



**Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report**

- Universal Periodic Review:

ESTONIA

THE RIGHT TO ASYLUM

I. Background information and Current Conditions

The Estonian Parliament ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (“1951 Refugee Convention”) on 19 February 1997. Estonia acceded to the most important international human rights conventions, including the European Convention on Human Rights and Fundamental Freedoms (ECHR).

The Ministry of the Interior (MoI) and the Police and Border Guard Board (PBGB) are the main government bodies responsible for persons of concern to UNHCR. Together they have an overall policy/planning responsibility for asylum issues as well as issues related to “persons with undefined citizenship”. MoI is also responsible for administering Estonian European Refugee Fund (ERF) projects. The asylum unit of the PBGB conducts refugee status determination. The Border Guards Department of PBGB is responsible for initial processing of asylum applications made at the border. The border guards may, in consultation with the PBGB asylum unit, make a decision on an asylum-seeker’s (in)admissibility.

The Minister of Population Affairs had been responsible for the coordination of the Estonian integration policy. Since 2009 the duties of this post are fulfilled by the different governmental agencies.

The Ministry of Social Affairs (MSA) is generally responsible for the reception of asylum-seekers and integration of refugees. MSA administrates the Illuka Reception Centre for Asylum-Seekers, which organizes the provision of services to applicants. The centre is located in a forest behind Jaama village in the rural municipality of Illuka in Ida-Viru County, about 220 km from Tallinn. The nearest town is Jõhvi, located 50 km from the center. The remote location has been a subject of critical comments (please see more details in section 3).

Estonia continues to stand out in the EU as the country with the lowest number of asylum claims and a low number of refugees, which is the result of the Government's strict migration policy and lack of alternative strategies in the admission of refugees. In 2009, only 36 new and four repeated asylum applications were submitted. All currently lodged asylum claims are examined in a fairly competent, albeit restrictive, manner.

As of 31 December 2009, two nationals of Sri-Lanka and one national of the Russian Federation were recognized as refugees on the basis of the 1951 Refugee Convention in Estonia and one national of Uganda was granted subsidiary protection. Regarding denied claims: 11 applications were rejected on the merits (7 in 2008); 7 (2 in 2008) cases were otherwise closed; 5 (1 in 2008) cases were overturned as manifestly unfounded; and the examination of 2 (1 in 2008) applications were terminated. The overall recognition rate was 26.6% in 2009.

From January to April 2010 Estonia received 12 new applications (8 for the same period of 2009). Estonia experiences predictable moderate progress in the number of arrivals. As of 30 April 2010, no applicant received a positive decision, while 12 applications have been rejected.

Estonia remains a transit country for mixed-migratory movements. Illegal migration and human trafficking are rising. An increase in apprehensions of irregular migrants on the Russian Federation border, in particular of persons originating from Afghanistan, has been registered. Afghan migrants crossing the border illegally are a growing phenomenon in Estonia. The number of cases of border apprehensions rose from 40 cases involving 57 persons in 2008 to 61 cases involving 134 in 2009. In 2009, Estonian authorities registered 891 persons who stayed in the country without legal ground. Representatives of the Russian border agency estimate that about 20,000 illegal immigrants near the Estonian and Latvian borders with destinations in Scandinavian countries attempt transit through the Baltic States.

II. Achievements and Best Practices

The Government of Estonia cooperates with UNHCR in protecting and assisting refugees and other persons in need of international protection. The UNHCR Regional Office for the Baltic and Nordic Countries maintains regular contacts with the Government and other authorities. Since 2006 UNHCR has been involved in training activities with the authorities and in cooperation with IOM under the "MINAS" project, which is, *inter alia*, devoted to the training of border guards and first instance decision-makers, as well as issues related to labour market integration and mass influx planning.

Article 76 of the Estonian *Act on Granting International Protection to Aliens* specifically mandates that MoI, MSA and PBGB cooperate with UNHCR in all matters concerning persons in need of international protection. Estonian legislation provides asylum-seekers with the right to contact and communicate with UNHCR and to request the participation of UNHCR staff during interviews.

In addition to providing counseling to individual asylum-seekers and interventions in certain cases, UNHCR assists the PBGB in obtaining updated country of origin information and

provides guidelines on the application of the 1951 Refugee Convention. UNHCR has funded the translation of a number of documents into Estonian as well as the translation of the UNHCR Refugee Status Determination Handbook.

Any decision of the first instance body (PBGB) can be appealed in the regular Estonian court system (Administrative Court, Circuit Court and Estonian Supreme Court), where a legal review may include the application of the refugee definition. Thus, if an asylum-seeker decides to appeal a negative decision by the PBGB in court, he or she would keep the same set of rights and guarantees that he or she has had during the examination of the asylum application by the PBGB. In order to maintain this status, the rejected applicant shall ask the court to suspend the execution of the deportation order that normally is issued when the asylum application is rejected. In practice, in the majority of deportation decisions the administrative courts of Estonia suspend forcible execution of deportation orders, if the decision is appealed.

III. Challenges and Constraints

3.1. On the basis of the remarkably low number of registered asylum-seekers at the border,¹ UNHCR has identified the possible lack of access to the asylum procedure for persons in need of international protection who are being turned away at the border. The concern has been substantiated through reports of apprehensions and forcible removals of citizens of Afghanistan, Somalia and other countries, as well as an increasing number of arrivals in neighbouring countries following the extension of the Schengen zone in December 2007. At the same time, no cases of *refoulement* have been reported to UNHCR. However, it is not possible to verify this independently because of the absence of a comprehensive and systematic monitoring system in Estonia, UNHCR's lack of a permanent presence in the country and the weak capacity of Estonian NGOs.

The current border guard practice is to undertake an initial interview and fact gathering only if asylum is explicitly requested. In reality, many aliens coming to Estonia might not have the awareness and necessary background knowledge to claim asylum specifically and immediately. In addition, persons in need of international protection do not always have the confidence to reveal personal information that would trigger an asylum procedure.

3.2. UNHCR identified other protection concerns including: the absence of time limits for the detention of asylum-seekers; lack of procedural guarantees in accelerated procedures; remote and isolated location of the only reception centre for asylum-seekers; limited access to and low quality of state legal aid and free interpretation services; and the insufficient number of procedural guarantees for vulnerable groups.

3.2.1. According to the *Act on Granting International Protection to Aliens*, the border guards have the competency to conduct the initial examination of asylum claims submitted at the border, and they have the power to refuse entry, if there is a manifestly-unfounded case. In such situations, the asylum-seeker is immediately sent away from the Estonian border. It remains

¹ According to official statistics, no person applied for asylum at the border in 2009. A year before, only two persons lodged an asylum claim, and in 2007 four persons and in 2006 only one.

unclear, however, how such a rejected asylum-seeker may use the legally granted right to appeal, bearing in mind not only the very limited time spent in the territory of the country, but also such individuals' lack of knowledge of the Estonian language, institutional framework and the extremely limited availability of free legal aid.

The immediate review of asylum claims by border guards places constraints on procedural safeguards and the fair review of asylum applications. The accelerated asylum procedure could prevent asylum-seekers from fully presenting their claims, and increase the risk of *refoulement* to a country where the asylum-seekers may face persecution, torture or inhuman or degrading treatment.

UNHCR proposed to the Government that it conclude an agreement on modalities of mutual cooperation to support the access of asylum-seekers to the territory and the asylum procedure. However, this initiative has been postponed because of a 2009 reorganization of the Board of Border Guards.

3.2.2. Article 32(3) of the *Act on Granting International Protection to Aliens* stipulates excessive and far-reaching preconditions for detention. For example, an asylum-seeker may be detained if "he or she has repeatedly or seriously violated internal regulations of the Reception Centre for Asylum-Seekers" or "if the applicant fails to comply with the surveillance measures applied with respect to him or her, or fails to perform other duties provided by law."

UNHCR would like to reaffirm the general principle that asylum-seekers should not be detained. UNHCR believes the Government should follow the guidance provided by UNHCR's Executive Committee in its *Conclusion No. 44 (XXXVII) of 1986*² and *UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers*³, of 1999. According to these guidelines, permissible reasons for temporary detention are to: verify identity; to determine the elements on which the claim to refugee status or asylum is based; to deal with cases where refugees or asylum-seekers have destroyed their travel and/or identity documents or have used fraudulent documents in order to mislead the authorities of the State, in which they intend to claim asylum; or to protect national security or public order.

In UNHCR's view, the grounds for detention provided in Items 3 and 4 of Article 32(3) of the *Act on Granting International Protection to Aliens* are not sufficient reasons to restrict the fundamental freedom of movement of asylum-seekers. UNHCR believes that liability for the above-mentioned acts, if needed at all, could be regulated in the context of national laws concerning misdemeanors or criminal offences. UNHCR believes that these provisions should be removed from the *Act on Granting International Protection to Aliens*.

² UN High Commissioner for Refugees, *Conclusions Adopted by the Executive Committee on the International Protection of Refugees*, December 2009, 1975 – 2009 (Conclusion No. 1 – 109), p. 57, available at: <http://www.unhcr.org/refworld/docid/4b28bf1f2.html>.

³ UN High Commissioner for Refugees, *UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers*, 26 February 1999, available at: <http://www.unhcr.org/refworld/docid/3c2b3f844.html>.

3.2.3. Moreover, to be consistent and ensure a common level of protection to all asylum-seekers, UNHCR recommends including in the text of this article a provision stipulating unimpeded access to the asylum procedure, legal and social assistance, interpretation facilities and access to information for detained asylum-seekers, so that the detention shall not constitute an obstacle to asylum-seekers' ability to pursue their asylum application.

3.2.4. UNHCR also notes with concern that the asylum law of Estonia permits the detention of asylum-seekers for an indefinite period of time. In this regard, UNHCR would like to reiterate that detention should be applied only in exceptional cases for an as short a period as possible, that speedy judicial review should be available and that alternatives to detention should be sought. Therefore, UNHCR recommends that a maximum period of detention for asylum-seekers be included in the law, in accordance with principles of reasonableness and respect for the right to liberty and security of persons as prescribed by Article 5 of the *European Convention on Human Rights and Fundamental Freedoms*.

3.2.5. Furthermore, the current asylum legislation does not provide exceptions for vulnerable groups such as children, survivors of torture or sexual violence and traumatized persons. In respect of the detention of persons under the age of 18 years UNHCR would like to refer to Article 37 of the *Convention on the Rights of the Child*, General Comment No. 6 of the Committee on the Rights of the Child⁴ and UNHCR's Executive Committee Conclusion No. 107 (LVIII) of 2007, on Children at Risk⁵, which require State parties to ensure that the detention of minors be used only as a measure of last resort and for the shortest appropriate period of time. Moreover, as a general rule unaccompanied minors should not be detained.

3.2.6. The Government opened the Reception Centre for Asylum-Seekers in Jaama, in the parish of Illuka, in 2000. The centre was constructed as the result of a successful cooperation between the Finnish Ministry of Labour and the Estonian Ministry of Social Affairs. The main functions of the centre are to guarantee accommodation, to provide medical assistance and to organize rehabilitation for asylum-seekers. The centre provides temporary accommodation, essential clothing and other necessities for the applicants. The centre also administers the payment of a monthly allowance to asylum-seekers. Due to the economic recession, the Ministry of Social Affairs decided to abridge the budget of the Illuka Reception Centre in 2009 and 2010, which negatively affected the overall reception standards provided by the Centre to asylum-seekers and refugees.

UNHCR's main concern with regard to the centre is its remote and isolated location, which leads to difficulties in communication between asylum-seekers and legal representatives and interpreters, as well as difficulties arranging language classes and providing social support. There are neither social nor security staff permanently present in the centre. The location of the centre

⁴ UN Committee on the Rights of the Child (CRC), CRC General Comment No. 6 (2005): *Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6, available at: <http://www.unhcr.org/refworld/docid/42dd174b4.html>.

⁵ UN High Commissioner for Refugees, *Conclusions Adopted by the Executive Committee on the International Protection of Refugees*, December 2009, 1975 – 2009 (Conclusion No. 1 – 109), p. 191-194, available at: <http://www.unhcr.org/refworld/docid/4b28bf1f2.html>.

also has a negative impact on the integration of asylum-seekers and refugees into the Estonian culture, as the Centre is located in the territory mostly inhabited by the Russian-speaking minority population.

In 2008, the Estonian Government assured UNHCR that the centre was to be relocated from Illuka closer to Tallinn. The Government apparently identified a building for the relocation, however, later backtracked from this decision.

3.3. The current Estonian legislation provides incomprehensive consular assistance to persons who were granted asylum in the Estonian Republic and excludes refugees. Article 59 of the Consular Act stipulates that consular assistance shall be provided to an alien residing in Estonia in accordance with the international custom. Article 1(2) of the same law specifies further that for the purposes of this act, an alien is a person who lives in Estonia on the basis of a residence permit and to whom an Estonian alien's passport has been issued on the basis of Article 27 of the Identity Documents Act. Pursuant to the latter, refugees are not entitled to receive an alien's passport, but shall be provided with a refugee travel document. Therefore, by virtue of these provisions, refugees are not eligible *ex lege* to assistance of an Estonian Consul on administrative and consular matters, including in order to obtain a Refugee Convention Travel Document.

Such a legal regulation goes against the spirit of the 1951 Refugee Convention. Persons recognized as refugees enter into a special legal relationship with the Asylum State. According to international law a refugee enjoys all fundamental rights, including the freedom of movement in the host country and therefore can claim the protection of his Asylum State, also when abroad. Article 12(4) of the 1966 International Covenant on Civil and Political Rights provides: "No one shall be arbitrarily deprived of the right to enter his own country." In its General Comment No. 27 ("Article 12 (Freedom of Movement)") of 2 November 1999, the UN Human Rights Committee clarified that: "The scope of "his own country" is broader than the concept "country of his nationality." It is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, **"because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien."**⁶

It is important to bear in mind that from the standpoint of a refugee, his application for political asylum demonstrates his intent to sever his relationship with the country of origin, on the one hand, and his willingness to avail himself of the protection of the state of asylum, on the other. The state of asylum, by granting asylum to a refugee and issuing identity and travel documents to him, demonstrates its willingness to accept and protect him. The refugees must benefit from a residency status, which shall be secure and hence include the rights accorded to nationals to return to, re-enter and remain in the country concerned. These rights must be available in practice.

Thus, the basis for consular assistance of refugees is not their nationality, which may remain that of the country of origin, but rather residence status in the country of asylum.

⁶ See: CCPR/C/21/Rev.1/Add.9, para. 20.

UNHCR recognizes that, in fulfilling its obligations under the 1951 Convention, the Government of Estonia has many interests to reconcile. These interests are, though, only well served by proper implementation of the international protection regime. Therefore, UNHCR would like to encourage Estonian Government to introduce relevant amendments in the national legislation, in order to provide effective protection to the refugees residing in the Estonian Republic.

IV. Recommendations

- To guarantee full respect of the *non-refoulement* principle in accordance with the *1951 Convention relating to the Status of Refugees* and international human rights law, *inter alia*, through ensuring fair asylum procedures, especially in accelerated procedures conducted by border guards, and through the establishment of an independent monitoring system at the border, in cooperation with UNHCR.
- To abolish unreasonable limitations on the freedom of movement of asylum-seekers, introduce safeguards for detained asylum-seekers, with particular attention given to persons with specific protection needs in accordance with international human rights and refugee law standards and establish time limits for detention of asylum-seekers in the national asylum legislation.
- To improve the reception conditions of asylum-seekers by relocating the Illuka Reception Centre to a more appropriate location.
- To guarantee timely and free legal aid to all asylum-seekers, in particularly to those who apply for asylum at the border and those who are in detention.
- To amend relevant national laws and extend consular protection to persons who were recognized as refugees.

THE RIGHT TO A NATIONALITY

I. Background and Current Conditions

Estonia is not a party to the UN Convention relating to the Status of Stateless Persons (1954), the UN Convention on the Reduction of Statelessness (1961), nor to the European Convention on Nationality (1997).

The situation of stateless persons (“persons with undefined citizenship”), mainly former immigrants with Russian origin who came to Estonia during Soviet times and their descendants, remains a politically contentious issue in Estonia. As of 1 April 2010, there were 103,800 persons with “undefined citizenship” holding valid residence permit or right of residence in Estonia. 2,000 of them are stateless children under 15 years of age.

The Government’s response to this protracted statelessness situation has been to promote naturalization of stateless persons. However, the rate of naturalization continues to slow down. In 2009, only 1,670 persons (including 1,556 persons with “undefined citizenship”) were granted Estonian citizenship through naturalization. For comparison, the Government naturalized 2,124 persons in 2008. The 2009 figure represents the smallest annual number since 1991. The

percentage of nationality applications by stateless children under 15 years of age decreased from 60 to 45%.

In the first quarter of 2010, only 361 persons with “undefined citizenship” lodged applications for Estonian citizenship (in 2009 – 1,775 persons and in 2008 – 1,745 persons).

In 2009, 54% of all applicants (1,178 persons) passed the language examination on grade B1, which entitles to apply for Estonian citizenship. Examination on the lowest grade A2 has passed 83% of the applicants, and on grades B2 and C1 – only 34%.

After street riots in April 2007,⁷ a number of high-ranking Council of Europe and UN officials visited Estonia:

- The President of the Council of Europe Parliamentary Assembly (PACE) René van der Linden, who encouraged the authorities to continue their efforts to improve the situation of stateless persons.

- The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, who recommended that Estonia accede to the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness. “Such a decision would strengthen the protection of minorities in Estonia and highlight the Government’s commitment to finding an equitable solution to the problem.” He also recommended “that the Government revisit the existing requirements for naturalization with a view to facilitate the granting of citizenship to persons of undefined nationality. In particular, the Government should facilitate the citizenship procedures for vulnerable groups, including elders and economically marginalized segments. This should involve the offer of free-of-charge language courses for all non-citizens that wish to apply for citizenship, as partially foreseen in the Programme for Integration of Society (2008-13) The Government should also consider appropriate measures to tackle the low level of registration as citizens of children born in Estonia after 20 August 1991 to non-citizen parents. These measures could include granting automatic citizenship at birth, without a requirement of registration by the parents, to those children born to non-citizen parents who do not acquire any other nationality.

- The Council of Europe Commissioner for Human Rights Thomas Hammarberg, who raised the issue of children’s access to citizenship and a more generous application of the law on naturalization to old people. The Commissioner urged the Estonian authorities to change citizenship application procedures to ensure that all new-born children of stateless parents (persons with undetermined citizenship) acquire citizenship from birth.

In view of the findings by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, specific attention should be given to the elderly (over-65) population, who make up 15% of persons with undefined citizenship.

⁷ Mass protests in the Estonian capital turned into street riots in April 2007. These were connected to the Government’s decision to relocate a monument which stood near graves of the Soviet soldiers who had fallen fighting the Nazis in Estonia in 1944.

The UN Committee against Torture reiterated the concerns and recommendations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on the Rights of the Child in its 2007 report with regard to Estonia. While welcoming the reduction of statelessness by the State party, the Committee remained concerned that approximately 33% of the prison population is composed of stateless persons, while they represent approximately 8% of the overall population of the State party.

II. Achievement and Best Practices

Estonia's nationality legislation is generally consistent with the 1961 Convention on the Reduction of Statelessness and the relevant provisions of the 1954 Convention relating to the Status of Stateless Persons.

In recent years, the Government made important progress in relation to the naturalization process of persons with Russian origin, who migrated during the Soviet era. Since 1992, more than 147,227 individuals have become Estonian citizens through naturalization.

The Government adopted an integration strategy for the period 2008-2013. One of its goals is making the application for Estonian citizenship more popular among the group of "persons with undefined citizenship". A project implemented by the Non-Estonian's Integration Foundation in 2005-2007 supported those who wished to acquire Estonian citizenship through information campaigns and Estonian language training for potential applicants. Free citizenship courses were available for 3,000 potential citizens per year. Individuals can participate in these courses offered at local training centres or, on request, in a company or school. Citizenship courses are usually requested in Estonian, but are also available in Russian.

Since 14 September 2009, the Integration Foundation offers free Estonian language courses to non-citizens (and refugees) with the financing by the European Fund for the Integration of Third-country Nationals and the Ministry of Culture. This project will continue until the end of 2013.

III. Challenges and Constraints

Estonia continues to face difficulties related to the integration of the large stateless population. Estonian citizenship grants peaked in the mid-1990s, with 22,773 persons granted Estonian citizenship in 1996. The current trends shows a decline in naturalization, and/or a drop in interest in Estonian citizenship: 6,523 persons received citizenship in 2004; 7,072 in 2005; 4,753 in 2006; 4,229 in 2007; 2,124 in 2008; and 1,556 in 2009. As of 1 April 2010, there were still 103,800 persons with "undefined citizenship" in Estonia.

The Citizenship Act contains provisions restricting access to Estonian citizenship.⁸ In practice, these limitations are normally applied to former Soviet security service officers, as well as to former Soviet/Russian military servicemen and their spouses. Former military servicemen can receive citizenship only, if he or she has been married for at least 5 years to a person that acquired Estonian citizenship by birth (Article 21 (2)). This practice was unsuccessfully

⁸ Article 21 section 1 item (5) and (6) of the Citizenship Act of Estonia.

challenged in the Estonian courts. A stateless Estonian resident married to a naturalized Estonian citizen filed a complaint against this rule in the UN Human Rights Committee; the Committee rejected his communication. The Committee concluded that considerations related to national security may serve a legitimate aim in the exercise of a State party's sovereignty in the granting of citizenship. The Estonian Supreme Court reached a similar conclusion in its judgment of 3 January 2008, where a former KGB employee had been refused Estonian citizenship after working for one month as secretary in the office of the named organization.

The Government asserts that the main trend of the state policy is to minimize the number of “persons with undefined citizenship”. The target group is stateless children under 15 years of age born in the territory of Estonia. The total number of such children is currently 2,065, and their number is decreasing every year. In 2008, only 300 stateless children were born in Estonia.

At the moment, most “persons with undefined citizenship” reside in Estonia on the basis of a long-term residence permit enjoying the privileges and guarantees envisaged by the EU Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. However, some categories of these persons (sailors, persons working or studying abroad or frequently traveling) cannot apply for Estonian citizenship or obtain long-term residence permits due to limitations established by Estonian legislation on citizenship and aliens. Moreover, residence permits of “persons with undefined citizenship” still may be revoked under certain conditions, for example if a person represents a threat to national security or public order, or if he or she has committed a serious crime and his or her criminal record has not expired.

At least several thousand “persons with undefined citizenship” reside in Estonia illegally, but their number has been decreasing very rapidly.

The level of Estonian language proficiency of non-Estonians in general and stateless persons in particular remains at a relatively low level. In some places non-speakers constitute an overwhelming majority (e.g., North-East region of the country). The naturalization procedure is based on two exams, which measure knowledge of the Estonian language and of Estonia’s Constitution and citizenship law. Sociological studies reveal that the majority of both “persons with undefined citizenship” and Russian citizens residing in Estonia regard language requirements to be an obstacle to their naturalization. “Persons with undefined citizenship” and Russian citizens residing in Estonia also refer to naturalization requirements as a humiliating factor. While 55% of “persons with undefined citizenship” think that lack of citizenship does not hinder living in the country, 95% of them would value Estonian citizenship as a mean to greater security within the country.

Generally, “persons with undefined citizenship” enjoy protection against discrimination. However, in certain areas differential treatment of citizens and non-citizens is permitted. “Persons with undefined citizenship” and Estonian citizens are equal before the law. However, “persons with undefined citizenship” (as well as minorities) are overrepresented in the prison population and underrepresented among those receiving parole verdicts. Right to family reunification of “persons with undefined citizenship” is also less observed in comparison to Estonian citizens. “Persons with undefined citizenship” with long-term resident permits are able

to vote, but may not run for office. “Persons with undefined citizenship” cannot be members of political parties. In general, participation in political life by “persons with undefined citizenship” in Estonia is relatively low. This may be partly explained by the actual political situation as well as by general attitudes in the society.

In view of the high number of “persons with undefined citizenship” in Estonia, UNHCR recommends that the Government accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

IV. Recommendations

- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- To undertake a review of nationality legislation to ensure that all children born on the territory who would otherwise be stateless acquire Estonian nationality automatically at birth.
- To conduct nationwide information and awareness-raising campaigns on citizenship and citizenship rights encouraging stateless persons to apply for Estonian citizenship.
- To reduce existing statelessness by relaxing requirements for naturalization, e.g. reducing the language requirement by making the exams simpler and waiving this requirement for the elderly.

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