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Census in Hungary in 2011: migrants or ethnicity?

Abstract

Hungary belongs to those nation states that insert the question on ethnic, religious and linguistic affiliation of resident people in census. This approach is based on the idea of cultural nation taking into account the minority communities as static, objective, historical determinant and continuous entities differing from the essentialism or constructivism in the notion of ethnicity and nation. Since 1870 the 15th census will be in 2011 that contains the most sensitive issues of personal identity at a growing prejudice level against otherness and in anti-Roma attacks. This article analyses the minimal requirements of international migration statistics by Reg. 862/2007 and the Reg. 763/2008 on census in EU Member States that contain questions neither on language, nor religious and ethnic identification of residents. What are the possible purposes of these questions in the census in Hungary? The author intends to give answers on the logic of ethnopolitics.

1. The purposes of census and statistics

The recent developments in information technology, universal spread of its instruments, the protection of personal data, birth of new states (e.g. due to dissolution of Yugoslavia), or extended international migratory movements have strongly influenced the purpose and acceptance of census. For this reason the proposal on its replacement by aggregated data based on existing registers means a competitor to the expensive traditional census. The United Nations ECE and the EUROSTAT make efforts to iterate the two different methods

but debates remain.¹ On the other side, the register on ethnic origin of population would be refused at least in Hungary because these records have negative connotations in past (e.g. these data were used for deportations, forced removal of minorities living in the country) and today the personal data protection provides freedom to anonymity. The only exception is the register of persons entitled to vote on the ethnic representatives (members in ethnic self-governments) that was introduced in 2005. However these records shall be deleted just after the elections. There is a further shortage of the register-based population files, namely that those contain obsolete dates due to missed notice on changing address of inhabitants inside the country or abroad leaving the country. The EU requires more and more aggregated data collection from the member states compensating this fragmentation, while the relevance of census is administratively reduced but politically is coloured in public opinion of member states in parallel.

The other poser is how to measure the ethnic origin, the linguistic, national or ethnical affiliations of the population in data collection of census. The answer depends on the self-determination of states reflection the perception of minorities. The Art 68 of the Constitution² “the national and ethnic minorities are part of sovereignty of nation as constructive entities in state”. It means that persons belonging to minorities are equal members in the political community either as individuals or as their collective fellowships. With reference on this provision in the Constitution the last census in 2001 put question on national affiliation and – after 52 years in silence – religious belonging of respondents. It is worth mentioning the purpose of latter was widely discussed (e.g. why the historical churches would attract mass of supporters, how they enforce a bigger budget contribution to own social activities using these data) neither the alternatives of minority origin questions (direct question on ethnic, national origin, or rather indirectly on language usage) nor the credibility of answers, records collected by registry-makers were negotiated.

¹ Griffin T.: The Census in Europe. *Statistical Journal of the United Nations ECE*, 1999/2-3: 223-230

² Act XX of 1949 modified in great extent by the Act XXXI of 1989

Ethnicity has been considered as partly or not measurable phenomenon since the establishment of nation states. According to the *constructivism* the notion of minority is in change and modification, and individual belongs under this notion on the ground of freely chosen ties, such as social, ethnical, linguistic, religious or other affiliation depending on his/her social, economic or cultural impacts living in a society. Consequently, the self-definition of individual is determined by situations and relationships, and being a changing component of personality, it cannot be measured by statistics. According to the *essentialism* the ethnic belonging is a ready-made and a rather objectively existing category based on cultural, linguistic dividing lines from others. This approach accepts certain continuum of ethnicity, consequently it can be measured at individual level, however the process of community setting and of self-determination is hardly followed by statistics.

The *Act on Ethnic and National Minority Rights*³ defines the ethnic or national community that is based on common history, traditions, culture or language creating a common awareness of belonging during their residence as a community for at least 100 years in Hungary. It follows the concept of essentialism considering the nation/al minority as basically determined by its cultural heritage. In this way the measurability of minority size through the members is accepted taking into account the existing continuity, objectivity and declaration of individuals on ethnicity. This rather static approach is a bit primordial but supported in census and it explains why questions on religious and ethnic/national affiliation of respondent are put.

The other issue of clarification is the method of measuring: what would be the basis of registration, the locality of residence, the common origin, the proximity in anthropometric character or language?⁴ The language and its usage (the mother tongue, language applied in daily conversation, spoken language) is considered as hard core in census purposes although it cannot be the exclusive criteria of self-definition of minority belonging. This uncertainty argues why

³ Act LXXVII of 1993 that was amended in great extent in 2005. It ensures individual and collective rights for designated (13) communities living in Hungary.

⁴ Keményfi R.: *A mérés lehetősége az etnikai, a vallási és a nemzeti kisebbség fogalmában*. Történeti Demográfiai Évkönyv, 2001. Központi Statisztikai Hivatal Népeség tudományi Kutatóintézete, Budapest, 2001. Szerk. Faragó T. – Óri P. 65-78.

only 13 states from 40 put a question on ethnic/language affiliation in the interwar period census, and not surprisingly, the Central-Eastern European countries were rather represented among them.⁵ The issue is complicated by the legal regulation dividing the autochthon (historical Diaspora) minorities from the new minorities formed by immigrants in our region but neither kin-minorities across the borders (due to the changing state borders) nor trans-border communities (due to the free movement of persons and labour migration) has been reflected properly in measuring methodology introduced by law in (new) member states of the EU.

The census made in member states of the Union can provide comparable data on the European population and its composition if its structure and data collection is standardized. The standardization includes unified definitions, timing and localization (regions, settlements) of family, social, economic and housing conditions of the population. On the basis of these aggregated data on the same period from the member states can serve for various European policies, action plans, such as the to the social cohesion fund, environment protection or energy efficiency assessment. In order to achieve comparable data the Council defines the common statistical system of the Union (Reg. 322/97/EC, 17 February 1997) meeting the requirements of impartiality, objectivity, scientific independence, transparency, relevance, credibility and cost-efficiency. Protection of mutual trust in the exchange of statistical data inside the Union shall be also ensured (Reg. 1588/90, 11 June 1990). Naturally, these rules shall fit to the principle of subsidiarity (Art 5 of TEU), proportionality and the rules of personal data protection either at member state or at Union level.

⁵ Klinger A.: *A nemzetiségi statisztika Európában és Magyarországon*. In: Magyarország nemzetiségeinek és a szomszédos államok magyarságának statisztikája (1910-1990). Szerk: Klinger A. Budapest, 1994. KSH, 22-41.

2. Distinction between registry and census

Allow me some examples on differentiating the registration of population living in a given area and census. The case of Roma ethnic registration in Italy was strongly targeted. The European Parliament underlined the relevance of non-discrimination protecting minorities.⁶ This body drew the attention of member states to ensure the hygienic and security requirements even in illegal camps or slum because many Roma children died in fire and in absence of the human conditions. Roma have been the majority of racial prejudices and violence not only in contemporary Italy but also in Hungary as it is proved by the Eurobarometer's surveys. Their exclusion and disintegration makes matters worse.

The Italian government passed a decree (21 May 2008) in three regions (Lazio, Campania, Lombardia) based on the Act 225 of 1992 on national catastrophe, civil defence management. It entitles the government to declare emergency period in case of natural or human catastrophe or other extraordinary event of which effects area is in great extent. During this period extraordinary administrative measures can be taken. Moreover, the prefects in these regions (in Rome, Naples and Milan) were appointed as Roma emergency commissioners up to the end of May 2009. It orders identification of each inhabitant, inmate including minors, taking fingerprints, measures against the potential expellee and deported persons and limitation of their numerous fundamental rights. This limitation means no to give proper information on the purpose of taking fingerprints or their rights to refuse the identification through taking fingerprints, photo or biometrics in absence of his/her suspicion or endangering behaviour.

The minister of the interior announced the purpose of taking fingerprints: the registry and identification of Roma living in these camps and ghettos including minors in the environment of the three cities until mid-October 2008. However, the human rights commissioner of the Council of Europe as well the Italian data protection authority rejected this explanation. According to their opinion, the

⁶ European Parliament resolution of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy (2009/C 294 E/12)

social emergency of Roma living in these cities concludes the threat to public order and security and the emergency period of a whole year is manifestly disproportional. It is obvious that this registration serves exclusively to the removal actions in future without contact to protection of minority rights.

The relationship of census to minority, ethnicity and language usage draws the attention also of the institutes of the EU. For instance, a member of EP put a question in writing to the Commission how the Polish government would manage the census in May 2002.⁷ Why did the questionnaire contain question on respondent's ethnic/national affiliation and language usage? According to the Central Statistical Office each person has right to declare own affiliation during the census, and the list of options contains eleven national minorities. Why the Schlesien was missing? Because – allegedly - the CSO instructed the field interviewers to consider Schlesien as Polish, and in case of self-completed document by the respondent would be recorder as Polish in its electronic processing.⁸ It means manipulation that violates the freedom in self-declaration of identity, and a candidate state would be studied the lessons by the Commission. On behalf of the Commission the commissioner responsible for enlargement gave answer⁹. The Polish legislation entitles the authority – as they informed the EU – to put question on ethnic/national affiliation (Polish or other origin) of the people. There is no an exhausted list of ethnical/minority groups, and instructions for the interviewers was not given. In this way Schlesien is also an acceptable answer on ethnic/national origin without change, and data are available only for the CSO.

As regard the perverseness of census in Greece held in 2001 was also inquired to the Commission.¹⁰ The member of the European Parliament raised the issue of credibility of data because the National Statistical Office instructed the interviewers to complete the questionnaires with pencil, in particular data on residing foreigners. The

⁷ Written Question E-1302/02 by Miquel Mayol i Raynal (Verts/ALE) to the Commission (7 May 2002)

⁸ Local newspaper *Dzien*, 2 March 2002

⁹ Mr Verheugen (6 June 2002)

¹⁰ Written Question E-1072/01 by Stavros Xarchakos (PPE-DE) to the Commission (5 April 2001)

non-Union nationals were randomly interviewed or during their interview their residence authorisation and length of their residence or plans on further staying were neglected. Due to this negligence of the NSO the political opponents stated how the vague data of irregular naturalised persons or quasi nationals in mass had influenced strongly the results of prior general elections. What could the Union do with unreliable statistics? The census should meet all requirements concerning the population and housing registry as determined by the UN ECE and EUROSTAT – underlined the respondent of the Commission.¹¹ Although they are in silence on whether pencil shall be used in completion of the questionnaire but the proper method shall be respected. Furthermore, the registration of foreign population covers on all non-national residents staying in the period of census in the country. It includes all residing persons that have been arrived before the census and have intention to remain in the following 12 months as well as permanent residents for leaving abroad no more than 12 months. As it means the physical and not legal residence of persons is relevant regardless its authorisation or valid address card. And each residing individual shall be interviewed concerning his/her nationality and the state of birth in the census. It is obvious that census means a key data collecting method on residing non-nationals and all data shall be transferred to the EUROSTAT as the EU law determines substantially and in format. These comparable data are available also for the members of the European Parliament. The EU institutions are connected to national statistical offices instead of respondents.

3. Migration statistics – also from the data in census

In order to achieve comparable data the measuring method and the circle of data and period of collection shall be determined in a comprehensive way at the EU level. The European Parliament and the Council adopted the Regulation 862/2007/EC on migration statistics covering also on internationally protected third country nationals

¹¹ Mr Solbes Mira (21 May 2001)

replacing the prior rules passed in 1976. Accordingly, the migration statistics includes:

- a) data on immigrants to and emigrants (residing at least for 12 months) from each member state covering on movement intra- and extra-Union;
- b) data on habitual residents in member states by nationality, place of birth, the mother's place of residence at birth;
- c) data on authorisation of immigration, residence, acquisition of nationality, asylum or another status under the international protection as well as on preventive measures of illegal migration and judgements.

Due to the gradual introduction of these requirements the first year of reference was 2008 when the transferred data to the EUROSTAT could be based on the national definitions in statistics if those were previously noticed to the European Commission. This temporary deviation was finished and data on 2009 shall be provided to the EUROSTAT as the Regulation defined unless the member state requested opt-out taking into account the administrative capacity of statistical system. Hungary did not request exceptions. The Statistical Program Committee supports to prepare the implementing measures adopted by the Commission (e.g. actualisation of statistical definitions, structure of data). Taking into account the national regulations and practice, the source of statistical data shall be based on items of judicial and public administration proceedings, administrative registration, population and address registry, data of census, surveys and sampling or other proper source. Statistical estimation based on scientific and properly documented methods can be also implemented. All of these sources and methods shall be listed in the yearly report of member state to the EUROSTAT.

What is the structure of required statistical data that shall be forwarded also from Hungary to the EU?

- a) annual number of foreigners moved to the country (by their rate of nationality, age, gender, place of birth, state of prior habitual residence);

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- b) annual number of inhabitants emigrated from the country (by their rate of nationality, age, gender, state of actual habitual residence);
 - c) number of residing foreigners (by their rate of nationality, age, gender and place of birth) at the end of the calendar year;
 - d) annual number of persons acquired nationality (by their rate of age, gender, prior nationality or stateless status);
 - e) annual number of applicants for international protection (by their rate of nationality, age, gender, family member's nationality, age, gender);
 - f) monthly number of foreigners under the ongoing procedure for international protection (by their rate of nationality, age, gender, family member's nationality, age, gender);
 - g) monthly number of withdrawal of international protection status (by their rate of nationality, age, gender, family member's nationality, age, gender);
 - h) quarterly number of refused applications for international protection (by their rate of nationality, age, gender) at first instance;
 - i) quarterly number of recognised refugees and its withdrawal (by their rate of nationality, age, gender) at first instance;
 - j) quarterly number of foreigners accessed to subsidiary protection and its withdrawal (by their rate of nationality, age, gender) at first instance;¹²
 - k) quarterly number of foreigners accessed to temporary protection and its withdrawal (by their rate of nationality, age, gender) at first instance;¹³
 - l) quarterly number of foreigners accessed to humanitarian residence permit and its withdrawal (by their rate of nationality, age, gender);
 - m) number of unaccompanied minors with application for protection in the country (by their rate of nationality, age, gender);¹⁴
 - n) yearly number of finally refused applicants for international protection (by their rate of nationality, age, gender);¹⁵

¹² See its notion in Art 2 of Dir.2004/83/EC

¹³ See its notion in Art 2 of Dir.2001/55/EC

¹⁴ See the notion in Art 2 of Dir.2004/83/EC

¹⁵ It includes all applications without appealing, in which remedy is not allowed and final decisions in public administration and in justice.

- o) yearly number of finally recognised, withdrawn refugees, foreigners in subsidiary or temporary protection (by their rate of nationality, age, gender);
- p) yearly number of finally accessed to humanitarian residence permit and its withdrawal (by their rate of nationality, age, gender);
- q) quarterly number of resettled foreigners (by their rate of nationality, age, gender);¹⁶
- r) number received and transferred applicants for asylum in the Dublin regime to the responsible state (by the rate of states);¹⁷
- s) yearly number of refused entry at borders (by the rate of foreigners' nationality, the border zone and reasons of denial);¹⁸
- t) yearly number of illegal migrants staying in the country (by their rate of nationality, age, gender, the place of capture and its reason);¹⁹
- u) yearly number of migrants in possession of residence permit (by their rate of nationality, age, gender, the purpose and length of staying);²⁰
- v) number of residence permit holders (by their rate of nationality, age, gender, the purpose and length of staying) at the end of the calendar year;
- w) number of foreigners forced to leave the country (by their rate of nationality, age, gender, the reason of removal);²¹

¹⁶ In order to provide durable solution out from the non-Union states migrants, refugee and stateless persons would be received.

¹⁷ Statistics on the grounds of Reg. 343/2003/EC and its implementation rules in Reg. 1560/2003/EC

¹⁸ See the Schengen Border Code (Reg. 62/2006/EC) as it defines the rate in Art 13(5)

¹⁹ It is applied on non-union citizens that do not meet the requirements of entry and residence as determined the Act II of 2007 and the exceptions in the Schengen Border Code (in particular persons faced refusal at borders, refoulement or implementation of , readmission agreement). The data on capture may assess the efficiency of border zone control in member states.

²⁰ It covers on labour migrants, patients in medical treatment, visitors, students, and perhaps the residents relating to kin-minority affiliation and visitors with small border traffic card. The long-term migrants belong to another category but it fits only to this line.

²¹ These details can be found in the Act II of 2007 including the ban the entry/residence, expulsion, deportation and voluntary leaving upon the authority notice. The asylum applicants in the Dublin regime are out of this line.

- x) yearly number of left foreigners on the grounds of decision on removal (by their rate of nationality, age, gender, the reason of removal and proceedings authority).

This long list proves the relevance of migration statistics, in particular on reasons of movement and the legal status of migrating persons in comparison to the data collection in census. Furthermore, these data shall be transferred continuously enhancing the importance and controllability of international migration in the public opinion while the census means a data collection per decade. In this way it can be said that the census means a subsidiary method in data collection on migratory movements providing static (stock) information that support to setting up periods, trends and epochs in migration flow. The cited Regulation also mentions the complementary character of census data to the migration statistics. However, the member states are entitled to extend the circle of data in the questionnaire of census beyond the minimum requirements of the Union. The implementation of this opportunity is identical for each government whether the knowledge on presence of migrants, foreigners – including the movement of kin-minority across the borders – is influential on domestic policy and strategy or not. The appearance of residing foreigners happened at first time in the census of 2001 in Hungary, it was the first attempt to put questions on refugees, inmates of refugee camps and alien's detention centre.

The registrability of leaving for abroad and home return of migrating persons has been problematic since the introduction of free movement either of nationals or non-nationals in Hungary. Although there are some provisions on obligatory notice of the final leaving for or return to the country that would be taken to the local registry office or the immigration authority but in vain. There is no advantage for aliens if notice is neglected, and legal consequence of omission for nationals is less known (public health contribution shall be paid during the residence of Hungary; registry of birth, marriage and death abroad must be registered in Hungary). In this way only the mirror statistics of destination country (state of migrant's residence) is the only source of information in calculation the yearly net migration. Naturally, the census may provide data on missing people from

the given generation but the reasons of disappearance, the time and direction of migration remain uncovered.²²

Summing up, the Union regulates on migration statistics, its minimal data and sources but the ethnic origin, religion and language affiliation of migrants are out of this required, comparable data circle. Although the Union is working on a common migration policy as the Lisbon Treaty provides this competence, the approach of ethnicity is not generally accepted, and the member states are responsible to collect data on resident migrants' origin if those data would become relevant to integration, nation building or kin-state policy.

4. The relevant data in census

The Council and the European Parliament passed the Reg. 763/2008 (9 July 2008) the common circle of data concerning the population and housing conditions shall be collected in case of census in member states of the EU. It must be applied together the Reg. 1201/2009 (30 November 2009) containing the terms and methodological requirements in census. Accordingly, the census shall be managed in the first year of decade gathering data of population in habitual residence (the place in which people reside in non-working time regardless their holidays or visiting period abroad, leaving for medical treatment, business purposes or pilgrimage). The notion of habitual residence covers on staying for at least 12 months or move house of person within 12 months with the intention to stay at least one year. In absence of this criterion, or in doubt, the habitual residence means the lawful registered address of people. The weekly return home or staying abroad for less than 12 months (e.g. as students) can be considered also as habitual residents. In final solution, people without clarified place of habitual residence shall be registered in residing place during the census. The obvious purpose of census is to gather data on all people belonging to the state as residing inhabitants. In parallel, this data

²² See the expert estimations and data by Tóth Pál P.: *Haza csak egy van? Mene-kültek, bevándorlók, új állampolgárok Magyarországon. 1988-1994.* Püski Kiadó, Budapest, 1997.

collection covers on housing conditions of all human accommodations, living places including buildings, settlements and residences.²³

On the basis of certain demographic, social, economic, family and house-holding of each inhabitant must be registered in census as follows:

- a) data on his/her gender, age²⁴, family status²⁵, place of birth (city, village), nationality, prior place of habitual residence, the date of move (within a year exceeding to the census) and relationship to the other members living under the same roof in place of habitual residence;²⁶
- b) number of population in each settlement including the status of breadwinners, his/her family status, the structure and size of the family, the character and size of private house-holdings;²⁷
- c) number and data of regional population²⁸ that include the distribution of habitual residents' working place, age, gender, family status, economic activity, occupation (the branch of economy, employee or self-employed person, entrepreneur, qualification), the rate of foreign born and local population whether they have ever lived abroad or not, when they returned home (since 1980), the place of prior habitual residence, the date of move (within a year exceeding to the census), the composition of house-holdings;
- d) data on housing conditions at regional and settlement level²⁹, for instance locality of dwelling houses, density of inhabitants in each, the date of building, the rate of useful inhabiting area in each, the conditions of heating, water, bathroom and toilets.

The interviewers put questions to all persons over 15 whether s/he was working at least one hour during the week of census or earning money (even in kind), or s/he was temporary out from the work (e.g.

²³ All settlements with less than 2000 inhabitants mean a unit of human habitat.

²⁴ Reg. defines the age periods per 15 years (1-15-30-45-60-85-over)

²⁵ Reg. determines the options: single, divorced, widow/er, married, or registered partnership

²⁶ Reg. defines the categories of administrative sub-national unit (e.g. NUTS3, LAU2)

²⁷ The questions on genuine co-existence can be put regardless the formal family status

²⁸ This unit (NUTS1, NUTS2) is not applicable in Hungary, it would be a statistical planning region (from the seven ones).

²⁹ It covers on sub-national units as NUTS1 and NUTS2

being on sick-list or on holidays) as subordinated employee or an independent self-employed person not including the family member as supplementing labourer. It demonstrates the collection of data on unemployment level of population over 15 because the questions extend on the actual unemployment or the readiness to be employed, self-employed, or the respondent is seeking employment. The rate of economic activity in adult population can be calculated beyond these data through the data on inactive persons (e.g. attending secondary school, tertiary education or pensioners).

The occupation of inhabitants is registered on the grounds of ten options indicating the branches of economy. The qualification means the highest and finished studies either in formal schooling or obtained in adult, informal professional education. The place of birth and (multiple) nationality of migrants/inhabitants may support to control the rate of naturalisation since the prior census seeing the ratio of stateless, non-Union citizens and migrating Union citizens.

The data on returnee, staying abroad of nationals and immigration of non-nationals are also required that would supplant – at least per decade - the missing standard information on nationals' migratory movement, commuters and trans-border workers in Hungary. However, it would be problematic that respondents cannot remember the date of entry, leaving or return precisely.

The Regulation draws the attention to other data resources because the census also can be based on existing administrative registrations using those aggregated or synchronised data lines, surveys, rotating samples or combination all of those. The implemented resources and methods shall be informed the EUROSTAT taking into account the rules of statistics in details determined by the European Commission³⁰ as well as the guidelines of the European Statistical Conference to the next census.

³⁰ Commission Regulation No 519/2010 of 16 June 2010 adopting the programme of the statistical data and of the metadata for population and housing censuses provided for by Regulation (EC) No 763/2008 of the European Parliament and of the Council

5. Some conclusions

Reviewing the questions and definitions of migration statistics we can see that the Union prefers the univocal terms, consequently the EU rules steer clear of the data collection on vague phenomenon such as linguistic, national and ethnic belonging. The systematic data collection made on the legal status of migrants, ratio and dynamics of its authorisation is required that may test the efficiency of the common migration policy in the Union. For instance, the high rate of re-migration or home return of protection seekers would reflect the poor family unification and the weak border zone control. This logic can accept only the data collection on the nationality, the age and the gender of migrants but the ethnic affiliation being kin-minority is not covered (even s/he is staying in the kin-state).

The EU law on census is not exclusive thus each member state can gather data on the composition of its habitual resident population, on the rate of its ethnic origin, religious or linguistic belonging. In this way the common minimal data collection in the Union covers neither on ethnicity, nor other affiliations of inhabitants. Although the government refers on the EU as a great regulator preventing political debates, the length of questionnaire in the census belongs to the responsibility of the ruling power.

Despite of this fact, the Act CXXXIX of 2009 on the census in 2011 cites the Reg.763/2008/EC. Taking into account the situation on 1st October 2011 the census will be managed in October-November. It will be the 15th census since 1870 in Hungary. The electronic or paper questionnaire shall be completed by the interviewer or by the respondent as s/he opts – in possession of information and his/her ability in IT. Each adult with habitual residence or staying in Hungary is obliged to give data on the following issues: gender, date of birth, address, family status by law and in fact, fertility, attendance at school, qualification, material resources of the house-hold/family, employer and its address, trafficking to the work, health conditions, disability, nationality, religious affiliation, ethnic origin, mother tongue, language knowledge, legal entitlement of housing/accommodation, property of flat and resort. It seems that health conditions, disability, nationality, religious affiliation, ethnic origin, mother tongue, language knowledge are considered as permanent,

objectively declarable feature of respondent. Naturally, the text of the Act makes no distinction between the data required by the Union and decided by the Parliament. The Explanatory Report to the Act contains some words on ethnic origin: “*The necessity of data collection on national and ethnical origin is proved by the data users with reference on the changing size of community of national and ethnic minorities since the recent census, the planning of budget and activities of self-governments of minorities, the implementation of non-discrimination rules in the Constitution (Art 70/A) together with affirmative actions to equality in practice, the preparatory of Roma integration programmes, the program setting to the Union funds (cohesion funds, regional development) and in general those are required to a more effective implementation of the Act LXXVII of 1993 on rights of ethnic and national minorities. The expert opinion of the Advisory Committee to the Framework Convention of Minorities (Council of Europe) suggested Hungary also to obtain reliable data on minorities encouraging minorities to declare own ethnic affiliations during the forthcoming census.*”

This approach is a bit problematic because the realization of all equal and minority policy and legal tasks depends on the ethnic data from the census in Hungary although the rate of refusal in answering and the incomplete, unreliable data would be high. On the other side, the answer is option on the questions concerning ethnic affiliation while there is no ethnic statistics³¹. In this context the data collection method and encouragement of participation in census is vital but there is no developed information campaign or other supplementary ways in prevention of the absence of data. In the growing prejudices against otherness and anti-Roma sentiments³² the Art 3(2) of the Act on census means imperfect guarantee: “*the answer on health conditions, disability, religion, mother tongue and national/minority affiliation is voluntary.*” How is Hungary able to give a correct report on implementation of minority rights to the international organisations?

³¹ Tóth, Judit Cultural Rights of Minorities in Hungary on the Ground of International Undertakings. Minorities Research, Lucidus, 2010/12: 103-119

³² Tóth, Judit: *The Incomprehensible Flow of Roma Asylum-seekers from the Czech Republic and Hungary to Canada*. CEPS „Liberty and Security in Europe” publication series, Brussels, November 2010 1-42

There is a chance to discover further communities of migrants due to the data collection in census instead of controlling and completing the existing administrative registration on migrants. On the basis of answers on ethnic, linguistic and religious belonging of habitual residents there will be identified as non-ethnic Hungarians although they have Hungarian nationals, immigrants with non-Hungarian origin, immigrants belonging to certain ethnic or national (historical) minority community, immigrants without intention to speak Hungarian or to acquire Hungarian nationality, the community of persons with multiple affiliations, Hungarian citizens without speaking Hungarian or the group of multiple citizenships. The list of variations is not exhaustive. These data may support new analysis but in absence of complete information due to the uncertainty in answer refusal or to relativity of answers in the given situation it would be embarrassing in public discourses.

Finally the minimally required transferring of data on migrants to the EUROSTAT is not ensured by Hungary because the administrative registries collect different data in different timing that are defined in the EU law. The data of the first year of reference are not forwarded due to late/no transposed rules to the national legislation in absence of the governmental interests in usage of data to preparatory of (the common European) migration and integration policy. There are no questions on legal status of immigrants, the length of their residence and the intention to stay in future in the census as manifestly irrelevant ones. Why do migrants want to give own sensitive personal data to the interviewer if those will be neither applied to a stronger human rights protection nor to a human integration programme? The Bill on migrants' integration was on the agenda for years but it is deleted and replaced by the data collection on ethnicity and religious affiliations of inhabitants.

