

The issues of ensuring right to equal access to justice in Eastern Europe

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The principle of equal access to justice is of exceptional importance since all other principles of justice are meaningless if the right of citizens to have access to justice is not ensured. Equal access to justice and independence of the judiciary are the fundamentals of the modern concept of justice.

The right to free and equal access to justice is enshrined in the Universal Declaration of Human Rights (articles 8 and 10), the Convention for the Protection of Human Rights and Fundamental Freedoms (article 6), the International Covenant on Civil and Political Rights (article 14), and other international legal documents.

However, the problematic issues of ensuring equal access to justice still exist, in particular in Eastern Europe. I would like to consider the cases of Latvia and Estonia.

The main problematic issues in Latvia and Estonia have to do with the phenomenon of “non-citizens” and discriminative language state policy of these counties, which cause inequality in access to justice.

Non-citizens in Latvia and Estonia are individuals who were born and permanently live there but, nevertheless, are not citizens of Latvia and Estonia, or any other country. Non-citizens do not have voting rights and restricted in social and economic rights: in the acquisition of real estate, in retirement rights, in the right to keep and bear arms, in the right to travel without visas to a number of countries, etc. The number of non-citizens in Latvia is about 252,000 (11.75 percent of the total population) and about 90,000 in Estonia (6 percent).

There is information about cases when courts in Latvia simply do not accept claims by non-citizens for protection against all forms of discrimination. So, non-citizens cannot defend in court their right to be represented in government, to access the jobs, to be engaged in certain professions, to have equal salary for equal work, etc.

Estonian authorities have made some efforts to ensure equal access to justice and expand the official opportunities for using the minority languages. Earlier applications to the court, filed in Russian, were rejected; the Estonian parliament has recently passed a law authorizing applications in court in the languages of national minorities. However it should be noted that these measures are not sufficient to adequately ensure all the civil rights of the non-Estonian residents of the country.

More detailed information you can find in the CIS-EMO report “The problematic issues of access to justice in Eastern Europe”.