
Raihman vs. Latvia

Facts

The author is of Jewish and Russian speaking minorities. His birth name was Leonid Raihman. In 1998 the Latvian authorities changed his name to Leonīds Raihmans without his consent. The name was changed in accordance with Latvian grammar rules for masculine names. The author applied to the "State Language Centre" to change back the spelling of his name. His request was dismissed.

The author then turned to the Latvian court system which refused to force the State Language Centre to change his name because the imposition of Latvian spelling on official documents was a necessary restriction to meet legitimate state goals. The Supreme Court accepted this argument with respect to the addition of the letter "s" onto the author's first and last names, but remanded the case with respect to the "r".

The author claims that the imposition of the Latvian spelling for his name is a breach of his rights under article 17, read alone and together with article 2, paragraph 1, article 26 and article 27 of the Covenant. He argues that the spelling of his name is an essential element of his identity and by forcing him to change the spelling the state is arbitrarily or unlawfully interfering with his privacy.

The author also argues that because Latvian is not the native language of 42% of the population, legislation which aims to modify foreign names negatively impacts a significant proportion of the non ethnic-Latvian populations.

The State denies any violation of article 17. The State also believes the author did not demonstrate that he has been discriminated against since he was treated like all other ethnic Latvians. Finally the State points out that his name was altered only on official documents and he is free to use any name he chooses in his personal life.

Consideration of admissibility

Article 1 of OP: In order for one to have standing before the Committee his or her rights have to actually be violated, the claim cannot be *actio popularis*. (No. 318/1988, *E.P. et al. v. Colombia*, 1990; No. 35/1978, *Aumeeruddy-Cziffra and 19 other Mauritian women v. Mauritius*, 1981). The Committee finds that the author has standing because he has sufficiently substantiated that Latvia's legislation and policy on State Language have impaired his rights under several articles of the Covenant.

Article 5, 2 of OP: The Committee notes that the author took his complaint to the Supreme Court, it also notes that further attempts to change his name through the domestic legal system would likely be unsuccessful. Accordingly article 5, paragraph 2 (b), of the Optional Protocol does not preclude the Committee from considering this communication. Article 2 of the Optional Protocol also does not preclude the Committee from considering this communication.

Key words

- Interference with Private Life
- Discrimination
- Protection of Minorities
- Exhaustion of Domestic Remedies

Relevant Provisions

- Article 2
- Article 17
- Article 26
- Article 27
- Article 1 of OP
- Article 2 of OP
- Article 5 of OP

Violated Provision

- Article 17

Consideration of merits

Article 17: Since the name was modified to comply with section 19 of the Language Law, the interference of privacy is not unlawful. However even lawful interference can be in violation of the Covenant. (No. 558/1993, [Canepa v. Canada](#), 1997). The Committee does find that the interference is arbitrary. Although the state goal of protecting the Latvian language is legitimate, the interference with the author's privacy is not reasonable. In previous jurisprudence the Committee has stated that article 17 protects the right to choose and change one's name. (No. 453/1991, [Coeriel and Aurik v. The Netherlands](#), 1994). Consequentially it protects the person from being forced to change his name. Thus, the Committee considers the unilateral modification of the author's name on official documents a violation of article 17 of the Covenant.

Since the Committee found a violation of article 17 it does not need to consider it necessary to address **article 26, 27** or **article 2**, paragraph 1, read in conjunction with article 17.

Conclusions

The Committee finds a violation of article 17 and states that the State party is under an obligation to provide Mr. Raihman with a remedy, and to prevent similar violations in the future. Consequentially the Committee requests that the State party, within 180 days, provide a report detailing the measures taken. In addition, it requests the State party to publish the Committee's Views.

Dissent/Concurrence

(Mr. Rafael Rivas Posada and Mr. Krister Thelin)

Article 2: There is no violation of article 2, paragraph 1, read in conjunction with article 17.

Article 17: Article 17 is not violated because the interference into the author's privacy is proportional to a legitimate aim of the State, protecting the Latvian language.

Article 26: There is no violation of article 26 because the restrictions placed on the author by the relevant Language Law are based on objective and reasonable grounds and apply to all individuals equally. (No. 1474/2006, [Prince v. South Africa](#), 2007; No. 998/2001, [Althammer et al. v. Austria](#), 2003).

Article 27: Article 27 is not violated because State parties may regulate activities that constitute an essential element in the culture of a minority, so long as the regulation does not amount to a de facto denial of this right. (No. 879/1999, [George Howard v. Canada](#), 2005; No. 197/1985 [Kitok v. Sweden](#), 1988; No. 511/1992 and No. 671/1995, [Länsmann v. Finland](#), 1996).