



Office for Democratic Institutions and Human Rights

REPUBLIC OF CYPRUS

PRESIDENTIAL ELECTION
28 January and 4 February 2018

ODIHR Election Assessment Mission
Final Report



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TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGEMENTS.....	2
III.	BACKGROUND.....	3
IV.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM	3
V.	ELECTION ADMINISTRATION.....	4
VI.	VOTER REGISTRATION.....	6
VII.	CANDIDATE REGISTRATION.....	6
VIII.	ELECTION CAMPAIGN.....	7
IX.	CAMPAIGN FINANCE.....	8
	A. CAMPAIGN INCOME AND EXPENDITURE	8
	B. DISCLOSURE AND REPORTING	9
	C. OVERSIGHT.....	10
X.	MEDIA	11
	A. MEDIA ENVIRONMENT.....	11
	B. LEGAL FRAMEWORK FOR THE MEDIA	11
	C. MEDIA COVERAGE OF THE ELECTION	12
XI.	COMPLAINTS AND APPEALS	13
XII.	ELECTION DAY	14
XIII.	RECOMMENDATIONS	15
	A. PRIORITY RECOMMENDATIONS.....	15
	B. OTHER RECOMMENDATIONS	16
	ANNEX: ELECTION RESULTS.....	17
	ABOUT THE OSCE/ODIHR	18

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I. EXECUTIVE SUMMARY

Following an invitation from the Permanent Mission of the Republic of Cyprus to the OSCE and based on the recommendations of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) to observe the 28 January 2018 presidential election and remained in the country to follow the second round on 4 February.

The election was held in a competitive and pluralistic environment characterized by respect for human rights and fundamental freedoms. Stakeholders expressed confidence in most stages of the electoral process and voters had an opportunity to make an informed choice from a variety of political options. All nine candidates who filed nomination papers for this election were registered; all candidates were male.

The legal framework is overall adequate for the conduct of democratic elections, but is overly complex and, at times, outdated. A few previous ODIHR recommendations were addressed since the last presidential election, including reflecting prisoners' right to vote in the election legislation and adding a requirement to publish campaign finance reports. Certain aspects of the electoral process, such as campaign provisions, dispute resolution and the rights of observers, remain under-regulated.

The president is elected for a five-year term in a single nationwide constituency. In case no candidate wins over 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. Only citizens belonging to the Greek Cypriot community could stand for president. At odds with international standards, some candidate eligibility criteria are not reasonable and objective, including limiting the rights of persons with mental disabilities.

Although the majority of candidates ran independently, most were supported by one or more political parties. The two second round contenders formally ran as independents, although one was supported by the ruling party and the other by the main opposition party. The election took place in an environment shaped by the stalemate in the efforts to find a solution to the division of the island, and the aftermath of the 2013 financial crisis.

The election was administered in a highly professional, efficient and transparent manner. The Permanent Secretary of the Ministry of Interior serves as the General Returning Officer (GRO) and is assisted by district returning officers, who organize the election at district level. Civil servants play a key role in the election administration. Some 1,120 polling stations were established for the election, including 38 abroad.

The GRO maintains a computerized voter list that is updated four times a year. In total, 550,593 voters were registered, of whom 279,378 (51 per cent) were women, and 657 from the Turkish

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

Cypriot community. The voter registration system is active and registration is compulsory. The registration rate was especially low amongst young voters.

All candidates were able to campaign freely. They used a variety of campaign means to reach out to voters, including billboards, banners, leaflets and traditional and online media. Most candidates focused on direct interactions with voters and held small-scale public meetings. Some candidates were fined for sending unsolicited campaign messages and making phone calls to voters during the campaign period and the campaign silence period, including on election day.

Recent legal amendments set a EUR 1 million ceiling on campaign expenses and introduced a six-month period for reporting on campaign finances before the election. Still, several aspects of campaign finance remain under-regulated, including limits on donations to candidates and the method for valuing in-kind donations. State subsidies for the campaign were available only to candidates supported by parliamentary parties, which disadvantaged other candidates. The key role of the Auditor General to audit candidates' income and expenditures is widely acknowledged, but the office has limited powers to investigate alleged financial irregularities and relies on co-operation with other enforcement institutions. Competencies are dispersed among several institutions and closer inter-agency co-operation would enhance institutional oversight.

The media environment is vibrant and pluralistic. The law requires equitable treatment of candidates by both public and private broadcasters, and time is allocated in proportion to the parliamentary strength of the candidate's supporting party. While the media provided voters with a plurality of views, the rigid and prescriptive campaign coverage rules largely dictated by political actors curtailed debate.

The police investigated 23 election-related incidents, mostly related to voters taking a photo of their ballot or campaign messages sent to voters by text message in breach of campaign silence provisions. The mechanism for election dispute resolution does not provide for an effective remedy. Expedited deadlines for the review of election-related complaints and appeals are lacking, which is at odds with the 1990 OSCE Copenhagen Document.

On both election days, election officials in polling stations visited by the ODIHR EAM generally worked efficiently, followed procedures and had no difficulties in completing the results protocols. Candidate observers were present and as a rule systematically recorded the identity those who voted. Although intended as a transparency measure, this practice was criticized by a number of ODIHR EAM interlocutors as potential undue influence, including challenging the right to abstain from voting.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Permanent Mission of the Republic of Cyprus to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 28 January 2018 presidential election and based on the recommendation of a Needs Assessment Mission conducted from 21 to 23 November 2017, ODIHR deployed an Election Assessment Mission (EAM) from 18 January to 6 February 2018. The ODIHR EAM was headed by Ambassador Urszula Gacek and consisted of six experts drawn from six OSCE participating States. The EAM was based in Nicosia and visited several locations across the country.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with

ODIHR's methodology, the EAM did not assess election day proceedings in a systematic or comprehensive manner, but observed a limited number of polling stations and tabulation centres.

The ODIHR EAM wishes to thank the Ministry of Foreign Affairs of the Republic of Cyprus, 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 the diplomatic community and other interlocutors for sharing their views.

III. 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.

On 8 September 2017, following consultations with political parties, the Minister of Interior set the date for the presidential election for 28 January 2018 and a potential run-off for 4 February; the dates were confirmed on 15 December 2017 with the publication of the writ of election, in line with legal requirements.

The 2018 presidential election took place against the backdrop of the stalemate in the efforts to find a solution to the division of the island, the 2013 financial crisis, and ensuing financial and social challenges.

ODIHR previously assessed two elections in Cyprus, most recently in 2011 when it deployed an EAM for the parliamentary elections.² The EAM noted, among other aspects, that the elections were administered in an impartial, efficient and professional manner, and voters were provided with a wide choice among diverse political options. In particular, ODIHR recommended improving party and campaign finance provisions, which were found to be insufficiently detailed. ODIHR also recommended extending the competence of the district offices to monitor expenditures of parties and candidates at the local level. ODIHR further recommended strengthening the existing mechanisms for implementing gender-related legislation towards creating a more conducive environment for women's participation in political life.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The presidential election is regulated by the 1960 Constitution (last amended in 2016), 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 election, last amended in 2017) and the 1979 Law on Election of Members of House of Representatives (law on parliamentary elections, last amended in 2017), and also supported by additional legislation.³

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

³ The 2012 Political Party Law (last amended 2015), the 2002 Civil Registry Law (last amended in 2015), the 1998 Law on Radio and Television (last amended in 2010), the 1959 Law on Cyprus Broadcasting Corporation (CyBC, last amended in 2010), the 2006 Law on the Exercise of the Right to Vote and be Elected by Members of the Turkish Community with Habitual Residence in the Free Areas of the Republic.

Following the principle *mutatis mutandis*, the law on parliamentary elections and other pieces of legislation are applied where the law on presidential election lacks relevant provisions. Case law is also applicable and 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 necessarily published. The Ministry of Interior (MoI) produces non-binding instructions for polling staff.

Since the 2013 presidential election, the electoral legislation has been amended several times.⁴ The changes addressed a few previous ODIHR recommendations including the requirement to publish campaign finance reports of candidates and reflecting prisoners' right to vote in the election legislation.⁵ The most recent changes abolished provisions for mandatory voting (July 2017) and introduced a EUR 1 million ceiling on candidates' campaign expenses (October 2017).⁶ The latter provision and the opinions by the Attorney General on the new campaign spending ceiling (issued in December 2017 and January 2018) at the request of the Auditor General, came late in the process, after the campaign had already commenced (See *Campaign Finance* section).

Overall, the legislation provides an adequate framework for conducting democratic elections. It is, however, overly complex in its structure and language and, at times, outdated.⁷ In addition, some parts of the laws are in English only with subsequent amendments introduced in Greek, at odds with OSCE commitments.⁸

Consideration should be given to conduct a comprehensive review of the electoral legal framework well in advance of the next elections to further harmonize, clarify and update respective laws.

The president is elected for a five-year term in a single nationwide constituency. In case no candidate wins over 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. There is no limit on the number of mandates an individual can hold.

V. ELECTION ADMINISTRATION

Elections are administered by the MoI. The Permanent Secretary of the MoI serves as the General Returning Officer (GRO). The GRO has overall responsibility for the election administration and is supported by a permanent Central Electoral Office (CEO) that has a key operational role. At the intermediate level, chief district officers act as District Returning Officers. They organize elections at the district level, including the recruitment and training of polling staff. All major positions in the

⁴ Most amendments, except those related to campaign finance, were of a technical nature.

⁵ While the right to vote for prisoners was granted by the Civil Registry Law in 2006, the change was only reflected in the law on parliamentary elections in 2015.

⁶ Not all relevant legislation has been amended to reflect the abolishment of mandatory voting. For example, provisions are still included in the 2004 Law on Municipal and Communities Elections concerning Citizens of Other Member States, as well as the 2004 Law on Elections of Members of the European Parliament.

⁷ In one example of outdated provisions, for some election violations the law envisages imprisonment or a fine and the deprivation of voting rights for a period of seven years. ODIHR EAM interlocutors noted that these provisions are never applied and opined that they could even be considered unconstitutional. See also the *Media* Section.

⁸ Official languages of Cyprus include Greek and Turkish. Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) provides for "legislation, adopted at the end of a public procedure, and regulations will be published, that being the condition for their applicability. Those texts will be accessible to everyone".

election administration are held by civil servants, who are obliged by law to maintain strict impartiality when performing their official duties.⁹

Each polling board comprises a presiding officer and up to six assistants. Women constituted 67 per cent of polling staff.¹⁰ Positions on polling boards are open to civil servants as well as unemployed university graduates. All polling staff were required to attend two training sessions organized by the GRO and were provided with comprehensive instructions including an election day manual and guidelines for deciding on the validity of disputed ballots. Voter information was available in Greek and Turkish.

For this election, 1,121 polling stations were established in areas controlled by the government. Enclaved voters were assigned to two specific polling stations in government-controlled areas, but could vote in any other polling station if they applied in advance. Voters abroad could vote in 38 polling stations established in diplomatic representations and consulates in 15 countries.

The law does not provide for the establishment of polling stations in hospitals, retirement homes or for mobile voting, which limits the right of elderly or bedridden voters. Partially addressing a previous ODIHR recommendation and in consultation with organizations for persons with disabilities, the election administration equipped a number of polling stations with special ballot booths that allowed persons with mobility disabilities to vote independently. Voters with other disabilities, including visual impairment, could request assisted voting. A voter requiring assistance could choose to be assisted by a family member or another trusted person, or jointly by the presiding officer and a polling assistant.¹¹

Authorities could consider further measures to ensure the equal participation of voters with disabilities in respect of their right to cast votes independently and in secret, in consultation with organizations for persons with disabilities.

Overall, the election was administered in a highly professional, efficient and transparent manner. Election stakeholders expressed confidence in the election administration throughout all stages of its work.

Despite a previous ODIHR recommendation, there are no provisions related to international and citizen election observers, at odds with OSCE commitments.¹² Only observers representing candidates and parties have the right to be present in polling stations and tabulation centres. On both election days, however, the ODIHR EAM was provided unrestricted access to all aspects of the process, including in tabulation centres, and received full co-operation from the election administration.

⁹ The 2008 Public Service Law, among other laws, prohibits public officer holders from taking part in activities of political parties during office hours and from organizing or speaking publicly at campaign events.

¹⁰ Women represented 49.2 per cent of presiding officers and 71.2 per cent of polling assistants.

¹¹ Article 29 of the United Nations (UN) [Convention on the Rights of Persons with Disabilities](#) (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.”

¹² Paragraph 8 of the 1990 OSCE Copenhagen Document states that 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 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.”

VI. VOTER REGISTRATION

The right to vote is 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.¹³ Voter registration is active and compulsory. Citizens becoming eligible to vote are required to register within 30 days.¹⁴

Voter registration is maintained by the Civil Registry and Migration Department of the MoI. Every voter is issued a voting booklet, which can serve as identification on election day. Following legal amendments introduced after the 2016 parliamentary elections, voters can also use their regular ID cards for voting in addition to the voting booklet. Voter lists are revised and updated quarterly by the MoI and district offices and voter registration information is available for review at district offices and online. Despite voter records being linked to the civil registry, the authorities justify maintaining active voter registration by the need to verify voters' actual place of residence.

Voters continue to be designated Turkish Cypriot or Greek Cypriot in the civil and voter registries, which has implications for their right to stand in the presidential election.¹⁵ However, constitutional provisions for registering as a member of the Greek Cypriot or the Turkish Cypriot community became obsolete after the breakdown of the bi-communal constitutional setup and the withdrawal of Turkish Cypriots from institutions of state in 1964.

In total, 550,593 voters registered to vote by the 18 December 2017 deadline, of whom 279,378 (51 per cent) were women, and 657 from the Turkish Cypriot community. The deadline for registration falls early in advance of the election and potentially disenfranchised some voters. Data suggests that the registration rate was especially low amongst young voters.¹⁶

It is recommended to abolish mandatory voter registration and to consider passive voter registration on the basis of the civil registry. Extending the voter registration deadline and setting the cut-off date for registration closer to election day could also be considered.

VII. CANDIDATE REGISTRATION

Citizens over the age of 35 years from the Greek Cypriot community are eligible to contest the election given they have not been convicted of “an offence involving dishonesty or moral turpitude” or disqualified by a court for any electoral offence. The GRO has the discretion in determining what constitutes “an offence involving dishonesty or moral turpitude” as it is not sufficiently elaborated in the legal framework. This provision appears not to be an objective and reasonable restriction on candidacy and at odds with international standards.¹⁷ The Constitution prescribes that a candidate is

¹³ The right to vote can be restricted in cases of conviction for certain electoral violations; however, this provision does not appear to be enforced.

¹⁴ The law prescribes criminal charges and fines up to 340 EUR or imprisonment for up to six months, yet these provisions are not enforced.

¹⁵ The legal framework also provides for official registration of voters who are identified as Maronite, Armenian and Latin since they can vote for representatives of their respective minority religious group in parliamentary elections.

¹⁶ Based on voter registration and census data, some 61 per cent of citizens aged 20-29 years are registered to vote. This is the lowest number of voters among all age groups.

¹⁷ Article 4 of [UN Human Rights Council's General Comment 25](#) to Article 25 of the International Covenant on Civil and Political Rights (ICCPR), states that “the exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable”.

ineligible if he or she “is suffering from a mental disability incapacitating such person from acting as President”.¹⁸ Citizens belonging to the Turkish Cypriot community with habitual residency for more than six months in Cyprus have the right to vote in all elections, but only Greek Cypriots can stand for president.¹⁹ All the above-mentioned restrictions are contrary to international standards.

The legislation should be revised to remove the subjective criteria for candidacy, the limitations on the right of persons with mental disability to stand as well as restrictions on the basis of ethnicity.

Candidates are self-nominated, but may be endorsed by one or more political parties. Two candidates were endorsed by a single party, one by a coalition of four parties and six ran as independents. Voters had a choice from a variety of political options. The two second round contestants formally ran as independents, although one was supported by the ruling party and the other by the main opposition party.

The 2016 amendments to the law on presidential election increased the number of required support signatures from 9 to 100 and slightly increased the amount of candidate deposits (set at EUR 2,000).²⁰ There is no provision that requires a presidential candidate or their supporter to be a registered voter.²¹

Candidate nomination took place 30 days prior to election day, and was inclusive with all nine nominated candidates registered. All candidates were male. Women remain underrepresented in public and political life, and measures to promote their participation are lacking.

Authorities could consider possible legislative measures that would facilitate a more balanced participation of women and men in political and public life and especially in decision-making.

VIII. ELECTION CAMPAIGN

The election campaign is largely unregulated and various legal deadlines pertaining to the campaign are not harmonized. While the majority of prospective candidates launched their campaign in the second half of 2017, some already began campaigning in April. Candidates could officially register only 30 days prior to election day. The lack of clarity about the campaign period and the status of prospective candidates created uncertainty about the applicability of campaign rules (see also *Media and Political Party and Campaign Finance* sections).

The electoral calendar could be harmonized to set legal deadlines for the official announcement of the election, candidate registration, and the beginning of the pre-election campaign period in sequential order.

¹⁸ Article 12 of the CPRD provides that “state parties shall recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life”. Article 29 provides that “state parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”.

¹⁹ Under the Constitution, Greek Cypriots vote for the president and Turkish Cypriots vote for the vice-president. Turkish Cypriot community members were given the right to vote and stand in all elections, except the right to stand for president, in the 2006 Law on the Voting Rights of Turkish Cypriot Citizens Habitually Residing in the Free Areas. The law was enacted after a decision of the European Court of Human Rights in the case *Ibrahim Aziz vs. Republic of Cyprus* (No. 69949/01, 22 December 2004).

²⁰ The deposit is returned to candidates who receive more than three per cent of the valid votes.

²¹ Candidates and their supporters are currently only administratively requested to provide their voting booklet number when they submit their nomination papers and sign in support of a presidential candidate.

Negative campaigning is prohibited by law.²² While such provisions could be considered restrictive, no such concerns were raised to the ODIHR EAM. The campaign silence period begins the day before election day.²³ During this period, only election-related information or announcements made by the election administration are permitted.²⁴ Candidates must remove their campaign posters and banners no later than by midnight two days prior to election day. The publication of opinion polls is prohibited seven days before election day. This ban was seen by many stakeholders as infringing on the public's right to information.

The campaign was competitive. All candidates were able to campaign freely. Fundamental freedoms of assembly and expression were respected. Most candidates used a variety of campaign means to reach out to voters, including billboards and banners, flyers and leaflets and online media. Facebook and Twitter were the most used social media platforms. While only the main candidates bought TV advertisements, most candidates made promotional videos and posted them online, including on campaign or party websites. Prior to the second round, both contenders were active on social and online media, but mainly focused on direct interactions with voters, partly due to limitations on campaign expenditure.

Two candidates were fined for sending unsolicited text messages and making phone calls to voters during the pre-election campaign. A further three candidates were fined for sending unsolicited text messages to voters during the campaign silence period, mainly in the last hours before the closing of polls (see *Election Day* section).

IX. CAMPAIGN FINANCE

A. CAMPAIGN INCOME AND EXPENDITURE

Campaign finance is regulated by the presidential and parliamentary election laws. Amendments in 2016 and 2017 introduced a EUR 1 million campaign ceiling, defined what constitutes 'expenses of electoral campaign' and set the period for reporting on campaign finance to six months before election day in a presidential election.²⁵ Contrary to international good practice, there are no legal provisions restricting the sources, amounts, or types of campaign contributions.²⁶ The law also requires the reporting of in-kind contributions, but is silent as to the method of their valuation.²⁷

²² For example, see Article 42.1.c of the law on parliamentary elections, which prohibits making a false report of a fact referring to personal character or behaviour of the candidate, before or during an election, with intent to influence the election of a candidate.

²³ Paid political advertising is prohibited from 55 hours prior to the opening of voting.

²⁴ The only exemptions to this rule are media reports on campaign events that take place on the day preceding the start of the campaign silence.

²⁵ Electoral expenses are defined as those incurred by the candidate, his/her financial agent or another person authorized in writing to act on behalf of the candidate. The law does not foresee any extension of the spending limit in case of a second round.

²⁶ [Recommendation Rec\(2003\)4 of the Committee of Ministers of the Council of Europe "On common rules against corruption in the funding of political parties and electoral campaigns"](#) recommends to adopt rules against corruption in the funding of political parties and electoral campaigns by setting limits on the value of donations (Article 3.b).ii; by limiting, prohibiting or otherwise regulating donations from legal entities which provide goods or services for public administration (Article 5.b), from entities connected, directly or indirectly, to a political party (Article 6) or from foreign donors (Article 7). These provisions are *mutatis mutandis* applicable to the funding of electoral campaigns of candidates according to Article 8. See also paragraphs 170-175 of the 2011 [OSCE/ODIHR and Council of Europe's Venice Commission Guidelines on the Political Party Regulation](#).

²⁷ Paragraph 203 of the Guidelines on the Political Party Regulation states "the nature and value of all donations received by a political party should be identified in financial reports".

To enhance fair electoral competition, consideration could be given to amending the legal framework to further define campaign contributions, including in-kind, and the method of their valuation, setting reasonable limits on the amount, source and type of contribution.

All expenditures must be supported by an invoice or receipt. If the amount exceeds EUR 100, payment should be made via bank transfer or cheque. Candidates are allowed to receive campaign contributions to and make expenditures from more than one bank account. The use of multiple bank accounts during the campaign, which may not separate campaign funds from other funds, reduces transparency.

To enhance the transparency of campaign finance, requiring the use of a dedicated bank account for campaign contributions and expenditures could be considered.

The role of political parties in financing presidential candidates is not defined by law. According to opinions by the Attorney General, parties are not allowed to incur expenses on behalf of a candidate and thus parties transfer all donations to a candidate's personal account.²⁸ Any surplus in the account of a candidate from a contribution of a party that received a state subsidy should be returned to the respective party and subsequently to the state. Representatives of candidates affiliated with parliamentary parties informed the ODIHR EAM that they received monetary contributions from the parties. In total, parliamentary parties received some EUR 2,565,000 in state subsidies for this election. This disadvantaged the other candidates who could not benefit from such financial assistance at odds with international good practice.²⁹ Third-party expenditures are not regulated or monitored.

Public funding of a presidential election campaign should be provided according to objective, fair and non-discriminatory criteria. Campaign finance rules applicable to political parties that support presidential candidates should be clearly defined and incorporated into the legal framework.

B. DISCLOSURE AND REPORTING

Candidates have to report on campaign expenditures 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 for review. Parties must report on campaign contributions and expenditures within three months after an election.³⁰ The two- and three-month reporting deadlines are not in line with international good practice.³¹ The law is silent on the reporting obligations of prospective candidates who run a campaign, but ultimately are not registered. Likewise, registered candidates are

²⁸ The advisory opinions of the Attorney General of 11 December 2017 and 11 January 2018 were issued in response to respective enquiries by the Auditor General.

²⁹ Section I.2.3.a.iii of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#) (Code of Good Practice) states that “equality of opportunity must be guaranteed for parties and candidates alike (...) with regard to public funding of parties and campaigns. Paragraph 178 of the Guidelines on the Political Party Regulation states: “the allocation of public money to political parties is often considered integral to respect for the principle of equal opportunity for all candidates...relevant legislation should develop clear guidelines to determine the amount of such funding, which should be allocated to recipients in an objective and unbiased manner”.

³⁰ A political party taking part in any national election reports expenditures for the election campaign according to the Political Party Law. This is also the case if the political party incurred expenses on its behalf during the presidential election campaign.

³¹ 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”.

not required to report on campaign income and expenditures incurred before the beginning of the six-month reporting period.³²

Consideration could be given to shorten the deadlines for reporting on campaign financing and to extend reporting requirements to all prospective candidates who receive campaign contributions and incur campaign expenses irrespective of their candidate registration status.

Reports on electoral expenditure must be published in two daily newspapers and on the website of the candidate or the party before they are submitted to the GRO. There is no indication for what period of time the information should remain available online. Media and companies selling advertising services to candidates must file a summary statement on the costs incurred to the Auditor General one month after the election; these statements are used for cross-checking purposes. There is no deadline for the verification of candidates' financial reports at odds with international good practice.³³

C. OVERSIGHT

The Audit Office, led by the Auditor General, is responsible for the auditing of candidate financial reports. The verification of the accuracy of the reports is mainly focused on advertising expenses, where the information necessary for running cross-checks is made available by the companies and media outlets offering advertising services. The key role of the Auditor General to audit candidates' income and expenditures is widely acknowledged, including by the Council of Europe's Group of States against Corruption (GRECO).³⁴ However, the Auditor General does not have the authority to investigate alleged financial irregularities beyond the data provided by the candidates and must rely on co-operation with other enforcement institutions tasked with imposing sanctions such as the GRO and the Attorney General.

The legal framework does not comprehensively define the authority and duties of the abovementioned authorities regarding the monitoring of campaign financing, especially on disclosure requirements.³⁵ The GRO acts as depository collecting finance reports and providing guidelines on how to comply with the reporting requirements. ODIHR EAM interlocutors opined that the GRO could be held responsible for the initial check as to whether the reports are complete and include all supporting documents, and if applicable, impose administrative sanctions for non-timely submission of the financial reports and violations of expenditure limits. The Attorney General has authority to initiate criminal prosecutions in case of unlawful acts as a result of non-compliance with legal requirements on campaign finance. Competencies are dispersed among several institutions and closer inter-agency co-operation would enhance institutional oversight.

³² Paragraph 205 of the Guidelines on Political Party Regulation states that "legislation should provide clear guidelines regarding which activities are not allowable during the pre-election campaign, and income and expenditures used for such activities during this time should be subject to proper review and sanction".

³³ Paragraph 21 of the Guidelines on Political Party Regulation states that "legislation should also ensure that regulatory bodies are required to apply the law in an unbiased and non-arbitrary manner. 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". See also paragraph 206 of the same document, which calls for the timely publication of financial reports.

³⁴ Paragraph 32 of the [2016 GRECO Third Evaluation Round Second Interim Compliance Report on Cyprus](#) states that "the Office of Auditor General, which is clearly an independent body and that its audit reports are open for public scrutiny".

³⁵ Article 14(b) of Recommendation Rec(2003)4 "On common rules against corruption in the funding of political parties and electoral campaigns" requires that "independent monitoring should include supervision over the accounts of political parties and the expenses involved in election campaigns as well as their presentation and publication".

The oversight and monitoring functions regarding campaign finance should be clarified and the level of enforcement enhanced so that oversight authorities have due competence and resources to detect violations and apply sanctions.

According to the law, non-compliance with reporting requirements is in the majority of cases considered an unlawful act for which a criminal procedure is initiated. The penalty is a fine, imprisonment or deprivation of the right to stand in elections depending on the court decision. Sanctions for minor campaign finance violations are not proportional; they may be dissuasive, but not necessarily effective, if not enforced.³⁶

A wider range of administrative sanctions could be considered for minor infractions of campaign finance rules to ensure that sanctions are proportional and enforceable.

X. MEDIA

A. MEDIA ENVIRONMENT

The media environment is vibrant and pluralistic, with 10 TV and some 20 nationwide radio stations, 6 national daily newspapers and 22 weeklies. The Cyprus Broadcasting Corporation (CyBC) is the public broadcaster, which operates two TV and four radio channels. TV is the main source of election-related information with private channels *Sigma TV*, *Antenna TV*, *TVOne* and *Alpha Cyprus* being the most popular. Some 79 per cent of households have internet access.

According to several ODIHR EAM interlocutors, changes in the public's general media preferences and the aftermath of the financial crisis of 2013 resulted in undisclosed alliances between media owners and influential political and business structures, leading to a lack of investigative journalism and the potential for self-censorship on sensitive subjects. They also opined that the public broadcaster could potentially address these issues, but that it avoids doing so due to its government-dependent budget confirmation procedure.³⁷

The public broadcaster's annual budget could be determined by a clear and predetermined set of criteria with a view to strengthen its independence and to encourage the development of investigative journalism.

B. LEGAL FRAMEWORK FOR THE MEDIA

Freedom of expression is guaranteed by the Constitution and generally respected. Some recent developments with police questioning journalists and media companies facing potential civil damages that threatens their economic viability gives cause for concern, including by the OSCE Representative on Freedom of the Media (RFoM).³⁸

³⁶ The ODIHR EAM was informed that following the 2016 parliamentary elections, only one criminal case regarding non-submission of an electoral expenditure report was opened; this case is still pending.

³⁷ The CyBC is under the jurisdiction of the MoI, which can, among other actions, dismiss board members without reason. Since 2000, the CyBC has been directly funded by the state and the amount of public funding is determined annually by the parliament.

³⁸ See the [statement by the RFoM from 27 February](#). The plaintiff, state attorney Eleni Loizidou, is seeking up to EUR 2 million in civil damages from the *Politis* newspaper.

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 regulatory body for private broadcasters.³⁹ The CRTA is vested with the authority to investigate complaints brought to its attention, but it can also initiate probes on its own initiative, which it rarely does. Breaches to the Code of Ethics in print and broadcast media are dealt with by a self-regulatory body, the Cyprus Media Complaints Commission (CMCC).⁴⁰

The law requires equitable treatment of candidates for six months before an election in the public broadcaster and three months in private broadcasters, even if candidates are registered only 30 days before election day. The different deadlines create legal uncertainty about when the provisions for equitable treatment commence since the candidates are registered only at a later stage. While the regulation of TV coverage is overly prescriptive, new media, such as those online, are unregulated.

The different pieces of legislation regulating campaign coverage could be harmonized and updated into a simplified set of rules for all broadcasters and fully respecting editorial independence.

Candidate coverage is allocated in proportion to the percentage of votes obtained by the candidates' supporting party in the previous parliamentary elections. According to the law, candidates from non-parliamentary parties should not be neglected. Each broadcaster has to develop a coverage plan, which is pre-agreed with the candidates and may resultantly influence the manner in which media outlets are able to cover the campaign. Paid political advertising in the media is allowed at any time, but time limits apply from 40 days prior to the election.⁴¹ The same advertising rates have to be offered to all candidates for this time period.

Fair treatment provisions for candidates could be harmonized in a single pre-election period and applied to all broadcasters, overseen by a single independent regulator. Consideration could be given to the introduction of minimum guaranteed coverage for each candidate.

C. MEDIA COVERAGE OF THE ELECTION

The media provided voters, including those with various types of disabilities, with a plurality of views. However, the rigid and prescriptive campaign coverage rules, which were largely dictated by political actors themselves, curtailed debate. This situation led to what many ODIHR EAM interlocutors described as information overload from the contestants at the expense of other sources of campaign information, which discouraged voters to engage in the election.

Since the incumbent agreed to appear in only one televised discussion with the other main contenders before the first round, it was broadcast across the five most popular TV stations simultaneously.⁴² Transmission with sign language interpretation was broadcast with a slight delay on the second channel of the CyBC. The absence of women in the first debate, either as a candidate or journalist, stirred public discussion about the role of women in politics.

³⁹ In 2004, the Law on CyBC was amended giving the CRTA authority to supervise also the CyBC in terms of content, but campaign-related complaints are still dealt with by the broadcaster's own board.

⁴⁰ The Code of Ethics applies to all members of the Cyprus Union of Journalists, the Cyprus Publishers Association and the Owners of Electronic Mass Communication Media. During the campaign, the CMCC received one complaint from a candidate who was dissatisfied with being described as insignificant by a TV presenter. The CMCC ruled in his favour and the presenter subsequently issued an apology to the candidate on air. The candidate also complained to the CRTA about the same broadcast. This was the only official complaint received and considered by the CRTA during the campaign. The decision remains pending.

⁴¹ In the pre-election period, a cumulative 100 minutes on all TV stations and 60 minutes on radio are allowed. For the second round, each candidate can buy up to 25 minutes of advertising on radio and 25 minutes on TV.

⁴² The one debate before the second round followed a similar structure.

In addition to debates, during the last weeks of the campaign, both public and private broadcasters featured daily discussion programmes with representatives of the main contenders. The remaining candidates were offered interviews and appearances in all TV stations and were interviewed by newspapers. Nevertheless, several candidates expressed dissatisfaction with being excluded from the TV debate with the main contenders, and one candidate filed a complaint against the CyBC.⁴³

XI. COMPLAINTS AND APPEALS

The legal framework provides for the right to challenge non-inclusion and omissions in voter lists within 10 days after publication. In case a district returning officer rejects a voter's challenge, standard administrative court procedures may be applied, which do not envisage expedited timelines.⁴⁴ In case a prospective candidate is rejected, the nominee has the right to object. However, such complaints are treated as an objection against the election results and are therefore only considered after election day. Complaints on violations of campaign provisions, except for media violations, are not prescribed by law (See *Media* section). The election dispute resolution system does not provide for an effective remedy, mainly because expedited deadlines for review of election-related complaints (objections) and appeals are lacking. This is at odds with OSCE commitments.⁴⁵

The Supreme Court acts as the Electoral Court with respect to challenges to the election results and requests for recounts. In the Rules of Procedures of the Court, there is a specific form for this type of complaint, which may facilitate its submission. Although the law explicitly provides grounds for invalidating the results and who can file complaints, it does not set any deadlines for their consideration, which undermines the efficiency of the remedy.⁴⁶

For the election dispute resolution system to provide for an effective remedy, the law should be amended to introduce effective procedures for complaints on candidate registration and expedite deadlines for consideration of all types of election complaints.

Election day complaints on procedural violations in polling stations are filed with and considered by presiding officers. No such complaints were filed for this election. The police initiated investigations of 23 incidents on the day before and on the first round election day from individuals and members of the election administration. Ten incidents involved persons taking a photo of their ballot inside the polling station, six of unsolicited text messages and one phone call to vote for a certain candidate, as well as one case of a fake opinion poll and a further four complaints of other breaches of campaign silence provisions. One case involved an attempt by a person to vote twice. No incidents were reported on the second round election day.

⁴³ The CyBC rejected the complaint as groundless.

⁴⁴ There is a 75-day deadline for the submission of complaints against administrative decisions and no deadline for their consideration.

⁴⁵ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. See also Article 13 of the [European Convention on Human Rights](#) and Article 2(3) of the [ICCPR](#).

⁴⁶ There is an ongoing case requesting the invalidation of results of local elections in Limassol from 18 December 2016. The complaint was submitted on 7 February 2017 and the decision of the first instance court was pronounced on 31 November 2017. Currently, the appeal is pending in the Supreme Court.

Eighty-two incidents involving unsolicited phone calls, e-mails and text messages sent during the first and second-round pre-election campaign and during the campaign silence period were reported to and considered by the Personal Data Protection Commissioner (see also *Campaign* section).⁴⁷

XII. ELECTION DAY

In line the ODIHR methodology, the ODIHR EAM did not conduct a comprehensive and systematic observation of election day proceedings. Mission members followed election day procedures in a limited number of polling stations throughout the country on both the first and second round election days.

Voting proceeded in an orderly manner and voters were aware of the procedures. Presiding officers and assistants in the polling stations visited by the ODIHR EAM worked efficiently and followed procedures. Most polling stations visited were easily accessible to voters with physical disabilities. Those voters requesting assistance were helped a proper manner.

The few vote counts followed by the ODIHR EAM were conducted in an expedient and professional manner, generally in line with established procedures. Polling station staff had no difficulties in completing the results protocols. A copy of the results protocol was transmitted by fax to the district tabulation centre.

Adding to the transparency of the process, candidates' observers were present in most polling stations visited. In nearly all cases, they were systematically recording the identity of voters who voted. Polling officials facilitated this by announcing the name and voting booklet number of each voter from the voter list. This allowed observers to establish who had voted. Although intended as a transparency measure, this practice was criticized by a number of ODIHR EAM interlocutors as undue influence on voters, including challenging the right to abstain from voting.

Furthermore, the ODIHR EAM received credible reports that voter list information from polling stations was used during the last hours of polling to contact voters who did not vote by text message or phone. The Personal Data Protection Commissioner received a number of complaints on this matter, including from one of the candidates.⁴⁸

The ODIHR EAM observed the tabulation process in the districts of Nicosia, Larnaca and Limassol. The tabulation of results protocols was done in a transparent, professional and expeditious manner and included three separate consistency checks. No issues were reported. The overall voter turnout was reported at 71.88 per cent in the first round and 73.97 per cent in the second round. The results protocols of each polling station were made available promptly on the MoI website.

⁴⁷ Of the 82 complaints received, the Personal Data Protection Commissioner considered 80 complaints, of which 62 resulted in fines imposed on 4 candidates for a total of EUR 63,400 and 14 warnings; 3 complaints were referred to police for investigation and 1 dismissed; decisions on 2 complaints are still pending.

⁴⁸ The lack of clarity on this practice is also reflected in international reference documents. Section 4.54 of the explanatory note referring to I.4.c of the Code of Good Practice states that “since abstention may indicate a political choice, lists of persons voting should not be published”. The [interpretative declaration](#) of the Code of Good Practice on the publication of lists of voters having participated in elections notes, however, that “access to the lists of voters having participated in elections may be granted to certain electoral stakeholders.”

XIII. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further 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 past OSCE/ODIHR recommendations that remain to be addressed. 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.⁴⁹

A. PRIORITY RECOMMENDATIONS

1. Consideration should be given to conduct a comprehensive review of the electoral legal framework well in advance of the next elections to further harmonize, clarify and update respective laws.
2. Authorities could consider further measures to ensure the equal participation of voters with disabilities in respect of their right to cast votes independently and in secret, in consultation with organizations for persons with disabilities.
3. It is recommended to abolish mandatory voter registration and to consider passive voter registration on the basis of the civil registry. Extending the voter registration deadline and setting the cut-off date for registration closer to election day could also be considered.
4. The electoral calendar could be harmonized to set legal deadlines for the official announcement of the election, candidate registration, and the beginning of the pre-election campaign period in sequential order.
5. To enhance fair electoral competition, consideration could be given to amending the legal framework to further define campaign contributions, including in-kind, and the method of their valuation, setting reasonable limits on the amount, source and type of contribution.
6. The oversight and monitoring functions regarding campaign finance should be clarified and the level of enforcement enhanced so that oversight authorities have due competence and resources to detect violations and apply sanctions.
7. In a presidential election public campaign financing could be distributed according to objective, fair and non-discriminatory criteria.
8. The public broadcaster's annual budget could be determined by a clear and predetermined set of criteria with a view to strengthen its independence and to encourage the development of investigative journalism.
9. Fair treatment provisions for candidates could be harmonized in a single pre-election period and applied to all broadcasters, overseen by a single independent regulator. Consideration could be given to the introduction of minimum guaranteed coverage for each candidate.

⁴⁹ In paragraph 24 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

B. OTHER RECOMMENDATIONS

10. The legislation should be revised to remove the subjective criteria for candidacy, the limitations on the right of persons with mental disability to stand as well as restrictions on the basis of ethnicity.
11. Authorities could consider possible legislative measures that would facilitate a more balanced participation of women and men in political and public life and especially in decision-making.
12. To enhance the transparency of campaign finance, requiring the use of a dedicated bank account for campaign contributions and expenditures could be considered.
13. Public funding of a presidential election campaign should be provided according to objective, fair and non-discriminatory criteria. Campaign finance rules applicable to political parties that support presidential candidates should be clearly defined and incorporated into the legal framework.
14. Consideration could be given to shorten the deadlines for reporting on campaign financing and to extend reporting requirements to all prospective candidates who receive campaign contributions and incur campaign expenses irrespective of their candidate registration status.
15. A wider range of administrative sanctions could be considered for minor infractions of campaign finance rules to ensure that sanctions are proportional and enforceable.
16. The different pieces of legislation regulating campaign coverage could be harmonized and updated into a simplified set of rules for all broadcasters and fully respecting editorial independence.
17. For the election dispute resolution system to provide for an effective remedy, the law should be amended to introduce effective procedures for complaints on candidate registration and expedite deadlines for consideration of all types of election complaints.

ANNEX: ELECTION RESULTS

Candidate	Percentage of valid votes cast	Valid cast votes
First Round, 28.01.2018		
Nicos Anastasiadis	35.51	137,268
Stavros Malas	30.24	116,920
Nikolas Papadopoulos	25.74	99,508
Christos Christou	5.65	21,846
Giorgos Lillikas	2.18	8,419
Andreas Efstratiou	0.22	845
Charis Aristeidou	0,19	752
Michail Mina	0.17	662
Christakis Kapiliotis	0.10	391
Data regarding the voting process		
# of registered voters		550,876
Turnout / % of voting participation		395,949 / 71.88
# of total valid votes		386,611
# of blank ballots		3,459
# of invalid ballots		5,879
# of abstentions		154,927
Second Round, 04.02.2018		
Nicos Anastasiadis	55.99	215,281
Stavros Malas	44.01	169,243
Data regarding the voting process		
# of registered voters		550,876
Turnout / % of voting participation		407,475 / 73.97
# of total valid votes		384,524
# of blank ballots		12,173
# of invalid ballots		10,778
# of abstentions		143,401

Source: the [Central Election Service](#) of the MoI of the Republic of Cyprus.

ABOUT THE OSCE/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, 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. 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).