

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



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21 August 2026

Case Document No. 4

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

FURTHER OBSERVATIONS FROM THE GOVERNMENT IN RESPONSE TO THE ADDITIONAL INFORMATION FROM ISOTITA FOR IMMEDIATE MEASURES

Registered at the Secretariat on 6 August 2026

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

Further Observations of the Government of Cyprus on Admissibility and on the Request for Immediate Measures

The Government of the Republic of Cyprus respectfully submits the following observations in response to the additional letter and supporting documents submitted by the complainant organisation on 21 July 2026.

The additional material does not cure the fundamental defect identified in the Government's observations of 20 July 2026. On the contrary, it further confirms that the present proceedings concern specific employment-related grievances affecting two identified prison officers and do not disclose any collective, systemic or structural issue falling within the scope of the collective complaints procedure.

I. The Additional Submission Reinforces the Individual Nature of the Complaint

The Government notes that the complainant's supplementary submission is almost exclusively concerned with events affecting two specifically identified individuals, namely Mr Georgios Maltezos and Mr Konstantinos Constantinou.

The first development relied upon by the complainant concerns a complaint submitted by the Union to the Attorney-General and the Chief of Police regarding alleged conduct affecting these two named individuals. The complainant itself expressly states that the complaint concerned Mr Maltezos and Mr Constantinou personally and refers to the alleged treatment of those individuals.

The second development concerns attendance records, rest-time calculations, disciplinary measures and duty-related arrangements relating exclusively to Mr Maltezos.

Accordingly, the additional material does not provide evidence of:

- any legislative deficiency;
- any general administrative policy applicable to a category of workers;
- any systematic restriction of trade-union activity;
- any widespread practice affecting members of the complainant union generally.

Instead, the supplementary submission confirms that the complaint continues to revolve around the particular circumstances, working arrangements and disciplinary matters of two identified prison officers.

The Committee has consistently distinguished between:

(a) collective complaints directed against a situation of general incompatibility with the Charter; and

(b) individual disputes concerning the application of domestic law to particular persons.

The additional information places the present case even more clearly within the latter category.

The complainant's attempt to characterise these individual disputes as evidence of a broader problem remains unsupported by objective material demonstrating a general practice affecting the complainant union or its membership as a whole.

In these circumstances, the supplementary submission strengthens rather than weakens the Government's submission that the complaint constitutes, in substance, a disguised individual complaint.

II. The Allegations Challenge Lawful Decisions Taken in the Exercise of Constitutional and Statutory Powers

The Government further notes that a significant part of the complainant's supplementary submission concerns the handling by the Attorney-General of a complaint requesting criminal investigation.

The complainant expressly acknowledges that it does not ask the Committee to review that decision. Nevertheless, the substance of its argument invites the Committee to question the exercise of powers entrusted by the Constitution of the Republic to the Attorney-General.

Under the constitutional framework of Cyprus, the Attorney-General is an independent official entrusted with powers relating to criminal proceedings and the supervision of prosecutions.

Specifically, the Attorney-General of the Republic is an independent officer, established under Part 6, Chapter 1 (Articles 112 and 113) of the Cyprus Constitution.

Pursuant to Article 113.1 of the Constitution, the Attorney-General of the Republic, assisted by the Deputy Attorney-General of the Republic, is the legal adviser of the Republic, the President of the Republic, the Council of Ministers and of the Ministers. In addition to this, Article 113.2 vests the Attorney-General with the exclusive power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Republic.

Therefore, the Attorney-General of the Republic serves as the chief legal adviser and public prosecutor.

The Attorney General of Cyprus, in the exercise of the powers conferred by Article 113.2 of the Constitution, determines whether the evidence before him is sufficient and whether it is appropriate to institute criminal proceedings against a person.

In the present case, it follows that the decision not to institute criminal proceedings was based on specific considerations taken into account in the exercise of the Attorney General's prosecutorial discretion, when determining whether to commence a criminal prosecution.

The complainant's disagreement with the conclusion reached by the competent constitutional authority cannot transform that decision into an issue of collective trade-union rights under the Charter.

Nor can dissatisfaction with the outcome of a particular administrative or legal assessment establish the existence of a systemic violation of Articles 5, 6 or 28 of the Charter.

The Government therefore submits that the complainant's arguments concerning the Attorney-General's handling of the matter are inadmissible *ratione materiae* and, in any event, incapable of demonstrating a collective situation falling within the scope of the collective complaints mechanism.

III. No New Material Demonstrates a Collective Situation Contrary to the Charter

The supplementary submission presents no evidence that:

- members of the complainant union generally are prevented from exercising trade-union rights;
- representatives of the complainant union as a class are subjected to disciplinary measures;
- prison officers generally suffer adverse treatment because of union membership;
- Cyprus maintains legislation or an administrative practice incompatible with Articles 5, 6 or 28 of the Charter.

The materials relied upon remain confined to factual disputes arising from specific personnel-management decisions and ongoing disciplinary processes.

Such matters are inherently individual and are subject to domestic administrative and legal procedures.

IV. The Additional Submission Provides No Basis for Immediate Measures

The complainant also relies on the supplementary material in support of its request for immediate measures under Rule 36.

The Government submits that the additional material provides no justification for such exceptional intervention.

First, the measures complained of remain individual administrative matters relating to named persons.

Second, the complainant has not demonstrated any serious and irreparable harm within the meaning of Rule 36.

Third, the disciplinary procedures referred to remain subject to the safeguards afforded by domestic law and the applicable procedural guarantees.

Fourth, the complainant continues, in substance, to seek the suspension or alteration of specific administrative and disciplinary decisions affecting identified persons.

Granting such relief would require the Committee to intervene directly in ongoing domestic processes and would effectively predetermine issues that remain contested at national level.

The supplementary material therefore does not alter the Government's submission that the request for immediate measures is manifestly unfounded and falls outside the proper scope of Rule 36.

V. Recent Developments

The Government further informs the Committee that, subsequent to the material already addressed above, the competent authority continued to receive information from the Department of Prisons that Mr Georgios Maltezos was persistently absent from work without prior approval, despite repeated directions and warnings, both before and after the commencement of the disciplinary investigation against him on 8 May 2026.

In light of the continuation of those unauthorised absences, and after assessing the material before him, the Minister of Justice and Public Order, acting as the competent authority, decided on 31 July 2026 to terminate Mr Maltezos' employment as an indefinite-term prison officer pursuant to section 5(f)(i), (ii), (iv) and (v) of the Termination of Employment Law of 1967 (Law 24/1967).

VI. Conclusion

The Government respectfully invites the Committee:

1. to take note that the complainant's supplementary submission further confirms that the proceedings concern the particular circumstances of two identified individuals rather than a collective situation;
2. to conclude that the complaint remains inadmissible as a disguised individual complaint, or alternatively to declare inadmissible all aspects relating to the personal employment, disciplinary and administrative situations of the named individuals;
3. to reject any argument founded upon disagreement with decisions taken by constitutionally independent authorities acting within their lawful competences;
4. to reject the request for immediate measures in its entirety.

Respectfully submitted.

05/08/2026