

Human Dimension Implementation Meeting, 29 September - 10 October 2008

Naturalisation in Estonia

Statement by the Legal Information Centre for Human Rights (Tallinn, Estonia)

Excellencies!

Ladies and gentlemen!

On behalf of the Legal Information Centre for Human Rights I would like to make an intervention on the topic of naturalisation in Estonia.

In recent years there have been some positive developments as regards the problem of mass statelessness in Estonia. In 1992 every third inhabitant did not have citizenship of the country of residence or any other citizenship. Nowadays every sixth resident does not have Estonian citizenship while every twelfth resident is stateless, i.e. s/he does not have any citizenship.

People without Estonian citizenship are mostly former Soviet citizens who have resided in Estonia before 1991 and their descendants. In early 2008 116 thousand Estonian residents were 'people with undetermined citizenship', i.e. stateless (data of the Citizenship and Migration Board). It seems that the year 2008 will be marked by a new anti-record, namely the lowest tempo of naturalisation after 1991 (naturalisation in January-June 2008: 948 persons).

In 2000-2003, 3-4 thousand persons have naturalised annually in Estonia. After the accession of the country to the EU there was increase in numbers (2004: 6,523; 2005: 7,072). However, the negative trend was observed again since 2006 (4,753) and it was followed in 2007 (4,229). This year the number of new citizens will hardly exceed 2-2.5 thousand.

The Estonian authorities use Estonian language training as a main tool to solve the problem of mass statelessness. According to the *Estonian Integration Strategy 2008-2013*, about 1,500 people will attend the free courses for the exam on the Constitution of the Republic of Estonia and the Citizenship Act every year; free language courses for applicants for the Estonian citizenship will also be annually provided for about 1,500 people.

Regretfully, language training cannot be used as panacea. Language requirements are still an insurmountable barrier for older generation of local Russian-speakers. Persons born prior January 1930 are not supposed to pass test of written Estonian. However, Citizenship Act does not exempt them from the written test on Constitution and Citizenship Act. There is no political will to address the issue of mass statelessness among the elders to solve the problem quickly and efficiently.

The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, visited Estonia in September 2007. His report on the mission on Estonia was published in March 2008 (A/HRC/7/19/Add.2, 17 March 2008). As regards Russian-speaking minority the Special Rapporteur raised the issues concerning statelessness and the perceived nature of citizenship regulations. In broader sense, Doudou Diène considers "extremely credible the views of the representatives of the Russian-speaking minorities who expressed that the citizenship policy is discriminatory" (section 77). The Special

Rapporteur recommends that Estonia accedes to the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness (section 90).

As regards stateless former Soviet citizens the Special Rapporteur recommends that the Estonian Government “should facilitate the citizenship procedures for vulnerable groups, including elders and economically marginalized segments”. 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 stateless parents (section 91). At the moment stateless children may receive citizenship in a simplified naturalisation procedure but only if their parents have filed appropriated applications.

From 1994 the Legal Information Centre for Human Rights has been dealing with the issues related to the Russian-speaking minorities. With references to its experiences, our organisation would like to second the above-mentioned valuable recommendations by the UN Special Rapporteur. We also agree with those Estonian sociologists who believe marginalisation of local minorities to be one of the main reasons for the April 2007 riots in Tallinn. The cohesion of the Estonian society is hardly possible without appropriate solution of the problem of mass statelessness.

We expect that Estonia as an EU and NATO member-state will promptly achieve great success in promotion of justice and integration in the society.

Thank you for your attention.

Legal Information Centre for Human Rights (LICHR)