FIFTH SECTION

CASE OF DŽIBUTI AND OTHERS v. LATVIA

(Applications nos. 225/20 and 2 others)

JUDGMENT

Art 14 (+ Art 2 P1) • Discrimination • Right to education • Non-discriminatory legislative amendments increasing the proportion of subjects taught in private schools in the only State language, Latvian, and thus reducing the use of Russian as the language of instruction • Russian-speaking and Latvian-speaking pupils in a relevantly similar situation • Legitimate aims of protecting and strengthening the Latvian language and ensuring the unity of the education system • Private schools considered to be part of the State educational system • General education standards applied to both private and public schools that issued graduation certificates • State's rigorous approach in regulating private education sector justified • Legislative amendments implemented gradually and flexibly, with sufficient scope for adaptation to the needs of those affected • Private schools received public funding • Objective and reasonable justification • Conclusions reached in *Valiullina and Others v. Latvia* in respect of public schools fully relevant to Court's analysis on private schools • Difference in treatment on grounds of language consistent with legitimate aims pursued and proportionate
Art 14 (+ Art 2 P1) • Discrimination • Right to education • Non-discriminatory treatment of Russian-speaking pupils *vis-à-vis* pupils whose mother tongue was one of the official EU languages • Both groups of pupils in a relevantly similar situation • Objective and reasonable justification • Difference in treatment on grounds of language consistent with pursued legitimate aim of facilitating the learning of EU languages and proportionate
Art 14 (+ Art 2 P1) • Discrimination • Right to education • No evidence of difference in treatment between Russian-speaking pupils and pupils whose mother tongue was an official language of a country with which Latvia had concluded an international agreement
Art 2 P1 • *Ratione materiae* • Application of conclusions drawn in *Valiullina and Others v. Latvia* • Art 2 P1 does not include the right to access education in a particular language • Latvian being the only official language, applicants could not complain about decreased use of Russian as the language of instruction in Latvian public schools *per se* • Constitutional Court's findings that impugned legislative amendments in respect of private schools interfered with the right to education taken in conjunction with the rights of minorities under the Constitution did not expand scope of Art 2 P1 • Broader interpretation entailing stronger protection in the domestic legal system than the Convention consistent with Art 53

STRASBOURG

16 November 2023

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Džibuti and Others v. Latvia,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Georges Ravarani, *President*,
Carlo Ranzoni,
Mārtiņš Mits,
Stéphanie Mourou-Vikström,
María Elósegui,
Mattias Guyomar,
Mykola Gnatovskyy, *judges*,
and Victor Soloveytchik, *Section Registrar,*

Having regard to:

the applications (nos. 225/20 and 2 others) against the Republic of Latvia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by five Latvian nationals ("the applicants"), on various dates indicated in the appended table;

the decision to give notice to the Latvian Government ("the Government") of the applications;

the parties' observations;

Having deliberated in private on 17 October 2023,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns legislative amendments of 2018 ("the 2018 amendments" or "the 2018 reform") whereby the proportion of subjects to be taught in the State language, that is, Latvian, was increased in private schools and the use of Russian as the language of instruction was consequently reduced. The applicants rely on Article 8 and Article 2 of Protocol No. 1 of the Convention taken alone and in conjunction with Article 14 of the Convention.

THE FACTS

2. The applicants are parents and children who identify themselves as belonging to the Russian-speaking minority in Latvia (see, for more detail, paragraphs 15-17 below). They were represented by Ms I. Nikuļceva, a lawyer practising in Riga.

3. The Government were represented by their Agent, Ms K. Līce.

4. The facts of the case may be summarised as follows.

I. GENERAL BACKGROUND TO THE CASE

A. Historical background

5. The historical background has been described most recently in *Savickis and Others v. Latvia* ([GC] no. 49270/11, §§ 12-16, 9 June 2022, with further references).

6. Statistical data on the main ethnic groups in Latvia have been described in *Valiullina and Others v. Latvia* (nos. 56928/19 and 2 others, §§ 6-10, 14 September 2023 (not final)), as has information about immigration rates in Soviet times and the use of Latvian and Russian and minority groups' knowledge of Latvian in Soviet times and following the restoration of Latvia's independence.

7. The historical background of education, Russification policies and minority schools in Soviet times has been described in *Valiullina and Others* (cited above, §§ 11-12).

B. Overview of the education reform

8. An overview of the education reform pursued by the Latvian authorities following the restoration of the country's independence has also been described in *Valiullina and Others* (cited above, §§ 13-20).

9. According to the applicants, the education reform prior to the 2018 amendments did not establish any specific requirements in relation to the language of instruction in private schools. The relevant provision (section 9(2)(1) of the Education Law) clearly provided an exception from the general requirement to use the State language, stating "Education may be acquired in another language: ... in private schools". This provision remained unchanged until the 2018 amendments. Private schools could provide their own educational programmes and had a free choice as regards how much a language was used in teaching (ibid., § 17). While they had some freedom in organising the provision of education, they did not have any choice as to the results to be achieved – their pupils had to learn the State language and take examinations completing their studies, which included the State language exam. The applicants referred to findings made by the European Commission for Democracy through Law ("the Venice Commission") concluding that prior to the 2018 reform, education in the State language had been mandatory only in public schools (paragraph 43 of the opinion, quoted in *Valiullina and Others*, cited above, § 93).

10. The Government submitted that private schools formed part of the State education system in Latvia as regards the language of instruction to be used, and this was not an internal matter for each individual school. In respect of both public and private schools, the Government referred to the curriculum requirements set by the State, the licences issued to schools by the State, the

educational programmes accredited by the State and the certificates approved by the State at the end of a pupil's studies. They also referred to the fact that private schools in Latvia were co-funded by the State and/or municipal authorities (in relation to teachers' remuneration, catering for pupils in classes one to four, and study materials) (see, for more details, paragraphs 119-120 below).

11. The impugned 2018 amendments provided that all schools, including private schools, had to ensure instruction in the State language (see *Valiullina and Others*, cited above, §§ 21-27). The requirement to acquire an education in the official language did not apply to educational institutions implementing educational programmes in accordance with bilateral or multilateral international agreements, educational institutions in which the subjects of general education programmes were completely or partly taught in a foreign language to ensure the learning of other official languages of the European Union (EU), and educational institutions specified in other laws, such as the International School Law (ibid., §§ 59 and 62).

12. In accordance with the 2018 amendments, over a transitional period from 1 September 2019 (the 2019/20 school year) to 1 September 2021 (the 2021/22 school year), the following changes relating to how much teaching was in the official language of the State were to be implemented (ibid., §§ 23, 26-27, 59):

(i) no less than 50 % of the teaching should be in Latvian in classes one to six;

(ii) no less than 80 % of the teaching should be in Latvian in classes seven to nine;

(iii) 100 % of the teaching should be in Latvian in classes ten to twelve.

13. Primary and secondary schools were also authorised to include subjects linked to minority languages and other specialised subjects (ibid., §§ 24-25, 59-60).

14. Subsequent legislative amendments to the relevant provisions of the Education Law and the General Education Law were passed in 2022. They have been described in *Valiullina and Others* (cited above, § 31).

II. PARTICULAR CIRCUMSTANCES OF THE CASE

A. Family circumstances

1. Džibuti (application no. 225/20)

15. The first applicant is the father of the second and third applicants. The first applicant was born in Sukhumi, Georgia, and the second and third applicants were born in Latvia. They are all Latvian citizens; the first applicant acquired Latvian citizenship by naturalisation in 2001. The family is ethnically mixed – the first applicant identifies himself as being of Russian and Georgian origin; in the official records his ethnicity is recorded as

Georgian. The second and third applicants identify themselves as ethnic Russians. In the official records the ethnicity of the second applicant has not been recorded; the ethnicity of the third applicant is recorded as Georgian. Their mother is Ukrainian. The family identifies with Russian culture and the Russian language. Russian is the main language used within the family. The first, second and third applicants lodged a constitutional complaint concerning the language of instruction in private schools, but the proceedings were instituted only in respect of the second and third applicants (see paragraph 25 below).

2. Boroduļins (application no. 11642/20)

16. The fourth applicant stated that he was lodging an application on his own behalf and on behalf of his son, who was born in 2003. They were born in Latvia and consider themselves ethnic Russians. The fourth applicant was a "permanently resident non-citizen" of Latvia until 2009, when he acquired Latvian citizenship by naturalisation. His son remains a "permanently resident non-citizen" of Latvia. Russian is the main language used within the family.

3. Ševšeļova (application no. 21815/20)

17. The fifth applicant stated that she was lodging an application on her own behalf and on behalf of her daughter, who was born in 2006. They were born in Latvia and consider themselves ethnic Russians. They are Latvian citizens. The father of the fifth applicant's daughter considers himself to be of Russian and Jewish origin; in the official records his ethnicity is recorded as Jewish. The family identifies with Russian culture and the Russian language. Russian is the main language used within the family. The fifth applicant lodged a constitutional complaint concerning the language of instruction in private schools on her own behalf and on behalf of her daughter, but the proceedings were instituted only in respect of her daughter (see paragraph 25 below).

B. Education pursued by the applicant children

1. Džibuti (application no. 225/20)

18. In the 2014/15 school year the second applicant was in class one at a private school, school E. One subject (Latvian) was taught in Latvian, and other subjects were taught in Russian. Subsequently, in school years 2015-19 he attended classes two, three, four, and five at another private school, school L. Although most of the subjects were taught in Russian, the educational programme there was similar to one of the programmes envisaged for public schools (see *Valiullina and Others*, cited above, § 17). According to the applicants, only a small proportion of subjects were taught in Latvian. The

second applicant received an education in accordance with that school's primary educational programme, without any specifications about how much Latvian should be used as the language of instruction. According to the Government, he received an education in accordance with the educational programme for minorities at primary level.

19. Following the 2018 reform, during the 2019/20 school year the second applicant was in class six at another private school, school K. One subject (Latvian Studies, which covered such topics as the Latvian language, literature, history, culture, nature and geography) was taught in Latvian, and other subjects were taught in English. According to the applicants, the second applicant attended school K. because school L. was not ready to provide a high-quality education in Latvian; it lacked study materials and qualified teachers to teach in Latvian. In the school years 2020-23 the second applicant was in classes seven, eight and nine at school K. He received an education in accordance with the international educational programme (British education system).

20. In the school years 2017-19 the third applicant attended classes one and two at school L. Although most of the subjects were taught in Russian, the educational programme was similar to one of the programmes envisaged for public schools (see *Valiullina and Others*, cited above, § 17). According to the applicants, only a small proportion of subjects were taught in Latvian, and the third applicant received an education in accordance with that school's primary educational programme, without any specifications about how much Latvian should be used as the language of instruction. According to the Government, she received an education in accordance with the educational programme for minorities at primary level.

21. Following the 2018 reform, in the school years 2019-23 the third applicant was in classes three, four, five and six at the same private school. From 1 September 2019 onwards the school had to ensure that no less than 50% of the teaching in classes one to six was in Latvian.

2. *Boroduļa (application no. 11642/20)*

22. Prior to the 2018 reform, the fourth applicant's son was at a private school, school N., where most of the subjects were taught in Russian; only a small proportion of subjects were taught in Latvian. According to the applicants, the son received an education in accordance with that school's educational programme, without any specifications about how much Latvian should be used as the language of instruction. Following the 2018 reform, in the school year 2019/20 he was in class ten at school N., where he had to study all subjects in Latvian, save for the minority language and other specialised subjects (see paragraph 13 above). In the school years 2020-22 he was in classes eleven and twelve at the same school.

3. *Ševšeļova (application no. 21815/20)*

23. Prior to the 2018 reform, the fifth applicant's daughter was at school L., where most of the subjects were taught in Russian; only a small proportion of subjects were taught in Latvian (see paragraph 18 above). She received education in accordance with the educational programme for minorities at primary level. Following the 2018 reform, in the school year 2019/20 she was in class seven at school L., which from 1 September 2019 onwards had to ensure that no less than 80% of the teaching in class seven was in Latvian. In the school year 2020/21 she was in class eight at a public school, which from 1 September 2020 onwards had to ensure that no less than 80% of the teaching in class eight was in Latvian. In those schools, she received an education in accordance with the educational programme for minorities at primary level.

C. The Constitutional Court's review

1. *Applications before the Constitutional Court*

24. The domestic legislation concerning the language of instruction in private primary and secondary schools (one impugned provision – section 9(1)[1] of the Education Law) was reviewed by the Constitutional Court (*Satversmes tiesa*) in proceedings instituted by twenty members of parliament and fourteen pupils, including the second and third applicants and the fifth applicant's daughter in the present case (case no. 2018-22-01 and other cases subsequently joined to that case).

25. On 12 November 2018 the Constitutional Court instituted proceedings in relation to the second and third applicants as concerns the compatibility of the impugned provision with the first sentence of Article 112 of the Constitution (the right to education) and Article 114 (the rights of minorities). Considering that the applicants had failed to provide legal reasoning as to the compatibility of the impugned provision with Article 91 of the Constitution (the equal treatment and non-discrimination principles), the Constitutional Court initially refused to institute proceedings in that regard. However, upon receipt of a newly formulated application with proper legal reasoning, on 8 April 2019 the Constitutional Court instituted proceedings as regards the compatibility of the impugned provision with the second sentence of Article 91 of the Constitution. The latter application was lodged by the second and third applicants; it did not include any requests to examine the compatibility of the impugned provision with the right to respect for private and family life.

26. The Constitutional Court consistently refused to institute proceedings in relation to parents, such as the first applicant (decision of 12 November 2018) and the fifth applicant in the present case. The court found that they had failed to provide legal reasoning as to how the requirements regarding

the language of instruction in private schools could affect their fundamental rights. While the first applicant had referred to the right to choose an education for his children, he had not provided legal reasoning in respect of his contention that the Constitution enshrined the right of a parent to request an education in a particular language. Thus, the Constitutional Court held that the first applicant had failed to comply with the requirements laid down in section 18(1)(4), section $19^2(1)$ and $19^2(6)(1)$ of the Law on the Constitutional Court: the obligation to provide legal reasoning; the right to submit an application if a person considered that his fundamental rights had been affected; and the obligation to substantiate a contention that fundamental rights had been affected. The Constitutional Court refused to institute proceedings, referring to section 20 of the Law on the Constitutional Court (see paragraph 57 below).

27. The Constitutional Court also refused to institute proceedings as concerns the compatibility of the impugned provision with Article 110 of the Constitution (the right to family life), in relation to the second and third applicants in the present case (decision of 12 November 2018). By making only general remarks without properly substantiating their submission that the impugned amendment had not been adopted in accordance with the law, and without providing any arguments as to the proportionality of the alleged restriction, the second and third applicants had failed to provide legal reasoning. Thus, the Constitutional Court held that they had failed to comply with the requirements laid down in section 18(1)(4) of the Law on the Constitutional Court. The Constitutional Court refused to institute proceedings, referring to section 20 of the Law on the Constitutional Court (see paragraph 57 below).

28. Other individuals also lodged applications with the Constitutional Court. On 14 January 2019, in relation to one application lodged by the fifth applicant and her daughter, among others, the Constitutional Court initially refused to institute proceedings, because they had failed to provide legal reasoning. However, upon receipt of a newly formulated application with proper legal reasoning, on 4 March 2019 the court instituted proceedings in relation to the fifth applicant's daughter as concerns the compatibility of the impugned provision with the first sentence of Article 112 of the Constitution (the right to education) and the second sentence of Article 91 (the principle of non-discrimination). The latter application was lodged by the fifth applicant and her daughter, among others, and it did not include any requests to examine the compatibility of the impugned provision with the right to respect for private and family life.

2. The Constitutional Court's judgment

29. On 13 November 2019 the Constitutional Court adopted its judgment. It examined the compatibility of the impugned provision with the first sentence of Article 112 of the Constitution (the right to education), in

conjunction with Article 114 (the rights of minorities), the second sentence of Article 91 (the principle of non-discrimination) and Article 1 (the principle of legal certainty). In those proceedings, the Constitutional Court was not called upon to address the compatibility of the impugned provision with Article 96 of the Constitution (the right to private life) or Article 8 of the Convention, as none of the parties had raised any complaints in that regard (see paragraphs 25 and 28 above). Nor did it examine the compatibility of the impugned provision with Article 110 of the Constitution (the right to family life), as it had earlier refused to institute proceedings with respect to the second and third applicants because they had failed to provide legal reasoning, in particular, reasoning as to whether the alleged interference was provided for by law and proportionate to the legitimate aim pursued (see paragraph 27 above). Other applications lodged with the Constitutional Court (for example, an application lodged by the fifth applicant's daughter) did not contain any complaints under Article 110 of the Constitution either (see paragraph 28 above).

(a) General observations made by the Constitutional Court

30. At the outset, the Constitutional Court noted that the impugned provision governed the language of instruction in private schools offering general and vocational education at primary and secondary level. The applicants alleged that the impugned provision was not compatible with the Constitution, as the 2018 reform had adversely affected the rights of persons belonging to minorities. The regulation on the use of minority languages in education in private schools had been included in several domestic law provisions and implemented together with other provisions on the use of languages. The Constitutional Court assessed the impugned provision in the context of the regulation enacted as part of the impugned reform in the education system. Having reviewed the applicable domestic regulation – the relevant provisions of the Education Law, the General Education Law, Regulations nos. 468(2014) and 747(2018) as regards State standards on general education, and Regulations nos. 281(2013) and 416 (2019) as regards State standards on secondary education – the Constitutional Court established that once the whole legal framework in the context of the reform of the education system in question entered into force, general education in private schools would be provided in the State language. However, the contested provision did not prohibit the use of minority languages in general education. Namely, private schools implementing general education programmes would be entitled to (i) implement minority education programmes at primary level, in accordance with the domestic legal specifications about how much the language of instruction should be used, and independently determine which subjects should be taught in Latvian, in the minority language, or bilingually; and (ii) include a specialised course, "Minority Language and Literature", at secondary level, and devote part of the curriculum to subjects which had not

been included in the State standards on minority language, identity and integration into Latvian society.

(b) Article 112 taken in conjunction with Article 114 of the Constitution

(i) Scope of the protected rights

31. The Constitutional Court held that general education was not limited to the acquisition of certain knowledge and skills. The objectives of general education had to be viewed more broadly, that is, they also included certain societal objectives – ensuring a child's development of respect for his or her parents, his or her own cultural identity, language and values, the constitutional values of the country in which the child was living, the country from which he or she might originate, and other cultures (the court referred to Article 29 § 1 (c) of the Convention on the Rights of the Child). Every pupil had to be able to use the State language fluently in order to be able to function successfully in society after completing his or her general education. The State was entitled to specify, in general education standards, such requirements as to the content of general education and the learning process which were necessary to ensure that pupils were able to use the State language fluently. The Constitutional Court referred to its ruling in a case concerning public schools in which it had stated that every person who permanently resided in Latvia had to have a level of Latvian which allowed his or her full participation in the life of a democratic society (see *Valiullina and Others*, cited above, § 53). A democratic State governed by the rule of law was based on an educated person being able to independently obtain information, to judge, to think critically and to make rational decisions. Education was one of the prerequisites for a person's choice to continue his or her self-improvement throughout his or her life. Thus, education was one of the essential preconditions for the consolidation of a free democratic society (ibid.). Consequently, the State had a duty to ensure that the legal framework in the field of general education allowed it to achieve its objective. This obligation was not limited to public schools, but also applied to private schools providing general education.

32. However, Article 114 of the Constitution provided that minorities had the right to preserve and develop their language and their ethnic and cultural identity. Article 114 embodied the principle of respect for minorities, and their uniqueness was also protected in Latvia. Unlike other Articles of Chapter VIII of the Constitution (on "Fundamental Human Rights"), Article 114 protected not only the right of persons to preserve their language and culture, but also a collective right with a common aim – to ensure the preservation and development of the identity of persons belonging to a minority. In order to establish the scope of protection under Article 114 of the Constitution, the Constitutional Court considered international material (Article 13 of the Framework Convention for the Protection of National

Minorities – the "Framework Convention", Article 30 of the Convention on the Rights of the Child, Article 13 §§ 3 and 4 the International Covenant on Economic, Social and Cultural Rights, and Article 5 § 1 of the Convention against Discrimination in Education). The first sentence of Article 112 of the Constitution and Article 114 provided that persons belonging to minorities had the right to establish and manage private schools with the aim of acquiring, preserving and developing their language and culture. This applied to different educational institutions. In particular, persons belonging to minorities could establish non-formal educational institutions, such as summer schools and Sunday schools, which provided education tailored to their needs. They could also establish and manage private schools, which provided general education.

33. Nonetheless, the State had not only the right but also an obligation to establish education standards that were necessary to achieve the objectives of general education (see paragraph 31 above), and the State had to apply those standards to both public and private schools. Therefore, the State could officially recognise only an education acquired in private schools that complied with the standards adopted by the State to attain the objectives of general education. Therefore, private schools (including those established by persons belonging to minorities) that had chosen to offer a general education to pupils and to issue them with State-approved certificates attesting to the completion of their studies formed part of the State educational system, and were subject to standards set by the State as regards general education. In those standards, the State had to specify not only the subjects to be mastered by pupils, but also the appropriate requirements necessary for achieving the objectives of education. The language of instruction was one of the essential elements in the process of obtaining a general education, and the State had the right to regulate it. When regulating the language of instruction in schools, including private schools, the State had to respect the rights of persons belonging to minorities which were enshrined in Article 114 of the Constitution. In particular, depending on the circumstances, the State should ensure the right balance between the need to ensure that minorities had access to general education in the State language at a level sufficient to enable them to integrate into society, and the opportunity for minorities to learn their own language and obtain an education in that language; this was in order to preserve minorities' linguistic and cultural identity, but not cause language-based segregation. In addition, the State had to ensure that the regulation of the use of language did not render the right to education of persons belonging to minorities ineffective. In particular, the State had to ensure that the quality of education for persons belonging to minorities would not suffer, and that they would not be denied access to education owing to language barriers. Thus, in accordance with the first sentence of Article 112 of the Constitution and Article 114, the State had to provide such regulation of the use of languages in general education that would, depending on the circumstances

prevailing in the State, ensure the right balance between the learning of the official language and protection of the rights of minorities in general education in private schools established by persons belonging to minorities.

34. The Constitutional Court further noted that for the right to education to be effective, pupils had to be able to benefit from the education they received. This meant that pupils had the right to have their education officially recognised by the State if it was obtained in accordance with criteria set by the State (the court referred to *Case "relating to certain aspects of the laws on the use of languages in education in Belgium"* (merits), 23 July 1968, p. 31, § 4, Series A no. 6 – the "*Belgian linguistic case*"). By regulating the content and teaching process used in general education in private schools, including the use of the State language and minority languages, the State had restricted the freedom of choice of persons belonging to minorities in respect of private schools where they could acquire a general education while preserving their identity. Namely, pupils' choice was limited to those private "minority schools" that implemented general education programmes with a curriculum that complied with the State standards on educational content and the use of languages, and which were eligible to issue a certificate of general education recognised by the State. Thus, the provisions of the State's general education standards – those which determined what proportion of the curriculum related to minority culture and identity, or regulated the learning or use of minority languages in general education in private schools – restricted the rights of persons belonging to minorities to have an education and preserve and develop their language and identity which were enshrined in the first sentence of Article 112 of the Constitution and Article 114. The impugned legal provision, together with other provisions related to it, regulated the use of the State language and minority languages in general education in private schools. Hence, the impugned provision restricted the fundamental rights enshrined in the first sentence of Article 112 of the Constitution, taken in conjunction with Article 114 of the Constitution.

(ii) Provided by law, legitimacy of the aims pursued and proportionality

35. Consequently, the Constitutional Court assessed whether that restriction was prescribed by law, had a legitimate aim and was proportionate. Firstly, the impugned provision had been enacted in accordance with the procedure established in the domestic legal framework, and the legislature had complied with the principle of proper law-making (*labas likumdošanas princips*). Secondly, the restriction had a legitimate aim – protection of the democratic order and the rights of other persons. Namely, everyone had to have a level of Latvian which allowed the members of minority groups to successfully integrate into society. Moreover, the requirement of sufficient knowledge of the State language also protected the rights of persons belonging to the State nation (*valstsnācija*) to use the State language freely in all areas of life and in the entire territory of the State. Thirdly, as to

proportionality, the Constitutional Court dismissed the applicants' arguments that there were alternative and less restrictive means to achieve the legitimate aims sought. The Constitutional Court referred to its ruling of 13 May 2005 in which it had held that teaching the State language as a separate subject was not effective; it was necessary for people to acquire the ability to use the State language, and that ability could be acquired by their primarily using the State language in learning (see *Valiullina and Others*, cited above, §§ 70-71). It also noted the views expressed by experts in the proceedings before the Constitutional Court that people could not fully acquire the State language if it was taught as a separate subject; in order for this to happen, it was necessary to have teaching that was generally in the State language. The Constitutional Court concluded that learning the State language as a separate subject could not provide a learner with an understanding of its practical use and the vocabulary acquired through using the State language as a language of instruction in other subjects. It followed that there were no alternative means to achieve the legitimate aims as effectively.

36. The Constitutional Court then went on to examine whether the restriction of the applicants' rights had been appropriate. In doing so, they examined whether (i) the proportion of use of the State language following the 2018 reform had impaired the quality of education in minority educational programmes (it referred to the judgment of 13 May 2005, summarised in *Valiullina and Others*, cited above, § 71), and (ii) a fair balance had been ensured between the promotion of the use of the State language and the exercise of the rights of persons belonging to minorities in general education.

37. As to the quality of education, the Constitutional Court referred to its judgment of 23 April 2019 in which it had held that the Ministry of Education and Science, when implementing the education reform, had consistently provided the necessary support measures – study materials, continuous training, and professional development opportunities for teachers. Moreover, prior to the 2018 reform a significant proportion of general education had had to be offered in the State language or bilingually. Thus, the impugned provision did not lay down new legal arrangements, but merely increased the use of the State language in general education. As to the monitoring mechanism for the quality of education (see the Constitutional Court's judgment of 13 May 2005, summarised in *Valiullina and Others*, cited above, § 71), it noted that in 2009, with a view to promoting the quality and competitiveness of education, the State Education Inspectorate had been transformed into the State Education Quality Service. The relevant regulations had been enacted in 2013, and that service had been tasked with ensuring the quality assessment of general education and supervising the education process, among other things. Thus, the State had put in place a mechanism for monitoring the quality of education, which applied to public and private schools. On the basis of the material presented to it, the Constitutional Court held that there was no reason to conclude that the

impugned provision had had adverse consequences on the quality of education. At the same time, the Constitutional Court emphasised that the State had a duty to monitor the quality of education on an ongoing basis, making effective use of the State's quality control mechanism for the education process in order to detect possible changes in the quality of education.

38. As to the fair balance to be ensured, the Constitutional Court noted that in accordance with Articles 112 and 114 of the Constitution, the State had to ensure that persons belonging to minorities had a proper opportunity to maintain their identity in general education in private schools. The improvement of people's knowledge of the State language and the implementation of minority rights were not mutually exclusive aims, and the implementation of minority rights could not interfere with effective and thorough teaching of the State language. If a pupil in general education did not acquire a sufficient level of Latvian to be able to use it freely, then his or her education could not be considered to be of high quality. The Constitutional Court noted that language was an important element of a person's identity, particularly for a person belonging to a minority. Thus, a legal regulation that completely excluded the use of a minority language from the educational process, or reduced it to the extent that the minority language was used as a language of instruction only in lessons where that language was being taught, would not be compatible with Article 114 of the Constitution (the court referred to paragraph 99 of the opinion issued by the Venice Commission "On the provisions of the Law on Education of 5 September 2017 which concern the use of the State language and minority and other languages in Education" in relation to Ukraine, CDL-AD(2017)030, 9 December 2017). However, the impugned provision and other provisions related to it did not prohibit a person from obtaining an education in a minority language; the State's general education standards included guarantees for preserving the mother tongue and identity of persons belonging to minorities. After the entry into effect of the impugned provision, a minority language could still be used as a language of instruction, in compliance with the rules concerning how much that language should be used in primary education, and it could be used as a language of instruction in lessons where that language and literature in that language was being taught, as well as in other lessons in secondary education related to the identity or culture of that minority. In its assessment, the Constitutional Court took into account the special historical situation of Latvia as a result of its prolonged occupation by the USSR, the Russification policies implemented during that occupation, and the current situation as regards the use of Latvian and people's knowledge of the language. The Constitutional Court reiterated that private schools that had chosen to provide pupils with a general education formed part of the general educational system of the State (see paragraph 33 above). Therefore, the general education standards set by the State had always

applied to such private schools. The impugned provision and other provisions related to it formed part of a wider reform of the education system which had been in use in Latvia for more than twenty years and which aimed to gradually strengthen the unified education system that was available to everyone and ensure the use of the State language in schools, taking into account the adaptability of pupils, their parents and teachers. Experts pointed out that from a sociolinguistic point of view, the Latvian language still did not have the status of the State language, in several respects. The main reason for that was the linguistic self-sufficiency of Russian speakers, which hindered the improvement of their Latvian language skills. More than one fifth (22%) of minority pupils rated their level of proficiency of Latvian as basic. Significant problems concerning knowledge of the State language had been found in a study on the quality of education in minority schools.

39. The Constitutional Court reiterated that an adequate ability to use the State language allowed people belonging to minorities to successfully pursue their education, freely compete in the national labour market, and fully participate in democratic discourse in society, and protected the right of others to use the State language in any area of life (see paragraphs 30-35 above). The ability of all persons belonging to minorities to freely communicate on any matter in the State language was invaluable in the context of preserving the democratic order, and it was equally important that persons belonging to minorities and to society as a whole that they could communicate with each other and also with the State. Thus, the Constitutional Court concluded 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.

(c) The second sentence of Article 91 of the Constitution

40. As regards the second sentence of Article 91 (the principle of non-discrimination), the Constitutional Court referred to its earlier case-law concerning public schools (see *Valiullina and Others*, cited above, §§ 47-51). At the outset, the Constitutional Court noted that the present case was different, as it concerned private schools. That said, the Constitutional Court also concluded that pupils whose native language was not the State language of Latvia, but another language, were not in a comparable situation to those pupils whose native language was the State language. In doing so, it referred to its earlier conclusion that the State had an obligation to apply general education standards to private schools in order to officially recognise the education obtained in those schools by issuing an education certificate (see paragraph 33 above). One of the elements of the standard minority education programme in Latvia was the use of the State language as the language of instruction. Given the constitutional rank and importance of the State language in daily life, persons belonging to minorities could not require that

an education leading to a State-issued education certificate be fully or partially provided in the minority language. Therefore, the second sentence of Article 91 of the Constitution did not enshrine a right whereby persons belonging to minorities could require different treatment as regards the language of instruction in private schools which provided formal education programmes and issued a State-recognised education certificate at the end of a pupil's studies.

41. As regards the other groups of persons indicated by twenty members of parliament and fourteen pupils in those proceedings (that is, pupils who received an education in one of the official languages of the EU, and pupils who received an education in accordance with bilateral or multilateral treaties), the Constitutional Court referred to its conclusions in the case concerning public schools (see *Valiullina and Others*, cited above, §§ 49-50) and considered that those conclusions were also applicable to the case concerning private schools which was before it at that time. Accordingly, the above-mentioned groups of pupils were not in comparable situations to pupils belonging to minorities. Thus, the Constitutional Court declared that the impugned provision was compatible with the second sentence of Article 91 of the Constitution.

(d) Article 1 of the Constitution

42. As regards Article 1 (the principle of legal certainty), the Constitutional Court, at the outset, reiterated that private schools that had chosen to provide a general education had always formed part of the State's general education system (see paragraph 33 above). Thus, if private schools wished to issue an education certificate following a pupil's completion of the general educational programme for minorities, they also had to comply with the legal regulation in force at the material time, including specifications as to how much the State language and minority languages should be used in teaching. By interpreting the transitional provisions of the Education Law (effective as of 1 September 2004), the Constitutional Court held that changes in general education standards prior to the 2018 education reform had been applicable to private schools that provided a general education and issued education certificates to their graduates. The transitional provisions of the Education Law could not be interpreted so as to allow private schools to offer educational programmes for minorities that did not comply with the general education standards set by the State. Accordingly, prior to the 2018 reform, private schools at primary level could decide to offer instruction in the minority language or bilingually in more than half of the subjects taught. At secondary level, private schools could offer instruction in the minority language in no more than two-fifths of the curriculum; in addition to Latvian Language and Literature, at least five more subjects had to be taught in Latvian. As a result, prior to the 2018 reform, up to 40% of the curriculum in

private secondary schools could be taught in the minority language (see *Valiullina and Others*, cited above, § 20).

43. The Constitutional Court went on to conclude that the 2018 reform provided for significant changes as regards the use of a minority language as the language of instruction. However, following the 2018 amendments, at primary level, a minority language could still be used as the language of instruction in accordance with the relevant proportions set by law; private schools had a discretion to decide which subjects would be taught in the State language, in a minority language, or bilingually. At secondary level, a minority language could be used as the language of instruction in the teaching of that language and in the teaching of other subjects related to the identity or culture of that particular minority group. The Constitutional Court concluded that when enacting the impugned provision and other provisions linked to it, the legislature had introduced various transitional periods going from the date of the enactment of the impugned provision to the date of its entry into force: for classes one to seven, the period was approximately one year and five months; for classes eight, ten and eleven, it was approximately two years and five months; and for classes nine and twelve, it was approximately three years and five months. During the transitional period, schools could adapt the study process and provide pupils with an opportunity to improve their language skills. Moreover, the legislature had provided for those pupils who were close to completing their studies being able to complete their general education in accordance with the legal regulation that had existed prior to the impugned reform. The Constitutional Court concluded that the legislature had provided for a lenient transition to the new legal regulation. For this reason, the Constitutional Court declared that the impugned provision was compatible with the principle of legal certainty.

44. Two judges expressed separate opinions, disagreeing with the majority.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LAW AND PRACTICE

A. Constitutional provisions and provisions concerning the use of language in education

45. The relevant provisions of the Latvian Constitution (*Satversme*), the impugned provisions of the Education Law and the General Education Law and domestic material on support measures provided for teachers and pupils have been quoted and/or summarised in *Valiullina and Others* (cited above, §§ 21-27, 57-61, 78-80).

B. Provisions concerning the financing of private schools

46. The genesis of the relevant domestic-law provisions concerning the financing of private schools can be summarised as follows.

47. Initially, section 59(2) of the Education Law (effective as of 1 June 1999) provided:

> "Private schools shall be financed by their founders. State and municipal authorities may contribute to their financing, provided that those schools implement accredited educational programmes in the State language."

48. Following legislative amendments passed on 11 November 1999, section 59(2) of the Education Law (effective as of 1 September 2001) read as follows:

> "Private schools shall be financed by their founders. State and municipal authorities shall contribute to [such] financing in accordance with the minimum [levels] of funding and material support set by the Cabinet of Ministers, provided that those schools implement accredited mandatory educational programmes as laid down in section 4 of this Law [primary education programmes] in the State language."

49. Following legislative amendments passed on 11 May 2000, section 59(2) of the Education Law (effective as of 1 September 2001) read as follows:

> "Private schools shall be financed by their founders. State and municipal authorities shall contribute to [such] financing in accordance with regulations issued by the Cabinet of Ministers regarding the minimum costs per pupil of the implementation of educational programmes, provided that those schools implement accredited educational programmes in the State language at primary level and in general secondary education."

50. On 14 September 2005 the Constitutional Court declared section 59(2) of the Education Law null and void in so far as it required private schools to provide instruction in the State language in order to receive State funding (see paragraphs 61 and et seq. below).

51. Following legislative amendments passed on 1 December 2009, section 59(2) of the Education Law (effective as of 1 January 2010) read as follows:

> "Private schools shall be financed by their founders. The State shall contribute to the financing of teachers' remuneration in private schools in accordance with the procedures set by the Cabinet of Ministers, provided that those schools implement pre-school educational programmes for children from five years of age until they start primary education, and accredited educational programmes at primary level and in general secondary education. Municipal authorities may contribute to the financing of teachers' remuneration in private schools."

52. Following legislative amendments passed on 9 July 2013, a new provision (section 59(2)[1]) was inserted into the Education Law and was effective as of 1 September 2013. It provided as follows:

> "The purchase of study materials, methodological aids, additional materials (reference materials) and digital teaching aids and resources (electronic editions) corresponding to

the State guidelines on pre-school education and the State standards on primary education and general secondary education in private schools shall be financed by State budget funds and earmarked grants from the State budget.”

53. Following legislative amendments passed on 18 June 2015, section 59(2) of the Education Law provided that the State would also contribute to the financing of teachers’ remuneration in other private educational establishments (vocational and professional educational establishments at the level of secondary education). This provision was initially set to be effective as of 1 January 2017, but its entry into force was subsequently postponed to 1 January 2023.

54. Following legislative amendments passed on 22 November 2017, a new provision (section 60(3)^{2}) was inserted into the Education Law; that provision precluded the State from contributing to the financing of teachers’ remuneration in public schools and universities and in secondary private schools providing general education where the number of pupils or students was below the minimum number set by the Cabinet of Ministers. The remuneration of teachers in such schools was to be financed by their founders; the State was to contribute to such financing in accordance with specific criteria set by the Cabinet of Ministers, including as regards the quality of education. This provision was set to be effective as of 1 September 2020, but it was amended before it took effect (amendments passed on 20 September 2018) and the State was precluded from contributing to the financing of teachers’ remuneration in schools which did not correspond to certain criteria on quality set by the Cabinet of Ministers.

55. Following legislative amendments passed on 14 November 2019, a new provision (section 59(3)^{1}) was inserted into the Education Law and was effective as of 1 January 2020; it provided that the State, within the limits set by the Cabinet of Ministers, should finance catering for pupils in classes one to four who studied on site. Municipal authorities should contribute to the financing of catering for pupils in classes one to four (except for those in public schools) who studied on site within their administrative territory.

56. Following legislative amendments passed on 12 November 2020, section 59(2)^{1} of the Education Law was amended and was effective as of 20 November 2020. The amended provision read as follows:

“[The following] shall be financed from State budget funds and earmarked grants from the State budget: the purchase of study materials, games, methodological aids, additional materials (reference materials), and the purchase of or subscription[s] to education management platforms corresponding to the State guidelines on pre-school education and the State standards on primary education and general secondary education in private schools.”

C. The Constitutional Court’s right to decline to institute proceedings for lack of legal reasoning, and the requirements necessary for submitting a constitutional complaint

57. The relevant provisions of the Law on the Constitutional Court have been summarised in *Ēcis v. Latvia* (no. 12879/09, §§ 28-31, 10 January 2019).

D. The Constitutional Court’s ability to refuse to examine a case which has already been decided

58. The relevant provisions of the Law on the Constitutional Court have been summarised in *Valiullina and Others* (cited above, §§ 68-69).

E. The Constitutional Court’s case-law concerning the language of instruction

59. The Constitutional Court’s judgment of 13 November 2019 in case no. 2018-22-01 as regards the language of instruction in private primary and secondary schools has been summarised in paragraphs 29-43 above.

60. As regards the Constitutional Court’s case-law concerning the language of instruction in public schools, pre-schools and universities, see *Valiullina and Others* (cited above, §§ 44-54, 70-77).

F. The Constitutional Court’s case-law concerning the funding of private schools

61. The domestic legislation in accordance with which State funding was available only to those private schools that offered instruction in the State language (see paragraphs 47-49 above) was reviewed by the Constitutional Court in proceedings instituted by twenty members of parliament (case no. 2005-02-0106). In its judgment of 14 September 2005, the Constitutional Court held that the impugned provision (section 59(2) of the Education Law), in so far as it referred to private schools providing an education “in the State language” in order to receive State funding, was incompatible with Article 91 of the Constitution (the principle of equality and non-discrimination); the reference to “the State language” in that provision was declared null and void from the date of the enactment of the impugned provision.

62. The Constitutional Court held that the State had to create an education system that would ensure effective teaching of the Latvian language as the State language, a system which was also for those pupils whose mother tongue was not Latvian. Article 112 of the Constitution (the right to education) provided that the State had a duty to ensure that the education provided by private schools was equivalent to that provided by public schools. Moreover, the State had to ensure that the education provided by private schools met certain education standards, and that people who attended

such schools could integrate into Latvian society and compete in the labour market after completing their studies.

63. The Constitutional Court went on to examine whether the restriction in the impugned provision – providing that instruction in the State language was the main criterion for allocating State or municipal funding to private schools – had a legitimate aim and was proportionate. As regards the legitimate aim, the Constitutional Court accepted that there was a need to take positive measures to strengthen and protect the use of the State language, considering Latvia's history and the fact that the Latvian language was still not dominant in the territory of Latvia. As regards proportionality, the Constitutional Court considered that less restrictive measures were available to protect the Latvian language. For example, the State could strengthen requirements for the accreditation of private schools. Highly qualified teachers could also be recruited, to ensure that Latvian was taught at a high level of proficiency. Moreover, specific support could be provided to teach the State language in private minority schools.

64. Lastly, the Constitutional Court noted that neither Article 91 nor Article 112 of the Constitution obliged the State to contribute to the funding of private schools. That said, if Parliament had made a political decision that the State should contribute to such funding, the Constitutional Court could not call into question that decision. If the State or municipal authorities decided to take positive measures and support certain private schools, such support had to be offered by respecting fundamental rights and be based on the principle of equality. When deciding whether to allocate funds, it was possible to consider, for example, the financial capabilities of municipal authorities.

II. INTERNATIONAL LAW AND PRACTICE

65. The relevant international and comparative material has been summarised in *Valiullina and Others* (cited above, §§ 81-96).

THE LAW

I. JOINDER OF THE APPLICATIONS AND SCOPE OF THE CASE

66. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

67. The Court notes at the outset that the applicants complained specifically about the 2018 amendments whereby the use of Latvian as the language of instruction in private schools had been increased and instruction in their mother tongue, Russian, had been reduced, whereas this had previously been widely available.

68. Taking into account the principle of subsidiarity and the requirement to exhaust domestic remedies as enshrined in Article 35 § 1 of the Convention, in the present case, the Court can examine only those issues which were raised before the Latvian Constitutional Court in conformity with the applicable admissibility requirements under Latvian law (see paragraphs 24-43 above).

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

69. The applicants submitted that ethnic identity was part of one's identity falling within the ambit of Article 8 of the Convention. They alleged that one way in which their mother tongue, ethnic identity and family traditions could be preserved would be if they were to receive an education in their own private schools and in their mother tongue, which was Russian. In their view, the 2018 amendments had restricted their right to respect for their private and family life. Even if the restrictions had pursued a legitimate aim, they had been disproportionate. At primary level, the use of the official language in education had been substantially increased in the absence of a sufficient transitional period. At secondary level, they had been denied the opportunity to study in Russian. The Government contested that argument.

70. The applicants relied on Article 8, which reads as follows:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. The parties' submissions on admissibility

1. The Government

71. As regards the first, second, third and fifth applicants, the Government submitted that in their applications to the Constitutional Court, they had not raised issues pertaining to the right to respect for their private and family life, or, if they had raised those issues, they had failed to provide legal reasoning and their complaints in that regard had been rejected for failure to comply with the domestic law requirement to provide reasoning (see paragraphs 25-28 above). The applicants had not even invoked those rights in substance before the Constitutional Court, and their reference to the Framework Convention had been made in the context of the right to education, not in the context of the rights of persons belonging to minorities to maintain their culture and identity.

72. As regards the first, second and third applicants, the Government emphasised that the Constitutional Court had refused to institute proceedings in relation to the compatibility of the impugned provision with Article 110 of the Constitution (the right to family life) because the applicants had failed to provide legal reasoning (they referred to section 20(5)(3) of the Law on the Constitutional Court, *Gubenko v. Latvia* (dec.), no. 6674/06, 3 November 2015, and *Svārpstons and Others v. Latvia* (dec.), no. 14976/05, 6 December 2016). This had to be contrasted with cases where the Constitutional Court had refused to institute proceedings because the legal reasoning submitted had evidently been insufficient for the purposes of allowing the relevant claim (they referred to section 20(6) of the Law on the Constitutional Court, and *Ēcis*, cited above).

73. As regards the fourth applicant, the Government submitted that he had failed to exhaust domestic remedies, as he had not submitted a constitutional complaint to the Constitutional Court himself.

2. *The applicants*

74. The first, second, third and fifth applicants were of the view that in their applications to the Constitutional Court they had invoked in substance the right to respect for their private and family life (they referred to *Magyar Kétfarkú Kutya Párt v. Hungary* [GC], no. 201/17, §§ 53, 56-57, 20 January 2020). The first, second and third applicants' reference to Article 114 of the Constitution (the rights of minorities) and the fifth applicant's reference to the Framework Convention had meant that they had raised, in substance, a complaint of a violation of the right to respect for private life as protected by Article 8 of the Convention, which, in their view, ensured a person's right to preserve and develop his or her language and ethnic and cultural identity. Moreover, the first, second and third applicants had also referred to Article 110 of the Constitution (the right to family life). They considered that they had provided the national authorities with an opportunity to put right the violations alleged by them (they referred to *Ēcis*, cited above, § 55). The right to respect for family life was, in any event, closely linked to the right to respect for private life, and included a person's right to preserve and develop his or her language and ethnic and cultural identity, as provided for by Article 114 of the Constitution.

75. The fourth applicant emphasised that an application to the Constitutional Court had not been an effective remedy in his case, as that court had already delivered a judgment on the matter on 13 November 2019. A judgment of the Constitutional Court was binding on all Latvian institutions and persons. The Constitutional Court would refuse to accept any application about issues it had previously decided (he referred to section 20(5)(4) of the Law on the Constitutional Court, see paragraph 58 above).

B. The Court's assessment as regards admissibility

76. In the present case, the parties agreed that the alleged breach had emanated from the relevant provisions of the domestic law, namely the 2018 amendments. As the Court has consistently held, where the source of an alleged breach of a Convention right is a provision of Latvian law, proceedings should, in principle, be brought before the Constitutional Court prior to being brought before the Court (see, for example, *Grišankova and Grišankovs v. Latvia* (dec.), no. 36117/02, ECHR 2003 II (extracts), and *Larionovs and Tess v. Latvia* (dec.), nos. 45520/04 and 19363/05, §§ 142-43 and 167, 25 November 2014).

77. According to the Court's case-law, if an applicant has expressly and in substance raised before the Constitutional Court the complaint subsequently brought before the Court, and the Constitutional Court has rejected it for lack of legal reasoning, the Court will assess the reasoning provided in the decision (see *Ēcis*, cited above, §§ 50-55). Where the application is rejected for failure to comply with the Constitutional Court's admissibility criteria, the Court will consider that the applicant has not exhausted the available domestic remedies (see *Gubenko*, cited above, §§ 9 and 25, and *Svārpstons and Others*, cited above, §§ 26 and 51). Where, however, the Constitutional Court has, at least partly, expressed its position on the substance of the applicant's complaint, the Court will consider that the applicant provided the national authorities with an opportunity to put right the violations alleged against them (see *Ēcis*, cited above, §§ 20 and 53).

1. *The fourth applicant*

78. The Court notes that by contrast to the first, second, third and fifth applicants, the fourth applicant did not lodge any complaints with the Constitutional Court. The impugned legislative amendments were examined in the proceedings instituted by members of parliament and fourteen pupils, including the second and third applicants in the present case. However, the Constitutional Court instituted proceedings in relation to the compatibility of the 2018 amendments with the right to education, the rights of minorities, the principle of non-discrimination, and the principle of legal certainty as enshrined in the Constitution. The Constitutional Court did not examine the compatibility of the impugned amendments with the right to respect for private and family life in those proceedings, either because those issues were not raised before it or because insufficient legal reasoning was provided in that regard (see paragraph 80 below). If the fourth applicant considered that his right to respect for private and family life had been affected by the legislative amendments, even in substance, he should have brought those issues before the Constitutional Court himself, as that court had not dealt with those issues before.

79. It follows that the fourth applicant's complaint under Article 8 must be declared inadmissible in accordance with Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

2. *The first, second, third and fifth applicants*

80. In the present case, being mindful of its own subsidiary role, the Court is prepared to accept that the constitutional complaints lodged by the first, second, third and fifth applicants either did not include any reasoning at all, even in substance, as regards the right to respect for private and family life, or did not comply with the formal requirements laid down in law. As to the latter issue, the Constitutional Court listed points in respect of which the constitutional complaints lodged by the first, second and third applicants lacked the necessary legal reasoning. In particular, the Constitutional Court found that they had failed to provide legal reasoning as to whether the impugned legal provision interfered with the parents' fundamental rights, whether the interference with the rights of children was provided for by law, and whether it was proportionate (see paragraphs 26 and 27 above). According to the established case-law of the Constitutional Court, applicants are obliged to include an analysis of all those elements (including sub-elements in relation to an analysis of proportionality) when lodging constitutional complaints (see *Liepiņš v. Latvia* [Committee] (dec.), no. 24827/16, §§ 5 and 16, 31 March 2022). The Court does not have any information at its disposal confirming that the fifth applicant complied with the formal requirements laid down in domestic law either. Accordingly, the applicants in the present case failed to provide legal reasoning in line with the requirements set forth in the Constitutional Court's case-law. The Court notes that the applicants have not pointed to any elements in the Constitutional Court's decisions indicating that the Constitutional Court expressed its position on the substance of the applicants' complaint as regards the right to respect for private and family life (compare and contrast *Ēcis*, cited above, §§ 52-53).

81. It follows that the first, second, third and fifth applicants' complaints under Article 8 must be declared inadmissible in accordance with Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

III. ALLEGED VIOLATION OF ARTICLE 2 OF PROTOCOL NO. 1 TO THE CONVENTION TAKEN ALONE

82. The applicants alleged that the 2018 amendments had restricted their right to education. In their view, children had the right to complete their education in Latvia in the Russian language. They submitted that the restriction of their rights had not been foreseeable and had been

disproportionate. This amounted to a breach of Article 2 of Protocol No. 1, which had to be read in the light of Article 8 of the Convention.

83. Article 2 of Protocol No. 1 reads as follows:

> "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

84. The Government contested that argument.

Admissibility

1. The parties' submissions

(a) The Government

85. The Government's submissions, which were centred on their position that the complaints were incompatible *ratione materiae*, have been summarised in *Valiullina and Others v. Latvia* (nos. 56928/19 and 2 others, §§ 113-17, 14 September 2023 (not final)).

86. Furthermore, the Government did not dispute the existence of the right to start and run a private school, but submitted that such an educational establishment had to comply with the requirements set by domestic law, which, in the present case, also included requirements as to how much the State language should be used in education (see, for more details, paragraph 119 below).

(b) The applicants

87. The applicants submitted that Article 2 of Protocol No. 1 enshrined the right to start and run a private school, and that therefore the right to obtain an education in such a school should also exist. They emphasised that the second sentence of Article 2 of Protocol No. 1 had to be read together with its first sentence; neither sentence made any distinction between private and public schools. The second sentence was aimed at safeguarding the possibility of pluralism in education, which was essential for the preservation of a democratic society (they referred to *Jiménez Alonso and Jiménez Merino v. Spain* (dec.), no. 51188/99, ECHR 2000-VI).

88. The applicants noted that the "*Belgian linguistic case*" concerned public schools and not private schools, which were the educational establishments being considered in the present case. In their submission, the right to education provided for by Article 2 of Protocol No. 1 had to be read in conjunction with Article 13 of the Framework Convention and other international material; it included the right to have an education in a private school in a minority language.

89. The applicants alleged that private schools were not part of the State education system in Latvia (see, for more details, paragraph 104 below). They

submitted that private schools were mainly financed by parents, but could also receive additional funding from various other sources (see, for more details, paragraph 105 below).

90. The applicants submitted that the Constitutional Court, in the case concerning private schools, had concluded that the impugned legal provision had restricted the right to education provided for by Article 112 of the Constitution.

91. In addition to the arguments raised in *Valiullina and Others* (cited above, §§ 118-21), the applicants relied on other cases where the Court had referred to the Framework Convention in different contexts (see *Kuharec v. Latvia* (dec.), no. 71557/01, 7 December 2004; *Baylac-Ferrer and Suarez v. France* (dec.), no. 27977/04, 25 September 2008; and *Tasev v. North Macedonia*, no. 9825/13, 16 May 2019). They explained that they were not asking the State to organise and fund education in private schools in their minority language; they wanted the State to not interfere with children's education in private schools in their minority language.

92. The applicants considered that they were fully integrated into Latvian society; all of them were fluent in the Latvian language. They emphasised that effective political democracy would be best achieved by recognising minorities' languages, cultures and identities alongside the Latvian language, culture and identity, including in education.

2. The Court's assessment

93. The Court notes that a similar complaint has already been examined in *Valiullina and Others* (cited above, §§ 128-36). In that case, which concerned the language of instruction in public schools, the Court concluded that the rights enshrined by Article 2 of Protocol No. 1 did not include the right to access education in a particular language. Given that the Latvian language was the only official language in Latvia, the Court held that the applicants could not complain under Article 2 of Protocol No. 1 about the decreased use of Russian as the language of instruction in schools in Latvia *per se*. In that case, the Court noted that the applicants had not put forward any specific arguments regarding the restrictions on the use of Russian in the Latvian education system having adverse consequences on their possibility to obtain an education (ibid., § 135). The Court considers that the same is true in the present case, which concerns the language of instruction in private schools. As in *Valiullina and Others*, the applicants in the present case did not put forward any specific arguments as regards the adverse consequences on their possibility to obtain an education; accordingly, it sees no reason to reach a different conclusion in the present case.

94. In this regard, the Court observes that the Latvian Constitutional Court has examined whether the impugned legislative amendments interfered with Article 112 of the Constitution (the right to education). In its judgment of 23 April 2019 in the case concerning public schools, the Constitutional Court

concluded that the 2018 reform had not affected the right to education and terminated the proceedings in that regard (see *Valiullina and Others*, cited above, § 46 *in fine*). However, in its judgment of 13 November 2019 in the case concerning private schools, the Constitutional Court concluded that the rights enshrined in Article 112 taken in conjunction with Article 114 of the Constitution (the rights of minorities) had been restricted by the impugned reform, and proceeded to examine the merits of that complaint (see paragraph 34 above). The Court takes note of this development in the domestic case-law. It appears that as regards minorities' right to education, the Latvian Constitution affords a higher level of protection than the Convention, which does not include a specific provision concerning minority rights apart from the prohibition of discrimination under Article 14 of the Convention.

95. The approach taken by the Constitutional Court was perfectly consistent with Article 53 of the Convention, which allows the State Parties to adopt a broader interpretation entailing stronger protection of the rights and freedoms in question within their respective domestic legal systems. However, this does not affect the Court's finding that Article 2 of Protocol No. 1 to the Convention is not applicable in the circumstances of the present case; the Constitutional Court's findings cannot be taken to expand the scope of the relevant provision under the Convention, which does not include the right to access education in a particular language.

96. Moreover, the Court takes note of the Constitutional Court's conclusion that the impugned reform restricted the fundamental rights enshrined in the first sentence of Article 112 of the Constitution "taken in conjunction" with Article 114 of the Constitution (see paragraph 34 *in fine* above), indicating that in the circumstances of the present case the right to education was not applicable to the facts of the case of its own but rather in connection with the minority rights as enshrined in the Latvian Constitution.

97. It follows that the applicants' complaint must be rejected as incompatible *ratione materiae* with the provisions of the Convention, in accordance with Article 35 §§ 3 (a) and 4.

IV. ALLEGED VIOLATION OF ARTICLE 2 OF PROTOCOL NO. 1 TAKEN IN CONJUNCTION WITH ARTICLE 14 OF THE CONVENTION

98. The applicants alleged that they had suffered discrimination as a result of the 2018 amendments. They alleged that Russian-speaking pupils were treated in the same way as Latvian-speaking pupils, although their situation was different. They also alleged that Russian-speaking pupils were treated differently from pupils whose mother tongue was one of the official languages of the EU, and differently from pupils whose mother tongue was an official language of a country with which Latvia had concluded an international agreement, even though those groups of pupils were in

relevantly similar situations. The applicants considered that the alleged difference in treatment between Russian-speaking pupils and the other above-mentioned groups of pupils was contrary to Article 14 taken in conjunction with Article 2 of Protocol No. 1 to the Convention. The Government contested that argument.

99. Article 14 reads as follows:

> "The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

A. Admissibility

1. *The parties' submissions*

100. The Government firstly submitted that this complaint was incompatible *ratione materiae*. Secondly, they considered that the fourth applicant had failed to exhaust domestic remedies, as he had not submitted a constitutional complaint himself (see paragraph 73 above). Thirdly, they argued that the first, fourth and fifth applicants, who were parents, could not themselves claim to be direct victims of an alleged violation of Article 2 of Protocol No. 1 in conjunction with Article 14 (see, for more details, *Valiullina and Others*, cited above, §§ 113-17 and 139-41). The Government also objected to the Court examining one part of this complaint, on the basis of Latvia's membership of the EU (see paragraph 152 below).

101. The applicants firstly submitted that their complaint was compatible *ratione materiae*. Secondly, they considered that a constitutional complaint in the fourth applicant's case had had no reasonable prospects of success, as the Constitutional Court had already examined the impugned amendments in case no. 2018-22-01 and held that they were compatible with the Constitution. Thirdly, the parents considered themselves direct victims (see, for more details, *Valiullina and Others*, cited above, §§ 118-21 and 142-44). As regards that final point, the applicants in the present case emphasised that they could allege that a law had violated their rights, even in the absence of an individual measure of implementation, if they were required either to modify their conduct or risk being prosecuted, or if they were members of a class of people who risked being directly affected by the legislation (they relied on *Tănase v. Moldova* [GC], no. 7/08, § 104, ECHR 2010; *Michaud v. France*, no. 12323/11, §§ 51-52, ECHR 2012; and *Sejdić and Finci v. Bosnia and Herzegovina* [GC], nos. 27996/06 and 34836/06, § 28, ECHR 2009). They also referred to domestic law provisions under which they had parental authority over their minor children and could choose an educational establishment for them. They considered that the approach taken by the Constitutional Court – its refusal to institute proceedings with respect to the

parents' complaints (see paragraphs 15, 17, and 25 above) – had been overly formalistic.

2. The Court's assessment

102. The Court has already examined the above-mentioned objections and dismissed them in the case concerning public schools (see *Valiullina and Others* (cited above, §§ 145-54). It finds no reason to rule otherwise in the present case concerning private schools.

103. It follows that the applicants' complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

104. Contrary to the Constitutional Court's findings in the case concerning the language of instruction in private schools (see paragraph 33 above), the applicants alleged that private schools did not form part of the State education system in Latvia. In this regard, they referred to views expressed by the parties to the proceedings before the Constitutional Court, and certain statements by the Constitutional Court about the possibility of using other languages as languages of instruction in private schools (they referred to cases nos. 2004-18-0106 and 2018-22-01 concerning the language of instruction in public schools, summarised in *Valiullina and Others*, cited above, §§ 44-54 and 70-71, and case no. 2005-02-0106 concerning the funding of private schools, summarised in paragraphs 61-64 above). They also referred to certain articles in the press. Moreover, they relied on certain findings by the Venice Commission (paragraph 43 of the opinion quoted in *Valiullina and Others*, cited above, § 93). In the applicants' view, prior to the 2018 amendments, instruction in the State language had not been mandatory in private schools (see paragraph 9 above).

105. The applicants alleged that private schools were mainly financed by parents. However, such schools could also receive funding from other persons, the State and municipalities. Unlike public schools, private schools were not obliged to provide every child with an education. Private schools had the freedom to organise educational work, choose from different teaching methods and offer additional subjects. Thus, private schools were more flexible and creative, with fewer pupils in the classroom. They could offer each pupil an individualised approach and closer cooperation – cooperation between teachers, on the one hand, and pupils and their parents on the other. It was for that reason that parents chose to enrol their children in private schools.

106. According to the applicants, the alleged grounds for the difference in treatment were language and ethnicity (association with a national minority).

107. As to the alleged difference in treatment between Russian-speaking pupils and Latvian-speaking pupils, those groups of pupils were treated in the same way – they were obliged to study in the State language mostly, although their situations were different. The State had a positive obligation to make a distinction between those groups of pupils because their circumstances were relevantly and significantly different. For pupils of Latvian ethnicity, Latvian was their native language and they had always studied in that language. However, children belonging to minorities used their minority language within the family, and previously, in private schools, they had studied in a minority language, using the State language in only a small proportion of subjects, or bilingually.

108. As to the alleged difference in treatment between Russian-speaking pupils and pupils whose mother tongue was one of the official languages of the EU, those groups of pupils were in similar situations. In Latvia, minority languages had the same status as other foreign languages. Contrary to the Constitutional Court's findings concluding that the opportunity to receive an education in one of the official languages of the EU had been created in order to facilitate the in-depth learning of foreign languages (see *Valiullina and Others*, cited above, § 49, see also paragraph 41 above), the applicants alleged that such an opportunity had also been created with a view to maintaining the cultural and linguistic identity of British, German, French and Polish people, for example, who were national minorities and lived in Latvia.

109. In that regard, the applicants referred to those private schools which provided an education in English (for example, the International School of Riga, King's College Latvia and the British School of Latvia) and French (for example, Exupéry International School and the Jules Verne Riga French School). It was their view that the main goal of those schools was not solely to promote the learning of foreign languages. Some pupils at those schools came from families who resided in Latvia for a short period of time, and English or French was their mother tongue or one of the languages they knew. Other pupils were of British or French ethnicity and resided in Latvia for a long time, and they were comparable to the traditional minorities in Latvia (such as the Russian-speaking minority). Thus, the State had to ensure that pupils could receive an education in other minority languages. It followed that the applicants were treated differently.

110. As to the alleged difference in treatment between Russian-speaking pupils and pupils whose mother tongue was an official language of a country with which Latvia had concluded an international agreement, those groups of pupils were also in similar situations. The applicants noted that, in addition to the Constitutional Court's findings in case no. 2018-12-01 that Latvia had concluded international agreements with Israel, Estonia, Lithuania, Belarus, Poland and Ukraine (see *Valiullina and Others*, cited above, § 50), Latvia had

also concluded agreements with the United Kingdom of Great Britain and Northern Ireland (1995), the United States of America (2003) and France (2008). Irrespective of whether those international agreements regulated the use of the language of instruction (ibid., § 50), in accordance with section 9(2)(1) of the Education Law, schools established under those agreements could provide education in a language other than the State language (ibid., § 59). In the applicants' view, the aim of ensuring that ethnic minorities living in Latvia were taught their mother tongue, history and culture and received an education in their mother tongue should apply regardless of whether an international agreement had been concluded. The applicants saw no reason why Russian-speaking pupils could not be compared to pupils whose mother tongue was one of the official languages of a country with which Latvia had concluded an international agreement in the field of education.

111. As regards the difference in treatment between Russian-speaking pupils, pupils whose mother tongue was one of the official languages of the EU, and pupils whose mother tongue was one of the official languages of a country with which Latvia had concluded an international agreement, the applicants submitted that it had no legitimate aim. They did not accept that the aim of facilitating the in-depth learning of official languages of the EU could serve as a legitimate aim for the purposes of restricting their right to an education in their minority language (contrast with the Constitutional Court's ruling in case no. 2018-12-01, see *Valiullina and Others*, cited above, § 49). The State could not interfere with the right to education by choosing which foreign languages pupils could learn in and which they could not.

112. As to proportionality, the applicants emphasised that the Court's role was not to substitute its view for that of the competent national authorities in assessing whether and to what extent differences in otherwise similar situations justified differential treatment, and that States enjoyed a certain margin of appreciation which varied according to the circumstances, subject matter and background of the case (they referred to *Molla Sali v. Greece* [GC], no. 20452/14, § 136, 19 December 2018). They argued that the Government had failed to provide any arguments on the reasonable relationship of proportionality between the means employed and the aim sought to be realised.

113. In the applicants' submission, they had been discriminated against because (i) at primary level, the use of the State language in education had been increased significantly, and those changes had been introduced unexpectedly; and (ii) at secondary level, they had been denied the opportunity to learn in their native language (Russian). In their view, less restrictive measures were available to protect the State language, for example, strengthening the teaching of the State language as a separate subject in private schools (see also the applicants' arguments before the Constitutional Court in that regard, paragraph 35 above).

114. They referred to the findings of the Venice Commission concluding that "private schools should be allowed to provide education in minority languages" (paragraphs 119-20 of the opinion quoted in *Valiullina and Others*, cited above, § 93). They did not share the Government's view that children in private minority schools had a poor command of Latvian. Instead, they referred to a sociolinguistic study published in 2016 which showed that the results of centralised examinations taken by pupils who had followed minority education and bilingual programmes were good. In their submission, the Government had failed to show that the new requirements concerning the use of the State language in private minority schools would assist children belonging to minorities in developing their own personalities and help them acquire the knowledge, skills and experience to independently obtain information, think critically and make rational decisions (they referred to the aim of the Education Law and the Constitutional Court's findings to that effect, see paragraph 31 above). They admitted that Latvian was a rather complicated language, but submitted that any language could be learned in different ways, including as a separate subject.

115. The applicants admitted that a new system of monitoring education had been put in place and completed by 30 November 2020. However, there had been no criteria for monitoring the quality of minority educational programmes. There had been no information as to whether the new system provided equal education for minority children and whether the reduction in the number of mother tongue and literature lessons ensured that a pupil would acquire a good knowledge of a minority language and culture. There had been no monitoring tool to assess whether there was demand for minority educational programmes. The applicants referred to the Constitutional Court's ruling of 13 May 2005 in that regard, and reiterated that the State had to establish a monitoring mechanism (see *Valiullina and Others*, cited above, § 71). In the applicants' view, at the time the 2018 reform had been adopted, there had been neither a system for monitoring the quality of general education, nor an opportunity to assess the impact of changes in the language of instruction on the progress of minority pupils (they also referred to paragraph 101 of the Venice Commission's opinion, where the Latvian authorities had been advised to constantly monitor the quality of the education received by pupils following minority education programmes, see *Valiullina and Others*, cited above, § 93).

116. As to the scope of the State's margin of appreciation, the applicants emphasised that private schools were set up, managed and financed by private persons. As regards State subsidies being provided to those private schools which complied with standards set by the State (see paragraph 120 below), they explained that that had been the result of the Constitutional Court's judgment of 14 September 2005 (see paragraph 61 et seq. above). They estimated that State funding constituted only a small proportion of private schools' funding, claiming that at least 75-80% of such funding came from

parents. The applicants agreed with the Government that the State provided funding in respect of remuneration for teachers, catering for pupils in classes one to four, and the purchase of study materials (see paragraph 120 below). However, the State did not subsidise the maintenance of school premises and equipment. Moreover, the applicants had never had the benefit of full financial support from the State for study materials. The domestic principle "money follows the pupil" did not mean that the State would finance all the expenses of private schools. As regards State-approved certificates (see paragraph 119 below), the applicants alleged that in many other States, private school pupils also received such certificates, but in the absence of any attempts to regulate the language of instruction. They emphasised that minority pupils took the same examinations, including Latvian language examinations, as their Latvian-speaking peers.

117. In their submission, the language of instruction was a means of teaching the curriculum, and not, as argued by the Government (see paragraph 119 below), part of the educational process regulated by the State. The State's control of private schools had to be limited to control of the achievement of the State's defined results – pupils had to acquire the knowledge and skills required by the State, including knowledge of the State language, and the State could not interfere with the organisation of teaching and the choice of teaching methods. They referred to one of the separate opinions by judges of the Constitutional Court in that regard (see paragraph 44 above).

118. In addition, they referred to the advisory opinion of the Permanent Court of International Justice (PCIJ) in *Minority Schools in Albania* (see *Minority Schools in Albania*, Advisory Opinion, 1935, PCIJ, Series A/B No. 64, p. 4).

(b) The Government

119. The Government firstly reiterated that private schools formed part of the State education system in Latvia. They emphasised that compliance of the curriculum established in private schools with the requirements set for obtaining a licence to establish a school had been reviewed by the Ministry of Education and Science. Once pupils had completed an educational programme (private or public) accredited by the State, they received State-approved certificates attesting to the completion of their studies, which meant that the State assumed responsibility for the quality of the education obtained through those programmes. Thus, the State could set requirements as to the content of the curriculum, as well as how much the language of instruction was used in private schools. However, the exact choice of subjects to be taught completely or partly in Latvian belonged to the individual school. The language of instruction was an integral part of the process whereby a school (private or public) sought to achieve the objective which had been established

for it – to provide children with an education that would be formally recognised by the State.

120. While the Convention and its Protocols did not require that funding be provided to private schools, Latvia, unlike other States, had made a political decision to partly finance private schools implementing educational programmes that complied with standards set by the State. In line with the principle "money follows the pupil", private schools were co-funded by the State and/or municipal authorities (teachers' remuneration, catering for pupils in classes one to four, and study materials). They referred to the Constitutional Court's conclusions in the judgments of 14 September 2005 and 13 November 2019 to the effect that private schools formed part of the State education system, that educational standards also applied to private schools, and that they had to ensure instruction in the State language in accordance with the proportions set by domestic law (see paragraphs 33, 38, 40, 42, 62 above).

121. The Government's submissions concerning the legitimacy of the aims pursued, the State's margin of appreciation, the gradual implementation of the education reform, the gradual increase in the use of Latvian as the language of instruction, the public consultation process, the support measures provided for teachers and pupils, and the alleged grounds of discrimination have been summarised in *Valiullina and Others* (cited above, §§ 168-76).

122. As to the alleged difference in treatment between Russian-speaking pupils and Latvian-speaking pupils, the Government's submissions have been summarised in *Valiullina and Others* (ibid., §§ 177-80). In addition, this aspect of the case was also reviewed by the Constitutional Court in the case concerning private schools (see paragraph 40 above). The Government affirmed the constitutional status of the Latvian language and its role as the language of public discourse in the democratic society that was Latvia. Referring to *Mentzen v. Latvia* ((dec.), 71074/01, ECHR 2004-XII), they emphasised that the notion of an official language ensured the existence of certain subjective rights for speakers of that language. The applicants' claim that other languages should enjoy a status similar to that of the Latvian language was wholly unsubstantiated from the perspective of international and domestic law. If the applicants' argument were to be accepted, it would result in a fragmented education system and would inevitably put the integration of minorities and their participation in the democratic processes of the State at risk.

123. As to the alleged difference in treatment between Russian-speaking pupils and pupils whose mother tongue was one of the official languages of the EU, the Government emphasised that the applicants had failed to show that they had been individually affected in this regard; their discrimination claim remained abstract. In any event, the use of EU languages could not be examined from the perspective of minority rights. As established by the Constitutional Court in the case concerning public schools, in Latvia the

opportunity to receive an education in one of the official languages of the EU had been created in order to facilitate the in-depth learning of those languages, and not to safeguard the culture and identity of a respective group of individuals (see *Valiullina and Others*, cited above, § 49). The Government referred to the request for a preliminary ruling made to the Court of Justice of the European Union (CJEU) by the Constitutional Court in the case concerning the language of instruction in universities (ibid., § 76). The use of one of the official EU languages within the State education system related to Latvia's membership of the EU and fell within the scope of EU law, not the Convention. Thus, the Court could not examine the alleged discrimination in this regard. In any event, the Constitutional Court had already held in the cases concerning public and private schools that those two groups were not in a comparable situation (see paragraph 41 above). The Government further explained that the rights of persons belonging to minorities did not form part of the rationale behind the measures facilitating the learning of official languages of the EU. In accordance with the Education Law, EU languages were used in the framework of the general education programme, and not a minority education programme, therefore the use of those languages did not involve content specific to minority education programmes, namely the content necessary for preserving the cultures of minorities and facilitating their integration in Latvia. Contrary to the applicants' allegations, there were no "privileges for small groups of national minorities". Considering the different content and purposes of the respective programmes, pupils acquiring an in-depth knowledge of one of the EU languages in the framework of general education were not in a comparable situation to pupils who followed educational programmes for minorities. In the Government's view, the measures taken to facilitate the learning of official languages of the EU could in no way be seen as creating an obligation for the State as regards other languages, from the perspective of the rights of persons belonging to minorities. There was no logic behind the applicants' argument that merely introducing the teaching of specific foreign languages had created rights for persons belonging to other linguistic groups.

124. As to the alleged difference in treatment between Russian-speaking pupils and pupils whose mother tongue was an official language of a country with which Latvia had concluded an international agreement, the Government emphasised that the applicants had failed to show that they had been individually affected in this regard; their discrimination claim remained abstract. In any event, the Constitutional Court had already held in the cases concerning public and private schools that those two groups were not in a comparable situation (see paragraph 41 above). The Government emphasised that none of those international agreements provided for the right to use a minority language in the process of education in proportions different from those laid down in the Education Law.

2. *The Court's assessment*

(a) General principles

125. The Court has summarised the applicable principles in *Valiullina and Others* (cited above, §§ 182-89).

126. In the context of the right to education, the Court has reiterated that although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position. However, the setting and planning of a curriculum fall in principle within the competence of the Contracting States. This mainly involves questions of expediency on which it is not for the Court to rule, and whose solution may legitimately vary according to the country and the era. The State, in fulfilling the functions assumed by it with regard to education and teaching, must take care that information or knowledge included in the curriculum is conveyed in an objective, critical and pluralistic manner. The State is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded (see *Folgerø and Others v. Norway* [GC], no. 15472/02, § 84, ECHR 2007-III).

127. The Court has emphasised that in a democratic society, the right to education is indispensable to the furtherance of human rights and plays a fundamental role, and that education is one of the most important public services in a modern State. At the same time, the Court has acknowledged that education is an activity that is complex to organise and expensive to run, whereas the resources that the authorities can devote to it are necessarily finite. In deciding how to regulate access to education, a State must strike a balance between, on the one hand, the educational needs of those under its jurisdiction and, on the other, its limited capacity to accommodate them (see *Ponomaryovi v. Bulgaria*, no. 5335/05, § 55, ECHR 2011, and *G.L. v. Italy*, no. 59751/15, § 49, 10 September 2020).

(b) Application to the present case

128. Taking into account the diverse backgrounds and ethnicities of the applicants, their emphasis on Russian as the main language used within their families (see paragraphs 15-17 above), the Constitutional Court's ruling in the case concerning private schools (see paragraphs 40-41 above), and the applicants' submissions to the Court (see paragraphs 107-109, 113 above), the Court will examine the present case solely on the basis of language as the grounds for the alleged difference in treatment (see, for a similar conclusion, *Valiullina and Others*, cited above, § 190).

(i) Alleged discrimination against Russian-speaking pupils compared with Latvian-speaking pupils

129. The Court observes that the Government largely relied on the Constitutional Court's reasoning to argue that Russian and Latvian-speaking pupils were not in a relevantly similar situation, on the grounds that the Latvian language had constitutional status as the only State language in Latvia. The applicants, however, argued that the State had a positive obligation to make a distinction between those groups of pupils, because their circumstances were relevantly and significantly different.

130. The Court reiterates that the national authorities, and particularly the domestic courts, are in principle best placed to assess whether or not several categories of persons are in analogous or relevantly similar situations (see *Advisory opinion on the difference in treatment between landowner associations "having a recognised existence on the date of the creation of an approved municipal hunters' association" and landowners' associations set up after that date* [GC], request no. P16-2021-002, *French Conseil d'État*, § 64, 13 July 2022 ("Advisory opinion P16-2021-002")). However, the Court has clarified that the elements which characterise different situations and determine their comparability must be assessed in light of the subject matter, the objective of the impugned provision and the context in which the alleged discrimination is occurring. The assessment of the question of whether or not two persons or groups are in a comparable situation for the purposes of an analysis of differential treatment and discrimination is both specific and contextual; it can only be based on objective and verifiable elements, and the comparable situations must be considered as a whole, avoiding isolated or marginal aspects which would make the entire analysis artificial (ibid., §§ 67-70). The Court is not precluded from arriving at a different conclusion if the domestic courts have not given due consideration to those elements, particularly where the weight attached in this context to the aim pursued by the legislature could have the effect of depriving Article 14 of its substance, bearing in mind that the legislature's aim remains fully pertinent when analysing the proportionality of the alleged difference in treatment (ibid., § 71).

(α) Whether Russian-speaking pupils are in a relevantly similar situation to Latvian-speaking pupils and, consequently, whether there is a difference of treatment

131. The Court reiterates, at the outset, that when bringing a complaint under Article 14 of the Convention, the applicants have to show that they have been treated differently from another person or group of persons placed in a relevantly similar situation, or equally to a group of persons placed in a relevantly different situation. Depending on the context in which Article 14 has been invoked, the Court may examine allegations of discrimination from different angles. On the one hand, it can be argued that the State has a positive

obligation to treat different groups of pupils differently chiefly on the grounds of the fact that their mother tongue is different. On the other hand, it can be argued that all pupils – irrespective of their mother tongue – are in relevantly similar situation insofar as they wish to have access to education in a particular country. While those aspects are so intertwined one could say that they are two sides of the same coin, the Court considers that the present case has to be examined from the latter perspective, that is (to say), from the perspective of the right to have access to education system in Latvia as a whole given that neither domestic law affords particular status to any other language than the Latvian language, nor the Convention contains a specific provision on the rights of minorities and the applicants rely on Article 2 of Protocol No. 1 – which does not include the right to access education in a particular language – taken in conjunction with Article 14 of the Convention.

132. Taking into account the subject matter and purpose of the impugned legislative amendments, the Court observes that they concerned pupils enrolled in all private schools and aimed to restore the use of Latvian as the language of instruction and the unity of the educational system in Latvia, in order to facilitate equal access for pupils to the State educational system; in addition, from a broader perspective, they aimed to eliminate the consequences of the segregation in education that had existed under the Soviet regime (see *Valiullina and Others*, cited above, §§ 193-201, and paragraphs 35, 38-40 above). However, the Court is bound to look not only at the subject matter and object of the impugned measures, but also the comparable situations as a whole, and to assess them in the light of objective elements, not presumed intentions or mere suppositions (see Advisory opinion P16-2021-002, cited above, § 68).

133. In assessing whether the situations were comparable, the Court notes that the *de facto* effect of the impugned legislative amendments was that Russian-speaking pupils, such as the present applicants' children, who were enrolled in educational programmes in private schools, could no longer pursue an education where substantial parts of the curriculum were taught in Russian, whereas Latvian-speaking pupils could continue to pursue their education in Latvian. Thus, following those amendments, Russian and Latvian-speaking pupils in the same class – irrespective of which school they attended or which education programme they followed – were required to follow a similar curriculum which had clearly set proportions as regards the use of Latvian as the language of instruction. Looking at the comparable situations as a whole, and taking into account that exceptions that the applicants claimed to have been able to have the benefit of previously were no longer available to Russian-speaking pupils enrolled in educational programmes in private schools, the Court considers that Russian-speaking pupils and Latvian-speaking pupils were in a relevantly similar situation when pursuing their education in private schools following the impugned legislative amendments. In arriving at this conclusion, the Court has taken

into account that the alleged discrimination in the present case was on the grounds of "language", and that the aim pursued by the legislature, which was the basis for the alleged difference in treatment, remains fully pertinent in respect of the proportionality analysis which follows below.

(β) The legitimacy of the aims pursued

134. As to the legitimacy of the aims pursued, the Court has already accepted that the need to protect and strengthen the Latvian language was a legitimate aim. Another legitimate aim was the restoration of the unity of the educational system in order to facilitate equal access for pupils to the State educational system and, from a broader perspective, the need to eliminate the consequences of the segregation in education that had existed under the Soviet regime (see *Valiullina and Others*, cited above, §§ 195-201, and paragraphs 35, 38-40 above).

135. The Court notes that the principal argument raised by the applicants in the present case was that private schools did not form part of the State education system in Latvia and had not been bound by the domestic legislation concerning the use of the language of instruction in schools prior to the 2018 amendments.

136. In that regard, the Court observes that the parties hold diverging views as to the extent to which the legislation concerning the use of the language of instruction applied to private schools prior to the 2018 reform. According to the applicants, private schools could provide their own educational programmes and had a free choice as regards how much a language was used as the language of instruction (see paragraphs 9 and 104 above). According to the Government, private schools formed part of the State education system and could not make decisions about the language of instruction themselves; they had to comply with the general education standards set by the State, which included the regulation concerning the use of languages (see paragraphs 10, 119-120 above). The Constitutional Court, in its judgment of 13 November 2019 concerning private schools, extensively assessed the relevant provisions of domestic law. It noted that in Latvia, the general education standards applied to both public and private schools and included requirements as to the language of instruction, and the State had a right to regulate that matter; only an education in accordance with those standards could lead to an education certificate issued by the State (see paragraphs 33 and 40 above). The Constitutional Court concluded that private schools had to comply with the legal regulation in force at the material time, including as regards the proportions set for teaching in the State language and in minority languages. In accordance with the domestic regulation, and prior to the 2018 amendments, at primary level, private schools could offer instruction in more than half of the subjects in a minority language or bilingually; at secondary level, in private schools that provided general education and issued their pupils with education certificates at the end of their

studies, up to 40% of the curriculum could be taught in the minority language, with the remaining 60% being taught in the State language (see paragraph 42 above).

137. The Court reiterates that it is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation. Unless the interpretation is arbitrary or manifestly unreasonable, the Court's role is confined to ascertaining whether the effects of the interpretation are compatible with the Convention (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 149, 20 March 2018). The Court reiterates that the right to education, by its nature, calls for regulation by the State (see *Valiullina and Others*, cited above, § 124), and the setting and planning of a curriculum fall, in principle, within the competence of the State (see paragraph 126 above). The Court considers that the education system in Latvia is not unique, in that the general education standards apply to all schools, including private schools (see, for example, *Kjeldsen, Busk Madsen and Pedersen v. Denmark*, 7 December 1976, § 18, Series A no. 23).

138. Against that background, the Court takes note of the Constitutional Court's conclusions that the domestic legislation concerning the language of instruction applied to private schools within the State education system already prior to the 2018 amendments. Taking into account that the Constitutional Court has extensively examined the applicants' arguments and the applicants have not pointed out to the Court any particular findings of the Constitutional Court that are tainted by arbitrariness or manifestly unreasonable, and taking the view that there are no grounds to depart from the Constitutional Court's findings in the case concerning private schools, the Court dismisses the applicants' argument that private schools did not form part of the State educational system.

139. Taking into account that private schools were considered to form part of the State educational system, the Court concludes that the need to protect and strengthen the Latvian language and to restore the unity of the State educational system to facilitate equal access to it were legitimate aims in the present case concerning private schools.

(γ) Proportionality of the alleged difference in treatment

140. As to proportionality, the Court refers to its findings in the case concerning public schools concluding that (i) the State could take steps to correct factual inequalities so that Latvian-speaking individuals could regain their rights, but also had to ensure that minority groups could learn their language and preserve their culture and identity; (ii) the amendments in question did not amount to sudden and unexpected changes in the education system; (iii) the amendments did not remove the use of Russian as the language of instruction in its entirety; (iv) the educational programmes offered a range of different possibilities; (v) there was no common European or international consensus as regards the language of instruction; and (vi) the

States had a wide margin of appreciation in organising their education system, particularly as regards the language of instruction (see *Valiullina and Others*, cited above, §§ 204-14).

141. The Court considers that the above-mentioned elements are fully relevant to its analysis in the present case concerning private schools since they were considered to form part of the State educational system.

142. As to the applicants' argument that the 2018 amendments, in so far as they concerned private schools, had been introduced unexpectedly and had not been foreseeable (see paragraphs 104 and 113 above), the Court has already established above that the domestic legislation concerning the language of instruction applied to private schools within the State education system already prior to the 2018 amendments (see paragraph 138 above).

143. Moreover, the applicants' submissions in the present case implied that some of them had followed education programmes where some parts of the curriculum had been taught in Latvian prior to the 2018 amendments. Without providing any further details about how much a particular language had been used as the language of instruction (contrast with the detailed submissions by the applicants in the case concerning public schools, see *Valiullina and Others*, cited above, §§ 35-43), the applicants implied that the second and third applicants had followed an educational programme similar to one of the programmes envisaged for public schools (see paragraphs 18 and 20 above). While the applicants did not make any specific submissions about the education programmes followed by the children of the fourth and fifth applicants, they noted that they had received an education in line with the educational programmes for minorities (see paragraphs 22-23 above).

144. Therefore, it cannot be said that the 2018 legislative amendments as regards private schools were unexpected or lacked foreseeability. Nonetheless, as noted by the Constitutional Court, the 2018 reform provided for significant changes as regards the use of a minority language as the language of instruction in private schools. At the same time, the Court emphasises that the 2018 reform did not completely remove the use of Russian as the language of instruction from the curriculum of private schools. At primary level, significant parts of the curriculum could still be taught in Russian (up to 50% for classes one to six, and up to 20% for classes seven to nine). At secondary level, Russian could be used as the language of instruction in the teaching of Russian and other subjects related to the identity or culture of that minority group (see paragraphs 12-13, 43 above). That stage of the education reform was implemented gradually and over the course of several years with respect to various age groups – three years and five months as regards pupils in classes nine and twelve (see paragraph 43 above). Thus, additional time was provided to those pupils who might need to adapt to the new situation and take extra measures to improve their knowledge of the State language if necessary. The Court concludes that the 2018 legislative amendments as regards private schools were implemented gradually and

flexibly, and there was sufficient scope for those amendments to be adapted to the needs of those affected.

145. As to less restrictive means of ensuring the legitimate aim (see paragraph 113 above), the Court has already emphasised that the principle of instruction in one's mother tongue, which the applicants referred to, is far from being the rule among the member States of the Council of Europe (see *Valiullina and Others*, cited above, § 210). Within the Council of Europe, the Framework Convention guarantees that persons belonging to a national minority have the right to set up and manage their own private educational establishments (see Article 13 of the Framework Convention, quoted in *Valiullina and Others*, cited above, § 87). Whilst not all member States of the Council of Europe have ratified and/or signed the Framework Convention, Latvia has done so, and it entered into effect on 1 October 2005 in respect of Latvia (ibid., §§ 85-86). However, the Framework Convention does not provide for an obligation to finance private schools (see Article 13 § 2 of the Framework Convention). The Court reiterates that no positive obligation for the States to subsidise private schools arises from the Convention or its Protocols (see the "*Belgian linguistic case*", cited above, pp. 30-31, §§ 3 and 4, and *Leyla Şahin v. Turkey* [GC], no. 44774/98, § 137, ECHR 2005-XI); that matter is left to the discretion of the member States.

146. Against that background, the Court observes that in the present case, it is significant that private schools in Latvia are partially reliant on funding from the State and/or municipal authorities. When enacting the new Education Law (in force as of 1 June 1999), Parliament envisaged that the State and municipal authorities might contribute to the financing of private schools. Soon afterwards, Parliament decided that as of 1 September 2001 the State and municipal authorities would have to contribute to the financing of private schools. At first, this was provided for only as regards primary education, but financial support was subsequently extended to secondary education. Whilst Parliament had initially decided to provide financial support only to schools that provided instruction in the State language, the Constitutional Court, in its judgment of 14 September 2005, ruled that this was incompatible with the Constitution; it declared the requirement to provide instruction in the State language in order to receive State funding null and void. As of 1 January 2010, Parliament extended the State's financing of private schools so as to include pre-school education from the age of five (see paragraphs 46-51 and 61 above). Since then, Parliament has made further changes to the domestic legislation on the financing of private schools. At present, the State and/or municipal authorities provide funding to private schools as regards teachers' remuneration, catering for pupils in classes one to four, and various study materials (see paragraphs 52-56, 116 and 120 above).

147. In the present circumstances, the Court cannot find the State's regulation of private schools as regards the language of instruction

disproportionate or arbitrary, in so far as such action can be considered necessary to protect and strengthen the Latvian language and to restore the unity of the State educational system in order to facilitate equal access to it (see paragraphs 134-139 above). The Court reiterates that the fundamental right to education is a right guaranteed equally to "pupils in State and independent schools, without distinction" (see *Leyla Şahin*, cited above, § 153). Accordingly, the State has an obligation to regulate private schools so as to ensure that the Convention is complied with. In particular, the Court considers that in the context such as in the present case the State is justified in being rigorous in its regulation of the private sector, especially in the field of education, which is indispensable to the furtherance of human rights, plays a fundamental role, and is one of the most important public services in a modern State (see paragraph 127 above). The Constitutional Court, in its judgments of 23 April 2019 and 13 November 2019, particularly stressed the importance of the quality of education in a democratic State governed by the rule of law as an essential precondition for the consolidation of a free democratic society (see *Valiullina and Others*, cited above, §§ 46 and 53, and paragraphs 31 and 39 above). This is particularly important in the context of the present case given that, as noted in the proceedings before the Constitutional Court, Russian-speakers enjoyed linguistic self-sufficiency and appeared to be able to go about their daily life in Latvia without any knowledge of the State language (see *Valiullina and Others*, cited above, § 53, and paragraph 38 above). The Court considers that the applicants' reference to the advisory opinion of the PCIJ concerning *Minority Schools in Albania* is misguided, as that opinion concerned the abolition of all private schools in Albania in 1933 (prior to the founding of the Council of Europe and the adoption of the Convention and its Protocols), whereas the present case does not relate to the closing of private schools, but rather alleged discrimination under Article 14 taken in conjunction with Article 2 of Protocol No. 1 to the Convention.

148. As to the applicants' reliance on the conclusions drawn by the Venice Commission (see paragraph 114 above), the Court notes the following. The Venice Commission, in its opinion, pointed out that the new legislation left ample scope for instruction in minority languages in primary education, and some room for such instruction in secondary education. Referring to Latvia's international commitments, it recommended that private schools should be allowed to provide education in minority languages (paragraphs 96 and 118-20 of the opinion, quoted in *Valiullina and Others*, cited above, § 93). The Court observes that there are legitimate reasons in the context of the present case concerning the applicants' complaint under Article 14 taken in conjunction with Article 2 of Protocol No. 1 to the Convention not to distinguish private schools which in Latvia form part of the State educational system (see paragraphs 135-39 above) from public schools as regards the State language policy. In that respect, the Court has already held that the

Government have provided objective and reasonable justification for the need to increase the use of Latvian as the language of instruction in the education system in Latvia, in the case concerning public schools (see *Valiullina and Others*, cited above, § 213, summarised also in paragraph 140 above).

149. In addition to the above-mentioned considerations on proportionality (ibid.), the Court considers that its conclusions reached in *Valiullina and Others* are fully relevant to the present case concerning private schools, taking into account that (i) private schools were considered to form part of the State educational system; (ii) general education standards applied to both public and private schools insofar as those schools issued pupils with State-approved certificates attesting to the completion of their studies; (iii) the State is justified in being rigorous in the regulation of the private sector in the field of education in the context such as in the present case; (iv) already prior to the 2018 legislative amendments, the domestic legislation concerning the language of instruction applied to private schools and required that some parts of a curriculum were to be taught in the State language; (v) the 2018 reform did not completely remove the use of Russian as the language of instruction from the curriculum of private schools; and (vi) private schools in Latvia receive State and/or municipal funding.

150. The foregoing considerations are sufficient to enable the Court to conclude that the impugned difference in treatment was consistent with the legitimate aims pursued, proportionate, and did not amount to discrimination on the grounds of language.

151. There has accordingly been no violation of Article 14 taken in conjunction with Article 2 of Protocol No. 1 to the Convention.

(ii) Alleged discrimination against Russian-speaking pupils compared with pupils whose mother tongue was one of the official languages of the EU

152. The Court observes that the Government have objected to the Court examining this part of the applicants' complaint, on the basis of Latvia's membership of the EU. The Court does not need to examine whether any EU law principles or provisions impose any obligations on Latvia regarding the language of education in private schools because, in any event, it reiterates that even when applying EU law, the Contracting States remain bound by the obligations they freely entered into on acceding to the Convention. It is primarily for the national authorities, notably the courts, to interpret and apply domestic law, if necessary, in conformity with EU law. The Court's role is confined to ascertaining whether the effects of such adjudication are compatible with the Convention – in this case, with Article 14 taken in conjunction with Article 2 of Protocol No. 1 (see, for the recapitulation of the relevant principles, *Avotiņš v. Latvia* [GC], no. 17502/07, §§ 100-01, 23 May 2016).

153. The Court notes that the applicants' arguments under this head were limited to their allegation that Russian-speaking pupils were treated

differently from pupils whose mother tongue was one of the official languages of the EU. They did not allege that they were in a relevantly similar situation to any other groups of pupils who received education in one of the official languages of the EU but for whom it was a foreign language. Considering its findings above (see paragraphs 130-133 above), the Court considers that Russian-speaking pupils and pupils whose mother tongue was an official language of the EU were in a relevantly similar situation when pursuing their education in private schools following the impugned legislative amendments. In arriving at this conclusion, the Court has taken into account that the alleged discrimination in the present case was on the grounds of "language", and that the aim pursued by the legislature, which was the basis for the alleged difference in treatment, is fully relevant to the proportionality analysis which follows below.

154. As to the legitimacy of the aims pursued, the Court notes that the aims which were analysed above in a different context (see paragraph 134 et seq.) are not relevant in the context of Russian-speaking pupils and pupils whose mother tongue was an official language of the EU. As noted by the Constitutional Court, the exception to allow for education in one of the official languages of the EU was granted in order to ensure the in-depth learning of EU languages in Latvia (see the Constitutional Court's conclusions, summarised in *Valiullina and Others*, cited above, § 49). In this context, the Court considers that the aim of facilitating the learning of EU languages was legitimate. It follows that the opportunity to acquire an education in an official language of the EU in Latvia was not intended to develop the culture and identity of the pupils concerned, as alleged by the applicants, but rather to foster the learning of an EU language to ensure fully-fledged participation in various processes within a united Europe.

155. As to proportionality, the Court notes that the Government have explained the rationale behind the measures facilitating the learning of official languages of the EU. In accordance with the preamble to the Constitution, Latvia promotes the values of a united Europe, on which the EU is based (see paragraphs 41 and 123 above, see also the Constitutional Court's conclusions, summarised in *Valiullina and Others*, cited above, § 49). Moreover, in its opinion, the Venice Commission considered that the measures facilitating the learning of official languages of the EU were proportionate, as long as the State offered adequate opportunities for persons belonging to minorities whose mother tongue was not an EU language to attain a sufficiently high level of proficiency in their language (see paragraph 113 of its opinion, quoted in *Valiullina and Others*, cited above, § 93). The Court has already established above that the applicants, who belonged to a Russian-speaking minority and attended private schools, were able to learn their language and preserve their culture and identity (see paragraphs 140, 144 and 149 above).

156. The Court reiterates that the States have a wide margin of appreciation in organising their education system, particularly as regards the language of instruction in education (see paragraph 140 above). The Court considers that this also applies to a State's power to decide which foreign languages are taught within its education system. Given that Latvia is a member State of the EU, the Court finds that its choice to encourage the development of official EU languages is not arbitrary or manifestly unreasonable. In fact, access to an education in an official EU language is available to everyone within Latvian territory, subject to certain financial and/or other entrance conditions. This allows the linguistic diversity of all groups of pupils to further develop, and enables them to benefit from the advantages that come from Latvia's membership of the EU.

157. The Court considers that in the present case, the Government have provided objective and reasonable justification for facilitating the learning of official languages of the EU in Latvia.

158. The foregoing considerations are sufficient to enable the Court to conclude that the impugned difference in treatment was consistent with the legitimate aims pursued, proportionate, and did not amount to discrimination on the grounds of language.

159. There has accordingly been no violation of Article 14 taken in conjunction with Article 2 of Protocol No. 1 to the Convention.

(iii) Alleged discrimination against Russian-speaking pupils compared with pupils whose mother tongue is an official language of a country with which Latvia has concluded an international agreement in the field of education

160. The applicants alleged that Russian-speaking pupils were treated differently, in that they could not pursue an education in their mother tongue, whereas pupils whose mother tongue was an official language of a country with which Latvia had concluded an international agreement could (they relied on section 9(2)(1) of the Education Law, quoted in *Valiullina and Others*, cited above, § 59). The Court finds, however, that the applicants have failed to substantiate their claim in this regard. Although section 9(2)(1) of the Education Law allowed schools to provide an education in another language, the Constitutional Court established that none of the bilateral or multilateral agreements in question allowed educational establishments to use the State language and minority languages in proportions different from those laid down in the domestic law (see paragraphs 41 and 124 above, and the Constitutional Court's conclusions, summarised in *Valiullina and Others*, cited above, § 50). By concluding bilateral or multilateral international agreements with other States in the field of education, Latvia undertook to ensure that certain minorities were able to learn their mother tongue, history and culture within the education system in Latvia (ibid.). The Court has not been provided with any information which would allow it to depart from the findings of the Constitutional Court in that regard.

161. In this context, even assuming that Russian-speaking pupils could be considered to be in a relevantly similar situation to pupils who were studying in a language which was an official language of a country with which Latvia had concluded an international agreement, the Court finds that there is no evidence of them being treated differently, taking into account that both groups of pupils could learn their mother tongue within the education system in Latvia.

162. It follows that there has been no discrimination, and therefore no violation of Article 14 taken in conjunction with Article 2 of Protocol No. 1.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Declares* the complaints concerning Article 14 taken together with Article 2 of Protocol No. 1 admissible, and the remainder of the applications inadmissible;

3. *Holds* that there has been no violation of Article 14 taken together with Article 2 of Protocol No. 1 to the Convention.

Done in English, and notified in writing on 16 November 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik Registrar	Georges Ravarani President

APPENDIX

List of cases:

No.	Application no. Case name Introduction date	Applicant's name Year of birth Place of residence Nationality
1.	225/20 Džibuti v. Latvia 11/12/2019	**Tengizs DŽIBUTI** 1981 Riga Latvian **Davids DŽIBUTI** 2007 Riga Latvian **Dana DŽIBUTI** 2010 Riga Latvian
2.	11642/20 Boroduļins v. Latvia 24/02/2020	**Deniss BORODUĻINS** 1981 Riga Latvian
3.	21815/20 Ševšeļova v. Latvia 13/05/2020	**Gaļina ŠEVŠEĻOVA** 1970 Jūrmala Latvian