

**Ignatane v. Latvia (Communication No. 884/1999 Latvia. 31/07/2001.
CCPR/C/72/D/884/1999)**

From DADEL

1) Reference Details

Jurisdiction: United Nations Human Rights Committee

Date of decision: 31 July 2001

Link to full case:

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/81b05015054b5075c1256acb004bf9ca?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/81b05015054b5075c1256acb004bf9ca?OpenDocument)

2) Facts

The author of the communication is Ms. Antonina Ignatane, a Latvian citizen of Russian origin. She alleges violation of articles 2 and 25 of the International Covenant on Civil and Political Rights by Latvia. The International Covenant on Civil and Political Rights ("Covenant") entered into force for Latvia on 14 July 1992, and the Optional Protocol on 22 September 1994.

In 1993, the author appeared before a certification board to take a Latvian language test and was awarded a language aptitude certificate to the effect that she had level 3 proficiency (the highest level). The author stood for local elections to be held on 9 March 1997 as a candidate of the Movement of Social Justice and Equal Rights in Latvia list. On 11 February 1997, she was struck off the list by 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. The author filed a complaint with the Central District Court concerning the Election Commission's decision, which she considered illegal. The Court transferred the case automatically to Riga's Circuit Court, which dismissed the case. Her petition to the Latvian Supreme Court was also unsuccessful.

3) Admissibility

The communication was found to be admissible.

4) Merits

The Committee noted that article 25 of the covenant secures to every citizen the right and the opportunity to be elected at genuine periodic elections without any of the distinctions mentioned in article 2, including language. It further observed that in this case the decision of a single inspector taken a few days before the elections was enough for the Election Commission to decide to strike the author off the list of candidates for the municipal elections, when in fact this determination was contrary to a language aptitude certificate issued some years earlier (for an unlimited period), by a board of Latvian language specialists. It made specific reference to the fact that Latvian law does not provide for separate levels of proficiency in the official language in order to stand for election but in fact applies the standards and certification used in other instances. It went on to observe that the results of the review led to the author being prevented from exercising her right to participate in public life in conformity with article 25 of the Covenant. It concluded that the

author had 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.

5) Decision

The Committee found that the author was a victim of a violation of article 25, in conjunction with article 2 of the Covenant. In accordance with article 2, paragraph 3 (a) of the Covenant, the State party is under an obligation to provide Ms. Ignatane with an effective remedy. It is also under an obligation to take steps to prevent similar violations occurring in the future.