



LATVIJAS REPUBLIKAS SATVERSMES TIESA

JUDGEMENT

on Behalf of the Republic of Latvia

in Riga on 30 March 2026

in Case No. 2024-30-01

The Constitutional Court, composed of: Presiding Judge Irēna Kucina, Judges Anita Rodiņa, Jautrīte Briede, Veronika Krūmiņa, Mārtiņš Mits, and Juris Juriss,

with the participation of Edvards Smiltēns, the representative of the applicant – twenty Members of the 14th convocation of the *Saeima*: Edvards Smiltēns, Raivis Dzintars, Edgars Tavors, Nauris Puntulis, Česlavs Batņa, Jurgis Klotiņš, Linda Matisone, Edmunds Teirumnieks, Aiva Vīksna, Edvīns Šnore, Raimonds Bergmanis, Ilze Indriksone, Lauris Lizbovskis, Artūrs Butāns, Andris Kulbergs, Uģis Mitrevics, Māris Sprindžuks, Jānis Dombrava, Ingmārs Līdaka and Didzis Šmits, and sworn advocate Artis Stucka, the authorised representative of the applicant,

as well as Laura Jambuševa, the authorised representative of the *Saeima*, the institution that issued the contested act,

with Maija Liberte as the secretary of the court hearing,

on the basis of Article 85 of the Constitution of the Republic of Latvia, Article 16 (1), Article 17 (1) (3), as well as Article 28 of the Constitutional Court Law,

on 20, 21 and 27 January, as well as 2 March 2026 reviewed at an open court hearing, with the parties in the case participating, the case

“On the compliance of Article 3(7) of the Law on Public Electronic Mass Media and Administration Thereof and Article 6 of the law of 18 January 2024 “Amendments to the Law on Public Electronic Mass

Media and Administration Thereof”, insofar as Article 8(4) of the Law is expressed in a new wording, with the preamble and Article 4 of the Constitution of the Republic of Latvia”.

The Facts

1. On 19 November 2020, the *Saeima* adopted the Law on Public Electronic Mass Media and Administration Thereof (hereafter – the Law on Administering Public Media), which entered into effect on 1 January 2021.

The basic principles for the operation of public electronic mass media are defined in Article 3 of the Law on Administering Public Media. The seventh part of this article provides: “Public electronic mass media shall produce broadcasts, fragments thereof and other services in minority languages in order to promote a sense of belonging to Latvia among all the inhabitants of Latvia, social integration in Latvia as a national state and a thorough understanding of public, social and cultural processes.”

Article 8 (4) of the Law on Administering Public Media, in the wording effective until 31 December 2024, in turn, provided: “If the Latvian Radio or the Latvian Television produce several programmes, then one programme or a part of the broadcasting time may be reserved for broadcasts in foreign languages, including also cinematographic films or theatre performances subtitled in the official language in this broadcasting time.”

On 18 January 2024, the *Saeima* adopted the law “Amendments to the Law on Public Electronic Mass Media and Administration Thereof”, by Article 6 of which Article 8 (4) of the Law on Administering Public Media was expressed as follows: “If the Latvian Public Media produces several programmes, one radio programme and one television programme or a part of the broadcasting time of one radio programme and one television programme may be reserved for broadcasts in foreign languages, including also cinematographic films or theatre performances subtitled in the official language in this broadcasting time.” Pursuant to Article 9 of this law, Article 8 (4) of the Law on Administering Public Media enters into effect on 1 January 2025. The present case was initiated before the said provisions entered into effect. While the case is being heard, it

has entered into effect. Therefore, the constitutionality of Article 8 (4) of the Law on Administering Public Media shall be reviewed in the case.

2. The applicant – twenty Members of the 14th convocation of the Saeima (hereafter – the Applicant) – allege that Article 3 (7) of the Law on Administering Public Media (hereafter – the First Contested Provision) and Article 8 (4) of the Law on Administering Public Media (hereafter – the Second Contested Provisions, both together – the contested provisions) are incompatible with the preamble to and Article 4 of the Constitution of the Republic of Latvia (hereafter – the Constitution).

The Applicants contend that the First Contested Provision envisages for the public electronic mass media (hereafter also – the public media) a mandatory obligation to create programmes, fragments thereof and other services in minority languages. Such an obligation had not been imposed upon the public media in the Electronic Mass Media Law, which regulated the rights and obligations of the public media with respect to creating programmes and services before the Law on Administering Public Media entered into effect. The Second Contested Provision, in turn, envisages the right of the public media to create even an entire programme not only in minority languages but in any foreign language.

The legislator has not provided justification why, in adopting the Law on Administering Public Media, the public media were imposed an obligation to create programmes, fragments thereof and other services in minority languages and not, as it had been before, envisaging only the possibility to create such content. Hence, the legislator, in adopting the contested provisions, has not complied with the principle of good legislation.

The first contested provision determined an obligation to create programmes, parts thereof and other services in minority languages, irrespective of the choice made by the public media, the expedience of content creation, as well as the audience's needs and wishes. Hence, the state limited liability company "The Latvian Public Media" (hereafter – the Latvian Public Media) has the duty to reserve part of the financing from the state budget resources also for creating programmes, fragments thereof and other services in minority

languages. Every year, the Latvian Public Media dedicates to this a large amount of financing, which could be used for other purposes, e.g., addressing ethnic minorities in the Latvian language, the development of new services and technologies, however, the contested provisions prohibit this.

The contested provisions infringe upon the principle of a nation-state, established in the Constitution, as they cause a situation where the Latvian society is split into two information spaces. Such operation by the Latvian Public Media is contrary to the principle of the Latvian language as the only official language, defined in the Constitution and the preamble to it, which is essential in ensuring democratic participation and cohesive society. The contested provisions undermine the status of the Latvian language as the sole official language and, thus, in the long term, national security could be seriously affected.

A state's obligation to provide information to ethnic minorities specifically in the respective minority language does not follow from the Constitution. To promote the sense of belonging to Latvia among all inhabitants of Latvia, societal integration and thorough understanding of social and cultural processes, information can be provided also in the Latvian language. The mandatory obligation, established in the First Contested Provision, to create programmes, fragments thereof and other services in minority languages *per se* does not guarantee that the aims, defined in this provision, are reached. Moreover, the public media, in creating their programmes and services, evidently prefer only one minority language – the Russian language.

The contested provisions do not promote societal integration and shared participation in democratic processes. Neither are they compatible with the document “National Security Concept 2023”, which provides that the content, created by the public media, should be only in Latvian.

At the court hearing, the Applicant's representatives added that: if the obligation of the public media to create programmes, fragments thereof and other services in minority languages, included in the First Contested Provisions, had been worded as a right, then the legislator would have the possibility to discuss aspects in the application of this law with, e.g. the State Security Service,

Members of the Parliament, as well as experts, in accordance with the national aims, available resources, and the national security interests.

The Russian language is self-sufficient in Latvia, and the promotion of its use in the public media is contrary to the values, defined in the Constitution. This does not apply to other minority languages because the use thereof in the public media, substantially, does not cause the risk of fragmented information space.

The wording of the contested provisions is not sufficiently clear with regard to whether the public media have an obligation or the right to create content in minority languages, *inter alia*, in the Russian language. It follows from the principle, included in the First Contested Provision, that the language policy, as applicable to the content of the public media, is a matter of constitutional importance, therefore, the legislator itself should decide on it. It is impermissible that the public media itself or the Public Electronic Media Council (hereafter – the Public Media Council) would decide on this matter.

3. The institution, which issued the contested act, – the *Saeima* – holds that the contested provisions comply with the first sentence of Article 4 of the Constitution and requests terminating the legal proceedings regarding the compliance of the contested provisions with the preamble to and the second sentence of Article 4 of the Constitution.

The words in the fifth paragraph of the preamble to the Constitution “the Latvian language as the only official language” describe the Latvian language as one of the elements in the identity of the Latvian state; however, these words cannot be regarded as a generally binding legal provision. The wordings of the second sentence in the fifth paragraph of the preamble to the Constitution and the first sentence of Article 4 are similar. It would be possible to contest the compliance of legal provisions with the preamble to the Constitution only if the content of legal provisions, included in the preamble to the Constitution, would not clearly follow from other legal provisions, included in the Constitution. The Applicant’s considerations regarding the constitutionality of the contested provisions are linked to the first sentence of Article 4 of the Constitution but not to the second sentence, which pertains to the Latvian flag.

In adopting the contested provisions, the legislator has complied with the principle of good legislation. In the course of drafting and adopting both the Law on Administering Public Media and the amendments to it, the respective draft laws were extensively discussed, likewise, numerous different institutions and organisations were invited and heard. Various matters relating to the use of the Latvian language and foreign languages, *inter alia*, languages of ethnic minorities, in the public media were duly considered. As the result of this assessment, the need to abandon the principle that had existed for a long time within the Latvian legal system that the public media could create content in foreign languages, *inter alia*, languages of ethnic minorities, was not found.

The principle that the public media have the discretion to create a certain part of its content in foreign languages, *inter alia*, also in minority languages, has been established within the Latvian legal system since 24 August 1995 when the Law on Radio and Television came into effect. The grammatical wording of the First Contested Provision might create the impression that the formulation of the legal provision is imperative. However, only compliance with the principle, included in it, with respect to creating content in minority languages in public media is imperative. Namely, in developing the public service remit, all basic principles, established in Article 3 of the Law on Administering Public Media, in their conjunction must be complied with, respecting the protection of persons belonging to ethnic minorities and of minority languages. The forms and the means for reaching the said principle, however, are a matter of its application, where the public media enjoy broad discretion. Moreover, the First Contested Provision does not envisage specifically the use of the Russian language in the public media.

The Second Contested Provision does not envisage the obligation of the Latvian Public Media but its discretion to decide whether to reserve the broadcasting time of one radio or television programme for programmes and broadcasts in other languages, as well as on the manner in which this provision is implemented. This provision applies not only to minority languages but also to any other foreign language. However, it should be

taken into account that, also in applying the Second Contested Provision, the basic principles, established in Article 3 of the Law on Administering Public Media, *inter alia*, the First Contested Provision, must be complied with.

The first sentence of Article 4 of the Constitution as the reflection of the principle of a nation-state should be examined in conjunction with the right of public media to provide information and the right of every member of society to receive information, included in Article 100 of the Constitution. The contested provisions protect such an important manifestation of the freedom of expression as the creation of informative, educational and entertaining content and providing to society in a minority language or any other foreign language in the public media. Likewise, the rights of ethnic minorities, included in Article 114 of the Constitution, as well as the requirements regarding the protection of the rights of ethnic minorities, derived from international commitments, must be taken into account.

The Law on Administering Public Media and the Electronic Mass Media Law set out the requirement that in any programme, broadcast and service the official language should be primarily used. The respective regulatory enactment already restricts the use of foreign languages, *inter alia*, minority languages, in the public media. Thus, the balance between and harmonised protection of several constitutional values – the official language, the freedom of expression and the rights of ethnic minorities – is ensured. The contested provisions do not facilitate the development of two different information spaces. The use of foreign languages, *inter alia*, minority languages, directly broadens the accessibility of content, based on shared values and principles, for a broader part of society, also the one that is not proficient in the Latvian language.

The contested provisions are based on creating and providing to society such public media content that complies with the values and principles of the Latvian state as an alternative to information sources representing the Russian information space. The contested provisions give to every member of society the possibility to assess critically the obtained

information and participate meaningfully in public debates, which is an indispensable part of a democratic public life.

The task of a law enforcer is to ensure such practice of applying the contested provisions that not only would not endanger national security but would even promote the understanding in the Latvian society of national security and its protection. The contested provisions are not contrary to the provisions of the document “National Security Concept 2023”. The decisions of the planning, granting, determining and using the financing, in turn, are based on expediency considerations of political, economic and financial nature that cannot be reviewed at the Constitutional Court.

At the court hearing, the representative of the *Saeima* underscored additionally that the adoption of the contested provision had been the legislator’s deliberate decision and that the editorial freedom of the public media, as well as the autonomy and competence granted to the Public Media Council had been taken into account in it. The contested provisions are sufficiently flexible to allow that every year, in elaborating the public service remit, they would be applied in accordance with the geopolitical situation, research, *inter alia*, research focusing on the media consumption habits, and data analysis.

One information space exists even if the same content, based on common principles and values, is created in different languages. The situation where the content is reflected differently in different languages cannot be generalised and applied to the content and policy of public media *per se*.

Defining the language proportions or other mandatory criteria for content creation to the Latvian Public Media in regulatory enactments would mean that the respective regulation would have to be amended regularly, with changes in the public needs and media consumption habits. An approach like this would be incompatible with sustainable legislative practice. If the First Contested Provision were worded in a way to provide that the public media only have the right to create content in minority languages, this would also mean the possibility of not creating such content. This, however, would be contrary to the meaning and aim of the principle, included in the respective provision.

The normative regulation that as a whole regulates the operations of public media envisages at least 14 limits that ensure balance in the application of the contested provisions and other values. For example, the aims, the basic principles for the operation of the public media, included in the First Contested Provision, general legal principles, *inter alia*, the proportionality principle, as well as the Constitution and international documents can be considered such limits.

4. The summoned person – the Ministry of Culture – upholds the opinion expressed in the written reply by the *Saeima* regarding the compliance of the contested provisions with the Constitution.

Pursuant to the Framework Convention for the Protection of National Minorities of the Council of Europe (hereafter – the Convention on Minorities), public media must guarantee the representation of minority languages and the state must grant support to the public media and programmes whose target audience is ethnic minorities. The content in public media, created in minority languages, promotes and strengthens social cohesion.

The Latvian Media Policy Guidelines for 2024–2027 provide that the media content should more address the ethnic minorities living in Latvia in Latvian to facilitate participation of ethnic minorities in discussion on matters of public importance, reflection of societal diversity, formation of inclusive society and to foster among ethnic minorities the sense of their belonging to Latvia. To ensure that these aims are attained, from 1 January 2026, the Latvian Public Media transitions to a conceptually new approach to the creation of content in minority languages, promoting the existence of a united society instead of a two community society.

Although the contested provisions do not envisage a certain proportion, in which the public media should create content in specific languages, the Public Media Council, in preparing and approving the public service remit, must take into account the basic principles, defined in the contested provisions, as well as, insofar possible, the needs and interests of various social groups. Such public service remit that would not include the creation of content in minority languages would not be possible.

It is underscored in the findings of the study “On the public media consumption habits and needs of the Latvian ethnic minorities’ population” that if the creation of public media content in minority languages were discontinued or restricted, the trust of ethnic minorities in the Latvian state and media environment would decrease.

At the court hearing, the representative of the Ministry of Culture pointed out additionally that the accessibility of public media and the audience reachability was a significant matter. Namely, if the public media were to be prohibited from creating content and address society in foreign languages, *inter alia*, in minority languages, they would be denied the possibility to meet their commitments vis-à-vis society. This, in turn, would diminish the trust in public media and would also cause the risk that society would start using other, less qualitative and trustworthy information sources.

Ethnic minorities, in particular those that consume content only in their language, e.g., the Russian language, often are subject to the impact of foreign media. Such media may disseminate also such content that endangers the Latvian information space and democratic processes.

5. The summoned person – the Ministry of Justice – upholds the conclusions expressed in the *Saeima*’s written reply.

The matter of using foreign languages, *inter alia*, minority languages, alongside the official language is regulated in the legal acts of various sectors, with the legislator carefully considering and balancing the need to protect the official language as a constitutional value, as well as to ensure the protection of other interests and values important for society. The matter of creating the public service remit, in turn, belongs to the application of the contested provisions.

6. The summoned person – the National Electronic Mass Media Council – holds that the contested provisions are incompatible with the preamble to and Article 4 of the Constitution.

If a new law is drafted and provisions of another law are transferred to it then the principle of good legislation requires assessment of and discussion of the legal provisions, in particular, if the provisions are substantially changed.

Although the contested provisions change the previously valid regulation, included in the Electronic Mass Media Law, the need for a new regulation has not been discussed.

The public media cannot create content only in the official language because, pursuant to the First Contested Provisions, it has the obligation to create content also in minority languages. By imposing an obligation on the public media to create broadcasts, fragments thereof and other services in minority languages, as well as by envisaging the possibility to create entire programmes in any foreign language, the state's obligation, which derives from the Constitution, to ensure that the Latvian language is the shared language of communication for society and the language of democratic participation is not fulfilled. The First Contested Provisions is also incompatible with the provisions of the document "National Security Concept 2023" that the content of public media should be provided only in the Latvian language.

The contested provisions do not determine a proportion, in which the public media should create content in specific languages. It is of importance whether the public media creates or does not create more than one programme. The proportion of the programme or the number of programmes that can be reserved for content in minority languages can be defined in the guidelines on creating the public service remit or the plan of public service remit, which is approved by the Public Media Council, as well as in the annex to the broadcasting permit issued to the public media – the principal conditions for operation, which is approved by the National Electronic Mass Media Council.

At the court hearing, the representatives of the National Electronic Mass Media Council explained that if the composition of the Public Mass Media Council or even the opinion of two of its members were to change, it could be possible not only to restore the situation of the time when the issued broadcasting permit for the radio programme of the Latvian Public Media "Latvijas Radio 4 – Doma laukums" had been in effect but even expand the content of the Latvian Public Media in Russian or another minority language.

7. The summoned person – the Public Media Council – holds that the contested provisions ensure balanced protection of the constitutional values – the official language, the freedom of expression and the rights of ethnic minorities.

The regulation included in the First Contested Provision highlights the tasks of the public media in a democratic society – to promote culture historical diversity. This provision does not determine specific minority languages, in which the content of public media should be created. Neither does it envisage the amount of broadcasting time to be ensured for broadcasts or parts thereof or the number or proportion of services, or specific platforms or services, in which the content of public media should be created in minority languages or in foreign languages. The Second Contested Provision, in turn, balances the use of the Latvian language with the right to access content in foreign languages, at the same ensuring predominance of the Latvian language. This contested provision does not determine particular foreign languages or the amount of broadcasting time for broadcasts or their number either but reinforces the belonging to the European cultural space and serves for the defence of national security, e.g., informing foreign society about a specific threat to the security of Latvia.

All basic principles for the operation of public media, from which the obligations of the public media are derived, are included in Article 3 of the Law on Administering Public Media. At present, such public service remit that would not include creating content in minority languages is impossible. Moreover, from 2006, a new approach to reaching the audience of various ethnic minorities is implemented in the Latvian Public Media.

Exclusion of content created in minority languages or foreign languages from the public service remit would be contrary not only to the First Contested Provisions but also the basic principles included in the fifth, eighth, tenth and thirteenth part of Article 3 of the Law on Administering Public Media. This approach would not be research-based and would be contrary to public needs. The regulation that is in effect allows reviewing how the public service remit regarding addressing a particular target audience is implemented and continuing to strengthen the use of the official language in the minority audience.

At the court hearing, the representative of the Public Media Council underscored that a situation, in which the creation of content in foreign

languages, *inter alia*, in minority languages would be totally discontinued was impossible. In such a case, the total audience that the Latvian Public Media reaches would be significantly decreased and it would not be able to implement its mission in full.

8. The summoned person – the Latvian Language Agency – states that the use of the Russian language in public media is contrary to the objectives of the official language policy.

The Latvian language holds a high position in the hierarchy of languages, and it has state-mandated support, e.g., in the scientific, education and legal fields. The majority of Russian-speakers are linked to the immigration policy, implemented during the period of Soviet occupation, rather than to the historical belonging of the traditional ethnic minority of Latvia. Moreover, the equal rights of other ethnic minorities are not respected because, in general, the need for the Russian language in public media is emphasised.

Mass media is one of the most important areas of sociolinguistics for the calculation of the viability of a language and implementing language policy. The language use in electronic mass media reflects the actual status of the official and other languages and the real language hierarchy. The information that the Russian-speaking inhabitants of Latvia possess is, to a large extent, determined by other sources of information, which not infrequently provide biased information about the situation and events in Latvia.

United public information space facilitates both improving the proficiency in the official language and positive linguistic attitudes and helps to develop such loyal conviction that proficiency in the official language is necessary for full-fledged life in the Latvian society. The process of creating united information space would be completed when the state would discontinue financing content presented in the Russian language. Public media that work in Russian have existed in Latvia since the state regained its independence; however, their existence has not facilitated cohesion and unity in society.

At the court hearing, the representative of the Latvian Language Agency noted in addition that the electronic mass media were an important source for learning and improving a language.

In the content of the Latvian Public Media, which is broadcast in the Russian language, different interpretations can be found, selectively chosen information is used, quotes are emotionally charged, rhetoric questions are used, as well as verbs with negative semantic tendency are used. This is an indication of such discursive strategy that is not aimed at informing society but at causing emotional response and forming a critical or negative attitude towards the national language policy.

9. The summoned person – the ombud of public electronic mass media – points out that the First Contested Provision substantiates why public media create broadcasts, parts thereof and other services in minority languages, whereas the objective of the Second Contested Provision is to define the precondition for the possibility to reserve a programme or a fragment thereof for broadcasts in foreign languages, *inter alia*, minority languages. This precondition validly restricts the possibilities of the Latvian Public Media to create a programme or a fragment thereof in a foreign language but, at the same time, it also means that the public media should predominantly create its programme in the Latvian language.

Creating the content in minority languages is not an obligation of the public media but rather their right, established in law. Moreover, this right has been determined only for reaching the aims, defined in the First Contested Provision. These aims have not been chosen arbitrarily but follow from the general strategic aim of the public media, defined in Article 2 of the Law on Administering Public Media. Pursuant to the First Contested Provision, a situation where the creation of content in minority languages is not included in the annual plan of public service remit because the defined aims have been reached or have been recognised unreachable or unimportant is possible.

At the court hearing, the ombud of the public mass media pointed out that not all basic principles for the operation of public media, included in Article 3 of the Law on Administering Public Media, were imperative. Basically, they are declarative and their task is to indicate to the Latvian Public Media the course of action. Namely, it is an ideal that the public media should strive for in creating each unit of its content.

10. The summoned person – the Latvian Public Media – points out: in order to assess the contribution to society given by the content, created by the public media, every year a study of the public benefit of the Latvian public media is conducted.

The methodology for assessing the public benefit has been developed, by taking into consideration the general strategic aim and the basic principles of the operation of public media, defined in the Law on Administering Public Media. The public benefit is assessed on the basis of six aims set for the public benefit and four basic transversal indicators.

When creating the content in Latvian, representatives of ethnic minorities are involved in a targeted way, thus, ethnic minorities are shown as a part of the Latvian society. Such an approach allows Latvians to understand the ethnic minorities and the ethnic minorities, in turn, not to feel alienated and distanced from the agenda of the Latvian Public Media.

The Latvian Public Media, in creating informative, analytical and educational content, ensures that all inhabitants of Latvia would feel like belonging to Latvia and, thus, promotes societal integration, moreover, reinforces the Latvian language as the only official language, facilitates its use and ensures the involvement of society, including ethnic minorities, in the creation, assessment of the content and strengthening the feed-back.

At the court hearing, the representatives of the Latvian Public Media pointed out that the content in the Russian language was created in accordance with the principle of content integration and, in any case, in compliance with uniform principles of responsible journalism. The allegation that the contested provisions are creating two information spaces is unfounded. Substantially, it is impossible if the same content is created in different languages. The cases where the content, created in different languages, is presented in a different way are very rare.

Pursuant to the decisions by the Public Media Council on a conceptually new approach to addressing ethnic minorities, its aim is to increase the use of content, created in the Latvian language, by the target audience of ethnic minorities and to achieve that the part of society, which consumes content in the Russian language, gradually transitions to consuming content in Latvian.

11. The summoned person – Dr. h. c., Assessor. jur., Dipl.-Pol. Egils Levits – points out that there is not a single word, a sentence or an article in the Constitution that would be devoid of legal meaning and would not *per se* or in the context with other words comprise legal provisions.

The second sentence in the fifth paragraph of the preamble to the Constitution, which sets out that the Latvian language is the only official language, is a legal provision and not a political recommendation or a moral duty. The primary purpose of this provision was to specify the first sentence of Article 4 of the Constitution, therefore the second sentence in the fifth paragraph of the preamble to the Constitution should be read in conjunction with the first sentence of Article 4.

The said provision of the preamble to the Constitution applies not only to the formal status of the official language but also to its functions. The basic purpose of this provision is to determine that no other language, legally or actually, may fulfil any function of the official language.

The First Contested Provision imposes an obligation on the public media to create a part of content in minority languages. This is confirmed also by the regulation that was valid previously because the legislator has deliberately changed the respective wording from a possibility to an imperative form. However, the Law on Administering Public Media has been worded in a way that disregards the statements regarding an integrated and cohesive Latvian nation, included in the preamble to the Constitution.

It is stated in the fourth paragraph in the preamble to the Constitution that, *inter alia*, Latvia respects ethnic minorities. Article 114 of the Constitution is also such an expression of respect, and the rights of ethnic minorities, defined therein, should be viewed in conjunction with the overarching principle of the Latvian nation-state, determined in the preamble to the Constitution, the concept of the Latvian language as the only official language and integrated and cohesive nation of Latvia.

Article 114 of the Constitution grants to persons belonging to ethnic minorities, the right established in it; however, it does not replace the sense of belonging to the Latvian nation as a whole. To achieve and maintain this sense of belonging, the state, in the basis of these rights, promotes societal integration

and cohesion. This, in turn, means that the participation of ethnic minorities in the life of Latvian society, politics, culture is ensured through the Latvian language.

The obligation to create content in minority languages, determined in the contested provisions, does not differentiate the content of this obligation depending on whether it pertains to the Russian language, which in the society of Latvia is self-sufficient and actually still strives to perform some functions of the official language, or to other minority languages that are not striving for it but that need such promotion. It follows from Article 114 of the Constitution in conjunction with its Article 4 and preamble that broadcasts in minority languages are needed to maintain the internal communication of an ethnic minority about specific issues pertaining to the language, ethnic uniqueness and culture of the respective ethnic minority. However, those who belong to ethnic minorities at the same time belong also to the nation of Latvia, and therefore communication on these matters should be held in the Latvian language. Namely, nobody should be excluded from the discourse and discriminated against only because he does not know the language of the respective ethnic minority. The state does not have mechanisms for preventing and remedying such a violation of the scope of the law. The current wording of the contested provisions is too broad and, thus, contrary to the preamble to, Article 4 and Article 114 of the Constitution.

12. The summoned person – *Dr. sc. soc. Anda Rožukalne* – points to the research findings that the public media, in conditions of fragmented media policy, unstable financing envisaged for ethnic minorities and changing media circumstances, nevertheless have been able to attract the largest part of minority audience.

The data on public media consumption and attitude towards them show that the content, created in minority languages, is needed, is used and constitutes a significant share of that media content that is used by those belonging to ethnic minorities. The public media content in minority languages is particularly important in situations of crisis.

The media consumption habits among ethnic minorities and the language of consumed media will not change only because the content of public media will be available only in the Latvian language. Content in other languages, also in the Russian language, is and will be available, and is easy and convenient to use even for those representatives of ethnic minorities who are proficient in the Latvian language. If content in minority languages is not created then part of the persons belonging to ethnic minorities will stop using the content of public media altogether.

The best solution would be granting to the public media the right to create content in minority languages according to their own choice. Possibly, it could be created in the near future only in circumstances of sociopolitical crises when it would be important to reach all groups of society in any manner.

At the court hearing, *Dr. sc. soc. Anda Rožukalne* noted in addition that the basic principles of the operation of public media, defined in Article 3 of the Law on Administering Public Media, describe the unique role of the public media, which includes responsibly created high-quality content, the aim to reach the entire society and to fulfil also such tasks that are not required of other media.

In conditions when society has been ensured freedom with respect to media and information consumption, united informative space is, in general, not even possible.

13. The summoned person – *Dr. iur. Jānis Pleps* – states that, within the Latvian legal system, the Latvian language as the only official language is also a symbol of the state, a constitutional value, a general legal principle and a constitutional-level written legal provision, included in the text of the Constitution.

Some elements of the regulation on the Latvian language as the only official language have been positivised in the Constitution, constitute a united and harmonised constitutional-level legal provision. Thus, a general legal principle of the Latvian legal system – the principle of the Latvian language as the only official language – is reflected in the Constitution's text.

Pursuant to the principle of the unity of Constitution, in the application of the principle of the Latvian language as the only official language, all its

elements, reflected in the Constitution's text, are essential. For example, the interpretation of Article 4 of the Constitution would be complete and correct only if the provisions set out in the preamble to and Article 18 of the Constitution regarding the Latvian language as the only official language were complied with. Since some elements of the principle of the Latvian language as the only official language have been positivised in the preamble to the Constitution, they are legally binding as a legal provisions with supreme legal effect. Hence, the regulation, included in the fifth paragraph of the preamble to the Constitution, regarding the Latvian language as the only official language, in conjunction with the first paragraph of the preamble to the Constitution, as well as with Article 4 and Article 18 of the Constitution reflects a positivised general legal principle. Thus, in this part, the fifth paragraph of the preamble to the Constitution comprises generally binding and directly applicable legal provisions – elements of the principle of the Latvian language as the only official language.

14. The summoned person – *Dr. sc. soc. Inta Mierīņa* – points out that approximately half of those inhabitants of Latvia whose native language is not Latvian are under the impact of Russia's information channels. Many of those who use the official Russian media or social networks have at least on some occasions consumed the Latvian Public Media in the Russian language or "Latvijas Radio 4". Thus, these sources, financed by the state of Latvia, ensure information that is alternative to the information provided by the Russian media to a significant part of society.

In the current circumstances, provision of content created in minority languages should be primarily assessed from the perspective of national security. The main conditions that currently determine need for creating content in minority languages, in particular, in the Russian language, are geopolitical risks and the fact that Russia's propaganda media are still highly influential in Latvia. Russia's disinformation campaigns, deliberately aimed at dividing Latvia's society, and the fact that a certain part of Latvia's inhabitants are not proficient in the Latvian language. If any of these risks or circumstances would change then the amount of content to be created in minority languages could be decreased.

The creation of some programmes or broadcasts in the language of a national minority does not endanger the Latvian language as the only official language.

At the court hearing, *Dr. sc. soc.* Ina Mieriņa noted in addition that rapid reduction in the public media of the amount of content created in minority languages could not be regarded as an effective tool for integrating ethnic minorities and their inclusion in the united information space.

It is not the language, in which the public media choose to create their content, but the content itself that should be regarded as a threat to the official language. If qualitative content is ensured in the Russian language and it is harmonised with the content in the Latvian language then united, cohesive information space is developed.

The Findings

15. The present case has been initiated regarding the compliance of the contested provisions with the preamble to and Article 4 of the Constitution. The *Saeima* requests terminating the legal proceedings in the part regarding the compliance of the contested provisions with the preamble to the Constitution and points out that the words “the Latvian language as the only official language” in the fifth paragraph of the preamble to the Constitution cannot be regarded as a generally binding legal provision. Likewise, the *Saeima* request terminating the legal proceedings in the case in the part regarding the compliance of the contested provisions with the second sentence of Article 4 of the Constitution since the present case does not pertain to matters linked to the national flag of Latvia.

15.1. Each state is characterised by its constitutional identity, which sets it apart from other states and reveals both the legal identity of the state and the identity of the state order. The preamble to the Constitution comprises, *inter alia*, the overarching principles of democracy, the rule of law, a nation-state and a socially responsible state that determine the identity of the Latvian state order and in general form the model of the Latvian democratic state order. They must be considered generally binding legal provisions (*compare, see Judgement by the Constitutional Court of 4 June 2021 in Case No. 2020-39-02, Para 14.1.*).

The Latvian language has been defined as the only official language in the second sentence of the fifth paragraph in the preamble to the Constitution.

The overarching principle of a nation-state reveals and characterises the founding ideal for the establishment of the Latvian state, i.e., a state of one's own – a nation-state. That is an element that constitutes the existence of the Latvian state and, pursuant to which, the Latvian language grants to the state of Latvia a certain national cultural identity, which is exactly Latvian. Namely, the Latvian language as the main manifestation of the overarching principle of the nation-state, which shapes the identity of the Latvian state. Without the Latvian language, the existence of the state of Latvia, as it has been established in the Constitution, is impossible. The obligation to ensure to the Latvian language the status of an official language and to ensure its protection derives from the aforementioned provision in the preamble to the Constitution that is generally binding by nature.

The *Saeima* notes: if it were assumed that both the provision in the second sentence in the fifth paragraph of the preamble to the Constitution regarding the Latvian language as the only official language and the first sentence of Article 4 of the Constitution were legal provisions with a similar scope then it could be concluded that the constitutional legislator had repeated twice the content and meaning of these provisions in the Constitution.

Each provision that has been included in the Constitution has a specific content and meaning. The constitutional legislator has included references to the Latvian language as the only official language in several provisions of the Constitution, *inter alia*, also in the preamble to the Constitution. This does not indicate that provisions are repeated or overlap but that particular content is granted to each of them. All these provisions as a whole constitute a united constitutional regulation on the Latvian language.

The purpose, for which the regulation on the Latvian language as the only official language was included in the second sentence in the fifth paragraph of the preamble to the Constitution, was to specify the first sentence of Article 4 of the Constitution, which includes the general provision that the Latvian language is the official language in Latvia and grants the functions of the official language to the Latvian language (*see the opinion of Dr. h. c., Assessor. jur., Dipl.-Pol.*

Egila Levitai). Namely, by including the word “only” in the sentence in the preamble to the Constitution, the legislator had wished to determine that the status of the official language was to be granted only to the Latvian language. Likewise, the preparatory materials for drafting the preamble to the Constitution testify to the legislator’s will to underscore and establish in the preamble to the Constitution or to render visible the foundations of the state, as well as the essence of the Latvian language as the only official language (*see annotation to draft law No. 1075/Lp11 “An Amendment to the Constitution of the Republic of Latvia. Available: saeima.lv*).

Hence, it can be concluded that the provision made in the second sentence of the fifth paragraph in the preamble to the Constitution regarding the Latvian language as the only official language is a generally binding legal provision. Pursuant to Article 16 (1) of the Constitutional Court Law, the Constitutional Court has the jurisdiction to review the compliance of legal provisions with the generally binding constitutional provisions, therefore, the legal proceedings in this part shall not be terminated.

15.2. The second sentence of Article 4 of the Constitutions sets out that the national flag of Latvia is red with a band of white.

Matters pertaining to the national flag must not be decided on in the present case. Therefore, the legal proceedings in the part regarding the compliance of the contested provisions with the second sentence of Article 4 of the Constitution shall be terminated.

Hence, the legal proceedings in the part regarding the compliance of the contested provisions with the regulation, determined in the second sentence in the fifth paragraph of the preamble to the Constitution, regarding the Latvian language as the only official language shall not be terminated but the proceedings shall be terminated in the part regarding the compliance of the contested provisions with the second sentence of Article 4 of the Constitution, on the basis of Article 29 (1) (6) of the Constitutional Court Law.

16. In the present case, the compliance of two legal provisions with two provisions of the Constitution must be reviewed, therefore, the Constitutional

Court must determine the most effective approach to this compatibility review. To determine it, first and foremost, the content of the contested provisions must be revealed.

16.1. The First Contested Provision sets out that the public media, *inter alia*, the Latvian Public Media, create broadcasts, fragments thereof and other services (hereafter also – the content) in minority languages to foster among the inhabitants of Latvia the sense of belonging to Latvia, societal integration in Latvia as a nation-state and to deepen the understanding of societal, social and cultural processes.

Opposite opinions have been expressed in the case on whether the First Contested Provision envisages an obligation or the right of the public media to create content in minority languages. The Applicant holds that these provisions envisage a mandatory obligation because the law did not define such an obligation for the public media before the Law on Administering Public Media entered into effect. The Applicant points out that the wording of the First Contested Provision is not sufficiently clear because the parties applying it have different understandings of its content and, thus, the principle of good legislation has been infringed upon. The *Saeima*, in turn, points out that only abiding by the principle, included in the First Contested Provision, of creating content in minority languages, is mandatory but the way this principle is implemented is a matter of applying the respective legal provision and other related legal provisions.

Before the Law on Administering Public Media entered into effect, the principle that the public media could create content also in minority languages existed in the Latvian legal system. For example, the Law on Radio and Television stipulated that the Latvian Radio and the Latvian Television in the primary distribution network created their programme as the national programme in the official language, whereas 20 per cent of the annual broadcasting time in the programme could be reserved for broadcasts in the minority languages (*see Article 62 (1), (2) of the Law on Radio and Television in the wording that was in effect until 10 August 2010*). Likewise, the right of electronic mass media to use minority languages and other languages was retained in the Electronic Mass Media Law, which replaced the regulation of the

Law on Radio and Television (*see Article 2 (2) (4) of the Electronic Mass Media Law in the wording that was in effect until 31 December 2020*).

Thus, it can be concluded that, before the First Contested Provision entered into effect, the legal regulation *per se* did not prohibit the public media from creating content in minority languages. However, it did not follow from the wording of the legal regulation that the creation of content in minority languages would be an obligation of the public media.

In clarifying the content of the First Contested Provision, it should be taken into account that this provision is part of the basic principles of operation of the public media, included in Article 3 of the Law on Administering Public Media. All basic principles, included in this article, *inter alia*, independence, Latvian identity, strengthening the Latvian language, diversity of opinion, editorial freedom and others constitute a united and harmonious system. They all are equally important and must be complied with in the operation of public media.

The public media create content in compliance with the public service remit. The general purpose and the mid-term strategy of the public media, as well as the annual plan of public service remit are implemented through the public service remit. The mid-term strategy of the public media and the annual plan of public service remit are created in accordance with the basic principles of the operation of public electronic mass media, defined in Article 3 of this law, taking into account also the First Contested Provisions (*see Article 9 (4) and Article 11 (3) of the Law on Administering Public Media*).

This means that, pursuant to the valid regulation, such public service remit that would not envisage creating of content in minority languages is impossible. In drafting the public service remit, as well as the public media, in creating content in minority languages, should strive for the aims, included in the First Contested Provision, to promote the sense of belonging to Latvia among all inhabitants of Latvia, societal integration in Latvia as a nation-state and thorough awareness of societal, social and cultural processes.

Thus, the obligation of the public media to create content in minority languages has been established in the First Contested Provision. Accordingly, it is not confirmed that, in the process of adopting the First Contested Provision,

the principle of good legislation had been violated because its wording is not sufficiently clear.

16.2. The Second Contested Provision sets out that if the Latvian Public Media is creating several programmes then one radio and one television programme or part of the broadcasting time of one radio and one television programme may be reserved for broadcasts in foreign languages, including also cinematographic films and theatre performances subtitled in the official language. The said legal provision is an exception to the principle, included in Article 8 (3) of the Law on Administering Public Media, that the Latvian Public Media is creating its programme as the national programme in the official language, including the written Latgalian language.

The wording of the Second Contested Provision allows concluding that the legislator has envisaged in it the right of the Latvian Public Media to reserve one radio and one television programme or a part of its broadcasting time for broadcasts in foreign languages. This conclusion is supported also by the fact that in the course of examining draft law No. 43/Lp13 “Law on Public Electronic Mass Media and Administration Thereof” at the responsible committees of the *Saeima* and the sittings of the *Saeima*, the proposal to replace the words “may reserve for broadcasts in foreign languages” by the words “shall reserve for broadcasts in foreign languages” was assessed (*see Proposal No. 27 in the table of proposals regarding draft law “Law on Public Electronic Media and Administration Thereof” for the third reading*). However, this proposal was not supported and the right of the Latvian Public Media rather than an obligation to reserve a programme or a part of its broadcasting time for broadcasts in foreign languages was retained in the Second Contested Provision (*see Transcript of the sitting of the Saeima on 19 November 2020. Available: saeima.lv*).

Thus, in the Second Contested Provision, the legislator has envisaged the rights of the Latvian Public Media, *inter alia*, the right to choose how to fulfil its obligation established in the First Contested Provision. If the Latvian Public Media creates several programmes then one radio and one television programme as a whole or a part of the broadcasting time of the programme may be reserved for broadcasts in foreign languages, *inter alia*, in minority languages. Moreover, the said provision does not determine the specific foreign languages, including

minority languages, or the amount in which a part of the programme should be reserved for broadcasts in foreign languages.

16.3. The Latvian language is the official language in Latvia. The state ensures preservation, protection and development of the Latgalian written language as the historical variety of the Latvian language and the Livonian language as the language of indigenous population (autochthon population). Thus, any other language should be considered a foreign language.

In view of the materials in the case file and also the opinions expressed at the court hearing, it can be concluded that the Applicant's considerations regarding the constitutionality of both contested provisions are not linked to reserving programmes of a part of the broadcasting time of a programme for broadcasts or parts thereof in any foreign language but only in minority languages. Therefore, the Constitutional Court shall review the Second Contested Provision insofar it applies to minority languages.

Considering the content of the contested provisions, which already has been revealed in this judgement, the Constitutional Court concludes that both contested provisions are closely interrelated, therefore, in the present case, cannot be reviewed separately. Likewise, the same reasoning is used to substantiate the claim with respect to the compatibility of the contested provisions with the provision in the preamble to the Constitution and the first sentence of Article 4 of the Constitution.

In view of all the above, the Constitutional Court shall examine whether the contested provisions as a united legal regulation, insofar it imposes an obligation on the public media to create content in minority languages and, for the fulfilment of this obligation, grants the right to reserve one radio and one television programme or a part of its broadcasting time to broadcasts in minority languages, comply with the status of the Latvian language as the only official language, defined in the second sentence in the fifth paragraph of the preamble to the Constitution, in conjunction with the first sentence of Article 4 of the Constitution.

17. It follows from the second sentence in the fifth paragraph of the preamble to the Constitution, in conjunction with the first sentence of Article 4,

that the Latvian language fulfils the functions of the only official language or is the common language of communication for all inhabitants of Latvia – both for persons belonging to the constituent nation and for persons belonging to ethnic minorities, as well as a language uniting a democratic society (*compare, see Judgement by the Constitutional Court of 13 November 2019 in Case No. 2018-22-01, Para 18*).

The Latvian language is the common language for the entire society of Latvia. A common language is needed to adopt decisions in a democratic society and to cooperate. It is the purpose of the status of an official language and, at the same time, also a pre-condition for a cohesive society and a well-functioning democracy (*compare, see Judgement by the Constitutional Court of 9 February 2023 in Case No. 2020-33-01, Para 30*). A cohesive society is founded on shared values and mutual trust. In a cohesive society, everyone has the sense of belonging and participates in the life of the state. It is the common language that is the pre-condition for reaching these aims. In Latvia, a cohesive society should be developed on the basis of the Latvian language.

The Constitutional Court has recognised that, in Latvia, the Latvian language is the language of the united discourse of a democratic society (*see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para. 21.1.*). In a democratic state, society is not homogenous. Historically, representatives of other ethnicities have always lived alongside Latvians in Latvia. At the beginning of the 20th century, representatives of different ethnicities lived in Latvia, *inter alia*, Russians, Jews, Baltic Germans, Poles, Belorussians, Lithuanians, Estonians and Roma, and the proportion of these ethnicities amounted to approximately one fourth of the entire population (*see: Bleiere D. u. c. Latvijas vēsture. 20. gadsimts. Rīga: Jumava, 2005, 185. lpp.; Švābe A. (red.) Latvju enciklopēdija. Otrais sējums. Stokholma: Trīs zvaigznes, 1950–1951, faksimilizdevums. Rīga: Antēra, 2005, 1638. lpp.*). The composition of the Latvian population has been influenced by the special circumstances caused by the prolonged occupation and Russification of the state (*see Judgement by the Constitutional Court of 23 April 2019 in No. 2018-12-01, Para 24.2. , and Judgement of 10 July 2024 in Case No. 2022-45-01, Para.3 0.1. and Para. 30.2.*). Namely, under the impact of World War II and two successive

occupational regimes, the ethnic composition of the Latvian population changed significantly. Although during the period of occupation by the USSR, representatives of almost all ethnicities of the USSR came to Latvia, the representatives of the Russian ethnicity prevailed: in 1989, they constituted 70.8 per cent of all aliens and also many representatives of other ethnicities considered the Russian language their native language (see: *Eglīte P. Padomju okupācijas režīms Baltijā 1944.–1959. gadā: politika un tās sekas. Latvijas Vēstnesis*, 20.06.2002., Nr. 93; see also *Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 24.2*). Also at present, a significant part of the Latvian population, 23.3 per cent, consider the Russian language their native language. At the beginning of 2025, 2.9 per cent of the Latvian population spoke the Belorussian language, 2.8 per cent – Ukrainian and 1.9 per cent – Polish, and 5.6 per cent of the Latvian population represented other ethnicities (see: *Demogrāfija 2025. Centrālā statistikas pārvalde, 2025, 3. lp. Available: stat.gov.lv*). In view of these circumstances, in Latvia where members of society are still proficient in different languages, have different experiences and views, a full-fledged discourse is possible only if it takes place in one language – the Latvian language. The state cannot and it does not regulate the language use in private communication among private persons. However, in Latvia's situation, a discourse held in one language is the pre-condition that allows every person to participate in the life of the state, irrespective of whether they belong to the constituent nation or an ethnic minority.

The state's obligation to ensure protection of the Latvian language follows from its nature and functions as the only official language. The state has the responsibility to ensure that the purpose of the existence of the state, referred to in the first paragraph in the preamble to the Constitution, would be respected, *inter alia*, the existence and development of the Latvian language through centuries would be guaranteed. This means that the state not only must refrain from actions that could undermine the significance of the official language but timely prevent circumstances that could, indeed, diminish the significance of the Latvian language as the only official language and endanger its functions.

Thus, it follows from the provision included in the second sentence in the fifth paragraph of the preamble to the Constitution, in conjunction with the first

sentence of Article 4 of the Constitution, that the state has duty to ensure that the Latvian language would, indeed, be the common language of communication in society and the language of democratic participation and would not permit a situation where any other language would perform any function of the official language. Moreover, the state is also obliged to ensure protection of the official language.

17.1. As in any other democratic state governed by the rule of law, mass media in Latvia fulfil important functions. The right to the freedom of expression, included in Article 100 of the Constitution, which comprises the right to freely obtain, store and disseminate information, express one's opinions, is exercised through them.

The purpose of public media is to provide trustworthy information to society, in particular, on matters of public importance. If the state has established public media then it is important that they are independent and enjoy editorial freedom. Thus, it is ensured that society receives impartial and independent information. The public media must offer content that reflects, *inter alia*, the diversity of political outlook (*see Judgement by the European Court of Human Rights of 17 December 2009 in Case "Manole and Others v. Moldova", Application No. 13936/02, Para. 101 and Para. 107*).

Information that a person obtains from different sources influences their opinions, values and worldview on most diverse matters. Information is the basis for discussions on topics that are relevant and important for society. The better informed a person the more able they are to adopt decisions with a sense of responsibility for the state. Public media is an important part of the Latvian information space and they have a special role in the development of a democratic discourse, which is a mandatory pre-condition for the functioning of democracy.

The purpose of creating public media is to strengthen the democratic order of Latvia, the freedom of expression and a sense of belonging to Latvia among the inhabitants of Latvia, to tend to the Latvian language and national culture (*see Article 2 of the Law on Administering Public Media*). Tending to the Latvian language and culture is a particularly important task because, in the current circumstances of diversity and availability of information, not only media that

address society in the Latvian language but also such media, the content of which is directed at the development and improvement of the Latvian language, are necessary. Thus, basically, the content of public media should be created in the Latvian language. An opposite conclusion would be contrary to the said purpose for which public media are established.

Hence, a special constitutional mission has been entrusted to the public media – to strengthen the values typical of a democratic state, *inter alia*, to tend to the Latvian language.

17.2. The Constitution is a united whole and the legal provisions, included in it, are closely interconnected. Therefore, in reviewing the constitutionality of the contested provisions, Article 114 of the Constitution must be taken into consideration.

The first sentence in the fourth paragraph of the preamble to the Constitution provides that Latvia as a democratic, socially responsible and national state, based on the rule of law, respects ethnic minorities. The respect for ethnic minorities is reflected also in Article 114 of the Constitution, envisaging for them the right to preserve and develop their language and their ethnic and cultural identity.

Article 114 of the Constitution establishes for the persons belonging to ethnic minorities not only the right to preserve and develop their language and culture but also the collective right to ensure, with a common aim, the preservation and development of the identity of the ethnic minority because a person belonging to an ethnic minority is able to preserve its identity only 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*). The respect for ethnic minorities manifests itself as a generally binding legal provision that requires the state's positive action with the aim of protecting and ensuring the rights of persons belonging to ethnic minorities (*see, for example, Judgement of the Constitutional Court of 12 July 2024 in Case No. 2023-15-01, Para. 14.3.*). The relationship between the constituent nation and ethnic minorities is based on the reciprocal recognition of values (*see Judgement by the Constitutional Court of 13 November 2019 in Case No. 2018-22-01, Para. 15.2.*).

For the public media to be able to implement the aims that set them apart from other mass media, it is important that the public media ensure diverse content and address society as a whole, including also ethnic minorities. There can be no democracy without pluralism, tolerance and openness (*see Judgement by the Grand Chamber of the European Court of Human Rights of 7 June 2012 in Case “Centro Europa 7 S.r.l. and Di Stefano v. Italy”, Application No. 38433/09, Para. 129*).

The task of the public media is to serve society as a whole. They are creating and offering their content not to gain economic benefit but because society needs the content created by them to ensure that every person, also persons belonging to ethnic minorities, could participate fully in making decisions that affect the life of the state and to exercise their fundamental rights, *inter alia*, the fundamental rights included in Article 114 of the Constitution.

17.3. The content of rights, included in Article 114 of the Constitution, should be revealed in conjunction with the documents of international law in the area of protecting the rights of ethnic minorities, binding upon Latvia, in particular, the Convention on Minorities.

Pursuant to Article 2 of the law “On the Framework Convention for the Protection of National Minorities”, the term “national minorities” denotes Latvian citizens who differ from Latvians in terms of culture, religion, or language, have traditionally lived in Latvia for generations and consider themselves belonging to the Latvian state and society, and wish to preserve and develop their culture, religion, or language (*compare, see Judgement by the Constitutional Court of 23 April 2019 in Case No. 2018-12-01, Para 22*).

The first sentence of Article 9 (1) of the Convention on Minorities sets out that national minorities have the right to receive and impart information and ideas in their language without interference by public authorities and regardless of frontiers. However, this right is not absolute and, as provided for by Article 19 of the Convention on Minorities, the state may restrict these rights, in compliance with international legal instruments, in particular, the European Convention for the Protection of Human Rights and Fundamental Freedoms, insofar it is applicable.

Article 9 (4) of the Convention on Minorities provides that the states must adopt adequate measures to ensure access to the media for national minorities in order to promote tolerance and cultural pluralism. The availability of public media in minority languages, in particular, in the languages of numerically smaller ethnic minorities, is essential. This not only ensures access to information for persons belonging to ethnic minorities but also enhances the visibility and importance of minority languages (*see: The Framework Convention: a Key Tool to Managing Diversity Through Minority Rights. Available: rm.coe.int*). Whereas the concept of “adequate measures”, in the meaning of this paragraph, are such measures that conform with the proportionality principle. Such measures include, for example, financing broadcasts and programmes focusing on ethnic minorities or an offer to develop a dialogue between various groups (*see: Explanatory Report to the Framework Convention for the Protection of National Minorities. Available: rm.coe.int*).

It follows from the above that the state has the obligation not only to refrain from interfering with the right of ethnic minorities to receive information in a language they understand but also to facilitate access to the public media for ethnic minorities (*see: Report on the Linguistic Rights of Persons Belonging to National Minorities in the OSCE Area. The Hague: OSCE, 1999, p. 31*). The requirement for the public media to provide information in minority languages is substantiated by the ethnic minorities’ own wish to preserve and develop their language, cultural and national identity, inseparable from it. If the state ensures to ethnic minorities access to the public media then it is expected that the ethnic minorities will, within the limits of their possibilities, participate in creating the content to be provided in the particular language, thus ensuring that the content reflects the ethnic minority’s interests and also conforming their request for such content (*compare, see: Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities Under the Framework Convention. Advisory Committee on the Framework Convention for the Protection of National Minorities, paras 41, 42, 2012. Available: rm.coe.int*). It is the participation of ethnic minorities that ensures to them the possibility to preserve and develop their language, culture and national identity, making their own decisions on what they really need to reach this aim (*compare, see: Naerland T.,*

Dahl J. Beyond Representation: Public Service Media, Minority Audiences and the Promotion of Capabilities Through Entertainment. Bergen: University of Bergen, 2022, p. 4). However, this does not exclude that the state, in fulfilling its obligation to facilitate access to the public media for ethnic minorities, must pay special attention to the needs of numerically smaller ethnic minorities because most often access to the content of mass media is limited for such ethnic minorities (*compare, see: Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities Under the Framework Convention. Advisory Committee on the Framework Convention for the Protection of National Minorities, para 42, 2012. Available: rm.coe.int*).

Article 9 (3) of the Convention on Minorities provides, *inter alia*, that the states must ensure, as far as possible, that persons belonging to national minorities are granted the possibility of creating and using their own media. This provision reflects the need to ensure such legal environment in which, firstly, ethnic minorities living in the state may freely establish, maintain and develop their media and, secondly, the state does not interfere with the operation of such media (*compare, see: Explanatory Report to the Framework Convention for the Protection of National Minorities. Available: rm.coe.int*). This provision is directed at protecting those ethnic minorities that are sufficiently represented and independent in the state to establish and maintain their media themselves.

Thus, the scope of the state's obligations, derived from the Convention on Minorities with respect to ensuring the rights defined in its Article 9, may depend on the actual situation of the particular ethnic minority in the state, for example, its numerical composition, the spread of language, accessibility of mass media, the wish and ability to ensure for itself independently access to information in its language, as well as other circumstances.

In a particular state, the minority language may be considered sufficiently represented and independent or self-sufficient. Such language is usually used by persons belonging to such ethnic minority that is characterised by a significant proportion in the general population in that state, a stable social structure, its own cultural organisations and mass media. The existence of such minority language, as well as the preservation and development of its cultural and national identity

is not endangered and persons belonging to such an ethnic minority are able to exercise effectively their rights without special support by the state.

In its judgement of 10 July 2024 in Case No. 2022-45-01, the Constitutional Court already found that the Russian language was still very widely used in Latvia and that the Russian language was self-sufficient in Latvia (*see Judgement by the Constitutional Court of 10 July 2024 in Case No. 2022-45-01, Para 30.4.*). Currently, the Constitutional Court has no grounds for reaching a different conclusion with respect to the self-sufficiency of the Russian language in the area of mass media because commercial media that have received a broadcasting permit from the National Electronic Mass Media Council and are creating their content in the Russian language are extensively available. In this regard, the television programme “LRT+” of the limited liability company “MEDIASTRIM” can be mentioned, it is described as an informative, entertaining and educational programme and is broadcast in Russian for up to 30 per cent of the daily broadcasting time, as well as the television programme “TV3” of the limited liability company “All Media Latvia”, the content of which includes, *inter alia*, analytics and news and which is broadcast in the Russian language for up to 25 per cent of the broadcasting time. The radio programme “Radio SWH Plus” of the joint stock company “Radio SWH”, which ensures content related to analytics, politics and sports, as well as news, is broadcast only in the Russian language. Likewise, tens of programmes, created by foreign electronic mass media, offering informative, educational and entertaining content in the Russian language are available in Latvia (*see: Register of programmes. Available: registrs.neplp.lv*). Moreover, there are also printed, audiovisual and digital media that ensure content in the Russian language.

However, not all languages of the ethnic minorities residing in Latvia are self-sufficient. If a minority language is not self-sufficient then persons belonging to this ethnic minority may not be able to ensure independently and effectively the preservation and development of its language, culture and identity. Therefore, such ethnic minorities might need the state’s support, i.e., in the absence of the state’s support the languages and traditions of such ethnic minorities could be under the risk of disappearing, thus diminishing also the cultural diversity of society as a whole. At the same time, the state must also

assess whether the respective ethnic minorities whose language is not self-sufficient have access to mass media in their languages.

Thus, the state's obligation to facilitate access to the public media for such ethnic minorities whose language is not self-sufficient in mass media, in particular, numerically smaller ethnic minorities, follows from Article 114 of the Constitution, interpreted in conjunction with the standard defined in Article 9 (4) of the Convention on Minorities. Whereas with respect to such ethnic minorities whose language in mass media in Latvia is self-sufficient, Article 114 of the Constitution, interpreted in conjunction with Article 9 (3) of the Convention on Minorities, imposes an obligation on the state not to interfere with free operation of the mass media, established by such ethnic minorities, and to ensure such legal environment where the respective ethnic minority could preserve and develop its language, culture and ethnic distinctiveness. However, all these obligations of the state must be fulfilled by complying with the status of the Latvian language as the only official language and respecting its function to be the common language of communication for the entire society, *inter alia*, persons belonging to ethnic minorities, and the language of democratic participation.

17.4. In reviewing the constitutionality of the contested provisions, Article 1 of the Constitution also must be taken into account.

Article 1 of the Constitution determines that Latvia is an independent democratic republic and the state's obligation to ensure such circumstances, in which the existence and development of the Latvian nation, its language and culture would be guaranteed through centuries, follows from it. The state has a constitutional obligation to ensure national security as this is the only way to guarantee the existence of the state of Latvia and its democratic order. The Constitutional Court already has recognising that guaranteeing national security is the basic obligation of the state (*see Judgement by the Constitutional Court of 23 April 2003 in Case No. 2002-20-0103, Para. 2 of the Findings*).

Every individual's awareness of important national issues is the foundation of national security and is directed at building a cohesive society. Every person, including persons belonging to ethnic minorities, must have the possibility to obtain objective and independent information. Thus, the interests of national security may be a consideration that should be taken into account in

reviewing the issue of creating the content of public media in minority languages, *inter alia*, in a language of ethnic minority that is self-sufficient in mass media in Latvia.

17.4.1. As stated above, reinforcing the democratic order of Latvia is one of the aims of the public media. Within the Latvian legal system, the public media have been entrusted the duty, in emergency situations and during the state of exception, to ensure the possibility for authorities to provide information and announcements to society (*see Article 21 of the Law on Administering Public Media and Article 9 (4) and Article 15 (2) of the law “On Emergency Situation and State of Exception”*).

However, in those cases where society should be protected against propaganda and disinformation, the task of the public media is to provide facts-based objective information and explain its political, legal and social context. Information manipulation has undermined the trust in media; however, public media continue to be the most trustworthy source (*see: Towards a New Democratic Pact for Europe. Report of the Secretary General of the Council of Europe. Council of Europe, 2025, p. 12*). This is stated also in the public service remit plan for 2026 that, during the last four years, trust in the Latvian Public Media is assessed as stable and, in general, almost half of society trusts it (*see The annual plan of the public service remit of LLC “Latvian Public Media” for 2026. Available: ltv.lsm.lv*).

Thus, the public media have an important role also in the national security context.

17.4.2. False and misleading information, in various forms of it, which manifests itself, *inter alia*, as disinformation, may cause misleading perceptions, which, in turn, seriously endanger not only persons but also the democratic discourse, democracy itself and the state in general (*see: Broda E., Strömbäck J. Misinformation, Disinformation, and Fake News: Lessons from an Interdisciplinary, Systematic Literature Review. Annals of the International Communication Association, 2024, Vol. 48, No. 2, p. 139*). Disinformation is such information that sows prejudice, facilitates conflicts, causes reciprocal resistance and hatred among various societal groups, as well as promotes extremist ideology. Under the impact of disinformation, a person may lose the

sense of belonging to the state (see: *NATO's Approach to Counter Information Threats*. Available: nato.int).

Disinformation may impact any person; however, it is recognised that ethnic minorities, whose access to objective information is not infrequently restricted, are particularly sensitive to disinformation and, accordingly, may turn into an environment where disinformation is spreading (see: *The Impact of Disinformation Campaigns about Migrants and Minority Groups in the EU*. Available: europa.eu).

These risks have intensified particularly with the rapid technological development (see: *Our Common Agenda. Policy Brief 8. Information Integrity on Digital Platforms*. United Nations, 2023, p. 3). Namely, on-line platforms and emerging technologies ensure new and increasingly more effective possibilities for spreading false or misleading messages (see: *Resisting Disinformation. Ten Building Blocks to Strengthen Information Integrity*. Council of Europe, 2025, p. 30).

The security of any state depends on its geopolitical situation. Latvia's neighbouring state is Russia, the current ideology of which is directed at war and aggression against neighbouring states. The Constitutional Court has recognised previously that Russia has attempted for a long time to reinforce the position of the Russian language in Latvia to hinder the integration of Russian-speaking inhabitants into the Latvian society and make it easier to manipulate them by using propaganda and disinformation (see *Judgement by the Constitutional Court of 13 February 2025 in Case No. 2024-06-01, Para 13.2.*). It is stated in "National Security Concept 2023" that Russia, during its war against Ukraine, has become extremely radicalised and considers hybrid war instruments, *inter alia*, targeted manipulations within information space, important for reaching its aims in the member states of NATO and the European Union. Russia's measures of information impact in Latvian have become more frequent and more aggressive (see *National Security Concept 2023, Para. 6*). In 2025, the State Security Service has pointed out that the measures of information impact deployed by Russia and its ally Belarus against Latvia remain at high level. Also in 2025, dissemination of aggressive and hateful messages of propaganda and disinformation was one of the main lines of actions directed by Russia against

Latvia. Forecasts show that Russia will continue measures of propaganda and disinformation warfare against Latvia and the Baltic States in general (*see, for example, The State Security Service public report on its activities in 2025. Available: vdd.gov.lv*).

It can be concluded that, in view of the existing risks of propaganda and disinformation, the regulation on the use of minority languages in public media, to be reviewed in the present case, is essential for Latvia's national security. Therefore, in the special circumstances when the risks to national security need to be mitigated, in emergency situations and during the state of exception, providing information in minority languages, respecting the proportionality principle, could be substantiated by the national security interests. Complying with the proportionality principle, i.e., assessing the intensity and the nature of the risk to national security, and only insofar it complies with the aim of informing society as widely as possible, in particular, persons belonging to ethnic minorities, in cases when it is objectively necessary, the state has a constitutional duty to ensure objective and independent information to persons belonging to ethnic minorities in minority languages. In special circumstances, informing persons belonging to ethnic minorities is particularly necessary, even if the respective minority language is self-sufficient in mass media in Latvia, to ensure that these persons obtain objective and independent information through the public media, which is important in the context of national security.

Thus, to protect national security in special circumstances, the state's constitutional obligation to ensure, respecting the proportionality principle, objective and independent information to persons belonging to ethnic minorities in minority languages follows from Article 1 of the Constitution. This applies also to such a national minority whose language is self-sufficient in mass media in Latvia. Provision of information in minority languages should be proportional to the threat to national security, targeted and justified by an objective need. Moreover, the said obligation should be fulfilled in a way that would not jeopardise or diminish the functions of the Latvian language as the only official language.

17.5. As concluded above, the state's obligation to ensure protection of the official language follows from the provision included in the second sentence

in the fifth paragraph of the preamble to the Constitution, in conjunction with the first sentence of Article 4 of the Constitution. The *Saeima* states that the contested provisions had been adopted to fulfil the state's obligations, derived from Article 1 and Article 114 of the Constitution, regarding the rights of persons belonging to ethnic minorities and in the area of protecting national security. This means that these obligations must be fulfilled without endangering the Latvian language that is the only official language and on which the existence and identity of the Latvian state depend. Hence, the contested provisions should ensure an adequate balance between the obligation to ensure protection of the official language, which is derived from the second sentence in the fifth paragraph of the preamble to the Constitution in conjunction with the first sentence of Article 4 of the Constitution, and the state's obligations vis-à-vis ethnic minorities, deriving from Article 1 and Article 114 of the Constitution. An adequate balance must be ensured to guarantee the existence and development of the Latvian language as the common language of communication for the inhabitants of Latvia and the language of democratic participation through centuries.

Thus, the Constitutional Court must examine whether the contested provisions ensure an adequate balance between the state's obligations, established in the Constitution, – to ensure protection of the Latvian language, to ensure the rights of persons belonging to ethnic minorities and to protect national security.

18. The *Saeima* notes that, respecting the independence and editorial freedom of the public media, as well as the autonomy and competence of the Public Media Council, it is important to underscore that the contested provisions envisage the discretion to choose the language or languages of ethnic minorities and the scope, in which the Latvian Public Media creates the content and provides services.

As concluded above, the First Contested Provision is only one of the basic principles of the operation of public media, included in Article 3 of the Law on Administering Public Media, and all principles, included in this legal provision, are equally important and must be respected in the operation of the public media.

The Second Contested Provision, however, is an exception to the basic principle, included in Article 8 (3) of the Law on Administering Public Media, providing that the Latvian Public Media creates its programme as a national programme in the official language, *inter alia*, in the written Latgalian language.

Thus, when deciding on minority languages and the scope in which the public media may create content, other aims and principles, included in the Law on Administering Public Media, must be taken into account. Namely, as mentioned above, it should be taken into account that, pursuant to Article 2 of the Law on Administering Public Media, the purpose of the Latvian Public Media is to strengthen the democratic order of Latvia, the freedom of expression and a sense of belonging to Latvia among the Latvian population, tend to the Latvian language and the national culture. Likewise, the basic principles for the operation of public media, included in Article 3 of the Law on Administering Public Media, must be taken into account – raising awareness of Latvia as a nation-state, strengthening the Latvian identity, use of the Latvian language, including the Latgalian written language and the Latvian sign language, as well as national security (*see Law on Administering Public Media, Article 3 (6) and (14)*). Moreover, the purpose, defined in the First Contested Provision, must be taken into consideration, why the content of public media in minority languages should be ensured to persons belonging to ethnic minorities, and this purpose is to promote the sense of belonging to Latvia for all inhabitants of Latvia, social integration in Latvia as a nation-state and thorough understanding of societal, social and cultural processes. Every legal provision must be applied in accordance with the provisions and principles of the Constitution.

However, in assessing the constitutionality of the provisions contested in the case, it must be taken into account that a legal provision cannot be understood outside the practice of its application and the legal system, within which it functions. Therefore, the Constitutional Court must determine how the Latvian Public Media, pursuant to the contested provisions, fulfils the obligation, established in Article 114 of the Constitution, to ensure the rights of persons belonging to ethnic minorities and the obligation, established in Article 1 of the

Constitution, to protect national security, when creating content in minority languages.

18.1. First and foremost, the language of the programmes created and distributed by media is indicated in the broadcasting permits and in the principal conditions for operations. Pursuant to Article 18 (1) of the Electronic Mass Media Law, broadcasting permits are issued by the National Electronic Mass Media Council for eight years.

Currently, broadcasting permits for three public television programmes and five public radio programmes have been issued to the Latvian Public Media (*see: Media Registers. Available: neplp.lv*). It is determined in the (transfrontier) broadcasting permits, issued to the Latvian Public Media for the public television programmes, that the language of these programmes is the Latvian language – 100 per cent (*see broadcasting permits No. TA-057/1, No. TA-057/3 and annexes thereto. Available: neplp.lv*). It is determined in the broadcasting permit and the principal conditions for the television programme “LTV7” that its basic language is the Latvian language, i.e., at least 90 per cent, and the English, French, Russian, German, Ukrainian languages – not more than 10 per cent (*see broadcasting permit No. TA-057/2 and the annex to it. Available: neplp.lv*). On the other hand, as can be concluded from the broadcasting permits and principal conditions issued to the Latvian Public Media with respect to radio programmes, at the beginning of 2026, the language of all five radio programmes – “Latvijas Radio 1”, “Latvijas Radio 2”, “Latvijas Radio 3 – Klasika”, “Latvijas Radio 5” and “Latvijas Radio 6” – is the Latvian language – 100 per cent (*see broadcasting permits Nr. RA-028/1, Nr. RA-028/2, Nr. RA-028/3, Nr. RA-028/5, Nr. RA-028/6 and annexes thereto. Available: neplp.lv*). It can be concluded from the above that the significantly largest part of the content of the programmes of the Latvian Public Media is in the Latvian language.

The National Electronic Mass Media Council notes that, when examining submissions for the issuance of a broadcasting permit or amendments to the principal conditions of the broadcasting permit, in assessing the compliance of the submission with the requirements of legal act, nevertheless, it does not have the right to decide on the languages, in which the public media create and distribute programmes in minority languages, nor on the proportion thereof (*see*

Opinion of the National Electronic Mass Media Council). Moreover, as noted by the representative of the National Electronic Mass Media Council at the court hearing, the legal regulation would not prohibit the Council from issuing a broadcasting permit, for example, also to a television programme, envisaging broadcasts only in minority languages, the contested provisions permit it.

The *Saeima* notes that the National Electronic Mass Media Council, in examining a submission regarding the issuance of a broadcasting permit or amendments to the principal conditions of the broadcasting permit, must take into account Article 28 and Article 32 of the Electronic Mass Media Law, which determines the proportion of the official language use in the programmes of electronic mass media.

The Constitutional Court concludes that, with respect to the public media, the contested provisions, which do not define the scope of the part of programme, which may be created in minority languages, are more recent special legal provisions than the provisions of the Electronic Mass Media Law. Hence, pursuant to the principle for resolving conflicts of law, the contested provisions are applicable to the public media.

In view of the above, it can be concluded that the National Electronic Mass Media Council, deciding on issuing a broadcasting permit, examines the compliance of the submission with legal acts but, complying with the contested provisions, may not determine, on its own initiative, the languages and the scope in which the Latvian public Media creates a programme or a fragment thereof.

18.2. Decision on the language or languages and the scope in which the Latvian Public Media creates a programme or its fragments and provides services e.g., on the internet portal, is made by the Public Media Council, which is an independent, lawful, autonomous authority (*see Article 12 (1) of the Law of Administering Public Media*), within the limits of the public service remit and its competence.

Article 9 (1) of the Law on Administering Public Media determines that public service remit is a wide and diverse totality of informative, analytical, educational, entertaining, participatory and cultural content and services which correspond to the democratic, social and cultural needs and interests of the

society. The public service remit ensures that the content created by the public media fits the needs and interests also of persons belonging to ethnic minorities.

The study of public benefit by the Latvian Public Media is important for obtaining diverse feed-back for implementing and improving the public service remit. This study reflects the inhabitants' habits in using of the Latvian Public Media, trust in the content created by the Latvian Public Media, as well as opinion regarding the quality of this content. Thus, the results obtained in the study of public benefit by the Latvian Public Media allow drawing conclusions regarding further measures to be implemented in the framework of the public service remit of the Latvian Public Media.

At the court hearing, the representative of the Public Media Council noted that this Council had a rather broad discretion with respect to elaborating the public service remit. Namely, the Public Media Council approves the annual plan of the public service remit, determining in it the short-term aims, objectives, performance indicators and the budget of the public media. In drafting the said plan, the purpose defined in Article 1 of the Law on Administering Public Media is complied with, i.e., ensuring effective and open administration, independence, public accountability of the Latvian Public Media and other public electronic mass media (if such have been created) and to promote qualitative operation thereof, as well as the basic principles for the operation of public electronic mass media, defined in Article 3, *inter alia*, the First Contested Provision, and the approved medium-term operational strategy (*see Article 11 (3) of the Law on Administering Public Media*).

As regards the language use, it is stated in the public service remit for 2026, that the language of the internet portal "LSM.lv" is Latvian, Ukrainian, English and Russian, whereas the language of the television programme "LTV7" is Latvian and foreign languages (*see Annual public service remit plan for 2026 of the State LLC "Latvian Public Media". Available: ltv.lsm.lv*). Pursuant to the decision by the Public Media Council on a conceptually new approach to addressing ethnic minorities, which increases the use of the content created in the Latvian language by the target audience of ethnic minorities, the annual public remit plan for 2026 envisages that, primarily, the Latvian Public Media offers its content in the Latvian language but basic information in other

languages – only in the digital environment (*see Annual public service remit plan for 2026 of the State LLC “Latvian Public Media”*. Available: ltv.lsm.lv)

Thus, the Public Media Council determines the language, in which the Latvian Public Media creates its content. The Council also has the obligation to control not only the conformity of the public media operations with the basic principles for the operation of the public media but also the compliance of programmes and services with the public service remit because the public media have the obligation to create and distribute content in the framework of the public service remit (*see Article 17 (1) 8) of the Law on Administering Public Media*).

Thus, whether and in what minority languages the Latvian Public Media creates its programmes or fragments thereof and provides services is determined by approving the annual public service remit plan. The public service remit plan is elaborated by taking into account also the contested provisions, the priorities and objectives set in the mid-term strategy for operations, as well as the analysis of the public benefit study. Thus, it is not excluded that minority languages, used in the programme of the Latvian Public Media, or their proportions may be changed every year, taking into account the wishes of society and other conditions that determine the public service remit.

Hence, a situation is possible that the content of the Latvian Public Media could be provided, even in a quite significant amount, in such a language of ethnic minority, which is self-sufficient in the mass media in Latvia. This is confirmed by the practice of applying the contested provisions. Namely, until 1 January 2026, the broadcasting permit was in effect for the radio programme of the Latvian Public Media “Latvijas Radio 4 – Doma laukums”, in which broadcasts in other languages constituted five per cent but broadcast in the Russian language – 95 per cent of the total of unique content. Thus, in conformity with the contested provisions, a radio programme that offered almost the entire content in the self-sufficient minority language existed. Studies show that, in general, the said radio programme for a long time enjoyed the interests of society, *inter alia*, of ethnic minorities, and was actively used (*see, for example: Saulītis A., Juzefovičs J. Visaptverošs sabiedrisko mediju sabiedriskā labuma izvērtējums par laika periodu 2020–2022. Rīga, 2023, 17. lp., and Dr. sc. soc. Ina Mieriņa’s opinion*). Such an outcome of the application of the

contested provisions could promote the feeling among the audience of the respective radio programme that they belong to Latvia; however, in a situation that had developed under the impact of historical circumstances, it was contrary to the purpose for which, *inter alia*, content in minority languages should be created, i.e., the purpose to facilitate society's integration in Latvia as a nation-state on the basis of a common language – the official language.

Moreover, while creating a radio programme, almost the entire content of which was offered in a minority language that was self-sufficient in the mass media in Latvia, the state exceeded the scope of obligations that follow from Article 114 of the Constitution with respect to such an ethnic minority. The practice of applying the contested provisions proves that they permitted and still permit the public media to provide information in such a minority language that is self-sufficient in the mass media in Latvia without assessing the intensity and nature of threat, without an objective necessity to provide such information and beyond the aims defined in Article 1 of the Constitution. Namely, in the contested provisions, the proportionality principle has not been taken into account.

As concluded above in this judgement, for the Latvian Public Media to ensure content in such minority languages, which are not self-sufficient in Latvia, persons belonging to the respective ethnic minorities should be interested in consuming such content. Namely, the wish of ethnic minorities themselves to preserve and develop their language and the culture and national identity, inextricably linked to it, is essential, as well as their involvement, to the extent possible, in reaching these aims. Likewise, the state, in fulfilling its duty to promote the access to public media for those ethnic minorities whose language is not self-sufficient, must also assess, whether mass media in their language are available to the respective ethnic minorities. The contested provisions, essentially, do not exclude that the Latvian Public Media for a long time does not create content in such languages of ethnic minorities, which are not self-sufficient in mass media, although exactly these ethnic minorities require special protection to be able to preserve and develop their language, culture and national identity. This means that the said ethnic minorities might be unable, without the mediation of the Latvian Public Media, to ensure, meaningfully and effectively,

preservation and development of their culture, language and identity in Latvia. A situation like that is contrary to Article 114 of the Constitution, which, as concluded above, requires positive actions by the state with the aim of protecting and ensuring the rights of those ethnic minorities whose language is not self-sufficient in mass media. Moreover, as regards these ethnic minorities, the state has not examined at all whether and how, in special circumstances, complying with the proportionality principle, with the mediation of the Latvian Public Media, it will fulfil its obligation to ensure to particular ethnic minorities objective and independent information. This, in turn, is contrary to Article 1 of the Constitution.

In view of the above, the Constitutional Court concludes that the broad scope of the contested provisions allows for the possibility that, with respect to ethnic minorities, the state does not fulfil its obligations that follow from Article 1 and Article 114 of the Constitution or does not fulfil them properly. Moreover, this pertains both to that ethnic minority whose language is self-sufficient in mass media in Latvia and those ethnic minorities whose language is not self-sufficient in mass media and who require special protection from the state for the preservation and development of their language, culture and national identity.

Hence, the scope of the contested provisions is too broad and permits a situation where, with respect to ethnic minorities, the state does not fulfil its obligations that follow from Article 1 and Article 114 of the Constitution or does not fulfil them properly.

19. The *Saeima* notes that both the legislator and the Cabinet, as well as the National Electronic Mass Media Council and the public electronic mass media ombudsman, as part of the monitoring, ensure appropriate balance between the state's obligations, included in the Constitution, to ensure the rights of persons belonging to ethnic minorities and to defend national security.

The obligation of the Public Media Council to prepare a report on the implementation of the public service remit and submit it to the Human Rights and Public Affairs Committee of the *Saeima* is defined in the Law on Administering Public Media. Such reports include also an analysis of the

language of the content created by the Latvian Public Media (*see Article 17 (1) 11) of the Law on Administering Public Media*). The Cabinet also submits a biannual report to the *Saeima* on the achievements and plans for the preservation, protection and development of the official language and increasing its impact (*see Article 118⁴ (1) of the Rules of Procedure of the Saeima*).

If the Cabinet determines that in a part of the territory of the state there exists a threat to the use of the official language or also the use or distribution thereof is insufficient, the Cabinet has the right to decide on measures promoting the use of the official language in the relevant territory (*see Article 28 (7) of the Electronic Mass Media Law*).

The Electronic Mass Media Law envisages cases when the National Electronic Mass Media Council decides on annulling the broadcasting permit. The broadcasting permit is annulled also if the electronic mass media has been punished for significant violations of the laws and regulations governing the field, has committed a significant violation of the provisions included in the broadcasting permit or poses a threat to national security or public order (*see Article 21 (3) of the Electronic Mass Media Law*). It follows from the wording of Article 21 (3) of the Electronic Mass Media Law that the grounds for annulling a broadcasting permit is the significance of the violation (*see annotation to draft law No. 1074/Lp11 "Amendments to the Electronic Mass Media Law. Available: saeima.lv*). Although a violation of the provisions, included in the broadcasting permit, with respect to the language of the programmes created and distributed by the public media, can be the ground for annulling the broadcasting permit, in each specific case it depends on how the National Electronic Mass Media Council assesses the significance of the violation.

The public electronic mass media ombudsman, in turn, supervises, on the basis of submissions by individuals, whether the public media comply with the basic principles, defined in Article 3 of the Law on Administering Public Media, *inter alia*, the First Contested Provision, as well as, within the limits of his competence, reviews the implementation of the annual plan for the public service remit (*see Article 10 (6) of the Law on Administering Public Media*). The public media must take into account the conclusions included in the opinion of the

public mass media ombudsman; however, in special cases, the public electronic mass media may disregard these conclusions by providing a reasoned refusal in writing (*see Article 18 (1),(2),(3) and (4) of the Law on Administering Public Media*).

As the public electronic mass media ombudsman noted at the court hearing, he has the right to assess some units of the content created by the Latvian Public Media but he cannot assess either the programme created by the Latvian Public Media or the language used therein. Thus, the law has entrusted to the public mass electronic mass media ombud an important function – to ensure protection of the public interests; however, his rights with respect to exercising control are limited.

The Constitutional Court concludes that the said supervisory measures are essential in ensuring protection of the official language, the rights of ethnic minorities and national security. However, as proven by the practice of applying the contested provisions thus far, because of the broad scope of the contested provisions, these measures do not exclude a situation where the Latvian Public Media could for a long time not create content in those languages of ethnic minorities that are not self-sufficient in mass media, although these are the ethnic minorities in need of special protection to preserve and develop their language, culture and national identity, and the state's obligation to ensure protection of such ethnic minorities follows from Article 114 of the Constitution. Likewise, contrary to the provisions of Article 1 of the Constitution, the state has not considered whether and how it, in special circumstances, in conformity with the proportionality principle, it would ensure objective and independent information to ethnic minorities whose language is not self-sufficient in the mass media. The contested provisions also allow the possibility of such content of the Latvian Public Media that exceeds the scope of those obligations of the state that follow from Article 114 of the Constitution with respect to an ethnic minority whose language is self-sufficient in the mass media in Latvia. Moreover, irrespective of the state's obligations that follow from Article 1 of the Constitution, the possibility of providing information in the language of the respective ethnic minority is permitted, without taking into consideration the proportionality principle.

It can be concluded that, respecting the independence and editorial freedom of the public media, the measures for supervising them, due to the broad scope of the contested provisions, do not prevent a situation where the state, with respect to ethnic minorities, does not fulfil its obligations that follow from Article 1 and Article 114 of the Constitution or does not fulfil them properly.

20. The Constitutional Court underscores that, in a democratic state, it is important that public media, *inter alia*, the Latvian Public Media, would be institutionally independent and could enjoy editorial freedom, which includes also making decisions with respect to the language, in which they create their content. The Public Media Council also should have the right to create such public service remit that follows from the public benefit study and to determine the language or the languages and the scope in which the Latvian Public Media creates programmes or fragments thereof and provides services. The Council must also respond to such changes in the life of society that should be reflected in the public service remit. However, neither the public media nor the Public Media Council is unrestricted in exercising their rights. The legal provisions that regulate the operation of the public media, adopted by the legislator, provide the legal framework for exercising these rights in compliance with the Constitution.

In considering whether a proper balance has been ensured by the contested provisions between the obligations, included in the Constitution, to ensure protection of the Latvian language as the official language, to ensure the rights of persons belonging to ethnic minorities and to defend national security, it should be taken into account that Latvia is the only place in the world where the existence and development of the Latvian language and, thus, also of the constituent nation can be guaranteed. The principle that the content of the Latvian Public Media primarily should be created in the Latvian language follows from the essence of the constitutional identity of the Latvian state. Derogations from this principle are permissible only to the extent the state is fulfilling its obligations that are derived from the Constitution and insofar the overarching principles that constitute the constitutional identity of the Latvian state are not jeopardised.

As concluded above, the state's obligation to ensure that the Latvian language would truly be the common language of communication for the entire society and the language of democratic communication follows from the provisions on the Latvian language as the only official language, included in the second sentence in the fifth paragraph of the preamble to the Constitution, in conjunction with the first sentence of Article 4 of the Constitution. A situation where any other language fulfils any function of the official language is impermissible. Since the matter of the Latvian language use is connected to the existence and identity of the Latvian state, it is the legislator who must, respecting the independence and editorial freedom of the public media, draft regulation that would not permit such circumstances that might decrease the significance of the Latvian language as the only official language and jeopardise its functions. The Constitutional Court has already found that narrowing the use of the Latvian language as the official language on the territory of the state should be regarded also as a threat to a democratic state (*compare, see Judgement by the Constitutional Court of 21 December 2022 in Case No. 2001-04-0103, Para. 3.2. of the Findings, and Judgement of 15 February 2024 in Case No. 2023-04-0106, Para. 18*).

In the context of the contested provisions it means such legal regulation that not only would ensure the rights of ethnic minorities, in the way and scope that would comply with Article 114 of the Constitution, and would guarantee national security in conformity with Article 1 of the Constitution, but at the same time would also protect the Latvian language. Moreover, in ensuring national security and the rights of ethnic minorities and, in this context, ensuring through the public media provision of information to ethnic minorities in their languages, it should not be forgotten that the Latvian language is the common language of communication for all inhabitants of Latvia, also of persons belonging to ethnic minorities, and a language uniting a democratic society. This is the meaning and the function of the Latvian language as an official language. The European Court of Human Rights also has recognised that the protection of minority languages cannot be done to the detriment of the official language (*see, for example, Judgement by the European Court of Human Rights of 8 March 2021 in case, "Ádám and Others v. Romania", Application No. 81114/17 and others,*

Para. 28, and Judgement of 19 February 2024 in Case “Valiullina and Others v. Latvia”, Application No. 56928/19 and others, Para 133).

As concluded above, the scope of the contested provisions is too broad and permits the Latvian Public Media not to create for a long time its content in such languages of ethnic minorities that are not self-sufficient in the mass media, although these are the ethnic minorities in need of special protection to preserve and develop their language, culture and identity and the state's obligation to ensure such protection to them follows from Article 114 of the Constitution. With respect to these ethnic minorities, the state has neither fulfilled its obligation, derived from Article 1 of the Constitution, because it has not considered whether and how, in special circumstances, respecting the proportionality principle, provision of objective and independent information to the specific ethnic minorities would be ensured. Due to the broad scope of the contested provisions, such content of the Latvian Public Media is also possible that, exceeding the scope of state's obligations that follow from Article 114 of the Constitution, is created in the minority language that is self-sufficient in the mass media in Latvia. Moreover, the contested provisions allow the public media to provide information in this minority language, without taking into consideration the proportionality principle, i.e., without assessing the intensity and the nature of the threat, as well as the need for providing information in this language, and to provide it outside the scope of purposes defined in Article 1 of the Constitution.

Thus, the contested provisions permit that, essentially, through the Latvian Public Media, the rights of such ethnic minorities, whose language is not self-sufficient in the mass media and who need special protection, are not ensured. Whereas with respect to the rights of that ethnic minority, whose language is self-sufficient in the mass media in Latvia, the contested provisions permit unfounded derogation from the principle that, primarily, the content of the Latvian Public Media should be created in the Latvian language. It is not permissible that the rights of persons belonging to ethnic minorities are ensured to the detriment of the official language.

In view of all the above, the contested provisions do not ensure proper balance between the state's obligations, determined in the Constitution, to ensure

protection of the Latvian language, to ensure the rights of persons belonging to ethnic minorities and to defend national security.

Thus, the contested provisions, insofar they impose an obligation on the public media to create content in minority languages and, to fulfil this obligation, grant the right to reserve one radio and one television programme or fragments thereof for broadcasts in minority languages is incompatible with the provision made in the second sentence in the fifth paragraph of the preamble regarding the Latvian language as the only official language and the first sentence of Article 4 of the Constitution.

21. Pursuant to Article 32 (3) of the Constitutional Court Law, a legal provision that has been declared by the Constitutional Court incompatible with a superior legal provision is to be considered void from the date when the Constitutional Court's judgment is published, unless the Constitutional Court has provided otherwise.

In deciding on the date from which the contested provision becomes void, the Constitutional Court must ensure that the situation that might develop after the contested provision has become void would not cause new infringements on the fundamental rights, defined in the Constitution, as well as would not cause significant harm to the interests of the state and society (*see Judgement by the Constitutional Court of 17 December 2020 in Case No. 2020-18-01, Para 25*).

The Applicant has requested declaring the contested provisions void from the date when the Applicant submitted its application to the Constitutional Court, i.e., from 1 November 2024. However, taking into account that the public service remit is prepared for each calendar year and that, since 1 January 2026, a new approach to creating the content in minority languages is implemented, declaring the contested provisions void from the date when the application was submitted to the Constitutional Court could jeopardise not only the implementation of the public service remit but also the rights of society in general, *inter alia*, of persons belonging to ethnic minorities.

The Constitutional Court may not substitute the actions by the issuer of legal provisions by its own opinion regarding the most rational solution (*see, for example, Judgement by the Constitutional Court of 2 May 2012 in Case*

No. 2011-17-03, Para. 16). In the particular situation, the legislator needs reasonable time to assess what kind of legal regulation on the process of creating the public media content would provide the best protection for the Latvian language, the rights of persons belonging to ethnic minorities and national security. Therefore, the contested provisions shall be declared void from 1 May 2027.

The Substantive Part

On the basis of Article 29 (1) 6) and Articles 30–32 of the Constitutional Court Law, the Constitutional Court

held:

1. To terminate legal proceedings in the case regarding the compliance of Article 3 (7) and Article 8 (4) of the Law on Public Electronic Mass Media and Administration Thereof with the second sentence of Article 4 of the Constitution of the Republic of Latvia.

2. To declare Article 3 (7) and Article 8 (4) of the Law on Public Electronic Mass Media and Administration Thereof, insofar it imposes an obligation on the public media to create content in minority languages and to grant the right, for fulfilling this obligation, to reserve one radio and one television programme or a part of its broadcasting time for broadcasts in minority languages, incompatible with the provision made in the second sentence in the fifth paragraph of the preamble, as well as Article 4 of Constitution of the Republic of Latvia and void from 1 May 2027.

The judgement is final and not subject to appeal.

The judgement was pronounced in Riga on 30 March 2026.

The judgement enters into effect upon its pronouncement.

Presiding Judge

Irēna Kucina

