



Office for Democratic Institutions and Human Rights

REPUBLIC OF CYPRUS

PARLIAMENTARY ELECTIONS

30 May 2021

ODIHR Election Expert Team
Final Report



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I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Republic of Cyprus to the OSCE, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) for the 30 May parliamentary elections. The ODIHR EET focused its assessment on the voter registration, campaign finance framework and electoral coverage in the media.

The legislation provides an adequate framework for conducting democratic elections; however, it is overly complex and, at times, outdated. The recent changes abolished provisions for mandatory voting, extended the period of submission of expenditure reports to two months, and regulated procedure of replacement of vacant parliamentary seats. Previous ODIHR recommendations remain unaddressed, including those related to the need of comprehensive review and harmonization of the legislation.

The election administration is composed of civil servants. All ODIHR EET interlocutors expressed confidence in the professionalism, impartiality and ability of the election administration to ensure effective conduct of the elections. The election administration equipped a number of polling stations with special ballot booths that allowed persons with mobility disabilities to vote independently. The election law does not provide for citizen or international observation.

Voter registration is active and compulsory. Citizens who are at least 18 years old by election day and who have resided in Cyprus for a period of six months can vote. Despite voter records being linked to the civil registry, the authorities require voters to prove their actual place of residence and justify maintaining active registration due to legal requirements. Most ODIHR EET interlocutors did not raise concerns about the accuracy of the voter lists, however, the requirements for active voter registration, such as providing proof of residence are burdensome and might dissuade some voters from exercising their right to vote. The total number of registered voters was 557, 836.

Women are generally underrepresented in political life, with a 25 per cent in the government and 14.3 per cent in the parliament. Women accounted for 24.3 per cent of candidates. Most parties did not have binding internal policies for promotion of women. In an effort to increase visibility of women, some private broadcasters tried to allocate more prominent coverage to women candidates.

Party and campaign finance are primarily regulated by the election law and the 2012 Political Party Law. While the latest amendments to the party and campaign finance framework enhanced its transparency, the rules are insufficiently detailed and include legal gaps. The Audit Office, responsible for the oversight of party and campaign finance, has twelve months to audit the financial statements submitted by parties but there is no deadline for the verification of candidates' reports. Campaign expenditures are made public long after the elections, undermining the transparency of the election process and the possibility of public scrutiny, at odds with international standards and good practice.

Freedom of expression is enshrined in the Constitution and was generally respected during the election campaign. The media landscape is diverse, but the limited advertising market resulting in media dependency on owners' political and corporate interests, dismissals of journalists mostly justified by

¹ The English version of this report is the only official document. An unofficial translation is available in Greek.

the COVID-19 pandemic and reliance of the media on various state subsidies could contribute to self-censorship and may discourage investigative journalism. The COVID-19 pandemic restrictions moved most of the campaigning online and to the media. Electronic media struggled to reconcile large numbers of candidates with their obligations of fair coverage, but, overall, citizens had an opportunity to make an informed choice.

This report offers a number of recommendations to support efforts to bring elections in Cyprus closer in line with OSCE commitments and other international obligations and standards for democratic elections. Recommendations relate to harmonizing, clarifying and updating respective laws and deadlines, providing for the presence of international and citizen observers, creating an inclusive environment for the participation of persons with disabilities, considering passive voter registration on the basis of the civil registry. Further recommendations include introducing a spending limit on campaign expenses for political parties, requiring all contestants to submit at least one interim report on the current level of spending, linking public broadcaster's budget to a clear and predetermined set of criteria, and enforcing women's participation by both the media and political parties. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Cyprus and based on the findings and conclusions of a Needs Assessment Mission (NAM) conducted from 15 to 18 February 2021, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) to observe the 30 May parliamentary elections. The ODIHR EET consisted of three experts drawn from three OSCE participating States.

The ODIHR EET focused its assessment on the voter registration, campaign finance framework and electoral coverage in the media. The report is thus limited in scope and does not offer an overall assessment of the elections. Specific areas under review were assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with the ODIHR's methodology, the EET did not undertake comprehensive and systematic observation of election day procedures. This final report should be read in conjunction with the ODIHR NAM report and previous reports, which provide additional detail on electoral processes in Cyprus.²

The ODIHR EET wishes to thank the Ministry of Foreign Affairs, the Ministry of Interior, the General Returning Officer and the election administration at all levels for their co-operation and assistance, as well as to express gratitude to representatives of state institutions, political parties, candidates and members of their campaign teams, media, civil society, and other interlocutors for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

Under the 1960 Constitution, Cyprus has a presidential system of government with a unicameral legislature that is elected for a five-year term. The president is the head of state and government. The incumbent President Nicos Anastasiades from the ruling Democratic Rally Party (DISY) is serving his second term. The House of Representatives comprises 80 members of whom 56 are filled by the Greek

² See previous ODIHR election-related [reports](#) on Cyprus.

Cypriot community, and the 24 seats allocated to the Turkish Cypriot community remain vacant.³ The outgoing parliament was represented by nine parties.⁴

The participation of women in political life remains low. Out of 11 members of Council of Ministers, three are women (27 per cent).⁵ With 11 female MPs women were largely underrepresented in the outgoing parliament (19.6 per cent) and accounted for 21.15 per cent of candidates for the elections. Most parties did not have binding internal policies for promotion of women and female gender of a politician could be a reason for attracting additional and at times stronger attacks.

The elections took place against the backdrop of a corruption scandal over alleged involvement of several high-level officials in a controversial state programme for foreign investors to obtain citizenship.⁶ The campaign topic of settling the Cyprus problem was less prominent during these elections. Numerous ODIHR EET interlocutors perceived that government's influence over public media has increased and key public officials lacked full independence since they have previously served in the government. The elections took place amid the COVID-19 pandemic, marked by public frustration over tight restrictions.⁷

ODIHR has previously assessed two elections in Cyprus since 2011. Most recently ODIHR deployed an Election Assessment Mission for the 2018 presidential election.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for the parliamentary elections consists of the 1960 Constitution, the 1979 Law on Election of Members of House of Representatives (election law), the 2012 Political Party Law, the 2002 Law on Civil Registry, the 1998 Law on Radio and Television, the 1959 Law on Cyprus Broadcasting Corporation, as well as other laws and regulations.⁸ In addition, the Attorney General has authority to provide clarification in the form of advisory opinions on legislation upon request from government institutions. These opinions are only provided to the institution that filed such a request and are not published, limiting public access and affecting legal certainty (*See Candidate Registration*).⁹

³ Constitutionally established number of 50 seats was increased to 80 by the Parliament in 1985. Since 1964, when the Turkish Cypriot community withdrew from cross-community institutions such as the presidency, government, parliament and judiciary, their seats remain vacant.

⁴ DISY obtained 18 mandates, followed by the Progressive Party of Working People (AKEL) with 16 seats. Additionally, the Democratic Party (DIKO) won nine mandates, the Movement for Social Democracy (EDEK), and the Solidarity Movement – three each, and Ecological and Environmental Movement (Green party) – two. Solidarity Movement (KA) won three mandates, National Popular Front (ELAM) two, and Citizens' Alliance (SYPOL) obtained three mandates.

⁵ Prior to a government reshuffle in June 2021, that took place shortly after the parliamentary elections, women represented only 20 per cent in the council of ministers.

⁶ The corruption scandal was disclosed by media in August 2020, and following investigations the Attorney General launched the first prosecution case on 14 May 2021. The European Union initiated an [infringement procedure](#) against Cyprus in October 2020 “for undermining the essence of EU citizenship”.

⁷ During the first two months of the campaign, a permission-based system for movement was in place, gatherings of more than four people were prohibited, and a night time curfew was enforced. Most restrictions have been progressively lifted four weeks before elections.

⁸ Cyprus is party to major international and regional instruments related to the holding of democratic elections, including the 1966 [International Covenant on Civil and Political Rights](#), the 1979 [Convention on the Elimination of All Forms of Discrimination Against Women](#), the 1965 [International Convention on the Elimination of All Forms of Racial Discrimination](#), the 2003 [Convention against Corruption](#), the 2006 [Convention on the Rights of Persons with Disabilities \(CPRD\)](#), the 1950 [European Convention on Human Rights](#).

⁹ Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) provides that “legislation, adopted at the end of a public procedure, and regulations will be published that being the condition of their applicability. Those texts will be accessible to everyone”.

The election-related legal framework was last amended in 2019 to regulate procedure of replacement of vacant parliamentary seats and in March and April 2021 to address the needs and challenges for voting during COVID-19 pandemic.¹⁰ Previously, in 2017 the changes abolished provisions for mandatory voting, and extended the period of submission of expenditure reports to two months. Several draft amendments were tabled for the discussion in the parliament in 2020, but did not gain sufficient support.¹¹

Overall, the legislation provides an adequate framework for conducting democratic elections. However, it is overly complex and, at times, outdated. Most previous ODIHR recommendations remain unaddressed, including those related to the need of comprehensive review and harmonization of the legislation, participation of voters with disabilities, voter registration, transparency of campaign finance, the media and measures to facilitate a more balanced participation of both genders in political and public life.

Consideration should be given to conducting a comprehensive review of the electoral legal framework, well in advance of the next elections to harmonize, clarify and update respective laws. Consideration could be given to publishing opinions of the Attorney General pertaining to elections.

Despite a previous ODIHR recommendation, the law does not foresee citizen and international observation, at odds with OSCE commitments.¹² Only candidate and party representatives and candidates themselves have the right to be present in polling stations during voting and counting. The access to tabulation centres is restricted to civil servants responsible for tabulation.¹³ However, the ODIHR EET was provided unrestricted access to all aspects of the process and received full co-operation from the election administration.

Consideration should be given to amending the legislation to explicitly provide for the presence of citizen and international observers.

The parliament is elected under the proportional representation system from six multi-member electoral districts which correspond to the six administrative districts, including those not under the government control. Voters may indicate preference for candidates on a party list that they vote for. Three constitutionally recognized religious groups (Armenians, Latins and Maronites) have one reserved seat each in the parliament. These representatives do not have voting rights in parliament and can present their views only on issues concerning their religious groups.

¹⁰ The change was prompted by the decision of the Supreme Court taken due to lack of legal provisions to regulate the need to replace a candidate who won a seat in the House of Representatives but decided to remain a member of the European Parliament.

¹¹ These included a proposal by EDEK party to increase the number of MPs to 90, by Citizens Alliance to switch to a simple proportional system with a 1.8 per cent threshold, introduce split voting put forward by the Green party and the Co-operation of the Democratic Forces, and a proposal of an independent MP to allow independent candidates to take part in the second distribution of votes.

¹² Paragraph 8 of the [1990 OSCE Copenhagen Document](#) states that: “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. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law.”

¹³ The ODIHR EET was granted access to the election administration bodies, including to polling stations and the tabulation centre in Nicosia, and had access to all stages of the electoral process.

V. ELECTION ADMINISTRATION

The election administration is composed of civil servants. The Permanent Secretary of the Ministry of Interior acts as the General Returning Officer (GRO) mandated to administer the elections. The GRO is supported by the Ministry of Interior's permanent Central Electoral Office. The second level of the election administration reflects the administrative division of the country. The District Officers, serve as District Returning Officers (DROs) and are responsible for organizing the elections at the district level.¹⁴ Out of six DROs, one is a woman. For these elections, 1,176 polling stations were established, including 16 polling stations for the elections of the religious groups and 10 polling stations abroad.¹⁵ All ODIHR EET interlocutors expressed confidence in the professionalism, impartiality, and ability of the election administration to ensure effective conduct of the elections.

The election administration equipped a number of polling stations with special ballot booths that allowed persons with mobility disabilities to vote independently. However, as reported by the media and some ODIHR EET interlocutors some of the polling stations were not fully accessible for voters with disabilities. Voters with other disabilities, including visual impairment, could request assisted voting but no other assistive tools facilitating their voting were available.¹⁶

Authorities should continue efforts to create an enabling and inclusive environment and further facilitate access of persons with all types of disabilities to the election process.

VI. CANDIDATE REGISTRATION

The candidate registration was inclusive and generally smooth but affected by several disputes. The elections were contested by 658 candidates, from 15 political parties and seven independents. Some parties requested clarifications of the legal provisions regulating the name a contestant could use and the conditions for the formation of a coalition. The GRO requested the Attorney General to clarify the matter and provide a legal opinion.¹⁷ The contestants faced legal uncertainties due to inability to access the legal reasoning of the opinion and lacked sufficient basis for challenging the GRO's decision. Further, according to one of the contestants which submitted the request in February, it took more than two months to receive the response, halfway through the campaign, creating practical obstacles in terms of preparation of campaign materials. The GRO's decisions were applicable for all contestants, but affected especially the Movement of Independents, the Progressive Party of Working People (AKEL) and the Independents-Alliance for Reversal. The latter two challenged the GRO's decision in court.¹⁸

¹⁴ They are responsible for the establishment of the polling stations in their district, candidate registration, tabulation and for the appointment of a presiding officer and up to six assistants for each polling station.

¹⁵ Four polling centres were opened in Athens, two in Thessaloniki and four in London.

¹⁶ Article 29 of the [CRPD](#) prescribes that “ States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall ... ensuring that voting procedures, facilities and materials are appropriate... protecting the right of persons with disabilities to vote by secret ballot in elections... guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance voting by a person of their own choice”.

¹⁷ The GRO decided that a political party and an independent movement cannot run as a coalition; that the name of a party used for election registration must be the same as the name registered in the national party register; and that parties are not allowed to use the word ‘independent’ in their names. The last point came as a reply to a complaint submitted by a citizen.

¹⁸ The Movement of Independents had to undergo a prompt party registration process, change its name to Generation Change and prepare new campaign materials. AKEL that previously ran as AKEL-Left New Forces, settled for the first part of the name. The administrative court where AKEL lodged its complaint declared itself incompetent and indicated the matter should be dealt with after election day by the Electoral Court. The Independents-Alliance for Reversal refused to change its name. However, their dispute in court lost its relevance for the 2021 parliamentary elections since the party decided not to contest the elections for internal party reasons.

VII. VOTER REGISTRATION

Citizens who are at least 18 years old by election day and have resided in Cyprus for a period of six months before becoming eligible to vote, can vote. Voter registration is active and compulsory and citizens becoming eligible to vote are, by law, required to register within 30 days. Failure to register is a violation with applicable sanctions but not enforced in practice.¹⁹ Voter registration is maintained by the Civil Registry and Migration Department of the Ministry of Interior. Every voter is issued a voting booklet, which can serve as identification on election day.²⁰

Voter lists are revised on a quarterly basis. For these elections, the voter lists were closed on 2 April; and became available for public scrutiny. The total number of voters was 557,836. Separate voter lists were compiled for elections of religious groups' representatives, voters residing in territories not under government control, and imprisoned voters.²¹

Voters residing in territories not under government control are registered according to their place of residence within this territory and vote in designated polling stations located in the controlled areas. Turkish Cypriots residing in government-controlled areas have the right to vote and stand as candidates during the parliamentary elections.²² According to the Ministry of Interior, 712 Turkish Cypriot voters were registered to vote.

To be registered as a voter, citizens below 25 years of age had to submit an application and a proof of a six-month residence. The District Office included them in a voter list after checking the data. Citizens above 25 years of age were subject to an interview with the District Officer to prove habitual residence in Cyprus for a period of at least six months, and were required to provide justification for not registering earlier and submit social security document to demonstrate their residence in Cyprus, as well as additional proof of their address, if requested. There was no possibility to submit documents electronically.

The Ministry of Interior sent out some 34,000 letters to citizens, who were eligible voters, encouraging them to register before the 2 April deadline. The Ministry informed the ODIHR EET that the total number of voters registered from 2 January until 2 April 2021 was 15,270, from which 9,744 were young voters under the age of 25.²³

Despite voter records being linked to the civil registry, the authorities justify maintaining active voter registration by the legal requirement to verify voters' actual place of residence. Most of the ODIHR EET interlocutors opined that the country should move to a passive voter registration; however, they stressed that a political decision would be required. Before the 2019 European Parliament elections, the bill was voted in the parliament to automatically register all the voters in the voter list for the European

¹⁹ A citizen can be subject to up to six months in prison or fined up to EUR 200 or a combination of both for not submitting an application.

²⁰ Voters can also use their regular ID cards for voting.

²¹ According to the Ministry of Interior, 7,322 voters representing religious groups, 247 enclaved voters and 265 imprisoned voters were registered in the separate lists.

²² Following a decision of the European Court of Human Rights in the case [Ibrahim Aziz v. Cyprus](#) no. 69949/01 (22 June 2004) a temporary regulation of "the right to vote and to stand as a candidate by members of the Turkish community with habitual residence in the free areas of the Republic" was adopted.

²³ Data provided by the Ministry of Interior suggest that only 28 per cent of eligible young voters chose to register.

Parliament elections to re-establish the equality between different groups of voters.²⁴ However, on 18 February 2019 the president vetoed the amendments.²⁵

While ODIHR EET interlocutors did not raise concerns about the accuracy of the voter lists, most opined that active voter registration and additional requirements for the new voters to register are burdensome and might dissuade voters from exercising their right to vote.²⁶

If the active registration system is retained, to facilitate voter registration, it is recommended to give voters an opportunity to apply on-line.

In April 2021, the election law was amended to allow voters with confirmed COVID-19 cases and those who are in quarantine to apply for mobile voting. Voters could submit their applications electronically to the GRO by 28 May. After confirming with the Ministry of Health the eligibility for mobile voting, the voter was removed from the regular voter list and was included in a special list for mobile voting. The GRO informed that 91 such applications were received and all were approved. This special voter list was not published for the purpose of the protection of the personal data, but representatives of parties and independent candidates could inspect those lists at a time and place determined by the GRO.

Polling station abroad could be opened if at least 30 voters are registered in the voter lists for each of the six electoral districts.²⁷ The election law was amended in March 2021 to extend the deadline for out-of-country voting registration until 23 April. Voters added to this list were removed from the regular voter list.

VIII. ELECTION CAMPAIGN

The campaign is largely unregulated and various legal deadlines pertaining to the campaign are not harmonized. The restrictions on movement and assembly that were in place for most of the campaign due to the COVID-19 pandemic were perceived by a vast majority of contestants as justified and serving a legitimate purpose. In-person meetings with larger audience were authorized some two weeks before election day. This only amplified the previously ongoing trend of shifting a major part of campaign activities to online platforms.

In the run-up to the elections, ministers and the president made frequent announcements of investments in social projects and post-pandemic recovery plans, financed by the state or from the European Union funds. The ruling party publicly stated that such announcements were not related to the campaign and emanated from the need to plan the social and economic recovery. The heavy publicizing of the projects and the intensity of state officials' involvement in the campaign, raised concerns among many election stakeholders in terms of misuse of administrative resources.

²⁴ According to the authors of the bill, the amendments aimed to re-establish equality among Greek Cypriot and Turkish Cypriot voters, since the latter are included in the voter lists for the European Parliament elections automatically.

²⁵ The reasons included the fact that the voting right in Cyprus is linked to the residency and many citizens abroad will be included contrary to that provision of the law; the number of registered voters will increase which could consequently impact the abstention rate; and the amendment will increase the state budget, which is not allowed by the Constitution.

²⁶ Paragraph 21 of the [1996 UN Human Right Committee \(UNHRC\) General Comment No. 25 to Article 25 of the International Covenant for Civil and Political Rights \(ICCPR\)](#) provides that “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed”.

²⁷ 4,826 voters were included in the voter lists for out-of-country voting.

IX. CAMPAIGN FINANCE

Campaign finance is primarily regulated by the election law and the Political Parties Law. The latter also regulates the annual funding of political parties. As of 2018 the Council of Europe’s Group of States against Corruption (GRECO) assessed most recommendations pertaining to the transparency of party funding as implemented.²⁸ However, key challenges remain, including those related to the absence of spending limits for political parties, late disclosure of financial reports and insufficient oversight capacity. Campaign finance rules, applicable to parties and candidates, are not comprehensive and include legal gaps and uncertainties. Therefore, state institutions in charge of political and campaign finance oversight lack clearly defined legal framework and have to rely on frequent consultations with and legal opinions from the Attorney General.

A. INCOME AND EXPENDITURE

Both parties and candidates can receive private donations but only parties receive public funding. State support is not foreseen for the independent candidates.²⁹ Private donations to parties are limited to EUR 50,000 annually but contributions to candidates are not capped. Conversely, parties are not subject to any limit on campaign expenditure, while candidates cannot exceed EUR 30,000. Individual candidates nominated by political parties can benefit from campaign activities organized and financed by their party as the related expenditure does not account within the candidates’ spending limit. In line with international standards and good practice, a spending limit can provide equal opportunities for campaigning among contestants only if it is applicable to all, both candidates and parties.³⁰

While the 2015 amendment to the election law introduced a definition of campaign expenses, it is applicable only to candidates and not to parties.³¹ This poses challenges for the enforcement of the legal framework, as parties and the Audit Office, responsible for oversight, do not possess a common methodology on distinguishing the campaign expenditure from the general party expenses.

To enhance the equality of opportunities and the transparency of campaign finance, consideration could be given to introducing a spending limit on campaign expenses for political parties and providing guidelines on the distinction between campaign and general party expenses.

The amount of public funding is determined in the annual Budget Law.³² In 2021, the law did not include public funding for the purpose of elections as this category was integrated under the budget line

²⁸ See 2018 GRECO Third Evaluation Round Addendum to the Second Compliance [Report](#) on Cyprus.

²⁹ Parliamentary parties receive public funding for operational expenses (15 per cent of which is distributed equally and the remaining part in proportion to the election results), for employing parliamentary assistants, membership contributions to European parties, their youth organizations, and electoral expenses. Meanwhile, non-parliamentary parties can only apply for the latter subsidy.

³⁰ [General Comment 25](#) to the [International Covenant on Civil and Political Rights](#) (ICCPR) underlines that “Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party”. Also, see Paragraph 248 of the [ODIHR and Venice Commission Guidelines on Political Party Regulation](#) and Article 9 of the [Council of Europe Committee of Ministers Recommendation \(2003\)4](#) on common rules against corruption in the funding of political parties and electoral campaigns.

³¹ The law defines the election campaign expenses as “the expenses incurred during the campaign period by the candidate or by his electoral representative on his behalf”.

³² Non-parliamentary parties are entitled to the public subsidy if they submit a request to the GRO, contest elections in each district for at least 50 per cent of the available seats, and obtain at least three per cent of votes in the elections (or obtained three per cent in the past ones).

providing public funding for parties' operational expenses.³³ Following this, the Audit Office, the GRO and the Attorney General concluded that parties could not use the 2021 state subsidy to cover campaign expenses. Several parties met by the ODIHR EET stated their intention to use the subsidy for financing the campaign. The Audit Office reported that any subsequent audit on the matter would be difficult as, contrary to international good practice, parties usually merge their campaign and general finances within the same bank accounts and the concrete use of public funds received is hard to track.³⁴ This situation created uncertainty especially for the non-parliamentary parties and the relevant state institutions could not confirm whether in 2021 non-parliamentary parties would receive state funding.³⁵

B. REPORTING AND DISCLOSURE

Candidates have to report on campaign funding to the GRO within two months after the publication of the election results. Within 15 days of submission, the GRO forwards the reports to the Auditor General. Parties must report on campaign finance within three months after elections but contributions below EUR 500 are not subject to disclosure. The two- and three-month reporting deadlines are not in line with international good practice and a previous ODIHR recommendation.³⁶ Contestants are also required to publish their financial reports in national daily newspapers or on their website but a deadline applies only to candidates and there is no indication for how long the information should remain available.

Media and companies selling advertising services to candidates must file a summary statement on their income to the Auditor General one month after the elections; these statements are used for cross-checking purposes. This requirement only refers to candidates, but not political parties. While the Audit Office has one year to audit the financial statements submitted by parties, there is no deadline for the verification of candidates' reports, contrary to international good practice.³⁷ In general, campaign spending and potential irregularities become public long after the elections, undermining the transparency of the process and the possibility of public scrutiny, at odds with international standards and good practice.³⁸

To ensure the transparency and accountability of campaign finance, consideration could be given to introduce equal reporting requirements for candidates and political parties, and interim reporting prior

³³ In 2021, the budget included EUR 6,649,451 for the operational expenses of parliamentary parties and EUR 4,531,261 for hiring parliamentary assistants. The budget for the remaining categories of state subsidies for parliamentary parties did not exceed EUR 550,000.

³⁴ There is no requirement for contestants to open a dedicated bank account for the campaign related expenses. Paragraph 247 of the ODIHR and Venice Commission Guidelines on Political Party Regulation states that "one way to enhance transparency is to ... have in place provisions requiring all financial transactions to go through a single bank account".

³⁵ The authorities informed the ODIHR EET that the situation will be clarified after the elections. Public campaign funding for non-parliamentary parties is determined as a percentage of the public funding for electoral purposes that the parliamentary parties receive and is thus not related to the state subsidy for their operational expenses. Based on the election results, one non-parliamentary party, Active Citizens - Movement of United Cypriot Hunters (KEKK), qualified for the public funding and submitted its application to the GRO.

³⁶ Paragraph 200 of the [Guidelines on Political Party Regulation](#) recommends that "reports on campaign financing should be turned in to the proper authorities within a period of no more than 30 days after the elections".

³⁷ The audit can be prolonged if the Audit Office needs to request additional information from parties. Paragraph 21 of the [Guidelines on Political Party Regulation](#) states that "Timeliness is one element of good administration. Decisions affecting the rights of political parties must be made in an expeditious manner, particularly those decisions which related to time sensitive processes such as elections." The audit report for the 2018 presidential election was published in January 2021.

³⁸ Article 7.3 of the [United Nations Convention Against Corruption](#) states that "Each State Party shall also consider taking appropriate legislative and administrative measures...to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties".

to the elections. Clear and shorter reporting deadlines, guidelines and an enforcement mechanism should be in place.

C. OVERSIGHT

The oversight of political and campaign finance is shared between the Audit Office, the GRO, and the Attorney General. The Audit Office, headed by Auditor General, is in charge of verifying annual funding of political parties as well as contestants' campaign finance. The legislation narrowly defines its mandate, providing some limitations.³⁹ The Auditor General stated to the ODIHR EET that it has insufficient human resources as the Audit Office currently has only one full time auditor dedicated to political and campaign finance.⁴⁰ The review of campaign reports mainly focuses on advertising expenses, as these can be cross-checked against the information submitted by service providers. There is no proactive check of potentially unreported funds, and third-party funding is not effectively monitored.

The Auditor General does not have the authority to investigate alleged financial irregularities and forwards them to the GRO. The latter can apply administrative sanctions and co-operates with the Attorney General for the prosecution of criminal cases. The sanctions applicable to candidates are mostly criminal, while parties face administrative penalties.⁴¹ The GRO is vested with key aspects of the enforcement of campaign finance rules. However, the institution informed the ODIHR EET that it does not proactively check contestants' compliance with the rules and relies on the reports received from the Audit Office. No institution verifies the timely publication of contestants' financial statements and parties' annual reports in newspapers or on their websites, further diminishing the transparency and the possibility of public scrutiny.⁴²

To enhance the accountability, sufficient human and financial resources should be provided to the Audit Office in order to perform the relevant functions in a timely manner. The GRO could design and implement strategy for a regular and proactive oversight of contestants' compliance with campaign and party finance regulations.

X. MEDIA

A. MEDIA ENVIRONMENT

The media landscape is pluralistic.⁴³ However, the limited advertising market resulting in media dependency on owners' political and corporate interests, dismissals of journalists justified by the COVID-19 pandemic, reliance of the media on various state subsidies combined with civil libel threats

³⁹ For example, it cannot audit the spending on online campaign activities and can only verify the expenses but not the income of individual candidates.

⁴⁰ The number of dedicated auditors progressively dropped from the initial number of ten staff, contributing to considerable delays in procedures. The Audit Office reported that the verification of the 2015 annual party funding has been underway and party reports for the following years have not yet been reviewed.

⁴¹ The penalty is a fine, imprisonment or deprivation of the right to stand in elections depending on the court decision. In 2015, administrative sanctions were introduced for the delay of submission of candidates' campaign reports. Following the 2016 parliamentary elections, two financial sanctions for individual candidates were applied, one regarding the exceeding of the spending limit and another for non-submission of financial statements.

⁴² The ODIHR EET noted that during its presence in Cyprus the annual financial statements of some political parties were not available on their websites, in spite of a legal requirement in this regard.

⁴³ There are 10 television and some 20 nationwide radio stations, 6 national daily newspapers, 22 weeklies. Full list is accessible [here](#).

contribute to the climate of self-censorship and discourages investigative journalism.⁴⁴ Television is the main source of political information, with commercial TV stations *Omega*, *Antenna* and *Alpha Cyprus* being the most watched.

The public broadcaster, Cyprus Broadcasting Corporation (CyBC), has two nation-wide TV and four radio channels. At the time of the writing of this report, the CyBC has been without a director general since November 2019.⁴⁵ In 2018, the CyBC was removed from the advertising market, instead receiving EUR 2.5 million of annual compensation from the state budget. The CyBC budget is subject to parliament's annual approval in cumbersome procedure.⁴⁶ In 2021, the budget was not approved in the first attempt, as political parties objected to the broadcaster's performance and increased pressure on it. All the above, together with the lack of objective criteria for the allocation of the budget may undermine the independence of the public broadcaster.⁴⁷

To ensure the independence of the public broadcaster and encourage the development of investigative journalism, its budget should be tied to a clear criterion.

B. LEGAL FRAMEWORK

Freedom of expression is enshrined in the Constitution and was generally respected. The rules for campaign coverage are defined in the Law on CyBC and the Law on Radio and Television, complemented by recommendations issued by the Cyprus Radio-Television Authority (CRTA), the audio-visual media regulator. Online media and social networks are not regulated.

Regulation of campaign coverage in media is contradictory and inconsistent. While the law requires fair and equitable treatment of candidates on TV and radio three months prior to the parliamentary elections, the candidate registration process was finalized 18 days before election day, making the practical implementation of these provisions impossible. The CyBC and private media can broadcast paid political advertisement any time, but 40 days before election day time limits apply and all contestants should be provided with the same financial terms.⁴⁸ Recognizing contradictory legal deadlines, the CRTA issued a recommendation to the broadcasters that fair treatment rules shall also apply for period of 40 days.

Legal deadlines should be harmonized to ensure a single pre-election period for fair and equitable treatment of candidates, application of paid political advertising rules and other rules regulating media to allow for editorially-based coverage.

⁴⁴ The Union of Journalists estimated that during the last six months some 70 journalists lost their jobs as soon as the government's COVID-19 wage subsidies ended. In addition to economic insecurity, several interlocutors identified civil libel threats, slow legal process and significant financial damages as the discouraging factors for in-depth reporting.

⁴⁵ The CyBC director general is first approved by the board of the CyBC that consists of nine members appointed by the government for a three-year term and dismissible without a specific reason. After the board decision, the candidacy is submitted for the government's approval. Due to the Covid-19 restrictions, the CyBC first had to seek for the parliament's agreement and was waiting for the approval of the government to open the competition.

⁴⁶ The CyBC has to agree the draft budget with the Ministry of Interior, which upon minister's approval is then submitted to the government, with the further submission to the parliament for voting.

⁴⁷ The Council of Europe [recommendation](#) on public service media governance states "while it inevitably remains the State's responsibility to set both the method and the level of funding, it is nevertheless imperative that the system should be so designed that... it cannot be used to exert editorial influence or threaten institutional autonomy – either of which would undermine the operational independence of the public service media...[...] the process for deciding the level of funding should not be able to interfere with the public service media's editorial autonomy".

⁴⁸ During that period, each party is allocated a maximum of 100 minutes in total on all television stations and 60 minutes on all radio stations. Each independent candidate is allocated a maximum of 30 minutes in total on all television stations and 12 minutes on all radio stations.

The CRTA acts upon complaints or can start investigations on its own, but there are no deadlines for consideration of complaints and sanctions can be imposed only after election day. Moreover, the regulator has no legal power over complaints about CyBC coverage, which shall be dealt with by the public broadcaster's board. In practice, the majority of complaints are resolved without a formal procedure being opened. The CRTA monitored the fairness and other aspects of the media coverage, but limited human resources prevented comprehensive monitoring and the publication of monitoring reports during the campaign.⁴⁹

Publication of the results of opinion polls is forbidden for the last week before election day, which some ODIHR EET interlocutors opined as outdated. Paid political advertising is banned 55 hours before election day, and a campaign silence starts a day before the elections. Individual appeals via SMS or phone calls to voters were reportedly widespread shortly before and on election day.

The Cyprus Radio-Television Authority could consider strengthening its institutional capacities by enhancing its media monitoring methodology and allocate additional resources.

C. CAMPAIGN COVERAGE

In accordance with ODIHR standard methodology, the ODIHR EET did not conduct media monitoring in a systematic and comprehensive manner. The COVID-19 related restrictions on public gatherings moved most of the election campaign to social networks and the media. In order to comply with the legal requirement to provide airtime to every contestant, broadcasters developed various formats of discussions and also used self-recorded short statements by candidates. Coverage share was based on the parties' results during previous parliamentary elections, but also included small and new parties. However, due to the large number of contestants, strict requirements of airtime distribution among them and the necessity to agree the code of the coverage with the political parties, the genuine political discussion was limited, but voters had sufficient information to learn about candidates' platforms.

While negative advertising is prohibited in traditional media, the lack of regulations and effective monitoring online created a platform where negative campaigning, personal confrontations between candidates and anonymous misinformation campaigns were used.⁵⁰ On 21 May, all accounts of ELAM candidates were suspended by Facebook and Instagram, with automated replies that they violated the community standards. The party complained that the ban violates freedom of expression and ability to communicate with the voters. At the same time ELAM did not use all the allocated time for the party representatives in the CyBC debates.

Some private broadcasters consciously tried to allocate more prominent coverage to women candidates. *Antenna* insisted that parties include women candidates in at least one of the leadership debates, and *Omega* ran a discussion programme with an all-female candidates panel. For the first time, CRTA was monitoring the proportional coverage given to women candidates, but broadcasters were not reminded of the legal obligation to have equal gender treatment in the campaign programmes.

⁴⁹ The CRTA informed ODIHR EET that they do not have methodology to access fairness of media coverage, and measure if the airtime is distributed proportionally.

⁵⁰ The law defines negative campaigning is defined as announcement of any kind transmitted in return for payment or equivalent in exchange for undue adverse promotion of an opponent or party.

XI. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Cyprus and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with prior ODIHR recommendations, which remain to be addressed.⁵¹ ODIHR stands ready to assist the authorities of Cyprus to further improve the electoral process and to address the recommendations contained in this and previous reports.

1. Consideration should be given to conducting a comprehensive review of the electoral legal framework, well in advance of the next elections to harmonize, clarify and update respective laws. Consideration could be given to publishing opinions of the Attorney General pertaining to elections.
2. Consideration should be given to amending the legislation to explicitly provide for the presence of citizen and international observers.
3. Authorities should continue efforts to create an enabling and inclusive environment and further facilitate access of persons with all types of disabilities to the election process.
4. If the active registration system is retained, to facilitate voter registration, it is recommended to give voters an opportunity to apply on-line.
5. To enhance the equality of opportunities and the transparency of campaign finance, consideration could be given to introducing a spending limit on campaign expenses for political parties and providing guidelines on the distinction between campaign and general party expenses.
6. To ensure the transparency and accountability of campaign finance, consideration could be given to introduce equal reporting requirements for candidates and political parties, and interim reporting prior to the elections. Clear and shorter reporting deadlines, guidelines and an enforcement mechanism should be in place.
7. To enhance the accountability, sufficient human and financial resources should be provided to the Audit Office in order to perform the relevant functions in a timely manner. The GRO could design and implement strategy for a regular and proactive oversight of contestants' compliance with campaign and party finance regulations.
8. To ensure the independence of the public broadcaster and encourage the development of investigative journalism, its budget should be tied to a clear criterion.
9. Legal deadlines should be harmonized to ensure a single pre-election period for fair and equitable treatment of candidates, application of paid political advertising rules and other rules regulating media to allow for editorially-based coverage.
10. The Cyprus Radio-Television Authority could consider strengthening its institutional capacities by enhancing its media monitoring methodology and allocate additional resources.

⁵¹ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by the ODIHR EET as follows: the recommendations in the final report on the 2018 presidential election remain to be implemented. See also [ODIHR Electoral Recommendations Database](#).

ANNEX: ELECTION RESULTS

Official Data Released by the General Returning Officer	
Total number of voters included in voter lists	557,836
Number of voters who voted	366,608
Number of invalid ballots	6,826
Percentage of invalid ballots	1.86 per cent
Number of blank ballots	2,070
Percentage of blank ballots	0.56 per cent
Number of valid votes	357,712
Voter turnout	65.72 per cent

Contestant	Total number of Votes	Percentage of Votes	Number of Seats Won
Democratic Rally (DISY)	99,328	27.77	17
Progressive Party of Working People (AKEL)	79,913	22.34	15
Democratic Party (DIKO)	40,395	11.29	9
National Popular Front (ELAM)	24,255	6.78	4
Movement of Social Democrats (EDEK)	24,022	6.72	4
Democratic Front (DIPA)	21,832	6.10	4
Movement of Ecologists - Collaboration of Citizens (Green Party)	15,762	4.41	3
Active Citizens - Movement of United Cypriot Hunters (KEKK)	11,712	3.27	0
Generation Change	10,095	2.82	0
Solidarity Movement	8,254	2.31	0
Famagusta for Cyprus	5,596	1.56	0
Awakening -2020-	4,839	1.35	0
Breath of the people	4,585	1.28	0
Animal Party	3,593	1	0
Pourgourides Evangelos (Independent)	1,571	0.44	0

Christou Andreas (Independent)	1,078	0.30	0
Patriotic Coalition	376	0.11	0
Themistokleous Avraam (Independent)	246	0.07	0
Christodoulou Christodoulos (Independent)	105	0.03	0
Madrapittas Chrysanthos (Independent)	74	0.02	0
Sparos Foivos (Independent)	42	0.01	0
Chrysanthou Spiros (Independent)	39	0.01	0

Source: [the Ministry of Interior](#) of the Republic of Cyprus.

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States 'in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).