



Office for Democratic Institutions and Human Rights

# REPUBLIC OF CYPRUS

PARLIAMENTARY ELECTIONS

22 May 2011

OSCE/ODIHR Election Assessment Mission Final Report



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## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS.....</b>	<b>2</b>
<b>III.</b>	<b>POLITICAL CONTEXT .....</b>	<b>3</b>
<b>IV.</b>	<b>THE LEGAL FRAMEWORK AND ELECTION SYSTEM .....</b>	<b>3</b>
	<b>A. LEGAL FRAMEWORK .....</b>	<b>3</b>
	<b>B. SUFFRAGE RIGHT .....</b>	<b>4</b>
	<b>C. ELECTORAL SYSTEM .....</b>	<b>5</b>
<b>V.</b>	<b>THE ELECTION ADMINISTRATION.....</b>	<b>6</b>
<b>VI.</b>	<b>VOTER REGISTRATION .....</b>	<b>7</b>
<b>VII.</b>	<b>REGISTRATION OF CANDIDATES .....</b>	<b>8</b>
<b>VIII.</b>	<b>THE ELECTION CAMPAIGN.....</b>	<b>9</b>
<b>IX.</b>	<b>PARTY AND CAMPAIGN FINANCING.....</b>	<b>9</b>
<b>X.</b>	<b>THE MEDIA .....</b>	<b>12</b>
<b>XI.</b>	<b>PARTICIPATION OF WOMEN .....</b>	<b>13</b>
<b>XII.</b>	<b>COMPLAINTS AND APPEALS.....</b>	<b>15</b>
<b>XIII.</b>	<b>ELECTION DAY.....</b>	<b>15</b>
	<b>ANNEX: ELECTION RESULTS.....</b>	<b>17</b>
	<b>ABOUT THE OSCE/ODIHR.....</b>	<b>18</b>

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**I. EXECUTIVE SUMMARY**

In accordance with OSCE commitments, the Permanent Mission of the Republic of Cyprus to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 22 May 2011 elections to the House of Representatives (parliament). Based on the recommendation of a Needs Assessment Mission, the OSCE/ODIHR deployed an Election Assessment Mission (EAM). This was the first time that OSCE/ODIHR has followed an election in Cyprus.

The elections were held to elect 56 members of parliament representing the Greek Cypriot community. In order to represent constitutionally recognized religious groups, three non-voting parliamentary representatives were also elected. The 1960 Constitution created cross-communal institutions, from which the Turkish Cypriot community withdrew in 1964. The 24 parliamentary seats allocated to them have been vacant since then.

The elections took place in an environment characterized by respect for fundamental human rights and freedoms and a high degree of trust in the professionalism and impartiality of the election administration. Election stakeholders generally expressed confidence in the overall process. Voters received ample information about the contestants, which allowed the possibility of voters making informed choices among parties and candidates representing distinct political alternatives. All ten parties and six independent candidates who filed nomination documents were registered for these elections.

The legal framework provides a sound basis for the conduct of democratic elections in accordance with OSCE commitments and international standards. Nevertheless, the process could benefit if some existing inconsistencies within and between various laws were eliminated. The law does not provide for international or domestic non-partisan observation, despite existing OSCE commitments.

OSCE/ODIHR EAM interlocutors expressed a high level of trust and confidence in the impartiality, professionalism, efficiency, and transparency of the election administration, which is composed entirely of civil servants under the overall co-ordination of the Ministry of Interior. The ministry has the overall responsibility for maintaining computerized voter lists, which are revised four times per year. No OSCE/ODIHR EAM interlocutor raised concerns about the accuracy of the voter lists.

The election campaign, which is largely unregulated by the election law, unfolded in a calm atmosphere. All contestants were able to campaign freely and did so using a variety of means, including extensive media advertising. As a consequence of the preferential voting system, individual candidates – rather than parties – ran the most active campaigns.

All OSCE/ODIHR EAM interlocutors welcomed the recent adoption of the political party law, as party financing had been previously largely unregulated. However, the party and campaign financing provisions are not sufficiently detailed, and the new reporting requirements and

enforcement mechanisms may not be sufficient to ensure full transparency in disclosing campaign donations and expenditures and to sanction possible violations of the law.

The media environment is diverse and provided voters access to a variety of opinions during the election campaign, including through numerous debates. Some smaller parties complained that they were not given equal treatment, despite legal provisions that oblige all broadcasters to treat candidates and parties equally and without discrimination. The broadcast media are strictly regulated, and the Cyprus Broadcasting Authority (CBA) monitors campaign coverage of commercial broadcasters. Its monitoring reports, however, are not published and the campaign coverage of the public Cyprus Broadcasting Corporation does not fall under its regulatory authority.

There are no specific legal instruments to promote the participation of women in political life. Women remain under-represented in public and political life. Female candidates told the OSCE/ODIHR EAM that a number of issues hamper women's participation in elections, and complained about inadequate media attention.

A small number of complaints were filed with the election administration or the courts; mainly on voter registration and on equal media coverage. All electoral appeals are within the jurisdiction of the Electoral Court, whose decisions are final. The legal framework for resolving election disputes is in line with international standards.

In accordance with OSCE/ODIHR methodology, the OSCE/ODIHR EAM did not conduct a comprehensive and systematic observation of election day proceedings. However, mission members visited a limited number of polling stations on election day. Voting and counting in this limited number of polling stations proceeded in a calm, orderly and efficient manner and followed the prescribed procedures. Party representatives were present in all polling stations visited. No problems were seen or reported to the OSCE/ODIHR EAM in the tabulation process at the district level. Preliminary election results were posted on the Ministry of Interior website, broken down by districts and polling stations. Overall voter turnout was 78.7 per cent.

A number of recommendations in this report set out ways in which the electoral process may be further improved. OSCE/ODIHR stands ready to work with the authorities of the Republic of Cyprus to address these recommendations.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

In accordance with OSCE commitments, the Permanent Mission of the Republic of Cyprus to the OSCE invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 22 May 2011 parliamentary elections. Following a Needs Assessment Mission undertaken from 2 to 4 March 2011,<sup>1</sup> the OSCE/ODIHR deployed an Election Assessment Mission (EAM) to Cyprus from 9 to 26 May. The EAM was headed by Ambassador Boris Frlec and consisted of seven experts based in Nicosia and two regional analysts based in Limassol.<sup>2</sup> The OSCE/ODIHR EAM was drawn from eight OSCE participating States. The elections were assessed for their compliance with OSCE commitments and international standards for democratic elections, as well as with national legislation.

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<sup>1</sup> See OSCE/ODIHR Needs Assessment Mission report at: <http://www.osce.org/odihr/76197>.

<sup>2</sup> The regional analysts covered the districts of Larnaca, Limassol and Paphos.

The OSCE/ODIHR EAM wishes to thank the Ministry of Foreign Affairs of the Republic of Cyprus, the General Returning Officer and election administration at all levels, as well as other national and local state institutions, political parties, candidates, media representatives and civil society organizations for their co-operation.

### III. POLITICAL CONTEXT

Under the 1960 Constitution, Cyprus has a presidential system of government with a unicameral legislature that is elected for a term of five years. The president is the head of state and government. The incumbent, President Demetris Christofias from the Progressive Party of Working People (*AKEL*), has been in office since 2008. The House of Representatives (parliament) consists of 80 members,<sup>3</sup> 56 of whom represent the Greek Cypriot community; 24 seats allocated to the Turkish Cypriot community are currently vacant. Since independence, every person who becomes a citizen of Cyprus must opt to become a member of the Greek community or of the Turkish community. Every person under the age of 21 belongs to the community of his/her father. According to the Constitution, a woman becomes a member of her husband's community by marriage.

Six political parties were represented in the parliament elected in May 2006. *AKEL* and the Democratic Rally (*DISY*) each held 18 seats, having won 31.1 and 30.3 per cent of the vote, respectively. The Democratic Party (*DIKO*) held 11 seats, the Movement for Social Democracy (*EDEK*), 5 seats, the European Party (*Evroko*), 3 seats, and the Ecological and Environmental Movement (Green Party), 1 seat. All parties represented in the parliament put forward candidate lists for the 2011 parliamentary elections.

### IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

#### A. LEGAL FRAMEWORK

The Constitution fully protects the rights necessary for democratic elections, such as the right to freedom of expression, association, and assembly, as well as the right to vote. The rights set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)<sup>4</sup> and the International Covenant for Civil and Political Rights (ICCPR) are directly applicable.<sup>5</sup> Cyprus has also ratified other conventions relevant to the political participation by women, minorities, and persons with disabilities.<sup>6</sup> Since the political crisis of 1964, the right to vote or stand for office is linked to membership of the Greek Cypriot community.<sup>7</sup>

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<sup>3</sup> The number of seats in parliament was increased in 1985 from the earlier figure of 50 (of which 35 represented the Greek Cypriot community) by Law 124/85, under Art. 62 of the Constitution.

<sup>4</sup> Including the First Protocol of 1952, which relates to free elections and was approved by Law 28/62. The right of individual petition to the European Court of Human Rights was established in 1989.

<sup>5</sup> Approved by Law 14/69. The place of treaties and conventions in the legal system was clarified in Decision of the Supreme Court of Cyprus in *Malachou v Arnefti* case (1987) 1 CLR 207.

<sup>6</sup> Convention on the Elimination of all Forms of Discrimination against Women (1979), International Convention on the Elimination of Racial Discrimination (1966), the Council of Europe Convention on the Protection of National Minorities (1995), and UN Convention on the Rights of Persons with Disabilities (2006).

<sup>7</sup> This is not consistent with the current jurisprudence of the European Court of Human Rights. See the case of *Sejdic & Finci v Bosnia and Herzegovina* (Applications 27996/06 & 34836/06, 22 December 2009), which rejected exclusion from electoral rights based on ethnicity or race.

The legal framework for elections is contained in the Constitution, the Law on Election of Members to the House of Representatives (hereinafter, election law) and the Civil Registry Law. The recently adopted Law on the Registration and Funding of Political Parties (hereinafter, political party law), the Law on Radio and Television and the Law on the Cyprus Broadcasting Corporation (hereinafter, CyBC law), and other laws and regulations provide additional regulatory legal framework for elections.

In 1964, the Turkish Cypriot community withdrew from the cross-community institutions<sup>8</sup> created by the 1960 Constitution. There is a specific constitutional provision that amendments to any electoral law require a separate majority of each community's members in parliament. Since the withdrawal of the Turkish Cypriot members of the parliament, that special majority has not been attainable. Since then the continued constitutional operation of the Republic of Cyprus has been based on the judgements of its courts and those of the Council of Europe in Strasbourg recognizing the ability of the Cypriot authorities to amend and adapt the laws and Constitution (in ways contrary to the scheme of the 1960 Constitution itself) on the basis of necessity. The courts decided and the European Court of Human Rights recognized that there was an implied power in the law maker, based on the necessity to adapt the constitutional structure to the new circumstances.

The Supreme Constitutional Court and the High Court, as set out in the Constitution and which were supposed to be composed of Greek and Turkish judges, were replaced by a new Supreme Court. That court later recognized its own constitutionality on the basis of necessity.<sup>9</sup> The elements of the 1960 Constitution relating to personal rights and community protections are not open to amendment.

## **B. SUFFRAGE RIGHT**

Voters must be Cypriot citizens of 18 years and older, and resident in the country for six months to be registered in the voter lists. A law was adopted amending the Constitution to lower the voting age to 18,<sup>10</sup> but the previous age of 21 is still reflected in the election law. Turkish Cypriot residents in the areas under government control can now have their names added to the Greek Cypriot voter list, following a decision of the European Court of Human Rights in 2004.<sup>11</sup> Prisoners have a right to vote, since Cyprus amended its legislation to comply with the ruling of the European Court of Human Rights.<sup>12</sup> However, the election law does not reflect the 2006 change in the Civil Registry Law to allow prisoners to vote in all elections.

*It is recommended that the sections in the election law regarding voting age and the restrictions on voting by prisoners, which have both been superseded by later laws be amended for reasons of consistency.*

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<sup>8</sup> The presidency, parliament, government and the judiciary.

<sup>9</sup> Decision of the Supreme Court of Cyprus in *AG v Ibrahim* case (1964) CLR 195.

<sup>10</sup> Law 106(1)/96 to amend the Constitution.

<sup>11</sup> Decision of the Supreme Court of Cyprus in *Ibrahim Aziz v Republic of Cyprus* (Application 69949/01, 22.09.2004). Law 2(1)/2006 on Voting Rights of Turkish Cypriot Citizens in the Free Areas implemented this change. In the *Elel* case (Application 39973/07, 14/12/2010), a group of Turkish Cypriots resident in the area outside government control sought to build on the Aziz case and strike down Law 2(1)/2006, so as to compel Cyprus to grant a vote to such people. This application was dismissed by the European Court of Human Rights at the admissibility stage owing to the scope available to states to restrict voting by reference to territory of residence, and to the irregular situation in Cyprus.

<sup>12</sup> The European Court of Human Rights in the case *Hirst v United Kingdom* (Application no. 74025/01, 6.10.2005) ruled that the blanket prohibition on voting by sentenced prisoners was disproportionate and incompatible with the right to participate in elections.

The election law provides that parliamentary candidates must be at least 25 years old at the time of registration. Permanent civil servants are not allowed to stand for election.

The right to form political parties is protected by the Constitution. The registrar of political parties under the political party law is the Permanent Secretary of the Ministry of the Interior, who is also appointed as the General Returning Officer. The conditions for registration of political parties are in accordance with international standards.

### C. ELECTORAL SYSTEM

Voters in six multi-member districts, including areas not under government control, elect 56 members to the parliament. These six electoral districts correspond to the six administrative districts of the country. The number of seats in those districts was recently changed by the reallocation of one seat from Nicosia to Larnaca to maintain equal suffrage. Voters can elect a party list, the list of a coalition of parties or an independent candidate. Voters may also indicate preferences for candidates on a party or coalition list chosen. Each voter has from one to five preference votes depending on the number of mandates allocated to the specific district.<sup>13</sup>

Mandates are distributed on the basis of proportional representation, in a two-step procedure. The first allocation of seats is done at the district level. The threshold for a political party to enter the parliament corresponds to 1/56 of the valid votes cast which represents around 1.8 per cent of the total number of valid votes cast. The electoral quotient for a district is obtained by dividing the number of valid votes by the number of seats of the district. In each of the six districts, a party receives the number of seats corresponding to its number of valid votes divided by the electoral quotient. The party leader is automatically elected in case the party gets at least one seat.<sup>14</sup> The other candidates are elected according to the number of preferential votes they received.

The second step of seat allocation is done at the national level, where a new electoral quotient is determined by dividing the total number of remaining votes by the number of remaining seats. This quotient is applied to the number of remaining votes of each party at the national level to determine the number of seats it will receive. The seats will be allocated in the constituencies where the party has the highest number of remaining votes, provided that there is a remaining seat in the constituency. In case when at the end of distribution the seat is not available in a given constituency, the candidate with the most votes in another constituency gets the seat. The second step of allocation of seats is completed by allocating any remaining seats to the parties with the highest number of remaining votes.<sup>15</sup>

Three constitutionally recognized religious groups (Maronite, Armenian and Latin), have one seat each reserved in parliament. Religious groups' representatives are elected on the basis of one nationwide constituency. Voters belonging to these groups can vote twice; once at the general election for the Greek Cypriot seats and once for the special religious group seats. The

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<sup>13</sup> For every four seats of a district the voter has one preferential vote. Voters in the three member district of Kyrenia, for example, have only one preferential vote. The reduction of mandates allocated to Nicosia district from 21 to 20 thus meant that voters in that district had five preferential votes, rather than six as in the last elections.

<sup>14</sup> The party leader is designated by the political party when it submits its candidate lists. In the 2011 parliamentary elections, only the Green Party chose not to designate a party leader.

<sup>15</sup> This only applies to parties that received more than one seat in the first distribution.

representatives of the three religious groups have no voting rights in the parliament and may take the floor only on issues concerning their religious groups.

## V. THE ELECTION ADMINISTRATION

The Ministry of Interior co-ordinates the organization of parliamentary elections. Following the decree announcing the election date, the Minister of Interior appoints the Permanent Secretary of the Ministry as General Returning Officer, who is responsible for the administration of the elections. The Central Electoral Office<sup>16</sup> functions permanently at the ministry to support the General Returning Officer.

The second level of the election administration reflects the administrative division of the country. The District Officers, who are senior civil servants, serve as District Returning Officers. They are responsible for the establishment of the polling stations in their district and for the appointment of a presiding officer and up to six assistants for each polling station.

For the 22 May elections, 1,186 polling stations were established in the government-controlled areas in the Republic and at 17 polling stations abroad.<sup>17</sup> A minimum of 30 registered voters is necessary to establish a polling station. Although the law does not provide for a maximum number of voters, the biggest polling stations in urban areas served around 500–600 registered voters.

The legislation provides for the establishment of polling stations abroad if a minimum of 30 voters apply to register in the voter lists of each out-of-country polling station. For the 22 May elections, out-of-country voters had to apply through the internet to the General Returning Officer by 18 April. A voter has to be registered in the permanent voter list to be included on the out-of-country voter list. The total number of voters registered abroad was 9,311 for all six districts.<sup>18</sup>

The election law does not provide for the establishment of polling stations in hospitals, retirement homes or for mobile voting, which limits the right of elderly, bedridden and disabled voters.<sup>19</sup> District Returning Officers were asked to ensure that the polling stations where disabled voters had to vote were accessible or equipped with special ramps. Additionally, disabled voters may ask the presiding officer to assist him/her in the exercise of his right to vote in accordance with the wish he has expressed. Such a request should be made in the presence of at least one other person.

*It is recommended to facilitate the participation of elderly, bedridden and voters with disabilities in the electoral process and ensure the possibility to cast their vote in secrecy in line with international standards.*

Current or retired civil servants or local authority employees serve as presiding officers and assistants at polling stations. Presiding officers were chosen from among senior civil servants; previous election experience and work performance are criteria for appointing polling station staff. Poll workers may not be related to or affiliated with a candidate. Presiding officers and

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<sup>16</sup> The office has three permanent staff and one temporary staff, who is employed for the election period.

<sup>17</sup> For these elections, 11 polling stations were established in Greece, and 6 in the United Kingdom.

<sup>18</sup> Of these, 6,188 were registered in Greece and 3,123 in the United Kingdom.

<sup>19</sup> See the Charter of Fundamental Rights of the European Union article 21 and 39, numerous provisions of CRPD including article 29, ICCPR article 25(b), Copenhagen Document paragraph 7.4.



assistants are assigned to a polling station different to the one of their place of residence to avoid any perception of undue influence.<sup>20</sup> There was no shortage of personnel at polling stations since the salary is considered attractive. District Returning Officers conducted a two-hour training session for presiding officers and assistants, including a simulation of election-day procedures.

General and District Returning Officers regularly consult with political parties on election-related issues. Political parties and candidates have the right to designate a representative for each polling station. The law, however, does not foresee domestic civil society or international observation, contrary to paragraph 8 of the 1990 OSCE Copenhagen Document.<sup>21</sup> The OSCE/ODIHR EAM was nevertheless granted full access to the election administration bodies, including to all polling stations and the tabulation centre in Nicosia, and had access to all stages of the electoral process.

*The election law should be amended to introduce provisions related to international and domestic civil society election observation, in accordance with OSCE commitments.*

The website of the Ministry of Interior included a comprehensive, up-to-date and user friendly section dedicated to the elections, where voters could find any relevant information, including the location of their polling station. Voter information was also conducted through the newspapers.

OSCE/ODIHR EAM interlocutors expressed a high level of trust and confidence in the professionalism and efficiency of the election administration. Political parties assessed the performance of the General Returning Officer and his staff as professional and impartial.

## **VI. VOTER REGISTRATION**

The Civil Registry and Migration Department within the Ministry of Interior has overall responsibility for the compilation, revision and computerization of the voter list. District Offices support the Department in this process. All citizens acquiring the right to vote must apply to the District Office for registration within 30 days of becoming eligible to vote.

Registration and voting are compulsory in Cyprus. Failure to register as a voter or to vote are violations of law and carry sanctions.<sup>22</sup> These are, however, not enforced.<sup>23</sup> OSCE/ODIHR EAM interlocutors informed that there was a discussion between the political parties and the Ministry of Interior about changing these provisions, but no steps have been taken thus far.

*If there is a policy decision not to enforce the obligation to register and vote, then consideration could be given to revise the nature of those obligations and the sanctions attached.*

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<sup>20</sup> Presiding officers and assistants vote in the polling station where they serve, with a special authorization.

<sup>21</sup> Paragraph 8 of the 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”.

<sup>22</sup> Failure to register or to vote carries fines of up to 340 Euro.

<sup>23</sup> The OSCE/ODIHR EAM was informed that during the 2006 parliamentary elections around 50,000 registered voters did not vote. The task of investigating and prosecuting such a large number of criminal cases was so large that it was not pursued.

The voter list is revised four times per year.<sup>24</sup> The District Offices are responsible for collecting the data and for the compilation and periodic update of the voter list for their district. The District Offices post the district voter list for public scrutiny, once updated. For the 22 May elections, the voter lists were published on 2 April and voters had ten days to request changes or amendments to the lists.

Each registered voter is provided with a voting booklet, which is used for all types of elections. It contains the photo and identity data of the voter, the religious group (if the voter belongs to any of the constitutionally recognized groups), and the district of origin for displaced voters.<sup>25</sup> The voting booklet is the only identification document accepted for voting.<sup>26</sup>

Separate voter lists are compiled for religious groups, voters residing in enclaves in parts of Cyprus which are not under government control (enclave voters), and imprisoned voters in the same manner. Voters entitled to vote for the representatives of religious groups were listed in a separate voter list according to the polling stations where they could vote for their representative.<sup>27</sup> Enclave voters were registered according to their place of residence in territory not under government control.<sup>28</sup> They voted in designated polling stations located in areas controlled by the government. The special voter list for imprisoned voters was updated up to the eve of election day, based on information forwarded by the prison authorities.

## VII. REGISTRATION OF CANDIDATES

The legislation provides for candidates to run individually or as part of a political party or coalition list. The number of candidates included in a party or coalition list for a district cannot exceed the number of seats allocated to that district. Every candidate is to submit a separate nomination paper signed by four voters of the respective district. Each candidate should also pay a 500 Euro deposit. The deposit is reimbursed to parties, coalitions or independent candidates who receive a number of votes equal to at least one third of the electoral quotient.<sup>29</sup> None of the OSCE/ODIHR EAM's interlocutors expressed any concerns related to the amount of the deposit.

The District Returning Officers are responsible for the registration of candidates. Ten political parties and six independent candidates submitted nomination documents; none of them were rejected. In total, 412 candidates participated in the elections.

Political parties are listed on the ballot in alphabetical order, followed by the independent candidates. Candidates on party and coalition lists are also listed in alphabetical order, except for the leader of the party who is on top of the list.

The procedure for the registration of the candidates for religious groups is the same, except that it is done at the national level under the responsibility of the General Returning Officer. For

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<sup>24</sup> On 2 January, 2 April, 2 July and 2 October.

<sup>25</sup> According to Section 107 of the Civil Registry Law, displaced voters are those whose father is displaced.

<sup>26</sup> The only exceptions are out-of-country voters, who can use their voter booklet or their Cyprus ID card, and voters residing in enclaves in parts of Cyprus which are not under government control, who can identify themselves with any official identity document with a photo.

<sup>27</sup> In total, 17 polling stations were established for the election of the representatives of religious groups, nine for the Maronites and four each for the Armenians and the Latins.

<sup>28</sup> In total, 325 voters living in enclaves in territory not under government control were registered for these elections (236 from Famagusta district and 89 from Kyrenia district).

<sup>29</sup> The electoral quotient is obtained by dividing the number of valid votes by the number of seats.

these elections, five candidates were registered for the Maronites, two for the Armenians and two for Latins.

## VIII. THE ELECTION CAMPAIGN

The election campaign is largely unregulated. The law does not prescribe an official starting date of the campaign, which implies that political parties and candidates can start campaigning at any time. According to the election law, campaigning – including public gatherings, speeches, discussions, as well as publication or broadcasting of information related to the elections – is not permitted on election day and the day before. Similarly, the display of campaign material and campaign stands is prohibited during this period. Broadcasting of political advertisement is, however, prohibited under the Law on Radio and Television, beginning 55 hours before the start of voting. Opinion polls may not be published seven days before election day. Violations of the above-mentioned rules constitute criminal offenses and are punishable by imprisonment of up to six months or a fine of up to 850 Euro. Political parties appeared to respect the requirement to remove campaign material before election day, as billboards were no longer on display the day before election day.

The election campaign unfolded in a calm atmosphere, and all contestants were able to campaign freely. Campaigning was active, although interlocutors told the OSCE/ODIHR EAM that it was more subdued than in previous elections. According to them, one of the reasons was the ongoing economic crisis, which impacted on the financial resources parties had at their disposal. Key issues in the campaign included the Cyprus problem and ways for its possible resolution, the economic crisis, and immigration.

Contestants used a variety of means to reach out to voters, including billboards, posters, leaflets, campaign stands, gatherings in cafes and similar places, and door-to-door campaigning. Large-scale gatherings, which according to interlocutors featured prominently in previous elections, were absent from this campaign. Many candidates used receptions as a venue at which they could communicate with the electorate. Such receptions were organized either by the candidates themselves or by supporters. All parties and many candidates also used the internet to get their message to voters. Advertising on TV and radio as well as in newspapers was another important means of campaigning.

A specific characteristic of the election campaign was that, due to the electoral system with preferential voting, candidates – rather than parties – ran the most active campaigns. Political parties met by the OSCE/ODIHR EAM said that as a rule, the combined expenditures of a party's candidates were believed to be considerably higher than what the party paid for an election campaign. An exception among the parliamentary parties was *AKEL*, which did not allow its candidates to run individual campaigns. Although *AKEL* did produce a booklet which included biographies of all its candidates, all other *AKEL* campaign material promoted only the party, as did the party's campaign activities.

## IX. PARTY AND CAMPAIGN FINANCING

The political party law and the election law are the two laws governing the regulatory framework for political party and campaign financing. Adopted in February 2011, the political party law established a legal definition of political parties and introduced regulations for party funding and

its monitoring. In accordance with the law, political parties may receive both private donations, either monetary or material, and state funding.

Before the political party law was enacted, political party financing was largely unregulated, even though parties represented in parliament received a significant amount of state funding.<sup>30</sup> According to the law, state funding is now distributed to both parliamentary and non-parliamentary parties. State funding consists of both regular funding for the routine party activities and funding for electoral expenses. Regular funding is given to parliamentary parties according to their strength in parliament. Funding for electoral expenses is available to all parties, including non-parliamentary parties, if they present candidates for at least one half of the parliamentary seats and in two-thirds of the electoral districts. In 2011, some seven million Euro are being distributed to political parties in public funds, including regular funding and funding for electoral expenses.<sup>31</sup>

The political party law introduced a reporting requirement for both regular party expenditures and for electoral expenses incurred by parties. The Auditor General is the control body in charge of monitoring political party finance. Parties must provide the Auditor General with the annual financial accounts of their income and expenditure and publish a summary of those accounts in the daily press. Parties must also submit reports on their electoral expenses within 45 days of election day to the same control body.

The law, however, does not provide for a deadline for the submission of party income and expenditure reports or details on what should be included in those reports. While there are ceilings on campaign expenses incurred by candidates, there are no such caps on electoral expenditures by parties. Moreover, parties do not have to report on the sources of revenue used to pay for electoral expenses.

In case of violation of the provisions of the political party law, the Ministry of Interior, with the approval of the Auditor General, can impose a fine of up to 8,000 Euro on a political party and decrease public funding in case of repeated violations. Some OSCE/ODIHR EAM interlocutors expressed concerns that the new political party law and the sanctions foreseen might not be enforced.

The mandate given to the Auditor General in the political party law appears to be ambiguous, as it does not fully detail the scope of the Auditor General's new competencies. According to the Group of States against Corruption of the Council of Europe (GRECO), the scope of the monitoring by the Auditor General needs further clarification.<sup>32</sup> The Auditor General has also not yet been provided with the resources necessary to perform the additional duties.

As stated by the Council of Europe's Committee of Ministers in their Recommendation 2003(4): "States should provide for independent monitoring in respect of the funding of political parties and electoral campaigns. The 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." Monitoring can be undertaken by a variety of different bodies, including a competent supervisory body or state financial bodies. Whichever body is tasked to

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<sup>30</sup> According to information provided by the secretariat of the parliament, the total grant given to parliamentary political parties in 2010 amounted to about 4,500,000 Euro.

<sup>31</sup> According to information provided by the secretariat of the parliament.

<sup>32</sup> See Evaluation Report on Cyprus on Transparency of Party Funding of the Group of States against Corruption (GRECO). The report and accompanying press release are available at: [www.coe.int/t/dghl/monitoring/greco/news/News\(20110404\)Eval3\\_Cyprus\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/news/News(20110404)Eval3_Cyprus_en.asp).

review the party's financial reports, effective measures should be taken in legislation and in state practice to ensure its independence from political pressure and commitment to impartiality. Such independence is fundamental to this body's proper functioning and should be strictly required by law.

*Consideration should be given to granting the Auditor General the competency, the authority, and the resources to conduct a thorough and independent monitoring of political party funding and to introducing an effective control over political party expenditures, especially for electoral purposes. All party reports should be published to enhance transparency and accountability.*

The legislation provides for upper limits on donations and ceilings on campaign expenditures. Upper limits are defined depending on the nature of the donor: 8,000 Euro from individuals, 20,000 Euro from limited private companies, and 30,000 Euro from companies listed on the stock exchange. Donations of any kind are forbidden from state institutions and foreign companies. However, any "legal person", as defined under public law, may sponsor party events. The law does not provide for any disclosure requirements with regard to donations and it does not regulate expenses incurred by third parties.

*Consideration could be given to introducing a general requirement for political parties to disclose donations – monetary or in-kind – along with the amount or value of the donation and the identity of the donor, in order to ensure that the upper donation limits are not circumvented and to ensure full transparency and accountability.*

The election law provides for ceilings on both personal expenses of a candidate and expenses incurred by his or her polling agent, who is the person responsible for a candidate's campaign incomes and expenditures and related contractual obligations. Recent amendments increased the ceiling to 5,000 Euro for a candidate's personal spending and to 25,000 Euro for spending by the polling agent. The fact that the law does not specify a date for the official start of the campaign makes it difficult to determine from what date expenses have to be accounted for. Within three weeks from the publication of the results, the polling agent has to submit a report on electoral expenses to the District Officer, including all the payments made, the personal expenses of the candidate, any disputed and unpaid claims, and the incomes used to pay these expenses. These spending limits, however, apply only to expenditure actually incurred by the candidate or his or her polling agent and do not cover election expenses incurred by supporters of candidates (third parties).

The election law provides for criminal sanctions in instances where a candidate fails to submit the report within the legal deadline or exceeds the spending limits. However, according to the law such cases can not be brought before a court without the consent of the Attorney General. The OSCE/ODIHR EAM was informed that to date, such sanctions have never been applied, although after the 2006 parliamentary elections, only 35 per cent of the candidates submitted their reports.

*It is recommended that the role of Attorney General be specified in the procedures for applying sanctions for candidate reporting obligations.*

Several OSCE/ODIHR EAM interlocutors expressed concerns about the lack of enforcement of spending limits. They claimed that some candidates were spending considerably more on their campaigns than the law permits. The absence of a thorough state mechanism controlling candidates' electoral expense reports and applying sanctions foreseen by the election law is also of concern. Additionally, there is no legal requirement to make these reports public.

*Consideration could be given to entrusting the District Officers with the competency of conducting a thorough monitoring of candidates' electoral expense reports and reporting any cases of violation of the law to the Attorney General. Electoral expense reports should be made public.*

## **X. THE MEDIA**

The media environment in Cyprus is diverse and includes public and commercial television and radio broadcasters, as well as newspapers.<sup>33</sup> Voters were provided with the opportunity to access a variety of opinions during the election campaign.

While print media are self-regulated, the broadcast media are strictly regulated. Commercial TV stations, as well as the public broadcaster, the Cyprus Broadcasting Corporation (CyBC), are obliged to establish a 'code of coverage' for the pre-election period. The "code" has been agreed with the political parties and submitted to the regulator, the Cyprus Broadcasting Authority (CBA), together with the tentative schedule of political programmes. The 'codes' analyzed by the OSCE/ODIHR EAM do not appear to interfere with editorial freedom. This was also confirmed by journalists and other media professionals met by the OSCE/ODIHR EAM.

According to the Law on Radio and Television, for the three months prior to an election, all licensed broadcasters are required to treat candidates and political parties equitably and without discrimination. The provision stipulates that small or new parties should not be neglected in campaign coverage. Coverage of political parties is to be of 'proportional equality', corresponding to the share of the vote a party received during the last parliamentary elections. The CBA is tasked with overseeing the equal treatment of candidates by commercial broadcasters.

Broadcasters have generally been applying this principle to parties that are represented in parliament and fulfill it by calculating how many pre-election debates each party will be invited to and how many questions each of them will be asked during a programme. Non-parliamentary parties that contested these elections were not invited to debates with parliamentary parties, but their activities were covered in the news programmes. CyBC and some private broadcasters organized special debates among the leaders of non-parliamentary parties.

One non-parliamentary party, the Office for the Citizen's Rights *LASOK*, brought administrative proceedings against CyBC to the Supreme Court. The party challenged a decision by the CyBC Board of Directors not to recognize it as a political party, despite a legal opinion by the Attorney General stating that small parties such as *LASOK* were covered by the new definition of political party in the political party law. *LASOK* complained that CyBC was thus not affording it equal treatment. CyBC defended its decision, arguing that the more discretionary definition of "political party" set out in the Law on the Cyprus Broadcasting Corporation, which was not amended simultaneously with the adoption of the political party law, was binding for them. The *LASOK* complaint was adjourned until after the elections.

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<sup>33</sup> The public Cyprus Broadcasting Corporation (CyBC) has two TV channels and four radio channels, as well as a satellite channel for Cypriots living abroad. There are four island-wide private TV channels: *ANTI*, *MEGA*, *Plus TV*, *Sigma*, a number of radio stations as well as regional broadcasters, and several national newspapers.

*Parliament could give consideration to amending relevant laws and regulations to prevent discrepancies and contradictions in the definition of a political party in various pieces of legislation. Alternatively, consideration could be given to referencing the definition of a political party stipulated in the political party law in other laws.*

As in previous elections, there were few formal complaints concerning breaches of the equality principle. The CBA investigated two cases concerning alleged breaches. In both cases, two local commercial TV stations in Limassol allegedly offered to give one of the candidates increased coverage of his campaign activities in return for paid political advertisement on these stations. In line with regular CBA practice, the decisions on these complaints were made only after the elections. The Board of CBA decided to proceed with the case against one local TV station.

While the campaign coverage of commercial broadcasters is monitored in detail by the CBA, its reports are not published. Furthermore, the public broadcaster is not subject to similar external monitoring. According to the CyBC law, the CBA has limited jurisdiction over the public broadcaster, which does not include the examination of equitable treatment. Contentious issues during the campaign are decided upon by the Board of Directors of CyBC, which is appointed by the Council of Ministers.<sup>34</sup>

Paid political advertising is allowed by law. Each party is allocated a maximum of 100 minutes in total on all TV stations and a total of 60 minutes on all radio stations.<sup>35</sup> The maximum for each individual candidate is 30 minutes on all TV stations and 12 minutes on all radio stations. This provision applies to the last 40 days preceding election day and political parties and candidates are free to advertise before that. According to the Law on Radio and Television, political advertisement may not be broadcast during the last 55 hours before voting starts. Laws regulating campaign coverage on TV explicitly prohibit negative campaigning. Negative campaigning was not a problem during the 2011 parliamentary election campaign, as confirmed to the OSCE/ODIHR EAM by the CBA.

## **XI. PARTICIPATION OF WOMEN**

The Constitution guarantees equality on a non-discriminatory basis, including the right to vote and stand for election. There are no provisions in the election law that discriminate on gender grounds. Cyprus is a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and has committed to creating an enabling environment for the advancement of women. However, many OSCE/ODIHR EAM interlocutors noted that Cyprus has yet to fully meet the goals spelled out in the National Action Plan on Gender Equality.

While harmonization with European Union legislation during the pre-accession period was a major force behind many equality policies, including on gender, women remain underrepresented. No mechanism of equality policy implementation has been enforced, and the government does not appear to pursue a steady policy in this respect. As a result, there were no notable structural changes in Cyprus that would have facilitated gender mainstreaming in political life. The Ministry of Justice and Public Order is competent for the overall promotion of gender equality and the protection of women's rights. Its instrument to this effect is the National

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<sup>34</sup> Two board members were contesting the 2011 parliamentary elections as candidates for *EDEK* and *AKEL*. While they did not take part in board meetings where election-related matters were discussed, they did not resign or take a leave during the election period.

<sup>35</sup> The law requires equal prices for all parties and candidates.

Mechanism for Women's Rights, which was set up by the Council of Ministers. The Mechanism deals with all matters concerning women, focusing on the elimination of legal discrimination against women and the promotion of equality between men and women.

*Consideration could be given to strengthening existing mechanisms for the implementation of gender-related legislation, including strengthening the capacity of the State Mechanism for Gender Equality in order to enable tasks to be more efficiently fulfilled.*

Historically, the number of female members of parliament has been growing proportionally as the share of female candidates has increased. In the 2011 parliamentary elections, however, the number of female candidates decreased by 14 per cent compared to the previous elections. Of the 98 female candidates, (23.8 per cent of all candidates), only six women (10.7 per cent) were elected, two less compared to the 2006 elections.

Among the six parliamentary parties, only the Green Party is chaired by a woman. Since the Green Party did not designate a party leader when it registered its candidate lists, the party's only mandate was won by the male candidate who received the highest number of preferential votes. Among the non-parliamentary parties, the newly established Cypriot Progressive Co-operation (KYPROS) is led by a woman and had 61 per cent women among its candidates. Although many parties have adopted an internal gender quota, it did not result in these parties meeting their target for having more female candidates. Parties opined that the low number of female candidates was mainly due to low interest among women to stand in elections, particularly in rural areas.

Most female candidates met by the OSCE/ODIHR EAM reported a number of issues that hamper women's participation. These include a lack of support from their party and a vertical hierarchy within the party structure, which makes it difficult for women to achieve leading positions. Most female candidates came from their parties' women's organizations, which are not seen as influencing party policies in favor of gender equality. Politically non-affiliated women's NGOs are a relatively new phenomenon in Cyprus and still lack the skills and experience required for advocating and lobbying political issues.

*Consideration could be given to creating a more conducive environment for the active participation of women in political life. In this context, the introduction of voluntary and legal gender quotas in public and political life could be considered as a temporary measure aimed at attaining greater gender balance, including in parties' candidate lists. Parties could be encouraged to introduce gender quotas for their governing bodies, and to meet their self-set targets where such quotas already exist.*

OSCE/ODIHR interlocutors opined that women are disadvantaged in reaching out to the electorate compared with men. Election campaigning in Cyprus traditionally involves a lot of informal communication in public settings, with many of these settings considered to be male domains. Extensive family duties also impact on women's ability to campaign to the same extent as men. Finally, campaign financing was indicated as an obstacle for women's political advancement. Moreover, women's salaries are much lower than those of men,<sup>36</sup> which further constrict campaigning opportunities for women.

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<sup>36</sup> According to the 2010 Cyprus National Report on the Implementation of the Beijing Platform for Action, Cyprus has the highest pay gap (26 per cent) between men and women among European Union member states, along with the high women's employment rate (over 70 per cent). However, there is an obvious gender asymmetry in labor market – far fewer women occupy well paid positions compared to men, despite their higher average level of education.



All women candidates met by the OSCE/ODIHR EAM complained about inadequate media attention. They stated that the media usually prefer to invite male politicians, especially to discussions about key policy issues, while women are often relegated to discussing social-policy topics.

In polling stations, 35 per cent of the presiding officers were women, compared to 69 per cent of the assisting staff. The composition of the polling station staff reflects the overall gender situation in the public service; the majority of civil servants are women, but their share is higher in lower-level positions, with few women in high-ranking positions.<sup>37</sup>

## **XII. COMPLAINTS AND APPEALS**

Any complaints about election arrangements before election day are made to the General Returning Officer and if not resolved could result in appeals to the Supreme Court, which acts as an Electoral Court. Complaints on the nomination of candidates can be made to the District Returning Officer and are decided within 24 hours. Such complaints could result in appeals to the Electoral Court if the issue is not resolved. Complaints on voter registration can be made by any registered voter to the District Returning Officer. Before the 2011 parliamentary elections, there was a small number of such complaints in Larnaca, Paphos and Limassol. Complaints on election day are made to the polling station presiding officers, with the possibility of appeal to the General Returning Officer.<sup>38</sup>

All electoral appeals are within the jurisdiction of the Electoral Court. They are all decided upon by it's the full composition of 13 judges. There is no possibility of appeal to their decisions.

Appeals against election results to the Electoral Court can be brought by any voter, candidate or by the Attorney General, seeking annulment or a recount of votes. Application must be made within one month of the publication of the final election result. The rules of court set out a timeline for the subsequent hearing of such proceedings and documents to be filed. These requirements do not restrict the ability of parties to pursue such cases in accordance with usual court practice. The General Returning Officer is always a party in those cases, represented by the Attorney General.

Overall, the legal mechanisms for complaints and appeals provide an adequate means of access to judicial remedy and are in line with international standards.

## **XIII. ELECTION DAY**

In accordance with OSCE/ODIHR methodology, the OSCE/ODIHR EAM did not conduct a comprehensive and systematic observation of election day proceedings. However, mission members visited a few polling stations on election day.

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<sup>37</sup> See gender statistical indicators form Cyprus Statistical Office at: [http://www.mof.gov.cy/mof/cystat/statistics.nsf/populationcondition\\_26main\\_en/populationcondition\\_26main\\_en?OpenForm&sub=6&sel=2](http://www.mof.gov.cy/mof/cystat/statistics.nsf/populationcondition_26main_en/populationcondition_26main_en?OpenForm&sub=6&sel=2).

<sup>38</sup> In these elections, there were two requests for recounts to the General Returning Officer as the margin of preferential votes between candidates was very narrow. The requests were declined as outside the power of the General Returning Officer, but the candidates had an option of an appeal.

Voting in polling stations visited by the OSCE/ODIHR EAM proceeded in a calm and orderly manner. The presiding officers and assistants worked efficiently and followed the prescribed procedures. Voters were aware of the procedures and, whenever needed, were properly assisted by a person of their choice. Polling stations visited were easily accessible to voters with disabilities. The voting observed in Nicosia prison was also conducted properly and inmates were free to vote or not.

Voting in polling stations designated for voters living in enclaves in territory not under government control was conducted efficiently, despite the fact that most of these voters were elderly and needed more time or assistance to cast their vote.

The vote counts which OSCE/ODIHR EAM members followed were conducted in a professional manner and according to established procedures. Polling station staff had no difficulties with the counting procedures or the completion of the results protocols. As this is not foreseen in domestic legislation, copies of results protocols were not posted at polling stations for public scrutiny.

*Based on international good practice, consideration could be given to amending the legislation to require the posting of results protocols at each polling station, in addition to publishing them on the internet in a timely manner.*

In all polling stations visited, political parties had representatives who could freely observe the voting and the counting without impediment.

The OSCE/ODIHR EAM followed the tabulation process in Nicosia district. The tabulation included three separate checks of the results protocols. Results for the parties and the preferential votes cast for individual candidates were checked during the tabulation. No major problems were reported.

Overall voter turnout was 78.7 per cent, down from 89 per cent in the 2006 parliamentary elections. The Central Electoral Office of the Ministry of Interior started posting preliminary election results on its website on election night, including results broken down by districts and polling stations. The winning candidates were publicly announced as soon as the tabulation and allocation of seats were concluded.

## ANNEX: ELECTION RESULTS

<b>Official Data Released by the General Returning Officer</b>	<b>Number</b>
Total number of voters included in voter lists	531,463
Number of voters who voted	418,247
Number of invalid ballots	8,701
<i>Percentage of invalid ballots</i>	<i>2.08%</i>
Number of blank ballots	4,969
<i>Percentage of blank ballots</i>	<i>1.19%</i>
Number of valid votes	404,577
<i>Voter turnout</i>	<i>78.70%</i>

<b>Contestant</b>	<b>Number of District Lists</b>	<b>Total Number of Votes</b>	<b>Percentage of Votes</b>	<b>Number of Mandates Won</b>
Progressive Party of Working People –Left – New Forces (AKEL)	10	132,171	32.67%	19
Office for the Citizen’s Rights LASOK	10	2,667	0.66%	0
Democratic Party (DIKO)	10	63,763	15.76%	9
Democratic Rally (DISY)	10	138,682	34.28%	20
EDEK Movement for Social Democracy	10	36,113	8.93%	5
National Popular Front (ELAM)	10	4,354	1.08%	0
European Party (Evroko)	10	15,711	3.88%	2
Zygos Movement of Independent Citizens	9	859	0.21%	0
Ecological and Environmental Movement (Green Party)	10	8,960	2.21%	1
Cypriot Progressive Cooperation (KYPROS)	10	709	0.18%	0
Independent Candidates	6 candidates in 3 districts	588	0.14%	0
<b><i>Total</i></b>			<b><i>100%</i></b>	<b><i>56</i></b>

[Source: Ministry of Interior of the Republic of Cyprus; <http://live.elections.moi.gov.cy/>]

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/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.

OSCE/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 130 staff.

OSCE/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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, OSCE/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. OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

OSCE/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**, OSCE/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. OSCE/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.

OSCE/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](http://www.osce.org/odihr)).