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## OPINION OF THE OMBUDSPERSON

With regard to

**Criteria of issuing nostrification decision for applying in vacancy competitions for academic personnel in the Faculties of the University of Prishtina “Hasan Prishtina”**

C.no.421/2018

Nita Shala

Against the University of Prishtina “Hasan Prishtina”

**Addressed to:**

- **Mr. Marjan Dema, Rector of the University of Prishtina “Hasan Prishtina”**
- **Mr. Shyqyri Bytyqi, Minister of the Ministry of Education, Science and Technology**

Prishtina, 17 August 2018

## **Purpose**

1. Taking into consideration the criteria stipulated in the competition for selection of academic personnel in the Faculties of University of Prishtina “Hasan Prishtina” (hereinafter: UP), dated 27<sup>th</sup> of April 2018, with Protocol Non. 1/173, in Item II (f) it is stated that “*candidates who have completed studies abroad should also provide the Decision on Nostrification (recognition) of relevant diploma (bachelor, masters, PhD). The evidence of applying for nostrification shall not be considered*”, the Ombudsperson therefore presents this Opinion.
2. The opinion aims to draw the UP attention to the fact that the aforementioned criteria (point II (f) in the competition for selection of academic personnel in the faculties of UP, dated 27<sup>th</sup> of April 2018, prot no. 1/173), is in contradiction to the applicable legislation, violates the principle of equality and other rights in accordance with the academic personnel recruitment procedure in UP, and as such this criteria is discriminatory to candidates who have attended studies abroad, thus preventing them from applying, i.e. participating in the competition.

## **LEGAL GROUNDS**

3. Constitution of the Republic of Kosovo, Article 135 (3): “*The Ombudsperson is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed*”.
4. Law No.05/L-019 on the Ombudsperson, Article 18 (1.2): “*to draw attention to cases when the institutions violate human rights and to make recommendation to stop such cases and when necessary to express his/her opinion on attitudes and reactions of the relevant institutions relating to such cases*” and 18 (1.6) “*to publish notifications, opinions, recommendations, proposals and his/her own reports.*”

## **FACTUAL SITUATION**

5. The Ombudsperson, pursuant to Article 16.1 of the Law on Ombudsperson No. 05/L-019, on 26 June 2018, via e-mail has received a complaint from Ms. Nita Shala (hereinafter: the Complainant) against the UP with regard to criterion contained in the competition for the selection of academic staff at UP faculties, dated 27 April 2018, no.1/173, point II (f), which defines: “*candidates who have completed studies abroad should also provide the Decision on Nostrification (recognition) of relevant diploma (bachelor, masters, PhD). The evidence of applying for nostrification shall not be considered*”. The complainant alleges this criterion is illegal and discriminatory against the persons who have graduated abroad.
6. According to the complainant's allegations, she has been studying and working for years outside Kosovo, as in Hague, Geneva and Tirana. Currently Ms. Shala works as a Counsellor at the Ministry of Interior in the Republic of Albania. She has completed her studies in the Faculty of Law of the University of Prishtina and has subsequently pursued her Master's degree in International Cooperation in the Fight against Organized Crime at the University of Teramo, Italy, and then obtained a Master's Degree in Criminology and Criminal Justice at the University of Oxford in England, and holds a Doctorate in International Law from the Graduate Institute of International and Development Studies in Switzerland, where he defended the thesis titled: “Guarantees for non-repetition of

human rights violations" in the area of international criminal law, but she had, and still has, the desire to return and contribute in Kosovo”.

7. According to the complainant, the UP has advertised the competition for selection of academic staff at faculties of UP, with protocol no.1/173, on 27<sup>th</sup> of April 2018. This competition requires Kosovo citizens graduated abroad to submit the document for recognition of studies abroad (nostrification) upon applying. The complainant alleges that the inclusion of such a criterion in the process of recruitment for academic staff in UP is unlawful and discriminatory to people who have graduated abroad, whereas according to the same announcement, the PhD candidates from UP are allowed to apply with only a graduation certificate, which is defined as such under point II (c) of the Competition, dated 27<sup>th</sup> of April 2018, with protocol no.1/173, which stipulates that “*candidates who completed their PhD studies in the UP and for whom no solemn promotion has been done and who have not been equipped with a diploma, can apply with the original certificate of PhD graduation*”. Additionally, the requirement of submitting, upon application, the document proving the nostrification of diplomas earned abroad (differently from the condition for establishing an employment relationship) is not grounded on basic documents, i.e. the Law on Higher Education, sub-legal acts of the Ministry of Education, Science and Technology, the UP Statute and other acts that regulate selection procedures for appointment of academic staff in UP. Simultaneously, this is clear discrimination against Kosovar students who have proven to be successful outside of Kosovo, such as the complainant's case.
8. On 29<sup>th</sup> of June 2018, the representatives of the Ombudsperson held a meeting with the Rector and Secretary of the University of Prishtina, where *inter alia* they discussed the complainant's allegations submitted in her complaint to the OI. The Secretary of the Rectorate of the University of Prishtina stated that all vacancies advertisements for academic staff in the faculties of UP, require citizens of Kosovo graduated abroad to submit the document of recognition of studies abroad during the application procedure, because according to him, it may happen that their diplomas may not be recognized by the MEST.

## LEGAL FRAMEWORK

9. The Constitution of the Republic of Kosovo in Article 21 para. 2 and 3 defines: “*The Republic of Kosovo protects and guarantees human rights and fundamental freedoms as provided by this Constitution. Everyone must respect the human rights and fundamental freedoms of others.*”
10. The Constitution of the Republic of Kosovo in Article 24, defines: “*All are equal before the law. Everyone enjoys the right to equal legal protection without discrimination. No one shall be discriminated against on grounds of race, colour, 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*”.
11. The Ombudsperson, in accordance with Article 135, paragraph 3 of the Constitution of the Republic of Kosovo, “*is eligible to make recommendations and propose actions when*

*violations of human rights and freedoms by the public administration and other state authorities are observed”.*

12. Article 53 of the Constitution stipulates that: *“Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights”*, whereas article 14 of the European Convention on Human Rights stipulates that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
13. Law No. 05/L-021 on Protection from Discrimination, Article 2, determines the scope whereby *“This law applies to all acts or omissions, of all state and local institutions, natural and legal persons, public and private sector, who violate, violated or may violate the rights of any person or natural and legal entities in all areas of life, especially related to conditions for access to employment, self-employment and occupation, including employment conditions and selection criteria, regardless of activity and at all levels of the professional hierarchy, including promotions, access to all types and levels of vocational guidance, vocational training, advanced vocational training and re-qualifications, including internship experience [...]any other rights provided for by the legislation in force.*
14. Article 3 determines the concept of discrimination whereby *“The principle of equal treatment shall mean that there shall be no discrimination, direct or indirect in the sense of any of the grounds set out in Article 1 of this Law”*, while *“Discrimination is any distinction, exclusion, restriction or preference on any ground specified in Article 1 of this law, which has the purpose or impact of depreciation or violation of the recognition, enjoyment or exercise of human rights and fundamental freedoms guaranteed by the Constitution and other applicable legislations of the Republic of Kosovo”*. Whereas, the procedures in competent bodies, according to Article 12, stipulate that *“Any person or group of persons may file a complaint to the Ombudsperson regarding the discriminatory behaviour on the grounds mentioned in Article 1 of this law.”*
15. Also, the Law No. 05/L-019 on the Ombudsperson Institution, Article 18, paragraph 1 stipulates that the Ombudsperson Institution, inter alia, has the following responsibilities:
  - *“to investigate alleged violations of human rights and acts of discrimination, and be committed to eliminate them” (point 1),*
  - *“to draw attention to cases when the institutions violate human rights and to make recommendation to stop such cases and when necessary to express his/her opinion on attitudes and reactions of the relevant institutions relating to such cases” (point 2);*
  - *“to inform about human rights and to make efforts to combat all forms of discrimination through increasing of awareness, especially through information and education and through the media” (point 4);*
  - *“to make recommendations to the Government, the Assembly and other competent institutions of the Republic of Kosovo on matters relating to*

*promotion and protection of human rights and freedoms, equality and non-discrimination” (point 5);*

- *“to publish notifications, opinions, recommendations, proposals and his/her own reports” (point 6);*
- *“to prepare annual, periodical and other reports on the situation of human rights and freedoms, equality and discrimination and conduct research on the issue of human rights and fundamental freedoms, equality and discrimination in the Republic of Kosovo” (point 8);*

16. Law No. 04/L-037 on Higher Education in the Republic of Kosovo, Article 26, parag.1 stipulates that *“The titles and grades of staff, the criteria for appointment and re-appointment and related matters are specified in the Statute of each provider of higher education. They shall be open to scrutiny by the KAA<sup>1</sup> and to comply with legislation in force for labour relations in the Republic of Kosovo”.*

17. Law No. 04/L-037 on Higher Education in the Republic of Kosovo, Article 26, parag.2, stipulates that *“Universities and University Colleges may appoint the following grades of academic staff::*

- 2.1. regular Professor;*
- 2.2. associate Professor;*
- 2.3. assistant Professor;*
- 2.4. University Assistant”.*

18. Law No. 04/L-037 on Higher Education in the Republic of Kosovo, Article 26, parag.3, stipulates that *“The criteria for each title shall include at least a Master’s degree in the appointee’s own subject area.*

19. *In addition to this, Regular, Associate and Assistant Professors shall be able to evidence a successful record of teaching, research and/or professional or artistic practice within the institution or elsewhere which will be attested to by at least three referees who have at least one higher title than that actual call of the candidate for advancement”.*

20. Law No. 04/L-037 on Higher Education in the Republic of Kosovo, Article 26, parag.10, stipulates that *“Criteria for each of the titles should not discourage applications outside the Institutions”.*

21. Administrative Instruction (MEST) -No.16/2016, Principles and Procedures of Recognition of Vocational High School Diplomas and University Degrees earned outside the Republic of Kosovo in Article 3, parag.1 stipulates that: *“All diplomas of Vocational High Schools and University ones earned outside the country for employment purposes shall be subject to recognition/equivalence procedures in MEST.*

This Administrative Instruction, Article 3, paragraph 13, determines that the *“The decision on recognition/equivalence is issued after the assessment by the members of the NCR<sup>2</sup>, while in special cases after the recommendation of the Committee of Experts”*, paragraph 14 determines that *“Review and assessment of the request for recognition must be made within the period of one month by the National Council for Recognition, after the completed of information under Article 3, paragraph 13”*. Whereas paragraph 15 of this Administrative Instruction stipulates that the *“The procedure for reviewing of the request for recognition or evaluation of diplomas earned outside the country shall not last more than four months from the date of application in NARIC<sup>3</sup>, unless NARIC*

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<sup>1</sup> Kosovo Accreditation Agency

<sup>2</sup> NCR- National Council for Recognition

<sup>3</sup> [NARIC-National Academic Recognition and Information Center](http://www.naric.org)

*receives no confirmation from the relevant authorities for verification of the accuracy and authenticity of diploma”*

22. The Instruction, particularly in Article 2, paragraph 1, point 1.1 defines that the term/expression *“Recognition - shall mean an official recognition by MEST of a diploma earned outside the country, which confirms its accuracy and authenticity, and serves for employment purposes in the Republic of Kosovo”*.
23. Statute of UP, Article 7 stipulates *“The University is obliged to create equal opportunities for everyone without any discrimination based on gender, race, sexual orientation, marital status, language, religion, political belief or something else, such as national, ethnical or social belonging, belonging to a national community, wealth, birth status or any other status”*.
24. The UP’s Statute, Article 178, parag.1., defines: *“For obtaining the title of assistant in the university, the candidate must fulfil the following conditions::*
  - *1.1. Have successfully completed the Master studies in the relevant field, i.e. for the Faculty of Medicine, he or she must have completed studies in the Faculty of Medicine (in the case of clinical cases, he or she must have completed specialisation or be at least in the third year of specialisation upon reappointment).*
  - *1.2. Shall not be older than 30 years (i.e. 35 years for the Faculty of Medicine) when appointed for the first time. Exceptionally, a candidate may be selected as a university assistant until the age of 40 years old if he holds a doctorate degree.*
  - *1.3. must be registered in PhD studies in the University, upon reappointment;*
  - *1.4. have an average grade of no less than 8.00, in both bachelor and master studies”*.
25. Regulation No.465, dated 2<sup>nd</sup> of March 2018 on Selection Procedures regarding the Appointment, Reappointment, and Advancement of Academic Personnel in UP for all faculties, except the Faculty of Arts, in Article 7, paragraph 1, defines that: *“in accordance with Article 178 of the Statute of UP, for the title of Assistant of University, the candidate must fulfil the following conditions:*
  - *1.1. Have successfully completed the Master studies in the relevant field, i.e. for the Faculty of Medicine, he or she must have completed studies in the Faculty of Medicine (in the case of clinical cases, he or she must have completed specialisation);*
  - *1.2. Shall not be older than 30 years (namely 35 years for the Faculty of Medicine) when appointed for the first time. Exceptionally, a candidate may be selected as a university assistant until the age of 40 years old if he holds a doctorate degree;;*
  - *1.3. must be registered in PhD studies in the University, upon reappointment;*
  - *1.4. have an average grade of no less than 8.00, in both bachelor and master studies”*.

## **LEGAL ANALYSIS**

26. The Ombudsperson would like to draw attention to the fact that the Constitution, as the highest legal act of the country, protects and guarantees fundamental human rights and freedoms, and therefore the implementation and practical application of these rights is to the best the interest of the rule of law. The Constitutional guarantees serve to the protection of human dignity, and the functioning of the state. Article 21 of the

Constitution, expressively determines the obligation of all bodies to respect human rights and freedoms, and therefore this principle is an imperative and must as such be adhered by everyone, including the UP in this specific case.

27. In the view of Article 14 of the European Convention on Human Rights, the Ombudsperson would like to remind that the convention determines that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status
28. The Law No. 05/L-021 on Protection from Discrimination, Article 2, defines the scope according to which this law applies to all acts or omissions, of all state and local institutions, natural and legal persons, public and private sector, who violate, violated or may violate the rights of any person or natural and legal entities in all areas of life, especially related to conditions for access to employment, self-employment and occupation, including employment conditions and selection criteria, regardless of activity and at all levels of the professional hierarchy, including promotions, access to all types and levels of vocational guidance, vocational training, advanced vocational training and re-qualifications, including internship experience [...]any other rights provided for by the legislation in force. Article 3 of this Law, defines the concept of discrimination, and Article 3 of this law defines the concept of discrimination whereby the *principle of equal treatment shall mean that there shall be no discrimination, direct or indirect in the sense of any of the grounds set out in Article 1 of this Law*<sup>4</sup>, whereas *Discrimination is any distinction, exclusion, restriction or preference on any ground specified in Article 1 of this law, which has the purpose or impact of depreciation or violation of the recognition, enjoyment or exercise of human rights and fundamental freedoms guaranteed by the Constitution and other applicable legislations of the Republic of Kosovo*. In this regard, the Ombudsperson considers that the criteria in the competition with Prot. No. 1/173, advertised by the UP on 27<sup>th</sup> of April 2018 for appointing academic personnel in faculties, which *inter alia*, point II (f) of the competition requires that *candidates who have completed studies abroad, should provide the decision on nostrification (equivalence) of relevant diploma (bachelor, master, PhD)*, is discriminatory because prevents equal participation of candidates in the competition and recruitment procedures for the position of academic personnel in the UP.
29. The Ombudsperson considers that the criterion of submitting evidence for recognition of studies abroad upon application is not supported by the basic documents regulating the selection procedures for the appointment of academic personnel in the UP, and therefore is a discriminatory practice because the recognition criterion is in fact a condition only for the establishment of the employment relationship (*or the signing of the contract between*

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<sup>4</sup> *The purpose of this law is to establish a general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds, in order to implement the principle of equal treatment.*

*the UP and the respective candidate*), and should not serve to create inequality among competing candidates with the same level of education during the selection procedure. The Ombudsperson considers that the criteria contained in the competition announcement of UP with protocol no. 1/173, dated 27<sup>th</sup> of April 2018 for the appointment of academic personnel that requires the submission of documents proving the recognition of studies abroad at the time of application is illegal and in contradiction to the provisions of the Law on Higher Education, Administrative Instruction (MEST) No. 16/2016 on Principles and Procedures of Recognition of Vocational High-School Diplomas and University Degrees earned outside the Republic of Kosovo, the UP's statute and Regulation No. 465 dated 2<sup>nd</sup> of March 2018 for the selection procedures regarding the appointment, reappointment and advancement of academic personnel in UP for all faculties with the exception of the Faculty of Arts..

30. Furthermore, the aforementioned competition specifies that “*General Conditions for appointment of academic personnel have been determined by the provisions of UP's statute, Regulation No. 465 for the selection procedures regarding the appointment, reappointment and advancement of academic personnel in UP for all faculties with the exception of the Faculty of Arts dated 2<sup>nd</sup> of March 2018, and Regulation 990 for the selection procedures for the appointment, reappointment and advancement of academic personnel in the Faculty of Arts (page 15) dated 19<sup>th</sup> of April 2018*, but none of these documents has foreseen the obligation of providing the nostrification evidence as foreseen in the aforementioned vacancy competition (point II (f)). Furthermore, Article 178 of the UP Statute, which determines the conditions that a candidate must fulfil for the title of University Assistant does not contain any such criteria (as the one under point II (f) of the competition), whereas the Law No. 04/L-037 on Higher-Education in Kosovo, namely Article 26, paragraph 10 determines the “*Criteria for each of the titles should not discourage applications outside the Institutions*”. Consequently, the Ombudsperson considers that the aforementioned competition contains an additional requirement for persons who graduated abroad and is therefore in contradiction to these documents.
31. The Ombudsperson has noted that the Administrative Instruction No. 16/2016 on Principles and Procedures of Recognition of Vocational High-School Diplomas and University Degrees earned outside the Republic of Kosovo, does not stipulate that candidates, for the purpose of applying in a public competition, must have nostrified the diplomas earned outside the country. On the contrary, Article 2, paragraph 1, point 1.1 states that the term/expression “*Recognition - shall mean an official recognition by MEST of a diploma earned outside the country, which confirms its accuracy and authenticity, and serves for employment purposes in RKS*”. According to the Ombudsperson, this is a clear indicator that the recognition of diplomas earned outside the country should serve as a condition for establishing the employment relationship (signing the employment contract) and cannot under any circumstance serve as a *condition to acquire the right to apply or the right to be selected for a specific working position*. Therefore, the Ombudsperson considers that, in a hypothetical situation, it



would be completely legitimate and in accordance with the Law on Higher Education and other bylaws for the UP to request the submission of evidences for recognition of diploma earned outside the country as a condition for establishment of the employment relationship (i.e. the signing of the work contract) prior to carrying out the final act of employment (signing of the contract).

32. Additionally, the Ombudsperson would like to emphasise that Article 3, paragraph 1 stipulates that *all diplomas of Vocational High Schools and University ones earned outside the country for employment purposes shall be subject to recognition/equivalence procedures in MEST*. In this regard, one can understand that this Administrative Instruction does not require nostrification of diplomas earned abroad for the purpose of applying for a position. Furthermore, the fact that the Administrative Instruction contains the sentence “*shall be subject to recognition*” gives candidates the rights, including herein the complainant, to apply in a vacancy competition without having their diplomas recognized or nostrified. In this regard, the UP should recognize the complainants rights to not be discriminated against while applying, or in the recruitment procedures under the competition for selection of academic personnel in the UP faculties, dated 27<sup>th</sup> of April 2018, with Protocol No. 1/173 based on the nostrification of diploma prior to the closure of the vacancy competition (as foreseen under point II (f) of the aforementioned competition), and considering as reasonable only the obligation that the candidate should provide the nostrification evidence prior to the final act of employment, i.e. the signing of the contract.
33. The Ombudsperson, inter alia, raises the concern with regard to the deadlines for submission of documents. The competition advertisement states that “*this vacancy competition shall remain open for 15 calendar days, namely from 27<sup>th</sup> of April to 14<sup>th</sup> of May 2018*”. According to the Administrative Instruction (MEST) No. 16/2016, particularly the part related to the principles and procedures for recognition of diplomas and qualifications of vocational schools and universities earned outside the Republic of Kosovo, it takes a 1 month for the National Council for Recognition to assess the request for nostrification and 4 months for concluding the recognition procedure. Therefore, such deadline for application, and the criterion placed against candidates who have earned diplomas abroad of submitting the nostrified diplomas, taking due account of the fact that these candidates could not have known when the vacancy competition would be opened, the period of 2 weeks for submitting the documentation, as is requested by the advertisement, is not sufficient time for MEST to conduct the recognition process, which consequently deprives the candidates educated abroad of their right to be treated equally compared to candidates who hold diplomas obtained in the Republic of Kosovo.

Based on the above analysis, the Ombudsperson shall, in accordance with Article 135, paragraph 3 of the Constitution of the Republic of Kosovo, and Article 18, paragraph 1.6 of the Law No. 05/L-019 on the Ombudsperson, and based on the assessment of the complaint, i.e. the assessment of the factual situation, issue the following:

## OPINION

1. The basic documents regulating the selection process regarding the appointment of academic personnel in UP, including therein the Statute of UP, Law No. 04/L-037 on Higher Education in the Republic of Kosovo, Regulation No. 465 for the selection procedures regarding the appointment, reappointment and advancement of academic personnel in UP dated 2<sup>nd</sup> of March 2018 do not state that candidates are obliged, for the purpose of applying and participating in the selection procedure in the competition advertised by the UP, to submit the document of recognition/nostrification of diplomas earned outside the country. Furthermore, the Statute of UP, with regard to employment and academic titles only requires the candidates to have completed studies, i.e. that the candidate “*has the grade of doctor of science (for the faculty of arts, its equivalent)*” (Article 177, paragraph 1, point 1.1.); “*Have successfully completed Master studies...*”, “*if he or she has the grade of doctor of science*” (Article 178, paragraph 1, point 1.1 and 1.3). All these criteria shall be understood as mandatory when it comes to establishing the employment relationship. Therefore, none of the documents contain criteria that would prohibit application or participation in the competition, as determined by the criteria under Point II (f) of the competition advertised on 27<sup>th</sup> of April 2018.
2. Administrative Instruction (MEST) -No.16/2016, *Principles and Procedures of Recognition of Vocational High School Diplomas and University Degrees earned outside the Republic of Kosovo*, does not stipulate that candidates are obliged, for the purpose of applying and participating in selection procedures for positions advertised in the competition, submit the document for recognition/nostrification of acquired abroad upon application, nor does it prohibit participation in the competition on the grounds of this criterion. On the contrary, this instruction determines that diplomas earned outside the country must be nostrified for the purpose of employment in the Republic of Kosovo, which means only the establishment of employment relationship (signing the Employment Contract or the Appointment Act). This applies to competitions advertised by the UP as well.
3. Based on the normative grounds mentioned above and referring to the Constitution, the applicable Law on Protection from Discrimination and other legal provisions against discrimination and violation of the principle of equality, it is ascertained that the criterion set out in the competition for the selection of academic staff in faculties of the University of Pristina "Hasan Prishtina" of 27 April 2018, with no.1/173, point II (f) which stipulates that "*candidates who have completed their studies abroad must also provide the decision on nostrification (bachelor, master, doctorate) ...*" is discriminatory and violates the principle of equality for candidates who have completed their studies abroad. Such discrimination and unequal treatment lies in the fact that this criterion prevents the candidates who have completed the studies abroad and who have acquired the diplomas, but have been unable to nostrify them before closure of the competition, from participating in competition and selection procedures for positions announced for academic staff. Pursuant to the applicable normative acts that have been analysed within this Opinion, the Ombudsperson reminds that the UP can condition these candidates to provide the evidence of the recognition/nostrification of their diplomas before establishing the employment relationship (Signing of the Employment Contract), if such candidates are selected by the respective bodies of the UP. Consequently, only this would be within the

legitimate requirements set forth in the Law on Higher Education and Administrative Instruction no. 16/2016 for recognition of diplomas obtained abroad

4. The UP should allow all candidates who have completed their studies abroad to participate in the competition for selection of academic personnel dated 27 April 2018, with Protocol No. 1/173, and to undergo the selection process by professional assessment committees and other decision-making bodies without any obstacles, and not be discriminated based on nostrification (equivalence) of diplomas, thereby *withdrawing the criterion set out in point II (f) of this competition*. Pursuant to the applicable legislation and with the purpose of confirming the accuracy and authenticity of diplomas obtained abroad, the UP may condition candidates to provide the nostrification (equivalence) evidence before the final employment act, i.e. signing the employment contract.
5. This criterion (*as set out under Point II (f) of the competition dated 27<sup>th</sup> of April 2018*), should not be part of future competition that may be advertised, so that candidates who completed their studies abroad are not prevented from participating in competitions and selection procedures for academic personnel in the UP solely because they have not nostrified (equivalent) diplomas prior to the closing of the competition.
6. MEST should make sure that the UP and other educational institutions in the Republic of Kosovo accurately apply the principle of non-discrimination and equality in relation to candidates who completed their studies abroad, with regard to nostrification of diplomas for employment purposes, so that the same are not discriminated against during the recruitment/selection procedures in the jobs they apply.
7. MEST should supplement the legal grounds regarding the nostrification/equivalence of diplomas obtained abroad, in full compliance with the principle of non-discrimination in relation to employment procedures in the Republic of Kosovo, including employment in education institutions.
8. MEST shall address with priority the applications for nostrification (equivalence) of diplomas obtained abroad for candidates in the process of competing in public competitions and establishing an employment relationship.

Respectfully,

Hilmi Jashari  
Ombudsperson