

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: *Fourth Cycle, 52nd Session*

ESTONIA

I. BACKGROUND INFORMATION

In 1997, Estonia acceded to both the *1951 Convention relating to the Status of Refugees*, with several reservations,¹ and the *1967 Protocol* (hereinafter collectively referred to as the *1951 Convention*). However, Estonia is not a state party to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) or the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*).

As of 1 January 2025, according to the Estonian authorities, Estonia hosted over 42,000 refugees, including individuals granted temporary protection, 186 asylum-seekers and almost 64,000 stateless persons.²

Refugees and Asylum-Seekers: The *Act on Granting International Protection to Aliens* (AGIPA) regulates all aspects of the asylum procedure and defines the status, rights and freedoms of asylum-seekers and international protection holders.³

The Ministry of the Interior of Estonia (MoI) is responsible for policy and planning for asylum and migration issues. The Police and Border Guard Board (PBGB) is the state agency responsible for border management, asylum procedures, residence permits, and other internal security matters, and operates the Immigration Detention Facility in Tallinn (detention centre). In August 2023, UNHCR and PBGB signed a Memorandum of Understanding to strengthen cooperation concerning the situation of forcibly displaced people.⁴

Before 24 February 2022, Estonia had received relatively limited numbers of refugees, with annual numbers of beneficiaries of international protection ranging from 280 to 410.⁵ In response to the escalation of the war in Ukraine, Estonia acted swiftly and cohesively. After the EU activated the Temporary Protection Directive in March 2022, Estonia promptly granted protection to people fleeing the conflict in Ukraine, ensuring immediate access to residence, housing, healthcare, education, and employment, focusing

¹ UN Treaty Collection, *the 1951 Convention relating to the Status of Refugees*, status as at: 14 August 2025, [UNTC](#), Estonia "[Subject to the following] reservations:

1) to Articles 23 [Public relief] and 24 [Labour legislation and social security] as follows: *The Republic of Estonia considers articles 23 and 24 merely as recommendatory, not as legally binding.*

2) to Article 25 [Administrative assistance] as follows: *The Republic of Estonia shall not be bound to cause a certificate to be delivered by an Estonian authority, in place of the authorities of a foreign country, if documentary records necessary for the delivery of such a certificate do not exist in the Republic of Estonia.*

3) to Article 28, paragraph 1 [Travel documents] as follows: *The Republic of Estonia shall not be obliged within five years from the entry into force of the present Convention to issue travel documents provided in article 28.*"

² Almost all people recorded as being stateless have permanent residence and enjoy more rights than foreseen in the *1954 Convention*.

³ Riigikogu (Parliament), *the Act on Granting International Protection to Aliens* (Välismaalasele rahvusvahelise kaitse andmise seadus - AGIPA), 14 December 2005, RT I 2006, 2, 3, as of 06 July 2025, <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/516012024004/consolide>: §1. **Scope of Act:** [...] (2) *International protection is granted to an alien with regard to whom refugee status or subsidiary protection status is established or to an alien with regard to whom it is established that he or she belongs to the category of persons in need of temporary protection as defined in a decision of the Council of the European Union [...].*

Following the implementation of the EU Pact on Migration and Asylum (the EU Pact), the new draft of AGIPA has been prepared by MoI and pending public discussions. The bill is expected to be adopted by the Riigikogu (Estonian Parliament) in 2026, see Estonia, *Act on Granting International Protection to Aliens* (Draft Bill No. 25-0698), initiated by the Ministry of the Interior, submitted on 26 June 2025, currently in coordination phase, available via Eelnõude Infosüsteem (EIS): <https://eelnoud.valitsus.ee/main#qz7lh20w>.

⁴ UNHCR, *Estonian Police and Border Guard Board Working with UNHCR to Help Refugees*, 15 August 2023,

<https://www.unhcr.org/neu/109327-estonian-police-and-border-guard-board-working-with-unhcr-to-help-refugees.html>: UNHCR and NGO legal partner, the Estonian Human Rights Centre (EHRC) carried out 24 border monitoring visits: eight - in 2023, 12 - in 2024, and four - in 2025.

⁵ Specifically, between 2017-2021, there were 321 individuals with refugee or subsidiary protection in 2021, 277 in 2020, 334 in 2019, 325 in 2018, and 411 in 2017.

on their inclusion and integration.

Since then, Estonia has received more than 80,000 refugees from Ukraine. Some of them have transited through Estonia to other countries, but many stayed in Estonia. As of 1 January 2025, there were more than 35,000 temporary protection beneficiaries from Ukraine, almost 6,400 subsidiary protection holders from Ukraine⁶ and 450 refugees from various countries of origin.⁷ The majority of refugees from Ukraine are women and children. Most refugees live in urban areas and asylum-seekers stay at the accommodation centres in the rural villages in Vao and Vägeva.

Stateless persons: Citizenship issues are covered by the *1995 Citizenship Act*.⁸ The vast majority of stateless persons are those who were former citizens of the USSR and did not acquire Estonian or any other nationality after the dissolution of the USSR in 1991. Estonian authorities refer to these individuals as "*persons with undetermined citizenship*." These individuals can obtain long-term residence permits and will be still allowed to vote in municipal elections for the last time in fall 2025, after which they will lose this right as a result of the Amendments to the Constitution of the Republic of Estonia adopted in March 2025.⁹ Furthermore, persons with undetermined nationality are not eligible to participate in Parliamentary or EU elections, nor can they hold certain public and civil service positions. Among the 63,923 individuals with undetermined citizenship, 66 are children and 20,500 are aged over 65.

II. KEY RECOMMENDATIONS FOR FURTHER IMPROVEMENT¹⁰

Issue 1: Respect for the principle of non-refoulement

Following the situation at the EU border with Belarus, which unfolded in the summer of 2021, Estonia amended the *State Borders Act* in August 2022 to allow the PBGB to deny entry and refuse receiving applications for international protection from individuals crossing the border irregularly during declared emergencies, involving mass immigration and threats to public order or national security.¹¹

UNHCR, together with NGO partners, has raised concerns that these amendments may significantly restrict the possibility to seek asylum for persons intercepted at the border areas, who have entered irregularly.¹² Although not yet activated, these provisions could, in the event of emergency, expose asylum-seekers to the risk of refoulement contrary to

⁶ Government of Estonia, *Order No. 66 of 8 March 2022 on Application of Temporary Protection* (RT III, 08.03.2022, 10), entered into force on 9 March 2022, <https://www.riigiteataja.ee/akt/308032022010>: These are individuals, who left Ukraine before 24 February 2022 and were not eligible for temporary protection in Estonia. Instead, they were granted subsidiary protection through prioritized and simplified asylum procedures.

⁷ The group comprises of individuals from over 20 different countries of origin, primarily Russia (37%), Syria (16%) and Afghanistan (10%).

⁸ Riigikogu (Parliament), *the Citizenship Act (Kodakondsuse seadus)*, 19 January 1995, RT I 1995, 12, 122, <https://www.riigiteataja.ee/akt/126062025008>.

⁹ Riigikogu, *the Constitution of the Republic of Estonia Amendment Act (Eesti Vabariigi põhiseaduse muutmise seadus)*, 11 April 2025, RT I, 11.04.2025, 1, <https://www.riigiteataja.ee/akt/111042025001>: Parliament approved a constitutional amendment restricting local election voting rights to Estonian and EU citizens only.

¹⁰ The following is a non-exhaustive list of recommendations which, if supported and implemented by the State, may help to improve the protection of the human rights of forcibly displaced and stateless people.

¹¹ Riigikogu, *the State Border Act*, latest version as of 17 June 2024, <https://www.riigiteataja.ee/akt/106082022001>, § 9¹⁰. **Return from border in emergency caused by mass immigration:** (1) In an emergency caused by mass immigration, in the event of a threat to public order or national security, the Police and Border Guard Board may return an alien who has illegally crossed the external border to the foreign state from where they arrived in Estonia without the issue of a precept to leave or without making a decision on prohibition on entry if it was possible for the alien to enter Estonia through a border crossing point open for crossing of the external border.[...] (6) In an emergency caused by mass immigration the Police and Border Guard Board may refuse the receipt of an application for international protection if the application was not filed at the location determined on the basis of subsection 1² of § 14 of the Act on Granting International Protection to Aliens.

¹² UNHCR, *UNHCR observations on the draft Amendments to the State Borders Act and Other Related Acts of the Republic of Estonia* (577 SE), 23 May 2022, <https://www.refworld.org/legal/natlegcomments/unhcr/2022/en/124102>; Estonian Human Rights Centre, *Human Rights in Estonia 2024: Chapter 11. Rights of refugees and asylum seekers*, 11 December 2023, <https://humanrights.ee/materjalid/inimoigused-ee-2024/pagulaste-ja-varjupaigataotlejate-oigused/>.

international refugee, human rights and EU law. The right to seek asylum¹³ and the principle of *non-refoulement* cannot be derogated from even in times of emergency.¹⁴ The prohibition of refoulement applies to any form of forced removal, including deportation, expulsion, informal transfers, pushback practices and non-admission at the border.¹⁵

Recommendations:

- Amend national legislation to guarantee access to the territory and the asylum procedure for those who may be in need of international protection, irrespective of their mode of arrival, including in times of emergency.
- Ensure full respect to the principle of *non-refoulement*, including by guaranteeing that border-related procedures and emergency measures do not place undue restrictions on the right to seek asylum.

Issue 2: Detention, including detention of children and alternatives to detention

PBGB or the Internal Security Service may detain an applicant for international protection for up to 48 hours.¹⁶ Upon expiry of this period, they must apply to an administrative court for authorization of detention for up to two months initially,¹⁷ which can be extended to a maximum of four more months.¹⁸ National legislation acknowledges key principles of necessity, proportionality, and individual assessment. State legal aid is available for challenging detention.

Although national legislation provides for alternatives to detention (so-called surveillance measures), such as designated residence, regular reporting, and surrender of travel documents,¹⁹ these measures are not systematically applied in practice. This may stem from the way the provision is formulated. Rather than requiring detention to be a measure of last resort and explicitly requiring the exhaustion of less intrusive alternatives to detention, it guides authorities to assess whether “*the efficient application of the surveillance measures is impossible*”²⁰ and detention is “*unavoidably necessary*,” placing emphasis on assessment of the impossibility of applying alternatives.²¹ When detention is considered necessary,

¹³ UNGA, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at:

<http://www.refworld.org/docid/3ae6b3712c.html>: Article 14 provides that ‘[e]veryone has the right to seek and to enjoy in other countries asylum from persecution’; and European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02,

<http://www.refworld.org/docid/3ae6b3b70.html>: Article 18, which provides that ‘[t]he right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the Status of Refugees’; see also UNHCR, Report of the Executive Committee of the Programme of the UN High Commissioner for Refugees on the Work of Its Forty-Ninth Session, (f) U.N. Doc. A/53/12/Add.1 (1998). “The institution of asylum, which derives directly from the right to seek and enjoy asylum from persecution set out in Article 14 of the Declaration, is among the most basic mechanisms for the protection of refugees.”

¹⁴ Article 33 of the 1951 Convention, Articles 6 and 7 International Covenant on Civil and Political Rights; Article 3 Convention Against Torture; Article 22(8) 1969 American Convention on Human Rights; Article 5 Banjul Charter; Articles 2 and 3 ECHR; Article 19(2) EU Charter of Fundamental Rights.

¹⁵ UNHCR, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January 2007, paragraph 7, <https://www.refworld.org/docid/45f17a1a4.html>.

¹⁶ See Note 3 AGIPA above: § 36². **Deciding on detention of applicant for international protection and on extension thereof:** (1) The Police and Border Guard Board or the Estonian Internal Security Service may detain an applicant for international protection, on the basis provided for in subsection 2 of § 36¹ of this Act and taking account of the principles specified in subsection 1, without the permission of an administrative court for up to 48 hours in a detention centre or offices.[...]

¹⁷ See Note 3 AGIPA above: § 36². **Deciding on detention of applicant for international protection and on extension thereof:** [...] (2) If it is necessary to detain an applicant for international protection, on the basis provided for in subsection 2 of § 36¹ of this Act and taking account of the principles specified in subsection 1, for longer than 48 hours, the Police and Border Guard Board or the Estonian Internal Security Service shall apply to the administrative court for the permission to detain the applicant for international protection and place him or her into the detention centre for up to two months.[...]

¹⁸ See Note 3 AGIPA above: § 36². (4).

¹⁹ See Note 3 AGIPA above: § 29. **Surveillance measures:** (1) For the purposeful and efficient, simple and expedient conduct of asylum proceedings, the Police and Border Guard Board may apply the following surveillance measures with respect to applicants: 1) residing in a determined place of residence; 2) appearing for registration at the Police and Border Guard Board at prescribed intervals; 3) notifying the Police and Border Guard Board of the absence from the place of residence for a period longer than three days; 4) depositing the travel document issued by a foreign state at the Police and Border Guard Board.[...]

²⁰ See Note 3 AGIPA above: § 36¹. **Basis for detention:** (1) An applicant for international protection may be detained on the basis provided for in subsection 2 of this section if *the efficient application of the surveillance measures provided for in this Act is impossible*. The detention shall be in accordance with the principle of proportionality and upon detention the essential circumstances related to the applicant for international protection shall be taken account of in every single case.

²¹ See Note 3 AGIPA above: § 36¹. **Basis for detention:** [...] (2) An asylum seeker may be detained if it is *unavoidably necessary* on the following bases: (1) identification of the person or verification of the identity; (2) verification or identification of the citizenship of the person; (3) verification of the legal bases of the entry into and the stay in the state of a person; (4) identification of the circumstances relevant to the proceedings of the asylum application, primarily in the case when there is a risk of escape; (5) there is a reason to believe that the person has submitted the application for asylum to postpone the obligation to leave or prevent expulsion; (6) protection of the security of state or public order; and (7) transfer of a person in the procedure provided for in Regulation (EU) No 604/2013 of the European Parliament and of the Council.

reasonable and proportionate in the individual case, the law should explicitly require that alternatives to detention be explored first.

Detention of children is rare, but it is not prohibited by law.²² According to the PBGB, in cases involving families with children, the father may be detained while the mother and children are placed in an open accommodation centre. This practice may not be in line with the best interests of the child and undermines the principle of family unity, which should rather guide towards the use of appropriate care and reception arrangements for the entire family with children.

The detention centre offers good material conditions. The current administration has recently put significant efforts to improve the treatment of asylum-seekers and enhance the overall environment in the facility.²³ However, there are still some complaints regarding food quality, access to healthcare, and shop provisions. Allowing unsupervised family visits would enhance well-being of individuals in detention and their connection to the outside world. More formal and transparent feedback mechanisms could help address the existing issues promptly and effectively.

It is crucial to conduct effective vulnerability screening for all applicants for international protection, including those to whom detention grounds have been assessed to apply, and ensure that individuals with specific needs are promptly referred to alternatives to detention.²⁴ UNHCR and NGO monitoring highlights the need to strengthen capacity of PBGB staff to identify individuals with specific needs (e.g. trauma survivors, LGBTIQ+ individuals) and ensure their effective access to available assistance and efficient referrals to medical, psychological and other support services.

Recommendations:

- Ensure that detention of asylum-seekers is only used as a measure of last resort and that children are never detained for immigration related purposes.
- Efficiently implement alternatives to detention for asylum-seekers.
- Continue improving immigration detention conditions.
- Enhance capacity of staff to identify and support vulnerable asylum-seekers, ensuring effective access to services and their referral to appropriate alternatives to detention when detention grounds apply.

Issue 3: Legal aid and access to effective remedies

²² According to the PBGB, the last time, when asylum-seeking children were placed in detention, was in October 2022.

²³ Recent positive developments observed by UNHCR and NGO partners: (1) improved access to information as all detainees now have free WiFi connection available as well as the right to use centre-provided smartphones with Internet access; (2) resolved issue with nighttime lighting; (3) availability of psychological assistance; (4) special food arrangements during fasting period; and (5) enhanced cooperation with civil society and NGOs assisting people in detention.

²⁴ UNHCR, *Unlocking rights: towards ending immigration detention for asylum-seekers and refugees*, September 2024, pages 18-20, <https://www.refworld.org/policy/polrec/unhcr/2024/en/148655>; see also Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General Comment No.5 on migrants' right to liberty and freedom from arbitrary detention and their connection with other rights, 21 July 2022, CMW/C/GC/5, para.52, www.refworld.org/reference/themreport/cmwr/2022/en/147482; Council of Europe: European Court of Human Rights, *Thimothawes v. Belgium* 4 April 2017, para.73, *THIMOTHAWES v. BELGIUM*; *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, 12 October 2006, paras. 102-105, <https://www.refworld.org/jurisprudence/caselaw/echr/2006/en/36666>; *Rahimi v. Greece*, 5 April 2011, para. 102-110, <https://www.refworld.org/jurisprudence/caselaw/echr/2011/fr/78627>; *Yoh-Ekale Mwanje v. Belgium*, 20 December 2012, para. 124, *YOH-EKALE MWANJE c. BELGIQUE*.

Asylum-seekers in Estonia face challenges with access to state-provided legal aid, particularly during the initial stages of asylum procedures.²⁵ State-provided legal aid is generally reserved for individuals domiciled in Estonia, who lack sufficient resources, but it is not extended to asylum-seekers during the first instance procedure.²⁶

Accessible, independent, reliable, and high-quality legal aid contributes to fair and transparent asylum procedures. The qualified legal assistance improves decision-making, enhances applicants' understanding of the process, reduces the number of appeals and subsequent applications (re-opening), and shortens adjudication timelines, enhancing fairness and efficiency of the asylum procedures.²⁷

PBGB Special Advisors at detention and accommodation centres offer basic counselling on asylum procedures and support in applying for legal aid or referrals to NGOs.²⁸ Asylum-seekers are only entitled to state-provided legal representation during court appeal.²⁹ At entry points such as borders and transit zones, asylum-seekers denied entry often lack access to legal aid and effective remedies.³⁰

Vulnerable applicants who may be in need of special procedural guarantees, including unaccompanied children, are not systematically identified or proactively supported at all stages of the asylum procedure. As immediate legal representation is not guaranteed, and because specific needs are frequently overlooked, procedural safeguards for those at heightened risk may be undermined.³¹

Even during the appeal stage, both access to and the effectiveness of legal aid remain problematic. The number of state-appointed lawyers available to represent asylum-seekers is relatively low - fewer than ten. The appeal period is 10 calendar days and many asylum-seekers due to various reasons do not apply for state-funded legal aid immediately. Once the request is submitted and approved by the court, the Bar Association typically takes at least 24 hours to appoint an attorney, leaving only two to three days to prepare the case. Attorneys often also need to request a state fee exemption, which can further delay the process. Language barriers, limited knowledge of procedures, and the short timeframe may prevent applicants from requesting legal aid or lodging appeals.

UNHCR monitoring has shown that legal aid is frequently provided without any preparatory meetings, relying solely on email communication. Lawyers report difficulties preparing for hearings due to the limited timeframe and lack of engagement with clients in the first

²⁵ UNHCR, *Access to Legal Aid for Asylum-Seekers in Estonia (Access to Legal Aid)*, July 2019, <https://www.refworld.org/reference/countryrep/unhcr/2019/en/122791>; Baltic Research Institute, *Analysis of counselling services for applicants for international protection and returnees*, 2023, <https://www.siseministeerium.ee/sites/default/files/documents/2023-06/Rahvusvahelise%20kaitse%20taotlejate%20ja%20tagasisaadetavate%20n%C3%B5ustamisteenuse%20anal%C3%BC%C3%BCs.pdf>.

²⁶ Riigikogu, *State Legal Aid Act (Riigi õigusabi seadus)*, 28 June 2004, RT I 2004, 56, 403, as of 06 July 2025, <https://www.rigiteataja.ee/akt/105072025018>: **§6. Persons entitled to state legal aid** (1) A natural person may receive state legal aid if the person is unable to pay for competent legal services due to the person's financial situation at the time the person needs legal aid or if the person is able to pay for legal services only partially or in instalments or if the person's financial situation does not allow for meeting basic subsistence needs after paying for legal services.

(1¹) State legal aid is granted to a natural person who, at the time of submission of the application for state legal aid, is domiciled in the Republic of Estonia or another Member State of the European Union or is a citizen of the Republic of Estonia or another Member State of the European Union, except in the event specified in subsection (2) of this section. Determination of a domicile within the meaning of this Act is based on Article 62 of Regulation No 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, pp. 1–32). Legal aid will be granted to other natural persons only if this arises from an international obligation binding upon Estonia.

²⁷ UNHCR, UNHCR Comments on the European Commission's Proposal for an Asylum Procedures Regulation, COM (2016) 467, April 2019, page 15, <https://www.refworld.org/legal/intlegcomments/unhcr/2019/en/122595>; UNHCR, *Effective processing of asylum applications: Practical considerations and practices*, March 2022, <https://www.refworld.org/policy/opguidance/unhcr/2022/en/124059>, paragraph 29; and UNHCR RSD Procedural Standards Unit 2.7: *Legal Representation in UNHCR RSD Procedures*, 26 August 2020, part 2.7.1, <https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123300>.

²⁸ UNHCR NGO legal partner – Estonian Human Rights Centre, implements a project assisting applicants for international protection with legal counselling and representation, <https://humanrights.ee/en/topics-main/pagulased/varjupaigataotlejate-noustamine/>.

²⁹ See Note 3 AGIPA above: **§ 10. Rights of applicant for international protection and applicant for residence permit on basis of temporary protection:** [...] get legal assistance in the administrative court proceedings for contestation of the decision made on the basis of this Act for the purposes of clause 5 of subsection 3 of § 4 of the State Legal Aid Act, taking account of the specifications provided in § 25² of this Act: [...]

³⁰ See Note 25, *Access to Legal Aid*: pages 21–23.

³¹ See Note 25, *Access to Legal Aid*: pages 29–33.

instance, which significantly reduces the chances of success at the appeal stage.³² Communication between lawyers and asylum-seekers in detention is often problematic. Lawyers rarely visit the facility in person, and preparatory meetings, if they occur, are typically conducted remotely. Video surveillance in meeting rooms and restrictions on the use of electronic devices in the detention centre further hinder the quality and effectiveness of legal assistance.

Moreover, all court hearings of asylum-seekers in detention are organized remotely. Asylum-seekers' participation in court hearings is limited, as virtual proceedings often fail to provide a supportive environment for effectively presenting their asylum claims. In UNHCR's view, while remote interviewing arrangements may, in certain instances, facilitate an efficient and expeditious assessment of refugee status claims, they should only be relied upon as an exceptional measure, given the challenges and limitations associated with them, particularly for applicants who have specific needs or vulnerabilities.³³

Recommendations:

- Ensure that professional free legal assistance and representation is available at all stages of the asylum process, including to applicants in detention.
- Guarantee the automatic provision of legal aid to asylum-seekers with specific needs, including individuals with disabilities, victims of trauma, and unaccompanied children.
- Provide unhindered access of UNHCR, NGOs and UNHCR's legal partners to persons at the border and detention facilities to deliver assistance and legal counselling.

Issue 4: Prevention and response to gender-based violence

During the last decade, Estonia has made notable efforts in preventing, mitigating risks, and responding to gender-based violence (GBV). The country dedicated significant efforts and resources to enhance its policies, legislation, and practices. Notably, forcibly displaced and stateless persons have been integrated into the state protection system ensuring access to GBV-related support and services on the same footing as citizens.

In 2024, UNHCR conducted the Socio-Economic Insights Survey in Estonia.³⁴ Findings show that there is relatively low awareness about the existing GBV services among refugees. While the respondents were familiar with safety and security services, such as the police and safe shelters, as well as health support, fewer respondents were aware of psychosocial services, dedicated helplines, or legal assistance.³⁵ Additionally, men were more likely than women to lack awareness of available GBV services.³⁶

The UNHCR commissioned a study, which was conducted from October 2024 to January 2025, and reflects the results of the desk research, assessment of current legislation and interviews conducted with service providers and forcibly displaced and stateless people.³⁷ The study has shown that referral pathways for forcibly displaced and stateless survivors of GBV are in place, and that victim support services are generally accessible to refugees and

³² **Challenges in Accessing State-Funded Legal Aid:** 1) *Time Constraints:* asylum-seekers have only 10 calendar days to appeal a negative decision. Delays in submitting legal aid applications and the Bar Association's 24-hour attorney appointment process often leave lawyers just 2–3 days to prepare the appeal. 2) *Fee Exemption Delays:* Attorneys frequently need to request exemption from the state fee, which can further slowdown proceedings. 3) *Limited Case Access:* Lawyers do not receive full case materials, such as PBGB-collected information, until after the first court decision, typically issued within 30 days. 4) *Low Appeal Success Rates:* Appeals rarely succeed at the first or second instance, and most cases are not eligible for Supreme Court review. 5) *Reduced Compensation:* courts commonly cut the attorney's requested legal aid fee by around 50 per cent.

³³ UNHCR, *Key Procedural Considerations on the Remote Participation of Asylum-Seekers in the Refugee Status Determination Interview*, 15 May 2020, <https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123213>.

³⁴ UNHCR, *2024 Estonia Socio-Economic Insights Survey*, 26 January 2025, [Document - Socio-Economic Insights Survey \(SEIS\) Estonia 2024](#).

³⁵ *Ibid.* page 17: *If someone in your community is subject to GBV and asks for your help, would you be able to tell this person about the following services: in this area: safety and security services - 70%; health services - 66%; psychological services - 41%; specific helpline to call and request a service - 37%; and legal assistance - 30%.*

³⁶ *Ibid.* 40 per cent vs. 28 per cent.

³⁷ UNHCR, *Study on Accessibility of Gender-Based Violence Support Services for Forcibly Displaced and Stateless People in Estonia*, 28 July 2025, <https://www.unhcr.org/neu/135715-new-study-on-accessibility-of-gender-based-violence-support-services-for-forcibly-displaced-and-stateless-people-in-estonia.html>.

individuals with temporary or subsidiary protection.³⁸ However, some challenges remain with access to services in practice, including language barriers, barriers to self-identification and help-seeking due to stigma, trauma and cultural differences. Recognizing oneself as a survivor of violence and seeking help from the police can be challenging. While there is general awareness about GBV, the sensitivity of these issues, combined with cultural factors, likely contributes to underreporting among forcibly displaced individuals.³⁹

Additionally, limited coordination between institutions, gaps in professional capacity, and the partial involvement of key actors can affect how support is delivered and accessed. Although health institutions provide GBV-related services, they typically operate independently from other institutions, resulting in fragmented support rather than as a more cohesive system.⁴⁰

Recommendations:

- Enhance access to GBV related information and interpretation services, ensuring materials are culturally and linguistically appropriate.
- Ensure survivor-centered and trauma-informed approaches across all GBV services, that respect diverse backgrounds, informed consent and confidentiality.
- Strengthen multisectoral coordination mechanisms, including joint protocols, referral pathways, and enhance capacity of social workers on GBV.
- Launch targeted public awareness campaigns to address stigma, cultural barriers, fears of retaliation, and promote help seeking among all affected groups.

Issue 5: Statelessness

Estonia is the only country among the Nordic and Baltic countries, which has not acceded to either of the *UN Statelessness Conventions*. National law does not contain a definition of a stateless person and there are no statelessness determination procedures. Consequently, there is no precise information available about stateless persons who may have come to Estonia in the migratory context and who have not been granted a legal basis for residing in Estonia or those who remain stateless due to conflict of nationality laws or other factors.⁴¹

The *Citizenship Act* has been amended to provide for acquisition of citizenship for children born in Estonia who have either one or two stateless parents, and who have permanently resided in Estonia for at least five years.⁴² However, the Chancellor of Justice has recently revealed that the law prevents stateless children born in the country from acquiring citizenship if their parent has held a residence permit for less than five years prior to the birth of the child, even if that requirement is met later.⁴³ In addition, the law does not apply to stateless children who are 15-17 years old and does not regulate the situation when one or both parents possess a nationality but cannot confer it on their child. In practice, the authorities still report 66 children with undetermined citizenship.⁴⁴ Thus, the current citizenship legislation is not fully in line with Estonia's international obligations under Article 7 of the UN Convention on the Rights of the Child, which sets out that every child has the

³⁸ *Ibid*, page 40: The victim support services are provided by the Social Insurance Board and are available in all counties of Estonia. The interviewees gave positive feedback about the services they received.

³⁹ *Ibid*, page 41-42: Interviews revealed that many refugees are unaware of their rights, where to seek services, or to whom to turn in case of a need. They often do not know that they are entitled to assistance and financial compensation for damages. According to interviewees, information about available services is too scattered and not easily accessible for those in need. Language barriers were also highlighted as a significant concern. Limited proficiency in Estonian places vulnerable individuals in a more difficult position, as it can restrict access to essential information and hinder communication with service providers.

⁴⁰ *Ibid*, page 40: Interviews revealed that health institutions are not fully integrated into the broader referral system, which may limit coordination and continuity of care for survivors.

⁴¹ Statelessness can occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States and transfers of territory between existing States; and gaps in nationality laws. For details see UNHCR resources available on: <https://www.unhcr.org/ending-statelessness>.

⁴² See Note 8 above, *Citizenship Act*, Section 13(4) Acquisition of Estonian citizenship as minor.

⁴³ ERR News, *Watchdog Points to Loophole Leaving Children Born in Estonia Without Citizenship*, 17 February 2025, <https://news.err.ee/1609607858/watchdog-points-to-loophole-leaving-children-born-in-estonia-without-citizenship>.

⁴⁴ Statistics Estonia, *Population by Country of Birth/Citizenship, County, Sex and Age Group*, 1 January [2025]: there are 3 children aged 0-4, 9 - aged 5-9, 23 - aged 10-14, and 31 persons aged 15-19: https://andmed.stat.ee/en/stat/rahvastik_rahvastikunaitajad-ja-koosseis_rahvaarv-ja-rahvastiku-koosseis/RV069U.

right to acquire a nationality from birth, *"in particular where the child would otherwise be stateless"*.

Amendments to the Citizenship Act relating to deprivation of citizenship were adopted in August 2022.⁴⁵ UNHCR had expressed concerns about several elements of the amendments which, once adopted could leave some individuals stateless and underlined that deprivation of nationality is permissible under international law as long as it is not arbitrary and does not result in statelessness.⁴⁶

Furthermore, a 2024 study commissioned by the Ministry of Culture and the Integration Foundation found that *65 per cent* of stateless residents are willing to apply for Estonian citizenship, citing strong ties to the country, but face key barriers such as limited language skills, and financial constraints, highlighting the need for tailored support measures.⁴⁷ Stateless persons may apply for naturalization only after eight years of residence. Greater facilitation of naturalization for stateless persons would permit them to more efficiently integrate into society.

Recommendations:

- Accede to the 1954 and the 1961 *Statelessness Conventions*.
- Introduce a legal framework for the effective identification, statelessness determination and protection of stateless persons.
- Provide automatic citizenship to all children born in Estonia who would otherwise be stateless, including through eliminating the permanent residency requirement from the related procedure.
- Reduce statelessness through facilitating naturalization for stateless persons, including reducing residency requirements for naturalization.

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⁴⁵ See Note 8 above, *Citizenship Act, Section 28(1¹) Deprivation of Estonian citizenship*.

⁴⁶ UNHCR, *UNHCR Observations on the Draft Law 217 to Complement Section 28 of the Citizenship Act*, 16 October 2020, <https://www.refworld.org/legal/hatlegcomments/unhcr/2020/en/123364>.

⁴⁷ Balti Uuringute Instituut, *Residents with Undetermined Citizenship in Estonia: Attitudes, Identity and Obstacles to Acquiring Citizenship* (Tallinn: Eesti Integratsiooni Sihtasutus / Kultuuriministeerium), 2024, <https://www.integratsioon.ee/sites/default/files/MKE-uuringuaruanne.pdf>.