



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF MANKUS v. LITHUANIA

(Application no. 25336/22)

JUDGMENT

Art 8 • Private life • Applicant's renewed dismissal from working in a statutory institution for not meeting the irreproachable reputation requirement on account of his spent conviction for an intentional crime • Applicant employed, dismissed and then reinstated without particular weight attributed by the authorities to his criminal conviction • In case-circumstances, authorities did not remedy any error regarding the applicant's reinstatement in good time, in line with the "good governance" principle • Manner in which relevant domestic provisions were applied to the applicant's situation lacked consistency and did not afford him adequate legal protection against arbitrariness • Failure to provide relevant and sufficient reasons and to carry out a careful analysis seeking to strike a balance between the interests at stake • Interference not "necessary in a democratic society"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

1 September 2026

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

In the case of Mankus v. Lithuania,

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

Arnfinn Bårdsen, *President*,

Saadet Yüksel,

Péter Paczolay,

Anja Seibert-Fohr,

Davor Derenčinović,

Gediminas Sagatys,

Juha Lavapuro, *judges*,

and Andrea Tamietti, *Section Registrar*,

Having regard to:

the application (no. 25336/22) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Lithuanian national, Mr Vytautas Mankus (“the applicant”), on 12 May 2022;

the decision to give notice to the Lithuanian Government (“the Government”) of the complaints concerning respect for the applicant’s private life and right of access to a court;

the parties’ observations;

Having deliberated in private on 29 April 2025 and 7 July 2026,

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

INTRODUCTION

1. The application concerns the applicant’s complaint, under Article 8 of the Convention, that he was dismissed from working in a statutory institution (*statutinė įstaiga*) on account of his spent conviction for an intentional crime.

THE FACTS

2. The applicant was born in 1991 and lives in Klausučiai village, in Jurbarkas District. He was represented by Ms D. Drąsutavičienė, a lawyer practising in Vilnius.

3. The Government were represented by their Agent, Mr R. Dzikovič.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

I. BACKGROUND

5. On 11 October 2011 the applicant was convicted by the Alytus District Court of perjury, an intentional crime under Article 235 § 1 of the Criminal Code; the judgment became final on 3 November 2011. He was ordered to

pay a fine of 1,300 Lithuanian litai (LTL) (approximately 380 euros (EUR)), which he paid.

6. On 25 January 2012 the applicant was hired, to a junior specialist's position, by the Public Security Service (*Viešojo saugumo tarnyba*) at the Ministry of the Interior. The Public Security Service is part of the internal service, which is a particular part of the wider civil service, and it is governed by the Statute of Internal Service (*Vidaus tarnybos statutas* – the Statute). On 4 October 2011, prior to admitting the applicant to the Public Security Service, the authorities performed a check to establish whether the applicant was listed in the register of suspects, accused and convicted persons, and received information that on 20 September 2011 he had been given the status of a suspect in connection to a crime under Article 235 § 1 of the Criminal Code, the criminal case having been opened on 12 July 2011. At that time the register contained no information on the applicant's subsequent conviction. On 7 May 2013, at the applicant's request, he was transferred to serve in the police in Marijampolė.

7. On 16 May 2013 the authorities dismissed the applicant from the internal service, relying on the relevant provisions of the Statute of Internal Service, according to which an officer may no longer serve in the internal service if information that he or she had been convicted of an intentional crime came to light. The dismissal was prompted by a check in the register of suspects, accused and convicted persons that the authorities performed on 14 May 2013, which showed that the judgment convicting the applicant of an intentional crime had become final on 3 November 2011. The applicant appealed against his dismissal, but the appeal was rejected by the Kaunas Regional Administrative Court on 12 July 2013 on the ground that the applicant still had a conviction for an intentional crime.

8. On 30 October 2013 a district court granted the applicant's request, with which the prosecutor had agreed, and held that the applicant's conviction had become spent. That court ruling came into force on 6 November 2013.

9. On 18 July 2014 the Information and Communication Department, responding to a request by the Public Security Service of 14 July 2014, provided the Public Security Service with the information about the applicant's conviction and the court decision declaring it spent (see paragraphs 5 and 8 above).

10. On 11 September 2014 the Public Security Service reinstated (*grąžino*) the applicant, and restored the professional rank and the service time that he had had before his dismissal.

II. THE APPLICANT'S DISMISSAL FROM INTERNAL SERVICE AND ADMINISTRATIVE COURT PROCEEDINGS FOR REINSTATEMENT

11. On 25 February 2019 the Internal Affairs and Corruption Prevention Division of the Public Security Service issued a report stating that, after performing a check of the register of suspects, accused and convicted persons, two officers, one of them being the applicant, were identified as having a previous conviction for intentional crimes (the other officer had been found guilty of theft). It was recommended that both officers be dismissed for lack of irreproachable reputation, and on the basis of Article 72 § 1 (10) of the Statute of Internal Service (see paragraph 50 below).

12. On 27 March 2019, the Public Security Service dismissed the applicant on the basis of Article 72 § 1 (10) of the Statute of Internal Service, which referred to Article 16 thereof. At the time Article 16 § 1 (1) of the Statute, read in conjunction with Article 72 § 1 of the Statute, provided that a serviceman or -woman must be dismissed should it come to light that he or she did not meet the requirement to have an irreproachable reputation. In turn, Article 9 § 2 (1) of the Statute at that time provided that a person was not considered to have an irreproachable reputation if he or she had been convicted of an intentional crime, whether or not the conviction had become spent (see paragraph 50 below).

A. The Vilnius Regional Administrative Court

13. The applicant brought proceedings in the Vilnius Regional Administrative Court seeking his reinstatement, arguing that his conviction had not been a new circumstance – it had been known to the Public Security Service for more than five years, and it had not been an obstacle to his being reinstated by the Public Security Service in September 2014. The applicant argued, among other things, that the circumstance referred to in Article 16 § 1 (1) of the Statute of Internal Service – about which the statutory organisation had known when re-instating him (his conviction for an intentional crime and thus lack of irreproachable reputation) – could not have been a basis for the application of Article 72 § 1 (10) of the Statute. Namely, if the latter provision was to be interpreted as permitting for a statutory organisation to change its mind and treat as grounds for dismissal circumstances which had been known at the time when a person was admitted to the service, that would create conditions for the statutory organisation's dishonest behaviour and abuse. Likewise, the statutory organisation had to adhere to the principle of lawfulness; yet, when dismissing the applicant on the basis of Article 72 § 1 (10) of the Statute, the Public Security Service had relied on a legal norm for the application of which there had been no grounds. The applicant further argued that he had been convicted of a minor intentional

crime in November 2011, that his conviction had been held to have been spent in October 2013, and that a sufficiently long period of time had passed during which he had not committed any action capable of casting doubt on the fact that he had drawn the necessary conclusions from his conviction and respected the commonly acknowledged norms of behaviour. He also stated that he had properly performed his duties as an officer and had been honest with the Public Security Service and the Ministry of the Interior. The applicant also asked the administrative court to refer to the Constitutional Court the question whether Article 9 § 2 (1) of the Statute of Internal Service was constitutional, in so far as it barred anyone who had been convicted of an intentional crime from entering the public service in any statutory institution for life.

14. The Public Security Service stated that it had not known about the applicant's conviction on 25 January 2012, when he had been admitted (*priimtas*) to the service. It also considered that on 11 September 2014 the applicant had been reinstated (*grąžintas*) to the service, and that Article 72 § 1 (10) of the Statute of Internal Service required that the circumstance of lack of irreproachable reputation not be known at the time when the person was initially admitted to the service, rather than when he or she was reinstated. Consequently, the applicant's arguments that there had been no grounds for the application of Article 72 § 1 (10) of the Statute had been baseless. The Public Security Service noted that the fact of the applicant's conviction had come to light because of a check performed in the relevant register (see also paragraph 11 above).

15. The parties presented the Court with two accounts of the arguments advanced by the Public Security Service and the applicant's lawyer at the Vilnius Regional Administrative Court hearing of 31 October 2019.

16. The Government submitted that at that hearing the Public Security Service had conceded that a mistake might have been made when it reinstated the applicant in 2014, despite his conviction for an intentional crime. The service had denied, however, that such a mistake could mean that it was not obliged to follow the law inasmuch as the irreproachable reputation requirement was concerned. The service had explained that its officers were periodically checked for compliance with the irreproachable reputation requirement, and the applicant had been among the officers checked in 2019. The Government contended that the applicant's lawyer had conceded during the hearing that the applicant could not have been reinstated for failure to meet the irreproachable reputation requirement, and that a mistake had been made in that regard. The lawyer's argument had been that a mistake by the Public Security Service (namely, reinstating the applicant) should not be interpreted to the applicant's detriment.

17. In his submissions, the applicant disputed the Government's version of events and stated that they had not provided any evidence to support it. He stated that his lawyer had not agreed with the assertion that the applicant's

reinstatement in the internal service had been an error because of his alleged failure to meet the irreproachable reputation requirement, but had merely commented on the court's assumption that an "error" had taken place, arguing that the reinstatement could have been accidental or could have been a deliberate act on the part of the Public Security Service, and that no one would ever know what had happened. At the court hearing, the Public Security Service had described the applicant's reinstatement as an "error", yet it had been unable to explain how such an "error" could have occurred. On the contrary, it was clear from the applicant's internal service file that on the date of his reinstatement the Public Security Service had been aware of the applicant's conviction for an intentional criminal offence and had not considered that to be a reason to refuse to reinstate him in the internal service. For the applicant it was significant that, irrespective of whether he had been reinstated in the internal service in error or for other reasons, there were no grounds for his dismissal from the internal service under Article 72 § 1 (10) of the Statute, since there were no new or newly discovered circumstances concerning the applicant's conviction for an intentional criminal offence.

18. By a decision of 28 November 2019 the Vilnius Regional Administrative Court dismissed the applicant's action as unfounded.

19. The Vilnius Regional Administrative Court's decision states that during the court hearing the applicant's lawyer had emphasised that the applicant's reinstatement to the internal service had been tantamount to admission to the service ("*priėmimas į tarnybą*"), and that the service should have checked then whether the applicant had conviction. For his part, the applicant had honestly declared his conviction in his application for reinstatement. The decision cites the Public Security Service as conceding that "a mistake had possibly been made" ("*galimai padaryta klaida*") when it had readmitted the applicant to the internal service in 2014 despite his conviction. The service had also considered that the applicant's arguments about his conviction being spent, his properly performed service ("*dėl tinkamai vykdytų tarnybos užduočių*") and the long period that had elapsed since he had committed the crime were of no legal relevance because the fact of his conviction for an intentional crime remained (Article § 2 (1) of the Statute).

20. In so far as the interpretation of Article 72 § 1 (10) of the Statute of Internal Service was concerned, the Vilnius Regional Court stated that there had been no dispute that the applicant had been convicted for an intentional crime, and that, although his conviction had been spent, he nevertheless did not meet the irreproachable reputation requirement under Article 9 § 2 (1) of the Statute. In a situation where a person did not meet the irreproachable reputation requirement, the statutory employment relationship could neither begin nor continue. It followed from the case file that in September 2014 a decision to reinstate the applicant to the internal service could not have been taken, because the service should have been aware of the applicant's

conviction – the grounds for his dismissal had been clear from his personal file. In any event, the decision of 11 September 2014 could not have created rights and expectations such as the right to be admitted to the internal service and the right to continue to serve therein. The principle of *ex injuria ius non oritur* applied, and Articles 9, 16 and 72 § 1 (10) of the Statute, when interpreted systemically, meant that a person who did not meet the irreproachable reputation requirement could not continue as a member of the service. Lastly, when interpreting Article 72 § 1 (10) of the Statute, and although the applicant had been reinstated to the Public Security Service on 11 September 2014, the court found that he should be considered as having been admitted to the service on 25 January 2012 rather than 11 September 2014, and found that on the former date the service had not known about the applicant's conviction or, thus, about his not meeting the irreproachable reputation requirement.

21. The court further noted that eight years had passed from the time the crime had been committed to the moment the applicant had lodged his action; it held that that was not a sufficiently long time to consider disproportionate the termination of his employment in that connection. An intentional crime was more dangerous than a non-intentional crime, and it was also relevant that the applicant had been convicted of perjury, which fell into the category of crimes against justice. As a result, the administrative court had no doubts that the Statute of Internal Service was in compliance with the Constitution, and considered that no referral to the Constitutional Court was needed.

22. The applicant appealed against that decision.

B. The Supreme Administrative Court

23. On 4 March 2020 the Supreme Administrative Court rejected the applicant's appeal against the Vilnius Regional Administrative Court's decision.

24. Having taken into account the provisions of the Statute, the Supreme Administrative Court concluded that a person who had been found guilty of an intentional crime could not be considered as having an irreproachable reputation, irrespective of whether the conviction had become spent or had been expunged. Accordingly, once the circumstances mentioned in Article 16 of the Statute materialised or came to light, an officer was considered as not having an irreproachable reputation, and the statutory institution had an obligation to dismiss him.

25. The Supreme Administrative Court partly acknowledged the applicant's argument that the circumstances relating to his conviction, which had formed the basis for his dismissal, were not new and that the respondent could not have failed to know of them at the time of the applicant's reinstatement. The Supreme Administrative Court agreed that the situation that had arisen corresponded only partially to the circumstances referred to in

Article 72 § 1 (10) of the Statute, which was the legal basis for the order to dismiss the applicant. In fact, the Public Security Service had been aware that the applicant had previously been found guilty of an intentional crime, and that his conviction had become spent, before he was reinstated on 11 September 2014, whereas the circumstances referred to in the aforementioned norm of the Statute had to be new or newly known. However, the Supreme Administrative Court considered that, in the context of the case, those misgivings were not sufficient to hold that the respondent's dismissal of the applicant had been unlawful.

26. The Supreme Administrative Court did not accept the applicant's argument that once he had been reinstated, despite his conviction for an intentional crime, he had had a legitimate expectation that he would be allowed to work in the internal service and that he could not be dismissed as not meeting the irreproachable reputation requirement. The legislature had established, by way of Article 72 § 1 (10) and Articles 9 and 16 of the Statute, that a person's having an irreproachable reputation was one of the mandatory requirements for the commencement and continuation of employment in the internal service. Restrictions of the same scope, relating to the irreproachable reputation of individuals, had also been established in the previous wordings of the Statute, which had been in force at the time of the applicant's admission and reinstatement in the internal service. The applicant's employment in the internal service should not have been restored after the first dismissal. In his particular situation, where his employment in the internal service had been restored without there having been legal grounds for that, taking into account the principle of justice and the necessity that only persons who met the requirements of Article 9 of the Statute could serve in a statutory organisation, the applicant's dismissal on the basis of Article 72 § 1 (10) of the Statute had been lawful, reasonable and justified.

27. The Supreme Administrative Court referred to the Court's judgments in the case of *Lekavičienė v. Lithuania* (no. 48427/09, 27 June 2017) and in the case of *Jankauskas v. Lithuania* (no. 2) (no. 50446/09, 27 June 2017) and held that, in the context of the case before it, the legal regulation challenged by the applicant was not a disproportionate restriction on a person who sought to start or to continue work in the internal service.

28. The Supreme Administrative Court also noted that, according to the settled case-law of the Constitutional Court, the functions of the internal service related to fields important for the security of the State and society, and that the officers of the internal service had wide-ranging powers. Therefore, the legislator had a right to set particularly stringent requirements for individuals who served in the internal service or who wished to serve in it, and public interest was to be given a priority. For those reasons, the Supreme Administrative Court did not grant the applicant's request for a referral to the Constitutional Court.

III. CONSTITUTIONAL COURT PROCEEDINGS

29. On 27 April 2020 the applicant lodged an individual constitutional complaint, which the Constitutional Court accepted for examination.

30. By a ruling of 14 April 2021 the Constitutional Court noted that, under the contested provision of Article 9 § 2 (1) of the Statute of Internal Service, it was permanently prohibited to employ in the internal service not only persons who have committed particularly dangerous crimes, *inter alia* against the State of Lithuania or the civil service, but also all persons found guilty of committing any intentional crime, regardless of the gravity of the crime committed. Such legal regulation could not be justified by the specific nature of statutory civil service, as it negated the very essence of the right to enter such civil service. Consequently, the legal regulation enshrined in the contested provision of Article 9 § 2 (1) of the Statute disregarded the constitutional principle of proportionality, as one of the elements of the constitutional principle of the rule of law, which required that no greater restrictions on the constitutional right to enter the civil service be imposed than are necessary to ensure the reliability of persons performing duties in the civil service. Therefore, such legal regulation violated the right of citizens to enter the civil service on equal terms, enshrined in Article 33 § 1 of the Constitution, and the right of every person to freely choose their work, enshrined in Article 48 § 1 thereof.

31. The Constitutional Court thus concluded that the provision of Article 9 § 2 (1) of the Statute, in so far as it applied to persons “convicted of committing an intentional crime, irrespective of whether the conviction has been spent or has been expunged” was in breach of Article 33 § 1 of the Constitution, Article 48 § 1 of the Constitution, and the constitutional principle of a State governed by the rule of law (see paragraphs 49, 51 and 55 below).

IV. THE REOPENED ADMINISTRATIVE PROCEEDINGS

32. The applicant sought the reopening of the administrative proceedings regarding his dismissal, which the Supreme Administrative Court granted on 1 September 2021. During those proceedings, the Public Security Service argued that the applicant’s statements about his having carried out his duties properly and the long period of time that had passed since the commission of the crime were legally irrelevant in the light of the irreproachable reputation requirement established in Article 9 § 2 (1) of the Statute.

33. By a final ruling of 24 November 2021 in the reopened proceedings the Supreme Administrative Court again dismissed the applicant’s appeal and left the decision of 4 March 2020 unchanged. The Supreme Administrative Court referred to the Constitutional Court’s ruling of 14 April 2021 (see paragraphs 30-31 above and 55 below) and noted that part of the provision of

Article 9 § 2 (1) of the Statute had been removed by the Constitutional Court's ruling from the Lithuanian legal system. The Supreme Administrative Court likewise referred to the Constitutional Court's ruling of 9 July 1998 and the Constitutional Court's decision of 20 November 2006 to the effect that questions of the application of legal norms that have not been resolved by the legislature were a matter for the judicial practice (see paragraph 53 below).

34. On the facts, the Supreme Administrative Court noted that the applicant had already had a conviction under Article 235 § 1 of the Criminal Code dating from 2011 when he had been reinstated in the internal service on 11 September 2014 (see paragraphs 5 and 10 above). The Supreme Administrative Court held that the fact that the internal service had known – or should have known – about the prohibition, pursuant to the relevant legal regulation then in force, on the applicant returning to the service, was not legally pertinent. The parties to the case were not in dispute as to the fact that the applicant had been reinstated in the internal service until 2019; for the Supreme Administrative Court, that meant that he had thus had an expectation that, with the passage of time and by the performance of his service duties properly, his reputation would be assessed more and more positively, which had strengthened his belief that his employment in the internal service would be continued further.

35. The court noted that, when the applicant was dismissed for a second time, a significant period of time had already passed since the applicant's conviction (namely from 3 November 2011 to 27 March 2019), and that a question thus arose as to whether the application of such a time-limit on the restriction on the applicant's joining the civil service was sufficient and proportionate. In other words, since the legislator had not resolved the question of a concrete time-limit, it was for the court to assess, in the applicant's case, whether the time that had passed from the time of the conviction which had led to loss of irreproachable reputation was sufficient to render further application of the prohibition on his entering the civil service incompatible with Article 33 § 1 of the Constitution.

36. Firstly, when assessing whether the above-mentioned time-limit was sufficient and proportionate it was important to take into account the Court's guidelines on the issue of restrictions on taking up certain professions. The Supreme Administrative Court then referred to a number of the Court's judgments: it considered that the Court had already decided a similar question in the cases of *Jankauskas* and *Lekavičienė* (both cited above), and that the Court's explanations were relevant, *mutatis mutandis*, in the context of the case before it, where it had to assess the adequacy of applying a particular time-limit on the prohibition to enter the civil service.

37. The Supreme Administrative Court referred to the fact that the officers of the State's statutory institutions (that is to say, the parts of the civil service governed, like the internal service, by specific statutes) performed a specific

kind of service which differed from that of other parts of the civil service, quoting verbatim from the Constitutional Court's findings in its ruling of 27 February 2012 (see paragraph 54 below).

38. The Supreme Administrative Court then referred to its case-law to the effect that the functions of the internal service were linked to areas important for the security of the State and society, and that its officers had wide-ranging powers. Accordingly, the legal regulation established by the legislator, under which particularly high requirements were applicable to those who served or wished to serve in the internal service, had a constitutional basis; public interest was thus to be given priority.

39. Accordingly, considering the duties carried out by officers in the internal service, which included and were related to the maintenance of public order, the prevention of crime and the pursuit of individuals who had committed violations of the law, a situation where an officer who performed those duties would himself or herself have a conviction (that is, in respect of such a person a judgment of conviction would have been adopted) would be in principle inappropriate. Even though such a situation was incompatible with the principle of unity of rights and duties, the Constitutional Court had ruled that, in circumstances such as those that had materialised in the applicant's case, the prohibition on such a person serving in the internal service could not last indefinitely. That notwithstanding, in the assessment of the Supreme Administrative Court, the time that had passed in the case before it was not sufficient to allow the resumption of the applicant's employment.

40. In that connection, the Supreme Administrative Court noted that Article 9 § 2 (1) of the Statute of Internal Service (the version in force on 27 March 2019, see paragraph 50 below) provided that a person was not considered as having an irreproachable reputation if he or she "has been convicted of committing an intentional crime, irrespective of whether the conviction has become spent or has been expunged". However, on 14 April 2021 the Constitutional Court had held that that provision was unconstitutional and thus permanently removed it from the Lithuanian legal system, meaning that it could never be applied in future. Nevertheless, the parts of the same provision stipulating that a person was not considered as having an irreproachable reputation if 1) he or she had been found guilty of another criminal act (that is to say a criminal act other than an intentional one) and less than five years had passed since the relevant court judgment had entered become final, or 2) if a person had a conviction (which had neither been spent nor expunged), remained valid. Provided one of those circumstances existed, entry into the internal service was prohibited.

41. For the Supreme Administrative Court, the provisions set out in the previous paragraph led to the conclusion that the legislator did not deprive persons of the possibility to enter the civil service in general when they had committed another type of crime (not an intentional one) and more than five years had passed since the relevant judgment of conviction had become final;

that is to say that the legislator had defined a certain period of time after which persons regained their suitability for internal service, despite the illegal act which they had committed.

42. This five-year period, which applied to those who have committed a non-intentional crime, was one of the legal grounds on which the Supreme Administrative Court held that the period in respect of the restriction on entering the internal service, which applied to those who have committed an intentional crime, should at least not be any shorter – even if it could not last a lifetime. Furthermore, as mentioned above, there were high reputational requirements, related to the specifics of the service, that were applicable to internal-service officers. Accordingly, taking into account those and other circumstances noted in the Supreme Administrative Court’s ruling, and referring to the case-law of the Court mentioned above, the Supreme Administrative Court held that the applicant’s request for reinstatement could not be granted.

V. THE APPLICANT’S SUBSEQUENT EMPLOYMENT

43. The Government stated that the applicant was successively employed in two private sector companies from 26 March to 10 July 2020 and from 3 September to 28 December 2020.

44. The Statute of Internal Service was amended on 23 December 2021, with the amendments coming into force on 5 January 2022 (see paragraph 52 below). In particular, Article 9 § 2 concerning the need for an irreproachable reputation was amended having regard to the ruling of the Constitutional Court of 14 April 2021.

45. The applicant subsequently submitted an application to participate in a competition held to fill a vacant position in the internal service, namely that of junior specialist in the Security Management Department at Pravieniškės Correctional Facility. The Director of the Pravieniškės Correctional Facility, by order no. P-47 of 2 February 2022 and on the basis of the Statute of Internal Service, appointed the applicant to the position of junior specialist in the Security Management Department as of 7 February 2022. The applicant’s salary was set with an increment for his five years and ten months of previous service.

46. The Head of the Vilnius County police, by an order of 14 April 2022, appointed the applicant to the post of chief patrol officer as of 15 April 2022, which the applicant held until 31 December 2022.

47. The Head of the Kaunas County police, by an order of 28 December 2022, appointed the applicant to the post of specialist with the special preparedness department of the Public Order Board as of 1 January 2023, which the applicant held until 12 April 2023.

48. According to the latest information provided by the Government, the applicant subsequently won a competition to fill the post of junior specialist

with the 1st commission of the Kaunas Division of the Public Security Service, and was appointed to that post as of 13 April 2023 by an order of 12 April 2023. The applicant's salary was set with an increment for his seven years of previous service in the internal service.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

49. The Constitution reads, in its relevant parts:

Article 33

"Citizens shall have the right to participate in the governance of their State both directly and through their democratically elected representatives, as well as the right to enter on equal terms the civil service of the Republic of Lithuania.

..."

Article 48

"Everyone may freely choose a job or business, and shall have the right to have proper, safe, and healthy conditions at work, as well as to receive fair pay for work and social security in the event of unemployment.

..."

50. The Statute of Internal Service (wording in force at the time of the applicant's dismissal by the order of 27 March 2019) read as follows, in its relevant part:

Article 9. Irreproachable reputation

"1. Candidates wishing to enter the internal service and officers [alike] shall have an irreproachable reputation.

2. A person is not considered to have an irreproachable reputation if:

1) he or she has been convicted of committing an intentional crime, irrespective of whether the conviction has become spent or has been expunged, or he or she has been convicted of another [type of] criminal act and less than five years have passed from the entry into force of the judgment, or he or she [still] has a conviction related to the criminal act;

..."

Article 16. Limitations on admittance to the internal service

"1. A person cannot be admitted to the internal service if:

1) he or she does not meet the requirement [to have] an irreproachable reputation as established in this Statute;

..."

Article 72. The grounds for dismissal from the internal service

"1. An officer must be dismissed from the internal service:

...

10) when the circumstances established in Article 16 of this Statute appear or come to light (if they were not known at the time the officer was admitted to the internal service);

...”

51. By its ruling of 14 April 2021 in the applicant’s case the Constitutional Court recognised that the provision “has been convicted of committing an intentional crime, irrespective of whether the conviction has become spent or has been expunged” of Article 9 § 2 (1) of the Statute of Internal Service, was in conflict with Article 33 § 1 of the Constitution (“Citizens shall have ... the right to enter on equal terms the civil service of the Republic of Lithuania”), Article 48 § 1 thereof (“Everyone may freely choose a job”), and the constitutional principle of a State under the rule of law (for the Constitutional Court’s reasoning, see paragraphs 30-31 above and 55 below).

52. On 23 December 2021, Article 9 of the Statute of Internal Service was amended. Those amendments came into force on 5 January 2022, to read:

Article 9. Irreproachable reputation

“1. Candidates wishing to enter the internal service and officers [alike] shall have an irreproachable reputation.

2. A person is not considered to have an irreproachable reputation if:

1) he or she has been convicted of a serious or very serious crime or an intentional crime against the civil service and public interests, irrespective of whether the conviction has become spent or has been expunged;

2) he or she has been convicted of another [type of] criminal act (other than the criminal acts mentioned in Paragraph 1 of this Article) and less than five years have passed from the entry into force of [the relevant] judgment or he or she has not fulfilled the penalty [handed down] or he or she [still] has a conviction related to the criminal act;

...”

53. In its ruling of 9 July 1998 the Constitutional Court held:

“The questions of the application of legal norms that have not been resolved by the legislature are a matter of the judicial practice. That means that they may be decided by a court of general jurisdiction when it adopts a respective judicial act in a particular case.”

In the decision of 20 November 2006 the Constitutional Court held:

“In its acts, the Constitutional Court has held more than once that, under the Constitution and the Law on the Constitutional Court the Constitutional Court does not decide issues of application of law, also, that such issues are decided by the institution that enjoys powers to apply legal acts. If the laws contain obscurities, ambiguities, and gaps, it is the duty of the legislature to eliminate them (the Constitutional Court’s decision of 23 September 2002). The Constitutional Court has also held that the questions of application of law which have not been decided by the legislature are a

matter of judicial practice (the Constitutional Court's ruling of 9 July 1998). This doctrinal provision of the Constitutional Court's ruling of 9 July 1998 means that the questions of application of law which have not been decided by the legislature may be decided by courts, when they consider disputes regarding the application of corresponding legal acts (parts thereof)."

54. In its ruling of 27 February 2012 regarding, among other, limitations on the right of customs officers to hold another job, the Constitutional Court held:

"7.2.5. Article 141 of the Constitution implies that officers of the State statutory institutions perform State statutory service, which is a specific type of civil service that differs from the other [forms of] civil service and from military service. From the statutory concept of the civil service emerge the features characteristic only of such service: special legal regulation by legal acts (statutes) establishing the peculiarities of the corresponding service; statutory relations of strict hierarchical subordination, which are characteristic, *inter alia*, of a special regime governing the performance of service (including the discharging of service duties, the time of service, the peculiarities of service-related subordination, the system of special service ranks (grades) marking the career of officers and their place in the hierarchy of statutory relations, and the specificities of service-related (disciplinary) liability); special requirements for officers of State statutory institutions (including those related to loyalty to the State of Lithuania and officers' reliability, education, age, health, and so on); the specific powers of these officers (including with regard to persons not subordinate to them, as well as powers linked with the use of measures of force); and special social and other guarantees."

55. In its ruling of 14 April 2021 in the applicant's case, on the prohibition imposed on a person convicted of any intentional crime from being a civil servant in a statutory institution for an indefinite period of time, the Constitutional Court held (summary by the Constitutional Court):

"By this ruling, the Constitutional Court, having examined the case subsequent to an individual constitutional complaint, recognised that the provision 'has been convicted of committing an intentional crime, irrespective of whether the conviction has become spent or has been expunged' of [Article 9 § 2 (1)] of the Statute of Internal Service (... hereinafter referred to as 'the Statute') ... was in conflict with the first paragraph of Article 33 of the Constitution ('Citizens shall have ... the right to enter on equal terms the civil service of the Republic of Lithuania'), the first paragraph of Article 48 thereof ('Everyone may freely choose a job'), and the constitutional principle of a State under the rule of law.

The Constitutional Court reiterated that: civil service is the professional activity of civil servants; the said activity is related to guaranteeing the public interest; the right of citizens to enter the civil service on equal terms is not absolute; the legislature not only may, but must establish a legal regulation thereof that would permit vetting [candidates for the civil service] in respect of their loyalty to the State of Lithuania, reputation, and so on. At the same time, the Constitutional Court reiterated that the right of citizens to enter the civil service on equal terms, as enshrined in the first paragraph of Article 33 of the Constitution, is a variant of the right of everyone to choose an occupation, as enshrined in the first paragraph of Article 48 of the Constitution.

The ruling also reiterated that the integrity of the civil service system does not exclude the possibility of regulating ... employment in the civil service in a differentiated manner and that ... civil service in statutory institutions is a specific type of civil service

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that is distinct from other [forms of] civil service and from military service; civil service in statutory institutions cannot be the same [as the other types] because of the variety of its functions; therefore, the status of officers of the police, of the interior service, of the security service, and of other State statutory institutions must be differentiated – [they thus] have the particularities established in the relevant statutes.

In this ruling, the Constitutional Court noted that, according to, *inter alia*, the first paragraph of Article 33 and the first paragraph of Article 48 of the Constitution, the legislature, when regulating employment in the civil service and pursuing the constitutionally justified objective of ensuring the credibility of persons employed in the civil service, had to lay down requirements for admittance to the civil service relating to the reputation of candidates, including a requirement not to have been convicted of certain crimes. In establishing that requirement it was necessary to observe the constitutional principle of proportionality as one of the elements of the constitutional principle of a State under the rule of law; according to that principle, the constitutional right to enter the civil service could not be subjected to restrictions that went beyond what was necessary to ensure the credibility of persons employed in the civil service, which is to say that the essence of that right could not be denied. That meant that the seriousness of [any] crimes [that might have been committed by candidates] had to be taken into account and, therefore, that an indefinite prohibition on entering the civil service could only be imposed on persons who had committed particularly dangerous crimes, including those against the State of Lithuania or the civil service.

The Constitutional Court held that the legal regulation contained in the impugned provision of [Article 9 § 2 (1)] of the Statute, along with the related legal regulation, [provided that] being found guilty of committing any intentional crime, regardless of the nature and degree of seriousness [of that crime, meant that] the person concerned did not satisfy the requirement of having a good reputation... [A] person was deemed not to satisfy the requirement of having good reputation for an indefinite period of time, regardless of whether his or her conviction for an intentional crime had become spent or was expunged...

In view of this, the Constitutional Court drew the conclusion that, under the impugned provision of [Article 9 § 2 (1)] of the Statute, a person found guilty of committing any intentional crime could never be [employed as] a statutory civil servant – an officer of the internal service system.

According to the Constitutional Court's assessment, the impugned legal regulation pursued the constitutionally justified objective of ensuring the credibility of persons employed in the civil service by imposing ... the requirement, flowing from the necessity to have a good reputation, that such people, not to have been convicted of certain crimes... However, the Constitutional Court noted that such a legal regulation could not be justified by the particularities of statutory civil service, as it denied the essence of the right to enter such civil service not only persons who [committed or had] committed particularly serious crimes, including those against the State of Lithuania or the civil service, but all those who had been found guilty of committing any intentional crime, regardless of the seriousness of the crime [in question], from being civil servants in the statutory institutions – officers of the internal service system.

The Constitutional Court stated that the impugned legal regulation disregarded the requirement, arising from the constitutional principle of proportionality as one of the elements of the constitutional principle of ... the rule of law, not to impose restrictions on the constitutional right to enter the civil service that go beyond what is necessary in order to ensure the credibility of persons employed in the civil service..."

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

56. The applicant complained that the prohibition on his entering the internal service and serving as an officer thereof, subsequently leading to his dismissal, had not been prescribed by law, and that it had been unreasonable and disproportionate. He argued that there had been a breach of Article 8 of the Convention, which reads as follows:

“1. Everyone has the right to respect for his private ... life ...

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. Admissibility

1. *The parties' submissions*

57. The Government did not question the applicability of Article 8 of the Convention to the present case, leaving the matter to the Court for final decision.

58. The applicant considered that his right to respect for his private life had been violated by his dismissal from the internal service, which had had serious negative consequences for his private life.

2. *The Court's assessment*

59. The Court notes that the present case concerns an employment-related dispute between an individual and the State. The decision to dismiss the applicant, for lack of irreproachable reputation (see paragraph 81 below), was taken by a State authority. On the basis of its case-law, the Court finds that Article 8 of the Convention is applicable (see *Denisov v. Ukraine* [GC], no. 76639/11, §§ 92-117, 25 September 2018).

60. The Court notes that this 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 applicant*

61. The applicant submitted that he had been dismissed from the internal service without reason, given that the fact of his conviction for an intentional

crime had been known to the authorities at the time of his reinstatement in 2014. Notwithstanding that spent conviction, he had been reinstated; yet, five years later, he had been dismissed for lack of irreproachable reputation. In that context, irrespective of whether he had been reinstated in the internal service in error or for other reasons, there had been no grounds for his dismissal from the internal service under Article 72 § 1 (10) of the Statute, since there had been no new or newly discovered circumstances concerning his conviction for an intentional crime. The applicant accepted that, during the domestic proceedings, his lawyer had not disputed the fact that at the time of the applicant's reinstatement the latter did not meet the requirement to be of good repute. That notwithstanding, the subject matter of the dispute was not the lawfulness of the applicant's reinstatement to the service, but rather the lawfulness of his dismissal. The circumstances of the applicant's reinstatement were relevant only in so far as they were related to the fact that on the day of his reinstatement the Public Security Service had been aware of his conviction for an intentional crime and that the applicant thus did not meet the requirement of good repute. Furthermore, as indicated by the applicant's lawyer during the domestic court proceedings, any error that the Public Security Service might have made in reinstating the applicant should not be remedied to the detriment of the applicant.

62. The applicant further claimed that his dismissal from the internal service in 2019 had lacked a proper legal basis. The Constitutional Court ruled on 14 April 2021 that the lifetime prohibition on an individual who had been found guilty of an intentional crime serving in the internal service, as stipulated at the relevant time by Article 9 § 2 (1) of the Statute of Internal Service, was unconstitutional. In the proceedings resumed by the Supreme Administrative Court pursuant to the applicant's appeal against his dismissal from the internal service, in the applicant's situation the Statute laid down only an abstract requirement that "a person who does not meet the requirement of good repute laid down in the Statute may not be admitted to the internal service." However, no further requirements were established, because following the ruling of the Constitutional Court, whereby Article 9 § 2 (1) of the Statute was repealed, the legislator did not determine the requirements concerning the good repute compliance in cases of persons being convicted for an intentional criminal offence.

63. The applicant further considered that his right to private life had been violated by the disproportionately severe application of an excessively long-lasting prohibition on becoming or serving as an internal-service officer after being convicted of an intentional criminal offence. The applicant also stated that when returning to the internal service he had had a reasonable expectation that in the future his irreproachable reputation would be fully restored and that there would remain no obstacles for the continuation of his service. The applicant considered that his reputation had been fully restored when the decision to dismiss him from the internal service was taken in 2019,

and that the State had thus failed to properly balance the public interest and his right to respect for his private life.

64. According to the Supreme Administrative Court's ruling in the reopened proceedings, the period of more than seven years that had elapsed from the date when the applicant's conviction had become effective on 3 November 2011 until his dismissal on 27 March 2019 had been insufficient to allow for the resumption of his employment in the internal service. The court had come to that conclusion because the provision of the Statute, that remained in force after the Constitutional Court's ruling, allowed to argue that, in the case of an intentional criminal offence, the term of ineligibility for the internal service should be at least not shorter than that specified. The Supreme Administrative Court had not specified what it considered to be a sufficient and proportionate term to be applied in such cases – all that was clear was that the court considered a term of over seven years insufficient. The applicant also submitted that, at the time of the resumed proceedings, the first draft law amending Article 9 of the Statute based on the Constitutional Court's ruling of 14 April 2021 was registered in the *Seimas* (on 5 October 2021), proposing to establish that a person may not be regarded to be of good repute if they have been found guilty of (minor or less serious) crimes and five years have not elapsed since the date when the final conviction became effective. Although the draft law was not equivalent to the law, it was in any case relevant for the assessment of the overall State policy, its content, and the sufficiency and proportionality of the proposed restrictions to the objectives pursued.

65. Lastly, the applicant disputed that in his case the Supreme Administrative Court could have relied on the Court's judgments in the cases of *Lekavičienė v. Lithuania* (no. 48427/09, 27 June 2017) and *Jankauskas v. Lithuania* (no. 2) (no. 50446/09, 27 June 2017) when assessing the sufficiency or proportionality of the period over which he should have been forbidden from joining the internal service. In that connection, the applicant submitted, among other, that the applicants in those cases had been convicted of criminal offences committed during the exercise of their professional duties in the administration of justice and that the offences that they had committed (such as fraud) were more serious than the offence of which the applicant in the current case had been convicted before becoming an internal-service officer.

(b) The Government

66. The Government submitted that, should the Court find that there had been an interference with the applicant's right to respect for his private life within the meaning of Article 8 § 1 of the Convention on account of the administrative courts' finding that he was prohibited from working in statutory institutions owing to his previous conviction, such interference had

in any event been in accordance with the law, had pursued a legitimate aim and had been necessary in terms of Article 8 § 2 of the Convention.

67. The Government relied on the Supreme Administrative Court's reasoning. In particular, after the internal-service employment relationship had been restored in 2014, despite there having been no legal grounds for doing so – regard being had to the principle of justice and the need to ensure that only those who met the requirements set forth in Article 9 of the Statute could serve in the internal service – the applicant's dismissal in 2019 had been lawful and reasonable. As stated by the Public Security Service, an error, when readmitting the applicant to the internal service did not remove the requirement under the domestic law that only individuals who had an irreproachable reputation could serve. As the applicant's lawyer had conceded, the applicant had not had such reputation in 2014 (see paragraph 16 above). As noted by the Supreme Administrative Court, in the specific circumstances of the applicant's case, the fact that the Public Security Service had known about the applicant's conviction for an intentional crime and the fact that the conviction had become spent before it reinstated him in 2014 did not mean that the applicant's dismissal in 2019 was unlawful.

68. As to the legal basis for the interference, the administrative courts had systematically interpreted the domestic legal regulation set out in Articles 9, 16 and 72 of the Statute of Internal Service. In particular, as the domestic courts at two instances had found in the applicant's case, the legislature had established a general requirement for candidates wishing to enter the internal service – namely that they had an irreproachable reputation, meaning, among other things, that they have not been convicted of an intentional crime. The requirement to have an irreproachable reputation, as established in Article 72 § 1 (10), Article 9 § 2 (1) and Article 16 of the Statute of Internal Service, was one of the mandatory conditions for the commencement and continuation of employment in the internal service. Employment in the internal service could not begin or continue when the requirement to have an irreproachable reputation established in the Statute was not met. The Government also referred to the Supreme Administrative Court's case-law in other cases to the effect that, when entering the internal service, the person knew what requirements had to be met for internal service officers and in what circumstances the person would be dismissed from the internal service. The delay of the statutory institution in dismissing the officer or the positive assessment of the service of the officer after his or her conviction could not give the latter a legitimate expectation that his or her service would continue in case of conviction of an intentional crime. In the case at hand, having applied the domestic law to the applicant's situation, the domestic courts had found that his dismissal had been lawful and reasonable.

69. Furthermore, according to the case-law of both the Constitutional Court and the administrative courts, including their judgments in the applicant's case, the relevant restrictions on entering the internal service

(including the related requirements to have a good reputation and not to be or to have been convicted of certain crimes) and the prohibition on people falling short of that requirement continuing to work in the internal service had been established for the purpose of ensuring the credibility of the persons employed in the State's internal service, regard being had to the particularities of such service and of the status held by its officers. The particularities of the status of officers in the internal service included their functions related to ensuring public order and public security and the specific powers they possessed in relation to persons not subordinate to them, which meant that the interference in issue also pursued a legitimate aim of protecting the rights of others (the Government referred, *mutatis mutandis*, to *Lekavičienė* (cited above, § 50) and *Jankauskas* (cited above, § 73)).

70. Lastly, the Constitutional Court had established in its ruling of 14 April 2021 that a lifelong prohibition on an individual entering the internal service if he or she had been convicted of any intentional crime was not proportionate. However, the Constitutional Court had not provided guidelines regarding the time period which should apply in such cases before such people could be held to have regained their eligibility. The draft law which the applicant referred to could not be applied by the domestic court in the applicant's case, for it had not yet entered into force, and thus it was not a source of law. Against that background, the domestic courts had carried out a careful analysis and sought to strike a balance between the protection of the applicant's private life and the need to protect the rights of others and had reached reasoned decisions that the applicant could not be reinstated (the Government referred, *mutatis mutandis*, to *Lekavičienė* (cited above, § 55), and *Jankauskas* (cited above, § 79)).

2. *The Court's assessment*

(a) **Whether there was an interference**

71. The Government did not dispute that the decision to dismiss the applicant from the internal service had an impact on his professional activities and thus on his private life (see paragraph 57 above). That being so, the Court considers that the applicant's dismissal constituted an interference with his right to respect for his private life within the meaning of Article 8 of the Convention (see, *mutatis mutandis*, *Jankauskas*, cited above, §§ 69 and 70).

(b) **Whether the interference was justified**

72. The impugned interference will be in breach of Article 8 of the Convention unless it can be justified under paragraph 2 of Article 8 as being "in accordance with the law", pursuing one or more of the legitimate aims listed therein, and being "necessary in a democratic society" in order to

achieve the aim or aims concerned (see *S.H. and Others v. Austria* [GC], no. 57813/00, § 89, ECHR 2011).

(i) *Whether the interference was in accordance with the law*

73. The Court reiterates its well-established case-law under which the wording “in accordance with the law” requires the impugned measure both to have some basis in domestic law and to be compatible with the rule of law (see *Halford v. the United Kingdom*, 25 June 1997, § 49, *Reports of Judgments and Decisions* 1997-III), which is expressly mentioned in the Preamble to the Convention and inherent in the object and purpose of Article 8. The law must thus be adequately accessible and foreseeable, that is, formulated with sufficient precision to enable the individual – if need be with appropriate advice – to regulate his or her conduct. For domestic law to meet these requirements, it must afford adequate legal protection against arbitrariness and accordingly indicate with sufficient clarity the scope of discretion conferred on the competent authorities and the manner in which it is exercised (see *Amann v. Switzerland* [GC], no. 27798/95, § 56, ECHR 2000-II; *Rotaru v. Romania* [GC], no. 28341/95, § 55, ECHR 2000-V; *S. and Marper v. the United Kingdom* [GC], nos. 30562/04 and 30566/04, § 95, ECHR 2008; and *Malone v. the United Kingdom*, 2 August 1984, §§ 66-68, Series A no. 82).

74. The Court turns to the applicant’s argument that his dismissal had lacked a proper legal basis. The Court notes that during the first set of court proceedings the Supreme Administrative Court referred to a regulation which was in force at the time of the applicant’s reinstatement in 2014, namely Article 9 § 2 (1) of the Statute of the Internal Service, which at the relevant time prohibited anyone who had been convicted of an intentional crime from being admitted to the internal service, irrespective of whether his or her conviction had become spent (see paragraph 24 above).

75. The Court also notes that Article 9 § 2 (1) of the Statute had been struck down by the Constitutional Court in 2021, on the basis of an individual complaint brought by the applicant (see paragraphs 30-31 above). On the day when, after the reopening of the proceedings, the Supreme Administrative Court gave its ruling dated 24 November 2021, the legislator had not yet resolved the issue regarding the compliance with the requirement of good repute of internal service officers who had been convicted of an intentional criminal offence or the differentiation of the requirements. However, as recognised by the applicant, the general prerequisite that “a person who does not meet the requirement of good repute laid down in the Statute may not be admitted to the internal service” remained embedded in Article 9 of the Statute. Therefore, in the reopened administrative court proceedings the Supreme Administrative Court focused on the question whether the applicant could be considered as having regained an irreproachable reputation, within the meaning of Article 9 of the Statute (see paragraph 50 above), which

remained a requirement for an individual to take up a job at the internal service throughout the applicant's service (on that, see also paragraph 26 above). The Court notes that such an approach was in line with the Constitutional Court's doctrine according to which questions of application of law which have not been decided by the legislature may be decided by courts, when they consider disputes regarding the application of corresponding legal acts (or parts thereof) (see paragraphs 33 and 53 above).

76. In the light of the foregoing, the Court is not persuaded by the applicant's argument that after the Constitutional Court's ruling the Supreme Administrative Court had had no legal basis in domestic law to conclude that a person was not considered to have an irreproachable reputation if he or she had been convicted for an intentional crime and, in the applicant's case, less than three years (at the moment of the applicant's re-employment in September 2014) or less than eight years (at the moment of his second dismissal in March 2019) had passed from the day when the judgment convicting him in November 2011 became final.

77. The Court also observes that the applicant made a claim, before the domestic courts and before the Court (see paragraphs 13, 17 and 61 above), that the measure he had complained of, namely his dismissal in 2019, had been based on Article 72 § 1 (10) of the Statute of Internal Service, which read that a serviceman must be dismissed should it come to light (that is, if it was not known at the time the officer was admitted to the internal service) that he or she does not meet the irreproachable reputation requirement (see paragraph 50 above). The Court notes in that regard that the Supreme Administrative Court concluded, *inter alia*, that the fact that the internal service had known – or should have known – about the prohibition, pursuant to the relevant legal regulation then in force, on the applicant returning to the service, was not legally pertinent. It concluded that his dismissal complied with domestic law (see paragraph 34 above).

78. Having regard to the said wording of Article 72 § 1 (10) of the Statute of Internal Service and the domestic courts' interpretation thereof, the Court has doubts whether the domestic law indicated with sufficient clarity the scope of discretion conferred on the competent authorities and the manner in which it was exercised in the applicant's case and accordingly afforded adequate legal protection against arbitrariness – and thus complied with the "quality of law" requirements within the meaning of Article 8 § 2 of the Convention (see, *mutatis mutandis*, *S. and Marper*, cited above, § 99). It considers that this question is closely related to the broader issue of whether the interference was necessary in a democratic society. In view of its analysis in paragraphs 80-93 below, the Court does not find it necessary to decide whether the application of Article 72 of the Statute met the "quality of law" requirements.

(ii) Whether the interference pursued a legitimate aim

79. The Court accepts the Government's argument (see paragraph 69 above) that the interference in question served the aim of protecting the rights of others. The Court further finds that the interference was also aimed at protecting the interests of national security and public safety, as the Supreme Administrative Court noted (see paragraph 28 above). That court also underlined the specific function and role of internal-service officers and referred to the Constitutional Court's findings as to the need to maintain public order (see paragraphs 28, 38 and 39 above; see also, *mutatis mutandis*, *Lekavičienė*, cited above, § 50).

(iii) Whether the interference was "necessary in a democratic society"

80. The Court has held that any criminal proceedings entail certain consequences for the private life of an individual who has committed a crime. They are compatible with Article 8 of the Convention provided that they do not exceed the normal and inevitable consequences of such a situation (see *Karov v. Bulgaria*, no. 45964/99, § 88, 16 November 2006).

81. Turning to the circumstances of the present case, the Court observes that the applicant's field of activity as an officer of a statutory institution and the functions and powers of such officers entailed a number of restrictions and specific requirements, including those relating to the need to have an irreproachable reputation (see paragraphs 51 and 54 above; see also, *mutatis mutandis*, *Lekavičienė*, cited above, § 52, and *Jankauskas*, cited above, §§ 74-75). It was the lack of an irreproachable reputation based on the applicant's previous conviction which, in the domestic courts' view, precluded the applicant's reinstatement to the internal service.

82. In that connection, the Court firstly notes that both during the first and the reopened domestic court proceedings the authorities underlined the nature of the applicant's crime – perjury – which fell into the category of crimes against justice (see paragraph 21 above; see also paragraph 39 *in limine* above and, *mutatis mutandis*, *Lekavičienė*, cited above, § 54).

83. In this context, the Court considers it important to recall its case-law to the effect that no general right to employment, nor a right of access to the civil service or a right to choose a particular profession, can be derived from Article 8 of the Convention (see *Denisov*, cited above, § 100, and *Gražulevičiūtė v. Lithuania*, no. 53176/17, § 95, 14 December 2021). That being so, the Court notes that the applicant claimed that he ought to have been allowed to undertake service in a statutory institution – service which, in accordance with the domestic law and the case-law of the Constitutional Court and the administrative courts, is subject to particularly high requirements for officers and candidates, regard being had to the specifics of the internal service, the specific field within which the officers of the internal

service work, as well as the functions and powers of such officers (see paragraphs 27, 38 and 55 above).

84. Secondly, during the first set of the administrative court proceedings the first-instance court observed that less than eight years had elapsed between the commission of the intentional crime and the applicant's bringing of his action and held that that was not a sufficiently long period to find that the application of the legal requirement for an individual not to be convicted of an intentional crime was disproportionate. It noted that an intentional crime was more dangerous than a non-intentional crime (see paragraph 21 above), and the Court cannot find the latter argument to have been without reason.

85. That being so, irrespective of the domestic courts' assessment of the proportionality of the interference in the light of the time that had elapsed between November 2011 (when the court decision in the applicant's criminal case became final) and March 2019 (the moment the applicant was dismissed), that is to say approximately 7 years and 4 months, and whether the applicant thus could continue his service, the Court notably cannot turn a blind eye the following.

86. It has not been disputed by the parties that, throughout the applicant's career, the necessity to dismiss the applicant from his employment in the internal service was based on the fact that he lacked an irreproachable reputation on account of his conviction for an intentional crime under Article 235 § 1 of the Criminal Code.

87. The Court observes that, as the facts of the case demonstrate, the authorities had been aware of the fact that the applicant was a suspect in the criminal investigation involving the intentional crime of perjury, under Article 235 § 1 of the Criminal Code, already prior to taking the decision to admit him to the internal service in January 2012 (see paragraph 6 above). It is also clear that the irreproachable reputation requirement, which a person is not considered to fulfil if he or she is convicted of an intentional crime, was in force throughout the applicant's admission and reinstatement in the internal service (see paragraph 26 above). Nevertheless, as early on in the case as January 2012, the applicant potentially not meeting the reputational requirements was not an obstacle to him being admitted to the internal service.

88. The Court further notes that in May 2013 the applicant was dismissed when the fact of his prior conviction became known as a result of what appears to have been a random check (see paragraph 7 above; in this context see also paragraph 11 above). Then, within a year (in September 2014) and despite having been informed of the conviction (see paragraph 9 above), the Public Security Service considered that the applicant was suitable for reinstatement (see paragraph 10 above), without any explanation of why the fact of the applicant's prior conviction for an intentional crime and thus lack of an irreproachable reputation was disregarded. In the Government's submissions and as it appears from the documents in the Court's possession,

the Public Security Service subsequently simply suggested that in September 2014 the applicant could have been reinstated “in error” (see paragraphs 16 and 19 above). The Court also notes that there is no information in the case file as to any attempts by the authorities to investigate how the “error” could have occurred. In the applicant’s submission to the domestic courts, he had never hidden his conviction (see paragraph 19 above).

89. In the above context, the Court emphasises the particular importance of the principle of good governance. The principle requires that where an issue in the general interest is at stake, in particular when the matter affects fundamental human rights, the authorities must act in good time and in an appropriate and, above all, consistent manner (see, *mutatis mutandis*, *Rysovskyy v. Ukraine*, no. 29979/04, §§ 70-71, 20 October 2011, and *Dorđević v. Serbia*, no. 11212/23, § 91, 7 October 2025). In the present case, it is plain that, when employing the applicant in January 2012 and reinstating him in September 2014, the authorities attributed no particular weight to the fact of the applicant’s conviction.

90. Be that as it may, the Court refers to the applicant’s argument that the matter at the heart of the case is not whether in 2014 he was reinstated properly, but rather whether his dismissal in 2019 was lawful and necessary. The Court does not overlook the Vilnius Regional Administrative Court’s reference to the legal doctrine *ex injuria ius non oritur* (see paragraph 20 above). It also observes that, in the practice of the Lithuanian courts, the absence or expiry of a conviction does not in itself mean that a person has regained their high moral character (see *Lekavičienė*, cited above, § 55 *in limine*). That being the case, the Court also observes that the Supreme Administrative Court noted that the applicant, after his reinstatement in 2014, had an expectation that, with the passage of time and proper performance of his duties, his reputation would be assessed more and more positively, which had strengthened his belief that his employment in the internal service would continue further (see paragraph 34 above), and that the Public Security Service did not challenge his record of service (see paragraph 19 above). In the latter connection, the Court finds it pertinent to note that, despite the applicant’s not meeting the irreproachable reputation requirement set out in the Statute for serving in the internal service for the periods from January 2012 to May 2013 and from September 2014 to March 2019, after his reinstatement in the internal service in 2022 he availed of social guarantees, and his pay included an increment for the years he had previously worked in the internal service (see paragraphs 45-48 above). For the Court, this speaks in favour of the applicant’s good service record and thus reputation rather than against him, even though, as established by the domestic courts, there had been no legal grounds under the domestic law at the relevant time for that earlier employment. The Court further observes that some four and a half years passed between the applicant’s reinstatement, despite his criminal conviction, in September 2014 and his renewed dismissal in March 2019. The

authorities cannot, therefore, be considered to have remedied any error regarding the applicant's reinstatement in good time, in line with the principle of good governance.

91. Having already established that at the time of the applicant's reinstatement in 2014 the authorities knew or should have known about, firstly, the criminal proceedings against him and, secondly, his conviction (which was the factual basis subsequently used by the authorities to justify the applicant's dismissal in 2019), the Court finds that the manner in which Article 9 § 2 (1) and Article 72 § 1 (10) of the Statute of Internal Service were applied to the applicant's situation lacked consistency and did not afford him adequate legal protection against arbitrariness (see also paragraphs 73 and 89 above).

92. Accordingly, the Court cannot find that in the present case the domestic courts provided relevant and sufficient reasons for their decisions or carried out a careful analysis, seeking to strike a balance between the protection of the applicant's private life and the need to protect the interests of national security and public safety, in so far as the application of Article 72 § 1 (10) of the Statute of Internal Service to the applicant's particular situation is concerned. In fact, the Supreme Administrative Court found the circumstance that the applicant's previous conviction had been known or should have been known at the time of his reinstatement in 2014 to be "not legally pertinent" (see paragraph 34 above), without addressing the reasons which led the authorities to disregard the applicant's previous conviction at the time of his reinstatement (see paragraph 19 above).

93. In these circumstances, the Court considers that the interference with the applicant's right to respect for his private life, which included his professional activity, was not "necessary in a democratic society" for pursuing the legitimate aim of protecting national security, public safety, and the rights of others by ensuring the good and proper functioning of the internal service.

94. There has accordingly been a violation of Article 8 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

95. The applicant further complained that he had not been compensated for the legal costs incurred in connection with the individual constitutional complaint he had lodged. He referred to Article 6 § 1 of the Convention, which reads as follows:

"In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time ... by [a] ... tribunal ..."

A. The parties' submissions

96. The Government were of the view that the applicant had failed to exhaust effective domestic remedies. In particular, the applicant had failed to follow the relevant rules and procedure of domestic law concerning requests for the reimbursement of legal expenses incurred before the Constitutional Court, which were in force long before the applicant's proceedings in the that court. The Government submitted that the domestic remedies were effective, and would have been so in the applicant's case had he exhausted them in accordance with the procedure established in domestic law (see, *a contrario*, *Černius and Rinkevičius v. Lithuania*, nos. 73579/17 and 14620/18, §§ 65-74, 18 February 2020).

97. In his observations of 20 March 2024 the applicant stated that he wished to withdraw his complaint under Article 6 § 1 of the Convention.

B. The Court's assessment

98. In the light of the preceding considerations, the Court finds that the applicant may be regarded as no longer wishing to pursue this part of his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the complaint.

99. In view of the above, it is appropriate to strike this part of the application out of the list.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

100. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

101. The applicant claimed 8,728 euros (EUR) respect of pecuniary damage flowing from the loss of income from the internal service for the period from 28 March 2019 to 6 February 2022. That sum amounted to the difference between the applicant's salary at the internal service and the unemployment benefits and the salary he had received for unskilled jobs in that period. The applicant also claimed EUR 30,000 in respect of non-pecuniary damage.

102. The Government contested the claim for pecuniary damage as speculative. They further contested the claim for non-pecuniary damage as excessive and unsubstantiated.

103. The Court finds that the applicant lost his former job as an officer within the internal service as a result of the application of Article 72 § 1 (10) of the Statute of Internal Service, which the Court found to have been in violation of the Convention in the applicant's case. The loss of employment in turn deprived the applicant of his main source of income. Hence, there is a direct causal link between the violation found and the pecuniary damage claimed, which has to be reimbursed in such a way as to restore, as far as possible, the situation existing before the breach (see, *mutatis mutandis*, *Smith and Grady v. the United Kingdom* (just satisfaction), nos. 33985/96 and 33986/96, § 18, ECHR 2000-IX, and *Rainys and Gasparavičius v. Lithuania*, nos. 70665/01 and 74345/01, § 45, 7 April 2005).

104. The Court notes that the applicant apparently had difficulties finding a stable economic activity after his dismissal as an officer in the internal service on 27 March 2019. Up until his re-employment in the internal service on 7 February 2022, he was unemployed apart from a period of roughly eight months when he was employed in two private companies (see paragraph 43 above). While it is not for the Court to speculate whether he might have had a role to play in his unemployment, the fact remains that his dismissal under the Statute instigated the career difficulties he experienced at that time. In these circumstances, and on the basis of the assessment of the applicant's former salary at the internal service as attested by the documents presented by the applicant, the Court awards him EUR 8,728 in respect of pecuniary damage, plus any tax that may be chargeable.

105. The Court considers that the applicant must have sustained non-pecuniary damage that cannot be compensated for solely by the finding of a violation. Making its assessment on an equitable basis, the Court awards the applicant EUR 5,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

106. The applicant also claimed EUR 2,090 for the costs and expenses incurred before the domestic courts and EUR 3,476 for those incurred before the Court.

107. The Government contested those claims as excessive and unnecessary.

108. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award

him the full sum of EUR 5,566 covering costs under all heads, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to strike the part of the application concerning the complaint under Article 6 of the Convention out of its list of cases in accordance with Article 37 § 1 (a) of the Convention;
2. *Declares* the complaint concerning the applicant's right to respect for his private life under Article 8 of the Convention admissible;
3. *Holds* that there has been a violation of Article 8 of the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
 - (i) EUR 8,728 (eight thousand seven hundred and twenty-eight euros), plus any tax that may be chargeable, in respect of pecuniary damage;
 - (ii) EUR 5,000 (five thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (iii) EUR 5,566 (five thousand five hundred and sixty-six euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 1 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti
Registrar

Arnfinn Bårdsen
President