

11th Session of the Forum on Minority Issues

Item: “Statelessness resulting from conflicts, forced population movements and migration affecting minorities: main challenges and possible solutions”

29 November 2018, 15:00-18:00

Palace of Nations, Geneva, Switzerland

Association of Lawyers of Russia

Dear Madame Chair,

Dear Participants of the Forum,

The issue of statelessness being considered today is very relevant, as the Special Rapporteur on Minority Issues, Mr. Fernand de Varennes, correctly notes in his report. Important aspects related to statelessness were also reflected in the reports of the previous Special Rapporteur, Madame Rita Izsak, who is chairing today's session.

From a legal perspective, the phenomenon of mass statelessness in modern-day Europe, in particular in Latvia and Estonia, draws our attention. The institution of “non-citizens” in these countries was introduced following the collapse of the USSR. Most “non-citizens” were former citizens of the USSR living in the Latvian and Estonian union republics, and more than half of those belonging to this category are ethnic Russians. Such a policy can be fully considered discriminatory. The political, labor, economic, and social rights, and the right to freedom of movement and a number of family rights of “non-citizens” in Latvia and Estonia are restricted.

While the Estonian government is taking certain measures to simplify procedures for the obtainment of citizenship by children born in Estonia, in Latvia, all children whose parents are “non-citizens” automatically receive the status of “non-citizen” at birth, despite the fact that they are born on Latvian territory.

The Russian-speaking minority in these countries require protection and a guarantee of their basic rights and freedoms. Taking into account Russian experience and legislation related to the provision of citizenship, we believe that it is important to adhere to the following principles in relation to this issue:

- prevention of discriminatory policies in relation to the Russian-speaking minority in countries of Europe;
- guarantee and provision of social and economic rights in relation to stateless people residing on the territory of certain states on an equal basis with citizens of that state;
- ensuring the right of stateless people permanently residing in the relevant state to elect and be elected to local administrative bodies and to participate in local referenda;
- simplifying procedures for obtaining citizenship by individuals with a “close link” to the relevant state (work experience, education obtained in a certain state, birth on the territory of that state);
- special protections and guarantees of the right to citizenship of children whose parents are foreign citizens or stateless people;
- taking into account all factors that resulted in a person becoming stateless (collapse of the USSR, conflicts, parents are stateless, etc.).

The Association of Lawyers of Russia itself works actively in the field of legal education and provides free legal consultations. 84 regional offices of the Association regularly organize days of free legal aid, as part of which all categories of the population have the opportunity to receive free counseling, including on citizenship issues. We express our willingness to act for the protection of minorities, especially for the rights and legal interests of Russian compatriots abroad.

Thank you for your attention.

Note

Russian legislation includes norms aimed at reducing statelessness. Relevant laws provide for a simplified procedure for obtaining citizenship by stateless people residing in the Russian Federation, as well as for those who were resided or are residing in states that were former republics of the USSR.

Stateless people, whose status in Russia is considered equal to that of foreign citizens, enjoy the same rights and obligations in its territory as Russian citizens, with the exception of individual cases. Foreign citizens and stateless people permanently residing in Russia, in other words, people with a residence permit, have the right to elect and be elected to local administrative bodies and to participate in local referenda in the cases and manner established by the legislation of Russia.

The law also provides for a simplified procedure for obtaining Russian citizenship for several categories of foreign citizens and stateless people (Art. 14 Federal Law No. 62 on citizenship, 2002). In addition, children whose parents are both foreigners or stateless people, obtain citizenship of the Russian Federation at birth (Art. 12 Federal Law on Citizenship).

Chamy Vu (Ms.)

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