

6.123 Launch a public debate on issues concerning ethnic and cultural diversity aimed at promoting tolerance towards different cultures, religions and sexual orientations within the Estonian society

Over the years, Estonia has launched public debates promoting tolerance towards different cultures and sexual orientation. For promoting tolerance towards different religions, Estonia has ongoing dialogue with all religious communities and has organized events that promote tolerance and freedom of religion or belief.

6.149 Ensure that all allegations of torture and ill-treatment in detention units are promptly and thoroughly, efficiently, independently and impartially investigated, perpetrators prosecuted and, if convicted, punished with sanctions proportionate to the nature and gravity of the crime, and that victims and, where appropriate, their families receive full compensation, including rehabilitation

The Estonian Police and Border Guard Board shall ensure prompt and competent impartial proceedings in the presence of information on torture or ill-treatment in all detention facilities. The field of prosecution in the Republic of Estonia belongs to the Prosecutor's Office and the punishment is imposed by the court. If a victim of ill-treatment or torture is awarded compensation by the court decision, it shall also be paid as compensation in accordance with the court decision. Victim support (any rehabilitation, psychological counselling, etc.) is easily accessible to people and fully guaranteed by the state.

6.152 Cease torture and cruel or inhuman treatment in the places of detention, including sexual violations

No cases of torture or inhuman treatment have been reported in the Police and Border Guard Board detention facilities.

6.267 Consider participating in resettlement and relocation programs for asylum seekers, and put the necessary measures to end punishment for their irregular border crossing

We are fully committed to respect all the obligations stemming from international treaties, including those embedded in the 1951 Geneva Convention and its 1967 New York Protocol to protect applicants and beneficiaries of international protection. All applicants for international protection are guaranteed access to the procedure of international protection and provided with guarantees established in the European Union asylum acquis.

Schengen Border Code (Regulation (EU) 2016/399) Article 5 stipulates for the obligation to establish effective, proportionate and dissuasive penalties for the unauthorized crossing of the external border without prejudice to the exceptions provided for in international protection obligations. According to the Article 258 of the Penal Code, an illegal crossing of state border or temporary borderline of Republic of Estonia is unlawful and therefore punishable act. However, Article 27 of the Penal Code provides for that an act is unlawful only then if it comprises the necessary elements of an offence prescribed by law and the unlawfulness of the act is not precluded by this Code, another Act, international conventions or international customs.

In case a person crosses the Estonian border illegally, the competent authority is bound to initiate and conduct criminal proceedings if elements of offence are evident. Application for the international protection is not automatically deemed as precluding criminal proceedings. The commencing of criminal proceedings is not considered as penalty. The purpose of the

proceedings is to investigate of all relevant circumstances including those enacted in the Article 31 of the Convention. Should the circumstances specified in Article 31 of the Convention be evident in the course of conducting proceedings, the penalty is refrained from and the criminal proceeding is terminated.

6.269 Continue applying measures to protect asylum seekers by participating in refugees' resettlement and relocation programmes

We are fully committed to respect all the obligations stemming from international treaties including those embedded in the 1951 Geneva Convention and its 1967 New York Protocol to protect applicants and beneficiaries of international protection. All applicants for international protection are guaranteed access to the procedure of international protection and provided with guarantees established in the European Union asylum acquis.

6.270 Improve living conditions in reception centres for asylum seekers

Applicants and beneficiaries of international protection are provided with all guarantees established with the European Union asylum acquis. Living conditions in reception centres meet the Estonian standard of living. Assessment and needs based developments of living conditions and services is a continuous and ongoing process. Regular needs based repair works are implemented in the reception centre. In addition to living conditions, asylum seekers are provided in reception centre with the possibility to learn Estonian language, participate in various leisure time activities and have access to different services, including social - and healthcare services as defined in national legislation.

Vastused küsimustele, mis puudutavad kodakondsust ja vastavaid konventsioone (6.43, 6.44, 6.266, 6.271, 6.272, 6.273, 6.274)

As far as the conventions of 1954 and 1961 are concerned, we maintain, for the time being, our current position not to accede these instruments. Estonian citizenship policy is fully in accord with international law, including the United Nations conventions concerning statelessness. Estonia believes that its accession to the 1954 and 1961 Conventions will not provide benefits to persons with undetermined citizenship compared to their present status. The provisions of these conventions are less comprehensive than the rights currently enjoyed by residents of Estonia with undetermined citizenship.

All aliens are able to acquire Estonian citizenship through naturalisation on an equal basis. The requirements for acquiring Estonian citizenship are specified in the Citizenship Act and any alien who wishes to acquire Estonian citizenship by naturalisation has to satisfy the conditions, and follow the requirements, which are laid down in this Act.

Estonian Government has encouraged persons of undetermined citizenship to apply for Estonian citizenship. Several legislative changes have been adopted over the past years to facilitate the naturalisation procedures, especially for children and elderly people. For example, language requirements for elderly people applying citizenship were simplified – applicants older than 65 years of age are released from the obligation of a written language exam. Only an oral language test is sufficient.

For all children born in Estonia who have parents with undetermined citizenship, the right to acquire citizenship is guaranteed. Every person under 15 years of age, who is born in Estonia

or children who move to Estonia with their parents, acquires Estonian citizenship automatically by naturalization, if his or her parents (or a single parent) have been residing in Estonia for at least five years before his or her birth, and they are not considered as citizens by any other State. Over 1500 children have received citizenship on this basis.

In cases where a person applies for Estonian citizenship, but has been granted international protection by the Republic of Estonia or another Member State of the European Union, and the situation in his or her country of origin has not changed significantly, and therefore, the person cannot renounce his or her previous citizenship, the requirement for renouncing the previous citizenship does not apply.

From the 1st of January 2016, applying for citizenship shall be easier for all applicants - there is no longer a waiting period of 6 months, and therefore no requirement to provide a confirmation after 6 months.

From 01.01.2019 we started providing the Language Instruction Agreements for free Estonian language courses and for obtaining a paid study leave from work. Target group is people who have been living in Estonia on a legal basis for at least five years and who wish to apply for Estonian citizenship. In order to sign the agreement they also have to meet the main requirements set for the citizenship application procedure. Free language training shall be provided from zero level up to B1 level. This agreement is deemed to be completed once the person has passed the required Estonian language courses, has passed the proficiency examination and has filed an application for Estonian citizenship. More than 700 people have signed the agreement.

In recent years, the government of Estonia has implemented various measures to increase the interest of persons of undetermined citizenship in applying for Estonian citizenship. The Estonian position is that citizenship cannot be forced on anyone and that everyone has the right to choose his or her citizenship. The government has encouraged persons of undetermined citizenship to apply for Estonian citizenship. Decrease of the number of persons with undetermined citizenship residing permanently in Estonia continues to be the main focus of Estonian naturalisation policy. Estonia is committed to motivating persons with undetermined citizenship to obtain citizenship as quickly as possible.

Estonian legislation does not provide definitions for the terms 'stateless person' or 'person with undetermined citizenship'. In any case, these persons cannot be defined as stateless, as they enjoy the same social rights as citizens. Estonian integration policy uses the term 'persons with undetermined citizenship' for the target group who have lost their citizenship due to the collapse of the Soviet Union and who do not have the citizenship of any other state. As the citizens of the former Soviet Union permanently residing in Estonia can apply for Estonian citizenship or that of the Soviet Union's legal successor the Russian Federation, it is not appropriate to consider them stateless persons, but instead persons who are yet to determine their citizenship.

The naturalization process in Estonia started in February 1992. All Estonian residents who were citizens of the Soviet Union have a right to register themselves as citizens of Russia, the Successor State of the USSR or as citizen of any other previous member republic of the USSR. Persons with undetermined citizenship who live in Estonia based on a long-term residence permit also have a right to apply for Estonian citizenship. Naturalisation procedures are in place for them on an equal footing with any other foreigners residing permanently in Estonia.

Estonia's current policy on naturalisation has been largely successful as the number of persons with undetermined citizenship has steadily decreased from approximately 500 000 in 1992 (or 32% of the population of Estonia) to 68 286 by 1 April 2021 or 5% of the population in 2021, i.e. a more than six fold decrease. The number on children under the age of 15 persons with undetermined citizenship is 79 and persons under the age of 30 is 2600. The rest over 65 000 are older than 30. The Government continues efforts to increase motivation among citizenship applicants by offering free language courses, organising information work and continuing the individual approach to citizenship applicants. Nevertheless, despite the headway made in the last twenty-nine years, Estonia acknowledges that even further efforts must be made to reduce the numbers of persons with undetermined citizenship.

On the positive side, it is important to note that the number of applicants for Estonian citizenship has gradually increased. When in 2018 the number of registered applications was under 800, but in 2020 was 938.