EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX

DECISION ON ADMISSIBILITY AND IMMEDIATE MEASURES
13 October 2026

Pan-Cyprian Trade Union ISOTITA v. Cyprus

Complaint No. 264/2026

The European Committee of Social Rights, a committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 358th session, in the following composition:

Aoife NOLAN, President
Tatiana PUIU, Vice-President
George THEODOSIS, Vice-President
Kristine DUPATE, General Rapporteur
Karin Møhl LARSEN
Yusuf BALCI
Mario VINKOVIC
Miriam KULLMANN
Franz MARHOLD
Alla FEDOROVA
Olivier DE SCHUTTER
Kristina KOLDINSKA
Carmen-Constantina NENU

Assisted by Henrik KRISTENSEN, Executive Secretary,

Having regard to the complaint registered on 11 June 2026 as number 264/2026, lodged by Pan-Cyprian Trade Union ISOTITA (ISOTITA) against Cyprus and signed by its President of the Board, Prodromos Christofi, requesting the Committee to find that the situation in Cyprus is not in conformity with Articles 5, 6§1, 6§2, 28 and E of the Revised European Social Charter ("the Charter");

Having regard to the documents appended to the complaint;

Having regard to the Charter, and in particular to Articles 5, 6§1, 6§2, 28 and E, which read as follows:

Article 5 – The right to organise

Part I: "All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests."

Part II: "With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations."

Article 6 – The right to bargain collectively

Part I: "All workers and employers have the right to bargain collectively."

Part II: "With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

1. to promote joint consultation between workers and employers;
2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;

[…]"

Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

Part I: "Workers' representatives in undertakings have the right to protection against acts prejudicial to them and should be afforded appropriate facilities to carry out their functions."

Part II: "With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;

b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned."

Article E – Non-discrimination

““The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.”

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints (“the Protocol”);

Having regard to the Rules of the Committee adopted by the Committee on 29 March 2004 at its 201st session and last revised on 11 September 2024 at its 343rd session ("the Rules"), and in particular to Rule 36, which reads as follows:

Rule 36 - Immediate measures

“1. At any stage of proceedings, the Committee may, at the request of a party, or on its own initiative, indicate to the parties any immediate measure, the adoption of which is necessary to avoid irreparable injury or harm to the persons concerned.

2. In case of a request for immediate measures made by a complainant organisation, the request shall specify the reasons therefore, the possible consequences if it is not granted, and the measures requested. A copy of the request shall forthwith be transmitted to the respondent State. The President shall fix a date for the respondent State to make written submissions on the request of immediate measures.

3. The Committee’s decision on immediate measures shall be accompanied by reasons and be signed by the President, the Rapporteur and the Executive Secretary. It shall be notified to the parties. In the decision, the Committee shall fix a deadline for the respondent State to provide comprehensive information on the implementation of the immediate measures.”

Having deliberated on 13 October 2026;

Delivers the following decision, adopted on this date:

1. ISOTITA alleges violations of Articles 5, 6§1, 6§2, 28 and E in conjunction with the aforementioned provisions of the Charter. ISOTITA claims that there is structural discrimination in terms of public funding and access to consultation machinery in favour of one rival trade union (PASYDY). ISOTITA also claims the lack of protection and facilities for its workers’ representatives.

2. In particular, ISOTITA states that, according to the State’s budgetary records, State grants totalling €8,410,000 were paid between 2017 and 2025 exclusively to PASYDY. ISOTITA further alleges that it is being excluded from the Joint Staff Committee, the standing consultation machinery for the public service. ISOTITA also refers to a failure to grant adequate protection and facilities for the elected leadership of its Prison Officers’ Branch – its President and Vice-President. ISOTITA claims that the granting of facilities is discriminatory because PASYDY members, as part of the Joint Staff Committee, are granted facilities both during their working hours and outside those hours, whilst for other trade unions, facilities are granted on a case-by-case basis for specific activities only. More specifically, ISOTITA states that the Vice-President and Press Spokesperson of the Prisons Officers’ Branch was removed from the shift system and assigned to fixed office hours under the direct supervision of the head of the PASYDY Prison Branch. Subsequently, disciplinary proceedings were initiated in

respect of the Vice-President on the basis of his alleged unjustified absence although the absence was related to his trade union activities, and eventually he was dismissed. ISOTITA further states that the President of the Prison Officers' Branch was assigned duties in enclosed spaces in breach of binding medical opinions excluding such duties for documented health reasons. In ISOTITA's view, these elements amount to an orchestrated effort to weaken ISOTITA for the benefit of PASYDY.

3. ISOTITA further requests the Committee to indicate immediate measures to the Government, in accordance with Rule 36 of the Rules. The complainant organisation maintains that, in order to avoid serious and irreparable harm, the Government should immediately:

- suspend the assignment of the President of the Prison Officers' Branch, to duties in enclosed spaces and ensure full compliance with the binding medical opinions concerning him;
- suspend the decision to dismiss the Vice-President and Press Spokesperson of the Prison Officers' Branch and to reinstate him until the conclusion of the present proceedings and to abstain from any further prejudicial measure against ISOTITA's elected representatives in connection with their representative functions.

4. The Government objects to the admissibility of the complaint stating that it is essentially individual in nature as it is centred around two named individuals and the alleged measures taken against them. The references to the trade union funding and participation in consultative mechanisms are ancillary and do not constitute independently substantiated allegations.

5. The Government also objects to the request for immediate measures as it seeks individualised relief and no tangible risk of serious and irreparable harm is demonstrated.

THE LAW

As to the admissibility conditions set out in the Protocol and the Committee's Rules

6. The Committee observes that Cyprus accepted the collective complaints procedure on 6 August 1996 and that this procedure entered into force in respect of Cyprus on 1 July 1998. In accordance with Article 4 of the Protocol, the complaint has been submitted in writing and concerns Articles 5, 6§1, 6§2, 28 and E of the Charter, provisions accepted by Cyprus when it ratified this treaty on 27 September 2000. Cyprus is bound by these provisions since the entry into force of the treaty in its respect on 1 November 2000.

7. The Committee notes that ISOTITA is a trade union exercising its activities within the jurisdiction of Cyprus as required by Article 1 (c) of the Protocol since its registration on 18 December 2017. It has 5,080 registered members. ISOTITA is a trade union organisation for public and private sector workers, which organises workers through 17 elected Branch Councils, including the entirety of its Prison Officers' Branch. According to Article 4.2 of its statutes, ISOTITA's objectives include

defending the rights and lawful interests of its members. The Committee observes that the Government has not contested the representativeness of ISOTITA. On the basis of the information at its disposal, the Committee considers that ISOTITA is a representative trade union for the purposes of the collective complaints procedure.

8. The Committee also notes that for each of the provisions invoked the grounds for the complaint are set out, detailing in what respect ISOTITA considers that Cyprus has failed to ensure the satisfactory application of the Charter. The Committee considers that the complaint therefore satisfies Article 4 of the Protocol for the purposes of admissibility.

9. The Committee notes that the complaint is signed by Prodromos Christofi, President of the Board of ISOTITA, who is entitled to represent the organisation in accordance with Article 15.3 of its statutes. The Committee therefore considers that the complaint complies with Rule 23 of its Rules in this respect.

As to the Government's objections concerning admissibility

10. With respect to the grounds of the complaint, the Committee notes that the Government objects to the admissibility of the complaint claiming that it is an individual complaint and not a collective one. The complainant organisation argues that the complaint reflects the discriminatory situation of trade unions for public servants.

11. In the present case, the Committee considers that two sets of allegations need to be distinguished. The first set relates to the situation of the two trade union officials under Articles 5, 6§1, 6§2, 28 taken alone and Article E taken in conjunction with those provisions of the Charter. The second relates to the trade union rights as a whole under Articles 5, 6§1, 6§2 taken alone and Article E taken in conjunction with those provisions of the Charter.

12. With regard to the first set of allegations, the Committee considers that it cannot discern a genuine link between the situation of the two individuals albeit trade union officials, and the alleged violation of the right to organise, and the right to bargain collectively of the trade union that they belong to. The exercise by the trade union of its rights under Articles 5, 6§1 and 6§2 alone and Article E in conjunction with those provisions of the Charter is not impacted by the removal from the shift work and assignment to office hours of the Vice-President and assignment to duties in closed spaces by the President of the trade union branch. Likewise, as regards Article 28 taken alone and Article E taken in conjunction with Article 28 of the Charter, the Committee considers that the allegations by ISOTITA are limited to the particular circumstances of two individuals and it has not been demonstrated that the alleged treatment reflects a wider failure to protect the workers' representatives against acts prejudicial to them based on their status or activities.

13. In light of the foregoing, the Committee holds that the complaint is inadmissible with respect to Articles 5, 6§1, 6§2, 28 taken alone and Article E taken in conjunction with these provisions of the Charter with regard to the situation of two individual trade union officials as the situation referred to is of individual nature.

14. With regard to the second set of allegations, namely Articles 5, 6§1 and 6§2 taken alone and Article E taken in conjunction with these provisions of the Charter, the Committee considers that the matters complained of related to trade union funding and participation in the consultation machinery, as well as the alleged discrimination on those matters fall within the material scope of the aforementioned Charter provisions.

As to the request for immediate measures

15. The Committee underlines the exceptional character of immediate measures. The adoption of said measures must appear "necessary to avoid irreparable injury or harm to the persons concerned" (Rule 36§1), insofar as "the aim and purpose of the Charter, being a human rights protection instrument, is to protect rights not merely theoretically, but also in fact" (European Roma Rights Centre (ERRC) v. Italy, Complaint No. 244/2025, decision on admissibility and immediate measures of 2 July 2025, §19).

16. Any request for immediate measures must establish a tangible situation in which the persons concerned by the complaint find themselves at risk of serious irreparable injury or harm (Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013, decision on immediate measures of 25 October 2013, §2; Association for the Protection of all Children (APPROACH) Ltd v. Belgium, Complaint No. 98/2013, decision on immediate measures of 2 December 2013, §2).

17. The Committee notes that ISOTITA requests the following immediate measures to be applied: to suspend the assignment of the President of the Prison Officers' Branch to duties in enclosed spaces and ensure full compliance with the binding medical opinions concerning him and to suspend the dismissal of the Vice-President of the Prison Officers' Branch and to reinstate him, and to abstain from any further prejudicial measure against ISOTITA's elected representatives in connection with their representative functions.

18. The Committee does not rule on the request for immediate measures due to the individual nature of the situation to which the request relates.

19. For these reasons, the Committee, on the basis of the report presented by Franz MARHOLD, and without prejudice to its decision on the merits of the complaint,

UNANIMOUSLY DECLARES THE COMPLAINT ADMISSIBLE AS FAR AS IT CONCERNS ARTICLES 5, 6§1, 6§2 OF THE CHARTER READ ALONE AS WELL AS ARTICLE E READ IN CONJUNCTION WITH THESE PROVISIONS OF THE CHARTER INSOFAR AS THESE PERTAIN TO THE COLLECTIVE NATURE OF THE ALLEGATIONS AND DECLARES THE REMAINDER OF THE COMPLAINT INADMISSIBLE.

Pursuant to Article 7§1 of the Protocol, requests the Executive Secretary to notify the complainant organisation and the Respondent State of the present decision, to transmit it to the parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter, and to publish it on the Council of Europe's Internet site.

Invites the Government to make written submissions on the merits of the complaint by 25 January 2027.

Invites ISOTITA to submit a response to the Government's submissions by a deadline which the Committee shall determine.

Invites the Parties to the Protocol and the States having submitted a declaration pursuant to Article D§2 of the Charter to notify by 25 January 2027 any observations they may wish to submit.

Pursuant to Article 7§2 of the Protocol, invites the international organisations of employers or workers mentioned in Article 27§2 of the European Social Charter to make observations by 25 January 2027.

UNANIMOUSLY DECIDES NOT TO INDICATE ANY IMMEDIATE MEASURES TO THE GOVERNMENT

Franz MARHOLD Rapporteur	Aoife NOLAN President	Henrik KRISTENSEN Executive Secretary
		