

Pursuant to Article 82 paragraph 1 item 2 and Article 91 paragraph 1 of the Constitution of Montenegro, at the third session of the second ordinary (autumn) session in 2022 held on 12 December 2022 the 27th Parliament of Montenegro adopted

LAW
ON CENSUS OF POPULATION, HOUSEHOLDS, AND DWELLINGS

Subject Matter
Article 1

This Law shall regulate the rules for the preparation, organization, and implementation of Census of Population, Households, and Dwellings (hereinafter referred to as the “Census”).

Period and method of implementing the Census
Article 2

The Government of Montenegro (hereinafter referred to as the “Government”) shall determine the period of data collection of the Census, as well as the Census reference moment.

Census Units
Article 3

The Census shall include the following units:

- 1) Persons:
 - Montenegrin citizens living in Montenegro, or with the place of permanent or temporary residence in Montenegro regardless of whether they are present in the place of residence or temporarily reside in another place in Montenegro or abroad;
 - Foreigners with permanent or temporary residence in Montenegro and foreigners who have a place of residence from Article 7, paragraph 1, item 4 of this Law;
- 2) Households;
- 3) Dwellings, and other occupied housing units.

Units not covered by the Census
Article 4

The Census shall not cover the diplomatic personnel of foreign diplomatic and consular missions in Montenegro, representatives of international organizations and bodies with diplomatic status, as well as the members of their narrow families residing with them in Montenegro.

Census and post-enumeration survey methodology
Article 5

The Census and post-enumeration survey shall be carried out according to an internationally comparable methodology, and other instructions of administration authority responsible for statistics (hereinafter referred to as the “Statistical Office”) defining preparation,

organization, and implementation of the Census, as well as processing and dissemination of the Census data.

Dissemination of census data in accordance with paragraph 1 of this Article shall be any activity, which include the presentation of the results of the census, as well as the method and the form of providing access to the results of census, with the data on sources, and methods of data collection.

Quality principles

Article 6

In preparation, organization, and implementation of the Census, as well as in processing and dissemination of census results, the principles of official statistics of Montenegro shall be applied in accordance with the law governing the official statistics.

With the objective of fulfilling obligations arising from international treaties and agreements, the following quality assessment principles shall apply to the data:

- 1) Relevance shall refer to the degree to which statistics meet the current and potential needs of users;
- 2) Accuracy shall refer to the closeness of estimates to the unknown true values;
- 3) Timeliness and punctuality shall refer to the delay between the reference period and the availability of results, i.e. meeting the announced deadlines in publishing the results of the Census;
- 4) Accessibility and clarity shall refer to the conditions under and modalities by which users can obtain, accurately use and interpret data;
- 5) Comparability shall refer to the measurement of the impact of differences in applied statistical concepts and measurement tools and procedures when statistics are compared between geographical areas, sectoral domains, or over time, and
- 6) Coherence shall refer to the adequacy of the data to be reliably combined in different ways and for various uses.

Definitions

Article 7

The terms used in this law have the following meanings:

- 1) **Foreigners** shall mean a citizen of another state or a stateless person;
- 2) **Enumerated population** shall include persons referred to in Article 3, paragraph 1, item 1 of this Law;
- 3) **Population** shall include persons with their usual place of residence in Montenegro;
- 4) **Usual place of residence** shall mean a place where a person usually spends the day, regardless of temporary absence due to recreation, vacation, visiting friends or relatives, business absence, as well as absence due to treatment or religious pilgrimage, as well as a place where the person stays uninterruptedly, at least one year before the Census reference moment or who has arrived at the usual place of

residence in the course of 12 months prior the Census reference moment with the intention of staying there for at least one year;

- 5) **Household** shall mean any family or other community of persons that live together, regardless of whether all members have been permanently located in the place where the household has been located or some of them stay for a long time in another settlement, or foreign country, for work, schooling or other reasons. Household shall also mean a person that lives on their own (single household) in a place covered by the Census and who does not have a household in another place or abroad. A household shall also be a collective household, or a household consisting of persons living in institutions providing residential care for children and adult persons and in hospitals for the accommodation of terminally ill patients, monasteries, convents, and other religious buildings;
- 6) **Dwelling** shall mean a structurally separate and independent unit at a specific location, which is intended for permanent residence of people and which is at the Census reference moment, in use for housing or empty or used for seasonal or secondary (temporary or occasional) use.
- 7) **Collective dwelling** shall mean the premises intended for the housing of a large number of people or several households, which are used by at least one person as a usual place of residence at the time of the census;
- 8) **Census reference moment** shall mean the date and time to which the data on census units refer;
- 9) **Administrative data sources** shall mean the records, registers, databases, and other data sets on legal entities and physical persons established and maintained by state authorities, local government bodies, and other organizations and institutions;
- 10) **Post-enumeration survey** shall mean a survey conducted for assessing the coverage and quality of data collected by the Census;
- 11) **User** of census data is a natural or legal person who uses census data.

Use of gender sensitive language

Article 8

The terms used in this Law for physical persons of masculine gender shall apply to the terms in feminine gender.

Information on persons

Article 9

The following information on persons covered by the Census shall be collected: last name and first name; sex; date of birth and personal identification number; place and country of birth; place of residence of the mother at the time the person is born; residence in another state; date (year and month) of departure to another country and name of the country; intended length of stay in another state; place from which the person moved; year and month of immigration; reason for the absence of persons from Montenegro; country from which the person emigrated from; year,

month and reasons for the last immigration, or return to Montenegro; intended length of stay in Montenegro; marital status, de facto marital status; same sex partnership; number of live births; citizenship; ethnicity; religion; language a person usually speaks; foreign languages used by the person; educational attainment; computer literacy; economic activity status (employment and unemployment); reason for inactivity (child, student, housewife, person with income from property, pensioner and other reasons why the person is not active); occupation; industry; status in employment; place and country of work; functional ability of persons for everyday routine activities and disability; place of usual residence, previous place of usual residence and date (year and month) of arrival at current place of residence, disability and type of disability (sensory, physical, psycho-social).

By way of exception to paragraph 1 of this Article, if a person does not want to declare on national, i.e. ethnical affiliation, religion, mother tongue and language a person usually speaks, as well as on disability and type of disability, the answer “Does not want to declare”.

Pursuant to the collected information referred to in paragraph 1 of this Article, the following information shall be derived: total population, age, locality and other data statistically processed by the Statistical office, in accordance with the law and international documents.

Information on households

Article 10

The following information on households covered by the Census shall be collected: local self-government unit; settlement; residence address, last name and first name of all household members and other persons living in the dwelling at the time of census; name of parents for all members of the household; name of spouse or common-law partner or same sex partner; relationship to the household head; relation of a family member; reasons for the presence or absence of the person; type of ownership; agricultural production (crop production and/or livestock production); total area from utilized agricultural land; area from arable land; area from permanent crops (orchards and vineyards); area from protected area; total number of cattle by type; total number of poultry; and total number of beehives.

Pursuant to the collected information referred to in paragraph 1 of this Article, the following data shall be derived: household status; family status; family type; family size; type of household; household size, and other data statistically processed by the Statistical Office, in accordance with the law and international documents.

Information on conventional dwellings and other occupied housing units

Article 11

The following information on dwellings and other occupied housing units covered by the Census shall be collected: place (settlement); address; type of living quarters; type of collective dwelling; occupancy status of conventional dwellings; useful floor space; number of rooms, sanitary facilities in the dwelling (toilets and bathrooms); water supply system; sewage disposal system; air conditioning; type of heating - central heating; type of energy used for heating; dwellings by number of floors in the building; building construction year, i.e. period; dwellings by

type of building; dwellings by material of the outer walls of the buildings/house; occupancy status of conventional dwellings; number of occupants in the dwelling, type of ownership.

Pursuant to the collected information referred to in paragraph 1 of this Article, the following data shall be derived: population density standard, housing arrangements and other data statistically processed by the Statistical Office, in accordance with the law and international documents.

Bodies implementing the Census

Article 12

The Statistical Office shall prepare, organize, and implement the Census, in cooperation with authorities determined by Article 17 of this Law.

The Statistical Office, shall carry out certain tasks for the preparation, organization, and implementation of the Census in the territory of local self-government unit, through local self-government unit and Census Committees, in accordance with this Law.

Ministries and other administrative authorities, as well as other bodies, organizations, and institutions, shall participate in the preparation, organization, and implementation of the Census, within their level of competence.

Affairs of the Statistical Office

Article 13

The Statistical Office shall:

- 1) Take care of the timely and complete implementation of this Law;
- 2) Determine the internationally comparable census methodology, with unique definitions of units and characteristics and unique classifications;
- 3) Determine the content and form of census questionnaire which contains original and duplicate document which is left to enumerated inhabitant, other census forms, authorizations and other material for preparation and implementation of the Census;
- 4) Determine methodological and organizational rules, and instructions for the preparation, organization, and implementation of the Census and control their uniform application;
- 5) Establish a committee as a special managing body of the Statistical Office tasked with the coordination of preparation and implementation of the Census, headed by the director of the Statistical Office, and members shall be the persons responsible for specific enumeration activities;
- 6) Establish other committees of the Statistical Office, for preparation and implementation of certain Census activities: development of legislative acts, methodological guidelines, organizational rules for cartography, communication, entry, processing, and dissemination of census data and other specific census activities;
- 7) Coordinate and conduct a public Census campaign providing: complete, accurate, and timely information to the population on significance and objectives of the

Census, method and time of its implementation, rights and obligations of persons covered by the Census, method of performing census obligations, and data protection;

- 8) Determine the criteria for the selection and schedule of census enumerators, instructors, state instructors, and controllers;
- 9) Cooperate with ministries and other administrative authorities, local self-government units and other organizations and institutions and harmonize joint activities, determines obligatory rules, gives instructions and requests reports on the implementation of Census activities;
- 10) establish Census committees in local self-government units and define their obligations in accordance with the organizational guidelines and instructions of the Statistical Office;
- 11) Appoint state Census instructors and controllers, who shall control the collected data in accordance with the guidelines of the Statistical Office;
- 12) Propose at least two state instructors for members in each of the Census Committees, for carrying out the control of the work of census enumerators and instructors, and for providing assistance in their work, in accordance with the organizational and methodological rules of the Statistical Office;
- 13) Organize printing and distribution of census forms and questionnaires and other material for preparation, and implementation of the censuses in the territory of local self-government unit;
- 14) Define the content of training for all participants in the Census and carry out the control of the professional and methodological training of participants in the Census;
- 15) Carry out methodological and organizational training of state instructors, members of Census Committees, and controllers;
- 16) Estimate of costs for the preparation, organization, implementation, processing, and dissemination of enumerated data;
- 17) Determine the criteria for the distribution of financial resources to authorities, committees and persons participating in the Census implementation and develops financial instructions on the use and control of spending of funds for the implementation of the Census;
- 18) Determine and apply a logical control of census material;
- 19) Take over the census material from state instructors who are the members of the Census Committee, and carry out the control and preparation of census questionnaires for entry and processing;
- 20) Organize transportation and delivery of complete census material, at latest within five days following the data of the completion of the data collection phase;
- 21) Provide premises for storing the census material upon receiving it from local self-government unit, as well as conditions for its protection, storage, archiving, and

destruction in accordance with the regulations governing the handling of archival and registration material;

- 22) Enter the collected data;
- 23) Process information in accordance with the international concept of population and publish the preliminary and final results of the Census;
- 24) Prepare, organizes and conducts post-census survey;
- 25) Propose the dynamics of publishing the Census results prescribed by the Annual Plan of Official Statistics;
- 26) Submit a request for initiating misdemeanor proceedings in accordance with this Law;
- 27) Carry out other census activities in accordance with this Law and regulations official statistics.

Affairs of local self-government units

Article 14

The local self-government unit shall:

- 1) Provide premises, use of equipment, and other resources necessary for the work of the Census Committee, in accordance with the guidelines of the Statistical Office;
- 2) Provide premises and other necessary conditions for organization the trainings for instructors and enumerators in accordance with the guidelines and instructions of the Statistical Office;
- 3) Provide adequate premises for reception and storage of census material in compliance with the prescribed security measures in accordance with the guidelines and instructions of the Statistical Office;
- 4) Chair the Census Committee headed by the mayor or the president of the local self-government unit;
- 5) Propose two members for work in the Census Committee for carrying out legal and financial affairs;
- 6) Assist authorities in implementing the Census on its territory and carry out other tasks in accordance with the rules of the Statistical Office.

Forming the Census Committee

Article 15

The Census Committee shall be established for each local administrative unit. The Director of the Statistical Office shall appoint the members of the Census Committee, being as follows:

- 1) Three members representatives of local self-government units, upon a proposal of a president of the municipality, or Mayor of the Capital and Royal Capital;
- 2) Two members representatives of the Statistical Office (State-level instructors);
- 3) One-member representative of the Cadastre and State Property Office, upon a proposal of the director of that office;

- 4) One member of the representative of the Employment office of Montenegro, at the proposal of the director of that office.

Exceptionally from paragraph 2 of this Article, and depending of the number of inhabitants, number of localities, areas of and dispersion of the territory, the Director of the Statistical Office may appoint additional members of the Census Committee, upon a separately reasoned request of the local self-government unit.

Tasks of the Census Committee

Article 16

In accordance with the guidelines and instructions of the Statistical Office, the Census Committee shall be a direct organiser of the Census of the territory of the local administrative unit, and shall carry out the following tasks:

- 1) Takes required measures, in a timely manner, to ensure that all activities for preparation, organization, good quality, and timely implementation of the Census on the territory of the local self-government units, in accordance with the rules and instructions of the Statistical Office;
- 2) Selects and schedules enumerators and instructors in cooperation with the State instructors, pursuant to the criteria of the Statistical Office;
- 3) Organizes the training of enumerators and instructors, in accordance with the rules of the Statistical Office;
- 4) Concludes services contracts with instructors and enumerators;
- 5) Receives census material for the implementation of the Census (census forms and questionnaires, guidelines, maps and description of borders of the enumeration area, notifications, advertising materials and other);
- 6) Organizes packing, and distributing of the census materials intended for the instructors and the enumerators for each enumeration area in the local self-government unit, in line with the guidelines and instructions of the Statistical Office;
- 7) Attends meetings organised by the Statistical Office;
- 8) Issues census authorisation for work to the enumerators;
- 9) Hires additional expert staff for carrying out specific census-related tasks, upon the request of the Statistical Office;
- 10) Takes care of proper application of organisational rules and other instructions of the Statistical Office;
- 11) Assists enumerators and instructors and resolves disputed situation in the field;
- 12) Calculates remunerations for work to the Census participants and takes care of proper allocation and rational use of financial resources designated for the Census, prepares a calculation on spent funds and submits a report in accordance with the guidelines and instructions of the Statistical Office;
- 13) Carries out other tasks as well, related to the preparation, organisation and implementation of the Census in accordance with the rules and instructions of the Statistical Office.

Upon control of the completeness and the quality, the state instructors, as the members of the Census Committee, shall take over the census material from the instructors.

Participation of others authorities in the Census

Article 17

The following shall participate in the preparation, organisation, and carrying out of special census-related tasks, in accordance with their responsibility:

- 1) Ministry of Justice;

- 2) Ministry of Foreign Affairs;
- 3) Ministry of Defence;
- 4) Ministry of Interior Affairs;
- 5) Cadastre and State Property Office;
- 6) Other state administration authorities.

Persons Serving a Sentence of Imprisonment

Article 18

The Statistical Office, in cooperation with the Ministry of Justice, shall organise and carry out enumeration of individuals serving a sentence of imprisonment, or in detention with the Institute for Enforcement of Criminal Sanctions.

The Statistical Office shall provide, i.e. determine the training of the enumerators, census material, and relevant guidelines for enumeration of individuals referred to in paragraph 1 of this Article.

Enumeration of individuals in diplomatic and consular representative offices

Article 19

The Statistical Office, in cooperation with the Ministry of Foreign Affairs, shall organise and carry out enumeration of representatives of the State of Montenegro working in diplomatic and consular representative offices of Montenegro, international organisations, members of households residing abroad with these individuals, as well as the census of dwellings used by foreign diplomatic and consular representative offices in Montenegro and not owned by foreign states.

The Statistical Office shall provide, i.e. determine the census material and relevant guidelines for enumeration of individuals referred to in paragraph 1 of this Article.

Enumeration of individuals in peacekeeping missions

Article 20

The Statistical Office, in cooperation with the Ministry of Defence, shall organise and carry out enumeration of members of the Army and other persons sent to participate in international forces or peacekeeping missions abroad.

The Statistical Office shall provide, i.e. determine the census material and relevant guidelines for enumeration of individuals referred to in paragraph 1 of this Article.

Enumeration of foreigners under approved international and temporary protection

Article 21

The Statistical Office, in cooperation with the Ministry of Interior Affairs, shall organise and carry out enumeration of foreigners with approved international and temporary protection and foreigners seeking international protection in Montenegro.

The Statistical Office shall provide, i.e. determine the training of the census enumerators, census material and relevant rules for enumeration of individuals referred to in paragraph 1 of this Article.

Preparation of statistical and technical documentation

Article 22

The Cadastre and State Property Office, in cooperation with the Statistical Office, shall be obliged to prepare statistical and technical documentation needed for implementation of the Census, in accordance with this Law and organisational and methodological rules set by the Statistical Office in timely manner and no later than three months prior to the commencement of the Census.

Access to administrative data sources

Article 23

For the needs of preparation, organisation, and implementation of the Census, as well as for processing and comparing data collected by the Census, the Statistical Office shall have the right to access all administrative data sources.

The authorities keeping the administrative data sources shall have the obligation to enable the Statistical Office, at its request, to access data required for the Census, including identifiers, in accordance with the law governing the official statistics.

The Statistical Office shall be obliged to undertake all measures for protection of data taken over from administrative sources in accordance with the law.

Obligations of persons participating in the Census

Article 24

Enumerators, instructors, state instructors, controllers, and other persons performing tasks related to the Census, shall be obliged to carry out the Census activities in timely and comprehensive, in accordance with the rules and instructions of the Statistical Office.

The persons referred to in paragraph 1 of this Article must:

- Have a written authorisation for their work and when performing their tasks shall be obliged to present such authorisation when entering a household.
- Shall be obliged to take strict account of accuracy of data inscription provided by data providers, or about accuracy of data entries and processing:
 - Keep as official secrets all data on enumerated individuals obtained during performing tasks assigned to them, and for such reason they shall sign a statement on statistical confidentiality in accordance with law:
 - Not abuse the Census process in such manner as to in presence of persons being enumerated record, or photograph the interview or filled in census forms and questionnaire, and publish via internet or media outlets the recording or photography.

Method of data collection

Article 25

The enumerator shall collect data on persons, households, dwellings, and other occupied living quarters directly from the person or member of household containing such person, by interview method, in the dwelling or other occupied living quarters where persons resides, in special premises, designated by the Statistical Office or in public spaces in case of homeless.

The special premises referred to in paragraph 1 of this Article shall be used exclusively due to an epidemic of an infectious disease, in accordance with the special law.

Rights and obligations of persons providing data

Article 26

A person covered by the Census shall be obliged to participate in it, precisely to answer all questions and to provide accurate and complete answer to each question in accordance with the Census methodology.

In order to determine the accuracy of data entered in accordance with Articles 9 and 10 of this Law, the enumerator may request from a person covered by the Census to present public identification based on which the identity of the persons and stated data could be ascertained.

The enumerator must enter into the Census questionnaires data in the way the person covered by the Census has provided.

The person covered by the Census must not abuse the Census process and presence of the enumerator in such manner as to record, or photograph the interview or filled in census questionnaires, and publish via internet or media outlets the recording or photography.

Enumeration of absent household members and children

Article 27

An adult household member, most familiar with the data on the absent members shall provide data on absent household members.

One of parents, adoptive parents or guardians shall provide data for children under 15 years of age.

If the enumerator at the time of the Census fails to find a person covered by the Census in the household, and the data cannot be obtained in the manner referred to in paragraphs 1 and 2 of this Article, he/she shall leave a notification in writing that the person is obliged to call the contact phone number from the notification in order to agree on the new visit of the census enumerator.

An adult household member living in Montenegro shall provide data for persons referred to in Article 3, item 1, indent 1 of this Law who are outside Montenegro at the time of the Census.

Confidentiality of data collected by the Census

Article 28

Data collected by the Census that could be linked directly or indirectly to a person to whom there is a statistical reference shall be classified and shall represent and official secret.

Provisions of the law governing the official statistics shall apply to data dissemination, use, and protection referred to in paragraph 1 of this Article.

Protection of data collected by the Census

Article 29

Individual data and the census questionnaires collected by the Census shall be only used for statistical purposes and shall be presented in a summary (aggregated) form, which shall be clearly marked on the Census forms.

The Statistical Office cannot share individual data and the census questionnaires containing the identifier with other natural and legal persons.

Data and census questionnaires collected by the Census shall not be used for the purposes of determining obligations of citizens nor can be used as an evidence for exercising rights of citizens.

The Statistical Office may use data collected by the Census for establishing the statistical registries.

The Statistical Office shall be obliged to undertake all measures of administrative, technical, or organisational nature for protection of data collected by the Census against unauthorised access to such data, their disclosure or misuse.

Publishing results of the Census

Article 30

The Statistical Office shall publish the preliminary results of the Census by settlements, local self-government units, and for the territory of Montenegro about the population, households, and dwellings and other occupied housing unit within 30 days as of the completion of the Census.

The statistical data shall be deemed to be preliminary (subject to change during the statistical data processing) until such time they are subject to regular reviews.

The Statistical Office shall publish the final results in line with the Annual Plan of Official Statistics and the Statistical Release Calendar.

Funds for financing the Census

Article 31

Funds for financing the Census shall be provided from the Budget of Montenegro.

The Statistical Office shall transfer part of the fund referred to in paragraph 1 of this Article to the Census Committees referred to in Article 15 of this Law.

The Census Committees shall keep records on spending of funds referred to in paragraph 2 of this Article and shall submit a report to the Statistical Office.

The Government shall set the amount and the allocation of funds referred to in paragraph 2 of this Article, upon the proposal of the Statistical Office.

Remuneration for work

Article 32

Persons participating in the preparation, organisation, and implementation of the Census and all other enumeration activities shall be entitled to a remuneration for work for performed tasks in accordance with the law regulating wages of employees in the public sector.

Reporting to the Government

Article 33

The Statistical Office shall report to the Government of Montenegro by 31 March of the current year for the previous year on funds spent provided from the Budget of Montenegro and performed tasks related to the Census envisaged for that year.

Penalty provisions for Census enumerators, instructors, and controllers

Article 34

A fine in the amount ranging from 100 euro to 500 euro shall be imposed on census enumerator, instructor, controller, and other persons performing Census-related activities, if he/she:

- 1) Fails to perform Census tasks in timely and stipulated manner (Article 24, paragraph 1);
- 2) Fails to take care about accuracy of data entering provided by data providers, or about accuracy of data entries and processing (Article 24, paragraph 2 indent 2);
- 3) Fails to keep as official secrets all data on enumerated individuals obtained during performing tasks assigned to them (Article 24, paragraph 2 indent 3).

- 4) Misuses the enumeration procedure in a manner he/she records or take photo of interview in presence of persons covered by census or filled census questionnaires and forms or video file or photo publicly announce through internet or media (Article 24 paragraph 2 item 4).

Penalty provisions for natural person

Article 35

A fine in the amount ranging from 100 euro to 500 euro shall be imposed to natural person, if he/she:

- 1) Fails to provide data requested from him/her under the Census, and fails to provide accurate and complete answer to each question (Article 26, paragraph 1);
- 2) Misuses enumeration procedure and presence of enumerator in a manner that he/she records or take photo of interview or filled-in questionnaires or if he/she publicly announce video or photo via internet or media (Article 26 paragraph 4);
- 3) Fails to provide data on absent household members, while be the most familiar with the data (Article 27, paragraph 1);
- 4) Fails to provide data for children under 15 years of age as parent, adoptive parent, or guardian (Article 27, paragraph 2);
- 5) Fails to act in line with the left written notification as stipulated in Article 27, paragraph 3 of this Law.

Obligations of local self-government units

Article 36

In order to ensure accurate statistical and technical documentation required for the implementation of the Census, the competent authorities shall not change names, borders, and areas of local self-government units and settlements (including names of streets, square, boulevards) in the period from entry into force of this Law until the completion of the Census.

Secondary legislation

Article 37

Secondary legislation shall be adopted within six months from the day this Law enters into force.

Entry into Force

Article 38

This Law shall enter into force on the day of its publication in the Official Gazette of Montenegro.

No 18-1/22-2/13
EPA 487 XXVII
Podgorica, 12 December 2022

THE 27TH PARLIAMENT OF MONTENEGRO

PRESIDENT
Danijela Djurovic