

PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 2003 / 16

Based on the Chapter 5, and point 5.1. (k); Constitutional Framework of the Provisional Self-Government, UNMIK regulation No.2001/9 of 15 May 2001, and UNMIK Regulation No. 2001/19 section 2, point 2.2, annex IX point (ix) over the branch of the executive for provisional Self-governing institutions in Kosovo.

Considering the regulation UNMIK/REG/2001/14 of 2 July 2001 establishing the Kosovo Statistical Office, specifically in its Section 1, point 1.2, and Section 2, point (g);

Upon the proposal of the Government, Assembly of Kosovo in its compulsory Plenary Session on July 11, 2003 approved:

LAW

ON THE KOSOVO POPULATION AND HOUSING CENSUS

Chapter I

GENERAL PROVISIONS

Article 1

Herein Law define:

- a) The way of organising and development process of the population ,Family Properties and Housing Census in Kosovo(in the following Draft: Census);
- b) Establishment, components, competencies and responsibilities of the bodies which maintain, assists and realise the Census.
- c) Starting, duration time and finalizing of the Census process.
- ç) The necessary documentation to accomplish the Census Process.
- d) Procedure of arranging, processing and saving of dates coming out of the Census results,
- dh) The way on publish of dates and protection of professional confidentiality, and
- e) Administrative measurements against the violators of the provisions under this Law.

Article 2

The aim of the census

1. The Census shall include collecting, processing and administration in accordance with updated standards of the correct statistical dates on population, economy, and housing of Kosovo and the other reliable information in need of Kosovo Institutions (Presidency, Government, Assembly of Kosovo and Municipalities) necessary for economical organisations, scientific and cultural institutions, Government and Non Government Organisations, scientific and cultural employees, others interested on, in order of planning and implementing of general development policies for taking decision, scientific researches and other necessary analyses on the various areas of Civil Society of Kosovo.

2. The census should provide information on:

- a. The number and the geographical distribution of the population;
- b. The demographic structure and main socio-economic characteristics of the population;
- c. The number, the geographical distribution and the structure of dwellings and buildings used for housing purposes;
- d. The housing conditions of the population.

Article 3

Use of terms

In the meaning of this law the terms below shall be understood as follows:

- a) **“Resident population”** shall mean the population consisting of individuals, who on the enumeration day, they or their relatives offer to the registration staff, proves and evidences of being permanent residents of Kosovo, as well as those who are temporarily out of Kosovo.

Resident Population in meaning under point (a) of this Article shall not be considered UNMIK, KFOR staff, the Foreign Liaison Offices staff present in Kosovo, the Government and Non Government Organisation staff, as well as refugees and the foreign citizens temporally present in Kosovo.

- b) **“Dwelling”** shall mean one or more spaces, designated for dwelling, which have an independent entry to a street, and at the moment of the census is inhabited or is destined to be inhabited by a person or group of persons.

Other concepts to be used in the enumeration process shall be defined in the methodological guidelines of the census.

Article 4
Obligation to respond

Resident population of Kosovo are obligated to provide all reliable correct information details of themselves and their relatives.

Article 5
The authority of the census

Census is carried into execution by the Statistical Office of Kosovo , through relevant bodies determined in the chapter II of this Law under the direct supervision of Central Census Commission.

Article 6
Term within the census is carried into execution

Time (data, month and year) to carry into execution the census is determined through a special decision coming out of the Assembly of Kosovo.

Article 7
The object of the census

1. The census includes all urban and rural areas and is therefore conducted throughout the territory of Kosovo.
2. The census includes the residential population as well as all premises within the territory of Kosovo that are used for dwelling, independently if they are movable or immovable property, in state of time before March 23, 1989.

Article 8
The dates collected by the Census

The information collected by the census consists of two categories of data:

- a) The information data details on the individuals identity (Family Name, First Name, Father's Name, Mother's Name, Date of Birth/date, month, year/Place of birth, National entity, gender as well as the address-permanent residency.
- b) Information data details on the structure and the characteristics of the family or individual dwelling objects inquired only for statistical purposes in compliance with the international standards.

Article 9
Data protection and professional secrecy

Bodies determined in Chapter II of this Law, during and after the Census Process provide:

- a) Protection of the fully professional confidentiality on the personal information details dates of the registrants in compliance with the provisions of the Regulation 2001/4 on the establishment of the Statistical Office of Kosovo,
- b) Prevent the unauthorized access to the database of the personal information details,
- c) Treatment as” anonymous information details” of all personal dates information of the registrants during and after the census process, technical control and certifying of their correct authenticity,
- d) The aggregated data and the anonymous individual data can be communicated to an authorised third party only for activities that are in conformity with the statistical aim of the census. The recipient of the data is subject to the duty of professional secrecy; the recipient takes the appropriate security measures and ensures that any publication of statistical results will conform to the law provisions.

Article 10
The results of the census

SOK , in compliance with the provisions of the Regulation No:2001/4 and in compliance with this Law communicates and publish the preliminary results of the Census as well as the final ones.

Article 11
Statistical registers and questionnaires (forms) for Census process

In order to carry into execution the census, to collect the fully necessary details information, SOK and Census Office prepares the Registers, questionnaires and the other relevant documentation for census of individuals identifying information details, as well as the dates of dwellings, streets,(addresses), residencies, family economies and the enterprises of individuals who on the enumeration day , declare themselves self employed in (Agricultural, Industry, artisan and the other public services) as well as their business capacity.

Chapter II
COMPOSITION, COMPETENCIES AND RELATIONS OF
THE BODIES IN CHARGE OF THE CENSUS

Article 12
Central Commission of the Census

The Central Commission of the Census is composed from the representatives of the:

1. Government of Kosovo	Chairman
2. Ministry of Public Services	Deputy Chairman
3. Ministry of Finance and Economy	Member
4. Minister of Culture, Youth, Sports and Non Residents Affairs	Member
5. Minister of Agriculture, Forestry and Rural Development	Member
6. Kosovo Cadastre Agency	Member
7. Statistical Office of Kosovo	Member
8. Principal International Officer , Ministry of Public Services	Member
9. International Officer, Statistical Office of Kosovo	Member

2. With the proposal of the Government the Central Census Commission is elected by the Assembly of Kosovo

Article 13
Competencies of the Central Census Commission

The Central Census Commission the has the following competencies:

- a. It compiles and approves the administrative directions that functionalise this law.
- b. It supervises the preparation and ongoing of the census and advises SOK on the statistical information expected from the public authorities, the scientific circles and the civil society,
- c. It guarantees the co-ordination of work between public authorities and scientific organisation and civil society.
- d. It proposes to the Government members of the Municipality Census Commissions and defines their duties.

Article 14
The Statistical Office

The Statistical Office of Kosovo (SOK) has the following competencies:

- a. It compiles the program of work, defines the methodology, selects the appropriate technical means and software programs, draws the questionnaire, issues the necessary instructions and conducts the preparation and the execution of the census on independent scientific basis.

- b. It manages the staff engaged to the Census process and financial resources provided for the census and reports to the Central Commission of the Census and to international donors on the use of these resources.
- c. It informs the relevant governmental authorities and bodies on the steps that should be taken for the census, conducts the public information campaign and reports to the Central Commission of the Census on the development of the census operations.
- d. It establishes the terms of reference and training guidelines that must be applied by the census commissions and offices in municipalities for the selection and training of the census staff. It conducts the fieldwork by registering the dwellings and buildings and takes all the necessary measures to ensure the timely and correct completion of the census, in co-operation with the census organs in municipalities.
- e. It presents and publishes the preliminary and final results of the census.
- f. Statistical Office of Kosovo has the right to withdraw the administrative directions according to the needs of the execution of this law.

Article 15
Census organs in the municipalities

With the proposal from the Census Central Commission, Government establishes a Census Commission and a Census Office in each Municipality. This Office has the following tasks:

- a. Following the instructions and decisions of the SOK, it takes all necessary measures for ensuring the normal development of the census operations within the territory of the Municipality and provides information and assistance to census staff in cities and villages.
- b. It selects and trains the enumerators and controls the implementation of their duties.
- c. It reports every week to SOK on the development of the census process within the territory of the Municipality, while during the census week reports every day.
- d. It takes appropriate steps for ensuring good reception of census materials in the Municipality, safe depositing of these materials and timely delivery of them to SOK.

Chapter III

BUDGET

Article 16

1. Government of Kosovo is obligated, within two months from the signature date of promulgation of this Law to present for approval in the Assembly of Kosovo, the proposal of list on names of members to the Central Census Commission as well as the draft account of general expenses for preparedness and normal development of Census process.
2. Assembly of Kosovo after the reception of the documents from the paragraph 1 of this Article, in its order plenary session shall present them for debate and approval.

Chapter IV CENSUS PROCEDURES

Article 17 Publicity

- a). SOK, through the media and by means of a broad information campaign, shall make public the aims, and procedures of the census, as well as the legal obligations related to it.
- b) The general information of the public on the conduction of a census in Kosovo, should start immediately after this Law comes into effect.
- c) An intensive and daily information campaign should start at least two months prior the beginning of the census.

Article 18 Kosovo Cadastre Agency

The Kosovo Cadastre Agency (KCA) shall make available on time to SOK the maps and other geographical and cartographic information that are needed in order to carry out the census.

Article 19 Local administration and municipalities

1. Responsible department for local administration and municipalities should determine, in a clear method, street names in all cities and villages of Kosovo, prior to the beginning of the census activities. Municipalities, should, establish and facilitate the address system in compliance with Article 11, of this law.
2. Responsible department for local administration and municipalities should maintain a stable and clear system of names and addresses in all villages and towns of Kosovo.

Article 20 Central Data Processing Centre

The Central Processing Centre shall make available to SOK all information and material or equipment that are needed in order to carry out the census.

Article 21 Census staff

1. Census Staff is composed of:
 - a. Enumerators, who, equipped with a distinctive official identification sign, go to every residence in order to interview the inhabitants and fill the census questionnaire accurately;
 - b. Number of operators that they do coding and material checking;

- c. Controllers, who support and control the work of a number of enumerators;
 - d. Supervisors, who support and control the work of a number of controllers;
 - e. Processors of the data manually and operators who enter the data from the questionnaires in to the computerised systems;
 - f. Managerial staff, that organises and conducts the preparation, information, logistics and administration of the census;
 - g. Statisticians, demographers and other staff, who process the data, analyse the aggregates and produce the statistical results of the census;
 - h. International technical advisors.
2. SOK establishes the criteria for the selection, employment and training of census staff, that is appointed as follows:
- a. Appointment of enumerators is made by the Census Office at municipality;
 - b. Appointment of controllers is made by SOK offices on the proposal of the Census Office at municipality;
 - c. Appointment of supervisors is made by SOK;
 - d. Appointment of processors of the data manually, operators, managerial staff and scientific experts is made by SOK.

Article 22
Prohibition of similar data collections

- 1. Within period of six months of prior the execution of the census and during the period of the collection of census data it is prohibited to all individuals and organisations, local or international to collect similar data within the territory of Kosovo.
- 2. In conformity with the legislation in force, all subjects who during the period mentioned above intend to collect information on individuals and dwellings or related to private and commercial activities, shall request a special authorisation to the Central Commission of the Census.

Chapter V
Punitive measures

Article 23
Contraventions

- 1. Any breach to the rules provided in article 4 and 9 shall be considered as an administrative infringement and shall be punishable with a fine of 1,000 to 2,000 €
- 2. Any breach of the rules provided in the article 19, shall be considered as an administrative infringement and shall be punishable with a fine of 1,500 to 3,000 €

Article 24

The punishments by fine of administrative infringements set forth in article 22 are given from the chairman of the Census Commission in municipality. A claim against this decision can be filed at the Central Commission of the Census within 10 days, from the day the declaration of the decision was brought. A claim against the decision of the Central Commission of the Census can be filed at the Court of minor offences within 10 days of the declaration of its decision.

Chapter VI FINAL PROVISIONS

Article 25

Government of Kosovo is obligated, within two month after the date of coming into effect of this Law, to issue the sub normative acts in compliance with the provisions of the Articles 11-21 of this Law.

Article 26

Coming into effect of this Law avoid the execution of all current provisions which have already been maintaining this subject.

Article 27

This law enters into force on the signature date of promulgation.

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