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

13 October 2025

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 ERRC[1] 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 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

[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.
[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/

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. This joint submission specifically responds to the Updated Action Plan (DH-DD(2025)1146)[6] submitted by the Government of North Macedonia on 2 October 2025, and serves as an update in advance of the Committee of Ministers' 1545th Human Rights (DH) meeting. It demonstrates that the concerns expressed by the Committee of Ministers during its 1514th meeting (3–5 December 2024) remain unaddressed, and that the overall situation has, in fact, deteriorated significantly.

In its December 2024 decision, the Committee of Ministers:

- Recalled that the case concerns discrimination against Romani pupils resulting from their segregation in two State-run primary schools in Bitola and Shtip, attended almost exclusively by Roma and containing Roma-only classes.
- Expressed concern that most of the applicant pupils still enrolled in these schools continued to experience segregation, and requested clarification on whether authorities would ensure their enrolment in integrated schools or adopt interim desegregation measures.
- Acknowledged the authorities' cooperation with the Council of Europe and the establishment of a working group under the Ministry of Education to coordinate implementation, the preparation of draft legal amendments, and a planned desegregation plan and national analysis of segregation.
- Stressed, however, the urgent need for *concrete and decisive measures* to rapidly end segregation and ensure inclusive education, urging that all actions be guided by the recommendations of the European Commission against Racism and Intolerance (ECRI), the Commission for Prevention and Protection against Discrimination (CPPD), and the Ombudsman.
- Encouraged the authorities to intensify efforts, accelerate adoption of legislative and policy reforms, and maintain effective dialogue with all relevant stakeholders, including those from affected communities, while ensuring regular reporting on developments and updated statistics on pupil distribution in the two schools and nationwide.

II. CASE DESCRIPTIONS

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

[6] 1545th meeting (December 2025) (DH) - Action Plan (02/10/2025) - Communication from North Macedonia concerning the case of Elmazova and Others v. North Macedonia (Application No. 11811/20) [anglais uniquement), available at: https://hudoc.exec.coe.int/eng?i=DH-DD(2025)1146E.

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 Shtip, two cities in North Macedonia, concerning the segregation of Romani children in two primary schools: G.S. in Bitola and G.D. in Shtip, submitted to the European Court of Human Rights (ECtHR).

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

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 Shtip 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 Government's account of the *"individual measures"* purportedly implemented following the *Elmazova and Others v. North Macedonia* judgment does not demonstrate genuine desegregation. On the contrary, the data provided confirm that segregation remains entrenched in both concerned schools G.D. (Shtip) and *G.S.* (Bitola).

11. Patterns of segregation remain consistent and predictable: Romani pupils (including the applicants) are grouped in homogeneous classes, while non-Romani families continue to obtain transfers to other schools. This demonstrates that segregation is not an accident of demography but a result of ongoing institutional tolerance of discriminatory practices. The authorities' failure to prevent such transfers, to monitor school demographics, or to sanction schools that perpetuate segregation reveals systemic neglect. The Government highlights instances where one or two Macedonian or Turkish pupils were placed in predominantly Roma classes as *"mixed education".* This interpretation is misleading. Genuine desegregation is the *integration of Romani pupils into mainstream education under equal conditions*, not the mere statistical presence of a few non-Romani students. The reported ratios e.g., 19 Roma to two Turks, or 12 Roma to four Macedonians are indicative of continued ethnic isolation.

12.The data provided by the Government show that a significant number of the original applicants, particularly those still of primary-school age, remain enrolled in Roma-only classes. For example:

- At *G.D. (Shtip)*, in the academic year 2024/2025, the applicants Z.B., T.D., S.D., I.Dj., G.I., R.O., F.Sh., A.S., F.V., and L.V. were placed in a class with 18 Roma and two Turkish students. *No Macedonian children at all*.

- In the same school, applicants A.D., D.S., Ch.H., Gj.J., and B.V. attended another Roma-only class of 12 pupils.

- At *G.S. (Bitola)*, applicants such as U.A., Sh.D., and F.E. were each in classes composed entirely or almost entirely of Roma children (e.g., 12 Romani pupils and zero Macedonians), while only one applicant (A.K.) was placed in what the Government described as a *"mixed class".*

These figures directly contradict the Government's claim that *"individual measures"* have ended segregation. In reality, the very children whose segregation the Court condemned remain segregated, in the same schools, in the same conditions, years later.

13. The Government asserts that none of the applicants *"requested transfer to other schools."* This statement ignores the Court's reasoning, which explicitly found that the burden of rectifying segregation lies with the State, not with the victims or their parents. Given the well-documented hostility and stigmatization Romani families face when seeking transfer to non-segregated schools, the authorities' inaction cannot be excused by the absence of formal requests. The lack of proactive steps to offer integrated placements to the applicants further evidences the State's failure to execute the judgment.

14.Throughout the submission, the Government repeatedly attributes the continued segregation of applicants to their *"irregular attendance,"* failure to sit departmental exams, or even personal circumstances (e.g., marriage of a minor). This narrative effectively shifts responsibility from the State to the victims, ignoring the systemic factors that contribute to poor attendance among Romani pupils, such as: discriminatory school environments, lack of transport, and parental mistrust resulting from decades of exclusion. The emphasis on absenteeism also serves to obscure the fact that many *"irregular"* pupils remain formally enrolled in Roma-only classes, thus artificially maintaining segregated rosters even where children are not regularly attending school.

15. The disciplinary measures and repeated grade failures reported among the applicants in the Government's Updated Action Plan cannot be viewed as isolated cases of misconduct or poor academic performance. They reflect the structural consequences of prolonged segregation and the authorities' failure to adopt effective remedial measures. By presenting these expulsions and repetitions as neutral administrative facts, the Government disregards the deep educational disadvantage faced by Romani children confined for years to inferior, ethnically homogeneous classes. The expulsion of applicants such as E.D. (nos. 16 and 17), A.M. (no. 23), J.M. (no. 25), and F.G. (no. 12) must be understood as a result of systemic neglect rather than individual fault. As recognized in *D.H. and Others v. Czech Republic* and *Oršuš and Others v. Croatia*, segregation inevitably leads to low achievement, demotivation, and early school leaving. The fact that the original applicants, whose rights were already found violated in *Elmazova and Others v. North Macedonia*, are now being expelled or repeating grades demonstrates that the State has not remedied the violation but allowed it to deepen.

16. The Government considers the payment of €1,200 in non-pecuniary damages per household as sufficient redress. However, the Court was clear in the *Elmazova* judgment that monetary compensation alone does not discharge the State's obligations under Article 46. Redress must include *restoration of the right to integrated education* for the affected children. The authorities have not facilitated transfers, offered catch-up or integration programmes, or taken any steps to ensure that these children can access non-segregated, quality education. Consequently, the applicants remain in materially identical circumstances to those the Court found discriminatory.

17. Nearly three years after the *Elmazova* judgment, many of the original child applicants remain in segregated classes or have been pushed out of education altogether. The State's failure to ensure their reintegration violates not only Article 46 of the Convention but also Articles 28 and 29 of the Convention on the Rights of the Child, which require the State to ensure access to quality education free from discrimination. This situation perpetuates intergenerational exclusion and undermines the very purpose of the Court's judgment.

18. The data provided by the Government confirm that *no effective individual measures* have been taken to redress the violations identified by the Court. Most applicants continue to attend Roma-only classes; several have dropped out of school altogether; and no proactive measures have been taken to offer integrated education or to prevent resegregation. The Government's claim that the applicants have been "redressed" through compensation alone misrepresents the Court's intent and fails to ensure the execution of the judgment. The Committee of Ministers should therefore consider that the Government remains in non-compliance with its obligations under Article 46 and request urgent, targeted action to ensure the **immediate desegregation of all remaining segregated classes**, guaranteeing that Romani pupils are educated in inclusive, integrated environments..

IV. ACTIVITIES OF THE MUNICIPALITIES BITOLA AND SHTIP

19. The Updated Action Plan fails to provide substantive information regarding the development and implementation of municipal-level measures, despite municipalities being central actors in the desegregation process. With respect to municipal action, the case of Bitola illustrates the Government's inaction and lack of reporting. On 23 November 2023, the Municipality of Bitola briefly responded to the ERRC (no. 41-332/3), indicating that a consultant had been appointed to draft a desegregation plan. Yet, the response failed to address all questions raised regarding concrete measures and progress. In a follow-up response dated 4 October 2024, Bitola proposed a restructuring aimed at preventing segregation in G.S. Primary School: designating G.S. for grades one to five (serving students from both G.S. and T.A. catchment areas) and T.A. for grades six to nine. While this proposal could potentially facilitate inclusion in the lower grades, there is no indication that inclusive practices or support mechanisms would be systematically extended to T.A.'s upper grades. Crucially, the Municipality's response also included testimony from the school highlighting persistent structural and social barriers,

including neighboring schools enrolling students in contravention of zoning rules and entrenched negative perceptions among Macedonian parents, which continue to hinder integration.

20. The ERRC and CPPD note that the Municipality of Bitola and G.S. have consistently failed to provide reliable, comprehensive data on enrollment and on the measures undertaken to implement the *Elmazova* judgment. This deficiency is reflected in the Government's Updated Action Plan, which omits details on concrete steps taken at the municipal level in Bitola. By contrast, Shtip appears more proactive. As of 14 November 2023, the ERRC received the Municipality of Štip's action plan (developed on 3 April 2023) outlining targeted measures to tackle long-standing segregation at G.D. Primary School, including the adoption of a new rezoning policy and a rulebook for first-grade enrollment, public forums to challenge the school's "Roma school" label, outreach to Romani parents regarding enrollment deadlines, and plans to redistribute Romani students across all municipal schools.

21. Despite these measures, practical implementation has been limited. For instance, Measure No. 5, aimed at redistributing Romani students across schools, was not effectively realized due to the lack of parental consent forms and logistical challenges with transportation. Similarly, the introduction of free meals from grades one to five in G.D., though a positive welfare initiative, could inadvertently reinforce segregation if not paired with inclusive policies, as seen in the *X and Others v. Albania* case where subsidies inadvertently triggered "white flight."

22. Moreover, both municipalities' engagement with Romani families has been minimal. The ERRC and CPPD emphasize that the active participation of affected parents and children is crucial to ensuring that policies are genuinely inclusive and responsive to the community's needs. The absence of structured consultation processes risks perpetuating measures that are procedural rather than transformative, failing to address the core factors sustaining segregation.

23. While the Government has highlighted municipal-level action in prior reports, the Updated Action Plan provides no substantive updates. Bitola remains largely inactive, offering proposals without detailed implementation or monitoring, whereas Shtip shows partial progress but continues to face significant challenges. The lack of updated information on municipal measures, combined with persistent segregation patterns and insufficient community engagement, reflects a systemic weakness in the Government's oversight and coordination mechanisms. Without concrete, monitored, and participatory actions at the municipal level, desegregation measures risk remaining symbolic rather than effecting meaningful change for Romani students.

V. GENERAL MEASURES

24. From the outset, the legislative amendments to the Law on Primary Education of December 2024 were heavily criticized. In December 2024, the CPPD deemed the changes *"inadequate and unlikely to resolve segregation fully"*,[7] a view echoed by the Network for Protection against Discrimination, which also highlighted the removal of sexual orientation, gender, and gender identity as protected grounds, the non-transparent and rushed legislative process, and the heightened risks these amendments pose

[7] Reaction from the Commission for the Prevention and Protection against Discrimination on the Amendments and Supplements to the Law on Primary, available at: Educationhttps://kszd.mk/%D1%80%D0%B5%D0%B0%D0%BA%D1%86%D0%B8%D1%98%D0%B0-%D0%BE%D0%B4-%D0%BA%D0%BE%D0%BC%D0%B8%D1%81%D0%B8%D1%98%D0%B0%D1%82%D0%B0-%D0%B7%D0%B0-%D1%81%D0%BF%D1%80%D0%B5%D1%87%D1%83%D0%B2%D0%B0%D1%9A%D0%B5/. The legislative amendments were also criticised in the ERRC and CPPD previous Rule 9.2 submission, available at: https://hudoc.exec.coe.int/?i=DH-DD(2024)1234E, pages 20-23.

to LGBTI children's safety and mental health.[8] Despite this early critique, the Government proceeded to present these amendments as the cornerstone of its general measures to implement the *Elmazova* judgment.

25. Evidence indicates that these legislative changes have largely failed to achieve substantive desegregation or protect Romani pupils from discrimination. On paper, the amendments prohibit physical separation of students on a discriminatory basis, mandate inclusive class formation, and assign municipalities the responsibility to define catchment areas to prevent segregation. They also envisage inclusive education through adaptations in teaching content, supplementary tutoring, and culturally targeted support for minority communities.

26. However, the implementation of these legislative measures has already proven inadequate, and the Government's own data demonstrate that *de facto* segregation persists. At G.D. (Shtip), 36 pupils from the school's catchment area, 26 Macedonians, two Roma, and one Turkish, enrolled in other schools for the 2025/26 academic year, showing that the systematic "white flight" has not been prevented. Moreover, an additional 11 students were enrolled outside the official lists provided by competent authorities, highlighting ongoing manipulation of enrollment procedures. These figures indicate that the legal requirement for enrollment within designated catchment areas is being circumvented, and Romani students continue to be concentrated in specific schools.

27. The practical failure of the legislation has also been publicly acknowledged by school authorities. On 25 August 2025, Z.M. the director of G.D. (Shtip), described the situation as "alarming," stating that non-Romani parents found a "new module" to bypass the system.[9] Out of 54 first-grade students, only 24 were Macedonian, while the rest were Roma. Macedonian parents reportedly **used notarial contracts without rent payments to falsely demonstrate residence within the catchment area of another school.** This example demonstrates that legislative amendments alone, without enforcement mechanisms or oversight, are insufficient to prevent parents from circumventing the law, whether intentionally or due to local pressures.

28.On 29 August 2025, the ERRC sent a formal letter to the Ministry of Education and Science, the Ministry of Interior, and the Ministry of Justice, highlighting the continuing segregation of Romani children at G.D. Primary School in Shtip and requesting urgent measures to ensure compliance with the Elmazova v. North Macedonia judgment. The letter detailed ongoing practices, including the manipulation of school enrollment by non-Romani parents through false address changes, and called for investigations, desegregation measures, transparent reporting, and monitoring mechanisms. To date, only the Ministry of Education responded, providing a summary of relevant provisions of the amended Law on Primary Education without addressing the concrete issue of manipulation of school enrollment through false address changes raised in the ERRC letter.

29. During an April 2025 visit, the Council of Europe Commissioner for Human Rights, Michael O'Flaherty, publicly urged North Macedonian authorities to address "the de facto segregation of Romani children in schools," confirming that the legislative reforms have not translated into meaningful change on the ground.[10]

30. The failure of the legislative approach is not limited to enrollment. It also reflects the absence of systemic measures to address entrenched social resistance and discriminatory attitudes. For example,

[8] Strong reaction from the Network for Protection against Discrimination to the removal of 'sexual orientation,' 'gender,' and 'gender identity, available at: https://telma.com.mk/2024/12/18/ostra-reakczija-na-mrezhata-za-zashtita-od-diskriminaczija-za-otstranuvaneto-na-seksualna-orientaczija-rod-i-rodov-identitet/.
[9] Video testimony available at: https://www.youtube.com/watch?v=i5_cYKGgFfQ&list=TLGGSFbwRKT8mMkxMDEwMjAyNQ.
[10] North Macedonia: maintain commitment to human rights of Roma and take urgent action for a healthy environment for all, available at: https://www.coe.int/en/web/commissioner/-/north-macedonia-maintain-commitment-to-human-rights-of-roma-and-take-urgent-action-for-a-healthy-environment-for-all.

the amendments envision inclusive classes and culturally tailored teaching groups, but they do not include monitoring or sanctions for municipalities that fail to implement these measures, nor mechanisms to work with parents and communities resistant to integration. This gap allows practices such as selective enrollment, falsification of residence, and self-segregation to continue, undermining the intent of the law.

31. Moreover, as already noted in our previous Rule 9 submission, since the *Elmazova* judgment, segregation of Romani pupils has persisted and expanded across North Macedonia. The ERRC and CPPD have continued to monitor and document these developments. In Prilep, D.J. Primary School was found by the CPPD in January 2024 to engage in indirect and ongoing discrimination leading to segregation. Children attempting to enroll in nearby K.G.J. Primary School were directed to D.J., a predominantly Romani school. The CPPD confirmed that classes were divided along ethnic lines and urged the school to stop forming classes by ethnicity, recommending enforcement of catchment area rules. Data for the 2024/2025 academic year shows that of 1,195 students, 1,022 were Roma and 173 Macedonian. Among first graders, 128 out of 142 were Roma, with five of seven classes fully segregated. Across the school, 28 classes consisted solely of Romani pupils, indicating that segregation persists despite official guidance. In Kochani, R.K. Primary School exhibited similar patterns. Evidence obtained through Freedom of Information requests revealed high concentrations of Romani students in multiple classes during the 2023/2024 and 2024/2025 academic years. The CPPD initiated *ex officio* proceedings integrating the information received by the ERRC. In Veles, P.B. Primary School also demonstrated overrepresentation of Romani students across grades, including a Roma-only class in the fifth grade for 2024/2025. A petition submitted to the CPPD highlighted the Ministry of Education's prior knowledge of the situation, yet no action was taken to address the problem. New cases have emerged in other municipalities. In Kichevo, S.S. Primary School had 13 out of 22 classes composed exclusively of Romani students during the 2024/2025 academic year, as reported to the Equality Body in September 2025. In Kumanovo, it is alleged that K.M. Primary School maintains segregated classes for Romani pupils, as indicated in a complaint submitted by the ERRC to the CPPD in October 2025. Together with Bitola, Shtip, Prilep, Kochani, and Veles, these new cases demonstrate that segregation affects at least seven municipalities, illustrating the nationwide nature of the problem.

33. The Government's previous action plans already stated that, following the 16 May 2023 decision, the Ministry of Education and Science would prepare a nationwide analysis of potential segregation in schools beyond the two highlighted in the *Elmazova* judgment. Yet, neither of the action plans submitted so far provides any information on the progress, results, or conclusions of this promised analysis. This omission is significant, as without comprehensive data on the broader extent of segregation, the Government cannot claim to have designed measures that address the full scale of the problem.

34. The feasibility study proposed in coordination with the Council of Europe is similarly delayed. While its objectives to outline short and mid-term desegregation measures, evaluate potential impacts, and identify community reluctance are comprehensive, the fact that the official acceptance to start this study was only communicated on 2 October 2026 illustrates a significant lag between policy design and action. Given that segregation continues and even expands across multiple municipalities, such delays risk allowing the problem to worsen further.

35. The establishment of a working group on 16 May 2023, tasked with overseeing the execution of the *Elmazova* judgment, was noted in previous Government action plans as a key mechanism to coordinate anti-segregation measures across institutions, including the Ministry of Justice, the Ministry of Education and Science, and local municipalities. While its creation represented a potentially positive step, the new Updated Action Plan provides no information on the working group's composition, activities, or progress. The absence of reporting on meetings held, measures implemented, or outcomes achieved over more than a year raises serious concerns about transparency and accountability. Crucially, the Updated Action Plan also omits whether Roma civil society organizations, parents, or children have been engaged in the working group. Their participation is essential for understanding community-specific

challenges and ensuring interventions are genuinely effective. Furthermore, there is no clarity on whether the working group's mandate has been extended beyond the specific schools addressed in the *Elmazova* judgment to tackle segregation nationwide. In essence, while the previous action plans acknowledged the working group as a mechanism for reform, the lack of any mention in the new plan suggests stagnation or a de-prioritization of this important oversight body. Without active reporting, community involvement, and a durable nationwide mandate, the working group risks remaining a symbolic measure rather than a substantive instrument for ending Roma school segregation.

36. The Government's previous action plans reported a study visit to Croatia from 4–6 June 2024, organized under the Council of Europe's "Quality Education for All – North Macedonia" project. This visit was presented as an opportunity for stakeholders to explore strategies for addressing educational challenges faced by Romani children, drawing on Croatia's experience with the *Oršuš* case. The ERRC considers that Croatia cannot be treated as a directly applicable model. In the *Oršuš* case, the alleged segregation of Romani children in two primary schools in Međimurje was justified on the basis of inadequate command of the Croatian language. In contrast, the *Elmazova* case in North Macedonia involves segregation where language barriers are not a factor. Thus, strategies implemented in Croatia may not address the specific drivers of discrimination in North Macedonia. Moreover, despite the formal closure of the European Court's supervision in *Oršuš*, evidence indicates that segregation and discriminatory treatment of Romani pupils persist in Međimurje and across Croatia. According to the Croatian Ombudswoman's 2023 report, 36% of Romani children in 24 schools were enrolled in completely segregated classes, with an additional 54% in classes where over 70% of students were Roma. Schools such as Strmec Elementary and Petrijanec Elementary remain almost entirely ethnically segregated, and dropout rates among Romani students remain disproportionately high. These persistent challenges illustrate that the Croatian model has not produced comprehensive integration or equitable educational outcomes. By failing to critically evaluate these limitations, the Government risks adopting practices that are ill-suited to the North Macedonian context.

37. In sum, the general measures adopted by the Government remain largely formal and have not produced meaningful desegregation. The December 2024 legislative amendments lack effective enforcement, allowing discriminatory enrollment practices to continue. Persistent segregation across multiple municipalities confirms that the problem is systemic and nationwide. The absence of transparent data, delayed studies, and an inactive working group further demonstrate non-compliance with Article 46. The Committee of Ministers should therefore urge urgent, concrete measures to ensure immediate desegregation, effective monitoring, and genuine participation of Romani communities in implementation.

VI. Concluding Remarks and Recommendations to the Committee of Ministers

- Despite the Committee of Ministers' December 2024 decision recalling the urgent need to end the segregation of Romani pupils at G.S. (Bitola) and G.D. (Shtip), the Government of North Macedonia has failed to implement effective measures. Evidence demonstrates that most applicants, and many other Romani pupils, remain enrolled in segregated classes, while structural, social, and procedural barriers continue to prevent genuine integration.
- Individual measures purportedly taken by the authorities such as the provision of monetary compensation or the statistical placement of a few non-Romani pupils into predominantly Roma classes have not remedied the violations identified in the *Elmazova* judgment. Segregation persists as a systemic and predictable pattern, reflecting institutional tolerance of discriminatory practices, lack of enforcement of catchment area regulations, and absence of proactive measures to offer integrated placements.
- Municipal-level initiatives remain inconsistent. Bitola has been largely inactive, providing proposals without evidence of implementation, monitoring, or meaningful engagement with Romani families. Shtip has introduced some measures, such as rezoning, rulebooks, and

outreach, but critical components including redistribution of pupils and active parental consultation remain ineffective or unimplemented.

- The Government has failed to address deliberate circumvention of catchment area rules by non-Romani parents. Reports indicate that some parents have used notarial contracts without rent payments to falsely demonstrate residence in the catchment area of other schools. This practice undermines legislative and municipal measures, perpetuates segregation, and demonstrates the need for enforcement mechanisms and oversight to prevent manipulation of school enrollment procedures.
- General measures, including legislative amendments to the Law on Primary Education, the establishment of a working group, feasibility studies, and international exchanges, have so far failed to produce tangible improvements. Legislative provisions remain unenforced, oversight mechanisms lack transparency, and there is no evidence of active involvement of Romani communities in monitoring or designing interventions. Furthermore, lessons from international experiences, such as the Oršuš case in Croatia, have not been critically analyzed or adapted to the specific drivers of segregation in North Macedonia.
- Nationwide monitoring is insufficient. Promised analyses of broader patterns of segregation and the impact of planned desegregation measures remain incomplete or unreported. Without comprehensive data and proactive measures, the State cannot claim to have addressed systemic discrimination against Romani pupils.

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:

- Take urgent steps to eliminate all remaining segregated classes and ensure that Romani pupils are included in genuinely integrated learning environments.
- Provide remedial and catch-up education where necessary to mitigate the disadvantage caused by prolonged segregation.
- Monitor outcomes to ensure transfers are implemented effectively.
- Insist that municipalities, particularly Bitola and Shtip, provide detailed, timely, and transparent reports on the implementation of desegregation measures.
- Actively engage Romani families, children, and civil society in decision-making processes.
- Introduce enforceable sanctions or incentives to ensure municipal compliance.
- Specifically address circumvention of catchment area rules, including verification mechanisms to prevent fraudulent claims (e.g., notarial contracts without legitimate residence).
- Establish effective monitoring and enforcement mechanisms for legislative amendments.
- Require regular, comprehensive reporting on pupil distribution and impact of all measures nationwide.
- Ensure the working group on *Elmazova* judgment implementation is active, inclusive of Roma civil society, and tasked with a clear nationwide mandate.
- Critically evaluate international best practices, including Oršuš, and adapt lessons to the North Macedonian context.
- Implement strategies to address social attitudes, discriminatory practices, and parental resistance that perpetuate segregation.
- Ensure welfare or supportive initiatives (e.g., free meals, transport subsidies) are paired with inclusive policies.
- Introduce clear targets, timelines, and accountability mechanisms to eliminate segregation.
- Require regular updates on the execution of measures, including pupil composition, municipal actions, and engagement with affected communities.
- Continue enhanced supervision until Romani pupils are fully integrated and protected from discrimination in education.