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STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

COMMITTEE OF EXPERTS ON ISSUES RELATING TO THE
PROTECTION OF NATIONAL MINORITIES
(DH-MIN)

**Information provided by the DH-MIN Members on the
Questionnaire on the ethnic data collection**

**Informations fournies par les membres du DH-MIN concernant le
Questionnaire sur la collecte de
données à caractère ethnique**

Original versions/ Versions originales

This document contains replies to the questionnaire on the ethnic data collection (DH-MIN(2007)012), as they were submitted to the secretariat by the DH-MIN members.

Ce document inclut les réponses au questionnaire sur la collecte de données à caractère ethnique (DH-MIN(2007)012), telles qu'elles ont été soumises au secrétariat par les membres du DH-MIN.

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Information submitted by Bosnia and Herzegovina

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

Until 1991 censuses at the territory of Bosnia-Herzegovina were carried out every ten years, in accordance with the UN International Recommendations on Censuses.

The basic data collection method was the so-called interview method. In this method a census-taker asked questions and wrote responses into census forms. A census-taker was previously trained on methodological instructions and explanations for individual questions and response writing technique. Census forms were prepared for optical reading of their contents, so a census-taker had to pay special attention to the manner of writing the signs in responses to asked questions.

Methodological and organisational preparations for carrying out the censuses in B-H were done by the Republic Statistics Bureau, while direct organisers of carrying out of censuses in municipalities were Municipal Census Commissions, while participants and census holders in the field were census-takers.

Over 21,000 participants were directly included into 1991 census carrying out (17,467 census-takers; 2,423 municipal inspectors; 1,500 members of Municipal Census Commissions; 124 Republic inspectors and other collaborators).

Data sources in censuses

Responses to questions included into Census Forms were based mainly on statements of persons providing data to census-takers. This means it was not insisted that a census-taker be presented documents by means of which he/she could check the answers which could be documented. However, census-takers could take data from the documents, particularly given the fact that writing of the personal identification number was foreseen in the Census Form. The personal identification number was copied from an identification card, passport, birth certificate, and other personal documents. For employed persons records kept by enterprises were used as data sources for questions pertaining to the personal identification number, qualifications, profession, position in profession, qualification level, data on enterprises, activity subgroup code, register number of enterprise. Enterprises were obliged to provide data to all employees prior to census in prescribed additional sheet (Form PL), so that employees give them to census-takers.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

In all censuses carried out in B-H (1948, 1953, 1961, 1971, 1981), and in the last census carried out in 1991, a question on national affiliation and a mother tongue was included. The 1953 and 1991 censuses also included a question concerning religious affiliation.

3. *Were these questions compulsory to answer or were they optional?*

A response to the question concerning **national affiliation** was written in Census Forms according to the free expressed will of a respondent.

Article 170 of the Constitution of SFRY guaranteed the citizens a complete freedom to declare national affiliation. A census-taker was obliged to write exact response to a national affiliation question given by a respondent.

In accordance with Article 170 of the Constitution of SFRY, a citizen had the option not to declare himself/herself under this question. In this case a census-taker wrote the response: "Did not declare himself/herself".

Responses for children up to 15 were provided by a parent, an adoptive parent or a guardian.

In accordance with Article 22 of the 1991 *Law on the Census*, a census-taker and other persons participating in the census will not exert pressure on citizens to declare their national affiliation against their will. Violation of Article 22 of the mentioned Law by a person is an offence subject to criminal regulations.

The Census Form P-1 (for individuals) included the remark with the question on national affiliation: "According to Article 170 of the Constitution of SFRY a citizen may not declare himself/herself on this question".

Mother tongue

Mother tongue meant a language a person taught to speak in early childhood, i.e. a language considered a mother tongue by an individual in case several languages were spoken in a household.

A census-taker was not allowed either to influence or exert pressure on respondents.

Responses for children up to 15 were provided by a parent, an adoptive parent or a guardian.

For dumb persons a language predominantly spoken in their homes was written as a response.

Religious affiliation

Article 174 of the Constitution of SFRY guaranteed the citizens the freedom of confessing one's faith.

A census-taker was obliged to write exact response to a religious affiliation question given by a respondent.

The fact if a respondent was registered in a book of members of a religion or not was not important for writing a response to this question. Important was if a respondent considered himself/herself a member of a religion or not.

Responses for children up to 15 were provided by a parent, an adoptive parent or a guardian.

A census-taker and other persons participating in the census were not allowed to exert pressure on citizens to declare their religious affiliation against their will.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)*

In the first census results, data on population under national affiliation were manually processed in Municipal Census Commissions. For this reason classification was narrowed to five groups: Croats, Muslims, Serbs, Yugoslavs and Others. Detailed classification of responses given to a question concerning national affiliation (74 modalities), mother tongue (54 modalities) and religious affiliation (28 modalities) was used in final results processing. All cases with no responses written were classified in a group "Unknown". This Group also included persons up to 15 placed in permanent care institutions, and adults with psychophysical developmental handicaps.

In October 1993 the Statistics Bureau of the RB-H published the 1991 census results in a Statistics Bulletin 233 named "Ethnic Characteristics of Population". The Bulletin contained the tables for B-H level, as well as summary on population under municipalities according to declaration on national affiliation, mother tongue and religious affiliation.

A total of 14,585 (0.3332 percent) of population out of 4,377,033 did not declare their national affiliation, while 35,670 (or 0.8149 percent) of population was of unknown national affiliation.

A response to a question concerning mother tongue was unknown for 41,742 (0.9537 percent) of population out of 4,377,033.

As regards a question on religious affiliation, a total of 250,913 (or 5.7325 percent) persons declared themselves atheists; 95,031 (or 2.1711 percent) persons declared themselves religiously uncommitted; while religious affiliation was unknown for 64,252 (or 1.4679 percent) persons.

5. *Have census forms been prepared also in regional or minority languages?*

All forms and instructions in 1991 census were printed in two scripts – Cyrillic and Latin scripts. Census Forms were not printed in regional or minority languages.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

In accordance with the *Statistics Law of B-H* (Official Gazette of B-H, No. 34/2002), the Statistics Agency of Bosnia-Herzegovina is obliged to prepare and publish statistical data

for Bosnia-Herzegovina, based on both Entity and District Brcko Statistics Bureaus, in accordance with internationally accepted methodology. Both Entity and District Brcko Statistics Bureaus collect data on the basis of Statistical Programmes.

Data on births, deaths and marriages are received by registrars, while data on dissolved marriages are received by courts competent for divorces.

Following registration in record books, a registrar fills out Statistics Sheets (DEM-1 for newborns, DEM-2 for deceased, and DEM-3 for contracted marriages) and submits them to the competent statistics authority for further procession. A question concerning national-ethnic affiliation and religious affiliation is foreseen on these Statistics Sheets. Competent courts also fill out Statistical Sheet RB-1 following final divorce decree and submit them to the competent statistics authority.

Entity Statistics Bureaus control, process and publish data at the Entity level. The Methodological Instruction, prepared by the Statistics Agency and published in November 2007, contains explanation of the question concerning national-ethnic affiliation and religious affiliation.

National - ethnic affiliation

National – ethnic affiliation is a characteristic designating the belonging of an individual to a nation or an ethnic group.

In accordance with Article 3 of the *Law on the Protection of Rights of Persons Belonging to National Minorities* (Official Gazette of B-H, No. 12/03) "a national minority is a part of the population-citizens of B-H that does not belong to one of three constituent peoples of B-H, and it consists of the people of the same or similar ethnic origin, same or similar tradition, customs, religion, culture, and spirituality, and close or related history and other features".

In accordance with Article 3 para 2 of the *Law on the Protection of Rights of Persons Belonging to National Minorities* (Official Gazette of B-H, No. 12/03) B-H shall protect position and equality of persons belonging to national minorities.

Religious affiliation

Religion is a characteristic which designates the belonging of an individual to certain religious community, and in this connection it is not important if a person concerned is registered in a book of members of a religion, but if he/she consider himself/herself a member of a region or not, regardless the fact if a person concerned is a practical believer or not.

Article 2 of the *Law on Freedom of Religion and Legal Position of Churches and Religious Communities in B-H* (Official Gazette of B-H, No. 5/04) has defined that churches and religious communities are institutions and organisations of believers, established in accordance with their own regulations, canons, beliefs, traditions and practices, with recognised legal capacity, registered into the Register of Churches and Religious Communities in Bosnia-Herzegovina.

According to Article 4 para 1 of the *Law on Freedom of Religion and Legal Position of Churches and Religious Communities in B-H* (Official Gazette of B-H, No. 5/04) everyone has the right to freedom of religion and beliefs, including the right to public confession, or non-confession of one's faith.

Ethnic data collection in specific areas of policy

25. Which methods and sources for collecting data in the field of employment are used in your country?

Data in the field of employment are collected from two sources: Manpower Poll carried out yearly, and administrative data taken from regular monthly statistical researches on salaries, submitted to Entity Statistics Bureaus by enterprises. Ethnic data are not kept in these researches. Employment Bureaus are an additional data source on employment.

18.02.2008

Information submitted by the Czech Republic

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

Censuses have been held regularly in the territory of today's Czech Republic in ten years' intervals since 1869. To date, only traditional methods of obtaining data from households have been used – the self-reporting method whereby the citizen fills in the census questionnaire by himself/herself. Blank forms were distributed and filled forms were collected by census officers (enumerators), who helped fill in the forms upon request. In the 1921 and 1930 census, the authorities selected certain municipalities (according to the level of literacy of the population) where the census was carried out directly by enumerators, who recorded the data in a special form – the “house roll”. Such special forms were abolished in 1950 and the interviewer method became exceptional.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

The census includes questions concerning national affiliation, mother tongue and religion.

3. *Were these questions compulsory to answer or were they optional?*

Questions concerning national affiliation and religious affiliation are optional. Some representatives of national minorities believe that this was the main reason why other than Czech national affiliation was stated in 2001 census by much less people than in the 1991 census.¹⁾

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)*

Share of provided answers to the question concerning national affiliation

1991	99.8%
2001	98.3%

Share of provided answers to the question concerning mother tongue

1991	99.7%
2001	99.2%

Share of provided answers to the question concerning religious affiliation

1991	83.8%
2001	91.2%

¹⁾ Some representatives of national minorities consider it as correct to have all answers to census questions mandatory and to enumerate specifically all “recognized” national minorities (since no law in the Czech Republic enumerates national minorities, this opinion is evidently a misunderstanding on the part of those representatives).

5. *Have census forms been prepared also in regional or minority languages?*

While only the Polish language version of census questionnaires plus completion instructions in German were available in 1991, the following 10 language versions of census questionnaires were available in 2001:

- English
- Arabic
- Chinese
- French
- German
- Polish
- Roma
- Russian
- Ukrainian
- Vietnamese

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

No such other methods are used by the state statistical service. The Ministry of the Interior does not use any different method than stating other than Czech national affiliation in census. However, public administration authorities take account of qualified estimates, based e.g. on membership in minority organizations, visitor frequency of their activities, pre-numeration of their periodicals, etc.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

The state statistical service of the Czech Republic does not keep any such files, even those arising from population census. Nor does the Ministry of the Interior keep any such files or other form of personal data processing based on ethnic, national, language or religious criteria.

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

The law of the Czech Republic rules out keeping any such registers or any other form of processing of such data; no such registers exist in relation to suffrage, in the information system of the population register or anywhere within the competencies of the Ministry of the Interior, nor does the statistical service keep any registers containing national (ethnic) affiliation data.

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

No. Registers kept by state attorney's (prosecution) offices, courts, Prison Service of the Czech Republic and Probation and Mediation Service of the Czech Republic distinguish

only age, gender and nationality (citizenship). No statistical data about ethnic and racial origin and about religious affiliation are kept by the judiciary, because it would be considered as discrimination under applicable laws – see item 18).

10. Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)?

The national affiliation data taken by the statistical office from the population census are used solely for statistical purposes. The aggregate form of these data, which ensures protection of individual personal data, is also available online at the website of the Czech Statistical Office (www.czso.cz) and can be used by anyone for any purpose. Individual data from the population census are not kept in an identifiable form.

11. Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?

Personal identity documents issued within the competencies of the Ministry of the Interior - identity cards of citizens of the Czech Republic and travel documents of citizens of the Czech Republic – do not contain any data concerning affiliation to a national minority.

12. Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?

Yes, it is the topic of some studies, e.g. demographic, sociological, in the field of cultural or social anthropology or ethnology. However, information collected by such studies is not used by public administration authorities as an official source of ethnic data.

13. Are different data collected on nationals and non-nationals?

The structure and scope of data concerning foreigners kept in the information system of the population register is identical with the structure and scope of data concerning citizens of the Czech Republic which are kept in this system and does not contain any ethnic data. No ethnic data are also processed by the information system of foreigners holding residence permits in the Czech Republic.

14. Do minority communities themselves keep records on their size, composition, etc.?

Organizations of national minorities do not keep or create intentionally their own databases of members of minorities. They usually have no mechanisms, possibilities, funding or skilled employees to do so. However, each such organization has a certain idea and database of its members. Such information is important and is used for planning of activities, etc. Representatives of these organization often use own estimates of such data.

15. What methods for collecting data are best perceived and accepted by minorities?

All official data are collected solely by the Czech Statistical Office in the census form. Inclusion of questions concerning national affiliation and mother tongue into the census questionnaire is consulted with the Government Council for National Minorities, where members of national minorities have their representatives, and with other subjects.

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

- Art. 10 para. 3 of the Charter of Fundamental Rights and Freedoms (Act No. 2/1993 Coll.);
- Act No. 101/2000 Coll. on Protection of Personal Data and on the Amendment to Certain Laws, as amended;
- Act No. 365/2000 Coll. on Information Systems of Public Administration and on the Amendment to Certain Laws, as amended, and special laws regulating the conditions of keeping and scope and method of processing of data in specific information systems maintained by public administration (e.g. Act No. 133 /2000 Coll. on Population Register and Birth ID Numbers and on the Amendment to Certain Laws (the Population Register Act), as amended);
- Act No. 89/1995 Coll. on the State Statistical Service. A special law was adopted in relation to the 2001 census (see question no. 20), and a similar law is prepared for the 2011 census.

17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?

Yes; pursuant to Section 4(b) of Act No. 101/2000 Coll., these data are included in the “sensitive data” category of personal data, which is subject to a stricter processing mode and increased protection.

18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?

It is identical with the content of the Directive 95/46/EC of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Applicable Czech laws do not permit registration and processing of data on this basis. The basic legal instrument in this respect is the Charter of Fundamental Rights and Freedoms, which is a part of the Constitution of the Czech Republic. The constitution itself is based on the principle of equality of all citizens, including a provision on equal rights of all parties to court proceedings. This logically indicates that keeping such statistics is inadmissible. Moreover, protection against discrimination is regulated by international conventions by which the Czech Republic is bound.

The state statistical service is bound to protect confidentiality of all statistical data.

19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?

Under the law, all data collected by the state statistical service may be used solely for statistical purposes (aggregated data without a possibility to identify individual data).

National minorities have no information of any misuse of ethnic data by state authorities or by any other party (this has been expressly confirmed by the Hungarian minority representatives).

20. Where and for how long may the data stored and analyzed?

Aggregated and anonymous individual data are stored in databases for an indefinite period of time. Individual data (questionnaires for persons, houses and flats) collected by the 2001 census were physically destroyed immediately after processing in accordance with Section 13 of Act No. 158/ 1999 Coll. on the 2001 Census of People, Houses and Flats. Further information; see item 18.

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?

All types of handling of personal data are subject to the supervision of the Office for Personal Data Protection (established under Act No. 101/2000 Coll.).

22. Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?

No explicit prohibit is contained in Czech law.

Article 10 para. 3 of Act No. 2/1993 Coll. on Promulgation of the Charter of Fundamental Rights and Freedoms stipulates the following:

“(3) Everyone has the right to be protected from the unauthorized gathering, public revelation, or other misuse of his personal data.”

Therefore, the collection of data during census must be regulated by a special law.

23. If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.

Yes, see the Directive 95/46/EC of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Act No. 101/2000 Coll. on Protection of Personal Data and on the Amendment to Certain Laws, as amended.

Gathering and handling of statistical data by national affiliation is subject to protection under the law like the gathering and handling of any other data.

24. Are you aware of any cases where the collected data have been misused?

The submitter has no information of misuse of statistical data concerning national minorities.

Ethnic data collection in specific areas of policy

25. Which methods and sources for collecting data in the field of employment are used in your country?

The state statistical service organizes its own statistical surveys concerning employment and unemployment, or uses (in accordance with applicable laws) the administrative data sources – the Czech Social Security Administration. These data do not include information about national affiliation.

The Ministry of Labour and Social Affairs (MLAS) uses for mapping of the development of employment data taken over from the Czech Statistical Office, particularly from Labour Force Surveys (LFS), which are the only data about economic activity, inactivity (including

reasons), employment and its forms (work position, full/part time work, etc.), the extent of economic activity, employment rate and general unemployment rate. Supplementary sources used by MLAS are statistical surveys of employment carried out by the Czech Statistical Office as a part of the “Labour and Wages” statistics. These data are used by the Employment Services Administration as a supplementary source of information which cannot be found in the LFS, (e.g. employment by ownership type).

The basic sources of information used by MLAS are administrative data in its own Employment Services Information System, which is operated and used by the Employment Services Administration of the Ministry, by 77 labour offices and their branches. Its basis is comprised of the software application *OKpráce* (a set of software created specially for labour offices), which consists of several interlinked main modules with a common database. *OKpráce* provides automated support for basic work activities of labour offices. These modules include a statistical module, which comprises calculation and transfer of standard statistical data of labour offices (as required by the Ministry) into the central database of the Employment Services Administration at the Ministry. This source provides particularly data on registered unemployment, i.e. on job seekers and their structure (number by sex, age, achieved education, length of registration with the labour office, disabilities), vacancies (by profession, required level of education), use of individual instruments of proactive employment policy, numbers of foreigners employed legally in the Czech Republic, insolvent employers, etc.

26. Which methods and sources for collecting data in the field of education are used in your country?

The Czech Statistical Office organizes statistical surveys concerning education. In this respect, the Office also uses information collected by the Ministry of Education, Youth and Sports, which do not include any information on national affiliation.

The general source of information in the educational statistics concerning regional educational institutions is represented by registers of children - pupils and students (kept by schools and school establishments in accordance with the School Act. Aggregated statistical information from those registers is provided regularly every year by respondents in the form of statistical report. Transfer of individual data from school registers, which indicate level of education, which has been used for several years with respect to university student, is being newly introduced. None of the data collection variants gathers ethnic data, because such personal data are defined as sensitive by the Personal Data Protection Act (No. 101/2000 Coll.) and thus enjoy increased protection. This means that schools are not authorized to process these data without express and provable consent of the relevant data subjects, and are thus unable to provide them for the purpose of statistical surveys. Therefore, the national affiliation of pupils has not been statistically monitored since 2001; only the monitoring of numbers of children, pupils and students by citizenship has been introduced.

27. Which methods and sources for collecting data on racist incidents are used in your country?

No specific methods of collecting such data exist in the judicial system. Statistics kept by prosecution offices, courts and the Prison Service are kept in accordance with specific provisions of applicable laws (the Criminal Code, Transgressions Act).

The key source of data relating to criminal offences motivated by racial intolerance or hatred is the police statistics kept by the Ministry of the Interior – specifically the

Statistical Register of Crime. The collection method is represented by keeping criminal records. These records are based on notices filed by people or by the Police of the Czech Republic concerning operatively identified facts which indicate that a criminal offence has been committed. Inclusion of these notices into criminal records is conditional upon the qualification of such actions under criminal law.

28. Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?

The purpose of the crime statistic system is to provide statistical information, particularly for managing, analytical and organizational activities concerning prevention and detection of crime. Crime statistics is not based on national, ethnic or language basis or on the basis of religious affiliation; however, they allow identification of crime motivation by national, racial or religious intolerance directed against a specific ethnic group or belief. These records are restricted by the principle of voluntary statement of the assaulted person about his/her national, ethnic or religious affiliation.

29. Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?

These data are collected for the purpose of evaluation of applications for international protection as a part of the activities of the Asylum and Migration Policy Department of the Ministry of the Interior and are used in proceedings on international protection pursuant to Act No. 325/1999 Coll. on Asylum, as amended.

30. Please provide examples of good practice in relation to ethnic data collection and the use of these data.

The Czech Statistical Office has been participating on a long-time basis in the activities of the Government Council for Integration of Foreigners in the Czech Republic. The Council for National Minorities has been commenting regularly the drafts of Laws of Census of People, Houses and Flats.

Self-determination of the individual concerned

31. Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?

Yes, in case of the census. According to the Hungarian minority representative, the election of national affiliation is free and is at the discretion of every individual.

32. If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?

In case of census, every individual may freely elect his/her national affiliation and such declaration is not subject to any further verification process. Statement of national affiliation of minors in census forms depends on their parents. The Hungarian minority representative noted that he has no information about anyone interfering with the determination of national affiliation of any individual.

33. Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?

In case of a population census, the person cannot change his/her answer after submission of the questionnaire, but may state a different national affiliation in every census.

The Hungarian minority representative noted that, for instance, after professing one's affiliation to a national minority, the relevant person may apply to the civil register to write his/her name in the appropriate national language (e.g. Josef – József, Štěpán – István etc.).

34. How does data collection approach the issue of multiple identity?

In case of census, the individual's identity is determined by his/her basic personal data: name and surname, date of birth, birth ID number. Citizenship is stated in accordance with applicable laws. Every individual may state more than one national affiliation; however, such cases are statistically irrelevant (0.13% of the population).

Annex

The inhabitants of the Czech Republic according to National minorities²⁾

National minority		Inhabitants totally		Men		Women	
		absolutely	%	absolutely	%	absolutely	%
Inhabitants totally		10 230 060	100.0	4 982 071	100.0	5 247 989	100.0
Included National minority	Czech	9 249 777	90.4	4 475 817	89.8	4 773 960	91.0
	Moravian	380 474	3.7	203 624	4.1	176 850	3.4
	Silesian	10 878	0.1	6 578	0.1	4 300	0.1
	Slovak	193 190	1.9	94 744	1.9	98 446	1.9
	Polish	51 968	0.5	21 571	0.4	30 397	0.6
	German	39 106	0.4	18 391	0.4	20 715	0.4
	Roma	11 746	0.1	6 149	0.1	5 597	0.1
	Hungarian	14 672	0.1	7 711	0.2	6 961	0.1
	Ukrainian	22 112	0.2	9 943	0.2	12 169	0.2
	Russian	12 369	0.1	4 634	0.1	7 735	0.1
	Ruthenian	1 106	0.0	529	0.0	577	0.0
	Bulgarian	4 363	0.0	2 711	0.1	1 652	0.0
	Romanian	1 238	0.0	667	0.0	571	0.0
	Greek	3 219	0.0	1 671	0.0	1 548	0.0
	Vietnamese	17 462	0.2	10 775	0.2	6 687	0.1
	Albanian	690	0.0	500	0.0	190	0.0
	Croatian	1 585	0.0	886	0.0	699	0.0
	Serbian	1 801	0.0	1 138	0.0	663	0.0
	other	39 477	0.4	23 588	0.5	15 889	0.3
	not recognized, not declared	172 827	1.7	90 444	1.7	82 383	1.6

Comparison of Census 1991 and Census 2001

census	Inhabitants totally	National minority							
		Czech	Moravian	Silesian	Slovak	German	Polish	Roma	others, not declared
1991	10 302 215	8 363 768	1 362 313	44 446	314 877	48 556	59 383	32 903	75 969
2001	10 292 933 (- 0,1%)	9 249 777 (+ 10,8 %)	380 474 (- 72,6%)	10 878 (- 74,7%)	193 190 (- 41,6 %)	39 106 (- 21,1 %)	51 968 (- 14,2 %)	11 746 (- 64,4 %)	212 304 (+ 364,4%)

13.02.2008

²⁾ The Census 2001. Basic Information About Definite Results. Published by Czech Statistic Office, Prague, July 2002, p. 26.

Information submitted by Germany

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

The last censuses in Germany were held in 1981 (former German Democratic Republic) and in 1987 (Federal Republic of Germany) in the framework of a traditional system.

A combined, registration-based census is planned for 2010/11 in Germany. Administrative registers are intended to be evaluated in terms of the demographic and labour-statistical figures of the census. Statistical data on buildings and housing will be collected by a written questionnaire addressed to the owners of buildings. Features not contained in the register will be collected via a sample not exceeding 10%. The sample will also serve to examine the quality of registry data and to correct it, where appropriate.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

In the 1987 census, questions concerning nationality and ethnic affiliation were asked. Categories for these questions were:

Citizenship: German; Greek; Italian; Other EC countries; Yugoslav; Turkish; Others/none.

Legal affiliation with a religious community: Roman-Catholic Church; Protestant Church; Free Protestant Church; Jewish religious community; Islamic religious community; Other religious communities; No legal affiliation with a religious community.

3. *Were these questions compulsory to answer or were they optional?*

These questions were compulsory to answer.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)*

Participation in the census was much above 99%. This also applied to answers to questions concerning nationality and religious affiliation.

5. *Have census forms been prepared also in regional or minority languages?*

No, because the members of national minorities in Germany also know the German language. Information material and translation aids concerning the questionnaires of the 1987 census were provided for the following languages: English, Greek, Italian, French, Portuguese, Spanish, Serbo-Croatian, Turkish, Polish, Arabian.

The translation aids were available in the form of a full copy of the questionnaires. The data, however, had to be filled in the German questionnaire.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

None

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

No

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

No

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

No

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)*

No

11. *Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?*

No

12. *Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?*

We are not aware of any more recent research studies on the size of national minorities in Germany or on the collection of ethnic data.

13. *Are different data collected on nationals and non-nationals?*

Apart from the evaluation of data of the Central Aliens Register – which, of course, does not contain any data on Germans – official statistics do not differentiate between data collections on foreigners and Germans.

14. *Do minority communities themselves keep records on their size, composition, etc.?*

As far as they are organized as associations with individual members, the minority communities in Germany have relevant figures about their membership as well as records about attendance at minority schools, membership of parties representing the interests of minority groups, relevant election results and the publication and distribution of newspapers of minority groups.

15. *What methods for collecting data are best perceived and accepted by minorities?*

The associations of national minorities in Germany do not endorse the official collection of figures and the structure of people who are members of these minorities.

Legal framework of ethnic data collection in the Member States

16. *What are the main legal basis for data collection and data protection?*

17. *Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?*

18. *What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?*

19. *For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?*

In individual collections, the nationality is covered, in current population statistics religious affiliation is partially included. In addition, the migratory background is demonstrated in micro-censuses. For these statistics – as for all statistics – there are special laws in place, in which the group of persons to be interviewed, collection features and, where appropriate, the duty to provide information is laid down.

Additional data with an ethnic dimension is not collected in the official statistics.

Regulations on statistical secrecy and data protection are laid down in the Act on Federal Statistics and in the Federal Data Protection Act.

20. *Where and for how long may the data stored and analyzed?*

./.

21. *Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?*

Yes.

The Federal Commissioner for Data Protection and Freedom of Information (BfDI) is the independent supervisory authority for data protection of all public offices of the Federal Government (§§ 21 - 26 Federal Data Protection Act (BDSG)).

The Land Commissioners for Data Protection are the independent supervisory authorities for data protection of all Land offices based on the respective Land data protection legislation.

The Länder have in some cases determined the Land Commissioners for Data Protection and in some cases independent supervisory authorities at the home affairs ministries of the Länder as independent supervisory authorities for data protection of non-public offices under § 38 (6) of the BDSG.

22. *Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?*

No

23. *If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.*

In line with Article 6 of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data and Article 8 of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the Federal Data Protection Act in § 3 (9), § 4a (3), § 4d (5) sentence 2 No 1, § 13 (2), § 14 (5, 6), § 16 (1) sentence 2, § 28 (6 through 9), § 29 (5) and the Laender data protection laws contain similar special regulations for the processing of special categories of personal data “(data on racial and ethnic origin, political opinions, religious or philosophical convictions, membership of a trade union, health or sexual life“).

24. *Are you aware of any cases where the collected data have been misused?*

The control of collecting, processing and using special categories of personal data (§ 3 (9) BDSG) lies with the independent supervisory authorities for data protection referred to in question 21. For this reason, the Federal Ministry of the Interior does not have any data about the misuse of special categories of personal data.

Ethnic data collection in specific areas of policy

25. *Which methods and sources for collecting data in the field of employment are used in your country?*

./..

26. *Which methods and sources for collecting data in the field of education are used in your country?*

./..

27. *Which methods and sources for collecting data on racist incidents are used in your country?*

./..

28. *Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?*

Police crime statistics in Germany are subdivided into “German“ and “non-German“ but not into various languages, ethnic affiliation or religion.

29. *Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?*

./..

30. *Please provide examples of good practice in relation to ethnic data collection and the use of these data.*

./..

Self-determination of the individual concerned

31. *Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?*

Yes

32. *If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?*

./..

33. *Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?*

Yes

34. *How does data collection approach the issue of multiple identity?*

./..

14.02.2008

Information submitted by Hungary

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

Until now censuses had been carried out in the traditional way usually in every ten years as a full scope enumeration using questionnaires. Hungary is planning to carry out census in 2011 but the method of execution is not yet decided.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

In 2001 the block of questions to analyze ethnic structure contained five questions with the possibility of three answers to each question.

The questions:

- What languages do you speak?
- Which nationalities do you think you belong to?
- Which nationalities' cultural values and traditions do you feel affinity with?
- What is your mother tongue?
- In which languages do you speak with family members or friends?

3. *Were these questions compulsory to answer or were they optional?*

Only the question on spoken languages was compulsory.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)*

Optional questions of ethnic affiliation	All answers		Affiliation stated		Affiliation not stated	
	number	percent	number	percent	number	percent
	10 316		9 746			
Nationalities (ethnicity)	723	100,0	186	94,5	570 537	5,5
Nationalities' cultural values, traditions	10 349		9 721			
	808	100,0	480	93,9	628 328	6,1
	10 239		9 698			
Mother tongue	552	100,0	446	94,7	541 106	5,3
Languages spoken with family members, friends	10 337		9 779			
	821	100,0	575	94,6	558 246	5,4

5. *Have census forms been prepared also in regional or minority languages?*

Yes.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

The minority voters' register. At the time of local elections the minority voters' register is drawn up. The following minorities are specified by the law and can be recorded in the minority voters' register: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Rusyn, Serb, Slovak, Slovene, and Ukrainian. The enrolment in the minority voters' registrar is optional. The register is destroyed after the elections.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

No.

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

Yes. The minority voters' register is drawn up at the time of local elections, when the minority self-governments are also elected.

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

No.

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)*

They keep census data and optional data from complainants.

11. *Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?*

No.

12. *Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?*

Yes.

13. Are different data collected on nationals and non-nationals?

Partly yes, in the minority voters' register just the native minorities can be recorded.

14. Do minority communities themselves keep records on their size, composition, etc.?

Only evaluations besides census data.

15. What methods for collecting data are best perceived and accepted by minorities?

Optional questions, answers based on self-determination.

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

Law XLVI of 1993 on Statistics,
Law LXIII of 1992 on Data Protection,
Law LXXVII of 1993 on the Rights of National and Ethnic Minorities.

17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?

Yes.

18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?

In census data are being collected only in a not identifiable way.

19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?

Data are collected only for purposes of statistics and scientific research. Data are not used for other purposes.

20. Where and for how long may the data stored and analyzed?

In census data are stored in the census dataset with protection.

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?

Parliamentary Commissioner for Data Protection and Freedom of Information, who is elected directly by the Parliament.

22. *Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?*

Collection of data about nationality (as citizenship) is not prohibited. Collection of data on minorities is allowed by law only in an optional way with the approval of the person concerned.

23. *If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.*

24. *Are you aware of any cases where the collected data have been misused?*

Parliamentary Commissioner for Data Protection and Freedom of Information revealed the violation of law in several cases. However, none of them were serious in the last 50 years. All information can be found on the www.obh.hu webpage (also in English).

Ethnic data collection in specific areas of policy

25. *Which methods and sources for collecting data in the field of employment are used in your country?*

There is no data collection in this field given the fact that the legislation does not provide a possibility for the state institutions of employment for such activity.

26. *Which methods and sources for collecting data in the field of education are used in your country?*

Based on the Law XLVI of 1993 on Statistics, the National Statistics Data Collecting Programme has information on ethnic data collection in the field of education (e.g. number of persons who receive minority education, minority nursery schools). The numbers are usually in aggregates. There is also an online data-base, the KIR (www.kir.hu) which provides public information.

27. *Which methods and sources for collecting data on racist incidents are used in your country?*

The statistical data collection of the Ministry of Justice and Law enforcement is regulated by the laws stipulated in point 16., therefore there is no data collection regarding racist incidents in the official criminal statistics.

28. *Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?*

No.

29. *Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?*

The number of persons belonging to national or ethnic minorities provides basis for development programs, and for the granting of different types of support. The relevant ministry is involved in the implementation.

30. *Please provide examples of good practice in relation to ethnic data collection and the use of these data.*

The minority voters' register. At the time of local elections the minority voters' register is drawn up. The enrolment in the minority voters' registrar is optional. The register is destroyed after the elections.

The number of persons who receive minority education is used when granting normative support (it is anonym, only the numbers are used).

Self-determination of the individual concerned

31. *Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?*

In census: yes.

32. *If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?*

33. *Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?*

In theory: yes. In practice in census data are collected without names to make it impossible to retrieve them.

34. *How does data collection approach the issue of multiple identity?*

In publications of census data no order of importance is stated in the case of answers of multiple identity. In tabulations by nationalities, nationalities' cultural values, mother tongue and spoken languages the enumerated person is presented as many times as many nationalities, languages he/she stated affiliation with.

20.02.2008

Information submitted by Italy

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

Yes, every ten years (the last census was held in 2001). Until 2001, the methodology was the conventional one, based on complete enumeration through questionnaires (*long form*) delivered and collected by enumerators, self-completed by respondents. The main aims of the Population Census are the determination of the legal population, the collection of information on the main socio-demographic characteristics of the population, the updating of municipalities' population registers.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

The scope of the enumeration is the population usually resident in Italy. Information on citizenship and country of birth have always been collected, while information on ethnic, linguistic or religious affiliation are not collected.

3. *Were these questions compulsory to answer or were they optional?*

The questions are all compulsory.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)*

The number of aliens was 1,334,889. The number of foreign born individuals was 2,240,045. The percentage of missing answers was 6.5% concerning citizenship and of 2.9% concerning country of birth.

5. *Have census forms been prepared also in regional or minority languages?*

Census forms have been prepared in German and Slovenian for the linguistic minorities of the corresponding regions, while the translation into 11 foreign languages (Albanian, Arabic, Chinese, Sinhalese, French, English, Polish, Portuguese, Serbo-Croatian, Spanish, German) has been provided for foreign citizens.

The general census of the population also includes the collection of data aimed at identifying the size of the Italian, German and Ladin linguistic groups in the Province of Bolzano (President's of the Republic Decree No. 752/1976). To this end, the citizens of the Province of Bolzano are bound to declare to which of the above linguistic groups they belong to. The size of these groups has a bearing on the composition of institutional bodies, on the allocation of resources provided by the Province as well as on the allocation of jobs available at public offices.

When the 14th General Census of the Population was held (in 2001) the declaration was made on a form drawn up in three copies:

- one copy (sheet A/1), containing the personal details of the concerned individual, was handed over in a sealed envelope to the surveyor and then, depending on the individual's choice,

delivered either to the Municipality where the individual resides or to the Government Commissioner's Office (Commissariato del Governo), that retain them;

- one copy (sheet A/2) is anonymous and it was handed over to the surveyor in a sealed envelope and delivered to the Provincial Statistical Institute (ASTAT) for the count of the declarations;
- one copy (sheet A/3), including the personal details of the concerned individual, was retained by the citizen himself/herself.

Legislative decree No. 99 of 23rd May 2005 thoroughly revised the existing legislation concerning the declarations of affiliation to the linguistic groups of the Province of Bolzano.

At present the following is envisaged:

- a personal declaration (sheet A/1) that can be made on an optional basis to enjoy the benefits of particular legal effects linked to affiliation to a linguistic group. The declaration can be made at any time and delivered in a sealed envelope to the Tribunal of Bolzano. The envelope is retained by the clerk of the Tribunal who confirms the affiliation to a group upon request. The declaration can be modified at any time by the individual who made it;
- an anonymous individual declaration (sheet A/2) to be made during a general census of the population and handed over in a sealed envelope to the surveyor, who forwards it to the Provincial Statistical Institute (ASTAT) for the count. Data pertaining to each Municipality of the Province are shown in the official publications of ISTAT.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

With the exception of what has been said concerning the Province of Bolzano (see reply to question No. 5), ISTAT does not carry out surveys aimed at recording affiliation to ethnic or national minorities. The only data that are collected refer to the country of birth and to citizenship. More specifically, the citizenship criterion included in the statistics on the population makes it possible to identify quite clearly the immigrant population. On the contrary, it is not possible to identify second generation immigrants because the citizenship/country of birth of parents are not recorded. This piece of information can only be obtained when a census of the population is held, on the basis of the degree of relationship.

Sample surveys on families make it possible to collect information on family features, jobs and education of aliens, but do not allow to estimate ethnic minorities.

Furthermore since 1992 ISTAT has processed data on residence permits of aliens provided by the Ministry of the Interior. In this case too, data processing estimates and describes the main socio-demographic features of the immigrant population in Italy, but it does not provide information on affiliation to ethnic minorities.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

Yes, see reply to question No. 18.

8. Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?

No

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

In the framework of the “Survey on reported crimes in relation to which the Judicial Authority has initiated criminal proceedings”, ISTAT collects data concerning the following: number of complaints filed for reasons of racial discrimination, number of persons against whom a complaint was filed for reasons of racial discrimination as well as number of persons convicted for the above offence.

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)*

No

11. *Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?*

No

12. *Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?*

As specified in the reply to question No. 6, at present ISTAT does not collect information concerning affiliation to ethnic or national minorities, but it only collects data on the country of birth and on citizenship. However, questions concerning these issues might be included in other ISTAT surveys (for example: “Multipurpose survey on families: data collection on social integration and employment situation of immigrant citizens”).

Statistics processing concerning data suitable to disclose racial and ethnic origin are carried out in the framework of the National Statistical Programme by the following bodies: Presidency of the Council of Ministers (“International Adoptions”), Ministry of the Interior (“Transfer of asylum-seekers coming from other EU countries to Italy”), Autonomous Province of Bolzano (“Survey on young people”; “Income and property situation of South-Tyrolese families”; “Usage of languages and language skills in South-Tyrol”; “Continuing education in South-Tyrol”).

13. *Are different data collected on nationals and non-nationals?*

Yes (for instance, fingerprints for non-EU nationals, to obtain residence permits).

14. *Do minority communities themselves keep records on their size, composition, etc.?*

Information not available.

15. *What methods for collecting data are best perceived and accepted by minorities?*

Information not available.

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

Legislative decree No. 196 of 30th June 2003, Personal Data Protection Code (EC Directives 95/46/EC and 2002/58/EC; COE Conv. 108).

Furthermore, specific provisions concerning data processing for statistical purposes carried out by the actors of the National Statistical System are included in legislative decree No. 322 (art. 6-bis) of 6th September 1989 and in the “Code of Deontology and Good Conduct for the Processing of Personal Data for Statistical Purposes and for the purpose of Scientific Research carried out in the framework of the National Statistical System” (hereinafter referred to as “the Code”).

17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?

Yes, according to Section 4.1.d. of the Code, data allowing the disclosure of racial, ethnic origin or religious beliefs are sensitive data and therefore subject to more stringent requirements for their processing.

18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?

Public bodies are allowed to process (including for instance collect and register) sensitive data only in cases explicitly authorized by a law specifying the categories of data that may be processed and the categories of operations that may be performed as well as the substantial public interest pursued. Whenever the substantial public interest is specified by a law in which no reference is made to the categories of sensitive data and the operations that may be carried out, processing shall only be allowed with regard to the categories of data and operations that have been specified and made public by the entities processing such data, having regard to the specific purposes sought in the individual cases, via regulations or regulation-like instruments that shall be adopted pursuant to the opinion rendered by the Data Protection Authority. If the processing is not provided for explicitly by a law, public bodies may request the Data Protection Authority to determine the activities that pursue a substantial public interest among those they are required to discharge under the law. (Section 20 of the Code).

Public bodies may process exclusively such sensitive and judicial data as are indispensable for them to discharge institutional tasks that cannot be performed, on a case by case basis, by processing anonymous data or else personal data of a different nature. Sensitive data shall be collected, as a rule, from the data subject.

Private Bodies are allowed to process sensitive data only with the data subject’s written consent and the Data Protection Authority’s prior authorization, by complying with the prerequisites and limitations set out in the Code as well as in laws and regulations.

19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?

Ethnic data are mainly collected for granting allowances, funds, gifts and any other benefits as laid down in laws and regulations. *Are they used for other purposes than the purpose for which they have been originally collected?* Processing of ethnic data for historical, scientific or statistical purposes -under given regulatory measures provided by the applicable code of conduct- shall be considered to be compatible with the purposes for which the data had been previously collected or

processed. *What is the legal situation concerning these questions?* Reply to answer No. 18. In particular, as far as statistical purposes are concerned, the data subject has to be informed in advance about such type of processing and he/she can object to the processing of his/her sensitive data.

20. Where and for how long may the data stored and analyzed?

The data have to be stored in such a way as to minimize the following risks by means of suitable preventative security measures: destruction or loss, whether by accident or not, unauthorized access to the data, processing operations that are either unlawful or inconsistent with the purposes for which the data have been collected. Sensitive or judicial data that are contained in lists, registers or data banks kept with electronic means shall be processed by using encryption techniques, identification codes or any other system such as to make the data temporarily unintelligible also to the entities authorised to have access to them and allow identification of the data subject only in case of need, by having regard to the amount and nature of the processed data. Therefore the Code lays down some minimum security measures. The data are kept in a form which permits identification of the data subject for no longer than is necessary for the purposes for which the data were collected or subsequently processed.

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/for data protection?

Yes, the Garante per la protezione dei dati personali (Italian Data Protection Authority).

22. Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?

No. However, as mentioned before, the collection of sensitive data is allowed only under the condition described in reply No. 18 (law or regulation adopted pursuant to the opinion rendered by the Data Protection Authority).

23. If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.

The collection is possible only on the legal grounds mentioned before, the data subject has to be informed in advance in particular about the purposes and the methods of the processing; the provision of the data is voluntary.

24. Are you aware of any cases where the collected data have been misused?

Yes. For instance, the handling of complaints concerning the processing of national or ethnic origin, language and religion is part of the ordinary activity of the Italian Data Protection Authority.

Ethnic data collection in specific areas of policy

25. Which methods and sources for collecting data in the field of employment are used in your country?

The main statistical source used to collect data on employment is the ongoing survey on the labour force, a sample survey carried out on families by means of face-to-face interviews (C.A.P.I.) or

telephone interviews (C.A.T.I.). Information on ethnic origin are not recorded, but data on citizenship and country of birth are collected. To implement Community Regulation No. 102/2007 CE, in 2008 an ad hoc form will be introduced concerning the participation to the work life by immigrants and their descendants. Also in this case information on citizenship and the country of birth are collected but not on ethnic origin.

26. Which methods and sources for collecting data in the field of education are used in your country?

The collection of statistical data on education is based on data concerning all types of schools present on the national territory which are gathered on a yearly basis by the Statistical Office of the Ministry of Education, that makes use of various sources (SIMPI Information System, supplementary data collection, school register). A reference information system is lacking for non state schools, therefore all data are gathered by means of a special collection. The main data that are collected include citizenship and the country of origin. The data on the university education system are produced by the Statistical Office of the Ministry of University and Scientific Research, which carries out collection of general data on a yearly basis at public and private universities and at bodies active in the area of the right to study. These surveys also contain information on citizenship. Data suitable to disclose racial and ethnic origin are processed by the Autonomous Province of Bolzano in the framework of the statistical survey "Continuing Education in South-Tyrol".

27. Which methods and sources for collecting data on racist incidents are used in your country?

As mentioned in the reply to question No. 9, in connection with criminal judicial statistics ISTAT collects data from the Judicial Authority on the number of complaints filed and of persons against whom a complaint was filed for reasons of racial discrimination as well as on the number of convicted persons for the above crime. Furthermore, other data are collected in connection with the following:

- a) The national office against racial discrimination (U.N.A.R.), was set up within the Department for Rights and Equal Opportunities of the Presidency of the Council of Ministers with the aim of facing any kind of discrimination or harassment based on race or ethnic origin.

Among the several services provided by the office, there is a contact-centre service operating through the web and through a freephone number available in nine languages. Detached contact centres have also been set up throughout the national territory in Turin, Milan, Padova, Rome, Naples and Catania. Where the operator is not able to provide immediately for a useful solution, the case is assessed by a team of experts which provides later for the best forms of protection, after carefully checking the grounds for the request.

A data base was also set up collecting the cases examined on basis of their main characteristics, and mainly whether they are of private or public (housing, job placement, school, health, security, media a.s.o.) nature.

The relevant digital platform is placed on a dedicated server, provided with the most effective anti-intrusion techniques and ensuring the highest access levels.

- b) Observatories envisaged by article 44, paragraph 12 of legislative decree No. 286 of 25th July 1998 (so called Consolidated Text on Immigration)

According to article 44 "regions in collaboration with provinces and municipalities, with the associations of immigrants and of social volunteers, set up centres tasked with

monitoring, information and legal assistance to the advantage of aliens who are victims of racial, ethnic, national and religious discrimination”.

The above provision entrusts a decisive role to Regions and Local Authorities in the area of integration policies in favour of aliens and their families.

The centres, which do not exist in all regions, collect and analyze data concerning immigration and draw up thematic and yearly reports.

c) The Interministerial Committee against Discrimination and Anti-Semitism is an interministerial body presided over by the Head of the Department for Civil Liberties and Immigration of the Ministry of the Interior.

The Committee constantly monitors all forms of intolerance, racism, xenophobia and anti-Semitism and it identifies the educational tools aimed at effectively countering these forms of violence.

It collects data relying on the information provided by the Prefectures-Uffici Territoriali del Governo and it also collects the statistical data gathered by the Central Directorate of Prevention Police which is part of the Committee.

28. *Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?*

Judicial statistics carried out on the basis of the National Statistical Programme do not provide these data.

29. *Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities?*

No

Who is involved in the development and the implementation of the monitoring schemes?

./.

30. *Please provide examples of good practice in relation to ethnic data collection and the use of these data..*

Self-determination of the individual concerned

31. *Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?*

In compliance with the legislation in force as regards statistics the reply to questions on affiliation to ethnic minorities is optional, as these are sensitive data.

32. *If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?*

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33. Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?

Yes (Province of Bolzano).

34. How does data collection approach the issue of multiple identity?

In almost all ISTAT data collections, interviewees are asked to indicate one citizenship only, bearing in mind the following criterion: aliens with more than one citizenship must indicate one of their choice; Italian citizens with double citizenship must indicate the Italian one (in certain cases, for example surveys on separations and divorces and cessation of the civil effects of marriages, interviewees are asked to indicate the citizenship they consider most important). Persons without a citizenship must declare to be stateless.

28.02.2008

Information submitted by Romania

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

In Romania the census has been held regularly (since 1912, every 10 years). The recording of the population occurs in the framework of a traditional system, which is an exhaustive system (it covers the entire country); the registrations are made on the basis of a questionnaire.

In February 2008 the Romanian authorities started preparations for the next census (in 2011). This will be the first census that will be organized according to the European general principles and methodology. A central working committee was recently created by the Ministry of Interior and Administrative Reform in order to prepare the 2011 census.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

At the last census (that was held in 2002), data regarding citizenship, ethnicity, mother tongue and religion were registered; the respondents were asked to declare if they were Romanian citizens or had a different citizenship, or if they were stateless persons or they chose not to declare it; for ethnicity, the respondents could choose Romanian, other ethnic group, or not to declare it; for 'mother tongue', the respondents could answer Romanian, or other mother tongue; for 'religion' the respondents were asked if they were Orthodox, or if they belonged to another religion (confession) and they were able also not to declare it or to say they were atheists.

3. *Were these questions compulsory to answer or were they optional?*

The questions regarding the citizenship, ethnicity, mother tongue, religion were part of the set of questions that included data about demographic features, and also people's socio-economic data. In the case of the persons who didn't declare their citizenship, ethnicity, mother tongue and religion, the census-taker wrote "undeclared" in the fields meant for those features.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)?*

At the 2002 census, from the 21,680,974 persons that represented the stable population of Romania, 191 persons didn't declare their citizenship; 1,941 persons didn't declare their

ethnicity; 2,130 persons didn't declare their mother tongue; 11,734 persons didn't declare their religion.

5. *Have census forms been prepared also in regional or minority languages?*

No.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

The statistic investigations carried out in households, AMIGO – Labour Force Survey and ABF – Households Budget Survey registers the ethnicity of the interviewed persons.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

We are not in the possession of such data.

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

In the Romanian legal system, according to Law no. 119/1996, the papers concerning the civil status are authentic documents which prove the birth, the marriage or the decease of a person. These documents are kept in the interest of the state and of the person and help record the number and the structure of the population and the demographic situation. The aforementioned documents are also used for protecting the rights and fundamental freedoms of the citizens. The documents that attest the birth, marriage and decease of a person are drafted in civil status registers/records, in two copies, both originals. These registers/records don't contain data concerning the ethnic background.

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

No.

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)*

When an institution has to reply to a petition concerning the infringement of rights and freedoms by the public authorities and institutions, the data regarding the ethnicity, nationality, language or religion are recorded only if this information is communicated by the petitioner, and if these are motives for which their rights and freedoms were infringed.

11. Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?

In Romania, the identity documents (identity card and passport) don't contain data concerning a person's ethnic background. An important problem appears in the Roma community: a great number of persons belonging to this minority do not have identity documents; the state tries through different programs and strategies to develop the general capacity of the local organizations and structures, and encourages them to plan, develop and apply the initiatives concerning the Roma community.

12. Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?

The Department for Interethnic Relations initiated the draft Government decision for the organization and functioning of Institute for the Study of National Minority Issues (henceforth the Institute). Government Decision No. 893/2007 sanctions its main functions and tasks. Government Ordinance No. 121/2000 establishes the Institute as a public juristic institution in the Government's subordination and under the Department for Interethnic Relations' coordination. The aim of the Institute is to carry out pluridisciplinary research programs and projects, with a view to broadening the awareness of public institutions, non-governmental organizations and of the Romanian citizens regarding matters relevant to the development of the ethnic, cultural, linguistic and religious identity of minority communities. Among the immediate tasks of the Institute is also the coordination of qualitative and quantitative research related to ethnic data collection.

13. Are different data collected on nationals and non-nationals?

To the best of our knowledge, no such data collection is being carried out.

14. Do minority communities themselves keep records on their size, composition, etc.?

Yes, some of the minority communities keep records/registers regarding their own community.

15. What methods for collecting data are best perceived and accepted by minorities?

The best ways to collect data among different minorities are census, questionnaires; the persons are free to declare if they belong to a national minority or not.

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

The protection of data from the National Register of Persons Evidence is realized according to the provisions of Law no. 677/2001 for the protection of persons regarding the processing of personal data and the free movement of these data. The 2002 census was held according to the Government Decision no. 680/2001.

- 17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?*

No.

- 18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?*

The Government Ordinance no. 9/1992 (republished) on the organization of public statistics stipulates that the activity directed to the collection, processing, analysis, distribution and the set up of the official statistics data that have a demographic, social, economic, financial and legal character required in order to substantiate governmental decisions and other specified purposes, is performed by the National Statistics Institute - a central public administration body. www.insse.ro

- 19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?*

The purpose of population and households' census is that of obtaining statistical data about the number and the territorial distribution of the population, the demographic and socio-economic structures. The information is used exclusively for statistical purposes.

- 20. Where and for how long may the data stored and analyzed?*

After the national census the data obtained are kept perpetually in the archives of National Institute for Statistics; the data are also kept in electronic format.

- 21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?*

The institutions responsible for the supervision of the collection and protection of data from the National Register for the Evidence of the Persons are The National Authority of Supervision of Processing the Personal Data (ANSPDCP) and The National Department for Statistics.

- 22. Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?*

Law no. 677/2001 for the protection of persons regarding the processing of personal data and the free circulation of these data prohibits the processing of personal data concerning the racial or ethnic origin, religion etc. (article 7)

- 23. If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.*

./.

24. Are you aware of any cases where the collected data have been misused?

No.

Ethnic data collection in specific areas of policy

25. Which methods and sources for collecting data in the field of employment are used in your country?

The National Institute for Statistics uses as method for collecting data in the field of employment the census of populations and the selective statistical researches – like AMIGO (Labour Force Survey).

26. Which methods and sources for collecting data in the field of education are used in your country?

The National Institute for Statistics uses as method for collecting data in the field of education the census of population, statistic researches on education (through schools inspectorates) and AMIGO.

27. Which methods and sources for collecting data on racist incidents are used in your country?

The National Council for Combating Discrimination (Romanian Equality Body) – www.cncd.org.ro - and the Ombudsman – www.avp.ro - might have such data.

28. Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?

No.

29. Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?

We are not in the possession of such data.

30. Please provide examples of good practice in relation to ethnic data collection and the use of these data.

We are not in the possession of such data.

Self-determination of the individual concerned

31. Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?

Yes, the registration of the fact that a person belongs to a national minority is made on the free declaration/statement of that person.

32. If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?

In the case of the minors, the parents decide to which minority the minor belongs to.

33. Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?

On account of it being a free statement, a person can change it throughout the years.

34. How does data collection approach the issue of multiple identity?

All the data are collected compliant with the free statement of the person.

18.02.2008

Information submitted by the Slovak Republic

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

The Population and Housing Census takes place in the Slovak Republic (SR) once in every 10 years. The collection of the population data occurs in the framework of a traditional system. As far as census methodology is concerned, the census in the SR is prepared according to the Recommendations for censuses of population and housing in the ECE region. The realisation of the census in the SR is defined and specified by a special law. The law imposes the reporting duty concerning the census on the whole population of the Slovak Republic. The method of self-enumeration is used in the census (i.e. citizens themselves fills the required data in the census forms). The full census, it means the organization, methodology, data collection, data processing, publishing and data presentation, is maintained to the full extent by the Statistical Office of the Slovak Republic.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

Yes.

The relevant questions:

- Citizenship (selection from the pre-defined options in the Census form, or specification of other citizenship in the space for the option "other")
- Nationality (selection from the pre-defined options in the Census form, or specification of other nationality in the space for the option "other")
- Mother tongue (selection from the pre-defined options in the Census form, or specification of other mother tongue in the space for the option "other")
- Religious affiliation (selection from the pre-defined options in the Census form, or specification of other religious affiliation in the space for the option "other")

3. *Were these questions compulsory to answer or were they optional?*

Yes, these questions were compulsory in accordance with the Act on Census of Population, Houses and Dwellings imposing the reporting duty concerning the census on the whole population of the Slovak Republic

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)*

Non-response rate: ca. 1 % of the population counted

5. *Have census forms been prepared also in regional or minority languages?*

Yes, in the following minority languages: Hungarian, Ukrainian, Ruthenian and Romany.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

The statistical survey on population changes (i.e. vital events and migration) conducted each year by the Statistical Office of the SR by means of statistical reports OBYV 1-5/12 (for the demographic statistics). The data collection takes place in monthly intervals; statistical data are processed and presented in the annual statistical processing and annual presentations.

The statistical survey on population changes (demographic statistics) covers the whole population of the SR including the foreign citizens who have been granted the permanent residence permit in the SR. Data on the following demographic events are collected in the statistical survey on population changes: birth, death, marriage, divorce and change of address of permanent residence. Each statistical report on a particular demographic event includes also data on person's citizenship and nationality. It is an exhaustive survey conducted under the Programme of National Statistical Surveys. The data are collected from the reporting units including municipal and city authorities in charge of keeping birth, marriage and death registers (i.e. registry offices), health institutions, competent courts, residence registration offices of municipal and city authorities, and departments of the Police Force for inhabitants of Bratislava and for foreigners. There is also a special register of the vital events that occurred to SR citizens abroad.

The labour force sample survey (LFS) includes also data on nationality, on citizenship, on the country of birth and on duration of stay in the SR.

Survey "Sociographic mapping of Roma settlement units in the Slovak Republic – Atlas of Roma communities in Slovakia"; analyses etc.

Data on nationality are collected also from administrative data sources (e. g. within the educational system of the SR).

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

Yes.

E. g.: the Register of Population (under the Ministry of Interior of the SR), the Migration Office, the Bureau of Border and Aliens' Police, the Ministry of Education of the SR (data on nationalities), the Ministry of Culture of the SR (data on religiosity, aggregated administrative data on churches). All files are kept according to law.

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

No, it would be in contradiction with the Slovak personal data protection law; this would go beyond or over the extent of the sound purpose of the processing of the categories of data as a name, date of birth, permanent address, family state, processed for solely purposes of registration (§6 Subpar. 1 letter c) and d) of the Act. No 428/2002 Coll. on Protection of Personal Data).

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

Some of these data can be processed in the course of court procedures with the access to them given only to persons authorized by special laws; however, by their further retention the data should basically not constitute personal data so they have to be kept anonymous; if the decisions are published in accordance with the law, they may contain ethnic, religious or linguistic data.

According to the Act on Protection of Personal Data, „The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, membership in political parties or movements, trade- union membership, and the processing of data concerning health or sex life shall be prohibited.“

In certain cases (for example racially motivated crimes) the Attorney General can possess the information about the nationality of the victim of the racially motivated crime.

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)*

According to the Act on Protection of Personal Data, „The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, membership in political parties or movements, trade- union membership, and the processing of data concerning health or sex life shall be prohibited.“ Specialised national bodies can use only statistical data (not personal data).

11. *Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?*

In the Slovak Republic, the fact that a person belongs to a national minority is NOT MENTIONED in identity documents.

12. *Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?*

Scientific studies, surveys and investigations can use statistical ethnic data, these data are not personal and they are anonymous.

13. Are different data collected on nationals and non-nationals?

No.

14. Do minority communities themselves keep records on their size, composition, etc.?

No information.

15. What methods for collecting data are best perceived and accepted by minorities?

Persons representing the national minorities accept in general the official methods according to Slovak legislation.

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

Constitution of the Slovak Republic

Act No. 428/2002 Coll. on Protection of Personal Data, as amended by the Act No. 602/2003 Coll., Act No. 576/2004 Coll. and the Act No. 90/2005 Coll.

Protection of confidential data - Act No. 540/2001 Coll. on State Statistics as amended by later regulations. The protection of confidential data is the responsibility of the Statistical Office of the SR.

Act No. 165/1998 Coll. On Population and Housing Census in 2001 Act

17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?

No. Affiliation to a national minority or ethnics does not constitute special category of personal data (sensitive data) and has purely declarative character.

However, affiliation to race (data revealing ethnic or racial origin) or to religion is already considered to be of sensitive nature and that is why the processing of such data in accordance with the law shall be basically prohibited, with some exceptions (§8 Subpar. 1, §9 Subpar. 1 of the Act. No 428/2002 Coll. as amended by later provisions).

18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?

Basic rules for the processing of these categories of data could be summed up to a principle, that they can be processed only if it is stipulated by a special act or the data subject has given an informed consent to that processing, or if the data are processed within the activities of a religious or ethnically based organisation purely for its internal needs and for contact with respective individuals, or the processing of such data is pursued in the vital interest of a data subject; in case of the data about nationality, the

controllers or processors of information files are not entitled to acquire and further process the data revealing nationality, unless the respondent has given a specific, free and informed prior consent.

19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?

The Slovak Republic is a multi-ethnic country, i.e. significant number of persons belonging to national and ethnic minorities lives in its territory. There are historical, demographic, urbanistic, cultural and social-economical differences among individual ethnical groups in the SR. Therefore, the main purpose of the data collection on nationality performed by the Statistical Office of the SR is to analyse the reproduction behaviour of members of different national minorities and to estimate their numbers. There are also other national authorities that need data on nationality. The Statistical Office of the SR provides these authorities with data on nationality in accordance with the Slovak legislation.

Data collected by the Statistical Office of the SR serve for the statistical purposes.

Data from the population and housing census are used also for preparation of laws defining the rights of members of national minorities (e.g. the law on the use of the language of national minorities).

20. Where and for how long may the data stored and analysed?

According to law (Act on Protection of Personal Data):

The controller shall destroy personal data if the original purpose of their processing was fulfilled or terminated. It is admissible to further process the collected personal data in the necessary extent for the historical, scientific or statistical purposes after termination of the original purpose of processing only provided that the controller

a) guarantees that he would not use the processed personal data contrary to the legitimate interests of the data subject and by his conduct he would not infringe the right to protection of data subject's personal rights and privacy,

b) duly denotes such personal data and make them anonymous as soon as possible or destructs them when they become useless.

The data can be stored on an information medium, in form of documents etc. The adequate and reliable security measures in order to protect the information system before an illegal breach or unauthorized access should be ensured prior the very processing.

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?

Yes, the Office for Personal Data Protection of the Slovak Republic - it is a state administration authority with competence over the entire territory of the Slovak Republic which also participate in protection of the fundamental rights and freedoms of natural

persons in the course of processing their personal data. It carries out its tasks and duties independently and in compliance with the law.

22. *Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?*

For statistical data no.

For personal data yes, basic rules for the processing of these categories of data could be summed up to a principle, that they can be processed only if it is stipulated by a special act or the data subject has given an informed consent to that processing, or if the data are processed within the activities of a religious or ethnically based organisation purely for its internal needs and for contact with respective individuals, or the processing of such data is pursued in the vital interest of a data subject; in case of the data about nationality, the controllers or processors of information files are not entitled to acquire and further process the data revealing nationality, unless the respondent has given a specific, free and informed prior consent.

23. *If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.*

The basic legal provisions with respect to the protection of the privacy of natural persons include mainly:

Act No. 460/1992 Coll. (Constitution of the Slovak Republic) as amended

Act. No. 40/1964 Coll. (Civil Code) as amended

Act No. 300/2005 Coll. (Penal Code) as amended

Act No. 428/2002 Coll. on Protection of Personal Data, as amended.

24. *Are you aware of any cases where the collected data have been misused?*

Yes, the Office for Personal Data Protection of the Slovak Republic found out, that the officials at the religiously orientated elementary schools, secondary schools or church universities are gaining the sensitive religious personal data, not only about their students, but also about their relatives and can manipulate the public opinion or get financial resources by indicating the number of their would-be followers.

There was also a case in the area of health care, where the data on ethnic origin were misused.

Ethnic data collection in specific areas of policy

25. *Which methods and sources for collecting data in the field of employment are used in your country?*

Legal acts in the area of employment do not specifically regulate the collection and evidence of the data about the nationality or ethnic origin of employees or unemployed

persons. It is prohibited for employers to ask information from job-seekers about their nationality or racial or ethnic origin.

26. Which methods and sources for collecting data in the field of education are used in your country?

The data collection in the field of education is in the competence of the Ministry of Education of the SR. The ministry collects data provided by higher-level territorial units and municipalities (according to the individual levels of schools). Schools and universities are entitled to collect the data on the nationality of their students.

The Statistical Office of the SR collects data on educational attainment within the Population and Housing Census.

27. Which methods and sources for collecting data on racist incidents are used in your country?

Incidents in connection with ethnic origin, or nationality are registered with the Police as part of records on criminal offences – these records are the administrative data source for the prosecutor's office and for courts to judge the criminal offence.

28. Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?

No, only in cases of racially motivated crimes.

29. Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?

Yes.

30. Please provide examples of good practice in relation to ethnic data collection and the use of these data.

The Statistical Office of the SR: the Population and Housing Census
Monitoring and studies of various organisations, the statistical data are basis for the preparation of the programmes for minorities, for financial grants, etc. Positive example is also "The sociographic mapping of Roma communities in Slovakia - Atlas of Roma communities in Slovakia."

Self-determination of the individual concerned

31. Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?

Yes. The Population and Housing Census – each citizen can decide freely on the affiliation to the nation (each citizen can declare freely his/her nationality). According to

the Article 12 para 3 of the Constitution of the Slovak Republic, “Everyone has the right to decide freely which national group he or she is a member of. Any influence and all manners of pressure that may affect or lead to a denial of a person’s original nationality shall be prohibited.” And according to Article 33 of the Constitution of the Slovak Republic, “Membership in any national minority or ethnic group may not be used to the detriment of any individual.”

32. If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?

In the statistical surveys, the nationality of children aged under 15 is indicated according to the nationality of their parents. If parents state different nationalities, the nationality declared by one of them is indicated (upon mutual agreement of parents).

33. Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?

Yes.

34. How does data collection approach the issue of multiple identity?

In the Population and Housing Census: nationality – a person may indicate only 1 nationality.

15.02.2008

Information submitted by Slovenia

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

The Statistical Office of the Republic of Slovenia (SORS) carries out censuses of population, households and dwellings in accordance with international recommendations every ten years (with the exception of the last census, conducted after 11 years, in 2002). The last two censuses (1991, 2002) were combined censuses. The data that are not included in administrative and statistical sources were collected in a traditional way: among others also the data about nationality, religion, mother tongue and the language usually spoken in the household.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

Data collection:

- data on national affiliation were collected in all censuses after World War II (1948, 1953, 1961, 1971, 1981, 1991, 2002),
- data on mother tongue were collected in all censuses since 1953,
- data on language usually spoken in the household were collected in 1991 and 2002 censuses,
- data on religion were collected in 1953, 1991 and 2002 censuses.

Census 2002:

According to provisions of Article 10 of the Act Regulating the Census of Population, Households and Housings in the Republic of Slovenia (OJ RS 66/2000, 26/2001), all people aged 14 and over had to declare their ethnic affiliation and religion **themselves**. For children younger than 14 the answer could be given by their parents, adopters or guardians.

The question was intended for all persons. The interviewer had to read or show to the respondents the options and told them that they need not declare their ethnic affiliation and religion. The answer to the question on ethnic affiliation and religion had to be marked or entered exactly as given by the respondent.

For household members who on the census reference date (31 March 2002) were at least 14 years old but were absent from the household at the time of the interview or the interviewer's visit or did not want to declare their ethnic affiliation and religion in the presence of other household members or the interviewer, the data on ethnic affiliation and religion were collected with the **Statement on the Nationality/Ethnicity and Religion (P-3/NV questionnaire)**, which was left by the interviewer together with the envelope in the household. In this way every person could fill in the Statement on the

Nationality/Ethnicity and Religion and send it to the Statistical Office of the Republic of Slovenia. Sending of the Statement on the Nationality/Ethnicity and Religion was not obligatory. The office took into account only those Statements on the Nationality/Ethnicity and Religion that were signed.

Questions in the 2002 Census:

- national affiliation (see question 29)
- religion (see question 30)
- mother tongue (see question 31)
- language usually spoken in the household (see question 32)
-

See also the Statement on the Nationality/Ethnicity and Religion (P-3/NV questionnaire) for all those who were 14 years old but absent from the household at the time of the interview.

- THE QUESTIONS 18, 19, 20 and 21 ARE ONLY TO BE ANSWERED BY THE HOUSEHOLD REFERENCE PERSON.

R 19 Tenure status of the dwelling as

- 20** Does your household have a garage?

- 24** Does your household produce food for market or home consumption?

- ☐ Yes, crop products.
- ☐ Yes, animal products.
- ☐ Yes, crops and animal products.
- ☐ No.

YOU CAN WRITE DOWN THE ANSWERS TO QUESTIONS 22 TO 49
YOURSELF (SELF-ENUMERATION).
YOU DON'T HAVE TO ANSWER THE QUESTIONS MARKED
BY [X] PRECEDING THE QUESTION.

22 At the address entered under question **2**, on 31 March 2002 at 12 p.m. you were

- ☐ present.
- ☐ temporarily absent.
- ☐ temporarily present.

23 ☐ One year ago, that is on 31 March 2001, you lived

- ☐ at the address entered under question 2.
- ☐ in the same locality, but at a different address.
- ☐ in another locality in Slovenia (write in):

in a foreign country (write in):

If question 24 is marked by ☒, answer from question 27 onwards, otherwise follow the instructions (→ quest.).

24 ☐ Your first residence after birth was

- ☐ in the town entered under question **2**. → quest. **27**
☐ in a different locality in Slovenia (write in):

in a foreign country (write in):

25 From which country did you first move to Slovenia (write in)?

[illegible]

26 Year when you first moved to Slovenia:

27 Have you immigrated to the locality of the census?

- ☐ Yes. → quest. **28**
- ☐ No. → quest. **29**

28 What was the main reason for immigrating to this locality?

- ☐ Employment.
- ☐ Change in the housing situation.
- ☐ Migration of the 'family'.
- ☐ Education.
- ☐ Marriage, cohabitation.

☐ Other (write in):

29 Nationality/ethnicity:

You don't have to answer this question if you don't wish to. If you choose this option, mark the sixth (6) window.

- ☐ Slovenian.
- ☐ Italian.
- ☐ Hungarian.
- ☐ Other nationality/
ethnicity (*write in*):
- ☐ I'm nationally/ethnically indeterminate.
- ☐ I don't wish to answer this question (6).
- ☐ Answer is not possible, as there is no P-3/NV statement for the absent person.

30 Religion

You don't have to answer this question if you don't wish to.
If you choose this option, mark the fourth (4) window.

☐ Religion:
Enter the religion that you belong to e.g. Roman Catholic, Evangelical,
Orthodox, Islamic, etc.

- ☐ I don't belong to any religion, although I'm a believer.
- ☐ I don't belong to any religion, as I don't believe, I'm an atheist .
- ☐ I don't wish to answer this question (4).
- ☐ Answer is not possible, as there is no P-3/NV statement for the absent person.

31 Mother tongue:

☐ Slovenian ☐ Italian ☐ Hungarian

☐ other (write in): _____
mother tongue

39 Language that you usually speak in your household/family:

If you speak several languages, mark or enter the **two** that you use the most frequently.

☐ Slovenian ☐ Italian ☐ Hungarian

☐ other (write in):

☐ other (write in):

33 How many live-born children have you had?

To be answered by women of 15 and more years of age.

☐ None. ☐ One or more (write in):

34 What is the highest recognised education you have achieved?

To be answered by persons of 15 and more years of age.

☐ No education.

Incomplete basic education:

☐ 1-3 grades of primary school

☐ 4-7 grades of primary school

☐ unfinished primary school and work training

Basic education:

☐ finished primary school

Upper secondary education:

- ☐ short-term vocational
- ☐ vocational
- ☐ technical
- ☐ general

Post-secondary vocational education:

☐ vocational college

☐ university college, university college specialisation

Higher undergraduate education:

☐ professional
☐ academic

Higher post-graduate education:

- ☐ specialisation
- ☐ master's degree
- ☐ doctor's degree

If question 35 is marked by **X**, answer from question 33 onwards, otherwise follow the instructions (→ quest.).

35 ☐ Are you currently attending any educational programme for obtaining recognised education?

☐ Yes. → *quest.* **36**

☐ No. → *quest.* **41**

36 ☐ What recognised education will you obtain after you finish the programme?

Basic education:

☐ finished primary school

Upper secondary education:

- ☐ short-term vocational
- ☐ vocational
- ☐ technical
- ☐ general

Post-secondary vocational education:

☐ vocational college

☐ university college, university college specialisation

Higher undergraduate education:

☐ professional
☐ academic

Higher post-graduate education:

- ☐ specialisation
- ☐ master's degree
- ☐ doctor's degree

37 ☐ Place of education (schooling):

☐ locality of residence (entered under question 2)

[illegible]

☐ foreign country (*write in*):

If you are attending an educational programme, answer questions **38, 39** and **40** as well, otherwise answer questions from **41** onwards.

38 How frequently do you return from school to the address of residence?

☐ Every day.

☐ Once a week.

☐ Less than once a week.

CENSUS OF POPULATION, HOUSEHOLDS AND HOUSING IN THE REPUBLIC OF SLOVENIA IN 2002



STATEMENT ON THE NATIONALITY/ETHNICITY AND RELIGION



P-3/NV

Before starting to fill in the questionnaire YOU MUST READ THE INSTRUCTIONS. If you need ADDITIONAL EXPLANATIONS, visit the web site of the Office: www.gov.si/popis2002/ or call the free tel. number **080 28 10** between 8.00 a.m. and 23.00 p.m. Statistical Office of the Republic of Slovenia, Vožarski pot 12, Ljubljana

- National Statistics Act (Official Journal of the RS, Nos. 45/95 and 9/01)
- Act Regulating the Census of Population, Households and Housing in the Republic of Slovenia in 2002 (OJ RS, Nos. 66/00 and 26/01)

IT IS NOT OBLIGATORY TO GIVE INFORMATION.
ALL INFORMATION IS OFFICIAL SECRET.

INSTRUCTIONS FOR FILLING IN THE QUESTIONNAIRE

- Write down the answers with a **black** or **blue** ballpoint pen; do not use water or alcoholic pens.
- Where answers are to be written down in words, use **BLOCK LETTERS**.
- Mark the **appropriate answer** by writing down **X** into the window preceding the answer.

- For each question you can only choose one answer.
- If you mark a **wrong answer**, colour the window **■** and put down **X** in the window in front of the **correct** answer.
- If an answer is to be entered into the fields envisaged for this, first write down **X** in front of the answer offered and then enter the appropriate text into the fields envisaged.
- Enter the numbers in the windows envisaged so that they are right-aligned, e.g. number "12" in a field with three spaces **12**.

QUESTIONS 1 TO 3 MUST BE FILLED IN BY THE ENUMERATOR.

Type of questionnaire **5** Municipality Locality PO
IDOS
Code of enumerator

1 Surname

Name

2 Address
Locality
Street HN/add. to HN

3 PIN (personal identification number)
D D M M Y Y Y

I, the undersigned, agree that, due to my absence from the household in the time of taking the census, a member of my household communicates the statement on my nationality/ethnicity and religion for the purpose of the Census of Population, Households and Housing in the Republic of Slovenia in 2002.

29 Nationality/ethnicity:

You don't have to answer this question if you don't wish to.
If you choose this option, mark the sixth (6) window.

- ☐ Slovenian.
☐ Italian.
☐ Hungarian.
☐ Other nationality/ethnicity (write in):
☐ I'm nationally/ethnically indeterminate.
☐ I don't wish to answer this question (6).

30 Religion

You don't have to answer this question if you don't wish to.
If you choose this option, mark the fourth (4) window.

- ☐ Religion:
Enter the religion that you belong to, e.g. Roman Catholic, Evangelical, Orthodox, Islamic, etc.

☐ I don't belong to any religion, although I'm a believer.
☐ I don't belong to any religion, as I don't believe, I'm an atheist.
☐ I don't wish to answer this question (4).

Place: _____, date: _____ 2002

Signature: _____
SURNAME AND NAME of the person making the statement

CODE

Ethnic affiliation, religion and mother tongue

Ethnic affiliation is being a member of a nation or an ethnic group. In accordance with the constitutional principles of the equality of nations and ethnic groups, a person has the right to declare his or her ethnic affiliation (Constitution of the Republic of Slovenia, OJ RS 33/91-I, Article 61). The question on ethnic affiliation was asked in all censuses after World War II. In 1953 and 1961 censuses for children younger than 10 and in 1971, 1981 and 1991 censuses for children younger than 15 the answers were provided by their parents or other representatives (guardians, adopters). For persons who were absent at the time of the interviewer's visit, in the past censuses the answer on ethnic affiliation could be provided by an adult member of the household. In individual censuses the same classification was used for processing the data on ethnic affiliation, but it was supplemented with new answers on ethnic affiliation. One needs to take into account methodological differences in people declaring themselves as Muslims, Yugoslavs and Bosniacs, and people declaring themselves by regional affiliation.

People who regarded themselves as Muslims in the sense of ethnic and not religious affiliation could declare themselves Muslims for the first time in 1961. Before 1961 they were declared as "Yugoslavs – undeclared". At the 1961 Census people who did not give detailed ethnic affiliation could give the answer "Yugoslavs – ethnically undeclared". The same answer was recorded for those who stated regional affiliation (such as Upper Carniolan, Dalmatian, etc.). In 1971 a classification was adopted which suited constitutional provisions on the equality of all nations and ethnic groups and the right of people to declare their ethnic affiliation, including the right not to do so. According to the classification valid at 1981, 1991 and 2002 censuses, the population is classified into two groups by ethnic affiliation:

- declared;
- undeclared.

With the creation of independent states in the territory of former Yugoslavia, the classification of ethnically declared population includes Bosniacs. This term was introduced by the Constitution of the Federation of Bosnia and Herzegovina in 1994. Among ethnically declared we still show Muslims, who declared so in the sense of ethnic and not religious affiliation.

People shown as ethnically undeclared are:

- Yugoslavs;
- Bosnians (in the past censuses they were shown as regionally declared);
- regionally declared (e.g. Istrians, Dalmatians, etc.);
- others (people who preferred to be ethnically undeclared).

Religion

In censuses after World War II the data on religion were collected only in 1953, 1991 and 2002. At the 1953 Census the data on religion were given to the interviewers by parents or other legal representatives (guardians, adopters) for children younger than 14 and at the 1991 Census for children younger than 15. For persons absent at the time of the interviewer's visit, in the past censuses the answer on religion could be provided by an adult member of the household.

For determining religion only the attitude towards religion was important and not whether or not the person is officially registered as a member of a religious community. Religious conviction of a person was also not important.

In 1991 the answers on religion were merged into 11 main groups. The answers collected with the 2002 Census are merged into 14 groups. Compared to 1991, new groups were Evangelical, other Christian religions and agnostics. At 1991 and 2002 censuses, people who did not want to declare their religion could:

- answer that they do not belong to any religion, although they are believers;
- answer that they do not belong to any religion because they are not believers (atheists);
- decide not to answer the question on religion.

Mother tongue is the language that a person learned in his or her early childhood in the family or in another primary environment if the child lived at relatives, in institutions, etc. If a person learned several languages in his or her childhood, mother tongue is the language which the person identifies as his or her mother tongue.

3. Were these questions compulsory to answer or were they optional?

As mentioned in answer 2, the questions about nationality/ethnicity and religion were optional.

4. What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)

All results of the 2002 census are published on the special census website: <http://www.stat.si/popis2002/en/default.htm>

Attached see also the excel file (Slovenia_census_data) with all relevant data about nationality, religion and mother tongue.

5. Have census forms been prepared also in regional or minority languages?

The census forms were also prepared in the minority languages (Italian and Hungarian). The forms are published on the census website

- in Italian: http://www.stat.si/popis2002/si/vprasalniki_it.html
- in Hungarian: http://www.stat.si/popis2002/si/vprasalniki_mad.html

Other methods to record persons belonging to a national or ethnic minority

6. What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.

Data on nationality are collected at child birth and registration of child's residence and at registration of permanent residence of people who migrated (immigrated to Slovenia or migrated in Slovenia and registered permanent residence). According to Article 61 of the Constitution of the Republic of Slovenia, parents of children who report birth and people who move do not need to answer the question on nationality if they do not want to.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

In Slovenia ethnically disaggregated health statistical data do not exist, they are optional, therefore, unreliable and not used.

In compliance with Police Act (OJ RS, No. 49/1998), Police keeps a database of Criminal offences that among other data contains also data on nationality of the criminal denounced persons. When declaring for nationality, a suspect has possibility not to declare his nationality and not to provide Police with such information. Police does not gather other data that refer to racial or ethnic affiliation, language, religion etc.

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

/

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

/

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)*

/

11. *Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?*

/

12. *Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?*

Census data on nationality are available to researchers and research institutions. **SORS** published basic data on nationality only to the level of municipality. For obtaining more detailed data on nationality, every researcher must sign a contract with SORS regarding the intended use of the data. The researcher must also sign a data protection statement. Researchers who sign a contract with SORS have access to unsuppressed data on nationality aggregated at the level of settlement. After the analysis is finished and before the results are published the researcher must send the analysis to SORS for review. If necessary, SORS suppresses the data appropriately.

Link: http://www.stat.si/drz_stat_mikro.asp

The National Public Health Institute performed specific studies on health care status of Roma and their access to health care, especially as regards infectious diseases and vaccination programme of preschool and school children. The study results showed that the percentage of vaccinated Roma children is significantly lower when compared to the rest of the population. Data vary also among different regions of Slovenia depending on

the level of integration of Roma and their living conditions. As a follow-up a special project group has been established in order to improve health status and preventive health care measures among the Roma population in different regions of Slovenia. In collaboration with the Roma Association and regional health care institutions field activities are being carried out. In 2002 the Health Centre in Murska Sobota in collaboration with the Social Work Centre and the Commune of Beltinci as well as Roma themselves effectively tackled the issue of increased tuberculosis morbidity among Roma. There are other cases of good practices in applying out-reach approaches in health care provision of Roma and of other groups of persons in marginal situations.

13. Are different data collected on nationals and non-nationals?

No.

14. Do minority communities themselves keep records on their size, composition, etc.?

/

15. What methods for collecting data are best perceived and accepted by minorities?

/

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

The main legal basis for data collection and data protection:

- The legal bases for the operation of SORS and authorised producers of national statistics are the National Statistics Act, and medium-term and annual programmes of statistical surveys issued on the basis of the National Statistics Act (OJ RS, No. 45/95 and 9/2001): http://www.stat.si/eng/drz_stat_zakonski.asp.

The National Statistics Act determines basic principles of national statistics, organization and position of performing activities of national statistics, programming of statistical surveys, methodological bases of statistical surveys, obligation of institutions keeping registers and data collections, data collection, data processing and storage, data protection, use and transmission, international statistical co-operation.

- For very extensive surveys such as censuses, the act anticipates adoption of special acts. **Zakon o popisu prebivalstva, gospodinjstev in stanovanj v Republiki Sloveniji leta 2001** /ZPPG01/ (Act Regulating the Census of Population, Households and Housings in the Republic of Slovenia) (OJ RS No. 66/2000, 26/2001, 22/2002, Odločba Ustavnega sodišča (judicial decision of the Constitutional Court of the Republic of Slovenia): U-I-92/01-35)
- **European Statistics Code of Practice** consists of 15 principles. Its purpose is to improve trust and confidence in the statistical authorities by proposing certain arrangements and to reinforce the quality of statistics by promoting international statistical principles, methods and practices.
- **Personal Data Protection Act (full text):** <http://www.ip-rs.si/index.php?id=339>.

According to the Slovenian constitution, the protection of personal data shall be guaranteed. The use of personal data contrary to the purpose for which it was collected is prohibited.

The collection, processing, designated use, supervision and protection of the confidentiality of personal data shall be provided by law.

Everyone has the right of access to the collected personal data that relates to him and the right to judicial protection in the event of any abuse of such data (Article 38).

17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?

Data on nationality are never transmitted to users as microdata. Also, very detailed data or data at low territorial levels (e.g. settlements) are not published. Only basic data on nationality are published, taking into account confidentiality.

Data confidentiality is fully respected. Instead of confidential data letter 'z' is given. Totals include confidential data. Data confidentiality is determined by the Act Regulating the Census of Population, Households and Housings in the Republic of Slovenia in 2002 (OJ RS No. 66/00 and 26/01), the National Statistics Act (OJ RS No. 45/95, 09/01) and the Personal Data Protection Act (OJ RS No. 59/99).

18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?

People declare their nationality in census THEMSELVES. For children younger than 14 the statement on the nationality is given by parents or guardians. Only a limited number of people co-operated in processing census data and automatic coding was used in order to reduce the human factor influence.

19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?

Since Slovenia is a multinational country which has two minorities (Italian and Hungarian) and one ethnic group (Roma) and since in the past our country was an area of immigration from other republics of former Yugoslavia, the data are collected only for analysing the national structure of the population and are not used for any other purpose but for the purpose for which they were collected.

20. Where and for how long may the data stored and analyzed?

Census data are a public good and have the characteristic of archive material. Data are stored only in electronic form and questionnaires are destroyed after processing.

According to the Personal Data Protection Act, personal data may only be stored for as long as necessary to achieve the purpose for which they were collected or further processed.

On completion of the purpose of processing, personal data shall be erased, destroyed, blocked or anonymised, unless pursuant to the statute governing archive materials and archives they are defined as archive material, or unless a statute otherwise provides for an individual type of personal data (Article 21).

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?

There is no special authority in Slovenia for the supervision of the collection of sensitive data only. There is an independent authority called the Information Commissioner whose competencies include among others the personal data protection (<http://www.ip-rs.si/?id=195>).

22. Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?

In the Slovenian legislation the collection and the processing of personal data are very restricted. Personal data may only be processed if the processing of personal data and the personal data being processed are provided by statute, or if the personal consent of the individual has been given for the processing of certain personal data.

The purpose of processing personal data must be provided by statute, and in cases of processing on the basis of personal consent of the individual, the individual must be informed in advance in writing or in another appropriate manner of the purpose of processing of personal data.

23. If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.

/

24. Are you aware of any cases where the collected data have been misused?

No, the census data collected and published by the Statistical Office of the Republic of Slovenia haven't been misused.

Ethnic data collection in specific areas of policy

25. Which methods and sources for collecting data in the field of employment are used in your country?

/

26. Which methods and sources for collecting data in the field of education are used in your country?

/

27. *Which methods and sources for collecting data on racist incidents are used in your country?*

All data that refer to such events, Police acquires exclusively by information gathering.

28. *Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?*

In compliance with Police Act (OJ RS No. 49/1998), Police keeps a database of Criminal offences that among other data contains also data on nationality of the criminal denounced persons. When declaring for nationality, a suspect has possibility not to declare his nationality and not to provide Police with such information. Police does not gather other data that refer to racial or ethnic affiliation, language, religion etc.

29. *Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?*

/

30. *Please provide examples of good practice in relation to ethnic data collection and the use of these data.*

In Slovenia there is a special Institute for Ethnic Studies that has a long track record of work in the fields of minority studies, ethnic and language studies of the population. (http://www.inv.si/s1_vhod_a.HTM)

Self-determination of the individual concerned

31. *Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?*
32. *If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?*
33. *Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?*
34. *How does data collection approach the issue of multiple identity?*

Statistical Office:

For items 31 to 34:

At censuses conducted by the Statistical Office of the Republic of Slovenia a person has an opportunity to declare only one national and one religious affiliation, one mother

tongue and two languages spoken in the household. In the 2002 census for children until 14 years of age the answers were given by their parents, adopters or guardians.

Each person can from one census to another change his/her affiliation about nationality, religion, languages. A special study about changes of affiliation between 1991 and 2002 censuses was conducted by the Statistical Office. The results are published in the publication (in Slovene only). (<http://www.stat.si/popis2002/gradivo/2-169.pdf>)

Additional explanation about education:

Data on education are collected with national questionnaires every year in September for the past school year.

Education of children of the two autochthon national minorities in Slovenia is regulated with the Special Educational Rights of the Italian and Hungarian National Minorities Act. According to this act, members of the Italian and Hungarian national minorities have the right to education in their mother tongues. For that reason 8 Italian language and 7 bilingual (Slovene/Hungarian) elementary schools and 3 Italian language and 1 bilingual (Slovene/Hungarian) upper secondary schools are operating in Slovenia.

14.02.2008

Information submitted by Sweden

QUESTIONNAIRE ON THE ETHNIC DATA COLLECTION

The national agency responsible for data collection in Sweden is Statistics Sweden.

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

The last time a regular census was carried out was in 1990. We are planning for a register based census for 2011.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

No questions on ethnical issues are asked.

3. *Were these questions compulsory to answer or were they optional?*

Not relevant.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)*

Not relevant.

5. *Have census forms been prepared also in regional or minority languages?*

For the forthcoming census this is not relevant since it will be register based.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

Quarterly, half-yearly and annual statistics on the population of Sweden are compiled by the national statistics agency, Statistics Sweden. Population statistics are presented in three sub-groups. The first includes population broken down by e.g. sex, age, citizenship and country of birth. The second describes population changes, e.g. migrations, births and deaths. And finally, future population trends are forecasted. Sweden does not compile official statistics on people's ethnic origin, however, apart from their citizenship and country of birth, since there are no methods of calculating ethnic origin that are both

ethically acceptable and scientifically reliable. It is hence not possible for Sweden to submit statistical data on its national minorities. In accordance with the Personal Data Act (1998:204) it is also forbidden to process personal data that reveals race, ethnic origin or religious belief.

However, the Official Statistics Act (2001:99) permits Statistics Sweden to process sensitive data when regulated in specific provisions by the Government. Such provisions are issued in the Ordinance on Official Statistics (2001:100). With the expressed consent by the person concerned it is permitted to process sensitive data.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

The only public administration that the government is aware of that keeps some kind of statistical information concerning language is the National School Board. This governmental agency keeps statistics on how many children in a municipality that has claimed the right to mother tongue instruction.

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

See general remark under question 6.

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

No

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)*

In accordance with the Personal Data Act (1998:204) it is forbidden to process personal data that reveals race, ethnic origin or religious belief there for the ombudsmen do not keep such records.

11. *Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?*

Since the Personal Data Act (1998:204) forbids the processing of personal data that reveals race, ethnic origin or religious belief no such information is mentioned in identity cards or passports.

12. *Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?*

The government and Statistics Sweden does not possess such information.

13. Are different data collected on nationals and non-nationals?

No

14. Do minority communities themselves keep records on their size, composition, etc.?

In accordance with the Personal Data Act (1998:204) it is forbidden to process personal data that reveals race, ethnic origin or religious belief. This prohibition applies to

15. What methods for collecting data are best perceived and accepted by minorities?

Representatives of the national minorities has but forth to the government that they oppose the collection of data that some how could reveal their ethnic origin. This is with one exemption, representatives of the Swedish Finns have expressed that they would appreciate the collection of statistics based on language.

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

See answer to question no 6.

17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?

Such data are considered to be “sensitive” and thus surrounded by special restrictions (se also answer to question 6).

18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?

In accordance with the Personal Data Act (1998:204) it is forbidden to process personal data that reveals race, ethnic origin or religious belief. Exceptions from this prohibition can only be made by the Government through a specific provision.

19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?

Please, se answer to question 6.

20. Where and for how long may the data stored and analyzed?

Please, se answer to question 6.

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?

The governmental agency, the Data Inspection Board, has the responsibility to supervise the Personal Data Act (1998:204).

22. Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?

Please, see answer to question 6.

23. If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.

Please, see answer to question 6.

24. Are you aware of any cases where the collected data have been misused?

No, we are not aware of such cases.

Ethnic data collection in specific areas of policy

25. *Which methods and sources for collecting data in the field of employment are used in your country?*

Please, see information under question 6.

26. *Which methods and sources for collecting data in the field of education are used in your country?*

Please, see information under question 7

27. *Which methods and sources for collecting data on racist incidents are used in your country?*

The Council for Crime Prevention has the responsibility to keep track on crimes that are reported to have with a xenophobic element.

28. *Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis?*

Please, see information under question 6.

29. *Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?*

In accordance with the Personal Data Act (1998:204) it is forbidden to process personal data that reveals race, ethnic origin or religious belief.

30. *Please provide examples of good practice in relation to ethnic data collection and the use of these data.*

We are not able to provide such examples.

Self-determination of the individual concerned

31. *Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?*

Sometimes this might be the case and sometimes there is a provision as mentioned as an answer to question 6.

32. *If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?*

If data would be collected according to an exception as described above it would be collected after the individuals own consent and on the individuals own identification.

33. *Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?*

If data are collected for statistics on a voluntary basis, he/she would always have the possibility to change or delete data. Please also see answer to question 6.

34. *How does data collection approach the issue of multiple identity?*

The question is not relevant to us.

12.02.2008

Information submitted by “the former Yugoslav Republic of Macedonia”

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

The Census of the population is a statistical operation, which is regularly held in Republic of Macedonia. After the Second World War, 8 censuses were held, in 1948, 1953, 1961, 1971, 1981, 1991, 1994 and 2002. All these censuses were held using the traditional method (interview face to face). The responsible institution for conduct of the Census of population is the State Statistical Office. For each Census, a special Law was adopted.

The usual practice is the censuses to be conducted in a year ending with 1 (ten years periodicity), but for different reasons this practice was not observed. The main goal of the Census in 1948 was to obtain the consequences of the Second World War on the number and territorial distribution of the population. The Census in 1953 was held after the significant changes in economic and political system of the Formal Yugoslav Federation. The Census in 1994 was held because of big under coverage in the Census in 1991 (as a result of boycott of a part of the population). The last Census was postponed for one year because of the conflict in 2001.

Starting with 1994, the definition of the total population was changed and the Census methodology was completely adapted to the UN/EUROSTAT Recommendations.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

The questions concerning national, ethnic, linguistic and religious affiliation were included in all censuses in Republic of Macedonia. The next questions were included in the last Census:

- Declaration by ethnic affiliation
- What is your mother tongue
- Declaration by religious affiliation

3. *Where these questions compulsory to answer or were they optional?*

For the questions on ethnic and religious affiliation, persons were not obliged to answer. The answers on citizenship and mother tongue were obliged.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer)?*

In the last Census in Republic of Macedonia (2002), only 404 persons used the right not to declare themselves according the ethnic affiliation. The total population was 2 022 547 persons.

5. *Have census forms been prepared also in regional or minority languages?*

Census forms were prepared in 6 languages and each person was entitled to choose in which language he/she should be enumerated.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

The State Statistical Office conducts regular statistical researches for vital and migrational events. All these researches (statistics of births, deaths, marriages, divorces and migrations) contain topics for ethnic affiliation. Education statistics also contain data for ethnic affiliation.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data.*

Yes

- State Administration Agency
- Ministry of Education
- Ministry of labour and social policy

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

Statistical evidence, based on the administrative registrations, of births, deaths, marriages, divorces and migrations, includes ethnic affiliation.

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

Yes. In all types of proceedings, the following data is collected and processed: name and family name, nickname if s/he has, names and surnames of the parents, the family name of her/his mother, ethnic origin, citizenship, profession, family status, education, etc. Linguistic data are collected because of the right of the accused or parties to use other language than Macedonian, and right to have translator free of charge.

There is also data on the number of complaints, decisions rendered, statistics on charged, indicted and sentenced persons.

10. Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialized national bodies (bodies ensuring equal treatment, legal aid offices etc.)?

Yes.

11. Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity cards, passport)?

No, but there is possibility if the person so requires, the identity card to be printed also in the mother language of the person if s/he belongs to a nationality whose language is also in official use.

12. Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?

In accordance with the State Statistics Law and Personal Data Protection Law the data from different sources may be used for statistical purposes and scientific studies also.

13. Are different data collected on national or non-nationals?

No

14. Do minority communities themselves keep records on their size, composition, etc.?

Not officially.

15. What methods for collecting data are best perceived and accepted by minorities?

-

Legal methods to record persons belonging to a national or ethnic minority

16. What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.

Statistics of births, deaths, marriages, divorces, migrations and education, contain data for ethnic affiliation too.

17. Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?

Yes.

18. What is the content of the main legal basis for data collection and data protection?

The Personal Data Protection Law is a legal basis for the protection of personal data in Republic of Macedonia. There are special laws where the provisions on protection of personal data are contained also (Police Law, Communication Law, State Statistical Law, etc).

19. For which purposes are ethnic data collected? Are they used for other purposes than the purposes for which they have been originally collected? What is the legal situation concerning these questions?

The statistical office, according to the law, can use the data for ethnic affiliation only for statistical purposes.

Other organs use ethnic data for policy planning (education, employment in public administration)

20. Where and for how long may the data stored and analyzed?

According to the Personal Data Protection Law for a period no longer than necessary to fulfil the purposes for which the data have been collected for further processing.

After expiration of the retention period, personal data may be processed only for scientific, historical or statistical purposes.

When using personal data for the purposes stated in paragraph 2 of this article, it is necessary to respect the right of protection of privacy, personal and family life of the data subject from unauthorised use and to make the personal data anonymous as early as possible

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?

The Directorate for Personal Protection of Data

22. Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?

Article 8 of the Personal Data Protection Law stipulates that processing of special categories of personal data is prohibited. The “Special categories of personal data” are personal data revealing the racial or ethnic origin, the political views, religious, philosophical or other beliefs, membership in a trade union and data relating to the health of natural persons, including genetic data, biometric data and data relating to sexual life.

As an exception special categories of personal data may be processed:

- if a written consent is given by the data subject for processing of such data, except where a law provides that the prohibition for processing of such data may not be lifted by the consent of the data subject ;

- for fulfilment of concrete rights and obligations of the controller in the area of labour law, to the extent and with adequate safeguards determined by the laws in this area;
- when necessary for protection of vital interests of the data subject or another person, if the latter has physical disabilities preventing him/her to give his/her consent or is legally incapable for giving his/her consent;
- if the processing is carried out in the framework of the activities of institutions, associations or any non-profit organizations for political, philosophical, religious, trade-union or other purpose, if data processing refers exclusively to their members, and such data shall not be disclosed to third parties without the consent of the data subject;
- when the processing refers to data which are made public by the data subject;
- when necessary for the establishment and exercise of individual legal interests;
- If necessary for the purpose of acquiring, exercising and protecting the rights of the data subject in a procedure before the competent bodies;
- If needed for the purposes of medical prevention, diagnosis, treatment or management of a health service and is carried out by a person whose profession is to provide medical protection under oath of secrecy to the data revealed to him during the performance of his profession and appropriate security measures for conducting matters of public interest are stipulated by law or by a decision of the Directorate for Personal Data Protection.

23. *If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.*

24. *Are you aware of any cases where the collected data have been misused?*

The inspection carried out by the Directorate for Personal data Protection during 2006-2007 revealed some irregularity concerning processing of special categories of personal data. In view of the fact that until 19.12.2007 it had been a transitional period for the application of the Law, the Directorate for Personal data Protection provided recommendation to the controllers to correct irregularities.

Ethnic data collection in specific areas of policy

25. *Which methods and sources for collecting data in the field of employment are used in your country?*

For employment procedure in the public administration, voluntary, personal declaration of ethnic affiliation is used as indicator.

26. *Which methods and sources for collecting data in the field of education are used in your country?*

27. *Which methods and sources for collecting data on racist incidents are used in your country?*

Statistical data on reported, indicted and convicted persons for relevant criminal offences under the Criminal Code of the Republic of Macedonia.

28. Do police services make use of crime statistics compiled on ethnic, national, linguistic or religious basis?

Yes.

29. Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?

Yes, Secretariat for the Implementation of the Framework Agreement and the Agency for Civil Servants.

30. Please provide examples of good practice in relation to ethnic data collection and the use of these data.

Self-determination of the individual concerned

31. Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?

According to the Constitution, each individual in the Republic of Macedonia has an absolute right to declare themselves in regard to ethnic and religious affiliation.

32. If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?

33. Can an individual change or delete information identifying him/her as belonging to a minority in course of his/her life?

Yes

34. How does data collection approach the issue of multiple identity?

There is no possibility for multiple identity in general. The right of self determination is used in the so called “critical moment”, and after that the person will be consider to belong to the minority that s/he state in that moment.

05.02.2008

Information submitted by Ukraine

Different sources of ethnic data collection

Censuses

1. *Is a census regularly held within your State? If so, does the recording of the population occur in the framework of a traditional, registration-based or combined system? Kindly describe the main features of the system.*

The All-Ukrainian census is held every 10 years. The recording of the population occur in the framework of a traditional system.

2. *Are questions concerning national, ethnic, linguistic or religious affiliation included in national censuses? Please include the relevant questions of the last census.*

There were questions concerning national, ethnic, linguistic or religious affiliation included in national censuses.

1. "Your ethnic origin (indicate nationality or ethnic group)".
2. "Your linguistic characteristics"
 - a) Mother tongue.
 - b) If your mother tongue isn't Ukrainian, indicate if you speak Ukrainian fluent.
 - c) Others languages you speak (indicate).

3. *Were these questions compulsory to answer or were they optional?*

These questions were optional to answer.

4. *What were the numerical results (please indicate not only the number of those who replied but also the number of those who refused to answer).*

5. *Have census forms been prepared also in regional or minority languages?*

The census forms have been prepared only in Ukrainian language.

Other methods to record persons belonging to a national or ethnic minority

6. *What other methods than census are used to record persons belonging to a national or ethnic minority within your country? Kindly describe the main features of the methods.*

Statistical data refer to information obtained through the conduct of statistical observations that is processed and presented in a formalised way in accordance with generally accepted principles and methodologies. Statistical data that are the result of aggregation of primary data, on condition that their depersonalisation is ensured, shall be deemed aggregated depersonalised statistical information (data).

Statistical observations are conducted by the state statistical bodies by means of collection of statistical reports, conduct of one-off collections, censuses (polls), and sample and other surveys.

7. *Do organs and institutions of public administration (e.g. school, police, health service, social assistance, the military service, labour administration, recruitment in the public service) keep administrative files related to ethnic, national, linguistic or religious data?*

No.

8. *Are there ethnicity-based population registers for any purpose (e.g. in the registration of births, deaths and marriages, the registration of domicile and in elections)?*

No.

9. *Are ethnic, national, linguistic or religious data collected in jurisdiction (e.g. court statistics, number of complaints, decisions rendered, etc.)?*

-

10. *Are records containing ethnic, national, linguistic or religious data kept by ombudspersons or specialised national bodies (bodies ensuring equal treatment, legal aid offices etc.)?*

-

11. *Is it possible or obligatory to mention the fact that a person belongs to a national minority in identity documents (identity card, passport)?*

In Ukrainian passport there isn't column on Nationality.

12. *Does the topic of ethnic data collection constitute a subject of research? Do scientific studies, surveys and investigations serve as a source of ethnic data?*

Yes.

E.g. Statistical publication "Distribution of the most numerical nationalities by sex and age, by marital status, language attributes and educational level" (by the results of the All-Ukrainian population census' 2001).

This publication provide data of share of the most numerical nationalities by sex and age, by marital status, language attributes and educational level in Ukraine as a whole and the Autonomous Republic of Crimea, the regions, the city of Kyiv, and Sevastopol city council.

The publication "National structure of the population of Ukraine and its language peculiarities" belong to the series thematic publication according to the All-Ukrainian Population Census' 2001 data.

The publication contains the information about the national structure of the population of Ukraine by nationality and native language and other languages, unless native, which owns it.

13. Are different data collected on nationals and non-nationals?

-

14. Minority communities themselves keep records on their size, composition, etc.

-

15. What methods for collecting data are best perceived and accepted by minorities?

-

Legal framework of ethnic data collection in the Member States

16. What are the main legal basis for data collection and data protection?

17. Do the regulatory measures with regard to the protection of personal data consider data on the affiliation to a national or ethnic, national, linguistic or religious minority as a special category of data?

18. What is the content of the regulatory measures with regard to the registration and processing of data on the affiliation to a national, ethnic, linguistic or religious minority?

The legal basis of the state statistical activity are the Constitution of Ukraine, the Laws of Ukraine "On state statistics", "On the All-Ukrainian population census", "On information, other laws and legal acts which regulate relations in the spheres of statistics, information, computerisation, scientific and technical activity and state standards as well as Ukraine's international agreements in the statistical sphere mandatory status of which was approved by the Parliament of Ukraine.

19. For which purposes are ethnic data collected? Are they used for other purposes than the purpose for which they have been originally collected? What is the legal situation concerning these questions?

Statistical data on ethnical composition of the state population are gathered during the census of the population. The population census of Ukraine, first of all aims to analyze the demographic situation, village structure of the population, linguistic and educational characteristics etc.

20. Where and for how long may the data stored and analyzed?

The data may stored and analyzed continually.

21. Is there an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection?

State Statistics Committee of Ukraine is an independent authority responsible for the supervision of the collection of sensitive (ethnic, national, linguistic or religious data)/ for data protection.

22. *Is there an outright prohibition on the collection of data broken down by nationality, national or ethnic origin, language and religion (check grounds one by one) in your national legislation?*

-

23. *If not, are there provisions which make the collection of ethnic, national, linguistic or religious data conditional on the existence of certain guarantees and if yes, please indicate what they are.*

-

24. *Are you aware of any cases where the collected data have been misused*

-

Ethnic data collection in specific areas of policy

25. *Which methods and sources for collecting data in the field of employment are used in your country?*

26. *Which methods and sources for collecting data in the field of education are used in your country?*

27. *Which methods and sources for collecting data on racist incidents are used in your country?*

With a view to compiling statistical information, the state statistical bodies may use the following as data sources:

primary data and statistical data referring to respondents who are subject to statistical observations;

administrative data from the state authorities (except state statistical bodies), local authorities and other legal persons;

statistical information of international organisations and statistical agencies of other countries, etc.;

estimates and calculations being produced on the basis of the above data.

The decision on the statistical data source to be used is taken by the state statistical bodies. The decision-making process is independent and includes considerations for quality and timeliness of information to be submitted, expenditures and the responsibilities that it would impose on respondents.

28. *Do police services make use of crime statistics compiled on an ethnic, national, linguistic or religious basis*

-

29. Are the data collected used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities? Who is involved in the development and the implementation of the monitoring schemes?

The data collected are used for evaluating the implementation of legal provisions and other measures and programmes affecting people belonging to national and ethnic minorities.

30. Please provide examples of good practice in relation to ethnic data collection and the use of these data.

-

Self-determination of the individual concerned

31. Is it at the discretion of the individual concerned to choose and mention the fact that he/she belongs to a national minority?

Yes.

32. If not, which authority decides on the applicable information, and on the basis of which objective or subjective criteria? Are national minority associations involved in identifying whether a person belongs to a minority? Who decides on whether a minor belongs to a minority, specifically in cases of mixed marriages?

A minority identifies himself what national minority he belongs. Parents determine nationalities of children.

33. Can an individual change or delete information identifying him/her as belonging to a minority in the course of his/her life?

Yes.

34. How does data collection approach the issue of multiple identities?

-

Annex

According to the data of the last population census of 2001 Ukraine comprises 37 million 500 thousand of Ukrainians (77,8 % of the total population of Ukraine) and 10 million 900 thousand (22,2 %) representatives of more than 130 nationalities.

Russians are the largest minority of Ukraine with 8 million 300 thousand of persons or 17,3% of the total population.

The following 16 ethnic groups comprise between 300 thousand and 30 thousand of people . They are Belarusians - 275,800 (0,6% of the population), Moldavians - 258,600 (0,5%), Bulgarians - 204,600 (0,4%), Hungarians - 156,600 (0,3%), Romanians - 151,000 (0,3%), Poles - 144,100 (0,3%), Jews - 103,600 (0,2%), Armenians - 99,900 (0,2%), Greeks 91,500 (0,2%), Tatars - 73,300 (0,2%), Gypsies (Roma) 47,600 (0,1%), Azerbaijani - 45,200 (0,1%), Georgians - 34,200 (0,1 %), Germans - 33,300 (0,1 %), Gagausians - 31,900 (0,1%).

The following 16 ethnic groups comprise between 12 thousand and 3 thousand of persons . They are Koreans, Uzbeks, Lithuanians, Slovaks, Kazakhs, Latvians, Ossetins, Tajiks, Bashkirs, Turkmen, Albanians, Assyrians.

The population of the rest of nationalities consists of from 3 thousand to 1 thousand of persons.

Table No . 1**The dynamics of the largest national communities in Ukraine (1989-2001)**

	Population thousand persons 2001	Population thousand persons 1989	In % relative to total	
			2001	1989
1. Russians	8334,1	11355,6	17,3	22,1
2. Byelorussians	275,8	440,0	0,6	0,9
3. Moldavians	258,6	324,5	0,5	0,6
4. Bulgarians	204,6	233,8	0,4	0,5
5. Hungarians	156,6	163,1	0,3	0,3
6. Romanians	151,0	134,8	0,3	0,3
7. Poles	144,1	219,2	0,3	0,4
8. Jews	103,6	486,3	0,2	0,9
9. Armenians	99,9	54,2	0,2	0,1
10. Greeks	91,5	98,6	0,2	0,2
11. Tatars	73,3	86,9	0,2	0,2
12. Gypsies	47,6	47,9	0,1	0,09
13. Azerbaijani	45,2	37,6	0,1	0,07
14. Georgians	34,2	23,5	0,1	0,05
15. Germans	33,3	37,8	0,1	0,07
16. Gagausians	31,9	32,6	0,1	0,06

Table No. 2**The dynamics of a number of national communities that comprise from 30 thousand to 3 thousand of persons in Ukraine (1989-2001)**

	Population thousand persons 2001	Population thousand persons 1989	In % relative to total	
			2001	1989
1. Koreans	12,7	8,7	0,03	0,02
2. Uzbeks	12,4	20,3	0,03	0,04
3. Lithuanians	7,2	11,3	0,01	0,02
4. Slovaks	6,4	7,9	0,01	0,02
5. Czechs	5,8	9,1	0,01	0,02
5. Kazakhs	5,5	10,5	0,01	0,02
6. Latvians	5,1	7,1	0,01	0,01
7. Ossetins	4,8	6,3	0,01	0,01
8. Tajiks	4,3	4,4	0,008	0,01
9. Bashkirs	4,2	7,4	0,008	0,01
10. Turkmen	3,7	3,4	0,007	0,01
11. Albanians	3,3	3,3	0,006	0,01
12. Assyrians	3,1	2,8	0,006	0,01

Table No . 3

The dynamics of a number of national communities that comprise from 3 thousand to 300 persons in Ukraine (1989-2001)

	Population thousand persons 2001	Population thousand persons 1989	In % relative to total	
			2001	1989
1. Estonians	2,9	4,2	0,005	0,01
2. Kurds	2,1	-	0,004	-
3. Karaites	1,2	1,4	0,002	0,0
4. Komi-Permyaks	1,1	2,1	0,002	0,0
5. Kirghizs	1,0	2,3	0,002	0,0

Table No. 4

Ethnic groups that comprise from I thousand to 300 of persons

1.Krymchaks	0,4	-	0,0008	-
2. Buryats	0,4	-	0,0008	-
3.Turks-Meshetins	0,3	-	-	-

Table No. 5**Language characteristics of the largest ethnic groups of Ukraine**

	The part of those whose mother tongue was (%)			
	The language of their nationality	Ukrainian	Russian	Other language
Ukrainians	85,2	X	14,8	0,0
Russians	95,9	3,9	X	0,2
Byelorussians	19,8	17,5	62,5	0,2
Moldavians	70,0	10,7	17,6	1,7
Crimean Tatars	92,0	0,1	6,1	1,8
Bulgarians	64,2	5,0	30,3	0,5
Hungarians	95,4	3,4	1,0	0,2
Romanians	91,7	6,2	1,5	0,6
Poles	12,9	71,0	15,6	0,5
Jews	3,1	13,4	83,0	0,5
Armenians	50,4	5,8	43,2	0,6
Greeks	6,4	4,8	88,5	0,3
Tatars	35,2	4,5	58,7	1,6
Gypsies	44,7	21,1	13,4	20,8
Azerbaijani	53,0	7,1	37,6	2,3
Georgians	36,7	8,2	54,4	0,7
Germans	12,2	22,1	64,7	1,0
Gagausians	71,5	3,5	22,7	2,3
Other nationalities	32,6	12,5	49,7	5,2