



Office for Democratic Institutions and Human Rights

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of the
Republic of Cyprus**



WARSAW, 12 JULY 2018

The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:

Participating/Partner State: Cyprus

UPR Session and Date of Review: 32nd Session, January 2019

Background

Cyprus has been a participating State in the former Conference for Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1975 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Cyprus, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Cyprus and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Cyprus.

Overview of this Submission

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. Key findings and corresponding recommendations are presented below.

Elections

CYPRUS

Presidential election 28 January and 4 February 2018

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

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.

Key findings:

The legal framework is overall adequate for the conduct of democratic elections, but is overly complex and, at times, outdated. Certain aspects of the electoral process, such as campaign provisions, dispute resolution and the rights of observers, remain under-regulated.

Recommendation:

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.

Key findings:

The voter registration system is active and registration is compulsory.

Recommendation:

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.

Key findings:

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.

Recommendation:

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.

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.

In a presidential election public campaign financing could be distributed according to objective, fair and non-discriminatory criteria.

Key findings:

While the media provided voters with a plurality of views, the rigid and prescriptive campaign coverage rules largely dictated by political actors curtailed debate.

Recommendation:

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.

Key findings:

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.

Recommendation:

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.

The full ODIHR EAM final report is available at
<https://www.osce.org/odihr/elections/cyprus/363776>.