

Language policy in Latvia

by Giovanni Poggeschi

Abstract

Latvia has been accepted in the European “club” the 1st May 2004. To fulfill the European criteria, Latvia has been forced to change some of its provisions about citizenship. The linguistic legislation, which is another pillar of the juridical system, and which tends to create a monolingual society (at least in the public sphere) has been also declared totally legitimate.

The (re)building of one Nation State must foresee a system where the founding nation is prevailing on the others, nevertheless minorities must be protected and respected. The author of this essay justifies the linguistic measures, enshrined in the State Language Law of 1999 and in the Reform of Education of 1998 and criticizes the citizenship provisions (though they have been bettered) which exclude many legal residents from the political decision-making.

Summary

1. Introduction
2. The normative framework
3. The main contents of the State Language Law of 1999
4. Education
5. The citizenship legislation
6. The Latvian and European jurisprudence related to the Latvian linguistic policy
7. Conclusions

1. Introduction

Latvia has radically changed its sociolinguistic situation in the last 15 years. In 1989 the official languages of the Soviet Republic of Latvia were two: Russian, which was official in all the territory of Soviet Union, and Latvian, the proper language of the Republic, which was also official inside it. The Latvian language was thus largely used and recognized –like, to a lesser extent, the other minority languages, especially in the field of education-, nevertheless Russian was overwhelmingly stronger in its status of international language of this area of the world. We can say that Latvian was from the sociolinguistic point of view a minority language: today the situation is opposite, Latvian is a majority language, while Russian is a minority language inside the new democratic, and member of the European Union, Republic of Latvia.

According to the census of 2000, the percentage of Latvians has increased to 57.6%, Russians have decreased to 29.6%, Poles are at 2.5%, Ukrainians 2.7%, Belarussians 4.1%, Lithuanians 1.4%, and Jews 0.4%. The figures regarding mother languages differ slightly: 62% of the inhabitants have indicated Latvian as their native language, and the Russian language is spoken by the second highest percentage among the native languages at 36.1%.¹

Two things have to be clear: the residents of Latvia do not coincide with the citizens of it, and the difference between the “ethnic” and “linguistic” identity may be explained by the ancient Soviet system of indicating in the official documents the nationality, which is inherited by the father and that does not hinder the possibility of a “language shift”.

¹ Data can be seen at <<http://www.csb.lv/Satr/atsk2.htm>>

The case of Latvia is very interesting to analyse, because it shows from one side the need and the wish to recreate a national frame which justifies the adoption of measures to promote the State language which may appear demanding, but which have to be understood as policies in favour of an endangered language whose survival is fundamental for the survival of the nation itself.² Language is one of the most relevant features of a nation, and this is also the case for Latvians, who have shown a high degree of loyalty towards their language.

This article will first analyse the legislation on the language of the Republic of Latvia, which, after some initial remarks has been considered compatible with the general human rights standards and with the European legislation. In fact Günter Verheugen, EU Commissioner responsible for enlargement, declared that Latvia fulfils all the criteria in the field of societal integration and has complied with all international requirements regarding its ethnic minorities.³ This analysis will be followed by some critical statements of the provision about citizenship in Latvia, which are relevant for the members of linguistic minorities.⁴

2. The normative framework

According to Article 4 of the Constitution of 1922, revised and "revitalized",⁵ "The Latvian language is the official language in the Republic of Latvia". Also, on April 30, 2002, as a part of so-called "language amendments" to the Constitution, Article 18 was supplemented with the provision that every MP is obliged to swear or to give a promise "to be loyal towards Latvia, strengthen its sovereignty and the Latvian language as the sole State language, defend Latvia as an independent and democratic State, fulfill his/her duties in good faith, observe the Constitution and the laws."

Soon after the restoration of democracy and independence, Latvia enacted a law with the aim of strengthening the Latvian language, the "Valsts Valoda Likums" or State Language Law of 1992. This law allowed, even if in limited cases, the use of other historical languages of Latvia, like Russian and German, nevertheless the only official language was the State language, i.e. Latvian.

The new State Language Law, established in 1999, is much more "demanding" than the former. For instance, according to Article 5 of this Law, "Any other language used in the Republic of Latvia, except the Liv language (an old Finn language spoken only by few dozen people), shall be regarded, within the meaning of this Law, as a foreign language."

3. The main contents of the State Language Law of 1999

This law has a double nature: from one side it is a very typical normative tool for the majority, but from the other side it reflects a spirit of defense and promotion of the local language which makes it similar to other language laws in Europe which enhance a kind of "affirmative action" policy. This spirit of promotion of an endangered language is also present in the Catalan law of linguistic policy⁶ and even in the French linguistic law of 1993.⁷

² A Latvian author stresses the fact that still today there is a lack of equality between Russian and Latvian, and this justifies the measures in favour of the Latvian language: DRUVIETE I., *La situation sociolinguistique de la langue lettone*, in MAURAIIS J. (sous la direction de), *Les politiques linguistiques des Pays baltes*, Saint-Laurent (Québec-Canada), Les Publications du Québec, 1998, p. 144.

³ VAN ELSUWEGE P. *Russian-Speaking Minorities in Estonia and Latvia: Problems of Integration at the Threshold of the European Union*, ECMI Working Paper n. 20, 2004, p. 7. The text is available on line at <http://www.ecmi.de/doc/public_papers.html>

⁴ It is also available in Internet the article of Ina Druviete: <<http://www.gencat.cat/llengua/noves>> Noves SL, Winter 2001, Druviete.

⁵ This Constitution was "frozen" for nearly 70 years, then it replaced the Soviet Constitution(s) which have been in power in this period.

⁶ POGGESCHI G. *Le nazioni linguistiche della Spagna autonómica*. Padova: CEDAM, 2002, pp. 134-194.

⁷ DEBBASCH R. "La reconnaissance constitutionnelle de la langue française". *Revue française de droit constitutionnel*, 1992, p. 457 e ss.

The purpose of this Law, according to Article 1 are:

- a) the preservation, protection and development of the Latvian language;
- b) the preservation of the cultural and historical heritage of the Latvian nation;
- c) the right to use the Latvian language freely in any sphere of life in the whole territory of Latvia;
- d) the integration of national minorities into Latvian society while respecting their right to use their mother tongue or any other language;
- e) the increase of the influence of the Latvian language in the cultural environment of Latvia by promoting a faster integration of society.

It is important to underline both the aim of strengthening the local language, which needs support policies for that, and at the same time the concern for the integration of national minorities into the Latvian society. In order to reach this goal, the members of national minorities must learn the Latvian language, but they are assured the use of their language in the private sphere.

The fundamental provisions for the use of the Latvian language in public and private institutions are contained in Article 2, 6 and 7, which state as follows:

Article 2

(1) This Law shall regulate the use and protection of the state language at state and municipal institutions, courts and agencies belonging to the judicial system, as well as at other agencies, organisations and enterprises (or companies), in education and other spheres.

(2) The use of language in private institutions, organisations and enterprises (or companies) and the use of language with regard to self-employed persons shall be regulated in cases when their activities concern legitimate public interests (public safety, health, morals, health care, protection of consumer rights and labour rights, workplace safety and public administrative supervision) (hereafter also: legitimate public interests) and shall be regulated to the extent that the restriction applied to ensure legitimate public interests is balanced with the rights and interests of private institutions, organisations, companies (enterprises).

(3) The Law shall not regulate the use of language in the unofficial communication of the residents of Latvia, the internal communication of national and ethnic groups, the language used during worship services, ceremonies, rites and any other kind of religious activities of religious organisations.

Article 6

(1) Employees of state and municipal institutions, courts and agencies belonging to the judicial system, state and municipal enterprises, as well as employees in companies in which the state or a municipality holds the largest share of the capital, must know and use the state language to the extent necessary for the performance of their professional and employment duties.

(2) Employees of private institutions, organisations, enterprises (or companies), as well as self-employed persons, must use the state language if their activities relate to legitimate public interests (public safety, health, morals, health care, protection of consumer rights and labour rights, workplace safety and public administrative supervision).

(3) Employees of private institutions, organisations and enterprises (or companies), as well as self-employed persons who, as required by law or other normative acts, perform certain public functions must know and use the state language to the extent necessary for the performance of their functions.

(4) Foreign specialists and foreign members of an enterprise (or company) administration who work in Latvia must know and use the state language to the extent necessary for the performance of their professional and employment duties, or they themselves must ensure translation into the state language.

(5) The required level of the state language proficiency of the persons referred to in paragraphs 1, 2 and 3 of this Article, as well as the assessment procedure of their state language proficiency, shall be set by the Cabinet of Ministers.

Article 7

(1) The state language shall be the language of formal meetings and other business meetings held by state and municipal institutions, courts and agencies belonging to the judicial system, state or municipal enterprises and companies in which the state or a municipality holds the largest share of the capital. If the organisers consider it necessary to use a foreign language during the meeting, they shall provide translation into the state language.

(2) In all other cases when a foreign language is used at formal meetings and other business meetings, the organiser shall provide translation into the state language if so requested by at least one participant of the meeting.

The above-quoted provisions show the will to assure a strong presence of the State language also in the private sector,⁸ even if it is necessary to underline that expressions like “to the extent necessary” make less rigid the obligation to use only the Latvian language in international meetings or in activities that concern minorities.

This law has caused several discussions, particularly by the speakers of minority languages. The aim of the State Language Law (followed by a few regulations which make it more effective⁹) is well founded: it is the strengthening of a rare and “delicate” language, spoken by a small percentage of the population of the world, in which the national feeling of Latvia and its identity find a privileged place. In order to save Latvian it is necessary to promote strong linguistic policies, and members of the linguistic minorities must be aware of the importance of learning the state language. Somebody has pointed that it is too much to demand a linguistic change of attitude of non-Latvians in a few years: the all mentality of the members of the national minorities must switch from the feeling of being the majority to the reality of being a minority.¹⁰

There is a special authority which controls the effectiveness of the linguistic policies. In fact, according to Article 26:

(1) The State Language Centre shall monitor the observance of this Law in the Republic of Latvia.

(2) The State Language Centre shall be subordinate to the Ministry of Justice, and Statutes of the Centre shall be approved by the Cabinet of Ministers.

⁸ In the world literature on linguistic rights in the private sector the most important work is MILIAN MASSANA A. *Público y privado en la normalización lingüística. Cuatro estudios sobre derechos lingüísticos*, Barcelona: Atelier Editorial, 2001.

⁹ The text of the State Language Law of Latvia and the following regulations can be viewed in Internet at the following address: <<http://dev.eurac.edu:8085/mugs2/browse.jsp>>

¹⁰ About Russians in neighbouring countries see LAITIN D. *Identity in Formation: The Russian-Speaking Populations in the Near Abroad*. Ithaca, New York: Cornell University Press, 1998.

4. Education

In 1995, there were more than 20 different minority cultural societies functioning, and it was possible to be educated in one of the eight languages in Russian, Jewish, Polish, Estonian, Ukrainian, Lithuanian, Roma and Belarusian Schools, which were state-financed.¹¹ The smaller ethnic groups like Tatars, Armenians, Azeris, Germans and Livs could received education in their languages in Sunday school.¹²

The education law of 1991 gave individuals the right to be educated in their native language, and at the same time it stated that all children must be taught the State language. This communitarian approach had to change, and the fundamental normative instrument which shows this shift is the Education Law of 1998. This law foresees the introduction of Latvian as the language of education in all State secondary schools and the implementation of bilingual education in primary school starting from 1st September 2004. The Latvian educational system has been described as "the most important driving force of the integration process".¹³

The most relevant articles of the Education Law are the following:¹⁴

Article 9. Language of acquiring of education

(1) At state and municipal education institutions education shall be acquired in the state language.

(2) Education may be acquired in another language:

a) at private education institutions;

b) at state or municipal education institutions which implement education programs of national minorities. The Ministry of Education and Science shall determine the subjects of these programs which have to be taught in the state language;

c) at education institutions prescribed by special laws.

(3) Every person to be educated, in order to acquire primary or secondary education, shall master the state language and take examinations of the state language to the extent and in accordance with a procedure set by the Ministry of Education and Science.

(4) Examinations for professional qualification shall be taken in the state language.

(5) Papers necessary for qualifying for an academic degree (Bachelor's or Master's degree) and a scientific degree (Ph.D.) shall be written and presented in the state language, except for cases provided for by other laws.

(6) Raising of professional qualification and changing of a profession which is financed from the state or a municipal budget, shall be in the state language.

¹¹ DOBSON J. *Ethnic Discrimination in Latvia*, in O'REILLY C. (editor) *Language, Ethnicity and the State* (vol. 2). *Minority Languages in Eastern Europe post-1989*, New York: Palgrave, 2001, p. 172.

¹² *Ibidem*

¹³ *National Programme "The Integration of Society in Latvia"*, Riga, 2001, at <<http://www.ng.gov.lv>> , p. 56.

¹⁴ For the full text see

<http://www.minelres.lv/NationalLegislation/Latvia/Latvia_Education_English.htm>

Article 41. Programs of Education for National Minorities

(1) Education institutions shall prepare education programs for national minorities in accordance with state standards of education, using as a basis general education models which have been approved by the Ministry of Education and Science.

(2) Minority education programs shall include in addition the necessary content [required] for acquiring the appropriate ethnic culture and integration of the minority in Latvia [into Latvian society].

(3) The Ministry of Education and Science shall determine the subjects for study in minority education programs which are to be studied in the state language.

According to the foreseen schedule, the subjects, which could be taught in minority languages in minority secondary schools after September 1, 2004, are only minority languages themselves, as well as subjects, "related to minority identity and culture".

A struggle has arisen,¹⁵ because the Russian speaking persons consider those provisions as discriminating them. The new situation may cause the consequence of the growth of private Russian-language schools, "an option only available to the children of the wealthy".¹⁶

Surely the issue of education is very sensitive, but it is consequent for the Latvian authorities to create a system in which the Latvian language is pivotal. Such a system is bound not to create linguistic ghettos, in which the people do not know the State language. The integration of the non Latvian speakers has its starting point in the educational system. The "sacrifice" to this integration are some linguistic rights of the Russian speaking minority, but this has to be understood from the optic of the building of a Nation-State which respects the minorities, but which does not consider their status as equal to the status of the majority, which corresponds to the founding nation.

5. The citizenship legislation

The Latvian legislation on the State language, and the related legislation on education, must be understood as an effort to provide a strong basis for the recuperation of a language which, even if it is the majority language, have to be considered an "endangered language".

What raises more founded doubts about the Latvian legislation on minorities is the package of provisions regarding citizenship. Some commentators have described those measures as an unconfessed, but existing, desire to erase most of the Russian speaking people from Latvia, making them leave the country.

The Law on Citizenship of 1993 and the connected regulations, even though their most extreme aspects have been amended to meet the European requirements in 1998, limit the immediate access to Latvian citizenship to those who already had it in 1940 (when Latvia lost its sovereignty) and their descendants, and to those who were born in Latvia after 1991: for other people, there has to be a "naturalization process," according to the so called "window-system", which stipulates a maximum number of "naturalizations" every year. The consequence is that around 600,000 residents of Latvia are still stateless: they are granted certain rights (mostly given through the law on the status of former Soviet citizens), but they are not entitled to fundamental political rights.¹⁷

¹⁵ The Minelres Archive has published since 1999 the electronic newsletter "Minority issues in Latvia", a precious source of information: <<http://www.minelres.lv/MinIssues/info/2004/80.html>> The latest issue of this newsletter is available at <<http://lists.delfi.lv/pipermail/minelres/2004-April/003303.html>>

¹⁶ DOBSON J. *Ethnic Discrimination in Latvia*, cit., p. 173.

¹⁷ <<http://www.oscewatch.org/CountryReport.asp?CountryID=14>>

More precisely, according to Article 2 Citizens of Latvia are:

"1) Persons who were citizens of Latvia on June 17, 1940 and their descendants who have registered according to the procedures established by law, except persons who have become citizens (subjects) of another state after May 4, 1990."¹⁸

It is thus undoubted that the "European Commission recommendations contributed to changes in citizenship and language legislation. In 1998, for instance, Latvia abolished the 'window system' and granted, upon request of their parents, citizenship to stateless children born in Latvia after 21 August 1991".¹⁹ In fact, the new text of Article 3 states as follows:

(1) A child who was born in Latvia after August 21, 1991 shall be recognized as a Latvian citizen in the procedure determined in the second or third Parts of this Article, if he/she corresponds with the following requirements:

- 1) Latvia is his/her permanent place of residence;
- 2) He/she was not sentenced to imprisonment for committing a crime for longer than five years within Latvia or any other country;
- 3) He/she throughout all previous time was a stateless person or a non-resident.

Those changes are very important and they reflect the intention of the Latvian government to embark on a new direction in its ethno-political policy "after it became clear that six years of large-scale exclusion was only deepening ethnic separation in society".²⁰

6. The Latvian and European jurisprudence related to the Latvian linguistic policy

It is interesting to analyze some domestic and international judgments about language and minority rights in Latvia, also to underline how differently those issues are tackled in different ways according to the different parameters (and also sensibilities).

The *Mentzen* or *Mencena* judgment of the Latvian Constitutional Court of 21 December 2001 has been so far the most relevant high domestic Court case in Latvia.²¹ On July 13, 2001 Juta Mencena (hereafter the applicant) submitted a claim at the Constitutional Court, because after marrying a citizen of the German Federal Republic, Ferdinand Carl Friedrich Mentzen, the Department of Citizenship and Migration Affairs issued her a passport, spelling her surname Mencena. The passport's page 14 indicated in English that the original form of the surname was Mentzen.

The Constitutional Court declared the legitimacy of article 19 of the state language law which states that "Names of persons shall be presented in accordance with the traditions of the Latvian language and written in accordance with the existing norms of the literary language, observing the provisions of paragraph two of this section." Paragraph two, together with Regulation of the Cabinet of Ministers No. 295 of 22 August 2000, belongs to the case invoked by Ms. Mentzen (or Mencena), stating that:

¹⁸ The article follows: 1¹) Latvians and Livs whose permanent residence is in Latvia, who have registered according to the procedures established by law and who have no other citizenship or who have received an expatriation permit from the state of their former citizenship, if such permit is provided for by the laws of that state.

¹⁹ VAN ELSUWEGE P. *Russian-Speaking Minorities in Estonia and Latvia*, cit. p. 17.

²⁰ PETTAI V. *Definitions and Discourse: Applying Kymlicka's Models to Estonia and Latvia*, in KYMLICKA W. OPALSKI M. *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, Oxford: Oxford University Press, 2001, p. 267.

²¹ <<http://dev.eurac.edu:8085/mugs2/do/blob.html?type=html&serial=1012321939332>>

"There shall be set out in a passport or birth certificate, in addition to the name and surname of the person presented in accordance with the existing norms of the Latvian language, the historic family name of the person, or the original form of the personal name in a different language, transliterated in the Roman alphabet, if the person or the parents of a minor person so wish and can verify such by documents."

This last provision preserves the personal right of the applicant, who may also have her name written in the original form in her passport, along with its Latvian version. But the Court has considered how important and vital for the sociolinguistic situation of the Latvian language may be the "translation" in this language of a foreign name. This practice is deeper-rooted in the Latvian language than in any other Roman alphabet language's spelling.

Two cases regarding the linguistic obligation to know Latvian will be briefly analyzed. The first is the *Ignatane* case,²² adopted by the Human Rights Committee of the United Nations (established under article 28 of the International Covenant on Civil and Political rights). The author of the communication was Ms. Antonina Ignatane, a teacher with Latvian citizenship and of Russian nationality, who in 1993 had been awarded a language aptitude certificate, stating that she had attained level three, the highest level of proficiency. In 1997 she stood for local elections as a candidate of the Movement of Social Justice and Equal Rights in Latvia. On 11 February 1997, she was struck off the list by a decision of the Riga Election Commission, on the basis of an opinion issued by the State Language Board (SLB) to the effect that she did not have the required proficiency in the official language. According to Article 9, paragraph 7 of the "Law on Elections to Town Councils and Municipal Councils" of 13 January 1994, anyone who does not have level 3 (higher) proficiency in the state language may not stand for election. According to article 22, the Election Commission may strike a candidate off the list if this candidate does not meet the requirements corresponding to level 3 of language proficiency in the state language, and that fact must be certified by an opinion of the SLB.

After having exhausted the domestic remedies, and after the domestic Courts had confirmed the validity of the linguistic sanction, Ms. Ignatane claimed that, by depriving her of the opportunity to stand for the local elections, Latvia violated articles 2 and 25 of the Covenant.

The Election Commission's ruling confirmed the earlier decision., and the Human Rights Committee of The United Nations stated that:

"The State Party is of the view that the provisions of the Law on Elections to Town Councils and Municipal Councils comply with the requirements of the International Covenant on Civil and Political Rights, as provided in the Human Rights Committee's General Comment No. 25, article 25, which states that "any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria".

According to the State Party, participation in public affairs requires a high level of proficiency in the State language and such a precondition is reasonable and based on objective criteria, which are set forth in the regulation on the certification of proficiency in the state language. The State party says that, according to those regulations, level 3 proficiency in the State language is required for several categories of persons, including elected representatives. The highest level (level 3) shows an ability to speak the official language fluently, to understand texts chosen at random and to draft texts in the official language, in connection with his or her official duties".

Ms. Ignatane's main argument lay in the fact that she had already obtained a linguistic certificate from the SLB. She also described the conditions under which the examination was carried out: Ms. Ignatane was at work, when the German lesson she was giving to a class of schoolchildren was interrupted and she was required to do a written exercise in Latvian. The examination was carried out by an inspector in the presence of two witnesses, who were teachers employed at the same school. Given the circumstances, Ms. Ignatane maintained that the spelling mistakes and other errors that were used as evidence of her limited proficiency in Latvian should not be taken into account. The Committee's findings were as follows:

²² The full text can be seen at <http://www.riga.lv/minelres/un/cases/UNHRC_Ignatane_2001.html>

"The Committee notes that, in this case, the decision of a single inspector, taken a few days before the election and contradicting language aptitude certificate issued some years earlier, for an unlimited period, by a board of Latvian language specialists, was enough for the Election Commission to decide to strike the author off the list of candidates for the municipal elections. The Committee notes that the State party does not contest the validity of the certificate as it relates to the author's professional position, but bases its decisions on the results of the inspector's review in the matter of the author's eligibility. The Committee also notes that the State party has not contested counsel's argument that Latvian law does not provide for separate levels of proficiency in the official language in order to stand for election, but applies the standards and certification used in other instances. The results of the review led to the author's being prevented from exercising her right to participate in public life in conformity with article 25 of the Covenant. The Committee notes that the first examination, in 1993, was conducted in accordance with formal requirements and was assessed by five experts, whereas the 1997 review was conducted in an ad hoc manner and assessed by a single individual. The annulment of the author's candidacy pursuant to a review that was not based on objective criteria and which the State party has not demonstrated to be procedurally correct is not compatible with the State party's obligations under article 25 of the Covenant".

The Committee concludes that Ms. Ignatane has suffered specific injury in being prevented from standing for the local elections in the city of Riga in 1997, because of having been struck off the list of candidates on the basis of insufficient proficiency in the official language. The Human Rights Committee considers that the author is a victim of a violation of article 25, in conjunction with article 2 of the Covenant.

The second case is *Podkolzina vs. Latvia*, judged by the European Court of Human Rights.²³ It also regards the need of having the linguistic certificate to be able to stand for the elections. Ms. Podkolzina, a native Russian speaker, was a deputy candidate from the People's Harmony Party (the pro-minority coalition For Human Rights in United Latvia) in the parliamentary elections held in October 1998. On 21 August 1998 the Central Electoral Commission struck Ms. Podkolzina from the electoral list on the basis of a provision of the Election Law, viz., because of "insufficient state language proficiency". The decision was taken after the State Language Centre issued the ruling that Ms. Podkolzina's state language proficiency did not correspond to the third level. The reference was based on the results of an examination held by a state language inspector on 7 August 1998, despite the fact that Ms. Podkolzina, like Ms. Ignatane, possess a required third level valid state language proficiency certificate.

Although the Latvian authorities had not contested the validity of that document, the applicant had nevertheless been required to provide a further certificate of proficiency. The assessment had been left to the discretion of a single language inspector, whose powers were considered excessive by the Court. Consequently, it considered that, in the absence of any objective guarantees, the procedure followed in the applicant's case was incompatible with the procedural requirements of fairness and legal certainty in determining eligibility for election.

It is, of course, not for the Court to determine the choice of the working language of a national parliament, "...as that choice was dictated by historical and political considerations and, in principle, was exclusively for the State concerned to determine...", but at the same time the applicant held a valid language certificate which showed that it was possible for her to participate in the activity of the *Saeima* (Parliament) with no major problem. The Court accordingly held unanimously that there had been a violation of Article 3 of Protocol No. 1 (right to free elections).²⁴

²³ A comment of this judgment is made by HOFFMEISTER F. in *American journal of international law*, vol. 97, afl. 3, 2003, pp. 664-669.

²⁴ The text (in French) can be viewed at:

<<http://hudoc.echr.coe.int/hudoc/ViewRoot.asp?Item=0&Action=Html&X=1202194024&Notice=0&NoticeMode=&RelatedMode=0>>

Thus, although the principles enshrined in the State Language Law are fully legitimate, this is not the case for the concrete applications that some civil servants have undertaken. In fact, the “linguistic inspectors” in both cases abused their position to deny a fundamental right to two citizens. The impact of those cases must have been relevant, because the *Saeima* decided, on 9 May 2002, to abolish the state language requirements for deputy candidates in parliamentary and municipal elections.

This concession seems to be compensated by the revision affecting Article 18 of the Constitution, which now has a new provision according to which every Member of the *Saeima* is obliged to give a loyalty oath which includes the promise “to strengthen the Latvian language as the sole state language”.

Another fundamental “piece” of the linguistic policy in Latvia has been brought before the European Court of Human Rights (ECHR), the education reform scheduled for 2004 which will cease state support for secondary education in minority languages.²⁵ It is hard to foresee how the Court will react, but if it is true that the application was submitted arguing that the right to choose the language of teaching has been neglected, then the claim has poor prospects, given the precedent of the *Belgian Linguistic Case* of 1968, which states that the “philosophical convictions” falling under Article 2 of Protocol 1 of the European Convention of Human Rights do not include the right to choose the language of instruction in schools. This principle has also been used in the famous judgment of the Spanish *Tribunal Constitucional* 337/1994 of 23rd December, which declares legitimate the Catalan educational system.²⁶

7. Conclusions

A doctrine which is very critical of the Latvian linguistic and citizenship policies states that “the nationalist project aims to establish a nation-state based on the Latvian language and culture in a territory which is at present highly multicultural, and multiculturalism is rejected because it cannot guarantee supremacy for the titular ethnic group”.²⁷

I only raise the doubt that the term “multicultural” is misused in this framework: what the Latvians institution clearly reject is a system based on the equality of the nationalities which live in its territory. Latvians have the right to rebuild their democracy and their State, taking as a basis their cultural national values, as language. The State is to a large extent “of and for the dominant cultural nation”.²⁸ This implies that members of the minority must be integrated in this State, but the State must also respect and promote some minority rights. In Latvia there is no space for a State based on the political equality of Latvians and Russians (speakers), but a certain degree of multiculturalism must be admitted. It will be the task of the politics to determine how this double task has to be fulfilled.²⁹ What is absolutely not congruent with this double aim is to live out of the political decisions a large sector of the residents of the country. That is why the policies of Latvia should aim to a better integration of the Russian speaking people not only through education, but also allowing a higher level participation in the decision making; and to assure that the citizenship must be granted to all the legal residents in the Latvian republic.

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²⁵ The issue is analyzed in <<http://lists.delfi.lv/pipermail/minelres/2002-October/002356.html>>

²⁶ AA. VV. *La lengua de enseñanza en la legislación de Cataluña*, Barcelona: Col·lecció Institut d'Estudis Autònoms, 1994.

²⁷ DOBSON J. *Ethnic Discrimination in Latvia*, cit., p. 177.

²⁸ BRUBAKER R. *Nationalism Reframed: Nationhood and the National Question in the New Europe*, Cambridge: Cambridge University Press, 1996.

²⁹ STEPAN A. *Arguing Comparative Politics*, Oxford: Oxford University Press, 2001, pp. 189-190.