

**General Comment No. 2/2020. of the Minority Ombudsman
on the issues related to nationality law concerning the preparation and implementation
of the 2021 census**

On 14 April 2020, Minority Ombudsman Elisabeth Sándor-Szalay issued General Comment No. 2/2020. on the issues related to nationality law concerning the preparation and implementation of the 2021 census.

The Minority Ombudsman issued the resolution with the aim of presenting in a detailed and objective manner the complex issues related to the preparation and implementation of the 2021 census in the field of nationality law.

Census data are extremely important, both in principle and in practice, for those affected by the field of nationality law. It is of paramount importance that the data on natural persons living in Hungary show a real, reliable and as exact picture as possible of the complex situation of the thirteen nationality communities living in Hungary.

The census affects a number of fundamental rights of the members of nationality communities. This includes the right to freely assume and preserve national identity, the right to privacy and the protection of personal and special personal data, as well as the right to establish nationality self-governments. The aim of the wide-ranging presentation in the general comment of domestic and international data protection rules on census-related data collection and data processing is to provide the nationality communities living in Hungary with a thorough and credible overview of the 2021 census process.

In the course of Minority Ombudsman's procedure, the method of gathering information was basically through a series of intensive professional consultations with representatives and experts of the nationality communities, as well as through written requests from stakeholders.

As part of this, the Minority Ombudsman requested information from the national-level nationality self-governments and the Parliament's Committee of the Nationalities in Hungary on their experiences with previous censuses, the difficulties encountered, and the specific problems, needs and proposals formulated by the nationality communities. In parallel, she contacted the President of the Central Statistical Office and the President of the National Authority for Data Protection and Freedom of Information, with whom she also had personal professional consultations. The resolution touches on domestic and international examples, including relevant domestic and European Union legislation, international treaties, international recommendations, and certain scientific dissertations on the subject.

The Minority Ombudsman has reviewed the following topics thematically:

- Anonymity of the census:
 - The issue of surname and forename as mandatory set of data to be recorded;
 - The issue of the interconnection of the recorded data sets (data on the nationality affiliation of the surname and the forename);
 - Data protection issues of the census.
- Identifying census questions on nationality affiliation, with particular reference to the need to survey data on "language used in the family and with friends".
- Use of nationality mother tongue during the census:
 - Issues of creating census questionnaires in the nationality language.

- Participation of nationality self-governments in the preparation and implementation of the census:
 - Providing organized information for members of the nationality community on the census and its technical implementation;
 - Census data collection (inquiry about nationality affiliation);
 - The method of selecting census interviewers.

In the course of her proceedings, the Minority Ombudsman did not reveal any structural problems in connection with the census practice of the Central Statistical Office and the preparation and planned implementation of the 2021 census. Nevertheless, she examined a number of practical issues that could have a decisive impact on the preparation, implementation and consequences of the 2021 census.

With her proposals, the Minority Ombudsman called on the Parliament's Committee of Nationalities in Hungary and the national-level nationality self-governments to increase the enforcement of the rights of nationality communities in Hungary during the preparation and implementation of the 2021 census. The general comment made a number of recommendations to the Central Statistical Office, partly on compliance with the relevant data protection rules and on cooperation with the National Authority for Data Protection and Freedom of Information, and partly on the methodological and technical implementation of the census. The Minority Ombudsman asked both the representatives of the nationality communities in Hungary and the Central Statistical Office for continuous and close co-operation. In her proposal to the National Authority for Data Protection and Freedom of Information, the Minority Ombudsman asked the authority to pay special attention to the professionalism and legitimacy of nationality-related data management in the preparation and implementation of the 2021 census. Ignoring the proposals set out in the general comment could lead to a violation of nationality rights.