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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Estonia*

The present report is a summary of 7 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations

1. Joint Submission 1(JS1) noted that Estonia was not party to any international instruments dealing specifically with statelessness.² Human Rights Watch (HRW) recommended that Estonia ratify the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the European Convention on Nationality.³

2. Constitutional and legislative framework

2. The European Union Agency for Fundamental Rights (EU-FRA) noted that Estonia adopted a new Child Protection Act in November 2014. It stated that NGOs working on the rights of children supported the new law, seeing it as a substantial step forward in the protection of the rights of children. Several NGOs, however, considered that the new legislation disproportionately limited the right to privacy and family life, as Article 33 empowered social workers and police officers to remove a child from the home for up to 72 hours without court permission if they believed that the child was in danger.⁴

3. Institutional and human rights infrastructure and policy measures

3. The Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) observed that there was no institution in Estonia that had accreditation as a national human rights institution (NHRI) from the International Coordinating Committee of National Human Rights Institutions under the Paris Principles. He noted that UN bodies and human rights NGOs had repeatedly called for the creation or designation of such an institution.⁵

4. CoE-Commissioner encouraged Estonia to establish or designate a national human rights institution compliant with the Paris Principles. Pluralistic representation, being a central condition for the effective functioning of NHRIs, could be ensured, for example, through the establishment of a broadly representative advisory body on human rights which would be associated with the NHRI.⁶

5. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) noted that the assignment of additional tasks as national preventive mechanism (NPM) to the Chancellor of Justice did not give rise to any organisational changes within the Office. Instead, all staff members could be engaged on both the traditional Ombudsman-related tasks and NPM work. CoE- CPT suggested that consideration be given to setting up a separate unit or department within the office of the Chancellor of Justice, to be responsible for the NPM functions.⁷

6. CoE-Commissioner observed that public awareness of the Chancellor's functions as the Ombudsman for Children was quite limited. He encouraged the Chancellor of Justice, in co-operation with other authorities and NGOs, to increase the visibility and awareness of the institution of the Children's Ombudsman among children and the general public, including ethnic minorities.⁸

7. CoE-Commissioner stated that the Gender Equality and Equal Treatment Commissioner (Gender Equality Commissioner) remained understaffed and underfunded, despite the institution's broad mandate.⁹ The Committee of Ministers of the Council of

Europe (CoE-CM) made a similar observation.¹⁰ CoE-Commissioner urged the authorities to provide the Gender Equality Commissioner with sufficient resources to enable the institution to fulfil its mandate effectively and independently. The Gender Equality Commissioner should be able to play a central role in promoting a culture of equality in society by raising awareness, providing advice to authorities and carrying out independent research.¹¹

B. Cooperation with human rights mechanisms

n/a

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

8. CoE-CM stated that the Equal Treatment Act provided protection from discrimination on the grounds of nationality, race, colour, religion or other beliefs, age, disability and sexual orientation. The competencies of the Gender Equality Commissioner were broadened to cover complaints of discrimination based on those grounds.¹²

9. CoE and CoE-Commissioner referred to the European Committee of Social Rights, which concluded that there was no anti-discrimination legislation to protect persons with disabilities which explicitly covered issues such as housing, transportation, telecommunications, and cultural and leisure activities.¹³ CoE-Commissioner referred to concerns expressed by civil society representatives that the Equal Treatment Act did not provide an equally high level of protection for the ground of disability as that afforded to the ground of ethnicity.¹⁴ He highlighted a need to address protection gaps in equal treatment legislation for the ground of disability.¹⁵

10. CoE-Commissioner called on the authorities, in co-operation with the Gender Equality Commissioner, Chancellor of Justice and civil society organisations, to increase awareness of equal treatment legislation, discrimination and available remedies among the authorities and the public. He highlighted a need to improve data collection on discrimination and encourage reporting to complaints bodies. The preparation of a national strategy on equal treatment would be a welcome development.¹⁶

11. As CoE noted, the European Committee of Social Rights stated that the pay gap remained high despite the measures taken to narrow it.¹⁷

12. CoE-CM took note of continued negative stereotyping of minorities in some media, particularly on the internet, with harmful effects on social cohesion.¹⁸ It recommended that Estonia take measures, while fully respecting freedom of expression, to curtail stereotyping of minorities in the media, promote minority language broadcast and print media, particularly as regards locally produced news; and develop, in consultation with minority representatives, more appropriate means to ensuring a diverse but shared media space for the entire society.¹⁹

13. HRW referred to concerns expressed by several human rights groups in Estonia that law did not explicitly include hatred on the basis of sexual orientation and gender identity as a motivation in the definition of a hate crime and about the lack of statistics on hate crimes related to sexual orientation and gender identity. It recommended that Estonia develop and adopt legislation that would recognize explicitly hatred on the basis of sexual orientation and gender identity as a motive and make it an aggravated circumstance in a crime.²⁰

2. Right to life, liberty and security of the person

14. CoE-CPT noted that according to the revised Mental Health Act, persons under guardianship could not be admitted to a psychiatric hospital solely with the consent of their guardian. While welcoming this development, CoE-CPT stated that it would be desirable for the same legal guarantee to apply also in the context of placement in social care homes as placing incapacitated persons in a social welfare institution without the benefit of the procedural safeguards provided for by law, was a questionable practice.²¹

15. CoE-CPT was concerned that court proceedings to renew the involuntary placement of a person in a social care home were carried out under the written procedure, without the participation of the resident concerned. It recommended that the person concerned be always heard by the judge.²²

16. EU-FRA noted that Estonia had a high prevalence of violence against children.²³ CoE-Commissioner stated that child sexual abuse and school violence and bullying continued to be serious problems. He concluded that a systematic and firm response was necessary to address all violence and abuse against children, including internet-based abuse. CoE-Commissioner welcomed the Development Plan for Reducing Violence 2010-2014 and urged its full implementation. Children should be informed about their right to be protected from all forms of violence and about the assistance available to them as victims of violence.²⁴

17. CoE-Commissioner stated that provisions prohibiting violence and abuse of children can be found in several laws. However, those provisions did not provide a coherent and explicit prohibition of all corporal punishment in family and institutional settings.²⁵ CoE-Commissioner stated that corporal punishment was accepted by many adults.²⁶

18. EU-FRA noted that Estonia received recommendations to prohibit corporal punishment during the 2011 UPR.²⁷ CoE-Commissioner called upon Estonia to prohibit the corporal punishment of children in all settings through explicit legal provisions. Such a legislative ban should be supported by public education and awareness-raising campaigns advocating positive parenting and education without violence.²⁸

3. Administration of justice and the rule of law

19. As CoE noted, CoE-Commissioner welcomed measures taken to improve access to justice, in particular reduction of court fees, the establishment of remedies for excessively lengthy proceedings and the reform of the system of legal aid.²⁹ However, he noted that the excessive length of judicial proceedings continued to be an obstacle to access to justice.³⁰ CoE-Commissioner urged the prompt adoption of the new State Liability Act to ensure compensation for those court cases which are delayed for years without a valid reason. CoE-Commissioner encouraged Estonia to pursue efforts to shorten the average length of proceedings; however, in doing so, care should be taken not to compromise the quality of justice.³¹

20. CoE-CPT recommended ensuring that all persons detained by the police are fully informed of their fundamental rights as from the very outset of their deprivation of liberty.³² It recommended that Estonia make further efforts to render fully effective in practice the right of persons deprived of their liberty by the police to inform a close relative or another third party of their situation as from the very outset of their deprivation of liberty.³³

21. CoE-CPT reiterated its recommendation putting a definitive end to the practice of accommodating remand and sentenced prisoners in police detention houses.³⁴

22. As CoE noted, while welcoming the closure of some substandard police detention houses and the opening of new facilities, the CoE-CPT criticised conditions of detention in

certain police establishments, in particular at Haapsalu Detention House.³⁵ CoE-CPT also noted that many cells of Tallin Detention House were overcrowded.³⁶

23. CoE-CPT recommended that the minimum standard of living space per prisoner be raised to 4 m² and that Estonia pursue vigorously its efforts to combat prison overcrowding, by placing particular emphasis on non-custodial measures in the period before the imposition of a sentence, increasing the use of alternatives to imprisonment and adopting measures facilitating the reintegration into society of persons deprived of their liberty.³⁷

24. In 2012, CoE-CPT regretted that its recommendation made in 2007 to substantially reduce the maximum possible period of disciplinary confinement for prisoners was not implemented by the authorities. It recommended that the maximum period of solitary confinement as a punishment be no more than 14 days for a given offence, and preferably lower. Further, there should be a prohibition of sequential disciplinary sentences resulting in an uninterrupted period of solitary confinement in excess of the maximum period.³⁸

25. CoE-CPT noted that many inmates were not aware of the existence of either the prison committee or the national preventative mechanism and that information on their role and function was not displayed in the units. It recommended that measures be taken to provide inmates with the necessary information, in a language they understand, on all existing external complaints and monitoring mechanisms.³⁹

26. EU-FRA stated that Estonia put in place a complex set of procedural safeguards to ensure the protection of children participating in criminal proceedings. Estonia guaranteed the provision of legal aid to all children regardless of their role in the proceedings.⁴⁰ It noted, however, that despite legally acknowledging the concept of the best interest of the child in civil and criminal proceedings, Estonia did not develop specific criteria to determine the best interest of the child.⁴¹

27. CoE-CPT recommended that the relevant legislation be amended so as to ensure that whenever a minor is detained as a criminal suspect, the police are obliged to immediately notify the parent, guardian or curator.⁴² It recommended ensuring that the presence of a lawyer is obligatory during police questioning of juveniles detained on suspicion of having committed a misdemeanour.⁴³

28. CoE-CPT recommended that the maximum possible period of placement in a disciplinary cell as a punishment for juveniles be substantially reduced, preferably to a period not exceeding three days. Furthermore, whenever juveniles are subject to such a sanction, they must be guaranteed appropriate human contact throughout the duration of the measure.⁴⁴

4. Right to privacy, marriage and family life

29. Privacy International (PI) stated that the Electronic Communications Act set the conditions under which service providers shall provide communication data to security, surveillance and other government agencies and grant them access to their communications networks. The law did not explicitly require that the request of personal data should be authorised by a court or other judicial body. For criminal investigations, the Code of Criminal Procedure required that surveillance of electronic communications were conducted only if this was unavoidably necessary for the achievement of the objectives of criminal proceedings. An authorisation should be given by the Prosecutor during the investigation stage and by a court if the proceedings already reached the trial stage.⁴⁵

30. PI stated that surveillance carried out outside the criminal investigation did not require prior judicial authorisation. The Surveillance Act, regulating the activities of surveillance agencies, did not require a court order to authorise surveillance. Instead,

surveillance proceeding shall be commenced following a decision made by the head of a surveillance agency or an authorised official.⁴⁶

31. PI recommended undertaking a review of the communications surveillance laws, policies and practices with the view to upholding the right to privacy in line with international human rights standards and to requiring prior judicial authorization for any communication surveillance interfering with the right to privacy.⁴⁷

32. PI referred to a report, indicating cyber-security incidents in Estonia, which raised concern for the protection of privacy, particularly as ‘e-infrastructures’ such as the ID-card, e-Health, and e-Voting systems collect and process a high amount of sensitive personal data.⁴⁸ It noted that a security evaluation of the Estonian E-Voting system showed that the architecture had alarming gaps and that it was open to cyber-attacks.⁴⁹ It recommended reviewing and strengthening the protection of personal data collected by the government and introducing effective data security measures to systems such as e-voting.⁵⁰

33. HRW stated that the parliament passed a Co-habitation Act in 2014, which extended rights of married couples to unmarried persons, including same-sex couples. Under the new law, unmarried, including same-sex couples would be able to register their cohabitation and have access to state benefits. Registered couples would be able to adopt their partner’s biological children. HRW recommended ensuring that all the preparatory work is done for the implementation of the Co-Habitation Act by the time it enters into force in January 2016.⁵¹

34. As regards alternative care for children deprived of parental care, CoE-Commissioner stressed that the system of resource allocation should be reviewed to fulfil the legal requirements for an adequate number of qualified staff for all children’s homes. The recommendation of the Chancellor of Justice to establish minimum standards for the basic needs of children should be implemented. Municipalities should draw up individual case plans for each child together with the children concerned and review them regularly. Further efforts were needed to provide assistance to foster families and to prepare young persons to live independently after they have left care homes.⁵²

5. Right to participate in public and political life

35. The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) stated that Estonia offered all eligible voters the possibility to vote via the Internet in all national and municipal elections since 2005. Internet voting was administered efficiently and in line with the legal framework, although additional measures can be taken to enhance transparency and accountability of the process. Since the 2011 parliamentary elections, several amendments were adopted with regard to Internet voting; including to address a number of previous OSCE/ODIHR recommendations, however, some remained outstanding.⁵³ OSCE/ODIHR made a number of recommendations in this respect.⁵⁴

36. In 2015, OSCE/ODIHR noted a positive trend of parties across the political spectrum placing candidates belonging to national minorities on party lists, in some cases in prominent positions, and greater efforts by parties and candidates to reach out to Russian-speaking voters, including with campaign information in Russian. However, the National Electoral Commission website featured detailed election information only in Estonian, with some general information also available in English. Voting instructions sent to voters, as well as information in polling stations and on ballots, were only in Estonian. Some information about Internet voting was available in Russian and English.⁵⁵

37. EU-FRA noted that Estonia, when ratifying CRPD, entered a declaration to Article 12, claiming that Estonia would implement the Article in accordance with its legislation, allowing restrictions on the right to vote of persons deprived of legal capacity.⁵⁶

6. Right to social security and to an adequate standard of living

38. In 2013, CoE-Commissioner reported that the economic crisis (2008-2010) and austerity measures resulted in higher rates of unemployment and poverty. The economic crisis had a particular negative impact on children and young persons. He expressed concern about the long-term effects of the crisis in terms of poverty and social exclusion.⁵⁷

39. As CoE noted, the European Committee of Social Rights stated that the minimum levels of unemployment allowance, unemployment insurance benefit and national pension were inadequate.⁵⁸

40. CoE-Commissioner encouraged Estonia to develop and adopt strategies to reduce unemployment, including among youth. Specific measures were needed to address long-term unemployment.⁵⁹

41. EU-FRA stated that in 2012, Estonia adopted legislative measures which aimed to compensate a decrease in the future pension of a parent due to child rearing. Since women are more likely to take parental leave than men, this measure was expected to particularly improve pensions of women.⁶⁰

42. CoE-Commissioner stated that the major challenges associated with an aging population related to the availability of long-term care and the adequacy of the old-age pension system. Particular attention should be paid to gender equality in the provision of social protection and sufficient income to older people.⁶¹

7. Right to health

43. Alliance Defending Freedom International (ADF International) stated that abortion rate had steadily declined in the last decade, however, it remained high. It recommended that Estonia inter alia pursue several actions in order to reduce the high abortion rate.⁶²

8. Persons with disabilities

44. CoE-Commissioner welcomed the ratification of the United Nations Convention on the Rights of Persons with Disabilities and called for the preparation of a national strategy for its implementation in close co-operation with people with disabilities and organisations representing them. Inclusion in working life and access to a full range of educational opportunities should be among the priority objectives. An independent mechanism should be set up to monitor the implementation of the Convention with the active participation of persons with disabilities and their organisations.⁶³

45. CoE-Commissioner stated that the number of persons with disabilities had risen and that the number of persons claiming disability and incapacity benefits increased. There were concerns about the sustainability of the support system. The labour inclusion of people with disabilities remained a challenge. CoE-Commissioner noted shortcomings in access to rehabilitation and social services. The number of persons living in residential institutions was low, and family carers of disabled persons needed more assistance to reduce their care burden.⁶⁴

46. EU-FRA referred to information suggesting that many buildings, such as police stations, were not accessible to persons with physical disabilities.⁶⁵

47. CoE-Commissioner stated that supported decision-making alternatives have to be made available to those who want assistance in making decisions or communicating them to others. Benefits for disability and incapacity should be reviewed to ensure that social protection needs and requirements for long-term sustainability are met.⁶⁶

48. EU-FRA stated that sign language was recognised as an official language after ratification of CRPD.⁶⁷

9. Minorities

49. CoE-Commissioner referred to the 2011 census, indicating that the population of Estonia included 192 different ethnic groups. Of those, 68.7 percent had been ethnic Estonians, and 24.8 percent had been Russians.⁶⁸ CoE-Commissioner was concerned by the long-standing socio-economic gap between ethnic minorities and the majority population, which had become more pronounced following the economic crisis. It was particularly worrying that the gap was perpetuated among young people.⁶⁹

50. CoE-Commissioner stated that one cause for the socio-economic gap was structural. Ethnic minorities were mostly employed in lower-paid sector and there was a regional dimension to the disparities as well, with unemployment and risk of poverty being usually the highest in the North-Eastern region where ethnic minorities constituted the majority.⁷⁰

51. CoE-Commissioner stated that strict language requirements for employment in both the public and private sectors, monitored by the Language Inspectorate, had also put ethnic minorities at a disadvantage. In some cases employers used more stringent language requirements than those established by language legislation, which resulted in ethnic discrimination.⁷¹

52. CoE-CM stated that the unemployment rate among ethnic non-Estonians was still disproportionately high compared with that among Estonians. There were perceptions among non-Estonians that ethnic Estonians were the preferred candidates irrespective of qualification or language ability.⁷² HRW stated that members of the Russian-speaking community had long alleged discrimination in hiring and that Estonian language requirement for jobs in the public and private sectors, even in heavily Russian-speaking regions, were often cited as reasons for denied employment.⁷³

53. HRW recommended that Estonia condemn discrimination based on ethnic origin and language in employment and take active measures to prosecute such cases.⁷⁴ CoE-Commissioner urged Estonia to develop and implement positive measures to address the long-term unemployment and social exclusion of ethnic minorities.⁷⁵

54. HRW stated that language was a primary human rights concern for the Russian-speaking minority, particularly with regard to access to employment, education, and the courts. Some Estonian language policies and practices were discriminatory.⁷⁶

55. CoE-CM explained that the Language Act was amended in 2011 in order to revise and update the language regulations which had become rather complicated following a number of previous amendments. There was no comprehensive consultation with minority representatives. It stated that international recommendations for a more balanced promotion of the State language while fully guaranteeing the linguistic rights of persons belonging to national minorities were not taken into account. CoE-CM noted that the threshold for using a minority language in relations with local authorities remained at 50 percent and had been applied without flexibility.⁷⁷

56. HRW recommended ending punitive functions of the Language Inspectorate and introducing constructive processes to promote the development and spread of the Estonian language, such as facilitating language learning.⁷⁸ Similarly, CoE-CM recommended taking a more balanced approach towards the legitimate aim of promoting the State language while ensuring the rights of persons belonging to national minorities to speak and use their languages in public, and favouring a policy of incentives over punitive methods with regards to the implementation of the Language Act.⁷⁹ CoE-Commissioner made a similar recommendation. He stated that the application of language requirements should allow for some flexibility, taking into account the geographical location and sector of employment concerned.⁸⁰

57. The European Commission against Racism and Intolerance (CoE-ECRI) noted that the plan to make Estonian the primary language of education in all upper-secondary schools met with significant resistance by part of the population. It expressed view that more should be done to convince the Russian-speaking community that the reform aimed at promoting integration and not assimilation.⁸¹

58. HRW stated that in publicly-funded secondary schools, no more than 40 per cent of all course work can be taught in Russian. In regions where Russian had been spoken by a majority of the population, and where high-quality non-Russian teachers were few, the fairness of this policy seemed questionable. It referred to complains that ethnic Russian pupils did not receive an adequate education because their level of Estonian language mastery did not allow them to understand certain subjects.⁸²

59. Furthermore, CoE-CM stated that while the Integration Strategy acknowledged the significance of education as a tool for integration and mentioned the importance of cultural diversity in the school curricula, there were insufficient multicultural elements in the curricula and textbooks and integration activities of schools centred on the promotion of State language skills of non-Estonian pupils.⁸³

60. HRW recommended that Estonia review language policy in secondary schools and gymnasiums and ensure that non-Estonian pupils are fully ready for education in Estonian language before taking steps to transition such pupils and their schools to instruction in Estonian language.⁸⁴ CoE-CM recommended that the transfer to Estonian as the main language of instruction in upper-secondary Russian language schools be implemented gradually and with due regard to the quality of education offered in Estonian as well as Russian language. It recommended expanding the availability of relevant teacher training courses including as regards bilingual and multicultural education.⁸⁵

61. CoE-CM stated that Estonia ensure that more intercultural elements are introduced in the school curricula and expand opportunities for bilingual education to increase opportunities for contacts between the ethnic Estonian and non-Estonian communities.⁸⁶

62. CoE-CM recommended expanding consultative mechanisms for persons belonging to national minorities beyond the cultural sphere; and ensuring that minority representatives are effectively involved in and have a substantial impact on all relevant processes of decision making affecting them.⁸⁷

63. JS1 recalled that after the 1991 independence, the citizenship system of Estonia led to a situation of large-scale statelessness (known within the Estonia legal system as "persons with undetermined-citizenship"⁸⁸) among Soviet-era settlers, mainly persons of Russian ethnicity.⁸⁹

64. HRW noted that the Government countered criticism of statelessness by referring to the fact that the Russian-speaking minority enjoyed more rights than stateless residents did in other countries. It stated that while the stateless in Estonia did not enjoy the same rights as citizens, Estonia provided more protections than those foreseen in the 1954 Convention on the Status of Stateless Persons. They enjoyed permanent residence, could travel abroad and back with their stateless person identification document, were entitled to governmental social welfare benefits, and had the right to Estonian consular representation abroad.⁹⁰

65. However, HRW noted that they might not occupy a number of professions, among them posts in the civil service, police, customs, and others, and might not become prosecutors, judges, notaries, and the like.⁹¹ OSCE/ODIHR noted that "persons with undetermined-citizenship" had the right to vote in local elections but not the right to vote nor stand as candidates in parliamentary elections.⁹² They could participate in party activities and donate to parties or candidates, despite a recommendation of OSCE/ODIHR,

but did not have the right to join political parties.⁹³ HRW concluded that stateless residents did not enjoy full political rights. JS1 made similar observations.⁹⁴

66. CoE-CM stated that the number of persons without citizenship considerably decreased. However, the overall rate of naturalisation per year had been decreasing.⁹⁵ It stated that the non-availability of free Estonian language classes to prepare for the citizenship examination was cited as an important reason for the decrease in the rate of naturalisation among adults, particularly the elderly.⁹⁶

67. OSCE/ODIHR noted that as of 1 February 2014, persons with undetermined citizenship made up 6.5 per cent of the population. The vast majority of them belonged to national minorities.⁹⁷

68. JS1 noted that Estonia accepted the 2011 UPR recommendation no. 77.85 to resolve the problem of persons without citizenship and prevent such cases from arising in the future.⁹⁸ It stated that, since 2011, Estonia had taken considerable steps to prevent new cases of statelessness and some measures to improve access to citizenship for those currently affected by statelessness.⁹⁹

69. In this respect, HRW noted that in 2015 Estonia amended the Citizenship Law to simplify naturalization requirements for several categories of people, including children.¹⁰⁰ JS1 made a similar observation.¹⁰¹ OSCE/ODIHR stated that the 2015 amendment provided that persons over 65 years of age were exempt from the written language examination. Previously, this applied only to persons born before 1 January 1930.¹⁰²

70. Furthermore, as OSCE/ODIHR explained, as of 1 January 2016, children born in Estonia to parents with undetermined citizenship, and children who are under 15 years of age, would receive Estonian citizenship through naturalization without an application by the parents.¹⁰³ HRW¹⁰⁴ and JS1¹⁰⁵ made similar observations.

71. HRW, however, noted that the amendments did not affect children between 16 and 18 or children born outside the country to stateless residents of Estonia.¹⁰⁶ JS1 concluded that despite the positive developments certain flaws remained in legislation and practice and that some children continued to remain at risk of becoming stateless.¹⁰⁷

72. OSCE/ODIHR stated that the pace of naturalization of "persons with undetermined-citizenship" remained slow.¹⁰⁸ HRW stated that language requirements remained the most significant naturalization challenge for the elderly Russian-speaking population, who were typically educated in Russian and could often manage their day-to-day lives without using Estonian. In the region of Ida-Viru, which had been the densest Russian-speaking region, Russian had been spoken by over 80 percent of population. The Estonian language had little practical application for those residents outside the naturalization process, which called into question the fairness and necessity of the language requirements for long-term residents.¹⁰⁹

73. HRW stated that other naturalization requirements that imposed economic hardship for economically disenfranchised Russian minority groups included the income requirements and the cost of the application. Language classes to prepare for the test were not free. Naturalization costs could be waived for qualifying residents, but it was unclear how many were aware of the option.¹¹⁰ JS1 noted that the requirement of a permanent income had not been addressed by the recent legal amendments and would continue to obstruct access to nationality and the resolution of statelessness.¹¹¹

74. JS1 concluded that despite recent welcome reforms, Estonia fell short of fulfilling international obligations with respect to the right to a nationality.¹¹² HRW stated that more reform and political will were needed to end statelessness.¹¹³ OSCE/ODIHR recommended that Estonia maintain and enhance its efforts to stimulate the naturalization rate among the still-large group of "persons with undetermined-citizenship".¹¹⁴

75. HRW recommended amending the Citizenship Law, taking into consideration the long-term residency in Estonia of the vast majority of non-citizens, to reduce the language requirement to a minimum for all who had lived in Estonia for an extended period of time before the collapse of the USSR, abolish a language requirement for citizenship for all non-citizens born before 1940; and address the situation of children between 16 and 18 and children born outside the country to stateless residents of Estonia.¹¹⁵ JS1 made similar recommendations.¹¹⁶

76. JS1 recommended establishing a statelessness determination procedure to ensure that protection is provided to stateless persons whose situation is not regulated by those measures relating to the persons with undetermined citizenship.¹¹⁷

10. Migrants, refugees and asylum seekers

77. HRW stated that Estonia maintained a minimalist refugee policy and granted asylum only to a few dozen asylum seekers per year. It referred to information indicating that detention facilities and centers for asylum seekers had been overcrowded. In addition, asylum seekers encountered serious obstacles in receiving translation support in their language during refugee status determination interviews.¹¹⁸

78. HRW recommended that Estonia make improvements and upgrade detention facilities and holding centers for asylum seekers to avoid further overcrowding and guarantee refugees and asylum seekers adequate living conditions; and ensure that all asylum seekers receive translation services in their native languages at their request for their refugee status determination interviews.¹¹⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	Alliance Defending Freedom International, Geneva (Switzerland);
HRW	Human Rights Watch, New York (United States of America);
PI	Privacy International, London (United Kingdom of Great Britain and Northern Ireland);

Joint submissions:

JS1	Joint submission 1 submitted by: Legal Information Centre for Human Rights, Tallinn (Estonia); European Network on Statelessness, London (United Kingdom) and Institute on Statelessness and Inclusion, Eindhoven (Netherlands);
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Regional intergovernmental organization(s):

CoE	Council of Europe, Strasbourg (France); Attachments: (CoE-Commissioner) Special Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Estonia from 25 to 27 March 2013, Strasbourg, CommDH (2013) 12; CoE-CM) Resolution of the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Estonia, adopted at the 1145th meeting of the Ministers' Deputies (CM/ResCMN (2012) 9); (CoE-ECRI: Conclusions) European Commission against Racism and Intolerance's conclusions on the implementation of the recommendations in respect of Estonia subject to interim follow-up, adopted on 4 December 2012, CRI (2013) 5; (CoE-CPT) Report to the Estonian Government on the visit to Estonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 30 May to 6 June, 2012, CPT/Inf (2014)1;
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland. Attachment: (OSCE/ODIHR: Report 2015) Election Expert Team Final Report, Parliamentary Elections on 1 March, 2015, Warsaw, 26 May, 2015.

² JS1, p. 2, para. 8. See also HRW, p. 1.

³ HRW, p. 2. See also JS1, p. 8, para 10 (a).

⁴ EU-FRA, p. 4.

⁵ CoE-Commissioner, para. 66.

⁶ CoE-Commissioner, para. 75.

⁷ CoE-CPT, para. 9.

⁸ CoE-Commissioner, para. 70.

⁹ CoE-Commissioner, para. 71.

¹⁰ CoE-CM, para. 1 (b).

¹¹ CoE-Commissioner, para. 71. See also CoE-CM, para. 2.

¹² CoE-CM, para. 1 (a).

¹³ CoE, p. 7 and CoE-Commissioner, para. 17.

¹⁴ CoE-Commissioner, para. 17.

- 15 CoE-Commissioner, para. 46.
16 CoE-Commissioner, para. 73.
17 CoE, p. 8.
18 CoE-CM, para. 1 (b).
19 CoE-CM, para. 2.
20 HRW, p. 4.
21 CoE-CPT, paras 136 and 142.
22 CoE-CPT, para. 141.
23 EU-FRA, p. 12.
24 CoE-Commissioner, paras. 101 and 111. See also CoE, p. 5.
25 CoE-Commissioner, para. 98.
26 CoE-Commissioner, para. 99. See also CoE, p. 9.
27 EU-FRA, p. 10.
28 CoE-Commissioner, para. 110.
29 CoE, p.6.
30 CoE-Commissioner, para. 33.
31 CoE-Commissioner, para. 52.
32 CoE-CPT, para. 27.
33 CoE-CPT, para. 18.
34 CoE-CPT, para. 11 and CoE, p. 1.
35 CoE, p. 1. See also CoE-CPT, paras. 28-33.
36 CoE-CPT, para. 33.
37 CoE-CPT, para. 44. See also paras. 34 and 53.
38 CoE-CPT, para. 95.
39 CoE-CPT, para. 102.
40 EU-FRA, p. 7.
41 EU-FRA, p. 7.
42 CoE-CPT, para. 20 and p. 62.
43 CoE-CPT, para. 22 and p. 62.
44 CoE-CPT, para. 95.
45 PI, paras. 16 and 20.
46 PI, para. 21.
47 PI, para. 29.
48 PI, paras. 26-27.
49 PI, p. 28.
50 PI, para. 29.
51 HRW, p. 4.
52 CoE-Commissioner, para. 109.
53 OSCE/ODIHR Report 2015, p. 1.
54 OSCE/ODIHR Report 2015, pp. 13 and 14.
55 OSCE/ODIHR Report 2015, p. 2.
56 EU-FRA, p. 11.
57 CoE-Commissioner, paras. 9, 10 and 40.
58 CoE, p. 7.
59 CoE-Commissioner, para. 44.
60 EU-FRA, p. 14.
61 CoE-Commissioner, para. 47.
62 ADF, paras. 5 and 22.
63 CoE-Commissioner, para. 45.
64 CoE-Commissioner, paras. 14, 15 and 18.
65 EU-FRA, p. 7.
66 CoE-Commissioner, para. 46.
67 EU-FRA, p. 6.
68 CoE-Commissioner, para. 24.
69 CoE-Commissioner, para. 48.
70 CoE-Commissioner, para. 26.

- 71 CoE-Commissioner, para. 28.
72 CoE-CM, para. 1 (b).
73 HRW, p. 3.
74 HRW, p. 4.
75 CoE-Commissioner, para. 49.
76 HRW, p. 3.
77 CoE-CM, para. 1 (b).
78 HRW, p. 4.
79 CoE-CM, para. 2.
80 CoE-Commissioner, para. 50.
81 CoE-ECRI, p. 5.
82 HRW, p. 4.
83 CoE-CM, para. 1 (b).
84 HRW, p. 4.
85 CoE-CM, para. 2.
86 CoE-CM, para. 2.
87 CoE-CM, para. 2.
88 JS1, p.2, para. 6.
89 JS1, p. 3, para. 9. See also, p. 2, para. 6. See also HRW, p. 1.
90 HRW, p. 3.
91 HRW, p. 3.
92 OSCE/ODIHR Report 2015, p. 2. See also EU-FRA, p. 4.
93 OSCE/ODIHR Report 2015, p. 12.
94 HRW, p. 3 and JS1, p. 2, para. 6.
95 CoE-CM, paras. 1 (a) and (b). See also HRW, p. 2.
96 CoE-CM, p. 1 (b).
97 OSCE/ODIHR Report 2015, p. 12. See also HRW, p. 2 and CoE-ECRI, p. 5, para. 2.
98 For the full text of the recommendation see A/HRC/17/17, para. 77.85 (Ecuador).
99 JS1, p. 2, para. 7. See also CoE-CM, para. 1 (a) and HRW, p. 1.
100 HRW, p. 1.
101 JS1, p. 6, para. 6.
102 OSCE/ODIHR Report 2015, p. 13.
103 OSCE/ODIHR Report 2015, p. 13.
104 HRW, pp. 1-2.
105 JS1, p. 3, para. 10 and pp. 4-5, para. 3.
106 HRW, p. 2. See also JS1 p. 5, para. 4.
107 JS1, p. 3, para. 10 and p. 5, para. 4.
108 OSCE/ODIHR Report 2015, p. 2.
109 HRW, p. 2.
110 HRW, p. 2.
111 JS1, p. 6, para. 6.
112 JS1, p. 8, para. 10.
113 HRW, p. 2.
114 OSCE/ODIHR Report 2015, p. 13, para. 5.
115 HRW, p. 2.
116 JS1, p. 8, para. 10.
117 JS1, p. 8, para. 10.
118 HRW, p. 5.
119 HRW, p. 5.
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