



CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

JUDGEMENT

on Behalf of the Republic of Latvia

in Riga on 12 July 2024

in Case No. 2023-15-01

The Constitutional Court, comprised of: chairperson of the court hearing Aldis Laviņš, Judges Irēna Kucina, Gunārs Kusiņš, Jānis Neimanis, Artūrs Kučs, Anita Rodiņa, and Jautrīte Briede,

with the participation of Igors Pimenovs, the authorised representative of applicants Matvejs Jeremuta, Polina Loginova, Davids Prigožins, Nadežda Prigožina, Ivans Jočuns, Vasilijs Jočuns, Aļona Jočuna, Mihails Savickis, Jaroslavs Koričevs, Daniils Koričevs, Milana Koričeva, Ivans Suhackis, Sergejs Hotims, Viktorija Hotima, Nina Sorokina, Aļona Kurbatska, Diāna Kurbatska and Ļevs Zolotojs, and Olga Loginova, the authorised representative of Polina Loginova,

sworn advocate Sandis Bērtaitis, the authorised representative of the *Saeima*, the institution which issued the contested act,

Alise Ziemele, the secretary of the court hearing,

on the basis of Article 85 of the Constitution of the Republic of Latvia and Para 1 of Section 16, Para 11 of Section 17 (1), as well as Section 19² and Section 28 of Constitutional Court Law,

on 7 and 13 June 2024, at an open hearing with the participation of the parties in the case, reviewed the case

“On Compliance of Sections 1, 5, 6 and 12 of the Law of 29 September 2022 “Amendments to Education Law”, insofar these Introduce Para 102 into the Transitional Provisions of the Law, and of Section 4 (1) and Section 6 of the Law of 29 September 2002 “Amendments to General Education Law” with Article 1 and Article 114 of the Constitution of the Republic of Latvia”.

The Facts

1. Education Law was adopted on 29 October 1998.

The first part of Section 9 and Para 2 of its second part, in the wording that was in effect until 15 April 2018, provided that education in State, local government and State institutions of higher education was acquired in the official language but education could be acquired in another language at, *inter alia*, State and local government institutions of education that were implementing education programmes for ethnic minorities, in compliance with the provisions set out in Section 41 of this law.

On 16 April 2018, the amendments of 22 March 2018 to Education Law (hereafter – Amendments to Education Law of 2018) entered into effect, expressing the second part of Section 9 in the following wording:

“Education may be acquired in another language:

1) in educational institutions which are implementing educational programmes according to the bilateral or multilateral international agreements of the Republic of Latvia;

2) in educational institutions implementing minority education programmes at the pre-school education and basic education levels, subject to the provisions of Section 41 of this Law;

2¹) in educational institutions in which study subjects of general education programmes are completely or partially implemented in a foreign language in order to ensure the learning of other official languages of the European Union in conformity with the conditions of the relevant State education standard;

3) in educational institutions specified in other laws.”

Section 1 of the law of 29 September 2022 “Amendments to Education Law” (hereafter also – Amendments to Education Law of 2022), which entered into effect

on 25 October 2022, deleted Para 2 from the second part of Section 9 of Education Law. Section 5 of Amendments to Education Law of 2022 deleted Para 1 from the second part of Section 38 of Education Law, which previously provided for educational programmes for ethnic minorities as a special type of educational programmes, whereas Section 6 of Amendments to Education Law of 2022 deleted from Education Law Section 41, which previously had been in effect in the following wording:

“Section 41. Educational Programmes for Ethnic Minorities

(1) Educational programmes for ethnic minorities shall be developed by an educational institution selecting any of the model educational programmes included in the guidelines for the State pre-school education or State basic education standard.

(1¹) From Grades 1 to 6 in educational programmes for ethnic minorities, the acquisition of the curriculum in the official language shall be ensured in the amount of not less than 50 percent of the total lesson load in an academic year, including foreign languages.

(1²) From Grades 7 to 9 in educational programmes for ethnic minorities, the acquisition of the curriculum in the official language shall be ensured in the amount of not less than 80 percent of the total lesson load in an academic year, including foreign languages.

(2) Educational programmes for ethnic minorities shall additionally include the curriculum necessary for the acquisition of the relevant ethnic culture and integration of ethnic minorities in Latvia.”

Para 102, introduced into Transitional Provisions of Education Law by Section 12 of Amendments to Education Law of 2022, in turn, stipulates:

“The amendments that envisage deleting Section 41 of this Law shall enter into force:

1) on 1 September 2023 – with respect to the implementation of the pre-school education programme and the general basic education programme in Grades 1, 4 and 7;

2) on 1 September 2024 – with respect to the implementation of the general basic education programme in Grades 2, 5 and 8;

3) on 1 September 2025 – with respect to the implementation of the general

basic education programme in Grades 3, 6 and 9.”

General Education Law was adopted on 10 June 1999.

Section 4 (1) of the law of 29 September 2022 “Amendments to General Education Law” (hereafter also – Amendments to General Education Law of 2022), which entered into effect on 25 October 2022, deleted the fifth part of Section 30 of General Education Law, which provided that the programme of basic education could be combined with an educational programme for ethnic minorities, including into it the native minority language and curriculum related to the identity of ethnic minorities and integration into Latvian society.

Para 50, introduced into Transitional Provisions of General Education Law by Section 6 of Amendments to General Education Law of 2022, provides:

“The amendment regarding deletion of the fifth part of Section 30 of this Law shall enter into effect:

1) on 1 September 2023– with respect to the implementation of the general basic education programme in Grades 1, 4 and 7;

2) on 1 September 2024 – with respect to the implementation of the general basic education programme in Grades 2, 5 and 8;

3) on 1 September 2025 – with respect to the implementation of the general basic education programme in Grades 3, 6 and 9.”

Namely, Sections 1, 5, 6 and 12 of the Law of 29 September 2022 “Amendments to Education Law”, insofar these introduce Para 102 into the Transitional Provisions of the Law, and Section 4 (1) and Section 6 of the Law of 29 September 2002 “Amendments to General Education Law” have deleted all provisions that envisaged and regulated acquisition of general education in educational programmes for ethnic minorities.

2. 11 cases were initiated before the Constitutional Court regarding the compliance of Section 1, 5, 6 and 12 of Amendments to Education Law of 2022, insofar they introduced Para 102 to Transitional Provisions of the Law, as well as Section 4 (1) and Section 6 of General Education Law (hereafter – the contested provisions) with Article 1 and Article 114 of the Constitution of the Republic of Latvia. To facilitate more comprehensive and timely adjudication of these case, pursuant to Section 22 (6) of Constitutional Court Law, these cases were merged in

one case.

The joined case No. 2023-15-01 was given the title “On Compliance of Sections 1, 5, 6 and 12 of the Law of 29 September 2022 “Amendments to Education Law”, insofar these Introduce Para 102 into the Transitional Provisions of the Law, and of Section 4 (1) and Section 6 of the Law of 29 September 2002 “Amendments to General Education Law” with Article 1 and Article 114 of the Constitution of the Republic of Latvia”.

3. The Applicants – Matvejs Jeremuta, Polina Loginova, Davids Prigožins, Nadežda Prigožina, Ivans Jočuns, Vasilijs Jočuns, Aļona Jočuna, Mihails Savickis, Jaroslavs Koričevs, Daniils Koričevs, Milana Koričeva, Ivans Suhackis, Sergejs Hotims, Viktorija Hotima, Nina Sorokina, Aļona Kurbatska, Diāna Kurbatska and Ļevs Zolotojs (hereafter all jointly also – the Applicants) – hold that the contested provisions are incompatible with the principle of protecting legitimate expectations, included in Article 1 of the Constitution, and the rights of persons belonging to ethnic minorities to preserve and develop their language and their ethnic and cultural singularity, guaranteed by Article 114 of the Constitution.

Allegedly, the Applicants are educatees who self-identify as ethnic minorities, living in Latvia. The Applicants’ native language is said to be a language of an ethnic minority. At the time of submitting the application, they had been enrolled in educational programmes for ethnic minorities on the level of pre-school education and basic education at State and local government institutions of education.

Previously, the Cabinet Regulation of 21 November 2018 No. 716 “Regulations Regarding the State Guidelines for Pre-school Education and the Model Pre-school Education Programmes” (hereafter also – Guidelines on Pre-school Education) had applied to Aļona Jočuna, Vasilijs Jočuns, Sergejs Hotims, Viktorija Hotima, Milana Koričeva, and Ļevs Zolotojs, envisaging the use of bilingual approach in education. If the contested provisions had not been adopted, the education of Aļona Jočuna, Viktorija Hotima, Milana Koričeva and Ļevs Zolotojs would have been continued by using the bilingual approach, however, because of the contested provisions, as of 1 September 2023, pre-school education

is ensured to them only in the official language. Vasilijs Jočuns and Sergejs Hotims, who have started attending pre-school on 1 September 2023, also have to acquire all the material only in the official language.

At the time of submitting the application, Diāna Kurbatska, Nadežda Prigožina and Mihails Savickis had acquired basic education in Grade 1, Ivans Jočuns and Nina Sorokina – in Grade 2, Davids Prigožins – in Grade 3, Daniils Koričevs, Polina Loginova and Ivans Suhackis – in Grade 4, Matvejs Jeremuta – in Grade 5 but Jaroslavs Koričevs and Aļona Kurbatska – in Grade 6. Pursuant to the previously valid Section 43 (1¹) of Education Law, the educatees have mastered approximately 50 percent of the material in Latvian and approximately 50 percent in the language of an ethnic minority (in Russian).

If the contested provisions had not been adopted, as of 1 September 2023, Diāna Kurbatska, Nadežda Prigožina, Mihails Savickis, Ivans Jočuna, Nina Sorokina, Davids Prigožins, Daniils Koričevs, Polina Loginova, Ivans Suhackis and Matvejs Jeremuta would have had to mastered the curriculum in the official language, whereas for Jaroslavs Koričevs and Aļona Kurbatska, from Grade 7 to Grade 9, the material to be acquired in the official language would have constituted 80 percent of the total amount. Because of the contested provisions, as of 1 September 2023, Jaroslavs Koričevs, Aļona Kurbatska and Davids Prigožins, whereas Matvejs Jeremuta, Ivans Jočuna and Nina Sorokina, as of 1 September 2024, but Polina Loginova, Daniils Koričevs, Diāna Kurbatska, Nadežda Prigožina, Mihails Savickis and Ivans Suhackis, as of 1 September 2025, will have to master all the material only in the official language.

3.1. The Applicants hold that, in the adoption of the contested provisions, the *Saeima* had failed to comply with the principle of good legislative procedure.

Allegedly, the *Saeima* has not assessed the opinions provided by international organisations, *inter alia*, the opinion provided by the European Commission for Democracy through Law (hereafter also – the Venice Commission) of 18 June 2020, the Resolution by the Committee of Ministers of the Council of Europe of 3 March 2021 On the Implementation of the Framework Convention for the Protection of National Minorities by Latvia, as well as Concluding Observations of the United Nations Committee on Economic, Social and Cultural Rights (hereafter also – the Committee on Economic, Social and Cultural Rights) on the

Second Periodic Report of Latvia of 30 March 2021.

In its opinion of 30 March 2021, the Committee on Economic, Social and Cultural Rights had expressed its concerns that the language policy, implemented in the Member States, might leave discriminatory impact on the possibilities of persons belonging to ethnic minorities to enjoy their economic, social and cultural rights, in particular, in the area of access to education, employment and services. Likewise, concern has been expressed also in a letter from the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe to the Speaker of the *Saeima* that failure to develop children's proficiency in their native language might seriously jeopardise reaching of the legitimate aim – strengthening the proficiency in the official language. In his letter, the Commissioner has pointed out that the possibility “to acquire the language and cultural history of ethnic minorities in the framework of interest-related educational programme” that has been envisaged might not ensure to children sufficient proficiency in their native language.

3.2. Allegedly, egal regulation that excludes a minority language from educational process or reduces its use to the extent that the minority language is used as the language of instruction only in teaching the language itself as a specific subject is incompatible with Article 114 of the Constitution.

The State should ensure the right of children belonging to ethnic minorities to learn their native language in the initial stages of education and the possibility to communicate among themselves in their native language. At institutions of pre-school and basic education, children should be ensured the possibility to master their native language or to receive instructions in their native language. Allegedly, this is set out also in Section 11 (3) of Law on the Protection of Children's Rights.

Applicant Polina Loginova has noted, *inter alia*, that the contested provisions do not respect the rights of minority children with special needs because these provisions prohibit them from acquiring education, as well as from developing and improving their thinking, written and oral speech in their native language.

The content of rights, included in Article 114 of the Constitution, should be revealed in conjunction with the Council of Europe Framework Convention for the Protection of National Minorities (hereafter – the Convention on Minorities). Article 14 of the Convention on Minorities is said to specify the scope of education

needed for preservation of the identity of national minorities. The State not only has the right but also an obligation to take into account the entire text of the provision, also the indication included in the provision, “if there is sufficient demand” and “as far as possible”.

The Venice Commission, in its opinion of 18 June 2020, has pointed out that “this does not imply that a state party always can fulfil its duties under Article 14 of the Framework Convention by merely providing for instruction of minority languages. This is in particular true in a situation where for a long time education in minority languages has been an essential element of the education system”. Referring to its 2017 Opinion on Ukraine, the Commission has concluded that “only a solution providing for teaching both in the state language and the minority language may be justified”. Likewise, the Advisory Committee of the Convention on Minorities (hereafter – the Advisory Committee) in its 2018 Opinion on Latvia in the framework of the third monitoring round has indicated that measures for the protection of the official language may not decrease the role of an educational institution in preserving the identity of an ethnic minority, *inter alia*, its culture, traditions, and national heritage.

Interest-related education is said to be fragmented, voluntary and not to include mandatory pedagogical support. Moreover, the acquisition of a minority language in the framework of general education will be discontinued only if Russian is this minority language. The contested provisions envisage using other languages of instruction if these are the official languages of the European Union or if international agreements regarding the use thereof have been concluded. Latvia has not concluded an agreement like this with Russia.

3.3. The alleged legitimate aim of the restriction on fundamental rights is protection of the democratic order and other persons’ rights. However, it is maintained that the chosen measures are not suitable for reaching this aim.

It is contended that the regulation, included in the contested provisions, cannot be deemed to be continuation of the reform with respect to the language use in education, implemented from 1995 to 2021. Special substantiation is needed for the solution as radical as liquidation of educational programmes for ethnic minorities and exclusion of the minority language from general education. However, new arguments or substantiation cannot be found in the annotation to the contested

provisions as to why the State, due to changes that had occurred within the system of education or due to other new considerations, has decided to implement another reform with respect to the language use in minority schools. The data of the studies “The Linguistic Situation in Latvia: 2016–2020”, “Attitude towards the Latvian Language and the Process of Teaching it” (2016–2020), “Preconditions for Successful Transfer from Pre-school Education to Education in Elementary School” (2020) are not applicable to the 2018 reform to education and they cannot be used to substantiate the resumption of the reform and liquidation of minority education.

The Applicants hold that the chosen measures will not resolve the problem of insufficient proficiency in the official language. Acquisition of a minority language and learning process that is implemented in the minority language do not have a negative impact on the acquisition of the Latvian language. If the acquisition of a foreign language would hinder the acquisition of Latvian then, alongside the minority language, also foreign languages should be excluded from programmes of general education. Allegedly, the contested provisions would lead to a new type of segregation within the Latvian system of education. Thus, the aim of societal integration will not be reached. Transition to the competency-based curriculum of general education is said not to be contrary to the continuation of educational programmes for ethnic minorities.

Hence, it is alleged that the chosen measures are not suitable for reaching the legitimate aim and the contested provisions are said to be incompatible with Article 114 of the Constitution.

Improving the quality of teachers’ work, ensuring a sufficient number of teachers, the necessary period of reflection for overcoming the consequences left by Covid-19 pandemic with adverse impact upon the quality of education, involvement of adolescents in the activities of civil society should be regarded as more lenient measures.

3.4. The Applicants hold that the contested provisions infringe also upon the principle of protecting legitimate expectations, included in Article 1 of the Constitution.

The Applicants had expected the reform of 2019 to be the last reform to the language use in minority schools. These expectations had been based on the Constitutional Court’s judgement of 23 April 2019 in Case No. 2018-12-01

(hereafter – Judgement in Case No. 2018-12-01) and the judgement of 13 November 2019 in Case No. 2018-22-01 (hereafter – Judgement in Case No. 2018-22-01), in which the *Saeima*, as well as several summoned persons had underscored that the reform to the language use in minority schools had been completed and that educatees, as well as their parents could expect that the proportion, defined in law, of using the official and the minority language would not change.

The *Saeima* has established a transitional period of less than a year with respect to educatees who have to start following a pre-school educational programme and in Grades 1, 4 and 7 in the programme of general education, a transitional period of less than two years with respect to educatees who are following a programme of general education in Grades 2, 5 and 8, and a transitional period of less than three years with respect to educatees in Grades 3, 6 and 9.

It is contended that all these transitional periods are disproportionately short because schools are unable to reorient themselves in such a short period of time, to elaborate new educational programmes, prepare and provide new study materials and, possibly, replace part of the teachers, even more so because the previous substantial reform had been completed quite recently.

The applicants hold that, currently, no threats to or decrease in the use of the official language can be identified. On the contrary – the position of the official language is becoming more consolidated and the number of persons who reside permanently in Latvia but have not mastered the official language continues to decrease. Therefore, there are no grounds for considering that the representatives of the title nation would have urgent interest in ensuring that at all levels of education, including pre-school education, only the official language would be used in the study process.

3.5. After having familiarised himself with the materials in the case, the Applicants' authorised representative has pointed out that interest-related education will not be sufficient to ensure that educatees can maintain and develop their culture and ethnic identity. Pupils' interest in interest-related educational classes will be decreased by the stress related to mastering the mandatory curriculum, tiredness, the need to recuperate physically and mentally after sports, amateur, art and other activities. Moreover, amendments to the Cabinet Regulation of 28 August 2001 No. 382 "Procedure for Financing Interest-Related Education" (hereafter – Regulation on the Procedure for Financing Interest-Related Education) is said to apply only to that school year, in which the educatee transitions to studies only in the Latvian language. The financing for these programmes from the State budget is granted only for three years and will end on 31 August 2026.

Pursuant to the contested provisions, the requirement regarding the transition to studies only in the official language is applicable also to speech therapy classes. Due to the contested provisions, a speech therapist's services would be provided only in the official language and will not eliminate a child's speech disorders that are manifested in the minority language. Thus, the development and consolidation of the minority language will be harmed.

Comparison of the results of centralised examinations of educational institutions in Riga that were implementing the general education programmes for ethnic minorities and the institutions that were implementing programmes of general education in the period from 2004 to 2002 clearly shows that the results of minority institutions of education have deteriorated in all subjects. Whereas the average score in the subject "Latvian language" in the centralised examination in minority educational institutions has remained almost constant for many years. During the last 10 years, the studying of other subjects in Latvian has not helped to improve the proficiency in the official language among the educatees enrolled in educational programmes for ethnic minorities; moreover, the quality of mastering other subjects has deteriorated.

In 2023, the number of teachers has decreased even more. If this trend continues then it will be impossible to implement the support measures for the transition to education in Latvian, which are theoretically possible, in sufficient quality.

Allegedly, the transition to studies only in the official language had happened without coordination and discussions with educatees' parents. It is said to be contrary to Latvia's international commitments in the area of human rights.

The exclusion of classes in the native language even at the level of pre-school education ignores the importance of early education in the native language in the cognitive development of children.

Interest-related educational programmes for ethnic minorities are not mandatory and the implementation thereof depends on the demand. This might lead to complete abolishment of pre-school education and basic education in the Russian language.

3.6. At the court hearing, the Applicants' authorised representative pointed out that launching of a new reform to education before a scientifically substantiated assessment of the reform to education of 2018 had been conducted was inadmissible. Expert conclusions on whether substituting the general educational programme for ethnic minorities by interest-related educational programmes for ethnic minorities would not decrease the possibilities for educatees to preserve and develop their native language, as well as their ethnic and cultural singularity.

To ensure to a child, belonging to an ethnic minority, their native language and cultural singularity, the particular environment, typical of a child's culture, which the child would imitate and the State would recognise as such that needs to be preserved and developed, should be ensured. A person's singularity is said to materialise when they speak in the same language that they think in. Therefore, the means for developing a child's singularity is an education institution in which the language of instruction is, predominantly, the native language.

3.7. At the court hearing, Olga Loginova, the authorised representative of applicant Polina Loginova, pointed out that the compliance of the contested provisions with Article 114 of the Constitution should be reviewed in conjunction with Article 112 of the Constitution because educatees, before they have become proficient in the official language, are unable to master independently also the material in other subjects.

Allegedly, the conclusions regarding the educatees' insufficient proficiency in the official language have been made on the basis of incomplete and distorted information. The examination results for educatees in educational institutions for

ethnic minorities are deteriorating in such subjects as physics, biology, and mathematics. The State has failed to provide to educational institutions the study materials and methodology needed for mastering the official language.

The contested provisions are said to be contrary to Guidelines on the Official Language for 2021–2027 and Guidelines for the Development of Education for 2021–2027. The requirement regarding abandoning completely education in the language of an ethnic minority and total transition to education in the official language also at the level of pre-school education and basic education cannot be found in these documents.

If the State discontinues training the teachers of the Russian language and literature then, in the long-term, it will be impossible to ensure an interest-related educational programme for ethnic minorities. Moreover, an interest-related educational programme for ethnic minorities does not envisage the possibility for determining the educatees' level of knowledge.

All arguments regarding the increased workload for the educatees, belonging to ethnic minorities, due to the contested provisions are all the more applicable to educatees with special needs.

4. The institution that issued the contested act –the *Saeima* – holds that the contested provisions are compatible with Article 1 and Article 114 of the Constitution.

4.1. The contested provisions and the legal regulation related thereto in Amendments to Education Law of 2022 and Amendments to General Education Law of 2022 had been drafted as the continuation of the reform that introduced the improved, competency-based curriculum in general education. It is contended that this regulation continues the educational reform for transition to learning in the official language, which has lasted for more than 20 years and is causally linked to Latvia's historical situation. Both the historical regulation on the language of instruction and the circumstances that currently characterise the Latvian society are important, as are the present geopolitical trends and other current processes, *inter alia*, also the war that Russia is waging against Ukraine and disinformation activities launched in the Russian-language information space.

The reform of the educational programmes for ethnic minorities of 2018 had

been linked to a broader reform, comprising the entire system of education in Latvia, i.e., transition to the competency-based curriculum. By the Constitutional Court's judgement in case No. 2018-12-01, the model of education to be implemented at the level of basic education and secondary education has been recognised as being compatible with Article 112 of the Constitution.

More than 30 years after restoration of the State's independence, the need to eliminate the consequences of the Soviet occupation remains relevant because a significant part of the Latvian nationals does not have sufficient proficiency in the Latvian language to be able to participate in the life of society or they choose not to use the official language. By adopting the contested provisions and the related legal regulation, the legislator had chosen gradual transition to studies only in the official language also at the levels of pre-school and basic education to continue and promote successful implementation of the improved, competency-based curriculum. This choice had been founded on the research-based conclusion that the existing approach had not ensured in full qualitative acquisition of the official language at all levels of education.

20 percent of respondents, persons belonging to ethnic minority in the age group 18 to 34 years, surveyed in the framework of the study "The Linguistic Situation in Latvia: 2016–2020", conducted by the Latvian Language Agency (hereafter – the Agency), admitted that they had acquired the Latvian language only on the level of basic proficiency or had poor knowledge of it. The study, conducted by the Liepāja University, concluded that the proficiency in the Latvian language among children of pre-school age in education groups where the Russian language prevailed in the daily life was insufficient. It is stated in Guidelines for the Official Language Policy for 2021-2027 that, in 2019, persons belonging to ethnic minorities had used the Latvian language in public environment in 39 percent of situations, whereas in communicating with strangers on the street – in 50 percent of the situations. The Latvian language is still used insufficiently. Moreover, separation between the information spaces in the Latvian and the Russian languages does not promote social cohesion and protection of the democratic state order.

The official language policy is said to be linked to the protection of Latvia's democratic order also in another perspective. The ability to use the Latvian language freely ensures to young people the possibility to choose information space that is

based on free access.

The Centre for European Policy Analysis (CEPA) has recognised that a Russian-speaking national of Latvia is one among the target audiences for the disinformation activities, launched in social media by Russia's authorities. The persons who, lacking proficiency in the language, have access only to the information space in Russian, are subject to the influence of this information space. This is said to be of particular importance since the beginning of 2022 due to the war that Russia is waging against Ukraine and disinformation activities spread in the information space in Russian. Therefore, it is important to ensure that educatees, belonging to ethnic minorities, would be able to use without any difficulties diverse sources of information, *inter alia*, also in the official language, and would be able to compare and assess critically the obtained information and give qualitative contribution to public debates.

4.2. In the course of drafting and adopting the contested provisions and the related legal regulation, before the draft law was submitted to the *Saeima*, a sitting of the Advisory Council of the Ministry of Education and Science on Matters of Minority Education (hereafter – the Advisory Council) had been held. At the sitting, social partners, representatives of the sector and educatees' parents had been heard. Thus, the draft legal acts had been transferred for public consultations. A meeting between the Minister for Education and Science and representatives of the educational institutions for ethnic minorities had been organised.

4.3. Draft law No. 1519/Lp13 “Amendments to Education Law” (hereafter also – Draft Law “Amendments to Education Law”) and draft law No. 1520/Lp13 “Amendments to General Education Law” (hereafter also – Draft Law “Amendments to General Education Law”) were submitted to the *Saeima* by the Cabinet on 8 June 2022. Prior to the first reading, the Education, Culture and Science Committee of the *Saeima* examined both draft laws at its sitting on 10 June 2022. Both draft laws were adopted in the first reading at the *Saeima*'s sitting on 16 June 2022. Following the adoption of Draft Law “Amendments to Education Law”, six sittings of the Education, Culture and Science Committee of the *Saeima* had been dedicated to discussing it and hearing the opinions of all stakeholders and institutions. Draft Law “Amendments to General Education Law”, in turn, prior to the second reading, had been examined at two sittings of the

Education, Culture and Science Committee of the *Saeima*. Both draft laws had been adopted at the *Saeima's* sitting of 8 September 2022. Prior to the third reading, Education, Culture and Science Committee of the *Saeima* had examined Draft Law “Amendments to Education Law” at its sittings on 14 and 20 September 2022, whereas Draft Law “Amendments to General Education Law” – at the sitting on 20 September 2022. Both draft laws were adopted at the *Saeima's* sitting on 29 September 2022.

Allegedly, the legislator had ascertained the necessity for and the proportionality of the contested provisions, by reviewing the submitted proposals and hearing the opinions of institutions and persons at nine sittings of the Education, Culture and Science Committee of the *Saeima*. The Minister for Education and Science and representatives from the Ministry of Education and Science, the Ministry of Justice and the Ministry of Foreign Affairs, as well as from the Ombudsman's Bureau, local government education boards, the State Language Centre, the State Education Quality Service, the National Centre for Education, the State Inspectorate for the Protection of Children's Rights, the Latvian Association of Local and Regional Governments, the Latvian Association of Education Managers, the parents' association “Vecāku balss” [The Parents' Voice], representatives of various institutions of education, *inter alia*, such that previously had been implementing educational programmes for ethnic minorities, as well as parents of educatees belonging to ethnic minorities participated in these sittings, moreover, this list is not exhaustive. The opinion of the representative of every institution and the opinion of every private person who had expressed the wish to speak had been heard at the Committee's sittings.

In view of the above, the *Saeima* does not doubt that the contested provisions have been properly discussed and, in the process of legislation, the opinions of all stakeholders had been identified, insofar possible.

The fact that the legislator, in adopting the draft law, has not acted in compliance with the opinions or non-binding instructions of international organisations, does not mean that these opinions and instructions had not been duly examined but only means that the legislator, having examined these opinions and instructions, has recognised them as being non-binding and not directly applicable to the new legal regulation.

Thus, the legislator, pursuant to the principle of good legislative procedure, has examined the compatibility of legal provisions with superior legal provisions, as well as aligned the legal provisions, envisaged in the draft law, with the already existing legal provisions.

4.4. Allegedly, the matters related to the use of the official language in the process of education are inextricably linked to Article 112 of the Constitution. The considerations that the Applicants, focusing on their aim, have stated in the applications should be analysed, by reviewing the compatibility of the contested provisions with both Article 112 of the Constitution and Article 114, in their conjunction.

The second part of Article 14 of the Convention on Minorities is said to comprise two different approaches to ensuring acquisition of a minority language. Namely, the State may ensure adequate possibilities for mastering the minority language or ensure the possibility to acquire education in the language of an ethnic minority. Reckoning with the possible financial, administrative and technical burden, this rule has been drafted in a way that leaves broad discretion to the State Parties. Accordingly, the *Saeima* is of the opinion that neither the second part of Article 14 of the Convention on Minorities nor Article 114 of the Constitution comprise the right to demand that both approaches were ensured simultaneously at all levels of education.

The Advisory Committee has pointed out that the way in which and the means by which the State includes a minority language in educational programmes should be assessed, by taking into account the purposes of the Convention on Minorities and of education in the context of the respective State. In regulating the use of languages in education, a balance between two aims must be struck – the aim to preserve and develop the identity and language of persons belonging to ethnic minorities and the aim of integrating persons belonging to ethnic minorities in society. This aim has been highlighted also in the first part of Article 8 of the European Charter for Regional and Minority Languages.

Article 112 of the Constitution does not comprise the parents' right to choose the language of instruction for their child. Likewise, the second sentence in Article 2 of the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter – the Convention) does not impose upon the

State the obligation to guarantee to parents the right to choose for their children such language of instruction that is not the official language. Allegedly, this provision guarantees the right to use all possibilities provided by the system of education, already established in the State. The European Court of Human Rights has recognised that the right to education, substantially, requires regulation by the State and this regulation may differ, place- and time-wise, depending on the society's needs and resources. A person's subjective right to acquire general education in a minority language does not follow also from International Covenant on Economic, Social and Cultural Rights. In explaining Article 13 of this Covenant, the Committee on Economic, Social and Cultural Rights had acknowledged that application of the term "right to education" depended on the conditions that prevailed in the particular State Party. Thus, the right to education allows certain discretion of the State with respect to the kind of educational system the State will establish, considering both the resources available to it and the society's need in its specific stage of development.

The possibility to acquire high-level proficiency in the official language should be ensured also to a child with special needs. Otherwise, a child with special needs with poor or no proficiency in the official language would be even more subject to isolation from society and would be in a legally unequal situation *vis-à-vis* other pupils. The transition to studies only in the official language, envisaged by the contested provisions, promotes the inclusion of a child with special needs in the system of education.

The principle of reasonable accommodation is said to follow from Article 24 of Convention on the Rights of Persons with Disabilities. To take diversity into account and facilitate successful inclusion of a child with special needs in the system of education, support is provided to them in the process of acquiring education. The legal regulation envisages that educatees with special needs acquire the curriculum in accordance with their abilities and that support measures and help in mastering the curriculum are provided to them. Moreover, simultaneously with the contested provisions, Section 55 (2¹) of Education Law has defined the educatee's right, in pre-school education and in basic education, to receive individualised and personalised support in acquiring proficiency in the official language, if necessary. To ensure to educatees at the level of special pre-school education and special basic education successive transition to studies only in the official language, additional financing for teachers has been envisaged.

4.5. The task of education is to ensure that a child, after compulsory primary education and, even more so, after secondary education, would know the Latvian language at a level that would enable them to participate fully in public life and to take part in democratic processes. Thus, if in the process of general education, a person has not acquired sufficient proficiency in the official language to use it freely then the education provided to this person cannot be considered as being of good quality.

The State, by creating such stage of pre-school education, in which a child can enrol starting from the age of eighteen months, at the same time has created a support mechanism for their parents so that they would be able to ensure education and development of their child. At this age, a child's upbringing and education, primarily and fully, can be ensured also in family settings, thus reinforcing their native language skills and the awareness of ethnic identity. However, if the Applicants' legal representatives, nevertheless, wish that their child start attending an institution of pre-school education before they have reached the age of mandatory pre-school education, they have to respect the educational programmes, implemented in the institution of education, and the compliance thereof to the national legal regulation, *inter alia*, also with respect to the use of the official language.

The early age is said to be the best time when it is possible to learn a language

without great effort. The majority of the Member States of the European Union ensure programmes of pre-school education in the official language. Learning of the official language does not interfere with the proficiency in the native language but the foundations of knowing several languages is consolidated, on which a child's linguistic development can be founded and their further education can be facilitated. However, insufficient proficiency in the language of instruction can turn into a serious obstacle not only in the Latvian language classes but also in other subjects.

The contested provisions are aimed at reinforcing the use of the official language, ensuring that every educatee uses the official language in everyday life, is adequately prepared for successive continuation of education at the next level of education and will be able to participate in the life of a democratic state. Hence, the restriction on fundamental rights, established in the contested provisions, has legitimate aims – protecting the democratic state order and other persons' rights.

4.6. Allegedly, there are no grounds to assume that, as the result of applying the contested provisions and the legal regulation related thereto, the quality in which the curriculum is mastered could decrease. For a long time, the education policy in Latvia has been developed in a way to gradually prepare the educatees for proportionally increasingly greater use of the official language in the study process. Amendments to Education Law of 2022 and Amendments to General Education Law of 2022, which comprise the contested provisions, are said to envisage the right of an educatee, in pre-school and basic education, to receive individualised and personalised support in the acquisition of proficiency in the official language, if necessary.

The possibility to master the minority educational curriculum free of charge in the framework of interest-related educational programmes of the language and cultural history of ethnic minorities is ensured to educatees belonging to ethnic minorities at the levels of pre-school and basic education. Inclusion of the language and cultural history of an ethnic minority in the programme of general education, however, would not meet the valid requirements regarding the study workload.

Improving the quality of teachers' work, as well as ensuring sufficiency of teachers in all institutions of education cannot be deemed to be an alternative measure but complying with the pre-conditions for introducing the contested provisions.

In Latvia, the outcomes of linguistic policy are researched every five years

and, in the future, research will be conducted every seven years. The State Education Quality Service has assessed the quality of general and vocational education in the school year 2020/2021, as well reviewed distance learning in the period from April to June 2020.

In the survey of institutions of education that implement educational programmes for ethnic minorities, conducted by the Ministry of Education and Science, “The Plan of an Educational Institution for Transition to Learning in the Official Language”, 72 institutions out of 129 indicated that the Latvian language environment, compliant with the curriculum of education, was ensured therein. 90 educational institutions, in turn, have pointed out that supervision was planned to ensure successful transition to learning in the official language. The Ministry of Education and Science will also continue monitoring the quality of education.

Allegedly, preservation of the language, culture and identity of an ethnic minority is ensured, first and foremost, by the possibility to use it freely in private relationships. Moreover, minority children, residing in Latvia, predominantly know their native language and use it freely. Russian-speaking inhabitants of Latvia have access to both printed press and mass media in their native language, as well as diverse and extensive range of cultural events. The Applicants, in addition to the system of education, established by the State, may reinforce their identity of Russian ethnic minority at, for example, ethnic and cultural centres or private week-end schools.

In view of the above, the *Saeima* holds that the contested provisions will not prohibit the Applicants from exercising their right, established in Article 114 of the Constitution, to preserve and develop their language, ethnic and cultural singularity.

4.7. Taking into consideration the acquisition of education in the official language as the aim of the reform to education, implemented for a long period of time, as well as the principle, normatively enshrined in Education Law, and the need to continue improving the reform to the general education to ensure quality education at all levels of education, it can be recognised that transition to learning only in the official language is a logical conclusion of the reform to education.

The contested provisions, which envisages abolishing educational programmes for ethnic minorities, will enter into effect with respect to the Applicants within one to three years following the adoption thereof. The

acceptability of the transitional period is said to be impacted also by an educatee's right to receive, in pre-school and basic education, individualised and personalised support in the acquisition of the official language, if necessary, as well as the totality of support measures for teachers, ensured by the Ministry of Education and Science.

In view of all the above, the *Saeima* holds that the contested provisions do not infringe upon the Applicant's legitimate expectations because the legislator has envisaged a lenient transition to the new legal regulation.

4.8. At the court hearing, the *Saeima's* representative pointed out that, in its written submission, the *Saeima* has provided its view also about other provisions, *inter alia*, Article 112 of the Constitution, explaining the context, in which the contested provisions were adopted. The Applicants' representative and the legal representative of Polina Loginova have provided their perspective on Article 112 of the Constitution, however, the *Saeima* is of the opinion that Article 1 and Article 114 of the Constitution should be focused on, without reviewing the compatibility of the contested provisions with Article 112 of the Constitution because the case had not been initiated with respect to this Article. It has been set out that the educational process should take place in the official language; however, several issues that had been examined at the court hearing have gone beyond the framework of educational process. For example, the assistant provided to a child with a disability is not involved in the implementation of the educational process. The assistant's task is to help an educatee to move and in self-care. Hence, the contested provisions do not regulate the language of communication used by an educatee and an assistant. If a situation occurred at an institution of education where the lives of educatees were under threat the process of education would be interrupted and the rules on the use of the official language would not apply to a situation like this.

Since the process of education takes place in the official language, the services by teachers' assistants and teachers working at the extended-day groups, the aim of which is to provide support to educatees in the acquisition of the official language, are provided in the official language. To make the process of acquiring the official language more successful, a teacher should adhere to using one particular language. The legislator's task is to ensure environment that facilitates acquisition of the official language.

Educatees with special needs also should be in the environment of the official

language so that they would develop their knowledge of the official language and would integrate into the society of the particular State. Moreover, support measures are ensured to these educatees, both in the framework of special education and for the transition to education in the official language.

The legislator has ensured interest-related educational programmes for ethnic minorities at all levels of education, in which the transition to education in the official language is being implemented. The legislator has charged local governments with the task of ensuring to educatees belonging to ethnic minorities the possibility to follow such a programme free of charge. Moreover, the State also participates in financing the interest-related educational programmes for ethnic minorities. At the court hearing, institutions of education have confirmed that educatees are keen to attend classes in interest-related education for ethnic minorities. Moreover, also educatees with special needs can attend classes in interest-related educational programmes. Introducing of an interest related educational programme for ethnic minorities is said to be a complex measure, influenced not only by the legislator but also by the institutions of education themselves. Pursuant to Section 28 of Education Law, and institution of education is independent in the development and implementation of educational programmes, selection of employees, as well as in its financial and economic activities. Attracting teachers of interest-related educational programme for ethnic minorities is said to fall with the competence of an institution of education.

According to the legislator's delegation, a local government is obliged to ensure interest-related education to educatees belonging to ethnic minorities if the educatees' parents request it. Interest-related educational programme for ethnic minorities is said to be the only interest-related educational programme, for the implementation of which guidelines and a model have been developed on the national level, as well financing and support for the acquisition of relevant study aids has been ensured. The activities by the State and the support provided facilitate exercise of the fundamental rights, included in Article 114 of the Constitution. The Applicants have not provided any considerations related to inaccessibility of an interest-related educational programme for ethnic minorities or obstacles encountered by the Applicants that had prohibited them from participating in a programme like that.

The opinions expressed by the summoned persons at the court hearing are said to confirm that the legislator, in introducing the contested provisions, has not acted recklessly and, by ensuring to educatees the possibility to learn the official language, has acted in the interests of educatees. At the court hearing, the heads of educational institution also have acknowledged the compatibility of the contested provisions with the actual circumstances and the current situation. Hence, a possibility to exercise in full their fundamental rights, included in Article 114 of the Constitution, has been ensured to the Applicants.

5. The Cabinet has provided information that the aim of interest-related educational programmes of the language and cultural history of ethnic minorities is to facilitate the educatees' interest in preserving and developing the identity, language and cultural singularity of ethnic minorities, rather than to ensure specific, gradable knowledge and skills, as in formal education.

The substantiation why exactly three classes per week have been set is said to follow from Annex 12 "Model Programme of Minority Basic Education" to the Cabinet Regulation of 27 November 2018 No. 747 "Regulation on Model Programmes of State Basic Education". Previously, the number of lessons for three years to be dedicated to the subject "Language and Literature of Ethnic Minorities", namely, for Grades 1–3, 312 lessons for three years had been determined, whereas for Grades 4–6 and Grades 7–9, – 315 lessons, thus, nine lessons per week and three lessons per week in the respective school year.

Educatees belonging to ethnic minorities are said to have the possibility to participate in the programme for acquiring and inheriting the intangible cultural heritage "Pulkā eimu, pulkā teku" [I Come with Folk, I Run with Folk].

Acquisition of the official language as a separate subject cannot ensure such understanding of the practical use of the official language, as well as the vocabulary that an educatee acquires by using the official language in studying other subjects. Hence, there are no other alternative measures by which the State could fulfil its positive obligation to guarantee, within the system of education, that the rights of ethnic minorities were respected and that the language, culture and identity of an ethnic minority were preserved.

6. The summoned person – the Ministry of Education and Science – points out that an educatee’s right, in pre-school and basic education, to receive individualised and personalised support in the acquisition of the official language, if necessary, has been enshrined in Education Law and General Education Law. Individualised and personalised support may be provided in various forms, i.e., as an individual study plan, appropriate study materials, different technological solutions, individual pace of work, supportive learning environment, more intense involvement of support staff, parents’ participation, and other. Thus, it has been envisaged that institutions of pre-school and basic education will provide to educatees the necessary support for acquiring the proficiency in the official language.

Simultaneously, also support measures for transition to learning in the official language are implemented. Assistance is provided to teachers of the official language, study aids are being replaced, a model interest-related educational programme of the language and culture history of ethnic minorities has been developed, and guidelines for supporting teachers working in heterogenous learning environment have been elaborated. The developed materials are intended for use both in institutions of special education and institutions of general education, which include educatees who follow a programme of special education. These study aids have been created as support material for teachers and they are of a recommendatory nature.

6.1. Allegedly, General Education Law sets out that special education is a particular type of general education. Special educational programmes ensure to educatees with acquired or congenital functional disorders the possibility to acquire general education in accordance with their special needs. Special educational programmes are implemented, by taking into account the aims, objectives and mandatory curriculum of general education, defined in the State standard of education, in compliance with the type of educatees’ development disorder, abilities and health status. Pursuant to the Cabinet Regulation of 13 June 2017 No. 332 “Regulation on the Classification of Education in Latvia”, nine types of special educational programmes are being implemented.

The curriculum of pre-school education is included in the model special pre-school educational programme in Annex 23 to Regulations Regarding the State

Guidelines for Pre-school Education and the Model Pre-school Education Programmes. The implementation of a special education programme is based on targeted and in-depth work by teachers and specialists to assess, examine and correct the child's abilities, so that the education programme is implemented according to the child's abilities, level of development, state of health, interests, individual experience and needs, promoting the individual achievements of each child. Children with special needs are enrolled in pre-school education groups in accordance with the regulatory framework and by developing for them an individual plan for mastering the curriculum.

The amendments to Education Law, which entered into effect on 1 September 2021, defined the competence of the Cabinet and of the Ministry of Education and Science to elaborate methodology for assessing the special needs of educatees in institutions of pre-school education in Section 14 and Section 15 of Education Law. By the aforementioned amendments to Education Law, it has been set out in Section 30 of Education Law that the head of an educational institution ensures to each child who is enrolled into the programme of compulsory pre-school education assessment of the special needs in accordance with this methodology. The Cabinet Regulation of 29 June 2021 No. 453 “Methodology for Assessing the Special Needs of Educatees at Institutions of Pre-school Education” has been adopted, it provides that the special needs of educatees who have reached the age of five are assessed, by filling out the form for assessing special needs, annexed to this Regulation. Parents are informed about the assessment results. Accessibility of support staff, if necessary, is ensured to an educatee by the institution of education. In implementing the pre-school educational curriculum for children with special needs, teaching and methodological materials, published by the Agency, are used. Likewise, study materials for educatees with mental development disorders, materials for facilitating reading skills for educatees with reading difficulties, materials for educatees with severe mental development disorders for the acquisition of integrated learning curriculum, as well as materials for educatees with hearing disorders are available.

Pursuant to the data of the State Education Information System, on 1 September 2023, in total, 4128 educatees had mastered special pre-school educational programmes. Support in the acquisition of the Latvian language has

been ensured to 945 educatees because, in the previous school year, they had been enrolled in one of the special pre-school educational programmes for ethnic minorities. Among 945 educatees, 731 educatees are in the age of compulsory pre-school education, of these – 415 educatees had reached this age already in the previous school year. Among 945 educatees to whom support is provided in the acquisition of the Latvian language, 741 educatees are acquiring the special pre-school education programme at an institution of pre-school education, 101 educatees – at an institution of general education, and 103 educatees – at an institution of special education. Whereas among 913 educatees who are acquiring education in Grades 1, 4 and 7 at the level of basic education and to whom support in the acquisition of the Latvian language is provided, 627 educatees are acquiring the respective educational programme at an institution of general education but 286 educatees – at an institution of special education.

Support measures are used by educatees who have a speech therapist's evaluation report on the results of speech and language assessment, a special educator's evaluation of the results of the educational research, an educational or clinical psychologist's opinion on the results of the psychological research, a pedagogical and medical commission's opinion on the special educational programme or a pedagogical and medical commission's opinion on the need for support measures in the general basic education programme. These support measures can be used also by educatees with identified development or learning difficulties. Support specialists of the educational institution, on the basis of an application submitted by an adult educatee or a parent, guardian or custodian of a minor learner appointed by the custody court, conduct appropriate pedagogical or psychological assessment and provide opinion on the necessary support measures.

In seven programmes of special basic education, educatees acquire in full the curriculum of the State basic education standard and take the set tests with appropriate support measures. The general intellectual development of these pupils is said to comply with the norm. The curriculum is significantly different in two programmes of special education – for educatees with mental development disorders and educatees with severe development disorders or with several severe development disorders. The educatees who follow the programme of special basic education for “educatees with mental development disorders”, are acquiring a

simplified curriculum of the State basic education standard but the topics of some subjects are included in other subjects. The educatees who follow the programme of special basic education for “educatees with severe mental development disorders or several severe mental development disorders” are acquiring a part of knowledge and skills, defined in the State basic education standard, with individual assistance provided by a teacher. Each educatee, enrolled in this programme, has an individual plan for acquiring the educational programme. In accordance with the educatee’s state of health and the possibilities of the educational institution, an educational programme like this may be implemented during a longer period but not exceeding 12 years. The educatees of both aforementioned groups are unconditionally transferred to the next grade and exempted from state examinations.

Opinions regarding the necessary support measures to a particular educatee in the acquisition of the most appropriate educational programme and curriculum are provided by the State or local government medical commissions in accordance with the Cabinet Regulation of 16 October 2012 No. 709 “Regulation on Pedagogical Medical Commissions”.

The information system of pedagogical medical commissions is linked to the State Education Information System. Thus, the content of the opinions, issued by pedagogical medical commissions, is accessible to an institution of education.

The Cabinet Regulation of 19 November 2019 No. 556 “Requirements for Institutions of General Education to Admit Educatees with Special Needs to their Educational Programmes” defines the requirements to be set for institutions of general education for admitting to the programmes of general basic and general secondary education, implemented by them, educatees with special needs. The regulatory framework determines the support measures for educatees with special needs for acquiring the programme of general education, as well as united model individual plans for the acquisition of educational programmes to be used in all institutions of education. The said Regulation envisages pedagogical or psychological assessment and provision of opinion also with respect to those educatees who do not have an opinion by the pedagogical medical commission but whose development or learning difficulties have been identified. Educatees with special needs can receive support, *inter alia*, for the acquisition of the official language, in the centres for the development of special education. Currently, 10 institutions of special education – centres for development - operate in Latvia, located in all planning regions of Latvia.

Professional discussions have been organised, in cooperation with five local government of Latvia, to explore the best practice of pre-school teachers and institutions of education, accumulated through implementing learning in the Latvian language, as well as to identify challenges and provide the necessary support. During the period from September 2023 until May 2024, 25 remote and on-site visits to institutions of pre-school education in Latvia have taken place, *inter alia*, also to educational institutions that implement programmes of special pre-school education, as well as discussions with pre-school teachers and management have been held. During the professional discussions, the best practice with respect to cooperation between the local government and institutions of pre-school education in transition to learning in the Latvian language, planning and implementing play-based activities in Latvian, efficiently organised study work in the centres, professional corrective work and support by a speech therapist, developing creative educational environment, targeted methodological work and regular continuous professional education of teachers had been identified. During the professional discussions, also challenges have been identified, related to the need to facilitate cooperation between teachers, educational institutions and educatees’ parents with

respect to the use of the Latvian language outside educational institutions, as well as the need to create the official language environment for informal internal communication among the staff members.

Mentors of the Advisory Committee work at the Ministry, providing support to teachers in the areas of communication, continuous professional, provision and quality. Nine online seminars had been ensured to the heads, deputy-heads and teachers of educational institutions that implement programmes of pre-school education, also programmes of special pre-school education, in the period from 2023 to June 2024, during these seminars mentors had provided methodological support in the transition to united school. More than 2000 pre-school teachers, representatives of administration and methodologists had participated in these seminars. Individual consultations had been provided in the framework of seminars. The seminars were recorded and the respective recordings are available on the webpage of the Ministry of Education and Science.

6.2. The number of classes allocated for the implementation of interest-related educational programme has not been determined by any regulatory enactment and not for any interest-related educational programme. The Cabinet has not issued regulation on the specific curriculum and specific programme of interest-related education. In each local government, interest-related educational programmes are implemented, taking into account the decision by the commission, established by the local government, for assessing the elaborated programme and allocating the earmarked grant of the State budget, as well as the licence granted for the implementation of the respective programme. Thus, the local government commissions, taking into account various conditions, i.e., the priorities set in the State and the local government, demand for the particular programme, the available financial resources, human resources and the material supplies, decide what programmes will be implemented and the number of hours for which a teacher will be remunerated for work. Interest-related educational programmes can be financed also by the financial resources of the founder of the educational institution or the educatees' parents.

Usually, the classes for groups of interest-related education are held after the lessons of formal education and, in order to avoid overload for educatees, the number of these classes is balanced in accordance with the educatees' age, specific

features of the programme, the available resources, as well as other conditions. Moreover, there is no regulation on the number of interest-related educational programmes than an educatee can participate in. Experience shows that children become involved in several interest-related educational programmes, testing their abilities in a number of areas, e.g., sports, dancing, singing, language learning, and their interests may change. Most often, when following one interest-related educational programme, the amount of classes is three classes per week. Thus, taking into consideration the aforementioned principles for implementing and financing the programmes, it has been determined also in the Cabinet Regulation of 29 August 2023 No. 494 “Regulations Regarding a Model Interest-Related Education Programme for the Minority Language and Cultural History and the Guidelines for the Implementation Thereof” (hereafter also – Regulation on Interest-Related Educational Programme for Ethnic Minorities) that the interest-related educational programme of the language and cultural history of ethnic minorities should be implemented in classes, the number of which may amount to three classes per week.

Basically, a child acquires language skills and the sense of ethnic belonging in the family. Whereas the aim of an interest-related educational programme is to foster an educatee’s interest in preserving and developing their identity as a representative of an ethnic minority, the language and cultural singularity of the ethnic minority rather to ensure specific, gradable knowledge and skills, as in formal education. Institutions of education may allocate also more or less than three classes per week for the interest-related educational programmes of the language and cultural history of ethnic minorities.

To ensure that a child, completing the level of pre-school education, would have learned the official language at a sufficient level and would be ready to start learning in Grade 1 in the official language, would be able to master successfully the curriculum taught in the official language and become integrated in the environment at school, in Latvia, from 1 September 2023, at the entire level of pre-school education, the pre-school educational programme is acquired in the Latvian language and there are no grounds to determine exemptions with respect to the language use in mastering the curriculum of pre-school education.

6.3. At the court hearing, the Ministry of Education and Science pointed out

that, on 1 September 2022, 136 institutions of pre-school education were implementing educational programmes for ethnic minorities but, currently, interest-related educational programmes for ethnic minorities were being implemented in 43 institutions of education.

The State has allocated to institutions of education financial resources for implementing support mechanism if an educatee belonging to an ethnic minority needs support in the acquisition of the official language. The speech therapy and psychological support to children with special needs should be provided in the official language to promote their integration in society and simplify their possibilities of further education. The abilities of a bilingually speaking child with development disorders are said to be the same in both languages and no different from the abilities of a monolingual child.

Allegedly, interest-related educational programme for ethnic minorities is mastered voluntarily, and its aim is to ensure an educatee's interest in their belonging to an ethnic minority, preservation and development of its language, culture and ethnic singularity. Both the language and culture, history and geography are taught in this programme. The guidelines, included in Regulation on Interest-Related Education for Ethnic Minorities, is only a model, which the teachers may improve at their own discretion. The local government, allocating financing for the implementation of an interest-related educational programme for ethnic minorities, must reckon with three respective classes per week. If the demand by the educatees' parents is sufficient then the local government allocates financing on its own initiative, which may not be less than for three classes per week in interest-related education for ethnic minorities. This number of envisaged classes for educatees of pre-school age has been balanced and determined in compliance with the requirements set at the level of pre-school education.

An interest-related educational programme for ethnic minorities, which meets the educatees' interests in the best way possible, may be implemented in the same institution of education where an educatee is acquiring the mandatory curriculum of general education; however, if only one educatee wants to follow this programme then, in agreement with the parents, the possibility to acquire interest-related education for ethnic minorities at another institution of education, located as close as possible should be ensured to this educatee.

Moreover, it is possible to learn the language of an ethnic minority as an optional subject. If there is the respective demand, then also at institutions of special education, implementation of interest-related educational programme for ethnic minorities should be ensured. During the classes of interest-related education for ethnic minorities, support to educatees is provided in their native language.

Currently, there are plans to allocate financing to continue the interest-related educational programmes for ethnic minorities. Following the transitional period when the contested provisions must enter into effect, it is envisaged to finance the interest-related educational programmes for ethnic minorities with the support of structural funds. It is planned to attract financing for camps and the acquisition of the languages of minority cultures also from the European support mechanisms. Currently, there are approximately 800 teachers who teach the Russian language and literature to educatees. These are the teachers who will be invited to give classes envisaged in the interest-related educational programmes for ethnic minorities.

The use of a child's native language in the process of education is admissible only in the cases where a child's life is endangered.

The State Education Quality Service, in accreditation of educational institutions, assesses the heads of these institutions. In this process, the State Education Quality Service, assesses the entire process of education as a whole.

At an institution of education, its head is responsible for recruiting teachers and employees. The head of an educational institution, in cooperation with its founder, should find a way to attract teachers, by using the available resources. Allegedly, the lack of teachers is not a systemic problem.

The Ministry of Education and Science is conducting an analysis of the results of centralized examinations according to the types of educational programmes. The results of Grade 9 in centralized examinations were analysed separately, as obtained within the framework of the educational programme for ethnic minorities, but the results of secondary school examinations were analysed as a whole, since such programmes no longer exist. When conducting an analysis according to the types of programs, the Ministry of Education and Science has concluded that the dynamics of examination results and the progress achieved in the acquisition of the Latvian language are insufficient compared to the average results

in the country. Pursuant to the data of 2018 on the results achieved in educational programmes for ethnic minorities, the average indicator in percentage of Latvian language acquisition was 45, while in educational institutions where the educational programme for ethnic minorities was not implemented, this indicator was 53.

7. The summoned person – the National Centre for Education – points out that the interest-related educational programme for ethnic minorities is the only exemption in the sense that national-level guidelines on its implementation have been elaborated and, also, targeted financing and support for the procurement of study aids has been ensured. Thus, both methodological and financial support for implementation of interest-related educational programmes for ethnic minorities has been ensured. An interest-related educational programme for ethnic minorities is approved by the head of an educational institution. The head of an education institution also determines the procedure, in which the respective programme is implemented at the institution of education. Thus, the head and the founder of an educational institution are responsible for the control over implementation of an interest-related educational programme for ethnic minorities.

7.1. Equal opportunities to acquire at the institution of education interest-related educational programme for ethnic minorities are ensured to educatees with special needs . The institution of education and the teacher of the interest-related education for ethnic minorities must ensure that the curriculum of the programme is suitable for the child's individual abilities and interests.

The offer of interest-related educational programmes and the curriculum of any of these programmes, including the curriculum of interest-related educational programme for ethnic minorities is created to suit the age of educatees and with the aim to complement, develop, consolidate knowledge and develop abilities and skills. Thus, additional possibilities to gain new experience or broaden the existing one to a child are provided, *inter alia*, the possibility to preserve and develop the language, as well as the ethnic and cultural singularity of an ethnic minority.

An interest-related educational programme for ethnic minorities can be implemented by responding to the parents' demand or by parents responding to the offer made by the institution of pre-school education. In preparing and implementing the interest-related educational programme for ethnic minorities, the

institution of education and the teacher must comply with Regulation on Interest-Related Education for Ethnic Minorities.

7.2. At the court hearing, the National Centre for Education pointed out that the results to be reached in interest-related education were not strictly regulated. Allegedly, the curriculum and aims of an interest-related educational programme for ethnic minorities are not the same as for the acquisition of the Russian language and literature, which was previously included in the basic programme of education. The interest-related educational programme should be seen as a whole, which provides the possibility to preserve and develop the language and culture of an ethnic minority. If the institution of education and the educatees' parents deem it necessary to increase the number of classes allocated for the interest-related education of ethnic minorities, it is not prohibited.

In teaching the mandatory curriculum of education to educatees with special needs, teachers use special methods, adjusted to ensure that the educatee is able to perceive this curriculum effectively. In institutions of special education, teacher who has received special training work with educatees also in the area of interest-related education. Moreover, the National Centre for Education has trained very many teachers for working with educatees who have difficulties in the acquisition of the official language.

The sooner a child becomes integrated in the environment of the official language, the easier it will be for them to learn this language. That is why it is advisable also for the speech therapists and other specialists to work with the educatee in the official language. The use of the child's native language would be admissible only in situations of crises and only if the teacher knows this language.

Initially, transitioning to education in the official language, it might happen that the achievements in other subjects, not in the language, decline. However, it should be taken into account that the reform to education is implemented gradually. On 1 September 2023, educatees in Grades 1, 4 and 7 started the transition to education in the official language. The achievements attained by these educatees will be seen when they will be in Grades 3, 6 and 9.

8. The summoned person – Rīga Purvciems Secondary School – pointed out that, in this school year, the graduates of pre-school had been better prepared for

starting school in Grade 1.

The interest-related educational programme for ethnic minorities helps to develop and preserve the language, culture and ethnic identity of an ethnic minority. At the classes of interest-related education for ethnic minorities, educatees of Grade 1 learn to read, write in Russian and study folklore. Educatees of Grade 4, in the framework of interest-related educational programme for ethnic minorities, mainly deepen their knowledge of the Russian grammar and understanding of the Russian literature. In Grade 7, educatees lose, to a certain extent, the interest in participating in the classes of interest-related educational programme for ethnic minorities because they are held either before or after acquisition of the programme of basic education and teachers also hold at the same time tutorials in the subjects to be mastered as part of the basic programme.

Previously, three lessons per week had been allocated for the acquisition of the language and literature of ethnic minorities, however, since in the classes of interest-related education for ethnic minorities not only the knowledge of the minority language and literature is acquired but also other skills are being developed, the curriculum of the previously acquired education and the curriculum to be acquired now cannot be compared. The institution of education had consulted with the parents regarding the time when the interest-related educational programme for ethnic minorities should be implemented. The majority of parents had wanted that the respective classes would be organised after the acquisition of the basic programme. The deputy head attends classes in interest-related education and reports on them are submitted. Feedback regarding the course of the interest-related educational programme for ethnic minorities is provided during the parents' meetings. The interest-related educational programme for ethnic minorities is led by teachers who previously taught the Russian language and literature. In the future, the educational institution is planning to introduce also mechanisms for controlling the interest-related education for ethnic minorities.

The institution of education had been preparing timely for the transition to education in the official language. The teachers had attended special classes, courses and experience-sharing events.

In certain situations, children with disorders of psychological nature should be provided support, by using their native language.

Educatees may use their native language during breaks and when searching for sources of information for learning purposes.

9. The summoned person – Rēzekne Polish State Gymnasium – pointed out at the court hearing that the programme of general education in it was implemented in accordance with an international agreement. The institution of education has elaborated an original programme and, thus, had retained in the study plan the Polish language lessons both at the level of pre-school education and at the level of basic education. Four Polish language lessons per week have been envisaged for Grade 3 and three Polish language lessons per week for Grades 5 and 7. This number of lessons is said to be optimal, moreover, the institution of education is offering the possibility to have optional Polish language classes if the educatees or their parents want it.

In addition to that, the interest-related educational programmes, implemented by the institution, are aimed at preserving the Polish culture and its heritage. Choir and folk dance classes are led by teachers from Poland.

The institution of education controls the educatees' achievements regularly and has not identified decline in the quality of education. The institution of education had had at its disposal the necessary educational materials and digital study aids for due transition to education in the official language.

The institution of education has a group for educatees aged five and six. A teacher from Poland, alongside Polish songs and dances, is also teaching the Polish language to these educatees. The educatees develop awareness of which language to use when communicating with which teacher. The institution of education is trying to facilitate also the acquisition of the official language during breaks and play-based activities. Parents are also encouraged to help in the acquisition of the official language. Children of this age are said to learn languages very quickly.

Educatees with special needs also have the possibility to preserve and develop the language of an ethnic minority, as well as the ethnic and cultural singularity because they learn together with other educatees. If necessary, individual classes in all subjects are ensured to educatees with special needs. Likewise, both at the level of pre-school education and at the level of basic education a special pedagogue, a social pedagogue, as well as a speech therapist are involved in working

with them. Educatees with special needs participate actively in classes of interest-related education and a link with the Polish language and culture is ensured to them.

During the Soviet period, it had been impossible to learn the Polish language because Polish institutions of education did not exist. Currently, educatees have the possibility both to attend Polish institutions of education and also to learn the Polish language. Graduates of Rēzekne Polish State Gymnasium choose this institution of education for their children and help them to learn the Polish language.

10. The summoned person – Riga Institution of Pre-school Education No. 224 – states that 11 groups of educatees, from the age of eighteen months to seven years, acquire education therein.

The institution of education has received methodological materials, books, as well as additional financing for procuring the digital study aids, needed for the transition to education in the official language.

Interest-related education for ethnic minorities is available at the institution of education. The local government has allocated 18 hours per week to all educatees in total for the acquisition of the interest-related educational programme. A class in interest-related education for one group lasts approximately 20–25 minutes. The programme is implemented from 15:00 to 18:30. Classes in interest-related education for ethnic minorities are held twice per week for every group.

At the classes of interest-related education for ethnic minorities, folklore is spoken about, fairy tales are read and songs are sung. At home, educatees communicate with their family in their native language, therefore, the interest-related education for ethnic minorities is focused on the acquisition of culture. The institution of education can adjust the curriculum of the interest-related education for ethnic minorities to the parents' demand. Reports on the achievements in the interest-related education for ethnic minorities are entered into the e-register.

Educatees with special needs have access to support staff. Teachers' assistants work individually with educatees who have difficulties in the acquisition of a language. Educatees with special needs attend also classes in the interest-related education for ethnic minorities.

Since the process of education is implemented in the official language the communication with educatees also takes place in the official language. At this early

age, educatees learn the language very quickly. Educatees use their native language in communication among themselves. In exceptional cases, a child's native language is used to comfort a child or in situations that endanger their safety.

11. The summoned person – institution of pre-school education “Dzirnaviņas” – points out that educatees from the age of three to seven years are involved in the interest-related education programme for ethnic minorities. The choice not to envisage such a programme for educatees from the age of eighteen months to three years has been approved by their parents. Groups of up to 15 children participate in the classes of interest-related education. Educatees with speech development disorders also attend these classes.

These classes are organised during the second part of the day, from 15:00 to 18:00. The classes last up to 45 minutes and are held twice per week. Exactly this amount of the local government's financing for implementing interest-related programme for ethnic minorities has been granted to the institution of education. It had been difficult to find a teacher for implementing the interest-related educational programme due to the small workload. Feedback on the achievements in the framework of the interest-related educational programme for ethnic minorities is provided to parents after completing each major topic when joint celebrations are organised.

The tone of voice is essential when comforting educatees. In critical situations, when the educatee does not understand what is being said in the official language, gestures or their native language is used to comfort them. Among themselves, educatees communicate in their native language. Sometimes they communicate also with the teachers in their native language, however, the teachers respond in the official language. Support in the acquisition of the official language is provided only in the official language. An assistant is provided to an educatee with special needs, the assistant speaks with the educatee in their native language, the teachers, however, communicate with such an educatee in the official language.

Since 1 September 2023, the link of educatees belonging to ethnic minorities with their ethnic culture has not diminished. Using the financing provided by the educatees' parents, the institution of education can recruit other teachers of interest-related education.

12. The summoned person – Lecturer at the Department of Psychiatry and Narcology, Riga Stradins University, Head of the Child Psychiatry Clinic, Head of Development at the Adolescent Resource Centre *Dr. med. Nīkita Bezborodovs* – points out that, in bilingual environment, children with special needs sometimes experience temporary delay in speech development; however, it does not cause any adverse consequence in the long-term. An educatee with special needs who is learning in two languages, initially, has narrower vocabulary in each of them, but the total in both languages is rather large. Over time, educatees with special needs learn both languages. Parents should communicate with their child in the native language and take into account that the acquisition of this language will take longer.

Inclusive education is the best form of education for educatees with development disorders. It allows avoiding segregation. One of the aims of education is the training of such skills that ensure the possibility of becoming a member of society and functioning in society. If the official language is Latvian then one must know this language, otherwise a person will be unable to function independently. Proficiency in the official language is important also for children with neuropsychiatric disorders. Lack of proficiency in the language causes decrease in the number and quality of contacts. It is important for the teacher to have a good level of proficiency in the official language not to hinder educatees in the process of acquiring the official language. It is not advisable for the teacher to use both languages in daily life, not to confuse the language codes for a child and disrupt language learning.

The amount of support that an educatee with special needs requires depends, to a large extent, upon their state of health. The type of and need for the support measures of an educatee with special needs should be assessed in the educational environment. Educatees with special needs should receive support in a way that is understandable to them. Provision of support in an understandable way can take the form of providing support by visual perceptive materials, without using a language, as well as providing explanations in language that the child understands. Until a child does not know a particular language, communication with them should take in the language that they understands, i.e., either in the native language or also by

gestures.

Almost all research of the impact of bilingual environment on educatees with special needs pertain to situations where communication in the family takes place in the native language, whereas the educational process at the institution of education – in another language.

Acquisition of a language is a process that, actually, begins before birth, through the perception of sounds. If a persona learns a new language in the period when the brain is most plastic, thus, at an early age, it is very easy to learn it. However, in language acquisition, being in the environment of the particular language is very important. Educatees who attend institutions of education for ethnic minorities are, mostly, in environments of three languages: they communicate in their native language at home, they learn the official language at the institution of education and English – in the Internet environment. If the educatee lacks the possibility of being in the environment of their native language then three hours per week could be insufficient for learning this language.

13. The summoned person – Professor at the University of Latvia and Member of the Board of the Latvian Association of Speech Therapists *Dr. paed. Sarmīte Tūbele* – pointed out at the court hearing that a speech therapist worked with children with identified speech disorders. To consolidate the native language, it is possible to visit a speech therapist privately, however, at an institution of education the process of education is implemented in the official language and, thus, also a speech therapist's services at the institution of education are provided in the official language. This applies also to children with special needs. Provision of a speech therapist's services in another language instead of the official language would not facilitate acquisition of the official language.

Educatees belonging to ethnic minorities use their native language both in their daily communication in the family, as well as in other communication, therefore the need to learn this language additionally also in the process of formal education should be viewed critically. If an educatee does not understand what the teacher is saying in the official language then the teacher can try to explain it in other words but if the educatee still does not understand it, explaining more complex concepts in their native language could be admissible.

The Findings

14. If the compliance of several legal provisions with a number of superior legal provisions has been contested then the Constitutional Court, considering the merits of the case, must determine the most effective approach to this compatibility review (*see, for example, Judgement by the Constitutional Court of 15 May 2020 in Case No. 2019-17-05, Para 13*).

14.1. By Section 1 of Amendments to Education Law of 2022, Para 2 of Section 9 (2) was deleted from Education Law, it envisaged the possibility to acquire, in State and local government educational institutions, education not in the official language but in another language, in an educational programme for ethnic minorities on the level of pre-school education and basic education, Section 5 deleted Para 1 of Section 38 (2) of Education Law, which envisaged educational programmes for ethnic minorities as a special type of educational programmes, Section 6 deleted Section 41 of Education Law, which regulated implementation of educational programmes for ethnic minorities, whereas Section 12 specified the provisions for coming into effect of Section 6 of Amendments to Education Law of 2022. Section 4 (1) of Amendments to General Education Law of 2022, in turn, deleted Section 30 (5) of General Education Law, which envisaged the possibility to combine the basic education programme with an educational programme for ethnic minorities, whereas Section 6 set out the rules for entering into effect of Section 4 (1). Thus, the contested provisions, in conjunction, constitute legal regulation, which does not envisage the possibility, in State and local government educational institutions, to acquire education in educational programmes for ethnic minorities, as of 1 September 2023, at the level of pre-school education and Grades 1, 4 and 7 at the level of basic education, as of 1 September 2024, in Grades 2, 5 and 8, and, as of 1 September 2025, in Grades 3, 6 and 9.

Thus, in the present case, the compliance of the contested provisions as united legal regulation, which envisages that, in State and local government educational institutions at the level of pre-school education and at the level of basic education, programmes of general education must be implemented only in the

official language, with superior legal provisions has to be reviewed.

14.2. In their application to the Constitutional Court, the Applicants have requested the Constitutional Court to review the compliance of the contested provisions with Article 1 and Article 114 of the Constitution. However, at the court hearing, Olga Loginova, the representative of applicant Polina Loginova, pointed out that the compliance of the contested provisions with Article 114 of the Constitution should be examined in conjunction with the compliance thereof with Article 112 of the Constitution because, allegedly, the contested provisions affect also matters related to the quality and accessibility of education, in particular, for educatees with special needs.

The Constitution is a united whole and the provisions, included therein, require systemic interpretation. In view of the principle of the unity of the Constitution and complying with the principles of legal proceedings before the Constitutional Court, the Constitutional Court can examine the compliance of the contested provisions also with such provisions of the Constitution, with respect to compliance with which the case has not been initiated (*compare, see, for example, Judgement by the Constitutional Court of 2 November 2006 in Case No. 2006-07-01, Para 14*).

The Constitutional Court has pointed out previously that the State's obligation to establish a system of education that is accessible to every educatee follows from Article 112 of the Constitution (*see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 20*). The established system of education must comply also with the State's obligations, included in the first sentence of Article 112 of the Constitution, and must ensure persons' right to receive quality education (*compare, see Judgement by the Constitutional Court of 26 May 2022 in Case No. 2021-33-0103, Para 16*).

Educational process that meets the interests of educatees belonging to ethnic minorities is such process of education that includes not only aspects related to preserving and developing the identity of an ethnic minority but also ensures accessible quality education. Moreover, participants in the case, as well as the summoned persons have provided arguments regarding the impact of the contested provisions on the accessibility and quality of education with respect to persons belonging to ethnic minorities (*see, for example, Case Materials, Vol. 5, pp. 53, 80,*

105, and Vol. 6, p. 75)

Therefore, in the present case, in view of the facts of the case and Applicants' arguments regarding the contended incompatibility of the contested provisions with the Constitution, as well as the Constitutional Court's case law, for more effective review of the case, also the compliance of the contested provisions with the first sentence of Article 112 of the Constitution must be examined.

14.3. Article 114 of the Constitution provides: "Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity." Article 114 of the Constitution includes not only a person's right to preserve and develop one's language and culture but also the collective right to ensure, with a common aim, preservation and development of the identity of an ethnic minority because a person belonging to an ethnic minority can preserve their identity together with other persons, belonging to the respective ethnic minority (*compare, see, Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 23*). Article 114 of the Constitution demands positive actions by the State, aimed at protecting and ensuring the rights of persons belonging to ethnic minorities (*compare, see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 18.1.*).

The content of rights, included in Article 114 of the Constitution, must be revealed in conjunction with other provisions of the Constitution and the documents of international law, binding upon Latvia, in the area minority rights' protection, in particular, the Convention on Minorities.

Article 14 of the Convention on Minorities specifies the scope of the right to education, required for preserving the identity of ethnic minorities. This Article consists of three parts, which are connected content-wise. The first part of Article 14 of the Convention on Minorities provides that every person belonging to a national minority has the right to learn his or her minority language, which is one of the means by which such individuals can assert and preserve their identity (*see: Council of Europe, "Explanatory Report to the Framework Convention for the Protection of National Minorities", 1 February 1995, para. 74*). The second part of Article 14 of the Convention on Minorities provides that, in certain circumstances, a person belonging to a national minority should have adequate opportunities for being taught the minority language or for receiving instruction in this language. The State may

choose which of these opportunities it will ensure to persons belonging to ethnic minorities. Simultaneously, pursuant to the third part of Article 14 of the Convention on Minorities, these rights of a national minority must be implemented without prejudice to the learning of the official language.

To use the minority language in educational process, not only formal mastering of this language but also the development of the identity of a person belonging to an ethnic minority should be ensured. However, the State's obligation to ensure such form of preserving and developing the language, ethnic and cultural singularity of an ethnic minority as the acquisition of education in the minority language or defining the proportion of using this language within the framework of education system, established by the State, in State and local government educational institutions does not follow from Article 114 of the Constitution and Article 14 of the Convention on Minorities, in view of the national constitutional system and the purpose of the Convention on Minorities – creation of a climate of tolerance and dialogue in plural society (*see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 20.1.*). These provisions only set out general guarantees for the preservation and development of a minority language, as well as its ethnic and cultural singularity on an adequate level.

The first sentence of Article 112 of the Constitution, in turn, envisages the right of everyone, including persons belonging to ethnic minorities, to education. The right to education is a right that must be regulated by the State. The State must define such legal regulation that allows everyone to reach all educational aims in accordance with the particular level and type of education. The aim of Latvia's system of education – to ensure to every inhabitant of Latvia the possibility to develop one's mental and physical potential in order to become an independent and developed personality, a member of the democratic State of Latvia and its society – has been recognised by the Constitutional Court as being compatible not only with the interests of educatees themselves but also with the interests of society in general (*see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 20, and Judgement of 10 July 2024 in Case No. 2022-45-01, Para 29.1.*).

14.4. A person's right to general education in the language of one's choice, *inter alia*, in the native language of an educatee belonging to an ethnic minority,

does not fall within the scope of the first sentence of Article 112 of the Constitution. The State must support preservation and development of the ethnic minorities' singularity within the framework of educational system, facilitating the development of a common identity of a democratic society rather than opposing the rights of persons belonging to ethnic minorities and the common interests of society (*compare, see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 23.2. and Para 24.3.*).

14.5. Simultaneously, the first sentence of Article 112 of the Constitution includes a person's right to use in full all opportunities provided by the system of education. The system of education, established by the State, must comply with such principles as the accessibility, availability, acceptability and adaptability of education (*compare, see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 13*).

Accessibility of education means creating educational institutions and educational programmes in such a number that meets the educatees' needs in order to guarantee that the aims of education are attained. Availability of education must be ensured by creating equal opportunities and eliminating obstacles that might occur, while using the opportunities of education. Acceptability of education, in turn, must be ensured by adapting the curriculum and methods of education to the educatees' needs, *inter alia*, by defining standards of education and creating conditions for creative freedom in attaining the respective standards at certain levels of education, as well as by envisaging the possibilities of parents' participation. Acceptability of education comprises also an educatee's right to free participation in cultural life, the right to rest, to leisure time, as well as safe and healthy conditions for receiving education (*see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 20, and Judgement of 19 June 2020 in Case No. 2019-20-03, Para 13*). Likewise, the principle of acceptability of education requires the system of education, established by the State, to be able to ensure to ethnic minorities education that is culturally appropriate and of good quality (*see: UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant on Economic, Social and Cultural Rights), 8 December 1999, E/C.12/1999/10, para. 6 and para. 50*). Finally, education's ability to adapt means also the development of the

educational system in accordance with society's changing needs (*see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 13*).

The first sentence of Article 112 of the Constitution comprises everyone's right to education, irrespective of their state of health. A child with special needs has the same needs as other children and, additionally, other needs, typical of the particular child. Therefore, the State has the obligation to implement additional measures to ensure, to the extent possible, that these special needs are not an obstacle for exercising the rights, included in the Constitution, *inter alia*, the right to education. Namely, the State must envisage such regulation that would, insofar possible, meet the individual educational needs of every child and would facilitate effective exercise of their right to education (*compare, see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 23*). The said obligation of the State is closely linked to Article 110 of the Constitution, which includes the State's obligation to establish and maintain a system that ensures special social and economic protection to children with disabilities (*compare, see Judgement by the Constitutional Court of 21 February 2007 in Case No. 2006-08-01, Para 10*).

The content of the State's obligation, included in Article 112 of the Constitution, with respect to children with special needs must be revealed in conjunction with Convention on the Rights of Persons with Disabilities. Article 24 of this Convention reflects the principle of reasonable accommodation. The possible measures to be taken in order to help an educatee with special needs be equal in the acquisition of education with other educatees must be derived from it.

Thus, the principle of accommodation, falling within the scope of the first sentence of Article 112 of the Constitution, includes the requirement that the State must accommodate reasonably the general requirements to the special needs of each child. This means that the State must elaborate rules that are sufficiently flexible to ensure that the requirements, included therein, can be met, taking into consideration the special needs and individual abilities of each child (*compare, see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 26.3.*).

In view of all the above, it can be concluded that Article 112 of the Constitution includes the right of every educatee, *inter alia*, an educatee belonging to an ethnic minority, to make full use of all opportunities provided by the system

of education. Thus, the State's obligation to establish such system of education that, *inter alia*, with respect also to educatees belonging to ethnic minorities, complies with the principles of accessibility, availability, acceptability and adaptability of education and ensures the right of ethnic minorities to learn, preserve and develop their language, ethnic and cultural singularity, follows from the first sentence of Article 112 of the Constitution, interpreted in conjunction with Article 114 of the Constitution. Moreover, in fulfilling this duty, the State must take into consideration also the individual needs and abilities of educatees, *inter alia*, their special needs.

14.6. The basic matter in the present case pertains to the impact of the contested provisions upon the right of persons belonging to ethnic minorities to learn, preserve and develop their language, as well as the ethnic and cultural singularity in the process of education. At the same time, the Applicants have pointed out that the requirement to implement general educational programmes, in State and local government institutions of education at the level of pre-school education and basic education, only in the official language might hinder reaching the aims of education and decrease the quality of education. Allegedly, educatees with special needs belonging to ethnic minorities are particularly subject to this risk, as their native language should be used in their educational process.

Hence, the Constitutional Court must, first and foremost, review the compatibility of the contested provisions with Article 114 of the Constitution in conjunction with the first sentence of Article 112, i.e., clarify whether the State has fulfilled its positive obligation to ensure, in State and local government institutions of education at the level of pre-school education and at the level of basic education, educational process that meets the interests of persons belonging to ethnic minorities, which includes adequate opportunities for persons belonging to ethnic minorities to learn, preserve and develop their language, ethnic and cultural singularity, as well as complies with the principles of accessibility, availability, acceptability and adaptability of education.

Following that, the Constitutional Court will have to assess the compatibility of the contested provisions with the principle of protecting legitimate expectations, enshrined in Article 1 of the Constitution.

15. The Constitutional Court already has recognised that the right to

education permits certain discretion of the State with respect to what kind of system of education the State establishes, taking into account both the resources available to the State and society's needs in its particular stage of development (*compare, see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 12*). It follows also from the international legal acts binding upon the State. The European Court of Human Rights has concluded that the right to education, defined in Article 2 of the First Protocol to the Convention, substantially, requires regulation by the State and this regulation may differ time- and place-wise, depending on the society's needs and resources (*see, for example, Judgement by the European Court of Human Rights of 23 July 1968 in Case "Relating to certain aspects of the laws on the use of languages in education in Belgium" v. Belgium"*, Application No. 1474/62, etc., Para 5 of Part I B, and Judgement of 25 February 1982 in Case "Campbell and Cosans v. the United Kingdom", Application. 7511/76 etc., Para 41). Also the Committee on Economic, Social and Cultural Rights, explaining Article 13 of International Covenant on Economic, Social and Cultural Rights, has recognised that exercise of this right depends on the conditions prevailing in each particular State Party (*see: UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant on Economic, Social and Cultural Rights), 8 December 1999, E/C.12/1999/10, para. 6*).

Likewise, in determining the most appropriate way for exercising the rights, included in Article 114 of the Constitution, in conjunction with Article 14 of the Convention on Minorities, the circumstances that characterise society and an ethnic minority, as well as the historical context should be taken into account (*compare, see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 23.2. and Para 24. 2.*). The Advisory Committee also has pointed to this, recognising that State Parties may adjust particular methods and tools for exercising this right to the special needs of the particular State, region or ethnic minorities (*see: Advisory Committee on the Framework Convention for the Protection of National Minorities, Commentary on Education under the Framework Convention for the Protection of National Minorities, 2 March 2006, Para 2.3.2*).

Thus, the State has the discretion, appropriate for its special circumstances, with respect to how it ensures that the rights of persons belonging to ethnic

minorities are respected in the process of education.

15.1. The special circumstances that have developed in Latvia as the result of prolonged occupation and russification already have been analysed in the Constitutional Court's judicature (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 30, and Judgement of 23 April 2019 in Case No. 2018-12-01, Para 24.2.*). Prior to the occupation, various ethnic minorities lived in Latvia and, *inter alia*, they had their own institutions of education. During the occupation by the USSR, the proportions in the ethnic composition of Latvia's population changed, mainly due to the fast inflow of inhabitants from other territories of the USSR, which was facilitated both by the targeted policy of the occupational power and socialist industrialisation, as well as the choice by the military personnel of the armed forces of the USSR or the domestic armed forces to settle in Latvia after demobilisation, and other factors (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 30.1.*). The proportion of Latvians decreased from almost 80 percent before the Second World War to 52 percent in 1989 (*see: Bleiere D. u. c. Latvijas vēsture. 20. gadsimts. Rīga: Jumava, 2005, 363. lpp.*).

During this period, the matter of communication was solved by implementing general russification. Russification of the educational process manifested itself as establishment of dual-stream educational institutions, which, essentially, meant segregation: alongside educational institutions that provided education in the Latvian language also educational institutions with Russian as the language of instruction were established. Minority schools were abolished. (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 30.2.*).

Even 10 years after the occupation had ended, 50.2 percent of those belonging to other ethnicities or 21 percent of all population, according to their self-assessment, were not proficient in the official language (*see: Eglīte P. Padomju okupācijas režīms Baltijā 1944.–1959. gadā: politika un tās sekas. Latvijas Vēstnesis, 20.06.2002., Nr. 93, ar atsauci uz: Latvijas 2000. gada tautas skaitīšanas rezultāti. Rīga: Centrālā statistikas pārvalde, 2002, 145.–147. lpp.*).

15.2. Already since 1991, a targeted reform of the system of dual-stream educational institutions, created as the result of the policy of russification, imposed by the occupational power, is implemented.

Education Law of the Republic of Latvia, adopted on 19 June 1991, launched democratisation, decentralisation and depolitisation of the educational system and, also, was aimed at ensuring diversity in educational opportunities (*see Judgement by the Constitutional Court of 13 May 2005 in Case No. 2004-18-0106, Para 2 of the Findings*). Section 5 of this law guaranteed the right to acquire education in the official language and envisaged reinforcing the significance and use of the official language in the system of education. Likewise, at this time, minority schools of general education resumed their activities in Latvia, e.g., Polish, Jewish and Ukrainian schools (*see, for example: Papule E. Mazākumtautību skola un nacionālo kultūru aktualizēšanas iespējas. Latvijas Vēstnesis, 06.10.1999., Nr. 328/329.*).

Several other reforms followed this reform to the system of education. However, it was concluded in Guidelines on National Identity, Civil Society and Integration 2012-2018 that, in Latvia, due to the large Russian speaking immigrant community, which had formed during the period when Latvia was occupied, features of two-community State still could be observed: separate information spaces, divisions in the political environment according to ethnic features, different social memories, linguistic separation in workplaces, schools, nursery schools (*see: see: Guidelines on National Identity, Civil Society and Integration 2012-201. Rīga, 2012, p. 8.. Available: km.gov.lv; see also Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 30.3.*).

On the basis of research on insufficient proficiency in the official language, further stages in the reform to the system of education were implemented. Amendments to Education Law of 2018 provided that also in private educational institutions general education and vocational education at the level of basic and secondary education had to be acquired in the official language. Pursuant to this legal regulation, in programmes of minority education, from Grade 1 to Grade 6, acquisition of the curriculum in the official language had to be ensured in the amount of at least 50 percent, whereas in Grades 7 to 9, in the amount of at least

80 percent of the total annual workload, including foreign languages (*see Sections 1 and 3 of the law of 22 March 2018 “Amendments to Education Law”*).

15.3. The Latvian language is an inalienable part of the constitutional identity of the State of Latvia (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 30.2.*). For a person to wish and be able to participate in the life of society, they need adequate proficiency in the official language (*see Judgement by the Constitutional Court of 23 April 2029 in Case No. 2018-12-01, Para 24.3.*).

A person who is proficient in the official language has the possibility to compare and assess critically the obtained information and participate qualitatively in public discourse, which is an inalienable part of democratic society (*see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 24.3.*). Alongside its other social functions, the official language fulfils also specific tasks of national importance, i.e., ensures functioning of the State and communication between a person and the State (*see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 24.2., and Judgement of 10 July 2024 in Case No. 2022-45-01, Para 32*). Likewise, proficiency in the official language allows a person to gain maximum benefit from the system of education that exists in the State, by being able to continue education in the official language, as well as integrating successfully in the labour market after acquisition of education (*compare, see Judgement by the Constitutional Court of 13 May 2005 in Case No. 2004-18-0106, Para 18 of the Findings*). Hence, increasing the proficiency in the official language is essential also for ensuring a person’s rights and for creating a cohesive society. Finally, the proficiency in the official language of persons belonging to ethnic minorities protect also the right of other persons to use the official language freely in any area of life throughout the territory of the State (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 32*).

Thus, to ensure the right of persons belonging to ethnic minorities, as well as other persons’ rights and protection of the democratic State, the State had to and still has to facilitate and reinforce the use of the Latvian language in Latvia. This obligation comprises also fostering the use of the official language at all levels of education.

15.4. It was found in Guidelines on the Official Language for 2021–2027, which were adopted in 2021, that the consequences of the Soviet occupation still influenced the situation of the official language in Latvia (*see the Cabinet’s Order No. 602 of 25 August 2021 “On Guidelines on the Official Language for 2021–2027”*) Alongside Latvian, the Russian language is extensively used in the public space, this has an adverse impact on the rights and possibilities of those persons who are not proficient in the Russian language. Some facts indicate that adolescents who do not know Russian and do not belong to the respective ethnic minority are discriminated in society, in particular, in the labour market. For example, it was established in the Agency’s study of 2020 that more than half or 55 percent of young Latvians, in the age group from 19 to 34 years, had experienced a situation where the lack of proficiency in the Russian language had left adverse impact on the possibility to get a job (*see Sociolinguistic study by the Latvian Language Agency “The Linguistic Situation in Latvia: 2016–2020”, p. 116*). Thus, the consequences of insufficient proficiency in the official language, affecting persons belonging to ethnic minorities, are still observed both with respect to their employment and possibilities of societal participation (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 30.4.*). At the same time, it has been concluded that the number of those with proficiency in the other minority languages that traditionally had been spoken in Latvia, i.e., Belorussian, Polish, Lithuanian, Estonian, Romani, etc., continues to decrease (*see Sociolinguistic Study by the Latvian Language Agency “Linguistic Situation in Latvia: 2016–2020”, p. 66*).

In 2019, 20 percent of persons belonging to ethnic minorities in the age group from 18 to 34 years, surveyed by the Agency, admitted that they had acquired the Latvian language only on the level of basic skills or had poor proficiency in it (*see Sociolinguistic Study by the Latvian Language Agency “Linguistic Situation in Latvia: 2016–2020”, p. 23.*). It was established in the study “The Outcomes of Latvian Language Acquisition among Pre-schoolers in Latvia: in Kurzeme, Rīga and Latgale. Acquisition of the Latvian Language”. Likewise, it was established that children of pre-school age had insufficient proficiency in the Latvian language for starting to acquire education at the level of basic education, moreover, exactly in those cases where they had attended groups of pre-school education where, basically, the Russian language prevailed in daily life (*study “The Outcomes of*

Latvian Language Acquisition among Pre-schoolers in Latvia: in Kurzeme, Rīga and Latgale. Acquisition of the Latvian Language”, Liepāja University, 2021; see also *Annotation to Draft Law No. 1519/Lp13 “Amendments to Education Law” pp 6–7 and pp. 10–11.*). During the legal proceedings before the Constitutional Court in Case No. 2022-45-01, also teachers from educational institutions and the Latvian Trade Union of Education and Science Employees pointed to the insufficient proficiency in the official language of educatees at the level of pre-school education and basic education, *inter alia*, in State and local government institutions of education (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 34.1.*). In view of the fact that, in 2022, 24 percent of all educatees acquired general education within the framework of pre-school educational programmes for ethnic minorities and programmes of basic education for ethnic minorities, such conclusions could be applied to approximately one-fourth of all educatees (*see Annotation to Draft Law No. 1519/Lp13 “Amendments to Education Law”, p. 1.*).

Finally, the Constitutional Court takes into account the arguments presented by the *Saeima* regarding the war that Russia is waging against Ukraine and spread of disinformation activities in the Russian language information space. The persons to whom, due to the lack of proficiency in the official language, only the Russian-language information space is accessible, are subject to the impact of this disinformation and self-segregation that follows from it.

Hence, in assessing whether the State has fulfilled its positive obligation to ensure, in State and local government institutions of education at the level of pre-school education and at the level of basic education, educational process that complies with the interests of persons belonging to ethnic minorities, these special circumstances of Latvia that have developed due to the prolonged occupation and russification of the State should be taken into consideration, as well as the connection of them to the current situation in the use of the official language, which is of particularly great importance in the current geopolitical situation.

16. The Applicants hold that the contested provisions had not been adopted in due procedure because the legislator had not abided by the principle of good legislative procedure. The Constitutional Court has recognised that complying with the procedure for adopting a legal provision is a pre-condition for the validity of a legal provision (*see, for example, Judgement by the Constitutional Court of 24 September 2008 in Case No. 2008-03-03, Para 7.3.*), therefore, it must be verified, first and foremost, whether the contested provisions had been adopted in due procedure, *inter alia*, abiding by the principle of good legislative procedure.

16.1. The contested provisions were included in Draft Law “Amendments to General Education Law” and Draft Law “Amendments to Education Law”.

On 8 June 2022, the Cabinet submitted both draft laws to the *Saeima*. Both draft laws were discussed in three readings and were adopted at the *Saeima*’s sitting on 29 September 2022. Amendments to Education Law of 2022 and Amendments to General Education Law of 2022 were promulgated on 11 October 2022 in the official journal “Latvijas Vēstnesis” No. 197 and entered into effect on 25 October 2022.

The Constitutional Court does not doubt that the contested provisions have been adopted and promulgated in the procedure defined in the Constitution and the Rules of Procedure of the *Saeima* and that they are accessible in accordance with statutory requirements. Likewise, the Constitutional Court does not doubt that the contested provisions have been worded sufficiently clearly, allowing a person to understand the content and the consequences of application thereof.

16.2. It follows from the preparatory materials for both draft laws that the Cabinet had requested the Presidium of the *Saeima* to examine Draft Law “Amendments to General Education Law” simultaneously with Draft Law “Amendments to Education Law (*see Letter by the Acting Prime Minister of 8 June 2022 No. 22-TA-1457 “On Forwarding a Draft Law”*). It was also pointed out during the 1st reading of Draft Law “Amendments to General Education Law” that the aim of this draft law was to ensure united transition to learning only in the official language, aligning it with Draft Law “Amendments to Education Law” (*see Transcript of the sitting of the 1st reading of the draft law No. 1520/Lp13 “Amendments to General Education Law” of 16 June 2022*). Both the Education, Culture and Science Committee of the *Saeima* and the *Saeima* examined the

provisions, included in both draft laws, as one united legal proposal to ensure that general education would take place only in the official language.

In case No. 2022-45-01, the Constitutional Court examined the course of adopting Draft Law “Amendments to Education Law”, elaborated by the Ministry of Education and Science, and recognised that the legal provisions, included in this draft law and contested in the Constitutional Court’s case No. 2022-45-01, which largely coincide with the provisions of Education Law, had been adopted in due procedure. The Constitutional Court recognised that the legislator, pursuant to the principle of good legislative procedure, has ensured proper discussions about the provisions, included in Draft Law “Amendments to Education Law”, insofar possible, has identified the opinions of all stakeholders, has aligned the legal provisions, envisaged by the said draft law, with the legal provisions already existing within the legal system, as well as examined the compliance of the legal provisions with superior legal provisions (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 31.–31.4.*).

16.3. The Applicants hold that the contested provisions had not been adopted in compliance with the principle of good legislative procedure because, in the process of drafting these provisions the reform to the language of instruction of 2018 and the applicable opinions of international organisations had not been duly assessed. Likewise, the *Saeima* had not received the approval of the contested provisions from the educatees’ parents. Finally, Olga Loginova, the legal representative of Applicant Polina Loginova, pointed out at the court hearing that the contested provisions were contrary to Guidelines for the Official Language Policy for 2021-2027 and Guidelines for Education Development for 2021-2027. Allegedly, no objectives related to abolishing education in the language of ethnic minorities and complete transition to education in the official language at the level of pre-school education and basic educations could be found in these documents. Moreover, prior to adopting the contested provisions, the legislator did not have at its disposal expert opinions stating that replacement of the general educational programme for ethnic minorities by interest-related educational programmes for ethnic minorities would not decrease the educatees’ possibilities to learn, preserve and develop their language, as well as ethnic and cultural singularity. The *Saeima*, however, has stated that the principle of good legislative procedure had been

complied within the process of adopting the contested provisions.

The Constitutional Court concludes that the Applicants' arguments pertaining to compliance with the principle of good legislative procedure are largely the same as the ones already examined in the Constitutional Court's case No. 2022-45-01. The Constitutional Court already has recognised that the representatives of ethnic minorities were properly involved in the process of adopting the provisions of Draft Law "Amendments to Education Law" and decisions by international organisations were examined, likewise, the impact of the legal regulation on educatees was discussed (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 31.–31.4.*).

In addition to this, the Constitutional Court takes into consideration that policy guidelines comprise description of the situation of the respective sector, identify problems, as well the existing and newly set aims. Guidelines for Education Development for 2021-2027 were approved by the Cabinet's Order No. 436 on 22 June 2021 but Guidelines for the Official Language Policy for 2021-2027 – by the Cabinet's Order No. 601 on 25 August 2021. However, the legislator has linked the adoption of the contested provisions in 2022 with the current geopolitical situation and the need, following from it, to complete the reform to the language of instruction as soon as possible. The differences between the contested provisions and the guidelines, adopted previously, can be explained by the need to respond to these actual circumstances.

The absence of in-depth studies of the previous reform, pointed out by the Applicants, *per se* does not mean that the subsequent reform of education will have adverse impact upon the quality of education (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 36.1.1.*). The Constitutional Court will examine the impact of the contested provisions and other related legal regulation on the possibilities of educatees belonging to ethnic minorities to obtain such education that complies with the principles of accessibility, availability, acceptability and adaptability by assessing the legislator's actions on their merits.

Hence, the contested provisions have been adopted in due procedure.

17. The Constitutional Court must establish whether the State has fulfilled its positive obligation to ensure, in State and local government institutions of

education at the level of pre-school education and at the level of basic education, education process that complies with the interests of persons belonging to ethnic minorities, which includes adequate possibilities for persons belonging to ethnic minorities to acquire, preserve and develop their language, ethnic and cultural singularity, as well as complies with the principles of accessibility, availability, acceptability and adaptability of education.

First and foremost, the first element in the rights of persons belonging to ethnic minorities must be examined.

17.1. The Applicants hold that, because of the contested provisions, the possibility to acquire, preserve and develop their language, ethnic and cultural singularity will not be ensured to them, *inter alia*, to children with special needs. The *Saeima*, however, points out that the legislator has imposed the obligation on local governments to ensure to educatees belonging to ethnic minorities who are acquiring, in institutions of general education located on the administrative territory of the respective local government, a programme of pre-school education or a programme of basic education the possibility to acquire free of charge also the curriculum of education for ethnic minorities in the framework of interest-related education programme of the language and culture history of ethnic minorities.

The process of education call for integrated approach. It comprises both teaching and upbringing and is implemented in the form of various educational programmes. The programme of general education is one of these.

Today, the aim of educational institutions is to develop educatees' capacity for lifelong learning, for thinking and acting in different situations, for living in a diverse world as active, responsible citizens, and this can be achieved in a multifaceted way by integrating and linking the different educational programmes that are part of the educational process, implemented in institutions, and the non-formal communication process. State and local government institutions of education, which implement programmes of general education, have the right, *inter alia*, to implement interest-related programmes without obtaining a licence (*see Section 47 (2) of Education Law*).

17.2. Primarily, the contested provisions regulate the acquisition of general education, as well as vocational education and higher education. Thus, other programmes of education, *inter alia*, interest-related educational programmes, may

be implemented in other languages. It follows that the acquisition of the language of an ethnic minority, as well as preservation and development of culture and ethnic singularity may be ensured also in the form of interest-related educational programmes. Other States Parties to the Convention on Minorities also have chosen such approach with respect to certain minorities (*see The Advisory Committee's 5th Report on Cyprus, Para 179, and The 5th Report on Germany, Para 213 and Para 218*). However, classes in interest-related educational programmes actually must be appropriate for acquiring, preserving and developing the language, ethnic and cultural singularity of an ethnic minority.

The Applicants have listed arguments that, allegedly, point to the fact that the interest-related educational programme of the language and culture history of ethnic minorities, substantially, is not appropriate and cannot replace the acquisition, preservation and development of the language, as well as ethnic and cultural singularity of an ethnic minority in the framework of the curriculum of general compulsory education. Also the Advisory Committee, in its Fourth Report on Latvia, which was adopted on 22 February 2024 (hereafter – the Advisory Committee's Report) has assessed the compliance of this interest-related educational programme with the standard, referred to in the second part of Article 14 of the Convention on Minorities (*see The Advisory Committee's Report, Para 165*).

Hence, to verify whether the State has fulfilled its positive obligation properly, the Constitutional Court will examine successively the expressed arguments.

17.3. The Applicants have pointed out that the interest-related educational programme of the language and cultural history of ethnic minorities cannot be deemed to be appropriate due to its non-mandatory nature. A similar opinion has been expressed in the Advisory Committee's Report, stating that, *inter alia*, the way in which such programmes should be implemented has not been clearly regulated.

17.3.1. In its judgement in case No. 2022-45-01, the Constitutional Court concluded that interest-related education was a suitable measure for mastering the minority language, as well as the curriculum related to the minority culture and ethnic singularity for children starting already from the age of eighteen months and also at the level of basic education if the content of interest-related classes was tailored to

children's abilities and needs. In this case, *Dr. paed.* Ieva Margeviča-Grinberga, referring to research results, emphasised that interest-related education could ensure mastering of the language, as well as preservation of culture and identity because for educatees interaction with their peers in the framework of interest-related educational programmes of minority language and culture were as important as learning the language. *Dr. psych.* Anika Miltuze also acknowledged that combining the implementation of pre-school educational programme with interest-related education enriched an educatee's environment, which facilitated development of the brain (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 36.3.*).

Interest-related education in general is a suitable measure for acquiring the minority language, as well as the curriculum related to the cultural and ethnic singularity of ethnic minorities, also for children with special needs. Such involvement of children in interest-related classes is confirmed by the experience of educational institutions, *inter alia*, Rēzekne Polish State Gymnasium, Rīga Pre-school Educational Institution No. 224, as well as the private educational institution "Dzirnaviņas" (*see Case Materials, Vol. 6, pp. 25, 36, and 55*).

The Ministry of Education and Science has pointed out that, during these classes, support to an educatee is provided in the native language (*see Case Materials, Vol. 5, p. 122*). Moreover, the State and local government institutions of education and teachers providing interest-related education may adjust the content of the programme to a child's individual abilities and interests, *inter alia*, to the special needs of a child (*see Case Materials, Vol. 5, pp. 112 and 142*). The National Centre for Education also has pointed out that teachers and teacher's assistants, who have mastered special teaching methods, suitable for educatees with special needs, can be involved in such classes of interest-related education (*see Case Materials, Vol. 5, p. 127*).

Although the attendance of classes in interest-related education is voluntary, i.e., based on the interests, needs of educatees and the will expressed by their parents, contrary to general education, mastering the curriculum of which is compulsory, *per se* it is not a condition that would lead to question whether the State's positive obligation has been fulfilled properly. The State's positive obligation is fulfilled by ensuring the accessibility of such programmes and whether this

obligation has been fulfilled properly does not depend upon the compulsory or non-compulsory nature of the programme. Effective delivery of an interest-based education programme, which includes engaging learners in relevant activities, is based on cooperation between the State and local government institutions of education, educatees and their parents. It should be taken into account, *inter alia*, that also the previous regulation was based on the principle of voluntariness, as it allowed a person to choose whether they would follow an educational programme for ethnic minorities or a programme of general education.

17.3.2. Section 47³ of Education Law imposes upon local governments the obligation to organise interest-related educational programme of the language and cultural history of ethnic minorities.

This obligation must be fulfilled in compliance with the best interests of a child and access to the said programme must be ensured to every educatee whose parents or legal representative have submitted a respective application. A situation where an educatee, interested in following an interest-related educational programme of the language and cultural history of ethnic minorities, would be denied the possibility to follow such a programme would be inadmissible. In the course of elaborating the draft law “Amendments to Education Law”, the Ombudsman drew attention to the inadmissibility of a situation like that, simultaneously pointing out that also the parents of educatees should be active and, respecting the best interests and needs of the child, should turn to the educational institution, requesting to ensure that their child is educated in an interest-related educational programmes (*see: The Ombudsman’s Letter No. 1-8/21 ”On Providing Opinion on the Draft Law “Amendments to Education Law” (Nr. 1519/Lp13). Available: titania.saeima.lv*).

The Latvian Association of Local and Regional Governments has noted that, also in the case were only one or two educatees want to follow an interest-related educational programme in the language and cultural history of ethnic minorities, the local government is looking for the possibility to satisfy this wish, expressed by educatees (*see Transcript of the Constitutional Court’s Hearing on 12 April 2024 in Case No. 2022-45-01, p. 47*).

Likewise, the State, in fulfilling its positive obligation, has regulated the course of an interest-related educational programme of the language and cultural

history of ethnic minorities. The Cabinet, exercising the authorisation granted to it by the legislator, has adopted a regulation on the interest-related education for ethnic minorities. Pursuant to the model programme, included in this Regulation, it is planned that, in the framework of interest-related educational programme of the language and cultural history of ethnic minorities, educatees will master oral traditions and expressions of ethnic minorities, games, play traditions, seasonal celebrations, ethnic symbols, to the extent possible, special features of traditional singing, music making, dancing and craft skills, as well as artefacts, characterising cultural uniqueness, knowledge about the most prominent cultural personalities of the respective nation and their most significant achievements, the possibilities for preserving and transmitting cultural values. Thus, the minority language should be used not only in the acquisition of this language as a specific subject but also as the grounds for the acquisition, preservation and development of the culture and ethnic singularity of the ethnic minority.

At the same time, the State and local government institutions of education can and they have the duty to customise the course of interest-related educational programmes of the language and cultural history of ethnic minorities to meet the educatees' needs. Thus, for example, the representative of Rīga Purvciems Secondary School pointed out that, in Grade 1, at the classes of interest-related education of the language and cultural history of ethnic minorities, educatees learn to read and write in Russian and familiarise themselves with the Russian folklore, whereas, in Grade 4, in the framework of interest-related programme for ethnic minorities, they, predominantly, develop their knowledge of the Russian grammar and understanding of the Russian literature (*see Case Materials, Vol. 5, pp. 128 and 134*).

The founder and the head of the educational institution are responsible for the legality of the implementation of all programmes in the institution, *inter alia*, educational programmes of language and cultural history of ethnic minorities, and the educatees' parents may turn to these persons also regarding matters pertaining to the curriculum of the education (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 34.4.3.*) Heads of the State and local government educational institutions attend classes of interest-related education and, also, reports on them are submitted (*see Case Materials, Vol. 5, p. 133*).

Thus, the Cabinet Regulation and other regulatory enactments provide general regulation on the organisation and the course of interest-related educational programmes of the language and cultural history of ethnic minorities, whereas if the State and local government institutions of education, in accordance with demand, implement a programme like this, they are obliged to individualise and control its implementation.

17.4. The Applicants have pointed out that interest-related education is fragmented and does not comprise mandatory pedagogical support if subjective obstacles occur. It has been underscored also in the Report by the Advisory Committee that the results, attained in the programmes of interest-related education, are not assessed and are not reflected in the school's reports.

The teacher who wishes to implement an interest-related educational programme of the language and cultural history of ethnic minorities must develop and implement their programme in accordance with the model programme, specifying the aim, objectives, target audience, time and place of programme implementation, the planned number of lessons per week and per year, the thematic breakdown of content, the expected results, forms of work organisation, teaching methods, provision of feedback, description of the learning environment, the necessary teaching aids and materials, a list of literature, and the sources of information used for the development of the programme (*see Cabinet Regulation of 29 August 2023 No. 494 "Regulations Regarding a Model Interest-Related Education Programme for the Minority Language and Cultural History and the Guidelines for the Implementation Thereof"*, Para 5). Thus, interest-related educational programmes of the language and cultural history of ethnic minorities must be implemented in accordance with a specific and targeted plan.

Neither the constitutional provisions nor Article 14 of the Convention on Minorities provide that the State's positive obligation to ensure adequate possibilities for persons belonging to ethnic minorities to master, preserve and develop the language of the ethnic minority, as well as ethnic and cultural singularity should be fulfilled only within the framework of formal education. Neither does the requirement to ensure for such interest-related education, linked to the language and ethnic singularity of ethnic minorities, the same assessment of educatee's knowledge as in formal education follow from the provisions of the

Constitution and international agreements binding upon Latvia.

The duty of an entity that implements an interest-related educational programme of the language and cultural history of ethnic minorities to ensure feedback, in interconnection with other obligations of a teacher, means that an educatee has the possibility to receive individualised pedagogical support, in case of need, and that the educatee and their parents have the possibility to understand the achievements attained in the framework of the respective programme. The feedback on the course of the interest-related educational programme of the language and cultural history of ethnic minorities may be provided, for example, during the parents' meetings or joint celebrations, organised after mastering each important topic of studies, or by entering reports into the e-register (*see Case Materials, Vol. 5, p. 31, pp. 131–132 and Vol. 6, p. 49.*). Hence, institutions of education, in cooperation with the parents or legal representatives of educatees, can ensure targeted development of an educatee.

Therefore, it can be concluded that a teacher must implement an interest-related educational programme of the language and cultural history of ethnic minorities in accordance with a specific and targeted plan and must ensure that the educatees and their parents or legal representatives would be informed about the level of achievements attained in the framework of the respective programme.

17.5. The Applicants have pointed out that the time, allocated for interest-related education, would not be sufficient for proper acquisition of the native language and would create disproportionate workload for them because the respective classes are held in evenings. The tension and tiredness, linked to the acquisition of the programme of general education would decrease the educatees' interest in acquiring the language and culture of an ethnic minority in the framework of interest-related educational programme.

17.5.1. It follows from the information that the Cabinet has provided in the present case that the number of lessons, set for the acquisition of interest-related educational programme of the language and cultural history of ethnic minorities at the level of basic education, i.e., three academic hours per week, had been chosen, by taking into account the number of lessons, previously allocated in the State standard of basic education for mastering the language and literature of ethnic minorities. Namely, previously, for Grades 1-3, 312 lessons in 3 years were allocated for

mastering the language and literature, for Grades 4–6, – 315 lessons, but for Grades 7–9,– 315 lessons, i.e., three lessons per week (*see Case Materials, Vol. 4, p. 126*). At the level of pre-school education, in turn, the number of classes has been defined on the basis of conclusions made by the working group of the Ministry of Education and Science (*see Case Materials, Vol. 6, p. 63*).

The State, in ensuring financing for this amount of classes, is aware that the minority language is used in the family. In this context, the Constitutional Court has no grounds for questioning whether the number of financed classes is sufficient for mastering the language, as well as the ethnic and cultural singularity of an ethnic minority. Likewise, it should be taken into account that the fulfilment of the State's positive obligation is directly linked to the financial possibilities that the State has.

Local governments have the obligation to ensure the amount of classes of interest-related educational programme of the language and cultural history of ethnic minorities exactly in this amount, and no less, i.e., three academic hours per week to any interested person if the State and local government institutions of education, on the basis of educatees' demand, have expressed this need.

Simultaneously, the State and local government institutions of education may increase the number of desirable lessons to be dedicated, in the framework of interest-related education, to the curriculum of minority education, by implementing other interest-related educational programmes, e.g., by organising choir, dance, folklore, art, theatre and other classes. Neither Education Law nor Guidelines on Pre-school Education, nor the State standard of basic education, nor any other regulatory enactment limits the State and local government institutions of education in implementing several programmes of interest-related education in different times of the day, insofar such programmes of interest-related education do not cause disproportionate impact on the acquisition of the mandatory curriculum. Thus, for example, the offer of interest-related educational programmes, implemented by Rīga Purvciems Secondary School, in addition to the interest-related educational programme of the language and cultural history of ethnic minorities, comprises also other classes related to the culture of ethnic minorities (*see Case Materials, Vol. 5, pp. 128 and 129*). Moreover, at the classes of interest-related education that combine several disciplines, educatees may develop simultaneously various skills, *inter alia*, proficiency in the minority language, as well as gain deeper understanding of the

ethnic and cultural singularity of an ethnic minority. For example, at the Constitutional Court's hearing in case No. 2022-45-01, the possibility to combine classes in the Russian culture with elements of pottery was mentioned (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 36.4.*). Hence, it is possible to decrease the educatees' workload also within the framework of interest-related education, by using the transversal skills approach.

Thus, the Constitutional Court concludes that the number of lessons set for implementing the interest-related educational programme of the language and cultural history of ethnic minorities, i.e., three academic hours per week, both at the level of pre-school education and at the level of basic education should be considered as being sufficient for proper mastering of the language, as well as the ethnic and cultural singularity of an ethnic minority, moreover, the State and local government institutions of education are not limited in expanding the offer of interest-related education connected to the minority curriculum.

17.5.2. Regulation on Interest-Related Education for Ethnic Minorities does not stipulate that these classes in interest-related education should be held at a specific place and time, e.g., every week after acquisition of the mandatory curriculum of general education. Likewise, the State has not determined uniform time when the State and local governments institutions of education should start the study process. Thus, teachers have broad possibilities to adjust the implementation of the interest-related educational programme of the language and cultural history of ethnic minorities to the abilities and needs of educatees. Thus, Rīga Purvciems Secondary School offers the possibility, in Grade 1 to attend classes in the interest-related educational programme of the language and cultural history of ethnic minorities also during the first lesson (*see Case Materials, Vol. 5, pp. 130 and 131*). Classes in the interest-related educational programme of the language and cultural history of ethnic minorities can be held also in the morning before the acquisition of the mandatory curriculum of general education.

The type of interest-related education that is most appropriate for the educatees' interests is chosen as the outcome of cooperation between educatees, their parents or legal representatives and teachers (*see Cabinet Regulation of 29 August 2023 in Case No. 494 "Guidelines on the Model Interest-Related Educational Programme of the Language and Cultural History of Ethnic Minorities*

and Guidelines on Implementation thereof”, Para 3).

Hence, the State has ensured sufficient time and flexibility of educational institutions for implementing the interest-related educational programme of the language and cultural history of ethnic minorities.

17.6. The Applicants have pointed out, in particular, that such interest-related educational programmes are not suitable for pre-school age children.

The State-financed interest-related educational programme of the language and cultural history of ethnic minorities is accessible to every child who wishes to follow it, starting from the time when the acquisition of education begins (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 36.3.3.*). Thus, at the entire level of pre-school education, the possibility to acquire one’s native language, as well as the ethnic and cultural identity in the form of play-based activities is ensured to a child.

In organising the implementation of interest-related educational programmes of the language and cultural history of ethnic minorities, the principle that the best interests of the child prevail must be taken into account. Institutions of education must ensure, during the respective classes, acquisition of a curriculum that is appropriate for the educatees’ needs. As seen in the practice of institutions of pre-school education, such programmes are based on folklore, fairy tales and songs (*see Case Materials, Vol. 5, p. 128, and Vol. 6, p. 26*).

Moreover, it follows from General Education Law and Education Law that pre-school education, in difference to other levels of general education, is not a part of formal education and only general aims to be reached therein have been defined. The State has not regulated the number of hours per day in each age group during which an educatee must acquire the pre-school educational programme. Likewise, the mandatory curriculum to be acquired at the particular age has not been regulated. Only the knowledge that an educatee should have upon graduating from the institution of pre-school education has been defined. The institution of pre-school education itself determines the way in which this aim is reached or the curriculum to be mastered and the results to be achieved in each age group, by elaborating the programme of pre-school education, as well as by adjusting the implementation thereof to the educatees’ abilities and needs. This means that, at this level of education, it is admissible to organise classes in interest-related education even for

several hours every day, dividing them into several blocks and ensuring their interaction with the implementation of the basic programme (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 32.4.*). Such approach to the implementation of the mandatory curriculum of pre-school education and implementation of the interest-related educational programme, even more so, permits implementation of various interest-related educational programmes, focusing on the identity of ethnic minorities. The only restriction is the secondary nature of such programmes of interest-related education *vis-à-vis* the mandatory curriculum, the implementation of which remains the priority for an institution of education (*see Judgement by the Constitutional Court of 10 July 2024, in Case No. 2022-45-01, Para 32.4.*).

Thus the State and local government institutions of education can ensure interaction between the pre-school educational programme and the interest-related educational programme of the language and history of culture of ethnic minorities, implementing it in the way and at the time that is the most appropriate for the best interests of a child, as well as supplementing the educational process with other interest-related educational programmes that meet the interests of ethnic minorities.

17.7. The Applicants hold that the financial resources for implementing the interest-related educational programme of the language and cultural history of ethnic minorities would be ensured only for a couple of years and that its continuation in the long-term is under threat. The Advisory Committee has also pointed to this. The Applicants have mentioned also other organisational challenges in the context of the continuity of the programme, i.e., if the State does not train teachers of the Russian language and literature than, in the long-term, it would be impossible to ensure that interest-related educational programmes for ethnic minorities are provided in the native language of educatees.

Section 47³ of Education Law defines the local government's obligation to finance the interest-related educational programmes of the language and cultural history of ethnic minorities, separating these from other interest-related educational programmes, only partly financed by the State.

Thus, an educatee's participation in an interest-related educational programme of the language and cultural history of ethnic minorities does not require co-financing, provided by their parents or legal representatives. Moreover, there are

no time restrictions imposed upon this obligation of a local government. Hence, the State has ensured that the dedicated interest-related educational programme of the language and cultural history of ethnic minorities is available free of charge or identically with the programmes of pre-school education and programmes of general education at State and local government institutions of education.

Moreover, Regulation on the Procedure for Financing Interest-Related Educational Programmes envisages additional financing in the amount of 10 percent of the costs per one educatee for the remuneration of those teachers who implement programmes of the language and cultural history of ethnic minorities for educatees who had been following, in the previous school-year, educational programmes for ethnic minorities. It is noted in the annotation to Draft Law “Amendments to Education Law” that, in the future, the Ministry of Education and Science, in cooperation with local governments, will examine the actual demand for such programmes. In the case of high demand, the matter regarding allocation of additional financing for the provision of such programmes will be transferred to the Cabinet for examination in the process of preparing and examining the draft laws of the annual budget of the current year and the State budget of the mid-term, together with the applications regarding priority measures, submitted by all ministries and central State institutions (*see Annotation to Draft Law No. 1519/Lp13 “Amendments to Education Law, p39.*). Also at the court hearing, the Ministry of Education and Science pointed out that, in the case of sufficient demand, such financing for the interest-related education for ethnic minorities would be ensured also in the future (*see Case Materials, Vol. 6, p. 71*).

Thus, the objections that the financing for the interest-related educational programme of the language and cultural history of ethnic minorities would not be provided in the long-term, are unfounded.

As regards the allegations regarding the lack of teachers for implementing the interest-related educational programme of the language and cultural history of ethnic minorities, the Ministry of Education and Science has pointed out that those teachers who, until now, taught the Russian language and literature in the framework of general education could be involved in implementing these classes in interest-related education (*see Case Materials, Vol. 5, p. 122*). In view of the statements made at the court hearing, indicating that there were hundreds of such

teachers, as well as the experience of those institutions of education for ethnic minorities that have attracted visiting teachers from the respective country (*see Case Materials, Vol. 6, p. 17.*), the Constitutional Court does not regard the objection regarding the lack of teachers as being founded.

17.8. In view of all the above, the Constitutional Court concludes that the interest-related educational programme of the language and cultural history of ethnic minorities provides to the educatees belonging to ethnic minorities the possibility to learn, preserve and develop their language, as well as ethnic and cultural singularity in the process of education free of charge. The model programme and guidelines on the implementation thereof, developed by the Cabinet, ensure that this programme is implemented in good quality. The flexibility granted to the implementation of the interest-related educational programme of the language and cultural history of ethnic minorities allows choosing the form for mastering the curriculum of the programme that is most appropriate for the interests of educatees belonging to ethnic minorities.

Thus, implementation of interest-related educational programmes of the language and cultural history of ethnic minorities in the State and local government institutions of education at the level of pre-school education and the level of basic education adequately ensures the right of educatees to learn the language of the ethnic minority and to preserve and develop their ethnic and cultural singularity.

17.9. The Applicants have indicated that the acquisition of the language of an ethnic minority in the process of general education would be terminated only in the case if the language of an ethnic minority is Russian, however, it was still possible to implement programmes of general education in the languages of those countries, with which international agreements had been concluded, or in the official languages of the European Union.

The Constitutional Court points out that the content of the State's positive obligation, included in Article 114 of the Constitution, in conjunction with the first sentence of Article 112, to ensure to ethnic minorities an adequate possibility to acquire, preserve and develop their language, as well as their ethnic and cultural singularity, due to various related circumstances, may differ. It has been recognised previously that the educatees who are acquiring general education in State and local government institutions of education, *inter alia*, studying in-depth in the official

languages of the European Union, cannot be compared to educatees wishing to acquire education in the language of an ethnic minority (*compare, see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 21.2., and Judgement of 10 July 2024 in Case No. 2022-45-01, Para 34.2.*). Whereas the comparison of ethnic minorities, living in Latvia, allows concluding that all of them, except the Russian ethnic minority, during the period of Soviet occupation had been actually placed in adverse situation. *Inter alia*, the representative of Rēzekne Polish State Gymnasium pointed out at the court hearing that, during the period of Soviet occupation, it had been impossible to learn Polish because Polish institutions of education did not exist (*see Case Materials, Vol. 6, pp. 19 and 20*).

With the aim of eliminating actual inequality and protect those ethnic minorities, living in Latvia, whose language, culture and ethnic singularity are under threat, the State may determine certain positive obligations, manifested as the right to include in the programmes of general education, approved in the process of licencing, certain subjects to be taught in other languages (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 34.2.*). The State does not have the obligation to apply such fulfilment of the positive obligation also to those ethnic minorities which, actually, had been in privileged circumstances for a long period of time.

18. Successively, the Constitutional Court must establish whether such educational process that complies with the principles of the accessibility, availability, acceptability and adaptability of education is ensured to persons belonging to ethnic minorities in State and local government institutions of education at the level of pre-school education and the level of basic education.

Pursuant to the regulation that was in effect previously, in State and local government institutions of education at the level of pre-school education and the level of basic education, it was possible to acquire general education in the framework of educational programmes for ethnic minorities bilingually, i.e., in the official language and the language of an ethnic minority. The contested provisions, in compliance with the procedure, defined in the transitional provisions of laws for entering into effect thereof, abolish this system by 1 September 2025. Thus, in certain groups of grades at the level of pre-school education and at the level of basic

education, the mandatory curriculum of general education already now must be mastered only in the official language. Likewise, in certain groups of grades, the language and culture of an ethnic minority as a subject is no longer acquired, but in other groups, in accordance with the transitional provisions of law, no longer will be acquired. Until 1 September 2025, within the mandatory curriculum of general education, pursuant to the State standard of basic education, it is possible, from Grade 4, to choose the Russian language as a subject of study.

Several of the Applicants have been learning in accordance with the contested provisions already for an entire school year, whereas, with respect to others, the contested provisions will enter into effect only after a certain period of time.

The Applicants point out that, allegedly, the quality of education, received by the educatees belonging to ethnic minorities, would decrease because of the contested provisions. It is contended that the results of centralised examinations of the last 10 years indicate this, as the impact of the previous reform to the language of instruction in education is reflected therein, and they prove that the teaching of subjects in the official language has decreased the quality in which these subjects are mastered. Likewise, due to the lack of teachers, it would be impossible to ensure support measures for transition to education in the official language in good quality. The Applicants have provided reasoning for the need to ensure to children with special needs tailored support in their native language and have pointed out that in the future, due to the contested provisions, also services of a speech therapist to children would be provided only in the official language and thus, a child's speech impediments in the minority language would not be eliminated. Receiving the services of a speech therapist in one's native language is said to be of special importance for educatees with special needs.

The *Saeima* has stated that the contested provisions will not decrease the quality of education. For a long time, the education policy has been created to ensure that the use of the official language would be gradually expanded in mastering the curriculum of the educational programme for ethnic minorities. Likewise, it should be taken into account that educatees have the right to receive individualised and personalised support in acquiring the official language.

Therefore, the Constitutional Court will verify whether a system for ensuring

and controlling the quality of education has been created.

18.1. In its judgement in Case No. 2022-45-01, as well as in this judgement, the Constitutional Court has concluded that the proportion of using the official language and the language of an ethnic minority, determined in Amendments to Education Law of 2018, in the process of general education did not ensure to persons belonging to ethnic minorities proper proficiency in the official language. It has been established that 20 percent of surveyed persons belonging to ethnic minorities, in the age group from 18 to 34 years, admitted that they had mastered the Latvian language only on the level of basic skills or had poor knowledge of it. Likewise, it was established that children of pre-school age had insufficient proficiency in the Latvian language, moreover, exactly in those cases where they had attended groups of pre-school education where, basically, the Russian language prevailed in daily life (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 34.1. and Para 36.3.1., study “The Outcomes of Latvian Language Acquisition among Pre-schoolers in Latvia: in Kurzeme, Rīga and Latgale. Acquisition of the Latvian Language”, Liepāja University, 2021; see also Annotation to Draft Law No. 1519/Lp13 “Amendments to Education Law” pp. 6–7 and pp. 10–11.*).

The persons summoned in Case No. 2022-45-01 of the Constitutional Court have acknowledged that language learning is best achieved through its coherent and purposeful use in education. For example, *Dr. paed.* Ieva Margeviča-Grinberga drew attention to studies showing that educatees belonging to ethnic minorities learnt the language better if they spoke it consistently every day in school environment. *Dr. psych.* Anika Miltuze also pointed out that education in one – the official – language was the most appropriate for children and, exactly in this case, children could avoid mixing up the codes of two languages and difficulties in acquiring the curriculum (*see Judgement by the Constitutional Court of 10 July 2024 in Case No 2022-45-01, Para 33.2*). The opinion of *Dr. psych.* Anika Miltuze in the present case was upheld also by the lecturer at the Department of Psychiatry and Narcology, Riga Stradins University, Head of the Child Psychiatry Clinic, Head of Development at the Adolescent Resource Centre *Dr. med.* Ņikita Bezborodovs (*see Case Materials, Vol. 6, pp. 76 and 77*). Thus, the educational programmes for ethnic minorities, which existed before the contested provisions

entered into effect, pursuant to which it was possible to acquire, at each level of education, the curriculum of general education, in certain proportions, bilingually, could not ensure adequate acquisition of the official language.

The Ministry of Education and Science has confirmed this conclusion, pointing out that, currently, many among the youngest children, from the age of eighteen months to three years, successfully speak in two languages, differentiating between the language used at home and at the institution of education (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-013, Para 3.2.*). Likewise, the representative of Rīga Purvciems Secondary School emphasised at the court hearing that, in that particular school year, the educatees had been better prepared to start school in Grade 1 (*see case Materials, Vol. 5, p. 128*).

In view of the summoned persons' opinions regarding the conditions conducive to acquiring proficiency in the official language, it can be concluded that the contested provisions ensure education that is the most appropriate for a child's development and acquisition of the language.

18.2. The Applicants have referred to the results of centralised examinations of the last 10 years, which, allegedly reveal that teaching of subjects in the official language has decreased the quality of acquisition of these subjects. However, the Constitutional Court has not established substantiation for this argument of the Applicants. Differences in examination results can be caused by various reasons, *inter alia*, changes in the content of examinations and the assessment criteria, as well as other aspects, and the possible correlation between the period of time in which the reform to the language of instruction was implemented and such fluctuations in the outcomes does not prove an adverse impact of the reform upon the quality of education provided to educatees.

The quality of education can be assessed in full only after the factors that might affect this quality have existed for a certain period of time (*compare, see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 14.4.*). The National Centre for Education pointed out at the court hearing that, initially, temporary deterioration in the achievements of certain subjects might be possible. However, it should be taken into account that the educational reform will be implemented gradually. On 1 September 2023, educatees of Grades 1, 4 and 7

started the transition to education in the official language. The achievements attained by these educatees will be seen when they attend Grades 3, 6, and 9 (*see Case Materials, Vol. 5, pp. 26 and 127*).

In case No. 2022-45-01, the Constitutional Court has referred to the measures, implemented and scheduled by the Ministry of Education and Science, for controlling the transition to acquisition of general education in the official language and has concluded that the State has established a system for annual and regular control and monitoring of quality, as well as for assessing the outcomes of the previous reform to the language of instruction in education. I.e., the law of 8 April 2021 “Amendments to Education Law” imposes the obligation on the Ministry of Education and Science to prepare an annual report on the quality assessment of education and submit it for approval to the Cabinet. Whereas the State Education Quality Service has been given the task to elaborate guidelines for quality assurance in education, provide recommendations for improving the quality of education, as well as to organise the collection and analysis of data on the quality of education (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 36.1.1.*).

It is noted in the annotation to Draft Law “Amendments to Education Law” that practical implementation of the legal regulation will be assessed in the framework of research “Situation of the Official Language in Latvia: 2021–2027”. Likewise, it is planned to evaluate the results of the centralised examination in the Latvian language in Grade 9, analysing the previous educational experience of educatees. It is planned, starting with the school year of 2025/2025, to conduct diagnostic testing of the educatees’ achievements once per two school years, using tests to monitor text literacy, developed by the National Centre for Education, in Grades 3 and 6, to assess the educatees’ proficiency in the official language and monitor in the long-term the dynamics of improvements in educatees’ proficiency in the official language at the first level of basic education.

Hence, it can be concluded that the Ministry of Education of Science will monitor how educatees acquire the official language and will supervise this process to evaluate educatees’ official language skills in the long-term. However, to foster the quality of educational process, the Ministry of Education and Science should not only supervise how educatees acquire proficiency in the official language but should

also monitor their achievements in other subject, assessing the long-term impact of education in the official language on the acquisition of other subjects.

Likewise, the Constitutional Court takes into account that, simultaneously with the adoption of the contested provisions, Part 5¹ was added to Section 48 of Education Law, worded as follows: “A person who is fluent in the official language and uses it to the extent which is required for the fulfilment of professional and official duties [...] has the right to work as a teacher”, but the seventh and the eighth part of this Section determine the actions to be taken if the State Language Centre establishes that the teacher’s proficiency in the official language is insufficient. Although teachers already from 1999 and employees of institutions of pre-school education (teachers’ assistants) from 2013 were required to have the highest level of proficiency in the official language (*see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 14.5.*), the aforementioned amendments envisage more targeted application of these requirements, aiming to ensure quality education in the official language to every educatee.

Additionally, alongside adopting the contested provisions, the legislator added Para 2¹ to Section 55 of Education Law, which envisages an educatee’s right to receive individualised and personalised support in acquiring proficiency in the official language, as well as the third part to Section 20 and the eighth part to Section 30 of General Education Law, which envisage the obligation of educational institutions that implement programmes of pre-school education and educational institutions that implement programmes of basic education to provide such support (*see Law of 29 September 2022 “Amendments to Education Law”, Section 10, and Law of 29 September 2022 “Amendments to General Education Law, Section 2 and 4*). Pursuant to the principle that the best interests of a child prevail, the said legal provisions, in conjunction with the contested provisions, should be interpreted to mean that each child, depending on their needs, should be ensured meaningful and real support in acquiring proficiency in the official language. In this regard, the teacher’s skills in using appropriate pedagogical methods in the teaching process is of great importance (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 36.1.3.*).

As pointed out by the Ministry of Education and Science, such support may take different forms, i.e., as an individual study plan, appropriate teaching materials,

various technological solutions, individual pace of work, supportive learning environment, more intense involvement of the support staff, participation of parents, and others (*see Case Materials, Vol. 5, p. 143*). Likewise, to elaborate auxiliary materials, teachers may use the resources, developed by the Ministry of Education and Science, which are available online (*see Case Materials, Vol. 5, p. 147*).

Thus, it is foreseen that State and local government institutions of education, at the level of pre-school education and at the level of basic education, provide the necessary support in acquiring proficiency in the official language to those educatees who need it.

Hence, the Constitutional Court concludes that the State has established a mechanism for ensuring and controlling the quality of acquired education of educatees belonging to ethnic minorities, *inter alia*, also educatees who will be affected by the contested provisions later.

18.3. The Applicants have pointed out that, due to the lack of teachers, it will be impossible to ensure support measures for the transition to education in the official language in good quality. However, at the court hearing, the Applicants did not provide additional information showing that, at present, the number of teachers at State and local government institutions of education who could provide support to educatees in acquiring the proficiency in the official language would be insufficient. None of the summoned institutions of education mentioned this challenge.

The Constitutional Court takes into consideration the statement made by the Ministry of Education and Science that the additional funding, allocated by the State, has allowed recruiting teachers' assistants at State and local government institutions of education. These persons help children to overcome socioemotional difficulties by creating relationships of mutual trust and facilitating acquisition of the language and culture in a positive environment, whereas the extended-day groups ensure individual approach to educatees outside lessons, providing support in mastering the study curriculum and, in particular, helping in those cases where the parents have limited possibilities to provide support to their children in studies due to their insufficient language skills (*compare, see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 33.2*).

Likewise, the Ministry of Education and Science has referred to other

support measures in the transition to education in the official language, *inter alia*, replacement of study aids and guidelines to support teachers working in linguistically heterogeneous environment. The materials that have been developed are intended for the use in both institutions of special education and institutions of general education that include educatees who follow the programme of special education (*see Case Materials, Vol. 5, pp. 143 and 144*). Although some institutions of education and teachers have publicly criticised the accessibility and the convenience of using these study materials and methodology, at the court hearing, the summoned institutions of education confirmed that they were using the resources offered by the Ministry. I.e., the representative of Rīga Purvciems Secondary School pointed out that teachers had attended courses and other events to prepare for ensuring education in the official language, whereas the representative of Rīga Institution of Pre-school Education No. 224 underscored that the educational institution had received methodological materials, books, as well as additional financing to procure digital study aids for transition to education in the official language (*see Case Materials, Vol. 5, p. 138 and Vol. 6, p. 17*).

Additionally, the Ministry of Education and Science has noted that support by the mentors of the Advisory Council is available to teachers, ensured, *inter alia*, in the form of online seminars. More than 2000 teachers, representatives of the administration of educational institutions and methodologists have participated in these seminars. Individual consultations were provided as part of these seminars (*see Case Materials, Vol. 5, p. 147*)

Hence, the Constitutional Court concludes that, in this regard, the State has ensured to educatees belonging to ethnic minorities accessible and acceptable education. The individualised and personalised support in learning the official language ensures adjustment to educatee's needs.

In view of all the above, as well as the fact that only one school year has passed since the contested provisions entered into effect with respect to only one group of educatees, at present, the Constitutional Court does not have the grounds for concluding that the contested provisions would cause decrease in the quality of education. However, the Constitutional Court underscores that the State's obligation to ensure to everyone education in good quality comprises the duty to control constantly the quality of education, using effectively the mechanism for controlling

the quality of educational process, established in the State, to identify possible changes in the quality of education, as well as the duty to respond to negative changes (*compare, see Judgement by the Constitutional Court of 13 November 2019 in Case No. 2018-22-01, Para 22.1*). This obligation includes the requirement to take into consideration the recommendations made by public institutions with respect to educational matters, *inter alia*, with respect to bringing new generation of teachers in education and keeping them in the profession. Constant changes in the system of education, dissatisfaction with remuneration, insecurity about the future may jeopardise keeping the teachers in their profession (*see Report by the State Audit Office of the Republic of Latvia of 13 June 2024 “Are we training the teachers we need and ensure that they stay in the profession? Available: lrvk.gov.lv*).

The State is obliged to ensure quality of education in the long-term, in compliance with the principle of the State’s sustainability. To defend the right to quality education, persons may turn to law enforcement institutions.

18.4. Olga Loginova, the representative of Applicant Polina Loginova, has pointed out that the transition to acquisition of general education only in the official language causes special risks for children with special needs. Allegedly, support to such children should be provided in their native language. Accessibility of speech therapists, *inter alia*, is said to be essential.

Pursuant to information provided in the Application, the contested provisions will start affecting Polina Loginova on 1 September 2025. However, the Constitutional Court must verify whether the right to education, complying with the Constitution, is already now ensured to children with special needs, belonging to ethnic minorities.

18.4.1. Pursuant to Section 3 (1) of Education Law, everyone has the right to inclusive education in good quality. Section 11 (1) of Law on the Protection of the Children’s Rights sets out that the State ensures that all children have equal rights and opportunities to acquire education commensurate to their ability.

Para 2 of Section 38 (2) of Education Law defines a programme of special education as one of the special types of educational programmes. Pursuant to Section 42 (1) of this Law, a person with special needs may acquire special education at an educational institution if it provides the possibilities for such person to acquire an education corresponding to the health condition and the nature of

developmental disorders. In implementing the programmes of education, the aims, objectives, mandatory curriculum, determined in the State education standard, are taken into account, in compliance with the educatee's development disorder, abilities and the state of health. Pursuant to the Cabinet Regulation of 13 June 2017 No. 332 "Regulation on the Classification of Education in Latvia", nine types of special educational programmes are being implemented.

Section 53 of General Education Law regulates the enrolment of educatees with special needs in the programmes of general education. The second part of this Section provides, *inter alia*, that the educational institutions ensures the availability of appropriate support measures to educatees with special needs who have been enrolled in a general education programme. The educational institutions must draw up an individual plan for the completion of an educational programme for each enrolled educatee with special needs. The Cabinet Regulation of 19 November 2019 No. 556 "Requirements for Institutions of General Education to Enrol Educatees with Special Needs in their Educational Programmes" defines the requirements that should be set for all institutions of general education to allow enrolling educatees with special needs in the programmes of pre-school education and programmes of general basic education, implemented by them. Pursuant to Para 4 of this Regulation, the support specialists of the educational institution conduct the respective pedagogical or psychological assessment of educatees who do not have an opinion provided by a pedagogical medical commission but have identified development or learning difficulties and provide opinion on the recommended support measures. The possible support measures are indicated in Annex 1 to this Regulation.

The Ministry of Education and Science has pointed out that implementation of the special educational programme, is based on targeted and in-depth work of teachers and specialists to assess, study and correct a child's abilities to implement the education programme in accordance with the child's abilities, development level, health status, interests, individual experience and needs, promoting the individual achievements of every child (*see Case Materials, Vol. 5, pp. 144 and 145*). Likewise, as the Ministry of Education and Science has noted, educatees with special needs can receive support, *inter alia*, in the acquisition of the official language, at the centres for developing special education. Currently, 10 institutions

of special education – development centres operate in Latvia and are accessible in all planning regions of Latvia (*see Case Materials, Vol. 5, p. 151*).

18.4.2. The Constitutional Court has previously concluded that the acquisition and use of the official language is one of the basic principles in the Latvian system of education. The requirement to know the official language permeates the entire system of education. The proficiency in the official language is needed to give to a person the possibility of successful future integration in the life of democratic society.

Possibilities to learn the official language should be ensured also to a child with special needs belonging to an ethnic minority. Otherwise, such a child who, upon graduating from an educational institution, would have poor or no knowledge of the Latvian language would be subject to exclusion and isolation from society (*compare, see Judgement by the Constitutional Court of 19 June 2020 in Case No. 2019-20-03, Para 26.2.*).

The summoned person *Dr. med. Nīkita Bezborodovs*, referring to studies, has pointed out that the approach, in compliance with which persons at the educational institution speak the official language rather than the same language that is spoken in the family, initially, may hinder speech development but does not leave long-term adverse effects. Although it may take longer for educatees with special needs to learn a different language because they learn more slowly; however, over time they learn both languages (*see Case Materials, Vol. 6, p. 74*). *Dr. med. Nīkita Bezborodovs* has underscored, *inter alia*, that one of the aims of education is to train such skills that facilitate the ability to become an independent member of society and function in society. Proficiency in the official language is important also for children with neuropsychiatric disorders as it helps to ensure that they function independently (*see Case Materials, Vol. 6, p. 76*).

It follows from the above that provision of general education only in the official language not only does not harm an educatee with special needs but, quite on the contrary, is of particular importance for them. Acquisition of the official language decreases the risk of educatees with special needs belonging to ethnic minorities to become isolated from society and fosters their independence.

18.4.3. In acquiring the educational curriculum, a child with special needs might be required to over various challenges. Therefore, in the process of education,

special attention should be paid to such a child, *inter alia*, through special support measures, facilitating reinforcement of knowledge. This applies also to learning the official language.

At the court hearing, the Ministry of Education and Science pointed out that also the speech therapy and psychological support to children with special needs is provided in the official language, thus facilitating their inclusion in society and simplifying further educational opportunities (*see Case Materials, Vol.5, p. 102*). This opinion was upheld by the board member of the Latvian Association of Speech Therapists *Dr. paed. Sarmīte Tūbele*, underscoring that if a child - even more so in the case of a child with special needs – had limited vocabulary or pronunciation difficulties, then the education institution should work with this child in the official language to reinforce acquisition of this language and eliminate disorders (*see Case Materials, Vol. 6, pp. 99 and 100*). Namely, also other specialists, involved in the educational process, promote the educatee's inclusion in the environment of the official language. Provision of a speech therapist's services in another language would not ensure educatees' progress in the acquisition of the official language. Moreover, educatees can still receive services of a speech therapist in other languages outside institutions of general education.

The Ministry of Education and Science has provided information also on the accessibility of study materials for educating children with special needs. Teachers have public access to methodological materials for integrated acquisition of the curriculum and materials the easy language for working with educatees with severe mental development disorders, placed in the folder "School 2030" (*see Case Materials, Vol. 5, p. 146*). Several mentor-led online seminars to provide methodological transition to united school had been ensured to the heads, deputy heads, teachers of educational institutions that implement a programme of pre-school education, *inter alia*, a programme of special pre-school education, to specialists in matters of pre-school education from education boards. Likewise, if, during the previous school year, educatees have followed one of the special programmes of pre-school education for ethnic minorities then support in the Latvian language acquisition is ensured to them (*see Case Materials, Vol. 5, pp. 147*).

18.4.4. The Constitutional Court recognises that educational process, which is

fully implemented in the official language and comprises also support measures, ensures to children with special needs inclusive education that meets their needs. Simultaneously, the individual study plan ensures adjustment of the educational process to the individual needs of such a child. Moreover, the obligation to ensure to a child with special needs individual and personalised support in acquisition of the official language at State and local government institutions of education should be interpreted in conjunction with State's obligation, defined in Article 110 of the Constitution, and the best interests of such children, which, in certain cases when it is needed for effective acquisition of the official language may comprise also the use of the native language (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 36.1.3.*).

Hence, the educational process complies with the principles of accessibility, availability, acceptability and adaptability of education also with respect to educatees with special needs belonging to ethnic minorities.

19. In view of all the above, the Constitutional Court concludes that the State has fulfilled its positive obligation to ensure, in State and local government institutions at the level of pre-school education and at the level of basic education, educational process that meets the interests of persons belonging to ethnic minorities, which includes adequate possibilities of persons belonging to ethnic minorities to acquire, preserve and develop their language, ethnic and cultural singularity, as well as complies with the principles of accessibility, availability, acceptability and adaptability of education.

Hence, the contested provisions comply with Article 114 of the Constitution in conjunction with the first sentence of Article 112.

20. The Applicants hold that they had developed protected legitimate expectations that the educational process would be implemented in accordance with the education reform of 2018 and that it would be the last reform to the use of the official language to be implemented in educational establishments. Allegedly, they had developed these expectations on the basis of opinions expressed in legal proceedings before the Constitutional Court in cases No. 2018-12-01 and No. 2018-22-01, as well as the opinions of the Ombudsman, the Ministry of

Education and Science ,and other persons.

The principle of protecting legitimate expectations falls within the scope of Article 1 of the Constitution, it protects such rights, regarding the exercise of which a person might have developed legitimate, valid and reasonable expectations. However, the principle of protecting legitimate expectations includes also the possibility that the rights that a person has once acquired may be changed in a lawful and legitimate way. This principle does not give grounds for believing that the legal situation, once established, will never change. It is essential that, in such a case, the legislator determines a reasonable transition period or adequate compensation (*compare, see Judgement by the Constitutional Court of 8 March 2017 in Case No. 2016-07-01, Para 16.2.*).

The Constitutional Court has recognised previously that educatees or their parents, choosing a particular educational institution, can take into account also the accreditation period of a particular educational programme. Thus, upon starting to learn within the framework of a particular educational programme, educatees may develop protected legitimate expectations to complete learning at the respective level of education in accordance with the legal regulation and the educational programme that had been in effect at the time of concluding the respective agreement or, at least, continue learning in accordance with this educational programme until the term of its accreditation expires (*see Judgement by the Constitutional Court of 13 November 2019 in Case No. 2018-22-01, Para 24.1.*).

However, this *per se* does not mean that the legislator would not have the right to introduce changes to the legal regulation pertaining to these educational programmes, insofar the respective changes do not cause substantial impact upon the educational process or, if the changes should be deemed to be substantial, lenient transitional regulation has been envisaged.

In its case No. 2022-45-01, the Constitutional Court verified whether the legislator had envisaged a lenient transitional period by the first part of Para 102, the provision adopted by Amendments to Education Law of 2022 and contested, which envisaged that amendments regarding the implementation of Guidelines on Pre-School Education and the programme of basic education in Grades 1, 4 and 7 would enter into effect on 1 September 2023. In the aforementioned case, the Constitutional Court concluded that, within the transitional period, it had been

possible to prepare adequately for the impact of the contested provisions and, thus, the transition, envisaged in the first part of Para 102 of Transitional Provisions, had to be recognised as compatible with the principle of protecting legitimate expectations, hence, also with Article 1 of the Constitution (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 38*).

Other provisions of Transitional Provisions, introduced by Amendments to Education Law of 2022 and Amendments to General Education Law of 2022, envisage transition to educational process in the official language with respect to Grades 2, 5 and 8 from 1 September 2024 but with respect to Grades 3, 6 and 9 from 1 September 2025, thus, a year and two years later than the provisions contested in case No. 2022-45-01. Hence, even more so, the possibility to prepare for the impact of the contested provisions has been ensured. Moreover, the Applicants have not indicated the additional measures they would have wanted to take if the contested provisions were to enter into effect later.

Thus, the contested provisions comply with the principle of protecting legitimate expectations and, hence, also with Article 1 of the Constitution.

The Substantive Part

On the basis of Section 30–32 of Constitutional Court Law, the Constitutional Court

held:

to recognise Sections 1, 5, 6 and 12 of the Law of 29 September 2022 “Amendments to Education Law”, insofar these introduce Para 102 into the Transitional Provisions of the Law, and of Section 4 (1) and Section 6 of the Law of 29 September 2002 “Amendments to General Education Law” as being compatible with Article 1, the first sentence of Article 112 and Article 114 of the Constitution of the Republic of Latvia.

The judgement is final and not subject to appeal.

The judgement was promulgated in Riga on 12 July 2024.

The judgement enters into effect at the time of its promulgation.

Chairperson of the court hearing

Aldis Laviņš