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# Why the Issue of Minority Rights in Albania Could Become a Roadblock to EU Accession

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Albania's approach to European Union conditionality on minority rights often mirrors that of a student barely making passing grades. While the country appears to align with EU requirements on the surface, deeper scrutiny reveals persistent violations. The 2023 national census resurfaced these issues, charting a significant population decline, primarily driven by emigration of the general population to Western countries. This broader demographic shift has indirectly exacerbated tensions with minority groups, which accuse the government of underrepresentation and inequitable treatment. Despite Albania's formal legislative alignment with EU standards, the country's trajectory in protecting national minorities reveals significant deficiencies in implementing minority protections and fair treatment.

These developments raise critical questions about the true state of minority rights in Albania and the efficacy of its legal frameworks. As Albania's general population continues to shrink, its lack of robust mechanisms to address minority grievances risks further undermining its social cohesion and its ability to meet EU accession criteria. In recent years, EU country reports have increasingly highlighted deficiencies in Albania's protection of national minorities, particularly flagging concerns related to its Greek minority. These issues have caused bilateral tensions with neighboring countries such as Greece and North Macedonia and have jeopardized Albania's EU accession path. As an EU member state, Greece could veto Albania's progress if concerns about the rights of its Greek minority are not adequately addressed.

Two pressing questions arise from this trend: How will Albania protect minority rights as it normalizes its relations with neighboring countries and upholds its obligations to meet EU standards? Will Albania take this matter seriously and not drag further than it has already done from the absence of secondary legislation, which has rendered the 2017 minority protection law effectively inoperative, coupled with census-related disputes that have sparked conflicts in the region? In terms of the 2023 census, Greece and North Macedonia underscore the limited political will to implement a robust minority protection program. These shortcomings could deepen Albania's diplomatic rifts with neighboring EU member states, harm its international credibility, and jeopardize its prospects for EU membership.

## Albania's Legal Guarantees to Protect Minority Rights

Albania's approach to minority rights has been shaped by its historical and political legacies, including from the communist era. Despite being a small country of 2.4 million people (roughly the population of Kansas) that is often considered relatively homogeneous, issues concerning its national minorities have frequently been overlooked by successive governments. The international community has historically played a significant role in urging Albania to fulfill its obligations to protect national minorities. Its commitment to protect minorities began with its admission to the League of Nations on Dec. 17, 1920, after World War I.<sup>1</sup>

After World War II, Albania's communist regime continued its pledge to respect the rights of national minorities within its territory but implemented a policy of favoritism, particularly toward its Greek and Macedonian minorities. During this time, the Albanian state used two categories to give different statuses to distinct minority groups: National minorities were Greeks and Macedonians; and ethnolinguistic minorities were Roma Vlachs (Aromanians).<sup>2</sup> With the fall of communism and transitional changes, the government of Albania inherited the issue in its 1998 Constitution,<sup>3</sup> which provided a foundation for protecting national minorities but failed to address the rights and protections of ethnolinguistic minorities.

However, with the democratic transition, Albania became increasingly integrated into various international organizations, which brought a new dimension to its treatment of national minorities. This shift is reflected in its membership in organizations such as the Organization for Security and Cooperation in Europe and the Council of Europe. The Albanian government also ratified two key European documents: the European Convention on Human

Rights in 1996 and the Framework Convention for the Protection of National Minorities (FCNM), in 2001.<sup>4</sup>

Finally, as part of its efforts to become fully integrated into Europe, Albania signed its Stabilization and Association Agreement with the European Union in 2006, elevating its commitment to protect minority rights. Under this agreement, the Albanian government acknowledged that the treatment of minorities would be essential not only for establishing good neighborly relations but also as a critical condition for its EU accession process, making it a key pillar of the country's EU path.<sup>5</sup>

## The Issue of Dual Minority Categorization in Albania

Historically, Albania has recognized as national minorities those groups that share common characteristics – such as language, culture, traditions, and religious beliefs – with a “motherland” outside Albania. This classification primarily applied to Greeks and Macedonians. In contrast, other groups, such as the Roma and Aromanians, were acknowledged only as linguistic minorities, lacking the full recognition and rights given to national minorities. In addition, the preferential status granted to Greeks and Macedonians as national minorities was largely due to their geographic concentration and their ability to advocate effectively for their rights. In contrast, ethnolinguistic minorities, which were often more nomadic, lacked the resources and access needed to influence the government, leaving them with far less protection.

The “minority zones” refer to compact communities where minorities live together to preserve their traditions and cultures. For example, the Greek minority, which is concentrated in Southern Albania near its border with Greece, predominantly resides in the districts of Saranda, Delvina, and Gjirokastra. In contrast, the Roma and Vlach minorities are dispersed across rural areas such as the Muzeqe region of Fier, Frashër in Përmet, and Mokrra in Pogradec.<sup>6</sup> Despite the absence of schools offering instruction in their respective languages, these communities – particularly the Vlachs – have managed to preserve their cultures and traditions. However, the Roma minority and Egyptian minority are considered the most discriminated against in Albania. These groups – which are scattered across Central and Southern Albania, with many concentrated on the outskirts of Tirana – face significant challenges, including minimal access to education, inadequate government support for housing, and limited access to food, health care, and other essential services.<sup>7</sup>



In other words, national minorities, such as Greeks and Slavic Macedonians, were granted limited educational rights in their native languages even during the communist era, but only within designated minority zones, where they formed the majority. This selective recognition of rights perpetuated systemic discrimination, which carried over into the postcommunist era, leaving a legacy that continues to hinder Albania's ability to effectively address minority rights.

This unequal classification of minorities has drawn criticism from the international community from the outset. For instance, in its first opinion on the FCNM in 2001, the Advisory Committee of the Council of Europe emphasized in Article 20 that the Albanian government should treat both national and linguistic minorities equally.<sup>8</sup> The committee noted that many members of linguistic minorities feel their heritage and culture extend far beyond mere linguistic distinctions. All members of minorities, regardless of where they live in Albania, should have the right to use their minority language and be informed in that language. This right should be guaranteed equally to both national minorities and linguistic minorities, whose mother tongues have been passed down from generation to generation and should be preserved.

Roma, Egyptians, and Aromanians were among the groups in Albania that were most discriminated against. They face significant barriers to accessing education, housing, and health care. Additionally, many children from these minorities have been subjected to human trafficking and have dropped out of school.<sup>9</sup> In its Communication on EU Enlargement Policy, the European Commission's 2016 Country Report on Albania emphasized the need for equal rights for all minorities. The report called for comprehensive policies to address disparities, noting that Roma and Egyptians faced significant discrimination in education, employment, housing, health care, and civil registration.<sup>10</sup> The lack of constitutional recognition for ethnolinguistic minorities further marginalized their rights and cultural identities.

As a result, one of the key areas identified by the European Commission was the need to adopt a comprehensive law on the protection of national minorities. This was seen as a crucial step to address disparities among minority groups and strengthen Albania's framework for minority protection.<sup>11</sup> The lack of comprehensive legislation on this issue was also in the First Opinion (2001), Second Opinion (2008), and Third Opinion (2012) of the Advisory Committee on the Framework Convention for the Protection of National Minorities.<sup>12</sup> After more than a decade, the Albanian government finally acknowledged the need to strengthen its legal framework and to prioritize minority rights to maintain good relations with Western allies and advance its EU accession process.

## The Janus Effect of the 2017 Law on the Protection of National Minorities

The 2017 Law on the Protection of National Minorities represents a landmark piece of legislation that defines the status and rights of national minorities in the Republic of Albania.<sup>13</sup> Before its adoption, Albania lacked a specific legal framework for minority protection, resulting in legal inconsistencies and gaps in addressing minority rights. This law marked a significant shift by providing equal recognition and protection for all minority groups, eliminating previous classifications that created disparities, and including newly recognized minority groups.

The legislation aimed to align the Albanian Constitution with existing but scattered legislative norms, creating a unified and coherent framework for the protection of minority rights. Under the 2017 law, nine national minorities were officially recognized: Greeks, Macedonians, Aromanians, Roma, Egyptians, Serbs, Montenegrins, Bosnians, and Bulgarians.<sup>14</sup>

Article 4 of the law establishes an open-list system, allowing for the possibility of adding other minority groups that are "formally recognized." However, the term "formally recognized" implies that groups seeking recognition as minorities must submit a formal request, which must then be approved by the authorities.<sup>15</sup> Despite this limitation, the provision leaves room for future amendments that would include additional minority groups if necessary.

A key aspect of the law is the introduction of the principle of self-identification (Article 6), which allows individuals to declare their identity as part of a national minority, giving them the freedom to decide whether they wish to be treated as such.<sup>16</sup> This approach ensures that identity is not limited to civil registration records, offering a more inclusive and democratic process. Applied for the first time during the 2023 census, this provision represents a significant step forward. In the 2011 census, self-identification was prohibited, and answers to questions about identity were required to align with civil registration records.<sup>17</sup> However, even this method proved to be problematic in terms of accurately reflecting minority numbers.

Another important component of this law is Article 15, which addresses the use of minority languages in communication with public authorities.<sup>18</sup> It allows national minorities to use their mother tongue, but only in local government units where they make up at least 20% of the population.<sup>19</sup> This threshold creates significant challenges, as it often excludes minority groups from accessing their rights when their numbers fall below this percentage.

The 20% rule also puts at risk two key minority rights: the right to education and the right to use minority languages, which are restricted to certain areas. This is particularly problematic because the calculation is based on the population of each of Albania's 61 municipalities. Recent territorial reforms have divided some minority populations across multiple municipalities, making it even harder for them to meet the required percentage. As a result, many members of national minorities living in these larger and mixed municipalities cannot access their language or educational rights.<sup>20</sup>

The 2012 administration reform in Albania created larger municipalities where it is nearly impossible for minority populations to meet the 20% threshold. While the 2017 law aimed to address some of these issues, it only partially solved the problem. On one hand, it recognizes the right of all minorities to use their languages; on the other hand, it restricts this right to specific areas. Furthermore, the law relies on existing legislation or administrative decisions for its implementation, leaving much of the responsibility to local authorities.

As a result, language rights are currently recognized only in three municipalities where the 20% threshold is met: Dropull and Finiq, home to the Greek minority; and Pustec, home to the Macedonian minority.<sup>21</sup> Minorities living outside their traditional areas, such as in urban centers or the capital city, are left without access to language rights. Under the current system, the Albanian government struggles to ensure that minority rights are upheld in areas where minorities are more dispersed.

Albania's approach to minority language use reflects a reluctance to expand protections, driven by concerns about maintaining national cohesion. Debates over language policy have often been controversial and lack a consensus, which, combined with limited political will, has led to mistrust among minority groups.<sup>22</sup> Without meaningful reforms, these challenges are likely to persist, further limiting the rights of minorities in Albania.

While Albanian legislation recognizes the right of all national minorities to learn their mother tongue through schools and classes that teach minority languages, history, and culture, the reality on the ground remains challenging. Albanian authorities are still unable to provide minority language education to all nine officially recognized minorities, particularly those with smaller populations.

Albania falls behind other Western Balkan countries in protecting linguistic rights. It is the only country in the region that is a member of the Council of Europe, but it has not signed or ratified the European Charter for Regional

and Minority Languages – a key step to meeting European standards.<sup>23</sup> This reluctance is closely tied to the challenges in implementing minority language rights in practice, exposing a significant gap between policy commitments and actual outcomes. Without meaningful progress in this area, Albania risks further delaying its efforts to meet its obligations to protect and promote minority rights.

Finally, Albania must adopt the secondary legislation necessary to implement the comprehensive law on protecting minorities. This includes establishing effective mechanisms and revising existing laws to ensure that the principles and rights outlined in the framework law are put into practice.<sup>24</sup> The delay in adopting this secondary legislation reflects the slow progress Albania is making toward building a comprehensive system for minority protection. This has been a significant concern for the European Commission, which has called on Albania to "swiftly adopt the full package of related secondary legislation."<sup>25</sup>

## The 2023 Census' Role in Protecting National Minorities

The 2023 Albanian census, launched on Sept. 18, marked the first time Albania adopted the principle of self-identification, as mandated by the 2017 Law on the Protection of National Minorities. This allowed individuals to freely choose their identity, regardless of birth certificate records. This marked a significant departure from previous censuses, including the controversial 2011 census, which imposed fines of €700 (\$730) on minorities for providing "incorrect" responses that conflicted with civil registry records.<sup>26</sup> In other words, the Advisory Committee of the FCNM urged the Albanian government to end this practice.

During 2023, both the European Commission and the Advisory Committee of the FCNM, in their Fifth Opinion, called on Albanian authorities to take concrete and sustained measures to build trust in the census process. These efforts include raising awareness about the importance of the census, ensuring the right to free self-identification (including multiple affiliations), and educating the public on the provisions of the new census law.<sup>27</sup> The Advisory Committee also emphasized the need to recruit and train census interviewers from national minorities and ensure that all interviewers are adequately trained to assist illiterate persons. Furthermore, it recommended involving national minorities in evaluating the census process to foster transparency and credibility.<sup>28</sup>

The European Commission, while expressing disappointment with Albania's slow implementation of the 2017 Law on Minorities, also emphasized the importance of

conducting the September 2023 census “in a smooth and transparent manner, aligned with international standards.”<sup>29</sup> To support this process, the EU provided €4.8 million in funding to the Institute of Statistics.<sup>30</sup> However, despite numerous warnings and clear efforts by the international community, the 2023 census was not without controversy, underscoring ongoing challenges in accurately representing and protecting national minorities. These issues have exacerbated regional tensions to spiral and could hinder Albania’s path to EU integration.

First, members of Albania’s Macedonian minority claim that their numbers have nearly halved, alleging that members of their community were pressured by Bulgaria to identify as Bulgarian, reportedly incentivized by promises of EU passports, particularly in eastern regions bordering Kosovo and North Macedonia.<sup>31</sup> The ongoing issue between North Macedonia and Bulgaria stems from long-standing disputes over identity, language, and history. These disagreements have delayed North Macedonia’s EU integration and could also create obstacles for Albania if it does not address Bulgaria’s demands.

Since Bulgaria is an EU member state with the power to block Albania’s EU accession, its influence has been significant. Allegedly, then-Bulgarian Prime Minister Boyko Borissov pressured Albanian Prime Minister Edi Rama to include Bulgarians as a recognized minority in the 2017 Law on Minorities. As a result, the Bulgarian minority was added to the list of recognized groups at the last minute after negotiations between the two leaders.<sup>32</sup> Amid the ongoing conflict between Bulgaria and North Macedonia, Albania has “decoupled” from North Macedonia – a term used to indicate that Albania has continued to progress on its EU path independently of its neighbor.

Indeed, the 2023 census recorded over 7,000 individuals identifying as Bulgarian, a group virtually nonexistent and unrecognized in the 2011 census. Meanwhile, the Macedonian minority experienced a significant decline, dropping from 5,300 in the 2011 census to just 2,300 in 2023. Macedonian representatives claim that promises of EU passports swayed individuals from their community, effectively creating a new Bulgarian minority in regions traditionally inhabited by Macedonians, such as Prespa, Golluborda, and Gora.<sup>33</sup>

Second, the Greek minority, like the Macedonian minority – two of Albania’s main historical national minorities – also claimed significant underrepresentation in the 2023 census, asserting that their actual numbers are much higher than reported. According to the census, the Greek minority accounts for only 1% of Albania’s population, totaling 23,485 individuals (these are 2023 data from Instat). The Greek

government, including the Foreign Ministry, reacted strongly to these results, accusing the Albanian government of deliberately underreporting the Greek minority to diminish its influence at both local and national levels. The foreign minister claimed that “the initial results demonstrate serious issues related to the registration process, which cast doubt on the results themselves. Members of the Greek ethnic minority have already exposed these issues. There are concerns regarding the manner in which this registration was conducted.”<sup>34</sup>

Tensions surrounding the Greek minority escalated even more after the Albanian government’s actions against Fredi Bejleri, the ethnic Greek mayor-elect of Himara, a small town in the south of Albania, who was jailed on vote-buying charges. These events strained relations with Greece and increased scrutiny of Albania’s treatment of minorities. Greek Prime Minister Kyriakos Mitsotakis emphasized that Albania’s handling of its Greek minority is directly tied to its EU accession prospects.<sup>35</sup> In other words, Greek officials reminded Albania that its EU path depends on Greece’s approval, warning that concerns over the treatment of the Greek minority in Albania could become a serious obstacle.

Third and finally, counts for Roma and Egyptian communities increased significantly in the 2023 census, in which 9,813 individuals identified as Roma and 12,375 as Egyptian. In contrast, the 2011 census recorded much lower numbers; only the Roma were officially recognized as a linguistic minority.<sup>36</sup> Given that these minorities face severe socio-economic challenges – including limited access to education, housing, and health care – the census could serve as a turning point in allocating more budgetary funds to education, housing, and social welfare than in 2011.<sup>37</sup>

## Conclusion

Albania’s treatment of national minorities has a complex history, rooted in the communist regime’s efforts to portray a more homogeneous nation. During that era, only Greeks and Macedonians were officially recognized as national minorities, while other groups, such as the Roma and Vlachs, were largely ignored and were considered only as linguistic minorities. This approach demonstrated a clear lack of commitment to protecting and respecting the rights of minority groups.

As Albania transitioned to democracy in the early 1990s and began to be integrated into international organizations like the Organization for Security and Cooperation in Europe and the Council of Europe, it became obligated to uphold and respect the rights of minorities within its borders. Although it took decades for Albania to recognize all minority groups under the 2017 Law on the Protection of National Minorities,

this milestone strengthened its legal framework and reflected a greater commitment to it, particularly as the country sought EU membership.

However, even since 2017, significant challenges have remained. One major issue is the 20% threshold for minority language use in schools, which prevents smaller groups – such as the Roma, Egyptians, and Aromanians – from accessing education in their native languages or using their languages in public institutions.

The 2023 census served as a true litmus test for Albania's implementation of the 2017 law, particularly its provision on self-identification. This provision allows individuals to self-identify their ethnic origin freely, regardless of

birth certificates or civil registry records. Despite these advancements, the census was widely contested, especially by members of the Greek and Macedonian minorities, who claimed underrepresentation.

These disputes have not only reignited tensions between Albania and its neighbors but have also jeopardized its path to EU integration. While Albania has made progress in addressing minority rights, the controversies surrounding the 2023 census highlight the need for further efforts to ensure transparency and fairness. How Albania's treatment of national minorities will make an impact on its EU aspirations and its relations with neighboring countries remains to be seen and will require careful attention in the future.



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