

OPEN BOOK ON THE CENSUS IN BiH 2013

SECOND REVISED EDITION



OPEN BOOK ON THE CENSUS IN BIH 2013

Second revised edition

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PREFACE

Time gives an answer to all questions.

Guided by this thought, dear readers and users, we believe that the time has come to publish the second revised edition of the *Open Book* on the Census in BiH 2013. Please note that the printed edition of this significant publication was presented on 5 October 2016. Before that, the electronic edition of the *Open Book* in English had been delivered to relevant international factors in the Census in BiH, primarily to the members of the International Monitoring Operation, during their last 24th mission, and before their Final Report on the Census in BiH.

Obviously, the primary goal of the first edition was to use the relevant documents, in a public and transparent way, to explain everything that happened during the Census in BiH, with the Institute issuing a warning about evident consequences to be caused by the unreliable results of the Census in BiH; these results were based on the Unified Data Processing Programme, which was “adopted” by the Director General of the Agency for Statistics of BiH, without the participation of the other two statistical institutions and through a procedure not provided for in the Law on Census.

Unfortunately, IMO mission approved the Census results published by the other two statistical institutions in its Final Report. The disputed Census results are the cause of a whole range of events that will occur, as described in detail in the second revised edition of the *Open Book* on the Census in BiH 2013.

In mid-May 2017, the National Assembly of Republika Srpska adopted the Report on the implementation of Census activities of the Census of Population, Households and Dwellings 2013 in Republika Srpska, marking the finalization of activities of the Republika Srpska Institute of Statistics in the Census. Therefore, the time is right to publish the second part of the *Open Book* on the Census in BiH 2013, in order to make the public fully aware of the overall events and activities in the Census.

The Institute has fulfilled its key task by publishing reliable and relevant data from the Census for Republika Srpska, thus crowning the years of efforts; also, this is the key sentence in the book.

Time has indeed given answers to many questions; therefore, the first part of the book is not changed in this consolidated edition. This part is repeated instead. In this way, both new and old readers will be provided with the opportunity to “travel” more directly through time and events. Thus, this publication is a revised edition, not an amended one.

Contrary to the wishes and interests of the Institute, the Census in BiH has often been taken out of the professional and statistical circles by other Census actors, being transferred into the focus of political events; obviously, its echoes and results will resound in the public for a long time, influencing the every-day life.

In addition to our own wishes to do so, the great interest of the public in the first edition of the *Open Book* on the Census in BiH 2013 obliged us to finish what we had started – to provide answers to questions and events that occurred after the publication of the first book and to support all this with documents, saving it from oblivion.

This is necessary, because wisdom does not come alone, it travels with experience.

The Census 2013 has certainly been that kind of a trip.

ECHOES OF THE OPEN BOOK ON THE CENSUS IN BIH 2013

In spite of the fact that publications related to a narrow professional field of activity such as statistics, not dealt with professionally by many people, are rarely widely read, during the Final mission of the International Monitoring Operation (hereinafter: IMO), held between 26 and 30 September 2016, one could easily notice that this would nevertheless be the case with the *Open Book* on the Census in BiH 2013.

Members of the IMO Steering Committee and the experts who participated in the mission were the first to receive the *Open Book* on the Census in BiH 2013, in electronic form, in English.

At the mission, they were also given the printed form of the book. During the working meetings held as part of the mission, one could notice that the members of the IMO mission were secretly reading the publication using their laptops.

The members of IMO and the Technical Assistance experts did not say much about the book itself, but they did note that it was interestingly written. This was logical, as the book was justified in criticizing the unjustified change of attitudes. However, Mr. Jean Michel Durr, as the lead expert of the IMO team who led the mission, expressed the desire to have a signed copy of the book, while he was also photographed with representatives of the Institute.

Bent Noerby Bonde, an IMO team expert for communication and dissemination who works with publications, was more open (obviously, being an expert in communicology) – he liked the technique and approach to writing in the *Open Book*, but he did not support the views of the Institute. He also thought it would have been more effective if the Institute had sent a short letter, focusing on main problems in the Census. Obviously, the content of the book was not acceptable for IMO, as expected, since a part of the book points out the fact that certain recommendations of the IMO team were not given in accordance with the Law on Census. The said expert was told that the Institute had sent numerous short, effective and concrete letters during the Census, which he was aware of, but that the time had come to consolidate the information into a whole, as the methodological procedure proposed by him obviously failed to change the views of IMO.

Contrary to what this expert said, the *Open Book* is in fact a very concrete publication, providing plenty of facts and evidence that the Census often failed to meet the professional requirements and standards, required when such a complex, extensive and professional survey is carried out.

Since the electronic form of the *Open Book* has also been published in English at the Institute's website, it was available to a wide range of users and to the professionals in this field.

There has been huge interest of the media and users in the book. On 5 October 2016, the printed edition of the *Open Book* was presented at a press conference at the Institute. The conference room was crowded with reporters, journalists and cameramen, who through their media houses shared the Institute's experiences from the Census.

As a result, the Institute has received affirmative letters from users and professionals in this field, who praised such a transparent approach to the activities in the Census.



Figure 1. Presentation of the Open Book to the public

The Institute's position was that the *Open Book* on the Census 2013 should also be presented at the largest international book fair in the region; therefore, the book was successfully promoted at this largest cultural event in the region, during the last week of October 2016. The promotion of this publication was well received and the *Open Book* was shortlisted for the award of the Fair at the stand of the Representative Office of Republika Srpska in the Republic of Serbia.



Figure 2. Promotion of the Open Book at the International Book Fair in Belgrade

It is particularly interesting to mention that the Institute was visited by Mr. Robert Hayden, PhD, a professor of Anthropology and Law at the University of Pittsburgh, who is specialized in relations in the Balkans, who expressed his interest in the *Open Book*. Mr. Hayden also noted that he would be interested in the second edition of the *Open Book*.



Figure 3. Robert Hayden, PhD (left) visiting the Institute

POST-ENUMERATION SURVEY RESULTS

The Institute's claims that the results of the Census were not reliable and that the "open" questions in the Census were not resolved in accordance with the Law on Census were confirmed at a press conference organized by the Agency for Statistics of BiH on 11 October 2016, thus, just one day before the final IMO mission. Perhaps the proximity of these two important dates in the Census is a mere coincidence, but the fact is that these two events took place on two subsequent days. This is important, as the Law on Census, as the key legal act regulating the implementation of the Census, in Article 6 stipulates that the Post-enumeration Survey/Control Census is carried out for the purpose of assessing the coverage and quality of data collected through the Census.

At this press conference organized by the Agency for Statistics of BiH to present the main results of the Control Census/Post-enumeration Survey, it was stated that there were **"less than 200,000 people who were enumerated but should not have been, and more than 40,000 people who should have been included in the Census, but were not"**. Such results of the Post-enumeration Survey were quite surprising to the public, as the Agency was not expected to announce such data, since they do not support the Census results published by the Agency. For the sake of comparison, it should be noted that, according to the Census results released by the Agency, the City of Banja Luka has 185,042 inhabitants. The extent of overcoverage is illustrated by the fact that the enumeration in Banja Luka took 15 days and that it was carried out by 800 enumerators and 100 controllers, from morning to night – it was such an extensive task. And then, the Agency simply admitted that they had made a mistake that included just under 200,000 people who were enumerated although they should not have been enumerated. Therefore, almost 200,000 persons were enumerated in spite of the fact that they should not have been enumerated, and such questionnaires were not excluded during data processing.

It should be noted that the Agency published the data based on the Unified programme which, contrary to the procedure envisaged by the Law on Census, was "adopted" by one man, namely the director general of the Agency, who arbitrarily gave the resident status to 196,000 persons, resolving the "open" questions in his own way. It was precisely the Institute that warned that if the "open" questions that were pointed out were not resolved in accordance with the law and rules of the profession, the Census results would be inaccurate and unreliable. Therefore, this announcement of results of the Control Census in fact represented a professional victory of the Institute.

During the implementation of PES, preliminary analyses showed that the overcoverage rate amounted to 11%, or 8.7% after applying the resident status, which clearly indicated that the Census results published by the Agency for Statistics of BiH would not be valid, accurate, usable nor useful for the planning of economic and social policies, and that in reality the key objective of the Census would not be

achieved. Instead of using these parameters to process the Census results responsibly, excluding the overcovered persons from the final data or making their number as low as possible, the Agency simply announced that such a large number of persons was overcovered in the Census. The result was such because the Institute's request to resolve the "open" questions during the data processing in a lawful and methodologically justified way was not taken into account.

Thus, as such incorrect questionnaires were not excluded from the data processing, there was only one way to reduce the extremely high overcoverage rate. Being aware of the probable direction of thought of the SC IMO representatives, the Institute timely warned that, almost certainly, the overcoverage percentage would have to be edited artificially in order for the Census to receive a passing grade. It should be noted that on 14 July 2016 the Institute sent an open letter to the Head of the EU Delegation and the EU Special Representative to BiH Mr. Lars-Gunnar Wigemark, referring to the fact that the Post-enumeration Survey (PES) results would be completely unreliable, just like the Census results. For this reason, the Institute attached this letter in its entirety to the *Open Book*.

The Institute's goal was to timely point out these facts, not only to the media, but also to international representatives, particularly to the SC IMO Chairman, Mr. Pieter Everaers, who also received this letter. However, in spite of all this, the international representatives in the Census put their ideas into action through four missions for the Post-enumeration Survey, organized as part of the Technical Assistance. As a result, in the end the overcoverage percent for enumerated persons was reduced from 11% to 5.59%, by applying an unacceptable "dual" methodology. In other words, instead of adopting a methodology used for the traditional enumeration method, such as the one carried out in the Census in BiH, the Technical Assistance experts unilaterally decided to apply the so-called dual system of estimation, even though there were no basic conditions for its implementation. The so-called dual system of estimation is actually founded on an ideal assumption that overcoverage practically does not exist (condition of population closure), while this condition clearly was not met in BiH. Being unable to explain the difference in overcoverage determined through the matching of Census results and PES, the experts refer to overcoverage as a "phenomenon" that cannot be explained.

Post-enumeration Survey in the media

The Census of Population, Households and Dwellings in BiH 2013 attracted media attention even after the major events documented in the first edition of the *Open Book* on the Census in BiH 2013. This is logical, as the ruse surrounding the Census was not yet finished in October 2016, when the book was published.

On several occasions, the media paid great attention to the events surrounding the Census after the publication of the *Open Book*, which provided all the reasons why the survey of a purely statistical nature ceased to be a statistical issue.

“Two hundred thousand non-residents enumerated” was an announcement made on 11 October 2016 in all the media in RS in BiH, on front pages and on prime time TV, after the Agency for Statistics of BiH presented the results of the Post-enumeration Survey.



*Figure 4. In BiH, approximately 200,000 persons covered by the Census, although they should not have been covered
(11 October 2016, <https://www.radiosarajevo.ba/vijesti/bosna-i-hercegovina/oko-40000-osoba-u-bih-nije-popisano-200000-nije-ni-trebalo-biti-predmet-popisa/240875>)*

“It has been estimated that **just under 200,000 persons were covered by the Census, but should not have been covered, while just over 40,000 persons were not enumerated, even though they should have been**”, the Agency for Statistics of BiH admitted on this day. (11 October 2016, <http://www.radiosarajevo.ba/vijesti/bosna-i-hercegovina/oko-40000-osoba-u-bih-nije-popisano-200000-nije-ni-trebalo-biti-predmet-popisa/240875>)

FINAL ASSESSMENT REPORT ON THE CENSUS IN BIH AND EVALUATION OF WORK OF THE IMO MISSION

During the final mission of the Steering Committee of the International Monitoring Operation for the Census of Population, Households and Dwellings in BiH (SC IMO), the Chairman of the SC IMO, Mr. Pieter Everaers announced and briefly explained the final assessment of the Census in BiH 2013. SC IMO assessed that the Census in BiH was as a whole conducted in accordance with international standards and that the Census results are in general considered valid and useful for economic and social policy planning, which is a key objective of censuses around the world. The assessment that the Census results are valid “in general” indicates that their validity is very questionable and that IMO is very aware of this fact. Census results can be either valid or not; it is impossible for them to be in general or specifically valid.

Mr. Everaers noted that the Road Map and IMO’s final assessment are based on the availability of Post-enumeration Survey (PES) indicators. Thus, the Chairman of the SC IMO announced that the overcoverage rate is 5.59%, while the estimated undercoverage rate is 1.24%. Accordingly, net overcoverage in BiH amounts to 4.61%. Mr. Everaers noted that this net rate is in line with the neighbouring countries, which is not comparable because the neighbouring countries did not use the same methodology. If they had used it, there would have not been overcoverage at all. Mr. Everaers compared BiH with Liechtenstein and Malta, which is inappropriate as these two countries are much smaller in terms of their size and population.

These “results” were commented on by the media and experts in demography:

The statement of Pieter Everaers, in addition to the listed reasons for which the Census results were declared valid, represent only a skillful use of incomparable data and figures to anyone who truly understands this issue.

Thus, Stevo Pašalić, a demographer, commenting in the media, pointed out that “a number says whatever a person who knows how to handle it wishes it to say”, claiming that he was not surprised at all by the fact that the Census results were declared valid, especially if one looked back, from the preparation, to the publication of results, where those who took part in all phases of the Census process had an active role.

“By mentioning some of Europe’s very small countries in terms of population and by comparing them with BiH in the sense of discrepancies in results of the population census, Everaers has avoided to mention what it would mean if the discrepancy in Germany, as the most populous country in Europe with 82 million inhabitants, was over five percent of overenumerated persons”, Pašalić pointed out, specifying the following:

“This would mean that nearly five million people who practically do not live in the country and are not in the category of permanent residents were enumerated. These

five million persons are more people than in the whole of Croatia, or one and a half times more than in BiH. Is this negligible in any sphere of social and economic planning?" Pašalić wondered. (16 October 2016, Srna).

"They had only one option – to assess their work as valid, because they have been deeply involved in this process from the very beginning, from preparation to data processing. Obviously, when assessing themselves, they had to give a passing grade", stated Ms. Radmila Čičković, PhD, the director general of the Institute.

The conclusion of Mr. Everaers' statement is the backbone and essence of the official Final Assessment Report on the Census in BiH, which was received by the Institute on 14 October 2016, together with the 24th IMO Report. Obviously, a logical question arises: if the Agency for Statistics of BiH, which, according to the Law on Census", is "in charge of all phases (including methodology, organisation, carrying out and analysis) of the Post-enumeration Survey" announced the results of PES on 11 October 2016, how could the SC IMO produce and deliver the Final Report, as the key IMO document in the Census which requires a thorough and careful analysis, in such a short period of time? It should also be noted that the PES serves to evaluate the coverage and quality of the Census data and that the Final Report consisted of 78 pages. Therefore, it is obvious that the SC IMO had previously prepared this Report and the assessment of the Census.

As any activity is subject to assessment, the Institute has assessed the work of the SC IMO by responding to the Final Assessment Report on the Census in BiH; on 9 November 2016, the Institute sent a letter to the SC IMO, the most important parts of which, presenting the Institute's views, are cited in this part of the book

"Final assessment report is purely an unsuccessful bureaucratic attempt at justifying the final assessment by means of many pages, although the assessment itself is unauthentic, biased, unrealistic, and even tendentious. All indicators in the Census, as well as all decisive and significant facts serving the purpose of Census assessment are presented in order to justify the assessment, while equally important facts, which clearly show that the Census was not carried out in line with the Law and democratic and international standards, are minimized or simply omitted."

The Executive Summary of the Report implies that the enumeration was carried out smoothly and in accordance with the international standards, *despite some external pressure*. It is also noted that *a number of institutional and political challenges* interfered with communication activities in the Census. In fact, this statement is an unnecessary phrase-mongering of something that should be stated simply and intelligibly – that the Census was carried out under extreme pressures. Which EU country has faced external pressures and institutional and political challenges?

Why is the Report tendentious? Because the Report states that the Census was carried out smoothly – which was not the case, that everything was fine in general – while it was not, and that everything in the Census was in line with the Law on Census and other regulations – which it was not. The authorization to carry out the

SC IMO mission was given through the Memorandum of Understanding signed by the Council of Ministers of BiH on behalf of BiH and the European Commission on behalf of the European Union and the Council of Europe, in April 2012. The parties of the Memorandum defined objectives of the SC IMO. All citizens of BiH are aware that these Census objectives were not achieved. The population does not have to be familiar with the contents of the Memorandum and with the fact that the objectives of the mission were to carry out a fair and unbiased enumeration, while strengthening public confidence in the Census. Regardless of endorsing the Census results or not, citizens are surely aware that nothing was fair and unbiased and there is certainly no confidence that released Census results are reliable.

Of course, there can be no confidence when everyone knows that the Census results, in terms of their inmost part, namely the sensitive questions, were released in the media even before the data processing was finalized. There is much official evidence of this, presented in the *Open Book* on the Census in BiH 2013. The fact that the data were unofficially released before the official release has not been disputed by anyone.

The released results are in fact not realistic, as they do not reflect the actual situation. Since the IMO mission not only monitored the data processing, but also, through the Technical Assistance, managed this part of the process, it is obvious that there is not the slightest level of impartiality, as the Technical Assistance was the key factor in designing the results published by the Agency for Statistics of BiH. The Institute's letters were sent in vain, even though they served to warn Mr. Pieter Everaers, the Chairman of the SC IMO, about these events. Even an open letter sent to Mr. Wigemark through the media, informing him about illegal activities in the data processing and finalization of PES activities, has proven fruitless.

In fact, the core problem and objective which was not realized in line with the Memorandum is the fact that the SC IMO, instead of monitoring and observing Census activities, actually started managing and coordinating the process. This was achieved through recommendations about open questions which did not comply with the Law on Census, but also by means of disputing the existing legal solutions and through the Technical Assistance which directly issued methodologies and methodological procedures, while being formally financed by the EU and informally mentored and coordinated by the SC IMO. For example, instead of the legal solution that the Agency for Statistics of BiH issues methodological solutions for the PES, this so-called dual methodology, which is completely inapplicable in BiH (due to an extremely high overcoverage rate), was imposed by the Technical Assistance experts. This is unfair, as it represents a takeover of responsibilities from the statistical institutions, contrary to the law. This is not an assistance, but a complete bias which affected the Census results. Obviously, this was achieved by means of an imposed and inappropriate methodology, in order to significantly reduce the overcoverage rate. Please note that the experts considered such overcoverage a wonder, calling it a phenomenon that cannot be explained.

Therefore, with this Report, the SC IMO in fact did not assess the Census, but their own work, which the Institute believes was unsuccessful. Thus, it is unethical to claim in the Final Report that the Agency for Statistics of BiH was not capable of carrying out certain activities. The Agency and its new director were capable of accepting each recommendation given by the SC IMO, even those recommendations which clearly did not comply with the law. On the other hand, the SC IMO accepted the fact that the Agency for Statistics of BiH did not take into account some of their key recommendations, such as the recommendation to extend the legal deadline for the publication of Census results in order to reach an agreement on the Unified Programme. One could not expect the IMO to give a poor assessment of its own work in the Census in BiH. The Final Report states that the budget of the SC IMO amounted to 925,000 Euros, while the budget of the Technical Assistance was 2.3 million Euros. It was necessary to justify the money spent through the assessment of the Census and the abovementioned Report.

The position of the Institute is that an objective final assessment, based on the summary of the IMO mission's operations, could not be positive. None of the objectives defined in the Memorandum, including the first and most important one – to comply with international standards for censuses of population and households, the fundamental principles of official statistics and the confidential data protection standards, has not been achieved. Institutional and external pressures during the Census are not an international standard, nor is a violation of the principle of professional independence. The same applies for the leakage of information and publication of Census results in the media before the data processing was finalized, for the fact that a census carried out completely contrary to the law of the country where it was carried out was recognized as valid, and for the fact that inaccurate and unreliable data were approved, in spite of the institution that released the data confirming that their data were not accurate.

To illustrate what these data are like, it is enough to highlight just a few examples. Census tables entitled *Population by ethnic/national affiliation and sex* provide individual confidential data from which it is easy to identify the person who provided the data. To make the violation of regulations even more severe, these are sensitive questions in the Census (ethnic/national affiliation), which is specifically protected by regulations. It should be noted that item 137 of the 24th Report and item 344 of the Final Report mention the agreement between the three statistical institutions according to which the data on three sensitive questions would not be disclosed for settlements with less than ten individuals and three households. A disclosure of such data, which happened in many places in the abovementioned tables, is contrary to the Law on Census of BiH, the Law on Statistics of BiH, the Law on Protection of Personal Data of BiH and European regulations, to be precise the Regulation (EC) No. 223/2009 of the European Parliament and of the Council of 11 March 2009.

Census data verified as reliable by the SC IMO **contain for example same-sex families and families in which a five-year old is the husband/wife**, etc. In order to resolve the inconsistency before the publication date, **ad hoc solutions** were

applied, resulting in many family households being converted into non-family ones. Thus, the problem of same-sex families in households or families in which a child is the Wife/husband was solved by converting these households into non-family households.

In addition, even after data by age structure were edited, data indicated that there are 195 persons in BiH who are older than 100 years, with 20 of them being 112 years old and 31 who are 113 years old. According to data of media agencies worldwide, the oldest person in the world is 116 years old; therefore, we are reasonably questioning the relevancy of data on age structure in BiH.

Based on these examples, the question is did the SC IMO review and monitor the publication of Census data, and did they pay any attention to this task. This is in fact a precedent which has not been recorded anywhere else. Even Liechtenstein and Malta, mentioned by Mr. Pieter Everaers, and the neighbouring countries would refuse to acknowledge such data.

In its Final Report, the SC IMO noted that the enumeration of persons living abroad proved to be unsuccessful. Since the enumeration of persons abroad, in accordance with Article 40 of the Law on Census, was obligatory in equal measure as the enumeration of persons in BiH, it is obvious that the Census results in BiH cannot be valid and one cannot assess that the Census in BiH was conducted successfully. To be precise, a large part of the diaspora, that should have been enumerated abroad, was given the status of resident population in BiH, whether in terms of overcoverage or in terms of persons to whom such status was assigned through the disputed Unified Data Processing Programme for the Census of Population, Households and Dwellings in BiH 2013. By including persons who are residents of other countries into the resident population of BiH, all Census results, by any characteristics, were made irrelevant and unreliable and as such cannot be verified.

Also, it must be pointed out that this was not an official recognition of the Census results, since the SC IMO is not authorized to do so. The Law on Census does not mention IMO at all. This was only an authorization given to the IMO through the Memorandum, to assess whether the Census was conducted in line with international standards. This is a two-sided binding contract, in which one of the parties did not perform its job properly, in accordance with the contract", as stated in the letter sent to the SC IMO by the Institute on 9 November 2016.

LAW ON THE PROCESSING AND PUBLICATION OF RESULTS OF THE CENSUS OF POPULATION, HOUSEHOLDS AND DWELLINGS 2013 IN REPUBLIKA SRPSKA

Conclusions of the special session of the National Assembly of Republika Srpska held on 21 June 2016 to discuss the Census determined and directed the further flow of all Census activities in Republika Srpska.

This is why it is important to present these **conclusions** in this part of the *Open Book*, especially regarding the activities related to the adoption of the Law on the Processing and Publication of Results of the Census of Population, Households and Dwellings 2013 in Republika Srpska. The conclusions were as follows:

1. The National Assembly of Republika Srpska orders the Government of Republika Srpska and other bodies and institutions in Republika Srpska, as well as representatives from Republika Srpska in joint bodies and institutions of BiH, to actively use all legal, political and other legal remedies to repeal the unlawful Unified Data Processing Programme of the Census of Population, Households and Dwellings in BiH 2013, adopted by the director general of the Agency for Statistics of BiH.
2. The National Assembly of Republika Srpska does not accept the unlawful decision on the Unified Data Processing Programme of the Census of Population, Households and Dwellings in BiH 2013, considered harmful to the interests of Republika Srpska.
3. Until a consensus on the Unified Data Processing Programme of the Census of Population, Households and Dwellings in BiH 2013 is reached, bodies and institutions of Republika Srpska will not acknowledge nor publish the results of the Census, whose contents are considered controversial, and they will be of no legal effect for Republika Srpska.
4. If the director general of the Agency for Statistics of BiH does not withdraw the unlawful decision on the Unified Data Processing Programme of the Census of Population, Households and Dwellings in BiH 2013, the National Assembly of Republika Srpska orders the Government of Republika Srpska and the Republika Srpska Institute of Statistics to withdraw their representatives from the Central Census Bureau, and requires that the other two members from among the Serbian people be withdrawn from the Central Census Bureau.
5. The National Assembly of Republika Srpska orders the Government of Republika Srpska to propose a law on the Census of Population, Households and Dwellings in Republika Srpska, enabling the Republika Srpska Institute of Statistics to publish the results of the Census in Republika Srpska.

Upon these decisions of the National Assembly of Republika Srpska, the Club of Bosniak Delegates of the Council of Peoples initiated a procedure for the protection of the vital national interest.

The Council of Peoples of Republika Srpska, at its 11th regular session held on 13 July 2016, discussed the Decision on initiating the procedure for the protection of the vital national interest by the Club of Bosniak Delegates with the Explanation, regarding the Conclusion on adoption of the Information about the implementation of activities in the Census of Population, Households and Dwellings in BiH 2013, No. 02/1-021-772/16.

The decision of the Club of Bosniak Delegates was referred for harmonization to the session of the Joint Commission on harmonization of laws, regulations and acts of the Republika Srpska National Assembly and the Republika Srpska Council of Peoples. Since the Joint Commission of the Republika Srpska National Assembly and the Republika Srpska Council of Peoples failed to reach an agreement on the said act, the act was referred to the decision of the Council for the Protection of Vital Interest of the Constitutional Court of Republika Srpska.

At its 85th session held on 22 July 2016, the Council for the Protection of Vital Interest of the Constitutional Court of Republika Srpska discussed and decided on the admissibility of the request of the Club of Bosniak Delegates of the Council of Peoples of Republika Srpska to determine the violation of vital national interest of the constituent Bosniak people, regarding the Conclusions of the National Assembly of Republika Srpska related to the Information about the adoption and implementation of activities in the Census of Population, Households and Dwellings in Bosnia and Herzegovina 2013.

The Council was deciding on the issue of the admissibility of this request, that is, if there were conditions for a meritorious deliberation and decision on whether the disputed act violated the vital national interest of the Bosniak people.

Deciding on the admissibility of the request relating to the abovementioned Conclusions, the Council has decided that the request was not admissible. Citing the reasons for this decision, the Council pointed out, first of all, that the content of the disputed Conclusions and the issues they deal with imply that they do not contain legal norms of a general character. According to the Council's assessment, they express the political attitude of the National Assembly of Republika Srpska on the Census issue, while determining the manner in which certain entities act in relation to this particular situation. Bearing in mind the relevant provisions of the Constitution of Republika Srpska and the fact that the disputed conclusions are of a political character, rather than of a legal one, the Council determined that it has no jurisdiction over their consideration.

The adoption of the Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska was necessary in order to regulate the publication of results of the Census in Republika Srpska. It was obvious that the results of the Census would be unreliable if they were based on the

unilateral Unified Programme, “adopted” by the director general of the Agency for Statistics of BiH, Mr. Velimir Jukić, who completely ignored the legal procedure regulating the adoption of this act.

It is important to note that the Institute, as a law drafter, drafted the text of the Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska in early July, upon which the text was agreed upon at a meeting of the Working Group for monitoring the implementation of adopted conclusions of the National Assembly of Republika Srpska and coordinating activities in the Census. On 6 July 2016, the Institute referred the given Law to the Government, through the Ministry of Finance of Republika Srpska.

At its 81st session held on 7 July 2016, the Government discussed and adopted, by urgent procedure, the Draft Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska, upon which the Law was referred to the adoption procedure to the National Assembly of Republika Srpska.

The National Assembly of Republika Srpska, at the 18th special session held on 13 July 2016, adopted the Draft Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska, by urgent procedure. The Club of Bosniak Delegates of the Council of Peoples reacted to the Law in question, adopting the Decision on initiating a procedure for the protection of the vital national interest of the Bosniak people, No. 03.2-5-113/16 of 22 July 2016.

The Council of Peoples of Republika Srpska, through the Act No. 03.2.304/16 of 22 July 2016, informed the National Assembly of Republika Srpska that the law in question concerns the violation of the vital national interest of the Bosniak people.

The Joint Commission of the Republika Srpska National Assembly and the Republika Srpska Council of Peoples, at its session held on 28 July 2016, failed to harmonize the given law in accordance with the Amendment LXXVII; the law was referred to the Council for the Protection of Vital Interest of the Constitutional Court of Republika Srpska.

The Council for the Protection of Vital Interest of the Constitutional Court of Republika Srpska adopted the Decision No. UV-8/16 of 11 August 2016, determining that the vital national interest of the Bosniak people was not violated in the Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska. The Decision of the Council for the Protection of Vital Interest of the Constitutional Court of Republika Srpska was published in the “Official Gazette of Republika Srpska” No. 67/16 of 11 August 2016.

The Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska was published in the “Official Gazette of Republika Srpska” No. 82/16 of 23 September 2016 and it entered into force on 1 October 2016.

PUBLICATION OF RESULTS OF THE CENSUS 2013 FOR REPUBLIKA SRPSKA

In accordance with the Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska, the Institute undertook all necessary activities to publish reliable results of the Census for Republika Srpska timely and in accordance with the given legal act. To this purpose, after the entry into force of the Law, the Institute first started to develop the Data Processing Programme. Once produced, the Draft Programme was discussed and agreed upon at the Census Bureau of Republika Srpska. The Data Processing Programme was adopted by the Institute within the pre-defined deadline of 30 days from the day the Law entered into force.

After the Institute adopted the Data Processing Programme, a challenging and very hard work on identifying non-resident questionnaires was ahead. Through the application of standard statistical methods and based on data from the database for Republika Srpska, as well as on the basis of results of statistical analyses, exchanged through official means of communication between the statistical institutions in Bosnia and Herzegovina, data processing was carried out and resident population for Republika Srpska was determined, in accordance with the Data Processing Programme in Republika Srpska. The results of the Census obtained in this way were also thoroughly validated before their publication.

Hard and dedicated work of the Institute's staff was presented **on 30 December 2016**; at a press conference, the Institute presented the results of the Census for Republika Srpska in an official release. **Therefore, three months before the legal deadline of six months from the day the Law entered into force, the Institute published the results of the Census for Republika Srpska.** The release was published at the press conference attended by numerous representatives of the media from Republika Srpska and BiH. On that day, all newscasts covered this as a breaking news event, while the most important results provided in the Release were also reported in the media. At the same time, the electronic version of the Release was published at the Institute's website and the printed publication was also produced.

On **19 January 2017**, the Institute published the release entitled Census Results by Settlement. The tables provide data on the population by age (five-year age groups), sex and settlement, and data on households by number of household members and by settlement.

On **22 March 2017**, the Institute published the following thematic releases:

- Ethnic/national affiliation, religious affiliation and mother tongue,
- Legal marital status and fertility,
- Households and families,
- Educational characteristics,
- Economic characteristics,
- Migration, and
- Dwellings and buildings.

On the same day, the Institute also released the publication “Census Results by City, Municipality and Settlement”.

By publishing these releases and publications, the Institute has fully implemented its legal obligation under Article 4 of the Law on the Processing and Publication of Results of the Census of Population, Households and Dwellings 2013 in Republika Srpska.

A NOTE ON THE DECISION OF THE CONSTITUTIONAL COURT OF BIH

On 29 June 2016, Mr. Mladen Bosić, the Chairman of the House of Representatives of the Parliamentary Assembly of BiH, submitted to the Constitutional Court of BiH an appeal challenging the Decision on the adoption of Unified data processing programme for the Census of Population, Households and Dwellings in Bosnia and Herzegovina No 11-43-2-12-601-2/16, of 18 May 2016, which was published in the Official Gazette of BiH, No. 38/16.

This procedure was elaborated in detail in the first edition of the book, until the adoption of the Decision of the Constitutional Court of BiH on this issue, on 19 January 2017.

Although the Appeal requested a provisional measure banning the publication of Census results, the results were nevertheless published by the Agency for Statistics of BiH on 30 June 2016 and by the Federal Institute of Statistics on 1 July 2016. In addition, the IMO mission finalized its work in the Census.

The decision of the Constitutional Court of BiH was adopted as a Decision on the admissibility. The disposition of this Decision reads:

“The request made by Mladen Bosić, the Chairman of the House of Representatives of the Parliamentary Assembly of BiH challenging the constitutionality of the Decision on the adoption of Unified data processing programme for the Census of Population, Households and Dwellings in Bosnia and Herzegovina 2013 No. 11-43-2-12-601-2/16 of 18 May 2016 is dismissed as inadmissible, because the Constitutional Court of BiH has no jurisdiction over decision-making in this issue.”

In accordance with Article 43 of the Rules of the Constitutional Court, Vice Presidents Zlatko M. Knežević and Margarita Caca-Nikolovska and Judge Miodrag Simović made statements expressing disagreement with the majority decision.

Top legal experts have crossed swords over this fairly simple legal question: were they or not competent to discuss a controversial act for which they received an appeal? Therefore, what was happening during the entire Census process, happened here as well – exact things, supported by facts, created the division of opinion.

ADOPTION OF THE REPORT ON THE EXECUTION OF DUTIES AND TASKS RELATED TO THE IMPLEMENTATION OF CENSUS ACTIVITIES AND THE PUBLICATION OF CENSUS RESULTS

In accordance with Article 5 of the Law on the Processing and Publication of results of the Census of Population, Households and Dwellings 2013 in Republika Srpska, upon the finalization of the most important Census activities, i.e. after the Census results by thematic areas were released, the Republika Srpska Institute of Statistics submitted to the National Assembly of Republika Srpska the Report on the execution of duties and tasks related to the implementation of Census activities and the publication of Census results.

“Results of the Census were published in a timely manner and in accordance with the law. The publication of Census results for Srpska marks the finalization of all the most important activities related to the Census, as the most complex and comprehensive statistical survey carried out on the territory of Srpska and BiH” said the director general of the Institute, Ms. Radmila Čičković, PhD, submitting the Report to the National Assembly of RS. (10 May 2017, Srna)

The given Report was previously discussed and adopted by the Government of Republika Srpska, at its 118th session held on 30 March 2017.

The Conclusion on the adoption of this Report by the National Assembly of Republika Srpska was published in the “Official Gazette of Republika Srpska” No. 50/17.

“Džeko does not live in BiH”

In moments when the public almost forgot all the things surrounding the Census, an interesting view was expressed by the Serbian member of the Presidency of BiH, Mr. Mladen Ivanić.

Among other things, Ivanić pointed out that the non-functioning of institutions at the state level began with the events primarily reflected in the majority vote on the latest Census of Population in BiH, adding:

“The media do not discuss the Census of Population, the dominant media do not deal with it. Why?” the Chairman of the Presidency wondered. (21 May 2017, <http://ba.n1info.com/a155080/Vijesti/Vijesti/Ivanic-o-popisu-stanovnistva-Edin-Dzeko-ne-zivi-u-BiH.html>)

“It was perhaps hardest for me, because Izetbegović and Čović do not have such a strong control of an observer as I do. I was ready for joint progress, without calculations. There has been no open-minded Bosniak leader who would address these completely irrelevant things by saying: what the man said was logical. Džeko does not live in BiH, so how can we count him as a citizen of BiH, when he is not here. Incredibly, no one had the courage to say: this is logical” Ivanić said, providing perhaps the most accurate description of the illogic of the Census.

Even before this, the President of Republika Srpska, Mr. Milorad Dodik warned that the non-functioning of institutions at the state level could occur; he noted that the publication of the Census results by the Agency for Statistics of BiH would make the situation in BiH even more complex. (28 June 2016, Srna)

PROLOGUE

The Republika Srpska Institute of Statistics performed its activities during the census in line with the Law on Census in BiH and the census methodology.

Whenever the Law on Census was violated, the Institute warned and informed all the parties involved.

In addition to the *Open Book*, hundreds of letters, notes, replies and open letters bear witness to this.

The Institute refused to accept data obtained through the Census whose results represent unreliable, unlawful and useless data.

When the results for Republika Srpska were published by the Institute, the Republic and its residents were provided with accurate, reliable and useful data.

The results of the Census show that 1,170,342 persons live in Republika Srpska.

The adoption of the Report on the Census by the National Assembly of Republika Srpska marked the completion of the most important activities in the Census, as the most complex and comprehensive statistical survey, carried out on the territory of Republika Srpska and BiH in the period between 1 and 15 October 2013. The importance of this survey is reflected in the fact that this statistical survey has been regulated by a special law (*lex specialis*).

By adopting the Report, the National Assembly confirmed that the Institute had successfully completed this complex and extensive task.

Through the *Open Book*, readers and users of statistical data were provided with a specific and hopefully useful and interesting publication.

Time gives an answer to all questions.

**OPEN BOOK
ON THE CENSUS
IN BiH
2013**

First edition

BANJA LUKA,
2016

PREFACE

One of the fundamental principles of statistics set out in the European Statistics Code of Practice is the principle of public availability, which means that all results produced through activities of statistical institutions, apart from confidential data, are to be made public.

Guided by this principle and in an effort to make Census activities fully transparent to the general public in BiH and abroad, to users of statistical data and of course to the members of the International Monitoring Operation Steering Committee (SC IMO), we are presenting a special publication “Open Book on the Census in BiH”. The book bears witness to the deep-rooted genesis of documented reasons and causes because of which the Census results in BiH, published by the Agency for Statistics of BiH, cannot be verified as fair and unbiased.

Experts who try to predict the development of mankind believe that the human race will have virtual families in the future. However, this futuristic idea seems to have already materialized in BiH, because according to the Census results published by the Agency, approximately 400,000 virtual residents already “exist” in this country. These “virtual citizens” have their place of residence, resident status, their religion, ethnicity and language, their illnesses and jobs, education and family ties. They will also participate in the allocation of indirect taxes to local self-government units in the entities, filling non-existent vacancies, while they will also take part in the political life of the country through provided percentages. At least this is what seems to be indicated by the results published by the Agency for Statistics, which fully justify the negative definition of statistics as an accurate sum of inaccurate data.

Bearing in mind the fact that we were entrusted with the Census by means of law and that the Census represents the most complex activity in statistics, we strive to carry out the given task professionally and honestly throughout, primarily in line with the Law on Census. Therefore, it is our duty to produce a publication which presents everything that was unlawful, unethical and unfair in the Census. We have sent timely information and warnings in this regard to other two statistical institutions in BiH and to representatives of the international community, including the International Monitoring Operation experts and senior officials of the international community in BiH, namely the high representative Mr. Valentin Inzko and the head of the EU Delegation to BiH Mr. Lars-Gunnar Wigemark.

The public should also be aware of the role and authorities given to the International Monitoring Operation in BiH, which are clearly stipulated in the Memorandum of

Understanding signed by the European Commission, on behalf of the European Union and the Council of Europe, and the Council of Ministers on behalf of BiH, on the International Monitoring Operation for the Census of Population, Households and Dwellings in Bosnia and Herzegovina 2012/2013. Thus, attached to this Open Book is also the above Memorandum. It is important to note that the Law on Census of BiH does not require a verification of Census results by the given Operation. Also, the Law does not mention this international body as a relevant factor in the Census in BiH. The Republika Srpska Institute of Statistics highly appreciates the engagement of international experts who provided many good recommendations, along with European experiences in census implementation. However, the Chairman of the SC IMO, Mr. Pieter Everaers, stipulated in the Memorandum of Understanding as the only person in the Operation entitled to issue statements to the relevant institutions in BiH in the form of recommendations, requests, notes and/or reports, severely exceeded his authority during the Census; among other things, he gave recommendations which provisions of the Law on Census are to be applied, putting himself above the Parliamentary Assembly of BiH, as the only legislature under the Constitution. In other words, for almost all key open questions in the Census he gave recommendations which are not in line with the law and other regulations applied in the Census, while in certain segments (such as question about place of work) he even neglected regulations of the European Union.

In accordance with the principle of objectivity, as one of the statistical principles, we do not believe that the world is always a rightful place. However, if the SC IMO does not reconsider its views and if Census results are not corrected in line with the Law on Census, it will be a waste of the money used to finance the International Monitoring Operation and its work of several years, but also a waste of the money of the people of BiH, spent to carry out this important economic, social and vital task for them to become a part of the democratic world. However, the non-material damage to the statistical activity and statistical system of BiH which could be caused by the verification of released inaccurate and unlawful Census results is immeasurable. The undeniable fact is that one of the two entities, namely Republika Srpska, cannot recognize such unlawful and illegally published Census results.

Members of the International Monitoring Operation will be officially provided with this Open Book during their planned last mission in BiH. We rightfully expect them to correct their previous position in which they welcomed the adoption of the unlawful Unified Data Processing Programme for the Census of Population, Households and Dwellings 2013 in BiH by Mr. Velimir Jukić and the Census results released by the Agency for Statistics of BiH. We also expect them to conclude that such results cannot be recognized, as they do not comply with the Law on Census, pursuant to which the Census in BiH was conducted. This would be the only fair and objective position.

INTRODUCTION

Census of Population, Households and Dwellings is the largest and most complex statistical activity, which is generally carried out once in ten years.

In July 2005, the UN Economic and Social Council adopted the Resolution No. 2005/13, which “urges Member States to carry out a population and housing census and to disseminate census results as an essential source of information for small-area, national, regional and international planning and development and to provide census results to national stakeholders as well as the United Nations and other appropriate intergovernmental organizations to assist in studies on population, environment and socioeconomic development issues and programmes.”

At the request of the Conference of European Statisticians, the UN Economic Commission, in cooperation with EUROSTAT, developed recommendations for the ECE countries. The first recommendations for population censuses were adopted in 1959 for censuses conducted around 1960, and afterwards for censuses around 1970, 1980, 1990 and 2000. Recommendations for censuses 2010 are used as the main framework for the European Union census program for the 2011 Population and Housing censuses.

Pursuant to the Regulation (EC) No. 763/2008 of the European Parliament and of the Council on population and housing censuses, each member state shall determine a reference date, which shall fall in a year specified on the basis of this Regulation. The first reference year is 2011. Eurostat shall establish subsequent reference years in accordance with the regulatory procedure. Reference years are determined during the beginning of every decade.

In line with the aim of joining the European Union, bearing in mind the foregoing and the fact that in this way the obligation from Article 88 of the Stabilisation and Association Agreement is partly fulfilled, and after the Council of Ministers at its 73rd session held on 15 January 2009 adopted the Decision on establishment of the interdepartmental working group for drafting the Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina (“Official Gazette of BiH”, No. 11/09), BiH began the process of issuing this regulation in 2009.

However, the Parliamentary Assembly of BiH failed to reach an agreement on the text of the Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina, mostly because of the controversial Article 48 which stipulated that

Census 1991 results would be used for the distribution of power until the final implementation of Annex 7 of the Dayton Peace Agreement. Obviously, this provision was not included in the Law on Census, and, by its very nature, such an article could not have been included in the Law on Census, because censuses in all countries worldwide are above all a scientific, economic, demographic and social survey, not a political one. Given the failure to reach an agreement at the state level, while bearing in mind the importance of the aforementioned statistical activity and the international deadlines for its implementation, upon intensive efforts and negotiations, Republika Srpska had decided to implement a census on its territory. In this regard, the National Assembly of Republika Srpska adopted the Law on Census of Population, Households and Dwellings in 2011 in Republika Srpska, which was published in the Official Gazette of Republika Srpska No. 109/10 on 2 November 2010. The Law on amendments to this Law was published on 11 May 2011 in the Official Gazette of Republika Srpska No. 49/11.

In the meantime, the Parliamentary Assembly of BiH eventually adopted the Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina 2013, without Article 48. This Law was published in the Official Gazette of BiH No. 10/12, on 7 February 2012.

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Wishing to carry out a census on the whole territory BiH, for which the conditions were created by the adoption of the Law, Republika Srpska repealed its Law on Census. However, from the current perspective, seven years later, time has shown that the intention expressed in Article 48, which Republika Srpska opposed for obvious reasons, has never been abandoned, with the Census carried out in 2013 becoming an issue of a political character. In the further course of this paper it will become obvious, even to readers who are not well acquainted with the statistical activity, how the adopted Law on Census of BiH, constitutions of the entities and BiH, and other regulations were violated, with the intention of falsifying the Census results.

Obviously, for such a notion to be realized, it is necessary to have appropriate legal instruments outside the scope of the Law on Census. In this regard, the international factor is being used, in an attempt to verify actually unlawful Census results through the international community. The means for achieving this would be the International Monitoring Operation.

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PART ONE

INCONSISTENCIES IN THE WORK OF THE INTERNATIONAL MONITORING OPERATION

In April 2012, a Memorandum of Understanding was signed by the European Commission, on behalf of the European Union and the Council of Europe, and the Council of Ministers of BiH on the International Monitoring Operation for the Census of Population and Households in Bosnia and Herzegovina 2012/2013. Essentially (the entire document is attached to this book), the aim of the International Monitoring Operation (IMO) is to monitor the entire Census process in light of international standards and regulations and fundamental principles of official statistics, as well as to verify a fair and unbiased enumeration and to build confidence in the Census, while ensuring broad participation of the population, by providing its own contribution. In the introductory part of this international document, it is explicitly stipulated that the Census is **organised and implemented by the authorities, bodies and institutions in BiH, in accordance with the Law on Census**. Thus, it is clearly defined who implements the Census, with clear definitions of legal regulations the Census is implemented in line with. It is also clear who is in charge of monitoring and assessing the Census.

Moreover, Article 2 paragraph 2. of the Law on Census explicitly states: “For any definition not included in this Law, reference shall be made to the Regulation (EC) No 763/2008 of the European Parliament and of the Council on population and housing censuses and its implementing measures, as well as to the Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, and other relevant international standards.” Therefore, both the Law on Census and the Memorandum clearly put the Law above international standards and recommendations, which is logical. Four years on, at a press conference held on 26 May 2016 at the premises of the European Delegation, when asked if the Law on Census of BiH has priority over international recommendations, Mr. Pieter Everaers answered that recommendations are simply recommendations (meaning that they do not have to be applied), while the law is the law. This question being asked in fact proves how non-transparent the entire Census process has been, because the population, whose confidence in the Census should have been strengthened, still does not know what is more important. Although officials from the Agency for Statistics of BiH “swore” by the IMO recommendations, this Open Book will clearly prove that they adhered to only those recommendations that suited their purpose, while certain other more important ones were not accepted, nor implemented. To make matters worse, IMO has continuously, throughout the Census, changed its positions and recommendations. Therefore, it is impossible to confirm that these recommendations are actually based on international standards, as it is well known that a statistical standard is in fact a universally adopted statistical value.

Inconsistencies in positions and unlawfulness of recommendations regarding open questions

During the first IMO mission, carried out in April 2012 by the IMO experts, the Law on Census was assessed. It was noted that the Law is quite comprehensive and that it extensively covers all aspects of a census of population and households. In this regard, the Law should represent a solid basis for the Census preparation and implementation. However, special emphasis was placed on certain items in the Law that were not properly clarified in the opinion of IMO:

1. Article 7 stipulates that persons usually resident in the place of enumeration but absent, or expected to be absent, at the date of the census for less than one year shall be considered as temporarily absent persons and thus included in the total population of the enumeration area. This category of the population is usually a source of problems in the region. Firstly, persons who live abroad, regardless of the duration of their absence (especially persons living in European countries), can be considered residents if they keep a house in the country and regularly come for holidays or family gatherings. In this way, their families can decide to include them in the enumeration as the population. Secondly, ethnic representation is a sensitive issue and certain ethnic groups may wish to include their diaspora in the resident population of the country.

2. When it comes to the division of competences between the Agency and the statistical institutes, the Law clarifies a number of issues, but it often mentions “cooperation” which should exist in the daily work of the institutions involved. However, the Law gives a clear role to the Agency for Statistics in terms of defining the methodology.

In this regard, in the First IMO Report, the following recommendation is given in item 8:

“It is recommended to define clear instructions and rules of the organisation, concerning the application of the Law, especially in terms of enumeration of temporarily absent persons, in order to avoid any inclusion of non-resident persons in the population, and the division of competences between the institutions involved in the Census, including the statistical institutions, ministries and census commissions, in order to avoid misunderstandings and complications during the enumeration.”

This important recommendation regarding the division of competences between the Agency and the other two statistical institutions was not taken into account. Instead, the epilogue is well known to the public; Mr. Velimir Jukić, the director of the Agency for Statistics of BiH, before data processing arbitrarily decided that 196,000 persons from controversial questionnaires would be residents, which is contrary to this recommendation.

Chairman of the SC IMO, Mr. Pieter Everaers supported this unlawful action of Mr. Jukić, thus violating the aforementioned recommendation given by IMO. But the story does not end here. In his letter to the Chairman of the Council of Ministers BiH Mr. Denis Zvizdić, of 8 June 2016, Mr. Everaers wrote the following: “As highlighted in the press statement from the SC of 26th May 2016 as well as during the meeting with the Minister of Civil Affairs Mr Adii Osmanović, the IMO welcomed the decision taken by the Director of BHAS on the unified data processing programme, based on the principle of professional independence of the European Statistics Code of Practice and the amended regulation on European Statistics.

In addition. Mr. Everaers has no authority to apply a European regulation to authorities of the director of the Agency, because his authorities are defined by the Law on Statistics of BiH and the Law on Census of BiH. These authorities were undoubtedly exceeded by Mr. Jukić when he adopted an unlawful programme and the Institute warned Mr. Everaers about this. In his letter of 13 June 2016, which he sent as a reply to the directors of the entity institutes, Mr. Pieter Everaers confirmed this by stating that he took note of the letters of entity institutes which contain detailed examinations of the legal context of the decision of Mr. Jukić as well as the content of the data processing programme. In this regard, **Mr. Pieter Everaers wrote that “the objective of the IMO is to monitor compliance with international recommendations and the European Regulation on population and housing censuses. Therefore concerns about the specific legal context of BiH and the content of the decision of the Director of BHAS should be resolved**

within BiH.” This raises a logical question – if these problems are to be resolved within BiH, why did he support the illegal decision which is contrary to the said recommendation of IMO. In this case, it would have been best if Mr. Everaers was impartial and fair which was his obligation in this responsible role. Instead, he was biased, directly influencing the release of unlawful Census results.

On 24 June 2016, the Institute sent a letter dealing with the IMO’s approval of the unlawful Unified Data Processing Programme adopted by Mr. Jukić to Mr. Everaers, in which it was claimed that the failure of the Census is at the same time the failure of IMO, as they gave recommendations during the Census and essential ones were contrary to the Law on Census. Mr. Pieter Everaers reacted by sending a letter to the director of the Agency on 29 June 2016, in which he, inter alia, noted that the responsibility for the application of IMO’s recommendations is entirely on the Agency. We believe this is unfair, because the responsibility is in fact on the entity giving recommendations, otherwise they should not be given at all. We assume that the members of IMO thought through the effects of their recommendations before providing them.

One of the open questions in the Census is the question of data consistency in questionnaires in terms of answers to questions 1 to 7 and answers to question 40 (place of work/study). This question, in addition to all other open questions, will also be available to the public in this Open Book.

In short, the point is that a large number of persons declared in the questionnaire (approximately 50,000 questionnaires) that they worked or studied abroad, in countries not adjacent to BiH, while their answer to the questions about place of residence (questions 1 to 7 in the questionnaire) was that they were permanently present in BiH, which implies that answers in the questionnaire are not consistent. Obviously, such persons should have been excluded from the resident population, in line with Article 7 of the Law on Census and in line with the recommendation given in the First IMO Report. However, in his letter to the Chairman of the Council of Ministers of BiH Mr. Denis Zvizdić of 16 June 2015, Mr. Pieter Everaers claimed that place of work/study is “a non-core question in census taking, and there is no description in the Census Law that this question should be part of the variables used to determine the resident status... IMO considers it should not be used to determine or correct the resident status”.

Both Everaers’s statements are unlawful. Specifically, in the Conference of European Statisticians Recommendations for 2010, place of work/study is a key and core question, as stipulated in paragraphs 196. and 197. of this regulation. Furthermore, his claim that there is no variable for place of work/study in Article 7 of the Law of Census is also false, as this is regulated in paragraph 3. which stipulates that the total population shall also include: a) Civilian residents temporarily working in another country provided that they have not been living abroad for one year or more, and b) Civilian residents who cross a frontier daily to work or to go to school in another country (thus, these surely are variables for resident population). The fact that associates of Mr. Pieter Everaers do not have

sufficient knowledge about their own regulations and regulations of the country they are engaged in is forgivable, but one cannot tolerate the fact that IMO refuses to alter its position regarding this issue even though they have received reasonable arguments from the Institute. In accordance with Mr. Jukić's Programme, these persons were included in the resident population, which is biased, unfair and also unlawful. Please note that the Law on Census provides for sanctions for persons who provide incorrect answers.

The fact that Mr. Pieter Everaers blatantly violated the recommendations given by the SC IMO regarding this issue is supported by the summary of the Thirteenth IMO Report, item 3 of which explicitly states: "The main problem concerned people living abroad, either enumerated by a present member of a household, or coming to the country during the census period to be enumerated. The phase of data processing should help distinguish between the resident and non-resident population using the answers to questions 1 to 7, but also questions on the place of study or work, as some people were encouraged by some unofficial campaigns to answer to Q1-7 in a way to be considered as residents."

In the Eighteenth IMO Report, in item 11, the SC IMO gives a recommendation to the Census team to test the resident status through two methods:

- Based on first seven questions, and
- Based on first seven questions, plus several relevant topics, such as place of work.

In item 12, IMO notes: "Test results may serve as a basis for decision making. If there is no significant difference in the number of residents calculated through these two different methods, residence should be based on the first seven questions."

Logically, if there is a significant difference, and there is, because it amounts to 50,000 questionnaires, then resident status should be determined based on relevant topics, such as place of work and place of study. The question is: how can place of work/study be a relevant topic in the Thirteenth and Eighteenth Report and in the Conference of European Statisticians Recommendations, while it is no more relevant in the official letter sent to Mr. Zvizdić, the Chairman of the Council of Ministers. This seems inexplicable. This is a phenomenon.

It is difficult to comprehend these contradictory views expressed by the high-ranking European experts. The question which arises inevitably in terms of this obvious bias and violation of regulations by IMO is what is the motive for these actions? An answer should be given by members of IMO, more precisely by their chairman Mr. Everaers, as he is the only person authorized to issue information about activities of IMO.

When it comes to the IMO recommendation regarding the division of responsibilities between the institutions involved in the Census, including the statistical institutions, ministries and census commissions, in order to avoid misunderstandings and

complications during the enumeration, the Agency did not implement this recommendation, while IMO failed to act in line with it. Here is concrete evidence.

Although the Law on Census stipulates that the aforementioned Unified Data Processing Programme is determined by the Agency, with the entity institutes taking part in its drafting, and that the Programme is discussed at the Central Census Bureau, **the Programme was adopted arbitrarily by Mr. Jukić, who at the press conference declared that this was done without the consent in the Agency, without the consent of the entity institutes, and without the consent of the Central Census Bureau presided over by him, while drafting of this document did not involve the entity institutes.** Therefore, this is not a question of division of power, but an obvious usurpation of competence. This position of IMO is contrary to a fundamental principle of the European Statistics Code of Practice, namely the principle of independence, which is listed as a fundamental principle in the European Regulations wholeheartedly and often mentioned by Mr. Pieter Everaers, since these are also mentioned in the Memorandum based on which IMO operates. This is also unfair and biased. The public and Mr. Everaers are well aware that Mr. Jukić was called to give evidence at the Prosecutor's Office prior to the adoption of the Programme.

Of course, violations of their mandate by IMO do not end here. IMO attempted to resolve the burning issues or so-called open questions in the Census through recommendations which do not comply with the Law on Census. Thus, for example, in the aforementioned letter to Mr. Denis Zvizdić of 16 June 2015, inter alia, Mr. Pieter Everaers claimed that data processing should include questionnaires in which children born after 30 September 1998 provided data for themselves (approximately 12,500 questionnaires). Although Article 11 of the Law explicitly stipulates that data for children aged under 15 years are given by one of the parents, foster parents or guardians, which is confirmed by Article 43 of the Law which prescribes penalties for a parent, foster parent or guardian if they fail to provide data for a child aged under 15 years, **Mr. Everaers completely ignored both these provisions; with his recommendation to include these unlawful questionnaires in data processing (and they were included), he assumes the role of a law interpreter, which is exclusively under the jurisdiction of the Parliamentary Assembly of BiH, and of a person who in fact redraws the Law on Census of the country he was invited to to monitor the Census and verify a fair and unbiased enumeration, while strengthening confidence in the Census.**

It was also noted in the IMO reports that the unofficial campaign was very intense. On the other hand, the official campaign which was under the responsibility of the Agency for Statistics of BiH, which was supposed to promote the importance and values of the Census, was much weaker.

In item 74 of the Eleventh Report, IMO noted the following: "It is fair to say that the Agency has been very slow when it comes to making decisions on communication and promotion and that it has not played the role of a lighthouse which would lead and coordinate the entity statistical institutions in this area."

The overcoverage rate of 11% in the Control Census, in relation to the total number of enumerated persons in the period between 1 and 15 October 2013, proves that there are over 400,000 persons who could not have been residents and who were included nevertheless. Obviously, this resulted in unrealistic Census results, which will be supported by evidence in the second part of this Open Book, based on administrative sources and data validation.

The Constitution of BiH guarantees, in accordance with international standards, the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols, and these are directly applied in Bosnia and Herzegovina. These acts have priority over all other laws. The right to private and family life, home and correspondence, freedom of thought, conscience and religion, freedom of expression, and right to freedom and safety are guaranteed. This implies that persons who are enumerated are entitled to answer or to refuse to answer sensitive questions in the Census, while no one may influence their answers. Penalty provisions of the Law on Census stipulate severe sanctions for any person who exerts influence on a person to, against his/her will, give information on his/her ethnic or national or religious affiliation. Conference of European Statisticians Recommendations 2010, in item 425, define the following: "Ethnicity has necessarily a subjective dimension and some ethnic groups are very small. Information on ethnicity should therefore always be based on the free self-declaration of a person, questionnaires should include an open question and interviewers should refrain from suggesting answers to the respondents." This is also pointed out in the summary of the Tenth IMO Report.

Bearing in mind the aforementioned constitutional and legal provisions and international recommendations, the declaration of persons was influenced by means of billboards, websites providing instructions how to be falsely enumerated as a resident, posters, and other materials. These events were noted in the reports of the SC IMO; nevertheless, their influence on the Census results was later minimized. However, this is an actual problem in the Census, which must not be ingored, especially in the final assessment of the Census. This fact must not be ignored; if justice is to be blind, IMO observers should not be.

Thus, for example, IMO mission in item 77 of its Sixth report recorded activities of the campaign "Bitno je biti Bošnjak" ("The Importance of being a Bosniak"), noting that this is a "is a campaign seeking to avoid splitting the census answers of the Bosniaks –reportedly a term dating 120 years back covering primarily Muslims living in the area – between Bosniaks, Muslims and Bosnians. A key perception is that without a strong Bosniak grouping, Bosniaks, if representing the majority of population in BiH, would lose vis-a-vis Serbs and Croats in the framework of the Dayton Peace Agreement system. The president of the campaign says that should an anticipated stronger representation of Bosniaks be the outcome of the census this would serve as 'stabilising factor' and the group would not request changing constitutional rights".

The question is, what does this kind of activities have to do with the Census as a purely statistical activity? This must be noted and properly assessed in the final assessment by IMO. While reading the final report and assessment of the Monitoring Operation for the Census in Montenegro, whose development involved one of the current members of IMO, Mr. Jean Michel Durr, we observed that even minor violations of census procedure were recorded, including a household member peeking at a census form completed by an enumerator and another household member.

Accordingly, if even such trifles are noted in these reports, then the above Census developments in BiH must be assessed and qualified appropriately as well.

Impossible situations of over 30 persons being enumerated in one dwelling unit were also recorded. During the first days of the Census, the former director of the Agency for Statistics of BiH sent a letter which had to be distributed to all enumerators. The essence of this letter was that an enumerator should not draw conclusions who should be enumerated, but is obliged to enumerate all present citizens and absent members of their households, citing provisions of the Law regulating who is enumerated, and referring to the methodological documents for the Census. In the letter, enumerators were told that respondents must provide accurate and complete answers. It was also indirectly noted that in case of opposite actions, enumerators are subject to sanctions pursuant to Articles 43 and 44 of the Law on Census. In addition, it was explicitly stated that “the statistical institutions shall control all collected data through the Post-enumeration Survey and data processing, and determine resident status of the population in line with the Law, the Methodology and international recommendations”. Therefore, this letter could have been interpreted as a sophisticated, but nevertheless direct threat to enumerators, which was unnecessary, because enumerators passed a thorough training on how to enumerate persons in the Census lawfully, and how respondents should be treated.

Just before the end of enumeration, on 11 October 2013, the Census Bureau of the Agency for Statistics of BiH issued a statement that the “Census Bureau of the Agency of Statistics of BiH informs the public about information provided by certain organizations to BiH citizens who live and reside abroad longer than 12 months (diaspora) that only one person should come to the country to enumerate all members of his/her family. This information does not comply with the Law on Census and the Methodology.” In the same statement, the following is noted: “Census of Population, Households and Dwellings is not a census of property or ownership, nor a record of citizenship, voters, taxpayers, etc. This means that no citizen of Bosnia and Herzegovina will be deprived of any right on any basis by means of the Census. Data collected through the Census must not and cannot be provided to any institution, organization or individual. Therefore, there is a difference between administrative records, such as those of CIPS, voter records, records of taxpayers, and the like, and the Census. Census database and the Census of Population is not and will not be linked to these records in any way.”

These Agency’s actions must be assessed by IMO as unprofessional and unfair.

A perception was created in the public of BiH that the statistical institutions in BiH are not capable to process Census data, which is actually untrue. Data processing would have been finalized long ago, if open questions in the Census had been resolved. IMO's assistance was expected in order to resolve these questions in accordance with the Law. However, IMO attempted to resolve all the open questions in the Census by offering unacceptable and biased solutions, since their recommendations in this regard were either contrary to the Law or did not comply with it, which made them unenforceable.

Rejection of arguments of the Republika Srpska Institute of Statistics

The Institute warned IMO several times that their recommendations regarding the open questions cannot be accepted due to the aforementioned reasons. However, members of the SC IMO, especially its Chairman Mr. Pieter Everaers, refused to take into account objective arguments which were provided. Because of this, data processing was delayed and it eventually took only one month, which is obviously impossible and contrary to the statistical practice and statistical standards. Great importance and dramatic differences in the attitudes of statistical institutions about the open questions suggest that readers of the Open Book should be informed about this in a separate chapter.

Article 6 of the Law on Census regulates important activities related to the Post-enumeration Survey (PES)/Control Census. Pursuant to the Law, PES is conducted immediately after the Census taking, on a representative sample of enumeration areas, **in order to assess the coverage and quality of data collected in the Census.** This clearly implies that identified PES indicators should serve as relevant indicators in terms of a final assessment of the Census by IMO, as pointed out by the Chairman of the SC IMO when he announced the last mission before the final assessment is given. An interesting fact is that the final report and assessment of the Monitoring Operation for the Census in Montenegro barely mention the PES. Of course, pursuant to legal provisions and in accordance with obvious PES results, the Institute will expect a professional and unbiased position in the Census assessment in terms of PES indicators.

However, these open questions were not the only thing that halted data processing. In the aforementioned letter, dated 16 June 2015 in Luxembourg, in which Mr. Pieter Everaers addressed Mr. Denis Zvizdić, the Chairman of the Council of Ministers of BiH, it is noted that it was necessary to fill the position of director of the Agency for Statistics of BiH and the position of coordinator of the census, who would coordinate census activities on behalf of the BiH Government (Mr. Everaers keeps forgetting that BiH has no Government, so he believes that he is addressing the Prime Minister, even though we drew attention to this), that is, on behalf of the Council of Ministers of BiH. The urgency of filling these two roles is justified by the lack of common positions among the statistical institutions on the methodological matters, as it became evident during the meeting held between the directors of statistical

institutions and Mr. Pieter Everaers on 9 June 2015. However, it was during this period that methodological issues were not being resolved among the statistical institutions because of this recommendation; however, this recommendation was unnecessary, because there were acting directors at the Agency at the time, while a census coordinator has no authority to deal with methodological issues anyway.

Eventually, the situation was further complicated by the selection of new staff at the Agency for Statistics of BiH and at the Federal Institute of Statistics, as well as by the appointment of census coordinator. Appointment of persons without sufficient experience in statistics resulted in the fate of the Census seemingly being resolved by means of political, and not methodological solutions. This was an evident miscalculation by Mr. Everaers. Of course, if mistakes are not corrected, they must be paid for; the greatest burden of these decisions has fallen on BiH citizens. Mr. Velimir Jukić was appointed as the director of the Agency for Statistics; however, Mr. Jukić is not well acquainted with statistics as a profession, so one could not expect him to resolve technical and methodological problems in the Census in a short period of time. This was reflected in the fact that, in a very brief period of time, he proposed two diametrically opposite solutions in terms of data processing. Because of this, he was firstly exposed to pressures coming from his associates at the Agency and pressures from the Federal Institute of Statistics. Afterwards, without the consent required by the Law, he adopted an absolutely unlawful data processing programme, according to which 196,000 problematic questionnaires were included in data processing, claiming even before data processing that persons in these questionnaires would be residents.

“I will seek information if the Prosecutor’s Office of BiH exerted direct pressure on competent people. This is an issue which is publicly discussed in political circles in Sarajevo”, Mr. Mladen Ivanić, the Serbian member of the Presidency of BiH, stated. (02.06.2016. <http://prvi.tv/vijesti/bih/ivanic-i-dodik-tuziteljstvo-bih-je-vrsilo-priti-sak-u-vezi-s-popisom/68939>)

“There is clear information that the director was at a meeting at the Prosecutor’s Office an hour before the publication of results, which means that he published them in fear. It is obvious that the irregularities surrounding the Census, which were known from before, have now surfaced. Check, and you will see that a large number of enumerated persons were enumerated in places where it was not possible to have so many people”, Milorad Dodik, the President of Republika Srpska, stated. (02.06.2016. <http://prvi.tv/vijesti/bih/ivanic-i-dodik-tuziteljstvo-bih-je-vrsilo-priti-sak-u-vezi-s-popisom/68939>).

After all this, Mr. Pieter Everaers welcomed the adoption of the Programme, calling Mr. Jukić the chief statistician in BiH, although such a function does not exist at all in the statistical system of BiH. There can only be two reasons for such naming practice – lack of information or a certain tendency.

It is interesting that Mr. Pieter Everaers immediately welcomed the aforementioned Programme of the “chief statistician”, even though previously, in his letter of 4 May 2016 (only 14 days before the “adoption” of the Programme) to the director of the Agency, he wrote that the Agency and statistical institutes should consider amending the Law on Census of Population, in terms of ensuring enough time to determine the methodology of data processing. The need to amend the Law is justified by the fact that IMO in February considered that the publication of results would take at least 4 to 5 months after the data processing methodology is established.

Mr. Everaers has been very principled in not giving up on his views when it comes to resolving the open questions in the Census, even despite being warned that his recommendations were contrary to the Law. On the other hand, he has been very flexible when it comes to Mr. Jukić; even though his recommendation to consider amending the Law on Census was not taken into account, he proposed a new unlawful solution to resolve the desperate situation in which Mr. Jukić found himself.

In fact, since there was no time which would objectively allow data processing in the period between 18 May and 30 June 2016, which was the deadline to publish the data, contrary to the international practice and statistical standards, as well as the statistical principles of accuracy and reliability, Mr. Everaers gave a recommendation to Mr. Jukić to apply the so-called two-tier strategy for the publication of Census results. The essence of this strategy would be to publish main demographic indicators within the deadline stipulated in the Law, while the remaining data would be published after the deadline. Obviously, this strategy is also unlawful, as is the recommendation, because all Census data published after the deadline stipulated by the Law are unlawful data. **Mr. Everaers is aware of this, but he is also aware that it is impossible to perform a valid processing and external and internal validation of data in such a short period of time, which would mean that the Agency would publish unreliable and unverified data as final and official results, which is contrary to the Law and EU regulations.**

All this clearly implies the following: there is no consistency in attitudes of IMO; certain recommendations they gave were contradictory to each other; key decisions regarding the open questions were contrary to the Law on Census of the country where monitoring is carried out; recommendations were biased; IMO, embodied by its Chairman, chose a side in the Census which mostly violated the Law; members whose approach to resolving Census issues was objective were eventually excluded from the missions visiting the statistical institutions; Technical assistance experts fell under the influence of IMO; IMO exceeded its authority stipulated in the Memorandum, assuming the right to interpret provisions of the Law; IMO completely ignored one of their main goals in accordance with the Memorandum of Understanding, namely strengthening the confidence in Census and ensuring broad participation of the population, because they were not sufficiently transparent; IMO brought into question the compliance with international recommendations, in a way

which has already been discussed. For example, the public has never been informed about the topic of discussion held in Luxembourg between Mr Pieter Everaers and the director of the Agency for Statistics of BiH. Even Mr. Fadil Fatić, a deputy director of the Agency, publicly protested in the media because of this.

With regard to the above actions of IMO and their controversial recommendations, we will explain in detail the open questions in the Census, as well as the importance of having these resolved in an objective manner, in order to obtain reliable and accurate Census results. Please note that we already mentioned some of these in the context of clarity of previous exposure in the Open Book. Along with the open questions, we also provide views of the Institute on how these questions should have been resolved in accordance with the Law on Census.

INCONSISTENCIES IN THE WORK OF TECHNICAL ASSISTANCE IN THE CENSUS

Technical Assistance experts began their activities responsibly and impartially. During the mission carried out between 1 and 5 December 2014, their recommendation was to use question 40 when determining resident status. This proposal was also formalized in **Annex 4 to the Technical Assistance Report entitled “Checks of consistency of resident status with other information in the questionnaire”**. Rule 1 in this document provides that if a person enumerated as a household member present in the place of enumeration at the critical moment of the Census responds in question 40 that he/she works or studies abroad, this represents an inconsistency in answers in such questionnaires. This does not apply only to people who work or study in the neighbouring countries (Croatia, Montenegro, and Serbia), while the document stipulates that persons who work or study in other countries cannot return to their usual place of residence in BiH daily.

Accordingly, the TA clearly considers question 40 in the questionnaire (place of work/study) relevant, which means that it had to be taken into account when determining resident status.

However, it is obvious that the SC IMO and Technical Assistance are associated in the evolution of their attitudes, from impartial to biased, from objective to one-sided; inevitably, this has had negative effects on final Census results. **After Mr. Pieter Everaers suggested in his letters that place of work/study was not a core question in Census, the Technical Assistance experts also changed their stance abruptly.**

In July 2015, the Technical Assistance for data processing sent to the Institute the Second Quarterly Report, whose contents in certain parts (key issues) were copied word for word from the Proposal of the unified programme provided by the Agency, to which the Institute had serious objections and remarks. The Institute sent its remarks and comments on the given Report to the Technical Assistance. The report was not adopted in 2015, because in June the project was put on hold, until the statistical institutions reach an agreement on certain issues.

Experts ignored the local statistical staff

It is a fact that the international expert engaged in editing activities often made decisions which were contrary to methodological solutions offered by the local statistical staff. An example is the large number of **errors** generated in data processing after the categories age and gender were locked, since these categories were not checked in relation to the categories family and household. The fact that age and gender should have been resolved together with family and household, at the beginning of data processing and after resident status was determined, was

confirmed by the Thirteenth IMO report and the report produced by an international expert in September 2014.

International experts ignored the claims of local statistical experts that such a procedure is methodologically completely wrong. This resulted in a whole series of incorrect data; for example, **we obtained same-sex families or families in which a five-year old child is the husband/wife, etc.** In order to resolve the inconsistency within the deadline for data publication, further mistakes were made in a hurry and **ad hoc solutions** were applied, through which a large number of family households was converted to non-family households. In this way, the problem of same-sex families in households or families in which a child is the husband/wife in the family was resolved by converting these households to non-family households, “thanks” to the Technical Assistance experts.

When it comes to educational characteristics, the **Technical Assistance experts completely ignored the opinion of the Working group for educational characteristics, consisting of representatives of all three statistical institutions.** Thus, the Technical Assistance expert decided to edit question 31. *School attendance*, although the opinion of the working group was based on the fact that the raw database contained a large number of missing answers to this question, namely 178,295; edits in this question cause significant changes in data on the number of persons who do not attend school, and persons who attend preschool education or primary school, which were collected through the Census. In addition, an analysis of missing answers in the raw database of residents found that a large number of persons who failed to answer question 31. *School attendance* also failed to answer question 28. *Highest level of completed education*, which could indicate that these questionnaires were filled out fictitiously.

The Technical Assistance has been causing specific problems in terms of the Post-enumeration Survey, which is why the Institute had to send open letters to Mr. Pieter Everaers and senior EU officials in BIH. The Technical Assistance report implies that the “local experts” proposed the use of methodology applied in the Republic of Serbia in PES, as this methodology is used when the traditional method of enumeration is applied. After all, the results of the Census and the Control Survey based on which the results of this Census were assessed are internationally recognized as relevant and their validity is not disputed. The reason why this method should be applied is an extremely high overcoverage noted in the Census; according to the preliminary PES results, the overcoverage amounted to 11%. However, the Technical Assistance experts did not accept the possibility of considering this method as an acceptable alternative method, although this was also envisaged in the Technical Assistance Report referring to the period between 16 and 20 February 2015.

Instead, the Technical Assistance experts unilaterally decided to apply the so-called dual system of estimation, even though there are no basic conditions for its implementation.

In the report, the experts estimate that the solution used in Serbia is not applicable, because the hypotheses of this approach implicitly assume that the PES is perfect. However, no country has assessed PES, since PES is used to assess the Census quality and coverage. Therefore, this is clearly an unfounded premise and an irrational argument. In contrast, the dual system of estimation is actually founded on an ideal assumption that overcoverage practically does not exist (condition of population closure), while this condition clearly was not met in BiH. Being unable to explain the difference in overcoverage determined through the matching of Census results and PES, the experts refer to overcoverage as a “**phenomenon**”. Thus, overcoverage has obtained proportions of force majeure or a miracle. Hegel reasonably explained even the **phenomenology of spirit**, while the experts believe it is a phenomenon that certain people were enumerated and included in the contingent of residents, in spite of not having the right to be enumerated as such. This is not a phenomenon, but an evident violation of the Law on Census. The TA experts trying to legalize this, illegally and unlawfully, is actually a phenomenon, as they are using PES results which, based on their wrong methodology, can only be a forgery. **Technical Assistance experts are here to provide technical assistance, not to impose inapplicable methodologies. It is a legal phenomenon when technical assistance experts pass and adopt a methodology and implement activities based on this imposed and wrong methodology, completely ignoring the views of the profession which have already been endorsed.**

In the Technical Assistance Report referring to the period between 28 May and 1 July 2016 it is evident that there were serious omissions in data processing. The Technical Assistance in fact did not achieve its goals in the period the Report refers to, which is logical, since it is impossible to process census data within one month. The same applies to the Report by Donatella Zindato referring to the period between 25 June and 1 July 2016, regarding the dissemination of Census results.

After the Technical Assistance Report on the mission dedicated to PES, carried out between 11 and 15 July 2016, was not submitted timely, as it was submitted with a delay of almost two months, the Institute sent a written request for its submission. Once again, the Institute had to address Mr. Pieter Everaers, the Chairman of the SC IMO, on 13 September 2016, in order to point out the unlawful actions and unprofessionalism of the Technical Assistance, above all the application of methodologies for which there were no basic conditions, and to warn about the statements given in these reports, which are contrary to the IMO reports and recommendations. All this was explained in detail in our comments to the report.

On 16 September 2016, the Institute received an email message from the Technical Assistance, which laconically notified the Institute that the Technical Assistance experts received the Institute’s comments on the Technical Assistance Report, noting that there would be no further elaboration on the given issue. We believe that such an answer is very unprofessional and irresponsible. In fact, the comments on the report of Technical Assistance experts, which we were provided with almost two months after the mission, beyond all objective deadlines, should have helped the

Technical Assistance experts to make their next reports better and more professional and objective.

Through this Open Book, other authorities will also be informed about the unprofessionalism of Technical Assistance, including other statistical institutions, senior officials of the international community and the general public in BiH. This will be done in a proper, transparent way.

Particularly worrying is the fact that, during the last mission regarding PES, the experts worked completely independently, excluding the domestic experts from their activities. This mode of work is tendentious, with the intent to discredit and minimize results of the Post-enumeration Survey.

Therefore, it is obvious that lately the Technical Assistance has been doing its job contrary to the Law. They exceeded their authority, using wrong methodologies, thus dramatically becoming the tool through which someone attempts to redesign the Census results. The Institute will not allow this, nor accept such results.

OPEN QUESTIONS IN THE CENSUS

1. Consistency of place of work/study (question 40) with answers to questions 1 to 7 (place of residence)

Questions 1 to 7 establish a place of residence, as the census questionnaire states. Resident status is not determined exclusively based on these questions, which the SC IMO recommended, especially when it comes to problematic questionnaires. Status of a resident is actually determined pursuant to **Article 7 of the Law on Census**, entitled “total resident population”. This article of the Law clearly defines who can be a permanent resident (paragraph 1.), while paragraph 2. of this article defines **who cannot be a permanent resident** and paragraph 3. defines persons who should also be included in total resident population. The main point of the provision in paragraph 1. is that an enumerated person has a usual place of residence, as this is required as a cumulative condition for the determination of resident population, both for persons who are present and for those who are temporarily absent. If an enumerated person, for example, claims in the questionnaire that he/she was permanently present or temporarily absent, while having a usual place of residence in BiH (Q1 to Q7), while in question 40 (place of work/study) he/she claims that he/she works or studies in a country which is not one of the BiH’s neighbouring countries, this clearly implies that this person is not permanently present nor temporarily absent, nor does he/she have a usual place of residence in BiH. Therefore, it is clear that this person provided false information in questions 1 to 7.

In its penalty provisions (Article 43), the Law on Census stipulates offense liability and fine for persons who provide incorrect or incomplete answers. The minimum sanction, which is also the most accurate and the most acceptable from the standpoint of statistics, is that false information cannot be accepted as correct. In addition, Article 7 paragraph 2. of the Law on Census explicitly states: “enumerated persons **who do not meet the criteria** for the resident population are considered temporarily present persons and should therefore not be included in the total resident population of the given area”. The Law is completely clear here. Thus, if a person himself/herself, in question 40, answered that he/she does not meet these criteria, by checking the checkbox provided for an answer and by confirming this with his/her signature, it is clear that such a questionnaire must be eliminated from further data processing, as unlawful. At stake is not only the application of the law, but also of fundamental statistical principles – accuracy and reliability. Therefore, the IMO’s recommendation to include such questionnaires does not comply with the Law. In this case, can we accept the IMO recommendation which is contrary to the Law, claiming that such questionnaires should be accepted and that such results should be verified? Of course we cannot; this is evident. It was estimated that we have approximately 40 to 50 thousand of these questionnaires.

In the letters sent to the Chairman of the Council of Ministers of BiH, Mr. Denis Zvizdic, and the Minister of Finance of Republika Srpska, Mr. Zoran Tegeltija, Mr.

Pieter Everaers explained that question 40 cannot be accepted as relevant while determining resident population due to following reasons:

- a) Place of work/study is not a core census topic, and
- b) Law on Census does not stipulate that this question should be one of the variables used to determine resident status.

These explanations are not in accordance with census regulations, due to the following:

- a) Pursuant to the Conference of European Statisticians Recommendations for Censuses 2010 (this legal act is defined as the official subsidiary source of law by Article 2 paragraph 2. of the Law on Census), place of work is a core census topic.
- b) In the Law on Census, there is a variable for place of work/study, in Article 7 of the Law, which refers to total resident population. It is mentioned in paragraph 3. of this article, in its items a) and b). Therefore, this variable must be used when determining resident status, as it represents one of the direct legal provisions through which we determine total resident population. Also, this statement of Mr. Pieter Everaers clearly indicates that he is aware of the fact that the total number of population can be determined only pursuant to the Law.

It is unclear why the SC IMO decided, contrary to the Law, to change the correct, objective and fair stance on this issue, given previously as one of the main conclusions in the summary of the Thirteenth IMO Report, in which item 29 explicitly states:

“Data processing phase should make it possible to distinguish between resident and non-resident population, using the answers to questions 1 to 7, but also using questions about place of work or study, because certain persons were instructed how to answer questions 1 to 7 in order to be counted as residents, through certain unofficial campaigns”.

Please note that, in accordance with the Law, the need to use question 40 was also expressed by the census technical assistance experts, during their mission held between 1 and 5 December 2014. This proposal was formalized in the Annex 4 of the Technical Assistance Report, entitled “Check of the consistency of resident status with other information in the questionnaire”. Rule 1 of the given document states that, if a person enumerated as a household member and as a person present at the place of census at the critical moment claims in question 40 that he/she works or studies abroad, this represents an inconsistency in answers in such a questionnaire. This does not include people who work or study in the neighbouring countries (Croatia, Montenegro and Serbia), while this document argues that persons who work or study in other countries cannot return to their usual place of residence daily, in spite of them claiming that they do in the questionnaire.

Therefore, question 40 in the questionnaire (place of work/study) is undoubtedly relevant and it must be taken into account when determining resident status.

2. Children born after 30 September 1998, who provided data for themselves.

Regarding the SC IMO's recommendation, given in the aforementioned letters, that this category should be included in further data processing, we wish to remind you of the provision of Article 11 paragraph 2. of the Law on Census, which stipulates that one of the parents, adoptive parents or guardians must provide data for children under 15 years of age. Therefore, if data were not provided by these persons defined by the Law, given questionnaires are contrary to the Law and void as such. Also, please note that Article 43 of the given Law (penalty provisions) envisages a fine for parents, adoptive parents or guardians in case they do not provide answers to questions in questionnaires for children under 15 years of age, or in case they provide inaccurate or incomplete answers. This penalty provision exists precisely because a child, pursuant to the Law, cannot provide data for himself/herself, in order to prevent possible misuse of overcounting by third persons for this sensitive category

Therefore, there was a legal obligation of these persons, stipulated in two articles of the Law, to provide data for the given category of persons. Thus, the recommendation to include these questionnaires as valid is contrary to the Law (approximately 12,500 questionnaires).

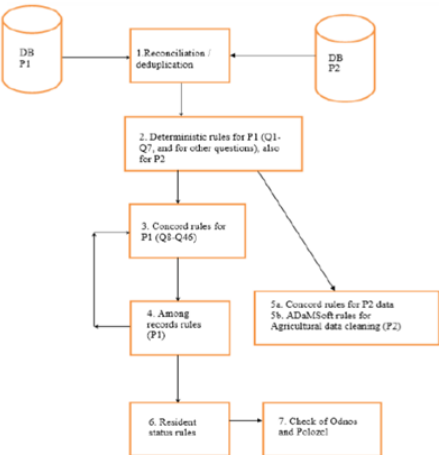
The Republika Srpska Institute of Statistics believes that the principle of legality must be applied when processing data; thus, data processing must not include questionnaires which are not in line with the Law on Census.

3. Use of probabilistic method for imputation of missing values in questions 1 to 7.

In his letters, Mr. Everaers, on behalf of the SC IMO, gave the third problematic recommendation according to which a careful application of the probabilistic method represents a suitable method for determining resident status in cases of non-response in certain variables in questions 1 to 7. This careful application is justified by Mr. Everaers through the need to find a compromise, by imputation being allowed on two variables at most in questions 1 to 7. It is clear that the SC IMO is aware of major shortcomings of this method, as it was advised to apply it carefully. However, such careful application is not possible. This method works by imputing missing answers, thus actually randomly changing the will of enumerated persons, which is contrary to the aforementioned Article 43 of the Law, which states that persons must provide accurate, correct and truthful answers. This is indeed a statistical method, but it cannot be considered an appropriate method through which one can determine resident status of a person. In addition, it is proposed to find a donor for imputation only in questions 1 to 7, while not looking for donors for imputation in all answers provided in the questionnaire. According to the findings of the Institute, and upon consultation with the technical assistance experts who proposed the probabilistic method, it was concluded that this method was not used

to determine resident population in any other country worldwide which applied the traditional method of enumeration. Also, it has never been used to determine which problematic questionnaires should be included and which should be excluded. Moreover, all the neighbouring countries have used the deterministic method, as a far more reliable approach. This is logical, as a principle of randomness and probability cannot be more appropriate than a deterministic principle of specificity, which is much more accurate (the method was only used in Kosovo, but only after resident status was determined during fieldwork – thus, the method was not applied for residents in Kosovo either). Analyses that controlled the reliability of probabilistic method for problematic questionnaires have shown that this method was unreliable for 77% of questionnaires analysed, as it assigned resident status randomly or it classified questionnaires as errors. All this clearly indicates that this method cannot be considered acceptable or reliable, even if its application is limited and careful. It is also evident that the use of this method to determine resident population is not an international practice, and the Census in BiH must not serve as an experiment in terms of such a sensitive issue.

Data Cleaning Strategy



Note:
 This strategy was developed by Marco Scarnò and Giulio Barcaroli during the Pilot Project: “Assistance for definition and implementation of the data cleaning strategy for the BiH population and housing census” (IPA 2012 Multi-beneficiary statistical cooperation program).

It has been proposed to the local Institutions and approved.

Figure 1. Scheme from a presentation from the international Pilot Project of census data processing

The scheme was produced in December 2014 by international experts Marco Scarno and Giulio Barcaroli, in cooperation with all three statistical institutions, through the Pilot Project of census data processing. The scheme clearly shows that for questions 1 to 7 in the questionnaire only deterministic rules are applied, while probabilistic rules are applied only to questions 8 to 45. All three statistical institutions agreed on this matter. The unlawful and unauthorized application of the probabilistic method, later applied to questions 1 to 7 by the international experts, resulted in a significantly higher number of residents, who had no right to be included as residents pursuant to the Law on Census. Afterwards, this issue became an “open question”, due to the partiality of Technical Assistance experts.

It has been estimated that, based on these three problematic and open questions, approximately 150,000 questionnaires would be included, which would mean that we would have approximately 10 million inaccurate data in the Census, if we take into account the number of usual answers and variables in each questionnaire. If we keep in mind that such census results, if we were to acknowledge them (but they are unlawful and cannot be acknowledged), would be compared with future censuses and censuses in other countries, then it is clear that we would cause permanent damage to the statistical activity.

In discussions with the SC IMO, the Institute repeatedly asked for necessary steps to be taken in order to change these three recommendations which do not comply with the Law on Census.

4. Sequence of steps in determining resident status

When it comes to the sequence of steps to exclude invalid questionnaires from data processing, the sequence recommended by the SC IMO, in a letter of 16 June 2015 (table „Exclusion/inclusion of valid/invalid questionnaires“ was attached to the letter), was not taken into account in the Draft Programme of the Agency for Statistics of BiH.

According to all IMO recommendations, persons enumerated more than once are excluded from the Census immediately after the exclusion of questionnaires containing invalid barcodes.

This approach is logical and correct, because persons who were enumerated multiple times can not affect other enumerated persons in any way after the exclusion of their multiple questionnaires. The failure to exclude multiple questionnaires at the beginning of the exclusion procedure would allow a person to unlawfully provide information for absent persons on a number of different locations (empty houses). Such situations are unlawful, because only a present household member was allowed to provide data for absent persons. It is clear that a person enumerated multiple times cannot be a member of two or more different households.

Statisticians from all three statistical institutions and an expert Marco Scarno developed complex procedures for identification of duplicates among persons enumerated multiple times, thus making sure that a wrong duplicate is not identified and excluded. In case representatives of the Federal Institute of Statistics and some of the Agency's representatives thought that there was a possibility that identification of duplicates could be wrong, they should have proposed an analysis and possible correction of the procedure for identification of duplicates, instead of suggesting changes to the sequence of exclusion of questionnaires, which would result in additional errors due to unlawful actions.

5. Determining resident status in relation to the auxiliary variable "duration"

Another disputable issue was the determination of resident status in relation to the auxiliary variable "duration" of presence/absence in questions 4 and 5 in the questionnaire, based on which, in addition to other questions from 1 to 7, resident status is determined. The Institute's position was that the auxiliary variable designated as "duration", which is also one of the key variables that determine the resident status of persons enumerated, should be calculated in accordance with the rules defined in the methodology and P-1 questionnaire, as well as through a correct and unbiased treatment of missing answers. The Institute's position was eventually accepted by other two statistical institutions, as well as by the international expert, as it is unacceptable to treat the missing number of months as the sole answer 0 months, if the answer is missing on the number of months of the person's absence, considering that it was possible to give 11 more answers.

6. Use of the deterministic method

Regarding the application of nine rules of deterministic corrections in data processing, the Institute's position is that these rules should not be applied. Specifically, the application of nine deterministic rules results in changes to original data in questionnaires in the first seven questions. In addition, when it comes to the application of nine deterministic rules, it is evident that if the probabilistic approach and nine deterministic rules are applied, changes are allowed to original data in three variables, while IMO recommended to only allow changes on two variables at most. Changing original answers in questionnaires is contrary to Articles 43 and 44 of the Law on Census. In addition, based on statements of senior officials of the Council of Ministers of BiH that we must not allow changes to original answers in questionnaires, the correct position of the Republika Srpska Institute of Statistics that the option 4, proposed by IMO in their Twentieth Report, which does not include the application of deterministic approach represents the best possible solution was once again confirmed.

PART TWO

REASONS WHY THE CENSUS RESULTS PUBLISHED BY THE AGENCY FOR STATISTICS OF BIH AND THE FEDERAL INSTITUTE OF STATISTICS CANNOT BE VERIFIED

Pursuant to Article 37 of the Law on Census, the Agency and entity statistical institutions define the enumeration tables and publish the Census results:

- a) Preliminary Census results within the period of 90 days after completion of the Census, and
- b) Census results defined by unified data processing programme within the period from 01 July 2014 until 01 July 2016.

Preliminary Census results were published by all three statistical institutions. Pursuant to the above legal provision, it is clear that the Unified data processing programme is a necessary condition for the publication of final Census results, as stipulated in the Law. This programme was “adopted” unlawfully and this is the key reason why the Census results cannot be lawful and valid, and therefore they cannot be verified either.

Thus, we devote a special chapter to this topic that divided the public in BiH, in order to clearly and unambiguously explain why this act is unlawful. This issue is also important because Mr. Mladen Bosić, the Chairman of the House of Representatives of the Parliamentary Assembly of BiH, submitted an appeal to the Constitutional Court of BiH against this act and the manner of its “adoption”. Given that every issue presented to the Constitutional Court causes controversy, we believe it is useful to present the public with arguments which prove a number of illegalities which were evidently committed in the adoption of this Programme. In addition, guided by the principle of timeliness and transparency, we believe it is extremely beneficial to warn the SC IMO about all circumstances and facts regarding the “adoption” of this contested act, before they give their final assessment of the Census in BiH and its results. We also believe that any interested person should be warned about these issues as well.

“ADOPTION” OF THE UNIFIED DATA PROCESSING PROGRAMME

On 18 May 2016, at an extraordinary press conference organized by the Agency for Statistics of Bosnia and Herzegovina, the director of the Agency stated that he “prescribed a Decision to “adopt” the Unified data processing programme for the Census of Population, Households and Dwellings in Bosnia and Herzegovina 2013”. On this occasion, the director of the Agency for Statistics of Bosnia and Herzegovina said that the above act was “adopted” without the consent of the entity statistical institutes and without the consent within the Agency he manages, noting that the Central Census Bureau, as the highest Census body, did not discuss this controversial legal act. In the said Decision, inter alia, it is stated that the disputed legal act shall enter into force on the day of its adoption, that it is an integral part of the director’s Decision, and that it shall be published in the Official Gazette of Bosnia and Herzegovina.

Given that this extraordinary and unexpected press conference attracted great media attention, the general public is familiar with the aforementioned facts.

Since this Programme is of key importance for the content and publication of Census results, this legal act and the method of its adoption are directly regulated by Articles 20, 21 and 24 of the Law on Census. These provisions clearly imply that the Programme is established by the Agency for Statistics of BiH, with the entity institutes taking part in its drafting, while the Programme prior to its adoption must be discussed by the Central Census Bureau, as the highest Census body in BiH. It is therefore clear that Mr. Jukić himself, without any hesitation, practically admitted that he ignored all these legal provisions regulating the adoption of the Unified data processing programme. Please note that the Agency for Statistics of BiH has two deputy directors, who must represent other two constituent peoples. Mr. Jukić ignored their views, which is contrary to Article IV of the Decision on Establishment of the Agency for Statistics of BiH (“Official Gazette of BiH, No. 40/98, of 20 August 1998, published in Official Gazette of BiH, No. 16/98), which stipulates that decisions within the Agency must be taken by consensus.

Thus, although he was aware that there was no required consent and that his act was unlawful, and in spite of being warned about this by the Institute through a request for revocation of the unlawful acts, Mr. Jukić stuck to this decision.

The Institute believes it is much better to provide legal reasons, without addressing speculation, in order to undoubtedly prove why Mr. Jukić’s decision to “adopt” the Unified data processing programme is unlawful on so many grounds that this case could be observed and studied as a textbook example of unlawfulness.

In the further course of this paper, we explicitly mention the breach of procedure and substantive violations of the Law on Census by the director of the Agency for Statistics of BiH, which is why the aforementioned unlawful legal acts are contrary to the Law and must be repealed as such.

With an intention of resolving this problem urgently, requests to repeal these acts were immediately sent to the director of the Agency for Statistics and the Council of Ministers of BiH, while this issue was also discussed at the House of Representatives of the Parliamentary Assembly of BiH. Prompt requests to repeal the unlawful acts were sent by the Government of Republika Srpska, the Republika Srpska Institute of Statistics, and Miljan Popić, the deputy director of the Agency for Statistics of BiH from among the Serbian people. Requests to repeal the given acts were sent because these acts violate human rights and fundamental freedoms guaranteed by the Constitution of Bosnia and Herzegovina and the entity constitutions, as well as by the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols that are directly applied in BiH, in particular:

- Freedom of thought, conscience and religion,
- Freedom of expression,
- Freedom of movement and residence,
- Child rights guaranteed by the UN Convention on the Rights of the Child,
- Constitutionally guaranteed principle of non-discrimination in the protection of human rights on the grounds of gender, race, language, religion, national or social origin, and links with a national minority, etc.

BiH being a democratic state which operates in accordance with the law and based on free and democratic elections, the disputed acts also violated the principles of legal certainty and legality. However, Mr. Jukić did not want or could not change his unlawful decision for his own reasons, while there was no agreement in the Council of Ministers of BiH or in the Parliamentary Assembly of BiH on this issue. The House of Representatives of the Parliamentary Assembly of BiH discussed the Programme at its 5th urgent session, since even in these highest authorities in BiH there was a sharp division of opinions about this matter, not in terms of law, but in terms of belonging to different constituent peoples.

The aforementioned human rights, which are in line with the Constitution of BiH covered in the substantive provisions of the Law on Census, were violated by the Programme and the Decision to “adopt” this act, due to the following:

A constitutional right and fundamental freedom of every human being and a citizen, as an essential part of his being and his intimacy, is the **freedom of thought, conscience and religion**. In this sense, legal solutions guarantee every person in the Census the protection of personal data, and the right and obligation to provide accurate and complete answers to questions in the Census questionnaire (Article 11 paragraph 1. and Article 43 of the Law on Census).

Article 44 of the aforementioned Law stipulates sanctions for persons who contrary to the will of a person covered by the Census exert influence on that person to, against his/her will, give information on his/her ethnic or national or religious affiliation. In item 24 of Summary of the Thirteenth Report, IMO noted the following: “The population was well aware of the Census and eager to participate. However, some disinformation campaigns organised by political or religious groups, to tell people the “right” way of answering questions on ethnicity, religion and mother

tongue, or to encourage citizens living abroad to come to be enumerated in the country, polluted the conduct of the operation. Unfortunately, these campaigns and rumours were not contradicted by an efficient official communication campaign and systematic official reactions.”

In addition, in item 29 of the Summary of the Thirteen Report, IMO also stated the following: “The main problem concerned people living abroad, either enumerated by a present member of a household, or coming to the country during the census period to be enumerated. The phase of data processing should help distinguish between the resident and non-resident population using the answers to questions 1 to 7, but also questions on the place of study or work, as some people were encouraged by some unofficial campaigns to answer to Q1-7 in a way to be considered as residents.”

In the Thirteenth Report, in a part referring to the conditions and general atmosphere during the enumeration, item 50 states: “Certain groups that exerted pressure organized a disinformation campaign, telling people who live abroad to come to the country to be enumerated unless they want to lose their property and citizenship. Certain people spent a lot of money to come to the country, only to be told that they could have been enumerated online. They ended up being sad for spending their money to come, while this was not necessary.”

In terms of the Law on Census, in addition to enumeration of permanent residents in BiH, as clearly stipulated in Article 7 of the Law on Census, citizens of BiH who temporarily work or reside abroad were also enumerated, as provided for in Article 40 of the Law on Census, in conjunction with Article 2 paragraph 1. items a) and b) of the same Law (definitions). Thus, these are two completely different categories of population. The main problem in the disputed acts of Mr. Jukić is that these two categories are completely intermingled. In fact, resident or permanent population included persons who are actually non-residents, because they live or work abroad, in countries not adjacent to BiH. It is therefore evident and indisputable that such persons cannot meet the legal requirements to be permanent residents, as it is obvious that they cannot spend their daily rest in BiH, as stipulated in Article 2 paragraph 1. item a) of the Law on Census.

As if it was not enough that informal groups used various means and pressure to influence non-residents to be enumerated as residents, thus violating the freedom of thought, conscience and religion, it was also done by Mr. Jukić, by means of his unlawful acts.

Since the Census is based on a **free expression of will** of enumerated persons (a case of conscience and honesty of the person providing data) and that data provided by any person are not checked additionally, in addition to the fact that the enumerator cannot influence answers of enumerated persons, it is obvious, as noted by IMO as well, that a number of informal groups exerted powerful pressure, by means of electronic media, websites, billboards, posters and the like, to influence answers to sensitive questions. Mr. Jukić included 196,000 problematic questionnaires in further data processing; on 18 May 2016, the day when he issued

the Programme, he claimed that persons in these questions would be permanent residents of BiH. In doing this, he ignored the fact that in question 40 (place of work/study) these persons' answers clearly imply that they cannot be residents, since their place of work or study is in countries not adjacent to BiH. It is important to note that the contingent of 196,000 questionnaires does not include all those persons who were instructed by certain groups (as evident in IMO reports) to provide answers in order to be included in the resident population, in spite of not being residents. In fact, if such questionnaires were completed correctly, they were included in data processing as indisputable questionnaires; the number of these is very high, as shown by the Post-enumeration survey too. Post-enumeration Survey indicated an overcoverage unprecedented in the European practice. The contingent of 196,000 questionnaires is composed of questionnaires for which it was evident that they were problematic, while Mr. Jukić assigned the status of residents to all persons in these questionnaires, although there were no legal conditions to do so.

Freedom of expression, as well as the previously mentioned right to freedom of thought, conscience and religion, was particularly drastically violated by the disputed acts of Mr. Jukić. The unlawful Programme, and in particular the use of so-called probabilistic method allowed changes to original answers in questionnaires. Therefore, the will of individuals was modified, which is contrary to the Law on Census, based on which a person must provide complete and accurate answers during the enumeration, while missing answers may not be imputed and answers may not be changed.

The right to freedom of movement and residence was violated by failing to take into account the place where the enumerated person lives, works and moves freely. It has already been mentioned that certain groups falsely threatened persons living abroad that they would lose their property or other rights in BiH if they fail to fill out the questionnaire as if they were residents. The Census is, above all, carried out for economic, demographic and social reasons. In this sense, Census results will be of special importance for permanent residents in BiH, who, as taxpayers, actually finance Census activities for the most part, through the budgets of BiH, the entities and Brčko District. Mr. Jukić's Programme significantly violates the right to freedom of movement and residence, because non-residents are unlawfully recorded as permanent residents, although their answer to question 40 (place of work/study) in the problematic questionnaires is that they work or study in countries not adjacent to BiH.

Child rights under the UN Convention on the Rights of the Child, as one of the most sensitive rights with respect to the category protected through these rights, were also violated by Mr. Jukić's Programme. The Law on Census, which complies with the Convention, in Article 11 stipulates that data on children aged under 15 years must be provided by a parent, adoptive parent or guardian, as exhaustively determined in this provision. In contrast, Mr. Jukić's Programme provides that questionnaires in which children provided data for themselves are to be included in data processing, even though Article 43 of the Law stipulates criminal sanctions for parents, adoptive parents and guardians if they fail to provide data for children

under 15 years of age. **To make the matters worse, an unlawful recommendation to include these unlawful questionnaires in data processing was also given by IMO. In doing this, IMO in fact exceeded its authority; instead of being a monitoring body for the Census, they actually attempted to change the Law on Census, even though the provision regulating that children aged under 15 years cannot provide data for themselves is an international standard and as such is included in laws of other countries that carry out censuses. The Institute warned IMO about the unlawfulness of this recommendation several times.** The inclusion of such unlawful questionnaires based on the Programme represents a violation of Article 16 of the UN Convention on the Rights of the Child, which guarantees that “no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation”. Paragraph 2. of the same Article states that “the child has the right to the protection of the law against such interference or attacks”. Therefore, in spite of two direct provisions in the Law on Census which protect children aged under 15 years from providing data in the Census (including personal data, health data, data on property, a set of economic questions, etc.), Mr. Jukić in his Programme consciously violated these rights. This was done consciously, because the director of the Agency was warned that unlawful questionnaires must not be included in data processing. Children aged under 15 years cannot comprehend the importance of data provided and they are unable to provide proper answers to very complex questions in the questionnaire.

When he adopted the Programme, Mr. Jukić stated that the Programme fully complies with the recommendations of the International Monitoring Operation. The Institute wishes to point out the undeniable fact that some of the key recommendations of IMO were not in line with the Law on Census. In addition, at a press conference held at the EC Delegation in Sarajevo on 26 May 2016, Mr. Pieter Everaers, the Chairman of the SC IMO, clearly presented his stance in terms of importance of the recommendations given by his team and of the Law on Census, giving primary importance to the Law. This is the only possible solution and Mr. Jukić was surely aware of this. The Law on Census does not mention IMO at all, while it is clearly stipulated that the application of international provisions is subsidiary in relation to the Law. Since the Memorandum provides that the Census is organized and implemented by authorities, bodies and institutions in BiH in accordance with the Law, it is clear that Mr. Jukić’s Programme, which is based on recommendations that are contrary to the Law, must be unlawful. Even Mr. Everaers indirectly admitted this in his letters, claiming that the responsibility to implement the recommendations is fully on the director of the Agency, who adopted the Programme.

A constitutionally guaranteed principle of **non-discrimination** in the protection of human rights based on gender, race, language, religion, national and social origin, and links with a national minority, etc. has been severely violated by the Programme adopted by Mr. Jukić. The Law on Census is based on full equality of the constituent

peoples and others. In accordance with this principle, and according to results of the previous census of population in BiH, census commissions in units of local self-government were established, and state and entity instructors, city/municipal instructors and enumerators were appointed. It is extremely important to note that enumerators were selected pursuant to this principle, as they were in charge of filling out questionnaires in households.

Article 13 of the Law on Census stipulates the equality of languages and scripts, in terms of printing of Census materials and in terms of answers in Census questionnaires.

Article 14 of the Law on Census also guarantees the right to national minorities to be given copies of Census questionnaires in the language and script of their national minority. In addition, Article 19, Article 24 paragraph 3. and Article 26 paragraphs 2., 3., 4. and 5. of the Law on Census provide provisions concerning the ethnic structure of Census participants. The Parliamentary Assembly of BiH, which is organized into two houses, one of which is the House of Peoples which guarantees the equality of the constituent peoples and others, adopted the Law on Census which contains a number of provisions on equality and ethnic representation. In the given situation, Mr. Jukić's arbitrary act in fact represents a blow to basic elements of the legal system in BiH. One could get an impression that in this case an individual is above the institutions and the constitutionally guaranteed mechanism of protection of national rights of BiH citizens. Also, it is a paradox that Mr. Jukić, as an individual, by means of his unlawful acts, determines who gets to be a BiH citizen and what the ethnic structure of the state should look like. Even emperors were deprived of this right.

The Institute believes that it is particularly important to note Article 19, paragraph 3. of the Law, which provides that the ethnic structure of the staff who work on data entering, processing and control shall reflect the ethnic structure of the population of Bosnia and Herzegovina according to the 1991 Population Census. This provision practically serves to prevent abuse or violations of the law on a national basis in a very important and sensitive process of data processing. However, what is the legal provision worth, when Mr. Jukić arbitrarily "adopted" an act by means of which he himself determines who will be a resident, and who will not; obviously, this is contrary to the law, because Mr. Jukić, is an individual who is a member of only one constituent people (it is irrelevant what nation is concerned). In other words, Mr. Jukić, through his actions, "crushed" the Law on Census and its fundamental principles.

The Programme had to be discussed at the Central Census Bureau, as the highest Census body, because this is explicitly stipulated in Article 24 paragraph 2. of the Law, which is certainly in conjunction with paragraph 3. of the same Article, which provides the equal ethnic representation in the Central Census Bureau. The extent to which Mr. Jukić consciously violated rights on the national scale by adopting this unlawful Programme is evidenced by the fact that the same Article and paragraph also stipulate that the director of the Agency for Statistics, by virtue of his position, is

also the Chairman of the Central Census Bureau. Therefore, Mr. Jukić brought his two positions into direct conflict and this cannot be tolerated.

The right to non-discrimination is of particular importance in terms of determining permanent population in BiH in accordance with the Law. The Census, as the most complex statistical activity, should have been carried out in accordance with the principles of statistics as a science, by statistical institutions whose activities involve this activity as well. Accordingly, in order to carry out this activity, professionalism and objectivity are required. The Census is important, above all, as an economic, social and demographic issue. In this regard, in order to obtain expected, reliable and relevant Census results, certain criteria specified in the Law have to be respected when determining the status of permanent residents in Bosnia and Herzegovina. The status of these persons, their obligations, rights and duties differ significantly from those of persons who live, study or work abroad, although they are citizens of BiH. A false perception was created in the public, fueled by the media and certain political entities, that the Census would serve to deny the rights of BiH citizens living abroad, even though these have nothing to do with the Census as a technical and professional matter, nor with statistics as a science. Permanent residents fully participate in the life of the country where they have their usual place of residence, that is, in the country of which they are residents. Permanent residents pay all direct and indirect taxes, exercise rights to health, pension and disability insurance, they are tied to the legal system of the country they live in, etc. Income of permanent residents is used to finance the country and the common needs of its citizens, including courts, the army, the police and other authorities, and of course statistical institutions which carry out censuses. Non-residents have no such obligation. They have obligations in other countries where they are residents. This difference could be further evidenced by a number of examples, but we believe that this matter has been fully understood by means of the aforementioned facts. Nevertheless, Mr. Jukić argues that persons who work or study abroad and do not spend their daily rest in BiH are residents, although legal provisions indicate just the opposite. The Law is perfectly clear on this issue; Article 7 paragraph 2. provides the following: "Persons who are enumerated but do not meet the criteria for usual residence in the place of enumeration, i.e. do not live or do not expect to live in the place of enumeration for a continuous period of at least 12 months, are considered temporarily present persons and shall therefore not be counted in the total population of the enumeration area." Accordingly, persons who in question 40 in the questionnaire (place of work/study) declared that they work or study in a country which is not adjacent to BiH, which means that they cannot spend their daily rest in BiH, certainly do not meet the criteria set out by the Law for permanent residents.

By including 196,000 problematic questionnaires in the resident population, Mr. Jukić not only drastically changed the number of residents, but also made the Census results completely irrelevant and inapplicable. Given that each enumerated person provides approximately 100 answers in the questionnaire, including variables too, one can understand the extent of damage Mr. Jukić's act caused to the Census in BiH. Millions of data are false and any future survey has been brought into question. In

addition, inclusion of non-residents in the resident population will affect the social, demographic and economic trends, while the ethnic structure in Bosnia and Herzegovina has been significantly changed by means of this unlawful Decision and Programme. This, of course, raises long-term consequences. Due to Mr. Jukić's actions, the Census has turned into a very complex political issue, instead of being a statistical one. Of course, this results in general legal uncertainty, violating the human rights and freedoms, as a consequence of unrealistic and unlawful Census results.

Almost all human rights provided in the catalogue of rights may or will be threatened on account of unlawful Census results. The implementation of such results in legal solutions, strategies, plans, projects, etc. will certainly result in violations of rights of individuals in terms of employment, education, health care, and similar. Also, Census results, due to the unrealistic and fictitious number of permanent residents, will certainly affect the allocation of revenues between units of local self-government; all this is part of the life of an individual, as it impacts the exercise of his/her rights.

Further in the text of this Open Book, we provide a systematic overview, supported by appropriate evidence, of the breach of procedure and substantive violations of provisions of the Law in "adopting" the controversial acts by Mr. Jukić. We will also provide legal explanations of the previously presented views. The evidence clearly indicates a large number of mandatory legal provisions violated by Mr. Jukić. We believe these must be presented in their entirety in this book, in order to fully show the extent of unlawfulness committed by the director of the Agency, which had a direct impact on the violation of rights and freedoms of enumerated persons and Census participants.

Breach of Procedure

1. Director of the Agency for Statistics of BiH "adopted" the disputed Programme through the Decision on the adoption of Unified data processing programme for the Census of Population, Households and Dwellings in Bosna and Herzegovina 2013, which was published in the Official Gazette of BiH, No. 38/16, of 24 May 2016. It is stated that the director "prescribed" the given Decision.

If the director of the Agency, pursuant to Articles 20 and 28 of the Law on Census, had an authority to "adopt" this Programme, he would not have needed the Decision he "prescribed". However, since the director of the Agency "adopted" the Programme arbitrarily, without the consent in the Agency for Statistics of BiH, which is confirmed by the text of the Decision, he did not need the Decision in the form of a decree either. It is absurd that the director of the Agency refers to Article 8 of the Law on Statistics of Bosnia and Herzegovina ("Official Gazette of BiH", No. 26/04 and 42/04) in the legal basis of the Decision, because the given Article defines authorities of the Agency for Statistics of BiH, not authorities of its director, which is in direct conflict with Article 28 of the Law on Census, which defines authorities of

the director as an individual. If the lawmaker had had the intention to give the powers to the Director of the BiH Statistics Agency in the process of enacting the Law on Census, it would have been stated in the Law as the case is with methodologies and census questionnaires. In Article 20 items c), d), e) and f), the Law on Census explicitly stipulates that the Agency for Statistics of BiH determines a methodology and Census questionnaires. This undoubtedly means that, before the director prescribes these acts, they must be determined by the Agency for Statistics of BiH and the director is not allowed to do this independently. In addition, the aforementioned methodologies are adopted with the participation of entity institutes in their design, or in cooperation with entity institutes when it comes to a unified methodology for setting up and keeping a single register of spatial units. Please note that all three statistical institutions gave their consent for the Census Methodology and questionnaires before their release, which was not the case when the Programme was adopted.

For an act to be determined in the Agency for Statistics of BiH, it is necessary to reach a consensus on it. It cannot be a result of individual decisions of the director. We have already mentioned that Article IV of the Decision on Establishment of the Agency for Statistics of BiH stipulates that decisions are taken by consensus.

Accordingly, the director of the Agency for Statistics of BiH had to have approval for the given act of both his deputies. Nevertheless, Mr. Jukić said that he did not have the consent of his deputies to adopt this act, while Mr. Miljan Popić, deputy director from among the Serbian people, opposed the adoption of this programme at a press conference.

The disputed acts are individual acts of the director, conducted contrary to the aforementioned legal procedure, because the director of the Agency for Statistics of BiH "prescribed" one of them and "adopted" the other independently (which is legally impossible and no court, especially the Constitutional Court, should tolerate this). These acts clearly contradict each other.

2. In the introduction to the Decision and the Programme, the legal basis is not properly specified, because the legal basis for establishing the Programme are exclusively Articles 20, 21 and 24 of the Law on Census, which must be applied in the Census as *lex specialis*, bearing in mind the fact that the Census, as the most important statistical activity, is regulated by a special law. Articles 20, 21 and 24 of the Law on Census directly refer to the Unified data processing programme, explicitly and strictly regulating the procedure of drafting and establishing this act, with the necessity to discuss its content at the Central Census Bureau. Article 28 of the Law on Census does not mention the Unified programme at all.

3. Also, in the Introduction to the Decision it is stated that the director of the Agency prescribes this Decision. It is well known that a decision is adopted, it cannot be prescribed. Therefore, it is unacceptable to have this claim in the decision, which means that the decision is not formally correct. The Law on Census does not stipulate that the director is authorised to adopt a decision on the adoption of the

aforementioned Programme. Thus, the director “prescribed” this Programme without an authorization to do so, exceeding his own authority, which is one of the reasons to contest this Programme.

4. Given that the decision in this case is an individual act, it is clear that the director may not prescribe the decision to adopt the Programme. It is clear that the Programme may not be adopted, because the documents that are adopted are not individual, but previously voted on. As no one voted on the above Programme, this Decision is legally void. In addition, the Law on Census does not stipulate that the Programme is adopted, but established by the Agency for Statistics of BiH. Thus, it is obvious that there are imagined authorities of the director in this Decision and that these cannot be real.

5. Article 1 of the Decision states that the Unified Programme is “adopted” and that it will be implemented at the Bosnia and Herzegovina level, which automatically means that it will not be implemented at the entity level. In this case, the Programme cannot be unified.

6. In Article 2 of the Decision it is stated that the Unified Programme is an integral part of the Decision. As the Unified Programme is an independent bylaw whose existence is stipulated in the Law as a condition for the adoption of Census results, the Programme cannot possibly be an integral part of the Decision. As noted, the Decision is an individual act of the director, while the Programme is a bylaw and not an individual act, since its production involves all three statistical institutions, as provided in Articles 20 and 21 of the Law on Census. Therefore, the Decision implies that a hierarchically senior bylaw is a part of the Decision of the director. It is clear that the decision is a lower legal act, so this is legally not possible.

7. In Article 3 of the Decision, the Agency for Statistics of BiH states that the Agency, the Federal Institute of Statistics and the Republika Srpska Institute of Statistics are responsible for the implementation of activities from the Unified programme. As we all know, the competences of statistical institutions in the Census implementation are stipulated in the Law on Census. Thus, the director of the Agency for Statistics of BiH cannot define responsibilities of the Federal Institute of Statistics and the Republika Srpska Institute of Statistics. The statistical system in BiH is composed of three statistical institutions; two institutes at the entity level and the agency at the state level, as regulated by laws on statistics in BiH and the entities, as well as by Articles II, III, IV and V of the Decision on Establishment of the Agency for Statistics of BiH. Article III of the given Decision, in paragraph 1. provides that “the Agency has no authority over entity statistical institutes” (“Official Gazette of Bosnia and Herzegovina”, No. 4/97). Entity institutes, pursuant to laws on statistics, have their own directors; therefore, this position in the Decision is also legally impossible.

8. In Article 4 it is stated that the said Decision shall enter into force on the day of its prescribing, which does not comply with the legal basis of the Decision which stipulates that the decision is adopted, not prescribed, and the fact that the Decision is published in the Official Gazette of Bosnia and Herzegovina. If the decision, whose

content states that its integral parts include a bylaw which must be adopted pursuant to the law, is published in the Official Gazette of BiH, then such a decision may enter into force only after its publication in the Official Gazette, on the day of its publication at the earliest. In this regard, all activities and operations under this Decision and its prescribing prior to its publication in the Official Gazette would be legally invalid and unlawful; therefore, this article is not legally possible either.

9. The Decision was not designed in accordance with the nomotechnical rules applied at the state level when drafting regulations at the BiH level.

Director of the Agency for Statistics of BiH, pursuant to the Law on Census and the Law on Statistics of Bosnia and Herzegovina, has no authority to act on his behalf. Since the director said that there was no consent in the Agency on the Decision, it is obvious that he must have acted on his own behalf; thus, the disputed act he adopted is an arbitrary individual act.

From the above, it is obvious what the legal expertise of Mr. Jukić and his associates is. In a decision which consists of four articles in total, they managed to make ten legal errors and unlawful acts that are so severe that this Decision would have to be repealed based on any of them.

When the director of the Agency adopted the Programme, he informed journalists that enumerated persons in all problematic questionnaires (196,000) would be included as residents under the Programme; however, he had no right to give this statement before data from these problematic questionnaires were processed. Therefore, it is clear that the aim of the Programme was not to include these problematic questionnaires in data processing, but to give the status of a resident to 196,000 persons whose status is in fact problematic. It is also clear that any behaviour must be motivated.

Unlawfulness in the adoption of the Programme

1. Entity statistical institutes had to be involved in drafting of the Programme, which was not the case. The Programme adopted by the director of the Agency is a completely different document in comparison with the previous proposals presented to the entity institutes. Thus, Article 21 item b) of the Law on Census was violated, making this Programme unlawful.

2. The Programme, pursuant to the Law, is determined by the Agency for Statistics of BiH. However, the Agency did not determine it, because there was no consensus on the Programme within the Agency, as confirmed by the director himself. Here, Article 20 paragraph 1. item d) of the Law on Census was violated; thus, the Programme was not determined by the Agency for Statistics of BiH, as stipulated in the Law, but it was “adopted” by the director.

The Institute's claim that there was no consensus in the Agency for Statistics of Bosnia and Herzegovina on the Programme is supported by an email message sent by a deputy director of the Agency Mr. Miljan Popić to members of the Central Census Bureau on 5 July 2016, as a reaction to the letter sent by the Federal Institute of Statistics of Bosnia and Herzegovina. In the email message, he recalled the fact that the Unified data processing programme did not comply with the Law on Census.

3. The Programme "adopted" by the director of the Agency for Statistics of BiH was not discussed at the Central Census Bureau and there was no consensus on it, because Mr. Jukić's Programme is different from the Draft Programme which had been previously submitted to the Central Census Bureau. It is 14 pages shorter and it was altered.

The director of the Agency violated Article 24 paragraph 2. of the Law on Census, which explicitly stipulates that the Central Census Bureau pursuant to item f) examines a programme for processing the Census material and coding system, and pursuant to item e) examines technologies to be used for the data entry, software and the method of data processing. Given that the director of the Agency, in line with Article 24 paragraph 5., is the Chairman of the Central Census Bureau by the virtue of his position, it is obvious that he is in conflict with the functions he performs. Accordingly, at the moment when he "adopted" the Programme, Mr. Jukić was surely aware of the fact that he was "adopting" a Programme which had not been discussed at the Central Census Bureau, as provided by the Law.

4. Mr. Miljan Popić, deputy director of the Agency for Statistics of BiH from among the Serbian people, also opposed the "adoption" of this programme. Given the fact that he "adopted" the Decision and the Programme dealing with data processing arbitrarily, as an individual act, the director violated all provisions of the Law on Census which regulate the ethnic structure of Census participants, in Article 19, Article 24 paragraph 3. and Article 26 paragraphs 2, 3, 4 and 5 of the given Law. Since the composition of the Central Census Bureau, as the highest Census body, reflects the equal representation of all three constituent peoples, the failure to discuss the Programme before this body represents the crudest violation of this principle stipulated in the Law.

Substantive violations of provisions of the Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina 2013

1. A key article, namely Article 7 which determines permanent resident population, was violated, in particular its paragraphs 2. and 3., because the total number of permanent residents in BiH is not determined in line with the above provisions, especially in terms of question 40 (place of work/study). Paragraph 2. explicitly states that enumerated persons who do not meet the criteria for usual residence in the place of enumeration are considered temporarily present persons and shall therefore not be counted in the total population of the enumeration area." Persons from problematic questionnaires declared that they work or study in a country not

adjacent to BiH, thus declaring that they do not meet the criteria to be usual residents in the place of enumeration; namely, pursuant to Article 2 paragraph 1. item a) of the Law, place of usual residence is the place where a person lives and normally spends the daily period of rest, which is obviously impossible when it comes to these persons. Paragraph 3. stipulates that the total population also includes civilian residents who cross the border daily to work or to go to school in another country. Accordingly, persons in problematic questionnaires, who are thousands of kilometres away, certainly cannot cross the border daily to work or to go to school in another country. It is therefore clear that the director of the Agency for Statistics of BiH in his Programme unlawfully included non-residents in the resident population.

2. Article 11 paragraph 2. of the Law on Census was also severely violated, because questionnaires in which children aged under 15 years provided data for themselves were included in data processing, although a legal provision stipulates that data for these children may be provided only by a parent, adoptive parent or guardian. In this way, 12,500 unlawful questionnaires were included in the Census.

3. The Programme provides that the final Census results would cover the total population at all government levels, while the publication of the remaining data would be realised successively, in accordance with the Census Data Dissemination Plan. Given that the remaining data, which should be published successively, are final Census results and that the plan is to publish them beyond the deadline defined by the Law on Census, these data would be unlawful. Provisions of Article 37 of the Law on Census, referring to release of Census results, stipulate that the Agency and entity statistical institutions define the enumeration tables and publish the Census results, namely "Census results defined by unified data processing programme within the period from 1 July 2014 until 1 July 2016."

Please note that a comprehensive external validation was not conducted for the Census results that were published.

4. The proposed data processing programme and the use of probabilistic and deterministic method allow changes to original answers in questionnaires, which is forbidden under threat of sanctions in the penalty provisions, namely in Articles 43 and 44 of the Law on Census.

5. The Programme does not mention the Post-enumeration Survey, which is one of the key elements of the Census. This is contrary to Article 6 of the Law on Census. No account was taken of Article 36 of the Law on Census, which provides that "all the institutions are obliged to allow the Agency to use the databases and records under their competences to carry out control of statistical accuracy and quality of the data collected in the field".

6. The Institute wishes to point out that these acts could not enter into force based on any of the aforementioned numerous violations of the Law, let alone given the fact that they were committed cumulatively.

No person, not even the director of the Agency for Statistics of Bosnia and Herzegovina, may have more power and rights than permitted by the law. By violating the Law on Census, the director jeopardized Census results and declarations of citizens' will in the Census, also violating legally prescribed rules on the ethnic structure in Census activities; thus, he exceeded his authority to the maximum possible extent.

Under the Constitution, Bosnia and Herzegovina is a democratic state, operating in accordance with the Law, which is supposed to ensure the rule of law. All the aforementioned suggests that Mr. Jukić's acts were adopted in a manner which undermines the legal system in BiH. It is unfortunate that such acts were welcomed by persons at the most responsible positions in the country and by representatives in the Parliament, who even gave their support to the flagrant violation of provisions of the Law they adopted themselves, in a complex legislative procedure.

MEDIA CAMPAIGN AND PRESSURES ON CENSUS OFFICIALS

Time gives answers to all questions. Looking from the perspective of 2016, unlawful results of the Census having already been published by the Agency and the Federal Institute of Statistics, the population in BiH is fully aware that such Census results are not accurate, reliable or objective, in spite of this being an essential goal of the Census. Under normal circumstances, lies and untruths may not represent a triumph, and dishonesty cannot have primacy over professionalism. These fake Census results are in fact bad results and the time will show this is true. This is why we believe that the Agency and the Federal Institute of Statistics are actual losers in this situation in terms of the reputation and expertise. However, in order to create a perception that something intrinsically wrong and unlawful is in fact positive and in the interest of the population, a strong media campaign aimed at motivation was required. It is important to note the pressures which the Institute and its staff, as well as many enumerators and other Census officials, were continuously subjected to; the Institute kept resisting these pressures clearly and publicly, referring to laws and regulations and respecting them.

Entity instructors were informing the Institute about the enumeration in the field through reports in CMIS information system and by means of email messages. They also noted certain unpleasant situations encountered during the Census through this official communication.

The reports specifically highlighted that individuals, who were organized in their actions during the enumeration, publicly visited households and gave instructions to persons who came from abroad for a few days how they should be enumerated and how they should enumerate persons who live abroad and whose data were brought in lists; there were cases at the beginning of the process of a large number of persons being enumerated in one dwelling unit, although it was impossible for these persons to form a household within the given dwelling unit.

In addition, the reports also highlighted that individuals who were organized within certain ethnic groups threatened with organized rallies and similar pressures in case entity and municipal/city instructors and enumerators failed to comply with their unlawful orders.

These pressures can be classified by their form into two dominant methods of manifestation, which were both ruthless. One of these methods were direct threats to Census officials, mostly to enumerators, but also to controllers and even to entity instructors, who were insulted and called names, which is why even the Ministry of the Interior had to intervene during the Census. The other method of attacks was more sophisticated, but no less brutal nevertheless; certain media that suited the purpose published names of enumerators and controllers who were accused of refusing to enumerate members of certain nationalities, which was absolutely untrue. During this period, the Institute was fully open and transparent for any inquiry, complaint regarding the field work, and expert opinion. Numerous requests

of the aforementioned informal groups were answered day and night. Even though these requests and complaints were practically unfounded by rule, the Institute provided timely answers to all of them, in accordance with the regulations.

In addition, in one of the reports of entity instructors it was stated that all materials for the given enumeration area were taken away from an enumerator, while part of the materials completed by the enumerator were torn by a person in the presence of the enumerator. The entity instructor timely informed the Institute and the census commission of local self-government about the details of these events. The Institute and the census commission of local self-government, in cooperation with the police, returned the Census materials which were taken by the person in question to one of the municipalities in the Federation.

During the Census, census commissions of local self-government in certain units of local self-government informed the Institute about daily pressures, threats, attacks, and insults they were subjected to by persons who came from abroad and who asked to be enumerated immediately, on the same or the following day, under the pretext of urgent travel.

In their letters, these census commissions of local self-government emphasized the need to seek help from the police (which they did) to protect members of the census commissions of local self-government and entity instructors, pointing out that the same problems were encountered by city/municipal instructors and enumerators during the fieldwork.

The Thirteenth Report of IMO indicated the pressures exerted by certain groups. In item 50 it was stated that certain groups organized a disinformation campaign, telling people who live abroad to come to the country to be enumerated unless they want to lose their property and citizenship. Certain people spent a lot of money to come to the country, only to be told that they could have been enumerated online. They ended up being sad for spending their money to come, while this was not necessary. Also, in the summary of the same report, the following is stated: "The main problem concerned people living abroad, either enumerated by a present member of a household, or coming to the country during the census period to be enumerated. The phase of data processing should help distinguish between the resident and non-resident population using the answers to questions 1 to 7, but also questions on the place of study or work, as some people were encouraged by certain unofficial campaigns to answer questions 1 to 7 in a way to be considered as residents."

CAMPAIGN AND COUNTERCAMPAIGN

Pursuant to Article 20 of the Law on Census, inter alia, the Agency is responsible to **timely** inform the general public about the aim, time and content of the Census, and to organize, coordinate and conduct a public media campaign. To this purpose, TV and radio commercials and various printed materials, such as brochures, newspaper advertisements, posters, billboards, pole boards and editorials, were produced. However, the timeliness and quality of this campaign are questionable, as just one in a series of things that were within the competence of the Agency, which were poorly done.

In fact, in parallel with this lukewarm official campaign, there was also an unofficial, more intense **countercampaign** (which also included various commercials, brochures, posters, proclamations, instructions), whose main purpose was to influence certain population by “explaining” how they should declare in the Census. Through this campaign, persons who in line with the Law cannot be residents were instructed how to fill out questionnaires to be given the status of residents, which would eventually affect the outcome of final Census results.

Uputstvo dijaspori: Kako se ispravno popisati?

Uputstvo kako da se kao pripadnik dijaspore popišete na predstojećem popisu. Sva tri načina su u skladu sa Zakonom o popisu i ne predstavljaju kršenje tog zakona. U suštini svi građani BiH koji su u dijaspori a imaju registrovano prebivalište u BiH i žive u BiH mjesec dana a ostalih 11 rade ili studiraju van BiH mogu biti popisani kao bosanskohercegovački građani. Uz to je dovoljno da osjećate odnosno očekujete da ćete se vratiti u BiH (u dogledno vrijeme?), što je naravno san sviju nas u dijaspori.

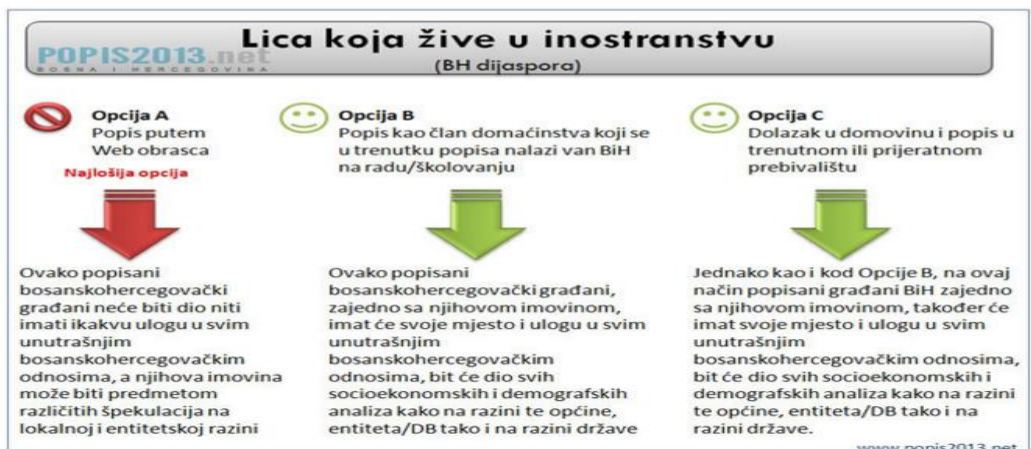


Figure 2. Instructions to the diaspora how to be enumerated “correctly”
(8 September 2013, <http://popis2013.net/index.php?docid=975>)

Translation of the text in *Figure 2*:

1. Instructions for the diaspora: How to be enumerated properly?
 2. Instructions on how you should be enumerated in the forthcoming Census as a member of the diaspora. All three methods comply with the Law on Census and do not represent a violation of the given Law. In general, all BiH citizens who are in the diaspora, but have a registered place of residence in BiH and live in BiH for a month, while during the remaining 11 months they work or study abroad, can be enumerated as BiH citizens. It is sufficient that you feel or expect that you will return to BiH (in the foreseeable future?), which is obviously a dream of all of us in the diaspora.
 3. Persons who live abroad (BiH diaspora)
 4. Option A – Enumeration using web-questionnaires
The worst option
BiH citizens enumerated in this way will not be part of nor have a role in BiH internal affairs, while their property may become subject to speculation at the local and entity levels.
 5. Option B – Enumeration as a household member who is abroad at the moment of the Census for work or study.
BiH citizens enumerated in this way, together with their property, will have their place and role in all BiH internal affairs, being part of all socio-economic and demographic analyses, at the municipality, entity/Brčko District and state levels.
 6. Option C – Going to the country to be enumerated at the current or pre-war place of residence
Same as in Option B, BiH citizens enumerated in this way, together with their property, will also have their place and role in all BiH internal affairs, being part of all socio-economic and demographic analyses, at the municipality, entity/Brčko District and state levels.
-

In this way, what was unfair was presented as fair and what was incorrect was presented as correct, in order to circumvent the rules given in the questionnaire and to turn the democratic right manifested in the census principle “free declaration of will of an enumerated person” into the principle “manipulation of declaration of will of an enumerated persons.” As IMO noted in its Eleventh Report, the scene was left to politicians and religious organizations to disseminate messages that encouraged people to answer the Census questions inappropriately. For example:

- a) The organization “Popis 2013” produced a flyer that encourages the population living abroad to come to BiH to be enumerated and explains how questions 1 to 7 on the place of residence should be answered in order for a person to be considered a permanent resident.
- b) The association “Prsten” published this kind of information: “Participation in the Census is a moral, civic and patriotic duty of all Croats originating from BiH. You will be enumerated in the Census if one of your household members in BiH goes to BiH during the Census with data for other members of your family, or if you give data for all family members who live in Croatia or elsewhere abroad to a family member who lives in Bosnia.”

- c) The association “Bošnjaci” instructed the diaspora not to send the form for persons P-1IN, but to use the form for persons P-1 instead. The instruction also was that persons who have lived abroad for **30 years**, if they come to BiH for holidays, should be considered absent for less than a year.

Who left the scene to authors of these unofficial campaigns? It is clear that it was the Agency for Statistics of BiH that was supposed to lead the official campaign. In addition, the Agency issued an official protocol on relations with the media, in which it actually assumed the responsibility for media appearances during the Census. Thus, the Agency did not carry out the official campaign through which it would promote the values and purpose of the Census, in order to strengthen confidence in the Census as a statistical activity; in fact, the Agency completely failed at this. The Agency did not prevent data leakage, since it gave information to foreign institutions and representatives of some countries before the release of final Census results. It failed to react under the aforementioned Protocol, even in instances when the media released tables for which it was claimed that statistical institutions were the source, prior to Census data processing. In fact, by failing to refute such articles and to react officially, the Agency actually supported the countercampaign, thus surely influencing the formation of an inappropriate image of the Census in the public.

Although the promotional materials of this unofficial countercampaign often ruthlessly used and misused children in order to send political messages, because children suggested to adults how to answer the questions in the Census, the Agency for Statistics of BiH, being responsible for the official promotional campaign, did not find it necessary to react and protect children, at least declaratively, bearing in mind that children must not be an instrument of various blatantly political actions. Child rights under the Constitution of BiH and the UN Convention on the Rights of the Child, which we have already discussed.

Ombudsman’s warning

The Agency and IMO remained silent even when the Institution of Human Rights Ombudsman of Bosnia and Herzegovina warned them that **child rights were severely violated in the Census** (11 September 2013, <http://www.nezavisne.com/novosti/drustvo/Djecu-iskoristili-u-propagandne-svrhe/208790>).

Thus, the Agency tacitly gave its media campaign baton to others. In contrast, in its media appearances, within its jurisdiction, the Institute was persistently trying to inform the public about the rules of Census and enumeration and to refute misinformation about the Census, thus becoming subject to constant attacks and criticism of the aforementioned individuals and groups that conducted the given countercampaign for the purpose of falsifying the Census results.

Given that the media space is much more than the press, radio and television, and that it also covers the Internet with its enormous possibilities, with the use of

multimedia, messages of the aforementioned numerous organizations and unofficial campaigns were easily distributed to broad masses. If we also consider the false information that persons could lose their property and other civil rights in case they are not enumerated as permanent residents, in spite of being residents in other countries, which caused unjustified, but nevertheless palpable fear among such persons, it is clear how the current problems surrounding the Census actually occurred.

This was confirmed by IMO in their Thirteenth Report, in which they noted that certain unofficial campaigns, organized by certain political or religious groups, suggested how people should answer the questions in the questionnaire in order to be considered as residents, as we have already discussed.

The statement issued by the Agency for Statistics of BiH on 11 October 2013, in the midst of the Census, noting that the Census is not a census of property or ownership, nor a record of citizenship, voters, or taxpayers and that no one will be deprived of any rights by means of the Census, clearly implies that the manipulated diaspora took the instructions, leaflets, proclamations and similar documents very seriously, as they rushed to BiH to be enumerated as residents.

Testimonies from the field

The **timeliness** of this Agency's reaction is well described in one of the reports from the first hours of the Census.

"The enumerator enumerated 28 persons in one household, namely the mother with her sons and their families, who insisted to be enumerated there as temporarily present persons who live and work abroad for longer than a year. Only the mother is an actual member of this household. He found more than ten present persons in the house. One could conclude that her sons came from abroad only to be enumerated" – this is a part of the report of an entity instructor engaged in the Census in Kotor Varoš.

Below are the reports that accurately and in detail illustrate and prove Census events from all areas.

"In certain settlements, enumerators were pressured by citizens who insisted that their household members living and working abroad should be enumerated, although pursuant to the Methodology they are not members of the given household... Staff engaged in the fieldwork drew attention to the actions of some members of the local community who provided the population with wrong information, while certain persons instructed the local population in terms of answering the questions", from the report of the Census Commission of the City of Banja Luka, of 6 October 2013.

"We are writing to you with a request for attention to our observations regarding the visits of representatives of the Agency for Statistics of BiH, who introduced

themselves as state instructors. Their first visit happened on 30 September 2013, when they noted that the procedure was not carried out in accordance with the methodology; however, in the course of discussion, their conclusion was that the procedure was fully respected. During their first visit, their remark was that the number of Bosniak enumerators was “reduced to the minimum”, which we also explained, so eventually they concluded that everything was done in accordance with the procedure... Please note that the census commission of local self-government of the Municipality of Novo Goražde is exposed to daily pressures and requests of the aforementioned state instructors, preventing us from performing our duties in accordance with the procedures, in order to finalize the Census.”

These and similar cries of people who performed their Census tasks honestly and professionally, sent 24/7 with a genuine desire to contribute to accurate and high-quality results, were common. The aforementioned sentences bear witness to all the difficulties and obstacles in the Census which was, beyond statistical logic, turned into a Sisyphean task.

Almost three years later, results of such enumeration were released in accordance with the arbitrarily adopted Programme of the director of the Agency, contrary to the Law on Census. On 30 June 2016, inter alia, it was announced that Bosniaks accounted for 50.11% of the total population, Serbs accounted for 30.78%, and Croats for 15.43%.

There is nothing problematic in these percentages, the reaction is logical; however, given that certain individuals and the media possessed basically identical data and percentages a month and a half before their release, then we certainly have reasons to worry and to ask endless questions.

“Bosniaks account for 50.10% of the total population, Serbs account for 30.80%, while Croats account for 15.41% of the total population”. This was the public statement on 19 May 2016, one day after the director of the Agency signed the arbitrarily adopted Census data processing programme.

- **1,764,000 Bosniaks (50.10%)**
- **543,000 Croats (15.41%)**
- **1,085,000 Serbs (30.80%)**
- **129,000 Others (3.68%)**

Figure 3. Ethnic representation in percentages, which is almost identical to the official results

(19 May 2016, <http://www.avaz.ba/clanak/236571/zolic-bih-ce-imati-3-520-000-stanovnika>)

One must ask an objective question: Is the Census of Population, Households and Dwellings simply the most extensive statistical survey which sets the basis for various development plans, or more than that in case of BiH? Why did it happen that data on ethnic representation were disclosed a month and a half earlier, and not data on the percentage of literate persons for example? Why is the percentage of ethnic representation so much more important than other ones? How come that one day after the director of the Agency signed the disputed Programme, an analysis of national blood cells was already available? Was the Programme a consequence of these aspirations? And the most important question of all: Why were the data available to persons who, at least apparently, had nothing to do with the Census? It is obvious that these persons served the purpose of the countercampaign.

“Brothers, we have succeeded. Today, we account for more than 50% of the total population in Bosnia and Herzegovina. In 10 years, we will account for 60%”, the leader of the Islamic Community in BiH, Mr. Husein Kavazović, announced before the official release of Census results, announcing some new Census projects (25 May 2016, <http://mojkontakt.com/2016/05/opet-reis-kavazovic-uspjeli-smo-braco-bosnjaka-ce-u-bih-biti-vise-od-60-odsto/>).

Given that three years before this speech, Mufti “organized **TRAININGS on the Census** for the leading imams, presidents of municipal committees of Ilmiyyah, the president of the District Committee of Ilmiyyah, directors of the Islamic Community institutions operating in the Muftiate, and presidents of the religious teaching staff”.



Prezentacija i trening o popisu stanovništva 2013. za područje Muftijstva zeničkog

Published in Maj 16, 2013 Štampa, El. pošta

Ured muftije zeničkog u saradnji sa Fondacijom "Popis 2013." jučer (15.05) je u Hotelu "Zenica" u Zenici organizirao prezentaciju i trening o predstojećem popisu stanovništva 2013. godine. Prezentacija i trening organizirani su za glavne imame, predsjednike općinskih odbora Ilmije, predsjednika Okružnog odbora Ilmije, direktore ustanova Islamske zajednice koje djeluju na području Muftiluka i predsjednike aktiva vjeroučitelja.



Figure 4. Presentation and training about the Census (16 May 2013, <http://www.islamskazajednica.ba/vijesti/aktuelno/16643-prezentacija-i-trening-o-popisu-stanovnistva-2013-za-podrucje-muftijstva-zenickog>)

Translation of the text in *Figure 4*:

Title: Presentation and training about the Census of Population 2013 in the Muftiate of Zenica

Yesterday, on 15 May, in Zenica, the Office of the Mufti of Zenica, in cooperation with the Foundation 'Popis 2013', organised a presentation and training about the forthcoming Census of Population 2013. The presentation and training were organised for the leading imams, directors of the Islamic Community institutions operating in the Muftiate, and presidents of the religious teaching staff. Even the ethnic representation in Republika Srpska was obviously known before the Census results were published.

“The methodology for determining results of the Census carried out in 2013 has been adopted. According to the Census, Bosniaks account for almost 14% of the population in RS and they have not been wiped from this part of Bosnia and Herzegovina, where they accounted for one third of the population before the war”, Mr. Bakir Izetbegović, the Bosniak member of the Presidency of BiH stated (26 May 2016, <http://www.avaz.ba/clanak/237898/izetbegovic-u-koaliciji-sa-sbb-om-mozemo-dodatno-pojacati-poziciju-i-jedinstvo-bosnjaka#sthash.zfnAity7.dpuf>).

It is important to note that Bosniaks account for 13.99% of the total population in Republika Srpska according to the Census results published by the Agency, therefore “almost 14%” was in fact correct?!

For all these reasons, the general dissatisfaction with the incorrect and unlawful Census results is understandable.

“There were many irregularities during the Census – non-Roma were enumerated as Roma, Roma were enumerated as Bosniaks. Many members of the Romani people refused to declare themselves as Roma”, Mr. Saša Mašič, president of the Union of Non-Governmental Associations of Roma of Republika Srpska stated (13 July 2016, Srna).

“If you recall, we put our hopes in the Census of Population which would determine exactly how many of us live here, based on which we could start solving our status. However, we are deeply disappointed and dissatisfied with the results of this Census. We are sure that there are at least 200,000 of us”, Franjo Rover, president of the Union of National Minorities of RS stated (6 September 2016, <http://www.nezavisne.com/novosti/bih/Trguju-etnickom-pripadnosti-na-stetu-nacionalnih-manjina/385944>).

It should be noted that the Republika Srpska Institute of Statistics continuously advocated the principle of legality, pointing to problems and offering solutions, and informing the public.

Пописивачи плаћају цех лажирања пописа



27.08.2016 12:00 | Жељка Домазет

Бањалука - Завод за статистику РС упозорио је да међународни експерти и Агенција за статистику БиХ раде на томе да и резултати контролног пописа буду фалсификовани као и резултати пописа становништва како би била откљоњена велика неслагања између њих и приказано да су тачни резултати пописа које РС не признаје.

- Међународни експерти пронашли су начин да објављене нетачне резултате пописа оцијене коректним у односу на контролни попис тако што ће користити систем оцјењивања који није прихватљив, а кривицу за неслагање података у главном и контролним попису пребацити на пописиваче. Да би изашли из неугодне ситуације, страни експерти су одлучили да потпуно игноришу чињеницу да постоји значајан проценат лица која су пописана у попису, а нису пописана у постпописној анкети и да замјеном теза испеглају невиђено надуване бројке о броју становника у БиХ - истакли су у Заводу за статистику РС.

Figure 5. The Institute about problems in the Post-enumeration Survey (27 August 2016, http://www.glassrpske.com/novosti/vijesti_dana/Popisivaci-placaju-ceh-laziranja-popisa/lat/216450.html)

Translation of the text in *Figure 5*:

Title: Enumerators paying the price of Census forgery

Banja Luka – The Republika Srpska Institute of Statistics has warned that international experts and the Agency for Statistics of BiH are attempting to falsify the results of Post-enumeration Survey, which has already been done with the Census results, in order to eliminate large discrepancies between the data obtained through these two surveys and to present the Census results disputed by RS as accurate.

- International experts have found a way to assess the released inaccurate Census results as correct relative to the Post-enumeration Survey, by using an assessment system which is not acceptable, while the blame for discrepancies in data obtained through the Post-enumeration Survey and the main Census is put on enumerators. In order to get out of an awkward situation, international experts have decided to completely ignore the fact that there is a significant percentage of persons who were enumerated in the Census, but were not enumerated in the Post-enumeration Survey; by means of a straw man, they are attempting to iron out the grossly exaggerated figures in terms of the total population in BiH – the Republika Srpska Institute of Statistics noted.

From warning about irregularities in the “work” of international experts in terms of the Post-enumeration survey, reactions to the publication of Census results in the Official Gazette of BiH, although this is not stipulated anywhere nor is the practice in other countries, to violations of the Law on Census itself; the Institute has always timely and actively advocated the compliance with regulations, opposing any action deviating for such an approach to the Census.

In an effort to strengthen and enforce as mandatory the unlawful data, the Agency decided to publish the results in the Official Gazette of BiH, although this is not provided by the Law on Census nor is a statistical practice. This unlawful publication of Census results is particularly irrational, because these results were not verified. The Agency is aware of the fact that an appeal was lodged with the Constitutional Court of BiH against the Programme adopted by Mr. Jukić, based on which the results were published in a hurry, without the necessary internal and external validation. The Institute reacted immediately. We informed the media about the unprofessional and tendentious actions of the Agency, whose work is not transparent and which performs its tasks under the leadership of the new director by attempting to put the other two statistical institutions and the public in BiH before the fait accompli.

"Strani eksperti falsifikuju rezultate popisa"



Uroš Vukić
07.09.2016 14:40

8

Dijeljenje



SARAJEVO, BANJALUKA - Republički zavod za statistiku (RZS RS) uputio je pismo Upravnom odboru Međunarodne monitoring misije (IMO) kojim upozoravaju na nelegalan rad međunarodnih eksperata po pitanju postpopisne ankete.

U pismu, koje je potpisala Radmila Čičković, direktorica Republičkog zavoda za statistiku RS, između ostalog, navodi se da se na postpopisnoj anketi ne radi u skladu sa zakonom jer Agencija za statistiku BiH, kao ni entitetske statističke institucije, nije usvojila metodologiju za obradu postpopisnih rezultata. U suštini, u pismu se skreće pažnja na to da međunarodni eksperti, radeći na svoju ruku, pokušavaju da minimalizuju činjenicu da su odstupanja na kontrolnom popisu bila preko 11 odsto.

*Figure 6. The Institute about the work of international experts
(7 September 2016, <http://www.nezavisne.com/novosti/bih/Strani-eksperti-falsifikuju-rezultate-popisa/386110>)*

Translation of the text in *Figure 6*:

Title: International experts falsifying Census results

SARAJEVO, BANJA LUKA – The Republika Srpska Institute of Statistics (RSIS) has sent a letter to the Steering Committee of the International Monitoring Operation (IMO), to point out the unlawful actions of international experts in terms of the Post-enumeration Survey.

In the letter, signed by Ms. Radmila Čičković, the director of the Republika Srpska Institute of Statistics, inter alia, it is stated that the Post-enumeration Survey activities have not been carried out in accordance with the law, since the Agency for Statistics of BiH and the entity statistical institutions have not adopted a methodology for processing the Post-enumeration survey data. In short, the letter points out that international experts, through their arbitrary actions, have been trying to minimise the fact that the discrepancy in the Post-enumeration Survey amounted to 11%.

People in the profession, who were unstained by these activities surrounding the Census, were quick to recognize the efforts and hard work of the Institute and its staff, aimed at obtaining accurate, correct and usable Census data.

Director of the renowned public opinion research agency “Ipsos Strategic Marketing”, Mr. Dragiša Bjeloglav, said that the standards for population censuses explicitly stipulate that the population living and working outside the territory of the country for longer than a year cannot be enumerated as resident population.

“This rule is clear and it must be applied irrespective of the form of organization of the country, because the same people must not be recorded as living both in Germany and in BiH”, Mr. Bjeloglav, who was the team leader of the European Commission for the preparation of population census in BiH, noted.

Mr. Bjeloglav also pointed out that there are always bound to be differences in results of the main census and the control census, but that a discrepancy of ten percent has never been recorded. He also noted that, in this area, the discrepancy between the main census and the control census data since 1953 has never been over four percent.

“The maximum discrepancy amounted to three or four percent, while in cities that are specific when it comes to censuses it at times amounted to six to seven percent. On the territory of a republic such large discrepancies have never been recorded. Ten-percent discrepancy has never been recorded”, Mr. Bjeloglav noted, adding that such a large discrepancy implies that deeper analyses are necessary, maybe even a repeated enumeration (30 May 2016, http://www.glassrpske.com/novosti/vijesti_dana/Dragisa-Bjeloglav-direktor-agencije-Ipsos-Stratedzik-marketing-Nezabiljezena-odstupanja-u-popisu-stanovnistva/210189.html).

“The inclusion of 200,000 non-residents in the permanent resident population results in changes to the demographic characteristics of BiH as a whole, which in turn results in a distorted image and inaccurate statistics”, Mr. Stevo Pašalić, a demographer, said. (16 June 2016, Srna)

“These results will not provide us with reliable information on the population structure we have, how many male citizens we have or how many female ones, how many of them are skilled and educated. We will know nothing about the ethnic structure, which means that strategy development will be questionable”, stated Mr. Draško Marinković from the Council for Demographic Policy of RS. (19 May 2016, ATV)

“Most citizens’ complaints were related to political manipulation. Citizens were instructed by certain enumerators how to declare themselves in terms of national and ethnic affiliation” noted Mr. Dalio Sijah, an activist from “Popis Monitor”, a body set up by local non-governmental organizations with the aim of monitoring the Census.

The Institute has always timely and actively sought to comply with regulations, opposing anything that deviated from such approach to the Census, transparently informing the public about all the illegalities, and writing open letters to the highest international officials in BiH. This Open Book is one of the ways and efforts we make to ensure transparency and openness to the public and users of statistical services.

VALIDATION OF CENSUS RESULTS PUBLISHED BY THE AGENCY FOR STATISTICS OF BIH AND THE FEDERAL INSTITUTE OF STATISTICS

Data validation in simplest terms represents a regular and indispensable method used to check obtained statistical data prior to their final release, by means of comparison, control and assessment with regard to data obtained from other sources, mostly statistical and administrative ones. This is obviously required because data collected in the field are in fact raw data, which must be processed and checked in order for users to be provided with accurate and reliable data.

According to Mr. Pieter Everaers, the Chairman of the SC IMO, the main problem when it comes to the publication of data in the Census BiH 2013, after the “adoption” of the Programme, is the time factor, which in this case represents a limiting factor for the publication of data by the Agency. According to the international practice and the recommendation given by the SC IMO, data processing requires four to five months **at least**, while the Agency published its data only 40 days after releasing the aforementioned unlawful Programme. The haste was inevitable; the deadline for the publication of Census data stipulated by the Law was nearing, while the Prosecutor’s Office of BiH opened a case in relation to checking the process of Census of Population, in order to establish whether there were elements of criminal liability of certain persons in this process. The competent institutions expressed their concerns in the media that taxpayers’ money would be wasted, without obtaining Census results. No one seemed to worry about the fact that the money would be wasted on obtaining inaccurate, unlawful and reliable results, which in the future will cause a lot more damage; the money invested in the Census has in fact been wasted through all this. The Republika Srpska Institute of Statistics thought that the previous recommendation of Mr. Everaers, namely the one to extend the deadline for the publication of Census results in the Law, should be applied, in order to obtain reliable and relevant Census data based on an agreed Programme. However, this opinion was completely ignored by Mr. Jukić. It was necessary to perform the internal and external validation of the Census within an unrealistic deadline of 40 days; this was not done pursuant to regulations, which means that the obtained results cannot be accepted and verified. **In accordance with the Law on Census of Population, Households and Dwellings in BiH, Article 36 stipulates that external validation of data is performed using all available statistical and administrative sources, to perform a statistical control of the accuracy and quality of Census data.** Thus, this is an obligation stipulated in the Law. In the Eighteenth IMO Report, in item 78 the following recommendation is given: “The SC also suggests working on other sources of data which can be used for evaluation purposes.” It is a fact that, **in Census data processing, external validation was not performed for a majority of Census data.**

The process of data processing and validation was aggravated due to the following:

- a) From the start of the process, the position on treatment of missing values was unknown, even though its definition was one of the IMO recommendations. Item 67 of the Twenty-third IMO Report states the following: "As it was already stated in the 21st report of the SC, no decision is still taken regarding the treatment of missing values."
- b) Administrative sources to be used for the validation of Census data were not defined until the end of data processing.
- c) Untimely delivery of applied deterministic and probabilistic rules by the international expert.
- d) Frequencies of changes on variables were not delivered before the end of data processing, while the upper limit of changes, used to validate data, was not defined either.
- e) A short time limit for processing and validation, which failed to ensure the accuracy of Census data.**

Regarding the validation, the most important aspect was not executed: resident status was **not checked** through internal and external validation. The number of residents is a key variable obtained through the Census, while other variables in the questionnaire are attributive.

A consequence of inaccurate results is the number of enumerated children aged between 0 and 6 being 7% higher and the number of enumerated children aged between 6 and 15 being 9.4% higher, which is contrary to the demographic statistics and the data on this category of population which are exact and regularly published in demographic publications of the statistical institutions in BiH. In addition, internal validation was supposed to analyze the consistency of resident status with other questions in the questionnaires, such as the following: *10. Has the person arrived to the place of the Census from other settlement in BiH or from abroad? 12. Has the person ever continuously resided outside BiH for one year or longer?, 15. Has the person returned from refuge?*, as well as other questions in correlation with resident status. This **was not performed**.

In the Thirteenth IMO Report, inter alia, the following is noted: "Question 12, about persons who continuously resided abroad for one year or longer, was also not well answered, maybe because people wanted to stress that they were residing in BiH. Some persons living abroad since many years declared they had not continuously resided outside BiH because the respondents were coming back for vacation."

It is logical to conclude that the intention was to conceal these anomalies and to legalize these questionnaires and include them in the resident population, which is why data validation was not performed at all.

External validation was supposed to compare the census data with available administrative sources of data, such as databases of health and pension insurance funds, and with official data of the statistical institutions in BiH, above all with the

demographic data, such as the number of births and deaths, education, labour force, etc. **This was not done.**

Validation of age and gender was carried out using data from the fields of demography, education and economic activity. An analysis of data indicated an inconsistency of data on age and gender, because the variable gender was locked while the variable gender was being edited, without previously checking the consistency of data on the household and family. This is methodologically unacceptable and it resulted in a series of subsequent errors in data.

The international expert engaged in editing activities often made decisions which were contrary to the methodological solutions offered by the local statistical staff. Thus, the number of **errors** generated after age and gender were locked was to be expected, because these two categories were not checked in relation to the category family and household. The fact that age and gender should have been resolved together with family and household, at the beginning of data processing and after resident status was determined, was confirmed by the report of the international expert from September 2014.

According to the final census results, the gender structure in BiH was 49.05% male and 50.95% female. For comparison with the neighbouring countries, the gender structure was as follows: in Serbia 48.70% male and 51.30% female, in Croatia 48.23% male and 51.77% female, and in Montenegro 49.39% male and 50.61% female. It is realistic to expect that the share of male citizens is lower than that of female citizens in BiH, bearing in mind the war in the 90's, as well as large emigration from BiH; however, this is not the case. It is completely unrealistic that the number of men in relation to the number of women is higher than in Serbia and Croatia. This says enough about the quality of Census results.

Immediately upon the finalization of enumeration in the field, IMO noted the following in its Thirteenth Report: "Some difficulties were also noted on understanding the difference between "relationship to head of household" and "family status" and harmonization of families and households has proven to be a very complex activity". In the report of September 2014 produced by an international expert, the need is noted to check gender, age, family and household immediately after resident status is determined. Although priorities were repeatedly pointed out when defining age and gender in relation to family and household by the local statistical staff, this **was not taken into account** in the end, which is methodologically completely incorrect.

Five-year old child as a wife/husband

This is a prelude to further genesis of inaccurate data, **resulting, for example, in same-sex families and families in which a five-year old child is the wife/husband.** In order to resolve such inconsistencies until the deadline for data publication, **ad hoc solutions** were applied, through which a large number of

households was converted to non-family households. In this way, the problem of same-sex families in households or families in which a child is the *husband/wife* in the family was resolved by converting these households to non-family households.

An obvious fact is that such hasty processing of Census results indicates the lack of professionalism in the work. Repetitions on certain Census variables were performed dozens of times, but methodological staff kept finding **errors** in spite of daily corrections. In addition, the failure to make clear decisions on variables for which missing values can be imputed (values which should have been recorded in the questionnaire, but were not) left the room for the “**creativity**” of international experts; thus, values for certain variables were imputed in more than **170,000 questionnaires**, resulting in inaccurate and fictitious data. By imputing missing values using answers from questionnaires for other persons as donors, the will of enumerated persons is changed randomly, which is contrary to the aforementioned Article 43 of the Law, which stipulates that persons must provide complete, accurate and truthful answers.

In the Twenty-second IMO Report, the lack of decision on missing values was pointed out: “No decision has yet been taken regarding for which variables the missing values will be kept and for which variables missing variables will be imputed. This decision is necessary if imputation is used for missing values. If there are some exceptional cases for imputation of missing values, these conditions should be explained to be able to interpret the results of imputation. Indicators at aggregate level, which take into account the changes produced in terms of number and/or magnitude, should be adopted. Indicators at variables level to underline the differences produced in the distributions of each variable should also be considered.”

The predefined sequence of data processing, according to which inconsistencies in data within households and families were to be resolved before locking the variables age and gender, **was not fulfilled**.

External validation of families and households using available administrative and statistical sources **was not performed**. During the data processing, methodologists from RSIS were pointing out the necessity of such validation. External validation of data referring to citizenship, entity citizenship, legal marital status, fertility, means of daily transport, main source of livelihood, main source of funds of a dependant, and disability, also **was not performed**.

In the meantime, the Institute has done a validation of certain Census results published by the Agency and the Federal Institute, which indicates that these published data are unrealistic and unreliable to the extent of being irrelevant in terms of their use for statistical or any other purposes. Here are some examples.

1. Educational characteristics

In order to resolve inconsistencies in data on educational characteristics of the population obtained through the Census of Population, Households and Dwellings in Bosnia and Herzegovina, deterministic and probabilistic rules were applied in the data processing. Educational characteristics cover the set of questions from 27 to 31 in the Questionnaire (which operations the person can perform on PC, highest level of completed education, qualification obtained, literacy, and school attendance). Missing values were not edited in questions 27. *Which operations the person can perform on PC?* and 30. *Can person read and write short essay?*

Contrary to the opinion of the Working group for educational characteristics, consisting of representatives of all three statistical institutions, the Technical Assistance expert decided to edit question 31. *School attendance*, although the opinion of the working group was based on the fact that the raw database contained a large number of missing answers to this question, namely 178,295; edits in this question cause significant changes in data on the number of persons who do not attend school, and persons who attend preschool education or primary school, which were collected through the Census. In addition, an analysis of missing answers in the raw database of residents found that a large number of persons who failed to answer question 31. *School attendance* also failed to answer question 28. *Highest level of completed education*, which could indicate that these questionnaires were filled out fictitiously. Due to the conflicting opinions of the expert and of the working group regarding this issue, the group for coordination was asked to provide its opinion; however, they did not provide an opinion before the finalization of data processing.

After data editing, internal and external validation of data aggregated at the level of Bosnia and Herzegovina was conducted. Internal validation of data on educational characteristics of the population served to resolve inconsistencies in answers between questions in the field of education and other questions in correlation with these.

External validation for question 31. *School attendance* detected discrepancies between the Census data and the official statistical data, particularly for the levels of pre-school, primary and secondary education. The validation included a comparison of data on the number of persons attending school obtained through the Census and data on the number of children, pupils and students attending school obtained through official education statistics. In order to perform a validation of Census data on the number of persons attending primary and secondary education, official statistical data on the number of pupils attending primary and secondary education at the municipality level in Republika Srpska, the Federation of Bosnia and Herzegovina and Brčko District were used.

Since Census data on school attendance were not published, the Republika Srpska Institute of Statistics carried out an analysis of the Census permanent population aged between 6 and 15 years and the number of pupils who attended primary school in the school year 2013/2014. **The total number of permanent residents of Bosnia and Herzegovina aged between 6 and 15 years is 333,489, while the total number of children in primary school was 302,133; thus, the difference between the total number of permanent residents in the category of 6 to 15 years of age and the primary education statistics is 31,356 children, or 10.4%.**

2. Differences in economic characteristics obtained through the Census and the LFS

The method applied to determine residents, namely the failure to take into account the question about place of work, directly caused large discrepancies in data between the Labour Force Survey and the Census. Said discrepancies are measured in hundreds of thousands of people.

A comparison of the Census results published by the Agency for Statistics of Bosnia and Herzegovina with the Labour Force Survey 2013 data indicates a discrepancy at the BiH level in working-age population (persons aged 15 years and over) amounting to 15%, or staggering 389,440 persons.

Table 1. Differences between the Census data and the Labour Force Survey data, BiH

| | Census data published at the BHAS's website | LFS 2013 | Difference | Difference, percentages |
|------------------------|--|-----------------|-------------------|--------------------------------|
| 1 | 2 | 3 | (2-3) | |
| Working-age population | 2,987,440 | 2,598,000 | 389,440 | 15% |
| Employed persons | 1,033,884 | 822,000 | 211,884 | 26% |
| Unemployed persons | 328,632 | 311,000 | 17,632 | 5.7% |
| Inactive | 1,624,924 | 1,465,000 | 159,924 | 10.9% |

In comparison with the Labour Force Survey data, the number of employed persons in the Census results published by BHAS is 26% higher (211,884 persons) and the number of inactive persons is 10.9% higher (159,924 persons). The smallest difference, but considerable nevertheless, in the difference in number of unemployed persons, namely 5.7% (17,632 persons).

During the validation of tables, the structure of employed persons by place of work was examined; approximately 800,000 persons are employed in BiH,

approximately 170,000 persons are employed abroad, while the rest provided no answer to this question.

These data clearly indicate that the difference in number of employed persons between the Census and the Labour Force Survey was directly caused by inclusion of persons who do not live in BiH in resident population at least one year continuously.

Bearing in mind the fact that definitions of basic categories of working-age population are the same in the Census and in the Labour Force Survey, while the results are dramatically different, it is evident how discouraging these data are. BIH at least has the data on number of employed and unemployed persons and the general public follows these figures on a daily basis.

It is evident from these examples of validation done by the Institute that there are large differences in data. It is also clear that the Census data are in fact useless and irrelevant and that they cannot be subject to verification.

POST-ENUMERATION SURVEY

Post-enumeration Survey (PES) is an important and indispensable part of Census activities, common in international statistical practice and stipulated by Article 6 of the Law on Census. The main purpose and objective of PES or Control Census, as a survey which involves the best enumerators and top national experts, is to assess the Census quality and coverage, using an appropriate methodology, and based on fieldwork survey, which is of crucial importance for the assessment and verification of Census results. However, as the Census neared its ending, with preliminary results of PES implying an unprecedented overcoverage rate of 11%, meaning that more than 350,000 persons were in fact overcovered, that is, that they do not belong to actual residents in BiH. **The Technical Assistance experts began different activities aimed at reducing this figure to acceptable levels, thus enabling the verification of Census in BiH in spite of the aforementioned fictitious results.** This is why the Open Book devotes special attention to the Post-enumeration Survey.

In December 2012, the SC IMO, in item 123 of its Sixth Report, gave the following clear recommendation: "It is recommended to define in the PES methodology a clear procedure in case of substantial differences between Census and PES data." This must be noted because of the subsequent blatant and unexplained evolution of attitudes, for which there must be a hidden motive.

In the report produced after the thirteenth IMO mission (27 September – 18 October 2013), immediately after the Census fieldwork, in the part referring to evaluation of enumeration (item 126), it was stated that there was possible overcounting of persons, due to the informal media campaign. The following was noted: "The phase of data processing should help sort out between the resident and non-resident population using the answers to questions 1 to 7, but also questions on the place of study or work." In the next item (127), it was noted that the PES would provide estimates of the coverage. If we observe items 126 and 127 together, the only logical conclusion is that, according to the situation in the field, an adequate strategy to assess coverage quality indicators must be developed, with a focus on overcoverage, since the findings of the evaluation of enumeration clearly indicate that this is the biggest flaw in the Census. Items 126 and 127 suggest that the strategy of determining resident population should be revised, to include additional questions (beside 1 to 7), which would facilitate the process.

On the other hand, in the report following the eighteenth IMO mission (3 to 6 June 2014), in recommendations referring to the Post-enumeration Survey (item 87) it is stated that it is "very critical to ensure that the PES evaluates the same population as the Census. Therefore it is very critical to ensure that the same rules are used to determine the residence status of each enumerated person". This recommendation is inconsistent with the findings of the evaluation of enumeration from item 126 of the Thirteenth Report, as it implicitly suggests to use only questions 1 to 7 in the

Census to determine resident population, given the fact that the PES questionnaire does not include the question about place of work/study.

Also, the question is what was more important: for the Census and the PES to refer to the same target population, or to exclude from the contingent of residents a certain number of persons who were enumerated as residents, while an analysis of additional questions clearly indicated that they are not residents? It is needless to mention that minor discrepancies in the definition of target population of the Census and the PES can be explained in a methodological document and be taken into account when interpreting the results of the PES, while in turn we would have more realistic Census results. Bearing in mind the direction of IMO recommendations, the Eighteenth Mission Report should have included a recommendation regarding the importance of defining an adequate strategy for the assessment of coverage quality indicators, with a focus on overcoverage, but this was not the case. Experts of the SC IMO were obviously aware of the fact that the problem of overcoverage would represent one of the biggest problems in terms of the success of their mission.

After data matching for data on persons was finalized, during the twentieth IMO mission (18 to 21 November 2014), the PES working group for the first time clearly pointed out that there were 11.7% of persons enumerated in the Census who were not matched with the PES data. As a reply to this information, as part of the recommendations for PES, item 97 of the Report provides that the preliminary results of matching of the enumerated persons should be interpreted carefully, not to create any misunderstanding of these results. However, the question is: If PES serves to provide evidence or signal that something is wrong with Census coverage, why should we treat preliminary results of any analysis with caution, if this is necessary to define the right strategy for determining resident population, as stipulated in items 126 and 127 of the Thirteenth IMO Report? In addition, it is needless to emphasize once again that at the moment when the report on the twentieth mission was being produced, the priority was given to defining the adequate strategy for overcoverage evaluation, as recommended in the Sixth IMO Report. Instead of a recommendation that would go in this direction, the PES working group was given a recommendation not to make the information about matching of persons public, which indicates the intention to conceal and falsify obvious facts. Of course, we refuse to comply with this gloomy recommendation; we will state publicly, in a transparent and open manner, the controversy surrounding the PES results. The reason is simple: if we do not need results of the PES and if these are not transparent, what is the purpose of implementing the Control Census?

Taking into account the recommendation given in the previous mission, during the Twenty-first IMO Mission (24 to 27 February 2015) the PES working group stressed that there were 8.7% of residents in the Census (based on questions 1 to 7) who remained unmatched with the PES data. However, in the mission report it was only noted that “the PES working group made simulations for the application of the 29 rules for identification of usual residence status”, but there is no recommendation in terms of using the findings of an analysis in order to revise the strategy of determining the contingent of resident population in the Census, through the use of

PES results, as provided in items 126 and 127 of the Thirteenth IMO Report. It is needless to mention that even after the twenty-first mission there was still no recommendation regarding the importance of defining an adequate strategy for the assessment of overcoverage as the biggest problem in the Census, irrespective of the fact that the simulated application of determination of resident status based on questions 1 to 7 was taken into account this time.

During the twenty-second IMO mission (1 to 4 February 2016), the PES working group once again stressed that there were 8.7% of residents in the Census who remained unmatched with the PES data. In recommendations referring to PES (item 75) it was only noted that if the criteria for identification of usual residence status cover extra questions in addition to questions 1 to 7, this will have negative impact on the PES results. This was justified by the fact that there are no additional questions in the PES questionnaires, which means that it is impossible to draw parallels with the Census in terms of target population. This is contrary to items 126 and 127 of the Thirteenth Report. Also, there is no reference to the overcoverage estimation strategy, which could imply that the intention was to conceal and falsify obvious facts.

A review of the IMO recommendations given in the sixth, thirteenth, eighteenth, twentieth, twenty-first and twenty-second report clearly indicates how the position of IMO changed (from the sixth to the eighteenth mission) and how the idea of covering up evidence evolved (for the first time it was highlighted in the Twentieth Report).

Review of the reports from technical support missions for data processing in the Post-enumeration Survey

Upon completion of the Technical Assistance mission carried out between 11 and 15 July 2016, it is evident that the experts put forward a completely unfounded view that the PES cannot be used to calculate the overcoverage rate, because from the very beginning it was not designed for that purpose, and every attempt at assessing this indicator cannot be correct and one cannot interpret it as the proportion of persons who do not belong to the Census target population. **We use the term “view” and not “opinion”, because having an opinion implies a reasonable and logical basis, which is missing in this specific case.**

This position is inconsistent with the findings presented in the report on the previous mission (16 to 20 February 2015), produced by the same experts as part of Technical Assistance. To be precise, in the given report it was noted (on page 5, paragraph 4.) that the undercoverage is insignificant in comparison with the overcoverage, proposing three alternative strategies to assess the overcoverage (design based, model based, and mixed).

The first strategy implies the direct use of weights to calculate the overcoverage rate, using a separate contingent of unmatched residents from the Census, which is analogous to the method for measuring coverage quality applied in the Republic of Serbia. The second strategy implies the exclusion the contingent of overcovered persons by means of a statistical model, based on answers in the questionnaire. The third proposed strategy would imply a simultaneous application of both previous proposals.

This means that the experts, in two consecutive missions, gave two opposed opinions about what can or cannot be done based on data collected through the Census and the Post-enumeration Survey.

To make the situation even more tragic, the report on the mission carried out between 11 and 15 July 2016 provides reasons why the method applied in the Republic of Serbia is considered inadequate, in spite of this method being cited in the report on the mission carried out in February 2015 as one of the alternative methods to be considered in the future.

The method applied in Serbia being inadequate is explained by the assumption that the implementation of PES was better than the implementation of Census, which, according to them, is an unrealistic assumption. Obviously, the Technical Assistance experts did not monitor the enumeration during PES, as this is not one of their tasks, while authorised observers from IMO did monitor the enumeration. These observers, in their Fourteenth Report, produced after the fieldwork was finalized, noted the following:

1. The PES was carried out in a positive and very good atmosphere, without any apparent pressure. All involved parties, Municipal Census Commissions, state, entity and municipal instructors as well as controllers performed their tasks seriously and professionally. The population was very cooperative and willing to participate.
2. The PES questionnaires were well understood by the PES field staff as well as by the respondents and no major problems were observed in obtaining the data and in filling the questionnaires. In conclusion, the SC considers that the Post enumeration Survey was carried out smoothly and in accordance with the international standards. The SC will monitor in the next months the census data processing phase as well the PES data processing to assess its compliance with international standards and best practices.

Therefore, the Technical Assistance experts are denying IMO reports, while at the same time preparing the ground for the implementation of another method to measure coverage quality, which is focused on quantifying undercoverage only (so-called dual system of estimation). It is true that this method is widely accepted and applied in the EU member states; however, the adequacy of this method is conditioned by the fulfillment of certain prerequisites. The basis prerequisite for the application of dual system of estimation is the so-called condition of population closure, which insists on a minimum or insignificant movement of the population between the Census and the PES. Unlike the EU member states, in BiH there were

many organized arrivals and departures of people living abroad during the Census, with just one aim – these persons were instructed how to answer the questions in the questionnaire in order to be included in resident population. IMO also highlighted this campaign in item 126 of the Thirteenth Report. In addition, matching between the Census data and the PES data implied that 11% of persons enumerated during the Census were not found in the PES database. The overcoverage of 11% must not be ignored, and it makes the application of so-called “dual system of estimation” to quality indicators impossible and inadequate in BiH.

“Unexplained phenomenon?!”

However, experts engaged as part of the Technical Assistance Project argue that the percentage of 11% when it comes to persons who were not found in the PES data represent an **unexplained phenomenon**, which, according to their unfounded opinion, only partly resulted from the unofficial Census campaign. Even after the resident status is applied to Census data, using questions 1 to 7, the aforementioned percentage is not significantly changed, amounting to 8.7%.

Experts are however aware that the condition of population closure was not met. Therefore, without the consent of all members of the PES working group, they decided to apply a statistical model, based on responses in questionnaires, to split the problematic contingent of unmatched residents in the Census (amounting to 8.7%) into two parts. The part that can be explained using data in questionnaires would be used in the application of dual system of estimation, with the purpose of participating in the calculation of undercoverage assessment (thus, the condition of population closure is artificially met), while the other part is considered an unexplained phenomenon, i.e. the fifth type of overcoverage, which has never been done in the practice of applying the dual system of estimation to Census coverage quality indicators.

The way in which the condition of population closure was “met” is described in detail in the Technical Assistance Report on the mission carried out between 11 and 15 July 2016, as well as in the technical annex to the Report.

On the other hand, “the phenomenon of overcoverage”, or the fifth category of overcoverage, would in this way be reduced to the levels “**acceptable**” for international actors, which was the main goal of these unlawful stunts of the Technical Assistance experts. Unlawfulness in their operations is easy to explain and prove.

In accordance with Article 6 paragraph 2. items c) and e) of the Law on Census, the Agency for Statistics of Bosnia and Herzegovina is in charge of PES methodology, with entity institutes taking part in its drafting. In addition, Article 20 paragraph 1. item m) stipulates that the Agency “carries out Control Census /Post enumeration survey in the whole territory of Bosnia and Herzegovina, in cooperation with the

entity statistical institutes". Technical assistance is not even mentioned in the Law on Census. All responsibilities are clearly defined. Technical assistance was only hired to provide assistance and services required and it must not impose a methodology that suits their purpose and for which they most probably received instructions that it must be applied.

Also, by doing this, the experts are in fact clearly denying that there was overcoverage, even though the IMO mission clearly recognized the overcoverage in their reports, especially in the 13th report which immediately followed the enumeration. Please note that observers of the IMO mission spent time in the field, observing not only such situations, but also the huge pressure and campaign of informal groups, aimed at enumerating as residents persons who had no right to be enumerated as such, by providing wrong answers to questions 1 to 7 in the questionnaire. Therefore, by denying the overcoverage, TA experts are also denying the IMO mission reports.

PES is also crucial for the final assessment and verification of Census results, as stated by Mr. Everaers himself; in his letter to the director of the Agency for Statistics Mr. Velimir Jukic, Mr. Everaers wrote that the "road map and final assessment are based on the availability of PES indicators". In this specific case, the main PES indicator, namely the overcoverage of 11%, does not exist in the Technical Assistance report, and the Republika Srpska Institute of Statistics will insist on this fact, in line with the Law on Census, in order to have a proper assessment of the Census quality and coverage. Intentions of the technical assistance experts are completely clear.

Technical Assistance was hired under the project whose objective was to provide technical assistance to statistical institutions in BiH, through three main areas of intervention: definition and implementation of data editing strategy, technical assistance for dissemination activities, and analysis of Post-enumeration Survey (PES) to produce Census quality indicators. In this regard, among multiple bids in the tender for the project, an appropriate independent company with headquarters in Belgium was hired, as it specializes in providing services that were required. Time has shown that the Technical Assistance experts, whose work was fair and unbiased in the beginning, eventually started changing their mood and intentions due to presumed reasons, becoming biased, while their proclaimed independence is reflected in the fact that they exceeded their authority in final Census activities, because they have been working independently and on their own terms, instead of cooperating and providing support and services to the local experts, which was their task and the reason they were hired. These actions of the Technical Assistance and their partiality have had negative effects on the Census results.

SUMMARY

- This Open Book has clearly shown that the Census in BiH was not carried out fairly and properly, nor in accordance with the Law on Census; the Institute has constantly warned about this, wishing to carry out this most important statistical activity in a lawful and professional manner.

- Census results are inaccurate and unreliable. There are approximately 400,000 persons recorded as permanent residents in spite of being non-residents, which, given the total number of enumerated persons, means that **every ninth resident is in fact a fictitious or virtual resident**. Such Census results cannot be verified as impartial and correct, least so by IMO that is composed by experts.

- Republika Srpska does not recognize the unlawful data published by the Agency for Statistics and the Federal Institute of Statistics.

- There were numerous violations during the Census, including violations of the Law on Census and of the principle of free expression of will of respondents. **Such Census resulted in completely unreliable, inaccurate, useless, unlawful and irrelevant Census results.**

- Due to effects of the unofficial campaign and other factors, Census results were obtained contrary to the principle of professional independence, as the first principle of the European Statistics Code of Practice. If statistical institutions had been left to perform this task professionally, as stipulated by the Law, Census results would have been reliable and relevant.

- The purpose of the Census is not only to carry out significant demographic, economic, social and other surveys necessary for the functioning of a democratic society. With regard to the Association Agreement with the EU and bearing in mind the fact that statistics represents one of the chapters to be opened, Census results should allow this. However, these inaccurate and unlawful results actually closed many chapters as not much can be done with unreliable, inaccurate data, and one cannot access the EU with such results.

- The Open Book also clearly presents the unjustified and biased evolution of attitudes of the SC IMO and Technical Assistance; simply put, the fact that they constantly chose one side in the process.

- A general and objective conclusion is that the SC IMO's mission has not been successful during the Census in BiH; **none of the objectives of IMO mission were achieved.**

The general objective of the mission was to monitor the Census. IMO departed from the general objective of the role of an impartial observer; through their proactive participation, unlawful recommendations and unconditional support to the unlawful data processing programme, **they directly affected the unlawful and inaccurate Census results.**

The second objective of the mission was to verify a fair and unbiased enumeration. **The enumeration, however, was not fair nor unbiased.**

The third objective of the Operation was to contribute to building confidence in the Census, with broad participation of the population. The Operation has failed miserably when it comes to the realization of this objective because there is a general distrust in the accuracy of Census results in BiH.

The fourth objective was to make sure that international recommendations are complied with. When it comes to the key issues, IMO failed to give impartial recommendations in line with the Law on Census, which is why such recommendations could not have been respected, as provisions of the law take precedence over recommendations. The Institute has sent numerous letters to Mr. Everaers, warning him that the recommendations did not comply with the Law on Census. The Chairman of IMO sent a letter to the director of the Agency, stressing the following: "However, the responsibility for the implementation of these recommendations is fully on the Agency." Thus, Mr. Everaers has no confidence in his recommendations, nor is committed to their implementation, as he is transferring his own responsibility on the Agency, which is not the only entity that implements the Census.

- Bearing in mind the aforementioned, our position is that such Census results must not be internationally verified.

ANNEXES

Annex 1 – The Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina in 2013 – unofficial translation

(official text of the Law was published in the “Official Gazette of BiH”, No. 10/12)

Pursuant to the Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, during the 21st session of the House of Representatives held on 3rd February 2012, and at the 12th session of the House of Peoples, held on 3rd February 2012, has adopted

LAW ON CENSUS OF POPULATION, HOUSEHOLDS AND DWELLINGS IN BOSNIA AND HERZEGOVINA IN 2013

I GENERAL PROVISIONS

Article 1 (Subject of the Law)

This Law shall regulate content, preparation, organisation and conducting of the Census of Population, Households and Dwellings in Bosnia and Herzegovina in 2013 (hereinafter: Census), as well as obligations of the state and other bodies and organisations involved in the Census, obligations and duties of the providers of the Census data and persons who carry out Census-related activities, data dissemination and financing of the Census.

Article 2 (Definitions)

For the purpose of this Law, the following definitions shall apply:

- a) “place of usual residence” shall mean the place where a person lives and normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage;
- b) “usual residents” are those persons:
 - (1) who have lived in their place of usual residence for a continuous period of at least 12 months before the reference date; or
 - (2) who arrived in their place of usual residence during the 12 months before the reference date with the intention of staying there for at least one year;
- c) “a private household” is either:
 - (1) a one-person household, that is a person who lives alone in a separate housing unit or who occupies, as a lodger, a separate room (or rooms) of a housing unit but does not join with any of the other occupants of the housing unit to form part of a multi-person household from the line (2) hereof;

- (2) a multi-person household, that is, a group of two or more persons who combine to occupy the whole or part of a housing unit and to provide themselves with food and possibly other essentials for living. Members of the group may pool their incomes to a greater or lesser extent;
- d) “an institutional household” comprises persons whose need for shelter and subsistence are being provided by an institution. An institution is understood to be a legal body for the purpose of long-term inhabitation and provision of services to a group of persons;
- e) ‘housing’ shall mean living quarters and buildings as well as housing arrangements and the relationship between the population and living quarters at the reference date;
- f) ‘living quarters’ are those housing types, which are the usual residences of one or more persons. They are:
- 1) occupied conventional dwellings,
 - 2) other housing units: huts, cabins, shacks, caravans, houseboats, barns, mills, caves or other shelters used for human habitation at the time of the Census, irrespective if it was designed for human habitation, and
 - 3) collective living quarters, which are premises designed for habitation by large groups of individuals or several households and which are used as the usual residence of at least one person at the moment of the Census;
- g) ‘a housing unit’ is a separate and independent place of abode intended for habitation by a single household, or one not intended for habitation but Used as a usual residence by a household at the time of the Census;
- h) ‘conventional dwellings’ are structurally separate and independent premises at fixed locations which are designed for permanent human habitation and are, at the reference date,
- 1) used as a residence, or
 - 2) vacant, or
 - 3) reserved for seasonal or secondary use;
- i) ‘separate’ means surrounded by walls and covered by a roof or ceiling so that one or more persons can isolate themselves;
- j) ‘independent’ means having direct access from a street or a staircase, passage, gallery or grounds;
- k) ‘a conventional dwelling’ is defined as an occupied conventional dwelling if it is a usual residence of one or more persons.
- 2) For any definition not included in this Law, reference shall be made to the Regulation (EC) No 763/2008 of the European Parliament and of the Council on population and

housing censuses and its implementing measures, as well as to the Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, and other relevant international standards.

Article 3
(Date of the Census)

The Census shall be conducted in the period from 1 to 15 April 2013, according to the situation as on 31 March 2013 at 24:00 hours (midnight) defined as the reference date of the Census.

Article 4
Units encompassed by the Census

The Census shall encompass:

- a) Citizens of Bosnia and Herzegovina with place of usual residence in Bosnia and Herzegovina, regardless of whether, at the time of the Census, they are present in Bosnia and Herzegovina, or absent from Bosnia and Herzegovina,
- b) Foreign citizens who have residence permit for permanent or temporary residence in Bosnia and Herzegovina, regardless of whether, at the time of the Census, they are in Bosnia and Herzegovina or not,
- c) Persons without citizenship,
- d) Households of persons referred to in the points a, b and c hereof,
- e) Dwellings and other living quarters.

Article 5
Units not encompassed by the Census

- a) Diplomatic-consular staff of foreign diplomatic bodies and consulates in Bosnia and Herzegovina, as well as their family members,
- b) Foreign military staff and members of their families located in Bosnia and Herzegovina
- c) Dwellings in the ownership of foreign states

Article 6
(Post Enumeration Survey)

- 1) Immediately after the Census, a Post Enumeration Survey shall be conducted on a representative sample of enumeration areas in order to evaluate the coverage and quality of the Census data.
- 2) The Agency for Statistics of Bosnia and Herzegovina (hereinafter: the Agency) is in charge of all phases (including methodology, organisation, carrying out and analysis) of the Post Enumeration Survey.

Article 7
(Total number of population)

1. The total number of population for each territorial division shall be compiled by adding persons who are usually resident and present and persons who are usually resident but temporarily absent.
2. On the basis of the definition of the place of usual residence, persons usually resident in the place of enumeration but absent, or expected to be absent, at the date of the census for less than one year shall be considered as *temporarily absent persons* and thus included in the total population of the enumeration area. Persons who are enumerated but do not meet the criteria for usual residence in the place of enumeration, i.e. do not live or do not expect to live in the place of enumeration for a continuous period of at least 12 months, are considered *temporarily present persons* and shall therefore not be counted in the total population of the enumeration area.
3. The total population shall also include:
 - a) Civilian residents temporarily working in another country provided that they have not been living abroad for one year or more;
 - b) Civilian residents who cross a frontier daily to work or to go to school in another country;
 - c) Military, naval and diplomatic personnel of Bosnia-Herzegovina and their families, located outside the country;
 - d) Merchant seamen and fishermen resident in Bosnia and Herzegovina but at the sea at the time of the Census (including those who have no place of residence other than their quarters aboard ship);
 - e) Nomads and vagrants.
- 4) From the number of total population, the following categories of temporarily present persons, who belong to the foreign military, police, naval and diplomatic personnel and their families, temporarily located in Bosnia and Herzegovina, shall be excluded:
 - a) Foreign civilians who temporarily work in Bosnia and Herzegovina, and
 - b) Foreign civilians who cross a frontier daily to work or school in Bosnia and Herzegovina.

Article 8 **(Population topics)**

The following topics shall be covered in the Population Census: place of usual residence, name, name of father or mother, surname, gender, date of birth and personal identification number, place of birth, presence, duration and the intention of presence/absence in the place of the enumeration, place of mother's usual residence at the time of a person's birth, place of permanent residence during the Census 1991, whether a person was a refugee from Bosnia and Herzegovina, whether a person was internally displaced in Bosnia and Herzegovina, whether a person has legal status of displaced person and whether a person has an intention to return to the place from which

he/she was displaced, a settlement in Bosnia and Herzegovina from which a person moved and year of arrival in the current place, ever resided abroad for a year or longer and a month and a year as well as a country from which person moved and reasons for arrival in Bosnia and Herzegovina, legal marital status, consensual union, number of live births and months and years of birth, country of citizenship, ethnic/national affiliation, mother tongue, religion, literacy, highest level of educational attainment, obtained title/qualification, attending school, current activity status, status in employment, industry (branch of economic activity of the main job), occupation, main source of livelihood, location of place of work i.e., place of attending school and frequency of returning to the place of usual residence, functional capability of a person to perform everyday activities and a cause of disability, length and country of residence abroad for civilian persons on temporarily work and residence abroad and place of residence in Bosnia and Herzegovina for them and their family members.

Article 9 **(Topics on households and agricultural holdings)**

- 1) By the Census, the following data on households shall be collected: name and surname of the head of the household, kinship and relationships between the household members, name of the settlement, street and dwelling number in which household is located, base on which the household uses the dwelling (tenure status).
- 2) By the Census, the following data shall be collected on households that had land and/or livestock at their disposal or were engaged in agricultural production in the last 12 months until the Census day. These data shall be exceptionally used for establishing the Address list of agricultural households for the purpose of carrying out a separate Agricultural Census (hereinafter: the Address list) that shall be defined by a separate law.
- 3) The following data shall be used for establishing of the Address list referred to in the paragraph 2 of this Article:
 - a) Name and surname of the head of the household;
 - b) Address of the households;
 - c) Total area of the agricultural holding (agricultural, forest and fish ponds);
 - d) Agricultural production by types of cultivated agricultural products at arable land, and
 - e) Data on livestock, poultry and beehives.

Article 10 **(Housing topics)**

By the Census, the following data on dwellings and other living quarters shall be collected: Type of living quarters, type of collective living quarters, housing arrangements, location of living quarters, occupancy status of conventional dwellings, number of occupants, on which floor is the dwelling, type of ownership of the dwelling, useful floor space, number of rooms of housing units, surface area of the kitchen, bathroom and toilet facilities, power, gas and water supply system, central heating installations and sewerage system; type of heating, main type of energy used for heating,

the year of construction of the building, type of building and prevailing material of which bearing structure of the building is constructed, type of roof covering of the building and the actual state of the building.

Article 11
(The duties of a person who is enumerated)

- (1) Person covered by the Census is obliged to give accurate and full answers to all the questions in the Census forms.
- (2) Data on absent members of the household, who are older than 15, can be given only by an adult, present member of the household, who knows these data best, while the data on children of up to 15-year old are given by one of the parents, foster parent or a guardian.
- (3) If the enumerator, at the time of enumeration, does not find persons covered by the Census, and data cannot be collected in a way stipulated in the paragraph 2 of this Article, he/she shall leave a written notice to the person on the duty to submit the data to the competent Census Commission by 15 April 2013 at the latest.
- (4) The notice defined in the paragraph 3 of this Article shall include the working hours and the address of the competent enumeration centre

Article 12
(Optional declaration of ethnic/national and religion affiliation)

- (1) Persons referred to in the paragraph 1, Article 11 of this Law, are not obliged to give data on their ethnic/national and religious affiliation and the questionnaire shall have an informative note about it.

Article 13
(Language equality)

- (1) The Census forms and methodological instructions shall be printed in Bosnian, Croatian and Serb language, using Latin and Cyrillic script.
- (2) Answers in the Census forms shall be written in Bosnian or Croatian or Serb language, using Latin or Cyrillic script.

Article 14
(Protection of minority)

Before the interview, an enumerator is obliged to inform respondents belonging to national minorities of their right to consider specimens of the basic Census forms in the language and script of their national minority.

Article 15
(Protection of personal data)

(1) Enumerators and all other persons who carry out Census-related activities are obligated to consider an official secret all the data collected from individuals regarding their personal, family and property conditions.

(2) The protection of personal data shall be performed in accordance with the Law on Protection of Personal Data and the Law on Statistics of Bosnia and Herzegovina.

Article 16
(Use of personal data)

Data collected by the Census shall be used for statistics purposes only.

Article 17
(Duties and rights of the persons engaged in the Census)

(1) Enumerators and all other persons who carry out and take part in the Census-related activities are obliged to perform them timely and in a proper manner.

(2) Persons referred in paragraph 1 of this Article, while performing their work, are obliged to show their Letter of Authority for the Census to persons they enumerate.

(3) Enumeration shall be conducted every day from 9.00 – 21.00 hrs in the presence of at least one adult person in a household.

Article 18
(Compensations)

(1) Enumerators and all other persons who carry out and take part in Census -related activities shall receive compensation for their work.

(2) Staff of administrative bodies and organisations that carry out activities concerning Census will receive compensation for performed work, in line with the regulations of Bosnia and Herzegovina, entities and the Brcko District of Bosnia and Herzegovina (hereinafter: Brcko District).

**CHAPTER II OBLIGATIONS OF STATE, ENTITIES AND OTHER BODIES
AND ORGANISATIONS IN THE PREPARATIONS, ORGANISATION AND
CARRYING OUT OF THE CENSUS**

Article 19
(Organisation of the Census)

1) The Census shall be organised and conducted by the statistical institutions in Bosnia and Herzegovina: the Agency, Institute for Statistics of FBiH and Institute for Statistics

of Republika Srpska (hereinafter: entity statistical institutes) in cooperation with administrative bodies and organisations of Bosnia and Herzegovina, competent entity administrative bodies and organisations, competent bodies of the Brcko District determined by this Law and units of local self-government.

2) It is determined that data entering, processing and control of the Census questionnaires shall be done in East Sarajevo.

3) Ethnic structure of the staff who work on data entering, processing and control shall reflect the ethnic structure of the population of Bosnia and Herzegovina according to the 1991 Population Census.

(4) The Control Census/Post Enumeration Survey, referred to in the Article 6 hereof, shall be carried out in accordance with the Methodology for control of the Census data quality and coverage.

5) The Census shall be carried out according to the Methodology for the preparation, organisation and conducting of the Census.

6) The Agency shall publish statistical data for all levels of government.

Article 20 **(Tasks of the Agency)**

The Agency shall perform the following activities:

- a) Coordinate work on the preparations, organisation and carrying out of the Census in Bosnia and Herzegovina;
- b) Cooperate with the entity statistical institutes and other competent institutions involved in the Census in preparing, organising and carrying out of the Census;
- c) Determine a unified and internationally comparable methodology for the Census, with common definitions of the enumeration units and characteristics, common classifications and content of the processing and publishing tables according to common data processing programme and common criteria and programmes of logic control for detecting and automatically correcting errors in the Census material;
- d) Determine methodology for checking the data collected in the field;
- e) Determine the content and layout of the Census forms;
- f) Determine, in cooperation with entity statistical institutes, a unified methodology for setting up and keeping a single register of spatial units;
- g) Make a decision on data entering and processing technology as well as the selection of the equipment and programme software for data entering and processing, in cooperation with the entity statistical institutes;
- h) Carry out Pilot Census in cooperation with the entity statistical institutes;
- i) Print Census forms, instructions and other material for preparation and carrying out the Census, distribute and deliver them to the entity statistical institutes and the Brcko District, following the distribution list prepared in cooperation with the entity statistical institutes;
- j) Nominate state instructors and controllers;

- k) Organise professional-methodological training of instructors and controllers (state and entity ones) together with the entity statistical institutes;
 - l) Organise entering, processing and checking of the Census forms and together with the entity statistical institutes set up a common database which will contain all the data from the Census forms;
 - m) Carry out Control Census /Post enumeration survey in the whole territory of Bosnia and Herzegovina, in cooperation with the entity statistical institutes;
 - n) Publish the results of the Census in accordance with the positive practices and standards of the EU;
 - o) Have financial resources available for carrying out the Census, allocate them and prepare a financial statement on the use of these funds;
 - p) Coordinate international assistance and together with the EU representatives organise and coordinate International Monitoring of the Census;
 - q) Timely inform general public about the aim, time and content of the Census, organise, coordinate and conduct a public media campaign;
 - r) Take care of storing, safekeeping and destroying the Census material, and
 - s) Carry out other tasks related to the Census.
- (2) The Agency shall perform the following tasks in the territory of the Brcko District:
- a) Carry out preparations, organisation and carrying out of the Census in the territory of the Brcko District;
 - b) In cooperation with the Department for Public Register of the Brcko District Government, update statistical areas in the territory of the Brcko District;
 - c) Define the number of enumeration centres in the territory of the Brcko District;
 - d) Issue Instructions for organising and carrying out the Census;
 - e) Supervise the work of enumeration centres and Census Commission;
 - f) Nominate instructors for the training of enumerators for the Brcko District;
 - g) Organise the training of enumerators and Census Commission and issues authorisations for them to perform Census-related activities in the Brcko District;
 - h) Ensure that deadlines set out by this Law are observed within the scope of its work and the work of the Census Commission in the territory of the Brcko District;
 - i) Distribute and deliver to the Census Commission of the Brcko District the Census forms, instructions and other material for preparing and carrying out the Census, and
 - j) Perform other tasks for the territory of the Brcko District.

Article 21

(Tasks of the entity statistical institutes)

Entity statistical institutes in the territory of Federation of Bosnia and Herzegovina and of Republika Srpska shall perform the following tasks:

- a) Preparations, organisation and carrying out of the Census in the territory of entities, in cooperation with the Agency;
- b) Take part in the development of the methodology with common definitions of enumeration units and topics, common classifications and content of the

- processing and publishing tables according to unified data processing programme and unified criteria and programmes of logic control for detecting and automatically correcting errors in the Census material;
- c) Take part in the development of the Methodology for control of the Census data quality and coverage;
 - d) Take part in the data entering, processing and control of the data;
 - e) Take part in the Control Census/Post enumeration survey;
 - f) Determine the number of Census commissions in accordance with the unified methodology;
 - g) Supervise the work of municipal Census commissions;
 - h) Supervise preparations and organisation of the Census in the territory of entities, in accordance with the instructions of the Agency and methodological recommendations;
 - i) Take care of observing the deadlines stipulated by this Law, within the scope of their work and the work of the Census commissions;
 - j) Prepare instructions on organisation and carrying out of the Census with the deadlines for completing the tasks, in line with methodology;
 - k) Take care of timely update of statistical and enumeration areas by relevant bodies;
 - l) Nominate members of the Entity Census Bureau;
 - m) Nominate entity instructors;
 - n) Issue authorisations for work to the persons they nominate to be engaged in the Census activities;
 - o) Conduct training for the members of the cantonal and municipal Census commissions and cantonal municipal instructors;
 - p) Coordinate the work of entity instructors;
 - q) Control the work of the cantonal and municipal Census commissions throughout the preparation and delivery of the preliminary results for enumeration areas;
 - r) Publish results of the Census, and
 - s) Carry out other tasks of preparing, organising and carrying out of the Census.

Article 22
(Common database)

- 1) Common database includes all collected and processed data and shall be a property of all three statistical institutions.
- 2) The statistical institutions shall have an access to the data from the common database on a daily basis.
- 3) The Agency shall ensure all mechanisms for protection from all forms of abuse and unauthorised use and change of data via jointly defined protocol.

Article 23
(Census bureaus and commissions)

- 1) A separate *ad hoc* bodies determined by the Articles 24, 25 and 26 of this Law shall be established for the needs of preparing and carrying out the Census and processing of the Census data:

- a) Census bureaus: Central Census Bureau, Census Bureau of the Agency, Census bureaus of the entity statistical institutions and Census Bureau of the Brcko District;
- b) Cantonal Census commissions;
- c) Municipal Census commissions.

Article 24
(Census bureaus)

- 1) Census bureaus are operational statistical bodies in charge of certain Census-related activities in accordance with this Law. The Central Bureau and the Census Bureau of the Agency shall be headed by the director of the Agency, and the Census bureaus of the entity statistical institutes shall be managed by the directors of the entity statistical institutes and the Census Bureau of the Brcko District shall be managed by the head of the Branch Office for Statistics of the Brcko District.
- 2) The Central Census Bureau shall perform the following tasks:
 - a) Coordinate the work of the Census Bureau of the Agency, the Census bureaus of the entity statistical institutes and the Census Bureau of the Brcko District;
 - b) Prepare a framework plan for the Census bureaus of the entity statistical institutes and the Census Bureau of the Brcko District;
 - c) Cooperate with authorities and bodies responsible for the Census-related activities in accordance with this Law;
 - d) Coordinate and monitor the preparations and carrying out of the Census;
 - e) Examine technologies to be used for the data entry, software and the method of data processing;
 - f) Examine a programme for processing the Census material and coding system;
 - g) Examine common criteria for detecting and automatically correcting errors in the Census material;
 - h) Examine a methodological base for defining the control of coverage, and
 - i) Harmonise activities on creating the programme of logic control and activities on the tabulation in line with the unified data processing programme.
- 3) The members of the Central Census Bureau by virtue of their positions are: the director of the Agency, deputy directors of the Agency, directors of the entity statistical institutes, deputy directors or managing civil servants of the entity statistical institutes, Minister of Foreign Affairs (i.e. his representative), Minister of Justice (i.e. his representative), Minister of Security (i.e. his representative), Minister of Defence (i.e., his representative) and Minister for Human Rights and Refugees (i.e. his representative), taking into account the equal representation of the constituent peoples and the others.
- 4) The authorised representatives of the ministers referred to in paragraph 3 of this Article could be managing civil servants or advisers to the ministers from the respective ministries.

5) The mandate of the members of the Central Census Bureau shall last until the Census-related activities are completed. The Chairperson of the Central Census Bureau by the virtue of his position is the director of the Agency, who shall chair and coordinate the work of the Central Census Bureau and convene meetings.

6) The Census Bureau of the Agency shall be composed of the employees of the Agency and representatives of the Brcko District, nominated by the director of the Agency. The tasks of the Census Bureau of the Agency shall be determined by the director of the Agency, in line with the Article 20 of this Law.

7) The Census bureaus of the entity statistical institutes shall perform the following activities:

- a) Coordinate the work with the bodies responsible for the Census-related activities in the entities and units of local self-government;
- b) Organise and coordinate the Census-related activities which fall under the competence of the entities;
- c) Carry out other tasks in line with the law and entity regulations.

8) The members of the Census bureaus of the entity statistical institutes are employees of the entity statistical institutes, and they shall be nominated by the directors of the entity statistical institutes.

9) The Census Bureau of the Brcko District shall perform the following tasks:

- a) Coordinate the work with the bodies responsible for the Census-related activities in the Brcko District and units of local self-government;
- b) Organise and coordinate the Census-related activities which fall under competence of the Brcko District, and
- c) Carry out other tasks in line with this Law and the Brcko District regulations.

10) Members of the Census Bureau of the Brcko District are the employees of Branch Office for statistics of the Brcko District and managing civil servants of the Brcko District institutions, and they shall be nominated by the head of the Branch Office for Statistics of the Brcko District.

Article 25 **(Cantonal Census commissions)**

1) Cantonal Census commissions shall be established for the territory of cantons in Federation of Bosnia and Herzegovina.

2) Cantonal Census commissions shall carry out the following tasks:

- a) Supervise preparations, organisation and carrying out of the Census in the territory of cantons in Federation of Bosnia and Herzegovina;

- b) Initiate the establishment of Census commissions, engagement of the instructors, enumerators in the municipalities of Federation of Bosnia and Herzegovina;
- c) Inform general public about the Census, and
- d) Carry out other tasks in line with this Law.

Article 26

(Census commissions of the units of local self-government)

Census commissions of the units of local self-government shall be established for the territory of each municipality or town in the territory of Bosnia and Herzegovina. Each commission shall have a chairperson and three to five members who shall be nominated by respective municipality, town and the Brcko District. The Census Commission shall carry out the following tasks:

- a) Manage preparations, organisation and the conduct of the Census in the territory of the municipality, town and the Brcko District;
- b) Select and nominated instructors and enumerators of the units of local self-government;
- c) Inform general public about the significance of the Census, method and time of its conducting, the rights and duties of citizens and the way of fulfilling Census related duties;
- d) Take care of proper implementation of methodological and organisational instructions;
- e) Take over printed Census material and distribute it to instructors who distribute it further to enumerators;
- f) Provide premises and conditions for the training of the municipal instructors and enumerators;
- g) Supervise the work of instructors and other persons engaged in the Census;
- h) Provide the persons engaged in the Census with the proper authorisation for carrying out their work;
- i) Take measures which guarantee a complete coverage of the Census units;
- j) Take over the Census material from the instructors, organise and control the coverage and quality of the Census material;
- k) Provide storage for the Census material, fulfilling security measures and conditions laid down by the Law on the Protection of Personal Data;
- l) Organise transport and timely delivery of the Census material to the place where data entry is performed, and
- m) prepare a financial statement on the costs incurred in preparing and conducting the Census in accordance with instructions.

2) Ethnic structure of the commissions, instructors and enumerators of the units of local self-government shall reflect the ethnic structure of the population according to the 1991 Population Census, if possible.

- 3) Ethnic composition of the Census Commission of the units of local self-government shall include at least one representative of the constituent people and others.
- 4) Ethnic structure of the total number of instructors for the territory of municipality/town, as a rule, shall reflect the national structure of the population according to the last Population Census.
- 5) The representation of each constituent people and others shall be ensured in the ethnic structure of the total number of enumerators for the territory of a municipality/town, in the percentage, which is, at least, half of the percentage of participation of the constituent peoples, i.e. others in the total structure of population of that municipality/town in the last Population Census.

Article 27

(Ministries and other institutions responsible for the Census-related activities)

- 1) At the level of Bosnia and Herzegovina, the following institutions shall take part in conducting the Census within the scope of their competencies:
 - a) Ministry of Foreign Affairs of Bosnia and Herzegovina,
 - b) Ministry of Justice of Bosnia and Herzegovina,
 - c) Ministry of Security of Bosnia and Herzegovina,
 - d) Ministry of Defence of Bosnia and Herzegovina,
 - e) Ministry for Human Rights and Refugees of Bosnia and Herzegovina.
- 2) At the level of Federation of Bosnia and Herzegovina, the following institutions shall take part in conducting the Census within the scope of their competencies:
 - a. Ministry of Justice of Federation of BiH,
 - b. Ministry of Internal Affairs of Federation of BiH,
 - c. Administration for Geodetic and Real Property Affairs of Federation of BiH.
- 3) At the level of Republika Srpska, the following institutions shall take part in conducting the Census, within the scope of their competencies:
 - a. Ministry of Justice of Republika Srpska,
 - b. Ministry of Internal Affairs of Republika Srpska,
 - c. Republic Administration for Geodetic and Real Property Affairs of Republika Srpska.
- 4) At the level of the Brcko District, the following institutions shall take part in conducting the Census, within the scope of their competencies:
 - a. Judicial Commission of the Brcko District of Bosnia and Herzegovina,
 - b. Police forces of the Brcko District of Bosnia and Herzegovina

c. Department for Public Register – Subdivision for cadastre.

5) In addition to aforementioned authorities and bodies, paragraphs 1 - 4 hereof, the administrative bodies and organisations of Bosnia and Herzegovina, entities and the Brcko District are obliged to render assistance to the responsible statistical institutions in carrying out the Census, within the scope of their competencies.

CHAPTER III METHODOLOGY

Article 28

(Defining and publishing methodological instruments of the Census)

- 1) The director of the Agency shall define the Census forms (an Individual Census form and a Questionnaire for households and dwellings), organisational and methodological instructions for conducting the Census.
- 2) The director of the Agency shall issue a book of rules on destroying the Census material.
- 3) The Census forms, organisational and methodological instructions for conducting the Census, and the book of rules on destroying the Census material shall be published in the Official Gazette of BiH and Official Gazettes of the entities and the Brcko District.

Article 29

(Printing of the Census material)

The printing of the Census material shall be organised by the Agency.

Article 30

(Cartography-related tasks)

- 1) The entity geodetic offices and the Department for Public Register of the Brcko District Government in cooperation with the other bodies of local administration should complete technical documentation required for carrying out the Census by 01.10.2012.
- 2) The data contained in the technical documentation shall facilitate the organisation of the Census, the data shall also contain separate cartographic overviews and descriptions which will enable each enumerator to be orientated in the field and have an overview of the buildings/units to visit.

Article 31

(Prohibition of changes)

In order to meet all requirements for carrying out the Census, the competent authorities shall not, in the period from 01.11.2012 until 30.10.2013, change the names, borders and territories of the municipalities, local communities, settlements, units of local self-government, statistical and enumeration areas, streets and house numbers.

Article 32

(Enumeration of diplomatic personnel and their families)

- 1) The Ministry of Foreign Affairs of BiH shall organise and carry out the enumeration of the personnel of diplomatic bodies and consulates of Bosnia and Herzegovina and diplomatic personnel in international organisations and institutions together with the members of their families who reside with them abroad.
- 2) The training of enumerators and the Census material for enumeration of the persons referred to in the paragraph 2 of this Article shall be ensured by the Agency.

Article 33

(Enumeration of persons in prisons)

- 1) The Ministry of Justice of BiH, in cooperation with the authority responsible for enforcing sanctions, custody or other measures, shall organise and conduct the enumeration of persons who serve a sentence in prison or institutional-correctional measures in the facilities under the direct supervision of the ministries.
- 2) The training of enumerators and the Census material for enumeration of the persons referred to in the paragraph 1 of this Article shall be ensured by the Agency.

Article 34

(Enumeration of military personnel)

- 1) The Ministry of Defence of BiH shall organise and carry out the enumeration of persons who reside in the military facilities of Bosnia and Herzegovina at the time of the Census.
- 2) The training of enumerators and the Census material for enumeration of the persons referred to in the paragraph 1 of this Article shall be ensured by the Agency.

Article 35

(Special instructions for enumeration)

- 1) The Agency, in cooperation with responsible ministries referred to in the Article 27 hereof, shall issue instructions how to enumerate persons referred to in the Articles 32 , 33 and 34 of this Law, as well as the way of delivering those documents to the Census commissions.
- 2) The Agency shall provide the Census material referred to in the Articles 32, 33 and 34 of this Law.
- 3) Collection of the Census material referred to in the Articles 32, 33 and 34 of this Law shall be conducted by 25.03.2013 at the latest, and the Census material shall be delivered to the Census commissions responsible for the place of usual residence of the persons to be enumerated, by 31.03.2013 at the latest.

Article 36

(The use of databases and records for the purpose of statistical control)

All the institutions of Bosnia and Herzegovina, the entities and the Brcko District are obliged to allow the Agency to use the databases and records under their competencies (the databases of births, deaths, displaced persons, registers of residence, administrative records of persons sentenced to prison and so on) to carry out control of statistical accuracy and quality of the data collected in the field.

Article 37

(Publishing results)

The Agency and entity statistical institutions shall define the enumeration tables and publish the Census results:

- a) Preliminary Census results within the period of 90 (ninety) days after completion of the Census, and
- b) Census results defined by unified data processing programme within the period from 01.01 2014 until 31.12.2015.

CHAPTER IV FINANCING OF THE CENSUS

Article 38

(Financing of the Census)

- 1) Resources intended for financing Census-related activities and tasks shall be provided from the budgets of Bosnia and Herzegovina, entities, the Brcko District, international donations and other sources. A financial plan will be regulated by the special agreement of the respective ministers of finance of BiH, entities and the director of the Brcko District Finance Directorate, or Fiscal Council of BiH within 60 days from the day of this Law coming into force.

- 2) Resources referred in the paragraph 1 hereof shall be used according to the financial plan for conducting Census, determined in advance and agreed between the Agency and entity statistical institutes.

Article 39
(Amount of the funds for the Census)

- 1) The minimum of required funds referred in the Article 38 of this Law amount to 42.625.603 KM, as following:

| | |
|-------------------|---------------|
| for the year 2012 | 10,494,461 KM |
| for the year 2013 | 31,364,836 KM |
| for the year 2014 | 473,804 KM |
| for the year 2015 | 292,502 KM |

After the Pilot Census is conducted, a possible reallocation of budget funds can be done, according to budget items and years, and within the total sum of the planned funds.

- 2) Each year Annual funds shall be estimated for the coming year, on the base of information on the movement of consumer prices.
- 3) The Population Census is a multi-annual project and funds planned for the Population Census but not used in the current year shall be carried into the next year.
- 4) The budget shall be reduced at the annual level, in case those funds are provided by donors.

CHAPTER V **ENUMERATION OF PERSONS WHO**
TEMPORARILY WORK AND RESIDE ABROAD

Article 40
(Enumeration of persons residing abroad)

- 1) Infrastructure and logistics of the Census shall be also used for enumeration of persons, citizens of Bosnia and Herzegovina, who live abroad but have place of residence in BiH and have been absent from BiH for more than 12 months.
- 2) Enumeration of persons referred to in paragraph 1 of this Article shall be done on a separate form, prescribed by the director of the Agency; the form shall include the following mandatory questions: name and surname, personal identification number, municipality of residence, ethnic/national affiliation, religion, mother

tongue, country in which the person resides, the reason and length of their residence abroad.

- 3) The form shall be published and available on the web site of the Agency.
- 4) The persons referred to in paragraph 1 of this Article shall send completed forms by mail, with return receipt request, to the address of the Agency no later than 10.04.2013.
- 5) Entering, control, processing and publishing of collected data on these persons shall be conducted by the Agency along with entity statistical institutes, separately from the Census referred to in Article 7 of this Law.
- 6) The collected data shall be processed by all required elements in the questionnaire and presented in a separate database.

Article 41

(Organisation of enumeration of persons living abroad)

Organisation of the enumeration referred to in the Article 40 of this Law shall be defined more precisely by separate organizational-methodological instructions of the Agency.

Article 42

(Financing of the enumeration of persons living abroad)

- 1) Financing of the enumeration referred to in the Article 40 hereof shall be provided separately from financing of Census referred to in Article 7 hereof.
- 2) The required funds shall be defined subsequently and shall be provided from the budget of the institutions of Bosnia and Herzegovina.

CHAPTER VI PENALTY PROVISIONS

Article 43

(Penalties for the offences committed by the persons involved in the Census)

A fine from 100 KM to 10,000 KM shall be imposed for infringement to any individual covered by the Census or an individual obliged to give information on the absent members of the households, i.e. a parent, a foster parent or a guardian for a child younger than 15, if he/she refuses to give information requested from him by the Census forms or if he/she gives false or incomplete information.

Article 44

(Penalties for not following the instructions)

A fine from 100 KM to 10.000 KM shall be imposed to the following persons involved in the Census or persons who carry out the Census-related activities or tasks:

- a) If contrary to the will of a person covered by the Census, they exert influence on that person to, against his/her will, give information on his/her ethnic or national or religious affiliation;
- b) If they fail to carry out the activities and tasks connected with the Census in a timely and appropriate manner;
- c) If they fail to keep as strictly confidential, the data from the Census which refer to personal, family and property circumstances.

Article 45
(Making a decision on offences)

Acting and competencies of the authorised bodies in Bosnia and Herzegovina which decide on the offences set out in the Article 43 and 44 of this Law are laid down in the Law on Offences of BiH.

CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

Article 46
(Destroying the Census material)

Destroying the Census material generated from the Census-related activities of responsible bodies and organisations in Bosnia and Herzegovina shall be carried out by the Agency, in accordance with the Law on the Archive Files and Archive of Bosnia and Herzegovina and regulations issued on the base of this Law.

Article 47
(Passing the entity laws)

More detailed preparation, organisation and carrying out of the fieldwork may be additionally regulated by the entities and the Brcko District legislation which must be in accordance with this Law.

Article 48
(Entry into force)

This Law shall enter into force on the eighth day following the day of its publication in the "Official Gazette of BiH". It shall likewise be published in the Official Gazettes of the entities and the Brcko District.

Parliamentary Assembly, No.01,02-02-9-37/10

February 3rd 2012
Sarajevo

Speaker
of the House of Representatives
of the Parliamentary Assembly of BiH
BiH

Dr. Milorad Živković

Speaker
of the House of Peoples
of the Parliamentary Assembly of
of BiH

Ognjen Tadić

Annex 2 – The Law on changes and amendments to the Law on Census of Population, Households and Dwellings in Bosnia and Herzegovina in 2013 ("Official Gazette of BiH", No. 18/03)

Na temelju članka IV.4.a) Ustava Bosne i Hercegovine, Parlamentarna skupština Bosne i Hercegovine na 41. sjednici Zastupničkog doma, održanoj 31. siječnja 2013. godine, i na 27. sjednici Doma naroda, održanoj 26. veljače 2013. godine, usvojila je

ZAKON O IZMJENAMA ZAKONA O POPISU STANOVNIŠTVA, KUĆANSTAVA I STANOVA U BOSNI I HERCEGOVINI 2013. GODINE

Članak 1.

U Zakonu o popisu stanovništva, kućanstava i stanova u Bosni i Hercegovini 2013. godine ("Službeni glasnik BiH", broj 10/12), članak 3. mijenja se i glasi:

"Članak 3.

(Datum popisa)

Popis će se provesti u razdoblju od 1. do 15. listopada 2013. godine, prema stanju na dan 30. rujna 2013. godine u 24.00 sata (ponoć), što se smatra referentnim datumom popisa".

Članak 2.

U članku 11. u stavku (3) riječi: "15. travnja 2013. godine" zamjenjuju se riječima: "15. listopada 2013. godine".

Članak 3.

U članku 30. u stavku (1) datum: "1.10.2012." zamjenjuje se datumom: "1.3.2013."

Članak 4.

U članku 31. datum: "1.11.2012." zamjenjuje se datumom: "1.1.2013.", a datum: "31.10.2013." zamjenjuje se datumom: "31.12.2013."

Članak 5.

U članku 35. u stavku (3) datum: "25.3.2013." zamjenjuje se datumom: "29.9.2013.", a datum: "31.3.2013." zamjenjuje se datumom: "15.10.2013."

Članak 6.

U članku 37. u točki b) datum: "1.1.2014." zamjenjuje se datumom: "1.7.2014.", a datum: "31.12.2015." zamjenjuje se datumom: "1.7.2016."

Članak 7.

U članku 39. stavak (1) mijenja se i glasi:
"(1) Minimum potrebnih sredstava iz članka 38. ovoga Zakona iznosi 42.625.603 KM, od čega:
a) za 2012. godinu 10.494.461 KM,
b) za 2013. godinu 31.364.836 KM,
c) za 2014. godinu 473.804 KM,
d) za 2015. godinu 172.502 KM,
e) za 2016. godinu 120.000 KM.

Nakon obavljanja probnog popisa stanovništva eventualno će se preraspodijeliti proračunska sredstava po proračunskim stavkama i godinama, a u okviru ukupnoga planiranog iznosa sredstava".

Članak 8.

U članku 40. u stavku (4) datum: "10.4.2013." zamjenjuje se datumom: "15.10.2013."

Članak 9.

Ovaj Zakon stupa na snagu osmoga dana od dana objave u "Službenom glasniku BiH".

Broj 01,02-02-1-6/13
26. veljače 2013. godine

Sarajevo
Predsjedatelj
Zastupničkog doma
Parlamentarne skupštine BiH
Dr. Božo Ljubić, v. r.

Predsjedatelj
Doma naroda
Parlamentarne skupštine BiH
Sulejman Tihijć, v. r.

Annex 3 – Memorandum of understanding

MEMORANDUM OF UNDERSTANDING

Between

**The European Commission (hereinafter referred to as the "Commission"),
acting for and on behalf of the European Union,**

and

The Council of Europe,

and

**The Council of Ministers of Bosnia and Herzegovina, acting for and on
behalf of Bosnia and Herzegovina**

on

**The International Monitoring Operation of the Population and Housing
Census in Bosnia and Herzegovina in 2012/13**

Whereas:

A Population and Housing Census (hereinafter "Census") shall take place in Bosnia and Herzegovina in accordance with the Law on the Census of the Population, Households and Dwellings in Bosnia and Herzegovina in 2013 as adopted by the Parliamentary Assembly of Bosnia and Herzegovina on 3 February 2012;

The Census shall be organised and conducted by the authorities, bodies and institutions in Bosnia and Herzegovina pursuant to the above law;

The Council of Ministers of Bosnia and Herzegovina has invited the Commission to organise the international monitoring of the Census;

The Statistical Office of the European Union (Eurostat), the United Nations Statistics Division (UNSD), the United Nations Economic Commission for Europe (UNECE) and the Council of Europe have already cooperated in international monitoring operations on population censuses in Europe;

The Commission and the Council of Europe consider of paramount importance the respect of international standards in the conduct of the Census exercise, leading to an accurate socio-economic and demographic picture of Bosnia and Herzegovina's population and results that will be widely accepted;

The Commission, the Council of Europe and the Council of Ministers of Bosnia and Herzegovina hereby agree upon the following:

I. Objective

1. The general objective of the International Monitoring Operation of the Population and Housing Census in Bosnia and Herzegovina (hereinafter “the Operation”) is to monitor the compliance of the whole Census exercise, from the preparation to the data dissemination, with:

- i. international standards on population and housing censuses as defined by UNECE and Eurostat, and as adopted by the Conference of European Statisticians as Recommendations for the 2010 Censuses of Population and Housing;
- ii. Regulation (EC) No 763/2008 on population and housing censuses, and its implementing measures;
- iii. the Fundamental Principles of Official Statistics, adopted by the UN Statistical Commission, as well as the European Statistics Code of Practice, promulgated by the European Commission;
- iv. standards on data protection and confidentiality, as provided for in the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of the Council of Europe, and the relevant European Union regulations in force.

2. By verifying the fair and impartial enumeration, the Operation should contribute to the building of confidence in the census, ensuring a broad participation of the population and advocating respect of international recommendations.

3. In signing the present Memorandum of Understanding the Council of Ministers of Bosnia and Herzegovina confirms that all steps have been taken to ensure that there is a political agreement on and acceptance of this memorandum amongst all relevant political stakeholders and between all government levels in Bosnia and Herzegovina.

II. Implementation of the Operation

1. The Operation will be carried out by a Committee of International Organisations (hereinafter referred to as “Committee”), assisted by a Senior Census Expert, experts in population censuses (hereinafter referred to as “Census Experts”), one or more experts in information technology (hereinafter referred to as “IT experts”) and persons monitoring the census enumeration in the field (hereinafter referred to as “Observers”).

2. The rules of procedure of the Committee as well as the rules for engagement of a Senior Census Expert, the Census Experts, IT experts and Observers are defined by working arrangements agreed upon between the members of the Committee.

3. The Operation is considered concluded with the issue of a joint Communication by the member of the European Commission in charge of Enlargement and by the Secretary General of the Council of Europe on the compliance of the Census with the international requirements.

4. Should the political or social conditions in Bosnia and Herzegovina not be suitable for the continuation of the Operation, the Committee may decide to terminate or suspend the monitoring.

III. Committee

1. The Committee shall consist of a maximum of seven high-level representatives of the European Commission, of the United Nations and of the Council of Europe.

2. In view of their specific expertise in monitoring operations and considering the importance of further socio-economic development of Bosnia and Herzegovina, the following International Organisations and Institutions have each appointed members for the Committee:

- i. for the European Commission: DG Enlargement, DG Eurostat (two members in total);
- ii. for the United Nations: UNSD, UNECE, UNDP and UNFPA (four members in total);
- iii. the Council of Europe (one member).

Upon agreement of the Committee, representatives of other international organisations or institutions may join the Committee as members; however, they will have no voting rights.

3. The Committee shall be chaired by the representative of DG Eurostat.

4. No member of the Committee shall be from Bosnia and Herzegovina or any neighbouring country. The same rule will be applied to the selection of the Senior Census Expert, the Census Experts, IT Experts and Observers.

5. The Committee shall be responsible for the whole Operation by organising and carrying out all tasks related to the observation, monitoring and assessment at all stages of the population and housing census.

6. The Committee and its members shall act in full professional independence and without any political interference or conflict of interest. In the case of a potential conflict of interest, the Committee member concerned shall refrain from voting.

7. The Committee shall in particular:

- define the criteria and methods for the monitoring of the Census;
- appoint the Census Experts, IT Expert(s) and Observers;
- appoint a Senior Census Expert as team leader who organises the work and gives the necessary instructions to all the Census Experts, IT Expert(s) and Observers;
- during the whole Census process, identify problems, assess their impact and, when appropriate, formulate recommendations to the relevant authorities in Bosnia and Herzegovina;
- co-operate with all bodies and authorities of Bosnia and Herzegovina participating in the Census, and in particular with the BHAS;
- propose to the relevant authorities measures to ensure the full respect of the terms and conditions set out in this MoU.

8. The Committee shall report regularly and at least once in every quarter of a year to the Commission and to the Directorate General of Democracy and Political Affairs of the Council of Europe on the progress of the Operation and shall submit a final report in which it assesses whether the Census was conducted in accordance with international standards.

IV. Communications

1. The Chairperson of the Committee (according to Article III(3) above) is the only person of the Operation authorised to address communications to the relevant authorities of Bosnia and Herzegovina in form of recommendations, requests, notes and/or reports. Communications to authorities of Bosnia and Herzegovina will be submitted via the Delegation of the European Union in Sarajevo.

2. The relevant Bosnian authorities will immediately take all necessary actions and disseminate the communication(s) to the relevant bodies and institutions in Bosnia and Herzegovina.

3. The Committee shall have free access to the media of Bosnia and Herzegovina in order to enhance transparency of the Operation and in order to build confidence on the impartiality and reliability of the Census.

V. Experts and Observers

1. The Senior Census Expert, the Census Experts, the IT Expert(s) and the Observers are appointed on the basis of their personal expertise and do not represent any institution, even if they are employed by national bodies or international organisations.

2. The main task of the Senior Census Expert, the Census Experts and the IT Expert(s) is to monitor the whole Census exercise from the technical point of view, following the instructions of the Committee. They shall conduct on-site monitoring during all phases of the Census. All bodies, institutions and authorities in Bosnia and Herzegovina will ensure full and prompt co-operation with the Experts.

3. The Senior Census Expert will be in regular contact with the Census Commissions at all government levels, including, as necessary, the Central Census Bureau, as well as with the authorities in Bosnia and Herzegovina.

4. The Census Experts and Observers shall:

- monitor the collection of census data observing that it is carried out in accordance with the requirements of the census legislation and international standards;
- check whether the counting at all levels is in conformity with the statistical standards and whether the confidential nature of the individual data is fully safeguarded;
- monitor the work of the enumerators, controllers, municipal instructors, members of municipal commissions and other persons involved, in as much detail and in as many areas as possible.

They shall report to the Committee any relevant incidents that may happen during the interviews and primary data collection, until the transmission of the census material to the Agency for Statistics of Bosnia and Herzegovina. If explicitly requested by the person being enumerated, the observer will not be present during the registration of the answers to the questionnaires.

5. In performing their tasks, the Observers will be in regular contact with the Municipal and Cantonal Census Commissions, the interviewers, the controller and the supervisors, all of whom should ensure full co-operation, as well as with the administrative authorities. They will report on their observations to the Committee. They will pay particular attention to any pressure exercised, which might influence the replies of the persons enumerated.

6. Unless explicitly authorised by the Chairperson of the Committee, the Experts must not make statements to the media or to the institutions and authorities of Bosnia and Herzegovina on the Operation. The Observers are not allowed to make any statement.

VI. Financing of the Operation

The decisions concerning the financing of the Operation shall be adopted by the Commission and the Council of Europe according to the appropriate procedures on the basis of the respective legal acts allowing such funding. The Secretariat of the Committee will be ensured by the Commission.

VII. Freedom of movement, security and identification

1. During the whole Operation, and until its conclusion, the Committee, the Senior Census Expert, the Census Experts, the IT Expert(s) and the Observers, together with their interpreters and assistants, shall be free to carry out all their tasks without any interference by the authorities in Bosnia and Herzegovina. They are guaranteed free access to all Census operations and documentation needed for their work, within the limits of their mandate. In particular, they shall have unlimited and unrestricted access to all original Census data sources, which must not be destroyed before the Operation is declared concluded in accordance with Article II(3) above.

2. The relevant authorities in Bosnia and Herzegovina will make all necessary arrangements to ensure that persons participating in this Operation will be in no way restricted or impeded in carrying out their duties, including moving freely throughout Bosnia and Herzegovina, and to ensure that the necessary measures for the security of all those acting in the framework of the Operation are taken.

3. The Secretariat of the Committee will provide the BHAS with a list of the persons involved in this Operation (Committee Members, Senior Census Expert, Census Experts, IT Expert(s), Observers, as well as interpreters and assistants) and will keep it up-to-date. All persons participating in the Operation will receive appropriate accreditation issued by the BHAS.

4. All persons participating in the Operation are bound by the provisions on confidentiality of the Census legislation and other relevant regulations. The same confidentiality provisions shall also apply to interpreters and assistants supporting the Committee Members, Experts and Observers.

VIII. Entry into force

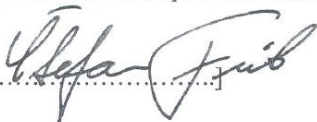
This Memorandum of Understanding shall enter into force on the date of the signature by the last signatory.

Signed in three original copies in English.

For and on behalf of the Commission:

Date 29 March 2012


Štefan FÜLE, Commissioner for Enlargement and European Neighbourhood Policy,
Member of the European Commission

[.....]

For and on behalf of the Council of Europe:

Date 03 April 2012

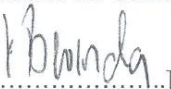
Thorbjørn JAGLAND, Secretary General of the Council of Europe

[.....]

For and on behalf of the Council of Ministers of Bosnia and Herzegovina

Date

Vjekoslav BEVANDA
Chairperson of the Council of Ministers of Bosnia and Herzegovina

[.....]

18.4.2012.g.

Annex 4 – Letters of the Republika Srpska Institute of Statistics to Mr Pieter Everaers and Mr Lars-Gunnar Wigemark



РЕПУБЛИКА СРПСКА
РЕПУБЛИЧКИ ЗАВОД ЗА СТАТИСТИКУ
REPUBLIKA SRPSKA
INSTITUTE OF STATISTICS

Number: 06.3.07/061.1.2.31-166/16

Date: 24 June 2016

STEERING COMMITTEE OF THE INTERNATIONAL MONITORING OPERATION
ON THE POPULATION AND HOUSING CENSUS IN BOSNIA AND HERZEGOVINA

Attn: Mr Pieter Everaers

SUBJECT: Making a decision regarding the Census and delivering the Review of identified problems and discrepancies in data processing after the adoption of the Unified data processing programme by the Director of the Agency for Statistics of BiH

Dear Mr Everaers,

Given that the Memorandum of Understanding, under which the International Monitoring Operation on the Population and Housing Census in BiH in 2013 performs its activity, defines the overall objective of the Operation and monitoring of the activities in the census - from the preparation to the publishing of data and verification of a fair and impartial enumeration, we consider it our obligation to contact you. The immediate cause is a review of identified problems and discrepancies in data processing after the adoption of the Unified data processing programme by the Director of the Agency for Statistics of BiH. Please find the document attached to this letter.

However, there are yet other reasons and motives for writing this letter.

In the letter that was sent to you by the Republika Srpska Institute on 17 June 2016, we pointed out that it was not possible to adopt a dual strategy, what was your suggestion in 23rd report and concerning the publishing of the census results after the legal deadline, which was set out for 1 July 2016. Already from the information we have sent you, your statement in the letter it is clear – that finalizing the editing of census data base within a month would be unlikely. In fact, no matter which data set is to be published until 1 July 2016, which is the final deadline specified in the law, these data could not be verified, so as to check their internal coherence, as envisaged in the Mr Jukić Programme. Here we refer to the activities of data editing, i.e. steps by which data are verified according to the Programme and finally, if necessary, corrected. According to the Programme, verification of the data is to check the results obtained in the previous step, taking into account the original arrangement of variables and external data sources. It is envisaged, according to the Programme, that these activities will be executed iteratively, until the validation confirms that the results are consistent and that no errors are generated in the original data. Of course, it is not possible to complete this huge amount of work until 1 July 2016, and by experts' estimates in the practice this process takes almost six months.

It is clear that even the International Monitoring Operation cannot perform a verification and find a fair and impartial enumeration on the basis of data that have not been published within the legal deadline, neither on the basis of the data that have been published without passing the data validation process. In other words, it would mean that the data have not been obtained and published in accordance with the statistical method applied everywhere else in the world. More precisely, this would be a publishing of unverified information, which would be a precedent.

Benevolently and in a timely manner, we have been pointing out to you that data processing was not running according to the law. We also pointed out to you your recommendations that are contrary to the law on the census, and as such unsustainable. Also, we pointed out to consequences of the Mr Jukić's illegal Programme. The consequences are now evident. We believe that you have heard, because your duty is to follow the activities related to the census, that the National Assembly of the Republika Srpska made the conclusion number 02/1-21-773/16 as of 21 June 2016 which stated that until reaching an

agreement on the Unified data processing programme of the Census of households and dwellings in BiH in 2013 the bodies and institutions of Republika Srpska would not recognise nor publish the results of the census which content was considered controversial and those results would not produce any legal effect for Republika Srpska.

The Republika Srpska Government, on its 14th special session held on 23 June 2016, adopted the conclusion No. 04/1-012-2-1365/16, which obligated the director and the deputy director of the Republika Srpska Institute of Statistics to withdraw from the Central Census Bureau if the director of the Agency for Statistics of BiH does not withdraw the illegal decision on the Unified data processing programme of the Census of households and dwellings in BiH in 2013 until 25 June 2016.

It is clear the item 3 in the objectives of the Memorandum no longer exists, and that there is no political agreement regarding the census between all relevant political actors and all levels of government in BiH. Also, a fair and impartial enumeration is out of the question, so is the trust in the census, whose development should have been contributed to by the International Monitoring Operation because half of the country, a whole entity, does not accept the census. It is a legal decision of the legislative body of Republika Srpska.

By Mr Jukić's illegal programme and circumvention of the law a damage has been inflicted not only to the census, but also to other important steps that political actors should take. We believe that you are familiar with the information that the Mr Jukić's political and party boss, on whose recommendation Mr Jukić was appointed to the position of the director, who is a member of the Presidency on behalf of the Croatian people, Mr Dragan Čović, said that Mr Jukić made a mistake. On the other hand, Mr Jukić calls upon that the Programme was adopted in accordance with the recommendations of the International Monitoring Operation, and that because of it, his decision is legal.

On 13 June 2016, you sent a letter to the directors of the entity statistical institutions, in which you, among other things, claim the following: "The objective of the IMO is to monitor compliance with the international recommendations and European Regulation on population and housing censuses. Therefore, concerns about the specific legal context of BiH and the content of the decision of the director of BHAS should be resolved within the BiH". However, it is evident that these two issues are inseparable and cannot be treated separately. In other words, the failure of the census is also the failure of the International Monitoring Operation which gave recommendations in the census. Not only has a great material damage been inflicted due to the funds that both entities and BiH, as well as the international community have invested in the census, and this also applies to the funds provided for the operation of the Technical Assistance and the International Monitoring Operation, but a material damage will be also inflicted. However, perhaps the non-material damage of lost confidence in the census and statistical activities is actually much higher. This all happened because of the decision of one man, Mr Jukić, who is not really a professional statistician.

We invite you to deny support for such an act and on your part to contribute to the extension of the deadline for the census until 31 December 2016. In this sense, such decision of yours would be not only brave, but also precious.

Kind regards,

Attachment:

- Review of identified problems and discrepancies in data processing after the adoption of the Unified data processing programme by the Director of the Agency for Statistics of BiH





Number: 06.3.07/061.1.2.42-166 /16

Date: 14 July 2016

OPEN LETTER OF THE REPUBLIKA SRPSKA INSTITUTE OF STATISTIC

Dear Mr. Wigemark,

Since we highly appreciate the high position of the Head of the Delegation and the EU Special Representative to BiH and you personally, especially your transparency and openness while expressing the official views, we wish to address you with an open letter, because we believe that the media and the general public in BiH should know more about the position of the Republika Srpska Institute of Statistics, as one of the pillars of the census operations carried out in BiH and Republika Srpska. We believe that your views regarding the Census are objective. On 1 July 2016, after the Census results were published by the Agency for Statistics of BiH (BHAS), most of the media covered your statement that "one should be careful when claiming that these results are in line with international standards, because this is yet to be established, and that the final assessment of the International Monitoring Operation will cover all activities leading to the distribution of final results". Your opinion, which is extremely important and welcomed by us, is that the IMO will assess the quality of the Census, upon detailed analysis, and that the assessment of the data processing and distribution phase will take place in autumn. In your media statement of 13 July 2016, you also emphasized that evaluation results should be available in early September or in October. You claimed that Census results are undeniable, but that the data processing is controversial, in terms of the methodology and resident/non-resident status.

As you know, we have not addressed you directly before. However, now we have an immediate, urgent and specific reason to timely inform you and the public about the unexplained preparation of the environment for Census results published by BHAS to be verified as fair and impartial, although it is clear that there are no basic conditions for such a thing. Here we are talking about the Postenumeration Survey.

To be precise, Article 6 of the Law on Census BiH defines that Post-enumeration Survey (PES) will be carried out on a representative sample of enumeration areas, in order to assess the coverage and quality of data collected through the Census, and the main purpose of PES is to quantify Census coverage errors, using the rates of overcoverage and undercoverage. These indicators are highly important for users of Census data, as they provide a concrete measure of Census data quality.

A repeated enumeration of persons in the representative sample of enumeration areas showed that 11% of persons enumerated during the main Census were missing in the field during the PES. It must be noted that the first day of PES enumeration was only 17 days after the end of enumeration in the Census, which gives extra significance to the preliminary coverage indicators, showing that there were manipulations on the field during the main Census.

Taking into account preliminary analyses of the PES working group, it is clear that it is highly probable that the overcoverage rate is very high in comparison with similar indicators of coverage quality in the region. Thus, we believe that it is very important to put maximum efforts into assessing the given parameter as fairly as possible.

As part of the Technical Assistance Project for Data Processing in the Census of Population, Households and Dwellings in BiH 2013, a mission is being carried out between 11 July and 15 July 2016, whose purpose is support to data processing of PES.

However, currently, during the development of an assessment strategy for coverage quality indicators, technical assistance experts expressed the opinion that PES cannot be used at all while calculating the overcoverage rate, because it was not designed for this purpose at first place, while all attempts at assessing this indicator cannot be useful or interpreted as the participation of persons who do not belong to the Census target population.

Such position is not in line with findings in the report for previous missions (16 to 20 February 2015) of the same experts, within technical assistance. Namely, in this report it is claimed (page 5, paragraph 4) that the undercoverage rate is insignificant in comparison with the overcoverage, with a proposal several possible strategies to assess the overcoverage rate. **This surely means that experts are “not sure” what can or cannot be done using the PES data, because their position changed completely between these two consecutive missions.**

In addition, on 13 July 2016, experts proposed to completely ignore persons who were enumerated as residents in the Census if they cannot be matched with persons enumerated in PES, because their opinion was that there was no concrete evidence in the data that these persons do not belong to the target population. **Experts seem to ignore the fact that we have a large number of persons who were enumerated as residents in the Census, while they were not enumerated in PES.** The position of experts is that it is more probable that the enumeration of persons in PES was not proper, that is, that certain persons who could have been matched with the problematic Census contingent were not enumerated at all. This means that experts believes that the Census implementation was of higher quality than the PES implementation. **This claim cannot be justified or supported by evidence. Quite contrary, bearing in mind the fact that fieldwork staff in PES was selected from among the enumerators who were assessed as best in the Census and the fact that the fieldwork organisation is realistically less complex in PES, we can only claim that the situation is exactly the opposite.**

In addition, the experts have been consciously neglecting good practices of the countries in the region in the implementation of quality control for Census, that is, solutions for an assessment strategy which would be much more adequate for the Census of Population, Households and Dwellings in BiH in 2013.

The Republika Srpska Institute of Statistics believes that technical assistance experts **do not have a clear opinion on the assessment strategy for Census quality indicators and that they have been consciously neglecting obvious facts which were of utmost importance for quality indicators.**

Keeping in mind the importance of PES, the Republika Srpska Institute of Statistics insists on an end to such practices, because otherwise all quality indicators will most probably be biased. As such, they cannot provide an adequate basis for data users to make proper conclusions.

In other words, it is obvious that international experts are attempting, contrary to the Law on Census, to “overthrow” the PES, although it is an internationally recognized procedure for assessing census quality. Obviously, the intention is clear – the Census cannot be verified as fair and impartial by IMO mission if we have PES results that confirm the enormous overcoverage of persons in the Census.

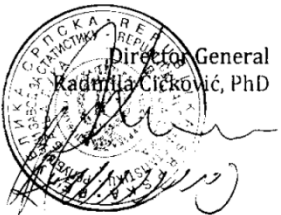
We wish to remind the public, because you are well aware of this, that the IMO mission has been present in BiH based on the Memorandum of Understanding on the International Monitoring Operation for the Census of Population, Households and Dwellings in BiH 2012/2013, concluded by the Council of Ministers of BiH, on behalf of Bosnia and Herzegovina, with the European Commission and the Council of Europe. The preamble to this document explicitly stipulates that the Census is organized and implemented by authorities, bodies and institutions in BiH, in accordance with the Law on Census. The task of IMO is to verify a fair and impartial enumeration and to build confidence in the Census.

It is evident that there is no confidence in the Census, which means that IMO has had no success in these terms, while there are also no conditions to verify a fair and impartial enumeration. The situation will be such as long as we have biased individuals in the field, and we want to believe that these individuals were not sent here with an aim of overthrowing or remodeling the PES. We are sure that the European Union did not provide money and assistance for the Census for such purposes.

With this letter, the Institute wishes to warn you timely about the attempts to circumvent the regulations and to overthrow the purpose and results of PES. The Institute cannot allow this, so we are addressing you and the general public, in order to prevent such activities immediately.

Kind regards,

Director General
Kadrija Čičković, PhD



Veljka Mlađenović'a 12 d, 78 000 Banja Luka, telephone: 051 332 701, fax: 051 332 750
e-mail: stat@rzs.rs.ba www.rzs.rs.ba

Annex 5 – Front pages of newspapers that wrote about the Census

9
Jutarnja

27
Dnevna

Tokom dana uglavnom sunčano, ali sa povremenim pljuskovima i grmljavinom u većini krajeva. Vetar jugozapadni

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TRI PISARA

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» strana 2

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OGROMNE RAZMERE MALVERZACIJA

Na popisu **550.000** fantomskih stanovnika

Popisano 350.000 ljudi više nego što ih zaista živi u BiH, pokazale postpopisne ankete. Nelegalnom odlukom direktora Agencije za statistiku, 200.000 ljudi koji ne žive u BiH proglašeno stalnim stanovnicima

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Rodendanska žurka vlasnika „Pinka“
MITROVIĆ SLAVIO
UZ BIZNISMENE,
MINISTRE I PEVAČE

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BANKE NE MOGU
DA NAPLATE 2,2
MILIJARDE KM KREDITA

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Bivša mis BiH Slobodanka - Boba Tošić požalila se sudiji

ČUVAM KRAVE I OVCE
ISPOD ROMANIJE

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БАЊА ЛУКА 2016
13-19. септембар
Спортска дворана "БОРИК"**

Обдунција тијела убијеног Лазара Ребића из Каменице код Зворника
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