#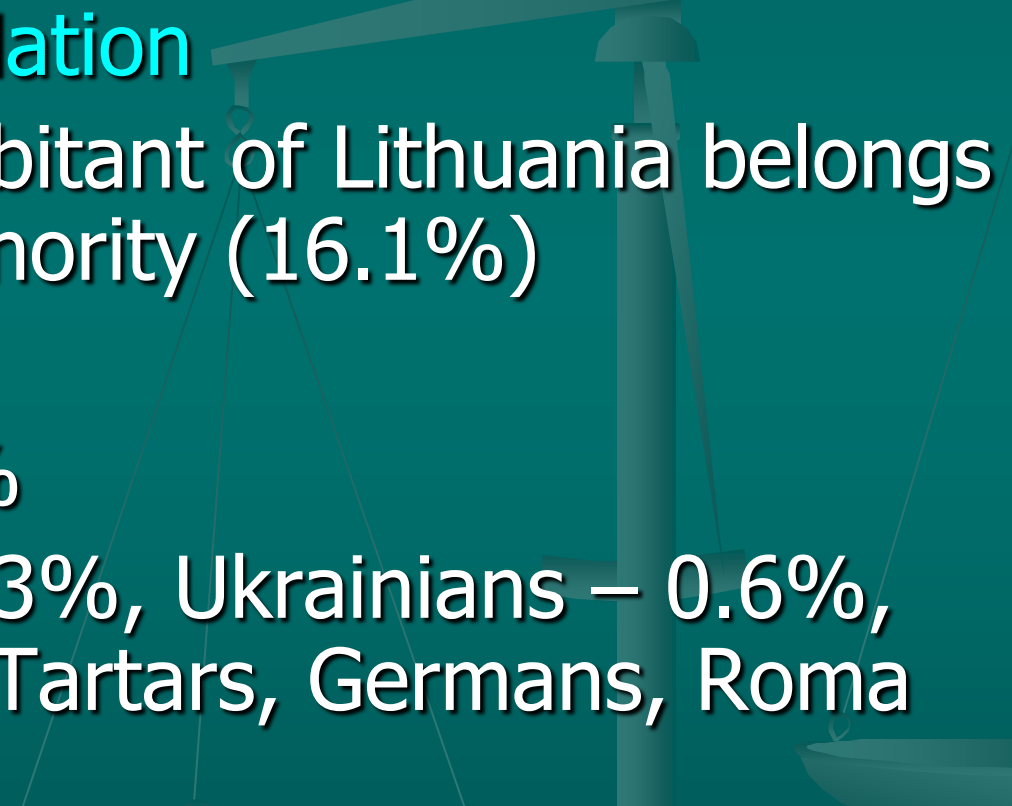 Linguistic rights of persons belonging to national minorities in Lithuania in the light of constitutional concept of state language

Elżbieta Kuzborska, Ph.D.

Mariehamn, 27 September 2012

General information on Lithuania

Census 2011

- 3.053 mln population

- every sixth inhabitant of Lithuania belongs to a national minority (16.1%)

- Poles – 6.6%

- Russians – 5.4%

- Belarusians – 1.3%, Ukrainians – 0.6%, Jews, Latvians, Tartars, Germans, Roma and other

General information on protection of national minorities in Lithuania

- *Constitution*

art. 37 Citizens belonging to ethnic communities shall have the right to foster their language, culture, and customs

art. 45 Ethnic communities of citizens shall independently manage the affairs of their ethnic culture, education, charity, and mutual assistance.
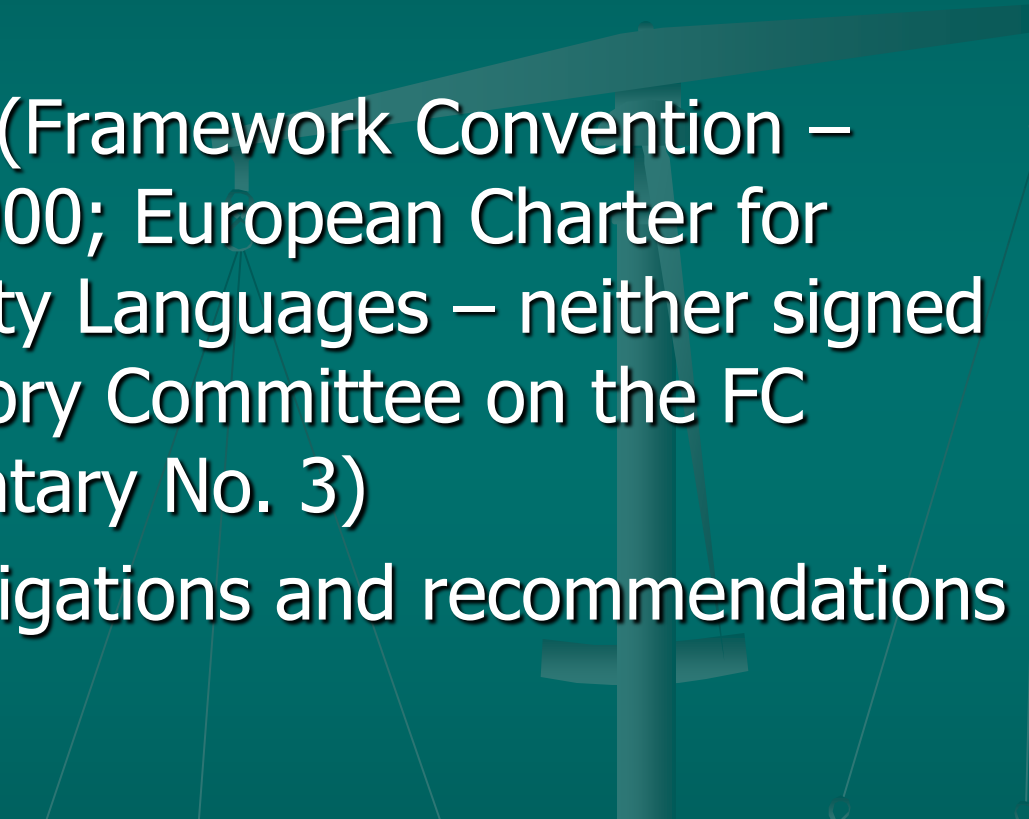Ethnic communities shall be provided support by the State

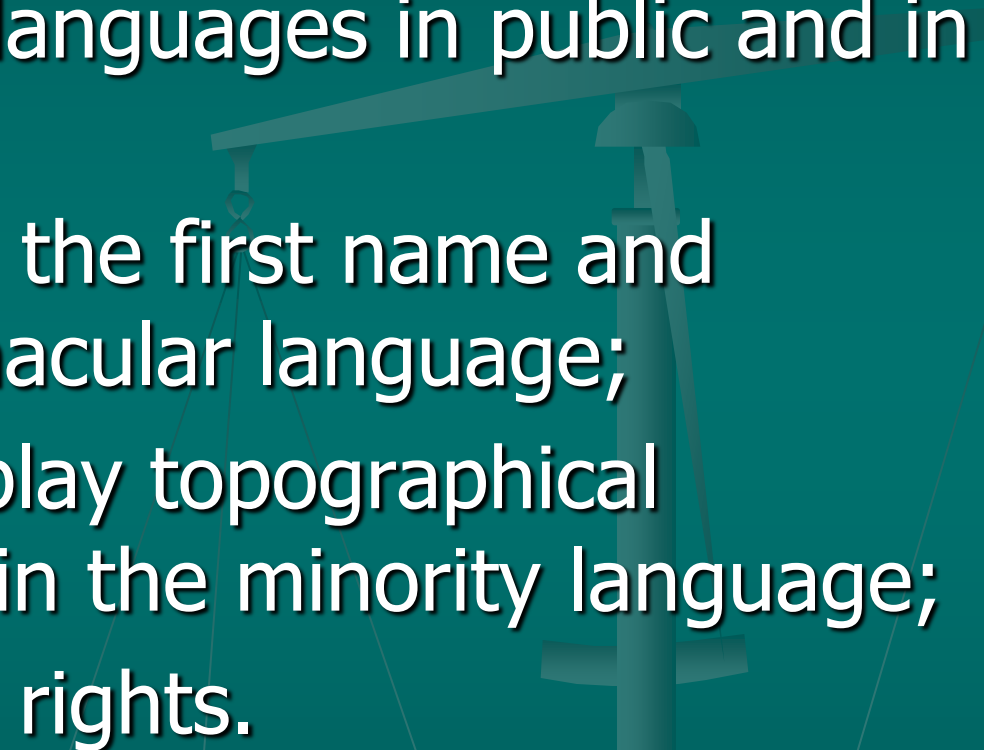- *Law on National Minorities* (1989, amended in 1991), expired on January 1, 2010

currently no project of the new regulation is considered in Lithuanian Parliament (Seimas)

Lacks in institutional framework – Department of NM and Emigration dissolved in the end of 2009
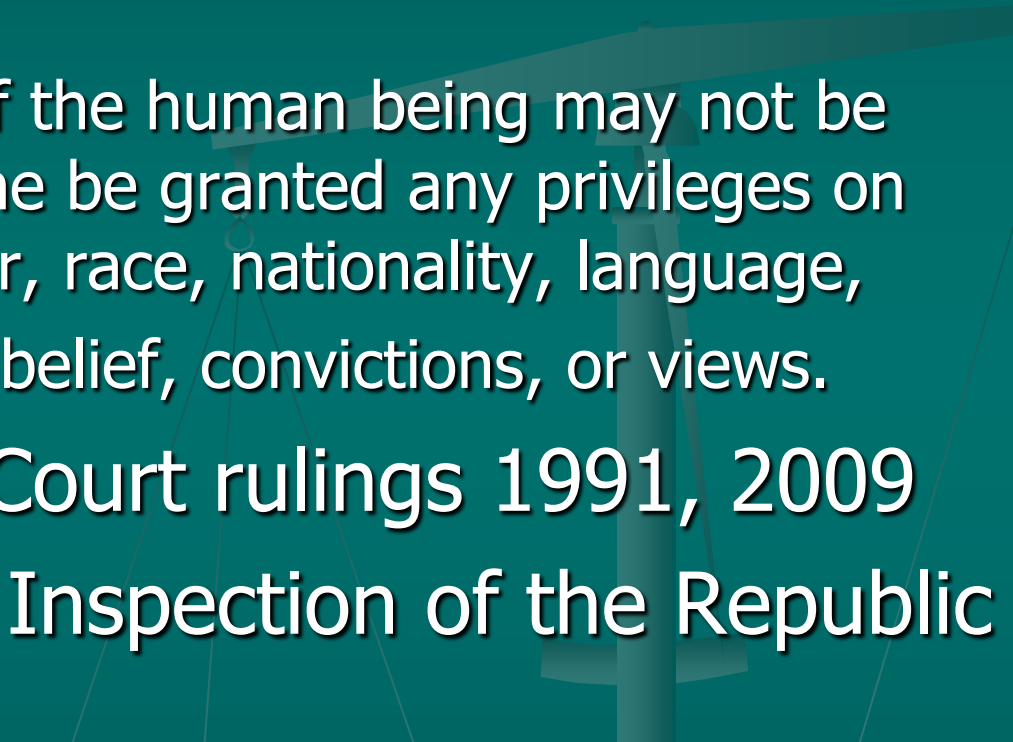
International obligations of Lithuania for the protection of national minorities

- UN

- Council of Europe (Framework Convention – ratif. March 23, 2000; European Charter for Regional or Minority Languages – neither signed nor ratified; Advisory Committee on the FC Thematic Commentary No. 3)

- OSCE (political obligations and recommendations of the HCNM)

- EU

Language rights

- Use of Minority languages in public and in private;
- The right to use the first name and surname in vernacular language;
- The right to display topographical indications also in the minority language;
- The educational rights.

State language doctrine

- Constitution art. 14: Lithuanian shall be the State language

- art. 29: The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views.

- Counstitutional Court rulings 1991, 2009

- State Language Inspection of the Republic of Lithuania

The use of the national minority language in public

- To display traditional local names, street names and other topographic indications
- In relations with the administration authorities
- In electoral process

→ Currently Law on State Language provides exclusively for the use of the official language (Lithuanian)

Draft Law of National Minorities ?

Displaying street names and other topographic indications

- Supreme Administrative Court rulings ordering to remove bilingual plates (2008, 2009) Art. 17 Law on State Language: "*In the Republic of Lithuania public signs shall be in the state language*".

- Many bilingual informative signs in Vilnius, names of institutions etc.
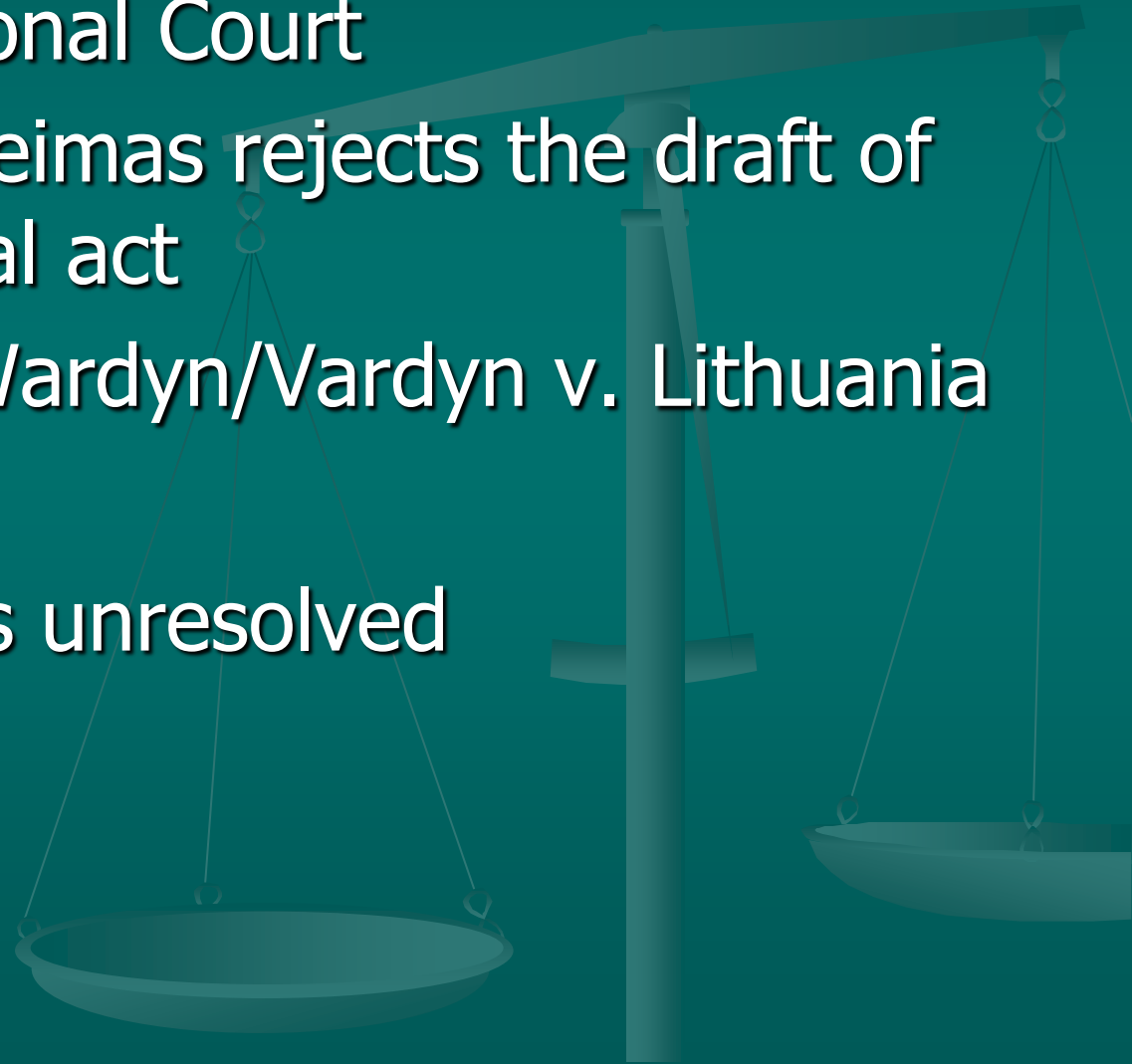
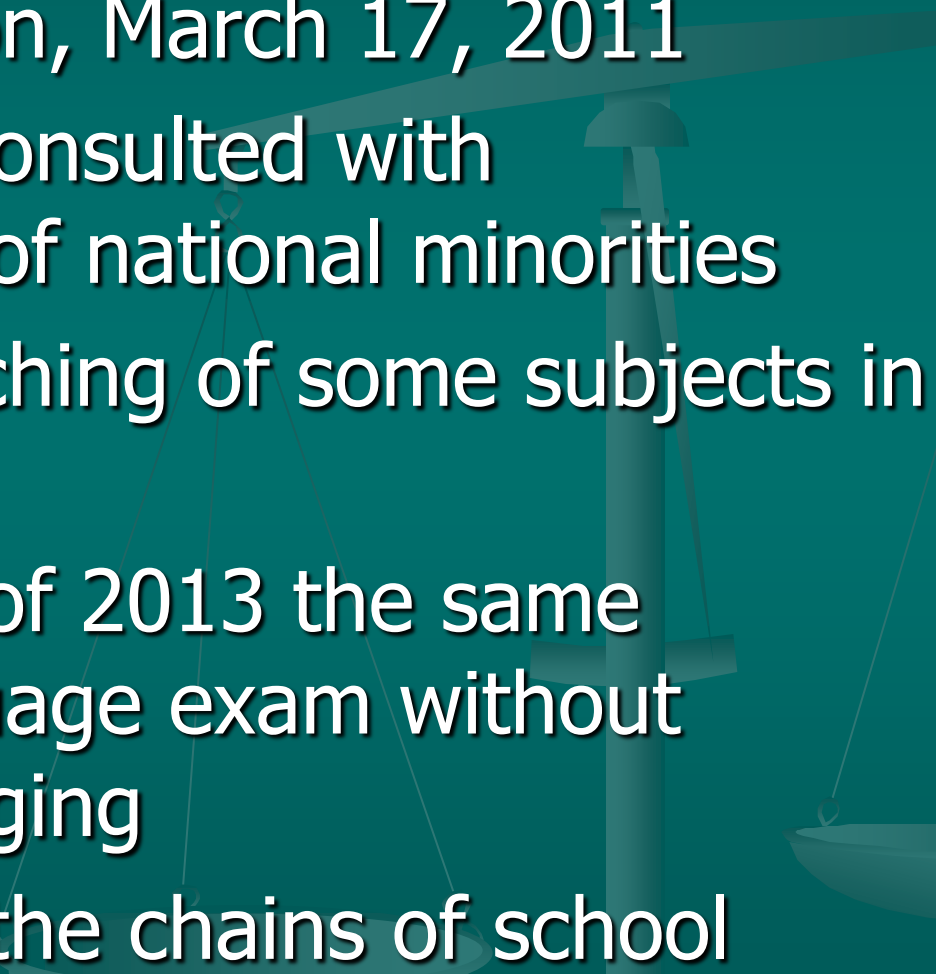Civil disobedience

- Governmental proposal

The use of one's own name in vernacular language

- 2009 Constitutional Court
- April 8, 2010, Seimas rejects the draft of appropriate legal act
- May 12, 2011 Wardyn/Vardyn v. Lithuania

The issue remains unresolved

Educational rights

- Law on Education, March 17, 2011
- Not effectively consulted with representatives of national minorities
- Compulsory teaching of some subjects in Lithuanian
- Introduction as of 2013 the same Lithuanian language exam without curriculum changing
- Optimization of the chains of school

Law on Education - protests

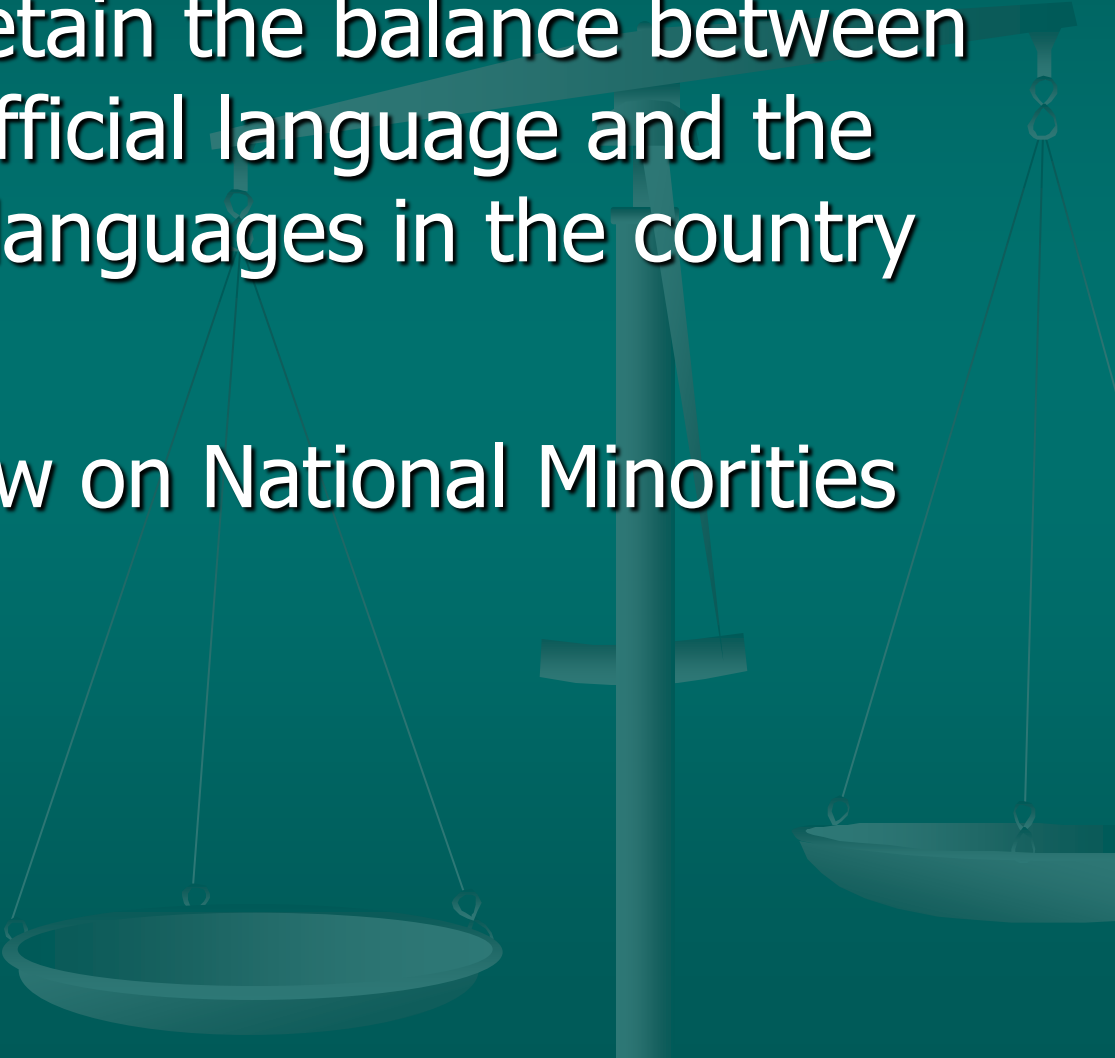- Polish-Lithuanian bilateral commission of education experts

Balance ?

State language

- role of the state language as a guarantor of the development of the national community identity,

- Guarantor of the principle of non-discrimination (Constitutional Court rulings)

National minority language

- Under the current interpretation of Lithuanian Constitution the use of nm language in public denies the constitutional concept of state language

Main recommendations

- To create and retain the balance between the use of the official language and the use of minority languages in the country

- To adopt the Law on National Minorities

Thank you for your attention

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