

JANUARY – OCTOBER 2020

NARIC KOSOVA MONITORING REPORT

2



NARIC
KOSOVA
MONITORING
REPORT 2

JANUARY - OCTOBER 2020

Publisher:



ORCA - the Organization for Improving the Quality of Education

www.orca-ks.org

info@orca-ks.org

Simon Shiroka, H-11, No. 8

Prishtina, 10000, Kosovo

Authors:

Liridona Ademaj

Skord Retkoceri

Prishtina, November 2020



“Our Father, who art in heaven, give us the power to keep our mouths shut when we have nothing to say. And forgive us the patience to think before we write! Inspire us with a sharp sense of justice to speak not only without bias, but to also act thus! Save us from the traps of grammar, distortions of language and errors of typing. Amen!”

[Faik Konica]

TABLE OF CONTENTS

Definitions.....	8
Abbreviations.....	9
Introduction	10
Legislation and recognition procedures	11
NARIC KOSOVA decisions.....	12
The challenges of the NARIC Kosova center	18

DEFINITIONS

- **Recognition** - means an official acceptance by the Ministry of Education, Science and Technology (MEST), of a diploma obtained outside the country, which confirms the accuracy and validity of the diploma
- **Equivalence** - means an official acceptance by MEST of a diploma obtained outside the country, which confirms the accuracy and validity of the diploma and compares it to the level of the diplomas and the respective study field in the country
- **NARIC- National Academic Recognition and Information Center** - is composed of the Office of the Center and the State Council for Recognition and offers information on the procedures for the recognition of foreign diplomas and qualifications, and offers information on the higher education and qualifications system in Kosovo when requested by other countries
- **State Council for Recognition (SCR)** - is an authority that takes decisions for recognizing/equivalence or not recognizing/equivalence, based on the file of the person making the request and the report prepared by the official of the Center and in special cases, based on the recommendations of the experts' commission. It is composed of university professors from different study fields.

ABBREVIATIONS

- **MES** - Ministry of Education and Science in Kosovo
- **NARIC KOSOVA** - National Academic Recognition and Information Center
- **SCR** - State Council for Recognition
- **MESY** - Ministry of Education, Sports and Youth in Albania
- **Level 5** - Professional higher education
- **BA** - Bachelor of Arts studies
- **MA** - Master of Arts studies
- **PhD** - Doctorate studies
- **ORCA** - Organization for Improving the Quality of Education

INTRODUCTION

The problems that have hindered the process of recognizing diplomas obtained outside the country, which has often been a topic of debate in our country, has pushed ORCA to continue the monitoring of the National Academic Recognition and Information Center (NARIC Kosovo).

This report is the result of the monitoring of the work of the State Council for Recognition (SCR) in NARIC Kosovo, for the period of January – October 2020.

ORCA has participated in SCR's meetings, and has held continuous meetings with the staff of the NARIC Kosovo center, who have told us the challenges they face in their job listed in this report.

The lack of a special law, the small number of staff, the lack of a regulation for the work of the SCR, foreign diplomas that for different reasons are stuck in the process or can't be recognized, the lack of an online database, are some of the challenges that are making the functioning of this center more difficult.

The same research was conducted by ORCA on February 2020¹, where we gathered data from NARIC Kosovo for the period of April-December 2019.

¹ "NARIC KOSOVA monitoring report", February 2020, link: <http://orca-ks.org/wp-content/uploads/2017/02/RAPORTI-I-MONITORIMIT-T%C3%8B-NARIC-KOSOVA-ENG-02.pdf>

LEGISLATION AND RECOGNITION PROCEDURES

NARIC Kosova's scope of work is regulated through the legislation in power listed below:

- 1 Law for Higher Education in the Republic of Kosovo²
- 2 Administrative Instruction on verification of school documentation (public and private), for candidates' needs being educated abroad³,
- 3 Administrative Instruction on the Principles and procedures of recognition of vocational high school diplomas and university degrees earned outside the Republic of Kosovo⁴.

The cases of public regional universities and universities in global ranking lists, after obtaining confirmation by the country that they are authentic and valid, are approved by the staff of the NARIC Center. The universities in global ranking lists are those universities that are highly ranked in Academic Ranking of World Universities (ARWU), Times Higher Education World University Ranking (THE) and QS World University Ranking.

The State Council for Recognitions reviews only the cases for which the NARIC Center believes that a higher expertise is needed.

For more details on the recognition procedure, you can read in the NARIC Kosova monitoring report published by ORCA in February 2020.⁵

² Law on Higher Education, link: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2761>

³ Administrative Instruction on verification of school documentation (public and private), for candidates' needs being educated abroad, link: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10210>

⁴ Administrative Instruction on the Principles and procedures of recognition of vocational high school diplomas and university degrees earned outside the Republic of Kosovo, link: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15228>

⁵ "NARIC KOSOVA monitoring report", February 2020, link: <http://orca-ks.org/wp-content/uploads/2017/02/RAPORTI-I-MONITORIMIT-T%C3%8B-NARIC-KOSOVA-ENG-02.pdf>

NARIC KOSOVA DECISIONS

In the period of January – October 2019, a total of 663 decisions were taken by the National Academic Recognition and Information Center (NARIC Kosovo), while 194 cases are in process that have not been given a response by the institutions where the applicants finished their studies, or the NARIC Centers of the respective countries did not respond.

State Council for Recognition (SCR)

During this period, the State Council for Recognitions (SCR) has held a total of eight meetings in the following dates: January 22, February 19, March 11, May 26, August 5, September 9, October 10 and October 22.

Part of these decisions are diplomas obtained in public and private higher education institutions.

In the meeting held on January 22, SCR recognized 25 diplomas of Bachelor level, 7 of Master level, and 10 of PhD level, in total 42 recognized diplomas.

In the meeting held on February 19, SCR recognized one diploma of level 5, 20 diplomas of Bachelor level, 12 of Master level, and 13 of PhD level, in total 46 recognized diplomas.

In the meeting held on March 11, SCR recognized one diploma of level 5, 14 diplomas of Bachelor level and did not recognize one BA diploma, recognized 7 diplomas of Master level, and 9 of PhD level, in total 31 recognized diplomas.

In the meeting held on May 26, SCR recognized 4 diplomas of level 5, 43 diplomas of Bachelor level, 32 diplomas of Master level, and 21 of PhD level, in total 100 recognized diplomas.

In the meeting held on August 5, SCR recognized one diploma of level 5, 36 diplomas of Bachelor level, 20 diplomas of Master level, and 23 of PhD level, in total 80 recognized diplomas.

In the meeting held on September 9, SCR recognized one diploma of level 5, 7 diplomas of Bachelor level, 15 diplomas of Master level, and 14 of PhD level, in total 37 recognized diplomas.

In the meeting held on October 10, SCR recognized 3 diplomas of Bachelor level, 8 diplomas of Master level, and 9 of PhD level, in total 20 recognized diplomas.

In the meeting held on October 22, SCR recognized 5 diplomas of Bachelor level, 8 diplomas of Master level, and 5 of PhD level, in total 18 recognized diplomas.

In total the SCR accepted 374 cases, 8 of level 5, 153 of Bachelor level, 109 of Master level, and 104 of PhD level. They rejected only a bachelor diploma.

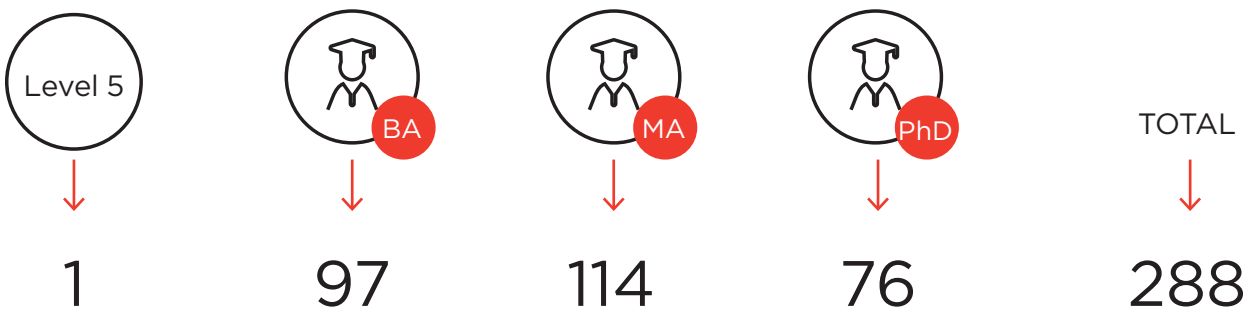
The decisions of the staff of the Center

As for the number of cases or diplomas evaluated by the Office of the NARIC center, and not the State Council for Recognitions (SCR), for the diplomas obtained in regional and global universities, during the period of January - October 2020, the number reaches 288 diplomas.

Out of those, one diploma was approved for Level 5 studies, 97 approved diplomas were from Bachelor level of studies, 114 were Master level, and 76 were PhD level.

Cases in the world rank lists, and regional public universities (Albania, North Macedonia), approved by the staff of the NARIC Kosova Center January - October 2020

JANUARY - OCTOBER



All of the decisions of NARIC Kosova Center

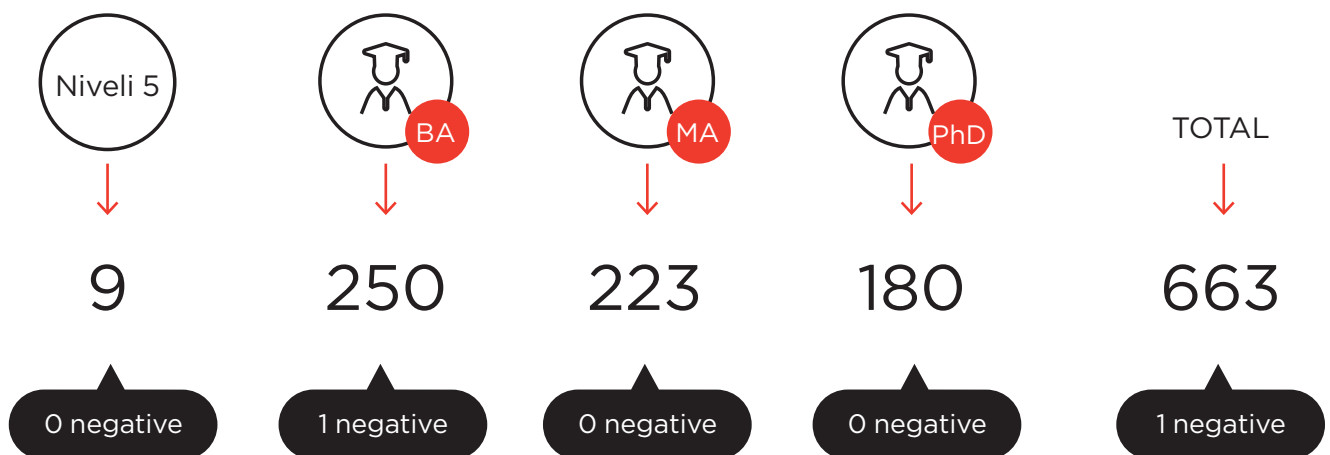
The general number of recognized and rejected diplomas for the period of January - October 2020, is 663. Only one diploma was rejected in this period.

From level 5, nine diplomas were approved, for Bachelor level 250 diplomas were approved, while one was rejected.

From Master level, 223 diplomas were approved, and in PhD level, 180 diplomas were approved by NARIC Kosova.

Decisions on diploma recognition in 2020

JANUARY - OCTOBER



Cases without a response

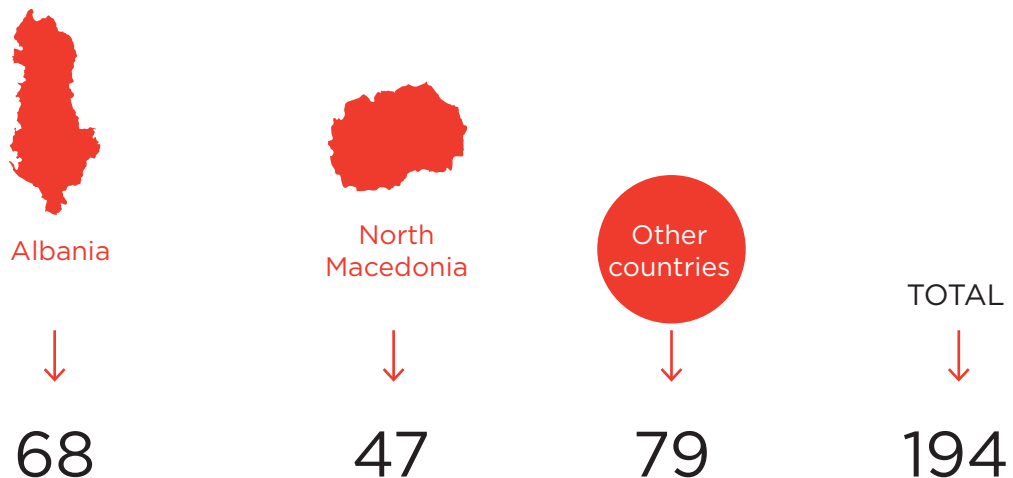
National Academic Recognition and Information Center (NARIC Kosovo), has a total of 193 diplomas or cases that throughout are still in the process and have not received an answer.

The number of diplomas without a response which come from Albania are 68, from North Macedonia there are 47 diplomas, while the general number of cases without a response or that have been left in the middle of the process from other countries is 79.

The reasons for a lack of response are different:

- There's no answer from the institutions where the applicants finished their studies
- There's no information related to the accreditation and NARIC Kosovo is waiting for an answer for the accreditation
- The diplomas come from institutions of countries that do not recognize Kosovo as a country
- Delays in responses from Turkish institutions
- Unclear responses from Albanian institutions

Cases accepted in continuity during the years, that are in process, and there's no decision for them



Overview of State Council for Recognitions and NARIC Kosova staff's decisions

		STATE COUNCIL FOR RECOGNITIONS										NARIC KOSOVA STAFF
		January	February	March	May	August	September	October	October	October	January - October	
	Positive	Positive	Positive	Positive	Negative	Positive	Positive	Positive	Positive	Positive	Positive	
Level 5	0	1	1	1	0	4	1	1	1	0	1	
BA	25	20	14	14	1	43	36	7	7	8	97	
MA	7	12	7	7	0	32	20	15	15	16	114	
PhD	10	13	9	9	0	21	23	14	14	14	76	
Total	42	46	31	31	1	100	80	37	37	38	288	
Total	663											

THE CHALLENGES OF THE NARIC KOSOVA CENTER

Online database

From September 2018, NARIC is functioning without an online database, which contains data for all the cases they've accepted, that are in process, or those that they have reviewed. NARIC officials are forced to search for any information physically in documents in archives. So, a digital database is proposed, which would enable the saving and archiving of data for recognitions/equivalence of diplomas throughout the years.

Interactive database

Compiling a document/database for the pre-university and higher education system in Kosovo (e.g., which high schools give access to further continuation; in which cases the final exam is not obligatory, etc.) This database would be published in NARIC's website and would serve for other countries that need access to information about the education system in Kosovo. This would also make the procedures for Kosovar students easier, who for different reasons use their diplomas outside the country. (For this, there should be a form/example used by other countries).

Lack of staff

Lack of staff or human resources, has hindered the timely review of cases, because of the large amount of cases. So, it is proposed that this center should have support with professional staff for periods of time (hiring an expert with relevant experience); and to develop the component of academic informing through trainings.

Regulation for the State Council for Recognitions

Compiling a regulation for the work of the State Council for Recognitions (SCR), through which the work of this council would be established, such as the way to call meetings, organizing them, decision making or voting for cases, implementing decisions and other issues.

Suspended cases from the higher education institutions in Albania

Another challenge of NARIC KOSOVA is the recognition of diplomas from Albania. Contradictory answers for diplomas obtained from private universities in Albania, or changing the answer from negative to positive without a grounded reason, continues to challenge SCR's process of recognizing those diplomas.

In cases when the diploma fulfills all conditions for recognition according to legislation in power, in one of the boxes of the document submitted by Ministry of Education, Sports and Youth in Albania (MESY) it would say *"This diploma is valid in the Republic of Albania"*, while according to NARIC, Albania has changed the form unilaterally, where it now says *"This diploma is valid in the Republic of Albania"*, and added a section *"Remarks"*, where it says *"MESY is not responsible for the validity of the data given in this form"*. According to NARIC, there were cases for which the Albanian Ministry of Education gave a negative response a year ago, and then changed it a year later to positive, to recognize the diploma.

Lack of special law for NARIC

A proposal for compiling a special law that regulates the work of NARIC was part of the challenges that NARIC faced in the previous ORCA report as well⁶ and that's because now there's a court precedence in which the Court has obligated the Ministry of Education and Science (MES), specifically the State Council for Recognitions (SCR), to implement its decision in recognizing the doctorate diploma of a candidate. This case has set precedence for the recognition of an additional seven doctorates.

⁶ NARIC KOSOVA monitoring report", February 2020, link: <http://orca-ks.org/wp-content/uploads/2017/02/RAPORTI-I-MONITORIMIT-T%C3%8B-NARIC-KOSOVA-ALB-03.pdf>

A chronology of court decisions

- 1 In April 2016, the Basic Court in Prishtina released a decision through which they found the lawsuit of Fisnik Bytyqi grounded. Bytyqi gained a doctorate “Doctor of Business Administration” at Swiss Management Center⁷ (SMC) in Switzerland, and the court sent the case back for review in the Ministry of Education and Science, specifically the State Council for Recognitions.

The decision was released without the presence of the defendant, which was the Ministry of Education, who was represented by the State Lawyer from the Ministry of Justice.

In the decision’s reasoning it says that the right to appeal was violated, since on the legal advice given to Bytyqi they guided him to send a complaint in the Appeals Commission in MEST, but his complaint was not processed by the Appeals Commission but by the head of the State Council for Recognitions, who was the same authority that took the decision in the first instance.

In March 2019, based on the complaint of the Ministry of Education, the Appeals Court released a decision through which they approved the complaint of MEST and overruled the previous decision of the court and sent the case back to retrial.

In the justification of the decision it says among others that the Ministry of Education – SCR, had asked ENIC/NARIC in Switzerland, France, Germany and England if this institution – Swiss Management Center – was recognized by them, and they said no.

In May 2019, the basic Court in Prishtina, issued a decision through which they approved the complaint of Fisnik Bytyqi, and through which they ask the Ministry of Education, specifically the SCR to recognize the candidate’s doctorate “Doctor of Business Administration” earned in Swiss Management Center (SMC) in Switzerland.

The decision was released without the presence of the defendant, which was the Ministry of Education, who was represented by the State Lawyer from the Ministry of Justice.

⁷ Official webpage of SMC, link: <https://www.smcuniversity.com/about/about-smc/>

In the justification of the decision it says among other things that the institution where the candidate received the diploma from, has accredited programs in the Council for Higher Education Accreditation (CHEA⁸), which is an accrediting authority of colleges and universities in the United States of America, and which is recognized by the Law on Higher Education in Kosovo⁹, specifically in Article 3, paragraph 1.16, in which it says *“Recognized accreditation body - Kosovo Accreditation Agency or any other accreditation body which, in the European Area of Higher Education, is in current membership of the European Network for Quality Assurance in Higher Education (ENQA) or (in the United States) is an accreditation body which has been recognized by the Council for Higher Education Accreditation (CHEA) or by the United States Department of Education (USDE) or from both or (in any other jurisdiction) has been accepted by the Ministry on a reciprocal basis as a properly constituted national or regional accrediting body, which is recognized and authorized by the relevant Ministry within that jurisdiction.”*

The Ministry of Education – SCR complained about this decision, while in November 2019, the Appeals Court released a decision through which it rejected the complaint of the Ministry of Education and seconded the decision taken by the Basic Court of Prishtina in May 2019.

In the justification of the decision it says that the complaint was not approved considering the evidence which support the candidate who sued the Ministry of Education – SCR.

In March 2020, the Supreme Court rejected the request of the Ministry of Education for extraordinary review of the Appeals Court decision dated November 5, 2019.

In the justification of the decision it says that the request of the Ministry of Education was not grounded because they did not find evidence that prove the opposite of the factual situation of which the second instance court based its decision on.

⁸ Official website of the Council for Higher Education Accreditation, link: <https://www.chea.org/>

⁹ Law on Higher Education in Kosovo, link: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2761>

- 2 Another lawsuit occurred when the SCR rejected the diploma in 2016 gained by Emrush Thaci, who had obtained a doctorate of “Doctor of Philosophy in Psychology” in the “Inter-regional Academy of Personnel Management” institution in 2014.

The diploma was rejected for recognition by SCR, because the institution where the candidate had studied was accredited but the program wasn't at the time the candidate was studying.

In October 2019, the Basic Court of Prishtina issued a decision where they recognized the complaint of Emrush Thaci, and cancelled the decision of the defendant, Ministry of Education and Science, and the case was sent back for review in MES.

In the justification of the decision it says that the defendant who was represented by the State Lawyer was missing in the main review session and that the absence was unjustified. And that the decision issued by the Ministry of Education was lacking in justification, and they could not review its legality. According to the court, in the SCR's decision there was a lack of clear reasoning, explanation of legal and factual basis, and so MES' decision was judicially unclear and contradictory since they offered no reasons for the decision and they did not emphasize which evidence were taken into consideration for the decision.

After the case was sent back for review in the Ministry of Education, the SCR had contacted the institution in which the candidate had obtained his doctorate and the Ministry of Education and Sciences in Ukraine, specifically the ENIC/NARIC office in Ukraine.

The statement of the Academy is that the candidate Emrush Thaci had finished his doctorate in that institution and that the certificate of the accreditation of the program was valid and recognized by the Ministry of Education and Sciences in Ukraine.

However, another response was given by ENIC/NARIC in Ukraine, who emphasized that this diploma is not recognized by the Ministry of Education and Sciences in Ukraine and that the “Inter-regional Academy of Personnel Management” in 2014 did not have the relevant accreditation status to issue doctorates.

Based on the official statement of ENIC office in Ukraine, the SCR stands by the negative decision given to the aforementioned candidate in 2016.

Recognition of eight diplomas based on a court decision

According to the latest Basic Court, Appeals' Court, and Supreme Court decisions, the State Council for Recognitions in the scope of the National Academic Recognition and Information Center (NARIC Kosova), on top of recognizing the diploma of the complainant, based on the legal precedence set based on current legislation, they will also recognize the doctorates of seven other people listed below:

- 1 Fisnik Bytyqi, the "Doctor of Business Administration" scientific grade gained in Swiss Management Center in Switzerland is recognized.
- 2 Blerim Pushkolli, the "Doctor of Finances" scientific grade gained in Swiss Management Center in Switzerland is recognized.
- 3 Valon Murtezaj, the "Doctor of Diplomacy" scientific grade gained in Swiss Management Center in Switzerland is recognized.
- 4 Bashkim Isufi, the "Doctor of Business Administration" scientific grade gained in Swiss Management Center in Switzerland is recognized.
- 5 Besnik Skenderi, the "Doctor of Management" scientific grade gained in Swiss Management Center in Switzerland is recognized.
- 6 Nazmi Zeqiri, the "Doctor of Business Administration" scientific grade gained in Swiss Management Center in Switzerland is recognized.
- 7 Arton Celina, the "Doctor of Business Administration" scientific grade gained in Swiss Management Center in Switzerland is recognized.
- 8 Faruk Ahmeti, the "Doctor of Business Administration" scientific grade gained in Swiss Management Center in Switzerland is recognized.

SCR, according to the legislation in power, has implemented the court's decision to recognize the diplomas obtained in SMC in Switzerland and based on the set precedence they have recognized all the diplomas of all the candidates that have studied in this university despite the fact that the ENIC/NARIC centers of Switzerland, France, Germany, Austria, United Kingdom, and United States of America do not recognize it.

Court cases losses

Based on the abovementioned court decisions and the concerns of the NARIC center and of the State Council for Recognition, the main reason for losing in court cases is the lack of presence of the State Lawyer in the court sessions, where they are called upon to defend the institution, in this case the Ministry of Education (MES).

The last time the State Lawyer wasn't present in Court, according to the head of the SCR, Kumrije Gagica, was on October 2020, in the case of a candidate suing the SCR and NARIC for not recognizing their diploma.

While the complainant was present in court with their lawyer, the head of NARIC and SCR were without legal defense from the State Lawyer. NARIC Center must be represented by the State Lawyer and the legal office of MES, but based on previous experiences of the absence of these two institutions in the sessions, the head of the Center asked for an authorization from the General Secretary of MES, to be part of these court sessions.

Recognition of diplomas by the Appeals Commission and SCR's lawsuit against them

The Commission of Appeals and resolving of contests in the Ministry of Education and Science (MES), in 2020 recognized a diploma which the State Council for Recognition (SCR) had previously rejected based on the official statement of the Ministry of Education, Sports, and Youth in Albania (MESY).

In MESY's response it says that *"on the column of graduation there are no information about the diploma"* and that *"MESY is not responsible for the authenticity of the data given in this form"*.

After SCR was notified that this diploma was recognized by the Appeals Commission, they notified the highest MES authority, the General Secretary, Agim Berdyna, and (at the time) Minister Hykmete Bajrami, where they asked them to force the commission to withdraw the decision.

The request was based on the Law on Higher Education¹⁰, and on the Administrative Instruction on the Principles and procedures of recognition of vocational high school diplomas and university degrees earned outside the Republic of Kosovo¹¹, nwhere it says that only SCR is allowed to recognize diplomas.

The State Council for Recognition (SCR) waited 29 days for the decision to be withdrawn, but since the commission didn't withdraw it, on behalf of the SCR, the Appeals Commission was sued on June 16, 2020, and they are waiting for a response from the court.

Validation of diplomas in NARIC Kosova

According to data gathered by this center, there was an increase of 70% on diplomas gained within Kosovo that needed to be validated for use abroad, recording a number of 700 applications only in October 2020.

Kosovo citizens who validate these diplomas are categorized in two groups by NARIC center: those who go abroad for continuation of studies and those who go abroad for work.

According to NARIC center, they still haven't created a special section in which the applicants can declare for which reason they are doing the validation, but according to them, the applicants have stated their reason when they apply and they came to the conclusion that 30% of them go abroad to continue their studies, while 70% of them validate their diplomas to look for jobs abroad.

¹⁰ Law on Higher Education in Kosovo, link: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2761>

¹¹ Administrative Instruction on the Principles and procedures of recognition of vocational high school diplomas and university degrees earned outside the Republic of Kosovo, link: <https://masht.rks-gov.net/uploads/2018/09/ua-nr-12-2018-parimet-dhe-procedurat-e-njohjese-se-diplamave-gradave-dhe-kualifikimeve-te-shkollave-te-lart-profesionale-dhe-universitare-te-fituar-jashte-republikese-se-kosoves-x.pdf>

DISCLAIMER:

This document has been produced with the financial assistance of the Austrian Development Agency within the project "Quality, Accountability, Integrity and Transparency in Higher Education (QAINT)". The views and opinions expressed herein, can in no way reflect the official opinion of the Austrian Development Agency.

WITH FUNDING FROM
 **AUSTRIAN
DEVELOPMENT
COOPERATION**


**Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government**
*Ministria e Arsimit, e Shkencës dhe e Teknologjisë
Ministertva za Obrazovanje, Nauku i Tehnologji
Ministry of Education, Science and Technology*

