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PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)

TECHNICAL PAPER

CORRUPTION IN THE ALBANIAN EDUCATION SYSTEM

Prepared by:

**Pellumb Karameta, Council of Europe Expert,
August 2010**

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For any additional information please contact:

Corruption and Fraud Unit
Economic Crime Division
Directorate of Co-operation - DG-HL
Council of Europe
F-67075 Strasbourg Cedex FRANCE
Tel +33 388 41 29 76/Fax +33 390 21 56 50
Email: lado.lalovic@coe.int
Web: www.coe.int/economiccrime

This document has been produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union or the Council of Europe.

INTRODUCTION/EXECUTIVE SUMMARY

This paper is intended to be the basis for a risk assessment of the Albanian education system. It aims to identify opportunities for corruption in the Albania education system in the following aspects: actual incidences of corruption arising from the system of governance and violation of relevant ethical and/or procedural rules financing of schools, including risks of leakage/embezzlement/diversion of education system funds; the main institutional factors that are present and could be avoided in the future that facilitate corruption or other illicit behaviours or the violations of rules; the types of corruption in the teacher's appointment and the institutional factors that are present and could be avoided in the future that facilitate corruption in these areas. This document identifies also the main locations and incidence of violation of relevant ethical and/or procedural rules in the interaction between teaching staff and pupils/students; the existing mechanisms designed to regulate the teachers' behaviour, such as codes/rules of conduct. It includes information on rules regulating the provision of private tuition, examination and diplomas, access to university and accreditation of institutions.

Finally, two annexes provide a selection of reports/studies on the issue of corruption in the education system that should be consulted and a list of recommended persons/institutions with which or within which to conduct interviews.

1 CORRUPTION IN EDUCATION: CONCEPTUAL FRAMEWORK

1.1 Definition of corruption in education

Corruption in the education sector can be defined as "the systematic use of public office for private benefit, whose impact is significant on the availability and quality of educational goods and services, and, as a consequence on access, quality or equity in education"¹. This definition combines three elements:

- It is based on the usual definition of corruption in the public sector, that is 'the use of public office for private gains';
- It limits the scope of behaviours under scrutiny to those observed regularly, resulting directly from dysfunctions in the system – thus excluding individual behaviours observed only episodically and resulting primarily from the attitude of a given person;
- It establishes a link between these behaviours and their effects on the system, i.e. a reduction in the resources available, decrease in their quality, and their unequal distribution.

1.2 Types of corruption in the education system

There are a variety of different forms of corruption in the education system:

¹. Hallak, J.& Poisson. M. (2007) "Corrupt school, corrupt universities: What can be done?" (p. 26)

- Embezzlement: the theft of public resources by public officials.
- Bribery: payment (in money or in kind) given or taken in a corrupt relationship. As example can be mentioned the payment of bribes to be recruited as a teacher, even if one has not the appropriate credentials to be appointed
- Fraud: kind of economic crime, where one can for instance buy fake diploma or the existence of ghost teachers on payrolls
- Favouritism: mechanism that includes cases of nepotism, where a public official gives priority to his or her family members. This includes also cases like recruitment of administrators based on their membership of a political party and so on².

Efforts have been made to establish distinct typologies of forms of corruption by different scholars, who have been dealing with this question. Chapman thus makes a distinction between five forms of malpractice that can be regarded as corrupt³: blatantly illegal acts of bribery or fraud (e.g. fraud in public procurement); actions to secure a modest income by people paid too little or too late (illegal fees collected at school level); actions taken to get work done in difficult circumstances (e.g. bribes to get a certificate on time from the administration); differences in cultural perspectives (e.g. gifts given to teachers); and behaviour resulting from incompetence (e.g. misallocation of funds). Tanaka identifies three main areas of corrupt behaviour, i.e. procurement, educational administration and teachers' corruption in the classroom⁴. Heyneman identifies two main forms of corrupt practices in education, i.e. corruption in services and academic corruption. These include: corruption in educational property and taxes; corruption in procurement, corruption in educational property and taxes, corruption in selection; corruption in accreditation and professional misconduct⁵.

1.3 Loci of corruption

A set of criteria can be used to classify opportunities for corruption within the education sector, based on their level of occurrence and the actors involved in it as well:

- The level of occurrence – Ministry of Education, region or district level, school level, and classroom level: at each level, certain forms of malpractice are more likely to happen. For instance fraud in the recruitment of teachers is more likely to happen at regional level, whereas payment of bribes to obtain a good mark is more likely to be observed at the classroom level

². Amundsen, I. (2000). Corruption: Definition and concept. Berger: Chr. Michelsen Institute.

³. Champman, D. (2003). Corruption and the education sector

⁴. Tanaka, S. (2001). Corruption in education sector development: A suggestion for anticipatory strategy. In: International Journal of Education Management, 15 (4), 158-166.

⁵. Heyneman, S.P. (2004). "Education and Corruption". In: International Journal of Education Development, 24 (6), (p. 637-648). London: Elsevier Ltd.

- The level of education. Primary, secondary and higher education: Here again, forms of malpractice may differ according to the level of education involved. For instance, pressure exerted by teachers on parents to send their children for private tutoring with them is more likely to take place in the last grades of secondary education. As well, fraud to obtain a degree or a diploma is more likely to occur at university level.
- The actors involved. Several groups of actors can be involved in “corruption exchange”. These are essentially administrators (at different administrative levels), private suppliers, faculty, non-teaching staff and pupils (with or without complicity of the parents).
- The nature of exchange. The problem here is knowing who is the “corruptor” and who is the “corrupted”. In some cases, the corruption exchange can be administrator-driven or teacher-driven; for instance, when a teacher asks for a bribe to authorize the promotion of a child to the next grade. In other cases, it can be student (or parent)-driven.

1.4 Impact

It is very likely that corruption taking place within the classroom, at primary education level and which directly involves the pupil and his own teacher has the most detrimental impact. There are a lot of reasons for that: **First**, children are directly affected by this type of corruption, which can impinge on their opportunities in life (this is not the case of corruption taking place at a higher administrative level, which has a less direct impact on pupils). Indeed it can directly impede them from having access to school or from being promoted. **Second**, children are directly in contact with, and even involved in, illegal activities this way. **Third**, as a result, corruption at classroom level can contribute to developing a “culture of corruption”, as defined above, among those children thus directly confronted with malpractice. At the same time, these forms of corruption, which are often the most visible, also tend to be the most tolerated.

1.5 Opportunities for corruption: internal and external factors⁶

Internal factors facilitating corruption are linked to the decision-making and management structure of the education system itself; educational stakeholders can have a direct impact on them. External factors on the other side are linked more to the overall environment in which the education sector operates. Strategies to improve transparency and accountability in education must take into consideration both internal and external factors to succeed.

Some of the **internal factors** to be mentioned are:

⁶. Hallak, J.& Poisson. M. (2007) “Corrupt school, corrupt universities: What can be done?” (p. 64-70)

- Decentralization of educational resources – in some context decentralization of the education system decentralizes also the opportunities for corruption, extending them to a large number of individuals
- Promotion of school-based management – experience demonstrates that the more administrative levels are involved in the financing of the system, the greater is the risk of fund leakage.
- Development of information and communication technologies (ICTs) – new technologies encourages the emergency of new, large scale forms of academic fraud. As an example one can mention the buying on line of diplomas and term papers from internet.
- Privatization – the privatization of parts of secondary and higher education requires the establishment of reliable accreditation mechanisms.
- Globalization – the internalization of student and job markets flow make it difficult to check on the authenticity of diplomas, hence the market for false certificates is booming.

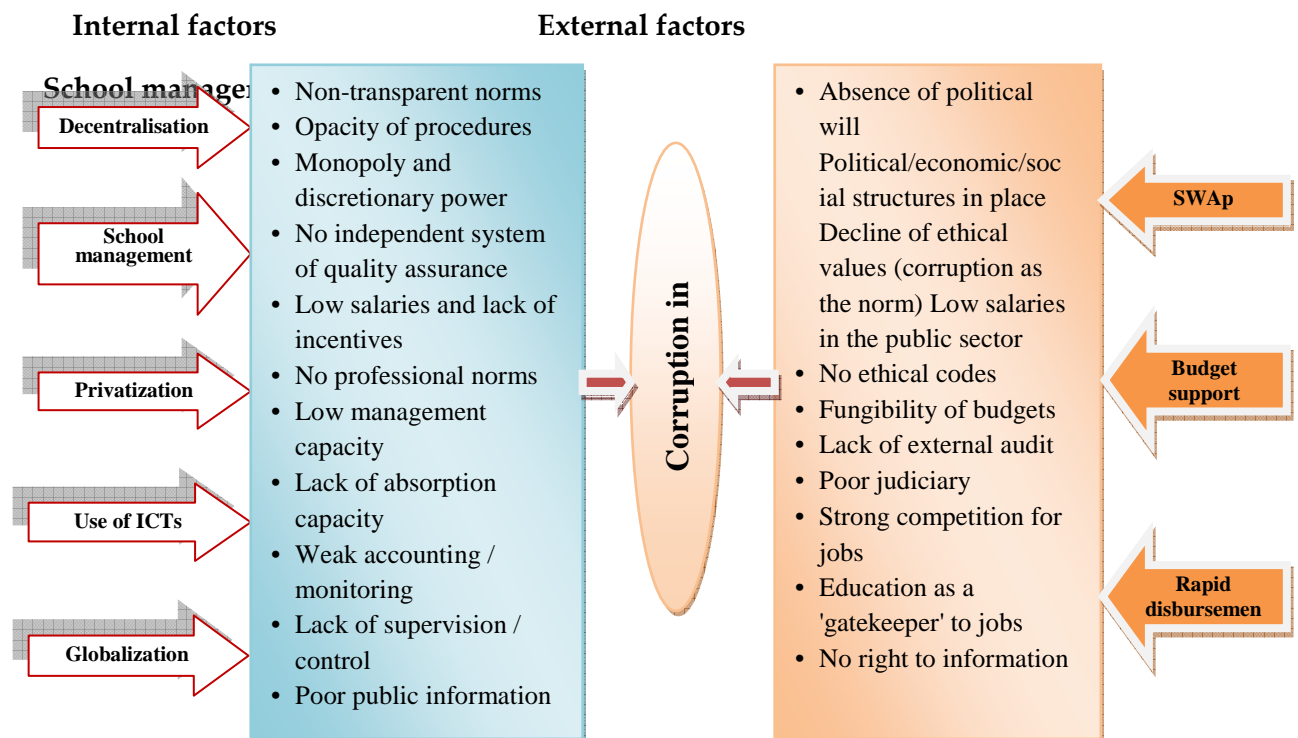
External factors are also important in explaining corruption phenomena within the education sector, in particular:

- Absence of political will - Many countries have set up anti-corruption commissions in the recent years, unfortunately they have prove to be useless in a number of cases, given the lack of sustained political will at the highest level.
- Decline of ethical values – some authors argue that the stiff repression under the soviet-type regimes in the eastern Europe countries made people living in these countries feel that good practice was not to obey the law. This mentality opens the way for dishonest practices to grow much more easily in transition countries than in Western democracies.
- Low salaries – Salaries within the civil service can be quite low even when compared to countries “per capita” income. This leads very often to teacher offering private tutoring or even seeking a second job.
- Lack of external audit combined with poor judiciary and no right to information. Lack of adequate mechanism of external audit combined with a poor judiciary make it difficult to control the lawfulness and the appropriateness of the decision made within the public sector as a whole.
- No right to information – Lack of knowledge of criteria for access to education institutions, lack of timely publication of data on enrolment, teachers’ lists, examination results and financial flows including fees and so on. are obstacles to

information sharing and exposures to the public of the way the public sector operates.

- High competition in the job market – High competition for well paid jobs and fear of unemployment have contributed to inflating the importance of credentials. Main consequence of it for the educational sector is more academic fraud, more pressure exerted on those actors in the system that control decisions and play the role of “gatekeepers” (including attempts to corrupt them).

Figure 1: Internal and external factors contributing to corruption in the education sector



Source: Hallak, J.& Poisson. M. (2007) “Corrupt school, corrupt universities: What can be done?”

Internal and external factors are interrelated and reinforce each other. For instance lack of incentives within the education sector combined with low salaries for civil servants encourage corrupt practices. Similarly, weak accounting, monitoring and supervision mechanisms combined with lack of external audit mechanisms and poor judiciary reduce the opportunity for detecting and dissuading fraud. In this context it is important to find other ways to detect fraud – one of which is identifying the so called “red flags”.

2 POLICIES TO FIGHT CORRUPTION IN THE ALBANIAN EDUCATION SYSTEM

2.1 Policy in Albania

Corruption in education has been carefully ignored for several years (and remains so). There are several explanations for this situation: one is that many administrators and educators are reluctant to touch the image of the education. Another is that they are careful to avoid adverse effects on the mobilization of funds.

For the first time, in Albania, the phenomenon of corruption in education was studied by World Bank in the 2006, by applying the method of Public Expenditure Tracking Surveys (PETS)⁷. In 2007, as consequence of the corruption on the printing and the delivering of the school textbooks and bribes for admission to universities, the MoES organized the round table "Anti - corruption in education". At the event the Minister of Education announced a new policy for fighting corruption in education, stressing as priorities the state school-leaving exam (State Matura), reform of the alternative textbooks (Alterteksti), and implementation of the "per capita" funding formula and so on⁸.

Albania has developed comprehensive education sector strategies for the pre-university education, "National Strategy for Pre-University Education 2009-2013"⁹ and the "National Strategy for Higher Education 2008-2013" and so on. It is tempting to pursue the education strategies that are focused especially on improving access and quality. In 2008, the government approved an inter-sector strategy (Cross-Cutting Strategy for Prevention, Fight on Corruption and Transparent Governance 2008-2013)¹⁰ for the progressive and sustainable reduction of corruption, strengthening of the institutions integrity and promotion of values in the governance. According to this strategy, in 2008¹¹, for the first time, MoES involves different activities in its Integrated Plan 2008 for reduction of the incidences of the corruption in the education system.

Nevertheless, deficiencies in regulatory systems can be considered as a key reason for corruption in the education sector. Thus, the activity of pre-university education institutions continues to be regulated by Law no. 7952, dated 21.06.1995, "On Pre-university Education System "as amended by Law no. 8381, dated 30.07.1998, "On some amendments to the Law No. 7952 "Pre-university education system", and the Document "Normative Provisions (For Public Education)" adopted in 2002. In none of these documents there are no relevant provisions that support the fight against corruption. Likewise, the law on higher education is repeatedly subject to

⁷ One such analysis in the education sector has implemented the World Bank in Albania in 2006.

<<http://web.worldbank.org/wbsite/external/topics/extpublicsectorandgovernance/extpublicfinance/extpeam/0,,contentmdk:20235447~pagepk:210058~pipk:210062~thesitepk:384393,00.html>>

⁸. See: <<http://www.mash.gov.al/LAJMET%20E%20DITES/konferenca-antikorrupsioni-ne-arsim.htm>>

⁹. SKAP: <<http://planipolis.iiep.unesco.org/upload/Albania/Albania-Strategy-Pre-university-2009-2013-alb.pdf>>

¹⁰. See: <http://www.dsd.gov.al/dsd/pub/crosscutting_strategy_for_prevention_fight_on_corruption_and_transparent_final_engl_11dec08_181_1.pdf>

¹¹. MoES. (2008). "Integrated Plan 2008" (p. 23-24) <<http://www.km.gov.al/skedaret/1215446898-Plani%20i%20Integruar%20i%20Ministrise%20-%20MoES%20-%202008.pdf>>

amendments, not finding the balance between government interests and the interests of universities in the areas of university autonomy.

During 2009, various acts and regulations were adopted: the Law "On the Albanian Qualifications Framework" (that would create the possibility of diplomas and certificates granted from the next academic year being in line with European standards of qualifications); MoES Guideline N^o. 5, dated 18/02/2009, "On the content and form of certificate issued by the Institutions of Higher Education", Guideline N^o. 7 of MoES, dated 18/02/2009, "For the Diploma Supplement", Guideline N^o. 12 of MoES, dated 18/02/2009, "To create the State Register of Degrees and Certificates of Higher Education and Scientific Council" aimed at avoiding any attempt to counterfeit and corruption in issuing certificates to various degrees; Law N^o. 10081, dated 23/02/2009 "For the licenses, authorizations and permits in the Republic of Albania" (enabled the establishment of the National Licensing Centre that simplifies and makes more transparent procedures for applying for private educational institutions), MoES's Guideline N^o. 3, dated 01/27/2009, "On the detail of the Budget Public Institutions of Higher Education", (provided this year for the first time in the budget law introducing a new formula for financing public universities), and so on. The effectiveness of these measures remains to be proved, however.

Another difficult issue is the process of decentralization of the financial system and increasing school autonomy in pre-university system. Strengthening school autonomy is one of the priorities of the MoES. However, deficiencies in regulatory systems (the definition of responsibilities for actors of any level, lack of norms and procedures clear and simple to administer financial and material resources, and so on.), not fight corruption, but increase the opportunities for its spread. If it is accepted that decentralization of the education extending the opportunities for corruption to a large number of individuals (1.7), improvement of regulatory systems elements in this aspect (and not only) is a priority. Thus, for example, inventory of the schools values (the verification of material and nonmaterial property including the debit and credit of the school during a certain period of time) continues to be realized based on the Law on the management, preservation, documentation and circulation of money and material values", N^o. 6942, dated 12/25/1984 (!!).

Despite all the improvements that were implemented in the system of the State Matura, there are still spaces that create conditions for corruption. A new regulation for the State Matura with new elements improving the transparency of the process is needed. The Exams should be organised in pre-assigned centres in every district of the country. The schools should organize trainings for the exams, therefore excluding private tutoring.

The procedure for enrolling in higher education institutions is still difficult. In these conditions, this year, MoES by Order No.292, dated 09/11/2009, "On the establishment and functioning of groups monitoring the registration procedures in public institutions of higher education in various programs of study on primary full-

time, academic year 2009-2010", is trying to implement monitoring of the registration process, to avoid any irregularities in this way and any attempted corruption.

The system for procurement of alternative textbooks (ALTERTEKST) continues to be criticised. A source of corruption is the lack of modern standards for textbooks and for the licensing of publishing houses; there is no equal competition conditions for all market actors academic book; lacks transparency in procedures for evaluating textbooks especially those of the author or group of authors; not published contracts between MoES and selected operators.

Another source of corruption is the lack of EMIS in schools and local education authorities, linked with the absence of digital records of student results, a lack of independent mechanisms of control of the reliability of data or for periodic audit of information. Consequently, a lot of cases of falsified diplomas versus payment (bribery) are identified in many schools of the country.

MoES is trying to take an initiative to identify cases of conflict of interest for all employees in each Regional Education Directory (RED) or Education Office (EO), pursuant to Law N^o. 9367, dated 04/07/2005 "On prevention of conflicts of interest in the exercise of public functions" and the Law N^o. 9131, dated 06/09/2003, "On rules of ethics in public administration". But, in many cases, some REDs/EOs and some schools have embezzled goods provided by individuals or organizations. Despite the measures taken by MoES¹², the main causes are the lack of norms and procedures governing these activities, and a lack of will to punish perpetrators.

The question of how to make school directors and parents' committees more accountable for spending on education in schools is a difficult one. The public is often unaware of opportunities for involvement. Yet, according to many, public involvement would seem to be the key to reducing corruption. That is why one has to think about avenues for community participation in education.

MoES has guided the establishment of school boards to ensure the participation of stakeholders in school governance. The incomplete regulatory framework¹³ and the nature of factors economic, social and cultural have had the result those boards are not functioning in most schools in the country. This has weakened the accountability of the executive body and has created opportunities for corruption.

2.2 How to reduce corruption

¹². Guideline N^o 29, dated 25/9/2007 "For collection, storage and use of income from donations from parents of pre-university education".

¹³. Guideline N^o 40, date 17.10.2007 "For the establishment and functioning of the school board".

The root causes of the corruption in Albania's education system are its financing, governance, management, and accountability. A good government system that fights corruption in education possesses:

- “Transparent regulatory systems (legal framework that focus on corruption concerns (rewards/penalties); clear norms and regulations; transparent procedures, the distribution of responsibilities between stakeholders in the allocation and use of educational resources; codes of conduct (professional and ethical) for human resource management; clear well-targeted measures, especially for dissemination and use of resources and for impact assessment);
- Management capacities for accountability to ensure the enforcement of these regulatory systems (information systems, building control mechanisms against fraud, procedural rules for financing of schools, promotion of ethical behaviour; treatment of staff and creation of self-control mechanisms and so on.)
- Social control over the management process – “bottom-up approach” – (developing decentralized and participatory mechanisms at the grassroots level; involving the profession in the design and enforcement of rules; increased awareness of the public to be informed, and empowering communities to help exercise "client power")¹⁴.

The recommendations below are formulated on this basis.

2.2.1 Creation and maintenance of transparent regulatory systems

The following steps may be seen as crucial:

- To combat corruption, there is a need for clear norms and regulations, transparent procedures and an explicit policy framework specifying, for each of the steps involved, the distribution of responsibilities between different stakeholders in the allocation, distribution and use of educational resources. Improvements should include, among others, the following aspects:
 - Inefficient procedures for teacher management and behaviour
 - Unclear standard criteria and procedures for the competition, appointment, promotion, performance evaluation of the teachers;
 - Inappropriate regulation for organisation and implementation of the qualifications activities of the teachers.
 - New regulations for RED/EO.
 - New Normative Provisions for Schools¹⁵.

¹⁴. Hallak, J.& Poisson. M. (Eds.). (2006). “Governance in education: transparency and accountability” (p380-397)

¹⁵. MoES is working for preparation of the new education law for pre-university education and new normative provisions for primary and secondary schools.

- Standardization of financial procedures, harmonization of procurement rules, and adoption of an agreed format for the production of financial reports at the school and intermediate authority level can play a great role in promoting transparency in the system. Great care must be taken in preparing manuals of financial procedures. These must be specific about the following matters:
 - the ordering of goods (tendering process);
 - the separation of ordering and receiving goods;
 - the need for multiple signatures on cheques and credit notes;
 - the maintenance of equipment inventories including write-offs;
 - the handling of any cash transactions within the school.
- There must also be an agreed format for producing financial reports at the school and intermediate level.
- The statistics reported by schools and used in the funding formula must be subject to external checking.

2.2.2 Strengthening management capacities for greater accountability

- Improving skills in management, accounting, monitoring and audit are basic requirements for reducing corruption in education. Better training not only of administrative staff at the different levels involved, but also of other stakeholders in the system, such as School boards, unions and other relevant civil society organizations should be considered accordingly.
- Use of computerized information and automated systems constitute an important tool for improving and monitoring transparency in management. Indeed, they can help reduce individual interference in the regular operation of the system.
- The monitoring of school funds must be frequent and independent of the head and administrative staff. It should fall under the responsibility of an appropriately experienced and trained lay person on the governing body. They should go hand in hand with a system of penalties.
- Auditors must be independent from the school and, if private, appointed not by the school but by the education authority. Intermediate tier audit should be thorough and regular so that any deficiency can be detected early and remedial action taken. Auditors must report clearly and fully to the education authority and school managers and governors.
- In a corrupt environment, decentralization of educational management can only contribute to decentralizing opportunities for corrupt practices to a greater number of stakeholders. As a result, decentralization should only be considered when clear norms have been established and stakeholder capacity to enforce them strengthened.

- Monopolies within the education sector as in other sectors facilitate the development of corrupt practices. The existence of independent neutral bodies in charge of assessment, selection, control, audit, and so on, as well as of private actors within the education arena, can appear crucial in this context.

2.2.3 Enhancing ownership of the management process

- A reform strategy based on the principle of social mobilization and control ("bottom-up approach") that emphasizes participation at the grassroots level and builds ownership by direct involvement of stakeholders both in the design of the policy and its implementation, can contribute to increasing transparency and improving accountability. In the case of Albania a good approach in this direction would involve the strengthening of the School Boards, at school/regional/national level, to increase the role of the parent's community, teachers, students associations and civil society in the transparent policy-making for education and in monitoring the expenditures and outcomes at sector and institutional level. The School boards must be sufficiently well-informed of the funding process to be able to detect either incompetence or fraud.

- Access to information of the public at large is indispensable for building participation, ownership and social control. As a result, those closest to the point of delivery - the school - must be sufficiently well informed to be able not only to detect fraud, but also to claim what they are entitled to. For example:

- New legal provisions in the educational law for transparency and accountability in the educational institutions is needed.
- Preparation and publication of the Annual Report of Performance in the Education Sector by the MoES.
- Improvement of the communication between stakeholders in the central and regional level. (RED/EO and schools in Albania do not have a presence in the World Wide Web). Such a presence could help, among others, presenting on line contracts, budgets, evaluation reports, etc.

- Peer monitoring, including self-control by the profession (adoption of 'honour codes' by schools, self-regulation of private tutoring and establishment of integrity networks for textbook production) can stimulate social involvement and control, and contribute to reducing opportunities for corrupt practices.

- The training of principals and administrative staff in financial procedures must be thorough and constantly refreshed.

3 CORRUPTION IN THE EDUCATIONAL PROCESS

The main forms of corruption in the teacher-pupil relationship may be summarised as follows:

- Some teachers accepting gifts or favours that might impair their professional judgement;
- Favouritism (or, on the contrary, penalization) of certain students by some head teachers or some teachers on subjective grounds, or on the basis of their family, ethnic or religious origins;
- Some teachers taking advantage of their professional relationship with students for private gain (including sexual favours).
- Some teachers teaching poorly to increase the demand for private tutoring.
- Some teachers putting pressure on parents to send their children to their private tutoring lessons to be promoted, to pass an examination and so on. With the guideline of MoES N° 34, date 11.02.2009, "On organization of activity in the service of pre-university education's students" teachers, who are employed in the public sector, cannot perform private courses. It aims to reduce corrupt practices observed to date.

4 CORRUPTION IN THE MANAGEMENT OF TEACHING STAFF

4.1 Types of corruption in human resource management

A list of general types of corruption, and a list of problems prevalent in this area, in Albania, is offered as bellow:

- Appointment, deployment and promotion of teachers:
 - Appointment, deployment or promotion of staff according to subjective criteria (family, ethnicity, religion, membership of a political party);
 - Appointment, deployment or promotion of staff subject to the payment of bribes;
 - Recruitment or promotion on the salary scale based on fake diplomas.
 - Non precise list of teachers/nonprofessional staff for every school prepared by RED/EO
- Teacher presence at school
 - Teacher absenteeism with no valid justification (teachers giving no justification as to why they were absent or giving false justification for sick leave).
 - Teachers with a second job (often in a private school) who shorten their work day in order to gain extra income from private sources.
- Embezzlement or mismanagement of school material resources by some head teachers and/or some teachers (PC/Lap top, books, etc.).
- Collection of bribes by some teachers or some head teachers from pupils - for school admission, payment for books, promotion to the next class, examinations, etc.

4.2 Solutions

The reform of staff management is a very sensitive area. In order to overcome resistance, there are several prerequisites, including the existence of strong political commitment, the establishment of a legal basis for all the procedures to be put in place, and the efficient involvement of teachers' unions (consultation and information).

- In a context of weak local administrative capacities, central planning of teacher management should be favoured against local planning. Although it is more cumbersome, it may allow more transparency and fairness in the process. The establishment of 'a precise list of professionals/nonprofessional staff for every school' by RED/EO' is one of the most critical steps in the process of reforming teacher management.
- More transparency in teacher management entails the setting of the clear and objective criteria and the design and implementation of well-defined and transparent procedures for the recruitment of staff.
- Automation of personnel functions works against the traditional scheme of favours, replacing it with fixed, widely publicized procedures, in which the only condition for being recruited, promoted or transferred is that the requirements be met.

5 REGULATING THE CONDUCT OF TEACHERS

In many countries, each profession in the public service has job-specific ethics and a code of practice (or conduct), in addition to the general statutory rules in force for all members of the public service. They constitute self-monitoring tools, which are potentially more cost-effective than actions taken against offenders¹⁶. To curb malpractices, various countries have developed professional codes of conduct in the education sector. They provide general guidance in accord with the profession's values and beliefs, as illustrated by Educational International Declaration on Professional Ethics¹⁷.

Experience shows that the mere formulation of codes is not enough to ensure their effective implementation. It is not the instruments (the codes) alone, but also the willingness and capacity to use these instruments that are important for their effective enforcement. That is why the government of Ontario, Canada, decided in 1995¹⁸ not to develop codes of conduct as such and impose them on the teaching

¹⁶. Hallak, J.& Poisson, M. (Eds). (2007). "Corrupt school, corrupt universities: What can be done?" (p. 173-178)

¹⁷. Education International (EI) is an international federation secretariat is based in Belgium. Its web site can be consulted at: www.ei-ie.org.

¹⁸. More information can find in: Van Nuland, S. "Standards for teaching profession" Paper prepared for the IIEP seminar on 'Strategies to improve transparency and accountability in

profession, but rather – as is the case for other professions such as lawyers or doctors - to establish a self-regulatory body, the Ontario College of Teachers (OCT)¹⁹. The idea was that the teachers themselves, in partnership with the broader community, should define professional conduct and practice, as they are the most competent to do so and are attentive to the good reputation of their profession.

MoES is trying to provide a regulatory framework for professional characteristics to be completed by each teacher as to pass the initial phase of licensing as teachers. For this purpose, the Institute for Development of Education has developed general standards for teachers, specialists and school administrators²⁰. Those standards are requirements for formal qualifications.

The 2008 Council of Ministers Anti-corruption Strategy includes the following priorities:

- Creating a clear basis for teacher-student relations – through a Teaching Code, prevention of the conflict of interests and the definition of standards of ethics in education;
- Examination of the possibility of establishing the Order of Teacher;
- Guaranteeing of the registration of private teaching activities through the self-declaration of public officials²¹.

Also, the 2010 MoES Integrated Plan envisages work on creating the “Order of Teachers”. For this purpose, “MoES has planned during 2010 to prepare the draft of the [Statute of the] Order; to held consultations with interest groups and to prepare two workshops in the months of June 2010 and April 2011”²².

To ensure its credibility and ownership, teacher codes of conduct should be established through a participatory process involving the teaching profession. A minimum target to achieve is to undertake sensitization exercises, sharing of information, capacity building and efforts towards 'mainstreaming participation'. Codes can assist in achieving the aims of the education by promoting ethics and hence facilitating the teaching and learning of universal values, and contributing to a favourable environment of corruption in society.

On the other hand, increasing the number of legislative acts, controls and bureaucracy can also paralyse the administration and foster new varieties of corrupt

education'. Guanajuato (Mexico). 3-7 November 2003. (p. 25-26)

¹⁹. For more see: <<http://www.oct.ca/standards/standards.aspx?lang=en-CA>>

²⁰. IDE. “General standards for teachers”. In: <http://www.ikt.edu.al/attachments/191_Stand_Mesues.pdf>

²¹. “Cross-cutting strategy for prevention, fight on corruption and transparent governance, 2008 – 2013” (p. 16) In: <http://www.dsd.gov.al/dsd/pub/crosscutting_strategy_for_prevention_fight_on_corruption_and_transparent_final_engl_11dec08_181_1.pdf>

²². MoES. (2008). “Integrated Plan 2010” (p. 30).

practices. This is particularly true in countries where the monopoly of the administration is important, and where the salaries of public officials are low²³.

6 ANTI-CORRUPTION EDUCATION IN SCHOOLS

Anti-corruption education is especially useful in countries where there is no tradition of transparency, and where raising awareness on corruption topics contributes to building knowledge and intolerance of corruption. Anti-corruption education can be quite diverse, but in any case, it differs from 'moral', 'ethic' or 'civics' education, which does not address corruption issues directly and thoroughly. "The objective of anti-corruption education is 'not to teach people to be good, but certainly to teach them skills to follow certain standards of conduct'²⁴.

In Albania, the formal education for anti-corruption is absent or is irrelevant. In our country this kind of education is not valued although in other countries – e.g., Lithuania, Kosova, Bulgaria²⁵ - the curriculum is supplemented with modules that give anti-corruption education.

7 CRITERIA FOR LICENSING, ACCREDITATION AND INSPECTION OF PRIVATE EDUCATIONAL INSTITUTIONS

7.1 Higher education

Licensing and accreditation of private Higher Education Institutions (HIEs) are provided by the MoES, based on law²⁶. Thirty four private HEIs are operating in Albania, more than 20 of which are universities. About 10% of students are enrolled in private HEIs.

The Accreditation System of Higher Education in Albania was founded in 1999. The Accreditation System provides for the Evaluation and Accreditation of the existing Institutions and Programs of Higher Education (HE), evaluation and accreditation of the new courses of study or other new units of HE. There is a Public Agency of Accreditation for Higher Education (PAAHE) and the Accreditation Council. In the case of the private HEI, when the report produced by the Agency is negative, the MoES adopts decisions to the effect of no longer recognising the HEI or the course of study.

²³. Ibidem (p. 3)

²⁴. Palicarsky, C. (2006). "Anti-corruption training in Bulgaria". Paper prepared as part of the IIEP's project on 'Ethics and corruption in education'. Paris: IIEP-UNESCO.

²⁵. In Bulgaria a special expert group of education was set up within the framework of Coalition 2000 with the task of preparing an anti-corruption education manual. In Lithuania, the Centre for Modern Didactics in Lithuania has designed an anti-corruption manual for schools, which has been translated into different languages and diffused in several states.

²⁶. Law N^o 9741, date 21.05.2007, "Higher Education in Albania", amended the Law Nr.9832, date 12.11.2007; The guideline N^o. 30 dated 26/ 09/2007 "Procedures and documentation presented by juridical person for opening a private institution of higher education, first degree, and second degree, and study programmes 'master second degree'";

Quality Assurance for private HEIs is carried out at the program and/or institutional level. Each process consists of the internal evaluation and external evaluation. Evaluation is done on the basis of procedures prepared by the PAAHE. Internal Evaluation (self-evaluation) is done by the HEIs themselves, while external evaluation is done by a team of experts (peer review). "Each institution or study program of public/private HE is the subject of first accreditation. First Accreditation entitles a public or private institution of higher education to issue diplomas recognized in the Republic of Albania. Each accredited program/institution is subject to periodic evaluation and accreditation. Periodic assessment and accreditation is performed every six years"²⁷.

The PAAHE has prepared the main part of formal regulatory framework, specifically:

- Procedures of Quality Evaluation in Higher Education
- Application Forms
- Application Form for Peer Review
- Guidelines on Internal Evaluation of Quality in Higher Education
- Guidelines on External Evaluation of Quality in Higher Education
- Aspects and indicators for Quality Evaluation in Higher Education
- International Standard Classification of Education

Nevertheless, the Agency of Accreditation and the Accreditation Council do not prepare the standards and regulation for measured and standard external evaluation of HEIs. This has affected the process of evaluation of HEIs and its ranging. The PAAHE has accredited 7 private HEIs, 3 others are in state of the conditional accreditation (1 or 2 faculties), 2 are partially accredited, and 5 others are in the process of accreditation. 17 private HEIs have not yet started the process of accreditation²⁸.

The lack of evaluation standards and regulation and unprofessional application of provision of the regulatory framework has created conditions for the incidence of corruption. Some of the forms of malpractice include the following:

- Payment of bribes to obtain successful licensing or accreditation;
- Accreditation processes based on non-transparent or absent criteria (e.g. rectors having an interest in preventing competition);
- Distortion in the application of the accreditation criteria - e.g. admitting below-standard candidates to meet the enrolment criteria (ex-ante) or over grading students to meet achievement criteria (ex-post);

²⁷. Law N^o 9741, date 21.05.2007, "Higher Education in Albania", amended the Law Nr.9832, date 12.11.2007.

²⁸. See: <<http://www.aal.edu.al>>

Box 1.**Failed policy in Higher Education**

Fear of failure comes from private universities. By a control exercised by the MoES (Minister G. Pollo) violations of law were found in every private university. Nevertheless, no single license was suspended. In some private Universities like the European University of Tirana, UFO or the "Crystal" there are students, that have obtained a degree even though they didn't spent a single day in the Universities. "This system is producing the ignoramus, creating a dangerous educational pyramid in Albania, because the private universities are ruining the educational values we have achieved and they are removing the last stone of competition in education standards. Just this year, Mr. Pollo has allowed public universities to have 400 seats in the Part Time program, but for **private universities this limitation does not exist**. If public universities are moving towards the academic autonomy, at the "kiosks" called private universities this autonomy does not exist. Their owners make the law...".

The MoES has planned to implement the classification and valuation of all public and private HEIs by the German company "DAD" and will publish the results of the evaluation on the website by the end of 2010²⁹. It seems that the process of accreditation of universities, including all phases, has been suspended. That is because the company that will conduct the assessment, classification and accreditation has not yet started operating.³⁰

Box 2.**The crisis of the accreditation**

[...] The Accreditation Agency has a legal obligation to accredit the study programmes of HEIs. The agency's report for 2005-2008 shows how this Agency has performed this obligation. [...] There are 48 positive evaluations and 36 negative evaluations for new study programs presented by the public universities, even though all these universities are accredited. Meantime, **for the private HEIs (only four of them are accredited), the indicators are: 120 positive evaluations and 23 negative evaluations (!)**. The report did not offer any argument for this disproportion.

Source: <http://qshaa.org/fileadmin/pdf/2009/Kriza_e_arsimit_te_larte_dhe_akreditimi.pdf>

7.2 Pre-university education

Procedures and documentation for licensing of 477 private institutions (pre-school education, primary and secondary education) are defined in Guideline Nr. 26, dated 7.09.2007, "Criteria and procedures for licensing the pre university private education institutes and pre university complementary private education institutions"³¹. MoES has no mechanism for the accreditation of private pre-university institutions.

Currently the inspection process of the private pre-university institutions is being carried out by the National Inspection for Pre-university Education (NIPE) – a new

²⁹. MoES. (2008). "Integrated Plan 2010" (p. 24).

³⁰. Newspaper "Shqip", 29 August 2010.

³¹. See: <<http://www.mash.gov.al/ShkollatPrivate.html>>

dependent body of MoES. Inspection of private educational institutions use the same regulatory framework used to assess the quality of public educational institutions. MoES has provided the Inspection Manual, Manual for self-assessment of schools and relevant guidelines. But most of the schools have not adopted new methods of quality assessment.

The MoES and NIPE fail to inspect systematically all private pre-university educational institutions. Although many private Educational institutions do not meet all criteria and technical standards set out in Guideline Nr. 26, dated 7.09.2007, "Criteria and procedures for licensing..." no single license is suspended so far.

8 SUMMARY OF PROBLEMS IDENTIFIED

In conclusion, to eliminate corruption in Albania education system measures should be undertaken in the same time in different areas - political, legal, institutional, economic and educational. Some of the main problems identified are listed below and are divided into issues of the education system itself on the one hand and educational institutions on the other.

8.1 The level of the education system

- The inappropriate pre-university education law, inefficient organic regulation of RED/EO, and normative provision for pre-university schools; in none of these documents is there any provision that support the fight against corruption.
- Unclear regulation and procedures of human resources management (unclear standard criteria and procedures for the competition, appointment, promotion, performance evaluation, etc).
- The lack of Teacher Code of Conduct that should be established through a participatory process (teachers, unions, community, etc);
- Inefficient financial system and procurement capacities: central and local monitoring and audit mechanisms and techniques are inappropriate, the coordination and communication systems are weak, the rules / procedures of the procurement process need improvement, etc.
- The lack of training of principals and administrative staff in financial procedures.
- The lack of modern standards for textbooks and for the licensing of publishing houses; there is no equal competition conditions for all market actors publishing the academic books; not published contracts between MoES and selected operators etc.
- The lack of EMIS in schools and local education authorities.

- Weak communication between stakeholders in the central and regional level. RED/EO and schools in Albania do not have a presence in the World Wide Web. Most of them do not have telephone. Such a presence could help, among others, presenting on line contracts, budgets, evaluation reports, and stakeholders complains and comments, etc.
- Inexistence of independent neutral bodies in charge of assessment, selection, control, audit, etc, within the education arena.
- The lack of evaluation standards and regulation and unprofessional application of the regulatory framework' provisions for licensing and accreditation of the private HEIs have created conditions for the incidence of corruption.
- MoES has no policy for accreditation of private pre-university institutions. MoES and NIPE fail to inspect systematically all private pre-university educational institutions. No single license is suspended so far.

8.2 The level of education institutions

- Unclear procedures and responsibility for staff. Full briefing on work responsibilities at school level, issuing of guidelines on financial procedures, on selection of textbooks and learning materials, etc., are still lacking.
- The lack of clear procedures for making payments. These include the need for an invoice or claim to be duly certified by an authorized staff member; use of serial numbers in all purchase orders; invoice and receipts to provide cross-reference; and a proper and regular maintenance and period audit of financial statements and accounts.
- Failing supervision/inspection to ensure that all rules and procedures are followed. The monitoring of school funds must be frequent and independent of the head and administrative staff. It should fall under the responsibility of an appropriately experienced and trained person on the School boards.
- Lack of effective system for the enquiries and complaints and for publicize a system of penalties for non-compliance, both for staff and other stakeholders such as school administrators, parents, suppliers and contractors.
- Some teachers accepting gifts or favours that might impair their professional judgement.
- Some teachers putting pressure on parents to send their children to their private tutoring lessons.
- The formal education for anti-corruption is absent or is irrelevant.

9 ANNEX 1: REPORTS/STUDIES

1. Council of Ministers (2008). "Cross-cutting strategy for prevention, fight on corruption and transparent governance, 2008 – 2013" (in Albanian) <http://www.dsd.gov.al/dsd/pub/crosscutting_strategy_for_prevention_fight_on_corruption_and_transparent_final_engl_11dec08_181_1.pdf>
2. MoES. (2008). "Integrated Plan 2008" (p. 23-24) (in Albanian) <<http://www.km.gov.al/skedaret/1215446898-Plani%20i%20Integruar%20i%20Ministrise%20-%20MASH%20-%202008.pdf>>
3. MoES. (2010). "Integrated Plan 2010" (in Albanian) <<http://www.mash.gov.al/Politika%20dhe%20strategji/PIM%202010%20-%20MASH.pdf>>
4. QKZh. (2005). "Assessment of transparency in higher education" (in Albanian) <<http://www.qkzh.org/publications/ArsimiKorrupsion.pdf>>
5. ACAA. (2010). "Improving transparency and accountability in education" (in Albanian) <<http://qshaa.org/index.php?id=97>>
6. ACAA. (2010). Bulletin: "Transparent and accountable governance in education" (in Albanian). <<http://qshaa.org/index.php?id=97>>
7. Magazine "Polis" <<http://www.revistapolis.com/polis/index.php/polis-6-korrupsioni-ne-shqiperi/61-korrupsioni-ne-shqiperi>> (in Albanian)
8. IDRA (2010) - "Corruption in Albania - Summary of findings - Perception and Experience" <<http://www.idra-al.org/>> (in English)

10 ANNEX 2: RECOMMENDED PERSONS AND INSTITUTIONS FOR CONDUCT OF INTERVIEWS

- Prof. Myqerem Tafaj - Minister of Education and Sciences. E-mail: mtafaj@mash.gov.al
- Dr. Stavri Llambiri - Local consultant of World Bank. E-mail: [stavri llambiri@hotmail.com](mailto:stavri_llambiri@hotmail.com)
- Mr. Genc Pollo – Minister for Innovation and ICT. E-mail: gpollo@km.gov.a
- Ledi Shamku – Member of Albania Parliament. E-mail: ledishamku@yahoo.com

- Prof. Jorgaq Kaçani – Rector of Polytechnic University of Tirana. E-mail: jorgaqkacani@yahoo.com
- Prof. Asc. Dr. Dhurata Bozdo –Public Agency for Accreditation of Higher Education / Member of CEEN's Board. E-mail: infoaal@gmail.com. www.aaal.edu.al. Tel/Fax: 04 22 66 302 Telephone: 2 266 302
- Prof. Adem Tamo – Professor UT. E-mail: sidi56t@gmail.com
- Prof. Asc. Dr. Edlira Haxhiymeri – Ex Vice Minister of Education – UT. E-mail: edlira.haxhiymeri@unitir.edu.al
- Prof. Marenglen Spiro – Rector of Private University “Kristal”. E-mail: rector@kristal.edu.al
- “Kristal” University (Private institution). Website: <http://www.kristal.edu.al/>. E-Mail: info@kristal.edu.al. Tel: +355 (0) 42 407 225+355
- Ma. Majlinda Keta – Ex Director of Regional Education Directory of Tirana, Professor UT. E-mail: majlinda.keta@unitir.edi.al
- Bajram Kruja – Chief of Albanian Independent Trade Union of Education. E-mail: fsash@abcom-al.com
- Xhaferr Dobrusha – Chief of Albania Education Union. E-mail: xhaferd@yahoo.com
- Prof. Asc. Dr. Petrit Muka – Private Institute “GAUS” – Instituti Privat “GAUS”. E-mail: ptmuka@yahoo.com
- Hysni Elezi – Chief of Tirana Parents Association. E-mail: h_elezi@yahoo.com
- Faculty of Economics – Tirana University (Public institution). Website: <http://www.fakultetiekonomise.edu.al>. (Dean’s secretary: 2345789)
- State Supreme Audit Institution. Tel: 2247294 / 2251267
- National Inspection for Pre-university Education. Tel: 0684053157
- Tirana City Regional Education Directorate. Tel: 04 229910
- Durres City Regional Education Directorate. Tel: 052 22378
- “Sami Frashëri” – Public Secondary School – Tirana. Tel: 2225873
- “Qemal Stafa” - Public Secondary School – Tirana. Tel: 2226620

- “Tirana Jonë” – Private Secondary School – Tirana. Tel: 22 60 754. E-mail: tiran_jone@yahoo.com
- IDRA - Institute for Development Research and Alternatives. E-mail: idra@albic.net. Web: www.idra-al.org