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**A case initiated with regard to the norm that defines the language of acquisition of education**

On 12 November 2018, the 4<sup>th</sup> Panel of the Constitutional Court initiated the case “On Compliance of Section 1(1) of the Law of 22 March 2018 “Amendments to the Education Law” with Article 1, the First Sentence of Article 112 and Article 114 of the *Satversme* of the Republic of Latvia”.

**The Contested Norm**

Section 1 (1) of the law of 22 March 2018 “Amendments to the Education Law” provides:

“In Section 9:

to add to this Section Part 1<sup>1</sup>, worded as follows:

“(1<sup>1</sup>) In private institutions of education, the general education and vocational education on the level of basic and secondary education shall be acquired in the official language.””

**The Norms of Higher Legal Force**

Article 1 of the *Satversme* of the Republic of Latvia (hereinafter – the *Satversme*):  
“Latvia is an independent democratic republic.”

The first sentence of Article 112 of the *Satversme*: “Everyone has the right to education.”

Article 114 of the *Satversme*: “Persons belonging to ethnic minorities have the right to preserve and develop their language and their ethnic and cultural identity.”

**The Facts**

The case has been initiated on the basis of an application submitted by the representatives of a minority – children, who are acquiring at a private educational institution general education on the level of basic education in their native language – in Russian. The contested norm provides that as of 1 September 2019 the applicants will have to acquire at the private institution of education general education on the level of basic education in the official language.

The applicants hold that an obligation like this will restrict their right to education and the right to preserve and develop their minority language, established in the *Satversme*, and also that this will violate the principle of legal expectations and the principle of justice.

The applicants are of the opinion that the restriction on fundamental rights had not been established by a law adopted in due procedure since it had not been properly considered and discussed and that objections made by the society had not been taken into consideration in the drafting of the contested norm. Moreover, allegedly, it does not reach its legitimate aim; i.e., reinforcing the use of the official language since it affects only a minor part of society.

The applicants underscore that the legitimate aim of the restriction could be reached by measures that are less restrictive on an individual's rights, by reinforcing the acquisition of the official language in private institutions of education where the general education on the level of basic and secondary education is ensured in the framework of a minority education programme. It is maintained that society does not benefit from this restriction since it is being split rather than being integrated.

### **Legal Proceedings**

The Constitutional Court has requested the *Saeima* to provide a reply on the facts of the case and legal substantiation by 14 January 2019.

The term for preparing the case is 12 April 2019. The Court shall decide upon the procedure and the date for hearing the case after the case has been prepared.

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The press release was prepared with the aim to facilitate understanding of cases heard by the Constitutional Court. It shall not be regarded as part of the judgement and is not binding to the Constitutional Court. The judgements, decisions and other information regarding the Constitutional Court are available at the homepage of the Constitutional Court [www.satv.tiesa.gov.lv](http://www.satv.tiesa.gov.lv).

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