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Introduction

Quality legal education is an essential element in producing legal professionals who can competently represent clients and contribute to the establishment of the rule of law. However, in many countries, the quality of legal education does not meet international standards, and many law school graduates do not possess the requisite skills to be effective legal professionals. Against this backdrop, the American Bar Association’s Rule of Law Initiative (ABA ROLI) created the Legal Education Reform Index (LERI). Its purpose is to assess the status of legal education reform in emerging democracies vis-à-vis internationally established principles. In an era when legal and judicial reform efforts are receiving more attention than in the past, the LERI is an appropriate and important assessment mechanism. The LERI will enable ABA ROLI, its funders, and the emerging democracies themselves, to better target legal education reform programs and monitor progress towards establishing quality legal education systems.

ABA ROLI embarked on this project with the understanding that there is no uniform agreement on all the particulars that are involved in legal education reform. There are differences in legal cultures that may make certain issues more or less relevant in a particular context. However, after working on this issue for 15 years in different regions of the world, ABA ROLI has concluded that each of the 22 factors examined herein may have a significant impact on the legal education reform process. Thus, an examination of these factors creates a basis upon which to structure technical assistance programming and assess important elements of the reform process.

The technical nature of the LERI distinguishes this type of assessment tool from other independent assessments of a similar nature. This assessment will not provide narrative commentary on the overall status of the legal education system in a country. Rather, the assessment will identify specific conditions, legal provisions, and mechanisms that are present in a country’s legal education system and assess how well these correlate to specific reform criteria at the time of the assessment. In addition, this analytic process will not be a scientific statistical survey. The LERI is based on an examination of key legal norms, discussions with informal focus groups, interviews with legal education stakeholders and members of the legal community, and relevant available data. It is first and foremost a legal inquiry that draws upon a diverse pool of information that describes a country’s legal education system at a particular moment in time through the prism of international standards and best practices.

Scope of Assessment

The definition of “legal education” poses the key methodological challenge in assessing legal education reform. The broad range of legal education that exists in the world demanded that a balance be struck between the need for a globally representative definition and one that would provide a usable basis for analysis.

In the end, in order to keep the LERI assessment process manageable and to maintain its global applicability and portability, ABA ROLI decided to limit the scope of the LERI assessment to institutions and programs providing core legal education leading to the first-level degree in law, i.e., Bachelor of Laws (LL.B.), Bachelor of Civil Law (B.C.L.), or Juris Doctor (J.D.), which are typically required for the admission to the legal profession. ABA ROLI excluded advanced law degrees, such as Master of Laws (LL.M.), Doctor of Juridical Science (J.S.D./S.J.D.), or the less common Doctor of Philosophy in Law (Ph.D.), given the wide diversity and high degree of specialization of most such programs throughout the world, as well as the fact that these degrees are rarely, if ever, required as a prerequisite to law practice admission. Nonetheless, the LERI assessment reports for individual countries will make limited references to such advanced degree programs as appropriate, to compare and contrast their select aspects with those of the core LL.B. programs.
In addition, legal education, such as that required for a notary or a bailiff that does not culminate in an LL.B. degree (or its equivalent), was also excluded. Furthermore, post-law school training, such as an apprenticeship, is considered part of the scope of legal education for the LERI, because it represents an integral part of legal education in many countries. However, since a post-law school apprenticeship (or other similar requirement) is not present in every country, the LERI does not have a separate factor to assess this requirement. Instead, the Assessment Team can elaborate on this issue in relevant factors as appropriate. Finally, continuing legal education (CLE) is not included in the scope of the LERI. Legal education received after admission to the profession falls more properly within the scope of legal profession reform, and is directly assessed in the LPRI assessment tool.

Methodology

ABA ROLI was able to borrow heavily from the companion Judicial Reform Index (JRI), Legal Profession Reform Index (LPRI), and Prosecutorial Reform Index (PRI) in terms of structure and process. However, there is relative scarcity of research on certain aspects of legal education reform. The limited research that exists tends to concentrate on law school licensing and accreditation, curriculum, and teaching methodologies, but fails to cover other important components, such as admission policies, examination process, awarding of degrees, or faculty qualifications and conditions of employment. In addition, legal education reform is often viewed as secondary or tertiary in the rule of law reform movement. According to democracy scholar Thomas Carothers, "rule-of-law promoters tend to translate the rule of law into an institutional checklist, with primary emphasis on the judiciary." CAROTHERS, PROMOTING THE RULE OF LAW ABROAD: THE KNOWLEDGE PROBLEM at 8 (CEIP Rule of Law Series, Working Paper No. 34, Jan. 2003). Moreover, as was found with the JRI, the LPRI, and the PRI, many factors related to the assessment of legal education are difficult to quantify, and "[r]eliance on subjective rather than objective criteria may be … susceptible to criticism." ABA/CENTRAL EUROPEAN AND EURASIAN LAW INITIATIVE (ABA/CEELI), JUDICIAL REFORM INDEX: MANUAL FOR JRI ASSESSORS at ii (revised ed. 2006).

In designing the LERI methodology, ABA ROLI sought to address these issues and criticisms by including both subjective and objective criteria and by basing the criteria examined on fundamental international and regional standards and best practices contained in documents from the United Nations Educational, Scientific, and Cultural Organization (UNESCO); International Network for Quality Assurance Agencies in Higher Education (INQAAHE); European Union (EU); European Association for Quality Assurance in Higher Education (ENQA); European Consortium for Accreditation (ECA); European University Association (EUA); European Law Faculties Association (ELFA); Commonwealth of Independent States (CIS); and Council of African States and Madagascar on Higher Education (CAMES). Key documents that served as basis for the LERI criteria included, among others: UNESCO’s World Declaration on Higher Education for the Twenty-First Century: Vision and Action, Framework for Priority Action for Change and Development in Higher Education, and Recommendations Concerning the Status of Higher-Education Teaching Personnel; UNESCO/Organization for Economic Cooperation and Development Guidelines for Quality Provision in Cross-Border Higher Education; the INQAAHE Guidelines of Good Practice; EU Council’s Brussels Recommendation on European Cooperation and Development Guidelines for Quality Assurance in Lower Education; the Joint Declaration of the European Ministers of Education on the European Space for Higher Education (Bologna Declaration); ENQA’s Standards and Guidelines for Quality Assurance in the European Higher Education Area; and Code of Good Practice for the Members of the European Consortium for Accreditation in Higher Education. In addition, reference was made to the ABA’s Standards and Rules of Procedure for Approval of Law Schools; the Clinical Legal Education Association’s (CLEA) Best Practices for Legal Education: A Vision and a Road Map; as well as national standards and best practices from other jurisdictions. Finally, ABA ROLI was able to rely on best practices ascertained through more than 15 years of its technical legal assistance experience reforming legal education systems in emerging democracies.
Drawing on these sources, ABA ROLI compiled a series of 22 aspirational statements, or factors, that address quality in core areas of legal education. To assist assessors in evaluating these factors, ABA ROLI developed a manual that provides a guiding commentary on the factors and the international standards in which they are rooted, clarifies terminology, and provides flexible guidance on the areas of inquiry. A particular effort was made to avoid giving higher regard to American, as opposed to other regional concepts, of the structure and functioning of the legal education system. Thus, certain factors are included that an American or a European legal education specialist may find somewhat unfamiliar, and it should be understood that the intention was to capture the best that leading legal traditions have to offer rather than model the LERI on one country’s legal education system. The main categories incorporated address licensing and accreditation of institutions providing legal education; admission policies and requirements; curriculum and teaching methodologies; student evaluation and awarding of degrees; faculty qualifications and conditions of employment; and institutional holdings and capacities of law schools.

In creating the LERI, ABA ROLI was able to build on its experience in creating the JRI, the LPRI, the PRI, and the more recent CEDAW Assessment Tool and Human Trafficking Assessment Tool in a number of ways. For example, the LERI borrowed the JRI’s factor “scoring” mechanism and thus, as with the LPRI and the PRI, was able to avoid the difficult and controversial internal debate over numerical versus qualitative/descriptive scoring that occurred with the creation of the JRI. In short, the JRI, the LPRI, the PRI, and now the LERI, employ factor-specific qualitative evaluations. Each LERI factor, or statement, is allocated one of three values or correlations: positive, neutral, or negative. These values only reflect the relationship of a factor statement to a country’s regulations and practices pertaining to its legal education system. Where the statement strongly corresponds to the reality in a given country, the country is to be given a score of “positive” for that statement. However, if the statement is not at all representative of the conditions in that country, it is given a “negative.” If the conditions within the country correspond to in some ways but not in others, it is given a “neutral.” Like the JRI, the LPRI, and the PRI, the LERI foregoes any attempt to provide an overall numerical scoring of a country’s reform progress, since attempts at attempts at aggregate scoring based on this approach could be counterproductive.

The results of the 22 separate evaluations are collected in a standardized format in each LERI country assessment. As with the JRI, the LPRI, and the PRI, the LERI country reports contain the assessed correlation for each factor and a brief summary describing the basis for this conclusion following each factor. In addition, a more in-depth analysis is included, detailing the various issues involved. Cataloguing the data in this format facilitates its incorporation into a database, and it permits users to easily compare and contrast performance of different countries in specific areas and – as LERIs are updated – within a given country over time. There are two main reasons for borrowing the JRI’s, the LPRI’s, and the PRI’s assessment process, “scoring,” and format. The first is simplicity. Building on the tested and well-respected methodology of the JRI, the LPRI, and the PRI enabled a speedier development of the LERI. The second is uniformity. Creating uniform formats will eventually enable ABA ROLI to cross-reference information generated by the LERI with the existing body of JRI, LPRI, and PRI information. This will eventually give ABA ROLI the ability to provide a much more complete picture of legal reform in target countries.

Continuing a successful practice that was first implemented in the LPRI is the creation of a correlation committee and the use of informal focus groups. In order to provide greater

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1 CEDAW stands for the UN Convention on the Elimination of All Forms of Discrimination against Women. ABA/CEELI developed the CEDAW Tool in 2001-2002. The Human Trafficking Assessment Tool is based on the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and was developed in 2004-2005.
2 For more in-depth discussion on this matter, see Larkins, Judicial Independence and Democratization: A Theoretical and Conceptual Analysis, 44 Am. J. Comp. L. 605, 611 (1996).
consistency in correlating factors, ABA ROLI forms an ad hoc committee that includes the assessor, relevant Country Director and local staff, and select ABA ROLI D.C. staff. The concept behind the committee is to add a comparative perspective to the assessor’s country-specific experience and to provide a mechanism for consistent scoring across country assessments. The use of informal focus groups, consisting of law school faculty, students, and administrator, legal practitioners, NGO representatives, and various government officials, can help identify issues and increase the overall accuracy of the assessment.

Social scientists might argue that some of the assessment criteria would best be ascertained through public opinion polls or through more extensive interviews of key stakeholders. Sensitive to the potentially prohibitive cost and time constraints involved, ABA ROLI decided to structure these issues so that they could be effectively answered by limited questioning of a cross-section of law professors and students, lawyers, judges, prosecutors, and outside observers with detailed knowledge of the legal education system. Overall, the LERI is intended to be rapidly implemented by one or more legal specialists who are generally familiar with the country and region and who gather the objective information and conduct the interviews necessary to reach an assessment of each of the LERI factors.

The LERI was designed to fulfill several functions. First, the LERI provides governments and legal education professionals with a comprehensive assessment of the state of legal education in the country, thus enabling them to prioritize and focus reform efforts. Second, ABA ROLI and other rule of law assistance providers will be able to use the LERI results to design more effective programs related to improving the quality of legal education. Third, the LERI provides donor organizations, policymakers, NGOs, and international organizations with hard-to-find information on the structure, nature, and status of the legal education system in countries where the LERI is implemented. Fourth, combined with the JRI, the LPRI, and the PRI, the LERI contributes to a comprehensive understanding of how the rule of law functions in practice. Finally, the LERI results can serve as a springboard for local advocacy initiatives and grassroots advocacy efforts to improve government compliance with internationally established standards for the legal education.

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In the course of developing the LERI, input and critical comments were solicited from a variety of experts on legal education matters. In particular, ABA ROLI would like to thank the members of its LERI Expert Working Group, who helped revise the initial LERI structure and factors, including Gilles Badet, Mark Dietrich, Haluk Kabaalioglu, Jeffrey Lehman, Makua Mutua, Eleanor Myers, William Rakes, Speedy Rice, Richard Roe, Barbara Schatz, Roy Stuckey, James White, Richard Wilson, and Leah Wortham.
Assessment Team

The Kosovo LERI 2008 assessment team was led by Neil Franklin, a U.S. Law Professor Emeritus, with invaluable assistance of ABA ROLI’s Staff Attorneys in Kosovo Kushtrim Tolaj and Arianit Osmani. The team received substantial support from members of ABA ROLI’s staff in Pristina and Washington, including Kosovo Country Director David Sip, Legal Assistant Vjosa Hasanaj, ABA ROLI Deputy Director Michael Maya, Research and Program Development Office Director Simon Conté, Program Manager Jennifer Denton-Jafari, and Program Officer Laura Berger. Olga Ruda, Research Coordinator at ABA ROLI’s Research and Program Development Office, provided guidance throughout the assessment process, served as editor, and prepared the report for publication. The conclusions and analysis are based on interviews that were conducted in Kosovo in April-May 2008 and relevant documents that were reviewed at that time. Records of relevant authorities and a confidential list of individuals interviewed are on file at the Washington, D.C. office of ABA ROLI. The assessment team is extremely grateful for the time and assistance rendered by those who agreed to be interviewed for this project.

3 Due to prevailing political and security environment, the assessment team was unable to conduct site visits and interview faculty, students, or administrators at the University of Pristina in Mitrovica. The limited information about the University that is included in this LERI assessment is based on a review of the University’s Statute, the list of courses taught at the Faculty of Law, and a handful of other documents that the assessment team was able to locate.
Executive Summary

Brief Overview of the Results

The 2008 Legal Education Reform Index (LERI) assessment for Kosovo revealed a fledgling legal education system that continues to face numerous challenges despite having made significant progress since being reestablished in 1999. Most notably, the country has demonstrated commitment to bringing its higher education system in compliance with the Bologna Process towards the creation of a European Higher Education Area (EHEA). Key legal documents pertinent to higher education system, including the 2004 Higher Education Law, are said to be the first higher education statutes in Europe based from their inception on the Bologna Declaration. The University of Prishtina Faculty of Law, the largest and best known law school in Kosovo, has adopted a revised curriculum in October 2007 and has fully implemented European Credit Transfer and Accumulation System (ECTS). Many of these reforms and new rules, however, still need to be fully applied in practice and need to be followed with additional improvements in the quality of Kosovo’s legal education.

As illustrated in the Table of Factor Correlations, Kosovo scored positively on four of the 22 LERI factors (regulation of legal education by a duly authorized entity; special admission measures; faculty hiring, promotion, and tenure; and university academic freedom), while 13 factors (including many relating to licensing and accreditation standards and procedures, admission policies, curriculum and teaching methodologies, and student evaluation and grading) received a neutral correlation. The remaining five factors received a negative correlation; four of these (faculty compensation, access to legal materials, physical and technological infrastructure, and class size) are based, in large part, on the lack of adequate funding. The remaining factor that received a negative correlation relates to the absence of courses dedicated to professional legal ethics instruction.

The 2008 Kosovo LERI was conducted at a critical point in time, as the Ministry of Education, Science, and Technology (MEST), with support from the British Accreditation Council (BAC), embarked upon a comprehensive re-licensing process for all private higher education providers. Despite some shortcomings and criticisms, the BAC process has generally been objective and transparent. Based on the BAC’s recommendations, the Government of Kosovo concluded that none of the existing private institutions meet the criteria for being licensed and that none should be permitted to admit new students for 2008-2009 academic year. These universities will have another chance to improve their quality of education by applying for accreditation in October 2008. At that time, the University of Prishtina will also be required to go through a rigorous evaluation and accreditation process. This will mark the first time that Kosovo’s higher education institutions will be subject to independent external evaluation.

Positive Aspects Identified in the 2008 Kosovo LERI

• Kosovo has made important strides towards compliance with the Bologna Declaration. While the unsettled and rapidly changing political structure in Kosovo has not allowed it to participate as one of the signatories of the Bologna Declaration, Kosovo’s Higher Education Law and the University of Prishtina Statute both reflect and incorporate the general principles established by the Bologna Declaration and acknowledge the applicability of international quality assurance standards. The MEST adopted a set of policies on integration into the EHEA, related to curriculum development, criteria for implementation of ECTS, guidelines on evaluation of higher education institutions, and comparability and recognition of pre-Bologna and Bologna qualifications.

• The MEST should be commended for taking steps to begin a comprehensive evaluation of all public and private higher education institutions, which should
ultimately lead to accreditation of those meeting the accreditation standards. The Kosovo Accreditation Agency (KAA) has reportedly drafted both the accreditation and the new licensing standards and procedures which are based on international standards, and their approval by the MEST is expected in the fall of 2008. The decision to begin an accreditation process under the auspices of the KAA should help alleviate some of the uncertainty concerning the status of private universities and their authority to award degrees and diplomas.

- Kosovo’s educational system recognizes the importance of providing for significant university autonomy over academic matters. Universities are free to independently arrange their structures, choose teaching and other staff, set admission conditions and faculty and student evaluation techniques, develop and implement curricula and research projects, and grant titles to academic staff. University statutes also include provisions giving effect to academic freedom for staff and students. This freedom is respected in practice, and there have been no reports of interference with these rights since the end of the war in 1999.

- Kosovo’s law guarantees equal access to higher education for everyone, without discrimination on any grounds, and there is no evidence of overt discrimination in the admissions process of public or private universities. Special admission measures and preferences are in place to increase representation of underrepresented and disadvantaged groups, such as ethnic minorities, foreign Albanians, women, and war veterans. However, historical conflicts between Kosovo Albanians and Kosovo Serbs have resulted in the state of de facto segregation within the educational system.

Concerns Relating to Curricula and Teaching Methodologies

- Despite the recent improvements in course selections and content at the University of Prishtina Faculty of Law, courses offered remain largely theoretical. Traditionally, there has been little emphasis on professional skills training in legal education. While courses on legal methodology, trial advocacy, and legal clinics have recently been formally incorporated into the curriculum, these practice-oriented courses are available to only a small number of students. In addition, they are offered with significant financial and organizational support from international donors, and the Faculty of Law needs to assume more responsibility for these courses to ensure local ownership and long-term sustainability. Curriculum at private law faculties has even fewer offerings of practical skills courses.

- Curricula of public and private law faculties contain no courses dedicated to professional legal ethics or codes of conduct. The University of Prishtina offers an elective course in law and ethics, which is concerned primarily with legal philosophy. Some professors reportedly address ethical issues as part of their courses, but neither faculty nor students expressed a strong desire or a need for a required course in professional ethics. To help fill this gap, a new course on Legal Ethics and Professional Responsibility is being developed and will be piloted at the University of Prishtina in the fall of 2008.

- Law school courses are delivered primarily in a large lecture format, with little or no student participation. Class size is the single greatest obstacle to using innovative teaching and evaluation techniques in the undergraduate law program. There are currently over 4,600 undergraduate LL.B. and over 500 graduate LL.M. students, and only 52 academic staff at the University of Prishtina Faculty of Law. With some 600 students in mandatory undergraduate classes, the use of any interactive teaching techniques or methods for evaluating students’ knowledge other than multiple-choice or short essay exams is largely impossible. New practice-oriented courses and LL.M.
courses that are taught in small classes and use a variety of teaching methodologies have been enthusiastically accepted by students, academic staff, and administrators.

Concerns Relating to the Lack of Adequate Funding

- **Inadequate compensation for academic staff is one of the most serious problems** facing legal education in Kosovo. This problem is particularly severe at the University of Prishtina Faculty of Law, where low salaries force virtually all full-time faculty to hold multiple additional employment contracts, including with the private universities that offer much more competitive salaries. Low salaries negatively affect the ability to attract highly qualified and dedicated candidates and have a major negative effect on the time staff can devote to teaching, research, and their own professional development.

- The Law Library at the University of Prishtina **fails to provide students and academic staff with sufficient access to legal materials** and to support the Faculty’s academic mission. The skill levels of library staff, physical facilities, internal systems, and holdings do not meet international standards. Most of the collection was acquired prior to the 1990s and is in Serbian or Russian languages. The library contains **very few books on the law relevant to Kosovo**, and access to international journals, reference materials, electronic resources, and new media formats is inadequate or nonexistent. The library receives no dedicated budget from the University to develop its collection.

- The University of Prishtina Faculty of Law is located in an **old building that is not well-maintained and is too small for the size of the current student body**. Movement through the building is complicated, and existing classrooms do not have sufficient seats for the size of mandatory undergraduate law classes. There are currently no plans for major renovations or construction of a new building to house the Faculty of Law. The number of computers is grossly inadequate, with **only 13 operational computers available for over 5,000 students** at the time of this assessment. Despite these shortages, the **size of the entering law class is determined for “social” reasons rather than being based on the number of academic staff, capacity of the physical facility, or even the academic potential of candidates to complete the prescribed course of study and become effective legal practitioners.** By contrast, classes at private law faculties tend to be smaller, while facilities and infrastructure are generally superior and appeared adequate for the number of students.
Kosovo Background

The Republic of Kosovo, the world’s newest independent state, was formally created in February 2008, when Kosovo’s Assembly (Parliament) unanimously passed a declaration announcing its independence from Serbia. As of the writing of this assessment, 41 United Nations [hereinafter UN] member states, including the United States and a majority of European Union [hereinafter EU] member states, as well as Taiwan, have formally recognized Kosovo’s independence.

For most of the twentieth century, Kosovo was an administrative region of Yugoslavia, either as part of “South Serbia” within Royalist Yugoslavia between the two World Wars, or as a province of Serbia within the Socialist Federal Republic of Yugoslavia [hereinafter SFRY] that was created in 1944. Under the 1974 SFRY Constitution, Kosovo enjoyed the status of an “autonomous province” within the Serbian Republic, with power over the police, courts and civil defense, as well as economic, social and educational policy taken over by Serbia. In 1989, Kosovo’s autonomy was severely restricted by Serbian President Slobodan Milosevic. At that time, the over 80% ethnic Albanian majority was placed under martial law. War broke out in Serbian-controlled Kosovo in 1997-1998, as the Kosovo Liberation Army [hereinafter KLA] began a political and military struggle for an independent Kosovo. The Yugoslav army and paramilitary police responded by trying to crush the KLA’s separatist movement. Following a period of bitter local conflict and periods of international negotiations, forces of the North Atlantic Treaty Organization [hereinafter NATO] began an air war against Yugoslavia in March 1999. After a 78-day war, the Yugoslav forces withdrew from Kosovo.

Since the cessation of major hostilities in June 1999, Kosovo has been administered by an international civil administration and military security presence as authorized by UN Security Council Resolution 1244 (June 10, 1999) [hereinafter Resolution 1244], as a UN Protectorate. The international civilian administration, called the United Nations Mission in Kosovo [hereinafter UNMIK], is headed by the Special Representative of the UN Secretary General [hereinafter SRSG] and is charged with administering Kosovo, continuing to possess certain powers, such as the functions of policing, defense, foreign affairs, and certain justice matters, until the status of Kosovo is resolved. See Resolution 1244; see also UNMIK REGULATION No. 2001/9 ON A CONSTITUTIONAL FRAMEWORK FOR PROVISIONAL SELF-GOVERNMENT IN KOSOVO, as amended by UNMIK REGULATION No. 2002/9 [hereinafter CONST. FRAMEWORK]. The international security presence has been operated through the NATO Kosovo Force [hereinafter KFOR], separate from UNMIK. KFOR troops and its international personnel are not subject to the authority of UNMIK, and enjoy immunity from the Kosovo justice system.

With the declaration of Kosovo’s independence, this arrangement is beginning to change. The EU has established the European Rule of Law Mission in Kosovo, called EULEX, which is a deployment of EU police and civilian resources and is projected as a continuation of the UNMIK presence. UNMIK is now in the close-out phase of its mandate or downsizing its mission in Kosovo. Since Resolution 1244 can only be derogated by approving a new UN Security Council resolution, the current impression is that UNMIK will be staying in Kosovo as a second international mission, with its reserved powers transferred to the Government of the Republic of Kosovo and EULEX. Prior to declaration of Kosovo’s independence, a report and addendum on the status of Kosovo were prepared by Special Envoy Martti Ahtisaari and published in March 2007. See REPORT OF THE SPECIAL ENVOY OF THE SECRETARY-GENERAL ON KOSOVO’S FUTURE STATUS (S/2007/168), and its addendum, the COMPREHENSIVE PROPOSAL FOR THE KOSOVO STATUS SETTLEMENT (S/2007/168/Add.1). The proposal has been submitted to the UN Security Council, but as of the writing of this assessment, no action has been taken by that organ and no date has been set for the consideration of the proposal.
Historical Context

University legal education in Kosovo has a relatively recent history in comparison with the university traditions in many Western democracies. In June 1961, the faculty of law in Mitrovica was founded and commenced its operations in October of that year as part of the University of Belgrade. It became part of the University of Prishtina upon the formation of the latter in 1969. The University of Prishtina was founded by the Law on Establishing the University of Prishtina adopted by the Assembly of the Socialist Autonomous Province of Kosovo on November 18, 1969. The initial line-up of four faculties included a Faculty of Law and Economics, but in 1971, it was split into two separate Faculties. The establishment of the University is seen as an historical event for the people of Kosovo.

The historical conflicts between Kosovo Albanians and Kosovo Serbs have led to parallel institutions of higher education and the present state of de facto segregation within the educational system. During the 1990s, when the Milosevic regime assumed control of many of Kosovo’s institutions, ethnic Albanian law professors and aspiring students were banned from the “official” Faculty of Law at the University of Pristina. During that period, the Law Faculty in Pristina consisted almost exclusively of ethnic Serb professors and students. Members of Kosovo Albanian community established an illegal shadow government and a parallel education system funded by a 3% “tax” on personal income of Kosovo Albanians within and outside Kosovo. This system included a law faculty that operated out of private houses in Pristina, providing legal education to ethnic Albanian students on a clandestine basis. It is acknowledged that the home-based education provided to Kosovo Albanian law students was substandard at best. The courses and credits offered by this underground law school were not, of course, recognized by the Serbian authorities, and students completing these instructional requirements were unable to take the jurisprudence examination and thus become advocates.

After the 1998-1999 war, ethnic Albanians returned to the main campus of the University of Pristina, while the ethnic Serb professors and students relocated to the parallel University of Pristina which, since 2001, has been located at the Mitrovica campus. The University of Pristina at Mitrovica received official UNMIK recognition in February 2007. The Pristina campus continues to serve students of ethnic Albanian origin, while the Mitrovica campus accommodates mainly ethnic Serbs. Both institutions claim the legacy of the University of Prishtina founded in 1969. Both are public entities receiving government funds and are technically part of the same university, but in reality operate independently of each other. The ethnic distinction carries over to the respective law faculties run by these providers and the professors who teach their students. Some of the courses taught at Mitrovica pertain to Serbian law (which in certain cases overlaps with pre-war law still applicable in Kosovo), a few of which are taught by non-resident Serbian professors. See also ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, PARALLEL STRUCTURES IN KOSOVO 2006-2007 at 32-42 (2007) (providing a comprehensive overview of the parallel education structures in Kosovo).

In the past several years, Kosovo has made important strides in improving the state of higher education, including legal education. Most notably, the country has demonstrated commitment to bringing its higher education system in compliance with the Bologna Process towards the creation of a European Higher Education Area [hereinafter EHEA]. The unsettled and rapidly changing political structure in Kosovo has not allowed it to participate as one of the signatory countries of the Bologna Declaration to date. Nonetheless, Kosovo’s Higher Education Law and the University of Pristina Statute were drafted with the assistance of experts from the Council of Europe, and are said to be the first higher education statutes in Europe based from their inception on the international standards of the Bologna Declaration. Both documents reflect and incorporate the general principles established by the Bologna Declaration and acknowledge the applicability of international quality assurance standards. In addition, the Ministry of Education, Science, and Technology [hereinafter MEST] adopted a set of policies on integration into the EHEA, including a policy statement on development of curricula in higher education, a policy on common criteria for implementation of European Credit Transfer and Accumulation System
[hereinafter ECTS], guidelines on evaluation of higher education institutions, and a policy on comparability and recognition of pre-Bologna and Bologna qualifications. In line with the spirit of these documents, the University of Pristina has adopted a revised Faculty of Law curriculum in October 2007 and has fully implemented ECTS. Practical skills courses are gradually being introduced to help better prepare students to become effective legal practitioners, and these courses are growing increasingly popular with law students and academic staff.

Despite these improvements, a number of challenges still remain. Quality assurance safeguards remain insufficient, and to date, no higher education institution has undergone a formal and rigorous evaluation process. A number of private providers purporting to offer legal education has sprung up in recent years, but none of these institutions are accredited by the MEST to award degrees and diplomas. The number of students admitted annually to the University of Pristina Faculty of Law and the private law faculties remains very high, and is one of the key obstacles to further reforms, such as the use of interactive teaching and student evaluation techniques. Further, the shortage of funding has a profound negative impact on increasing the number of academic staff and the level of salaries paid to law professors, which, in turn, forces most of them to hold multiple part-time employment contracts with other organizations, and also affects physical and technological facilities and legal materials available in the University.

Structure of the Legal Education System

In Kosovo, as in most civil law countries, legal education is an undergraduate program, with postgraduate opportunities, provided by a faculty of law at an authorized university or similar higher education institution to students who have received certificates of completion of secondary schooling. A university is defined as “an institution of both education and research, offering diplomas and degrees up to and including doctoral level, with objectives including the advancement of knowledge, thought and scholarship in Kosovo, the educational, scientific, cultural, social and economic development of Kosovo, the promotion of democratic citizenship and the achievement of the highest standards in teaching and learning.” Kosovo Assembly Law on the Higher Education in Kosovo § 8.1 (Law No. 2002/3, promulgated by UNMIK Regulation No. 2003/14) [hereinafter Higher Education Law]. To meet the requirements for a “university,” an accredited provider must have “an independently audited enrollment of at least 3,000 full-time-equivalent students and provide courses or programs in at least five different subject groups.” Id. § 8.2. Providers of higher education other than universities may offer degrees and diplomas up to the Bachelor’s level. Id. § 9.

In addition, depending on the ownership status, the Higher Education Law distinguishes between two types of higher education providers. First, public providers of higher education are those created by the MEST subject to ratification by the Kosovo Assembly. Id. § 6.1. Subject to the MEST’s approval, each public provider must enact a statute, setting forth provisions for its governance and management. A general managing structure should consist of: (1) a senate of elected representatives of academic staff and students, vested with primary responsibility for advice on academic matters; (b) an academic council, or an administrative board, which serves as the principal governing authority; and (3) a rector, who is appointed by the board and acts as the principal management authority. Id. §§ 13-15. Second, private providers of higher education may be founded by any private individual, organization, or foundation that is situated or has a registered office in Kosovo. These institutions may adopt in their statutes or other constitutional documents any model of governance and management that allows for the participation of academic staff and students in academic matters. Id. § 22. Both public and

4 The terms “higher education institution,” “higher education provider,” “institution,” “provider,” and “university” are used interchangeably throughout this assessment report.
private providers require a license to operate, and all licensed providers must obtain an accreditation in order to have the power to award academic degrees and diplomas.

At present, there are a total of 12 law schools operating in Kosovo. Two are public universities: the University of Prishtina, which is the largest and best known law school in Kosovo and is governed pursuant to a Statute adopted on July 5, 2004; and the University of Pristina located in Mitrovica, which operates under the educational system of the Republic of Serbia and is governed pursuant to a Statute adopted on November 15, 2006. In addition, 10 of the 30 private providers of higher education that have been established and licensed in Kosovo to date offer law and law-related degrees (the latter mainly focus on “law and criminology,” with two private universities offering degrees in “law, political science and diplomacy”). None of these institutions have been accredited, and all have been in existence for too short of a period to produce any law graduates. The status of these institutions is presently uncertain; as a result of recent comprehensive re-licensing process, the Government of Kosovo concluded that none of the existing private institutions meet the criteria for being licensed and that none should be permitted to admit new students for the 2008-2009 academic year.

**Recognized Law Degrees**

In compliance with the Bologna Declaration requirements, higher education in Kosovo, including legal education, consists of three degree cycles. The degree cycles are based on a successful completion of a prescribed number of ECTS credits, with one credit representing 25-30 working hours, or an annual student workload of 1,500-1,800 hours. Consequently, legal education providers are authorized to award the following types of qualification degrees:

- **Bachelor of Law [hereinafter LL.B.],** which is an undergraduate degree issued following the equivalent of at least three years of full-time study after graduating from secondary school. [Higher Education Law § 2.2(a)(1).](#) At the University of Prishtina, students must successfully complete 180-210 ECTS credits over four years to receive an LL.B. degree. Private universities’ LL.B. programs tend to be organized on a three-year curriculum. During the 2007-2008 academic year, a total of 4,604 LL.B. students were enrolled at the University of Prishtina, and an additional 4,380 law students were enrolled in private universities (2,358 students in general law studies and 2,022 in law-related studies). While no official figure was available for the University of Pristina in Mitrovica, it has been reported that 60 new law students were admitted in 2008, and a total of 816 students graduated from the Faculty of Law during 1999-2007.

- **Master of Laws [hereinafter LL.M.],** which is a postgraduate degree issued to individuals with an LL.B. degree who have successfully completed an additional 90-120 ECTS credits. The duration of an LL.M. program is not specified by law; in practice, the University of Prishtina LL.M. program, which is currently the only such program in the country, lasts 1.5-2 years. In 2007-2008 academic year, there were 557 students enrolled in the program.

- **Doctorate degree,** which is a postgraduate research-oriented degree issued to individuals with an LL.M. degree who have successfully completed an additional 180 ECTS credits. The duration of a doctoral program is not specified by law; in practice, the normal duration of doctoral studies at the University of Prishtina is 3-4 years. There are

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5 Starting from 2006-2007 academic year, the University of Prishtina Faculty of Law adopted a 4+1+3 program cycle, replacing the previous 3+2+3 program.
6 The private American University of Kosovo [hereinafter AUK] plans to introduce a new Master of Laws program in international and comparative law that will be awarded by the Chicago Kent School of law at the Illinois Institute of Technology.
currently no doctoral candidates at the University of Pristina Faculty of Law or at any private university in Kosovo.

**Control and Oversight**

The MEST is recognized as the competent government authority directly responsible for regulation of all higher education institutions in Kosovo, including those providing legal education. Most importantly, the MEST is the body charged with licensing and accreditation of educational institutions. To assist in the performance of these functions and to promote the quality of higher education, the MEST has established the Kosovo Accreditation Agency [hereinafter KAA]. In addition, the MEST is responsible for allocating funds to higher education providers for teaching and research; authorizing the format and content of diploma and diploma supplement; promoting academic mobility and establishing recognition arrangements; and promoting equality of opportunity in higher education. See generally HIGHER EDUCATION LAW § 4. Kosovo’s higher education system provides for broad university autonomy, whereby individual institutions are empowered to independently set admission conditions, develop and implement curricula, choose academic staff and grant titles to professors, and set methods for teaching and evaluation of student performance. Id. § 7.2.

**Academic Process**

**Admission Standards**

Admission to undergraduate programs in publicly funded higher education institutions is competitive and based on merit. HIGHER EDUCATION LAW § 27.1. While the MEST may specify the number of publicly-funded students to be admitted to particular disciplines at any public university, each university is free to prescribe its own admission requirements. Any applicant who has completed a minimum of 12 years of secondary education and was awarded a diploma is eligible to participate in the competition for admission to the LL.B. program at the University of Pristina Faculty of Law. Admission is based on the combination of degree of success achieved in secondary school, the score obtained on the national post-secondary school (maturity) exam, and the results obtained on the admission exam administered by the Faculty. The latter consists of no more than three subject areas, all of which must have been part of the secondary school curriculum; the three subjects tested for admission to the Faculty of Law are Albanian language, basic theory of law, and constitutional law. Applicants can obtain a maximum of 100 points in the admission process, including up to 20 points for the secondary school record, up to 20 points for the maturity exam score, and up to 60 points on the entrance exam. Applicants are then ranked by points they have received, and the highest-scoring applicants are admitted to the publically-funded places. There is no minimum score required for admission, and those who are not admitted as regular students are given an option to be enrolled as self-financed students. For 2007-2008 academic year, the annual tuition fees were EUR 130 for regular students, EUR 700 for correspondence students, and EUR 500 for self-financed students.

Completion of the requisite lower cycle of studies is a prerequisite for admission to the postgraduate programs at the University of Pristina Faculty of Law. Candidates who obtained an LL.B. degree with at least 180 ECTS credits and earned a grade point average [hereinafter GPA] of at least 7.5 are directly admitted into the Master of Laws program, while those with a lower GPA must pass a qualification exam administered by the Faculty of Law. To enroll in a Doctorate program, one must have received an LL.M. degree and at least 300 ECTS credits. Admission is made through a public competition announced in the daily press, and applicants’ GPA, scholarly publications, and knowledge of foreign languages are all taken into account.

Admission standards at private providers of higher education appear to be far more flexible than those at the University of Pristina. Admission process rarely involves entrance exams or other forms of competition, and applicants are typically required to simply fill out an application form or sign a contract binding them to fulfill their financial obligations.
Curricula

Kosovo universities are authorized to independently design and implement their curricula, subject to compliance with the Bologna Declaration and the use of the ECTS. The University of Prishtina Senate approved the revised Faculty of Law curriculum for LL.B. studies, which became effective in 2007-2008 academic year. The revised curriculum consists of 25 mandatory ECTS credits spread over four courses in each of seven semesters. In addition, there are 2-6 elective courses offered each semester. Students are allowed one elective in addition to the mandatory courses each semester, for a total of 30 ECTS credits. In the eighth semester, students take 30 mandatory credits in one of the following specializations: Administrative and Constitutional Law, Criminal Law, Civil Law, International Law, and Financial Law. The curriculum covers fundamental domestic law courses and an increasing number of courses is offered in international and comparative law. However, despite the recent improvements in course selections and content, courses and teaching techniques remain largely theoretical. While courses on legal methodology, trial advocacy, and legal clinics have been formally incorporated into the curriculum, the Faculty of Law relies on donor support to teach these courses to a very small number of students. There are currently no courses dedicated to professional legal ethics or legal research and writing, although such courses are being planned for the near future. Curricula at private law faculties tend to be similar to the University of Prishtina, but with significantly fewer course offerings in international and comparative law or practical legal skills. Given the large undergraduate class size, performance in each course is usually measured by means of a written final exam using multiple-choice or short essay questions.

Graduation Requirements

Only accredited providers of higher education have the power to award degrees and diplomas in Kosovo. Higher Education Law § 12.1. As described above, to be awarded a law degree by the University of Prishtina, candidates must successfully complete the number of ECTS credits prescribed for each degree cycle (180-210 for the LL.B. degree, 90-120 for the LL.M. degree, and 180 for the Doctorate degree). In addition, LL.B. and LL.M. students must complete and defend a thesis. Doctorate studies require passing a Doctoral exam, at least one publication in an internationally peer-reviewed journal, and defense of a Doctoral dissertation. A successful completion of all degree requirements is certified by the University through a diploma.

Because none of the private higher education institutions are accredited, they are not authorized to award degrees and diplomas. It is unclear what degree requirements exist in those schools, and since most of them have only existed for a few years, they are yet to produce any law graduates.
Kosovo LERI 2008 Analysis

While the correlations drawn in this exercise may serve to give a sense of the relative status of certain issues present, ABA ROLI emphasizes that these factor correlations possess their greatest utility when viewed in conjunction with the underlying analysis. ABA ROLI considers the relative significance of particular correlations to be a topic warranting further study and invites comments and information that would enable it to develop better or more detailed responses in future LERI assessments. ABA ROLI views the LERI assessment process to be part of an ongoing effort to monitor and evaluate reform efforts.

Table of Factor Correlations

<table>
<thead>
<tr>
<th>Legal Education Reform Index Factor</th>
<th>Correlation 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Licensing, Accreditation, and Evaluation</strong></td>
<td></td>
</tr>
<tr>
<td>Factor 1 Regulation of Legal Education by a Duly Authorized Entity</td>
<td>Positive</td>
</tr>
<tr>
<td>Factor 2 Standards for Licensing and Accreditation</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 3 Licensing and Accreditation Procedure</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 4 Disciplinary and Enforcement Actions</td>
<td>Neutral</td>
</tr>
<tr>
<td><strong>II. Admission Policies and Requirements</strong></td>
<td></td>
</tr>
<tr>
<td>Factor 5 Admission Examination and/or Other Entrance Standards</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 6 Non-Discriminatory Admission</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 7 Special Admission Measures</td>
<td>Positive</td>
</tr>
<tr>
<td><strong>III. Curriculum and Teaching Methodology</strong></td>
<td></td>
</tr>
<tr>
<td>Factor 8 Comprehensive Curricula</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 9 Instruction in Ethics and Core Professional Values</td>
<td>Negative</td>
</tr>
<tr>
<td>Factor 10 Professional Skills Instruction</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 11 Teaching Methodologies</td>
<td>Neutral</td>
</tr>
<tr>
<td><strong>IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications</strong></td>
<td></td>
</tr>
<tr>
<td>Factor 12 Student Evaluation and/or Examination</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 13 Awarding of Degrees</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 14 Institutional Record-Keeping</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 15 Recognition Frameworks and Networks</td>
<td>Neutral</td>
</tr>
<tr>
<td><strong>V. Faculty Qualifications and Conditions of Employment</strong></td>
<td></td>
</tr>
<tr>
<td>Factor 16 Faculty Qualifications</td>
<td>Neutral</td>
</tr>
<tr>
<td>Factor 17 Hiring, Promotion, and Tenure</td>
<td>Positive</td>
</tr>
<tr>
<td>Factor 18 Faculty Compensation</td>
<td>Negative</td>
</tr>
<tr>
<td>Factor 19 Academic Freedom and Freedom of Association for Law Faculty</td>
<td>Positive</td>
</tr>
<tr>
<td><strong>VI. Institutional Holdings and Capacities</strong></td>
<td></td>
</tr>
<tr>
<td>Factor 20 Access to Legal Materials</td>
<td>Negative</td>
</tr>
<tr>
<td>Factor 21 Physical Facilities and Technological Capacities</td>
<td>Negative</td>
</tr>
<tr>
<td>Factor 22 Class Size and Administrative/Support Staff</td>
<td>Negative</td>
</tr>
</tbody>
</table>
I. Licensing, Accreditation, and Evaluation

Factor 1: Regulation of Legal Education by a Duly Authorized Entity

Legal education is provided by institutions duly authorized by the State body, professional association, or other entity responsible for regulating legal education.

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>The MEST regulates all public and private higher education providers in Kosovo, including institutions providing legal education. However, all private providers of higher education offering legal education currently operate under MEST licenses only, without having the required MEST accreditation. In addition, the University of Pristina located in Mitrovica, which currently serves primarily ethnic Serbs, operates within the education system of the Republic of Serbia.</td>
<td></td>
</tr>
</tbody>
</table>

Analysis/Background:

According to the Higher Education Law, the MEST is recognized as the competent government authority which is directly responsible for regulation of all higher education providers in Kosovo, including those authorized to provide legal education. Among other responsibilities, the MEST is charged with: planning the development of higher education; regulating public providers of higher education and approving their statutes; allocating funds to public providers of higher education for teaching and research; authorizing the format and content of diploma and diploma supplement issued by accredited providers; promoting academic mobility and establishing arrangements for academic and professional recognition; promoting equality of opportunity in all aspects of higher education; licensing private providers of higher education; providing assistance to accredited private providers and their students; and regulating all other matters concerning higher education which are not separately regulated by law. See generally Higher Education Law § 4.1. To promote the quality of higher education in Kosovo, the MEST is also authorized to establish the KAA, and to assist higher education providers in developing their potential and in enhancing the quality of their activity through processes of licensing, inspection, and accreditation conducted in a professional and transparent manner. Id. §§ 4.3-4.4. The MEST has done so through adoption of an Administrative Instruction No. 24/2003 (Dec. 8, 2003) [hereinafter KAA INSTRUCTION]. The KAA is governed by a Board composed of five to nine members, including at least three international members, appointed by the MEST for a fixed term from among individuals active in academic work in higher education. Higher Education Law § 4.6. The current board is composed of nine members, with three international members from Austria, the UK, and the US.

The Higher Education Law distinguishes between two types of higher education providers. First, public providers of higher education are created by the MEST subject to ratification by the Kosovo Assembly. Id. § 6.1. Their creation is accompanied by the issue of a license. Id. § 6.4. Subject to the MEST’s approval, each public provider of higher education is to enact a statute, setting forth provisions for its governance and management. Id. § 13. The statute must contain provisions vesting principal responsibility for advice on academic matters in a university senate, composed of elected representatives of academic staff and students. Id. § 13.3(a). Each public provider also has its own council of administrators, or an administrative board, which serves as the principal governing authority. Id. § 14. The latter appoints a rector, who acts as the principal management of any public university. Id. § 15. Second, private providers of higher education may be founded by any private individual, organization, or foundation that is situated or has a registered office in Kosovo. Id. § 22; see also MEST Administrative Direction on Licensing of Private Providers of Higher Education art. 2.1 (No. 14/2003, adopted July 17, 2003) [hereinafter MEST LICENSING DIRECTION]. These institutions may adopt in their statutes or other constitutional documents any model of governance and management that allows for the participation of staff and students in decisions related to academic matters. Higher Education
LAW § 22. Both public and private providers of higher education require a license to operate (see id. § 10.1), and all licensed providers must obtain an accreditation and submit to periodic procedures for quality audit and assessment by the KAA (see id. § 11.1). Only accredited providers of higher education have the power to award academic degrees and diplomas. Id. § 12.1. See also Factors 2 and 3 below for a detailed analysis of licensing and accreditation criteria and procedures.

Pursuant to the authority granted by the Higher Education Law, on July 5, 2004, the University of Prishtina has enacted its Statute [hereinafter UP STATUTE]. This document provides for, inter alia, a structure for the University’s governance that includes:

- the University Board as the principal governing body with the overall strategic responsibility for its efficient institutional operation (see UP STATUTE arts. 17-24);
- the Rectorate, which consists of the Rector, who is the chief academic and administrative officer and the person in charge of the University (see id. arts. 16, 25-33); up to three Vice Rectors (see id. arts. 34-38); and the Secretary General, who is the highest executive administrative officer of the University (see id. arts. 39-42); and
- the University Senate as the highest academic body responsible for general strategic issues relating to research, scholarship, teaching, and courses at the University (see id. arts. 43-50).

Organizationally, the University of Prishtina is composed of academic units (or faculties) and organizational units (including the University library and the University computer network center). Id. arts. 51, 53, 86. A faculty’s governance structure consists of a Dean, a Vice Dean, a Faculty Council, and a Student Council. See generally id. arts. 63-79. The UP Statute expressly provided for the operation of a separate Faculty of Law, located in Pristina. Id. art. 65.4.

The University of Prishtina located in Mitrovica has opted out of this legal structure. Created in 1961 as part of the University of Belgrade located in Pristina, it was joined with the University of Prishtina in 1969. The University has been located in Mitrovica since 2001 and operates under the educational system of the Republic of Serbia, serving primarily Kosovo’s ethnic Serbs. The University was formally recognized by UNMIK in February 2007. Similarly to the University of Prishtina, the Council of the University at Mitrovica has adopted its Statute on November 15, 2006. This document was enacted pursuant to the Serbian Law on Higher Education. The University is declared a legal entity founded by the Republic of Serbia, named the University of Pristina, with the seat in Pristina and the temporary seat being Mitrovica, and implementing the programs that are of strategic interest for the Republic of Serbia. See STATUTE OF THE UNIVERSITY OF PRISTINA AT MITROVICA arts. 2-4. The University’s governance and management structure consists of the University Council, the Rector, the Senate, and the Student Parliament.

At the time of this assessment, there were 30 licensed private providers of higher education in Kosovo, including 10 that purport to offer law and law-related degrees. Private institutions appear to overemphasize their studies on law and economics-related majors, and doubts have been raised as to whether the number of law students enrolled in these schools is appropriate for current needs of Kosovo’s labor market. See, e.g., BRITISH ACCREDITATION COUNCIL, KOSOVA ACCREDITATION PROJECT REPORT at 5, 18 (July 2008) [hereinafter BAC REPORT] (stating that

7 There are some apparent contradictions in the Higher Education Law and the MEST Licensing Direction because of the early state, and uneven development, of private providers. According to the MEST Licensing Direction, licensed private higher education institutions may not “exercise their activity if they are not accredited in Kosovo.” See id. art. 3.1.

8 Interestingly, the list of faculties that make up the University does not mention a Faculty of Law (see STATUTE OF THE UNIVERSITY OF PRISTINA AT MITROVICA art. 17), and the reasons for this omission are not clear to the assessment team, since all other documents refer to the Faculty of Law. Perhaps the Faculty of Law was established after the passage of the Statute, pursuant to the University’s authority to establish new educational units of organization, including faculties.
students enrolled in law programs accounted for 22% of the total student body at private universities between 2004 and 2008). A list of these institutions and the number of students enrolled in their law programs as of 2008 is set out in the following Table:

**STUDENTS ENROLLED IN PRIVATE LEGAL EDUCATION INSTITUTIONS**

<table>
<thead>
<tr>
<th>Provider Name</th>
<th>General Law Studies</th>
<th>Law-Related Studies</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAB University</td>
<td>776</td>
<td>779</td>
<td>1,555</td>
</tr>
<tr>
<td>Dardania University</td>
<td>191</td>
<td>131</td>
<td>322</td>
</tr>
<tr>
<td>FAMA University</td>
<td>837</td>
<td>852</td>
<td>1,689</td>
</tr>
<tr>
<td>Iliria University</td>
<td>210</td>
<td>-</td>
<td>210</td>
</tr>
<tr>
<td>University College Biznes</td>
<td>90</td>
<td>5</td>
<td>95</td>
</tr>
<tr>
<td>University College European Vision</td>
<td>86</td>
<td>79</td>
<td>165</td>
</tr>
<tr>
<td>University College Ferizaj</td>
<td>42</td>
<td>-</td>
<td>42</td>
</tr>
<tr>
<td>University College Gjilani</td>
<td>86</td>
<td>43</td>
<td>129</td>
</tr>
<tr>
<td>University of Business and Technology</td>
<td>-</td>
<td>120</td>
<td>120</td>
</tr>
<tr>
<td>University of Prizren</td>
<td>40</td>
<td>13</td>
<td>53</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2,358</strong></td>
<td><strong>2,022</strong></td>
<td><strong>4,380</strong></td>
</tr>
</tbody>
</table>

*Source: BAC REPORT.*

While all of these “universities” operate under licenses issued by the MEST, none of them has yet undergone through the accreditation procedure. Consequently, none of them is authorized to award academic degrees and diplomas, including law degrees. In addition, as stated above, the current regulatory framework seems to require that private higher education providers have both a license and an accreditation in order to “exercise their activity.” Since the University of Prishtina is the only accredited university in the country,\(^9\) this would seem to imply that all of the private providers currently operating in the country are doing so in conflict with the MEST Licensing Direction.

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\(^9\) In practice, “law-related studies” stands for degrees in law and criminology in all but two of these institutions (University College European Vision and University of Business and Technology, which offer degrees in law, political science and diplomacy).

\(^{10}\) The only exception is the AUK whose academic programs are accredited by American universities. At present, it does not offer a higher legal education program, although it plans to introduce a new Master of Laws program in international and comparative law that will be awarded by the Chicago Kent School of Law at the Illinois Institute of Technology.
Factor 2: Standards for Licensing and Accreditation

The standards for licensing and accrediting institutions providing legal education are clearly defined by the responsible State body, professional association, or other entity duly authorized to regulate providers of legal education.

Conclusion

The Higher Education Law lists basic criteria for licensing of higher education institutions, including financial viability, adequate buildings and equipment, library and computing facilities, number and qualifications of staff, and basic curriculum. These criteria are generally quantitative rather than qualitative in nature, and there is no assurance that even these criteria are satisfied in practice. The KAA has drafted standards for accreditation and submitted them to the MEST for approval.

Analysis/Background:

In Kosovo, licensing and accreditation are two separate procedures with separate standards under the Higher Education Law. All higher education providers in Kosovo require a license to operate, which is granted by the MEST. Higher Education Law § 10.1. The MEST is also supposed to formulate and publish criteria for licensing, which constitute a government licensing standard. Id. § 10.2. Such government licensing standard must take into account the variety of teaching and learning methods employed by higher education institutions, including provisions related to: adequacy of buildings and equipment, including teaching rooms and laboratories; library and computing facilities; number and qualifications of staff; facilities for students; basic curriculum; and financial viability. Id. § 10.4. In addition, to be granted a title “university,” an accredited higher education provider must demonstrate an independently audited enrollment of at least 3,000 full-time-equivalent students and provide courses or programs in at least five different subject areas. Id. § 8.2. In other words, a university must consist of at least five faculties, each with at least 600 enrolled full-time students. MEST Licensing Direction art. 8.1.2(a).

The MEST Licensing Direction provides some additional details as to terms and criteria for licensing that apply to private providers. However, as in the Higher Education Law, most of these quantitative criteria are general, and there are no provisions setting forth specific numeric requirements. These requirements include adequate facilities equipped according to the international standards; sufficient space in the building; computing facilities; a library furnished with a variety of books in the respective field; teaching rooms and laboratories; course programs accredited by the local, international, or internationally recognized agencies; sufficient number of students; sufficient number of academic qualified staff; provision of qualitative studies; and a budget sufficient for providing higher education during the specified time period. See generally id. art. 8. If a provider of higher education meets the criteria for licensing, it has a right to receive a license. Higher Education Law § 10.4; MEST Licensing Direction art. 11.2.

Licensed public and private providers of higher education are also required to periodically submit to procedures for quality assessment and audit and to obtain accreditation. Higher Education Law § 11.1. Accreditation is defined as “a formal acknowledgment that a provider of higher education and its programs fulfills generally accepted quality standards and that its qualifications confer on holders … a number of rights, e.g. access to a further stage of education, to specific occupations, to the use of a title.” Id. § 1. Only accredited higher education providers are authorized to award degrees and diplomas. Id. § 12.1. The Higher Education Law does not specify any criteria for licensing of higher education providers. Instead, the KAA is charged with setting standards, criteria, and procedures for accreditation. See KAA Instruction art. 4.
The KAA appears to be proceeding with the development of accreditation criteria in a responsible manner, with the intention of applying international standards to the process. Reportedly, the KAA has already drafted both the accreditation and the new licensing standards, and it is expected that both documents will be approved by the MEST and published sometime in the fall of 2008. Since this process is not yet complete and has not yet been applied, it is too early to make any conclusions regarding the degree of clarity of the standards.

At the same time, many interviewees agree that the existing licensing criteria, which are generally quantitative in nature, need to be changed, as they are not capable of assuring quality higher education. In addition, the consensus among those interviewed outside of private higher education institutions is that there has been insufficient supervision of private providers of higher education. The licensing standards applied to those institutions are general in nature, and since there have been no site visits or independent verification of the information submitted in support of the applications for licenses, no one in the government can say with assurance that even those standards are being met in practice.

This uncertainty is the primary reason for the major re-licensing process currently being undertaken by the MEST, which is discussed in greater detail in Factor 3 below. The review process, which was conducted by the British Accreditation Council [hereinafter BAC], relied on the Standards and Guidelines for Quality Assurance in the European Higher Education Area developed by the European Association for Quality Assurance in Higher Education [hereinafter ENQA]. In this regard, private providers of higher education have expressed a criticism that the standards applied are more relevant to Britain than to Kosovo. The response of the KAA has been that they are applying the standards of the EHEA, of which they are a member. It is said that these are international standards that Kosovo’s higher education institutions must comply with as part of the commitment towards membership in the Bologna Process towards EHEA, in order to ensure mutual recognition of degrees with European nations and the mobility of students.

There have also been complaints that the standards are unclear and inappropriate for Kosovo at this stage of its development. It is not clear to the assessment team whether the BAC or the KAA shared the ENQA standards with the private providers that were being evaluated or have taken other steps to make these providers aware of the standards against which they were being measured; interestingly, none of the respondents interviewed by the assessment team mentioned these standards. In any case, the ENQA standards are primarily procedural in nature and do not provide much guidance to higher education institutions with respect to the substantive criteria that are being applied in the re-licensing process.

**Factor 3: Licensing and Accreditation Procedure**

*Initial licensing and accreditation of institutions providing legal education includes an external evaluation process based on established rigorous, transparent, uniform, and internationally accepted quality assurance standards. To ensure continued compliance with these standards, licensed and accredited institutions providing legal education are also subject to a periodic, rigorous, and transparent external evaluation process.*

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<th>Conclusion</th>
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<td>The initial licensing of private providers of higher education was done without an external evaluation and was based on review of business plans rather than on an inspection of actual operations. The BAC is currently assisting the MEST in a comprehensive effort to re-license all private providers of higher education. No institution of higher education has yet gone through an accreditation process, which is only now being developed.</td>
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Analysis/Background:

All education providers in Kosovo require a license issued by the MEST in order to operate. \textit{Higher Education Law} § 10.1. By law, the creation of any public higher education provider is to be accompanied by the issue of a license, based on the licensing criteria described in Factor 2 above. \textit{Id.} § 6.4. The University of Prishtina is presumptively licensed under the Higher Education Law without a time limitation. \textit{Id.} § 10.6. Subject to its compliance with licensing requirements, the University is also deemed to be accredited until August 31, 2004 and, in theory, should have been subject to re-accreditation procedure during the 2003-2004 academic year. \textit{Id.} § 11.4. To date, however, such re-accreditation has yet to occur.

In terms of private providers, the MEST Licensing Direction seems to be based on a structure where the private educational institution is licensed to operate as a business by the MEST, but its academic programs must be accredited by the KAA or an accrediting body from another country. \textit{See generally} MEST \textit{Licensing Direction} art. 7. All applications for licenses and accreditation must be submitted to the MEST. \textit{Id.} art. 5. Private providers of higher education must submit a business plan and present a guarantee of financial viability for at least three years (which are to be resubmitted annually) in order to receive a license. \textit{Higher Education Law} § 22.4. They are also required to post a bond to protect the financial interests of students should they need to complete their education at another institution in the event of a provider's closure. \textit{Id.} § 22.5. In addition, applicants have to submit a number of documents as proof that they meet the licensing terms and criteria specified in the MEST Licensing Direction. Among others, these include governance statute; codes of conduct; registration certificates; ownership or lease certificates for the premises; building safety, fire, and sanitary certificates; list of academic staff along with proofs of their qualifications and lists of their scholarly publications; list of administrative and support staff; course programs, curricula, and lists of proposed literature, educational and teaching tools; annual workplans; and other similar types of documents. \textit{See generally} MEST \textit{Licensing Direction} art. 8.1.1. Each applicant must also pay an administrative fee to cover costs related to licensing, which is set at EUR 1,550 for faculties and EUR 4,400 for universities. \textit{Id.} art. 20. The institution is required to submit a complete application package in order to be considered for a license. \textit{Id.} art. 9.1.

In order to review license requests from private providers of higher education, the MEST establishes a special Committee. \textit{Id.} art. 11.1. The MEST is expected to make licensing decisions based upon a recommendation from the KAA, and MEST Licensing Direction appears to imply that such recommendations may only be issued after the KAA has made an accreditation decision with respect to a provider. \textit{See id.} arts. 7.1, 7.5. As a general rule, the MEST is required to grant the license to those private providers which meet the terms and criteria for licensing described in Factor 2 above. \textit{Higher Education Law} § 10.3; MEST \textit{Licensing Direction} arts. 8.1, 11.2. License requests may be rejected if the private provider submitted insufficient, inaccurate, or incomplete information in its application; if the MEST decides that information provided does not support the claim that the provider meets licensing criteria; or if the submitted information is found to be fraudulent. MEST \textit{Licensing Direction} arts. 14, 18.1. The MEST has 12 months to decide whether or not to grant the license request. \textit{Id.} art. 11.3. If the request is rejected, the applicant can file an appeal, which will be heard within 30 days by a special committee composed of the MEST members who did not participate in the preliminary review. \textit{Id.} arts. 11.4-11.6. After reviewing the appeal, the MEST issues the final administrative decision, which can be further appealed to a competent court. \textit{Id.} art. 11.7. Private provider of higher education may commence operation only after receiving a license; however, it may advertise for and recruit prospective students while the license application is pending. \textit{Higher Education Law} § 22.3; MEST \textit{Licensing Direction} art. 7.3.

Licenses are valid for 3-5 years, but need to be renewed every year. MEST \textit{Licensing Direction} arts. 7.7, 13.1. To apply for license renewal, the private provider must submit the same documents as required for issuance of a license, as well as a description of its activities during
the previous academic year. \textit{Id.} art. 13.2. The MEST may take measures to verify the accuracy of submitted documents and to ask for supplemental documentation. \textit{Id.} art. 13.3.

Accreditation is defined as "a formal acknowledgment that a provider of higher education and its programs fulfills generally accepted quality standards and that its qualifications confer on holder … a number of rights, e.g., access to a further stage of education, to specific occupations, to the use of a title." \textit{Higher Education Law} § 1. Accreditation certificates are issued by the KAA. \textit{Id.} § 11.5. The Law does not spell out the detailed accreditation process, instead leaving this matter to a future MEST administrative instruction. The only requirement is that licensed providers seeking accreditation for the first time must apply to the KAA at least one year prior to the date from which accreditation is sought. \textit{Id.} § 11.2. Private universities may not advertise themselves as "accredited" unless they have been granted proper accreditation. \textit{Id.} § 22.6. Subsequent re-accreditation events are to be carried out by the KAA at intervals not exceeding five years. \textit{Id.} § 11.4. If an institution fails to become accredited or re-accredited upon the first attempt, it will be required to undergo another accreditation procedure within a year; a second accreditation failure will result in revocation of the provider’s license. \textit{Id.} §§ 11.6-11.7; \textit{MEST Licensing Direction} art. 10(g). Accredited providers are also required to periodically submit to quality audit and assessment procedures of their courses and programs with the KAA. \textit{Higher Education Law} §§ 11.1, 11.9. The Law is again silent as to the procedure, except for stating that these audits are to be conducted at least every five years and carried out by expert subject panels, with international experts participating as advisers. \textit{Id.} § 11.9.

By law, the KAA has a number of important functions related to licensing and accreditation of higher education providers. In particular, it is called upon to advise the MEST on license applications; inspect licensed higher education providers; undertake periodic quality audits of licensed providers and issue decisions on accreditation and re-accreditation; and undertake periodic quality assessment of courses and programs offered by accredited providers. \textit{See generally id.} § 4.4. To ensure transparency, the KAA is required to publish all of its conclusions, recommendations, and advice. \textit{Id.} § 4.5.

Since the University of Prishtina is presumptively licensed and accredited and the University of Pristina at Mitrovica has opted out of the Kosovo licensing process and is governed by the laws and regulations of Serbia, all activities relating to licensing of educational institutions have occurred in relation to the private providers of higher education. Currently, 10 of the 30 private educational institutions in Kosovo have law faculties, accommodating nearly 4,400 students majoring in law and law-related studies. All of these institutions are operating under licenses issued by the MEST. These licenses were issued based on an application and business plans submitted by the applicants. There were no inspections or confirmation of actual operating practices. None of these universities are accredited, largely because the KAA has yet to develop accreditation standards and procedures. Lack of accreditation means that law graduates from these universities can neither sit for the bar exam nor enroll in the LL.M. program at the University of Prishtina. While the interaction between the MEST and the KAA in the licensing and accreditation process may eventually work out, currently, since the KAA has not yet embarked on an accreditation process for private universities, the MEST’s practice in issuing licenses to unaccredited institutions seems to be inconsistent with its own Direction.

The MEST has embarked on a major re-licensing process for virtually all private providers of higher education in Kosovo. The purpose of the review was to collect evidence about the extent to which the private providers of higher education meet licensing criteria as set forth by the applicable law. In particular, the review sought to ascertain the educational mission of each institution and the structures and processes in place to achieve that mission, and to evaluate existing quality assurance procedures used to monitor progress towards achieving an institution’s mission. After the re-licensing process is completed, all re-licensed private universities, along with the University of Prishtina, will then go through the accreditation process.
To conduct the re-licensing process, the MEST has appointed an Ad Hoc Commission for the Review of Higher Education and has engaged the BAC to assist in this review and to consult with the KAA on developing standards for the accreditation process. All private institutions, except the AUK, have been required to submit an application for re-licensing by May 16, 2008. The KAA drafted a detailed list of questions to structure a self-evaluation by applicants and to guide the inquiries of the BAC and the Ad Hoc Commission. After the institutions returned completed questionnaires along with the supporting documents, a team of inspectors from the BAC conducted on-site visits to every applicant, with a KAA representative participating in almost all of the site visits. The institutions were also required to send supporting information to the MEST, which were analyzed by another BAC team. The information obtained from the inspections and self-evaluations was analyzed against the law, and a report was prepared and submitted to the MEST in July 2008. See generally BAC REPORT. It has been suggested that the BAC is being retained both to apply international standards to the process and to shield it from corruption or intimidation.

The use of an internationally recognized accreditation agency, on-site visits, and the detailed list of questions developed by the KAA all lend credibility to the legitimacy and objectivity of the process. The government is apparently taking on this difficult process of mass re-licensing of private universities in the spirit of consumer protection. The main motivation to take on the major task of re-licensing all private universities seems to have been the recognition that thousands of students may be paying thousands of Euros for degrees that will be worthless. While no procedures have been worked out, there are discussions about how to assist students at universities that are not licensed to continue with their studies.

This re-licensing process, however, does not take the place of the qualitative inquiry that will be part of the accreditation process. While that process is still being developed, a general outline is in place. The new system of accreditation will require every institution of higher education to meet the standards of the Higher Education Law and the Bologna Declaration and to be consistent with the ECTS. It will involve a basic conceptual shift away from the MEST deciding how each faculty will operate, to the MEST setting standards and the universities and faculties deciding how best to meet the standards. The inspection process will be largely similar to the BAC re-licensing process. It is expected to begin with the University of Prishtina in October 2008 and will last approximately six months. There will be a self-evaluation, with some discretion given to each faculty regarding the exact nature of the process. Staff from the KAA met with representatives from the University of Prishtina in May 2008 to develop procedures for the self-evaluations. The accreditation process will be led within the University of Prishtina by the University Quality Assurance Committee, which has been in existence since October 2007. Each faculty has an Academic Development Coordinator responsible for quality assurance, compliance with the Bologna Declaration and ECTS, and student support. The University Committee and Faculty Coordinators will work together as a network during the accreditation process and will report to the University Senate through the Vice-Rector for Teaching and Research. The Engineering Faculty is currently conducting its self-evaluation, which will serve as

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11 Because the BAC Report was submitted after the interviews for this assessment were completed, this LERI report will not provide a comprehensive treatment of the BAC’s findings. However, in the interests of providing an up-to-date picture of the current situation with Kosovo’s private higher education providers, it is important to note that the BAC concluded that none of the existing private providers fulfill the criteria to be accredited or licenses. Consequently, the BAC recommended that none of these institutions should be licensed or accredited and that they should not be allowed to issue degrees.

12 The KAA has reportedly already drafted the documents governing accreditation procedure and submitted them to the MEST; at the time of interviews for this assessment, the MEST was expected to promulgate these documents through an Administrative Instruction sometime in the fall of 2008.

13 The current acting director of the KAA is the former chair of the University Quality Assurance Committee.
a model for the other faculties. The self-evaluations will be followed by inspections by external evaluators. It has not yet been decided who will conduct these inspections, but they will include international experts and a KAA representative. Self-evaluations will have to be completed at least four weeks before the external evaluations begin.

While the plans and activities of the MEST and the KAA regarding licensing and accreditation are impressive, standards and procedures have yet to be promulgated by the MEST and put into practice. Thus, it is still too early to judge how effective the re-licensing and accreditation processes will ultimately be.

The above described licensing and accreditation processes will not be applied to the University of Pristina at Mitrovica. It was reported that officials at the University have declined to participate and that an accreditation process will be developed specifically for them by a commission under the UN, with Serbian and international representatives. No documents have been identified describing a licensing or accreditation process for the University at Mitrovica.

Factor 4: Disciplinary and Enforcement Actions

When institutions providing legal education fail to comply with established quality assurance standards, disciplinary or enforcement actions are administered fairly, consistently, and transparently, with an appeals process.

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<td>The system of enforcing accreditation and licensing standards seems to be fair and transparent and is subject to judicial review. The MEST, with assistance from the BAC, has embarked on a major project to re-license all private providers of higher education in Kosovo, which determined that none of the private providers should be accredited or licensed, or allowed to use the word “university” in their names. Based on this recommendation, the MEST ordered that none of the private providers of higher education be allowed to admit new students in 2008-2009.</td>
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Analysis/Background:

Accreditation, or an “accreditation event,” must take place at least every five years. HIGHER EDUCATION LAW §§ 11.3, 11.9. If a provider fails to be accredited or reaccredited, it must repeat the process within one year. Id. § 11.6; see also MEST LICENSING DIRECTION art. 10(f). A second failure to be accredited will result in revocation of the license to provide higher education. A decision to revoke a license to operate may be appealed to a court of competent jurisdiction. HIGHER EDUCATION LAW § 11.7; see also MEST LICENSING DIRECTION art. 10(g). The KAA has an obligation to attempt to improve institutions of higher education, and can initiate a monitoring period to allow the institution to address any perceived shortcomings before issuing the decision to grant or deny accreditation. MEST LICENSING DIRECTION arts. 6(d), 10(e).

The MEST has a variety of legal options theoretically available to enforce quality assurance standards in higher education. Upon the KAA’s recommendation, it can modify or revoke licenses or refuse to reaccredit a provider. HIGHER EDUCATION LAW § 4.4(c); see also MEST LICENSING DIRECTION art. 10(d). The MEST may revoke a license of a private provider if the provider has changed the license granting terms without proper notice, if it poses a risk for the health or life of students or employees, if fraud or misrepresentations were made in the application or renewal process, if there is an administrative enactment or a court decision proving that the private provider has “seriously” violated the law, or if an irregularity in the educational process has not been eliminated after a rebuke by the MEST. MEST LICENSING DIRECTION arts. 15.1, 18.2. The MEST is also authorized to visit private providers of higher education without a
notice at any time, and to produce a report on the situation ascertained during the inspection, making suggestions and recommendations for improvements and setting time limits for implementing the improvements. If serious violations are observed, administrative measures (presumably, a license revocation) are to be initiated against the private provider. If the provider does not implement the MEST’s suggestions and recommendations within the given time limit, the MEST may suspend the provider’s activities in order to eliminate the problems which have been identified. Id. art. 21. Finally, the MEST could bolster its enforcement powers by virtue of a provision that allows it to consider the observations or recommendations of the KAA when allocating funds to public or private higher education providers, and to place conditions on both public and private universities for the receipt of funding. HIGHER EDUCATION LAW §§ 4.4(e), 17.4, 18.1, 23.3, 23.5; see also UNIVERSITY OF PRISHTINA STATUTE art. 208.1.

The re-licensing project that is currently underway (described in greater detail in Factor 3 above) is the first enforcement action undertaken by the MEST. As explained, after visiting each of the private educational institutions, interviewing key staff, and reviewing written material submitted in support of their application for re-licensing, the BAC concluded that none of the private providers should be accredited or licensed, or be allowed use the word “university” in its name.14 Apparently, only one private institution (University AAB) met the size criteria for a university (i.e., at least 3,000 students and five faculties of at least 600 students each), and none met the requirement of having a research program. The numerical and research requirements have been “roundly” ignored by ministers, members of the Parliament, and senior academics. Even where there are sufficient numbers of students and faculties, the lack of any external assessment of degree equivalence places the value of the degrees in doubt and usurps the proper role of the government in setting standards for granting degrees and determining if those standards are met. See BAC REPORT at 20.

The BAC also recommended that none of the private higher education institutions be allowed to award degrees. Instead, it recommended establishment of a new government agency, the Kosovo Council for Academic Awards [hereafter KCAA], to control all degree-level awards not offered by accredited universities. See id. at 20-21, 134.15 The management and decision-making structure of this agency should be drawn from the University of Prishtina, the international university sector, private colleges, business, trade unions, and the professions. The KCAA should be ready to commence operations in 2008-09 and would be responsible for inspecting and regulating higher education in such a way as to ensure it is of high quality and meets the needs of Kosovo’s people and the economy. The BAC Report is strangely silent on how the KCAA would interact with the KAA, which by law is assigned the task of inspecting and accrediting institutions of higher education in Kosovo.

In response to the BAC Report, the Government of Kosovo issued a decision essentially affirming the BAC’s findings and concluding that none of Kosovo’s private educational institutions meet the criteria to be licensed or accredited, to award academic degrees, or to be named a “university.” As a result, the Government prohibited all private providers of higher education from admitting new students for the 2008-2009 academic year (although the existing institutions were permitted to continue to operate and provide education to those students who are currently enrolled). Further, the Government’s decision appears to have set a firm date of October 1, 2008, as the start date of the accreditation process for all public and private educational institutions in Kosovo.

14 It should be noted that the BAC did not recommend that the private institutions be shut down completely; indeed, the BAC inspection teams did find much in the way of valuable educational provision, particularly in terms of specialization and geographical access.
15 Since the University of Prishtina and the AUK are the only accredited universities in Kosovo, the proposed KCAA would control the degree granting function for all private higher education providers in Kosovo. Among others, it would have the sole right to award degrees, diplomas, certificates, and awards, and to confer academic titles such as “professor.” It would also make recommendations to the MEST when it considered a private provider ready to become a university or other degree-conferring institution.
All private providers will be required to reapply for accreditation at the KAA. See generally DECISION OF THE GOVERNMENT OF KOSOVO NO. 03/27 (July 16, 2008). This decision indicates that the MEST appears to be taking its responsibility to regulate private providers of higher education very seriously.

The private providers of higher education reacted to the BAC Report and the Government’s latest actions by forming an Initiative Council of the Association of Higher Education Institutions in Kosovo, which held an open debate shortly after the promulgation of the Government’s decision described in the previous paragraph. Some of the participants complained that the Government decision preventing the private institutions from admitting new students did not contain a provision for appeal, contrary to a requirement in the Higher Education Law that provides for appeal of all final MEST decisions. Concerns were also expressed about the standards and criteria applied by the BAC, with a shared sentiment that they reflected British standards and were not consistent with conditions in Kosovo. Many participants apparently expressed a lack of understanding of the process, including whether it was an accreditation event, a re-licensing process, or simply a non-binding inspection. In fact, the title of the BAC Report, KOSOVA ACCREDITATION PROJECT REPORT, further contributes to this confusion. Finally, some providers reported that these actions placed their agreements with different foreign agencies and universities in jeopardy.

Despite some of its shortcomings and criticisms, the BAC process has generally been transparent, and the decision of the Government to begin an accreditation process for all educational institutions in Kosovo in October under the auspices of the KAA should alleviate some of the confusion and bring the inspection, licensing, and accreditation process back into alignment with Kosovo’s law.
II. Admission Policies and Requirements

Factor 5: Admission Examination and/or Other Entrance Standards

Admission to institutions providing legal education is based upon passing a fair, rigorous, and transparent entrance examination or a comparable set of uniform admission standards that are designed to ensure that the student body has the academic potential to complete the course of study and effectively practice law.

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<td>Admission to the University of Prishtina Faculty of Law is based on a fair and transparent process, but too many students are admitted and the process is not designed to ensure that the student body has the academic potential to complete the course of study and effectively practice law. By contrast, private higher education providers generally lack any identifiable competitive admission criteria.</td>
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Analysis/Background:

Admission to undergraduate programs in publicly funded higher education institutions is competitive and based on merit. HIGHER EDUCATION LAW § 27.1. Subject to the MEST approval, the Law empowers individual universities to prescribe detailed admission requirements, including additional entry requirements and admission examinations, in rules issued pursuant to a provider’s statute. Id. §§ 7.2(c), 27.2; see also UNIVERSITY OF PRISHTINA STATUTE art. 11.3. As a condition of public funding, the MEST may specify the number of students to be admitted to particular disciplines or fields of study at any public university at the public expense, up to the maximum numbers prescribed by the university’s license. HIGHER EDUCATION LAW § 17.3; see also UNIVERSITY OF PRISHTINA STATUTE art. 207. There is a provision for the admission of fee-paying students when there are more “successful” applicants than there are publicly funded places available (provided that the total number of admitted students is within the limits prescribed in the provider’s license), and a provision which allows an academically successful fee-paying student to be awarded a publicly-funded place in his/her second or subsequent years of study. HIGHER EDUCATION LAW §§ 27.4-27.5. Tuition fees for students of public universities are set forth and reviewed by the MEST on an annual basis. Id. § 28.1.

Admission to the LL.B. program at the University of Prishtina Faculty of Law requires completion of a minimum of 12 years of secondary education, as certified by a respective diploma, and a successful passage of an entrance examination. Id. § 2.3; UNIVERSITY OF PRISHTINA STATUTE art. 116; see also University of Prishtina Senate Regulation on the Terms and Criteria of Students’ Admission for Basic Studies at Prishtina University art. 1 (Ref. No. 1/117, approved April 27, 2007) [hereinafter Senate Regulation on Admission]. Detailed criteria and conditions for admission are to be promulgated by the University Senate. UNIVERSITY OF PRISHTINA STATUTE arts. 48.1(a), 49.10, 116.2. In accordance with these criteria, admission to the University is based on the combination of degree of success achieved in secondary school, the score obtained on the national post-secondary school examination (known as maturity exam), and the results obtained from the admission examination administered by the Faculty. Senate Regulation on Admission art. 2. The admission exam is prepared by academic staff and consists of no more than three subject areas, all of which must have been part of the secondary school curriculum. Id. art. 5. The three subjects tested for admission to the Faculty of Law are Albanian language, basic theory of law, and constitutional law.

The admission exam is administered twice a year, in June and September. A commission is appointed to administer and grade the exams. This commission consists of a group of professors and also includes the Faculty’s dean and vice deans; reportedly, the Vice Dean for Teaching
plays the key role on this commission. Grading is anonymous and, in the case of the Faculty of Law, the exam is monitored by the Student Council to ensure fairness. Applicants can obtain a maximum of 100 points in the admission process, including up to 20 points for the secondary school record, up to 20 points for the maturity exam score, and up to 60 points on the entrance examination. *Id.* art. 3. Applicants are then ranked by points they received, and have 48 hours to request a review of their exam. There is no minimum score required to gain admission to the University. The highest scoring applicants are admitted to the publicly funded places at the Faculty, and other applicants are given an option to be enrolled as fee-paying students – up to the number of students that is determined annually by the University Senate upon the recommendation of the Faculty Council.*17* UNIVERSITY OF PRISHTINA STATUTE arts. 118, 77.5. For the 2007-2008 academic year, there were reportedly 2,500 applicants for the Faculty of Law, and the Faculty Council proposed admitting 500 regular students (who pay EUR 130 per year), 250 correspondence students (who pay EUR 700 per year), and 250 self-financed students (who pay EUR 500 per year). See MEST ADMINISTRATIVE INSTRUCTION FOR APPLICATION OF STUDENT FEES IN THE UNIVERSITY OF PRISHTINA arts. 2.1, 2.2(a), 2.3(a) (No. 11/2007, adopted June 14, 2007) (setting semester tuition fees). The University Senate modified these numbers, so that 672 regular students, 222 correspondence students, and 303 self-financed students were actually enrolled.

There is no evidence that the admission process at the University of Prishtina is anything other than fair and transparent. However, there seems to be a consensus among respondents that too many applicants are being admitted and that the quality of education is suffering as a result. Most respondents expressed the opinion that the decision to admit so many students is based more on social considerations than finances. There are no jobs for most secondary school graduates, and it is seen as better to have them in the university than on the streets. In this context, admissions policy was often cited as an example of the lack of planning in the University of Prishtina. The number of students to be admitted is not decided on the basis of an analysis of the capacity of the staff and the building, nor does it take into account an assessment of the applicants’ academic ability or potential to complete the course of study and effectively practice law. As a result, many applicants are admitted regardless of how low their scores may be. Many law professors interviewed by the assessment team observed that the top 10-15% of their students were as good as could be found anywhere, but that the bottom part of the class apparently have no potential to become qualified to function as legal professionals and should not have been admitted. It has been reported that only about 20% of those admitted graduate with their class; others may languish in the program for years and never earn a degree.

Admission standards for the University of Pristina at Mitrovica are similarly set out in the University’s Statute. Thus, admission to a Bachelor’s degree program requires completion of a four-year secondary education and passage of an entrance examination, which tests the applicants “talent and skills” pursuant to rules enacted by the University Senate. Admission is competitive, with applicants ranked by a combination of their secondary school record and their score on the entrance examination. Applicants are admitted in the order of their ranking. See STATUTE OF THE UNIVERSITY OF PRISTINA AT MITROVICA art. 104. The University at Mitrovica is much smaller than the University of Prishtina. During 1999-2007, 816 students graduated from the Faculty of Law, and 60 students were admitted in 2008.

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16 Since the maturity exam has only been introduced in 2007, applicants who graduated in previous years are awarded 4 possible points per question on the admissions examination, rather than the normal 3 points.

17 This number is based on the recommendation of the Faculty Council and must take into account the overall number of students to be educated at public expense given by the MEST. *Id.*

18 It is estimated that some 24,000 students will be graduating from secondary schools in Kosovo each year for at least the next 10 years. The national unemployment rate is officially 44.9%. Thus, there is understandable pressure to keep the doors to the public university open to as many young people as possible.
Although some private providers of higher education report to be attempting to raise the quality of their incoming classes, their admission standards appear to be far more flexible than those of the University of Prishtina. In fact, most of these schools barely apply any competitive admission criteria; typically, all that applicants are required to do is filling out an application form or signing a contract that binds the prospective student to fulfill his/her financial obligations. For example, University AAB has no entrance examination or minimum qualifications, although it has a policy of reduced fees for good students that allows students rated as excellent to pay 80% of the normal tuition. Dardania University reports having written standards and criteria for admission; however, it refused to release them to the assessment team. FAMA University has no entrance examination, and apparently all that is required for admission is to fill out a form and pay the fees. The consensus among those not involved in private educational institutions is that they will admit anyone who has graduated from secondary school and can pay tuition. This is seen as requiring more remedial level teaching and can diminish the quality of the educational experience for all students.

Factor 6: Non-Discriminatory Admission

Admission to institutions providing legal education is not denied for reasons of race, gender, sexual orientation, color, religion, political or other opinion, ethnic or social origin, membership of a national minority, property, birth, language, or physical disability.

<table>
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<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
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<tr>
<td>The law prohibits discrimination in law school admissions process, and there is no evidence of overt discrimination in the admissions process of public or private higher education providers. However, there exists de facto segregation in higher education, whereby ethnic Albanians attend the University of Prishtina or one of the private law schools, while the University of Pristina at Mitrovica serves primarily Kosovo’s ethnic Serbs.</td>
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</table>

Analysis/Background:

Kosovo’s legal framework prohibits all forms of discrimination in public and private institutions of higher education. Thus, the Constitutional Framework incorporates by reference and makes directly applicable in Kosovo a number of key international human rights treaties. See CONST. FRAMEWORK §§ 3.2-3.3. These documents provide that everyone has the right to education and that access to higher education shall be based on merit. UNIVERSAL DECLARATION OF HUMAN RIGHTS art. 26(1) (adopted by UN General Assembly Resolution No. 217(A)(III), Dec. 10, 1948). States are required to prohibit and to eliminate all forms of racial discrimination, and to guarantee to everyone, without distinction as to race, color, or national or ethnic origin, the right to education. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION art. 5(e)(v) (adopted by UN General Assembly Resolution No. 2106(XX), Dec. 21, 1965). Kosovo’s proposed Constitution similarly requires public institutions to ensure equal opportunities to education for everyone in accordance with their specific abilities and needs. See art. 47.2. Finally, all individuals should enjoy their human rights and fundamental freedoms without discrimination on any ground and in full equality. CONST. FRAMEWORK § 3.1; see also EUROPEAN CONVENTION ON HUMAN RIGHTS art. 14 (Nov. 4, 1950, as amended by Protocol No. 11, Nov. 1, 1998).

These provisions are further elaborated upon in the Higher Education Law, which requires that higher education carried out by licensed providers be accessible to everyone in Kosovo, without direct or indirect discrimination on any actual or presumed ground, such as sex, race, sexual orientation, physical or other impairment, marital status, color, language, religion, political or other opinion, national, ethnic, or social origin, association with a national community, property, birth, or
other status. HIGHER EDUCATION LAW § 3.1. There may also be no age limit on enrolling for or being awarded a higher education qualification. Id. § 3.2. Public providers must ensure that their statutes reflect the principles of equality of opportunity and equal access to study and research, regardless of sex, race, sexual orientation, marital status, color, language, membership in an ethnic or national minority, political and religious belief, and, so far as is reasonably practicable, age, physical or mental impairment. Id. § 13.5(a); see also UNIVERSITY OF PRISHTINA STATUTE art. 6. In addition, statutes of all higher education institutions must contain provisions protecting their students against discrimination on any ground. HIGHER EDUCATION LAW § 29.4. The MEST is responsible for promoting equality of opportunity in admission to higher education. Id. § 4.1(h).

Although some student respondents from the University of Prishtina expressed suspicion that the occasional applicant might be admitted on the basis of favoritism, there is no real evidence of this or of any systematic problems of corruption or discrimination in admissions. All respondents expressed the view that there was no discrimination in the admissions process. It was reported that all minorities were represented in the student body except Serbians, and that was because they do not apply to attend school in Pristina and that they presumably attend the University of Pristina in Mitrovica.

Applicants who are declared members of minority groups are admitted as part of the special admission measures described in Factor 7 below. It is reported that there are always fewer applicants than spaces available in the special admission categories, so all applicants are admitted. Nonetheless, while the admission process seems to be free of discrimination, the number of students identified as being members of minority groups is small compared to the size of the student body. During the 2007-2008 academic year, the undergraduate student body at the University of Prishtina Faculty of Law consisted of 4,604 students. Of these, there were 6 students classified as Roma, Ashkali or Egyptian; 7 classified as Turkish; and 3 as Bosnian. Foreign students from the region include 68 ethnic Albanians from Serbia, 7 from Macedonia, and 31 from Albania.

There also seems to be no systematic discrimination based on gender in the admissions process. In 2007-2008 academic year, there were 2,043 female students and 2,561 male students at the University of Prishtina Faculty of Law, with the ratios of 44.4% and 55.6%, respectively, of the total LL.B. class size. The entering class was composed of 540 female students and 657 male students (respectively, 45.1% and 54.9% of the entering class).

While there was no evidence of discrimination in the admission process, the lack of accessibility for handicapped students and the lack of funds for special accommodations may limit the number of handicapped applicants. At present, there is at least one blind student enrolled in the Faculty of Law at the University of Prishtina. The Faculty supported his admission and waived the entrance examination. He is accommodated by having his wife read to him. Special admission categories have also been created by the Rector of the University of Prishtina through Memoranda of Understanding with the Kosovo Protection Corp. and an organization representing veterans and invalids from the war and their families. Currently, 43 students are enrolled in the Faculty of Law pursuant to these agreements.

All private providers of higher education interviewed by the assessment team responded that they did not discriminate in admissions, but none had a written policy prohibiting discrimination. For example, FAMA University’s student body reportedly include Turkish and Bosnian students, as well as members of the Roma, Ashkali and Egyptian community and “war invalids,” but no Serb students. Similarly, AAB University has Bosnian students and members of the Roma, Ashkali and Egyptian community but, again, no Serb students. There are apparently two “disadvantaged” students enrolled (there was no explanation of the nature of their disadvantages), and a staff person is assigned to take care of them.

The University of Pristina at Mitrovica guarantees students the right to diversity and to be free of discrimination, and the right to submit a complaint to the teaching-scientific council of the higher
educational unit where he/she studies if these rights have been violated. Statute of the University of Pristina at Mitrovica arts. 109, 111. Persons with disabilities have the same rights as other students and are guaranteed respect for and observance of their special needs. Hence, individual faculties are obligated to adapt the teaching process to the possibilities and needs of disabled students. Id. art. 116. At the same time, studies in the University are, as a general rule, to be conducted in the Serbian language, and students are required to pass an exam in the Serbian language in order to enroll in a program of study. Id. art. 94. This provision limits enrollment to students who are fluent in Serbian, while most residents of Kosovo speak Albanian as their native language. The assessment team received no figures as to the enrollment of minority or disabled students at the University of Pristina at Mitrovica; reportedly, however, the student body consists mainly of Kosovo’s ethnic Serbs, and there are no ethnic Albanian students currently enrolled.

Factor 7: Special Admission Measures

Special admission measures to increase representation of disadvantaged members of society or otherwise underrepresented groups are appropriately employed, where applicable, to further a desirable goal of society or an institution providing legal education.

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<th>Conclusion</th>
<th>Correlation: Positive</th>
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<tr>
<td>Special admission measures are used to increase representation of underrepresented and disadvantaged groups, such as ethnic minorities, foreign Albanians, women, and war veterans.</td>
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Analysis/Background:

As explained in Factor 5 above, admission to the University of Prishtina is conducted on a competitive basis, utilizing the applicants’ rankings on the combined scores from secondary school records, maturity exam, and the entrance examination. However, the University of Prishtina Senate has authorized special admission procedures for certain minority groups, including for ethnic Serbs, Roma, Bosnians, Turkish, as well as ethnic Albanians from Montenegro, Serbia, and Albania. Under these procedures, applicants from each of these categories are ranked and counted separately, and all applicants up to a predetermined maximum for each group are admitted. Since there are always more spaces available than applicants, virtually all applicants in the special categories are admitted, more or less automatically, as regular students. Pursuant to these special admission procedures, there are currently enrolled: 6 students classified as Roma, Ashkali or Egyptian, 7 classified as Turkish, 3 Bosnians, as well as 68 ethnic Albanians from Serbia, 7 from Macedonia, and 31 from Albania. There is no apparent effort to actively recruit members of minority groups, which may be understandable in light of the resources available and the other priorities of the Faculty of Law.

The University of Prishtina also declares its support for gender equality, defined as preferring the female candidate in cases where a male and a female applicant have the same credentials (e.g., equal scores on the admission examinations). See University of Prishtina Statute art. 7.

The Rector of the University of Prishtina has also authorized special admission categories for groups such as war veterans. There are currently 43 students admitted pursuant to Memoranda of Understanding that were entered into between the Rector and the Kosovo Protection Corp. and groups representing war veterans and their families.

There seems to be no significant resistance in the University of Prishtina Faculty of Law to the idea of special admissions procedures for members of minority or other underserved groups. Most respondents took pride in the Faculty’s efforts to admit a diverse student body, perhaps to
contrast the current policy with what they see as the policy of discrimination that was in place when the University was under Serbian control. Nonetheless, the number of identified members of minority groups is quite small in comparison to the size of the student body. There may be many reasons for this, such as the fact that only small numbers of representatives of these groups go on to complete secondary school and pursue higher education, or the fact that studies at the University of Prishtina are conducted in the Albanian language. However, it is clear that discrimination in admissions does not seem to be among these reasons.

None of the private higher education institutions visited by the assessment team had written policies on special admission measures, although all claimed to not discriminate and to encourage applications from everyone. As discussed in Factor 6 above, some students from disadvantaged and underrepresented groups are enrolled in private universities. No information was available to the assessment team as to the representation of minority or disabled students in the University of Pristina at Mitrovica or any specific measures to reach out to them.
III. Curriculum and Teaching Methodology

Factor 8: Comprehensive Curricula

Institutions providing legal education have curricula that are comprehensive and incorporate recent developments in national, comparative, and international law in order to provide students with the requisite knowledge and skills to effectively and responsibly practice law.

<table>
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<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
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<tr>
<td>Academic curricula in Kosovo’s law schools must comply with the Bologna Declaration, including the use of the ECTS. The Faculty of Law at the University of Prishtina has a comprehensive curriculum that includes an adequate number of courses in national, comparative, and international law. The vast majority of courses in the curriculum remain largely theoretical in focus, and while practical skills courses are beginning to be added, these are still available to only a small number of students. By contrast, law curricula offered by private universities and the University of Pristina at Mitrovica are seen as less adequate.</td>
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Analysis/Background:

By law, higher education providers in Kosovo have broad autonomy in matters related to organization of academic process, which includes their direct responsibility for independently developing and implementing the curricula and choosing the subjects to be taught by means of rules that are transparent, fair, and readily accessible to students. **Higher Education Law §§ 7.2(d)-(e), 12.5; see also University of Prishtina Statute arts. 11.4-11.5, 12.9.** There is no model law school curriculum promulgated by the MEST; however, as part of Kosovo’s educational integration efforts, the MEST issued a policy on curriculum development which, *inter alia*, requires all higher education providers to comply with the Bologna Declaration, including the use of the ECTS. **See generally MEST Policy Statement on Development of Curricula in Higher Education in Kosovo, in MEST Policies on Integration in the European Higher Education Area (Oct. 1, 2007).** The MEST presumably is required to review the proposed basic curriculum as part of the licensing process. **Higher Education Law § 10.4(e).** At the level of the University of Prishtina, the University Senate has the power to approve curricula for individual academic units. **University of Prishtina Statute arts. 48.1(d), 49.6, 103.2.** Each faculty has also been delegated the responsibility to make proposals to the Senate on academic matters, including content of study programs, curriculum details, ECTS point values, and changes in the curriculum.19 **Id. arts. 67.1, 77.3, 100.2, 103.1.**

The degree programs at the University of Prishtina consist of three cycles: a Bachelor’s program (first cycle), a Master’s program (second cycle), and a Doctorate program (third cycle). Starting in 2001-2002 academic year, the University adopted a 3+2+3 program and began implementing the ECTS, under which one credit represents 25-30 working hours, or an annual student workload of 1,500-1,800 hours. In the 2006-2007 academic year, the University of Prishtina Faculty of Law revised its curricula and adopted a 4+1+3 program. Students now must complete 180-210 ECTS credits to receive an LL.B. degree. **Id. art. 104.10.** LL.M. degree students must have received an LL.B. degree and complete 90-120 ECTS credits over a period of 1.5–2 years. **Id. art. 105.** Doctorate studies have a normal duration of 3-4 years and require successful completion of 180 ECTS credits. **Id. art. 106.** Interviews with academic staff in the Faculty of Law indicate that

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19 Each faculty also has a study commission, which acts as an advisory body to the Faculty Council on issues related to development of new study programs, adaptation and modification of existing study programs, regular review of textbooks, and student evaluation. **Id. arts. 113-114.**
there was a consensus that the 3+2+3 program required too many classes in the LL.B. program and graduates could not find legal employment with only a three-year LL.B. degree.\(^{20}\)

A new curriculum was adopted under the 4+1+3 cycle and approved by the University Senate for the 2007-2008 academic year. The Law Faculty curriculum was revised with support from the TEMPUS program, which focused predominantly on more effective implementation and integration of the Bologna Declaration principles in the curriculum, enhancing the content and assortment of mandatory and elective theoretical courses, especially those that are relevant to the practice of law in the EU, and rationalizing the syllabi for specific subjects, without addressing the need for practical skills courses. Consequently, despite the recent improvements in course selections and content at the Faculty of Law, the vast majority of courses offered remain largely theoretical.

The revised LL.B. curriculum for the Faculty of Law consists of 25 mandatory ECTS credits spread over four courses in each of seven semesters. In addition, there are between two and six elective courses offered each semester. Students are allowed one elective in addition to the mandatory courses each semester, for a total of 30 ECTS credits. The first year of study focuses on fundamental courses dealing with the theory, history, and sociology of law, as well as on more general courses such as economics, statistics, Roman law, and foreign languages. Interestingly, there is a required Legal Methodology and Legal Writing course offered during the second semester, although it has been suggested that the course may be too advanced and should be moved to the third year. See Factor 10 below for additional information about this course. Courses in the second and subsequent years tend to be more typical of those where law is a post-graduate course of study, with increasing offerings of international law courses beginning from the third year.

Mandatory law courses on the University of Prishtina Faculty of Law curriculum include courses in criminal law and procedure, civil law and procedure, constitutional law, political economy, administrative procedure, family law, inheritance law, the law on obligations, labor law, commercial law, financial law, forensic investigation (criminalistics), criminology, penology, public international law, private international law, EU law, and international human rights law. Among the electives offered throughout the four-year study program are courses on law and ethics (which is primarily a legal philosophy course), models of democracies, information technology, Albanian history of state and law, consumer rights, constitutional judiciary, mass communications, organized crime, arbitration, social insurance law, banking law, competition law, securities and exchange law, economic analysis of the law, international organizations, counter-terrorism, international commercial law, and international labor law. There are also several elective practical skills courses, including legal oral and presentation skills, trial advocacy, and legal clinics in civil law, family and inheritance law, criminal law, and fiscal law. Finally, during the eighth semester, students are required to take 30 mandatory credits in one of the following subject specializations: Administrative and Constitutional Law (positive constitutional law, administrative law, philosophy of law, social law), Criminal Law (advanced criminal law and procedure, victimology, international criminal law), Civil Law (real estate law, uncontested civil procedure and enforcement of judgments, contracts, intellectual property law), International Law (private international and conventional law, international relations and international organizations, international humanitarian law, diplomatic and consular law), or Financial Law (international financial institutions, international commercial law, budget and tax law, corporate governance).

Generally, the current curriculum offered by the Faculty of Law is seen as comprehensive and adequate by both professors and law students. A significant number of respondents believed that students in the top half of their class academically seem adequately prepared to practice, which would attest to the general adequacy of the curriculum, although the view was expressed that some courses were kept in the curriculum more for the convenience of professors than because

\(^{20}\) It should be noted that law graduates must have an LL.M. degree with at least five years of study in order to sit for the Bar examination.
they were essential for students. The one major complaint that has been expressed is the limited availability of practice-oriented courses, all of which currently have enrollment limits. A common refrain among those who expressed views about professional skills courses was that they were extremely important and should be available to all students. See Factor 10 below for additional details. Further, although academic staff and students did not express a strong desire for a required course in professional ethics, the assessment team felt that the lack of any course in the curriculum devoted to professional ethics is perhaps the biggest gap in the current curriculum. Another potential criticism of the requirement of specializing in the eighth semester is that important courses such as contracts, intellectual property law, and corporate governance are not available to all students.

Considering that most graduates who practice law do so in solo practices dealing primarily with domestic law issues, the curriculum seems to offer a reasonable number of courses in comparative and international law and appropriate breadth in domestic law subjects. While some respondents argued that the curriculum should be updated with more courses incorporating recent developments in comparative and international law, it is difficult to point out many required courses that could be dropped from the curriculum and still provide a sufficiently broad basic legal education. Other than some of the more general first-year subjects, and perhaps political economy in the third semester, mandatory courses cover fundamental areas of the law that every law practitioner and academic needs to be familiar with. Therefore, curriculum reform should probably consist more of updating materials and teaching methods in these courses rather than dropping them from the curriculum in favor of other subjects.

Similarly to the University of Prishtina, the University of Pristina at Mitrovica uses ECTS to set out the course of study. Credits are assigned to a course based on 60 ECTS points (30 per semester) as corresponding to the average total time commitment of 40 hours per week for one school year. The activities of students included in the time commitment include engagement in active learning (lectures, exercises, workshops, seminars, practical training, mentoring, consultations, presentations, projects, etc.), independent work, oral and written exams, and other forms of involvement. STATUTE OF THE UNIVERSITY OF PRISTINA AT MITROVICA arts. 87-88.

The curriculum at the University of Pristina at Mitrovica follows the same general format as that of the University at Pristina, with the first year devoted to general subjects such as introduction to law, sociology, history of state and law (general and Serbian), Roman law, economics, and foreign language. Starting in the second year, basic legal subjects are introduced. Mandatory courses include those in criminal law and procedure, criminology, penology, constitutional law, introduction to civil law, family law, inheritance law, obligations law, civil procedure, administrative law, finance law, labor law, trade law, international public law, international private law, and international trade law. During the third year, students can also select one course per semester from electives organized into the following subject groups: Criminal Law (international criminal law, criminology), Civil and Commercial Law (copyright law, EU law, industrial property law, arbitration), Legal Theory (major legal systems and codifications, legal methodology), Public Law (local self-governance law, comparative political systems), and Commercial Law (tax law, contemporary economic systems, management and entrepreneurship, international financial law). As with the curriculum at the University of Prishtina, mandatory courses cover, for the most part, essential areas of the law and it is difficult to see many of them being eliminated from the curriculum. There would seem to be much room for curriculum reform in the elective courses, especially in the area of skills courses, of which there were none in the curriculum provided to the assessment team. Another glaring omission in the curriculum is lack of either a mandatory or an elective course dealing with legal or professional ethics.

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21 It must be remembered, however, that entering students have just graduated from secondary school, which may explain why some of the first-year courses seem too basic or general when compared with first-year courses in American law schools, for example.
The private universities tend to use many of the same academic staff as the University of Prishtina, which means that course content is similar, although, judging from the assessment team’s analysis of their curricula, private law schools tend to offer three-year (180 ECTS) rather than four-year (240 ECTS) LL.B. programs. Because of this, foundational law courses tend to be offered earlier than in the four-year programs. There are also significantly fewer offerings of courses pertinent to international and comparative legal issues or practical legal skills. This almost complete lack of any practical skills courses or courses in professional ethics are major deficiencies.

For example, the curriculum at FAMA University consists of five courses per semester of 6 ECTS credits each, for a full-time load of 30 ECTS credits. There are four required courses and one elective in the first semester each year, and three required courses and two electives in the second semester. Beyond the first year, where courses in basics of law, history of law and state, statistics, and English are mandatory, the required curriculum is limited to fundamental domestic law courses. Mandatory courses cover fundamental subjects such as constitutional law, administrative law and procedure, criminal law and procedure, civil law and procedure, and law on obligations. All courses dealing primarily with international or comparative law, except public international law which is a required course in the fourth semester, are offered as electives, which means that a student could graduate without taking any of them. Some interesting courses not typically seen in a law curriculum are offered as electives, including: theory and methods of decision-making, management and leadership, history and identity, and formal logic. Only one course in the curriculum, Academic Writing, which is offered as an elective in the first semester, might be considered a skills course. There also appears to be no courses at all dealing with professional legal ethics.

AAB University has a curriculum similar to that of FAMA University, except that its mandatory courses vary between 4 and 6.5 ECTS credits. There are four to six mandatory courses each semester (up to 26 ECTS), and students can take one elective (worth 4-5 ECTS credits) from a list of two to three courses available each semester.

It is difficult to have a comprehensive curriculum with depth in international and comparative subjects in a three-year, 180 ECTS program as opposed to the four-year, 240 ECTS curriculum offered at the University of Prishtina. Although all the private higher education providers cover the fundamental domestic law subjects and most have some interesting elective courses, their curricula were considered to be too basic by those respondents who addressed the issue.

Factor 9: Instruction in Ethics and Core Professional Values

Law students receive adequate instruction in the core values and ethics of the profession, including relevant codes of conduct.

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<th>Conclusion</th>
<th>Correlation: Negative</th>
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<tr>
<td>There is currently insufficient coverage of professional legal ethics in both public and private law faculties in Kosovo. However, a course in Legal Ethics and Professional Responsibility is being developed and will be offered for the first time at the University of Prishtina in the fall of 2008.</td>
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Analysis/Background:

There is no requirement in the Higher Education Law or the University of Prishtina Statute for instruction in professional legal ethics. The current curriculum at the Faculty of Law includes an elective course in Law and Ethics in the first semester of the LL.B. program; however, this course is primarily concerned with basic legal philosophy and is too general to meet the needs of the law
students. Although there are separate professional ethics codes that have been adopted for Kosovo’s lawyers, judges, and prosecutors, to date, there has been no systematic effort to teach or analyze these codes, or to teach legal ethics in a dedicated course, within the Faculty of Law. Academic staff indicate in interviews that they teach ethical issues as part of all their courses, and a small number of students are introduced to professional ethical concepts through their participation in the ABA ROLI-supported legal clinics, legal methodology, and trial advocacy courses. None of these efforts seem to be done in any organized way, and no separate courses are devoted to the subject. Neither faculty nor students expressed a strong desire or a need for a required course in professional ethics, but the lack of any course in the curriculum devoted to professional ethics seemed to the assessment team to be a glaring omission. Likewise, an examination of the curricula for the Faculty of Law at the University of Pristina in Mitrovica and representative private universities revealed no courses dedicated to professional ethics, and it is not known whether ethical issues are incorporated into other courses or whether there are any efforts to introduce legal ethics courses into the curricula of these schools.

With the assistance of the ABA ROLI, a course in Legal Ethics and Professional Responsibility, designed for third or fourth year students, is currently being developed. The course will be offered for the first time as part of the curriculum of the University of Prishtina Faculty of Law starting in the fall of 2008, although it has not yet been determined whether this course will be offered as a mandatory or an elective class. During the summer of 2008, ABA ROLI plans to bring a legal education specialist to help develop this course in cooperation with the Law Faculty professors who will teach this course in the future. ABA ROLI also produced a Legal Ethics Handbook, which contains an introduction to ethics, a survey of ethical codes applicable to the legal professions, hypothetical legal ethics dilemmas, and a case for a mock trial involving legal ethics and ethical dilemmas. The Handbook will be used as the primary reading material for the upcoming ethics course, as well as by professors, students, and experts engaged in the legal clinics courses. In addition, a Student Honor Code is currently being developed, which enjoys support from Law Faculty professors and students.

The lack of courses in professional ethics is not seen by most respondents as a major deficiency. This is in spite of talk among academic staff of rampant cheating by students. When staff or students discuss legal ethics issues, the perception is often that it is seen as being akin to teaching morals, and so there is often little sympathy for a place in the curriculum for that. There is no clear understanding of legal ethics being a code course that teaches the rules and problems relating to professional responsibility, much as the rules and problems relating to international business are taught in a course on international business transactions.

**Factor 10: Professional Skills Instruction**

*Law students receive adequate instruction in professional skills, including critical thinking, legal research, analysis, and writing, advocacy skills, and client relations.*

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<th>Conclusion</th>
<th>Correlation: Neutral</th>
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<tr>
<td>Professional skills training in legal education is in its infancy in Kosovo. There appear to be no courses specifically devoted to professional skills outside the University of Prishtina Faculty of Law, which has a mandatory first-year Legal Methodology course, as well as elective clinical and other professional skills courses for upper-level students. Currently, these courses are offered with significant financial and organizational support from international donors, most notably ABA ROLI, and the Faculty of Law needs to assume more responsibility for these courses, to ensure local ownership and long-term sustainability. Moot court competitions and other extra-curricular skills building activities are also available to students.</td>
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</table>
Analysis/Background:

Traditionally, legal education in Kosovo has concentrated on theory. There appear to be no requirements in the Higher Education Law or other statutes for professional skills training in legal education. Law school courses are taught primarily in lecture style, with little or no student participation, and focus on theoretical background rather than the practical skills needed for legal professionals. This system does not fully give students the skills they need to practice law effectively, and lack of relevant preparation in the Law Faculty is reflected in the fact that most presently sitting judges lack legal analysis, reasoning, and writing skills. As academic and professional leaders recognized the value of incorporating practical education and experience into the curriculum, this has quickly begun to change. In 2005-2006 academic year, the University of Prishtina Faculty of Law and ABA ROLI, with support from the US Agency for International Development [hereinafter USAID], began offering a simulation/externship legal clinic as an elective course, and in 2006-2007 academic year, following the success of the clinical program, a legal methodology course was piloted. Other practical skills offerings include electives in legal oral and presentation skills and in trial advocacy. Finally, ABA ROLI is starting to work with the Faculty of Law to help develop and introduce a seminar series for first-year law students focusing on legal research and writing. A draft Legal Research and Legal Writing Handbook is currently being prepared, which will form the basis of these seminars. At the time of this assessment, it was anticipated that the course will be piloted during the 2009-2010 academic year.

The University of Prishtina Law Faculty curriculum currently provides opportunities for students to participate in several elective clinics: civil law clinic in the third semester, family and inheritance law clinic in the fourth semester, and criminal law and fiscal law clinics in the sixth semester. The ABA ROLI-supported simulation legal clinic is divided into two sections, criminal and civil, for up to 30 students in each section, and is provided through an arrangement with selected judges, advocates, and prosecutors. At the time of this LERI assessment, a total of 300 students had participated in the clinic. Each clinic section consists of two hours per week of classroom instruction, simulation, and role play exercises, followed by a six hours per week externship of practical exercises, mentoring, and observation, where students rotate between courts, prosecutors’ and advocates’ offices. Students are trained by experts on client interviewing, problem solving, legal analysis and research, client counseling and communication, legal theory and strategy. Topics are arranged in a way to expose students to all stages of criminal and civil proceedings, starting with pre-trial proceedings and ending with appellate review. Practical components typically include review and analysis of actual case files, drafting various procedural motions and court decisions (in both mock and actual cases), observations of actual proceedings, and mock arguments. Clinics end their semesters with simulated mock trial exercises, which generate significant media attention and are frequently featured on the national television. In 2007, the clinic has been formally incorporated into the Law Faculty’s curriculum as a credited elective class open to second and third year students, and it is expected to be available for 5 ECTS credits starting in 2008-2009 academic year. In the meantime, the Faculty of Law and ABA ROLI are working on standardizing the eligibility, hours, credits, and operating procedures among the clinics and on ultimately transferring responsibility for financing and running the clinics to the University, to ensure their sustainability in the long-run.

ABA ROLI is also supporting the University of Prishtina in conducting a Legal Methodology course, which emphasizes critical thinking in theory and practice, with training in case analysis and argument, and concludes with the demonstration of learned skills through motion preparation and oral argument. The pilot course was initially designed as a non-credited elective geared towards third or fourth year students and spread over two semesters, with critical thinking and analysis along with legal writing and oral argument training in the first semester, and practical representation, advocacy skills, and professional ethics in the second semester. When the University of Prishtina adopted a revised Law Faculty curriculum in 2007, the course was condensed to a single semester and placed into the curriculum as a mandatory, 7-credit class during the spring semester of the first year. Based on her experience in teaching this course, the
current professor has expressed the view that it is too advanced for the first year and that
students struggle to understand the course materials which require a higher level of legal
knowledge and understanding. As a result, it was suggested that the course should be moved to
a later semester, as it was originally intended, and the Dean has submitted a formal request to
the Rector to move the course to the third year.\footnote{22}

The course provides instruction in practice techniques such as research, writing, drafting, and
legal argument. It consists of three parts: 11 weeks of one-hour lectures and two-hour seminars,
which include preparation and presentation of written and oral assignments; the preparation of a
legal motion; and an oral argument of the motion in a moot court exercise. Unlike most traditional
courses, attendance and punctuality are mandatory, and students are expected to prepare
assignments for presentation in the weekly seminar. Students are organized into 3-4 person “law
firms,” which work together on assignments and assume different roles such as prosecutors,
defense attorneys, and attorneys representing different parties (including the government). The
course materials include factual situations on which the exercises are based. The assignments
are based on Kosovo’s own laws, including those on legal aid, family law, inheritance, business
organizations, professional ethics, and the Criminal Code. Grading is based on a combination of
class participation (40%), the quality of the written motion (30%), and the oral presentation in a
mock trial (30%).

In the fall semester of 2007, ABA ROLI, with support from US Department of Justice [hereinafter
OPDAT], also piloted an elective Trial Advocacy course. The course consists of two components:
a semester-long trial advocacy component, which covers the fundamentals of handling cases,
from intake and review, preparation for trial and presentation to the court, and adherence to
professional ethics; and a live-client clinic open to those who have successfully completed the
first component and scored the highest on an anonymous written test. The trial advocacy
component emphasizes basic oral and written advocacy skills, such as legal research, analysis
and writing, interviewing skills, negotiating skills, case investigation, and trial strategy. It consists
of small-group seminars, interactive workshops, and mock trials, all of which allow students to
hone their advocacy skills with a high degree of personalized instruction and mentoring. The goal
of the course is to teach the students to: prepare a case theory and develop the theory for case
presentation; write a basic legal motion persuasively and orally present the significant portions
before a moot court; and conduct a full trial, including preparing and questioning witnesses,
presenting evidence, and making opening and closing statements. Grading is based on a
combination of class participation (40% of the final grade) and oral presentation in mock trial
(60%). Students who participated in the pilot session received no academic credit, but rather a
certificate of completion from the Faculty of Law and ABA ROLI; however, the course has been
formally incorporated into the Law Faculty curriculum as an elective fifth-semester course, and is
expected to be available for 5 ECTS credits starting in 2008-2009 academic year.

Of the 30 students who completed in the pilot semester of the Trial Advocacy course, 11 students
were selected to participate in a live-client clinic, which is currently being piloted. The clinic will
allow students to work on real cases for disadvantaged clients under the supervision of one of the
three private practitioners with experience in criminal and civil cases. In May 2008, ABA ROLI,
DOJ/OPDAT, the Faculty of Law, and Kosovo Legal Aid Commission signed a memorandum of
understanding for cooperation in helping to further the goals of the live-client clinic, and since
then, the Commission has referred three cases to the clinic. To make the clinical experience
even more meaningful for students, several respondents expressed the view that the Faculty of
Law should push for a change in the Draft Law on the Bar, and for the Kosovo Chamber of

\footnote{22 There also appears to be some debate within the Faculty of Law and with the Rector on
whether the Legal Methodology course should be mandatory or an elective. The original syllabus
of the course anticipated a class of about 30 students, with weekly assignments and exercises,
and a final written motion and oral argument. While not impossible, it is difficult to teach a course
with so many activities that need to be evaluated to a large class.}
Advocates to adopt a “student practice” rule that would permit clinic students to represent clients in court under the direction of a supervising attorney. This is currently being done.

There are also numerous opportunities for students in the Faculty of Law at the University of Prishtina to engage in moot court competitions and other extra-curricular activities, although the lack of financial resources has limited students’ ability to travel abroad to participate in international competitions.23 For example, in the past, the team representing the University of Prishtina in the Phillip Jessup International Law Moot Court Competition was chosen on the basis of an intramural competition judged by academic staff specializing in international law. In 2007-2008 academic year, a national competition for Kosovo was organized and held at the University of Prishtina to select teams to participate in the international round of competition. Although the memorials prepared by the team were entered into the competition, the lack of funds prevented the team for traveling to Washington for the finals. Each year the University of Prishtina Faculty of Law fields a team in the Willem C. Vis International Commercial Arbitration Moot, which deals with a moot commercial dispute arising out of a sales contract between parties in two countries that are members of the UN Convention on Contracts for the International Sale of Goods. The Balkan Case Challenge is a regional moot court competition, where students from 10 countries in the Balkan region and Austria compete in four different disciplines, including a Law Moot Court, a Model European Council competition, an Information and Communication Technology competition, and a competition concentrating on business issues.

There is strong support for professional skills training as part of the curriculum of the Faculty of Law among academic and administrative staff and students at the University of Prishtina. These courses are increasingly popular with students and regularly oversubscribed, even though they carry no academic credit yet. The assessment team heard no objections or concerns about reforming the curriculum to include such training. In fact, virtually everyone interviewed had high praise for the clinical courses and for ABA ROLI’s help and guidance in their creation. Students find that participation in clinics makes it very easy for them to understand the theoretical aspects of criminal and civil procedure. Similarly, professors reported that students who attend clinics were better prepared and received very high grades in criminal and civil procedure exams. Thus, the consensus is that these courses are a valuable addition to the curriculum but available to too few students. Most respondents felt that eventually this training should be made available to all students in the Faculty of Law and that theoretical components of the curriculum should be coordinated with the clinical assignments. At present, however, the attempt to offer skills courses to more students can, unfortunately, take away the very things that make them effective, the opportunity for students to practice the skills being taught through exercises under supervision and with feedback. It is simply not possible to teach professional skills as they are taught elsewhere to classes the size of the mandatory courses at the University of Prishtina. Done properly, such courses would require a dramatically lower student to teacher ratio than a traditional lecture class.

In addition, experts and professors teaching practical skills courses suggested that there should be more training opportunities to help them develop better teaching skills. Because legal education has not traditionally included training in professional skills, few academic staff had the benefit of such training themselves and professors typically have no traditional practical legal experience. This means faculty sometimes find it challenging to teach a course emphasizing practical skills. Although professors indicate that the quality of these courses is improving each semester and that they are becoming more efficient in teaching them, most still feel that their preparation to teach practical skills courses is inadequate.

An examination of the curricula for the University of Pristina at Mitrovica and private legal education providers revealed no courses dedicated to professional skills, although traditional substantive courses may include some components devoted to skills training. Some of the

23 Unfortunately, these activities are rarely supported by the Rectorate or the Dean’s Office; for the most part, students’ participation in such events has been funded by independent NGOs.
private institutions report that students have an opportunity to visit courtrooms and law offices as part of some of their courses, and others, such as University AAB, reported that their students are offered opportunities to participate in moot court competitions. However, this is not reflected in the curricula. This is a major deficiency that needs to be corrected if students are to be prepared for practice.

Factor 11: Teaching Methodologies

Faculty employ varied teaching methodologies that are appropriately geared at developing professional skills, ethics, and respect for the rule of law.

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<td>Most law teaching in Kosovo is done through lectures; however, several practice-oriented courses using a variety of teaching techniques have been added to the curriculum of the University of Prishtina Faculty of Law in recent years. These courses have been enthusiastically accepted by students, staff and administrators, and will be expanded in the future.</td>
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Analysis/Background:

In evaluating applications for licensing of higher education providers, the MEST is required to take into account a variety of teaching and learning methods used in the institutions. Higher Education Law § 10.4; see also MEST Guidelines on Evaluation of Higher Education Institutions in Kosovo at 16, in MEST Policies on Integration in the European Higher Education Area (Oct. 1, 2007). Within the scope of their broad academic autonomy, providers of higher education are free to determine their own teaching and learning methodologies. Higher Education Law § 7.2(c); see also University of Prishtina Statute arts. 11.3, 12.11. The Faculty Council may provide recommendations concerning changes in teaching methods to the University Senate. University of Prishtina Statute art. 77.3.

In practice, the University officials encourage the use of different teaching methods, and some law professors are trying to incorporate them into their courses. However, interviews with academic staff at the University of Prishtina reveal that the single most significant obstacle to using innovative teaching techniques in the LL.B. program is the size of the classes. There are currently 4,604 LL.B. students and 557 LL.M. students, and only 52 academic staff (with an additional 9-15 Assistants to be hired in 2008), at the University of Prishtina Faculty of Law. Even after being divided into two sections, each professor teaching mandatory LL.B. courses has some 600 students in a class. While some teaching techniques, such as use of the Socratic Method, can theoretically be used even in such large classes, most of the teaching emphasizes the theory and is delivered in a large lecture format, without interaction. Students interviewed by the assessment team described the teaching methods as “mechanical” and were critical of the quality of teaching. A recent graduate reported that he had never read a law or a case during law faculty training.

Some of the new practical skills courses introduced at the University of Prishtina Faculty of Law over the recent year have been successful in utilizing a variety of interactive teaching techniques and methods. The syllabi for simulation clinical courses, the legal methodology course, and the trial advocacy course all reveal the use of a variety of techniques designed to effectively teach practice-related material and develop professional skills. A combination of classroom teaching, drafting exercises, observation, and simulated practice are utilized.

For example, the elective clinical courses utilize the combination of various teaching techniques to teach applied procedure and professional skills, including in-class lectures, discussion, and
assignments and practical experiences with legal professionals, including advocates, judges, and prosecutors. The use of both full-time academic staff and legal practitioners yields a variety of perspectives on teaching styles and techniques. Course and practical work involves exercises in legal research and analysis; identifying factual and legal issues; problem solving; interviewing and counseling clients; and formulating relevant legal theories. The clinic courses also serve the purpose of providing an example to students, academic staff, administrators and practicing professionals of the importance of preparing students for practice and the high standards that should be applied to the practice of law. Similarly, the legal methodology course provides law students with basic tools needed as a foundation for modern legal studies and legal reforms taking place. The course emphasizes critical thinking in theory and practice, followed by training and development of critical thinking through case analysis and argument, and concludes with the demonstration of learned skills through motion preparation and oral argument.

As discussed in Factor 16 below, as part of a pre-EU accession agreement scheduled to go into effect in 2009, all academic staff at the University of Prishtina Faculty of Law will be required to go through a re-certification process that will include six months of training in their subject areas and the use of up-to-date teaching methodologies. Academic staff also have some opportunities to improve their teaching methods by participating in a variety of trainings offered on an ad hoc basis by the international donors. For example, during the 2006-2007 academic year, ABA ROLI held a series of interactive teaching workshops that were attended by over 100 Law Faculty professors and law clinic experts. These trainings were open to all interested professors and assistant professors at the Faculty of Law, and focused on study and observation of pedagogical techniques, interactive practice sessions, and assistance in the preparation of actual classes during the semesters. Through the use of principles of adult learning, professors were introduced to interactive teaching methodologies that can be used effectively in the classroom or in a clinical setting. In addition, several pedagogical manuals were published based on the presentations and supporting materials used during these workshops and were made available to professors and clinicians.

There appears to be substantially less use of innovative teaching techniques at the University of Pristina at Mitrovica and the private law faculties, even in regards to teaching ethics or professional skills. The recent BAC Report on the re-licensing of private providers of higher education chided all of them for inadequate quality assurance standards. There appears to be very little pressure on academic staff in the private institutions to use anything other than traditional lecture techniques in their teaching, and insufficient quality assessment is being done to provide assurance as to the teaching techniques being used or the quality of teaching being provided.
IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications

Factor 12: Student Evaluation and/or Examination

*Student performance and achievement of stated learning outcomes are assessed by fair, uniform, and stringent written examinations or other objective and reliable assessment techniques.*

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<td>The large size of LL.B. classes means most courses rely on a single final examination composed primarily of multiple-choice and short-answer questions. A variety of assessment techniques are used in LL.M. classes and practical skills courses where enrollment is limited. There is no credible evidence of significant corruption in the examination process at the University of Prishtina.</td>
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Analysis/Background:

Providers of higher education have the right to freely develop their own assessment and examination schemes by rules that are transparent, fair, and readily accessible to students. **Higher Education Law** §§ 7.2(c), 12.5; see also **University of Prishtina Statute** art. 11.3. Students should be required to complete all necessary course requirements before received credit for a course. **MEST Policy on Common Criteria for Implementation of ECTS in Higher Education in Kosovo** at 12, in **MEST Policies on Integration in the European Higher Education Area** (Oct. 1, 2007).

Within the University of Prishtina, the University Senate is responsible for approving policies and procedures for assessment and examination of the academic performance of students. **University of Prishtina Statute** arts. 48.1(c), 49.13. The Statute permits a variety of methods for determination of academic success, including exams, colloquia, seminar work, practical tests during exercises, and presentation of work. *Id.* art. 121. Of these methods, examinations are deemed as the preferred one, and should serve as the regular way of determining the students’ knowledge. *Id.* art. 123.1. Examinations may be organized either separately for each subject or combined for several subjects. *Id.* art. 123.2. Exams are to be conducted publicly and may be held in written, oral, or practical format, or in a combination of a written and oral formats (in the latter case, the entire examination must be completed within a maximum of seven days). *Id.* arts. 123.3-123.4. They are conducted according to a schedule published at the beginning of the academic year, and must fall within one of the three examination terms: winter (January), spring (June), or autumn (September). No student may be required to take more than one exam per day. *Id.* art. 124. Students are required to register to sit for an examination during the published period, with the registration period being open from 6 weeks to 8 days before the schedule exam dates. *Id.* art. 126.1. If a student misses the exam or withdraws from it, he/she is considered to have failed it, unless he/she was prevented from attending due to a force majeure. *Id.* arts. 126.3-126.4. With the Dean’s permission, a student may also be allowed to sit for an early exam, if he/she is participating in an international study exchange program or performing a practical study abroad. *Id.* art. 126.5.

As a general rule, examinations are graded by a single examiner or, if requested by the student or prescribed by the study program, by an examination commission. *Id.* arts. 123.5-123.6. Numerical marks are given on all examinations and are as follows: 10 and 9 (excellent), 8 (very good), 7 (good), 6 (satisfactory), and 5 (unsatisfactory). Marks of 6 and above are considered passing. *Id.* art. 122. Students have the right to appeal their grades by filing a written claim with
the Dean within two business days after publication of the exam results. *Id.* art. 127.1. The Dean then appoints an examination commission composed of three faculty members (excluding the original examiner) to hear a repeat of an oral exam or to reassess a written exam. *Id.* arts. 127.3-127.5. There is no appeal from the findings of this commission. *Id.* art. 127.6. Students also have the right to retake a failed examination up to three times. *Id.* arts. 128.1-128.2. In exceptional circumstances, the Dean may permit a fourth retaking of an exam, which would then be conducted before a commission of three faculty members. *Id.* art. 128.3. A student who failed the maximum allowed number of exam attempts may reenroll for the same study year; however, if he/she again fails the examination the maximum number of times during the year of reenrollment, he/she would lose the status of a regular student for this type of study. *Id.* arts. 128.4-128.5. Students have up to 12 months after conclusion of their last regular semester of undergraduate study to conclude their exams. *Id.* art. 129.1.

Within this structure, each professor creates the exam questions and decides how best to evaluate his/her students. For many courses, the grade reportedly takes into account lecture attendance and active class participation (10%), performance in two mid-term exams (30% each), and results in the final exam (also 30%). Oral, written, and multiple-choice exam formats are all used to some extent, although, given the class size in a typical LL.B. course, multiple-choice and short essay exams are used most commonly. Some professors use mid-term examinations, and some of them may give students the option of basing their final grade on the mid-term one or taking the final exam to improve their grade. Professors also often allow students an informal interview to raise their grade, but reportedly not from a failing grade to a passing one. Although some may see this practice as a legitimate way to allow students to demonstrate that they know the material better than their grade would reflect, the assessment team was somewhat concerned about the potential for irregularities in such a subjective process.

In practice, the large class sizes (with some 600 students in mandatory LL.B. courses) and limited number of academic staff make any sort of testing beyond a single final exam using multiple-choice or very short essay questions virtually impossible. Given the difficulty of comprehensive testing in such large classes, current examinations are not generally seen as a good measure of what the students should have learned. By contrast, in the LL.M. program, where class size is limited, many (but not all) professors use more of a variety of evaluation methods in addition to a written final examination, including mid-terms, research papers, classroom participation, and oral examinations.

Academic staff at the University of Prishtina Faculty of Law have also expressed serious concerns about the rampant cheating by students. The normal reaction, from staff and students, to hearing that many American law schools operate on the honor system and do not proctor examinations, is disbelief. Uniformly, it is said that it would never work in Kosovo because students would always cheat if not monitored. In fact, some senior professors lament their inability to rely more frequently on oral examinations, which have long been part of the academic tradition in Kosovo. They believe that written examinations are more susceptible to cheating and that students do not prepare for them as diligently as they would for oral exams. Interestingly, none had expressed any concerns about the subjectivity inherent in the oral exams.

Some student respondents complained about the grading process. While the assessment team did not receive credible reports of improprieties or favoritism in exam grading, some students voiced suspicions of occasional favoritism or negligence. For example, a number of students mentioned instances of bribe solicitations by professors or preferential treatment afforded to some of the students (e.g., children of other professors). Nonetheless, no one expressed concerns about pervasive corruption or misconduct, and all professors interviewed by the assessment team vigorously rejected all such allegations.

After the exam, the professor posts a list of students who took the exam and the grade each received. Although students are assigned numbers and some professors use them to maintain anonymity in grading, most professors prepare the lists by names only, which means there is no
confidentiality and all students know the grades received by other students. No concern was expressed by either students or academic staff over the lack of confidentiality.

Students in the University of Pristina at Mitrovica can receive a maximum of 100 points for both "pre-exam duties" and the final examination in any course. "Pre-exam duties" include activities and tests other than the final examination, and account for at least 30 and up to 70 of the 100 total points. Exams are graded on the following scale: 10 (excellent-extraordinary), 9 (excellent), 8 (very good), 7 (good), 6 (sufficient), and 5 (failed). See STATUTE OF THE UNIVERSITY OF PRISTINA AT MITROVICA art. 110. Examinations must be scheduled during one of the exam terms, which occur in January, April, June, September, and October. The exam calendar must be announced at the beginning of every academic year. Students who have met all the prescribed pre-exam duties are entitled to sit for the exam. Exams may cover both theoretical and practical subjects and can be administered in an oral, written, or a combination of the two formats. Exams are considered public and, if a student takes an oral exam, he/she can request it be opened to the public. Id. art. 111. Students are allowed to retake an exam up to three times in a single academic year. A student who has not passed the exam in a mandatory subject before the start of the next academic year must reenroll in that course. A student who fails the exam in an elective course can either reenroll in the course or take another elective. Id. art. 112. Students have the right to appeal their grade within 36 hours of the exam, with more specific rules regarding such reviews to be passed by the University Senate. Id. art. 113.

Exams in private legal education institutions reportedly tend to be much easier than those in the University of Prishtina; however, because many classes in those universities are taught by the same professors from the University of Prishtina, the format and approaches used towards student evaluations are largely identical. The recent BAC Report criticized some of the private higher education institutions for counting attendance as a percentage of the grade, arguing that attendance should be a prerequisite for taking the exam and that the practice diminished the value of demonstrated knowledge and skills. The practice of allowing repeated retaking of exams, often without the failed tests appearing on the record, was also criticized as being designed to keep students in the system. It also conveys a false impression of the academic accomplishments of students. Many private universities reportedly do not grade students at all if they score less than the minimum passing mark, making it difficult for staff or students to measure progress from or within this category. See generally BAC REPORT at 11.

24 The BAC Report also criticized all private providers for lack of outside moderation of exams and examination procedures, a practice the BAC claims can result in lack of comparability between subjects and possibly improper relationships between students and staff. Although it is the practice in British universities to have such outside review, few other countries rely on this practice. Exams and grading are usually seen as being within the sole purview of the professor responsible for the course, with administrative review in cases of alleged negligence or misconduct.
Factor 13: Awarding of Degrees

Qualifications and degrees awarded reflect that students have successfully completed all requirements and met all standards for the awarding institution.

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<td>By law, the University of Prishtina is authorized to grant Bachelor’s, Master’s, and Doctorate degrees, and in practice, the awarding of a degree by the University of Prishtina reflects that the graduate has met the standards for the degree. There are, however, 10 private universities purporting to offer legal education, none of which are accredited and therefore lack the legal authority to grant academic degrees.</td>
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Analysis/Background:

By law, only accredited providers of higher education have the power to award degrees and diplomas. Higher Education Law § 12.1. Furthermore, only those degrees and diplomas awarded by accredited providers will be recognized by UNMIK and Kosovo’s Provisional Institutions of Self-Government for the purposes of employment, holding of any public office, or carrying out the international recognition function. Id. § 12.6. The MEST is charged with authorizing the format and content of Diploma and Diploma Supplement to be issued by an accredited university. Id. § 4.1(d). An institution is required to provide each person awarded a degree or diploma with a sealed Diploma and Diploma Supplement in a format approved by the MEST. Id. § 12.7. Each accredited provider is required to specify in its statute degrees and diplomas to be awarded by that provider and the rules governing the awarding of degrees. Id. § 12.2.

Higher education institutions are authorized to grant the degrees of Bachelor (following the equivalent of at least three years of full-time study after graduating from secondary school), and Master or Doctor (following the obtaining of the Bachelor’s degree). Id. § 2.2(a); see also University of Prishtina Statute art. 64. Undergraduate degree students must successfully complete 180-210 ECTS credits over a period of 3-3.5 years, which culminates in the awarding of a Bachelor of Science or a Bachelor of Arts degree.25 University of Prishtina Statute art. 104. Postgraduate Master’s degree students must have received a Bachelor’s degree and complete 90-120 ECTS credits, resulting in the awarding of a Master of Science or a Master of Arts degree. Id. art. 105. One must have received a Master’s degree and a total of 300 ECTS credits to enroll in a Doctorate studies program.26 Doctorate studies have a normal duration of 3-4 years and require successful completion of at least 180 ECTS credits, passing of Doctorate study exams, and the successful defense of a doctoral dissertation. Id. art. 106.

In addition to the successful completion of a prescribed number of credits, all undergraduate study programs at the University of Prishtina require defense of a Bachelor’s thesis or passage of a commission examination. Id. art. 130.1. Master’s students must complete and defend a Master’s thesis (see id. art. 131.1), and a dissertation must be approved and successfully defended for the award of a Doctorate degree (see id. arts. 132-137). A thesis can be prepared either individually by a student or, if permitted by the Faculty Council, jointly by two or three students, if the contribution of each candidate can be clearly indicated. Id. arts. 130.3-130.4, 131.3-131.4. A Bachelor’s thesis should be capable of demonstrating that the theoretical skills achieved during the course of study can be used successfully for solving a practical problem in

25 Despite this designation of degrees in the Statute, according to the University's Rectorate officials, the Faculty of Law awards degrees designated as “Bachelor of Law” or “Master of Law.”
26 There are currently no doctoral candidates at the University of Prishtina Faculty of Law or at any private university in Kosovo.
the relevant academic field. *Id.* art. 130.2. A Master’s thesis requires more advanced research skills and should prove that the theoretical skills achieved during the course of study can be applied successfully in solving a complex research problem in the relevant academic field. *Id.* art. 131.2. More detailed rules for the elaboration, defense, and grading of the Bachelor’s and Master’s theses are to be determined by the Faculty Council. *Id.* arts. 130.5, 131.5. A successful completion of all degree requirements specified in the study program is certified by the University through a diploma. The format and content of the diploma and the diploma supplement, as well as the issuing procedure are to be prescribed by special regulations issued by the MEST. *Id.* art. 143. A diploma may be revoked by the University Senate only for good cause, such as fraud or deception during assessment or examination, plagiarism and breach of copyright in the preparation of a thesis or other written work, and other unethical practice. *Id.* art. 142; see also *Higher Education Law* § 12.8 (which also provides for the right to appeal such actions before a court).

While some respondents expressed the view that many graduates of the LL.B. program at the Faculty of Law were not sufficiently qualified, no one suggested that anyone is awarded a degree without successfully completing all the requirements and meeting all the objective standards for the degree. A more significant concern, however, that was expressed by many law professors interviewed by the assessment team was that many students that are admitted simply do not have the potential needed to become qualified as legal professionals. It has been reported that only about 20% of those admitted graduate with their class; others may languish in the program for years and never earn a degree. Indeed, during 2007-2008 academic year, out of 4,604 LL.B. students enrolled in the University of Prishtina Faculty of Law, there were 1,983 (or 43%) who registered for the second time in the same year of study as previously.

As stated earlier in this report (see Factors 1-4 above), University of Prishtina is currently the only accredited university operating in the country; it has been presumptively licensed and accredited pursuant to the law. *Higher Education Law* §§ 10.6, 11.4. The assessment team has been unable to locate authority for private providers of higher education to award degrees. They are licensed by the MEST to operate but, since an accreditation system has not yet been developed by the KAA, these institutions are not accredited. This is no small matter, as there are currently 10 private law and law-related faculties, with an estimated total of nearly 4,400 students (including around 2,000 enrolled in law-related disciplines such as law and criminology and law, political science and diplomacy). Since most of these schools are only a few years old and are yet to produce any law graduates, the have not really faced the problem of their ability to award recognized degrees.27

The University of Pristina at Mitrovica is accredited to grant degrees by the Ministry of Education of Serbia. There have been no reports of degrees being awarded other than to graduates who have met all applicable standards and requirements.

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27 The lack of oversight and consistent and transparent standards for the awarding of degrees by private universities led the BAC to conclude that the government, through a new body to be called the KCAA, should take over the job. The only institutions of higher education that would be allowed to grant degrees would be the University of Prishtina and the AUK, which are the only two accredited universities in the country.
Factor 14: Institutional Record-Keeping

Institutions providing legal education maintain accurate records that meet national and international quality assurance frameworks and standards in order to facilitate comparability and compatibility of qualifications.

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
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<tr>
<td>Accurate records are maintained and archived by public and private universities pursuant to published policies. At the University of Prishtina, the academic records for individual students are maintained by the student, the professor, and the Faculty. Central university administration maintains a statistical summary of academic records, but not individual records.</td>
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Analysis/Background:

The legal structure for the permanent maintenance of documents deemed to be deserving archival treatment is set forth in the Kosovo Assembly Law on Archive Material and Archives (Law No. 2003/7, promulgated by UNMIK Regulation No. 2003/20) [hereinafter Law on Archives]. Officials responsible for maintenance of official records, the Secretary General of the University of the case of the University of Prishtina (see University of Prishtina Statute art. 240), designate what portion of the material that they collect and generate is to be selected for archival treatment. Law on Archives art. 7.3. Per this designation, individual academic records are not afforded archival treatment at the University level. Private providers of higher education are required to permanently maintain student and personnel files. They must also have a plan for maintenance of records, including provisions for continuous maintenance of these records even if the private university ceases to operate. This plan must comply with the Law on Archives and be approved by the MEST. MEST Licensing Direction art. 17.

The Secretary General of the University of Prishtina is responsible for maintaining administrative and academic records for the University. University of Prishtina Statute art. 240. A secretary is also appointed by the Rector for each Faculty, and is responsible for coordinating the administration of the unit, including record-keeping responsibilities. The following academic data must be kept “in consistent records”: applicants for admission to study, students enrolled for all study and research programs, graduates, staff under contract, research and consultancy projects, academic performance reports, and evaluations (including self-reports and internal and external evaluations). Id. Of all these data, only information pertaining to student figures and student book, as well as performance reports and evaluations, are to be stored in a centralized database maintained by the University Information Center; presumably, all other information is to be stored by the relevant Faculty. In any instance, all of this information should be stored in a standardized electronic format. Id. art. 242.1.

The Dean of each Faculty is charged with providing a comprehensive annual performance report of his/her Faculty to the Rector. Id. art. 232. This report is presumably based on the reports submitted by chairs of organizational sub-units within the Faculty, which cover the latest academic year’s teaching data. Id. art. 231. Faculty performance report is essentially a statistical summary of academic records and must include quantitative data relating to: student figures (new enrollments, total number, graduates); academic teaching (i.e., study programs and subjects, academic staff, teaching obligations, and performed lectures, examinations and seminary work, theses and dissertations, and results of student evaluation); and scientific research (published scientific articles, monographs, and other publication, scientific project reports, conference visits and papers, publicly and privately funded research projects, and privately funded academic staff). Id. art. 233.1. Performance reports are to be collected and stored in a computerized and standardized manner, with the central university administration responsible for data storage and data analysis. Id. art. 234.
The Statute contains a number of provisions aimed at safeguarding individual privacy when accessing academic records. Thus, all personal records are to be maintained with due regard to the privacy of individuals and may only be disclosed for purposes required by the applicable law. *Id.* art. 243. At the central University level, the Secretary General is responsible for distribution of access rights to specific databases; at individual Faculty level, this responsibility is placed on the Faculty’s "managing authority." *Id.* arts. 234.3, 242.2. In all instances, the Secretary General, as the administrative representative of the Rectorate, is deemed to be the highest authority in this respect and is granted unlimited access to all data. *Id.* art. 234.3.

Academic records relating to examination grades are generated and maintained according to the following procedure. First, three days before an exam, a list of students eligible to take the exam is posted on a bulletin board at the Faculty of Law and given to the professor teaching the course. After the exam, the professor prepares and posts a list of students who took the exam and the grade each received. One copy of this list is kept by the professor, and another is sent to the Chief of Student Services and is maintained by the Secretary of the Faculty of Law. Each student also maintains an "Index" that contains a record of courses he/she has completed (signed by the professor who taught the course) and the grade he/she received. When a student completes all requirements for a course and receives a grade, the professor signs the student's Index. When a student graduates, his/her Index is turned in and maintained by the Secretary of the Faculty of Law. The Office of Student Services maintains a separate file for each student, which includes contact information and information courses taken and grades received.

The fact that academic records of individual students in the Faculty of Law are maintained in a single central location can present security issues. There is no institutional control over the maintenance of records by individual students or professors, and in fact, there have reportedly been incidents where students have been accused of falsifying their Index. Since only statistical summaries of academic records are kept by the central university administration, the Faculty is the only place where detailed academic records, including grades of individual students, are maintained. This may leave the records susceptible to hacking or catastrophic destruction. At present, records are maintained largely in hard copy form; however, the Rectorate is working to computerize the entire record-keeping system within the University.

Private providers of higher education utilize different methods of record-keeping. For instance, University College Biznes and Iliria University were typical of systems that met the approval of the BAC inspection team. Registration and performance records in those schools are kept in both hard copy and electronic form. At Biznes, hard copy files contain information such as personal records, entrance test scores, and a student performance record card. The same data was stored in an electronic database, which also carried examination scores that were checked by the professor for accuracy and then locked into the system. The BAC team ran an example through the system and reported that it worked satisfactorily. Other universities, such as Dardania, rely on paper-based record-keeping systems, although there are plans to implement an electronic system in the future. The University College Gjilani claims to have an Internet-based system to keep student records; however, the BAC inspection team could never access the website where the records are purportedly held.

Since 2004, the MEST has required each private higher education providers to update its records at the start of each academic year to show new enrollments, withdrawals, transfers, and graduations. According to the BAC Report, while enrollment records seem comprehensive, there is doubt as to whether withdrawals, transfers, and graduations have been faithfully reported. Apparently, there may have been some contradictory Ministerial directives that have contributed to the problem. Both the MEST and individual private institutions keep their records primarily in hard copy manuscript form. While this contributes to a high level of confidence in the authenticity of these records, the lack of electronic data makes it difficult to analyze the records. See *BAC REPORT* at 15.
Factor 15: Recognition Frameworks and Networks

*Institutions providing legal education participate in national, regional, and international quality assurance and recognition networks, and their participation is facilitated and monitored by the entity in charge of regulating institutions providing legal education.*

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<th>Conclusion</th>
<th>Correlation: Neutral</th>
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<tr>
<td>Although Kosovo is not yet a signatory to the Bologna Declaration, the laws governing higher education explicitly require integration into EHEA and adherence to the standards of the Bologna Declaration. The University of Prishtina Mission Statement commits the university to the rules, standards and obligations associated with membership in the European University Association.</td>
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**Analysis/Background:**

The Higher Education Law notes the European Convention for the Protection of Human Rights and Fundamental Freedoms and the protocols thereto; the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region; the Council of Europe Committee of Ministers Recommendations on the Recognition and Quality Assessment of Private Universities of Higher Education, on Access to Higher Education and on the Research Mission of Universities; and the Declarations of European Ministers of Higher Education at Bologna and Prague. HIGHER EDUCATION LAW at Preamble. The MEST has important functions related to academic recognition and networks. Thus, it is charged with: the overall responsibility for promoting the mobility of students and staff within the EHEA; establishing arrangements for academic and professional recognition pursuant to international agreements; advising the public on the status of foreign qualifications; and promoting links between higher education providers in Kosovo and institutions in neighboring countries and regions. Id. §§ 4.1(f)-(g), (j). Individual public universities are permitted to freely enter into agreements with other educational institutions in Kosovo and internationally. Id. § 5.3(h). In order to promote mobility, public universities must construe their bachelor’s degree courses flexibly, to allow entry and exit at appropriate points with the award of credits and/or qualifications, taking into account the current ECTS framework. Id. § 12.3.

In line with these provisions, the University of Prishtina’s mission statement envisions, *inter alia*, the following objectives: full cooperation with and participation in all higher education activities on the national, regional, and international level; alignment with European standards; and full integration into the EHEA (i.e., Bologna Declaration and Lisbon Recognition Convention), including appropriate reform steps to maintain such integration. UNIVERSITY OF PRISHTINA STATUTE art. 5.1(6)-(8). Further, the University views itself as an integral part of the European zone of higher education as represented by the European University Association, and is committed to respect all rules, standards, and obligations associated with this status. Id. art. 5.2. The University has the power to enter into agreements with other national and international education providers, as well as international organizations. Id. art. 12.15. Finally, the Statute provides for recognition of academic qualifications, degrees, diplomas, and examinations from recognized Kosovo and foreign higher education institutions, as required by the Lisbon Recognition Convention, and spells out detailed requirements and procedures for such recognition. See generally id. Chap. 4.6.

Unfortunately, the unsettled and rapidly changing political structure in Kosovo has not allowed it to participate as one of the signatory countries of the Bologna Declaration to date. Nonetheless, the MEST is committed to a full and formal integration into the process, including the adoption of the ECTS and integration into the EHEA. The Higher Education Law, the MEST Licensing Direction, and the University of Prishtina Statute all acknowledge the applicability of international quality assurance standards and recognition networks. The Higher Education Law and the
University of Prishtina Statute were drafted with the assistance of experts from the Council of Europe and are said to be the first higher education statutes in Europe based from their inception on the international standards of the Bologna Declaration.

The process of educational integration began after the war in 2000-2001 and was accelerated by the appointment of the Kosovo Bologna Promoters’ Team [hereinafter KBPT] in January 2006, which has led the project for Promoting the Bologna Process in Kosovo. A partnership was formed with representatives of the University of Prishtina, the University of Ljubljana (Slovenia) and the University of Peloponnesus (Greece). In October 2007, the KBPT issued a set of MEST policies on integration into the EHEA. These policies include a MEST Policy Statement on Development of Curricula in Higher Education in Kosovo, a Policy on Common Criteria for Implementation of ECTS in Higher Education in Kosovo, MEST Guidelines on Evaluation of Higher Education Institutions in Kosovo, and a Policy on Comparability and Recognition of Pre-Bologna and Bologna Degrees.

The University of Prishtina has fully implemented ECTS and has continued with curriculum reform within the standards and objectives of the Bologna Process. This has resulted in the current structure of degree programs at the University of Prishtina consisting of three cycles: a Bachelor degree (first cycle), Master degree (second cycle), and Doctorate (third cycle). Starting in 2001-2002 academic year, the University adopted a 3+2+3 program and began implementing the ECTS, under which one credit represents 25-30 working hours, or an annual student workload of 1,500-1,800 hours. In the 2006-2007 academic year, the University of Prishtina Faculty of Law revised its curricula and adopted a 4+1+3 program. Students now must complete 180-210 ECTS credits to receive a Bachelor’s degree. UNIVERSITY OF PRISHTINA STATUTE art. 104.10. Master’s degree students must have received a Bachelor’s degree and complete 90-120 ECTS credits over a period of 1.5–2 years. Id. art. 105. Doctorate studies have a normal duration of 3-4 years and require successful completion of 180 ECTS credits. Id. art. 106.

Most individuals interviewed for this assessment were enthusiastic about the integration of higher education institutions in Kosovo into the Bologna System and EHEA. They believe they will be the beneficiaries of this integration and want to take advantage of the mobility it affords. While there is concern about how reforms may affect individual staff, there seems to be a consensus that reforms must take place, and that European standards must apply to legal education and the administration of justice.

In addition to the integration into EHEA, both the University of Prishtina and private universities Kosovo have multiple links with universities and organizations within the region and internationally. For instance, the University of Prishtina has joined several international university network mechanisms either as a full member or in an observer capacity. Among others, it is a full member of the European University Association, the Conference of Rectors of the Danube, the Network of Human Rights Centers in South-East Europe, and the European Society of International Education. It also has international cooperation and exchange agreements with multiple universities throughout the world, including those located in Albania, Austria, France, Germany, Macedonia, Spain, the US, and other countries. See UNIVERSITY OF PRISHTINA, UNIVERSITY OF PRISHTINA 1970-2005: SPECIAL EDITION at 104-108 (2005) [hereinafter UNIVERSITY OF PRISHTINA 1970-2005] (listing foreign partner institutions). Likewise, private universities boast extensive inter-institutional arrangements with national and international partners, which many of them see as key to enhancing quality of their teaching and research, although the BAC teams did not find empirical evidence to support this argument. See BAC REPORT at 11.
V. Faculty Qualifications and Conditions of Employment

Factor 16: Faculty Qualifications

*Law faculty possess requisite knowledge and competence in their subjects to provide a quality education to students, as evidenced by degrees held, scholarly publications, practical experience, as well as strong teaching skills.*

**Conclusion**

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<th>Conclusion Correlation: Neutral</th>
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<tr>
<td>Academic staff at the University of Prishtina Faculty of Law must hold or be working on advanced degrees, demonstrate strong teaching skills, and produce scholarly publications. However, some faculty members have not been able to keep up with developments in the law or in teaching methodologies. These problems are being partially addressed through a recertification process that will require all academic staff at the University of Prishtina Faculty of Law to receive six months of training and to be recertified in their subject areas.</td>
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**Analysis/Background:**

As a condition of licensing, higher education providers must have an adequate number of qualified academic staff. Higher Education Law § 10.4(c); MEST Licensing Direction art. 8.1.3. As part of the licensing procedure, private providers of higher education must submit a list of employed faculty members and their titles (along with certified copies of their diplomas or certificates), as well as a list of their specific publications or scholarly research published in local or international academic journals. MEST Licensing Direction art. 8.1.1. Both public and private institutions have the authority to specify titles and grades and prescribe appointment criteria for academic staff. Higher Education Law § 24. University of Prishtina is also required to provide appropriate conditions for scholarly research in order to enable its academic staff to achieve competitive results on the international level. See University of Prishtina Statute art. 172.1.

There are six ranks for academic staff established pursuant to the University of Prishtina Statute: Lecturer, Assistant Candidate, Assistant, Assistant Professor, Associate Professor, and Full Professor. University of Prishtina Statute art. 178.2. In order to be eligible for appointment or promotion to each of these ranks, candidates must hold appropriate qualifications and experience relevant to the position. Id. art. 181. The Statute sets forth basic general requirements for each of the ranks, which are summarized in the following chart. See generally id. arts. 182-186. In addition to these requirements, the Senate may provide for special qualifications for academic staff of particular Faculties, upon a recommendation of the respective Faculty Council. Id. art. 188.

**FACULTY QUALIFICATION REQUIREMENTS AT THE UNIVERSITY OF PRISHTINA**

<table>
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<tr>
<th>Rank</th>
<th>Qualification Requirements</th>
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<tr>
<td>Assistant Candidate</td>
<td>• LL.B. degree with a minimum GPA of 8;</td>
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<td>• Maximum age of 28 (32 if they have an LL.M. degree) at the time of first appointment;</td>
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<td>• Limited to assisting professors in the top three ranks in LL.B. courses.</td>
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<tr>
<td>Assistant</td>
<td>• LL.M. degree and active enrollment in a Doctoral program;</td>
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<td>• Maximum age of 35 at the time of first appointment.</td>
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28 The rank of a Lecturer is not relevant for the purposes of this assessment, since it only applies to those who teach foreign language courses within the University. See id. art. 187.
<table>
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<tr>
<th>Professor Level</th>
<th>Qualifications</th>
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</table>
| **Assistant Professor** | • Doctorate or equivalent degree;  
• A number of publications, including at least one key publication published or reviewed in an international journal;  
• Demonstrated good performance in teaching. |
| **Associate Professor** | • Doctorate or equivalent degree;  
• Selected number of monographs and scholarly publications, including at least three key publications published and reviewed in international journals;  
• Demonstrated good performance in teaching;  
• Evidence of scholarly work and mastery of the subject in the respective field. |
| **Full Professor** | • Doctorate or equivalent degree;  
• Demonstrated high level of academic competence and scientific experience in the subject, proven by: selected number of key monographs, textbooks, and scholarly publications, including at least five key publications published and reviewed in international conferences; active participation in international conferences; and long-standing experience in basic and applied project research;  
• Established proof of high educational and pedagogical skills through reasonable practice;  
• Convincing evidence of academic leadership;  
• Proven mentorship for postgraduate and doctoral studies. |

There are currently a total of 52 academic staff at the University of Prishtina Faculty of Law, including 44 full-time and 8 part-time staff. Of the full-time faculty members, there are 9 Full Professors, 2 Associate Professors, 15 Assistant Professors, 9 Assistants, and 9 Assistant Candidates. There are also 6 Full Professors and 2 Assistant Professors employed as part-time staff.

A problem relating to the qualifications of academic staff that is unique to Kosovo is the fact that all Albanian academics were forced out of their teaching positions in 1989 by the Milosevic regime of Serbia. They were not allowed to return until after the war in 1999. Many of these people were not engaged in scholarly activities or the practice of law during this 10-year period. A sense of fairness and sympathy for their plight resulted in them being hired back into their former positions without being properly vetted or given training to teach subjects that had changed dramatically in the interim. New academic staff who have been hired since the end of the war seem to be highly qualified, but that is not always the case for many of the older professors who have a 10-year gap in their academic careers and whose academic and practical knowledge is often seen as outdated.

In addition, academic staff at the Faculty of Law typically have no traditional practical legal experience relevant to the subject matter they teach, which often makes it challenging for them to teach courses that emphasize practical skills. A number of Kosovo judges, prosecutors, and advocates have reportedly expressed interest in sharing their knowledge and practical legal experience with students. However, with the exception of their involvement in the clinics and other practice-oriented courses, local legal practitioners constitute, for the most part, a largely untapped sources of educators.

Another significant problem is the low pay for academic staff, which has a negative effect on the ability to attract highly qualified candidates. Most (but not all) respondents were pleased with the quality of recent hires at the Faculty of Law. The main complaint was that, like most academic staff, the new hires have to work at more than one job to earn a living, and so do not have enough time to further their professional growth by keeping up with the developments in the law and in teaching methodologies. See also Factor 18 below for additional details on faculty salaries. Additionally, at least one respondent expressed the view that recent junior hires at the University of Prishtina Faculty of Law did not meet the requirement of a minimum GPA of 8. The numbers of academic staff listed earlier in this Factor also seem to imply that some junior staff that are hired do not meet all required qualifications. There are nine Assistants who must, by
Statute, be actively enrolled in a Doctoral program; however, it has been reported that there are currently no Doctoral students enrolled in either the University of Prishtina Faculty of Law or any of the private law faculties. This was not seen by respondents as an example of less qualified staff being hired ahead of more qualified applicants, but rather as a sign of how difficult it is to recruit highly qualified staff in light of the low wages at the public university.

The perceived problem of the qualifications of academic staff is being addressed through a pre-EU accession agreement scheduled to go into effect in 2009 among the European Commission, the MEST, and the Rectorate of the University of Prishtina. The agreement calls for an investment of EUR 13.5 million to strengthen the rule of law in Kosovo, including EUR 4.4 million in the University of Prishtina Faculty of Law over a four-year period. As part of this program, all academic staff will go through a recertification process that will require six months of training in their subject areas, including the use of up-to-date teaching methods and materials. The details of the recertification process are still being worked out, but it will include bringing in international experts and providing scholarships for younger staff to obtain advanced degrees abroad. Some 15 new Assistant Professors will be hired. The contracts of academic staff that do not successfully complete the recertification process will not be renewed.

**Factor 17: Hiring, Promotion, and Tenure**

*Faculty hiring, promotion, and granting of tenure, or its equivalent, are based on rigorous, fair, uniform, and transparent criteria and procedures with a process for seeking appeal or review of adverse decisions.*

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<th>Conclusion</th>
<th>Correlation: Positive</th>
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<tr>
<td>Faculty hiring and promotion process at the University of Prishtina is competitive, fair, uniform, and transparent. Hiring and promotion practices at private institutions are often more informal, but the law forbids discrimination in hiring at public and private universities and provides a procedure for administrative review and judicial appeal of hiring and promotion decisions.</td>
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**Analysis/Background:**

Public universities enjoy the power to employ and dismiss for good cause their staff. **Higher Education Law** § 5.3(d); see also **University of Prishtina Statute** art. 12.7. The right to independently select their academic staff and grant titles to professors and other staff is deemed an integral part university autonomy. **Higher Education Law** §§ 7.2(c), (f); see also **University of Prishtina Statute** arts. 11.3, 11.6. Consequently, educational institutions must specify the titles and grades of academic staff, the criteria for appointment and reappointment, and other faculty conditions of employment in their statutes. **Higher Education Law** § 24. Specifically, statutes must include provisions related to appointment, tenure, promotion, discipline, dismissal, and retirement of staff, and must secure participation of international experts in the appointment of academic staff of professorial status. *Id.* §§ 26.1, 26.5. Other conditions of service for staff of public universities (excluding individual salary and benefits) are to be determined by the MEST in consultation with recognized trade unions and representatives of providers. *Id.* § 26.3. The statutes of all providers of higher education in Kosovo must guarantee equality of opportunity and protect staff against discrimination on any ground such as sex, race, sexual orientation, marital status, color, language, religion, political or other opinion, national, ethnic, or social origin. *Id.* §§ 13.5(a), 25.4(b). All staff members are to be employed under individual contracts with the university. *Id.* § 26.4. Academic staff have the right to appeal any decision of the provider of higher education relating to them to the MEST and then to a court of competent jurisdiction. *Id.* § 25.5.
In accordance with the spirit of Higher Education Law, the University of Prishtina is committed to equality and prohibits discrimination on all the grounds set out in the Higher Education Law as well as, so far as is practicable, age and physical or mental impairment. The University supports gender equality, defined as preferring the female candidate when a male and female applicant have the same qualifications.

The University Senate is charged with deciding upon all general strategic issues within the University of Prishtina, including the appointment of teaching staff and determining the procedure for evaluation of academic staff. UNIVERSITY OF PRISHTINA STATUTE arts. 48.1(b), 49.15. The University Board is responsible for defining detailed guidelines related to the appointment, assignment, evaluation, suspension, dismissal, and other conditions of service of academic staff. Id. art. 22.6. Within this framework, the Rector then makes all applicable personnel decisions on behalf of the University. Id. art. 28.5. Thus, all academic staff at the University of Prishtina are appointed by the Rector on recommendation of the Senate, except that the Rector may delegate to the Dean the power to appoint Assistants and Assistant Candidates. Id. arts. 180.1-180.2.

Appointments must be made in a transparent way, with public advertisement of open positions. Id. art. 180.3. Applications for promotion or renewal of contracts at the Faculty of Law at the University of Prishtina are treated like applications for an open position and, theoretically, anyone can apply and compete for the position (although, as a practical matter, outsiders rarely compete for these positions). The Faculty Council sets up an assessment commission to interview all qualified candidates and make a recommendation to the Council, which, in turn, makes its recommendation to the Rector and the Senate. Id. arts. 180.1, 180.4-180.5. The selection process for candidates for the positions of Assistant Professor and above also includes a public presentation demonstrating their scholarship and experience. Id. arts. 182.2, 183.2, 184.2.

Academic staff can be appointed under both full-time and part-time contracts. Id. art. 176.1. Faculty employed under full-time contract are prohibited from holding any other part-time or full-time employment contracts, unless the Rector, acting with approval of the majority of Faculty Council, has granted them exception for good cause. Id. art. 177. Employment contracts for Assistant Candidates and Assistants are made for three years, while contracts for higher ranks are made for four years. Id. arts. 182.3, 183.3, 184.3, 185.3, 186.3. The contract for a Full Professor can be renewed for an indefinite period of time. Id. art. 182.3. Professors with at least five years of teaching and research experience who have proven scholarly competence and international recognition and hold an invitation for a research fellowship may apply to the University Senate for a sabbatical year at a foreign university. After completing the sabbatical year, professors may return into the same position with the University and under the same conditions as previously; however, they will receive reduced salary while on sabbatical. Id. art. 175. Finally, retired Full Professors who demonstrated exceptional academic and scholarly achievements and whose qualifications are regarded as indispensable in the medium-term within the Faculty may be assigned the title of Professor Emeritus. These Professors maintain the right to teach and engage in scholarly research in accordance with their qualifications and the needs of the relevant Faculty. Id. art. 189.

The assessment commission mentioned above is ordinarily composed of three members, including the senior professor in the area of law where the newly hired or promoted person will be working. That person's views are traditionally given great weight. In the case of promotion, the commission members have been working with the candidate for some time, which gives that candidate a significant advantage. Some respondents expressed the view that favoritism can influence the promotion process. However, others felt that the fact that the records of all qualified candidates were submitted to the Faculty Council and summarized for the Rector and the Senate minimized the possibility of a clearly less qualified candidate being appointed. Everyone interviewed on the subject thought that the transparency of the process prevented any outright corruption or conspicuous favoritism in hiring.

Hiring and promotion practices in private higher education providers seem to be much less formal. Depending on the rules of the particular institution, the Rector may hire staff directly,
without going through a transparent system such as the one at the University of Prishtina. Private universities also appear to have adopted a rather casual approach to the granting of academic titles. The BAC inspection team found that most private universities tend to refer to their academic staff as "professors" and this title proliferates on staff lists of these institutions. The BAC team was unable to ascertain the criteria or procedure by which private providers conferred "professor" title to their faculty and cautioned that such overuse may ultimately destroy its value and status. See BAC REPORT at 10. While in many cases such designation was genuine and based on a title awarded by the University of Prishtina or a foreign university, in other instances it was probably merely a courtesy title granted without adherence to proper guidelines. Id. at 137.

The University of Prishtina Statute contains provisions for evaluation of teaching performance of academic staff. These evaluations may be based on a number of internal and external sources, including self-assessments and questionnaires by academic staff, anonymous student evaluations, peer reviews on site, and expert reports. UNIVERSITY OF PRISHTINA STATUTE art. 225.1. Anonymous student evaluations of teaching are conducted annually at the University of Prishtina. Id. art. 226.1. The head of the study commission for each Faculty is required to publish evaluation results for all staff whose evaluations are in the top 10%, and to meet with all staff whose evaluations are in the bottom 10% and decide jointly with them about measures for improving their teaching performance. Id. arts. 226.3-226.4. In addition, the performance of all academic staff is to be evaluated on an institutional basis every five years. Id. art. 230.

Factor 18: Faculty Compensation

Compensation for law faculty is set at an appropriate level to provide a reasonable standard of living in order to attract and retain qualified, dedicated, and ethical faculty who are able to devote their time to teaching, research, and public service.

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<th>Conclusion</th>
<th>Correlation: Negative</th>
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<tr>
<td>Salaries for academic staff at the University of Prishtina are not at a level sufficient to provide a reasonable standard of living or to attract and retain highly qualified and dedicated faculty. Virtually all academic staff work outside the Faculty to supplement their income. Low salaries have a major negative effect on the time staff can devote to teaching, research, and public service, as well as to their own professional development.</td>
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</table>

Analysis/Background:

Public higher education providers are required to include in their statutes provisions related to, inter alia, prevention of corruption and ensuring fairness, including equal pay for work of equal value between men and women. HIGHER EDUCATION LAW § 26.1. Public universities are free to decide independently individual faculty salary and benefits levels, without involvement by the MEST. Id. § 26.3. In addition, public universities may specify circumstances when academic staff may take up additional paid and unpaid employment. Id. § 26.6. Within the University of Prishtina, detailed guidelines regarding the determination of salary for academic staff are to be determined by the University Board. UNIVERSITY OF PRISHTINA STATUTE arts. 22.6, 23.6(b). Beyond this, both the Higher Education Law and the University of Prishtina Statute are silent as to the appropriate level and other protections of salaries for academic staff.

Inadequate compensation for academic staff is one of the most serious problems facing legal education in Kosovo. The following Table shows monthly salaries for full-time academic staff at the University of Prishtina Faculty of Law and at Iliria University, a private university with a law faculty. As is apparent from this Table, salaries at the University of Prishtina are less than half those paid in the private sector.
### COMPARISON OF MONTHLY SALARY LEVELS FOR ACADEMIC STAFF (in EUR)

<table>
<thead>
<tr>
<th>Position Level</th>
<th>University of Prishtina</th>
<th>Iliria University</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Professor</td>
<td>501</td>
<td>1,200</td>
</tr>
<tr>
<td>Associate Professor</td>
<td>414</td>
<td>1,100</td>
</tr>
<tr>
<td>Assistant Professor</td>
<td>380</td>
<td>1,000</td>
</tr>
<tr>
<td>Assistant</td>
<td>269</td>
<td>600</td>
</tr>
<tr>
<td>Assistant Candidate</td>
<td>255</td>
<td>400</td>
</tr>
</tbody>
</table>

Part-time academic staff reportedly earn EUR 7 per hour at the University of Prishtina Faculty of Law, as compared to EUR 50 per hour at the private Iliria University.

The low salaries for academic staff negatively affect the ability to attract highly qualified and dedicated candidates. In addition, despite a requirement that full-time staff not enter into any other full-time or part-time employment contracts without the approval of the Rector upon consultation with the Dean and a majority favorable vote of the Faculty Council (see UNIVERSITY OF PRISHTINA STATUTE art. 177), most full-time faculty are forced to hold several other jobs in order to make a living. Indeed, interviewees felt that if the Dean and Rector attempted to enforce this provision, all the best staff would leave because they earn so much more from their outside jobs, and the only ones who would remain would be those who were unable to obtain better paid outside employment. In practice, therefore, most professors teach in private universities, hold positions in government or with NGOs, and/or engage in consulting work.

During the recent evaluation of private higher education institutions, the BAC was able to determine the number of multiple employment contracts held by University of Prishtina academic staff, based on the information supplied by private providers on their academic staff and the list of the University of Prishtina staff held by the MEST. The Faculties of Law and Economics were singled out as having a particular problem in this regard. Thus, these numbers indicate that, out of 44 full-time academic staff in the Faculty of Law, 32 (or 59.6%) hold simultaneous contracts with a private institution – compared to 21.2% of academic staff throughout the entire University who hold additional teaching assignments at private schools. Of those with multiple contracts, 12 have 1 additional contract, 8 have 2 additional contracts, 6 have 3 additional contracts, 4 have 4 additional contracts, and 2 have 5 additional contracts. While the authors saw no apparent problems with staff working at two jobs, they question whether staff with three or more contracts can give the full benefit of their experience and time to so many institutions. Consequently, they recommend that the University of Prishtina urgently consider imposing a maximum limit on the number of simultaneous external contracts staff are permitted to hold.

Jobs outside the University are better paid and thus, often demand more time and loyalty than the primary teaching position. It was reported that this was not always the case, and in the old SFRY system academic staff earned enough in that state-controlled economy to devote all their time to teaching and research. The fact that staff are working outside the faculty has the immediate effect of diminishing the time they have to be available to students and work on classes. Some senior staff reflected that there is also a long-term cost to the University because younger staff are devoting their time to working multiple jobs rather than to their own professional development. Since most outside employment involves teaching the same courses in multiple locations or work that is not scholarly in nature and thus does not contribute significantly to their academic careers, it limits their ability to enhance their knowledge and competencies and to produce scholarship. The fear is that, when they become senior staff, they will not have achieved the

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29 This information is presented with the caveat that the BAC could not guarantee the accuracy of the data submitted by the private providers of higher education.
30 There are certainly exceptions (e.g., the President of Kosovo is a faculty member in the Faculty of Law), and some outside positions offer significant opportunities for professional growth.
same level of professional development as the current senior staff that began their careers in the old Yugoslav system.

While the EUR 4.4 million that is to be invested in the Faculty of Law over the next four years as part of the pre-EU accession agreement will pay for up to 15 new academic positions and require the recertification of all academic staff, it does not include any funds for raising salaries. University administrators were not optimistic about a major increase from the government in the immediate future.

Private providers of higher education set the level of faculty salaries independently, and the process reportedly is completely non-transparent. Most institutions refused to make salary figures available to the assessment team. Nonetheless, it was reported that some staff are paid more than others, depending on their records. For example, AAB University indicated in interviews that staff compensation was determined by the Rector and was kept strictly confidential.

**Factor 19: Academic Freedom and Freedom of Association for Law Faculty**

*Institutions providing legal education and individual law faculty members enjoy academic freedom, are encouraged to engage in research, are not punished for holding positions relating to academic debate, research, or public service, and have the right to freedom of association.*

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broad institutional and individual academic freedom is protected by law and by the statutes of all providers of higher education in Kosovo. This freedom is respected in practice, and there have been no reports of interference with these rights since the end of the war in 1999.</td>
<td></td>
</tr>
</tbody>
</table>

**Analysis/Background:**

All licensed providers of higher education in Kosovo enjoy institutional academic freedom, including the freedom to teach and research within their licenses without interference from public authorities. *Higher Education Law* § 7.1; *see also University of Prishtina Statute* art. 9. Specifically, this includes the rights to: (1) elect governing and management bodies; (2) arrange their structures and activities through their own rules that must be consistent with the applicable law; (3) choose teaching and other staff, set admission conditions and faculty and student evaluation techniques; (4) independently develop and implement curricula and research projects; (5) choose subjects to be taught; and (6) grant titles to professors and other academic staff. *Higher Education Law* § 7.2. Additionally, premises of higher education institutions are, as a general rule, inviolable from entry by law enforcement agencies without a permission from the institution’s principal management authority. *Id.* art. 7.4. Finally, while the MEST is permitted to impose conditions on higher education providers in connection with allocation of government funds for teaching and research, such conditions may not restrict the freedom of teaching. *Id.* §§ 18.1, 18.4, 23.5-23.6.

Providers of higher education must also include provisions giving effect to academic freedom for staff and students in their statutes. *Id.* § 7.3. In particular, faculty academic freedom includes the freedom to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their job or any privileges they may have with the provider. *Id.* § 25.1; *University of Prishtina Statute* art. 192.1. Academic staff also enjoy the right to freedom of speech, freedom of organization (including the right to form trade unions, staff associations, and professional associations), and freedom of
assembly, which may only be restricted by law, as well as the right to publish the results of their research. HIGHER EDUCATION LAW §§ 25.2-25.4; UNIVERSITY OF PRISHTINA STATUTE arts. 10, 192, 196. Academic and other staff may appeal a provider's decision or action in relation to them before the MEST and then to a court. HIGHER EDUCATION LAW § 25.5; UNIVERSITY OF PRISHTINA STATUTE art. 197.1. Staff are also required to respect the University's autonomy, the freedom of scientific and research creativity, principles of professionalism and scientific honesty, and an ethics code. UNIVERSITY OF PRISHTINA STATUTE art. 193. Similar provisions are also included with respect to students' academic freedom. See HIGHER EDUCATION LAW §§ 29.4-29.5; UNIVERSITY OF PRISHTINA STATUTE arts. 10, 162, 169-170.

As far as the University of Pristina at Mitrovica is concerned, faculty members are guaranteed academic freedom, which is defined as “freedom of each member of the academic community in scientific research work and artistic creativity, including freedom of publishing and public presentation of scientific results and artistic achievements; freedom to choose study programs; [and] freedom to choose subjects and forms of teaching, as well as interpretation of teaching contents.” STATUTE OF THE UNIVERSITY OF PRISTINA AT MITROVICA art. 12. Members of the University academic community are required to “act in a politically neutral way within the University,” and the University and any of its Faculties may not allow organization or activities of political parties, conventions or gatherings that basically have political or party goals, and religious organizations and activities. Id. art. 12. This statement places a limit on political speech that, some might argue, is inconsistent with full academic freedom.

Albanian staff and students were forced out of the University of Pristina between 1989 and the end of the war in 1999. Serbian staff and students left the University after the war and many relocated to the University at Mitrovica. The legal requirements of academic freedom for institutions of higher education, students and staff seem to be honored and enforced in practice. No instances of interference with academic freedom were reported to have occurred since the end of the war and the reentry of Albanian staff and students into institutions of higher education. As a practical matter, however, there are currently no declared ethnic Serb staff or students at the University of Pristina, nor are there ethnic Albanians teaching or studying at the University of Pristina at Mitrovica.
VI. Institutional Holdings and Capacities

Factor 20: Access to Legal Materials

Students and faculty have adequate access to the full range of laws and legal materials (national and international) relevant to curriculum subjects and the eventual practice of law, with materials available in all official state languages where appropriate.

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>The law library for the University of Prishtina is inadequate to support the mission of the Faculty. The skills level of library staff, physical facilities, internal systems, and collection do not meet international standards and are insufficient. Similarly, library holdings and facilities at private institutions appear insufficient.</td>
<td></td>
</tr>
</tbody>
</table>

Analysis/Background:

As a condition of licensing, higher education providers are required to maintain adequate libraries furnished with a variety of books in the respective fields. HIGHER EDUCATION LAW § 10.4(b); MEST LICENSING DIRECTION art. 8.1.1. The National and University Library at the University of Prishtina is regulated pursuant to the KOSOVO ASSEMBLY LAW ON LIBRARIES (Law No. 2003/6, promulgated by UNMIK Regulation No. 2003/19) [hereinafter LAW ON LIBRARIES]. The library at the Faculty of Law is defined as a “special” library that operates as a branch of the University Library. LAW ON LIBRARIES arts. 3.4, 26, 28. Libraries at private universities are considered private libraries established for public service. Id. art. 3.5. There is also a National Council of Libraries with representatives from the University of Prishtina, the National and University Library, and the student organization, which supervises the functioning and financing of libraries, including training and examination of professional staff. Id. art. 14.

Currently, there are 52 academic staff, 4,604 LL.B. students, and 557 LL.M. students in the University of Prishtina Faculty of Law. Nearly 80 courses are offered in the LL.B. and LL.M. programs. A faculty with such a large number of students, staff, and courses should be supported by a correspondingly large library collection housed in adequate facilities and serviced by sufficient numbers of trained staff. Unfortunately, the library at the University of Prishtina Faculty of Law fails to provide sufficient resources to support its academic mission.

The physical facilities for the library are inadequate. There are two rooms, one of which is used both as an office area for staff and for shelving the collection, and the other is a reading room used primarily by students (who may also use the nearby National and University Library). Students report that there are always more people trying to study in the libraries than spaces to accommodate them. As of March 2007, there were three librarians assigned to the law library, none of which work in languages other than Albanian, Serbian or Russian. FAZLI GAJRAKU & BESIM KOKOLLARI, ASSESSMENT REPORT OF THE PRESENT SITUATION AND FUTURE NEEDS FOR THE LAW LIBRARY OF THE FACULTY OF LAW, UNIVERSITY OF PRISHTINA at 5 (World Learning, March 2007). The systems used for inventorying, cataloguing, classifying, and accessing the collection are inadequate, not up to international standards and, in some cases, not even consistent with the systems used by the National and University Library. Id. at 5-6. Most of the collection was acquired prior to the 1990s and is in Serbian or Russian languages. No statistics were available as to the exact size and composition of the collection, but there are no CD-ROMs, DVDs, or other new media formats, and there is no budget for acquisitions. Id. at 8. There is a room adjacent to the library with several donated computers, but they were not operational at the time of the assessment team’s visit. Laws promulgated by UNMIK, which are the current laws of the land, are available online in three languages, but few courses cover these laws and the lack of internet access limits their availability.
Concerns were expressed by many respondents that existing materials were often not comprehensive or up to date. The library contains very few books on the law relevant to Kosovo, and access to legal information such as international journals, periodicals, texts, and resource materials is inadequate. The majority of textbooks are remnants from the former SFRY or monographs published by the Faculty of Law professors without peer review. It is common for courses to be taught solely from a text written by the professor, and such texts are often not up to date. There is also a lack of teaching materials in Albanian, and most students do not have sufficient language skills to use materials in a language other than Albanian. A special fund has been recently created in the Rectorate to translate Western textbooks into Albanian, which should enable translating two or three textbooks per Faculty. The Faculty of Law has submitted a request for translation of several textbooks, but none of them has been translated to date.

Students at the University of Prishtina report that they typically purchase required course materials at their own expense and rarely, if ever, use the law library for anything other than a place to study. Academic staff keep material they use in their work in their personal libraries and reportedly seldom use the reference services of the Faculty library.

As the assessment team observed during its visits to two of the larger private higher education institutions (FAMA and Iliria), students and staff did not seem to be using library materials as much as using the library space to study. Collections seemed small and staff were few.

**Factor 21: Physical Facilities and Technological Capacities**

*Institutions providing legal education possess adequate physical facilities and technological capacities to meet the needs of their current program of legal education and anticipated growth.*

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>The physical facilities of the University of Prishtina Faculty of Law are inadequate. The building is too small for the size of the current student body. The physical facilities of the library are inadequate, and there are not enough functioning computers available to students. By contrast, physical facilities and technological capacities at private universities were generally superior and appeared to be adequate given the number of students.</td>
<td></td>
</tr>
</tbody>
</table>

**Analysis/Background:**

Adequacy of buildings and equipment, including classrooms and laboratories, library and computing facilities, and facilities for students are included among the general licensing criteria for higher education institutions in Kosovo. See **Higher Education Law §§ 10.4(a)-(b), (d)**. These requirements are slightly elaborated upon in the MEST Licensing Direction, which lists criteria such as adequate and safe facilities and sufficient space equipped to international standards, a library with a variety of books in the respective field, computing facilities, and classrooms and laboratories. **MEST Licensing Direction** art. 8. Having sufficient infrastructure is also deemed one of the preconditions for obtaining the status of an academic unit (i.e., faculty) within the University of Prishtina. **University of Prishtina Statute** art. 57.2. The University has a corresponding duty to provide appropriate infrastructure to each academic unit to enable it to carry out educational duties financed by public funds. *Id.* art. 61.1.

The facilities at private providers of higher education visited by the assessment team were far superior to those at the University of Prishtina Faculty of Law. The private university buildings were new or refurbished, well-maintained, and relatively uncrowded (although some seemed to be of barely adequate size for the number of students moving through the buildings each day).
These institutions were also better equipped, and there appeared to be ready access to functioning computers.

By contrast, the building housing the University of Prishtina Faculty of Law is older and does not appear to be particularly well-maintained (the central administration of the university contracts with private companies for maintenance and security). Exceptions include: the new student courtroom, which was built with technical and financial assistance from USAID and OPDAT; the “Pitt” Room, a renovated meeting space and classroom with computers donated by the University of Pittsburgh School of Law; the Computer Lab, donated by KFOR; and the University of Prishtina Human Rights Center Meeting Room, renovated by World University Service [hereinafter WUS]-Austria. There are currently no plans for major renovations or construction of a new building to house the Faculty of Law.

With over 5,000 law students enrolled in the undergraduate and graduate programs, the building housing the University of Prishtina Faculty of Law is so crowded that it can be difficult to move around and nearly impossible to find a place to study. Students complained that the building was designed for a student body of 1,000 or less, but three times that many were moving through it each day. One of the students interviewed expressed his frustration in just trying to go to class and attend to academic business with so many students moving through a building. Movement is further complicated by the practice of storing supplies and unused furniture in the hallways. There are eight classrooms or auditoriums available for law classes. The largest classroom seats 450 students, and the next largest seats 250. Because most mandatory LL.B. classes have some 600 students in a class, this means that if all, or even most, of the students in these classes showed up for class, there would be no seats for many of them. Offices for academic staff were relatively small but adequate. Senior faculty members all have their own offices, and while junior academic staff share offices, these seem to also have adequate working space. Library staff are housed in the same room as the collection, which is the only room available to the library besides a reading room that seemed to be always fully occupied by students.

Ten computers have been donated to the Faculty of Law by the World Bank and are located in the Bank-funded Resource Hub, and an additional 3 computers are located in the Student Council offices. The lab is open from 9 am to 5 pm, and students are generally free to use any of the 10 available computers for an unlimited period. An additional 7 computers have been donated by World Learning, a USAID-supported NGO, and 15 computers have been donated by the Italian KFOR. These 22 computers are not yet operational, reportedly due to scheduling delays of some sort, and it was not known when they might become available to students. ABA ROLI also donated three computers and two printers to the University of Prishtina Human Rights Center. Overall, the number of computers available to students is grossly inadequate for a student body of over 5,000.

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31 In practice, because class attendance is not mandatory, many students commonly choose not to attend their classes.
Factor 22: Class Size and Administrative/Support Staff

Institutions providing legal education have a reasonable student to teacher ratio, appropriate class size, and sufficient administrative and support staff to achieve the educational goals of the institution.

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Negative</th>
</tr>
</thead>
<tbody>
<tr>
<td>LL.B. classes at the University of Prishtina Faculty of Law are too large for the number of academic staff. The Faculty's recommendations on the number of applicants who should be admitted are not followed, and the size of the entering class is determined for &quot;social&quot; reasons rather than being based on the number of academic staff, capacity of the physical facility, or the qualifications of the applicants. Classes at private law faculties tend to be smaller than at the University of Prishtina.</td>
<td></td>
</tr>
</tbody>
</table>

Analysis/Background:

While no specific student to teacher ratio is mentioned, the current licensing process requires an assessment of both the number of students and the number and qualification of academic staff. See HIGHER EDUCATION LAW § 10.4(e); MEST LICENSING DIRECTION art. 8. Within the University of Prishtina, suitable number of academic staff to enable the fulfillment of educational mission in the long-run is one of the prerequisites for obtaining the status of an academic unit (i.e., a faculty); and the University has a corresponding duty to provide “a defined number” of academic staff to each academic unit to enable it to carry out educational duties financed by public funds. UNIVERSITY OF PRISHTINA STATUTE arts. 57.3, 61.1. The total number of academic staff, supply of full-time professors, and percentage of staff permanently on location at any given faculty should meet international standards and be sufficient to ensure sustainable development and professional coverage of the field. Id. art. 66.1.

Virtually all respondents expressed the view that the size of the student body was too large for the number of academic staff at the University of Prishtina Faculty of Law. As discussed in Factor 5 above, the decision on how many students to admit to the LL.B. program is made by the University Senate. The Faculty of Law makes a recommendation, but in recent years, the number has been increased by the Senate. There seems to be a consensus that, while financial considerations may influence the decision, the primary reasons are what are called "social" in nature. There are simply no jobs for the vast majority of secondary school graduates, and the feeling seems to be that it is better to have them in the University than unemployed and not in school. Even though 1,200 students were admitted to the Faculty of Law for the 2007-2008 academic year, this was still less than half of the 2,500 who applied for admission.

The entering class size at the University of Prishtina Faculty of Law has increased dramatically in the last 3-4 years. As late as in 2004-2005 academic year, only approximately 100 students were admitted annually to the Faculty of Law. In 2004-2005 academic year, there were a total of 3,272 students enrolled in the Faculty of Law. See UNIVERSITY OF PRISHTINA 1970-2005 at 149. During the 2007-2008 academic year, this number grew to 4,604 LL.B. students and 557 LL.M. students. Despite this increase in the number of students, the number of academic staff remained almost unchanged. In 2003-2004 academic year, there were a total of 49 academic staff at the Faculty of Law (42 full-time and 7 part-time). See id. at 139, 141. For the 2007-2008 academic year, this

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32 In fact, only a total of 5,873 students have graduated from the University of Prishtina Faculty of Law between 1969 and 2004. See UNIVERSITY OF PRISHTINA 1970-2005 at 135, 137. Even allowing for much smaller graduating classes under the “shadow” educational system in the 1990s, these numbers are a striking evidence of the magnitude of increases in new enrollments in recent years.
number increased to only 52 academic staff (44 full-time and 8 part-time), with an additional 9-15 Assistants to be hired in 2008. Even after being divided into two sections, each professor teaching mandatory LL.B. courses has some 600 students in a class. Even with the assistance of junior academic staff, this is not a reasonable student to teacher ratio. This is not the case in the LL.M. program. The classes are reportedly limited to 50 students, and only 25 or so show up on any given day.

Interviews with academic staff at the University of Prishtina Faculty of Law reveal that the large number of students in relation to the size of the academic staff in the LL.B. program is the single biggest obstacle to the use of innovative teaching techniques and methods for evaluating students’ knowledge. By contrast, in the LL.M. program, professors are able to engage in more interaction with students and to give credit for mid-term examinations, class participation, and writing papers, all of which are impossible in LL.B. classes.

There are far fewer students enrolled in law programs in private universities, but since there are also fewer academic staff, classes can still be large. Although exact figures were not available, the ratio of students to teachers still appears more reasonable in the private schools.

In terms of administrative and student support services, the current number of staff supporting the Faculty of Law students and academic staff is inadequate for the current size of the student body. As of December 2004, there were a total of 23 administrative and technical support personnel employed by the Faculty of Law (see UNIVERSITY OF PRISHTINA 1970-2005 at 147). Although the assessment team received no comparable statistics for 2007-2008 academic year, there is no evidence that this number has increased significantly since 2004. At the University of Prishtina level, there is a special centralized office called LINK, which offers career counseling to all students within the University. The services offered include assistance with resume and cover letter writing, preparation for job interviews, and providing information on scholarship opportunities. Students are reportedly very excited about this office and make frequent use of its services. The assessment team did not receive information regarding the availability of other student support services at the University of Prishtina or at any of the private higher education institutions.
# List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABA ROLI</td>
<td>American Bar Association’s Rule of Law Initiative</td>
</tr>
<tr>
<td>AUK</td>
<td>American University of Kosovo</td>
</tr>
<tr>
<td>BAC</td>
<td>British Accreditation Council</td>
</tr>
<tr>
<td>DOJ</td>
<td>US Department of Justice</td>
</tr>
<tr>
<td>ECTS</td>
<td>European Credit Transfer and Accumulation System</td>
</tr>
<tr>
<td>EHEA</td>
<td>European Higher Education Area</td>
</tr>
<tr>
<td>ENQA</td>
<td>European Association for Quality Assurance in Higher Education</td>
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<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>EULEX</td>
<td>European Rule of Law Mission in Kosovo</td>
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<tr>
<td>GPA</td>
<td>grade point average</td>
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<tr>
<td>KAA</td>
<td>Kosovo Accreditation Agency</td>
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<td>KBPT</td>
<td>Kosovo Bologna Promoters’ Team</td>
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<td>KCAA</td>
<td>Kosovo Council for Academic Awards</td>
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<tr>
<td>KFOR</td>
<td>NATO Kosovo Force</td>
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<tr>
<td>KLA</td>
<td>Kosovo Liberation Army</td>
</tr>
<tr>
<td>LERI</td>
<td>Legal Education Reform Index</td>
</tr>
<tr>
<td>LL.B.</td>
<td>Bachelor of Law</td>
</tr>
<tr>
<td>LL.M.</td>
<td>Master of Law</td>
</tr>
<tr>
<td>MEST</td>
<td>Ministry of Education, Science, and Technology</td>
</tr>
<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
</tr>
<tr>
<td>OPDAT</td>
<td>Office of Overseas Prosecutorial Development, Assistance and Training</td>
</tr>
<tr>
<td>SFRY</td>
<td>Socialist Federal Republic of Yugoslavia</td>
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<tr>
<td>SRSG</td>
<td>Special Representative of the UN Secretary General</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNMIK</td>
<td>United Nations Mission in Kosovo</td>
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<td>USAID</td>
<td>United States Agency for International Development</td>
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<tr>
<td>WUS-Austria</td>
<td>World University Service-Austria</td>
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</tbody>
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