

Position of the Serbian Community in Free Legal Professions in Kosovo



An analysis of the representation and access of the Serbian community in notarial, legal, and enforcement practices in Kosovo

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¹ All references to Kosovo should be understood to be in the context of United Nations Security Council resolution 1244 (1999).

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INTRODUCTION

The analysis addresses the position of the Serbian community in the liberal legal professions in Kosovo — notaries, lawyers, and private enforcement officers — highlighting underrepresentation, administrative and institutional barriers, as well as the impact of these factors on trust in institutions.

The analysis is based on a combined research approach that includes a review of the relevant legal and institutional framework, an analysis of available data from official institutions (Ministry of Justice, Kosovo Bar Association, Chamber of Enforcement Officers), as well as the results of a questionnaire conducted among members of the Serbian community in Kosovo. Special emphasis is placed on identifying obstacles to access and participation in the liberal legal professions, including administrative barriers, the process of diploma recognition, and the issue of the use of official languages.

Key findings:

- 🏠 Out of 137 active notaries in Kosovo, only one belongs to the Serbian community, and none were appointed in the most recent selection processes, despite the presence of qualified candidates.
- 🏠 In all municipalities with a Serbian majority, the role of notary is performed by individuals from the Albanian community, who most often provide services exclusively in the Albanian language.
- 🏠 Out of 1,456 licensed lawyers, only 34 (2.33%) are from the Serbian community, which is disproportionate to the number of Serbs living in Kosovo.
- 🏠 There is no enforcement agent from the Serbian community in Kosovo; none are deployed in the four northern municipalities with a Serbian majority.
- 🏠 The processes of diploma recognition, the status of the Serbian language, and institutional exclusion additionally hinder access to these professions.

1: NOTARY PUBLIC SYSTEM IN KOSOVO

NOTARY SYSTEM IN KOSOVO

The notary system in Kosovo was established by the first Law on Notaries (03/L-010), adopted by the Assembly of Kosovo in 2008. The reasons for establishing the notary system were numerous, but arguably the most important was the overburdening of the courts in Kosovo and, according to many opinions, the inefficient and inadequate provision of services that are today performed by notaries.² The development of the notary system in Kosovo received significant support from the Swiss government. Specifically, the Swiss Institute for Advanced Notarial Studies (I-H-N) provided training for all notaries, organized the notary exam, and made a key contribution to the legal infrastructure for notarial services.³

LEGAL FRAMEWORK

The current Law on Notaries, more precisely the Law on Public Notaries, was adopted on November 23, 2018. This law, among other things, defines the nature of notarial services, the conditions for selection, and the process for the appointment of notaries.

Thus, Article 2.1 of the Law stipulates that notarial service is a public service performed by notaries appointed by the Minister of Justice, who are independent and impartial in the performance of their duties. The first part of this provision is of particular importance because it defines notarial work as a public service, stemming from the fact that notaries now perform services that were previously carried out by courts before the establishment of the notary system.

² Notary Chamber of Kosovo, see <https://www.noteria-ks.org/per-ne/historiku/>. Unfortunately, most of the information on the website of the Notary Chamber of Kosovo is available only in Albanian, although the Constitution of Kosovo stipulates that the official languages in Kosovo are Albanian and Serbian, in equal use (Article 5.1.).

³ Ibid.

Regarding the issue of language, the Constitution of Kosovo stipulates that Albanian and Serbian are official languages in Kosovo and are equally used.⁴ Additionally, the Law on the Use of Languages (02/L-37) in Kosovo provides that: “Albanian and Serbian and their alphabets are official languages in Kosovo and have equal status in Kosovo institutions.” Furthermore, the law states that: “All persons have equal rights regarding the use of official languages in Kosovo institutions.”⁵ More on this topic will be discussed in the section of the analysis dedicated to the functioning of notaries in Kosovo.

THE PROCESS OF APPOINTING NOTARIES IN KOSOVO

The process of appointing notaries in Kosovo began following the adoption of the Law on Public Notaries. However, this process was marked by numerous issues, allegations of irregularities and manipulation, both in the administration of the notary exam and in the appointment process itself.⁶

The next call for the appointment of notaries was published on July 22, 2019, for a total of 79 notaries in 35 municipalities in Kosovo. However, from the beginning, the competition was accompanied by criticism from opposition parties, civil society representatives, and some international representatives/officials in Kosovo.

The first notaries in Kosovo were appointed in 2011, in a process supported by the Swiss Embassy, USAID, and other partners in Kosovo. At that time, the first ten notaries were appointed and began work in January 2012.

⁴Constitution of Kosovo, Article 5.1., available at <https://md.rks-gov.net/wp-content/uploads/2024/07/8CDBD6D0-A239-49D1-8D71-3D787E327F63.pdf>

⁵Law on the Use of Languages, Article 2, available at: https://kryeministri.rks-gov.net/wp-content/uploads/2022/05/ZAKON_BR_02_L-37_O_UPOTREBI_JEZIKA1346.pdf

⁶ <https://www.slobodnaevropa.org/amp/poni%C5%A1ten-ispit-za-notare-na-kosovu/30445373.html>

Most of the criticism referred to the lack of transparency in the process, failure to meet legal criteria and standards, as well as allegations that candidates with family and political ties to ministry officials and relevant institutions or commissions were favored.⁷ Civil society also expressed the view that the then-Minister, serving under a technical mandate, was not authorized to proceed with the appointment process.⁸ Eventually, this competition was annulled by a decision of the Minister of Justice, Albulena Haxhiu, on February 21, 2020. In connection with the annulment, the NGO ACDC found that at least one appointed notary initiated an administrative dispute, and subsequently submitted a request to the Constitutional Court of Kosovo to assess the constitutionality of the Minister's decision. That request was dismissed as premature, as the applicant had not exhausted all available legal remedies, considering the case was still pending before the Administrative Court.⁹

Subsequently, a new call for notaries was announced in March 2024, for a total of 101 positions across Kosovo municipalities. After the procedure was completed, the Minister of Justice of Kosovo, Albulena Haxhiu, issued a decision appointing a total of 100 notaries. None of the appointed notaries belonged to the Serbian community, although five (5) Serbian candidates had applied.¹⁰ This decision by the Minister was followed by numerous protests and criticisms, including from the legal community, political representatives, and Serbian civil society organizations in Kosovo. Deputy Ombudsperson Mr. Srđan Sentić also issued a public statement, saying: "It is completely unacceptable that among the 100 appointed notaries, there is not a single Serb. There were many qualified candidates who passed the notary exam and

⁷ Kosovo Online, <https://www.kosovo-online.com/vesti/drustvo/hadziu-postupak-imenovanja-javnih-beleznika-vratiti-na-pocetak-18-2-2020>

⁸ We will see later in this analysis that a similar situation occurred with the last appointment of notaries in Kosovo, by the Minister of Justice in a technical mandate.

⁹ Case No. KII01/20, see https://gjk-ks.org/wp-content/uploads/2021/04/ki_101_20_av_srb.pdf

¹⁰ KoSsev portal, see <https://kossev.info/bez-srba-medju-100-novih-notara-na-kosovu-civilni-sektor-i-zamenik-ombudsmana-protestuju-i-traze-revidiranje-odluke-kosovo-online-najnovije-vesti/>

applied for positions in Serb-majority municipalities.” He further emphasized that such actions deepen the Serbian community’s distrust in Kosovo’s institutions.¹¹

In response to the decision, a group of Serbian NGOs published a public statement¹² protesting the fact that none of the Serbian candidates were appointed, despite having significant legal experience. They also expressed concern that the notarial functions in all Serb-majority municipalities would be carried out by Albanians who, according to prior practice, provide services exclusively in the Albanian language. The organizations warned that such a decision sends a message to Serbs that they are not welcome in Kosovo institutions.

The above-mentioned protests by civil society, legal professionals, and the Deputy Ombudsperson did not result in a change of the Minister’s decision. On July 30, a total of eighty (80) notaries in Kosovo took the oath of office before the Minister of Justice.¹³

However, since not all appointed notaries had taken the oath and assumed office, a new call for appointments was issued on December 19, 2024, and was open until January 3, 2025. This competition was annulled, and a new one was published on February 14, remaining open until February 21, 2025. Two candidates from the Serbian community in Kosovo participated in both calls, but neither was appointed. One of the candidates (a legal associate at the Basic Court in Uroševac/Ferizaj, branch in Štrpce /Shtërpçë) was rejected by the Minister based on a negative report from the Kosovo Intelligence Agency (KIA), while the Minister did not make any

¹¹KoSev portal, see <https://kossev.info/bez-srba-medju-100-novih-notara-na-kosovu-civilni-sektor-i-zamenik-ombudsmana-protestuju-i-traze-revidiranje-odluke-kosovo-online-najnovije-vesti/>

¹²The text of the announcement is available on the website of the NGO ACDC, see <https://acdc-kosovo.org/sr-latn/vesti/saopstene-civilnog-drustva-u-vezi-sa-imenovanem-notara-na-kosovu>

¹³See at https://www.facebook.com/MinistriaeDrejtise/posts/906566321513956?ref=embed_post

decision regarding the other candidate, which is contrary to the Law on Public Notary.¹⁴

In relation to this decision, NGO ACDC notes that the Law on Notaries does not prescribe any role for the Kosovo Intelligence Agency in the appointment process. Rather, the law requires candidates to submit a certificate stating that they have no criminal convictions and are not subject to ongoing investigations. Regarding the second candidate, it is concluded that the Minister failed to make any decision likely due to the candidate's extensive legal background, which includes 12 years as a legal advisor to the Constitutional Court of Kosovo and over 5 years of legal practice in Kosovo.

This most recent competition was also accompanied by resignations and objections from certain appointed notaries from the Albanian community. For instance, the notary appointed to the municipality of Leposavić, originally from Istog, filed an objection to the Minister's decision to assign her to Leposavić/Leposaviq, despite her stated preference for Istog and having received the highest score (95 points) of all candidates. Despite having the highest score, the Minister appointed another candidate to Istog/Istok, which followed the annulment of a ministerial administrative instruction. That instruction had previously stipulated that in cases with multiple candidates for notary positions within a given municipality, the candidate(s) with the highest score should be appointed.¹⁵

Finally, after several competitions, annulments, and new calls, the appointment process was concluded with the Minister's decision in April 2025. On May 14, ten (10) newly appointed notaries took the oath of office before the Minister of Justice,

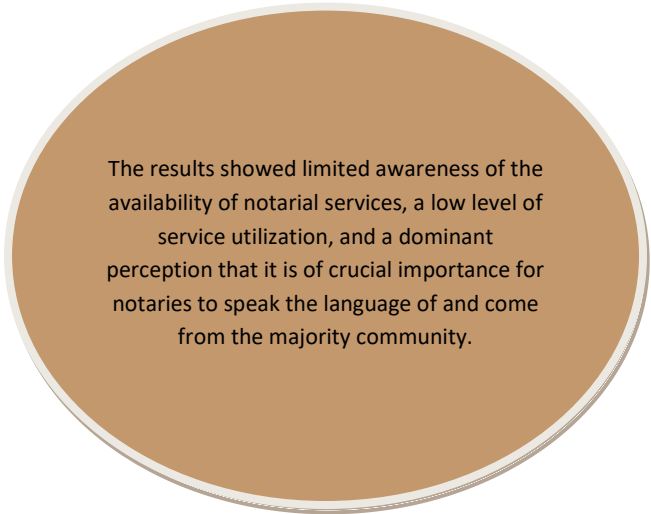
¹⁴ Article 10.8 of the Law on Public Notary stipulates the obligation to inform the candidate for notary about the reasons for non-appointment, as well as about the candidate who was appointed.

¹⁵ https://nacionale.com/video/se-di-cili-ka-gene-qellimi-i-saj-noterija-rrefen-hakmarren-e-pashpjegushme-te-albulena-haxhiut?fbclid=IwY2xjawJ1lGtleHRuA2FlbQlxMQABHpBrCWWI9NB9J8VcWXNNCawjM1oWXwULYSAI-iaobs1AKMfydSIXfKq-NMcJ_aem_jBZeXiQGD3DVCiqocZNjAQ

thereby completing the appointment process.¹⁶ An overview of the situation will be given in the next section.

QUESTIONNAIRE ON ACCESS AND PERCEPTION OF LEGAL SERVICES AMONG SERBS IN KOSOVO

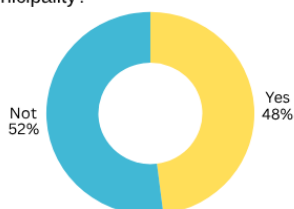
As part of the research, a questionnaire was conducted among members of the Serbian community in Kosovo with the aim of assessing access to and perceptions of legal services, primarily in the field of notarial services. The questions focused on public awareness of the existence of notary offices, experiences in using such services, as well as the importance of the notary's language and ethnicity.



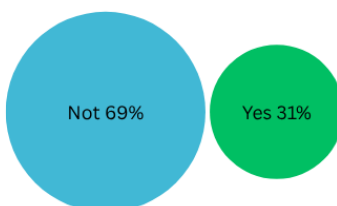
The results showed limited awareness of the availability of notarial services, a low level of service utilization, and a dominant perception that it is of crucial importance for notaries to speak the language of and come from the majority community.

¹⁶ <https://md.rks-gov.net/sr/lajmet/deset-novih-javnih-beleznika-polozilo-je-zakletvu-cime-je-zaokruzeno-potpuno-prosirenje-javno-beleznicke-sluzbe-u-republici-kosovu/>

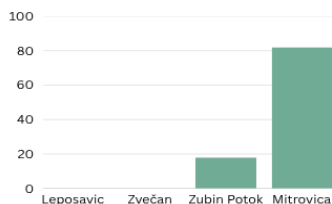
Do you have information about the existence of a notary office in your municipality?



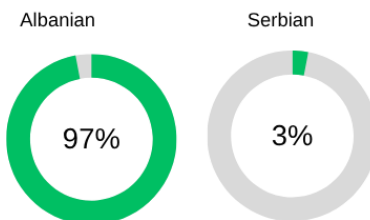
Have you used the services of a notary in the last year?



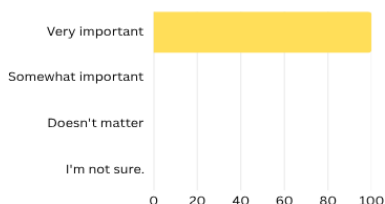
If the answer is YES, please specify the municipality in which the notary's office is located?



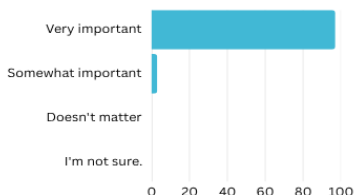
If YES, was the service provided to you in Albanian or Serbian?



In your opinion, how important is it for a notary to speak the language of the majority population in the municipality?



How important is it that notaries come from the majority community in a given municipality?



Give reasons:



Knowledge of the official language of the majority community



Trust



Representation of Serbs and other non-majority communities in institutions and liberal legal professions

FINAL CONSIDERATIONS AND STATE OF PLAY

- Following the completion of the notary appointment process in May 2025, the summary provided by the Ministry of Justice indicates that there are currently 137 notaries in Kosovo, distributed across 38 municipalities.¹⁷
- Out of the total number of notaries (137), only one notary comes from the Serbian community. That notary was selected in the first competition and operates in the municipality of Novo Brdo/ Novobërdë.
- In all Serb-majority municipalities, except for Novo Brdo/Novobërdë, notaries appointed have come from the Albanian community. From the call announced in March 2024 to the most recent one in February 2025, notaries were appointed in Štrpce/Shtërpçë, Gračanica/Graçanicë, Parteš/Partesh, Ranilug/Ranillug, Klokot/Kllokot, North Mitrovica/Mitrovicë, and Zubin Potok/u. After the withdrawal of the notaries appointed for the municipalities of Leposavić and Zubin Potok, the Minister of Justice decided that the notary appointed for Zubin Potok would provide services in both of these municipalities. In this regard, we emphasize that the appointment decisions, including this decision concerning the municipalities of Leposavić and Zvečan, were made during the Minister of Justice's technical mandate.
- The number of registered candidates for notaries from the Serbian community has decreased from 2019 (10 candidates) to 2025 (2 candidates), indicating demotivation as a result of the continuous refusal to appoint candidates from the Serbian community.
- The notary appointment process was marked by annulments and repeated calls for applications, as well as unclear criteria in the appointment of notaries in certain municipalities. In this regard, particular concern is raised by the repeal of the administrative instruction during the appointment process, as well as the introduction of new criteria into the practice itself (such as security clearance by the Kosovo Intelligence Agency), which is not foreseen by law. This seriously undermined the legality and impartiality of the process, which may be grounds for its annulment.

¹⁷A list of notaries and their contact details are available on the website of the Notary Chamber of Kosovo, see <https://www.noteria-ks.org/noteret/>

- Taking all of the above into account, and especially the fact that none of the appointed notaries are from the Serbian community, it can be concluded that the process largely ignored the legal criteria and the necessity of ensuring representation of non-majority communities. This further leads to the conclusion that the process was influenced by political interests and criteria.
- Finally, based on the previous practice in notary offices in Kosovo — particularly in South Mitrovica — the issue that remains unresolved after this latest round of appointments is the use of the Serbian language as an official language in Kosovo. Practice has shown that notaries from the Albanian community provide services exclusively in Albanian, even in cases where the clients are exclusively Serbs. This practice is permitted by Article 32.1 of the Law on Notaries¹⁸, which states: “All certified acts shall be issued in the Albanian or Serbian language, depending on the language better known to the notary processing the act.” However, the NGO ACDC argues that this provision limits the constitutional right of Kosovo Serbs to use Serbian as an official language in Kosovo (guaranteed by Article 5.1 of the Constitution of Kosovo), especially considering that Article 2.1 of the Law on Notaries defines notarial services as public services (which is logical since these services were delegated to notaries from the courts), while the Constitution stipulates that public services must be provided equally in both official languages.
- The above-described practice in the work of notaries in Kosovo further undermines the trust of the Serbian community and other non-majority communities in Kosovo's institutions. This provision, which was intended to be an exception, in practice becomes the rule due to the lack of licensed notaries from among Kosovo Serbs.
- The absence of notaries from the Serbian community in Serb-majority municipalities will also affect the insufficient legal certainty and protection of personal and property rights, given that knowledge of the language in which notarial procedures are conducted is a necessary prerequisite for such protection.

¹⁸ Law on Public Notaries (06/L-010), Article 32.1. see <https://md.rks-gov.net/wp-content/uploads/2024/07/50A20013-2C40-4F92-8C4C-B0D4E9FDDE3E.pdf>

RECOMMENDATIONS

Taking all of the above into account, the NGO ACDC makes the following recommendations:

- Announcing a new call for the appointment of notaries from the Serbian community to be assigned to Serb-majority municipalities. Currently, there are vacant positions in the municipalities of Zvečan/Zveçani and Leposavić/Leposaviq, although this recommendation applies to all municipalities with a Serb-majority population. This should be a strategic goal of both the Ministry and all relevant stakeholders, aimed at ensuring legal certainty and trust in institutions;
- Establish a budget fund to cover the cost of translating all notarized documents into Serbian, as the current practice of having Serbian clients bear the cost themselves constitutes a violation of their constitutionally guaranteed right to receive public services in Serbian as an official language in Kosovo;
- Submit a request to the Constitutional Court of Kosovo for a review of the constitutionality of Article 32.1 of the Law on Notaries, which grants notaries the discretion to provide services in the official language they know better. This provision is inconsistent with the constitutionally guaranteed right to receive public services in Serbian, and also contradicts the constitutional provision on the equal status of both official languages in Kosovo. In light of the provisions of the Constitution on the Constitutional Court ¹⁹, and in relation to authorized applicants, the NGO ACDC suggest that civil society organizations address the Ombudsperson of Kosovo with a request to submit such a request to the Constitutional Court;
- Amendment of Article 32.1 of the Law on Notary Service to stipulate that the costs of translation into another official language shall be covered by the Kosovo budget. Until such amendments are adopted, a dedicated

¹⁹Constitution of Kosovo, Article 113.2., see

<https://old.kuvendikosoves.org/common/docs/Ustav1%20Republike%20Kosovo%20Srpski%20.pdf>

budgetary fund should be established from which parties will be reimbursed for translation costs by an authorized court interpreter.

- Finally, a training program for Serbian legal professionals to prepare for the notary exam is necessary, along with efforts to mobilize the legal community and raise awareness about the importance of representation of non-majority communities in the free legal professions in Kosovo, particularly in the notary service.

2: REPRESENTATION OF SERBS IN THE LEGAL PROFESSION IN KOSOVO

LEGAL FRAMEWORK

The current Law on Advocacy (04/L-193) in Kosovo was adopted on May 2, 2013. The law defines advocacy as an independent and autonomous profession engaged in *“providing legal assistance to natural and legal persons for the protection of freedoms, rights, and interests in accordance with the legal order.”*²⁰

The law stipulates that *“The right to practice law is acquired by registering in the Chamber’s register.”* It also states that *“The procedure for exercising the right to practice law is initiated by submitting a written request to the Chamber.”*²¹

The conditions for taking the bar exam in Kosovo are regulated by the Law on the Bar Exam.²²

1. A candidate applying for the exam must meet the following requirements:

- 1.1. be a habitual resident of Kosovo;
- 1.2. hold a degree from a Faculty of Law;
- 1.3. have worked or completed an internship of one (1) year in courts, state prosecutor’s offices, or law firms;
- 1.4. have worked for two (2) years in legal positions in notary offices, enforcement offices, public institutions, enterprises, state agencies, companies, gained professional experience in NGOs in the field of justice, or in the administration of international institutions in Kosovo or abroad.

2. Certificates on completed internships and work experience referred to in points 1.3 and 1.4 of this Article are issued by relevant institutions and are counted after the completion of undergraduate studies.

3. A candidate who graduated from a Faculty of Law at one of the universities in Kosovo must have their diploma recognized (nostrified) by the Ministry of Education, Science, and Technology.

²⁰ Law on the Bar, Article 3.

²¹ Ibid.

²² Law on the Bar Exam 08/L-033, available at <https://md.rks-gov.net/wp-content/uploads/2024/07/5A8FA3B5-128C-411D-A60C-F6F3EF764637.pdf>

4. By way of exception to point 1.1 of this Article, a foreign national who graduated from a Faculty of Law at one of the accredited higher education institutions in the Republic of Kosovo may take the bar exam only if in possession of a residence permit in the Republic of Kosovo.

In the context of the conditions above, it should be emphasized that the process of diploma recognition (nostrification), which is a requirement for all candidates who obtained their degrees outside of Kosovo, remains one of the key obstacles for young Serbian legal professionals. Namely, several young lawyers from the Serbian community shared their experiences regarding the nostrification process, which, in practice, is often not implemented. Many requests for diploma recognition have not been processed or decided upon even years after submission.

Finally, the third relevant legal document is the Statute of the Kosovo Bar Association, which regulates, *inter alia*, the internal organization of the Chamber. In this context, special attention should be paid to Article 77 of the Statute, which defines the governing bodies of the Bar Association. Namely, among the bodies of the Kosovo Bar Association, there is no longer a Council for Non-Majority Communities, which previously dealt with the inclusion and representation of lawyers from non-majority communities in Kosovo. This Council was typically chaired by a lawyer from the Serbian community in Kosovo²³. However, it is now evident that such a Council no longer exists as a body within the Chamber, nor is it foreseen by the Statute.

REPRESENTATION OF LAWYERS FROM THE SERBIAN COMMUNITY

As part of the research and reporting process, trends in the number of lawyers from the Serbian community who are members of the Kosovo Bar Association were monitored.

In this regard, an increase in the number of Serbian lawyers in Kosovo was observed following the integration of the judiciary and the beginning of the diploma recognition process for the University of North Mitrovica.

Nevertheless, the conclusion of the NGO ACDC—as well as that of lawyers from the Serbian community—is that their overall number remains insufficient in relation to

²³ Information obtained in a conversation with Serbian lawyers in northern Kosovo.

the number of Serbs in Kosovo. In many cases involving suspects or defendants from the Serbian community, lawyers from other communities—primarily the Albanian majority—are appointed due to the lack of available Serbian lawyer,

A review of the website of the Kosovo Bar Association ²⁴, regarding lawyers from the Serbian community, led to the following information:

- 1. There are currently 1,456 licensed lawyers in Kosovo, members of the Kosovo Bar Association;
- 2. Of the total number of lawyers, 34 lawyers come from the Serbian community in Kosovo.

The representation of lawyers from the Serbian community by region is distributed as follows:

Region	Total number of lawyers	Number of Serbian lawyers	%
Prishtina	765	13	1.70%
Peć/Pejë	160	0	0%
Prizren	132	0	0%
Uroševac/Ferizaj	98	4	4.08%
Gnjilane/Gjilan	117	4	3.42%
Mitrovica/ë	104	13	12.50%

Based on the above data, it is evident that there are not enough lawyers from the Serbian community, particularly when considering the number of Serbs in Kosovo.

²⁴Last review performed on June 18, 2025

Out of the total number of lawyers in Kosovo, Serbs represent only 2.33%. The reasons for such a small number of Serb lawyers are numerous, among which the following stand out:

1. Non-recognition of diplomas from Serbian universities.
2. The lack of programs that would prepare and motivate young Serbian lawyers to engage in legal practice in Kosovo.
3. The Absence of a Council for Non-Majority Communities within the Kosovo Bar Association, which could work on enhancing the inclusion of young legal professionals from the Serbian and other non-majority communities.

RECOMMENDATIONS

Based on the identified situation regarding the underrepresentation of lawyers from the Serbian community, the NGO ACDC proposes the following measures:

- Amend the Statute of the Kosovo Bar Association by adding provisions that would prescribe and regulate the establishment of a Council for Non-Majority Communities;
- Implement the Agreement on Diploma Recognition and allow all candidates from the Serbian community in Kosovo to apply for the bar exam, regardless of whether they hold a degree from a university in Kosovo or Serbia;
- Support programs aimed at mobilizing young Serbian legal professionals and raising awareness of the importance of inclusion in the legal profession in Kosovo.

3: PRIVATE ENFORCEMENT AGENTS IN KOSOVO: LEGAL FRAMEWORK, TERRITORIAL DISTRIBUTION, AND CHALLENGES OF ETHNIC REPRESENTATION

INTRODUCTION

The introduction of private enforcement agents into the legal system of Kosovo represents one of the key reforms following the declaration of independence, with the goal of improving the efficiency of debt collection and reducing the burden on courts. This process began in 2014 with the introduction of the legislative and institutional framework, with active support from the international community, particularly USAID.²⁵ Although the system has brought certain positive results in terms of enforcing judgments and recovering debts, it still faces numerous challenges — in terms of legal transparency as well as ethnic equality, especially in areas with a Serb majority.

LEGAL AND INSTITUTIONAL FRAMEWORK

Private enforcement agents operate in accordance with the Law on Enforcement, as well as a series of bylaws issued by the Ministry of Justice. Since 2014, they have had jurisdiction over most enforcement matters, with the exception of family and labor disputes, which remain within the courts' jurisdiction. The Ministry of Justice appoints enforcement agents, monitors their work, and conducts disciplinary proceedings, while the Chamber of Private Enforcement Agents is responsible for protecting the interests of the profession and ensuring ethical standards²⁶. The introduction of the Electronic Enforcement Case Management System (EMS) in 2022 marked an important step toward a more transparent system. It enables public and institutional oversight of each enforcement agent's performance, thereby encouraging greater accountability²⁷.

DISTRIBUTION OF PRIVATE ENFORCEMENT AGENTS BY REGION

²⁵ USAID Kosovo, Functional Review of Enforcement System in Kosovo, 2019.

²⁶ Chamber of Private Enforcement Agents of Kosovo, official presentation, 2022.

²⁷ USAID & Ministry of Justice, *Enforcement Management System Overview*, 2022.

According to data from the Ministry of Justice, there are currently 41 private enforcement agents engaged in Kosovo, distributed across the following regions:

Prishtina	20
Uroševac/Ferizaj	4
Prizren	4
Peć/Pejë	5
Đakovica/Gjakovë	3
Gjilane/Gjilan	3
Mitrovica	2

This distribution is based on the legal criterion that there should be at least one Private Enforcement Agent for every 25,000 inhabitants²⁸. The largest number is located in Pristina, the administrative and economic capital²⁹, while the fewest Private Enforcement Agents operate in Mitrovica – a region with a specific ethnic composition and political sensitivity³⁰.

ETHNIC STRUCTURE AND CHALLENGES IN SERBIAN COMMUNITIES

Although official data on the ethnicity of the Private Enforcement Agents are not available³¹, it is assumed that the majority of the appointed enforcement agents are of Albanian nationality, reflecting the demographic structure of central and southern Kosovo. There are no enforcement officers in the municipalities of North

²⁸ Ministry of Justice of Kosovo, “Report on the Number of Private Enforcement Agents by Region”, 2024.

²⁹ Kosovo Agency of Statistics, *Population Census 2024*.

³⁰ BIRN Kosovo, *Justice Monitor Report for North Kosovo*, 2023.

³¹ The Ministry of Justice has not published records by ethnicity.

Mitrovica/Ē, Leposavić/Leposaviq, Zvečan/Zveçani and Zubin Potok/u in northern Kosovo. There are two in the Mitrovica region, in the municipality of South Mitrovica. Based on available data, there are currently no enforcement officers from the Serbian community in Kosovo, and it is questionable whether there are any who have passed the exam for enforcement officers. This situation leads to a lack of trust among the Serbian population in institutions, especially in cases where enforcement is carried out by Albanian enforcement officers in majority Serb municipalities³². Although all habitual residents are formally equal before the law, the lack of ethnic sensitivity in the selection and operation of enforcement agents potentially fuels tensions and contributes to a sense of legal insecurity.

FINANCIAL EFFICIENCY AND CRITICISM

According to USAID reports, the private enforcement system has contributed to improved debt recovery, reduced interest rates, and better credit discipline. However, in practice, numerous complaints have been recorded regarding high costs, including enforcement fees, value-added tax (18%), and additional attorney fees. There have also been reports of abuses and disciplinary sanctions — since 2014, two enforcement agents have been dismissed, and more than 25 fined³³. In some cases, enforcement costs exceed the amount of debt, leading to public criticism, especially in the media and on social networks³³.

FINAL CONSIDERATIONS

Although private enforcement agents have contributed to increased efficiency of the judiciary and improved financial discipline, the system still suffers from numerous shortcomings: high costs, insufficient transparency, and ethnic imbalance. The absence of Serbian enforcement agents in Serb-majority areas contributes to legal and political fragmentation, which contradicts the proclaimed principles of equality and inclusion.

32 USAID Kosovo, Justice Matters Activity: Performance Review, 2020.

33 Kallxo.com, Koha.net, Telegrafi.com – media reports 2023–2025.

System improvement must include:

- A more transparent selection process for enforcement agents;
- Ensuring ethnic and regional representation;
- Public availability of data on enforcement agents' performance and complaints;
- A revision of tariffs in line with actual economic conditions.

Only through such reforms can the enforcement system in Kosovo gain full legitimacy in the eyes of all habitual residents, regardless of ethnicity or region.

GENERAL CONCLUSION OF THE ANALYSIS

The analysis has shown that the Serbian community in Kosovo is not equally represented in the free legal professions – notary, advocacy, and enforcement practice. Although equality and the use of the Serbian language are guaranteed by the Constitution, practice reveals a series of obstacles – from the lack of institutional support and unrecognized diplomas to insufficient political will and ethnic insensitivity in the appointment processes.

To improve inclusion, consistent implementation of the Constitution and laws, more transparent procedures, and active support for representatives of non-majority communities in the judicial system are necessary.

