



Office for Democratic Institutions and Human Rights

REPUBLIC OF CYPRUS
PARLIAMENTARY ELECTIONS
27 May 2001

REPORT OF OSCE/ODIHR TECHNICAL MISSION
13 – 16 MARCH 2001



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TABLE OF CONTENTS

I. INTRODUCTION	1
II. EXECUTIVE SUMMARY	1
III. FINDINGS	2
A. LEGAL FRAMEWORK	2
B. ELECTION ADMINISTRATION	4
C. POLITICAL FRAMEWORK	5
D. MEDIA SITUATION	6
E. GENDER ISSUES	6
F. MINORITY ISSUES	7
IV. RECOMMENDATION	8
ANNEX	9

REPUBLIC OF CYPRUS
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Report of OSCE/ODIHR Technical Mission of 13-16 March 2001

I. INTRODUCTION

Following the Republic of Cyprus informing OSCE/ODIHR that parliamentary elections will be held on 27 May 2001, the OSCE/ODIHR undertook a Technical Mission to the Republic between 13-16 March to assess the pre-election environment in light of OSCE commitments.

The Technical Mission was headed by Elisabeth Rasmusson, independent election expert, and included Andrew Bruce and Angela Bargellini, OSCE/ODIHR Election Advisers. The Mission met with representatives of the Government, election officials, political parties contesting the elections, the diplomatic community and the media.

The OSCE/ODIHR wishes to thank the Ministry of Foreign Affairs and the Ministry of Interior of the Republic of Cyprus for their support to and co-operation with the Mission.

II. EXECUTIVE SUMMARY

Parliamentary elections are scheduled to take place in the Republic of Cyprus on 27 May 2001. In accordance with the Constitution and relevant legislation, the Greek Community of Cyprus is entitled to elect 56 (70%) out of 80 members of the House of Representatives, and the Turkish Community 24 (30%).

However, the Turkish Community Representatives withdrew from the Parliament in 1964 and the Community has not participated in elections held in accordance with the Constitution of the Republic of Cyprus since 1974.

The legal framework includes provisions that set the necessary conditions for the conduct of democratic elections. All amendments and decisions regarding the implementation of the legal provisions are introduced through regular consultations with political parties, fostering their participation and improving the transparency of the whole process.

The election administration is staffed by the civil service, under the co-ordination of the Ministry of the Interior. The election administration enjoys the full confidence of relevant actors and is perceived as professional, independent and transparent.

The media is pluralist and with a large variety of outlets, both electronic and printed. The State media are strictly regulated by legal provisions, including the "equal treatment" of candidates in the pre-electoral period. The House of Representatives is considering similar regulations for the private electronic media. Political advertisement in the electronic media is prohibited.

Eight political parties will be contesting the elections. State funding is provided equally to parties that are represented in the House of Representatives. Some State funding has been recently allocated equally to smaller parties contesting the elections, but not represented in the Parliament.

Considering the legislation, administration, political and human rights framework in place and the high level of trust and confidence in the electoral process, the Technical Mission recommends not to deploy an election observation mission to the Republic of Cyprus for the forthcoming parliamentary elections.

III. FINDINGS

A. Legal Framework

Article 62(1) of the **Constitution** sets the number of Representatives in the Parliament to 50, of which 35 are elected by the Greek Community and 15 by the Turkish Community. The Turkish Community seats have remained vacant since 1964 when the Turkish Community representatives withdrew from the House. In July 1985, the House adopted Law 124 which increased the number of seats to 80. In accordance with Article 62(2) of the Constitution which establishes a percentile ratio between the two communities, 56 (70%) representatives are elected by the Greek Community and 24 (30%) by the Turkish Community.

Article 65(1) of the Constitution establishes that the term of office of the House of Representatives is five years. A general election for the House shall be held on the second Sunday of the month immediately preceding the month in which the term of office of the outgoing House expire (Article 66(1) of the Constitution).

The **legal framework** that governs elections includes the Election of Members of the House of Representatives Law and its amendments (hereinafter referred to as the Electoral Law); the Registration of Electors Law (and its amendments); the Radio and Television Law; the Religious Groups (Representation) Law; the Law regulating ownership rights for political parties; Rules and Regulations as adopted by the House of Representatives, and instructions issued by the Central Electoral Service of the Ministry of Interior.

Under the **Electoral Law**, the Republic is divided into six constituencies. In June 1995, following an amendment of the Electoral Law, a proportional representation system replaced the previous reinforced representation system.

The previous parliamentary elections in the Republic of Cyprus were held on 26 May 1996. Since then, the House of Representatives adopted two amendments to the Electoral Law. The first of these amendments was adopted in 1996, changing the procedures for filling vacant seats. While previously supplementary elections were called to assign seats that became vacant, with the 1996 amendment the next candidate from the same political party having obtained the highest number of votes in the elections would take the vacant seat. The second amendment was adopted in 1997 and concerned the vote counting procedures, which were then carried out in a

centralised counting centre. The amendment changed this so as to count the votes in each polling station and then transmit the results to the Central Electoral Services for their review and announcement. However, these provisions, adopted after the parliamentary elections of 1996, have never been implemented. In view of the forthcoming parliamentary elections, political parties in the House of Representatives are considering a new amendment that would reinstate the previously used centralised counting centre. All interlocutors stated that this change would facilitate the representatives of political parties to observe the counting of votes. Otherwise, political parties do not have enough human resources to observe the counting in each polling station.

Every citizen of the Republic 18 years and older and who has resided in Cyprus during the six months prior to elections is **entitled to vote**. Registration in the electoral list of each constituency is necessary in order to exercise the right to vote.

As a result of the occupation of northern Cyprus, the predominantly Turkish Community in the north has not participated in elections held in accordance with the Constitution of the Republic of Cyprus since 1974. As a consequence, the Constitutional provisions for the representation of the Turkish Community in Parliament have in effect been frozen.¹ This in turn has resulted in the approximately 300 members of the Turkish Community residing in territories controlled by the Government of the Republic of Cyprus not able to participate in elections held since 1974. The Government of the Republic has informed the OSCE/ODIHR that, given the delay in finding a solution to the underlying problem, measures are under consideration so that these 300 citizens of Cyprus could exercise their right to vote. The remaining 429 members of the Greek Community residing in the northern part of the island are expected to cross into the government-controlled territory and cast their ballots.²

The Electoral Law does not include provisions to allow citizens living abroad to cast votes. However, **out-of-country voting** for citizens residing temporarily abroad is under consideration and could be introduced for future parliamentary elections.

Voting and registration in the electoral list are compulsory. According to the Electoral Law, an elector below the age of seventy years who resides at a distance less than fifty miles from a polling station and does not exercise his/her polling right is guilty of criminal offence and, in case of conviction, is liable to a fine not exceeding five hundred pounds (equivalent to approximately US\$ 770). Mission interlocutors did not perceive compulsory voting as a problem and made references to other participating States in Europe where compulsory voting is in force, such as Belgium

¹ It should be noted that the Concluding Observations of the UN Human Rights Committee on the second periodic report presented by Cyprus in 1994 on the implementation of the International Covenant on Civil and Political Rights state the following: "With respect to article 25 of the Covenant, ... elections in accordance with the 1960 Constitution could not be held since 1974 for government positions allocated to Turkish Cypriot representatives. Under such continuing circumstances, Cypriot citizens of Turkish origin cannot effectively exercise their right to vote and run for public office as guaranteed under the Covenant." (CCPR/C/79/Add.39; A/49/40, paras. 312-333)

² Report of the United Nations Secretary General, "Question of the violation of human rights and fundamental freedoms in any part of the world, including: the question of human rights in Cyprus" (E/CN.4/2000/26, 17 February 2000).

and Greece.³ In 1987, the Supreme Court of the Republic of Cyprus issued a judgement on the constitutionality of the provision of the Electoral Law establishing compulsory voting (Cristodoulos Pingouras vs. the Police case, criminal appeal No. 4662), and upheld a conviction under the law. The United Nations Human Rights Committee, in its General Comments on Article 25 of the International Covenant on Civil and Political Rights, does not refer to the issue of compulsory voting, defining only the need to base any conditions which apply to the exercise of the rights protected by Article 25 on objective and reasonable criteria, and in accordance with the principle of non-discrimination.⁴

The Electoral Law provides for active participation of political parties, allowing them to **observe** the proceedings during the elections and guaranteeing full transparency of the entire process. However, the Electoral Law does not contain provisions for non-partisan domestic observers. The introduction of such a provision would guarantee the participation of domestic observers, in line with Paragraph 8 of the Copenhagen Document of the Conference on the Human Dimension of the CSCE (1990).⁵

In **conclusion**, political parties and other representatives of civil society expressed a high level of trust and confidence in the electoral process. Furthermore, improvements and amendments to the legal framework are introduced in consultation with all key actors in the process, in particular political parties, and adopted generally by consensus. Relatively few complaints and appeals have been filed and those that have arisen have been addressed efficiently by the relevant authorities, and accepted by the concerned parties.

B. Election Administration

The election administration is conducted by the civil service, under the co-ordination of the Ministry of Interior. Following the publication in the official Gazette of the Republic of the Minister of Interior's order to conduct the elections, the Permanent Secretary of the Ministry of Interior is appointed as the General Commissioner for Elections, who bears the overall responsibility for organising the elections. The Minister of Interior then withdraws from the electoral process. In addition, a Central Electoral Service functions permanently within the Ministry of Interior, revises the Electoral Register every three months and carries out other tasks related to the elections. At the district level, District Officers fulfil similar duties. Polling station boards are also composed by civil servants.

Throughout the election period, regular consultations between the election authorities and political parties are held to discuss the implementation of the law and conduct of the elections. The decision-making process is based on these consultations.

³ For a comparative analysis of the issue of compulsory voting in electoral systems, see also the Administration and Cost of Elections (ACE) Project, produced by the International Foundation for Election Systems, the International Institute for Democracy and Electoral Assistance and the United Nations Department of Economic and Social Affairs.

⁴ General Comment 25, adopted by the Human Rights Committee at its 1510th meeting (fifty-seventh session) on 12 July 1996.

⁵ "The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place."

Instructions released by the Central Electoral Service also take into consideration the views and opinions expressed by political parties. Some political actors suggested to the Mission that these consultations could be institutionalised by creating a permanent pluralistic election administration.

The Central Electoral Service conducts training for all civil servants recruited to run the elections. In addition, copies of the instructions issued by the Central Electoral Service are distributed to political parties to inform their representatives who will be observing in polling stations and counting centres on election day.

All interlocutors and political parties expressed full confidence in the independence of the election administration. The composition of this administration by civil servants did not seem to cause any scepticism as to its impartiality. The Mission clearly perceived that the civil service is regarded as highly professional and that its participation in the administration of the electoral process is not considered as a means of governmental interference, but rather as another service rendered by the public administration. The perception is reinforced by the fact that party representatives are allowed to monitor all aspects of the electoral process, including the counting. Partial results are announced a few hours after the closing of the polls. The Press and Information Office, operating under the supervision of the Ministry of Interior, is responsible for the publication of results at all levels. The announcement is made through the media, at the local and national levels, as well as through the use of computer technology, which includes the immediate posting of the results on a web page. Political parties are provided with copies of all the results on a CD-ROM.

C. Political Framework

Eight political parties are contesting the elections, of which five currently hold seats in the House of Representatives. There is no law on political parties and no restrictions on their formation. However, political parties represented in the Parliament have a different status from those who are not, in particular with regards to the allotment of State funding.

Political parties are entitled to receive State funding. A total of one million pounds (equivalent to approximately US\$ 1,559,600) is divided among political parties represented in the Parliament. In addition, 40,000 pounds (equivalent to approximately US\$ 62,000) of State funds have been allotted equally to political parties not in Parliament. The existing legal framework does not require financial disclosure from political parties. Discussions on this issue are underway among political parties. On the other hand, political parties can carry out fund raising activities among their members and sympathisers. The Electoral Law regulates the electoral expenses incurred by the candidates and their appointed polling agents, and it contains specific provisions by which acts of bribery carried out by any person throughout an electoral period are considered criminal offences.

The Mission did not receive complaints regarding the possibility of nominating candidates to run in the elections. The existing preference system, upon which a voter can indicate a preference for a candidate within the party list, has encouraged competition between political parties but also within their own structures. Candidates

appearing in the list of the same political party have to compete among themselves to gather the highest possible number of voter preferences in order to get elected.

D. Media Situation

The media in the Republic is quite dynamic and offers an ample variety of outlets, both electronic and printed. With regards to the electronic media, there is one State TV station, five island-wide private TV stations and four local private TV stations. One State radio station and eight private radio stations operate island-wide, while many local radio stations cover different districts of the Republic. Printed media include a wide range of dailies, weeklies and periodicals.

State media are subject to strict regulations whose implementation is carried out in full consultation with the political parties. The Radio and Television Law 7(1) of 1998 (and its subsequent amendments) establishes that “the electronic media (radio and television licensed stations) are obliged to treat equally and without discrimination the members of the House and the candidate members” (Article 45, par. 1). Free airtime is equally provided to all parties participating in the elections.

According to the Radio and Television Stations Regulations adopted in 2000 broadcasting of any advertisement with political content is prohibited. Such advertisement is therefore allowed only in printed media. A recent discussion in the House of Representatives was carried out to decide whether to allow political advertisement at least during the pre-electoral period: the House of Representatives decided to maintain the current provisions, forbidding this type of advertisement.

In 1998, the Cyprus Radio Television Authority was established as the regulatory authority for the private radio and television stations. This Authority has drafted regulations that will enable the application of the principle of “equal treatment” of political parties and candidates also by private electronic media. The regulations have been submitted to the House of Representatives for approval. The House is also considering a draft law that will review criteria for the definition of the period during which publication of opinion and exit polls is allowed.

Generally, political parties expressed confidence in the provisions regulating the conduct of the media in the pre-election campaign and the coverage of the electoral process, in particular by the State media. Moreover, the interlocutors regarded the provisions regulating equal access to the State media for all political parties contesting the elections as a tool to allow the voters to be exposed to the opinions of all political parties, including smaller ones.

E. Gender Issues

Despite some improvements, the participation of women in the political life and decision-making processes is still limited. In the last decades, only two women have been appointed to the Council of Ministers: one as Minister of Justice and the other as Minister of Education. Currently there are no women in the Council of Ministers. Only four women have been elected to the House of Representatives. In the last elections of 1996, only three women were elected and one more took up a vacant seat

at a later stage. However, the number of women candidates for parliamentary elections has increased, reaching 55 in the 1996 elections. In addition, women are more represented in local government. The number of women Mayors and Municipal Counsellors has increased and in 1999, the President of the Republic appointed women to high level positions: the Auditor-General of the Republic, Ombudsperson and Assistant Accountant General.

With regards to the participation of women as candidates in the forthcoming parliamentary elections, the majority of political parties stated their intention to include women in their candidate lists, and one party has established an internal quota reserved to women. None of the political parties has a woman as its party leader, while few women are in their central bodies and executive committees. There are no legal provisions impeding women from participating. The main obstacles to a greater participation of women in political life reside therefore in socially prevailing attitudes and in a male dominated political culture that does not encourage women's participation, even in those cases where women are interested. Also, the lack of exposure of women candidates in the media was indicated as another obstacle to their election.

In this context, the National Machinery for Women's Rights, co-ordinated by the Ministry of Justice, is carrying out various activities to promote the participation of women in political life. The Machinery is working in collaboration with political parties, the media and civil society to raise awareness. Discussions are also held with political parties on the possibility to introduce a quota system for the candidature of women in future elections.

F. Minority Issues

There are three constitutionally recognised religious minority groups in the Republic of Cyprus: Maronite, Armenian Apostolic and Latin. In 1960, after the proclamation of the Republic of Cyprus, these three groups held an election to decide whether they wished to belong to the Greek or to the Turkish Communities. The result of these elections was a decision by all three groups to be considered as part of the Greek Community. Approximately 6,000 Maronites, 3,000 Armenians and 1,500 Latins currently live in the Republic.

The three religious groups enjoy full political rights: as members of the Greek Community, they have the right to elect and to be elected to the House of Representatives. Moreover, as constitutionally recognised religious groups, they have the right to elect their own religious representatives to the House. These religious representatives have a consultative role on all relevant matters relating to the specific interest of the religious groups. Special provisions in Law 58/70 regulate the election of the religious representatives. Every member of the religious groups who is eligible to vote, is registered in the ordinary electoral register of the Republic and is also registered in a special register of electors used for the election of the religious representatives. The elections for the latter take place on the same day of the parliamentary elections.

IV. RECOMMENDATION

Given the high level of confidence expressed by all political participants in the legislation, administration, political and human rights framework for these elections, the Technical Mission recommends that ODIHR not deploy an election observation mission for the 27 May parliamentary elections in the Republic of Cyprus.

ANNEX

List of meetings

Republic of Cyprus, 13-16 March 2001

Presidential Commissioner for overseas Cypriots and religious groups
Mr. Manolis Christophides, Presidential Commissioner

Ministry of Foreign Affairs
Mr. Michalis Attalides, Permanent Secretary

Ministry of Interior
Mr. Kyriacos Triantafyllides, Permanent Secretary

Ministry of Justice and Public Order
Mr. Lazaros Savvides, Permanent Secretary

Office of the Attorney General
Mr. Alecos Markides, Attorney General

Central Electoral Service
Mr. George Theodoru, Head

Press and Information Office
Ms. Androulla Lanitis, Director

House of Representatives
Mr. Nicos Anastasiades, Deputy President

Institution for the Protection of Human Rights in Cyprus
Mr. George Stavrinakis, Chairman

National Machinery for Women's Rights
Ms. Maro Varnavidou, Secretary General

Cyprus Broadcasting Corporation
Mr. Michael Stylianou, Director of Administration

Cyprus Radio-Television Authority
Mr. Alecos Evangelou, Chairman

Democratic Rally
Mr. Nicos Anastasiades, Chairman

AKEL Party
Mr. Demetris Christofias, General Secretary of the Central Committee

United Democrats Movement
Mr. George Vassiliou, Chairman

Democratic Party – DIKO

Mr. Marcos Kyprianou, Member of Parliament

KISOS – Socialist Party

Dr. Vasos Lyssarides, Leader

New Horizons

Mr. Nicos Koutsou, President

Cyprus Green Party

Mr. George Perdikis, President

Union of Cyprus Journalists

Mr. Andreas Kannaouros, President

United Nations Force in Cyprus (UNFICYP)

Mr. Charles Gaulkin, Spokesperson

Mr. Wlodzimierz Cibor, Senior Political Officer

Delegation of European Commission to Cyprus

Mr. Timothy Alchin, Attaché

Ms. Miriam Fuchs, Attaché

Embassy of the United States of America in Cyprus

Mr. Daniel Russell, Deputy