



Office for Democratic Institutions and Human Rights

REPUBLIC OF CYPRUS

PRESIDENTIAL ELECTION
17 FEBRUARY 2013

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT
17-20 December 2012



Warsaw
16 January 2013

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**OSCE/ODIHR Needs Assessment Mission Report
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I. INTRODUCTION

Following an invitation from the Permanent Mission of the Republic of Cyprus to the OSCE to observe the upcoming 17 February 2013 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Cyprus from 17 to 20 December 2012. The NAM included Tatyana Bogussevich, OSCE/ODIHR Senior Election Adviser, and Lusine Badalyan, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the presidential election. Based on this assessment, the NAM was to recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming election, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, the election administration, the judiciary, as well as with representatives of political parties, media and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for their assistance and co-operation in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for having taken the time to meet with the mission and sharing their views.

II. EXECUTIVE SUMMARY

Cyprus has a presidential system of government with executive power being vested in the President of the Republic. The president is elected for a five-year term. In case no candidate wins more than 50 per cent of the valid votes in the first round, a second round takes place one week after the election day between the two candidates who won the most votes.

Twelve candidates have announced their intention to contest the election; among those, two are women. The election is taking place against the backdrop of the economic crisis and negotiations on a Memorandum of Understanding between Cyprus and the *Troika* over the terms of a bailout package.

The legal framework governing the presidential election comprises the Constitution, the law on presidential elections and a number of other legal acts. While the legislation foresees observers from political parties, it does not provide for the observation by civil society organizations and international observers, at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.

The legal framework does not regulate campaign finance during presidential elections. All OSCE/ODIHR NAM interlocutors expressed the opinion that there is a need for proper regulation. On 17 December 2012, the parliament passed a new Law on Political Parties, superseding the previous law from February 2011. All OSCE/ODIHR NAM interlocutors

welcomed the adoption of the new law and considered it a step forward. Most, however, expressed the opinion that additional work is necessary to enhance regulation and ensure the transparency of party and campaign finance.

The Ministry of Interior is responsible for the organization of presidential elections, with the Permanent Secretary of the Ministry acting as the General Returning Officer. The Central Electoral Office of the Ministry functions on a permanent basis and supports the General Returning Officer in the technical preparations for the election. The District Officers of six administrative divisions of the country are appointed as District Returning Officers and are responsible for the organization of the election at the district level.

Some 1,100 polling stations will be established in-country and some 30 polling stations abroad. District Returning Officers appoint presiding officers and assistants for polling stations from among current and retired civil servants. For the first time as a pilot, unemployed university graduates will be included as assistants in polling stations for the upcoming election to encourage, educate and support them financially. Training sessions will be organized for presiding officers and assistants.

The number of voters after the last revision of the voter lists on 2 October was 533,565. The Ministry of Interior bears overall responsibility for the compilation and revision of voter lists. Registration and voting are compulsory. The law prescribes a criminal and administrative liability for those who fail to submit applications for registration in the voter list, to notify about changes of name or address, or to vote. According to authorities, however, these provisions are not enforced.

The process of candidate nomination will conclude on 18 January. Presidential candidates are self-nominated and can be supported by one or several political parties. Candidates must present nomination papers signed by one initiator and eight supporters to the General Returning Officer. Presidential candidates must pay an electoral deposit of 1,710 EUR, which is returned to candidates who receive 10 per cent or more valid votes.

The electoral campaign is largely unregulated, and the law does not specify a date for the official start of the campaign. Paid political advertising may begin 40 days before election day and should cease 55 hours before the opening of polls. Negative advertising is prohibited and opinion polls cannot be published within seven days of election day.

The media environment is pluralistic with a wide variety of commercial and public broadcasters, and print media. By law, all broadcasters are to ensure equality and objectivity to all candidates three months before election day, although candidates are only registered 30 days before election day. Some OSCE/ODIHR NAM interlocutors noted the need to eliminate such existing legal ambiguities. A few political parties expressed a degree of dissatisfaction with the media's campaign coverage and its categorization of so-called 'main' and 'other' candidates.

Women remain largely underrepresented in executive and legislative bodies. In the 2011 parliamentary elections, the number of female candidates decreased from 8 women (14 per cent) elected previously, to six women (10.7 per cent) elected to the current parliament.

The OSCE/ODIHR NAM noted full confidence of all of its interlocutors in the integrity of the electoral process and in the professionalism and impartiality of the election administration. No significant concerns were expressed relating to the respect for fundamental freedoms, transparency of the electoral process, candidate registration, and election day proceedings. The predominant topic of all the discussions during the NAM was the issue of campaign finance, as well as certain aspects of the legal framework regulating media work during electoral campaigns. During its assessment of the 2011 parliamentary elections, the OSCE/ODIHR EAM specifically focused on these areas. A set of recommendations was provided, which remain to be implemented. In consideration of this, an electoral observation activity would not add significant value in the current context. Therefore, the OSCE/ODIHR NAM does not recommend an election-related activity for the 2013 presidential election.

Many OSCE/ODIHR interlocutors indicated an interest in ODIHR's expertise in areas such as campaign finance and review of the legal framework. The OSCE/ODIHR stands ready to engage with the authorities in a follow-up process, to assist them in addressing the outstanding recommendations and providing legal opinions on drafts or legal acts regulating electoral legal framework, including with regard to campaign finance, should the authorities so request.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Cyprus has a presidential system of government with executive power being vested with the President of the Republic. The presidential election is set for 17 February 2013. The incumbent, President Demetris Christofias from the Progressive Party of Working People (AKEL), has announced that he will not be seeking re-election.

Following the May 2011 parliamentary elections, six political parties entered the parliament: the Democratic Rally (DISY) took 20 seats, AKEL - 19 seats, the Democratic Party (DIKO) won 9 seats. Three other parliamentary parties are the Movement for Social Democracy (EDEK) with 5 seats, the European Party (*Evroko*) with 2 seats, and the Ecological and Environmental Movement (Green Party) with 1 seat.

By the time of the OSCE/ODIHR NAM, twelve candidates had announced their intention to contest the election. Three are generally considered as main candidates: the DISY candidate Nicos Anastasiades, who is also supported by DIKO, Stavros Malas with the support of AKEL, and Giorgos Lilikas supported by EDEK, but getting support from some members of DIKO despite the party leadership's decision to support the DISY candidate. Among twelve potential candidates, two are women.

The election is taking place against the backdrop of the economic crisis and negotiations on a Memorandum of Understanding between Cyprus and the *Troika* (European Commission, the European Central Bank and the International Monetary Fund). The government and *Troika* representatives have negotiated for almost five months over the terms of a bailout package. In an effort to address the financial, fiscal and structural challenges, the parliament recently introduced a series of austerity measures.

The OSCE/ODIHR deployed an Election Assessment Mission (EAM) for the 2011 parliamentary elections, which concluded that the elections “took place in an environment characterized by respect for fundamental human rights and freedoms and a high degree of trust in the professionalism and impartiality of the election administration.”¹

B. LEGISLATIVE FRAMEWORK AND ELECTORAL SYSTEM

The legal framework governing the presidential election comprises the Constitution and the law on presidential elections.² A number of other applicable legal acts provide additional regulation: the Law on Civil Registry, the Law on Radio and Television, the Law on Cyprus Broadcasting Corporation, and other laws and regulations.

According to the 1960 Constitution, the president is elected by the Greek community and the vice-president by the Turkish community. However, since 1964 when the Turkish Cypriot community withdrew from cross-community institutions such as the presidency, government, parliament and judiciary, the vice-president is not elected and the post remains vacant. The constitutional application is based on judgements of courts that are entitled to adapt the Constitution to new circumstances on the basis of necessity.³

For the purpose of the presidential election, the island is considered a single constituency. The president is elected for a five-year term. In case no candidate wins more than 50 per cent of the valid votes in the first round, a second round takes place one week after election day between the two candidates who won the most votes. Citizens can stand if they are over 35, are eligible to vote, and have not been convicted of “an offence involving dishonesty”,⁴ have not been disqualified by a court for any electoral offence or are not suffering from a mental disability.⁵

The electoral legislation does not provide for civil society and international election observation, at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.⁶ Following its assessment of the 2011 parliamentary elections, the OSCE/ODIHR’s final report recommended that the law should be amended to introduce relevant provisions.

On 17 December 2012, the parliament passed a new Law on Political Parties, superseding the previous law from February 2011, which according to most OSCE/ODIHR NAM

¹ OSCE/ODIHR election-related reports for Cyprus are available at: <http://www.osce.org/odihr/elections/cyprus>.

² The Law to Make Provisions for Holding of Elections of the First President and of the First Vice-President of the Republic of Cyprus (law on presidential elections) was adopted in 1959 and last amended in 2002. In cases where the law on presidential elections does not provide necessary regulation, the Law on Election of Members of House of Representatives applies.

³ According to the Constitution, amendments to electoral legislation require a majority of each community’s members in the parliament, which could not be reached since the Turkish Cypriot members of the parliament withdrew. The courts decided and the European Court of Human Rights recognized that there was an implied power in the lawmaker, based on the necessity to adapt the constitutional structure to the new circumstances.

⁴ As defined in the Constitution.

⁵ Cyprus ratified the United Nations Convention on the Rights of Persons with Disabilities in 2006.

⁶ Paragraph 8 of the 1990 OSCE Copenhagen Document states that participating States “consider 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 OSCE 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”.

interlocutors lacked necessary details and was not applied in practice.⁷ All OSCE/ODIHR NAM interlocutors welcomed the adoption of the Law on Political Parties. Most, however, expressed the opinion that additional work is necessary to further improve regulation and ensure the transparency of party and campaign finance. Some OSCE/ODIHR NAM interlocutors expressed concern that the law allows for the possibility of anonymous donations and that only 80 per cent of transactions should be made through bank accounts.⁸

While the campaign finance is regulated during parliamentary elections, the electoral legal framework does not provide any regulation for campaign finance during presidential elections, which was raised as an issue by all OSCE/ODIHR NAM interlocutors. The OSCE/ODIHR EAM for the 2011 parliamentary elections analysed the political party and campaign finance regime in that context and provided a number of recommendations for improving regulation and ensuring transparency, which are included in the EAM's final report.

According to the Constitution, the Supreme Court serves as an Electoral Court during the electoral period, with all 13 judges sitting at hearings. It deals with various election-related complaints, including the validity of elections and registration of candidates. However, according to the Supreme Court, they do not usually receive complaints during presidential elections.

C. ELECTION ADMINISTRATION

The Ministry of Interior is responsible for the organization of presidential elections. Following a decree announcing the election day, the Minister of Interior appoints the Permanent Secretary of the Ministry as a General Returning Officer, who co-ordinates the administration of the election. The Central Electoral Office, which functions permanently at the Ministry, supports the General Returning Officer in the technical preparations for the election.

The District Officers of six administrative divisions of the country are appointed as District Returning Officers and are responsible for the organization of the election at the district level. District Returning Officers appoint presiding officers and assistants for the polling stations. Some 1,100 polling stations will be established in-country and some 30 polling stations abroad. For a polling station to be opened abroad, at least 50 voters should be registered in the voter lists for each of the six electoral districts in each of the out-of-country polling stations.⁹ Polling stations will also be opened in prisons.

The presiding officers and assistants are selected from among current and retired civil servants. For the first time as a pilot, unemployed university graduates will be included as assistants in large polling stations for the upcoming election to encourage, educate and

⁷ In April 2011, the Group of States against Corruption of the Council of Europe (GRECO) published its evaluation report on transparency of party and campaign funding. See the GRECO evaluation report at: [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3\(2010\)9_Cyprus_Two_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoEval3(2010)9_Cyprus_Two_EN.pdf). The Republic of Cyprus should issue a compliance report on 17 March 2013.

⁸ The OSCE/ODIHR did not have a chance to review the newly adopted law, since it was adopted during the course of the NAM and an English translation was still not available.

⁹ According to the Ministry of Interior, as of 20 December 2012 5,235 voters abroad applied for registration.

support them financially.¹⁰ Training sessions will be organized for presiding officers and assistants.

Meetings of General and District Returning Officers are not open to the general public. However, the public is informed about decisions through press releases and publications on the website of the Ministry of Interior.

Candidates or their designated representatives have the right to be present in polling stations and follow election day proceedings. In addition, election administration regularly consults with candidate representatives on election-related issues. The General Returning Officer informed the OSCE/ODIHR NAM that should the OSCE/ODIHR decide to deploy an election-related activity, full access would be granted to election administration bodies and the process, overall.

OSCE/ODIHR NAM interlocutors expressed full confidence and trust in the professionalism, efficiency and impartiality of the election administration. They raised no particular concerns regarding the technical preparations and conduct of the upcoming election.

D. VOTING RIGHTS AND VOTER REGISTRATION

The Civil Registry and Migration Department of the Ministry of Interior bears overall responsibility for the compilation, revision and computerization of voter lists. District Offices are responsible for collecting the data and updating the lists at the district level. The voter lists are posted for public scrutiny at the districts for a period of ten days.

Registration and voting are compulsory and all citizens over 18 must apply to a District Office to register within 30 days of becoming eligible. The law prescribes a criminal liability for those who fail to submit an application for registration in the voter list or fail to notify about changes of name or address.¹¹ The General Returning Officer informed the OSCE/ODIHR NAM that extensive voter information is being provided to encourage young voters to register. The authorities informed the OSCE/ODIHR NAM that compulsory registration and voting provisions are not enforced and that there is a discussion to change these provisions.¹²

Voter lists are revised on the second day of each yearly quarter. For the 17 February presidential election, the voter lists close on 2 January. The number of voters after the last revision of 2 October 2012 was 533,565.¹³ Turkish Cypriots residing in government-

¹⁰ The District Office of Nicosia informed the OSCE/ODIHR NAM that it received some 1,500 applications from unemployed youth and planned to select some 850 assistants through a lottery. Each assistant will receive salary of 155 EUR for voting and counting on election day. The presiding officer's salary is 310 EUR.

¹¹ Citizens who do not vote are liable to be fined up to 340 EUR. A citizen can be subject to up to six months in prison or fined up to 340 EUR or a combination of both for not submitting an application. For failing to notify about the changes in registration data, they face up to one month in prison or a fine up to 85 EUR, or both.

¹² See previous OSCE/ODIHR recommendations in this regard. Namely, that if there were to be a policy decision not to enforce the obligation to register and vote consideration could be given to revising those obligations and the sanctions attached.

¹³ According to the 2011 population census, the total population is about 862,000, of which 684,000 are Cypriot citizens and 178,000 European Union citizens or those of other countries.

controlled areas have the right to vote during the presidential election.¹⁴ According to the Ministry of Interior, 580 Turkish Cypriot voters are registered to vote for the presidential election.

E. NOMINATION AND REGISTRATION OF CANDIDATES

Presidential candidates are self-nominated, but can be supported by one or several political parties. Candidates should present nomination papers signed by nine voters: one initiator and eight supporters. Presidential candidates must pay an electoral deposit of 1,710 EUR, which is returned to candidates who receive 10 per cent or more of valid votes. Candidates supported by political parties can request a party emblem to be included on the ballot paper.

Nomination of candidates takes place 30 days before election day. For the forthcoming election, candidates should present their nominations to the General Returning Officer on 18 January 2013, who reviews the papers and registers the candidates on that day. The OSCE/ODIHR NAM was informed that the nomination and registration process is broadcast live by the main TV channels.

F. ELECTION CAMPAIGN AND MEDIA

The election campaign is largely unregulated. The law does not specify a date for the official start of the campaign, which effectively means that candidates may start campaigning at any time. The election campaign ends on the day before election day, when all campaign posters must be removed.

The media environment is diverse with a wide variety of commercial and public broadcasters, and print media (which is wholly self-regulated). The main television channels include the public Cyprus Broadcasting Corporation (CYBC)¹⁵ and island-wide private broadcasters such as Mega TV, Antenna TV, *Sigma* TV and others.

The Law on the Cyprus Broadcasting Corporation provides detailed provisions on how the campaign should be covered by the public broadcaster during the presidential election. According to OSCE/ODIHR NAM interlocutors, some of these provisions are outdated and non-functional. The law stipulates that CYBC should ensure equality and objectivity to all candidates six months before election day. Since candidates are only registered 30 days before an election, the law provides an explanation on whom to consider a presidential candidate. It stipulates that this is: 1) the incumbent; 2) the leader of a political party; 3) a potential candidate enjoying support of one or several parties; and 4) a person respected by the electorate as playing a significant role in the social and political life of the country. The CYBC Board of Directors decides whether a person falls under these categories. CYBC informed the OSCE/ODIHR NAM that it has already agreed with the representatives of potential candidates on a 'code of coverage', according to which three debates among main candidates will be organized before the first round and an additional debate in case of a second round. Debates among other candidates are also envisaged.

¹⁴ The law provides for the 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", No. 2 (I) 2006 was adopted following a decision of the European Court of Human Rights in the case *Ibrahim Aziz v. Cyprus* no. 69949/01 (22 June 2004), available at www.echr.coe.int.

¹⁵ The public CYBC has two TV channels and four radio channels.

According to the Law on Radio and Television, during the electoral period all licensed broadcasters should ensure equal and objective treatment of presidential candidates. For the purpose of electoral campaign coverage, the period starts three months before election day. Paid political advertising may begin 40 days before the election day and should cease 55 hours before the opening of polls. Each candidate is allocated a maximum of 100 minutes of paid advertisement in total on all TV stations and 60 minutes on all radio stations.¹⁶ The broadcaster should ensure clear designation of such programs by announcing that it is a paid broadcast and by separating it from other programs. TV and radio channels are obliged to provide the same financial terms to all candidates. The law prohibits negative advertising. Opinion polls cannot be published within seven days of election day.

The Cyprus Radio-Television Authority¹⁷ oversees the conduct of private television and radio and ensures objectivity of coverage and equal treatment of electoral contestants during the pre-election period. The Authority informed the OSCE/ODIHR NAM that it is difficult to enforce the equal treatment provisions for presidential candidates due to the ambiguous timeframes for the coverage of the campaign provided by the law. Some OSCE/ODIHR NAM interlocutors noted the need to eliminate such existing legal ambiguities.¹⁸ Private broadcasters are to submit a plan for covering the electoral campaign to the Authority, as well as a 'code of coverage' agreed with parties. The Authority monitors paid political advertising both on private TV and radio and on CYBC.

A few political parties expressed a degree of dissatisfaction with the media's campaign coverage and its categorization of the so-called 'main' and 'other' candidates.

G. PARTICIPATION OF WOMEN

Cyprus ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985. Based on CEDAW provisions, the government has formulated a National Action Plan that covers areas such as legal reform, participation of women in political and public life, violence against women, raising public awareness of women's issues, sensitization, and gender mainstreaming in the government sector.¹⁹

The Ministry of Justice and Public Order oversees the overall promotion of gender equality and the protection of women's rights, with an instrument set up to this effect by the Council of Ministers; the National Mechanism for Women's Rights.

However, women remain largely underrepresented in executive and legislative bodies. In the 2011 parliamentary elections, the number of female candidates decreased from 8 women (14

¹⁶ In case of a second round, each candidate gets no more than 25 minutes both on TV and radio.

¹⁷ The Cyprus Radio-Television Authority is an independent regulatory body established under the Law on Radio and Television. It is composed of a chairperson, vice-chairperson and five members, appointed by the Council of Ministers for a six-year term. The Authority is self-financed from license fees and fines.

¹⁸ The Cyprus Radio-Television Authority informed the OSCE/ODIHR NAM that relevant suggestions for amending the law were submitted to the parliament. However, no changes have been introduced before the upcoming election.

¹⁹ See Consideration of Reports submitted by States, parties under Article 18 of the CEDAW; Combined third, fourth and fifth periodic reports of State parties, Cyprus, <http://www.un.org/womenwatch/daw/cedaw/reports.htm>.

per cent) elected previously, to six women (10.7 per cent) elected to the current parliament. In the Council of Ministers, 4 out of 11 ministers are women. In the Municipal Councils, 82 of 468 members are women (17.5 per cent); a decrease compared with 20.3 per cent female members on the previous councils.

According to OSCE/ODIHR NAM interlocutors, women face obstacles that hamper their participation in public and political life. Among those mentioned were the lack of support from the parties, gender discrimination in the media, and lack of funding for conducting campaigns.

IV. CONCLUSION AND RECOMMENDATION

The OSCE/ODIHR NAM noted full confidence of all of its interlocutors in the integrity of the electoral process and in the professionalism and impartiality of the election administration. No significant concerns were expressed relating to the respect for fundamental freedoms, transparency of the electoral process, candidate registration, and election day proceedings. The predominant topic of all the discussions during the NAM was the issue of campaign finance, as well as certain aspects of the legal framework regulating media work during electoral campaigns. During its assessment of the 2011 parliamentary elections, the OSCE/ODIHR EAM specifically focused on these areas. A set of recommendations was provided, which remain to be implemented. In consideration of this, an electoral observation activity would not add significant value in the current context. Therefore, the OSCE/ODIHR NAM does not recommend an election-related activity for the 2013 presidential election.

Many OSCE/ODIHR interlocutors indicated an interest in ODIHR's expertise in areas such as campaign finance and review of the legal framework. The OSCE/ODIHR stands ready to engage with the authorities in a follow-up process, to assist them in addressing the outstanding recommendations and providing legal opinions on drafts or legal acts regulating electoral legal framework, including with regard to campaign finance, should the authorities so request.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Stelios Georgiades, Acting Director of the Department of Multilateral Affairs and International Organizations
Theodoros Gotsis, Attaché, Political Division, Department of Multilateral Affairs and International Organizations

Ministry of Interior

Andreas Ashiotis, Permanent Secretary, General Returning Officer
Demetris Demetriou, Senior Electoral Officer

Supreme Court

Petros Artemis, President of Supreme Court

Law Office of the Republic, Attorney General Office

Petros Clerides, Attorney General
Rena Papaeti-Hadjicosta, Senior Counsel
Antonis Vasiliades, Attorney of the Law Office
Maro Tsiappa, Attorney of the Law Office

District Office of Nicosia

Argyris Papanastassiou, District Officer of Nicosia
Angelos Georgeiou, Nicosia District Administration

Audit Office

Chrystalla Georghadji, Auditor General
Akis Hadjosif, Senior Principal Auditor

Democratic Party (*DEKO*)

Petros Zarounas, Director of International Relations Office

Democratic Rally (*DISY*)

Harris Georgiades, Member of the Parliament

European Party (*EVROKO*)

Demetris Syllouris, President of the Party

Green Party

Ioanna Panayiotou, General Secretary of the Party
George Perdikes, Member of the Parliament

Progressive Party of the Working People (*AKEL*)

Andreas Kafkalis, Member of the Parliament
Skevi Koutra Koukouma, Member of the Parliament

Cyprus Broadcasting Corporation (*CYBC*)

Themis Themistocleous, Director General

Grigoris Maliotis, Director of Technical Services

Cyprus Radio-Television Authority

Michael Lambrianides, Radio-Television Officer

Ariadne Socratus, Radio-Television Officer

Mediterranean Institute of Gender Studies

Christina Kaili, Project Co-ordinator