



Office for Democratic Institutions and Human Rights

REPUBLIC OF CYPRUS

PRESIDENTIAL ELECTION
28 JANUARY 2018

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT
21-23 November 2017



Warsaw
21 December 2017

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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 28 January 2018 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) from 21 to 23 November. The NAM included Steven Martin, OSCE/ODIHR Senior Adviser on New Voting Technologies, and Oleksii Lychkovakh, 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 should 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, as well as with representatives of political parties, the 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 its assistance and co-operation in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the mission and sharing their views.

II. EXECUTIVE SUMMARY

Cyprus is a presidential republic with the president directly elected for a five-year term to serve as both the head of state and the head of government. 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 later between the two candidates with the most votes. Some twelve potential candidates, all male, have unofficially announced their intention to contest the election. The pre-election environment is largely shaped by the consequences of the 2013 financial crisis and bailout, and subsequent financial and social challenges.

The electoral legal framework was substantially amended in 2015, with additional changes introduced in 2016 and 2017. Most new provisions relate to campaign and campaign finance regulations and address some previous recommendations. OSCE/ODIHR NAM interlocutors expressed general satisfaction in the legal framework for elections. However, they stressed that certain provisions are insufficiently clear with regard to implementation or not harmonised with each other, in particular concerning the campaign, campaign finance and media coverage.

The administration of the election is managed by the Ministry of Interior (MoI). The Permanent Secretary of the MoI serves as the General Returning Officer who has the overall responsibility to administer the election. District Returning Officers are responsible to organize the election conducted by some 1,100 polling stations. Overall, OSCE/ODIHR NAM interlocutors expressed full confidence in the ability of the election administration at both the central and district levels to manage the election in a professional and impartial manner, including on election day.

Voting rights are extended to all citizens who are at least 18 years old by election day and who have resided in Cyprus for a period of six months before becoming eligible to vote. Voter registration is compulsory and is maintained by the Civil Registry and Migration Department of the MoI. For this election, voter lists will be finalized by the end of December and authorities estimate that some 550,000 voters will be included. Overall, OSCE/ODIHR NAM interlocutors did not express concerns over the accuracy of voter lists and expressed trust in the ability of the authorities to manage the registration process.

Citizens over the age of 35 and enjoying voting right are eligible to contest the election. Candidates are self-nominated, but may be endorsed by political parties. Recent amendments increased the number of required support signatures from 9 to 100 and adjusted provisions on candidate deposits. Candidate nomination takes place 30 days before election day.

The election campaign is largely unregulated. Amendments have established the official campaign period to begin six months before election day. Specific regulations prohibit negative campaigning and regulate opinion polls. Overall, OSCE/ODIHR NAM interlocutors expressed confidence in the ability to campaign freely and in the ability of all institutions to guarantee electoral rights and freedoms.

Campaign finance is generally regulated by the law on parliamentary elections which is supported by limited provisions in the law on presidential elections. Several OSCE/ODIHR recommendations related to campaign finance have been addressed through recent amendments. While OSCE/ODIHR NAM interlocutors noted that campaign finance regulations were enhanced, they acknowledged a number of inconsistencies and gaps in the legislation and that the Attorney General would be consulted to clarify certain provisions.

The media offer voters diverse information through a variety of private and public broadcasters, as well as print and online media. By law, broadcasters should ensure equal and objective treatment of all candidates during the electoral period. Some OSCE/ODIHR interlocutors were concerned that the legislation is not precise on which date these equal treatment provisions start applying from or on how coverage needs to be considered in case a candidate is supported by multiple parties. Several OSCE/ODIHR NAM interlocutors noted that the uncertainty of media entitlements for candidates from the start of the campaign until the official candidate nomination leads to potential difficulties for the media regulator in enforcing provisions.

Overall, the OSCE/ODIHR NAM noted strong stakeholder confidence in the integrity of the electoral process and in the professionalism and impartiality of the election administration in organizing the election. A number of OSCE/ODIHR recommendations have been considered and recent amendments have enhanced some aspects of the electoral framework. Nevertheless, OSCE/ODIHR NAM interlocutors noted some inconsistencies and gaps in the electoral legal framework, particularly concerning the campaign, campaign finance and media coverage and thus suggested that the election could benefit from an external assessment. They expressed an interest in the OSCE/ODIHR's expertise and stated that an election-related activity and accompanying recommendations could contribute towards further improving the electoral process.

Given these identified issues, the electoral process could benefit from closer scrutiny, in particular on the implementation of legislation pertaining to the campaign, campaign finance and

media regulations. On this basis, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming presidential election.

III. FINDINGS

A. BACKGROUND

Cyprus is a presidential republic with the president serving as both the head of state and the head of government. According to the 1960 Constitution, the president is elected by the Greek Cypriot community and the vice-president by the Turkish Cypriot community. In 1964, the Turkish Cypriot community withdrew from cross-community institutions including the presidency, therefore, the vice-president is not elected and the post remains vacant.

The presidential election is scheduled for 28 January 2018. The incumbent will seek re-election, and by the time of the OSCE/ODIHR NAM, 11 more candidates had already unofficially announced they would contest the election, all of them male. The pre-election environment is largely shaped by the consequences of the 2013 financial crisis and resulting bailout, and ensuing financial and social challenges.

The last parliamentary elections were held in May 2016. In total, eight parties obtained seats in the parliament. The Democratic Rally Party (DISY) won the most seats and formed the government.¹

For the 2013 presidential and 2016 parliamentary elections, the OSCE/ODIHR did not recommend to deploy any election-related activity.² The OSCE/ODIHR deployed an election assessment mission for the 2011 parliamentary elections.

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework governing the presidential election primarily comprises the Constitution, the 1959 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) and the 1979 Law on Election of Members of House of Representatives (law on parliamentary elections). Where the law on presidential elections lacks specific provisions, the law on parliamentary elections is applicable. Other pertinent legislation include the Political Party Law (PPL), the Law on Civil Registry, the Law on Radio and Television, and the Law on the Cyprus Broadcasting Corporation (CyBC). In addition, the Attorney General has the authority, upon request from government institutions, to provide clarification of the legislation, as well as instructions on implementation.

Both election laws and the PPL were substantially amended in 2015, with additional changes introduced to the two election laws in 2016 and 2017. Most new provisions relate to campaign and campaign finance regulations and address some previous recommendations made by the OSCE/ODIHR and the Group of States against Corruption of the Council of Europe (GRECO). OSCE/ODIHR NAM interlocutors expressed general satisfaction in the legal framework for

¹ The elections resulted in the following seat distribution: DISY 18 seats, Progressive Party of Working People (AKEL) 16 seats, the Democratic Party (DIKO) – 9, the Movement for Social Democracy (EDEK) – 3, the Citizens` Alliance (SYPOL) – 3, Solidarity Movement – 3, the National Popular Front (ELAM) – 2, and the Ecological and Environmental Movement (Green Party) – 2 seats.

² [See previous OSCE/ODIHR reports on Cyprus.](#)

elections. However, they stressed that certain provisions are insufficiently clear with regard to implementation or not harmonised with each other (see *Campaign and Campaign Finance* and *Media* sections). Recent amendments concerning voting widen permitted forms of identification for election day, and, in line with a previous OSCE/ODIHR recommendation, abolished mandatory voting.

The president is elected for a five-year term in a single nation-wide constituency. In case no candidate wins more than 50 per cent of valid votes in the first round, a run-off takes place one week later between the two candidates who received the most votes.

The law provides for the presence of party and candidate agents in polling stations on election day. OSCE/ODIHR NAM interlocutors noted that it was mostly the larger parties that deploy agents and coverage is generally limited. There are no provisions for citizen and international observers, at odds with paragraph 8 of the 1990 OSCE Copenhagen Document and despite previous OSCE/ODIHR recommendations. The authorities noted to the OSCE/ODIHR NAM that in case an election-related activity is deployed, the necessary access would be provided.

C. ELECTION ADMINISTRATION

The administration of the election is managed by the Ministry of Interior (MoI). The Permanent Secretary of the MoI serves as the General Returning Officer (GRO). The GRO has the overall responsibility to administer the election and is supported by a permanent Central Electoral Office. The District Officers of the administrative units are appointed as District Returning Officers (DROs) and are responsible for the organization of the election at the district level, including the recruitment and training of polling staff. Some 1,100 polling stations will be established.

Each polling station comprises a presiding officer and up to six assistants, and according to the authorities, women constitute around 75 per cent of staff. Positions are open to civil servants as well as unemployed persons. For training, informational booklets on procedures are centrally produced and several meetings are convened for presiding officers. DROs are responsible to implement their own training programmes and some DROs exchange information and good practice.

Authorities informed the OSCE/ODIHR NAM that they coordinate with civil society organisations working with persons with disabilities to identify polling stations used by disabled voters. While access should be facilitated either permanently or with temporary ramps, it was noted that not all locations where disabled voters will vote may be known beforehand. In addition, 200 accessible voting booths will be distributed to polling stations where disabled voters are expected to vote.

As in previous elections, the MoI intends to launch a comprehensive voter information campaign and develop a range of information for media outlets and political parties. Regular meetings with different stakeholders are planned throughout the pre-election period.

Polling stations abroad are established in diplomatic representations if at least 50 voters apply to vote in a specific location. Authorities informed the OSCE/ODIHR NAM that some 40 polling stations abroad will be opened. In addition, to facilitate voting for voters residing in enclaves located within territories not under government control, two polling stations will be opened in

areas controlled by the government.³ Overall, OSCE/ODIHR NAM interlocutors expressed full confidence in the ability of the election administration at both the central and district levels to manage the election in a professional and impartial manner, including on election day.

D. VOTER REGISTRATION

Voting rights are extended to all citizens who are at least 18 years old by election day and who have resided in Cyprus for a period of six months before becoming eligible to vote. Voter registration is compulsory and citizens becoming eligible are required to register within 30 days.⁴

Voter registration is maintained by the Civil Registry and Migration Department of the MoI. Every voter is issued a voting card, which can serve as an identification document on election day along with a number of other government issued documents. Voter lists are updated quarterly by the MoI and district offices and voter information is available for review at district offices and online. For this election, voter lists will be finalized on 18 December and authorities estimate that some 550,000 voters will be included.

Enclave voters are registered according to their place of residence on the territory not under government control. Prisoners are entitled to vote and special lists are compiled based on information submitted by prison authorities. Overall, OSCE/ODIHR NAM interlocutors did not express concerns over the accuracy of voter lists and expressed trust in the ability of the authorities to manage the registration process.

E. CANDIDATE REGISTRATION

Citizens can stand as a presidential candidate if they are over 35 years old, are eligible to vote, have not been convicted of “an offence involving dishonesty”, have not been disqualified by a court for any electoral offence, and do not suffer from a mental disability. Presidential candidates should be from the Greek Cypriot community.

Candidates are self-nominated, but may be endorsed by one or more political parties. The 2016 amendments increased the number of support signatures from 9 to 100 and increased the deposit to EUR 2,000, which is returned to candidates who receive more than three per cent of valid votes.⁵ Candidate nomination takes place 30 days before election day (on 29 December). Potential candidates submit nomination documents to the GRO for review and eligible candidates are registered.

F. CAMPAIGN

The election campaign is largely unregulated. The recent amendments established the official electoral campaign period to begin six months before election day. The campaign ends 55 hours before the beginning of voting. Negative campaigning is prohibited. Opinion polls are not permitted from seven days before election day.

³ Authorities noted that some 500 voters reside in the two enclaves.

⁴ The law prescribes criminal liability for failure to register or to notify about a change of name or address. Infringements carry fines up to 340 EUR or imprisonment for up to six months; however, authorities noted that the sanctions are not enforced.

⁵ The amendments decreased the amount of support for the deposit to be returned, from 10 to 3 per cent.

Due to the small size of the electorate, there is a focus on direct interaction between candidates and voters. In addition to traditional activities, social media will also be an important outreach tool for all candidates. One political party representative raised concerns that the online presence of the party and several of its members of parliament has recently been subject to multiple cyber-attacks. OSCE/ODIHR NAM stakeholders expressed confidence in the ability to campaign freely and in the ability of all institutions to guarantee electoral rights and freedoms.

G. CAMPAIGN FINANCE

Campaign finance is generally regulated by the law on parliamentary elections that is supported with limited provisions applicable specifically to presidential elections in the law on presidential elections.⁶ Several OSCE/ODIHR recommendations related to campaign finance have been addressed through recent amendments to the legal framework. The latest GRECO report noted that a number of its recommendations have been addressed, which serves to enhance transparency of the financing framework, although some shortcomings remain.⁷ While OSCE/ODIHR NAM interlocutors noted that the campaign finance regulation has been enhanced, they also acknowledged some inconsistencies and gaps in the legislation and that the Attorney General would be consulted to clarify certain provisions.

The provisions regarding donations to candidates are limited and are only included in the law on parliamentary elections. The law provides that candidates may receive private donations, monetary and in-kind. However, OSCE/ODIHR NAM interlocutors noted that provisions on campaign income for candidates were not sufficiently comprehensive.

Amendments introduced a ceiling on campaign expenditures – EUR one million per candidate. Payments carried out by a candidate or his/her agent during the campaign shall be supported by an invoice or receipt, and if the amount exceeds EUR 100, it should be completed via bank transfer. Several OSCE/ODIHR NAM interlocutors pointed out that the legislation lacks clarity on when expenditures by candidates should be included in this limit (from the start of the official campaign or from the moment of candidate registration) and if expenses incurred by third parties, including political parties supporting a candidate are also to be included.⁸ These issues have been forwarded by the Auditor General to the Attorney General for clarification.⁹ Some party representatives also noted to the OSCE/ODIHR NAM that more guidance and information on regulations, including clarification on campaign expenditure should be provided.

This will be the first presidential election to require candidates to report on campaign expenditures. Reports are due to the GRO within two months from the publication of election results and are then forwarded to the Auditor General for review. OSCE/ODIHR NAM interlocutors noted that timelier reporting, including before the election, could be considered to further transparency. The recent amendments provide that expenditure reports should be published in the national press and posted online by candidates and their supporting parties. Reports do not have to use specific templates.

⁶ Political party finance is regulated through the PPL.

⁷ See GRECO's [Third Evaluation Round - Second Interim Compliance Report on Cyprus](#), 2016.

⁸ The 2017 amendment to the law on presidential elections defines that electoral campaign expenditures are expenses incurred during the electoral campaign by the candidate or by his/her electoral representative on his/her behalf.

⁹ The OSCE/ODIHR NAM was informed that there is no deadline for the Attorney General to respond to such queries, although they would be given priority since the campaign has already commenced.

The Audit Office, led by the Auditor General, is the oversight authority responsible for party and campaign finance. The review of expenditure reports by the Audit Office is limited to only verifying the accuracy of expenditure on campaign advertising and further verification is not undertaken.¹⁰ Discrepancies in expenditures are forwarded to the Attorney General.¹¹ A number of OSCE/ODIHR NAM interlocutors acknowledged that constraints in the resources of the Audit Office might limit follow-up on potential irregularities. Moreover, some stakeholders expressed concerns with regard to the limited scope of verification under the law, which may allow candidates to circumvent the expenditure limit.

H. MEDIA

The media offer diverse information through a variety of private and public broadcasters as well as printed and online media.¹² The Law on the CyBC regulates the public broadcaster, including campaign coverage during the election and stipulates that the CyBC should ensure equality and objectivity to all candidates during six months before election day. As candidates are only registered 30 days before an election, the law provides an explanation on whom to consider a potential candidate. It stipulates several categories: the incumbent; the leader of a political party; a potential candidate enjoying support of one or several parties; and a person respected by the electorate as playing a significant role in the social and political life of the country. The CyBC has already agreed with representatives of potential candidates on a ‘code of coverage’.

According to the Law on Radio and Television, private broadcasters should treat all candidates during the electoral period in a balanced way, just as the CyBC, and in line with similar parameters. The law also prescribes that candidates representing smaller and new parties should not be neglected. A candidate’s coverage should be based on the percentage of votes that their supporting party received during previous elections, although such an approach was noted as potentially problematic given that candidates are not directly linked to political parties. Prior to the election, each broadcaster should develop a coverage plan that is agreed with candidates.

OSCE/ODIHR NAM interlocutors noted that the legislation is imprecise on the specific date when equal treatment provisions begin to apply, and unclear on how or if the broadcaster coverage plans need to be adjusted in case a candidate is supported by multiple parties. Some potential candidates complained about the proposed plans stating that since they are supported by several parliamentary parties they are entitled to a larger portion of coverage. In addition, several stakeholders expressed dissatisfaction with the categorization of the ‘main’ and ‘other’ candidates used for coverage. Print media are self-regulated and not subject to obligations during the campaign. Online media, including online platforms of broadcasters are not subject to regulation.

Media can start broadcasting paid political advertisement any time, but the period of 40 days before election day is regulated. During that time, each candidate is allocated a cumulative maximum of 100 minutes on all TV stations and 60 minutes on all radio stations.¹³ Broadcasters should clearly mark any paid advertisement and all candidates should be offered the same

¹⁰ Expenditure reports are cross-checked with reports provided by advertisement and public relations agencies that provide services to candidates.

¹¹ Infringements can be sanctioned with the range of fines up to EUR 20,000.

¹² There are 10 nationwide private and 2 public TV broadcasters, as well as some 20 regional TV stations. The main national television channels include the public broadcaster, the CyBC, and national private broadcasters *Mega TV*, *Antenna TV* and *Sigma TV*. There are 20 nationwide and 27 local radio stations, including some broadcasting in languages other than Greek.

¹³ In case of a second round, 25 minutes on TV and 25 minutes on radio are allocated to each candidate.

advertising rates. Some OSCE/ODIHR NAM interlocutors opined that broadcasters could circumvent this requirement through offering discounts on advertising to some candidates.

The Cyprus Radio-Television Authority (CRTA) oversees private broadcasters to ensure equal treatment of candidates and the proper conduct of opinion polls.¹⁴ The CRTA mostly acts upon complaints and rarely on its own initiative. It may immediately contact an outlet for resolution or wait until the end of the campaign, depending on the issue.¹⁵ Generally, there are very few focal submitted complaints related to the elections and none have been submitted to the CRTA thus far concerning this election. Several OSCE/ODIHR NAM interlocutors noted that the uncertainty of media entitlements for candidates from the start of the campaign until the official candidate nomination leads to potential uncertainty for the CRTA to enforce provisions.

I. COMPLAINTS AND APPEALS

Complaints related to the general administration of the election and voter registration are filed with DROs. Election day complaints can be filed with and considered by presiding officers at polling stations, and most of them are usually submitted by candidate agents. Lower-level election administration decisions can be appealed to the GRO and then to the Supreme Court, which serves as an electoral court during the electoral period and takes decisions on the validity of elections and considers complaints on candidate registration.

The legislation does not specifically provide for expedited election dispute resolution. While OSCE/ODIHR NAM interlocutors noted satisfaction in the impartiality of the election dispute resolution process, some noted that an extended court procedure related to electoral complaints could potentially delay the finalization of election results.¹⁶

IV. CONCLUSION AND RECOMMENDATION

Overall, the OSCE/ODIHR NAM noted strong stakeholder confidence in the integrity of the electoral process and in the professionalism and impartiality of the election administration in organizing the election. A number of OSCE/ODIHR recommendations have been considered and recent amendments have enhanced some aspects of the electoral framework. Nevertheless, OSCE/ODIHR NAM interlocutors noted some inconsistencies and gaps in the electoral legal framework, particularly concerning the campaign, campaign finance and media coverage and thus suggested that, the election could benefit from an external assessment. They expressed an interest in the OSCE/ODIHR's expertise and stated that an election-related activity and accompanying recommendations could contribute towards further improving the electoral process.

Given these identified issues, the electoral process could benefit from closer scrutiny, in particular on the implementation of legislation pertaining to the campaign, campaign finance and media regulations. On this basis, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming presidential election.

¹⁴ The CyBC has its own board, which undertakes supervisory functions.

¹⁵ Sanctions range from warnings and fines to the suspension or withdrawal of licenses.

¹⁶ Reference was made to the December 2016 mayoral election in Limassol, the result of which has not yet been finalized due to a pending decision of the Limassol District court concerning the validity of some ballots.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Charis Christodoulidou, Head of Department of Multilateral Affairs and International Organizations

Eirini Katsioloudi, Officer

Ministry of Interior

Kypros Kyprianu, Acting Permanent Secretary, General Returning Officer

Demetris Demetriou, Chief Electoral Officer

Sophia Michaelides, Director of the Press and Information Office

Law Office of the Republic, Attorney General Office

Theodora Christodoulidou, Councillor

District Office of Nicosia

Marios Panagides, District Officer

Andreas Hadjipakkos, Deputy District Officer

Michael Beys, Assistant District Inspector

Audit Office

Odysseas Michaelidis, Auditor General

Maria Drakou, Senior Principal Officer

Toulla Lazoura, Senior Principal Officer

Political Parties (in alphabetical order)

Citizens' Alliance

Constantines Filaretou, Member of the Secretariat

Alexia Kytireotou, Parliamentary Assistant

Democratic Party (DIKO)

Sophoclis Fittis, ex-Member of Parliament

Democratic Rally (DISY)

Kyriacos Hadjiyannis, Member of Parliament

European Socialist Party (EDEK)

Kostas Efstathiou, Member of Parliament

Green Party

Efi Xanthou, International Relations Secretary

Christis Iosifides, Activist

National Popular Front (ELAM)

Geadis Geadis, Press Officer

Progressive Party of the Working People (AKEL)

Andreas Kafkalias, Member of Parliament

Solidarity

Costakis Christoforou, Vice-President

Cyprus Broadcasting Corporation (CyBC)

Michael Maratheftis, Director General

Panikos Hadjipanayis, Head of News and Current Affairs Department

Cyprus Radio-Television Authority

Rona Petri Kassapi, President

Neophytos Epaminondas, Director

Michael Lambrianides, Senior Radio-Television Officer

Union of Cyprus Journalists

Giorgos Frangos, President

Andreas Riris, Member of the Board

Private Media (in alphabetical order)

ALPHA News

George Tsalakos, News Director

ANT1

Stelios Malekos, Managing Director

Elli Kotzamani, News Director

CAPITAL

Konstantinos Athanasiou, Head of News

EXTRA

Stavros Hadjisavvas, Journalist

PLUS TV

Constantina Christodoulou, General Manager

Anastasia Ioakimidou, Programme Director

SIGMA

Yiannis Kareklas, Head of News

Dinos Papas, Technical Manager

TVONE

Michael Pavlides, Head of News