



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

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FIFTH SECTION

Application no. 18183/25
Stavros MICHAÏL
against Cyprus
lodged on 10 June 2025
communicated on 20 August 2026

SUBJECT MATTER OF THE CASE

The application concerns the applicant's complaint about the application of the Law on Rehabilitation of Convicted Persons (Law 70/1981), which automatically rendered his conviction for manslaughter ineligible for rehabilitation, with the result that it could never become spent, thereby excluding him from employment in his chosen field.

Specifically, in 2005 the applicant was convicted of manslaughter and sentenced to five years' imprisonment. Under the Law on Rehabilitation of Convicted Persons (Law 70/1981), sentences exceeding two years' imprisonment are excluded from rehabilitation. However, the law allows discretion to the domestic courts to rehabilitate any sentence under four years' imprisonment. As the applicant's conviction fell outside this discretionary threshold, it remained permanently unspent. Pursuant to the Police Law of 2004 (Law 73(I)/2004) a clean criminal record cannot be issued for unspent convictions, of *inter alia*, manslaughter.

At some point the applicant wished to obtain a professional lorry driver's licence but was informed by his lawyer that according to the Professional Driver's License Law of 2011 (Law 80(I)/2011) to apply for a professional driver's licence, he would need to disclose to the authorities his criminal record. The same law precludes individuals convicted of certain offences, including manslaughter, from obtaining such a licence where their conviction remains unspent.

The applicant complains under Article 8 of the Convention about the automatic approach adopted for convictions which are not eligible for rehabilitation and can never become spent, as well as the absence of any process of review of such convictions under Law 70/1981. He further complains that he is automatically excluded from accessing a profession of his choosing, without either Law 70/1981 or Law 80(I)/2011, allowing for an individualised assessment of his personal circumstances (such as the time elapsed since the offence, or the risk he may pose in the specific professional context) before such exclusion.

Relying on Article 13 of the Convention, he further complains that he does not have an effective remedy at domestic level. He claims that the domestic law does not provide the possibility of a court reviewing the necessity and proportionality of the aforementioned interference and that he could not address any other agency (such as the Office of the Commissioner for Personal Data Protection) to have his data removed from the record of prior convictions held by the police under Law 73(I)/2004.

QUESTIONS TO THE PARTIES

1. Has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?

In particular, was it open to the applicant to challenge before the domestic courts the constitutionality of the Law on Rehabilitation of Convicted Persons (Law 70/1981) as regards the ineligibility to have his sentence rehabilitated, the Police Law of 2004 (Law 73(I)/2004) which prohibits the issuance of a clean criminal record for unspent sentences and allows for the indefinite retention of such data, as well as the Professional Driver's License Law of 2011 (80(I)/2011) requiring the disclosure of unspent sentences and the automatic prohibition of issuing a professional driver's licence to persons convicted of, *inter alia*, manslaughter and whose sentences have not been rehabilitated? If so, what would the consequences of such challenge be in the event of a finding of unconstitutionality?

The Government are required to provide case-law examples where the constitutionality of domestic laws was successfully challenged before the domestic courts and the practical consequences of such challenges.

2. Has there been a violation of the applicant's right to respect for his private life, contrary to Article 8 of the Convention (see, *mutatis mutandis*, *Manjani v. Albania*, no. 32283/23, §§ 29-30 and 41-50, 10 March 2026; *N.F. and Others v. Russia*, nos. 3537/15 and 8 others, §§ 38-47, 12 September 2023; *M.M. v. the United Kingdom*, no. 24029/07, §§ 187, 191-195, 13 November 2012; and *M.C. v. the United Kingdom*, no. 51220/13, § 49, 30 March 2021)?

3. Did the applicant have at his disposal an effective domestic remedy for his Convention complaints, as required by Article 13 of the Convention?