LEGAL EDUCATION REFORM INDEX

FOR

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VOLUME II
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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 useable 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 in Quality Assurance in Higher 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.

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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).
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 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.

The follow-on rounds of implementation of the LERI will be conducted with several purposes in mind. First, they will provide an updated report on the legal education systems of emerging and transitioning democracies by highlighting significant recent developments and how these developments impact the quality of legal education and the environment in which law schools operate. They will also identify the extent to which shortcomings identified by earlier LERI assessments have been addressed by state authorities, representatives of the legal education community, and others. Periodic implementation of the LERI assessments will record those areas where there has been backsliding in the area of legal education reform, note where efforts to reform the legal education have stalled and have had little or no impact, and distinguish success stories and improvements in legal education reform efforts. Finally, by conducting LERI assessments on a regular basis, ABA ROLI will continue to serve as a source of timely information and analysis on the state of legal education and reform in emerging democracies and transitioning states.

The overall report structure of follow-on LERI reports as well as methodology will remain unchanged to allow for accurate historical analysis and reliable comparisons over time. These reports will evaluate all 22 LERI factors. This process will involve the examination of all laws, normative acts and provisions, and other sources of authority that pertain to the organization and operation of the legal education system, and will again use the key informant interview process, relying on the perspectives of several dozen or more law school faculty, administrators, and students, government officials, legal practitioners, and NGO leaders who have expertise and insight into the functioning of the law schools. When conducting the follow-on assessments, particular attention will be given to those factors which received negative values in the prior LERI assessment.

Each factor will again be assigned a correlation value of positive, neutral, or negative as part of the follow-on LERI implementations. In addition, all follow-on assessment reports will also identify the nature of the change in the correlation or the trend since the previous assessment. This trend will be indicated in the Table of Factor Correlations that appears in the LERI report’s front-matter and will also be noted in the conclusion box for each factor in the standardized LERI report template. The following symbols will be used: ↑ (upward trend; improvement); ↓ (downward trend; backsliding); and ↔ (no change; little or no impact).

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 2010 assessment team was led by Cynthia Alkon, Associate Professor of Law at the Texas Wesleyan University School of Law, with invaluable assistance of ABA ROLI Kosovo Staff Attorney Vjosa Hasanaj and Legal Interns Milot Ahma and Alonit Cohen. The assessment team received strong support from ABA ROLI staff in Pristina and Washington DC, including Kosovo Country Director Gina Schaar; Director of Research and Assessments Simon Conté, Europe and Eurasia Division Director Donna Wright, Europe and Eurasia Division Deputy Director Julie Garuccio, Program Office Megan Niedermeyer, and Program Associate Ellen Davis. ABA ROLI Research Coordinator Olga Ruda served as overall project coordinator and editor of the report and Senior Legal Analyst Jessie Tannenbaum finalized the report for publication. The conclusions and analysis are based on interviews that were conducted in Kosovo in June 2010, follow-on interviews conducted in October 2010, and relevant materials 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.
Executive Summary

Brief Overview of the Results

The 2010 Legal Education Reform Index (LERI) for Kosovo reflects important improvements in the legal education system in Kosovo, even as crucial challenges remain. Since the first LERI was conducted in Kosovo in 2008, the higher education system has made significant steps toward compliance with the Bologna Process and toward the creation of a European Higher Education Area. The quality of private law faculties has improved since an accreditation process began in 2009. Despite these positive developments, however, significant challenges remain. Both the public and private law faculties face the challenge of educating excessively large numbers of students with inadequate buildings, technological capabilities, academic staff, and libraries, while at the same time working to improve the quality of their curricula and incorporate new legal subjects and teaching methods.

As illustrated in the Table of Factor Correlations, in 2010 Kosovo received positive correlations on six of the 22 LERI factors, including two factors (standards for licensing and accreditation, recognition frameworks and networks, and faculty compensation) that received a neutral correlation in 2008; none of the four factors receiving a positive correlation in 2008 registered a decline in 2010. Six factors received a negative correlation, an increase from five in 2008; one factor (faculty compensation) receiving a negative correlation in 2008 registered a neutral correlation in 2010, while two factors (student evaluation and/or examination and institutional record keeping) declined from a 2008 neutral correlation. The remaining ten factors received a neutral correlation in 2010. Overall, three factors showed improvement since 2008, increasing from neutral to positive or negative to neutral correlations, while only two factors registered a decline, reflecting tentative but concrete progress in Kosovo’s legal education system.

Positive Aspects Identified in the 2010 Kosovo LERI

- **The formalities of Kosovo’s legal education system, as part of its overall higher education system, meet the standards articulated in the Bologna Declaration**, including designation and duration of degree programs, design of the curricula and use of the European Credit Transfer and Accumulation System. The University of Prishtina and private law faculties participate in national, regional, and international academic networks, and students are also able to take part in exchange programs in other countries in Europe.

- **All public and private institutions providing legal education are licensed and accredited** by the Ministry of Education, Science, and Technology, with the exception of the law faculty in Mitrovica, which follows the Serbian accreditation process. In 2008 accreditation and licensing standards were still under development, and an independent evaluation of private law faculties led to the suspension of the licenses all 10 then-existing private law faculties while accreditation standards were developed. Four private law faculties were accredited in 2009, and five additional private law faculties were accredited in 2010. A new public law faculty at Prizren was also accredited and opened in 2010.

- The University of Prishtina Faculty of Law uses **special admission measures to increase representation of underrepresented and disadvantaged groups**, and **discrimination in admissions is prohibited by law and in practice** at both public and private law faculties. Although no private law faculties have special admission measures in place, the assessment found no evidence of overt discrimination in admissions in practice.

- The **law forbids discrimination in hiring in both public and private universities and**
provides for administrative review and judicial appeal of hiring and promotion decisions. Hiring and promotion practices for academic staff at the University of Pristina are competitive, fair, uniform, and transparent. However, despite a lack of overt discrimination, women and ethnic minorities continue to be underrepresented among the academic staff at Kosovo’s law schools. In 2009, salaries for academic staff at the University of Pristina were increased substantially, bringing them in line with the salaries offered at private law faculties, although academic staff at all institutions continue to report that salaries are insufficient, and the salary increases do not seem to have achieved their stated aim of restricting the number of faculty holding multiple teaching or other positions.

• **Broad institutional and individual academic freedom is protected by law and by the statutes of all providers of higher education in Kosovo.** Interviewees reported that 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.

**Challenges Identified in the 2010 Kosovo LERI**

• **Professional and legal ethics are not adequately taught in both public and private law schools in Kosovo.** The University of Pristina Law Faculty and some private law faculties offer elective legal ethics courses, but many students graduate without taking these courses and it is not clear what subjects are covered in the courses. Without a required ethics course for all law students, it will be difficult for law faculties in Kosovo to properly prepare their students for legal practice in countries that adhere to European standards for the ethical practice of law.  

• Law faculties rely heavily on final examinations, and cheating by students and corruption in the examination and grading process were widely reported at the University of Pristina Law Faculty. In practice, students who fail exams are allowed to retake the exam as many times as they choose and students are not placed on academic probation or academically dismissed due to poor grades. There are no programs to provide remedial education for the many current law students who received poor primary and secondary education due to conditions in the public education system in Kosovo during the period before, during, and after the war.  

• **Graduation rates remain low** for both LL.B. and LL.M. students at the University of Pristina. Large numbers of students are admitted to the University of Pristina but a significantly smaller number graduate. Women continue to graduate in smaller numbers than men, particularly from the LL.M. programs, although the numbers of women receiving LL.B. and LL.M degrees are increasing every year.  

• **Lack of digitalization of academic records at the University of Pristina creates a burden for students**, who encounter difficulty and delays in registering for classes or examinations. Private law faculties and the law faculty in Mitrovica reportedly have more efficient systems for maintaining records.  

• **The physical facilities, technology capabilities and law libraries at both public and private law faculties are inadequate to support these institutions' missions.** The problem is particularly acute at the public University of Pristina, where buildings are in poor repair, administrative staff are insufficient in number and lack sufficient training and skills, and the libraries have insufficient physical facilities, internal systems, and collections.  

• **The size of the University of Pristina Law Faculty's student body continues to be of concern**, affecting class sizes, teaching and examination methods, physical facilities
and faculty-student ratios. The entering class size is determined by the Ministry of Education, Science, and Technology without taking into account the needs of the students and the resources available at the Law Faculty.

- **The law faculty in Mitrovica continues to operate under Serbian accreditation and teach Serbian law.** This lack of integration of the institutions into one University system presents an ongoing challenge to Kosovo’s legal education system, reflecting the overall problems facing the government of Kosovo with respect to most institutions in the northern part of the country.
Kosovo Background

The Republic of Kosovo, the world’s newest independent state, was formally created in February 2008, when the Assembly of Kosovo unanimously passed a declaration announcing its independence from Serbia. As of the writing of this assessment, 72 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. Despite its declaration of independence and adoption of a new Constitution in June 2008, Kosovo does not yet enjoy full political autonomy, but is subject to external oversight by the European Union Rule of Law Mission in Kosovo [hereinafter EULEX] and the International Civilian Office [hereinafter ICO]. Likewise, Kosovo’s security at this time is ensured through the continued military presence of the North Atlantic Treaty Organization [hereinafter NATO] Kosovo Force [hereinafter KFOR].

Kosovo’s present status can be understood only within the broader context of the dissolution of the Socialist Federal Republic of Yugoslavia [hereinafter SFRY] during the 1980s and 1990s. For most of the twentieth century, Kosovo was an administrative region of Yugoslavia, either as part of “South Serbia” within the monarchical Yugoslavia that existed between the two World Wars, or as a province of the Serbian Republic, which was one of the constituent entities within the SFRY created in 1944. Under the 1974 SFRY Constitution, Kosovo enjoyed the status of an “autonomous province” within the Serbian Socialist Republic, with some attributes of limited sovereignty, such as power over its own police, courts, and civil defense. However, following Serbian President Slobodan Milosevic’s rise to power, Kosovo’s autonomy became severely restricted. In 1989, the over 80% ethnic Albanian majority in Kosovo was placed under martial law. War broke out in Serbian-controlled Kosovo in 1997-1998, as the Kosovo Liberation Army conducted 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, NATO forces began an air war against Yugoslavia in March 1999. The 78-day war ended in June 1999, when Yugoslav forces withdrew from Kosovo.

Since the cessation of major hostilities and continuing through to its declaration of independence in 2008, Kosovo was administered as a UN Protectorate, with an international civilian administration and military security presence as authorized by the UN. See generally UN SECURITY COUNCIL RESOLUTION 1244 (Jun. 10, 1999) [hereinafter RESOLUTION 1244]. The international civilian administration, known as the United Nations Mission in Kosovo [hereinafter UNMIK], was headed by the Special Representative of the UN Secretary-General [hereinafter SRSG] and charged with such functions as policing, defense, foreign affairs, and certain justice matters, until the status of Kosovo could be resolved. See id.; see also generally UNMIK REGULATION NO. 2001/9 ON A CONSTITUTIONAL FRAMEWORK FOR PROVISIONAL SELF-GOVERNMENT IN KOSOVO (May 15, 2001, last amended by UNMIK REGULATION NO. 2007/29, Oct. 4, 2007) [hereinafter CONST. FRAMEWORK]. The international security presence was separately operated through KFOR, whose troops and international personnel were not subject to the authority of UNMIK and enjoyed immunity from the Kosovo justice system. In a major initiative to resolve Kosovo’s status during this period, UN Special Envoy Martti Ahtisaari devised a step-by-step proposal for Kosovo’s independence. REPORT OF THE SPECIAL ENVOY OF THE SECRETARY-GENERAL ON KOSOVO’S FUTURE STATUS (S/2007/168) AND THE COMPREHENSIVE PROPOSAL FOR THE KOSOVO STATUS SETTLEMENT (S/2007/168/Add.1) (Mar. 26, 2007) [hereinafter AHTISAARI PLAN]. Because that plan was opposed in the UN Security Council by Russia, the UN Secretary-General Ban Ki-moon proceeded instead with a different plan, entailing that the UN maintain a position of strict neutrality on the question of Kosovo’s status. At the request of Serbia, a UN General Assembly resolution adopted in October 2008 requested that the International Court of Justice [hereinafter ICJ] issue an opinion on the legality of Kosovo’s unilaterally proclaimed independence. UN GENERAL ASSEMBLY RESOLUTION NO. 63/3 (Oct. 8, 2008). On July 22, 2010, the ICJ issued an advisory opinion holding that the declaration of independence did not violate

Kosovo’s declaration of independence has been accompanied by significant changes in its international oversight arrangement. The EU has established the EULEX mission, which is a deployment of 2,000 EU police and civilian resources in continuation of the UNMIK presence in Kosovo envisaged by Resolution 1244. See COUNCIL OF THE EUROPEAN UNION JOINT ACTION 2008/124/CFSP ON THE EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO (Feb. 4, 2008, as amended by COUNCIL OF THE EUROPEAN UNION JOINT ACTION 2009/445/CFSP, Jun. 9, 2009) [hereinafter EU COUNCIL JOINT ACTION ON EULEX]. EULEX is led by a Head of Mission, who serves as the highest executive authority. EULEX’s key objective is to assist and support Kosovo’s authorities on rule of law matters, specifically those related to the police, judiciary, and customs. As a result, UNMIK has downsized its mission and turned many of its operations over to EULEX. However, because Resolution 1244 can be derogated only by a new UN Security Council resolution and Russia opposes any such resolution, as of the drafting of this report, UNMIK remains indefinitely in Kosovo as a secondary international mission, with its reserved powers transferred to the Government of the Republic of Kosovo and EULEX. Like the UN, the EU as a whole has refrained from taking a position on the status of Kosovo. As before, KFOR continues to operate separately from EULEX’s administration.

Kosovo has a population of approximately 2.18 million people. As of 2008, a little less than a third of the population was under the age of 15, and about 60% was under the age of 25. During the 2009-2010 academic year, there were 96,172 secondary school students in the country, all of whom will soon be eligible to enter the higher education system. In addition, 26,274 out of 28,141 students passed the matriculation exam in 2009, enabling them to apply for further studies. At present, 60,000 students (23% of population aged 18-24) are enrolled in higher education in Kosovo, which is the lowest percentage among this age group enrolled in higher education in Europe. One component of Kosovo’s current higher education strategy is to increase this percentage to at least 25% by 2015.

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 Pristina upon the formation of the latter in November 1969. Initially, the Faculty taught both law and economics, but in 1971, these subjects were 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 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, which, during that period, consisted almost exclusively of ethnic Serb professors and students. Members of the Kosovo Albanian community established 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 bar exam and thus become advocates.
After the 1998-1999 war, ethnic Albanians returned to the main campus of the University of Prishtina, while the ethnic Serb professors and students relocated to the parallel Mitrovica University, which has been located in Mitrovica since 2001 and received official UNMIK recognition in December 2002. The institutions remain segregated along ethnic lines. 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 law courses taught at Mitrovica University pertain exclusively 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. The entire University, including the Law Faculty, is funded by the Serbian government. 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 lack of Kosovo’s full international recognition as a state has not allowed it to participate as one of the signatory countries of the Bologna Declaration to date. Nonetheless, Kosovo’s first Higher Education Law and the University of Prishtina Statute were drafted with the assistance of experts from the Council of Europe, and they incorporate the general principles and international quality assurance standards established by the Bologna Declaration. 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 Prishtina has adopted a revised Faculty of Law curriculum in September 2007 and has fully implemented ECTS. Practical skills courses are gradually being introduced to help better prepare students to become effective legal practitioners. These courses are growing increasingly popular with law students and academic staff; however, only a handful of students are able to participate in these courses each year. Faculty salaries were increased in 2009 to a competitive level, although many professors continue to hold multiple part-time employment contracts with other organizations.

A number of private providers purporting to offer legal education have sprung up in recent years. As of 2008, 30 private institutions were licensed to operate in Kosovo, including 10 that provided law and law-related degrees. However, none of these institutions were accredited by the MEST to award degrees and diplomas in 2008. An independent evaluation resulted in the suspension of licenses for all of these institutions, and the prohibition on admitting any new students for the 2008-2009 academic year. An accreditation process took place during 2009, as a result of which

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3 There is no single name agreed to by both the Serbian and Albanian communities in Kosovo to refer to this higher education institution. The different names of this higher education institution are all connected to the political situation in Kosovo. For clarity, and to avoid any possible and unintended political connotations or meanings contained in the various names, the LERI will refer to this institution as Mitrovica University.

4 A new Higher Education Law, which refers to the independent Republic of Kosovo rather than UNMIK, has been drafted, with support from the World Bank. Among the major improvements, the new draft law clearly promotes European integration as one of its main goals, solidifies autonomy and supports diversity in higher education, and establishes a universal framework for hiring and promotion of academic staff.
four private law faculties\(^5\) were accredited for an initial one-year period. Their accreditation was extended in July 2010 for a new three-year period, and an additional five private law faculties were also accredited for a one-year period at that time.

The number of students admitted annually to the University of Prishtina 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 affects physical and technological facilities and legal materials available in the University.

**Structure of the Legal Education System**

**Institutions Providing Legal Education**

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\(^6\) 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, May 12, 2003) [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. All higher education 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. The initial accreditation is valid for a one-year period.

In addition, depending on the ownership status, the Higher Education Law distinguishes between two types of higher education providers. Public providers of higher education\(^7\) 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. At present, there are three public universities operating in Kosovo, each of which has a law program. The University of Prishtina houses the largest and best known law school and is governed pursuant to a statute adopted on July 5, 2004. To reduce the number of students in the Pristina facilities, the Faculty of Law opened two new campuses in Gjilan and Peja in October 2010. A new public university, the University of Prizren, also opened in October 2010. The Mitrovica University is not fully integrated into the educational system in Kosovo and instead operates under the educational system of the Republic of Serbia, and is governed pursuant to a statute adopted on November 15, 2006.

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\(^5\) For the purposes of this report, the term private law faculty is used to refer to any private provider of higher education offering law-related degrees, including institutions that may not encompass a full law faculty as the term is generally understood.

\(^6\) The terms “higher education institution,” “higher education provider,” “institution,” “provider,” and “university” are used interchangeably throughout this assessment report.
**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. A total of nine private providers have been licensed and accredited to offer law and law-related degrees (such as LL.B. in Criminology).

**Recognized Law Degrees**

In compliance with the Bologna Declaration requirements, higher education in Kosovo, including legal education, consists of three degree cycles. 7 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 completion of 240 ECTS credits over four years after graduating from secondary school. During the 2009-2010 academic year, there were approximately 6,000 university students pursuing an LL.B. at accredited public and private law faculties throughout Kosovo, including 4,400 LL.B. students enrolled at the University of Pristina and 175 at Mitrovica University, with the remainder enrolled at the four private law faculties that were accredited in 2009-2010. For the new academic year that begins in October 2010, the two campuses of the University of Pristina each admitted 750 LL.B. students in their first year, and the newly-accredited University of Prizren admitted 300 law students. Mitrovica University admitted 142 new LL.B. students for the 2010-2011 academic year (down from 175 students admitted in 2009-2010), and a total of 1,009 students graduated from the Faculty of Law during 1999-2010 (including 193 in the last three years). The four previously accredited and the five newly accredited private law faculties did not provide their enrollment figures for 2010-11.

- **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 60 ECTS credits in the course of one year. There are no students currently enrolled in the LL.M. program under the new degree cycle at the University of Pristina, since the first students who will be eligible for this program commenced their LL.B. studies in 2007. Thus, the LL.M. degree will begin in 2011-2012 academic year. In the meantime, a total of 963 students are currently enrolled in the previous two-year Master’s program in law at the University of Pristina. In addition, three of the private law faculties – at AAB-Riinvest College, Fama College, and Iliria College – are now accredited by the MEST to offer LL.M. degrees.

- **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. At present, the only institution in Kosovo offering a Ph.D. program in law is the University of Prishtina Faculty of Law. The typical duration of doctoral studies at the

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7 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 that existed since 2001-2002 academic year. Because many students enrolled under the previous program cycle have yet to graduate and complete their two-year Master’s degrees in law, all accredited universities (public and private) currently have student both on this older track and the current Bologna track. The migration over to the new cycle will be complete when all students from the previous cycle have graduated.
University of Prishtina is 3-4 years. There are currently 21 doctoral candidates at the University of Prishtina Faculty of Law.

Control and Oversight

The MEST is recognized as the competent government authority 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 accrediting 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. Within the University of Prishtina system, this autonomy is exercised centrally by the University Rectorate in the areas of hiring, firing and promotion of faculty and administrative staff; curriculum changes; student admissions; physical facilities; and budget. Individual faculty deans and administrative structures have limited influence over the decisions in these areas directly affecting their institutions.

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 successfully passed the matriculation (matura) exam is eligible to participate in the competition for admission to the LL.B. program at the University of Prishtina Faculty of Law. Admission is based on the combination of grade point average [hereinafter GPA] in secondary school (up to 20 points), the score obtained on the national matriculation (maturity) exam (up to 50 points), and the results obtained on the admission exam administered by the Faculty of Law (up to 30 points). The latter covers several subject areas, all of which must have been part of the secondary school curriculum: Albanian language, basic theory of law, and basic constitutional law. Applicants are ranked by points they have received, and the highest-scoring applicants are admitted to the publicly-funded places. There is no minimum score required for admission; however, at least 30% of the applicant’s total score must come from the Law Faculty admission exam. Approximately 5,000 candidates sat for the Faculty’s of Law admission exam for 2009-2010 academic year, of which 1,866 were admitted based on their combined scores. The annual tuition fees are EUR 100 (USD 125) for full-time students and EUR 500 (USD 625) for part-time students. Starting in their second year, students with a minimum GPA of 9.0 are eligible to receive merit-based public stipends of EUR 900 (USD 1,125) per year.

Completion of the requisite lower cycle of studies is a prerequisite for admission to the postgraduate programs at the University of Prishtina Faculty of Law. Candidates who obtained an LL.B. and earned a GPA of at least 7.5 are directly admitted into the LL.M. program, while

8 In this report, Euros (EUR) are converted to United States dollars (USD) at the average rate of conversion at the time when the LERI interviews were conducted (USD 1.00 = EUR 0.80).
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 (or a two-year Master’s degree in law). 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.

The Law Faculty at Mitrovica University accepts students who have completed a four-year secondary school. Applicants are evaluated based on their secondary school GPAs and Serbia’s law school entrance exam, which contains questions on history and the Serbian language from the secondary school curriculum. A total of 75 students were admitted for the 2010-2011 academic year and received public funding, and an additional 67 self-financed students were admitted at an annual tuition of EUR 500 (USD 625).

Admission at private providers of higher education appears to be less competitive than at public universities. Private institutions usually look at a combination of a candidate’s success in secondary school and his/her performance on the matriculation exam. In rare cases, private universities have also conducted their own admission exams. Students at private law faculties pay annual tuition fees ranging from EUR 1,000 to EUR 1,600.

Curricula

Kosovo universities are authorized to independently design and implement their curricula, subject to compliance with the Bologna Declaration, the use of the ECTS, and accreditation of the courses by the KAA. The University of Prishtina Senate approved the revised Faculty of Law curriculum for LL.B. studies, which became effective in the 2007-2008 academic year. The curriculum consists of 25 mandatory ECTS credits spread over four courses in each of seven semesters. In addition, there are two to 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. 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 improvements in course selections and content, courses and teaching techniques remain largely theoretical, with heavy emphasis on lectures. There is a mandatory legal writing and methodology course and an elective professional legal ethics course, both offered in the fourth year of studies. Legal clinics have also been formally incorporated into the curriculum as electives. Given the large undergraduate class size, students receive very limited feedback even in these practical skills courses, and performance in each course is usually measured by means of a written final exam using multiple-choice or short essay questions.

Courses at the Mitrovica University are also largely theoretical and based on lectures. Students take six or seven required courses each year and one elective each semester (two electives in the eighth semester), for a total of 240 ECTS credits. Legal writing is incorporated in the mandatory first-year Introduction to the Law course, and professional legal ethics is available as an elective that can be taken during the second or the third year. All courses are based on the law of the Republic of Serbia and thus do not prepare students to practice law in Kosovo.

Curricula and student evaluation at private law faculties tend to be similar to the University of Prishtina.

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 (240 for the LL.B. degree, 60 for the LL.M. degree, and 180 for
the Doctorate degree). In addition, 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. Successful completion of all degree requirements is certified by the University through a diploma.
Kosovo LERI 2010 Analysis

While the correlations drawn in this assessment may serve to give a sense of the relative status of certain issues present, ABA ROLI emphasizes that these factor correlations and conclusions in the Kosovo LERI 2010 possess their greatest utility when viewed in conjunction with the underlying analysis and compared to the Kosovo LERI 2008. ABA ROLI considers the relative significance of particular correlations to be a topic warranting further study. In this regard, ABA ROLI invites comments and information that would enable it to develop better or more detailed responses to future LERI assessments. ABA ROLI views the LERI assessment process as part of an ongoing effort to monitor and evaluate reform efforts.

Table of Factor Correlations

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<th>Legal Education Reform Index Factor</th>
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<tr>
<td>Factor 1 Regulation of Legal Education by a Duly Authorized Entity</td>
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<td>Positive</td>
<td>↔</td>
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<tr>
<td>Factor 2 Standards for Licensing and Accreditation</td>
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<td>Positive</td>
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<tr>
<td>Factor 3 Licensing and Accreditation Procedure</td>
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<td>Factor 4 Disciplinary and Enforcement Actions</td>
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<td><strong>II. Admission Policies and Requirements</strong></td>
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<td>Factor 5 Admission Examination and/or Other Entrance Standards</td>
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<td>Factor 6 Non-Discriminatory Admission</td>
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<td>Factor 7 Special Admission Measures</td>
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<td><strong>III. Curriculum and Teaching Methodology</strong></td>
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<tr>
<td>Factor 8 Comprehensive Curricula</td>
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<td>Factor 9 Instruction in Ethics and Core Professional Values</td>
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<td>Factor 10 Professional Skills Instruction</td>
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<td><strong>IV. Student Evaluation, Awarding of Degrees, and Recognition of Qualifications</strong></td>
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<td>Factor 12 Student Evaluation and/or Examination</td>
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<td>Factor 13 Awarding of Degrees</td>
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<td>Factor 14 Institutional Record-Keeping</td>
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<td>Factor 15 Recognition Frameworks and Networks</td>
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<td><strong>V. Faculty Qualifications and Conditions of Employment</strong></td>
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<td>Factor 16 Faculty Qualifications</td>
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<td>Factor 17 Hiring, Promotion, and Tenure</td>
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<td>Factor 18 Faculty Compensation</td>
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<td>Factor 19 Academic Freedom and Freedom of Association for Law Faculty</td>
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<td><strong>VI. Institutional Holdings and Capacities</strong></td>
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<td>Factor 20 Access to Legal Materials</td>
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<td>Factor 21 Physical Facilities and Technological Capacities</td>
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<tr>
<td>Factor 22 Class Size and Administrative/Support Staff</td>
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</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>
<th>Trend: ↔ ↔ ↔ ↔</th>
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<tr>
<td>The MEST regulates all public and private higher education providers in Kosovo, including institutions providing legal education. All public and private providers of higher education that currently admit law students operate with both MEST licenses and full accreditation. The only exception is Mitrovica University, which is not fully integrated into the educational system in Kosovo and instead operates pursuant to the licensing and accreditation procedures of the Republic of Serbia.</td>
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Analysis/Background:

The Law on Higher Education recognizes the MEST as the competent government authority directly responsible for regulation of higher education providers in Kosovo, including legal education providers. The MEST’s authority includes: 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, training, and research; authorizing the format and content of diploma and diploma supplements 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. The MEST is also authorized to establish the KAA with the goal to assist higher education providers to develop their potential and enhance the quality of their activities through the processes of licensing, inspection, and accreditation conducted in a professional and transparent manner. Id. §§ 4.3-4.4; see also ADMINISTRATIVE INSTRUCTION ON ESTABLISHMENT OF KOSOVA ACCREDITATION AGENCY §§ 2.2, 3-4 (MEST Instruction No. 11/2004, Feb. 16, 2004) [hereinafter KAA INSTRUCTION]. The KAA has a Director and is governed by a five to nine member National Council for Quality [hereinafter NCQ], which is appointed by the MEST for a fixed term. The NCQ must include representatives of both genders and at least three international members, and all of the members should be individuals active in higher education and academic work. HIGHER EDUCATION LAW § 4.6; KAA INSTRUCTION § 5.1(d)-(e). The NCQ currently consists of nine members, with six local members (including one woman and one representative of the Bosniak minority) and three international members from the US, the UK, and Austria.

There are two types of higher education providers in Kosovo: public and private. The MEST has the authority to create public providers, subject to ratification by the Kosovo Assembly. Id. § 6.1. The MEST should issue a license to public providers of higher education at the time of their creation. Id. § 6.4. Each public provider of higher education must enact a statute, subject to MEST approval, that states how it will be governed and managed. Id. § 13.1. The statute must give the provider’s senate the principal responsibility for advice on academic matters. Id. § 13.3(a). The senate is to be composed of elected representatives of the academic staff and students. Each public provider of higher education also has its own council of administrators, or an administrative board, as its principal governing authority. Id. § 14. The administrative board elects the rector, who is the principal manager of any public university. Id. § 15. Any private individual, organization, or foundation located or having a registered office in Kosovo can found a private institution of higher education. Id § 22.1; see also ADMINISTRATIVE INSTRUCTION ON
LICENSING OF PRIVATE PROVIDERS OF HIGHER EDUCATION art 2.1 (MEST Instruction No. 14/2003, Jul. 17, 2003) [hereinafter LICENSING INSTRUCTION]. Private institutions may adopt a statute or other constitutional document and decide on 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 must have a license to operate. See id. § 10.1. All licensed providers must also obtain an accreditation in order to have the power to award academic degrees and diplomas. Id. § 12.1. See also Factors 2 and 3 below for a more detailed analysis of licensing and accreditation criteria and procedures.

On July 5, 2004, the University of Prishtina enacted its Statute [hereinafter UP STATUTE], pursuant to the authority granted by the Higher Education Law. Under the statute, the University Board is the principal governing body with the overall strategic responsibility for efficient institutional operation. UP STATUTE arts 17-24. The Rectorate includes the Rector, the chief academic and administrator 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). The University Senate is the highest academic body responsible for general strategic issues relating to research, scholarship, teaching, and courses at the University. Id. arts. 43-50. The University is organized into academic units (or faculties) and organizational units (including the University library and the University computer network center). Id. arts. 51, 53, 86. Each faculty’s governance structure consists of the Dean, Vice Deans, a Faculty Council, and a Student Council. See generally id. arts. 63-79. The UP Statute expressly provides for a Faculty of Law located in Pristina. Id. art. 65.4.

Mitrovica University has opted out of this legal structure. Created in 1961 as part of the University of Belgrade located in Pristina, it joined with the University of Prishtina in 1969. The University moved to Mitrovica in 2001, operates under the Republic of Serbia’s educational system, and is not integrated into the education system in Kosovo. The student body consists primarily of ethnic Serbs from Kosovo, as well as students from Southern Serbia. The Council of the University adopted its Statute on November 15, 2006. This document was enacted pursuant to the Serbian Law on Higher Education. The University states it was founded by the Republic of Serbia, named the University of Prishtina, with its formal location in Pristina but “temporarily” located in Mitrovica. See STATUTE OF THE UNIVERSITY OF PRISHTINA AT MITROVICA arts. 2-4. The University’s governance and management structure consists of the University Council, Rector, Senate, and Student Parliament. Mitrovica University is accredited by Serbia’s Ministry of Education, and while it is eligible to seek accreditation from the MEST, the University administration chose not to do so. Nevertheless, UNMIK has officially recognized the University since December 2002, and the MEST treats the degrees received from the University as awarded by the University of Prishtina proper. As a result, the few law graduates who choose to sit for Kosovo’s bar exam are able to do so and become licensed advocates in Kosovo.

There are currently 18 fully licensed and accredited private providers of higher education in Kosovo, including nine that are licensed and accredited to award law and law-related degrees. Four of these private law faculties were accredited in July 2009 for an initial one-year period and were able to admit students for the 2009-2010 academic year. In July 2010, the KAA decided to extend the accreditation of these four law schools for a new three-year period.

In July 2010, the KAA also accredited five additional private law faculties for an initial one-year period, to begin operating in the 2010-2011 academic year. None of these institutions are accredited as universities.

9 The UP Statute has not been amended to reflect the creation of two new Law Faculty campuses located in Gjilan and Peja, purportedly because it is expected that those two campuses will become independent institutions in the near future.
PRIVATE LEGAL EDUCATION PROVIDERS OPERATING IN KOSOVO

<table>
<thead>
<tr>
<th>Institution/status</th>
<th>Year first accredited</th>
<th>Current accreditation period</th>
<th>Degrees offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAB-Riinvest College</td>
<td>2009</td>
<td>2010-2013</td>
<td>LL.B. Law, LL.B. Public Admin., LL.M. Civil Law</td>
</tr>
<tr>
<td>Dardania College</td>
<td>2009</td>
<td>2010-2013</td>
<td>LL.B. General Law</td>
</tr>
<tr>
<td>Fama College</td>
<td>2009</td>
<td>2010-2013</td>
<td>LL.B. Law, LL.B. Criminology, LL.M. Criminal Law, LL.M. Civil Law</td>
</tr>
<tr>
<td>Iliria College</td>
<td>2009</td>
<td>2010-2013</td>
<td>LL.B. Law, LL.M. Civil Law</td>
</tr>
<tr>
<td>Biznesi Institute</td>
<td>2010</td>
<td>2010-2011</td>
<td>BA Law</td>
</tr>
<tr>
<td>European School of Law and Gov't</td>
<td>2010</td>
<td>2010-2011</td>
<td>LL.B. Law, LL.B. Law and Mgmt of Real Property and Infrastructure</td>
</tr>
<tr>
<td>Institute in Gjilani</td>
<td>2010</td>
<td>2010-2011</td>
<td>LL.B. General Law</td>
</tr>
<tr>
<td>UBT College</td>
<td>2010</td>
<td>2010-2011</td>
<td>LL.B. Law</td>
</tr>
<tr>
<td>Victory College</td>
<td>2010</td>
<td>2010-2011</td>
<td>LL.B. Law and Int'l Relations</td>
</tr>
</tbody>
</table>

In addition, in early October 2010, a new public university, the University of Prizren, received formal KAA accreditation and was able to accept 300 students to enter the Law Faculty for the 2010-2011 academic year.

There are currently no private higher education institutions operating in Kosovo without both a license and accreditation. The only law faculty operating without a MEST-issued license and KAA accreditation is Mitrovica University, which is licensed and accredited in the Republic of Serbia. Nevertheless, as discussed in Factors 2 and 3 below, while the accreditation process reduced the number of private providers, between the public and private providers, there is still a disproportionately high number of law and economics students in Kosovo. According to the Central Administration of the University of Prishtina, is estimated that, as of the 2009-2010 academic year, there were approximately 60,000 university students in the country, and approximately 7,000 (11.67%) of them were enrolled in accredited public and private law faculties, including 963 students pursuing the Master’s in Law program at the University of Prishtina. The University of Prishtina’s call for applicants for the 2010-2011 academic year announced that 17,362 new undergraduate students will be admitted to the University, including 300 in the Law Faculty.

Despite repeated requests, neither the KAA nor the individual institutions provided enrollment figures for private law faculties. The University of Prishtina reported an enrollment of 4,400 law students in 2009-10 and Mitrovica University reported an enrollment of 175 law students, the assessment team calculated an estimated total enrollment of 2,585 law students enrolled at the four private law faculties accredited in 2009-10.

Previously part of Iliria College.

Despite repeated requests, the assessment team was not provided with any official information regarding the total number of university students studying law in Kosovo or their percentage in the overall university student populations.
3,000 new LL.B. students to the Faculty of Law (17.3% of the total number of new students). It continues to be a concern whether these enrollment numbers reflect the current needs of Kosovo’s labor market. See also discussion regarding class sizes in Factor 22.

**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.*

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<th>Conclusion</th>
<th>Correlation: Positive</th>
<th>Trend: ↑</th>
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<tr>
<td>The Higher Education Law and the KAA administrative regulations clearly define the basic criteria and requirements for licensing and accreditation of higher education institutions. The accreditation criteria are considered adequate.</td>
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**Analysis/Background:**

By law, licensing and accreditation for higher education providers in Kosovo are two different procedures with different sets of standards. 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 charged with formulating and publishing criteria for licensing, which constitute a government licensing standard. *Id.* § 10.2. The government licensing standard should take into account the variety of teaching and learning methods employed by higher education institutions, including provisions related to: the 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 or faculties. *Id.* § 8.2.

The Licensing Instruction provides some additional details as to terms and criteria for licensing that apply to private providers only. However, as in the Higher Education Law, most of these criteria are general, and there are no specific numeric requirements. As stated, the standards 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 LICENSING INSTRUCTION art. 8. If a provider of higher education meets the criteria for licensing, it is entitled to receive a license. HIGHER EDUCATION LAW § 10.4.

Licensed public and private providers of higher education are also required to periodically submit to procedures for quality assessments and audits and to obtain accreditation. *Id.* § 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 can award degrees and diplomas. *Id.* § 12.1. The KAA is charged with promulgating national accreditation standards and procedures in compliance with the European guidelines and standards, and is required to publish all criteria, standards, procedures, and supporting documentation for accreditation. ADMINISTRATIVE INSTRUCTION ON ACCREDITATION OF HIGHER EDUCATION INSTITUTIONS IN KOSOVO art.
8 (MEST Instruction No. 2/2009, Jan. 6, 2009) [hereinafter ACCREDITATION INSTRUCTION]. The KAA did so by issuing an administrative instruction in early 2009, which sets forth the accreditation criteria, requirements, and procedures for both public and private higher education providers. As with the licensing standards discussed above, the accreditation standards are general, and there are few specific requirements.

Accreditation standards serve as an internationally comparable qualitative reference point for evaluating whether higher education institutions or their degree programs meet the minimum quality requirements. Id. art. 9. When a higher education institution applies for institutional accreditation, it must provide documentation that demonstrates its performance in nine separate fields of evaluation:

- Mission, strategy, organization, and quality management, including: a public mission statement; a strategic plan for at least a three-year period; evidence of sufficient human, material, and financial resources, and infrastructure that enables the institution to accomplish its strategic goals; transparent financial resources; guarantees of institutional autonomy and academic freedom, including freedom in all areas of teaching and research; and existence of an internal quality assurance system.

- Appropriate range and diversity of study programs that lead to attainment of academic or professional degrees compatible with European standards, including specific procedures for monitoring students’ progress. To qualify for accreditation, a university must offer its programs in at least five different faculties.

- Research activities of the institution, which must be in line with the strategic plan, meet international standards, and used to support the institution’s study programs. Institution must also provide evidence of collaboration projects with domestic and foreign research institutions, as well as public and private entities.

- Academic staff, including: published qualification criteria and procedures for selection, appointment, and promotion; criteria for awarding of academic titles; availability of continuing education for academic staff (both in terms of teaching methodologies and substantive training); and long-term policies for attracting new academic staff and their career development.

- Administrative and technical staff, including published procedures for appointment and promotion, as well as availability of continuing education.

- Students, including: clearly defined and published admission and graduation procedures and criteria; information on monitoring of students’ progress throughout their studies; guarantees of gender, religious, and ethnic equality, as well as equality for individuals with disabilities; student to faculty ratio that guarantees attainability of stated educational goals; and availability of advisory services for prospective and current students.

- Adequate infrastructure to enable long-term attainment of institution’s objectives.

- Cooperation, including: active participation in implementing the requirements of Bologna Declaration; cooperation with other educational institutions, the labor market, and the relevant interest groups at the national and international level; and participation in national and international student and staff exchange programs.

Id. art. 10.

Additionally, when an institution applies for accreditation of its study programs, it must provide documentation that demonstrates its performance in the following five fields of evaluation:

- Program implementation and teaching objectives, including: regularly offering a range of programs, whose objectives correspond to the institution’s mission and strategic plan. To qualify for accreditation, a faculty must offer programs in at least two study disciplines.
• Curriculum and teaching methodology, which fully comply with the study program’s declared goals and objectives and include published and consistently applied criteria and procedures for student evaluation. A program’s curriculum must meet both the requirements of Bologna Declaration and the international standards for the specific academic field.

• Academic staff appointed through transparent and competitive procedures and competent in terms of education and academic qualifications. Permanent academic staff with Ph.D. degrees must cover at least 50% of the entire teaching load, and there must be at least three faculty members per study course, including at least one full-time professor. The study program must also have a clearly defined schedule of academic staff’s engagement in teaching and research activities.

• Students, including published admission criteria and continuous promotion of student educational mobility through mutual recognition of credits between universities and study disciplines. Institutions are also specifically encouraged to “take measures to ensure that students are supported and advised continually during their learning.”

• Adequate equipment and infrastructure resources that are procured for a period of at least three years.

_id. art. 11._

Accreditation standards used for reaccreditation of institutions or study programs are identical to those used for initial accreditation. _Id. art. 7.3._

Since the new accreditation standards were promulgated, the KAA has successfully applied them during the accreditation process that began in 2008 and resulted in the accreditation of the University of Prishtina Faculty of Law and five private law schools in 2009 and 2010. See Factor 3 below for a more detailed discussion of the accreditation process. The University of Prishtina Faculty of Law was accredited in May 2010 for a two-year term, while four private law faculties were initially accredited for a one-year period in 2009 and re-accredited in 2010 for a three-year period. An additional five private law faculties were granted one-year accreditations in July 2010. None of the private applicants met the requirements to be licensed as a university, and the KAA instead recommended that the MEST license qualifying private providers as colleges or institutes. The MEST followed this recommendation.

The licensing and accreditation standards and practices are more established now than during the 2008 Kosovo LERI assessment. The new accreditation criteria are considered adequate. As a result, there were no complaints among the interviewees about the standards not being clear or not being specific to Kosovo. Nevertheless, some interviewees expressed a concern that, due to political reasons, the KAA and the MEST did not hold the University of Prishtina to the same, more stringent standards that they required for the private law faculties. See Factor 3 below for additional details. The assessment team was unable to review the evaluation reports prepared as part of the accreditation process for private law faculties, since the KAA claimed these documents are for internal use only; nor did the assessment team visit the law faculties that were not accredited during the initial accreditation phase in 2009. However, based on the interviews and other information that was made available to the assessment team, it appears that the law faculties that were licensed and accredited met, at least broadly, the standards put forth in the Licensing Instruction and the Accreditation Instruction. Moreover, notwithstanding any concerns that were expressed, most of the interviewees agreed that, by providing better quality control, the licensing and accreditation process has succeeded in reducing the number of private law faculties and, by many accounts, has improved the quality of education at the private law faculties.
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 licensing and accreditation process for higher education institutions is now well-established and standardized. The initial licensing and accreditation includes both a self-assessment and an external evaluation process, which is based on established rigorous, clearly explained, and internationally accepted quality assurance standards. But the process is neither fully transparent nor uniform in practice. Both licensing and accreditation certificates are subject to periodic reevaluation. The University of Prishtina Law Faculty has not yet gone through that reevaluation, but the accreditation was extended for a new three-year period for four private law faculties in 2010.</td>
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Analysis/Background:

All higher educational providers in Kosovo are required to have a license issued by the MEST. **HIGHER EDUCATION LAW § 10.1; LICENSING INSTRUCTION art. 7.4.** In addition, all higher education institutions that offer study programs leading to an academic or professional degree must have an accreditation from the KAA. **ACCREDITATION INSTRUCTION art. 3.**

The creation of any public higher education provider is accompanied by the issuance of a license, based on the licensing criteria described in Factor 2 above. **HIGHER EDUCATION LAW § 6.4.** The University of Prishtina is licensed under the Higher Education Law without any time limitation. **Id. § 10.6.** All applications for a license must be submitted to the MEST. **Id. § 11.1; LICENSING INSTRUCTION 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) to receive a license. **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. **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 Licensing Instruction. Among others, these include: a governance statute; codes of conduct; registration certificates; ownership or lease certificates for the premises; building safety, fire, and sanitary certificates; lists of academic staff, along with proof of their qualifications and lists of their scholarly publications; lists of administrative and support staff; course programs, curricula, and lists of proposed literature, educational and teaching tools; annual work plans; and other similar types of documents. **See generally LICENSING INSTRUCTION art. 8.1.1.** Each applicant must also pay an administrative fee to cover costs related to licensing, which is set at EUR 1,500 for faculties and EUR 4,000 for universities. **Id. art. 20.** To be considered for a license, the institution must submit a complete application package. **Id. art. 9.1.**

Private higher education institutions should renew their license yearly. **Id. art. 13.** The application for license renewal should include documentation to show that an institution meets the conditions and criteria for licensing and description of the work of the higher education institution for the previous year. **Id. art. 13.2.** The MEST can refuse to reissue the license if insufficient or inaccurate information is provided, or if the private higher education institution fails to meet the required conditions and criteria. **Id. art. 14.1.**
Accreditation is defined as a formal and transparent quality assessment procedure, during which an independent body evaluates whether an institution or its study program meets the required quality standards. Accreditation Instruction arts. 7.2, 9.1. A higher education provider that seeks institutional or study program accreditation must apply to the KAA at least one year prior to the desired date on which accreditation would commence. Id. arts. 4, 14; see also Higher Education Law § 11. Candidates for accreditation may include active public or private higher education providers, new private higher education providers, accredited higher education providers that aim to offer new study programs, and accredited higher education providers that aim to extend or renew their accreditation. Accreditation Instruction art. 6.

The accreditation procedure includes four stages: (1) internal self-evaluation by the institution, which includes the production of a written self-evaluation report; (2) external evaluation by an independent group of experts, which includes the publication of an evaluation report along with recommendations for improvement; (3) an accreditation decision by the KAA’s NQC and approval of that decision by the Minister of Education; and (4) follow-up procedures to improve the institution’s quality, including agreement to an action plan that takes into account the external evaluators’ recommendations. Id. art. 13. There is also a preliminary evaluation by the KAA of all applications filed by private providers, which determines whether the institution meets the general accreditation requirements as defined by the KAA (essentially, the minimum criteria based on the accreditation standards discussed in Factor 2 above). Id. art. 16. The KAA may decide to reject the application based on the outcomes of this preliminary evaluation. Id. art. 18.6. The KAA also verifies the application package to ensure that all required documents have been included and then forwards the application to the NQC, which makes a decision as to placing the institution’s evaluation on the KAA’s annual workplan. Id. art. 17.

The self-evaluation stage includes the production of a self-evaluation report – “a concise yet comprehensive summary which is analytical, critical and based on evidence of the activities by the institution.” This report must be submitted to the KAA at least one month to the independent experts’ team onsite visits to the institution. Id. art. 18.

The selection of experts begins as soon as the KAA and the applicant agree on a start date for the accreditation process. Id. art. 19.1. Each external evaluation team consists of two to seven independent experts (depending on the size of the institution being evaluated), who have experience with quality assessment and accreditation process (including within a university), adequate qualifications and research within a specific academic field, as well as teaching experience and experience in curriculum development, implementation, and evaluation. Id. art. 20. Expert teams are appointed by the NQC, and the applicant institutions have the right to object to appointments on reasonable grounds (such as potential bias). Id. art. 19.2-3. Experts are charged primarily with conducting an onsite visit to verify the information provided in the self-evaluation report, and with drafting the evaluation report. Id. art. 21.3. In order to help experts adequately prepare for the onsite visits, they must be provided with all applicable evaluation standards, as well as with the institution’s application documents and self-evaluation report at least four weeks prior to their visit. Id. art. 22.2-3. The onsite visit lasts at least two days, during which time the expert team must meet and conduct discussions “with different groups of individuals who have different roles in the institution.” Id. art. 22.4-5. A KAA official accompanies the expert team during the onsite visit and coordinates the evaluation process. Id. art. 22.6.

Based on the evidence collected during the onsite visit and the review of self-evaluation report and accompanying documentation, the expert team drafts its own evaluation report. This report must include a recommendation regarding accreditation of an applicant institution, as well as recommendations for improvement of quality and standards within the institution. Id. art. 23.1-2. The KAA is required to send the draft report to the applicant, and the latter has the right to submit written comments in response to the report within two weeks of receipt. Id. art. 23.4. The expert team may revise the draft report based on these comments, and must submit its final report to the KAA no later than eight weeks following the onsite visits. Id. art. 23.5. The applicant may
withdraw its application for accreditation at any time prior to this point, and may reapply after a one-year period. *Id.* art. 24.8-9.

The KAA Director then drafts an executive summary based on the expert team’s report, which is forwarded to the NQC for issuance of the accreditation decision. *Id.* art. 24.1-2. The NQC’s decision is determined by a majority vote of its members and must have the vote of at least one international member. *Id.* art. 24.3-4. Within a month of its issuance, the NQC’s accreditation decision must be approved by the Minister of Education. *Id.* arts. 24.7, 26.2. The final accreditation decision must be communicated to the higher education institution in writing. *Id.* art. 24.5. If the application for accreditation or reaccreditation is rejected, the institution may reapply for accreditation after a one-year period. However, if the application for accreditation is rejected for the second time, the institution’s license will be withdrawn. *Id.* art. 24.10-11. Accreditation is valid for a period of one year. *Id.* art. 28.1; *see also* Factor 4 below for a detailed discussion of consequences for failure to comply with accreditation requirements. Although the accreditation process should be handled in a confidential manner, the KAA is required to publish the final accreditation decision and the evaluation report on its website, http://www.akreditimi-ks.org. *Id.* art. 27.

The Accreditation Instruction addresses and corrects prior complaints regarding the lack of an appellate process for licensing and accreditation decisions. There is now a clear procedure for appealing the KAA’s recommendations or the MEST’s final decisions regarding accreditation and licensing. If the KAA’s recommendations are in conflict with the external evaluation report, the MEST can establish an international panel to approve or reject the decision on accreditation. *Id.* art. 26.3. Any higher education institution that disagrees with the KAA’s decision may also file an appeal with the KAA’s Appeals Committee, the MEST, and, after exhausting the administrative venues, with a competent court. *Id.* art. 30.

The institution seeking accreditation must pay for the accreditation process. The fees are EUR 3,000 for initial institutional accreditation, EUR 1,000 for accreditation of a new study program, EUR 2,000 for institutional reaccreditation, and EUR 500 for reaccreditation of one study program. *Id.* art. 25.4. In addition, private higher education institutions are responsible for all expenses associated with the accreditation process, including the costs for hiring the expert teams. The latter are calculated by multiplying EUR 3,300 by the number of experts on the team. The KAA should provide the institution with a preliminary estimate of these costs. *Id.* arts. 25.3, 25.6. Once accredited, private higher education institutions must pay the KAA an annual accreditation tax in the amount of EUR 5 per each student enrolled in the institution. *Id.* art. 25.8. The MEST covers accreditation costs for public higher education institutions. *Id.* art. 25.2.

Although the KAA accreditation process began in 2008, with the engagement of the British Accreditation Council, the KAA did not accredit any private providers of higher education for the 2008-2009 academic year. The private law faculties, therefore, could not admit any new students for that year, although students who were already admitted were allowed to continue their studies. As one observer noted, “the Government itself is to be commended on its principled refusal to allow [private higher education providers] to recruit new students in 2008-2009. This has given the institutions time and opportunity to re-think their purposes, strategies and alliances and to prepare for the first full round of accreditation by … the KAA.” *Steve Bristow, British Council, Licensing and Accreditation under the Law on Higher Education in Kosovo 2002-2009* at 23 (Jan. 2010). As a result, when the accreditation process started, not all of the existing private providers chose to participate, and some chose to merge together. Of the 31 private higher education providers operating in Kosovo in 2008, only 13 initially filed applications for accreditation (two filed later, bringing the total up to 15). A total of 13 private institutions were eventually accredited and licensed, including four that offer law degrees: AAB-Riinvest College, Dardania College, Fama College, and IIrija College. These institutions were initially accredited for a one-year period and were able to admit new students for the 2009-2010 academic year (although the MEST reportedly restricted the sizes of incoming classes). Subsequently, in July 2010, the KAA recommended that these four private law faculties be granted accreditation for an
additional three-year period. At that time, the KAA also recommended that five additional private legal education providers – Biznesi College, European School of Law and Government, UBT College, Victory College, and Institute in Gjilan (previously part of Iliria) – be accredited for an initial one-year period. There have been no known appeals from higher education institutions that were denied accreditation.

The University of Prishtina’s accreditation process commenced in 2008, and the Law Faculty was accredited in May 2010 for a two-year term. The Law Faculty’s accreditation was based on the quality standards of the Accreditation Instruction and included an evaluation by a team of outside experts. As part of this process, the Law Faculty also completed a self-evaluation study in November 2009, which discussed how the Law Faculty met the basic quality standards for a higher education institution focused on legal education and explained the challenges and areas that the Law Faculty is aware as in need of improvement. The KAA accreditation that was issued in the May 2010 accreditation was granted with conditions. The biggest concern was the low student to faculty ratio, which resulted in the KAA placing a requirement on the Law Faculty to increase the number of its academic staff in the next two years. Presumably, a decrease in the number of students would also help the Law Faculty to meet this condition.

In June 2009, the MEST also commenced a parallel but separate licensing process for private higher education providers, which included the confirmation of the KAA’s accreditation decisions. As part of that process, each private provider was required to submit to the MEST documentary evidence that it met all of the standards set forth in the Licensing Instruction, and the MEST also conducted some inspections on its own. A detailed chart was produced, summarizing which of the licensing criteria were met fully, partially, or not met at all by each applicant, and the applicants were then required to submit additional evidence to demonstrate their compliance with certain criteria. Ultimately, all four of the initially accredited private institutions that had law faculties were licensed as colleges, as none of them met the conditions to be licensed as a university. Two of these institutions – AAB-Rininvest and Iliria – were also licensed to offer graduate-level Master’s programs in law.

The new licensing and accreditation process is a serious improvement, as it has brought structure, clearer rules and procedures, and better oversight to higher education, particularly to private providers. The accreditation process is fully transparent and clearly explained in the Accreditation Instruction. Interviewees did not complain that the process was unclear or that the KAA failed to inform them about what was needed for the accreditation process. The use of independent international experts in the accreditation process helps give credibility to the process. The international experts also have specific expertise in the relevant fields of study, which means that the experts reviewing the law faculties are law professors. Most of the interviewees also agreed that the licensing and accreditation process has helped provide better quality control, particularly with regard to private providers of higher education. Now all law faculties in Kosovo are fully licensed and accredited. This is an improvement for prospective students, as attending a licensed and accredited law faculty should qualify them to eventually sit for the bar exam and enjoy the other privileges that a law degree can confer.

In practice, it seems that every law faculty the KAA accredited followed the first two stages of the accreditation procedure without any problems. All seem to have produced a self-evaluation report (although only the University of Prishtina provided its report to the assessment team), and all were externally evaluated by teams independent experts. The accredited law faculties did not complain that any part of this process was not followed or not done fairly. As discussed below, the substantive decisions taken during the third stage of the process, the accreditation decision by the KAA’s NQC and approval by the Minister of Education, were criticized, but there were no complaints that procedures were not followed. In addition, the KAA announced its accreditation decisions in 2010 on schedule and did not delay those announcements.

At the same time, the assessment team did encounter issues that indicate a clear discrepancy between the KAA’s stated goals of transparency in the accreditation process and its actual
practice. Although the KAA is required to publish final evaluation reports produced as part of the accreditation process on its website, these documents were not available online at the time of drafting of this assessment. Moreover, the KAA refused to provide samples of evaluation reports from private law faculties upon request by the assessment team, stating instead that these documents are for the KAA's internal use only. In addition, it is unclear what legal basis the KAA had in accrediting the University of Prishtina Faculty of Law for a two-year period and reaccrediting the private higher education providers for a three-year period in 2010. Although the Higher Education Law states that the accreditation may be issued for a period of up to five years, the more recently adopted Accreditation Instruction provides for only a one-year duration of all accreditation certificates. "Higher Education Law §§ 11.3, 11.9; Accreditation Instruction art. 28.1."

In fact, some concern was raised with regard to the short accreditation period for the private law faculties, although, as of the drafting of this assessment, none of the private law faculties accredited in 2009 or 2010 filed formal appeals due to their shortened initial accreditation periods. Nonetheless, some interviewees alleged that this shorter accreditation period "proved" that the MEST and the KAA were not in favor of having both public and private higher education providers in Kosovo. In addition, some of the interviewees criticized the licensing and accreditation process as being unfair or influenced by favoritism. In particular, a number of the interviewees felt that the KAA and the MEST did not hold the University of Prishtina to the same, more stringent standards that they required for the private law faculties. Related to this was the opinion, expressed by many interviewees, that the University of Prishtina was given a "pass" for political reasons, or due to favoritism, resulting in the KAA recommending accreditation and in it being accredited for a longer period than the private law faculties, despite crowding, low student to faculty ratios, and other problems. In contrast, other interviewees thought that the private law faculties are still struggling to meet the same educational standards as the University of Prishtina, and that the shorter initial accreditation periods were fair and reflected the KAA's cautious and serious approach. There is no doubt that private law faculties struggle with their reputations and the impression that their academic programs are "easy" to pass and that they admit less qualified students. Private higher education is relatively new in Kosovo, and all of those working on licensing and accreditation in the MEST and the KAA, with the exception of the international experts, are closely tied to the University of Prishtina (either as former students, faculty, or both). Graduates of private higher education providers within Kosovo have not had the time to reach positions of influence, so it is not surprising that the University of Prishtina enjoys an inside advantage with those involved with the accreditation process. But, it seems that whatever advantage the University of Prishtina may enjoy, it is not preventing new private law faculties from gaining accreditation.

Despite these concerns, none of the interviewees questioned the need for licensing and for limiting the numbers of private law faculties to help improve the quality of education at those institutions. The licensing and accreditation process has, by many accounts, succeeded in achieving these objectives.
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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<tbody>
<tr>
<td>The system of enforcing accreditation and licensing standards seems to be fair and transparent and is subject to judicial review. The process and requirements, as well as the potential penalties for not meeting the applicable standards, are clearly stated. However, it is unclear whether, and to what extent, this system has been applied in practice.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 Accreditation Instruction art. 24.10. A second failure to be accredited will result in revocation of the license to provide higher education, although that decision can be appealed to a court. Higher Education Law § 11.7; see also Accreditation Instruction art. 24.11. At the end of each year, accredited public and private higher education institutions are required to submit to the KAA a comprehensive annual report, which should include information regarding their improvement plan and follow-up activities undertaken based on the recommendations contained in expert evaluation report. Accreditation Instruction art. 28.2. They must also notify the KAA of any changes in the institution’s statute, ownership, title, existing study programs, contracts with academic staff, location, or “difficulties faced in meeting any quality standards.” Id. art. 28.3.

The MEST has a variety of legal options available to it 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(b); see also generally Licensing Instruction arts. 14-15. The MEST may revoke a private higher education provider’s license 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. Licensing Instruction arts. 15.1, 18.2. In addition, the KAA may reconsider its accreditation decision at any time and withdraw an institution’s accreditation if 1) there is evidence that one or more of the fields for which the accreditation was granted has significantly declined in quality; or 2) if false information or documentation was submitted in the accreditation process and had an impact on granting of accreditation. Accreditation Instruction art. 29.2-4. The institution’s accreditation will also cease if it fails to meet the application deadline for accreditation. Id. art. 28.4. Further, the MEST may initiate the procedure for revocation of accreditation when a private higher education institution fails to comply with requirements of Kosovo laws or relevant international documents. Id. art. 29.5. Any decision by the KAA can be appealed to the KAA Appeals Committee, the MEST, and the competent court (following the exhaustion of all administrative remedies). Id. art. 30.

13 It is unclear which standards apply to the duration of accreditation, as the more recently adopted Accreditation Instruction provides for a one-year duration of accreditation. See art. 28.1.
The MEST may also visit private providers of higher education without notice at any time and produce a report on the inspection, making suggestions and recommendations for improvements and setting deadlines 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 recommendations within the given timeframe, the MEST may suspend the provider’s activities in order to eliminate the problems that have been identified. LICENSING INSTRUCTION art. 21. The KAA enjoys identical inspection rights with respect to any accredited higher education institution; however, there is no reference to any consequences for failure to comply with the recommendations made in the course of such inspections. ACCREDITATION INSTRUCTION art. 29.1.

The MEST can also enhance its enforcement powers through a provision that allows it to consider the KAA’s observations or recommendations when allocating funds to public or private higher education providers, and to place conditions on both public and private universities for the receipt of government funding. HIGHER EDUCATION LAW §§ 4.4(e), 17.4, 18.1, 23.3, 23.5; see also UP STATUTE art. 208.1.

Despite requests for this information, the KAA did not give the assessment team information regarding the implementation follow-on activities and annual reporting by the accredited higher education institutions or any enforcement actions taken by the MEST or the KAA. Therefore, it is unclear how this part of the accreditation process is working in practice. There were no reported instances of accredited law faculties disregarding the MEST’s instructions regarding maximum numbers of students to admit, programs that can be offered, or reports of admitting students by providers that operate without a license and/or accreditation. There were, therefore, no examples of penalties assessed or other disciplinary actions. At the same time, all of those interviewed by the assessment team at both public and private law faculties seemed to be very aware of the applicable rules and took seriously the obligation to comply with the rules, orders, and directives from the MEST.
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.

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
<th>Trend: ↔ ↔ ↔ ↔</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admission to the University of Prishtina Faculty of Law is based on a fair and transparent process. However, too many students are admitted due to the MEST determining the entering class size without regard for the Law Faculty’s recommendations regarding numbers of students to admit. Mitrovica University also seems to have a fair and transparent admission process. Private law faculties’ admission standards remain unclear, and there are apparently no identifiable competitive admission criteria.</td>
<td></td>
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</tr>
</tbody>
</table>

Analysis/Background:

Admission to undergraduate programs in publicly funded higher education institutions is competitive and based on merit. HIGHER EDUCATION LAW § 27.1. Public universities can set forth their own admission policies, including additional admission requirements, subject to approval by the MEST. Id. §§ 7.2(c), 27.2; see also UP STATUTE art. 11.3. There is no single national exam for admission to universities or to law schools. As a result, each institution providing legal education has a slightly different process, and many administer their own entrance exams.

Admission to undergraduate university programs requires completion of a minimum of 12 years of primary and secondary school education and successfully passing the matriculation exam. HIGHER EDUCATION LAW § 2.3; see also UP STATUTE art. 116. The University of Prishtina Faculty of Law (including the two new campuses in Peja and Gjilan) admits students based on the combination of secondary school GPA, their score on the National Matriculation Exam (a nationwide exam for all secondary school graduates), and the score on the entrance exam administered by the Law Faculty. UP STATUTE art. 116. The entrance exam is a multiple-choice exam written by a commission within the Law Faculty and is offered twice per year, in June and in September. It is designed to test secondary school-level knowledge in up to three subjects chosen by the faculty independently. In the past, these subjects were Albanian language, basic theory of law, philosophy, and sociology. For the exams administered in 2010, philosophy and sociology were replaced with basics of constitutional law. The faculty commission that creates the exam is also responsible for grading the exams. The grading is anonymous, but is conducted manually (scan sheets are not used). Prospective students pay a fee of EUR 10 to take the exam. The proceeds cover the costs of administering the test, including paying the faculty to grade the exam.

Applicants can receive a maximum of 100 points in the admission competition, including up to 20 points based on their GPA, up to 50 points for their score on the Matriculation Exam, and up to 30 points on the Law Faculty entrance exam.14 At least 30% of the candidate’s total points must be earned on the entrance exam in order to qualify him/her for admission. Candidates from certain

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14 Applicants from outside of Kosovo and others who have not taken the Matriculation Exam receive up to 20 points for their secondary school GPA and up to 80 points for the Law Faculty Admission Exam.
preferential categories receive a 10-point bonus on their total score. See Factor 7 below. All candidates are then ranked based on their total scores. If the total score is the same for several candidates, the preference is first given to the candidate with the highest secondary school GPA, and then to the one with the highest score on the entrance exam. If the scores still remain identical among several candidates, then a specially formed Faculty Commission will select the most qualified candidate for admission. The final candidate rankings are posted publicly (with prospective student names and scores) within seven days of the exam. Students may appeal the results to the Faculty Council on the same day as they are posted, and the council must decide on appeal the following day. The Law Faculty then submits its recommendation to the University of Prishtina Senate regarding the number of students that should be admitted. UP STATUTE art. 118. The number of students admitted “shall be based on the overall figure for students to be educated at public expense given by the [MEST].” The Law Faculty must also send the ranked list of candidates who registered for studies to the University Rectorate. Full-time students pay a registration fee of EUR 50 (USD 62.5) per semester, while those enrolled in the part-time program pay a tuition of EUR 250 (USD 312.5) per semester. Starting in their second year, students with a minimum GPA of 9.0 are eligible to receive merit-based public stipends of EUR 900 (USD 1,125) per year.

A total of 5,800 applicants took the Law Faculty entrance exams administered in June and September 2009. The Law Faculty recommended admitting 400 full-time students and 500 part-time students. The MEST instead decided to admit 1,866 students (966 more than the Law Faculty’s recommendation).15 This included 78 students admitted under “special lists,” which specify preferential admission for students pursuant to a memorandum with post-war associations. See Factor 7 below for a more detailed discussion of these special admission measures. This is a significant increase over 1,197 new LL.B. students admitted for the 2007-2008 academic year and 1,269 students admitted for the 2008-2009 academic year. For the 2010-2011 academic year, the MEST set the Law Faculty’s admission limit at 3,000 students (2,600 full-time and 400 part-time), with 1,500 students (1,300 full-time and 200 part-time) to be enrolled at the Pristina campus and 750 students (including 100 part-time) to be enrolled at each of two new campuses in Peja and Gjilan.

These additional students strain the already limited resources of the Law Faculty, in terms of both available academic staff and space. This problem is widely recognized by the law faculty. See UNIVERSITY OF PRISHTINA, FACULTY OF LAW, SELF-EVALUATION REPORT at 8 (Nov. 2009). The decision of how many students to admit apparently is not tied to the available resources, but rather is linked to the pressure created by the large number of secondary school graduates and the demand for higher education. During the 2009-2010 academic year, there were 96,172 secondary school students in the country, all of whom will soon be eligible to enter the higher education system. In addition, 26,274 out of 28,141 students passed the matriculation exam in 2009, enabling them to apply for further studies. There seems to be a consensus that, because the economy cannot provide jobs for all these young people, the institutions of higher education should be the designated “safety valve.” The MEST has decided that increasing admission quotas is preferable to denying higher education opportunities to thousands of young people, especially given the fact that, at present, only 23% of the population aged 18-24 are enrolled in higher education (the lowest percentage in Europe). One component of Kosovo’s current higher education strategy is to increase enrollment in higher education to at least 25% of the 18-25 year olds by 2015. STRATEGY FOR DEVELOPMENT OF HIGHER EDUCATION IN KOSOVA (2005-2015) at 8 (2004). The MEST’s decision seems to have been made with a full understanding that this arrangement creates a less than ideal educational environment, but that, in the short term, it represents the best option for Kosovo as a whole.

15 According to the information provided by the Law Faculty, a total of 2,300 students were actually admitted pursuant to the MEST’s decisions; however, only 1,866 of them registered for studies.
Overall, the admissions process at the Law Faculty seems to be tied to fair and transparent standards, including the entrance exam. However, the admissions standards are not highly selective, given the large numbers admitted. This may contribute to the lower graduation rates (see Factor 13 below), as less qualified students are admitted. Also, there is a general perception that students who have family or other connections are admitted without necessarily meeting the admission criteria. These admissions were not reported as being the result of prospective students or their families directly paying money, but rather due to favors and “insider” status.

Admission to the Master’s program at the University of Prishtina Faculty of Law requires completion of an LL.B. degree and a minimum GPA of 7.50. If the number of applicants is lower than the number of available student seats, candidates with a lower GPA may be considered; however, those candidates will also need to pass an admission exam on up to three subjects selected by the Law Faculty. Applicants have three business days after the publication of admission results to appeal the outcomes to a special five-member commission consisting of a Vice-Rector for academic issues and other members appointed by the Rector. Students enrolled in the program pay a tuition fee of EUR 300 per semester. For the 2010-2011 academic year, the Law Faculty admitted a total of 400 students into the Master’s program (including 50 students for the LL.M. program funded by WUS-Austria); the latter must have graduated from a four-year LL.B. program and must speak English. This is a slight decrease over 557 new students admitted for the 2009-2010 academic year and 542 students admitted for the 2008-2009 academic year.

The newly accredited University of Prizren admitted students for the 2010-2011 academic year based on the combination of their secondary school GPA and the score on National Matriculation Exam. No separate admission exam was administered; however, applicants received bonus points for taking the tests on “subjects of priority” (sociology, history, and civic education for the Law Faculty) as part of their matriculation exams. A candidate’s rank is calculated by adding the total score obtained on the matriculation exam, the score obtained on subjects of priority multiplied by a coefficient of 0.5, and the secondary school GPA. The final results were posted publicly on the university’s website, and applicants had five days to file an appeal to the Dean’s Office. A total of 300 LL.B. students were admitted for the 2010-2011 academic year. All new students will have their tuition fees waived for the first academic year.

The admission process at Mitrovica University is similar to the process used at the University of Prishtina Law Faculty. The key difference is that the entrance exam is conducted in Serbian. The Law Faculty at Mitrovica University admitted 175 students for the 2009-2010 academic year, up from 60 students admitted in 2008; and a total of 142 new LL.B. students were admitted for the 2010-2011 academic year. Out of this number, 75 students receive public scholarships, while the remaining students pay an annual tuition of EUR 500 (USD 625). The Law Faculty decides which students receive scholarships based on their secondary school grades and the law school entrance examination scores. Students from southern Serbia reportedly apply to the Law Faculty in Mitrovica, since there is less competition for admission and scholarship aid as compared to law faculties in the Republic of Serbia, particularly in Belgrade.

The private law faculties’ admission procedures are far less formalized. The MEST limited the number of students that the private law faculties could admit during the 2009-2010 academic year. While the assessment team was unable to obtain official information regarding the 2009-2010 enrollment limits for individual universities (despite repeated requests), respondents from private law faculties interviewed by the assessment team indicated these limits were in the range of 100-150 students. Students are typically admitted based solely on their National Matriculation Exam results, unless the number of applicants exceeds the number of available student slots. Some private law faculties have developed their own written admission exams; however, these are not uniformly administered, and the procedures for creating and grading them seem far less formalized. At least one private law faculty administered an admission exam for the first time in
2009, seemingly in an attempt to quickly deal with the unexpectedly higher number of applicants than the available slots, leaving the impression that this institution previously admitted all applicants. Students at private law faculties pay annual tuition fees ranging from EUR 1,000 to EUR 1,600.

**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>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
<th>Trend: ↔ ↔ ↔ ↔</th>
</tr>
</thead>
</table>

The law prohibits discrimination in the law school admissions process, and there is no evidence of overt discrimination in the admissions process of public or private higher education providers. However, de facto segregation in higher education continues, with ethnic Albanians attending the University of Prishtina Law Faculty or one of the private law schools, while ethnic Serbs attend Mitrovica University. Language of instruction seems to be the key factor limiting which institutions prospective law students apply to for admission, as ethnic Serbs tend to not know Albanian well enough to study law in that language and ethnic Albanians do not know the Serbian language well enough to study law in that language.

**Analysis/Background:**

The Constitution of Kosovo guarantees equality “of all individuals before the law.” **CONSTITUTION OF THE REPUBLIC OF KOSOVO** art. 3(2) [hereinafter CONST.]. Discrimination “on grounds of race, color, gender, language, religion, political, or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status” is specifically prohibited. **Id.** art. 24(2). Everyone is also guaranteed equal opportunities to education. **Id.** art. 47(2). Kosovo’s legislation specifically prohibits direct or indirect discrimination in higher education based on sex, race, ethnicity, 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. **LAW ON HIGHER EDUCATION** § 3.1 There is also no age limit on enrolling in a higher education institution or being awarded a degree. **Id.** § 3.2. The University of Prishtina is specifically “committed to equal opportunities” for all, and prohibits discrimination under the same grounds as those specified in the Law on Higher Education. **UP STATUTE** art. 6. However, as discussed in Factor 7 below, the university has a separate provision for gender equality, which mandates preferential treatment for women. **Id.** art. 7.

The general perception was that there is no discrimination in the admissions process at the University of Prishtina Law Faculty. In 2009-2010 academic year, the University of Prishtina Law Faculty had a total of 4,438 LL.B students. Of these, 2,482 (or 55.93%) are women and 1,956 (44.07%) are men. Out of 963 students enrolled in the Master’s program, only 363 (37.69%) were women. The following Tables summarize the information on the gender of students registered annually at the Law Faculty.
GENDER COMPOSITION AT THE UNIVERSITY OF PRISHTINA LAW FACULTY, 2007-2009

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Entering Class Size</th>
<th>Total Student Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>2007-2008</td>
<td>657</td>
<td>540</td>
</tr>
<tr>
<td>2008-2009</td>
<td>621</td>
<td>648</td>
</tr>
<tr>
<td>2009-2010</td>
<td>1,004</td>
<td>862</td>
</tr>
</tbody>
</table>

LL.M. GENDER COMPOSITION AT THE UNIVERSITY OF PRISHTINA, 2007-2009

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Total No. of Students</th>
<th>Women Students</th>
<th>% Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>557</td>
<td>170</td>
<td>30.52%</td>
</tr>
<tr>
<td>2008-2009</td>
<td>880</td>
<td>292</td>
<td>33.18%</td>
</tr>
<tr>
<td>2009-2010</td>
<td>963</td>
<td>363</td>
<td>37.69%</td>
</tr>
</tbody>
</table>

As is discussed in Factor 13 below, the percentage of graduates who are women is significantly lower than the overall percentage of women students. Women represented just under 38% of the graduates in 2008, and this percentage increased to just under 42% in 2010.

There are currently two blind students at the University of Prishtina Faculty of Law. These students are evaluated orally, but otherwise do not receive any special accommodations. There were no other students with disabilities enrolled in the Faculty of Law at the time of the interviews for this assessment. There are also a total of 29 students from ethnic minorities, including Turkish, Gorani, Bosniaks, and ethnic Albanian students from Bosnia, Macedonia, Montenegro, and Albania. In addition, 30 new LL.B. students from ethnic minorities were admitted for the 2010-2011 academic year, including two Bosniaks, seven Turks (including six in Gjilan campus), and 21 ethnic Albanians from outside of Kosovo (including 11 in Gjilan campus). No minorities were reportedly admitted to the Peja campus.

ETHNIC MINORITIES AT THE UNIVERSITY OF PRISHTINA FACULTY OF LAW, 2007-2010

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Total No. of Students</th>
<th>Bosniaks</th>
<th>Turkish</th>
<th>Others</th>
<th>Total No. of Minorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2008</td>
<td>4,604</td>
<td>3</td>
<td>7</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>2008-2009</td>
<td>3,529</td>
<td>12</td>
<td>4</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>2009-2010</td>
<td>4,438</td>
<td>6</td>
<td>9</td>
<td>14</td>
<td>29</td>
</tr>
</tbody>
</table>

There are no ethnic Serb students, because, reportedly, “none have applied.” One possible obstacle that prevents ethnic Serb candidates from applying for admission to the University of Prishtina is the language requirement. The National Matriculation Exam is offered in Albanian, Serbian, Turkish, and English, and the Law Faculty allows law students to take examinations in other languages. However, all of the courses are taught in Albanian, and there is no provision to allow students to waive the Albanian language portion of the Law Faculty entrance exam. This means that students without Albanian language skills would be less likely to apply for admission.

Similarly, there are reportedly no ethnic Albanian students at the Law Faculty at Mitrovica University. Reportedly, “no Albanian students” have applied for admission. All of the courses at Mitrovica University are offered in the Serbian language, and it does not appear that students can take examinations in languages other than Serbian. The student body of the Law Faculty at Mitrovica University includes ethnic Serbs from Kosovo and southern Serbia, as well as ethnic minorities from southern Serbia, including Roma. There are also non-ethnic Albanian Muslims.

16 Enrollment figures broken down by gender and ethnicity for the 2010-2011 academic year were not available at the time this report went to print.
The exact numbers are not clear, but one interviewee estimated that approximately 20-30% of the students are not ethnic Serbs.

The private law faculties reportedly admit representatives of ethnic minorities, although the exact numbers are unclear. All of the accredited private law faculties are located in majority ethnic Albanian areas and reportedly do not have any ethnic Serb students. Private higher education institutions do not uniformly require students to take an entrance exam, so an Albanian language requirement, at least on the face of it, should not present an obstacle. As mentioned in Factor 5 above, the MEST limited the numbers of students that could be admitted to these law faculties during the 2009-2010 academic year, and it is unclear what impact, if any, this limitation had on the numbers of women and ethnic minorities admitted to these institutions.

**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.*

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Positive</th>
<th>Trend: ↔</th>
</tr>
</thead>
</table>

The University of Prishtina Faculty of Law uses special admission measures to increase representation of underrepresented and disadvantaged groups, including ethnic minorities, women, and war veterans and their families. These measures, however, have not been successful in attracting ethnic Serb students to apply for admission. Private law faculties do not have any special admission measures in place, and none of the public or private law schools engage in proactive efforts to recruit and encourage greater numbers of ethnic minorities or women to attend law school.

**Analysis/Background:**

As discussed in Factors 5 and 6 above, both the Law on Higher Education and the UP Statute specifically prohibit discrimination in higher education, including in the admission process. The University of Prishtina admits applicants on a competitive basis, based on their secondary school grades, the National Matriculation Exam scores, and the Law Faculty entrance examination results. At the same time, the University of Prishtina Senate has authorized special admission procedures for certain ethnic minority groups, including ethnic Serbs, Roma, Bosniaks, and Turks, as well as for ethnic Albanians from Montenegro, Serbia, and Albania. Applicants from each of these categories are ranked and counted separately, and all applicants up to a predetermined number are admitted (applicants from these categories cannot be admitted beyond the MEST quotas). Students admitted pursuant to these categories must enroll in the university on a full-time basis. In practice, the numbers of applicants in these groups does not exceed the total number designated for special admissions, so all applicants falling into these categories are automatically admitted. As of 2009-2010 academic year, there were a total of 29 LL.B. students in these special categories, including Turkish, Gorani, and Bosniak students, as well as ethnic Albanians from Montenegro, Serbia, and Albania. Applicants from each of these categories are ranked and counted separately, and all applicants up to a predetermined number are admitted (applicants from these categories cannot be admitted beyond the MEST quotas). Students admitted pursuant to these categories must enroll in the university on a full-time basis. In practice, the numbers of applicants in these groups does not exceed the total number designated for special admissions, so all applicants falling into these categories are automatically admitted. As of 2009-2010 academic year, there were a total of 29 LL.B. students in these special categories, including Turkish, Gorani, and Bosniak students, as well as ethnic Albanians from Montenegro, Serbia, and Albania. For the 2010-2011 academic year, the MEST’s quota for the Law Faculty was eight Bosniaks, seven Roma, Ashkali, and Egyptians, six Turks, and 35 ethnic Albanians from outside of Kosovo. A total of 30 new LL.B. students were admitted under these quotas, including two Bosniaks, seven Turks (including six in Gjilan campus), and 21 ethnic Albanians from outside of Kosovo (including 11 in Gjilan campus). No minorities were reportedly admitted to the Peja campus. There are no ethnic Serb students at the University of Prishtina or, reportedly, at any of the private law faculties. There is no apparent effort to actively recruit members of minority groups.
The University of Prishtina declares its support for gender equality and the stated policy is to give preference to female candidates in cases where a male and a female applicant have the same credentials (for example, equal scores on the admission examinations). See UP STATUTE art. 7. Respondents believed that this provision does not appear to be used in practice, and gender does not seem to factor into admission decisions.

The Rector of the University of Prishtina also authorizes admission for students on “special lists,” which are compiled pursuant to a memorandum of understanding with post-war associations and provide special admissions measures for ethnic Albanian children of war veterans and war veterans themselves. Placement on these lists entitles applicants to a 10-point bonus on the total score received during the University admission competition. A total of 78 students were admitted to the Law Faculty under these special memoranda in the 2009-2010 academic year. No students were admitted under these lists in 2008-2009, and 59 students were admitted in 2007-2008 academic year.

There seems to be no significant resistance at the University of Prishtina Faculty of Law to the idea of special admissions procedures for members of ethnic minority or other underserved groups. Nonetheless, the number of identified members of minority groups remains 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 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 Albanian language. However, it is clear that discrimination in admissions is not among the reasons.

None of the private higher education institutions visited by the assessment team had written policies on special admission measures for underrepresented groups, although all claimed to not discriminate and to encourage applications from everyone. As mentioned in Factor 6 above, some students from disadvantaged and underrepresented groups are enrolled in private universities.

The assessment team did not obtain official numbers on the representation of minority or disabled students in Mitrovica University or on any special measures by that institution 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>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
<th>Trend: ↔↔↔↔</th>
</tr>
</thead>
</table>

By law and in practice, academic curricula in Kosovo’s law schools 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 remain largely theoretical in focus, with few practical skills courses that are available to a limited number of students. Private law faculties follow the same basic curriculum structure as the University of Prishtina, but with even fewer practical skills courses. None of the law faculties teach basic academic skills that incoming students may lack due to poor primary and secondary education. Mitrovica University follows a Serbian curriculum and therefore does not adequately prepare students to practice law in Kosovo.

_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, through rules that are transparent, fair, and readily accessible to students. _Higher Education Law §§7.2(d)-(e), 12.5; see also UP 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 requires that all higher education providers 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 reviews the basic curriculum as part of the licensing process. _Higher Education Law § 10.4(e)._ At the University of Prishtina, the University Senate is charged with approving curricula for individual academic units. _UP Statute arts. 48.1(d), 49.6, 103.2._ Each faculty is also responsible for making proposals to the Senate on academic matters, including content of study programs, curriculum details, ECTS point values, and changes in the curriculum. _Id. arts. 67.1, 77.3, 100.2, 103.1._

In compliance with the Bologna Declaration requirements, the University of Prishtina offers three levels of degrees: a Bachelor’s program (the first level), a Master’s program (the second level), and a Doctorate program (the third level). In the 2001-2002 academic year, the University adopted a 3+2+3 program (three years to earn the Bachelor’s, two to earn the Master’s, and three to earn the Doctorate) 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 September 2007, the University’s Rectorate issued a decision revising the Faculty of Law’s curriculum and adopted a 4+1+3 program cycle. All students who enrolled in the undergraduate studies starting from 2007-2008 academic year will receive an LL.B. degree after completing 240 ECTS credits over the course of four years. LL.M. students must have received an LL.B. degree and complete an additional 60 ECTS credit over a period of one year. Doctorate studies should take an additional three years to complete and require earning 180 ECTS credits in addition to those needed for an LL.M. degree. The curriculum change was conducted in response to the need for more effective
implementation and integration of the Bologna Declaration’s principles into 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. However, the revised curriculum did not address the need for increasing the number of practical skills courses, and the curriculum remains largely theoretical.

Students who began their legal education prior to the introduction of the new degree structure had to complete 180-210 ECTS credits over three years to receive a B.A. in Law degree; 90-120 ECTS credits over a period of one and a half to two years to receive an MA in Law; and 180 ECTS credits over three years to earn a Doctorate degree. UP statute arts. 104.1, 105, 106. Because many students enrolled under this previous 3+2+3 cycle have yet to graduate and complete their two-year M.A. degrees in law, the UP currently has students both in this older track and the current Bologna track. The migration over to the new cycle will be complete when all students from the previous cycle have graduated. However, as these students enrolled at the Law Faculty in 2006 at the latest, their number decreases every year. Thus, the focus of the Law Faculty, and of this LERI assessment, is the curriculum under the new 4+1+3 program.

The current LL.B. curriculum for the Law Faculty includes 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. In addition to the mandatory courses, students are allowed one elective each semester, for a total of 30 ECTS credits. The first year 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. Courses in the second and subsequent years tend to be 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 courses in the University of Prishina 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, international organizations, EU law, and international human rights law. A course in Legal Writing Methodology is required in the first semester of the fourth year. In addition, there is a Legal Writing and Research course that was initially taught in cooperation with ABA ROLI as a non-credited course, but will now be offered by the Law Faculty independently as an elective sixth-semester class. This course focuses more on legislative drafting and analysis than on teaching basic legal writing and research skills. Among the electives offered throughout the four-year program are courses on legal ethics, models of democracies, information technology, Albanian history of state and law, consumer rights, constitutional judiciary, mass communications, organized crime, terrorism, arbitration, social insurance law, banking law, competition law, securities and exchange law, economic analysis of the law, counter-terrorism, international commercial law, and international labor law. There are also several elective clinical legal courses, including 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

There are no students currently enrolled in the new one-year LL.M. program, since the first students who will be eligible for this program commenced their LL.B. studies in 2007. Thus, the LL.M. degree will begin in 2011-2012 academic year. All graduate students at the Faculty of Law are now studying under the two-year MA program.
humanitarian law, diplomatic and consular law); or Financial Law (international financial institutions, international commercial law, budget and tax law, corporate governance).

Generally, both professors and law students view the current curriculum offered by the Faculty of Law as comprehensive and adequate. The curriculum offers a reasonable number of courses in comparative and international law, including EU law, and an appropriate breadth in domestic law subjects. The general curriculum seems to address the basic subjects that every practitioner and academic needs – although, as discussed in Factor 20 below, there is the lack of up-to-date and Kosovo-specific materials, including textbooks, for many of the courses in the curriculum. Some interviewees were also concerned that the requirement to specialize in the eighth semester results in students becoming “too specialized too soon” and losing the opportunity to take some general knowledge courses.

Many interviewees believed that the legal education at the University of Prishtina Law Faculty was adequate in preparing for the practice of law those students who are academically in the top 10-20% of their class. Nevertheless, interviewees repeatedly expressed concern about the lack of practical skills training, and questioned how prepared the majority of the students are to practice law. Some of the interviewees who voiced this complaint were concerned that students were not learning critical thinking, problem solving, legal research and writing, and oral advocacy skills. The availability of such practice-oriented courses is limited, as all of them currently have enrollment limits; while other courses, such as the required Legal Writing Methodology course is offered late in the students’ academic careers. 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 information on practical skills instruction. Moreover, the majority of the interviewees who spoke on this subject seemed most worried about basic skills training, including basic writing and reading skills rather than the more advanced legal research, writing, and analytical skills. Many commented on the poor education that many of the current students had received in primary and secondary school, and stated that they did not learn basic skills before beginning their legal education and that the law faculty did not teach these basic skills. The fact that students lack these basic skills may be one explanation for the large student attrition rate and correspondingly lower graduation rates. See Factor 13 below.

Many students enter the Faculty of Law without any foreign language skills. The University of Prishtina requires foreign language classes in the first and second year (English is the most popular choice). However, students who enter without a strong foundation in a foreign language are unable to make significant progress, particularly as the courses are overcrowded and do not provide opportunities for the students to get practice and feedback. Many interviewees commented that foreign language skills are important to students' professional futures, to help them gain employment, access to opportunities to study abroad, and access to information. As noted in Factor 20 below, the legal textbooks and resources available in Albanian are limited. Students who cannot read a foreign language at a professional level have limited opportunities to improve their knowledge. In addition, several interviewees commented that they consider foreign language skills to be a condition for employment and that they would not hire a law student without strong foreign language skills. Future generations of law students may not face this challenge as the primary and secondary education programs in Kosovo are improving their foreign language training.

Mitrovica University also uses ECTS to define 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 academic year. The curriculum follows the same general format as the University of Prishtina, 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 (specifically English). 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. 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 the curriculum seems to address the basic subjects necessary for legal practitioners and academics. The Law Faculty at Mitrovica University does not offer courses in legal ethics or in legal research and writing. Another concern is that the curriculum does not prepare students to practice law in Kosovo. The courses taught are based on the laws of the Republic of Serbia, and Serbian law texts are used in all courses.

The private higher education institutions tend to use many of the same academic staff as the University of Prishtina, which means that both the course content and the basic structure of the curriculum are similar. The private law faculties have also adopted, or are transitioning to, the four-year LL.B. degree structure, which requires students to complete 240 ECTS credits. The Masters’ studies curricula are typically organized along a two-year, 120 ECTS credits structure. For example, both Iliria College and Fama College require the same basic courses as the University of Prishtina, including criminal law and procedure, civil law and procedure, constitutional law, administrative procedure, family law, inheritance law, the law on obligations, labor law, commercial law, financial law, criminology, public international law, private international law, international organizations, EU law, and international human rights law. The private law faculties also require a foreign language course (typically, English). It is unclear what the level of language instruction is at the private law faculties and whether the generally smaller class sizes give students at these institutions better foreign language training. Both Ilira Royal College and Fama College have a required course on Methodology of Legal Writing during the first year, and Fama also requires students to take a professional ethics course in their first, while Iliria makes Law and Ethics an elective course.

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>
<th>Trend: ↔</th>
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Professional and legal ethics is not adequately covered or taught in either public or private law schools in Kosovo. The University of Prishtina Law Faculty and some of the private law faculties offer elective legal ethics courses, but many students graduate without taking these courses. Only one law school, Fama College, appears to have a required professional ethics course in the first semester of the first year. It is unclear what subjects are covered in any of these courses, as course syllabi were not made available to the assessment team.

Analysis/Background:

There is no requirement in the Higher Education Law or the University of Prishtina Statute for instruction in professional legal ethics. Separate professional ethics codes have been adopted for Kosovo’s advocates, judges, and prosecutors. There is also a Student’s Code of Honor for the University of Prishtina Faculty of Law, but many students seemed unaware of its existence, and the Code does not seem to be discussed or presented in any systematic way to students in the Law Faculty. The Code of Honor is not distributed to all incoming students at the University of
The current curriculum at the University of Prishtina Faculty of Law includes an elective course in Legal and Professional Ethics in the first semester of the final, fourth year of the LL.B. program. The course has been offered since 2008-2009 academic year through an ABA ROLI-supported program. In the 2009-2010 academic year, it was taught by the Law Faculty independently, and will be formally included into its curriculum starting in the 2010-2011 academic year. Students who took the course reportedly liked it and found it useful. Currently, only one Associate Professor teaches the one elective ethics course at the University of Prishtina. Since the Law Faculty is now teaching the course independently, the professor is in the process of revising the course syllabus in order to make it more specific to Kosovo’s legal system. Reportedly, the revised syllabus was not yet ready as of the start of the new academic year in October 2010; therefore, the assessment team has no means of evaluating the current content of the course. Specifically, it is unknown whether, and to what extent, this new course will be a departure from an earlier ethics course that was primarily concerned with basic legal philosophy and was too general to meet the needs of the law students. It is also unclear at this time whether the course will have any enrollment limits and what sort of teaching methodologies will be utilized, but the professor will reportedly rely primarily on the materials previously developed with ABA ROLI’s support.

Although few students are able to take the one elective ethics course at the University of Prishtina, some academic staff interviewed by the assessment team indicated that they include discussion of relevant ethical issues as part of their courses. In the past, a small number of students were able to be introduced to professional ethics concepts through their participation in the ABA ROLI-supported practical skills courses, such as legal clinics, legal methodology, and trial advocacy courses; however, it is not clear whether these issues continue to be addressed in the courses since they became self-sustainable. Generally, students at the University of Prishtina report limited coverage of ethics and core values of the legal profession in other courses. Neither faculty nor students expressed a strong desire or a need for a required course in professional ethics.

The Faculty of Law at Mitrovica University seems to have no course dedicated to professional ethics. Fama College requires students to take a professional ethics course in the first semester of the first year of their studies. Iliria College offers it as an elective in the first year. Syllabi for these courses were not made available to the assessment team, so it is not clear what the content of these courses is or what sort of teaching approaches are utilized. There seemed to be a similar attitude in interviews that such courses need not be required. It is not known whether ethical issues are incorporated into other courses in these institutions or whether there are any efforts to introduce legal ethics courses into the curricula of these schools.

Most interviewees did not see the lack of courses in professional ethics as a major deficiency. This is despite the fact that both the academic staff and students expressed concerns about the regular cheating by students at the University of Prishtina, as well as about some examples of corruption and inappropriate influence by students. The interviewees did not seem to make the link between ethical standards and rules and these problems. In addition, there is no clear understanding of legal ethics being a code-based course that teaches the rules and problems relating to lawyers’ professional responsibility, much as the rules and problems relating to international business are taught in a course on international business transactions.

There also did not seem to be any plans at the University of Prishtina or the private law faculties to engage additional faculty to teach professional ethics courses or to make it a required course. Unfortunately, without a required ethics course for all law students, preferably in their first or second year or studies, it will be difficult for law faculties in Kosovo to properly prepare their
students for legal practice in countries that adhere to European standards for the ethical practice of law.

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>
<th>Trend: ↔↔↔↔</th>
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Professional skills training in legal education in Kosovo is still at an early stage. A number of public and private law faculties offer optional clinical courses and mandatory legal methodology and writing courses for academic credit; however, these courses continue to look more like traditional law school classes and less like experiential learning. There are no other courses, at either the University of Prishtina or the private law faculties, dedicated specifically to basic professional skills instruction. Attendance is not required in any of the courses at the University of Prishtina, which poses particular challenges for courses that should depend on building skills and on professors giving regular feedback to students.

Analysis/Background:

Traditionally, legal education in Kosovo has concentrated on theory. There appear to be no requirements in the Higher Education Law or individual university 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 give students the full set of skills they need to practice law effectively.

None of the law faculties in Kosovo currently teach legal oral presentation, trial advocacy, client interviewing, or negotiation skills in any systematic way. Aside from the legal clinics and legal writing and methodology courses discussed below, there are no specific courses dedicated to practical skills instruction. While some theoretical classes at the University of Prishtina Faculty of Law seem to include limited opportunities for students to develop these skills, a decision as to whether to include such components is left up to each individual professor rather than being a matter of larger curriculum design. These important basic lawyering skills could either be incorporated into existing clinical programs or offered as stand-alone courses.

A number of law faculties now offer legal clinical courses to their students. Clinical courses were introduced into the curriculum at the University of Prishtina Faculty of Law due to the recognition of the need to teach “practical skills.” However, these courses are still more theoretical and do not offer many opportunities for law students to get hands-on experience. Students at the University of Prishtina currently have opportunities 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 civil and criminal law LL.B.-level clinics were initially provided in cooperation with ABA ROLI, but are now offered by the Law Faculty independently. The other two clinic courses were added by the Law Faculty, without outside assistance, during curriculum reform in 2007. These clinics admit any student who chooses to enroll and do not limit enrollment to a number that would allow for the most interactive format and regular feedback from the professor to individual students. The clinics provide instruction in some practical skills, but are not live-client clinics and seem to, at best and on occasion, provide opportunities for students to observe actual proceedings, but not to do legal work. The criminal law LL.B. clinic enrolled 40 students during the 2009-2010 academic year. This course, like the civil law clinic, was originally envisioned to include the use of legal
practitioners as adjunct faculty, but the University budget, hiring, and administrative rules and practices do not allow payment of outside practitioner instructors to continue without donor support. Instead the course is taught as a standard course, with occasional participation by practitioners as guest speakers, and graded mainly on a final exam. As with other clinical courses, there is no enrollment limit, and the class size can get very large, which makes it difficult to provide experiential learning opportunities for students. Students conduct a mock trial exercise during the semester, but they do not get any feedback on their performances. As with all other courses in the Law Faculty, attendance in the clinics is essentially optional; students are not penalized for failing to attend and can earn good grades without good attendance. The institutional culture of not requiring attendance, and accepting that most of the students enrolled in any given class will fail to attend, is one of the single biggest obstacles to improved practical skills training at the Law Faculty. See also Factor 11 below. These courses depend on students attending and building their skills through in-class exercises, out-of-class assignments, and regular feedback from the professors. If students do not attend, a crucial piece of learning will be missed.

LL.M.-level clinics, which are currently offered with financial support from ABA ROLI, have practicing advocates, prosecutors, and judges serving as instructors and envision two hours of class work and six hours of field work per week. There is both a civil law and a criminal law clinic, each with an enrollment limit of 30 students. For now, the clinics are offered as extracurricular courses, with certificates for 5 ECTS credits, but this is expected to change starting in the 2011-2012 academic year when the clinics would be formally incorporated as credited courses into the LL.M. curriculum. However, the teaching methodologies may change with this incorporation because just as with the LL.B. clinics, the University of Prishtina cannot support the hiring of practitioner instructors for the LL.M. clinics without donor financing. The Law Faculty also intends to create a Department of Clinics at that time. It is unclear what will be accomplished through this, but if the goal is to add academic staff resources to the clinics, to allow for more direct feedback to students and more interactive and practically-oriented courses and to create better pedagogy (including requiring attendance), this could be a promising development.

ABA ROLI assisted the University of Prishtina in developing a Legal Writing 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 second semester of the first year. This was later changed, and the course is now offered as a 6-credit course in the first semester of the fourth year. This was reportedly done in response to concern that first-year students did not have a high enough level of legal knowledge and understanding. However, it also seems that another reason the course is not offered in earlier years is because of the number of students and the logistical impossibility of having one or

18 For instance, pursuant to a Memorandum of Understanding signed in May 2008 between ABA ROLI, the University of Prishtina Law Faculty, Kosovo’s Legal Aid Commission, and DOJ/OPDAT, the Legal Aid Commission was able to refer cases to the Live Legal Clinic Project, where students worked on them under the supervision of an advocate licensed by the Kosovo Chamber of Advocates. The MOU was in effect for two years, during which period approximately 30 students were able to work on six different cases. However, the MOU was not renewed upon its expiration and the Law Faculty has not continued the clinic on its own.

19 In the past, M.A. students were able to participate in the Live Legal Clinic mentioned above in footnote 20, which has now closed.
two faculty members offer appropriate feedback on multiple written assignments during the semester to each of the hundreds of students enrolled in the classes. Not offering the course in an earlier year of studies prevents students from developing and applying these foundational skills earlier in their academic careers.

In addition, there is a Legal Writing and Research course that was initially taught in cooperation with ABA ROLI, starting in the 2008-2009 academic year. This course focuses more on legislative drafting and analysis than on teaching basic legal writing and research skills. The course was initially offered without academic credit and had an enrollment limit of 30 students, selected based on their GPA. Starting from the 2010-2011 academic year, it will be incorporated into the Law Faculty’s curriculum as an elective course available in the sixth semester. There will no longer be an enrollment limit, and student evaluation will be done in a manner similar to all other courses taught by the Law Faculty independently. A revised course syllabus was pending approval from the Faculty Council and the University Senate at the time this assessment was drafted.

There are limited opportunities for students to participate in moot court competitions and other extra-curricular activities, and the lack of financial resources has limited the students’ ability to travel abroad to participate in international competitions. 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. Funding has been provided by the Council of Europe and WUS-Austria to allow students to participate in the Vis competition and the Balkan Case Challenge. However, students have been unable to participate in the Jessup International Moot Court Competition for the last three years, due to lack of funding. In 2010-2011, ABA ROLI, with a grant from DOJ/OPDAT, plans to create a Kosovo-wide client counseling competition in both Albanian and Serbian. This may help address the fact that insufficient foreign language skills have limited the number of students that can participate in the international and regional competitions. Student teams from all currently accredited public and private law faculties in Kosovo, as well as from the legal clinic at Mitrovica University (a registered NGO) will be able to participate. Thus, the program will be able to reach students beyond the University of Prishtina Law Faculty, who had previously been the main participants in moot court competitions.

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 seem popular with both students and faculty. The academic staff also seem to recognize the value of these types of courses and methodologies. UNIVERSITY OF PRISHTINA, FACULTY OF LAW, SELF-EVALUATION REPORT at 42 (Nov. 2009) [hereinafter UP SELF-EVALUATION REPORT]. The assessment team heard praise for the clinical courses and for ABA ROLI’s help and guidance in their creation. However, the size of the student body at the Law Faculty presents a major obstacle to teaching these courses in a way that gives regular and meaningful feedback to the students and helps them build skills. Done properly, such courses would require a dramatically lower student to teacher ratio than a traditional lecture class. The fact that class enrollment is not limited is a challenge. The continued institutional culture that accepts poor student attendance is another obstacle.

It could be possible to include more experiential learning within the context of existing courses. Students can engage in simulations and work on research and writing exercises during required doctrinal courses, such as civil or criminal law. However, adding these components onto existing classes could be a challenge, due to both the large class sizes and from the point of view of the professors who do not have experience or training in using teaching methodologies other than
lectures. In the past, the academic staff received training on teaching skills, including the use of experiential learning techniques; however, as discussed in Factor 11 below, there do not seem to be as many of these opportunities available at this time. Because legal education has not traditionally included training in professional skills, few academic staff had the benefit of such training themselves, and law professors typically have no practical legal experience. This means that faculty sometimes find it challenging to teach a course emphasizing practical skills. It also seems that the professors teaching the practical skills courses are still more comfortable with the traditional approaches and still do not use a large variety of teaching methodologies, including those aimed at teaching writing and advocacy skills.

Students at Mitrovica University can participate in extracurricular clinics that are organized by an NGO, Legal Clinic, with OSCE financial assistance. Students do not receive academic credit for participating. Each year, between 30 and 40 students participate. These clinics deal with civil and criminal cases and include simulations and lectures by practicing advocates and judges. The clinics have three goals: to teach students practical legal skills, to provide free legal aid (increasing access to justice), and to familiarize students with Kosovo’s legal system. All three goals are admirable, but the last one is a goal that seems to be otherwise missing from the legal education at the Law Faculty at Mitrovica University. The clinics are not live-client clinics, although there are plans to begin offering services to clients in the fall of 2010. Initially, the services will be limited to providing legal advice, but the plan is to eventually provide representation in litigation under the supervision of licensed advocates.

A number of the private law faculties also include clinical legal courses in their LL.B. curricula, although it is not clear how those courses are structured or what is required of the students in order to successfully pass the course. For example, Iliria College offers a number of elective clinical courses during the second and the third years, including a civil law clinic, a family and inheritance law clinic, a criminal law clinic, and a fiscal law clinic. Fama College does not have any clinical courses for students enrolled in its regular LL.B. program, but it does offer an elective civil law clinic in the third semester of the LL.B. in Criminology curriculum, as well as a mandatory criminal law clinic in the fourth semester and a mandatory criminology clinic in the fifth semester. Both laws schools also have a required course on Methodology of Legal Writing during the first year, and Iliria also has elective courses titled “Rhetoric and Legal Expression” in the first year and “Practical Legal Skills” in the third year. However, since both law faculties declined to make their syllabi for clinical or other practical skills courses available to the assessment team, it is unclear what subjects are addressed in these courses, what requirements students need to meet in order to earn credit, and what teaching methodologies are utilized. Furthermore, the assessment team was unable to obtain LL.B. program curricula from other private law faculties, so it is unclear whether any of them offer clinical or any other practical skills training courses. One advantage that the private law faculties have is that their class sizes are smaller, so there is a possible opportunity to involve a higher percentage of students in experiential learning. To date, however, the private law faculties have not taken advantage of that possible opportunity.
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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<th>Conclusion</th>
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<td>Law faculties throughout Kosovo still rely heavily on traditional lectures; however, there are some practice-oriented courses that use a variety of teaching techniques. The University of Prishtina continues to increase the number of clinics and has moved practice-oriented courses into full credit-earning courses in recent years. However, these courses remain few, and most students spend the majority of their law school career in courses that rely on lectures exclusively and do not use teaching methodologies that could assist students to develop critical thinking, analytical, and writing skills. As a result, the majority of law graduates are not well prepared to engage in basic problem solving on behalf of their clients.</td>
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Conclusion Correlation: Neutral Trend: ↔↔↔↔

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 Policy 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 UP Statute arts. 11.3, 12.11. The Faculty Council may provide recommendations concerning changes in teaching methods to the University Senate. UP Statute art. 77.3.

In practice, law faculties throughout Kosovo, whether private, public, in Pristina, or in Mitrovica, continue to rely heavily on traditional lectures in the courses taught in the first several years. Course syllabi at both private law faculties and the University of Prishtina seem to encourage the use of different teaching methods, and some law professors incorporate a variety of methods into their courses. However, many professors are uncomfortable using anything other than the traditional lecture format. Senior professors are less likely to increase the use of innovative teaching techniques. Professors who received their legal educations abroad seem more likely to use more interactive methodologies, as they have experienced them during their studies. In the past, there have been some efforts, notably by ABA ROLI, to train law faculty in teaching skills and the use of different teaching methodologies, but it appears those courses have not succeeded in changing the approach of professors who are otherwise uncomfortable using more innovative teaching methods. There do not seem to be as many of these opportunities available at this time, and academic staff interviewed stated that they would appreciate having more opportunities to attend such trainings and improve their teaching skills. The Law Faculty at the University of Prishtina recognized the importance of continuing training and the need to create opportunities for training in teaching skills for its academic staff in its Self-Evaluation. UP Self-Evaluation Report at 22.

Course syllabi for simulation clinical courses and the Legal Writing Methodology course indicate the use of a variety of techniques designed to effectively teach practice-related material and develop professional skills, as these courses use a combination of classroom teaching, drafting exercises, observation, and simulated practice. Students interviewed by the assessment team prefer these courses, and reported that they learn more in courses that are more interactive and believe these types of courses will be useful when they start practicing law. Nonetheless, it seems that, in practice, the professors teaching these skills courses are still more comfortable
with the traditional approaches and still do not use a large variety of teaching methodologies, including those aimed at teaching writing and advocacy skills.

The large class sizes and the lack of an attendance policy at the University of Prishtina inhibit greater use of interactive and innovative teaching methodologies. Due to their heavy teaching loads, many professors simply do not have the luxury of time to develop and use these new methods. During the 2009-2010 academic year, there were 4,438 LL.B. students and 963 LL.M. students at the University of Prishtina Law Faculty. This number of students, with only 82 academic staff, makes it difficult to use more interactive methods of teaching. When interactive and innovative teaching methodologies are used it is in the upper level classes that tend to be smaller. In the larger first and second year classes some classroom discussion might be possible, but professors are often uncomfortable and uncertain whether they can maintain control of such discussions when there are hundreds of students in the class. Professors could give students more writing assignments, but the large number of students, particularly in the first- and second-year classes, would mean that any additional writing assignments would add considerably to the professors’ workloads. Furthermore, because students are free to decide whether or not to attend classes, it is difficult to structure classes around interactive exercises where students might be building skills as the semester progresses. The standard estimate, by both students and professors, is that, on average, only 10% of the students attend classes at the University of Prishtina. Many students reported that the reason they and their classmates do not attend classes is because they do not learn from the lectures and find reading or preparing on their own to be a better use of their time. However, many interviewees reported that a significant percentage of students who do not attend classes also do very little work or preparation for the exams. The lack of classroom space and the traditional structure of the classrooms (with desks and chairs affixed to the floors) also create barriers to small group work at the University of Prishtina.

The predominant use of formal lectures means that students do not have as many opportunities to develop critical thinking, analytical, and problem solving skills. As one professor commented, “90% of law graduates can’t solve a problem on their own.”

A related issue is the lack of up-to-date and current textbooks. There are also few teaching manuals. Professors were skeptical that this problem could be addressed in the near future, as many do not want to spend time creating textbooks in what they perceive to be an ever-changing legal environment. The concern, as expressed by one professor, is that “the law will completely change and we will have to redo the entire text.” Professors do not use electronic means for communicating with their students or have course websites. This means that all reading material is available only in hardcopy formats (handouts and textbooks) and is harder to update.

There appears to be substantially less use of innovative teaching techniques at Mitrovica University and in the private law faculties. Mitrovica University seems to heavily favor traditional teaching methodologies. There is also apparently very little pressure on academic staff in the private institutions to use anything other than traditional lecture techniques in their teaching. The institutional culture at the University of Prishtina that disfavors innovation in teaching methods also impacts the teaching culture at the private law faculties. This is because many of the same professors teach at the University of Prishtina and at the private law faculties, and they tend to use the same materials and the same teaching methodologies.

Nevertheless, some of the private law faculties seem to be trying to use more innovative teaching methodologies, and they also have the advantage of smaller class sizes to enable them to apply more interactive techniques. For example, the law faculty at Iliria College is the only school visited by the assessment team that had movable desks and chairs, and this feature was pointed out as being specifically designed to make it easier to do small group work. It is unclear how much small group work goes on at the law faculty, but planning the physical environment in this manner is clearly a positive step that is to be commended. Iliria also seemed to be the only law faculty that took seriously student evaluations of their courses. It is unclear how Iliria rewards the
use of more interactive and innovative teaching methodologies, but they reportedly take action, including termination of employment, against academic staff whom students rate as poor teachers.
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.*

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Negative</th>
<th>Trend: ↓</th>
</tr>
</thead>
<tbody>
<tr>
<td>A variety of student evaluation techniques are used at all of the law faculties, although there is heavy reliance on final examinations. The large class sizes at the University of Prishtina Law Faculty continue to create an obstacle to using more comprehensive examinations and other assessment methods. Cheating appears to be endemic and there is a widespread perception of corruption in the examination and grading process. There are few reports of cheating and corruption at the private law faculties and at Mitrovica University. There are no programs to address the fact that many of the current law students have a difficult time passing examinations because of the poor primary and secondary education they received due to the war and its immediate aftermath on the public education system in Kosovo.</td>
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**Analysis/Background:**

Higher education providers 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 UP Statute art. 11.3.* Students should be required to complete all necessary course requirements before receiving credit for a course. *MEST Policy on Common Criteria for Implementation of ECTS in Higher Education in Kosovo* at 12.

The University of Prishtina Senate is responsible for approving policies and procedures for assessment and examination of the students’ academic performance. *UP Statute* arts. 48.1(c), 49.13. A variety of methods to determine academic success are permitted, including exams, colloquia, seminar work, practical tests during exercises, and presentation of work. *Id.* art. 121. Of these methods, examinations are preferred 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 as a combination of 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. Exams should be 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 must register to sit for an examination during the published period, with the registration period open from six weeks to eight 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 should be 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
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 should then appoint 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 may also 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 fails 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.

In practice, students at the University of Prishtina Law Faculty are evaluated by a variety of methods, including tests, written papers (often completed as group projects, not individually), oral presentations and debates, and final exams. In most courses, students complete two tests during the semester, which should examine all of the material covered in the course. These tests and the final examinations are written with multiple choice, short answer, and longer essay questions. The professor averages the grades from these tests and any other sources (such as written papers and oral presentations). Students can choose to have this average score be their final grade for the course, or they can decide to take the final exam. Students do not know the exact day or time of their final examinations in advance, and the date is often changed even once it has been assigned; in some instances, the final examination date is advanced with little or no warning to students. The registration process for taking examinations can be very time-consuming. Interviewees reported frequent problems with the registration process, most notably that every examination starts with students who thought they were registered for the exam discovering they are not on the list or that there is some other bureaucratic problem. Adding to the chaos of the examination period is the fact that students are informed near or on the day of the final exam what their grade would be if they chose to accept their averaged mid-term grades, and only at that point can they decide whether to proceed with the final examination or accept the proposed grade.

Students who decide to go forward with the examination and then fail it can retake it. In addition, students who received a passing final exam grade but are not happy with it can retake the exam one time without any negative consequences; reportedly, fewer than 1% of students make use of this option. The three-time limit on the number of exam retakes is not enforced in practice, and there are reports of students retaking their exams over and over again for six or seven years. Those who choose to retake the exam more than twice can be prevented from enrolling in other courses, and in practice, students who are repeatedly retaking their exams are not allowed to take other courses. However, there is no enforceable time limit after which they may be dismissed from the Law Faculty. They must continue to pay their tuition every semester to be able to retake the examination, but this seems to be the only constraint on the practice of students repeating the same test multiple times when they fail it. Frequent retaking of exams is also common at private universities and Mitrovica University. Failing the exams does not seem to carry any stigma, and there is no impact on a student’s academic standing when he/she eventually passes the exam after multiple retaking attempts, as the original failing grades are no longer counted. The most serious consequence a student may suffer is inability to enroll in other courses. Students are not formally dismissed from any of the law faculties in Kosovo due to poor academic performance.

The University of Prishtina reportedly suffers from endemic cheating during examinations. The large numbers of students taking examinations contributes to an atmosphere where it is difficult, if not impossible, for one professor to adequately monitor the exam rooms. There have been limited attempts to increase proctoring at exams by having additional assistant professors or
students serve as proctors. Increased monitoring has reportedly been successful in reducing the rates of cheating. During the 2009-2010 academic year, approximately 23 students were disciplined for cheating at the University of Prishtina Law Faculty, although none were expelled. Both students and faculty share the view that there are no real negative consequences for students who are caught cheating. Most were shocked to find out that a student could be permanently dismissed from a law school in the US if caught cheating. The majority of the interviewees seemed to think that such a response was too severe, but they also expressed concern that the current arrangement where students are allowed to retake the examination at a later date does little to curb the problem.

One often repeated proposal to reduce cheating is to use oral examinations, the form of testing that was most often used in the former Yugoslavia. The Law Faculty at Mitrovica University follows this approach; cheating is rarely reported and is not seen as a problem at this institution. Oral exams are traditionally conducted in front of groups of students (which means it is not simply the student and the professor alone). Both professors and students report that the open and transparent format of oral exams both prevents professors from passing students who do not know the material and prevent students from cheating. Neither students nor professors seemed concerned about overly subjective grading or favoritism in grading during oral examinations. They appeared more troubled about grading conducted without transparency. Interviewees saw written exams as not transparent and contrasted them with the transparency of oral exams, where multiple students see each others’ performances and can therefore independently assess whether the grade was fair. By contrast, written exams were perceived as shrouded in secrecy, where only one student and one professor see the exam.

The assessment team heard reports of favoritism in exam grading. Many students believe that it is common for professors to accept payment or do “favors” by giving better grades to certain students than what the student actually earned. Some of the professors confirmed that such stories are common, but none disclosed any personal knowledge of specific instances. Some members of the academic staff did confirm that nepotism towards some students, such as children of other professors, does happen and is “natural.” In addition, an instance was reported when a faculty member was physically threatened to give a better grade to an individual student. Some members of the academic staff felt that this particular instance was an example of why they needed better security at the University of Prishtina. Overall, both students and academic staff agreed that corruption is a problem at the Law Faculty, and that it does feature in the grading decisions.

In theory, the written examination format should provide anonymity and therefore some protection against corruption. In practice, however, the anonymity in the examination process is rarely respected. After the exam, the professor posts a list of the names of students who took the exam and the grade that each of them received, instead of posting the grades by examination number and allowing the administration to convert the anonymous exam numbers to names and officially recording the grades for each student. This practice gives the impression that professors know which students have which exam numbers before they assign grades and that they therefore could be assigning grades due to corruption or other inappropriate influence. It also destroys the confidentiality of the grading system between students. Students know the grades their classmates receive, although no concern was voiced by either students or academic staff about this lack of confidentiality. The only concern about the failure to maintain anonymity was the impact this has on corruption, or the appearance of corruption.

A large number of students fail examinations at the University of Prishtina Law Faculty. The assessment team was unable to get clear statistics on this subject, but considering the graduation rates (see Factor 13 below), it seems the failure rates are significant. Interviewees reported that many students “only show up for the exam” and otherwise do not attend classes. The fact that there is no enforced attendance policy may contribute to the high failure rates, as students often simply study on their own and may not always clearly understand what they should be studying. Professors occasionally will review exams with students and give them feedback, but it seems far
more frequent that students get no meaningful feedback on what they did wrong on an exam, including why they failed it. There are no academic success programs or other voluntary programs to teach basic test-taking skills.

In addition, many of the current law students received their primary and secondary education during a very difficult time in Kosovo’s history. Today’s law students were in primary school during the war. In the period immediately before and during the war, most students had their education interrupted. In the immediate post-war period, the primary and secondary education system in Kosovo was overloaded and underfunded. This means that many current law students received substandard primary and secondary school educations. In the long term, the MEST has a strategic plan that should address these problems and improve the basic education level for all secondary school graduates in the country. In the short term, there continue to be secondary school graduates who do not have basic reading, writing, and comprehension skills. These students are attending law school and failing courses. Tutoring in basic skills and tutoring aimed at specific law school skills, including test-taking skills, could have a large impact and help improve the pass rates and, ultimately, the graduation rates. But no such programs are currently offered either officially or unofficially. But, without specific assistance aimed at addressing the educational deficits of these students, it appears unlikely that they will succeed. It also seems to the assessment team that this is a waste of potentially valuable human resources and a disservice to people who had the misfortune of being born into a time when their education was disrupted by war and its immediate aftermath.

Students at Mitrovica University are required to earn 30 points before they can sit for the final examination. Students get points by attending classes (up to 15 points), by writing a paper (up to 15 points), and through the written midterm examination (up to 20 points). 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, although, as discussed above, oral examinations seem to be the most common form. Exams are considered public and, if a student takes an oral exam, he/she can request it to be opened to the public. UNIVERSITY OF PRISHTINA AT MITROVICA STATUTE art. 111. Professors announce the students’ grades at the end of the oral examination; sometimes it is delivered orally (so the entire class hears it) and sometimes given in writing. If a student is having trouble with the material, a professor may allow them to take the examination “in parts” and return to do the remaining parts during the next examination period. 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. Interviewees reported no problems with cheating or corruption over grades at the Law Faculty at Mitrovica University.

Exams in private law faculties are reportedly graded more leniently than those at the University of Pristina. However, because many classes in those universities are taught by the same professors from the University of Pristina, the format and approaches used towards student evaluations are largely identical. There seem to be significantly fewer reports of cheating and corruption at the private law faculties. In part, this may be due to the smaller class sizes, which make the examinations easier to monitor. Some of the private law faculties also seem to take a stronger stand against cheating, by proactively removing students from exams if they are seen cheating and acting on complaints after the examinations. Reportedly, the impact of these stronger actions is the reduction in cheating rates, as students see their classmates removed from examinations or forced to retake exams after disciplinary actions. Some skeptics suggest that the reason the private law faculties have lower rates of cheating and corruption is due to their lower academic standards, which means students are more likely to pass the examinations and
do not need to resort to other methods. The assessment team has insufficient information to draw a conclusion on this point.

**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.*

<table>
<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
<th>Trend: ↔ ↔ ↔ ↔</th>
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<tbody>
<tr>
<td>The University of Prishtina is authorized to award Bachelor’s, Master’s and Doctorate degrees, and the awarding of degrees reflects that the graduate has met the standards for the degree in practice. Mitrovica University also awards degrees after students meet the required standards. The private law faculties have not yet awarded any degrees. The University of Prishtina Law Faculty suffers from low graduation rates and is not offering any tutoring or other assistance for students who may enter law school with a low basic educational level. Women are graduating at lower rates than men, with highly disproportionate numbers at the LL.M. level.</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 the 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 diplomas and diploma supplements 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 awards 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 (after earning a Bachelor’s degree). *Id.* § 2.2(a); *see also* *[UP Statute]* art. 64. The University of Prishtina Faculty of Law requires that LL.B. students successfully complete 240 ECTS credits over a period of four years to earn their degree. Postgraduate LL.M. degree students must have received an LL.B. degree and complete an additional 60 ECTS credits over a one-year period. A student must have received a Master’s degree and have completed a total of 300 ECTS credits to enroll in Doctorate studies program. Doctorate studies normally take three years, and students must complete at least 180 ECTS credits, pass the Doctorate study exams, and successfully defend their doctoral dissertation. *[UP Statute]* art. 106.20

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20 Students who enrolled in the Law Faculty prior to the introduction of the new degree structure in 2007-2008 academic year had to complete 180-210 ECTS credits over three years to receive a BA in Law degree; 90-120 ECTS credits over a period of one and a half to two years to receive an MA in Law; and 180 ECTS credits over three years to earn a Doctorate degree. *[UP Statute]* arts. 104.1, 105, 106. Since the first students who will be eligible for the one-year LL.M. program commenced their LL.B. studies in 2007, all graduate students at the Faculty of Law are currently studying under the two-year MA in Law program. The LL.M. program will begin in 2011-2012 academic year.
In addition to the successful completion of a prescribed number of credits, all Master’s-level students at the University of Prishtina must complete and defend a Master’s thesis (see id. art. 131.1), and students are required to have their dissertation approved and successfully defend it to earn 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. art. 131.3-131.4. A Master’s thesis requires demonstration of 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 Master’s theses are determined by the Faculty Council. Id. art. 131.5.

The successful completion of all degree requirements specified in the study program is certified by the University through a diploma. 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, 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 University of Prishtina Faculty of Law were not sufficiently qualified, no one suggested that anyone is awarded a degree without successfully completing all requirements and meeting all objective standards for the degree. A far more significant concern is the low graduation rates, which the Faculty of Law itself acknowledged. The Law Faculty attributes the low graduation rates to several factors including: the economy, the students’ inability to cover their expenses or find part-time jobs, the lack of prospective employment on graduation, and the possible difficulties in adapting to the new environment at the Law Faculty. UP SELF-EVALUATION REPORT at 9. All of these reasons undoubtedly contribute to the low graduation rates. However, the assessment team believes that the single biggest factor impacting the low graduation rates is the fact that many students enter law school without the basic skills they need to succeed. As discussed in Factor 12 above, the current LL.B. students had their primary school education interrupted in the period immediately before and during the war. In the immediate post-war years, Kosovo’s education system was overloaded and underfunded, which means that many of the current law students received poor educations that did not adequately prepare them to study law at the university level. Unless these students receive tutoring and basic skills assistance, it seems highly unlikely that they will gain the necessary skills to pass their law school examinations and, ultimately, graduate. Currently, the Law Faculty does not offer such tutoring programs, or programs to teach basic academic skills or help students improve the particular skills that are needed for success in law school.

In 2009, 786 students graduated with an LL.B. degree from the University of Prishtina, including 458 men and 328 women. These graduates included those who attended both the full-time and the part-time programs. A total of 315 of those graduates are from the “old four-year system,” which means they started their legal studies in 2002 or before and took at least eight years to graduate. Only 471 of the Law Faculty graduates completed their studies within seven years of starting their legal education. These 471 graduates entered the Law Faculty under the old three-year program of studies, which last admitted students in 2006. The first class of students enrolled under the new four-year curriculum is due to graduate in 2011. The Law Faculty did not provide the assessment team with the statistics regarding what year the 2009 graduates enrolled nor how long it took for the graduates to complete their studies and earn their diploma. As discussed in Factor 12 above, if a student fails to pass the courses in a given year, the University of Prishtina allows him/her to reenroll, and the limit for reenrollments should be equal to the number of years needed to complete a degree (i.e., three or four years for LL.B. students, depending on when they began their studies). UP STATUTE art. 157. In practice, this limit is not enforced, and students are allowed to reenroll indefinitely.
If a student wants to take a leave of absence at the University of Prishtina, he/she needs to obtain permission from the Dean; the reasons for a leave of absence are limited to “severe” illness, compulsory military service, child care, pregnancy, and “other justified causes.” Id. art. 158(4). In practice, however, students seem to be able to “take a break” in their studies without formally applying for a leave of absence. At the beginning of each semester, students may enroll in classes without any advance notice to the Law Faculty that they will be returning to continue their studies. One problem this system creates is that it is difficult for the Law Faculty to determine how many students it has in addition to those currently enrolled in classes. The Law Faculty estimates that, in addition to the currently registered students, there are another 2,000 or so students who are “taking a break” from their studies. It is estimated that only half the students receive the LL.B. degree within the standard time period (three or four years). Up to 20% are believed not to complete the degree at all – but because students can, in practice, take extended leaves of absence without notifying the Law Faculty, it is possible that some of this number might return to complete their degree at a later point.

The graduation rates for women are lower than for men, and are also lower than the overall percentage of women enrolled in the Law Faculty (over 56% of students enrolled in 2009 were women). Some interviewees suggested that the reason fewer women graduate is because they are more likely to start families while in law school. In a society where women are still the primary caretakers of children, this puts additional pressures and constraints on them, which may make it more difficult for them to complete their studies. Nevertheless, the percentage of women graduating has increased each year during the last three years.

The number of women earning a Master’s degree is strikingly lower than the number of men earning such degrees. Currently all of the Master’s degree candidates are studying under the old 3+2+1 system. It is generally agreed that it is difficult to get a job with only an LL.B. degree earned under the old system. If that is true, then women who are not earning a Master’s degree probably face greater challenges in the employment market. The lower numbers of women seeking more advanced degrees also contributes to the already inadequate number of women in academic positions, both now and for the foreseeable future.

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>LL.B. Degrees Awarded</th>
<th>LL.M. Degrees Awarded</th>
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<tbody>
<tr>
<td></td>
<td>Total</td>
<td>By Gender</td>
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<tr>
<td>2007-2008</td>
<td>527</td>
<td>Male 328</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% women 37.76</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>Male 8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% women 0</td>
</tr>
<tr>
<td>2008-2009</td>
<td>652</td>
<td>Male 391</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% women 40.03</td>
</tr>
<tr>
<td></td>
<td>34</td>
<td>Male 29</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% women 14.7</td>
</tr>
<tr>
<td>2009-2010</td>
<td>786</td>
<td>Male 458</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% women 41.73</td>
</tr>
<tr>
<td></td>
<td>25</td>
<td>Male 23</td>
</tr>
<tr>
<td></td>
<td></td>
<td>% women 8</td>
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Mitrovica University 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. Graduation rates are reportedly higher, with most students “eventually” earning their undergraduate degree.

Successful completion of a prescribed number of ECTS credits also appears to be the main requirement for awarding of degrees by the private law faculties. Most of these faculties have adopted, or are transitioning to, the four-year LL.B. degree structure, which requires students to complete 240 ECTS credits. The Masters’ studies curricula are typically organized along a two-year, 120 ECTS credits structure. Some of these institutions also require their students to
prepare and defend a thesis. For example, the curriculum at Fama College includes mandatory drafting and presentation of a thesis in the final semester of both its regular LL.B. program and the LL.B. in Criminology; students earn a total of 12 ECTS credits for this assignment. Students enrolled in the two-year MA in Law program devote their entire final semester to the drafting and presentation of a thesis, earning 30 ECTS credits.

In practice, the accredited private law faculties have not yet granted degrees to any of their students. Therefore, it is unknown what their graduation rates will be and whether their graduates will, in fact, meet all applicable standards and requirements. One positive development since the previous LERI assessment, however, is that there is no longer a problem of unaccredited or unlicensed higher education providers awarding degrees in Kosovo.

**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: Negative</th>
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<td>Public and private higher education institutions maintain and archive accurate records 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. The central university administration maintains a statistical summary of academic records, but not individual records. The private law faculties and Mitrovica University seem to do a better job of maintaining records in both hard and electronic forms. Lack of digitization at the University of Prishtina also creates a serious burden for the students when they need to register for classes or examinations, as each of these acts requires waiting in multiple lines to gather necessary signatures and forms and make whatever payments are required.</td>
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**Analysis/Background:**

The legal protections and requirements for maintenance of individual academic records are limited. The Law on Archive Material and Archives provides the legal structure for the permanent maintenance of documents considered worthy of archival treatment. _KOSOVO ASSEMBLY LAW ON ARCHIVE MATERIAL AND ARCHIVES_ (Law No. 2003/7, _promulgated by UNMIK Regulation No. 2003/20, Jun. 23, 2003_) [hereinafter _LAW ON ARCHIVES_]. The officials responsible for maintenance of official records designate what portion of the material that they collect and generate is to be selected for archival treatment. _Id. art. 7.3_. Under this provision, individual academic university records are not given archival treatment. 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 in the event that the private higher education institution ceases to operate. This plan must comply with the Law on Archives and be approved by the MEST. _LICENSING INSTRUCTION_ art. 17.

The UP Statute gives some definition and requirements regarding academic records at the University. The Secretary General of the University of Prishtina is responsible for maintaining administrative and academic records for the University. _UP STATUTE_ art. 240. The Rector also appoints a secretary for each faculty, who 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 numbers and student books, as well as performance reports and evaluations, are to be stored in a centralized database maintained by the University Information Center. This suggests that all other information is to be stored by the relevant faculty. All of this information should be stored in a standardized electronic format. *Id.* art. 242.1.

The Dean of each faculty is responsible for providing a comprehensive annual performance report of his/her faculty to the Rector. *Id.* art. 232. It seems that this report should be 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. The 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, performed lectures, examinations and seminar 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 University of Prishtina has some safeguards to protect the privacy of academic records. All personal records should be preserved in a manner that protects the privacy of individuals and may only be disclosed for purposes required by the applicable law. *Id.* art. 243. At the 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 the highest authority in this respect and is granted unlimited access to all data. *Id.* art. 234.3.

The University of Prishtina also has specific procedures in place regarding records related to examination grades. 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 of them 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, as well as information on courses taken and grades received.

Since individual students’ academic records are maintained in a single central location within the Faculty of Law, there are possible security issues. There is no institutional control over the maintenance of records by individual students or professors, and there have reportedly been incidents where students were 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 hardcopy format. In the past, USAID, through World Learning, sponsored a project to digitize the university. However, the university reportedly did not do what was necessary to enable the project to move forward within the project timeframe, and it was discontinued. The total cost to digitize the university was projected to be USD 200,000. This included both training and installation of the necessary software (the university reportedly has the necessary hardware). Despite the fact that the university could probably pay this amount out of its annual budget of EUR 50-60 million (even without relying on foreign assistance), there does
not seem to be any other plans to digitize the university's record-keeping. This has a regular impact on students, faculty, and staff. For example, if a student at the University of Prishtina Law Faculty wants to register for classes or for an examination, he/she can expect to wait in multiple lines to have the appropriate people sign forms in the appropriate places. One study found that the simple process of registration required the student to appear nine times at nine different offices within the university in order to collect paperwork, pay fees, and get his/her student book signed. _WORLD LEARNING, UNIVERSITY OF PRISHTINA REGISTRATION PROCESSES_ at 15 (2007). Since the Law Faculty is already overcrowded, students can expect to stand in long lines to complete each of these tasks. This is both extraordinarily time consuming and a tremendous waste of human resources, particularly when multiplied by the amount of time that is spent by over 4,000 LL.B. students who register for classes and exams each semester. The Law Faculty acknowledges that providing service to students in the administration, including through digitalizing records, is "one of [its] main shortcomings." _UP SELF-EVALUATION REPORT_ at 24-25.

Private law faculties seem to do a better job of using more computerized methods of record-keeping and registration. This means that students at these institutions can more easily register for classes and exams, as well as receive their grades and transcripts. They also do not spend hours waiting in lines to complete these tasks. It also appears that many of the private law faculties do a better job of securing their records, so that they exist in both hardcopy and electronic formats.

Mitrovica University also seems to have a better system in place for record-keeping. Their record-keeping is reportedly done in both electronic and hardcopy formats, and the university as a whole has a system of digitization in place.

**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>
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<td>Although Kosovo is not yet a member of the EHEA, it has brought its higher education system into compliance with the standards articulated in the Bologna Declaration, including the use of ECTS. An official academic recognition unit was set up within the MEST in 2008 and is now fully operational. The University of Prishtina and the private law faculties participate in national, regional, and international academic networks, and students are also able to take part in exchange programs in other countries in Europe.</td>
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**Analysis/Background:**

Higher education in Kosovo is structured to comply with international and regional quality assurance and recognition standards. The Law on Higher Education recognizes this by specifically noting the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols, the Council of Europe/UNESCO Convention on the Recognition of Qualifications Concerning Higher Education in the European Region (the Lisbon Recognition Convention), 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 is charged with the overall responsibility for promoting the mobility of students and staff within the EHEA. The MEST is also responsible for 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). All Bachelor’s degree courses should comply with the ECTS framework and allow students to enter and exit at appropriate points and award credits depending on the progress of the individual student. Id. § 12.3.

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 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, the Guidelines on Evaluation of Higher Education Institutions in Kosovo, and a Policy on Comparability and Recognition of Pre-Bologna and Bologna Degrees.

Due to its lack of formal international recognition, Kosovo has not yet been able to sign onto the Bologna Declaration. It remains unclear whether the ICJ’s advisory opinion recognizing Kosovo’s unilateral declaration of independence will change this, and whether it will be allowed to become a full signatory and member of the Bologna Process. Despite this, the MEST is committed to full and formal integration into the process, including the adoption of the ECTS and integration into the EHEA. The Higher Education Law, the UP Statute, and the MEST’s applicable administrative instructions all acknowledge the applicability of international quality assurance standards and recognition networks. The Higher Education Law and the UP 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. Mitrovica University also complies fully with the Bologna Declaration and the use of ECTS. It appears that these changes have been successful enough to ensure that Kosovo’s higher education providers are in full compliance with the Bologna system and to allow for the country’s eventual integration into the EHEA, once the question of its political status is resolved. In fact, all respondents interviewed by the assessment team seemed to believe that, once Kosovo is recognized internationally, formal membership in Bologna Process will only be a matter of time. There was no indication, however, that any formal preparatory steps or negotiations have occurred as of the publication of this assessment.

An important new step that occurred after the publication of 2008 LERI assessment is the official inauguration of the National Academic Recognition and Information Center [hereinafter NARIC] for Kosovo, as part of the MEST. Prior to NARIC’s establishment in November 2008, there was only one MEST official responsible for recognition of international diplomas, which meant that the waiting lists for non-Kosovars wishing to have their degrees recognized could be as long as 18 months. The Center is now fully functional, and is responsible primarily for recognition of higher education diplomas awarded by accredited higher education institutions outside of Kosovo, although it is unclear how long students are currently waiting for diploma recognition. See generally ADMINISTRATIVE INSTRUCTION ON PRINCIPLES AND PROCEDURES OF RECOGNITION OF DIPLOMAS FROM PROFESSIONAL HIGH SCHOOLS AND UNIVERSITY DEGREES OBTAINED OUTSIDE THE REPUBLIC OF KOSOVO (MEST Instruction No. 8/2010, Jun. 22, 2010). NARIC is governed by a Council comprised of seven local and international experts with relevant experience related to international issues in higher education and the Bologna Process. Id. art. 4.3. The recognition procedures and criteria operate in a transparent, impartial, flexible, coherent, and credible manner, in line with the latest European developments and trends in this area, and are available to all citizens of Kosovo who obtained their degrees abroad, as well as foreign citizens who can show proof of legal interest in Kosovo (such as an employment contract signed by an entity registered in Kosovo). Id. art. 3. All applications for recognition are evaluated by an expert
committee consisting of two members assigned by a relevant academic unit of the University of Prishtina and a NARIC representative. The committee reviews all applications and submits its report to the National Recognition Council, which issues the final decision. *Id.* arts. 5, 9-11. Applicants pay a fee of EUR 20 for each recognition application. *Id.* art. 12. The entire recognition procedure must be completed within four months after receipt of the application. *Id.* art. 3.8.

During 2008-2009, NARIC received a total of 523 recognition applications for foreign undergraduate diplomas, 80 applications for recognition of Master’s diplomas, and 32 applications for Ph.D. degrees. Of these, 68 applications (10.7%) involved law degrees – the second highest behind medical degrees. As of May 2010, NARIC received 143 applications for recognition of undergraduate diplomas, 36 for Master’s diplomas, and 21 for Ph.D. degrees; this included 15 applications (7.5%) involving law degrees. The majority of applications come from the neighboring countries, such as Albania, Macedonia, and Turkey.

The University of Prishtina’s mission statement includes 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., the Bologna Declaration and the Lisbon Recognition Convention), including adopting appropriate reforms for such integration. UP 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 with 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.

The University of Prishtina fully harmonized its curriculum with the Bologna Declaration requirements. In particular, the Law Faculty has been implementing the ECTS since the 2001-2002 academic year, and completed a curriculum reform that took effect from the 2006-2007 academic year, in order to meet the standards and objectives of the Bologna Declaration. The result is the current structure of degree programs that consists of three cycles: a four-year Bachelor’s degree (first cycle), a one-year Master’s degree (second cycle), and a three-year Doctorate (third cycle). The law faculty at Mitrovica University has the same 4+1+3 program and complies with the ECTS credit standards. Private law faculties also meet the ECTS standards and have adopted the two-cycle 4+1 degree structure. Thus far, no private law faculty is offering Doctorate degree programs.

The University of Prishtina also participates in a range of exchange programs and academic networks. These programs include the University of Prishtina summer school, where a number of foreign professors and students come to participate in courses at the University. The University enjoys direct relationships with a number of European universities. It 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). One reflection of the success of the integration efforts is that students from the Law Faculty reportedly regularly participate in exchange programs in European universities. Younger members of academic staff at the Law Faculty have studied abroad and seem to have both an interest and a connection to resources abroad. Private law faculties also appear to have links to universities and
organizations within the region and internationally. Although Mitrovica University is fully integrated into the EHEA and complies with ECTS, it does not seem to have official links with regional or international networks. Students from Mitrovica do participate in exchange programs in other countries in Europe, but the exchanges to Mitrovica seem limited to Serbian academics.
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.

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<th>Conclusion</th>
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<td>Academic staff at both private and public law faculties meet the basic requirements for their positions. There continues to be a difference in qualifications and teaching skills between more senior faculty and those who have degrees from abroad and/or began their academic careers after the war. Most of the academic staff have limited practical experience. Academic staff are publishing in scholarly journals both in Kosovo and abroad; however, heavy teaching loads and limited research opportunities negatively impact the quality of scholarship.</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). 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. Licensing Instruction art. 8.1.1. Both public and private institutions have the authority to specify titles and ranks, and to prescribe appointment criteria for academic staff. Higher Education Law § 24. The University of Prishtina is also required to provide appropriate conditions for scholarly research, so that its academic staff can be competitive on an international level. See UP Statute art. 172.1.

The University of Prishtina has six ranks for academic staff: Lecturer, Assistant Candidate, Assistant, Assistant Professor, Associate Professor, and Full Professor. Id. art. 178.2. To be eligible for appointment or promotion to each of these ranks, a candidate must hold appropriate qualifications and experience relevant to the position. Id. art. 181. The basic general requirements for each of the ranks are summarized in the following chart.

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21 The rank of a Lecturer is not relevant for the purposes of this assessment; it only applies to faculty members who teach foreign language courses. Id. art. 187.
FACULTY QUALIFICATION REQUIREMENTS AT THE UNIVERSITY OF PRISHTINA

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<th>Rank</th>
<th>Qualification Requirements</th>
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| **Assistant Candidate** | • Bachelor’s degree with a minimum GPA of 8;  
• Maximum age of 28 (32 if they have a Master’s degree) at the time of first appointment;  
• Limited to assisting professors in the top three ranks in Bachelor’s degree courses. |
| **Assistant** | • Master’s degree and active enrollment in a Doctorate degree program;  
• Maximum age of 35 at the time of first appointment. |
| **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 journals;  
• active participation in international conferences;  
• 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. |

See generally id. arts. 182-186.

In addition to these requirements, the UP Senate may provide for special qualifications for academic staff at particular Faculties, upon the respective Faculty Council’s recommendation. Id. art. 188.

There are no clear or written standards for the academic staff titles or qualification requirements used at private law schools or the Mitrovica University.

There are currently a total of 82 academic staff at the University of Prishtina Faculty of Law, including 58 full-time staff, 19 part-time staff, and 5 staff on leave. Of the full-time faculty members, there are five Full Professors, ten Associate Professors, 11 Assistant Professors, 31 Assistants and Assistant Candidates, and one Lecturer. There are also five academic staff from other University of Prishtina faculties that are allowed to teach at the Law Faculty. The private law faculties that were accredited in 2009 employ a total of 132 academic staff. Mitrovica University employs 37 academic staff, including 10 Full Professors, nine Associate Professors, two Assistant Professors, and 16 Assistants.

In practice, all of the academic staff meet the minimum requirements regarding degrees held, but their actual levels of knowledge and competence seem to vary greatly. Many respondents expressed this in terms of a generational difference between those who started their academic careers under Serbian rule and those who were hired after the war, while others expressed it as a distinction between those who have degrees from abroad and those who do not. Indeed, as a result of Kosovo’s unique historical circumstances, there seems to be a divide between the “old guard” and those who began their academic careers after the war, particularly at the University of
Prishtina. In 1989, the Milosevic regime forced all ethnic Albanian academics out of their teaching positions. They were not allowed to return until after the war in 1999. Many of these people did not engage in scholarly activities or the practice of law during this 10-year period. New academic staff who were hired since the end of the war seem to be academically well-qualified, and a large percentage have advanced law degrees from European and North American universities. Thus, it seems clear that the Law Faculty, and the University as a whole, values and actively recruits academic staff with degrees from Europe and the US. In addition, a number of the current Assistants at the University of Prishtina are enrolled in Doctorate programs at European universities. Currently, there are also 21 Doctorate candidates at the Law Faculty itself, including three women.

As discussed in greater detail in Factor 11 above, most of the academic staff at the University of Prishtina Law Faculty do not have any experience practicing law. This lack of practical work experience is another reason that the teaching methodologies are focused more on theory and less on practical skills.

There are opportunities for scholarly publication within Kosovo. The University of Prishtina publishes its own legal journal, *The Law*, and has also recently concluded an agreement with the Sapienza University of Rome in Italy, to allow academic staff from the Law Faculty to publish their work in their journal, *Diritto*. The private law faculties apparently produce their own journals to publish the work of their academic staff, although the publication schedules do not seem to be regularized. Many legal books and texts are essentially self-published, without any real editorial assistance or controls. Younger faculty members and other academic staff with foreign language skills seem to prefer publishing abroad, including through their participation at international conferences. There is greater prestige attached to foreign publications; however, as foreign publications are generally not in the Albanian language, their utility within Kosovo is limited to those with foreign language skills.

The main concern is that the junior staff, like most academic staff, tend 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. In addition, according to the interviewees, innovative teaching skills are not strongly valued at the University of Prishtina and Mitrovica University, which may, in part, reflect the limited opportunities that many professors, and the administration, have had to experience a variety of teaching methodologies.

**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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Hiring and promotion practices for academic staff at the University of Prishtina are competitive, fair, uniform, and transparent. Hiring and promotion practices at private law faculties seem less transparent or tied to specific criteria. The law forbids discrimination in hiring in both public and private universities and provides for administrative review and judicial appeal of hiring and promotion decisions. Women are underrepresented as academic staff, particularly at the higher academic ranks, and there is no ethnic diversity among academic staff employed in any of Kosovo’s law schools; however, this does not seem due to any over discriminatory practices.
Analysis/Background:

Public universities have the power to employ and dismiss their own staff. **Higher Education Law** § 5.3(d); **see also** UP Statute art. 12.7. The right to independently select academic staff and grant titles to professors and other staff is considered an integral part university autonomy. **Higher Education Law** §§ 7.2(c), (f); **see also** UP Statute arts. 11.3, 11.6. Educational institutions must specify the titles and ranks 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 also 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 should be employed by individual contracts with the university. **Id.** § 26.4. Academic staff have the right to appeal any decision that the provider of higher education makes relating to them to the MEST and to a competent court. **Id.** § 25.5.

The University of Prishtina Senate decides on all general strategic issues for the University, including the appointment of teaching staff and determining the procedure for promotion of academic staff. **Up 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 for 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. This means that all the 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 of an individual Faculty 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 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 of the Law Faculty, which consists of ten Full Professors, five Assistant Professors, one administrative staff representative, and two student representatives, establishes 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 Faculty Council also reviews applications for promotion and decides who to recommend for promotion. 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 the 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 academic ranks are made for four years. **Id.** arts. 182.3, 183.3, 184.3, 185.3, 186.3. 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. Retired Full Professors who demonstrate 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 can teach and engage in scholarly research depending on the needs of the 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.

In practice, all academic staff at the University of Prishtina Law Faculty are employed under three- and four-year, renewable contracts. They can request promotion to a higher academic rank when their contracts come up for renewal. If the promotion is not granted, the professor will receive a new contract at their existing level. Full Professors are entitled to have their contracts renewed for an indefinite period. UP STATUTE art. 182.3. In practice, this provision appears to work as follows: four years after a person is promoted to Full Professor, he/she is evaluated, and if the evaluation is positive, he/she will be able to sign an renewable four-year contracts indefinitely in the future (referred to as a “contract for life”), without having to undergo another evaluation.

The promotion process seems to be implemented fairly, and there are no reports of political or other factors interfering in promotions. While concerns about promotion may prompt some professors to be careful about criticism or speaking out, there does not appear to be an atmosphere of intimidation that works to silence the faculty members.

One area of concern with respect to faculty composition is the apparent lack of gender and ethnic diversity. The University of Prishtina prohibits discrimination on the same grounds as set out in the Higher Education Law. The university supports gender equality and has specific provisions expressing preference for female candidates when a male and a female applicant have the same qualifications. UP STATUTE art. 7. However, only 18 of the 82 currently employed full-time and part-time academic staff (22%) are women, and none are ethnic minorities. The Law Faculty recognizes increasing the number of women academic staff as an “immediate task.” UP SELF-EVALUATION REPORT at 16. Mitrovica University employs 11 women out of the 37 members of its academic staff (29.73%). It also does not have ethnic diversity among its academic staff, all of whom are ethnic Serbs. The private law faculties similarly do not employ ethnic minorities and have substantially fewer women among their academic staff; in fact, one of the private law faculties interviewed by the assessment team reported that they had no women among its academic staff. There seems to be no concerted effort to increase either gender or ethnic diversity of the academic staff at any of the law faculties in Kosovo. It is also unlikely that the percentage of female staff will significantly increase without a concerted effort to both encourage qualified women to get advanced degrees and to actively recruit and mentor them.

The University of Prishtina Statute contains provisions to evaluate the academic staff’s teaching performance. 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. UP STATUTE art. 225.1. The statute requires annual, anonymous student evaluations of teaching 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 22 Despite repeated requests, the assessment team was unable to obtain officials statistics on gender or ethnic breakdown of academic staff employed by private law faculties.
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. In practice, it seems that these provisions are not used, as the students did not report having evaluated teaching performance at the Law Faculty, nor do the academic staff report having been evaluated.

Hiring and promotion criteria and practices, as well as contract terms for private higher education providers are much less formal and generally not clear or transparent. For the most part, private law faculties post public vacancy advertisements for open faculty positions. However, 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. The situation with respect to faculty evaluations at private law faculties is also unclear. One of the private universities, Iliria College, had reportedly terminated academic staff who did not receive sufficiently high scores in student evaluations; however, this was not confirmed.

**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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<thead>
<tr>
<th>Conclusion</th>
<th>Correlation: Neutral</th>
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<tr>
<td>Salaries for academic staff at the University of Prishtina increased substantially in the last year, bringing them to a level similar to the private law faculties. However, academic staff at the University of Prishtina, private law faculties, and Mitrovica University continue to hold outside employment to supplement their incomes. This has a negative impact on the time they can devote to teaching, research, public service, and their own professional development.</td>
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**Analysis/Background:**

Public higher education providers are required to include in their statutes provisions related to the 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. The University of Prishtina has detailed guidelines regarding the determination of salary for academic staff, which is to be determined by the University Board. *UP STATUTE* arts. 22.6, 23.6(b). Beyond this, both the Higher Education Law and the UP Statute are silent as to the appropriate level and other protections for academic staff salaries.

In 2009, the University of Prishtina adopted a substantial salary increase for the its academic staff. This has helped bring salaries up to a living wage and a level comparable to that paid by the private law faculties. The salary increase may also help, in the long run, to address the continuing problem of academic staff holding several jobs, in addition to their full-time positions at the University of Prishtina.
MONTHLY SALARIES FOR THE UNIVERSITY OF PRISHTINA ACADEMIC STAFF

<table>
<thead>
<tr>
<th>Position</th>
<th>Academic Year 2008-2009 Salary</th>
<th>Academic Year 2009-2010 Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EUR</td>
<td>USD[^23]</td>
</tr>
<tr>
<td>Full professor</td>
<td>501</td>
<td>637.43</td>
</tr>
<tr>
<td>Associate professor</td>
<td>414</td>
<td>525.78</td>
</tr>
<tr>
<td>Assistant professor</td>
<td>380</td>
<td>482.6</td>
</tr>
<tr>
<td>Assistant</td>
<td>269</td>
<td>341.63</td>
</tr>
</tbody>
</table>

Academic staff can also earn bonuses for administering the Law Faculty entrance exam and for grading final exams. For example, bonuses for grading of final exams are set at EUR 0.6 per exam; bonuses paid in connection with entrance exams vary depending on the specific tasks performed by the staff (such as higher bonuses for grading of examinations as opposed to supporting various administrative aspects).

The increased salaries at the University of Prishtina are a positive step. However, the salaries, particularly for junior academic staff, still seem to be insufficient to encourage those that have full-time appointments to stop accepting outside employment that directly conflicts with the time they could (or should) be spending at their primary jobs at the Law Faculty. Thus, despite the improved salaries, the academic staff at the University of Prishtina Law Faculty continue to routinely hold multiple employments. Many junior academic staff expressed concern that even the increased salaries are insufficient to support themselves and their families without outside employment. The additional jobs typically include teaching at various private law faculties, working with NGOs, working as consultants, and handling legal cases privately. There are also six faculty members who hold full-time “national positions” with the Government, in addition to their full-time jobs as professors. As part of the University or Pristina accreditation conditions, the KAA has tried to limit the number of institutions that University academic staff can teach at, and to require that they be considered full-time at only one higher education institution and be allowed to teach part-time at only one additional institution. The KAA reported that it monitors compliance with this condition and that it would immediately take action to terminate any faculty member who is found in violation. However, there is a widespread perception among Kosovo’s academic and legal community that this restriction is not strictly enforced in practice and that, in fact, academic staff do not limit themselves to one full-time and one part-time teaching job. In addition, it is unclear whether this limitation applies to additional non-academic employment. The University of Prishtina also requires 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 individual faculty’s Dean and a majority favorable vote of the Faculty Council. See UP STATUTE art. 177. It is similarly unclear whether this requirement is enforced.

There are no recent statistics regarding how many members of the academic staff at the University of Prishtina or at the private law faculties hold outside contracts or multiple jobs. However, the interviewees reported this as a routine practice both at all of the law faculties. This creates a number of problems for both students and academic staff. These include: limited, or no, office hours for students; reduced time to conduct research and produce scholarship; reduced time to focus on professional development; negative impact on the overall institutional culture, as the academic staff has limited, or no, time to devote to extracurricular activities or to engage with students outside the classroom.

The assessment team did not receive exact salary figures for the private higher education institutions, but did receive reports that the salaries at the private law faculties no longer differ substantially from those at the University of Prishtina.

[^23]: Euros (EUR) are converted to United States Dollars (USD) at the rate of conversion at the time interviews were conducted for this report in July 2010 (USD 1 = EUR 0.79).
Faculty at Mitrovica University are paid according to salary levels that apply in Serbia. Nevertheless, academic staff are reportedly paid less overall compared to other law faculties in Serbia, because Serbian academic salaries are calculated based on the numbers of students and Mitrovica University’s student body is smaller than at other universities. The reported monthly salary for Full Professors was EUR 600 and EUR 450-470 for Assistant Professors. Academic staff in Mitrovica also regularly hold several jobs, and many do not live in Mitrovica, which contributes to the academic staff not being as available for out of class meetings with students and having limited involvement with the student life and institutional culture.

**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.

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<th>Conclusion</th>
<th>Correlation: Positive</th>
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<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>
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</table>

**Analysis/Background:**

Higher education providers enjoy institutional academic freedom, including freedom to engage in teaching and research without interference from public authorities. **Higher Education Law § 7.1; see also UP 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 are 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.** Higher education institutions must also guarantee academic freedom for accreditation purposes, and their statutes and organizational structures should ensure freedom in research and teaching. **Accreditation Instruction art 10.1(7).** Additionally, premises of higher education institutions are, as a general rule, inviolable from entry by law enforcement agencies without permission from the institution's principal management authority. **Higher Education Law 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.**

Higher education providers must also ensure in their statutes academic freedom for staff and students. **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 being in jeopardy of losing their job or any privileges. **Id. § 25.1; UP Statute art. 192.1.** Faculty members also enjoy the freedom of speech and freedom in terms of publishing the results of their academic research, as well as freedom of association (including the right to form trade unions, staff associations, and professional associations) and freedom of assembly, which may only be restricted by law. **Higher Education Law §§ 25.2-25.4; UP Statute arts. 10, 192, 196.** Academic and other staff may appeal a provider’s decision or action against them before the MEST and then to a court. **Higher Education Law § 25.5; UP Statute art. 197.1.** Staff at the University of Pristina 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. UP STATUTE art. 193. There are similar provisions to protect the students’ academic freedom. See HIGHER EDUCATION LAW §§ 29.4-29.5; UP STATUTE arts. 10, 162, 169-170.

Mitrovica University also guarantees its faculty members 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 PRISHTINA 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.

The assessment team was unable to obtain sample statutes from accredited private universities, so it is unclear whether any of these documents include provisions to protect academic freedoms of their academic staff and students.

In practice, there are no reports of any of the law faculties in Kosovo restricting speech or research by professors or students at any level. One possible exception is Mitrovica University, where restrictions might be a result of the apparent strong control exercised by Serbia’s Ministry of Education in Belgrade. Faculty and administration at Mitrovica University initially refused to meet with the assessment team without “approval from Belgrade.” This indicates a certain concern about the level of academic freedom; however, it is also possible that that self-censorship exists at this institution. However, the assessment team has insufficient information to state whether this is, in fact, a problem. There are no specific reports from Mitrovica of professors at any level or the administrative staff being penalized for exercising their freedom of speech, association, or for their academic research and writing.

There were no reports of limitations or abuses of academic freedom on ethnic grounds, but, as a practical matter, the existing de facto segregation of the law faculties (see Factor 6 above) means that ethnic Albanian and ethnic Serb students and faculty do not mix at the same institutions.
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._

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<th>Conclusion</th>
<th>Correlation: Negative</th>
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<td>The law libraries at the University of Prishtina, the private law faculties, and Mitrovica University are all inadequate to support the mission of these institutions. The skill levels of the library staff, physical facilities, internal systems, and collections do not meet international standards and are insufficient.</td>
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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); Licensing Instruction 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, Jun. 23, 2003_) [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.

As of 2009-2010 academic year, there were 82 academic staff, 4,438 LL.B. students and 963 LL.M. students. Over 140 classes 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 employing a sufficient number 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 three rooms. One room is used both as an office area for staff and for shelving the collection, and the second is a reading room that has no books, but is used primarily by students (who may also use the nearby National and University Library). The third room is a storage space in the basement for older books, many from Yugoslavia. Students are reportedly free to go and look through the collection in the basement, if accompanied by a librarian. However, when the assessment team visited the basement room, it did not appear that there had been any other recent visitors. Students report that there are always more people trying to study in the libraries than spaces to accommodate them. In terms of human resources, there are currently only three librarians assigned to the law library. None of them can work in languages other than Albanian, Serbian, or Russian. Two of these three librarians are due to retire in February 2011, and English-language skills will be required for their replacements.

There is a room adjacent to the library with several donated computers, but they were not in use at the time of the assessment team’s visit, and some were not plugged in, leaving the appearance that they were not regularly used. These computers would be of limited utility even if they were plugged in, as they cannot be used for Internet access or for basic word processing. It seems their only use is to look up the limited holdings of the Law Faculty library or to connect directly to the National Library, so that students could order books directly from that library. These computers are used very infrequently in practice, as the door remains locked and students must
ask the librarian to unlock it if they wish to use them. All laws in Kosovo are available online in three languages, but the lack of Internet access at the Law Faculty (and specifically at the library) limits the availability of this resource to both students and academic staff, since they cannot access these databases through the law library. The librarians also seemed unaware that such databases exist or that it could be possible for students and faculty to research current Kosovo laws online or through an electronic database.

Most of the law library’s collection was acquired prior to the 1990s and is in Serbian or Russian languages. Many respondents expressed concern that existing library materials were often not comprehensive or up-to-date. The library has depended on donations, as it does not have an independent budget. The situation should improve with a planned EU-funded project that will increase the holdings of the law library. The Law Faculty is expected to contribute EUR 50,000, and the EU will provide a further unspecified sum, to purchase new books. It is unclear where these new books will go, as existing space in the library already appears to be at capacity. It is also unclear how books will be selected to ensure that they are useful and relevant for both law students and academic staff. At the time of this assessment, there were a total of 5,000 volumes in the library. This number does not include books published prior to 1950. The library does not have materials on DVDs, CD-ROMs, or other newer media formats.

The library continues to have very few books on the laws applicable in Kosovo, and access to legal information such as international journals, periodicals, texts, and resource materials is inadequate. A large number of textbooks continue to be remnants from former Yugoslavia or pre-1989 Serbia or monographs published by the Faculty of Law professors without peer review. The library also contains many older casebooks donated from the US. It is common for courses to be taught solely from a text written by the professor, and such texts are often outdated. As noted in Factor 11 above, many professors think that current pace of legislative change is too fast to take the time to update their materials – just to have to update them again the following year. 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. Students 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 materials they use in their personal libraries and reportedly seldom use the reference services of the Faculty library.

Most of the private law faculties also had disproportionately small collections, and the students and staff also did not seem to be using library materials as much as using the library space to study. However, most of the private law faculties had better Internet access, which would allow students better access to the online databases of Kosovo’s laws.

The assessment team did not visit the library at Mitrovica University, although the library there reportedly also has a small collection. Reportedly there are 10 computers in the library, all with Internet access.

The library facilities at all of the law faculties in Kosovo appear to be inadequate; however, most interviewees did not express concern about the state of the library resources. There are limited, or no, research requirements in any of the courses, and students seem unaware of what resources they need or are lacking in order to conduct legal research.
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.

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

The adequacy of buildings and equipment, including classrooms and laboratories, library and computing facilities, and facilities for students, is 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 Licensing Instruction, which lists criteria such as adequate and safe facilities and sufficient space equipped according to international standards, a library with a variety of books in the respective field, computing facilities, and classrooms and laboratories. LICENSING INSTRUCTION art. 8. Having sufficient infrastructure is also one of the preconditions for obtaining the status of an academic unit (i.e., faculty) within the University of Prishtina. UP STATUTE art. 57.2. The university has a corresponding duty to provide appropriate infrastructure to each academic unit, in order 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 better than those at the University of Prishtina Faculty of Law. Private university buildings are new or refurbished, well-maintained, and far less crowded. These institutions are also better equipped technologically, and there appeared to be ready access to functioning computers.

By contrast, the University of Prishtina Faculty of Law building is older and does not appear to be particularly well-maintained (the central university administration contracts with private companies for maintenance and security). Exceptions include: the student moot 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 WUS-Austria. However, these facilities are insufficient for the needs of the over 5,400 students currently enrolled. In addition, some of the facilities, such as the student courtroom, are kept locked and not easily accessible to students or faculty. Students, academic staff, and lawyers interviewed by the assessment team all commented on the inadequate building space for the students at the University of Prishtina Law Faculty. Overcrowding and the lack of adequate classroom space were also identified as a significant challenge in the Law Faculty’s self-evaluation report. UP SELF-EVALUATION REPORT at 8.

It is unclear whether the Faculty of Law will move to a new building in the foreseeable future. Some interviewees were hopeful that a new building currently under construction at the University of Prishtina would be assigned to the Faculty of Law. However, as of the writing of this assessment, there has been no decision on this subject, and the assessment team heard different predictions regarding who might get the building (including that it would go to the Faculties of Education or Economics). Aside from that building, there are currently no plans for major renovations or construction of a new building to house the Faculty of Law. With nearly
5,500 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. The library's only reading room, which does not have books, can accommodate approximately 75 students and seems to be always fully occupied. Due to the inadequate facilities at the Law Faculty, many students use the nearby National and University Library as a study location. The restroom facilities also appear to be poorly maintained and inadequate to the numbers of students.

There are only eight classrooms or auditoriums available for law classes. All of these classrooms have desks and chairs that are affixed to the ground, making it difficult to move for more interactive exercises. The classrooms are not air conditioned, and some had obviously broken windows, creating problems with maintaining heat in the winter. See also UP SELF-EVALUATION REPORT at 15. The largest classroom seats 450 students, and the next largest seats 250. Most mandatory LL.B. courses have 600 or more students in a class, far exceeding the capacity of the largest classroom. These classes are divided into sections; however, students apparently are free to decide whether to attend classes during their assigned section or those designated for another section. More challenging, as discussed above in Factors 10 and 11 above, is the fact that class attendance is not mandatory, and a considerable percentage of students choose not to attend classes. At least one interviewee outside the Law Faculty commented that if the Law Faculty used its classrooms in late afternoons and evenings, it would have more rooms available. The official course schedule for the 2009-2010 academic year revealed that classes are scheduled from 8 am until 8 pm on most days, and it does not seem that the courses are inordinately clustered during the first half of the day. In practice, though, many more students reportedly attend the sections scheduled earlier in the day, creating overcrowding in these classes. Academic staff also apparently prefer teaching during those times, as this allows them to more easily accommodate their schedules, which include multiple jobs and teaching positions. Thus, it seems that scheduling more courses in the evenings would, at best, provide relief for only some of the problems created by the inadequate facilities.

Offices for academic staff were relatively small, but adequate for those who have an office. All of the senior faculty members have their own offices. Some of the junior academic staff have offices that they share, and these seem to also have adequate working space. However, many of the newly hired academic staff do not have offices. If the Law Faculty is able to hire the requested additional academic staff for the 2010-2011 academic year, there will likely be more faculty without offices, as the physical space provided to the Law Faculty has not increased to keep pace with the increased faculty and students numbers. As the office space is limited, library staff are housed in the same room as the collection, which is one of only three rooms available to the library (along with a reading room and basement storage).

All faculty who have offices reportedly have their own computers. UP SELF-EVALUATION REPORT at 15. In addition, the Law Faculty currently has two computer labs for the students' use, with a total of 18 computers, all of which are connected to the Internet. These computers are reportedly used for student training and courses, and are not available for individual students to use to do class work. There are no signs on the door indicating operating hours. The assessment team was unable to view the computer labs, as they were closed and it was unclear (even to the person in charge of the lab) when they should be open and available to students. ABA ROLI also donated three computers and two printers to the University of Prishtina Human Rights Center, but these are not available for the general student body to use. Overall, the number of computers available to students is grossly inadequate for a student body of nearly 5,500. See also UP SELF-EVALUATION REPORT at 15. The Law Faculty also does not have any equipment to provide photocopying services to students, although there are private photocopying services readily available near the Law Faculty.

Mitrovica University appears to have sufficient space for the student body, and the facilities appear to be in excellent condition. Some interviewees suggested the need for additional classroom space; however, the assessment team does not have sufficient information to
adequately evaluate whether this is, in fact, a problem that needs to be addressed. The library at the Law Faculty has 10 computers, all of which have Internet access.

The assessment team visited the new University of Prizren campus, but none of the facilities specific to the Law Faculty were ready for viewing at that time. The physical space and general conditions of the buildings seemed superior to the University of Prishtina, but since the visits occurred in the summer, before the facilities were completed, there was inadequate information to fully assess the condition of these facilities. The assessment team also did not visit the proposed new University of Prishtina Law Faculty campuses at Peja and Gjilan or the private law faculties that were accredited in 2010.

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>
<th>Trend: ↔</th>
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<tr>
<td>Too many students continue to be admitted to the University of Prishtina Law Faculty relative to the number of academic staff. The entering class size is determined by the MEST, and the Law Faculty recommendations regarding the number of applicants to admit are not followed. These decisions are based not on faculty and administrative resources at the University of Prishtina, but rather on the pressure to provide higher education opportunities to the large numbers of secondary school graduates. Classes at other legal education institutions tend to be smaller than at the University of Prishtina.</td>
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Analysis/Background:

While no specific student to teacher ratio is mentioned, the existing licensing and accreditation criteria require an assessment of both the number of students and the number and qualification of academic staff. See HIGHER EDUCATION LAW § 10.4(c); LICENSING INSTRUCTION art. 8; ACCREDITATION INSTRUCTION art. 7.4. In particular, a student to academic staff ratio must “guarantee that the educational goals and the institutional objectives are met.” ACCREDITATION INSTRUCTION art. 7.4. The UP Statute is similarly vague as to what the student to faculty ratio should be, but states that, as a precondition to being an “academic unit” (i.e., faculty), there should be a “suitable number” of academic staff to meet the educational mission. UP STATUTE art. 57.3. The university has a duty to provide “a defined number” of academic staff to each academic unit, so as to enable it to carry out its educational duties financed by public funds. Id. art. 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. The Law Faculty believes that the large number of students is one of its main challenges. UP SELF-EVALUATION REPORT at 43. As discussed in Factor 5 above, the University Senate makes a recommendation on how many students to admit to the LL.B. program (which, in turn, is based on the Faculty of Law’s recommendation), but the MEST claims the final authority on this decision. In recent years, the MEST has regularly increased the number recommended by the Faculty of Law. There appears to be a consensus that the primary reason for admitting so many students is due to the pressure created by the large number of secondary school graduates each year in Kosovo. The economy cannot provide jobs for all these young people, and the institutions of higher education
seem to be the designated “safety valve.” The government, specifically the MEST, has decided that increasing admissions is preferable to denying higher education opportunities to thousands of young people. This decision seems to have been made with a full understanding that this arrangement creates a less than ideal educational environment, but that, in the short term, it represents the best option for Kosovo as a whole (if not for the individual higher education institutions).

As the following Table illustrates, the number of law students being admitted annually to the University of Prishtina Faculty of Law represents a substantial increase over the situation just a few years ago. As late as the 2004-2005 academic year, only approximately 100 students were admitted annually to the Faculty of Law, and there were a total of 3,272 students enrolled in the Faculty of Law. See UNIVERSITY OF PRISHTINA 1970-2005 at 149.

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Entering LL.B. Class Size</th>
<th>Total Number of Enrolled Students</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LL.B. Students</td>
<td>Master’s in Law Program</td>
</tr>
<tr>
<td>2007-2008</td>
<td>1,197</td>
<td>4,604</td>
</tr>
<tr>
<td>2008-2009</td>
<td>1,269</td>
<td>3,529</td>
</tr>
<tr>
<td>2009-2010</td>
<td>1,866</td>
<td>4,438</td>
</tr>
<tr>
<td>2010-2011*24</td>
<td>3,000</td>
<td>3,000</td>
</tr>
</tbody>
</table>

*Source: Bachelor’s and Master’s Coordinators, University of Prishtina

During this time, the total number of academic staff has increased, but has not kept pace with the increase in enrollment. In the 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 UNIVERSITY OF PRISHTINA 1970-2005 at 139, 141. For the 2007-2008 academic year, this number increased to only 52 academic staff (44 full-time and 8 part-time). In 2009-2010, there were a total of 82 academic staff (58 full-time, 19 part-time, and 5 on leave). This is a relatively small number of faculty members compared to the size of the student body, and it does not seem sufficient to guarantee that “the educational goals and the institutional objectives are met.” Moreover, six of the 52 full-time professors hold “national positions,” including one Kosovo Assembly member, three Constitutional Court judges, the Minister of Justice, and the Vice Prime Minister. Of the five law professors currently on leave, one is currently serving as the President of Kosovo and four are ambassadors representing Kosovo in other countries. The Law Faculty has requested that 20 new academic staff members be hired for the 2010-2011 academic year. However, it is the University of Prishtina, not the Law Faculty, that makes the decision on whether to hire these professors.

Both students and faculty interviewed for this assessment revealed that the large numbers of students and the high student-faculty ratio at the University of Prishtina create a number of problems. Classes are overcrowded, even for the relatively small numbers of students that choose to attend. The academic staff may try, but they do not have the time, to meet individually with many students, particularly in the larger first- and second-year courses. The large classes are the single biggest obstacle to the use of innovative teaching techniques and methods for evaluating students’ knowledge. The large number of students is also the most often cited reason for the endemic cheating on exams. By contrast, in the LL.M. program, professors are

24 Entering class size includes students admitted to all three campuses (Pristina, Gjilan, and Peja). Out of this number, 1,500 students were admitted to the Pristina campus, and 750 students were admitted to each of the two new campuses. The two-year Master’s program in law has been discontinued. A new LL.M. program commenced with the class entering the LL.B. program in 2007 and will offer its first degrees in the 2011-2012 academic year.
able to engage in more interaction with students, to give feedback on mid-term examinations and papers, and to give credit for class participation, all of which are difficult for the LL.B. classes.

The University of Prishtina has decided to open two new campuses in Peja and Gjilan for its existing Law Faculty, starting in the 2010-2011 academic year. In addition, the new public University of Prizren was also accredited by the KAA in early October 2010 and was able to accept its first class for the 2010-2011 academic year. The University of Prizren was planning on hiring its own faculty. However, it was anticipated that the existing academic staff from the University of Prishtina Faculty of Law will simply commute to the new campuses and teach at all three locations – despite the 60% increase in the new student enrollments. In addition, it is also unlikely that the new University of Prizren will be capable of significantly reducing the burden on the University of Prishtina resources, at least in the near future, as the Law Faculty only planned to admit 100 new LL.B. students for its first academic year. This falls significantly below the 20-30% decrease in the number of students that the University of Prishtina expected would occur as a result of accreditation of the new public university. Thus, while these new facilities will relieve some student overcrowding in Pristina, for the most part, they are expected to simply stretch already slim faculty resources even tighter.

In 2009-2010, the assessment team calculated that there were approximately 1,424 students enrolled in private law faculties in Kosovo.25 A total of 132 academic staff work at these private law faculties. However, there is overlap with the same professors teaching at the University of Prishtina and private law faculties or teaching at multiple private law faculties, so it is unclear exactly how many law professors there are in total for Kosovo. Despite repeated requests to the KAA, the assessment team was unable to obtain statistics on the number of professors to be employed or students to be admitted, to the five private law faculties that were accredited in 2010. Mitrovica University admits 175 LL.B. students each year and has a total of 37 academic staff. The student to faculty ratios at the private law faculties and Mitrovica University seem adequate.

In terms of administrative support services, the current number of staff supporting the University of Prishtina Faculty of Law students and academic staff is inadequate given size of the student body. As of July 2010, there were a total of 21 administrative and technical support personnel employed by the Faculty of Law; this is a decrease from the 23 employed at the time of the 2008 LERI assessment. The reduction in personnel is reportedly due to hiring an outside cleaning company. It is unclear whether the support staff is sufficient at the private law faculties or Mitrovica University.

The University of Prishtina has a Career Center, staffed by three people, including one Law Faculty graduate. This single office serves the 40,000 students at the entire University, including the Law Faculty. The office provides career counseling to all students and offers specialized training every month on job-search related topics, including how to write a CV, how to find a job, and how to prepare to apply for job opportunities. The Career Center also provides direct assistance to individual students, to help them write their CVs, fill out job applications, and conduct practice interviews. The Center has helped to place approximately 30-40 third- or fourth-year Law Faculty students in internships, including with companies such as at Reifeissen Bank, Pro Credit Bank, and IPKO (a telecommunications company). There is no separate career services office for the Law Faculty, however, ABA ROLI and the Law Faculty plan to start a pilot Career Services Center specifically for law students starting in October 2010. Many of the private

25 Despite repeated requests, neither the KAA nor the individual institutions were able to provide enrollment figures for private law faculties. Official figures show a total of approximately 7,000 students enrolled in law faculties in Kosovo in 2009-2010 with the University of Prishtina reporting an enrollment of 5,401 law students and Mitrovica University reporting an enrollment of 175 law students. Based on those figures, assessment team calculated that the remaining approximately 1,424 law students were enrolled at the four private law faculties accredited in 2009-2010.
universities use the same model, which means there is one career services office that serves all university students, but nothing specifically focused on the law students. The assessment team did not obtain any information regarding career services assistance available to students at Mitrovica University.
**List of Acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ABA ROLI</td>
<td>American Bar Association’s Rule of Law Initiative</td>
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<tr>
<td>ECTS</td>
<td>European Credit Transfer and Accumulation System</td>
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<tr>
<td>EHEA</td>
<td>European Higher Education Area</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>EULEX</td>
<td>European Union Rule of Law Mission in Kosovo</td>
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<tr>
<td>EUR</td>
<td>Euros</td>
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<tr>
<td>GPA</td>
<td>Grade-Point Average</td>
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<tr>
<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICO</td>
<td>International Civilian Office</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>KFOR</td>
<td>NATO Kosovo Force</td>
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<tr>
<td>LERI</td>
<td>Legal Education Reform Index</td>
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<tr>
<td>LL.B.</td>
<td>Bachelor’s of Laws</td>
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<tr>
<td>LLM.</td>
<td>Master’s of Laws</td>
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<tr>
<td>MEST</td>
<td>Ministry of Education, Science, and Technology</td>
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<tr>
<td>NARIC</td>
<td>National Academic Recognition and Information Center</td>
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<tr>
<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<tr>
<td>NCQ</td>
<td>National Council for Quality</td>
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<tr>
<td>SFRY</td>
<td>Socialistic 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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<tr>
<td>UNMIK</td>
<td>United Nations Mission in Kosovo</td>
</tr>
<tr>
<td>USAID</td>
<td>U.S. Agency for International Development</td>
</tr>
<tr>
<td>USD</td>
<td>United States Dollars</td>
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</tbody>
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