



The Constitutional Court terminates legal proceedings in the case regarding prohibition to indicate the name of the street on the sign on the building in a foreign language alongside its name in Latvian

On 17 November 2017, the Constitutional Court adopted a decision on terminating legal proceedings in the case “On Compliance of Section 18(1) and Section 21(1) of Official Language Law with Article 96 of the *Satversme* of the Republic of Latvia”.

The Contested Norms

Section 18 (1) of Official Language Law:

“Place names in the Republic of Latvia shall be created and use thereof shall be in Official language.”

Section 21 (1) of Official Language Law:

“Information provided for public information purposes by State and local government institutions, courts and institutions constituting the judicial system, State and local government undertakings, and companies in which the greatest share of capital is owned by the State or a local government, shall be provided only in Official Language Law, except in cases determined in Paragraph five of this Section. This provision is also applicable to private institutions, organisations, undertakings (companies), and self-employed persons, who perform, on the basis of laws or other regulatory enactments, specific public functions, if the provision of information is related to the performance of the relevant functions.”

Norm of Higher Legal Force

Article 96 of the *Satversme*:

“Everyone has the right to inviolability of his or her private life, home and correspondence.”

The Facts

The case was initiated with respect to an application submitted by Ludmila Rjazanova. The applicant had noted that she had placed to an immovable property in her ownership a number sign of the building, on which the name of the street had been, alongside the official language, indicated also in foreign languages – in English and in Russian. The applicant had been made administratively liable because such sign of the number of the building violated the norms established in Official Language Law.

The applicant holds that the prohibition to indicate on the number sign of the building the name of the street also in a foreign language alongside the Latvian language placed disproportionate restrictions upon her right to inviolability of her private life and home.

The Court's Findings and Decisions

On terminating legal proceedings in the part regarding compliance of Section 21(1) of Official Language Law with Article 96 of the *Satversme* (the right to private life)

The *Saeima* requested termination of legal proceedings in this part, noting that the contested norm that was applied to the applicant – Section 21(1) of Official Language Law – could not have restricted the applicant's fundamental rights, because, essentially, was not applicable to her. The Ombudsman also expressed the opinion that legal proceedings in the case should be terminated. [10.]

The Constitutional Court concluded that it followed from the text of Section 21(1) of Official Language Law and the preparatory materials for its wording that the purpose of this norm was to establish provision of information only in the official language in those cases, where the provider of information performed a public function, excluding from the circle of subjects of this norm those persons, who act in the private sphere. [11.]

Although it was not established in the case of the administrative violation that performance of a public function had been delegated to the applicant by a law or another regulatory enactment, the applicant was made administratively liable, *inter alia*, on the basis of Section 21 (1) of Official Language Law.

The Constitutional Court noted that an erroneous application of a legal norm is not the grounds for reviewing the constitutionality of a legal norm. Since Section 21(1) of Official Language Law does not pertain to the applicant as a private person and, consequently, does not affect her fundamental rights established in Article 96 of the *Satversme*, the Constitutional Court decided to terminate legal proceedings in this part. [11.]

On terminating legal proceedings in the part regarding compliance of Section 18 (1) of Official Language Law with Article 96 of the *Satversme* (the right to private life)

The Constitutional Court concluded that the obligation established in Section 18(1) of the State Language Law to use place names in the official language could not be narrowed by applying it only to institutions of public power, it applied also to private persons. [14.]

The Constitutional Court noted that the prohibition to the applicant to indicate the name of the street, alongside Latvian, also in a foreign language followed from Section 18(1) of Official Language Law and had been applied to her by the binding regulation of the Liepāja City Council, which repeated this prohibition. [15.]

The Constitutional Court drew attention to the fact that the obligation established by Section 18 (1) of Official Language Law both to an institution of public power and a private person to use place names in the official language (within the territory of the Liiv Coast – also in the Liiv language) was a manifestation of the principle of a nation state. [16.]

Strengthening of language in public visual information is essential for mastering the language and facilitating awareness of social cohesion. The Constitutional Court underscored that place names were part of the Latvian cultural heritage, and the State had the obligation to safeguard and protect it. The Latvian language must be protected, irrespectively of the breadth of its actual use or the level of threats that it is subjected to. The signs of the street names, in turn, are public information, which is necessary for public communication. [16.]

In the case under review, creation and placement of the sign denoting the number of the building and the street name are actions of public nature. The purpose of such sign is

promoting clear identification of the respective geographical object and ensuring that the public finds its bearings in the environment (including the urban environment). The Constitutional Court noted that the number of the building and the street name were not a manifestation of the privacy of the owner or legal possessor of the building. Presentation of the content of the sign and the placement thereof do not constitute a private or individual communication between the owner or the legal possessor of the building and the society or an individual representative of society. [19.]

The Constitutional Court found that Section 18 (1) of Official Language Law, insofar it envisaged a prohibition to indicate the name of the street on the number sign of the building also in a foreign language, alongside the Latvian language, did not pertain to the applicant's right to inviolability of private life and home, established in Article 96 of the *Satversme*. The Constitutional Court decided to terminate legal proceedings in this part. [20.]

The Constitutional Court decided:

to terminate legal proceedings in the case “On Compliance of Section 18(1) and Section 21(1) of Official Language Law with Article 96 of the *Satversme* of the Republic of Latvia”.

The decision is not subject to appeal.

The text of the decision [in Latvian] is available on the homepage of the Constitutional Court: http://www.satv.tiesa.gov.lv/wp-content/uploads/2017/01/2017-01_01_Lemums_izbeigsana.pdf.

The press release was prepared with the aim to facilitate understanding of the actual facts of the case. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the homepage of the Constitutional Court www.satv.tiesa.gov.lv.

Ketija Strazda

Assistant to the President of the Constitutional Court

Ketija.Strazda@satv.tiesa.gov.lv

+ 371 67830737, + 371 26200580