

UNHCR’s Initial Observations on the Estonian Ministry of Culture’s Proposal to the Government of the Republic of Estonia to draft a development plan “Integrating Estonia 2020”

Introduction

UNHCR welcomes the initiative of the Estonian Ministry of Culture to draw up a development plan on ‘Integrating Estonia 2020’ (“LÕIMUV EESTI 2020”) for the Strategy of Integration and Social Cohesion in Estonia through an open process and public consultation, which will inform the Ministry’s “Proposal to the Government of the Republic to draft a development plan for the field” (hereafter referred to as ‘the Proposal’).

UNHCR understands that the Proposal encompasses both residents who do not hold Estonian citizenship and new immigrants, including refugees, returnees, foreign workers and other migrants.

As the agency entrusted by the United Nations General Assembly with the mandate to provide international protection to refugees and, together with Governments, to seek permanent solutions to the problems of refugees¹, including through integration, UNHCR has a direct interest in strategies aimed at facilitating the integration of refugees and other beneficiaries of international protection. UNHCR’s Executive Committee, of which Estonia is a member since 2007, has unanimously recognized that integration into their host societies is the principal durable solution for refugees in the industrialized world.²

UNHCR also has mandate responsibilities to address statelessness. These responsibilities were initially limited to stateless persons who were refugees as set out in paragraph 6 (A) (II) of the UNHCR Statute and Article 1 (A) (2) of the 1951 Convention relating to the Status of Refugees, but have since expanded.³ Most recently, through Resolution 61/137 of 2006, the

¹ UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V), available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b3628>

² UNHCR Executive Committee, Conclusion on Local Integration, No. 104 (LVI) – 2005, para. (j) Welcomes the practice in States with developed asylum systems of allowing refugees to integrate locally”, available at: <http://www.unhcr.org/refworld/docid/4357a91b2.html>

³ To undertake the functions foreseen by Articles 11 and 20 of the 1961 Convention on the Reduction of Statelessness, UNHCR’s mandate was expanded to cover persons falling under the terms of that Convention by General Assembly Resolutions 3274 (XXIX) of 1974 and 31/36 of 1976. The Office was entrusted with responsibilities for stateless persons generally under UNHCR Executive Committee Conclusion 78, which was endorsed by the General Assembly in Resolution 50/152 of 1995.

General Assembly endorsed Executive Committee Conclusion No. 106⁴ which sets out four broad areas of responsibility for UNHCR: the identification, prevention and reduction of statelessness and the protection of stateless persons. In the context of UNHCR's work towards the reduction of statelessness, the Office thus also has an interest in ensuring that programs to facilitate the integration of various categories of persons into the society encompass "...measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies", as worded in Executive Committee Conclusion No. 106.⁵

General observations

In view of our mandate responsibilities set out above, UNHCR's Regional Office for the Baltic and Nordic countries welcomes this opportunity to provide general observations and initial specific recommendations to the Proposal'. Supporting the ability of the Office's persons of concern to realize integration as a durable solution is one of UNHCR's top priorities in our region.

Integration in the refugee context has been defined by UNHCR's Executive Committee as a dynamic and multi-faceted two-way process leading to full and equal membership in society. This includes preparedness by refugee communities to adapt to host societies without giving up cultural identity, and the receiving communities and institutions being equally ready to welcome refugees and meet the needs of a diverse population. The process is complex and gradual, comprising legal, economic, social and cultural dimensions.⁶ This definition is underpinned by recognition of the fact that the 1951 Convention Relating to the Status of Refugees (hereafter the '1951 Convention') and its 1967 Protocol "...set out rights and minimum standards for the treatment of refugees that are geared towards the process of integration...",⁷ including through the 1951 Convention's Article 34, which calls on States to facilitate the integration and naturalisation of refugees, including through expedited naturalisation proceedings.

UNHCR notes with appreciation that the Proposal is, to a great extent, based on the same understanding of integration as a two-way process and that it recognizes the importance of integration not only for the individuals concerned but also for the security, social cohesion and development of the host society. As worded in the Proposal:

"Increasing social cohesion and including people with different linguistic and cultural background in community life is becoming increasingly important in terms of national stability, economic growth potential and social welfare. Ensuring the state's

⁴ UN High Commissioner for Refugees, *Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons*, 6 October 2006, No. 106 (LVII) - 2006, available at: <http://www.unhcr.org/refworld/docid/453497302.html>

⁵ Ibid, para. (p) "Encourages States, where appropriate and while taking note of the United Nations General Assembly Resolution 60/129 of 2005, to consider measures to allow the integration of persons in situations of protracted statelessness, through developing programmes in the field of education, housing, access to health and income generation, in partnership with relevant United Nations agencies".

⁶ UN High Commissioner for Refugees, *Conclusion on Local Integration*, 7 October 2005, No. 104 (LVI) - 2005, available at: <http://www.unhcr.org/refworld/docid/4357a91b2.html>

⁷ Ibid, para. (d).

development and a cohesively functioning society requires decreasing inequality and exclusion, increasing communication and strengthening social relations and bonds. The integration process should result in a cohesive society that contributes to Estonia's development.”

Specific observations

1. *Beneficiaries of the development plan:* UNHCR notes that the Proposal encompasses the integration of different categories of legal residents of Estonia. However, refugees are only explicitly mentioned in one place and beneficiaries of subsidiary protection are not expressly referred to. Little attention has so far been given to the facilitation of integration of refugees and other beneficiaries of international protection and their inclusion into national development policies, as the numbers have been low. At the same time, it is important to provide those who have been recognized as being in need of international protection with an environment conducive for integration, for all the beneficial reasons mentioned in the Proposal, including the fact that “New immigrants carry a significant potential for the development of economic and community and cultural life in Estonia”.

UNHCR recommends that the Proposal makes explicit reference to refugees and other beneficiaries of international protection, as a specific category of legal residents requiring particular attention of the Estonian governmental and municipal institutions.

2. *Integration as a gradual two-way process with inter-related elements:* As mentioned above under ‘general observations’, UNHCR welcomes the over-arching approach of the Proposal - which is in line with Executive Committee Conclusion No. 104 - that integration is a two-way process comprising three distinct but inter-related legal, economic, and social and cultural dimensions, all of which are important for an individual's ability to integrate successfully as fully included members of society.⁸

Integration into the society is a process that begins from the moment a person arrives to Estonia, or is born on her territory. Hence, the ability of persons who have been recognized as being in need of international protection to integrate into Estonian society is thus influenced by the reception they receive upon their initial arrival to the country, as asylum-seekers. In addition to the shared experience of loss, many refugees in Estonia have experienced particular hardship while seeking protection. Some are recovering from perilous journeys in search of safety, through territories where additional human rights violations may have occurred. In Estonia, many beneficiaries of protection have had their first experiences of their host country in the Illuka reception center, in the Harku detention centre, or in some instances as homeless, without support. The impact of and vulnerabilities stemming from the reception an asylum-seeker receives during the procedure, and how this can influence an individual's and family's integration potential would benefit from research and analysis, to inform the further development of national asylum and integration policies.

⁸ Ibid, para. (k).

In most countries, persons in need of international protection rely on mainstream services to provide for their needs in relation to health, education, employment, social and other services once they have been granted refugee status or subsidiary protection. However, in some instances, the available services do not have the capacity to cater for the specific needs of this population, which sometimes need additional, targeted support in order to avoid destitution and social marginalization.

UNHCR is aware that much has been achieved through the current Estonian Integration Strategy 2008–2013 in terms of establishing a common framework for integration and developing tools for sharing information and practice among relevant governmental and municipal institutions and bodies. In UNHCR's experience, integration of refugees requires support, not only at the national level, but especially at the local level and through targeted support for individuals with specific needs, such as refugees who suffer from Post Traumatic Stress Disorder (PTSD) or who are illiterate.

Integration entails the meeting of cultures, which, when well mediated, can be a driver for development and growth. Cultural mediation is a skill, which should be cultivated within both refugee and hosting communities to the benefit of the integration process. As stated in the Proposal, "Frequent contacts and personal communication foster understanding and tolerance and prevent segregation and alienation from the society". UNHCR has made the same observation, that interaction between individuals and groups of refugees and the host community foster understanding and positive attitudes. In line with UNHCR's strong interest in ensuring that measures are taken to prevent discrimination, intolerance, xenophobia and racism,⁹ the Office encourages and supports initiatives that support interaction and foster social cohesion.

UNHCR also agrees with the following statement in the Proposal:

"New immigrants carry a significant potential for the development of economic and community and cultural life in Estonia. Considering Estonia's aging and diminishing population and the need to maintain economic growth, Estonia will be needing increasingly more of qualified workers in the future, which requires making optimum use of the available human resources. "

Apart from language training and basic cultural orientation, beneficiaries of international protection may need additional support to find employment and become self-reliant, while "...employers need to revise their stereotypical attitudes towards employees with immigrant background", as recognized by the Proposal.

⁹ See for example UN High Commissioner for Refugees, Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach, December 2009, available at: <http://www.unhcr.org/refworld/docid/4b30931d2.html>

In recognition of the importance of asylum-reception policies and practices, which empower the individual and facilitate their journey to integration, UNHCR recommends that the Proposal for a new development plan on ‘Integrating Estonia 2020’ recognizes the need for research and analysis of the impact of current reception arrangements on different categories of asylum-seekers, including women, unaccompanied children and applicants with specific needs, on their ability to locally integrate once granted refugee status or subsidiary protection.

UNHCR further recommends that the development plan focuses, amongst other things, on supporting host communities and local authorities in their reception and integration of third-country-nationals, including beneficiaries of international protection. To this end, UNHCR recommends that the specific needs of this group are identified and that targeted, post recognition integration support is provided, with a separate development plan and funding if necessary. UNHCR would also recommend that the introduction of individual plans for targeted integration support be considered. After a transition period of targeted support, beneficiaries of international protection should be included in mainstream efforts to integrate third-country-nationals and funding should be made available for these efforts.

Towards the aim of preventing segregation and fostering understanding, tolerance and social cohesion, UNHCR recommends building cultural competencies and mediation skills within the receiving and hosting communities and implementing programs that support participation and interaction between individuals and different groups within the society, such as beneficiaries of international protection and residents with undetermined citizenship.

- 3. Family reunification:* UNHCR is one of many actors who have identified family reunification as an important element for integration, as separation from family may negatively influence the ability of refugees to concentrate on integration (e.g. learning a new language and finding a job) and acquiring the feeling of being at home in their new country. While the right to family reunification is not specifically contained in the 1951 Convention, its Final Act includes strong wording on the right to family unity for refugees. The right to family life and unity is also found in various human rights instruments, including the Convention on the Rights of the Child, as well as in Estonian law.

UNHCR recommends that the Proposal acknowledges the importance of accessible and efficient family reunification procedures for the ability of beneficiaries of international protection to reunify with their family members in Estonia and, consequently, for their ability to integrate. In this context, UNHCR recommends that a review be undertaken of Estonia’s policies and practice in regard to the facilitation of family reunification, to analyze the implementation and impact of the current application procedures, evidence requirements, procedures for visa issuance and travel documentation and financial assistance to cover cost of travel.

- 4. Legal dimension of integration:* In the refugee-integration context, UNHCR’s Executive Committee has affirmed the particular importance of the legal dimension

of integration, which entails the host State granting refugees a secure legal status and a progressively wider range of rights and entitlements that are broadly commensurate with those enjoyed by its citizens and, over time, the possibility of naturalizing.¹⁰ UNHCR thus welcomes the focus placed in the Proposal on the importance of citizenship "...both as a result of and a precondition for the integration process", which is supported by research which show that naturalization is a facilitator of socio-economic integration.¹¹

Article 34 in the 1951 Convention provides that States "...shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings".

In regard to residents with undetermined citizenship, UNHCR welcomes the Proposal's reference to the "...need to target actions contributing to the naturalization process at residents with undetermined citizenship, particularly at parents of children under 15 years of age with undetermined citizenship", and notes that the 1997 European Convention on Nationality provides some additional and supplementary standards on naturalization for refugees and stateless persons, in particular in Article 6 of that Convention. Within the context of UNHCR's responsibilities for the prevention and reduction of statelessness and protection of stateless persons, the Regional Office for the Baltic and Nordic Countries is currently undertaking a regional mapping of the Baltic and Nordic countries' legislation, practice and institutional capacity in relation to international and regional standards in the area. The Office hopes that some of the findings of this exercise will be helpful in informing the components of the development plan related to the naturalization of residents with undetermined citizenship.

UNHCR recommends that refugees and other beneficiaries of international protection are granted a secure legal status and long-term residence rights at an early stage and that their naturalization is facilitated through certain reduced or waived requirements.

UNHCR further supports the implementation of actions to facilitate the ability of residents with undetermined citizenship to acquire Estonian citizenship.

5. *Empowerment and engagement of all stakeholders in the development and implementation of integration plans and indicators:* UNHCR welcomes the reference in the Proposal to the systematic involvement of government authorities, local governments, non-profit associations and private sector partners in the long-term planning and implementation of the integration process, as well as to the development of indicators and measures based on the "needs of residents with immigrant background...[which] will take into account the needs of the target groups (integration clusters) based on their reasons for immigrating, their age, previous education, etc...". This approach is completely in line with UNHCR's Age, Gender and Diversity Mainstreaming (AGDM) strategy and participatory approach, which

¹⁰ UN High Commissioner for Refugees, *Conclusion on Local Integration*, 7 October 2005, No. 104 (LVI) - 2005, para. (I).

¹¹ Naturalisation: A Passport for the Better Integration of Immigrants?, OECD, 31 March 201, available at: <http://www.oecd.org/migration/naturalisationapassportforthebetterintegrationofimmigrants.htm>

seeks to ensure that the people of concern are empowered to continuously contribute to the development and implementation of strategies, policies and activities to ensure that due consideration is given to the specific needs of individuals, based on their age, gender (including gender identity), past traumatic experiences, religion, educational background etc. UNHCR thus promotes integration analyses which considers the specific situation of its persons of concern and which go beyond quantitative assessments to include Participatory Assessments and research to identify policies and practices which create an environment conducive for integration and define indicators of socio-economic success. UNHCR has developed a framework for conducting Participatory Assessments with populations of concern to the Office, and would be happy to work with relevant Estonian governmental and non-governmental stakeholders in carrying out Participatory Assessments with beneficiaries of international protection and legal residents without Estonian citizenship. The findings of these can then inform the further elaboration of the development plan on 'Integrating Estonia 2020'.

UNHCR's Regional Office for the Baltic and Nordic Countries is also implementing an ERF-funded 'Refugee Integration - Assessment, Evaluation, Engagement and Capacity building project' in Sweden, within which academic research about integration indicators are being mapped and analyzed in consultation with stakeholders, including refugees themselves. Eight countries (Austria, France, Ireland, Bulgaria, Poland, Romania, Slovakia and Sweden) are part of this project and the country mappings and overall analyses are expected to be ready around mid-2013. UNHCR hopes that the project findings, including on indicators of integration, may also be of interest and relevance in the Estonian context.

UNHCR recommends that the Proposal for a new development plan on 'Integrating Estonia 2020' encompasses research and data collection from all stakeholders in the two-way integration process, to underpin evidence-based integration policies. In this regard, UNHCR reaffirms its readiness to contribute – as an involved stakeholder – to the further elaboration of the development plan. Specifically, UNHCR is happy to facilitate the implementation of Participatory Assessments, in an age, gender, and diversity-sensitive manner, with groups in Estonia who fall within the Office's mandate responsibilities, and advise on how the findings of such an exercise can inform the further elaboration of integration strategies, policies and activities at central and local level.

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