

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

SECOND SECTION

DECISION

Application no. 4455/22
Leonidas SAKALAUSKAS
against Lithuania

The European Court of Human Rights (Second Section), sitting on 30 June 2026 as a Committee composed of:

Jovan Ilievski, *President*,
Péter Paczolay,
Juha Lavapuro, *judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 4455/22) 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") on 24 December 2021 by a Lithuanian national, Mr Leonidas Sakalauskas ("the applicant"), who was born in 1947, lives in Vilnius and was represented by Mr A. Žilvinskas, a lawyer practising in Vilnius;

the decision to give notice of the complaints concerning Article 8 of the Convention, taken alone and in conjunction with Article 14, to the Lithuanian Government ("the Government"), represented by their Agent, Ms K. Bubnytė-Širmenė, and to declare the remainder of the application inadmissible;

the parties' observations;

the withdrawal of Mr Gediminas Sagatys, the judge elected in respect of Lithuania, from sitting in the case (Rule 28 § 3 of the Rules of Court);

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's complaint that his dismissal from his academic post at a university had been in breach of his right to respect for his private life, and also amounted to discrimination on account of his age.

A. Background to the case

1. The applicant's academic tenure

2. The applicant was born in 1947.

3. In 1974 he started working at the Institute of Mathematics and Physics in Vilnius, which was later reorganised into the Institute of Mathematics and Informatics. He began as a scientific researcher, becoming a senior scientific researcher on 2 January 2003.

4. In 2008 the applicant was successful in a competitive examination, and he was appointed as principal scientific researcher until 31 May 2013, the year when the contract was extended for the summer months of 2013. During that time, the Institute of Mathematics and Informatics was reorganised, becoming part of Vilnius University in 2010, and the applicant pursued his employment relationship with the university.

5. On 23 February 2012 the applicant turned 65. The Statute of Vilnius University provided that upon the age of 65, lecturers or scientists could continue working at the university, on condition that the university Senate entered into a fixed-term contract with them for up to three years, and that such a contract could be extended only once. On that basis, the applicant's contract of employment with the university was extended twice, namely in June 2013 and August 2016, enabling the applicant to work at the university until 31 August 2018, the day on which the applicant's fixed-term employment at the university was terminated.

2. The applicant's subsequent work on a project

6. On 5 March 2018 the applicant entered into an agreement, whereby he continued working at Vilnius University as a scientist engaged under a contract for project work; the agreement was later extended and covered the period until 31 December 2019.

B. Civil proceedings and proceedings in the Constitutional Court

1. Proceedings in the Vilnius City District Court

7. In 2018 the applicant instituted civil proceedings, requesting to have his employment relationship recognised as open-ended, have his dismissal declared unlawful, be reinstated to his post and be awarded a standard working salary. He alleged that he had been dismissed on discriminatory grounds, specifically because of his age rather than for lack of appropriate professional qualifications.

8. On 22 February 2019 the Vilnius City District Court dismissed the applicant's claim. The court noted that as of 1990 the Statute of Vilnius University provided that lecturers and scientists could work until the age of 65. It pointed out, in accordance with Article 15 §§ 4 and 9 of the Statute

of Vilnius University, that the university had exhausted all possibilities to extend the employment relationship with the applicant beyond the age of 65 and that it had not infringed any relevant legal provisions in deciding whether it was possible for the applicant to continue working at the university. It was noteworthy that general retirement age was even lower than 65 years, and, on the facts of the case, there were no grounds to hold that the applicant had been discriminated.

2. *Proceedings in the Vilnius Regional Court and the Constitutional Court*

9. The applicant appealed against the decision of the Vilnius City District Court of 22 February 2019, arguing that it had confirmed that he had been dismissed on the grounds of his age, and that neither his state of health nor his professional abilities had played a role in the adoption of such a decision. He also asked for the question of the constitutionality of Article 15 §§ 4 and 9 of the Statute of Vilnius University to be referred to the Constitutional Court.

10. On 27 June 2019 the Vilnius Regional Court suspended the examination of the case and asked the Constitutional Court whether the legal regulation based on Article 15 § 9 of the Statute of Vilnius University, which provided that employment could not be extended beyond the age of 65, irrespective of whether that age raised an issue in terms of the professional abilities of the person, was discriminatory.

11. By a ruling of 12 February 2021, the Constitutional Court held that Article 15 § 9 of the Statute of Vilnius University was consistent with other relevant provisions of the Statute, whereby the employment relationship of lecturers and researchers aged 65 years and over could be extended on an exceptional basis. It held that setting the age limit at 65 years, until which scientists or lecturers could normally work at Vilnius University – one of the oldest and most renowned universities in central and eastern Europe – should be considered a necessary and proportionate measure to achieve the constitutionally important objective of ensuring quality in higher education. Under the Constitution, higher education institutions enjoy academic autonomy, including in the policy regarding the employment of scientists and lecturers, and the age limit served to secure a consistent and optimal turnover of scientists and lecturers in order to encourage younger qualified scientists and lecturers to seek employment at Vilnius University. It was applicable to all lecturers or researchers at Vilnius University who reached that age. Moreover, that age limit was not lower than the one set out in the Law on Social Insurance Pensions. On the basis of such arguments, the Constitutional Court held that Article 15 § 9 of the Statute of Vilnius University – in so far as it set an age limit, beyond which lecturers or researchers could work at the university only by way of exception – could not be considered discriminatory on the basis of age from the standpoint of Article 29 of the Constitution.

12. In reaching that decision, the Constitutional Court emphasised the relevance of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. The Constitutional Court also relied on the relevant case-law of the Court of Justice of the European Union, namely its judgment of 18 November 2010 in *Georgiev* (Joined Cases C-250/09 and C-268/09, EU:C:2010:699), paragraphs 50 and 52 of which state:

> "50. ... it must be borne in mind that the Member States enjoy broad discretion in their choice, not only to pursue a particular aim in the field of social and employment policy, but also in the definition of measures capable of achieving it ...
>
> 52. ... In so far as the posts for university professors are, in general, of a limited number and open only to people who have attained the highest qualifications in the field concerned, and since a vacant post has to be available for a professor to be appointed, the Court [of Justice of the European Union] takes the view that a Member State may consider it appropriate to set an age limit to achieve aims of employment policy ..."

13. The Constitutional Court pointed out that Article 20 §§ 1-4 of the Statute set out the conditions for professors and other staff who had reached retirement age to continue their scientific, pedagogical and creative relations after the expiry of their contract of employment with Vilnius University (see also paragraph 16 below).

14. The Constitutional Court however held that Article 15 § 9 of the Statute did not indicate any criteria known in advance according to which a decision could be reached to renew a contract of employment after the age of 65, thus rendering that provision unconstitutional.

15. On 1 April 2021 the Vilnius Regional Court referred to the Constitutional Court's findings and dismissed the applicant's arguments, namely that since the Constitutional Court had declared Article 15 § 9 of the Statute of Vilnius University – on the basis of which his contract had ended – unconstitutional, there was no legal basis for his dismissal. The court noted that, pursuant to the Law on Science and Studies, as of 2003 (see paragraph 3 above) his employment relationship could not have been open-ended. The court also pointed out that in June 2013 and June 2016 the Senate had twice applied an exception in the applicant's case and had renewed his contracts. Accordingly, the last part of the Constitutional Court's ruling had been irrelevant to the applicant's complaint. Rather, the applicant had challenged the termination of his contract in so far as the Statute of Vilnius University laid down an age limit of 65 years, above which lecturers and professors could work at Vilnius University only on an exceptional basis, and had sought an indefinite employment relationship. The court held that the conclusion of the Constitutional Court was relevant to the present case in that the provision of Article 15 § 9 of the Statute of Vilnius University – in so far as it established an age limit of 65 years, above which lecturers and professors were only permitted to work at Vilnius University on an exceptional basis – was not in

breach of the prohibition of discrimination on the grounds of age enshrined in Article 29 of the Constitution.

16. The Vilnius Regional Court noted that, under Article 20 § 3 of the Statute of Vilnius University, a long-time university lecturer who had reached pension age could be granted the honorary title of affiliated scientist and consequently maintain scientific and pedagogical relations with the university. Such a title had been granted to the applicant on 19 December 2017, thus the applicant could maintain links with the university and pursue his scientific goals. All these arguments constituted grounds for dismissing the applicant's civil claim.

3. Proceedings in the Supreme Court

17. On 19 May and 17 August 2021 the Supreme Court declined to hear the applicant's appeals on points of law, as they did not raise any important legal issues.

THE COURT'S ASSESSMENT

Alleged violation of Article 8 of the Convention, taken alone and in conjunction with Article 14

18. The applicant, referring to Articles 8 and 14 of the Convention, complained that he was facing a lifelong ban on being employed as a researcher, science having been the devotion and meaning of his life for decades. The applicant considered that, following the Constitutional Court's ruling, there was no domestic provision in force which could justify his dismissal. Lastly, he argued that he had been removed from his occupation without just cause, and solely because of his age.

19. Bearing in mind that the Court is the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 110-26, 20 March 2018) and having regard to the nature of the applicant's complaints, the Court considers that, firstly, his complaints ought to be examined under Article 8 alone.

20. The Government observed that the present case related to age limits in the field of employment and did not contest that the applicant's dismissal on those grounds and the related consequences reached the threshold of severity for an issue to be raised under Article 8. The Court sees no reason to hold otherwise (see for the relevant principles in that regard *Denisov v. Ukraine* [GC], no. 76639/11, §§ 100, 107 and 114, 25 September 2018), in particular given that the applicant's entire professional life had been associated with academia and the termination of his contract was only due to his reaching the age of 65. Therefore, the Court finds that the refusal to declare the applicant's employment open ended, which resulted in the termination of the applicant's contract, entailed an interference with the

applicant's right to respect for his private life within the meaning of Article 8 § 1 of the Convention.

21. It remains to be seen whether that interference was justified under the second paragraph of that provision, that having been contested by the applicant.

22. As concerns the requirement that the interference be in accordance with the law, the Vilnius Regional Court assessed the legal effect of the Constitutional Court's ruling on the claim brought by the applicant and held that the refusal to declare the applicant's employment open ended and the resulting termination of his contract, upon reaching 65 years of age, had had a legal basis since the part of the relevant domestic provision that had been declared unconstitutional was irrelevant to his claim. In view of the foregoing and in the light of the Vilnius Regional Court's reasoning (see *Kopp v. Switzerland*, 25 March 1998, § 59 *in limine*, *Reports of Judgments and Decisions* 1998-II, and *Kruslin v. France*, 24 April 1990, § 29, Series A no. 176-A), the Court finds that the interference complained of was "in accordance with the law".

23. The Court also accepts that such a provision pursued the legitimate aim of protection of the rights and freedoms of others, in particular, the age limit served to ensure a consistent and optimal turnover in scientists and lecturers in order to encourage younger qualified scientists and lecturers to take up employment at Vilnius University and thus ensuring the quality of education. Therefore, the central debate of the present dispute is the necessity of the interference (see for the relevant general principles in this regard *Vavřička and Others v. the Czech Republic* [GC], nos. 47621/13 and 5 others, § 273, 8 April 2021).

24. The present dispute relates to the employment of university lecturers and researchers. The Court has already observed that education is a very particular type of public service, which not only directly benefits those using it but also serves broader societal functions (see *Ponomaryovi v. Bulgaria*, no. 5335/05, § 55, ECHR 2011), and the regulation of educational institutions may vary in time and in place according to, *inter alia*, the needs and resources of the community and the distinctive features of different levels of education (see, *mutatis mutandis*, *Leyla Şahin v. Turkey* [GC], no. 44774/98, § 154, ECHR 2005-XI). As a matter of principle, States have a legitimate interest in regulating conditions of employment in the public sector, as well as in the private sector. In this connection, the Convention does not guarantee as such the right to have access to a particular profession (see *Sidabras and Džiautas v. Lithuania*, nos. 55480/00 and 59330/00, § 52, ECHR 2004-VIII). In the present case the Constitutional Court acknowledged that higher education institutions enjoyed academic autonomy. The Court does not have any reasons to hold otherwise and notes that matters concerning the employment of lecturers and researchers in higher education institutions come within the wide margin of appreciation of the national authorities, who are best placed

to assess the priorities and needs in this area. The Court observes that this appears also in line with the position of the Court of Justice of the European Union.

25. On the facts, the Court is mindful that the applicant had worked nearly all his life as a researcher and that his job had provided him with an outlet for his professional expertise. The Court nevertheless observes that the regulation in issue sought to encourage the recruitment of younger scientists and lecturers, thus contributing to the aims of Vilnius University by allocating the limited number of posts in academia between different generations. That approach was consistently conveyed in all the relevant provisions of the Statute of Vilnius University. The regulation in question had been put in place throughout the whole period of his employment at Vilnius University after 1990 and the applicant had knowingly and voluntarily agreed to it (see paragraphs 3, 4 and 8 above). Furthermore, and although this is not decisive in the light of the findings already made, in the applicant's particular situation, even though he argued that he was facing a lifelong ban from being employed as a researcher, on 19 December 2017 he had nevertheless been granted the honorary title of affiliated scientist and the possibility of maintaining scientific and pedagogical relations with Vilnius University. Moreover, following the termination of his contract he was employed as a scientist engaged under contract to carry out project work. These facts demonstrate that there were alternatives for him to fulfil his scientific goals and impart his knowledge as a researcher, as well as to further maintain a scientific and pedagogical relationship with Vilnius University.

26. The Court thus finds that the domestic courts took into account all the relevant factors and that they weighed up the interests at stake, within the limits imposed on them by the need to respect the autonomy of higher education institutions and taking into consideration the opportunities afforded to the applicant to continue pursuing his professional activities. There are no grounds to hold that a fair balance was not struck between the competing interests at stake. It follows that the applicant's complaint under Article 8 alone is manifestly ill-founded.

27. Lastly, insofar the applicant complained under Article 8 read in conjunction with Article 14 of the Convention that he had been discriminated on the basis of age, the Court refers to the general principles regarding protection against different treatment in its case-law (see, *inter alia*, *Molla Sali v. Greece* [GC], no. 20452/14, § 135, 19 December 2018). Even assuming that there was a difference in treatment of the applicant compared to other researchers with the same professional qualifications on grounds of his age, the Court considers, in the light of its findings above, that it had an objective and reasonable justification. It pursued the legitimate aim of ensuring the long-term quality of education (see paragraph 23 above) and was proportionate to attain that aim in the circumstances (compare paragraphs 24-26 above).

28. It follows that the applicant's complaints under Article 8 of the Convention, taken alone and in conjunction with Article 14, are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 27 August 2026.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President