

**Written Comments of The European Roma Rights Centre Concerning
Albania**

**For Consideration by The United Nations Committee on The Elimination
of Racial Discrimination (CERD) at its 112 Session (08 Apr 2024 – 26 Apr
2024)**

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INTRODUCTION

The European Roma Rights Centre (hereinafter also referred to as the “ERRC”)¹ hereby submits these comments concerning Albania to the United Nations Committee on the Elimination of Racism and Discrimination (hereinafter also referred to as “Committee”) for the consideration at its 112 Session (08 Apr 2024 – 26 Apr 2024)

The submission focuses on the overrepresentation in state care of Romani children in Albania; segregation in education; access to public services including health and housing; access to clean water and sanitation and risks of statelessness.

According to the Open Society Foundation in Albania Roma Population and Housing Census, 18,276 Roma were living in Albania, including 6,779 children below the age of 17; concentrated mainly in homogenous settlements across 12 regions of Albania and 61 new municipalities. Roma inhabit urban areas at a higher rate (68%) compared to the general population (53.5%) and are mostly concentrated in or around Tirana and Korca.²

According to the data, at least 69% of Roma families live on the equivalent of \$4.5 a day, while 23% of them live on as little as \$1.5 USD a day. The unemployment rate among Roma is 74% compared to the national rate of 15%. The Roma Census 2014 also found that 80% of Roma families don’t have access to warm water, while 16% of them do not have access to water at all; and 11% don’t have access to electricity.²

Despite inclusion strategies, according to the UNDP Roma Survey, the situation of marginalized Roma in Albania actually worsened between 2011 and 2017, with Roma facing “limited access to opportunities in virtually every aspect of human development, such as basic rights, health, education, housing, employment and standard of living.”

¹ The ERRC is a Roma-led an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavored to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. More information is available at: <https://www.errc.org/>

² *Roma Census 2014, Study of Albanian Communities*, Open Society Foundation in Albania (Soros), Tirana 2014.

The NEET rate among marginalized Roma aged 18-24 increased from 69% in 2011 to 78% in 2017. The NEET rate among Roma females hit 90% which is especially alarming in terms of future opportunities, and access to the labour market. Some 93% of marginalized Roma continue to face high levels of severe material deprivation. The incidence of early marriage remains the highest in the Western Balkans with an estimated 50% of marginalized Roma women aged 20-49 years in Albania married before they were 18 years old.

Education: Pre-primary school enrolment rates of marginalized Roma remain the highest in the Western Balkans at 35% in 2017. The gap between Roma and non-Roma in compulsory education decreased from 42 percentage points in 2011 to 30 percentage points in 2017; compulsory education completion rates doubled, but still most Roma aged 18-21 have still not completed a basic level of education.

Employment: In 2017, employment rates further declined for both males and females. Albania was the only economy in the Western Balkans with rising unemployment and exhibited the highest unemployment rates in the region.

Health: Less than one-third of marginalized Roma had access to health insurance in 2017, the lowest health insurance coverage in the Western Balkans, apart from Kosovo. Self-reported unmet need for medical care among marginalized Roma decreased in the period from 2011 to 2017 from just over one-half to one-third. Despite this decrease, Albania has the highest rate in the Western Balkans of marginalized Roma who could not see a doctor when needed.

Housing: Marginalized Roma continue to live in more overcrowded households. Access to electricity actually decreased between 2011 and 2017; and while an increase in access to piped water was registered since 2011, on both counts, coverage for Roma is the lowest in the region.³ Access among the marginalized Roma population in Albania to the public sewerage system deteriorated between 2011 and 2017, and the gap vis-à-vis non-Roma living in the vicinity increased.⁴

In terms of progress, the Albanian Parliament officially recognized Roma as a national minority in 2017, and reported that its 2017 Action Plan reflected a “scaling up of measures already being implemented and also initiates new activities for promoting the integration of Roma and Egyptians, with committed funding from the central

³ UNDP *Roma at a Glance Factsheet on Albania*. April 2018. Available at:

https://www.undp.org/sites/g/files/zskgke326/files/migration/eurasia/Factsheet_ALBANIA_Roma.pdf

⁴ Bernard Rorke, *Roma Integration 2020*. Regional Cooperation Council. Belgrade, 2019. Available at:

<https://www.rcc.int/romaintegration2020/files/admin/docs/0c8d31df7cd0747b3d331c9639843e1b.pdf>

budget and as well as funding from donors.” The government also reported that in 2017, 13,683 Roma and Egyptian children were enrolled and attended pre-school and compulsory education, up from 4,437 which marked a three-fold increase over two years.

In its 2019 Concluding Observations, CERD recommended that the State Party strengthen implementation of the National Action Plan for the Integration of Roma and Egyptians 2016–2020 and other special measures to combat racism and racial discrimination against Roma and Egyptians in access to employment, education, health, housing and services. It also recommended that the State party reinforce the collection of relevant data and prepare a policy evaluation strategy in order to evaluate the effectiveness of those measures. The Committee was also concerned about the absence of information from the government on the situation of minority women and the multiple intersecting forms of discrimination they may face. CERD noted the enhanced measures with regards to birth registration of Romani and Egyptian children, but “remains concerned at the lack of an overall strategy to deal with this persisting challenge.”⁵

The 2019 report from ECRI expressed concerns at the continuing use of hate speech against Roma and LGBTI communities and the lack of public condemnation and counter speech from high-ranking political or other public figures in response. ECRI noted that de facto structural segregation of Roma and Egyptian pupils in schools still occurs in some locations; and that many young Roma and Egyptians remain outside of the reach of vocational training and active employment programmes. Discrimination in housing persists and ECRI noted that many Roma and Egyptians also suffer from living in inadequate housing conditions and from evictions carried out without the necessary safeguards.⁶

The European Commission’s 2023 Albania report noted that “limited progress was made on the social inclusion of the Roma and Egyptian minorities”, and that monitoring data and reporting on the implementation of the national action plan for equality, inclusion and participation of Roma and Egyptians in Albania (2021-2025) were not yet available. The report described the institutional capacity of the Ministry for Health and Social Protection, which coordinates Roma-related policies, as remaining weak, and called for better coordination on Roma inclusion.

⁵ UN Committee on the Elimination of Racial Discrimination, Concluding observations on the combined ninth to twelfth periodic reports of Albania, 2 January 2019. Available at: https://digitallibrary.un.org/record/3792804?ln=zh_CN&v=pdf

⁶ ECRI 2020 Report on Albania (sixth monitoring cycle). Adopted 7 April 2020. Available at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/albania>

Despite improvements in education, “segregation in schools remains an issue that should be systematically addressed.” Employment and housing remain formidable challenges. Access to personal documents has improved for both communities. However, the Commission noted that the lack of digital skills and access to technology continue to prevent Roma and Egyptian people from fully enjoying their rights and accessing public services, which are increasingly digital. The brief section closed with a call for additional efforts and resources “to accelerate the inclusion of Roma and Egyptians, tackle anti-gypsyism, discrimination and educational and physical segregation, to promote participation of Roma, and to reduce the gaps with the rest of the population.”⁷

⁷ European Commission, *Commission Staff Working Document Albania 2023 Report*, Brussels 8.11.2023. Available at: https://neighbourhood-enlargement.ec.europa.eu/albania-report-2023_en

ROMANI CHILDREN IN STATE CARE INSTITUTIONS

Following her visit to Albania Dunja Mijatović, Council of Europe Commissioner for Human Rights, expressed concern at the situation where some 700 children still live in care institutions, sometimes for very long periods of time without clear prospects for leaving before they become adults. She recommended accelerating the deinstitutionalisation process and preventing the placement of children in state care, including by providing more support to families raising children and by developing an effective system of family-type services. Commissioner Mijatović also stressed that the authorities need to provide adequate support to biological families who are willing to take care of their children; and improve the economic aid scheme to target poor families and children in need, through better social assessment of the living conditions of families.⁸

LUMOS's 2021 Global Thematic Review examined the growing evidence of the links between the institutionalisation of children and human trafficking, and highlighted that institutional care systems can in themselves be a driver of child trafficking as well as a destination for children who have already been trafficked. In the case of Albania, children leaving institutions are at increased risk of trafficking as the national age for leaving the care system is only 15, when they are less likely to have the life skills needed to live independently as fully integrated members of society. The report noted that Albania has begun a deinstitutionalisation process, meaning that the government is hoping to transition away from institutional care, and towards quality family and community-based care in the coming years.⁹

For over a decade, the ERRC has campaigned and litigated against the placing of disproportionate numbers of Romani children in state care institutions. In 2016, the ERRC, along with the Centre for Legal Civic Initiatives, the Children's Human Rights Centre of Albania, and Tirana Legal Aid Society, submitted a complaint to the Commissioner for Protection from Discrimination, detailing how the overrepresentation of these children constituted indirect discrimination against them. Official data showed over representation in the institution of Roma and Egyptians at

⁸ Dunja Mijatović, Council of Europe Commissioner for Human Rights, *COUNTRY VISIT REPORT, Albania should continue improving child protection and inclusion of persons with disabilities*. Available at: <https://www.coe.int/az/web/commissioner/-/albania-should-continue-improving-child-protection-and-inclusion-of-persons-with-disabilities>

⁹ LUMOS, *Cycles of Exploitation: The Links Between Children's Institutions And Human Trafficking A Global Thematic Review*. 8 December 2021. Available at: <https://www.wearelumos.org/resources/cycles-of-exploitation/>

58.8%. Yet these groups make up officially less than 1% of Albania's overall population.¹⁰

The complaint included concerns about the failure to return children to their families and the lack of focus, guidance or procedures to facilitate returns or to assist children and parents maintain to their relationships. Many families have to travel considerable distances to visit their children who have been removed. These families are extremely impoverished, with other children to care for, the combination of logistics and travel expenses make it extremely difficult to maintain relationships with children who have been placed in institutions.

When children go in to care, the institution is required to draft a plan for their future, including the prospect of returning to their family. But when the ERRC asked management at the School Children Home of Shkodra about the how long children stayed in the institution, the response was from age 6 to age 18, which suggested that returning children to their biological families is not seen as a priority.

One of the major reasons for continued institutionalisation, identified by many interlocutors, is the lack of adequate support provided to poor families with children, in particular Roma, which contributes to the abandonment of children by their parents.

The social and economic assessments of families required to assess the prospect of return had not been carried out for the Romani and Egyptian children in the School Children's Home on a regular basis; and without such assessments, courts will not transfer custody from the institution to the biological parents or relatives. Such assessments are required even for temporary visits. When it comes to court, Romani and Egyptian families may find it hard to get the information they need and can't access free legal aid. This is another barrier to the right to respect for family life, and it is incompatible with human rights law.

In 2016 the Albanian Ombudsman published a special report "on the situation of respect for the rights of children living in residential institutions, and children and baby homes", following an inspection by the Ombudsman's office of nine institutions for residential and daily care of children in Tirana, Durres, Vlora, Shkodra and Korça. The Ombudsman expressed a number of concerns with regard to the living conditions and

¹⁰ ERRC, *Families Divided: Romani and Egyptian Children in Albanian Institutions*. Cause of Action Series, November 2017. Available at: <https://www.errc.org/reports-and-submissions/families-divided-romani-and-egyptian-children-in-albanian-institutions>

treatment of children in those institutions, the most worrying of which were related to serious allegations of physical and psychological violence against children.

On 30 December 2016, in response to the case made by the ERRC and others, the Commissioner for Protection from Discrimination in Albania recommended to the authorities that they undertake better monitoring, and that they intervene immediately to ensure respect for the family life of the children in the institution, including providing support for the families and ensuring that the children can see their families more often. The Commissioner also recommended that the authorities take steps to ensure that children are returned to their families.¹¹

The ERRC recommends that State Authorities provide a detailed update on progress made with regards to Romani children in state care, and all the recommendations made by the Ombudsman, the Commissioner for Protection from Discrimination, and the Council of Europe Commissioner for Human Rights.

¹¹ ECRI 2020 Report on Albania (sixth monitoring cycle). Adopted 7 April 2020.

SCHOOL SEGREGATION OF ROMANI CHILDREN

The official position of the government is that “Roma and Egyptians have full access and inclusion in qualitative education without being subject to discrimination and segregation.” According to the 2021 Global Education Monitoring Report suggests, the indicator which measures the extent to which social diversity at the school and country levels mirror each other, the countries with the lowest degree of social diversity within schools – in other words, displaying the highest levels of social segregation – were Albania and Slovakia.¹²

The comprehensive measures introduced by the authorities, including increased enrolment in pre-school and compulsory education have been welcomed by international bodies. While in 2011, only 48% of Roma and Egyptian children were enrolled in compulsory education (lasting from 7 to 15 years of age) – as compared to 91% among the overall population, this increased to 66% in 2018. However, this gap remains unacceptably wide, and most Roma aged 18-21 have still not completed a basic level of education. As ECRI reminded the authorities in its 2020 report, “closing, and not just narrowing, the enrolment gap between children of Roma and Egyptian origin and other children should be the overall aim in order to ensure access to education on an equal footing.

The 2023 annual report from the European Commission, noted progress made in education support for Roma and Egyptian children, but stressed that segregation in schools remains an issue that should be systematically addressed.

Romani & Egyptian Families Win Landmark School Segregation Case Before European Court

On 31 May 2022: Romani and Balkan Egyptian families have won a potentially precedent-setting case against the Albanian government before the European Court of Human Rights (ECtHR) for racial segregation in the Naim Frasheri School in Korça. The Court found that Albania had violated Article 1, Protocol no.12 of the European Convention on Human Rights by failing to implement swift and comprehensive desegregation measures in the elementary school attended almost exclusively by

¹² UNESCO, *Inclusion and Education: All means All*, Global Education Monitoring Report 2021. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000375490>

Romani and Balkan Egyptian children. According to the judgment, the Albanian government must take measures to desegregate the school as well as pay damages of €4500 per household to the families.

The applicants were represented by the European Roma Rights Centre (ERRC) which brought the case directly to Strasbourg, bypassing the national courts, after authorities failed to desegregate the school.

The judgment reiterated Article 46 of the Convention which imposes a legal obligation on Albania to put an end to the violation found by the Court (in this case, discriminatory school segregation) and provide redress as far as is possible for those affected by the discrimination. The government was given three months to pay the damages totalling €22,500 plus taxes to the affected families. All of the adult applicants who brought the case to court were Romani and Balkan Egyptian women.

The Naim Frasherri School is located on the outskirts of the city of Korça and is known locally as the “Roma and Egyptian school”, because virtually all of the students who attend it belong to these minority groups. What was once an integrated school attended by a mixture of Romani, Balkan Egyptian, and ethnic Albanian students began to become more segregated from 2012, as more and more ethnic Albanian parents removed their children from the school because of an increase in the attendance of Romani and Balkan Egyptian. Within a few years the school was 99% attended by Roma and Balkan Egyptian students and parents noticed that the quality of education their children received was worse, with some children not even being able to read and write.

After meeting with parents from the school, the ERRC made a complaint in the organisation’s own name to Albania’s Equality Commissioner, who agreed that this racial segregation was unlawful. On 14th April 2017, the Ministry of Education wrote a letter setting out the steps that the government would take to desegregate. No steps were taken by local authorities to desegregate Naim Frasherri or other segregated local schools. The parents met with the ERRC in late 2017, after another school year had begun in which their children would be taught in segregated conditions. They were unhappy that the authorities had not done what they said they would do to desegregate the school.

Rather than wait years for the Albanian court system to process the cases (during which time their children would continue to be segregated), the ERRC advised them to go straight to the European Court. As the authorities had already recognised the problem, promised to desegregate, and done nothing – bringing a domestic case would be a waste of time. The ERRC brought the case directly to the European Court in

two applications: one submitted in October 2017 (Application no. [73548/17](#)) and another in August 2019 (Application no. [45521/19](#)), complaining that the school segregation was discrimination contrary to Protocol no.12 of the European Convention on Human Rights.¹³

On 23 February 2023: the Council of Europe reported that in response to the ECtHR judgment, representatives from Albanian local and central institutions convened in Korça to discuss concrete measures to address segregation in schools and advance the integration of Roma and Egyptian children in education, with support from the European Union and the Council of Europe. It was reported that active discussion took place on measures to be undertaken to support the implementation of the ECtHR judgment.

The ERRC recommends that the authorities furnish a detailed account of concrete steps taken to fully implement the ECtHR judgment, desegregate schools and ensure sustainable solutions to prevent segregation in schools in the future.

ACCESS TO CLEAN WATER AND SANITATION

ERRC research findings revealed that many Roma suffer disproportionately from the failures of public authorities to secure access to water and sanitation. Significant numbers of Roma included in the research have no access to running water in their homes. Their water sources are often far from where they live, with the burden to secure water falling disproportionately on women and girls. These sources are often not tested to ensure their safety and are exposed to a wide range of contaminants, including dry toilets (pit latrines), insect, and wild animals. Roma often cannot afford public water service pipes and water charges, even if they are accessible. Many Roma communities only enjoy access to water thanks to private donations. The ERRC found evidence that many Romani households remain without water and sewerage due to discrimination.

The situation with the public sewage infrastructure in Romani neighbourhoods is equally alarming. Fewer than 12% of Romani communities had a functioning mechanical flush toilet and drainage systems. Many of these neighbourhoods do not even have a private sewage facility and houses discharge the sewage (a mix of waste water and excrement) to nearby surroundings. Three quarters of Romani households surveyed resorted to use either self-made pit latrines located in some distance from

¹³ ERRC Press Release, *Albania: Romani & Egyptian Families Win Landmark School Segregation Case Before European Court*. 31 May 2022. Available at: <https://www.errc.org/press-releases/albania-romani-egyptian-families-win-landmark-school-segregation-case-before-european-court>

the house or they defecated in the open. The countries with the worst records in this regard were Moldova, France, and Albania.¹⁴

Albanian Authorities Ordered to Supply Clean Water for Roma after Discrimination Case

On 12 December 2018: A Romani community in Fushe Kruje, Albania have won a case before the Commissioner for the Protection from Discrimination, after taking on the local municipality for refusing to provide them with clean drinking water and sanitation. The Commissioner found that the municipality of Kruje discriminated against Romani families living in the “Kastriot” neighbourhood based on their ethnicity and socio-economic status, and has ordered the municipality to take immediate measures to correct the situation within 30 days or face a fine.

The case was taken before the Commissioner by the Albanian Helsinki Committee (AHC) with the support of the European Roma Rights Centre (ERRC), who provided evidence of the ethnic divide in access to water in Albania.

Around 250 Romani families (1,200 people) live in the community which has existed since the late 1990’s and has long suffered from a lack of clean water. A project led by a local Roma organisation in 2005 saw water supply delivered to the area, only to be cut off by the municipality some time later. Residents of “Kastriot” have since had to rely on drilling private wells to access ground water. However, river water polluted by urban waste mixes with the well water and in 2014 resulted in an outbreak of Hepatitis A, especially amongst children. Though this made the news and authorities were aware of the health epidemic, no action was taken by state authorities.

The water supply and sewerage company contracted to provide water in the municipality argued that the supply line runs to the Romani community, but as no residents turned up to voice their interest at the point-of-connection, they had fulfilled their legal duty to provide water.¹⁵

In May 2022, the World Bank announced that Albania will receive a \$75 million loan and a \$6.3 million grant, to improve the operational and financial performance of

¹⁴ ERRC, *Thirsting for Justice*. Available at:

https://www.errc.org/uploads/upload_en/file/thirsting-for-justice-march-2017.pdf

¹⁵ Available at: <https://www.errc.org/press-releases/albanian-authorities-ordered-to-supply-clean-water-for-roma-after-discrimination-case>

water supply and sanitation utilities and to increase access to safe water services in Albania.¹⁶

The ERRC recommends that the authorities provide a detailed update on concrete action taken to ensure that all Roma and Egyptian families have access to clean water and sanitation.

¹⁶ <https://www.worldbank.org/en/news/press-release/2022/05/12/albania-to-reform-and-improve-its-water-supply-services-with-world-bank-support>

BIRTH REGISTRATION AND THE RISK OF STATELESSNESS

Since 2020, the law ensures that children born stateless on the territory, foundlings, adopted children and most children born to nationals abroad acquire Albanian nationality. There have been measures to reduce the risk of statelessness and improve access to birth registration, but children still face difficulties if parents are undocumented or have irregularities in their documentation, and Romani and Egyptian communities are disproportionately impacted.¹⁷

Negative stereotypes, marginalisation and discrimination make Roma vulnerable to the risks of statelessness in Albania, according to a 2018 [report](#) *Roma Belong: Statelessness, Discrimination & Marginalisation of Roma in Albania* by the European Roma Rights Centre (ERRC), the European Network on Statelessness (ENS), the Institute on Statelessness and Inclusion (ISI), and the Tirana Legal Aid Society (TLAS). The report showed how statelessness exacerbates the multiple types of discrimination faced by Romani people in Albania. Statelessness passes from parent to child, meaning they are often left to grow up *without a nationality, struggling to access key services such as education, healthcare and housing*.¹⁸

The TLAS and UNHCR mapping in 2018 found that of the 1031 persons at risk of statelessness in Albania, 97% were children. The primary causes reported were: (i) being born outside of Albanian territory (53%), (ii) being born to parents who aren't married (12%), (iii) being born at home (10%), and (iv) being born in hospitals or maternity units that hold incorrect personal details on the mother (9%). Altogether 84% of those identified at risk of statelessness had obstacles related to birth registration procedures. Members of Roma and Egyptian communities are disproportionately affected; and they made up half of all recorded cases at risk of statelessness despite representing between 0.4% and 3.3% of the total Albanian population.¹⁹

It was evident from the majority of interviews conducted with Roma and other stakeholders as part of the *Roma Belong* project, the main cause of (risk of) statelessness of Roma relates to the challenges they face accessing civil registration in general, and birth registration in particular. Children who have a clear right to Albanian nationality are denied this because their births cannot be registered.

¹⁷ Statelessness Index 2023, Albania. Available at: <https://index.statelessness.eu/country/albania>

¹⁸ ERRC, ENS and TLAS, *Roma Belong: Statelessness, Discrimination & Marginalisation of Roma in Albania*. 2018.

¹⁹ Tirana Legal Aid Society/UNHCR, *Mapping Of The Population At Risk Of Statelessness In Albania*. May 2018. Available at: <https://www.refworld.org/reference/countryrep/unhcr/2018/en/121478>

The birth registration process in Albania can be difficult and complex to access. Those who are most likely to be unable to access documentation and registration are the children of parents who already lack the documentation needed to fulfil the legal requirements for civil registration in general, including registration of births, deaths, marriages, legal residency transfers, divorces, and child custody.

While the challenges identified above are not exclusive to Roma, they disproportionately affect Roma. Lack of resources, economic migration, life in informal housing, and marginalisation more generally, are all factors impacting significantly on their ability to register the births of their children. This problem is further exacerbated by the law and policy framework, which makes it extremely difficult for undocumented parents with no permanent residence to acquire nationality for their children. Hence, there is an inter-generational aspect to the risk of statelessness.

UNCERD noted the enhanced measures taken by the authorities, including initiatives implemented in cooperation with civil society, to identify Roma and Egyptian children who have not been registered at birth and to provide them with the necessary personal documents. However, the Committee remained concerned at the lack of an overall strategy to deal with this persisting challenge, particularly in the light of families returning from an irregular stay abroad and the increasing number of persons who seek international protection in the State party.

By 2021, the Republic of Albania committed to fully implement the 2018 legislative amendments that improve access to birth registration procedures for children of Roma and Egyptian communities, and for children born outside the territory of the Republic of Albania whose parents are nationals of the Republic of Albania.

The European Commission 2023 report noted that while access to personal documents has improved for both communities, the lack of digital skills and access to technology continue to prevent Roma and Egyptian people from fully enjoying their rights and accessing public services, which are increasingly digital.

The state authorities should be requested to provide detailed and ethnically disaggregated data update of the numbers of those currently at risk of statelessness, the impact of current measures taken to meet the state's pledges to improve access to birth registration procedures for Roma and Egyptian children, and to eliminate statelessness by 2024.

