

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

SECOND SECTION

CASE OF ISPIRYAN v. LITHUANIA

(Application no. 11643/20)

JUDGMENT

Art 6 § 2 • Presumption of innocence • Decision removing applicant from position of public school principal while criminal proceedings against her were pending, not in breach of right to be presumed innocent • Impugned statements, read in the context, did no show that applicant treated as though guilty by municipal authorities

STRASBOURG

27 June 2023

FINAL

27/09/2023

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of Ispiryan v. Lithuania,

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

Arnfinn Bårdsen*, President*,
Jovan Ilievski,
Egidijus Kūris,
Saadet Yüksel,
Lorraine Schembri Orland,
Diana Sârcu,
Davor Derenčinović*, judges*,
and Hasan Bakırcı, *Section Registrar,*

Having regard to:

the application (no. 11643/20) 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, Ms Audronė Ispiryan ("the applicant"), on 18 February 2020;

the decision to give notice to the Lithuanian Government ("the Government") of the complaints concerning Article 6 §§ 1 and 2 and Article 14 of the Convention and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 6 June 2023,

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

INTRODUCTION

1. The case concerns the applicant's removal from her position as principal of a public school while criminal proceedings against her were pending. She complained that the removal had breached her right to be presumed innocent, that it had been discriminatory and that the domestic courts had not adequately addressed her arguments. She relied on Article 6 §§ 1 and 2 and Article 14 of the Convention.

THE FACTS

2. The applicant was born in 1978 and lives in Kelmė. She was represented by Ms E. Matulionytė, a lawyer practising in Vilnius.

3. The Government were represented by their Agent, Ms K. Bubnytė-Širmenė.

4. In August 2014 the Šiauliai Municipal Council appointed the applicant as principal of the Rasa Progymnasium, a public high school in Šiauliai (hereinafter "the school").

I. PRE-TRIAL INVESTIGATION AND THE APPLICANT'S SUSPENSION FROM DUTY

5. On 14 March 2017 the applicant was officially notified that she was suspected of bribery. It was alleged that she had accepted a bribe from a cleaning company in exchange for selecting its tender in a procurement process: the bribe was allegedly paid each month as a salary to a person fictitiously employed by the cleaning company, namely the husband of the school's accountant, who handed the money over to the applicant. She denied the allegations. On unspecified dates several other persons were notified that, in the same investigation, they were suspected of crimes such as fraud, bribery, fraudulent accounting or falsification of documents; the suspects included the director and two employees of the cleaning company, the accountant of the applicant's school, and the accountant's husband. The principals of two different schools were also suspected of having accepted bribes from the same cleaning company.

6. On 15 March 2017 the prosecutor of the Šiauliai Region asked the Šiauliai District Court to suspend the applicant from the position of principal for six months (see paragraph 39 below). The prosecutor submitted that the applicant was a person of equivalent status to a civil servant and that she was suspected of having committed criminal offences while carrying out her duties, by exercising unlawful influence over her subordinates, namely the school's accountant. Therefore, it was necessary to suspend her from duty in order to prevent her from hiding evidence, tampering with witnesses and committing further crimes. The applicant did not object to the prosecutor's request. On 16 March 2017 the Šiauliai District Court granted that request and suspended the applicant from duty for six months. She did not appeal against the court's decision (see paragraph 41 below).

7. In September 2017 the prosecutor asked for the applicant's suspension to be extended for a further three months (see paragraph 40 below), relying essentially on the same grounds as before (see paragraph 6 above). The applicant objected to that request, but on 8 September 2017 the Šiauliai District Court granted it. The court noted that the investigation was ongoing and that the case was of a large scale; moreover, the applicant had been suspected of using her position to commit criminal offences in another pre-trial investigation as well (see paragraph 37 below).

8. The applicant lodged an appeal against the decision of 8 September 2017. She submitted that the prosecutor's request and the court's decision had been based on vague and abstract reasons and failed to specify how she might interfere with the ongoing investigation and why her continued suspension was necessary. She also submitted that the investigation had been going on for six months and that, therefore, any evidence which might have been at the school must already have been collected and there was no longer any possibility that she might tamper with it. She further contended that her

returning to work would be beneficial for the school, since she had achieved good results during her tenure. Lastly, she submitted that she had three minor children and needed a source of income.

9. On 6 October 2017 the Šiauliai Regional Court dismissed the applicant's appeal and upheld the decision of the lower court. It stated that suspension from duty could be ordered only when there were reasonable grounds to believe that the person in question might have committed the crimes of which he or she was suspected, a condition which had been met in the applicant's case. The court further held that it had to be assessed whether that person's position could provide him or her with an opportunity to commit further crimes or to interfere with the investigation. In the case at hand, the applicant had been suspected of crimes which were directly related to her position as school principal; accordingly, the latter condition had also been met. The court observed that certain material obtained during the investigation gave grounds to believe that the applicant might attempt to influence her subordinates to give testimonies that were favourable to her, thereby seeking to interfere with the investigation. Although the court acknowledged that her suspension from duty restricted the applicant's rights and caused her personal and financial difficulties, it considered that none of the arguments which she had presented in her appeal could lead it to believe that that measure was no longer necessary or that it was disproportionate.

10. Following further requests lodged by the prosecutor, the Šiauliai District Court extended the applicant's suspension on 5 December 2017 and on 5 March, 7 June and 12 September 2018, each time for a further three months (see paragraph 40 below). Those decisions cited essentially the same grounds as before (see paragraph 6 above), as well as the fact that in a different pre-trial investigation the applicant had been suspected of tampering with witnesses (see paragraph 37 below), which gave further grounds to believe that she might use her position as principal to interfere with the investigation. The applicant did not appeal against any of those decisions.

11. On 24 October 2018 the indictment was drawn up and the applicant was charged with bribery. The case was referred to the Šiauliai District Court for examination. At the time of the submission of the parties' latest observations to the Court (on 13 December 2022), the criminal case was pending before the first-instance court.

II. THE APPLICANT'S REMOVAL FROM HER POSITION

12. In August 2018 the Šiauliai Municipal Council received a letter from a representative of the school council, a self-governance body of the school, which stated that the school community was concerned by the fact that, following the applicant's suspension, the school had not had a permanent principal since March 2017. That had affected the working environment within the school, created uncertainty with regard to its future and harmed its

external image. The municipal council was asked to speedily resolve the situation.

13. In September 2018 the municipal administration prepared a draft decision to remove the applicant from her position (*atšaukti iš pareigų*) and to appoint an acting principal. According to the explanatory report, the decision was based on Article 104 of the Labour Code, which authorised the removal of the head of a legal entity in accordance with that entity's articles of association (see paragraphs 46 and 47 below). In accordance with the school's articles of association, the principal could be removed from that position if he or she had lost the confidence of the municipal council, the founder of the school. The principal was responsible for ensuring the proper functioning of the school, but the applicant's suspension from duty during the pre-trial investigation had shown that she was unable to remain in that position. The explanatory report stated that a situation where an institution did not have a permanent head for more than a year and half could not be tolerated, and the proposed removal of the applicant did not concern the determination of her guilt, but sought only to ensure that the school was able to function properly.

14. The proposed removal was discussed by two relevant committees of the municipal council on 1 and 2 October 2018. In both those meetings, M.V., who was the deputy head of the municipal administration, presented the situation to the members of the committees. He noted that the applicant was suspected of bribery, that she had been suspended from duty by the Šiauliai District Court and that the suspension had been extended on several occasions. M.V. stated that the municipal council had the right to remove the applicant from her position for loss of confidence in view of the fact that she had been suspected of having committed criminal offences. He also noted that the school community had expressed its concerns about the situation (see paragraph 12 above), that the absence of a permanent principal was damaging the school, and that, without removing the applicant, it was not possible to appoint an acting principal or to announce a competition to recruit a new one.

15. M.V. further stated that the criminal proceedings against the applicant were likely to last for a long time because the investigation concerned several episodes of bribery, "the crime [had been] continuous and committed over many years or months, and those episodes [were] quite difficult to prove". He also explained that it was proposed that the applicant should be granted severance pay in accordance with the Labour Code (see paragraph 47 below), because it was not the role of the municipality to determine whether she had committed any criminal offences, and that her removal was proposed on the grounds of loss of confidence and not because of any fault on her part. M.V. emphasised that the municipal council had a wide discretion to remove the principal and that the reason for which it had lost confidence in the applicant was the fact that there was an ongoing pre-trial investigation against her, irrespective of whether or not she would eventually be found guilty.

16. On 4 October 2018 the municipal council held a meeting in which it discussed the proposal to remove the applicant from her position. One member of the municipal council suggested that it might be more prudent to postpone that decision until the end of the criminal proceedings. However, M.V. replied that he had information indicating that an indictment was being prepared against the applicant (see paragraph 11 above), which meant that the suspicions against her had been "confirmed at least in some part" and that the investigation was not going to be discontinued. He reiterated that by removing the applicant from her position the municipal council was not determining her guilt but that there were strong arguments in favour of removing her for loss of confidence.

17. Some members of the municipal council were of the view that the school had been able to function properly with the deputy principal in charge and that it would be therefore better to wait for a final decision in the criminal proceedings against the applicant. Other members emphasised that the school community had expressed its frustration with the continuing uncertainty and that a public entity should not remain without a permanent head for a long period of time. A representative of the parents spoke in favour of removing the applicant so that the school could get a permanent principal and become more competitive. The applicant also spoke during the meeting; she defended her record as principal and contended that her proposed removal sought to create a negative opinion of her in the eyes of the community and the courts.

18. The municipal council adopted the decision to remove the applicant from the position of principal on the grounds of loss of confidence. The removal became effective on 5 October 2018 and she was granted severance pay amounting to one month's salary (see paragraphs 46 and 47 below).

III. COURT PROCEEDINGS

A. Proceedings before the Šiauliai District Court

1. The applicant's submissions

19. In November 2018 the applicant lodged a claim with the Šiauliai District Court against the school and the Šiauliai Municipality, asking that her removal be declared unlawful and that she be reinstated as principal and paid compensation in respect of pecuniary and non-pecuniary damage. In January 2019 she provided additional written submissions.

20. She submitted that her removal had not had any legal basis. She argued that whereas private-law entities had a wide discretion to remove a person from his or her position as head, the discretion granted to public-law entities in that sphere was much narrower (she relied on, *inter alia*, the Supreme Court's decision of 5 May 2009 – see paragraph 52 below). She therefore argued that a decision to remove the head of a public-law entity from his or her position needed to be sufficiently reasoned in order to prevent

abuse and discrimination. Moreover, she contended that the head of a public-law entity could not be removed unless such a possibility was explicitly provided for in a relevant legal instrument; in the case of the school, the applicable legislation was the Law on Budgetary Entities (*Biudžetinių įstaigų įstatymas*), which did not provide for removal on the grounds of loss of confidence. She therefore argued that the school's articles of association, which provided for removal on such grounds (see paragraph 13 above), were contrary to that Law and could not be applied.

21. The applicant further submitted that her removal had not been based on adequate reasons. In particular, the removal decision did not specify which of her actions had led the municipal council to lose confidence in her (see paragraph 18 above). In the applicant's view, one reason for her removal might have been the fact that she had informed the municipality about the improper management of the school by the deputy principal and that the deputy principal's negative opinion of the applicant might have influenced the decision to remove her from her position. The applicant submitted that other individuals who had been suspected of similar crimes (see paragraph 5 above) had received more favourable treatment than she had, as they had not been removed from their positions for loss of confidence. The accountant of the school had been dismissed by mutual consent of the parties and been paid severance pay amounting to four times her monthly salary; the principal of a different school remained in that position while a similar criminal case was pending; and the principal of yet another school had been released from criminal liability subject to guarantees. Although the municipality had suggested to the applicant that she might step down as principal on her own initiative or that her employment contract be terminated by mutual consent of the parties, she had not been given enough time to consider those suggestions. The applicant argued that she had been discriminated against because she had informed the municipality about the alleged mismanagement at the school.

22. Lastly, she submitted that it was apparent from the transcripts of the meetings of the municipal committees and the municipal council that she had been removed from her position because of the criminal proceedings pending against her. During one of those meetings the deputy head of the municipal administration had stated that the suspicions against the applicant had been "confirmed at least in some part" (see paragraph 16 above), thereby breaching her right to be presumed innocent.

2. Submissions of the defendants

23. The Šiauliai Municipality disputed the applicant's claim. It contended that her removal from her position had been in accordance with the relevant law. It emphasised that the relationship between the founder of a legal entity and the head of that entity was based on confidence and that loss of confidence was a sufficient reason for removing the head. Moreover, it was evident why the municipal council had lost confidence in the applicant:

during the pre-trial investigation she had been suspended from duty for more than a year and a half and "such measures were applied only where suspicions were serious and well-founded". The municipality stated that it was not presuming the applicant's guilt in the criminal case, but that even if she was not guilty the suspicions against her had a negative effect on the environment in the school and its image. It submitted that it was not necessary for the applicant's guilt to be proved for confidence to be lost and that "actions having characteristics of criminal activity" were sufficient. The municipality further contended that the principal of a public school was subject to higher standards of behaviour and that it was essential for the person occupying that position to be of high moral character.

24. The school also disputed the applicant's claim and submitted that her suspension had created uncertainty among its staff. It noted that the pre-trial investigation against the applicant had been completed and the indictment had been drawn up (see paragraph 11 above); it therefore asked the court to adjourn the civil case until the criminal case against the applicant had been examined.

3. Decision of the Šiauliai District Court

25. On 16 April 2019 the Šiauliai District Court dismissed the applicant's claim.

26. It held that her removal from her position had been in accordance with the law. The municipality was the owner of the school and it had the right to determine the procedure for establishing and terminating employment relations with the principal (see paragraphs 48 and 49 below). When exercising that right the municipal council had acted in accordance with the school's articles of association, which included the possibility for the principal to be either dismissed or removed, and which were in line with Article 104 § 1 of the Labour Code (see paragraph 46 below). The court rejected the applicant's argument that only heads of private-law entities could be removed under that legal provision (see paragraph 20 above), finding that Article 104 of the Labour Code did not make a distinction between entities of different types.

27. Furthermore, the Šiauliai District Court found that, in line with the case-law of the Supreme Court (see paragraphs 53 and 54 below), the municipal council had an absolute and unlimited right to remove the applicant from her position for loss of confidence and that it was not necessary to determine the precise reasons for which confidence in her had been lost. Nonetheless, the court held that the municipal council had had weighty reasons for losing confidence in the applicant and that it had adequately explained its decision in the court proceedings.

B. Proceedings before the Šiauliai Regional Court

1. The applicant's submissions

28. The applicant lodged an appeal against the above-mentioned decision of the Šiauliai District Court. She submitted that, according to the case-law of the Supreme Court, decisions taken by public-law entities had to be based on considerations of the public interest and be sufficiently reasoned; therefore, their discretion to dismiss or remove the head of the entity from his or her position was not absolute.

29. She further submitted that the Šiauliai District Court had not addressed her argument concerning a violation of the presumption of innocence (see paragraph 22 above). She contended that at the meetings of the municipal committees and the municipal council, various members of those bodies had used language implying that she was guilty of the crimes of which she was suspected, such as "the crime [had been] continuous and committed over many years or months" (see paragraph 15 above) or "the suspicions [had been] confirmed at least in some part" (see paragraph 16 above). Moreover, in its reply to her claim, the municipality had stated that measures such as suspension from duty "[were] applied only where suspicions [were] serious and well-founded" (see paragraph 23 above). She also pointed out that various legal instruments establishing the requirement for civil servants to be of high moral character provided that this high moral character was deemed to have been lost if an individual was convicted of certain crimes; by contrast, they did not provide that this was the case when the person concerned was merely suspected of having committed a crime.

30. The applicant further submitted that the first-instance court had not addressed her argument that she had been discriminated against in comparison with other persons suspected of similar crimes because she had informed the municipality about the allegedly improper management of the school (see paragraph 21 above). In addition, some of the other suspects had admitted their guilt, which meant that the applicant, who should be considered innocent until proved guilty, had been treated more harshly than the persons whose guilt had been established. Lastly, the applicant argued that her removal had not been justified by the public interest because the school had been managed by the deputy principal and had functioned properly; moreover, the competition to recruit a new principal had only been announced in May 2019, which demonstrated that there had been no pressing need to remove her.

2. Submissions of the defendants

31. The municipality and the school contested the applicant's appeal. In particular, the municipality stated that the loss of confidence in the applicant had been caused by a combination of the following circumstances: the fact

that she had been suspected of criminal offences; her suspension from duty which had lasted for a year and a half; the fact that the pre-trial investigation had resulted in an indictment against her; concerns expressed by the school community; the applicant's own position, which she had expressed on multiple occasions, that she did not wish to return to work at the school; and the fact that, after receiving a proposal from the municipal administration to terminate her employment contract by mutual consent of the parties, she had failed to give a timely response, thereby implicitly rejecting that proposal.

3. Decision of the Šiauliai Regional Court

32. On 13 August 2019 the Šiauliai Regional Court dismissed the applicant's appeal. It observed that, at the time of her removal from her position, the Labour Code of 2017 had already come into force (see paragraph 18 above and paragraph 45 below). Prior to its enactment, the possibility to remove the head of a legal entity had been provided for in legal instruments regulating certain types of legal entities, whereas the Labour Code had made that possibility generally available. Removal of the person concerned from his or her position was an independent means of terminating the employment relationship with the head of an entity, a procedure which was simpler and more expeditious than dismissal on the various grounds provided for in the Labour Code. Although the possibility to remove the head of a legal entity was not provided for in the other legal instruments cited by the applicant, such as the Law on Budgetary Entities, the court held that the Labour Code had primacy over them. Therefore, her removal from her position had been in accordance with the law.

33. The court also reiterated that the right to remove the head of a legal entity was absolute and not limited by any conditions, and that it was not necessary to determine the precise reasons for which the entity had lost confidence in its head (see paragraphs 53 and 54 below).

34. The Šiauliai Regional Court further held that, where the head of a legal entity was being removed because of a fault on his or her part, the removal decision had to provide reasons demonstrating the existence of fault (see paragraph 55 below). However, where the removal was based on loss of confidence without any fault on the part of the head, as was the case with the applicant, there was no need to provide specific reasons.

35. In the light of the foregoing, the Šiauliai Regional Court concluded that the applicant's arguments relating to the presumption of innocence had no legal significance because she had been removed from her position for loss of confidence, without any fault on her part. Nor were her arguments concerning alleged discrimination of any relevance because the case at hand did not concern the lawfulness of decisions taken in respect of any other persons.

C. Proceedings before the Supreme Court

36. The applicant lodged an appeal on points of law, but on 14 November 2019 the Supreme Court refused to accept it for examination on the grounds that it did not raise any important legal issues.

IV. OTHER RELEVANT FACTS

37. On 15 March 2017, as part of a different pre-trial investigation, the applicant was officially notified that she was suspected of several criminal offences; the suspicions were subsequently revised several times. The suspicions against her included misappropriation of property, forgery of documents, fraudulent management of accounts, abuse of position, and tampering with witnesses. She denied the allegations. On 13 July 2020 the case was referred to the Šiauliai Regional Court for examination. At the time of the submission of the parties' latest observations to the Court (on 13 December 2022), the criminal case was pending before the first-instance court.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. CONSTITUTIONAL AND STATUTORY PROVISIONS

A. The Constitution

38. The relevant provisions of the Constitution read as follows:

Article 29

"All persons shall be equal before the law, the courts, and other State institutions and officials.

Human rights may not be restricted; no one may be granted any privileges on the grounds of gender, race, nationality, language, origin, social status, belief, convictions or views."

Article 31

"A person shall be presumed innocent until proved guilty according to the procedure established by law and declared guilty by a court judgment that has entered into effect.

..."

Article 109

"In the Republic of Lithuania, justice shall be administered only by the courts.

When administering justice, the judges and courts shall be independent.

When considering cases, judges shall obey only the law.

..."

B. Code of Criminal Procedure

39. Under Article 157 § 1 of the Code of Criminal Procedure, when a pre-trial investigation is pending the pre-trial investigation judge may, at the request of the prosecutor, suspend the suspect from duty or temporarily withdraw his or her right to carry out a certain activity if that is necessary for a speedy and objective investigation of criminal activity or in order to prevent the suspect from committing further criminal offences.

40. Under Article 157 § 2, suspension from duty cannot be ordered for more than six months. Where necessary, it may be extended for a further three months. The number of such extensions is unlimited.

41. Under Article 157 § 3, the decision on suspension and its extension may be appealed against before a higher court within seven days. The decision taken by the higher court is final and not subject to any further appeal.

42. Under Article 157 § 5, the suspension must be lifted when it becomes unnecessary.

43. Under Article 176 § 1, the pre-trial investigation must be completed within the shortest possible time; where an investigation concerns crimes of minor or medium seriousness, it must be completed within six months, and where it concerns serious or very serious crimes, it must be completed within nine months (Article 176 §§ 1 (2) and (3)). Under Article 176 § 2, the time-limit for completion of the pre-trial investigation may be extended at the prosecutor's request by a senior prosecutor, in view of the complexity of the case, its large scale or other important circumstances.

44. Under Article 215 § 1, if the pre-trial investigation has not been completed within six months after the suspect's first questioning, the suspect may lodge a complaint with the pre-trial investigation judge concerning the length of the investigation. Under Article 215 § 3, after examining the complaint the judge may dismiss it, order the prosecutor to complete the investigation within a set time-limit or discontinue the investigation.

C. Labour Code

45. The Labour Code applicable at the relevant time was adopted on 14 September 2016 and entered into force on 1 July 2017. It introduced the possibility, which had not existed in the previous Labour Code, to remove the head of a legal entity from his or her position in accordance with the law or that entity's articles of association (see paragraphs 46 and 47 below).

46. Article 104 § 1 of the Labour Code states that, in addition to the grounds for dismissing an employee which are provided in the Labour Code or in other legal instruments, an employment contract with the head of a legal entity may be terminated when the head is removed from his or her position in accordance with the law or with that entity's articles of association.

47. Under Article 104 § 2, where the head of the legal entity who is being removed from his or her position on the grounds indicated in Article 104 § 1 has been employed at that entity for more than two years, he or she is entitled to severance pay amounting to one month's salary, unless the removal was due to a fault on his or her part.

D. Other relevant legal instruments

48. At the material time, Article 16 § 2 (21) of the Law on Local Self-Governance (*Vietos savivaldos įstatymas*) provided that a municipal council had the exclusive authority to appoint and dismiss the heads of municipal educational institutions in accordance with the law.

49. Under Article 4 § 1 of the Law on Budgetary Entities, the municipality is the owner of the entities which are financed from that municipality's budget. Under Article 4 § 3 (2), the owner of an entity has the right to appoint and dismiss the head of that entity. Under Article 6 § 2 (7), an entity's articles of association must lay down, *inter alia*, the procedure for appointing and dismissing its head.

II. DOMESTIC COURTS' PRACTICE

A. Constitutional Court

50. In a ruling of 29 December 2004, the Constitutional Court held as follows:

> "The presumption of innocence set out in Article 31 § 1 of the Constitution is one of the most important guarantees of the implementation of justice in a democratic State. It is a fundamental principle of the implementation of justice in the processing of criminal cases and an important guarantee of human rights and freedoms. A person is considered innocent of a crime until his or her guilt has been proved in accordance with a procedure established by law and he or she has been found guilty by a court judgment that has come into effect. The presumption of innocence is inseparably linked to respect for and the protection of other constitutional human rights and freedoms, as well as acquired rights. It is especially important that State institutions and officials respect the presumption of innocence. It should be noted that public figures should in general refrain from referring to a person as a criminal until that person's guilt in respect of the crime has been proved in accordance with the procedure established by law and he or she has been found guilty by a court judgment that has come into effect. Otherwise, human honour and dignity may be violated and human rights and freedoms may be undermined."

51. In a ruling of 22 December 2021 which concerned legislative provisions allowing the suspension of civil servants from duty while criminal proceedings against them were pending, the Constitutional Court held as follows:

> "17. It must be noted that ... the legislature, when regulating relations in the civil service and pursuing the constitutionally justified aim of ensuring the trustworthiness

> of civil servants, the authority of the institutions in which they work and of the civil service as a whole, as well as public confidence in the civil service, may establish a reputational requirement [for civil servants], namely not to be suspected or accused of having committed certain criminal offences, and may provide for the suspension from duty of those who do not meet that requirement. When establishing such a requirement, the constitutional principle of proportionality must be respected, meaning, *inter alia*, that such a measure ought to be applied having the greatest possible regard to the individual situation of each civil servant and to all the relevant circumstances, including the importance of his or her role in the civil service, the characteristics of his or her functions, the responsibilities bestowed upon him or her, and the possibility of transferring him or her to a different position.
>
> In accordance with the Constitution, ... the legislature has the discretion to establish legal regulations to the effect that a civil servant who has been suspended does not receive his or her salary for a certain reasonable period of time during the suspension period. On the other hand, suspension from duty ... cannot become a punishment for the criminal offence of which [the civil servant in question] is suspected or accused."

B. Supreme Court

52. In a decision of 5 May 2009 in case no. 3K-7-161/2009, the Supreme Court held that, unlike private companies, which had an absolute and unlimited right to remove the head of the company, public-law entities did not have such a right. It observed that the relationship between a public-law entity and its head was not analogous to that between a private company and its head, in view of the fact that public-law entities acted in pursuit of the public interest and did not seek to obtain profit.

53. In contrast to that decision of 5 May 2009 (see paragraph 52 above), in a decision of 26 September 2016, in case no. e3K-3-384-684/2016, the Supreme Court held that the person or body which had appointed the head of a public-law entity had an absolute and unlimited right to remove him or her from that position. The absolute nature of that right stemmed from the importance of the role of the head of such an entity and the confidence-based nature of the relationship between the entity and its head. Moreover, the right to remove the head from his or her position was not limited by any conditions or circumstances and did not depend on the presence or absence of any fault on his or her part, because only then could that right be used effectively, in the interests of the entity in question, after the latter had lost confidence in its head. The Supreme Court confirmed that conclusion in several subsequent decisions, including a decision of 23 November 2016 in case no. e3K-3-473-248/2016, a decision of 3 August 2017 in case no. 3K-3-326-684/2017, a decision of 5 October 2018 in case no. e3K-3-258-313/2018, and a decision of 23 November 2018 in case no. e3K-3-477-248/2018.

54. In a decision of 5 October 2018 in case no. e3K-3-258-313/2018, the Supreme Court stated that, as a general rule, in order for the owner of a public-law entity to remove its head from his or her position, it was not

necessary to identify specific reasons why it had lost confidence in him or her, since what mattered was the very fact that confidence had been lost.

55. In a decision of 23 November 2018, in case no. e3K-3-477-248/2018, the Supreme Court held that, under Article 104 of the Labour Code, the removal of the head of a legal entity from his or her position did not have to be based on any fault on his or her part. However, the existence of fault was important when deciding on the guarantees to be granted to the head following his or her removal, as stated in Article 104 § 2 (see paragraph 47 above). When the head of a legal entity was removed from his or her position because of a fault on his or her part, the person or body which decided on the removal bore the burden of proving the existence of that fault.

THE LAW

I. SCOPE OF THE CASE

56. The Court notes that in her reply to the Government's observations the applicant made submissions concerning the lawfulness of her suspension from duty and the fairness and length of the criminal proceedings against her. Those complaints were not included in the application form and notice of them was not, therefore, given to the Government. In her observations the applicant did not indicate whether she intended to raise those grievances as new complaints under the Convention, nor did she provide any documents showing that she had raised them before the relevant domestic authorities (with regard to the length of criminal proceedings, see paragraphs 43 and 44 above and, *mutatis mutandis*, *Savickas and Others v. Lithuania* (dec.), nos. 66365/09 and 5 others, §§ 86-88, 15 October 2013).

57. Accordingly, the Court considers that those complaints do not fall within the scope of the present application and that it therefore cannot examine them (see *Alexandru Enache v. Romania*, no. 16986/12, § 35, 3 October 2017, and *N. v. Romania*, no. 59152/08, § 110, 28 November 2017).

II. ALLEGED VIOLATION OF ARTICLE 6 § 2 OF THE CONVENTION

58. The applicant complained that her removal from her position while the criminal proceedings against her were pending was incompatible with the presumption of innocence guaranteed under Article 6 § 2 of the Convention, which provides:

> "Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."

A. Admissibility

1. The parties' submissions

59. The Government submitted that the applicant had failed to exhaust the effective domestic remedies. If she considered that any of the statements made in the proceedings concerning her removal from her position had breached her right to be presumed innocent, she should have brought civil proceedings for defamation or claimed compensation from the State for the alleged unlawful actions of its officials.

60. The applicant disputed the Government's submissions. She contended that two distinct remedies could be used in order to rectify a violation of the presumption of innocence. The first of those remedies was the full enforcement of the right to be presumed innocent, which she had sought in the proceedings against her removal from her position. The second remedy was the one proposed by the Government, namely an award of monetary compensation, after the first remedy had failed. She submitted that she had exhausted one of those two remedies and that exhausting the other one had therefore not been required. In any event, after the domestic courts had found her removal from her position to be lawful, any subsequent claim for damages would not have had any prospects of success.

2. The Court's assessment

61. The Court reiterates that if there are a number of domestic remedies which an individual can pursue, that person is entitled to choose a remedy which addresses his or her essential grievance. In other words, when a remedy has been pursued, the use of another remedy which has essentially the same objective is not required (see *O'Keeffe v. Ireland* [GC], no. 35810/09, § 109, ECHR 2014 (extracts), and the cases cited therein).

62. In the present case, the applicant instituted civil proceedings against the Šiauliai Municipality and the school, in which she argued that her removal from her position had breached her right to be presumed innocent (see paragraphs 22 and 29 above). She asked the courts to find her removal unlawful and award her compensation in respect of pecuniary and non-pecuniary damage (see paragraph 19 above). Accordingly, the Court is satisfied that she properly raised her complaint before the domestic courts and that she was not required to pursue any further remedies. The Government's objection on non-exhaustion of domestic remedies is therefore rejected.

63. The Court further 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

64. The applicant submitted that some members of the Šiauliai Municipality had treated her as though she were guilty of the criminal offences of which she had been suspected. The criminal proceedings pending against her had been at the centre of the discussions in the various municipal bodies and the language used during those discussions had implied that she had committed crimes (see paragraphs 15 and 16 above). Even assuming, as argued by the Government, that the impugned statements had not been intended "to encourage the public to believe that the applicant had committed any crimes" (see paragraph 68 below), they had clearly encouraged the members of the municipal council, who had the authority to decide on her removal from her position, to believe so. Moreover, during the proceedings before the courts the municipality had made further statements which had implied her guilt (see paragraph 23 above).

65. She also contended that the discretion granted by the Labour Code to public-law entities to remove the head of the entity from his or her position was not unlimited and that, according to the case-law of the Supreme Court, that discretion had to be used in the public interest and decisions had to be sufficiently reasoned. Moreover, that discretion should not be abused to the detriment of the guarantees enjoyed by suspects in criminal proceedings, including the presumption of innocence. That was particularly important in the case of public-law entities whose decisions were liable to be influenced by various political motives. The applicant contended that if it was permitted to remove the head of a public-law entity from his or her position for the sole reason that criminal proceedings had been instituted against him or her, that would put persons belonging to that category under pressure to accept plea bargains, thereby incriminating themselves in exchange for more favourable treatment. It would also enable employers to put such employees under pressure to accept the termination of their employment contracts under less advantageous terms.

66. The applicant acknowledged that the suspension from duty of the head of a legal entity caused a certain amount of inconvenience, especially if the suspension was lengthy. However, she contended that the person who had been suspended should not be punished for delays in criminal proceedings owing to the authorities' failure to act promptly.

67. Lastly, she submitted that there had been no pressing need to remove her from her position because during her suspension the school had been managed properly by the deputy principal and because the concerns expressed by the school community had in fact reflected the opinion of only a few members of that community.

(b) The Government

68. The Government submitted that the proceedings regarding the applicant's removal from her position had not included any assessment of the actions which were being investigated in the criminal proceedings. The court decisions concerning her removal did not contain any premature assessment of the applicant's guilt or any language which could be seen as reflecting an opinion that she was guilty of any criminal offences. Moreover, during the meetings held in the municipal bodies, it had been repeatedly emphasised that the proposed removal was not related to the determination of the applicant's guilt (see paragraphs 15 and 16 above). While admitting that "some of the statements could have been worded more carefully", the Government contended that, in substance, none of the statements made during the meetings could be construed in such a way as to encourage the public to believe that the applicant had committed any crimes.

69. They further submitted that the decisions taken by the courts in the applicant's case had been in line with the well-established domestic case-law, according to which the founder of a legal entity had an absolute and unlimited right to remove the head of that entity from his or her position, irrespective of whether the head had committed any fault (see paragraph 53 above). The absolute nature of that right was determined by the nature of the relationship between an entity and its head, which had to be based on confidence; moreover, the head had a greater degree of responsibility *vis-à-vis* the entity than an ordinary employee.

70. Moreover, the Government submitted that the applicant had been removed from her position not because of any fault on her part but because the municipal council considered that it had lost confidence in her. The said loss of confidence had resulted from her lengthy suspension from duty during the criminal proceedings; during her suspension, she had been unable to carry out her duties, and that had caused frustration in the school community (see paragraph 12 above). Thus, there had been sufficient and valid grounds for the municipal council to lose confidence in the applicant's ability to stay on as the school's principal.

71. Lastly, the Government contended that a person's removal from his or her position on the grounds of loss of confidence should not be equated to a violation of the presumption of innocence. The possibility of such removal was confined to a narrow range of persons, namely the heads of legal entities. The Government argued that without such a possibility, public officials suspected of corruption would remain in their positions during the criminal proceedings; this would be incompatible with the particularly high moral standards to which such officials were subject and would moreover cause irreparable harm to the public's trust in public authorities.

2. The Court's assessment

(a) General principles

72. The Court reiterates that the presumption of innocence enshrined in paragraph 2 of Article 6 is one of the elements of a fair criminal trial that is required by paragraph 1 (see, among many other authorities, *Deweer v. Belgium*, 27 February 1980, § 56, Series A no. 35; *Allenet de Ribemont v. France*, 10 February 1995, § 35, Series A no. 308; and *Natsvlishvili and Togonidze v. Georgia*, no. 9043/05, § 103, ECHR 2014 (extracts)). Article 6 § 2 prohibits the premature expression by the tribunal of the opinion that the person "charged with a criminal offence" is guilty before he or she has been so proved according to law (see, among many other authorities, *Minelli v. Switzerland*, 25 March 1983, § 37, Series A no. 62, and *Peša v. Croatia*, no. 40523/08, § 138, 8 April 2010). It also covers statements made by other public officials about pending criminal investigations which encourage the public to believe the suspect guilty and prejudge the assessment of the facts by the competent judicial authority (see *Allenet de Ribemont*, cited above, § 41; *Daktaras v. Lithuania*, no. 42095/98, §§ 41-43, ECHR 2000-X; and *Butkevičius v. Lithuania*, no. 48297/99, § 49, ECHR 2002-II (extracts)).

73. The Court further reiterates that a fundamental distinction must be made between a statement that someone is merely suspected of having committed a crime and a clear declaration, in the absence of a final conviction, that an individual has committed the crime in question. In this connection the Court has emphasised the importance of the choice of words by public officials in their statements before a person has been tried and found guilty of a particular criminal offence (see *Daktaras*, cited above, § 41; *Böhmer v. Germany*, no. 37568/97, § 56, 3 October 2002; and *Khuzhin and Others v. Russia*, no. 13470/02, § 94, 23 October 2008). While the use of language is of critical importance in this respect, the Court has further pointed out that whether a statement of a public official is in breach of the principle of the presumption of innocence must be determined in the context of the particular circumstances in which the impugned statement was made (see *Daktaras*, cited above, § 43; *A.L. v. Germany*, no. 72758/01, § 31, 28 April 2005; and *Paulikas v. Lithuania*, no. 57435/09, § 55, 24 January 2017). When regard is had to the nature and context of the particular proceedings, even the use of some unfortunate language may not be decisive. The Court's case-law provides some examples of instances where no violation of Article 6 § 2 has been found even though the language used by domestic authorities and courts was criticised (see *Allen v. the United Kingdom* [GC], no. 25424/09, § 126, ECHR 2013, and the cases cited therein).

74. Moreover, the Court reiterates that the principle of the presumption of innocence is not limited to a procedural safeguard in criminal matters: its scope is broader and requires that no representative of the State should say

that a person is guilty of an offence before his or her guilt has been established by a court (see *Konstas v. Greece*, no. 53466/07, § 32, 24 May 2011). In that connection the presumption of innocence may be infringed not only in the context of a criminal trial, but also in separate civil, disciplinary or other proceedings that are conducted simultaneously with the criminal proceedings (see *Urat v. Turkey*, nos. 53561/09 and 13952/11, § 42, 27 November 2018).

(b) Application of the above principles in the present case

75. Turning to the present case, the Court observes that in March 2017 two sets of criminal proceedings were instituted against the applicant on suspicion that she had committed various criminal offences relating to her position as the principal of the school, and that they were pending at the time when the decision to remove her from her position was taken (see paragraphs 5, 11 and 37 above). Therefore, at the relevant time she was "charged with a criminal offence" within the meaning of Article 6 of the Convention.

76. The applicant was removed from her position by the decision of the Šiauliai Municipal Council on the grounds of loss of confidence under Article 104 of the Labour Code (see paragraph 18 above). Having regard to the discussions held by various municipal bodies which led to the adoption of that decision and the submissions made by the municipality and the school in the domestic court proceedings (see paragraphs 14-16, 23, 24 and 31 above), the Court finds it established that the reason for which the municipal council considered that it had lost confidence in the applicant was the fact that criminal proceedings were pending against her and that she had been suspended from duty pending those proceedings at the request of the prosecutor. Therefore, there was a link between the criminal proceedings and the civil proceedings concerning her removal from her position, which justifies the extension of the scope of the presumption of innocence to cover the latter (see, *mutatis mutandis*, *Hrdalo v. Croatia*, no. 23272/07, § 53, 27 September 2011).

77. In that regard, the Court reiterates that the Convention does not preclude that an act may give rise to both criminal and disciplinary proceedings, or that two sets of proceedings may be pursued in parallel. It has held in that connection that the imposition of civil or other forms of liability on the basis of a less strict burden of proof in parallel proceedings is not incompatible *per se* with the presumption of innocence. Moreover, the guarantees of Article 6 § 2 of the Convention should not be read in a manner that implies an obligation on the part of States to stay disciplinary proceedings pending the outcome of the criminal trial (see *Kemal Coşkun v. Turkey*, no. 45028/07, § 52, 28 March 2017, and the cases cited therein).

78. The Court observes that, in the present case, neither the municipal authorities nor the courts which examined the lawfulness of the applicant's removal from her position assessed the substance of any allegations against

her or sought to establish whether she had committed any of the acts of which she was accused in the criminal cases (compare and contrast *Kemal Coşkun*, cited above, § 53). Instead, the reason for her removal was the very fact that criminal proceedings against her were pending and that she had been suspended from duty (compare *Hrdalo*, cited above, § 55).

79. The courts which examined the applicant's case held that Article 104 of the Labour Code, which had been the legal basis for her removal from her position, granted an absolute and unlimited discretion to legal entities to remove the head of the entity (see paragraphs 27, 33 and 34 above); in that connection they relied on the case-law of the Supreme Court (see paragraphs 53 and 54 above). The applicant argued that the Supreme Court's case-law imposed limits on that discretion with regard to public-law entities (see paragraph 65 above). However, the Court reiterates that it is not its task to take the place of the domestic courts and that it is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 186, 6 November 2018, and the cases cited therein). It notes that the applicant raised those same arguments before the domestic courts, which dismissed them in decisions that cannot be considered arbitrary or manifestly unreasonable, and the Court has no reason to substitute its own assessment for that of the domestic courts.

80. The applicant also submitted that the above-mentioned unlimited discretion was open to abuse and that public-law entities in particular should not be allowed to remove the head of the entity from his or her position for the sole reason that criminal proceedings were pending against him or her (see paragraph 65 above). In that regard, the Court takes note of the reasons provided by the domestic courts and by the Government in the present case, by which they sought to justify the absolute nature of a legal entity's right to remove the head of the entity from his or her position. In particular, the Supreme Court held on several occasions that the absolute nature of that right stemmed from the importance of the role of the head of such an entity and the confidence-based nature of the relationship between that person and the entity (see paragraph 53 above). Moreover, according to the Government's submissions in the present case, the heads of public-law entities are subject to particularly high moral standards in order to maintain the public's confidence in such entities (see paragraph 71 above). The Court also takes note of a similar position adopted by the Lithuanian Constitutional Court with regard to civil servants (see paragraph 51 above).

81. In any event, the Court considers that it is not its role to determine the grounds on which legal entities should be allowed to dismiss or remove the head of the entity or the extent of the discretion which they should have when doing so. Moreover, it reiterates that the Convention does not provide for the institution of an *actio popularis* and that the Court's task is not normally to review the relevant law and practice *in abstracto*, but to determine whether

the manner in which they were applied to, or affected, the applicant gave rise to a violation of the Convention (see, among many other authorities, *Roman Zakharov v. Russia* [GC], no. 47143/06, § 164, ECHR 2015).

82. Accordingly, the Court is unable to find that the fact that the applicant was removed from her position on the grounds of loss of confidence while criminal proceedings against her were pending was in and of itself incompatible with the principle of the presumption of innocence.

83. Instead, the issue before the Court is whether in the proceedings concerning the applicant's removal from her position the domestic authorities by their conduct, the reasons they gave for their decisions or the language they used in their reasoning, cast doubt on her innocence and thus undermined the principle of the presumption of innocence as guaranteed by Article 6 § 2 of the Convention (see *Vassilios Stavropoulos v. Greece*, no. 35522/04, § 37, 27 September 2007, and *Teodor v. Romania*, no. 46878/06, § 40, 4 June 2013).

84. The applicant contended that the language used during the meetings of the various municipal bodies and in the municipality's submissions in the domestic court proceedings showed that the authorities did in fact treat her as guilty (see paragraph 64 above). The Court acknowledges that some of that language was not beyond reproach. In particular, during the meeting of the municipal council it was stated that the fact that an indictment was being prepared against the applicant meant that the suspicions against her had been "confirmed at least in some part" (see paragraph 16 above). Moreover, in its written submissions to the Šiauliai District Court, the municipality alleged that measures such as suspension from duty "were applied only where suspicions were serious and well-founded" (see paragraph 23 above). The Court emphasises that the municipal authorities should have exercised particular caution in their choice of words (see, *mutatis mutandis*, *Paulikas*, cited above, § 55).

85. At the same time, the Court reiterates that each statement must be seen in the context of the particular circumstances in which it was made (see the relevant general principles cited in paragraph 73 above). It observes that in all the meetings of the municipal committees and the municipal council, it was repeatedly stated that those bodies were not seeking to establish that the applicant was guilty of any criminal offence and that that could only be done by the courts examining the criminal case (see paragraphs 14-17 above). Moreover, the decision to remove her from her position was not based on any fault on her part, as it included severance pay (see paragraphs 18, 46 and 47 above), and in the domestic proceedings the defendants did not, in substance, allege that the applicant had committed any of the acts of which she was suspected. Accordingly, the Court is unable to find that any of the impugned statements, when read in the context in which they were made, showed that the municipal authorities treated the applicant as though she were guilty.

86. The foregoing considerations are sufficient to enable the Court to conclude that the decision to remove the applicant from her position as principal of a public school while criminal proceedings against her were pending did not undermine the principle of the presumption of innocence (see, *mutatis mutandis*, *Hrdalo*, cited above, § 55).

87. The applicant raised various other arguments as to why, in her view, her removal from her position had been unjustified or unnecessary (see paragraph 67 above). However, the Court considers that they have no bearing on the question of whether her right to be presumed innocent was respected and therefore considers that it is not necessary to address them.

88. There has accordingly been no violation of Article 6 § 2 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 14 OF THE CONVENTION TAKEN IN CONJUNCTION WITH ARTICLE 6 § 2

89. The applicant complained that she had been treated less favourably than the other suspects in the criminal proceedings and that the difference in treatment had amounted to discrimination. She relied on Article 14 of the Convention taken in conjunction with Article 6 § 2.

Article 14 of the Convention 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."

Admissibility

1. The parties' submissions

90. In her initial application form, the applicant submitted that she had been treated differently from the other suspects in the criminal proceedings, namely the accountant of the same school and the principals of two different schools, since they had not been removed from their positions (see paragraph 21 above). She argued that the difference in treatment had been based on the national origin of her husband, who was Armenian. The applicant contended that she had been a victim of discrimination by association.

91. In her later written observations, the applicant acknowledged that she had not exhausted domestic remedies with respect to the complaint concerning alleged discrimination on account of her husband's national origin and stated that she was no longer pursuing that complaint. However, she submitted that she had "consistently claimed that she [had been] discriminated against throughout both the civil and criminal proceedings, without identifying [a] specific ground" and that in the domestic proceedings

she had complained about "general procedural discrimination and unfair procedural treatment". She submitted that the grounds of the discrimination were unknown to her but that it might have been connected to her refusal to confess to the alleged offences.

92. The Government submitted that the applicant had not exhausted the effective domestic remedies with respect to the complaint concerning alleged discrimination on the grounds of her husband's national origin because she had not raised it before the domestic courts. They also submitted that the applicant had not been in a relevantly similar situation to the other suspects because they had not been suspended from duty by the prosecutor during the criminal proceedings.

2. The Court's assessment

(a) Alleged discrimination on the grounds of the national origin of the applicant's husband

93. The Court reiterates that Article 35 § 1 of the Convention requires that complaints intended to be made subsequently in Strasbourg should have been made to the appropriate domestic body, at least in substance (see *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, § 72, 25 March 2014).

94. In the present case, the applicant did not raise the issue of alleged discrimination on the grounds of her husband's national origin either explicitly or in substance before the domestic courts (see paragraphs 19-22, 29 and 30 above). Accordingly, she has failed to exhaust domestic remedies with regard to this complaint. The Court therefore declares it inadmissible under Article 35 §§ 1 and 4 of the Convention.

(b) Alleged discrimination on other grounds

95. The Court reiterates that in order for an issue to arise under Article 14 of the Convention, there must be a difference in treatment of persons in analogous or relevantly similar situations (see, among many other authorities, *Fábián v. Hungary* [GC], no. 78117/13, § 113, 5 September 2017; *Khamtokhu and Aksenchik v. Russia* [GC], nos. 60367/08 and 961/11, § 64, 24 January 2017; and *Konstantin Markin v. Russia* [GC], no. 30078/06, § 125, ECHR 2012 (extracts)). The national authorities, and particularly the domestic courts, are in principle best placed to assess, on the basis of the information provided by the appellant and other evidence submitted by the parties in the context of adversarial proceedings in the case, whether or not several persons or several categories of persons are in such situations (see the *Advisory opinion on the difference in treatment between landowners' 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).

96. Moreover, not every difference in treatment will amount to a violation of Article 14. The Court has established in its case-law that only differences in treatment based on an identifiable characteristic, or "status", are capable of amounting to discrimination within the meaning of Article 14 (see *Fábián*, cited above, § 113, and the cases cited therein).

97. In the present case, the applicant argued that she had been treated differently to other suspects in the same criminal proceedings because she had not admitted her guilt. However, the Court finds that she did not properly substantiate, either in the domestic proceedings or in her submissions before the Court, that she was in an analogous or relevantly similar situations to any other persons or that any alleged difference in treatment had been based on an identifiable characteristic, or "status", within the meaning of Article 14 of the Convention (see paragraphs 21 and 30 above and, *mutatis mutandis*, *Aliyeva and Others v. Azerbaijan*, nos. 66249/16 and 6 others, § 141, 21 September 2021).

98. It follows that this complaint must be rejected as manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

IV. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

99. The applicant complained that the domestic courts had not adequately addressed her arguments concerning the alleged violation of the presumption of innocence and the alleged discrimination. She relied on Article 6 §§ 1 and 2 of the Convention.

100. The Court reiterates that the extent to which the duty of the courts to give reasons applies may vary according to the nature of the decision and must be determined in the light of the circumstances of the case (see, among many other authorities, *García Ruiz v. Spain* [GC], no. 30544/96, § 26, ECHR 1999-I).

101. In the present case, whereas the Šiauliai District Court did not in any way address the aforementioned arguments raised by the applicant (see paragraphs 25-27 above), that was remedied by the Šiauliai Regional Court: the latter court addressed those arguments and held that they were of no legal significance to the case (see paragraph 35 above). Having regard to the fact that the applicant was removed from her position under a legislative provision which granted a wide discretion to the municipal authorities and that the decision to remove her was not based on any fault on her part (see paragraphs 18 and 47 above), the Court is of the view that the brief reasoning given by the Šiauliai Regional Court when dismissing her arguments regarding the alleged violation of the presumption of innocence as being of no legal significance to the case can be considered adequate in the circumstances. Moreover, having regard to the applicant's failure to properly

substantiate her discrimination complaint (see paragraph 97 above), the Court finds that the domestic court cannot be reproached for dismissing it in a summary manner.

102. It follows that this complaint must be rejected as manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 2 of the Convention concerning the presumption of innocence admissible and the remainder of the application inadmissible;

2. *Holds* that there has been no violation of Article 6 § 2 of the Convention.

Done in English, and notified in writing on 27 June 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Arnfinn Bårdsen President