

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



21 August 2026

Case Document No. 3

Pan-cyprian Trade Union ISOTITA v. Cyprus
Complaint No. 264/2026

OBSERVATIONS BY THE GOVERNMENT ON ADMISSIBILITY AND REQUEST OF IMMEDIATE MEASURES

Registered at the Secretariat on 28 July 2026

OBSERVATIONS ON ADMISSIBILITY AND ON THE REQUEST FOR IMMEDIATE MEASURES

Complaint No. 264/2026 – Pan-Cyprian Trade Union ISOTITA v. Cyprus

I. Preliminary Position

The Government respectfully submits that the complaint is **inadmissible in whole**, or, in the alternative, **inadmissible in part**, on the ground that it constitutes, in substance, a **disguised individual complaint** rather than a genuine collective complaint within the meaning of the Additional Protocol of 1995.

Furthermore, the Government submits that the request for **immediate measures under Rule 36** is **manifestly unfounded** and should be rejected.

II. The Complaint Lacks a Genuine Collective Character

1. The complaint is essentially individual in nature

- The complaint is centred on **two specifically identified individuals**, namely Mr Georgios Maltezos and Mr Konstantinos Constantinou, and the alleged measures taken against them.
- The factual allegations concern:
 - a specific transfer and change of duties,
 - the classification of a specific absence as unjustified,
 - the initiation of a disciplinary procedure,
 - the assignment of duties allegedly incompatible with medical advice.
- The complainant itself frames the case as a “coordinated use of public authority” against these named officials.
- Furthermore, the Government submits that the alleged treatment concerns only two individual members out of a trade union which itself claims to represent more than 5,500 members nationwide, organised across 17 sectoral bodies.
- The measures in question were taken in the context of lawful administrative and operational requirements of the Department of Prisons, as well as in accordance with the applicable statutory and regulatory framework governing disciplinary procedures in the public service.
- In these circumstances, the treatment of two individual officials cannot reasonably be construed as evidence of a collective or systemic disadvantage

affecting the membership of the union as a whole, nor as indicative of any general practice contrary to the Charter.

All the above demonstrate that the complaint **does not concern a general situation or systemic practice**, but rather **specific employment and disciplinary measures affecting particular individuals**.

2. The relief sought is individualized, not collective

- The complaint seeks, in substance:
 - restoration of previous duties,
 - reversal or suspension of disciplinary proceedings,
 - withdrawal of specific administrative measures concerning named individuals.

Such relief is **individual and case-specific**, and not directed at addressing a **general incompatibility of national law or practice with the Charter**.

3. Artificial “collectivisation” of an individual complaint

- The references to:
 - trade union funding,
 - participation in consultative mechanisms (Joint Staff Committee),

are **ancillary** and do not constitute independently substantiated systemic claims.

- These elements are used **to give the appearance of a collective dimension**, while the **operative core of the complaint remains individual**.

The Committee should not allow the collective complaints procedure to be used as a **vehicle for individual grievance litigation**.

4. Distinction from ECSR case-law

- While the Committee has accepted that individual situations may illustrate a broader issue (e.g. *ERRC v. Italy*), this is only where the individual facts **serve as evidence of a systemic failure**.
- In the present case:
 - the **individual situations are not illustrative**,

- they are the **very object of the complaint and of the requested remedies.**

The complaint therefore falls **outside the scope of the collective complaints mechanism.**

III. Administrative and Disciplinary Measures Are Individual and Law-Based

- The disciplinary procedure was initiated under **Article 81(2)(b) of the Public Service Law**, which provides for:
 - appointment of an investigating officer,
 - time-bound investigation,
 - procedural safeguards including the right to be heard, access to evidence, and legal assessment by the Attorney General.
- The domestic framework ensures:
 - due process,
 - procedural fairness,
 - institutional oversight.

The complaint effectively invites the Committee to **review or suspend a pending domestic disciplinary process**, which is **not the function of the collective complaints system.**

Find attached a letter from the acting Director of the Department of Prisons to the Permanent Secretary of the Ministry of Justice and Public Order, translated in English. describing the facts and the rational conserving the measures taken affecting the two Prison Guards, namely Mr Georgios Maltezos and Mr Konstantinos Constantinou (A translation of the Letter is provided whereas the Annexes remain in Greek).

IV. No Evidence of a General Practice Contrary to the Charter

- The allegations do not establish:
 - a general policy,
 - a consistent administrative practice,
 - or a structural deficiency affecting a category of workers.
- On the contrary, the competent authorities have indicated that:
 - staff movements and duty allocations are based on **operational and organisational needs**,

- the right to trade union activity is **recognised and respected**,
- no adverse measure was taken **on account of trade union status**.

At most, the complaint raises **disputed factual issues concerning specific administrative decisions**, which are **inherently individual**.

V. Objection to the Request for Immediate Measures (Rule 36)

1. Exceptional nature of Rule 36

- Immediate measures may only be indicated where:
 - there is a **serious and irreparable risk**, and
 - such measures are necessary to ensure the effective respect of Charter rights.
 - The Committee has consistently emphasised the **exceptional nature** of such measures.
-

2. The request seeks individualised relief

- The complainant requests:
 - suspension of a disciplinary procedure,
 - suspension or reversal of specific duty assignments.

These are **individual administrative measures**, not **collective or systemic situations**.

3. No demonstration of serious and irreparable harm

- The alleged harm concerns:
 - continuation of a disciplinary investigation,
 - assignment of duties within the service.
- However:
 - the disciplinary process includes **full procedural guarantees**,
 - no irreversible consequence has been demonstrated,
 - any eventual outcome remains subject to domestic remedies.

The complainant has **not demonstrated a tangible risk of serious and irreparable harm** within the meaning of Rule 36.

4. Improper interference with domestic proceedings

- Granting the requested measures would:
 - require the Committee to **intervene in an ongoing domestic disciplinary process**,
 - effectively **prejudge the merits** of the complaint,
 - transform Rule 36 into a **mechanism for suspending national administrative action**.

This would exceed the proper function of the Committee and undermine the subsidiary nature of the procedure.

VI. Alternative Submission: Partial Inadmissibility

Should the Committee consider that certain aspects of the complaint raise issues of a general nature, the Government submits that:

- All limbs concerning:
 - the transfer, duties and working arrangements of Mr Maltezos,
 - the disciplinary proceedings initiated against him,
 - the assignment of duties to Mr Constantinou,

should be declared **inadmissible**, as they concern **individual situations**.

VII. Conclusion

The Government respectfully requests the Committee to:

1. **Declare the complaint inadmissible in its entirety**, as it constitutes a disguised individual complaint;
2. **Alternatively**, declare inadmissible all limbs relating to individual administrative and disciplinary measures concerning named persons;
3. **Reject the request for immediate measures under Rule 36 in its entirety**, as:
 - it seeks individualized relief,
 - no serious and irreparable harm has been demonstrated,
 - and it would entail improper interference with domestic disciplinary proceedings.