



Increased instruction through Latvian in schools does not discriminate against Russian-speakers

In today's **Chamber judgment**¹ in the case of [Džibuti and Others v. Latvia](#) (applications nos. 225/20 and 2 others) and that of [Valiullina and Others v. Latvia](#) (nos. 56928/19 and 2 others), which had been delivered on 14 September 2023, the European Court of Human Rights held, unanimously, that there had been:

no violation of Article 14 (prohibition of discrimination) taken together with Article 2 of Protocol No. 1 (right to education) of the European Convention on Human Rights.

Valiullina and Others concerned changes to the law in 2018 which had increased the number of subjects that had to be taught through Latvian – the national language – in public schools, resulting in a decrease in teaching time through Russian. In 2019 the Constitutional Court ruled on the constitutionality of the relevant amendments, finding them to be in accordance with the Constitution.

Džibuti and Others concerned the same changes but for private schools. In that case the Constitutional Court also held that the legislature, when regulating the use of languages in general education in private schools, had ensured a balance between promoting both the use of the State language and the rights of persons belonging to minorities to preserve and develop their identity and culture.

The Court found in particular that the measures taken by the Latvian Government to increase the use of the national language in schools had been proportionate, and necessary to, in particular, ensure unity in the education system and to ensure a sufficient level of Latvian for residents to participate effectively in public life.

Principal facts

The applicants in both cases are either Latvian nationals or “permanently resident non-citizens” of Latvia. They live in Riga, apart from Ms Ševšeļova (no. 21815/20), who lives in Jūrmala (Latvia). They are parents and children who identify as part of the Russian-speaking minority in Latvia.

Background

Under the law, Latvian is the only national language (*valsts valoda*) of Latvia. However, after Latvia re-emerged as an independent State, education continued in Latvian and Russian, as had been done in Soviet times. Over time, education reforms led to more subjects being taught and more use of Latvian in schools.

In March 2018 amendments to the Education Law and the General Education Law were passed. Pursuant to these provisions, the proportion of subjects taught in public and private schools via Latvian increased, with certain exemptions provided for schools where the medium of education was another European Union language or another language in accordance with international

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

agreements. The reasons for this expansion of Latvian included increasing the use of the language in society, strengthening its position, and expanding opportunities for integration in society.

The increase would ultimately entail at least 50% of teaching through Latvian in classes one to six, at least 80% in classes seven to nine, and 100% thereafter. In primary and secondary schools, minority languages and other courses could be offered as individual subjects, with that language as the medium of instruction. The changes were introduced gradually.

The amendments also had impacts on pre-school level, universities, and other educational establishments.

Facts in these cases

The applicants in *Džibuti and Others* were either children or parents of children who attended private schools in Latvia. All speak Russian at home and all were born in Latvia, apart from one applicant who was born in Sukhumi (Georgia). The applicants are a mixture of ethnic Russians, Georgian-Russians, and Jewish-Russians.

The applicants in *Valiullina and Others* were either children or parents of children who attended public schools in Latvia. All speak Russian at home and all were born in Latvia, apart from one applicant who was born in Kazan (Russia). The applicants are a mixture of ethnic Russians, Tatars, and Germans.

The children in all these applications have seen the proportion of subjects taught to them through Russian fall as a result of the education reforms of 2018.

The Constitutional Court (*Satversmes tiesa*) reviewed the domestic legislation concerning the language of instruction in private schools and in public schools in two separate cases. Several of the applicants in *Džibuti and Others* were parties to the case concerning private schools.

Case no. 2018-12-01 dealt with education in public schools and the Constitutional Court considered that the State was required to establish and maintain an education system that would ensure that each and every pupil had the benefit of an education. However, the right to education as guaranteed in Article 112 of the Constitution did not comprise the right of pupils or their parents to choose the language of instruction in public schools if that contradicted the principle of unity of the education system.

The Constitutional Court held that speakers of minority languages were not in a comparable situation to speakers of Latvian, given the constitutional status and significance of the Latvian language for the functioning of the democratic State. Secondly, education through another EU language gave students an in-depth knowledge of that language, thus allowing for an exemption for Francophone, Anglophone or other EU-language schools. Thirdly, no international agreements between Latvia and other States provided a right to be educated in a minority language. Accordingly, students who received an education in one of the EU languages or in accordance with an international agreement were not in a comparable situation with speakers of Latvian.

As regards the rights of minorities (Article 114 of the Constitution), the court emphasised that the State's obligation was to ensure that people had an opportunity to receive an education that reinforced the common identity of a democratic society. The amendments allowed everyone to become fully-fledged members of Latvian society, while also preserving minority culture.

Overall the court did not find for the plaintiffs.

Case no. 2018-22-01 concerned private schools. The Constitutional Court considered that the contested provision did not prohibit the use of minority languages in general education. Private schools that had chosen to provide a general education formed part of the State's general education system and general education standards also applied to private schools.

Complaints, procedure and composition of the Court

Relying on Article 2 of Protocol No. 1 (right to education) to the European Convention on Human Rights taken alone, and in conjunction with Article 14 (prohibition of discrimination), and Article 8 (right to respect for private and family life) the applicants complained, in particular, that the 2018 amendments had restricted their right to education, and that the difference in treatment between Russian-speaking and Latvian-speaking pupils amounted to discrimination. They also complained of a significant restriction in the use of their mother tongue (Russian).

The applications were lodged with the European Court of Human Rights on 22 October (no. 56928/19) and 11 December 2019 (no. 225/20), and 28 January (no. 7306/20) and 13 (no. 11937/20) and 24 February (no. 11642/20) and 13 May 2020 (no. 21815/20).

Judgment was given by a Chamber of seven judges, composed as follows:

Georges **Ravarani** (Luxembourg), *President*,
Carlo **Ranzoni** (Liechtenstein),
Mārtiņš **Mits** (Latvia),
Stéphanie **Mourou-Vikström** (Monaco),
María **Elósegui** (Spain),
Mattias **Guyomar** (France),
Mykola **Gnatovskyy** (Ukraine),

and also Victor **Soloveytschik**, *Section Registrar*.

Decision of the Court

[Article 2 of Protocol No. 1 in conjunction with Article 14](#)

As the applicants had argued that the use of Russian in the family had been basis for the discrimination, the Court examined the case with regard to language as being the sole basis for the difference in treatment between the applicants and speakers of the national language.

The Government argued that the increase in the use of Latvian as the language of instruction protected the rights of others and protected the democratic order of the State. The Court considered that strengthening Latvian after decades of Soviet domination, and unity in and facilitation of equal access to the education system, were legitimate aims.

The State, since re-establishing its independence had had to take steps to correct factual inequalities that had existed before then and also ensure that minority groups could learn their language and preserve their culture. At the same time, it had had to ensure that minority groups learned enough of the national language to, among other things, participate effectively in public life. The question was whether the 2018 amendments were disproportionate. The European Court was not in a place to question the Constitutional Court's finding that the measures were necessary given the knowledge of Latvian among young minority-language speakers as a cohort. However, it noted that Russian continued as a language of instruction for a percentage of the school day for children up to class nine, and at secondary school Russian language and other courses taught through Russian was provided for.

The Court recognised that the principle of instruction in the mother tongue as relied on by the applicants was far from the rule in European States. There was no consensus on that point. For the Court, States had a wide discretion ("margin of appreciation") in setting the language used in schools, and the Government had not overstepped that discretion.

Overall, the Government had provided objective and reasonable justification for the need to increase the use of Latvian as the language of instruction in the education system, and the difference

in treatment was consistent with the legitimate aims pursued and proportionate, and did not amount to discrimination on the grounds of language. Therefore there had been no violation of Article 14 taken in conjunction with Article 2 of Protocol No. 1.

In *Džibuti and Others* the Court relied on its conclusions in *Valiullina and Others* as regards public schools and found them to be relevant as regards private schools given that private schools formed part of the education system, general education standards applied to private schools that issued graduation diplomas, the State could be rigorous in regulating private sector in education, and private schools received public funding.

The applicants raised the specific argument of difference of treatment of Russian-speakers as compared with speakers of European Union languages other than Latvian or those who spoke a language of a State with whom Latvia had concluded an international agreement. The Court noted the wide discretion that States had in setting language of instruction. It held that the decision to raise the level of European Union languages was, for a European Union State, neither arbitrary nor manifestly unreasonable. As regards the pupils who were being taught in languages of States with whom Latvia had an agreement, the Court held that there was no evidence that Russian-speaking pupils were treated differently from them.

There had been no violation of the Convention.

Article 2 of Protocol No. 1 taken alone

The Court considered that Article 2 of Protocol No. 1 did not include the right to access education in a particular language; it guaranteed the right to education in one of the national languages only. As Latvian was the only official language in Latvia and students would continue to receive instruction via that language, and as the applicants had failed to show that there were any adverse consequences on their possibility to obtain an education, the Court ruled this part of all the applications inadmissible.

Article 8

In both cases the Court found the complaints under this Article inadmissible for [non-exhaustion of domestic remedies](#). In *Valiullina and Others* the Constitutional Court had not been asked for the legislative amendments in question as regards impact on the applicants' private and family lives to be addressed, as they had been obliged to do before bringing the case to the European Court.

Deniss Boroduljins's application (no. 11642/20) in *Džibuti and Others* was ruled inadmissible as he had failed to bring up the issues he alleged under this Article before the Constitutional Court. For the other four applicants in this case, the Court also ruled their complaints inadmissible as they had failed to provide necessary legal reasoning before the Constitutional Court and did not comply with the domestic-law criteria.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.