

## Expert roundtable on Ljubljana Guidelines

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### *Language policy as a key to successful integration: experience of Latvia Outline*

The main idea of the concept of integration/social cohesion – “unity in diversity”. Major components of **effective integration**:

- Shared values
- Command in the official language
- Equality and non-discrimination

The experience of Latvia: both positive and negative results. Hardly possible to “copy-paste” linguistic policies, as the situations and integration challenges in different states are substantially different. In the meantime, some conclusions/lessons learned may be useful.

The language situation in Latvia:

- proportions of Latvian/Russian native speakers
- geographic distribution
- legislative framework
  - – one state language, one indigenous minority language, other – foreign
- main rules for the use of languages
  - reform of the minority education system – bilingual education, 60%:40%

Main challenge: how to promote knowledge and use of the official language so that not to undermine other goals of integration?

Effective language policies: proper balance of “stick” and “carrot”. Too heavy emphasis on “stick” may lead to inequality and marginalization of persons belonging to linguistic minorities.

It is essential to keep in mind the distinction between the symbolic and practical aspects of the language policies. The law-makers should be particularly sensitive with regard to practical aspect, first of all, the rules for use of languages in the areas related to safeguarding basic rights and meeting basic social needs of people.

The concept of legitimate public interest is the key to elaborating effective language policies.

In Latvia, disproportionate emphasis was put on “stick”. Owing, in particular, to extensive assistance on the part of international community, the command in the Latvian language, indeed, radically increased (only 22% of ethnic Russians claimed fluency in Latvian in 1989, while in the late 90s this figure increased till 60%, and in 2010 – till over 80%). As a rule, young people have sufficient command in the Latvian language, while elderly people, particularly residents of traditionally minority-dominated regions where Latvian is rarely used (Latgale) still have limited if any knowledge of the official language. In the meantime, the psychological attitude and motivation to use Latvian has, on the contrary, substantially decreased in comparison with the early 90s: young people who speak Latvian well tend to use it only when this is prescribed by law or required by circumstances, and prefer to use Russian when they have a choice.

Activities of the State Language inspection appears to be of limited success – it is largely seen by a purely punitive and politicized body marred with corruption. In particular, in the situations when employees working in minority-populated areas successfully pass the tests and obtain language proficiency certificates but rarely use Latvian in their

daily work because of lack of demand. When in some years Inspection comes with sudden checks, they are not always answer perfectly. Another example is checks of the teachers who teach their subjects in Russian. According to the law, all teachers working in public schools must have a command of the state language according to the highest level, regardless of the language in which they teach their courses in practice. In these and similar cases, monitoring and examination by the Inspection are widely seen as politically motivated pressure and harassment with the aim to create unfair competition with the Latvian native-speakers. Moreover, quite frequently the Inspection exceeds its competences, trying to conduct checks in the situations not envisaged by law – e.g. to examine the state language knowledge of the heads of NGOs, housing cooperatives etc.

Major issues and areas:

- distinction between public and private spheres. As a rule, a democratic state cannot regulate the use of languages in private sphere. However, the question arises what is public and what is private. Obviously, a state cannot intervene in free choice of languages, in particular, in religious practices, NGOs, as well in family life and informal communications. Prescriptions for the use of languages in the activities of private companies must be proportionate (e.g., with regard to the information provided to state authorities);
- professional and occupational language requirements. A democratic state not only has the right but is also obliged to ensure that civil servants and employees of the state and municipal bodies have a command in the official language. In the meantime, these requirements must be proportional, correspond to the real working duties, and must not lead to unjustified different treatment, i.e. discrimination of the persons belonging to minorities. While the law establishes some general principles, the Government has adopted detailed regulations including

the list of professions and concrete requirements with regard to the state language command necessary to work in these professions;

- spelling of personal names – is particularly complicated when official language uses different script than the language in which the name was originally given. Both the right to a name as a part of the person's identity and practical aspects (identification, recognition of qualifications, property rights, inheritance etc.) should be taken into account;

- language of communication between individuals and state and municipal institutions and bodies is particularly essential to ensure that the basic rights are not effectively denied to some individuals because of lack of knowledge of the official language. Basically, the Framework Convention offers adequate principles (real demand and possibility to use minority languages before public authorities);

- media – it should be taken into account that the freedom of speech covers not only the content of information and ideas, but also a form in which this information is imparted and received, including the language. Besides, restrictions on media in minority language may be detrimental to integration, as the persons belonging to minorities may switch to using trans-frontier media as the main source of information;

- displays, announcements and advertising – also covered by the freedom of expression (opinion of UN HRC on Davidson vs Canada). However, requirements of translation may be justified.

### **Main conclusions:**

- proper balance of a menu of enforcement measures, on one hand, and positive incentives – aimed, first of all, at ensuring free, available and

effective teaching, on the other, are to be found according to local circumstances;

- the rules for using languages in communication with public authorities is of utmost importance. These rules must not permit the situations when lack of command in the official language may lead to effective denial of basic rights to some individuals;

- professional requirements for civil servants must be based on real needs, should not be excessive and disproportionate and must not lead to the discrimination of the persons belonging to minorities in the labour market;

- restriction of media (in particular, TV and radio) in minority languages may provoke the situation when the persons belonging to minorities use trans-frontier media as the main source of information, what could be detrimental to successful integration.