisions, and children from marginalized

[7] European Commission. (2024). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions: 2024 Communication on EU Enlargement Policy*. COM(2024) 690 final. Retrieved from https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pd.

communities remain disproportionately affected, with no effective safeguards to prevent or remedy segregation.

18. The findings of the Commissioner for Protection from Discrimination's (CPD) Feasibility Study, commissioned by the Council of Europe in December 2024, entitled *The Situation of the "Naim Frashëri" School, Korçë, and the Medium and Long-Term Desegregation Measures*, are of particular relevance. The study provides an important overview of the challenges hindering the desegregation process at the "Naim Frashëri" School and serves as a useful starting point for assessing the implementation of the *X and Others v. Albania* judgment. It confirms that parental reluctance is not the primary barrier to desegregation, contrary to the Government's repeated assertions. Instead, it highlights a combination of administrative, structural, and socio-economic factors, including residence-based enrollment criteria, digital registration barriers through the e-Albania system, and the lack of effective, state-led integration measures, that continue to reinforce segregation. However, the study's scope and methodology are limited**.** It is based on 100 manually completed questionnaires and 10 interviews conducted with representatives of the Roma, Egyptian, and non-Roma communities, as well as local institutions and civil society. The sample size remains relatively small and qualitative, and data collection was hindered by incomplete and delayed institutional responses to official information requests, despite the legal obligation to respond within 14 days. Furthermore, the study lacks comprehensive, up-to-date, and comparative data across different schools and does not include direct observation of educational practices. These limitations restrict its ability to capture the full systemic and structural nature of segregation or to evaluate the State's broader obligations arising from the *X and Others v. Albania* judgment. In light of these findings, while the CPD study is a useful preliminary effort**,** it cannot substitute a comprehensive, nationwide assessment to be conducted by the national authorities. Such an assessment should aim to identify patterns of segregation across Albania, evaluate the effectiveness of existing desegregation measures, and inform the development of evidence-based, long-term policies and structural reforms to ensure inclusive and quality education for all children.

19. The Government previously explained that the action plan from June 2023 was drafted in close coordination with all relevant institutions at the central and local levels. Various civil society organizations, including Romani and Egyptian NGOs, as well as the Commissioner for Protection from Discrimination (CPD), were consulted and participated in coordination meetings. While the involvement of civil society is commendable, there is a significant gap in the meaningful participation of the families directly affected by segregation at Naim Frashëri School. The absence of direct engagement with these parents and children raises concerns about whether the measures adopted genuinely address their specific needs and circumstances. The Feasibility Study, *The Situation of the Naim Frashëri School, Korçë, and the Medium and Long-Term Desegregation Measures* study confirms the critical importance of engaging directly with affected families. It found that many parents are not even aware of the issue of segregation or the measures intended to address it. Data on awareness and perceptions indicate that 62% of respondents were informed about segregation, 17% had heard of it but did not understand its meaning or consequences, and 20% had never heard of it. Over one-third (37%) of respondents lack sufficient information, demonstrating a clear need for public awareness and education

about segregation, equality, and the right to quality education. Interviews also revealed that local communities often have limited knowledge about school quality and educational opportunities across the city. Regarding attitudes toward segregation and diversity in schools, the study found that 31% of respondents viewed the absence of Roma or Egyptian pupils in some schools as a problem, while 27% considered it problematic that some schools had over 60% Roma/Egyptian students. These findings underscore that providing clear, accessible information is essential for shaping community attitudes and fostering support for desegregation measures. Meaningful participation of parents and children is therefore essential to ensure that any measures developed respond effectively to the community's needs and circumstances. Future coordination efforts should prioritize engaging those directly impacted, ensuring that their perspectives inform both the design and implementation of desegregation measures.

19. The establishment of a working group under the Secretary General of the Ministry of Education and Sport by Order No. 645 (03.11.2022) represents a critical step toward addressing the school segregation of Romani and Egyptian students. The Government reported that the group has assessed the situation at Naim Frashëri School and other elementary schools in Korçë and engaged with stakeholders on measures to implement the judgment. A second working group, reported in the August 2024 action plan, aims to improve the social well-being of families in need and marginalized groups; however, no information has been provided regarding its specific objectives, membership, scope of activities, timeline, community engagement strategies, or allocated resources. The ERRC emphasizes that meaningful involvement of Romani civil society, parents, and children is essential, and that the working groups must regularly report on activities to ensure transparency and accountability. These bodies should not be temporary entities focused solely on the *X and Others* judgment but should evolve into permanent structures committed to eliminating segregation across the education system. During the Council of Europe–organized stakeholder meeting on 24 January 2025, ongoing discrimination at Naim Frashëri School was again raised. The Mayor claimed the municipality had been "condemned for being good," asserting that all necessary services, including free meals, had been provided to the school but not to non-Romani students. The ERRC representative at the meeting corrected this, noting that the condemnation resulted from failing to treat the Romani community fairly, leaving them dependent on these meals for survival. The Director of the Korçë Education Office justified class sizes of 45 pupils by claiming a lack of interest among Romani children, despite acknowledging teachers' efforts. After the CoE representative clarified that the meeting's purpose was the execution, not the validity, of the ECtHR judgment, discussions shifted to operational matters, including the cultural mediator's terms of reference and funding. Officials confirmed that some non-Romani children registered at Naim Frashëri attended annex schools in nearby villages while remaining administratively under Naim Frashëri School. Following interventions from the CoE representative, ERRC submissions, and protests by Romani parents, it was agreed that the Korçë Education Directorate and Ministry of Education would present three desegregation scenarios by March 2025. In the interim, the Mayor hired a young Egyptian cultural mediator, reportedly effective in engaging Romani parents; however, as of the

current academic year, the three scenarios have not been presented, no teacher training has occurred, and no legislative reforms have been enacted to address systemic segregation.

20. 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 Frasheri 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 Frasheri 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.

21. The issue of school choice and registration via the e-Albania platform remains unresolved for Romani and Egyptian families. The *Feasibility Study, The Situation of the Naim Frashëri School, Korçë, and the Medium and Long-Term Desegregation Measures* highlights that many parents are unaware of their right to transfer their children to other schools and lack clear information on available options, including through e-Albania. Even when parents expressed willingness to enrol their children in integrated schools, they often received no support or guidance in navigating the registration process. Barriers include limited access to the digital platform, bureaucratic obstacles, and insufficient communication from school and municipal authorities. These gaps effectively restrict school choice, reinforcing segregation and limiting opportunities for Romani and Egyptian children to access inclusive education. Ensuring that e-Albania is accessible, user-friendly, and accompanied by proactive guidance and community outreach is critical to enabling meaningful school transfers, promoting desegregation, and guaranteeing equal educational opportunities.

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

V. CONCLUDING REMARKS

23. For the reasons outlined above, the ERRC and CPD respectfully request the Committee of Ministers to continue examining the execution of the judgment in *X and Others v. Albania* under the enhanced supervision procedure.

24. In light of the persistent segregation of Romani and Egyptian students and the ongoing challenges faced by the Government in effectively implementing the judgment, we urge the Committee of Ministers to call on the Government to:

- Develop and implement a comprehensive action plan addressing the structural, administrative, and socio-economic root causes of segregation to fully integrate Romani and Egyptian students in all schools.
- Establish a standardized, transparent system for data collection and reporting on enrolments, attendance, dropouts, class composition, and educational outcomes at Naim Frashëri School, other schools in Korçë, and nationwide.
- Amend the legal framework to explicitly prohibit school segregation and define the obligations of all relevant authorities to prevent and remedy segregation.
- Adopt clear operational guidelines for pre-university educational institutions to reduce the over-representation of Romani and Egyptian students in specific schools and classes.
- Introduce and enforce inclusive zoning regulations to ensure balanced student representation across schools and prevent school segregation.
- Provide technical assistance and capacity-building to local authorities to implement desegregation measures effectively.
- Reintroduce and expand school support programs such as free meals and scholarships, ensuring equitable access without incentivizing segregation.
- Remove barriers to school transportation and registration, including distance criteria and digital access limitations through the e-Albania platform.
- Ensure meaningful participation of affected communities, including Romani and Egyptian parents, children, and civil society, in the design, monitoring, and implementation of desegregation measures.
- Conduct public awareness campaigns to educate communities on segregation, inclusive education, and the right to quality education.
- Ensure that working groups overseeing execution of the judgment operate transparently, report regularly, and evolve into permanent structures addressing segregation system-wide.
- Address operational gaps identified in stakeholder meetings, including clarifying the roles, funding, and terms of reference of cultural mediators and ensuring teacher training and legislative reforms.
- Conduct a comprehensive, nationwide assessment of segregation across Albania to identify patterns, evaluate existing measures, and inform long-term, evidence-based policies.
- Monitor and evaluate all desegregation measures, regularly reporting progress, challenges, and outcomes to the Committee of Ministers.
- Develop multiple, context-specific desegregation options in consultation with affected communities to create inclusive, high-quality educational environments without disproportionately disrupting marginalized students.
- Ensure that all measures to comply with the ECtHR judgment are concrete, measurable, and sustained, and developed in close consultation with affected communities.