

# RESILIO Country Report Cyprus



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### 1. Introduction

The Republic of Cyprus (henceforth ‘Cyprus’ or ‘Republic’) achieved its independence from Britain in 1960 following a liberation war (1955-1959). The Constitution adopted at the time established a presidential republic and provided for the division of power between the Greek-Cypriot and the Turkish-Cypriot communities, yet commentators have criticised the Constitution for its rigidity, inflexibility, and concentration of power in the executive branch.<sup>1</sup> Tensions between the two communities led to inter-communal violence in 1963-1964; the Turkish-Cypriot community subsequently withdrew from the government and the institutions of the Republic. Faced with the collapse of the constitutional order, the Supreme Court’s decision in the *Ibrahim* case permitted the continued operation of the Republic’s institutions without the participation of the Turkish-Cypriot community, based on the doctrine of necessity.<sup>2</sup> These troubling historical, political, and social conditions meant that the democratic legal order was built on shallow foundations. In 1974, the Greek Junta initiated a coup attempt against the democratically elected president of the Republic, Archbishop Makarios. In July that year, Turkey invaded Cyprus and by August 1974, Turkey had unlawfully occupied the island’s northern part, including half of Nicosia, the capital city. Multiple UN Security Council resolutions have since directed Turkey to remove its troops from the Republic,<sup>3</sup> yet the illegal occupation persists to this day. Despite these historical circumstances, Cyprus developed economically and politically in the decades following the invasion, entering the European

Union in 2004 and adopting the Euro in 2008. This brief historical summary is necessary to understand the circumstances under which the Republic operates today. First, the Cypriot problem has shaped the socio-political landscape of the island. Not only is it a core topic of political discussions, but it has also resulted in hostile attitudes within society towards Turkey and Turkish-Cypriots.<sup>4</sup> Second, the legal order in Cyprus operates under a continued state of exception—the Constitution operates today ‘exceptionally,’ without the Turkish-Cypriot community. This has significant repercussions on the Cypriot legal order and on its attitude to the rule of law in general.<sup>5</sup> Since the government lacks de facto control over its own territory, all references to the Republic of Cyprus refer to the part of the island over which the government exercises control. This report will therefore focus on the state of the rule of law and its resilience in the non-occupied territory.<sup>6</sup>

Much like the rest of Europe, the rule of law in Cyprus has been challenged during the last decade, especially since the Eurozone crisis that afflicted the island in 2013.<sup>7</sup> Cyprus is classified as a free democracy by the Freedom House,<sup>8</sup> yet it is generally classified as a below-average rule of law performer by several international indices.<sup>9</sup> Corruption emerges as the biggest threat to the rule of law in the Republic.<sup>10</sup> Emblematic of this is the 2020 ‘Golden Passport Scandal’, with prominent Cypriot politicians caught on camera willing to facilitate a (fictional) investor’s application to the Cypriot Citizen by Investment scheme, even though the investor failed to meet the legal requirements.<sup>11</sup> Cypriots’ perceptions of corruption reveal

a troubling picture, with 92% believing that corruption is widespread (one of the highest percentages across the Union trailing only Greece, Croatia, and Portugal), while 66% think that corruption has increased over the last three years (compared to the EU average of 45%).<sup>12</sup> Other threats to the rule of law include the inefficiency of the justice system,<sup>13</sup> the lack of a democratic ethos, corroborated by high abstention rates in elections,<sup>14</sup> the diminished level of public debate and dialogue, the fragile media landscape,<sup>15</sup> and limited access to information.<sup>16</sup> This report will not expand on the maladies of the rule of law in Cyprus but rather seek to highlight evidence of rule of law resilience. The following three sections will address the relevant resilience factors: judicial resilience, media resilience, and economic resilience.

## **2. Analysis of the country case along the RESILIO model**

### **2.1. Most important systemic factor: judicial resilience**

Judicial resilience constitutes the most prominent systemic factor contributing to the overall resilience of the rule of law in Cyprus. The functioning of the judiciary and the independence of the judiciary will be addressed in turn. Despite some shortcomings, particularly regarding the functioning of the judiciary, there is evidence to suggest that judicial resilience remains a core factor supporting and safeguarding the rule of law.

The 2023 EU Justice Scoreboard offers troubling evidence regarding the inefficiency of the Cypriot judicial system. Cyprus has the longest estimated time needed to resolve civil, commercial, administrative, and other cases.<sup>17</sup> The lack of digitalisation further exacerbates the quality of justice, with the use of technology in court proceedings remaining at very low levels.<sup>18</sup> The inefficiency of the judicial system has consistently been identified as a serious shortcoming of the rule of law in Cyprus, with the European Commission stressing the need for reform in previous Annual Rule of Law Reports.<sup>19</sup> It is worth mentioning however that citizens consider the justice sector the least corrupt, with courts enjoying more trust than other public institutions. According to the 2021 Global Corruption Barometer, only 27% think that most or all people involved in the court system (judges and magistrates) are corrupt. This is the lowest percentage among all public bodies (president, members of parliament, local government, the police).<sup>20</sup> Such trust in the impartiality of the judiciary is salient.

Various positive developments illustrate the desire to strengthen and secure the rule of law. First, in response to evidence suggesting that government expenditure on the justice system is the lowest in Europe,<sup>21</sup> the latest Cyprus Recovery and Resilience Plan 2021-2026 reserves significant funding to improve the efficiency of justice. Money has been allocated to upgrading outdated infrastructure (including the construction of a new 'Central Court' building in Nicosia),<sup>22</sup> the training of judges, and the digitalisation of justice.<sup>23</sup> In fact, several of these commitments have already been realised.<sup>24</sup>

Second, in order to enhance the courts' capacity to handle cases more efficiently, an overhaul of the judicial system has taken place, including the creation of an Appeal Court and the division of the current Supreme Court into the Supreme Constitutional Court and a Supreme Court.<sup>25</sup> The European Commission has approved of these reforms.<sup>26</sup> The last few years have witnessed a wave of new hirings of judges for both lower and higher courts. The procedures for the appointment of judges have been swift and effective,<sup>27</sup> hailed by the Cyprus Bar Association.<sup>28</sup> The hiring of new judges constitutes a vital step in boosting the efficiency of the justice system and dealing with the backlog of cases, while the procedures followed raise no concerns regarding enhanced executive influence over the judiciary. Steps have also been taken to better equip the judges to carry out their tasks efficiently: the Cyprus Judicial Training School, instituted in 2020, provides several courses and trainings, geared towards increasing the quality of justice in Cyprus.<sup>29</sup>

Third, it is important to note attempts to digitalise justice, prompted to some extent by the Covid-19 pandemic and the concomitant restrictions. The i-Justice system, an intermediate stage towards more robust digitalisation resulting in the e-Justice system, has been designed to facilitate the online submission of case materials.<sup>30</sup> Although the rollout of the system has been very slow (and many would argue long overdue), it has entered into force in July 2021. There is no doubt that this digital platform can potentially enhance the efficiency of the justice system greatly, particularly combined with the other factors identified in this section.

Last, a significant step toward improving the efficiency of justice are procedural changes accompanying the above-mentioned structural changes. In particular, the new civil procedure rules, drafted with the support of the Structural Reform Support Service (SRSS) of the European Commis-

sion and due to come in effect in September 2023,<sup>31</sup> replace antiquated procedures that had been in place since the 1950s. The new set of rules is crucial in enabling the courts to handle cases with fewer delays.<sup>32</sup> Granting the courts greater case management powers likely to result in faster processing of court cases, the rules are set to improve the efficiency of an ailing system.<sup>33</sup>

Judicial independence, a key element of the rule of law, has not been under much strain in Cyprus. The Constitution provides for a clear distinction between the powers of the judiciary and other branches.<sup>34</sup> Although judges to the Supreme Court are appointed by the President of the Republic,<sup>35</sup> a practice common in many democracies, there has been little evidence to doubt the independence of the judiciary. Yet some recent developments further strengthen the resilience of judicial independence in Cyprus. Following recommendations by GRECO<sup>36</sup> and the European Commission,<sup>37</sup> an independent Advisory Judicial Advisory Council<sup>38</sup> has been created, tasked with compiling a list of candidates to the Supreme Court from which the President of the Republic will choose. This practice has been praised as in line with the Venice Commission's recommendations.<sup>39</sup> In appointing judges to the Supreme Court, the President has consistently followed the recommendations provided to him by the Supreme Court. It is worth noting, however, that there are no legal mechanisms in place to prevent a President deciding to appoint someone not proposed by the Council. Providing reasons for a decision to appoint someone not on the list would have been an additional safeguard for judicial independence, ensuring that the President would be prevented from arbitrarily appointing a person to the Court.

Judicial resilience in Cyprus is inevitably linked with other systemic resilience factors, such as constitutional resilience. As previously mentioned, the Court and its decision in *Ibrahim* was and remains the cornerstone of the continued operation of the Constitution. Whatever constitutional resilience Cyprus can demonstrate must be understood in light of the willingness (and ability) of the judiciary to support and maintain the constitution and the rule of law. Within the Cypriot constitutional framework (with a strong head of the executive, a weaker Parliament, and weak mechanisms of checks and balances), a strong and independent judiciary becomes a salient factor of rule of law resilience.

Many of the developments described here are recent. It is thus not yet possible to evaluate fairly and accurately the

effectiveness of those measures on the functioning of the judicial system and on judicial independence. Yet the reforms constitute positive developments. Cyprus's responsiveness to recommendations on enhancing the justice system from international bodies such as the Venice Commission, the European Commission, and GRECO has been salient for judicial resilience. The identified reforms can increase judicial resilience and enable the judiciary to respond more efficiently and effectively to crises.

## 2.2. Most important subsidiary factor: media resilience

A functional rule of law democracy depends on independent and diverse media. Not only is the free flow of information necessary for a democratic system, but critical media are crucial for holding political power to account. On paper, the legal framework regarding media independence and free speech in Cyprus is adequate. Relevant protections are found in the Constitution<sup>40</sup> and enhanced in secondary legislation.<sup>41</sup> Legislative gaps previously identified in the European Commission Annual Rule of Law Report regarding transparency of media ownership have been remedied by recent legislative changes.<sup>42</sup> Despite those changes, however, there is still 'significant risk associated with horizontal and cross-media concentration, posing a threat to media pluralism.'<sup>43</sup> Even though Cyprus's rank in the 2023 Reporters without Borders World Press Freedom Index improved ten spots compared to 2022 (from 65th to 55th worldwide),<sup>44</sup> there are causes for concern.

First, media are not state owned but are to some extent dependent on the government. Not only do they receive and disseminate information from the Cyprus News Agency (meaning that the government's message is the one reaching the public),<sup>45</sup> but they also rely on the state for financial support through state advertising. The latter is a significant concern as there is lack of transparency related to state media expenses, including state advertising.<sup>46</sup> An accurate picture of the extent of media independence is thus impossible. There is some media diversity in Cyprus, with several newspapers maintaining online editions, and various digital media news organisations, yet traditional media (newspapers, TV channels) are often reluctant to be overly critical of the government. Undoubtedly, this relationship of dependence plays a significant role in that respect. Combined with the lack of a democratic ethos in a young democracy such as Cyprus, the result is a mainstream media landscape that often amounts to a weak check on government action. Yet despite such shortco-

mings, there are reasons to believe that media resilience persists.

Perhaps in response to the void left by the shortcomings of traditional media, certain outlets and journalists demonstrate some resilience. First, some media outlets maintain a critical attitude towards government behaviour. One such example is Kanali 6, the second most popular radio broadcast station in Cyprus,<sup>47</sup> which has traditionally maintained an independent journalistic attitude while also serving as an important arena of public discourse. One of its most popular shows, 'A microphone to the citizen,' provides a platform for individuals to call in and express their concerns and problems. Callers regularly complain about the status quo, prompting the channel's journalists to probe the issues raised. The channel performs an important function that facilitates and safeguards public discourse and democratic engagement—a contextual resilience factor.

Moreover, the case of the journalist Makarios Droushiotis is notable. The author of books seeking to expose corruption at the highest levels of Cypriot politics, Droushiotis had been subject to attacks and threats of libel action from state officials,<sup>48</sup> and even the president of the Republic.<sup>49</sup> In a recent decision, however, the Court affirmed Droushiotis's right of free speech and rejected an appeal to ban his book *Mafia State*.<sup>50</sup> The book offered exclusive information on the corrupt behaviour of state officials and had an immense impact on Cypriot society.

A second noteworthy development is the emergence of journalistic podcasts as influential avenues of scrutinising political power. For example, the independent podcast 'Legal matters', which addresses political and legal questions with invited politicians and public figures, has no government or political party affiliations, which has certainly contributed to its success. The podcast's impact has proved salient. A recent episode hosted the former chairman of a committee tasked to investigate ethics and corruption in sports who, during the discussion, revealed previously unknown information about fixed football matches, and alleged that President had pressured him to cover up an investigation into suspected fixed matches.<sup>51</sup> Public outcry ensued with traditional media picking up on the issue and magnifying its impact. Eventually, the Cypriot Parliament intervened, creating a special Committee to investigate the allegations.<sup>52</sup>

In theory, the legal framework in Cyprus regarding the transparency of media ownership, the independence of the media, and journalistic freedom is adequate. Yet, it seems that it alone cannot sufficiently protect the rule of law. First, there are important legislative gaps (such as the above-mentioned lack of transparency regarding state advertising). Second, some of the relevant legislation is recent and has so far proven ineffective.<sup>53</sup> This section has identified some examples that show media resilience. Although traditional media outputs under-perform in holding the government into account, outputs in alternative spaces have sought to fill that void, with some success. That the relevant legal framework and the courts have been able to shield journalists from attacks constitutes further evidence of resilience.

### 2.3. Most important contextual factor: economic resilience

The socio-political state of a community plays a crucial role in safeguarding and protecting the rule of law. An affluent society capable of maintaining social peace, cultural and political diversity, and a robust public discourse is better equipped to guard against attacks on the rule of law. Cyprus, however, faces significant shortcomings in this respect. First, public discourse in the Republic is rather frail. There is a lack of democratic culture, evidenced to some extent by citizens' non-participation in politics and the status of civil society organisations in Cyprus.<sup>54</sup> Such popular alienation from politics is undoubtedly connected with deep distrust towards politicians and the political system as a whole. Despite some attempts to deliver fruitful political dialogue identified above, it remains the case that public involvement in political life remains insufficient. Second, the Cypriot problem described earlier, combined with the immense challenges to accommodate the vast influx of refugees and asylum seekers,<sup>55</sup> mean that Cypriot society struggles in terms of cultural and societal diversity. Perhaps the only contextual factor that offers some rule of law protection is economic resilience.

Cyprus is classified as a high-income country by the World Bank.<sup>56</sup> Even though the crises of the last decade (discussed in more detail in the next section) severely affected the island's economic prosperity, the Cypriot economy has demonstrated significant resilience. Cyprus experienced remarkable economic development following the events of 1974.<sup>57</sup> The Eurozone crisis had a devastating impact on the economy, yet the subsequent austerity pro-

gramme saw increased growth rates.<sup>58</sup> In a similar vein, the economic damage brought by the COVID-19 crisis (5.2% decline of the Cypriot CPD in 2020) was followed by growth rates of 6.6% and 5.6% in the two following years.<sup>59</sup> Amidst global economic uncertainty caused by Russia's full-scale invasion of Ukraine in 2022, the Cypriot economy suffered another blow, especially considering the country's high dependence on Russian investment and tourism.<sup>60</sup> Yet, since Russia's full-scale invasion, Cyprus's national debt has diminished and growth rates have continued.<sup>61</sup> Economic forecasts also indicate a positive outlook for the Cypriot economy.<sup>62</sup>

Overall, the Cypriot economy demonstrates the ability to respond sufficiently to economic crises. Effectively absorbing relevant EU funds has also proven an important factor in ensuring financial stability.<sup>63</sup> Maintaining fiscal flexibility, even during economic uncertainty, is a significant bulwark against rule of law violations. Such flexibility is crucial in the ability of a political community to absorb shocks (financial and otherwise), intervening to assist vulnerable groups, and ultimately ensuring social peace and prosperity. For example, in response to the global economic downturn following Russia's full-scale invasion of Ukraine, Cyprus enacted a series of measures to support vulnerable households. These included lower fuel excise duty (bringing overall fuel prices down), the reduction of VAT on electricity bills,<sup>64</sup> and the slashing of VAT on basic products such as bread and milk.<sup>65</sup> It should be noted, however, that even though those measures were beneficial, especially for vulnerable households, they were eventually discontinued.<sup>66</sup>

General economic prosperity is also intrinsically associated with a state's ability to institute and maintain a robust welfare structure designed to support the poorest in society. Cyprus, much like other European states, suffers from income and wealth inequalities.<sup>67</sup> Even though inequality is not as pronounced as in other countries, it remains a significant concern. A series of welfare measures, however, are designed to alleviate the gap.<sup>68</sup>

Such social welfare measures are an important resilience factor. Socio-economic problems, as discussed later, are drivers of extremism, which is in turn a significant threat for the rule of law. Even though the 24.1%<sup>69</sup> of GDP allocated in 2020 to social protection in Cyprus was lower than the EU average (30.4%<sup>70</sup>), there has been a marked increase in the amount spent on social protection. The 2020 figure signals to some extent a commitment to incre-

asing expenditure on social protections even, or perhaps especially, in times of economic uncertainties.

Since January 2023, Cyprus has also instituted a national minimum wage.<sup>71</sup> Although Eurostat data place the Cypriot minimum wage in Group 3 (albeit at the highest end),<sup>72</sup> when adjusting the figures for purchasing power, Cyprus climbs to Group 1 (albeit at the lowest end).<sup>73</sup> This suggests that the minimum wage in Cyprus is an important tool that offers some protection for the more economically vulnerable members of society. By the same token, the Guaranteed Minimum Income scheme (GMI), which was instituted in the aftermath of the 2014 financial crisis,<sup>74</sup> seeks to ensure that vulnerable citizens receive sufficient social assistance.<sup>75</sup> It is worth noting that unlike other countries, the GMI in Cyprus is open to all with insufficient means to support themselves, without restricted eligibility or limitations of coverage.<sup>76</sup>

Economic wellbeing and satisfactory living standards are important contextual factors that can support the rule of law. During the financial crisis economic uncertainty, high unemployment, and general economic deterioration led to the rise of the right-wing populist party ELAM,<sup>77</sup> closely associated with Golden Dawn in Greece, a far-right party that has since been labelled a criminal organisation by Greek courts.<sup>78</sup> Supporting economically vulnerable citizens by means of a robust social protection scheme is an important step to stave off the rise of extremist parties and ensure general rule of law resilience. Political statements stating a commitment to modernise the social welfare system,<sup>79</sup> and some recent innovations (such as launching a social welfare hotline for the better resolution of complaints/concerns)<sup>80</sup> are important steps in the right direction. The discussion in this chapter by no means suggests that there are no concerns associated with the economy in Cyprus. But this section has focused on factors that demonstrate economic resilience and are capable of offering some protections for the rule of law. It does not mean that those factors are sufficient, nor that they guarantee that the rule of law will persist.

### **3. Impact of crises on the rule of law: the example of the Eurozone crisis**

The Eurozone crisis in Cyprus has probably been the most consequential social, economic, and political crisis on the island since the events of 1974. The Eurozone crisis, and the subsequent austerity measu-



res adopted to restore the financial system, had deep implications for the state of the rule of law and its resilience in the Republic. The crisis shook Cypriot society, exposing systemic problems in its institutional structures, most notably tax accountability and control mechanisms, and a rotten economic structure. Perhaps most significantly, it affected general attitudes towards the political system, eroding trust in legal institutions, and leading to the disillusionment of citizens regarding their control over the democratic state.

The crisis in Cyprus primarily affected the banking sector. The dependence of Cypriot banks on Greek bonds, which were subjected to a haircut in 2012, led to heavy losses and exposed the fragile state of an overgrown banking sector.<sup>81</sup> Facing economic collapse, Cyprus (belatedly) applied to international partners for economic assistance.<sup>82</sup> The measures that had to be adopted were radical, unique, and untested. In addition to a series of legislative measures overhauling the economic system and relevant institutional structures, uninsured deposits (over €100,000) in Cypriot banks were appropriated to cover for the losses.<sup>83</sup> This decision was met with significant backlash and protests. Heavily influenced by other international movements at the time (such as the *Occupy* movement and the Greek *Aganaktismenoi*), Cypriot protesters marched to express their frustration and anger at a corrupt economic-political system that led to the collapse of the economy.<sup>84</sup>

The Eurozone crisis affected the resilience of the rule of law in multiple ways. First, it severely damaged citizens' trust in political structures. The belief that there was government mismanagement and lack of transparency and oversight of banking operations, corroborated by multiple commissions set up tasked to investigate the causes of the crises, eroded the public's commitment to legal institutions and their role as guardians of the rule of law.<sup>85</sup> Distrust in national government (measured at 68% by a Eurobarometer survey at the time) was surpassed by distrust for the EU (75%).<sup>86</sup> In general, Cypriots had little faith in the ability of any institutions (whether domestic or European) to safeguard and protect their interests.

Second, the crisis revealed the fundamental inability of the Cypriot political structure to effectively prosecute wrongdoers. Despite multiple enquiries conclu-

ding that significant failures were made by political agents, no one has been effectively held to account. Such non-accountability erodes a fundamental aspect of the rule of law as it constitutes an abject failure in the delivery of justice. To this day, the lack of high-profile prosecutions for the multiple scandals erupting since the financial crisis bedevils the Cypriot community, according to the Commission's Annual Rule of Law Report.<sup>87</sup>

Third, the crisis and the resulting rising unemployment and overall stagnant financial situation have led to economic frustration that drove the rise of the right-wing populist party ELAM. Borne out of the crisis, this party resembles other ethno-nationalist populist parties on the rise across Europe, which emerged on an agenda of discarding traditional politics as fundamentally corrupt and exploitative, and rejecting foreign meddling in domestic affairs as destructive of national sovereignty. The party remains in politics, yet its platform today is primarily geared towards another crisis, namely the migrant/refugee crisis.<sup>88</sup> It is evident that the Eurozone crisis deeply shook Cypriot society and eroded rule of law structures. To some extent, several resilience factors identified earlier were either established amidst that crisis or in response to it.

#### 4. Conclusion

During its short lifetime, Cyprus has been hit by a series of crises and challenges that have tested the resilience of the rule of law. From the Turkish invasion and subsequent occupation of a part of the island in 1974, to the devastating Eurozone crisis of 2012-2013, and from the COVID-19 healthcare crisis to the Russian full-scale invasion of Ukraine in 2022, the Cypriot political community—and its commitment to the rule of law—has sustained several blows. This report has sought to highlight the different resilience factors that have contributed to the overall rule of law resilience in the Republic. Judicial resilience is a critical factor of rule of law stability in Cyprus and the reforms discussed above were designed to strengthen the judiciary's ability to withstand shocks and challenges. Even though the overall state of the media in Cyprus is inadequate, this report has focused on cases that show overall resilience and demonstrate the ability to effectively hold political power to

account—a salient component of effective rule of law democracies. Last, economic resilience in Cyprus indicates, to some extent, a commitment to ensuring social protections that are, in turn, critical in preventing support for anti-democratic and anti-rule of law actors. Even though the current state of the rule of law in Cyprus is inadequate, with Cypriot society still having to withstand significant challenges that threaten the rule of law (principally the handling of asylum seekers), the evidence outlined in this report offers some positive aspects of rule of law resilience.



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- <sup>3</sup> UN Resolution 360/1974. URL: <https://digitallibrary.un.org/record/93476?ln=en> (last checked: 17.10.2023). See also Emilianides, *Cyprus*, pp. 21–22.
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- <sup>5</sup> See for example, Christos Papastilianos, (2018). The Cypriot Doctrine of Necessity within the Context of Emergency Discourse: How a Unique Emergency Shaped a Peculiar Type of Emergency Law, in: *The Cyprus Law Review* 30,113. Nasia Hadjigeorgiou/Nikolas Kyriakou, (2019). Entrenching Hegemony in Cyprus: The Doctrine of Necessity and the Principle of Bicommunality, in SSRN: <https://ssrn.com/abstract=3716905> (last checked: 30.11.2023).
- <sup>6</sup> Given this complexity, it is difficult for international frameworks and indices to measure the rule of law and compile reports on Cyprus. For example, it is often difficult (if not impossible) to gather data from the occupied part of the island, or to liaise with the self-proclaimed 'government' in the occupied territories, as it is not recognised by the international community (apart from Turkey).
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- <sup>8</sup> <https://freedomhouse.org/country/cyprus/freedom-world/2023> (last checked: 30.11.2023).
- <sup>9</sup> With an overall score of 0.68, Cyprus ranks 21st out of 31 countries in the EU, EFTA and North America region by the WJP <https://worldjusticeproject.org/rule-of-law-index/country/2022/Cyprus> (last checked: 30.11.2023). Similarly, the Democracy Index 2022 of the EIU identifies Cyprus as a 'flawed democracy', and ranked Cyprus 20th of 21 countries in Western Europe (Table 5), p. 36. Its score (7.38) would place it in the middle of a compiled Western and Eastern Europe list.
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- <sup>11</sup> Transparency International, (2018) *European Getaway: Inside the Murky World of Golden Visas*, Transparency International & Global Witness, Berlin/London (similar schemes are run in other countries such as Spain, Hungary, and Portugal).
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- <sup>17</sup> 2023 EU Justice Scoreboard (note 13), p. 11.
- <sup>18</sup> Ibid, pp. 33-34.
- <sup>19</sup> EU Commission (2020) *2020 Rule of Law Report Country Chapter on the rule of law situation in Cyprus*, pp.4,5 URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1602583459378&uri=CELEX%3A52020SC0312> (last checked: 30.11.2023); EU Commission (2021) *2021 Rule of Law Report Country Chapter on the rule of law situation in Cyprus*, p. 5 URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0704> (last checked: 30.11.2023).
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- 2023 EU Justice Scoreboard (note 13), p. 28.
- <sup>21</sup> *Cyprus Recovery and Resilience Plan 2021-2026*, p. 356 <http://www.cyprus-tomorrow.gov.cy/cypresidency/kyprostoavrio.nsf/all/B37B4D3AC1D-B73B6C22586DA00421E05/%24file/Cyprus%20RRP%20For%20Upload%2020052021.pdf?openelement> (last checked: 30.11.2023).
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- <sup>23</sup> Ibid, pp. 348-357.

- <sup>24</sup> Cyprus Bar Association, (2022). Announcement of the President of the Bar Association on Construction Work for the Improvement of the District Court of Nicosia (in Greek) <https://www.cyprusbarassociation.org/index.php/en/news/22868-2022-05-26-07-52-16> (last checked: 30.11.2023).
- <sup>25</sup> Seventeenth Amendment to the Constitution Act of 2022 (Law 103(I)/2022) entered into force, together with the amendments of the Law on the Administration of Justice of 1964 (Laws 145(I)/2022 and 146(I)/2022).
- <sup>26</sup> EU Commission (2023) 2023 Rule of Law Report Country Chapter on the rule of law situation in Cyprus, pp. 4-5 URL: [https://commission.europa.eu/system/files/2023-07/31\\_1\\_52612\\_coun\\_chap\\_cyprus\\_en.pdf](https://commission.europa.eu/system/files/2023-07/31_1_52612_coun_chap_cyprus_en.pdf) (last checked: 30.11.2023).
- <sup>27</sup> Appointments made by the Supreme Council of Judicature (composed of the judges of the Supreme Court, the Advocate General, the President of the Cyprus Bar Association and two experienced lawyers), according to the Constitution of Cyprus, Article 157 para. 2. See also Laws 163(I)/2022 and 223(I)/2022.
- <sup>28</sup> Cyprus Bar Association 2023. Announcement of the President of the Bar Association on the appointment of judges to the newly established Appeal Court (in Greek) <http://www.cyprusbarassociation.org/index.php/en/news/29925-anakoinose-tou-pds-gia-ton-diorismo-dikaston-sto-neosystathen-epheteio> (last checked: 30.11.2023).
- <sup>29</sup> Law on the Establishment and Operation of the Judicial Training School 2020. Law 101(I)/2020.
- <sup>30</sup> Announcement of the Cyprus Supreme Court (2021). [https://www.cyprusbarassociation.org/files/ANNOUNCEMENTS/2021/I-JUSTICE/anakoinosi\\_-\\_Justice\\_20\\_7\\_21.pdf](https://www.cyprusbarassociation.org/files/ANNOUNCEMENTS/2021/I-JUSTICE/anakoinosi_-_Justice_20_7_21.pdf) (last checked: 30.11.2023).
- <sup>31</sup> For more details visit [https://reform-support.ec.europa.eu/what-we-do/public-administration-and-governance/modernising-civil-procedure-rules-cyprus\\_en](https://reform-support.ec.europa.eu/what-we-do/public-administration-and-governance/modernising-civil-procedure-rules-cyprus_en) (last checked: 30.11.2023).
- <sup>32</sup> See e.g., EU Commission (2022) 2022 Rule of Law Report Country Chapter on the rule of law situation in Cyprus, pp. 6-7 [https://commission.europa.eu/system/files/2022-07/31\\_1\\_194047\\_coun\\_chap\\_cyprus\\_en.pdf](https://commission.europa.eu/system/files/2022-07/31_1_194047_coun_chap_cyprus_en.pdf) (last checked: 30.11.2023).
- <sup>33</sup> Justice of the Supreme Court of Cyprus Y.N. Yiasemis (2021). The Philosophy Behind the New Civil Procedure Rules and the Main Changes [http://www.supremecourt.gov.cy/judicial/sc.nsf/All/007465EBDC14AC41C22587AA0031E2C7/\\$file/ATTCK376.pdf](http://www.supremecourt.gov.cy/judicial/sc.nsf/All/007465EBDC14AC41C22587AA0031E2C7/$file/ATTCK376.pdf) (last checked: 30.11.2023).
- <sup>34</sup> The powers of the Supreme Court are outlined in Part IX of the Constitution.
- <sup>35</sup> Constitution, Article 133(2).
- <sup>36</sup> GRECO (2016) Fourth Evaluation Round, Evaluation Report Cyprus, paragraph 119.
- <sup>37</sup> 2022 Rule of Law Report Cyprus, p. 2.
- <sup>38</sup> Consisting of members of the relevant Court in which a vacancy is to be filled, the Attorney General, the president of the Bar Association, and two senior lawyers. Laws 145(I)/2022 and 163(I)/2022.
- <sup>39</sup> Venice Commission opinion on three bills reforming the judiciary (CDL-AD(2021)043).
- <sup>40</sup> Cyprus Constitution, Article 19. The right of freedom of expression is also protected by international treaties effective in Cyprus, e.g., Article 10 of the European Convention on Human Rights.
- <sup>41</sup> E.g., Press Law 1989. Other significant pieces of legislation recently adopted include the Law on the Right to Access Information Held by Public Authorities L. 184(I)/2017 and the Law on the Protection of Persons that Report on Violations of the EU and National Law L.6(I)/2022.
- <sup>42</sup> See e.g., the Law on Radio and Television Organisations 1998 (7 (I)/1998) as amended 197(I)/2021.
- <sup>43</sup> MPM Report (note 15), p. 9.
- <sup>44</sup> 2023 Reporters without Borders World Press Freedom Index <https://rsf.org/en/index> (last checked: 30.11.2023).
- <sup>45</sup> MPM Report (note 15) p. 18.
- <sup>46</sup> Ibid, p. 8.
- <sup>47</sup> MPM Report (note 15) p. 18.
- <sup>48</sup> Organized Crime and Corruption Reporting Project, (2023). Cypriot Writer Claims Police is Trying to Ban his Book about Corruption, (in Greek) URL: <https://www.occrp.org/en/daily/17230-cypriot-writer-claims-police-is-trying-to-ban-his-book-about-corruption> (last checked: 30.11.2023).
- <sup>49</sup> President Anastasiadis: Reacts to Mavrogiannis's letter on 'Mafia State' and threatens lawsuits (2022) in Politis (22.11.2022) (in Greek) URL: <https://politis.com.cy/556266/article> (last checked: 30.11.2023).
- <sup>50</sup> Court rejects request to ban circulation of "Mafia State" book (2023) in: In-Cyprus (2.1.2023) URL: <https://in-cyprus.philenews.com/news/local/court-rejects-request-to-ban-circulation-of-mafia-state-book/> (last checked: 30.11.2023). Nevertheless, the Supreme Court had in a previous case upheld a lower court decision finding the journalist guilty of libel for a critical article written against the government in 2005. The European Court of Human Rights in the case of Droushiotis v. Cyprus found Cyprus in violation of Art.10 freedom of expression. <https://hudoc.echr.coe.int/eng?i=001-218117> (last checked: 30.11.2023).
- <sup>51</sup> Papacharalampous: Anastasiades told me to stop investigation of fixed matches (2023) in Alphanews.live (4.5.2023) <https://www.alphanews.live/cyprus/papacharalampoys-o-anastasiadis-moy-eipe-na-stamatiso-erevnes-gia-stimena> (last checked: 30.11.2023).
- <sup>52</sup> Allegations and revelations in Parliament on the Papacharalampous-Anastasiades affair (2023) in Cyprus Times (24.5.2023) <https://cyprustimes.com/>

[politikoi/katangelies-kai-apokalypseis-sti-vouli-gia-to-thema-papacharalabous-anastasiadi/](#) (last checked: 30.11.2023).

<sup>53</sup>For instance, the laws on access to information and on whistleblower protections identified earlier (note 41). Regarding the failure of the law on access to information in particular see the MPM Report (note 15). The authors allege that their application to receive information was rejected because such information was deemed confidential.

<sup>54</sup>For example, Civicus, *An Assessment of Civil Society in Cyprus: A Map for the Future*, (Nicosia 2005).

<sup>55</sup>Cyprus receives the most asylum seekers per capita in Europe. UNHCR (2021) *Cyprus Reception Capacity*, (31.12.2021) URL: [https://www.unhcr.org/cy/wp-content/uploads/sites/41/2022/02/UNHCR-Cyprus\\_Reception\\_thru-2021.pdf](https://www.unhcr.org/cy/wp-content/uploads/sites/41/2022/02/UNHCR-Cyprus_Reception_thru-2021.pdf) (last checked: 30.11.2023). This trend continued into 2022. See Jonathan Shkurko (2022). *Cyprus tops number of asylum applicants per capita in EU*, in: *Cyprus Mail* (23.3.2022) URL: <https://cyprus-mail.com/2022/03/23/cyprus-tops-number-of-asylum-applicants-per-capita-in-eu/> (last checked: 30.11.2023).

<sup>56</sup>See The World Bank (2023) *World Bank Countries and Lending Groups*, URL: <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups> (last checked: 30.11.2023).

<sup>57</sup>Stavros Zenios, (2013) *The Cyprus Debt: Perfect Crisis and a Way Forward*. In: *Cyprus Economic Policy Review*, 7(1) pp. 3-45; Adonis Pegasiou, (2018). *Accountability After Crisis: Cyprus*, for: *Accountability After Crisis* pp.8-10 URL: <http://iosifkovras.com/wp-content/uploads/2020/10/Policy-Report-Cyprus-Eng-Final.pdf> (last checked: 30.11.2023).

<sup>58</sup>Crucially, Cyprus was able to repay its loan from the IMF early, see IMF (2019) *Cyprus: Restoring the Banking Sector and Public Finances*, URL: <https://www.imf.org/en/Countries/CYP/cyprus-lending-case-study#:~:text=Although%20the%20crisis%20took%20a,IMF%20bailout%20program%20before%20term> (last checked: 30.11.2023).

<sup>59</sup>Data obtained from the Cyprus Statistical Service, URL: <https://www.cystat.gov.cy/en/SubthemeStatistics?id=45> (last checked: 30.11.2023).

<sup>60</sup>An estimated 20% of tourists arrived in Cyprus from Russia in 2021. See Finance Minister says economy has been resilient against challenges (2023). In: *In-Cyprus* (4.5.2023) URL: <https://in-cyprus.philenews.com/news/local/finance-minister-says-economy-has-been-resilient-against-challenges/> (last checked: 30.11.2023).

<sup>61</sup>Ibid. See also data from the Cyprus Statistical Service (note 59).

<sup>62</sup>European Commission (2023). *Economic Forecast for Cyprus*. (15.5.2023) URL: [https://economy-finance.ec.europa.eu/economic-surveillance-eu-economies/cyprus/economic-forecast-cyprus\\_en](https://economy-finance.ec.europa.eu/economic-surveillance-eu-economies/cyprus/economic-forecast-cyprus_en) (last checked: 30.11.2023).

<sup>63</sup>See, for example, the *Cyprus Recovery and Resilience Plan 2021-2026* (note 2022). The relevant government agency is the European Funds Unit of the Ministry of the Interior. URL: [http://www.moi.gov.cy/moi/eufundsunit.nsf/home\\_en/home\\_en?openform](http://www.moi.gov.cy/moi/eufundsunit.nsf/home_en/home_en?openform) (last checked: 30.11.2023).

<sup>64</sup>Cyprus caps VAT on electricity, increases pensions to cushion inflation blows (2022) in: *Reuters* (27.5.2022) URL: <https://www.reuters.com/world/middle-east/cyprus-caps-vat-electricity-increases-pensions-cushion-inflation-blows-2022-05-27/> (last checked: 30.11.2023). The measure continued until 2023. See *Cyprus extends reduced fuel taxation* (2022) in: *e-Kathimerini* (24.9.2022) URL: <https://www.ekathimerini.com/economy/1194028/cyprus-extends-reduced-fuel-taxation/> (last checked: 30.11.2023).

<sup>65</sup>Cyprus: Slashed VAT expected to 'bring inflation and prices down' says Finance Minister (2023). In: *Euronews* (8.5.2023) URL: <https://www.euronews.com/2023/05/08/cyprus-slashed-vat-expected-to-bring-inflation-and-prices-down-says-finance-minister> (last checked: 30.11.2023).

<sup>66</sup>Maria Andronikou (2023) *End to reduced tax: how much fuel will cost on July 1*. In: *Alphanews*, (28.6.2023). URL: <https://www.alphanews.live/economy/telos-ston-meiomeno-foro-posa-tha-kostizoyn-ta-kaysima-apo-tin-li-ioylioy> (last checked: 30.11.2023).

<sup>67</sup>Eurostat (2022) *Living conditions in Europe - income distribution and income inequality*. URL: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living\\_conditions\\_in\\_Europe\\_-\\_income\\_distribution\\_and\\_income\\_inequality&oldid=528159#Income\\_distribution](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Living_conditions_in_Europe_-_income_distribution_and_income_inequality&oldid=528159#Income_distribution) (last checked: 30.11.2023). See also Ioanna Evangelou/Rozmari Hadjicharalambous/Nektarios Michail (2020) *Income and Wealth Inequality in Cyprus: Empirical evidence from the Household Finance and Consumption Survey*, in: *Cyprus Economic Policy Review*, 14(2) pp. 50-60; Les Manison, (2023). *The consequences of wealth inequalities in Cyprus*, in: *Cyprus Mail* (2.7.2023). URL: <https://cyprus-mail.com/2023/07/02/the-consequences-of-wealth-inequalities-in-cyprus/> (last checked: 30.11.2023).

<sup>68</sup>For a complete mapping of the social protection scheme in Cyprus and an evaluation of the relevant structures see Christos Koutsampelas/Pantelis Kamnas/Sofia N. Andreou (2019) *ESPN Thematic Report on Financing social protection: Cyprus*. European Social Policy Network (ESPN), Brussels: European Commission. URL: [https://www.researchgate.net/profile/Christos-Koutsampelas/publication/337447532\\_Financing\\_social\\_protection\\_in\\_Cyprus/links/5dd82559458515dc2f43a21d/Financing-social-protection-in-Cyprus.pdf](https://www.researchgate.net/profile/Christos-Koutsampelas/publication/337447532_Financing_social_protection_in_Cyprus/links/5dd82559458515dc2f43a21d/Financing-social-protection-in-Cyprus.pdf) (last checked: 30.11.2023).

<sup>69</sup>Cyprus Statistical Service, (2020) *Social Protection Survey - Social Protection Expenditure as a percentage of the GDP: 24,1%*. URL: <https://www.cystat.gov.cy/en/PressRelease?id=67545> (last checked: 30.11.2023).

<sup>70</sup>Eurostat (2020) *Social protection statistics - social benefits*. URL: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Social\\_protection\\_statistics\\_-\\_social\\_benefits](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Social_protection_statistics_-_social_benefits) (last checked: 30.11.2023).

<sup>71</sup>Andria Kades, (2022). *Minimum wage in effect from January 1* (31.12.2022) URL: <https://cyprus-mail.com/2022/12/31/minimum-wage-in-effect-from-january-1/> (last checked: 30.11.2023).

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- <sup>74</sup> Guaranteed Minimum Income and Social Benefits Law of 2014.
- <sup>75</sup> For Christos Koutsampelas, the Cypriot GMI has room for improvement but remains a modern GMI on par with other effective European schemes. See Christos Koutsampelas, (2016). The Cypriot GMI scheme and comparisons with other European Countries, in: Cyprus Economic Policy Review, 10(1), pp. 3-26. URL: [https://www.ucy.ac.cy/erc2/wp-content/uploads/sites/125/2023/08/CyEPR\\_Vol10\\_No1\\_A1\\_06\\_2016.pdf](https://www.ucy.ac.cy/erc2/wp-content/uploads/sites/125/2023/08/CyEPR_Vol10_No1_A1_06_2016.pdf) (last checked: 30.11.2023).
- <sup>76</sup> David Coady/Samir Jahan/Riki Matsumoto/Baoping Shang, (2021). Guaranteed Minimum Income Schemes in Europe: Landscape and Design, in: IMF Working Papers, WP/21/179.
- <sup>77</sup> Such socio-economic conditions are the usual drivers for the rise of populism across Europe. See, for example, Karl Aiginger, (2020). Populism: Root Causes, Power Grabbing and Counter Strategy. In: Intereconomics 55(1) pp.38-42. On populism in general, see Cass Mudde/ Cristina Rovira Kaltwasser (2017). Populism: A Very Short Introduction. OUP; Jan Werner Müller, (2016). What is Populism? Penguin Books.
- <sup>78</sup> It is worth noting that the Cypriot ELAM cut off ties with the Greek Golden Dawn, when the latter was excluded from the Greek Parliament. Christou explains: Why ELAM cut off ties with the Golden Dawn (2020), in Alphanews.live (23.6.2020) (in Greek) URL: <https://www.alphanews.live/politics/o-xristoy-exigei-giati-elam-diekopse-tis-sheseis-me-tin-hrysi-aygi-binteo> (last checked: 30.11.2023).
- <sup>79</sup> Andria Kades, (2022). Social welfare system being modernised, minister says. In: CyprusMail (25.11.2022) URL: <https://cyprus-mail.com/2022/11/25/social-welfare-system-being-modernised-minister-says/> (last checked: 30.11.2023).
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- <sup>81</sup> For a fuller analysis of the financial state of Cyprus at the time see European Stability Mechanism, (2019) Crisis in Cyprus: ‘no negotiating power, no credibility’ URL: <https://www.esm.europa.eu/publications/safeguarding-euro/crisis-cyprus-no-negotiating-power-no-credibility> (last checked: 30.11.2023).
- <sup>82</sup> For a detailed account, see Demetriades (note 7) and Stephanie Lahlé-Shaelou/Anastasia Karatzia, (2018). Some preliminary thoughts on the Cyprus bail-in litigation: A commentary on Mallis and Ledra, in: European Law Review 43(2) p. 249; Stephanie Lahlé Shaelou/Phoebus Athanassiou (2016). Cyprus Report. in European Banking Union Congress Proceedings Volume 1. Wolters Kluwer, Hungary, pp. 269-297.
- <sup>83</sup> Eurogroup Statement on Cyprus (2013) URL: [https://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/ecofin/136487.pdf](https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ecofin/136487.pdf) (last checked: 30.11.2023).
- <sup>84</sup> E.g., Liz Alderman, (2013). Resistance in Cyprus Grows to Europe’s Bailout Plan. In: New York Times (18.03.2013). URL: <https://www.nytimes.com/2013/03/19/business/global/asian-markets-drop-on-latest-euro-concerns.html> (last checked: 30.11.2023).
- <sup>85</sup> Pegasiou (note 57).
- <sup>86</sup> Eurobarometer Standard 80, Autumn 2013, <https://europa.eu/eurobarometer/surveys/detail/1123> (last checked: 30.11.2023). See Yiannis Katsourides, (2016). Delegitimization accelerated: Democracy, accountability and the Troika experience in Cyprus. In: Portuguese Journal of Social Science, 15, pp. 195-216. 30.11.2023
- <sup>87</sup> European Commission (2022). 2022 Report Country Chapter on the rule of Law situation in Cyprus, p. 9. URL: [https://commission.europa.eu/system/files/2022-07/31\\_1\\_194047\\_coun\\_chap\\_cyprus\\_en.pdf](https://commission.europa.eu/system/files/2022-07/31_1_194047_coun_chap_cyprus_en.pdf) (last checked: 30.11.2023).
- <sup>88</sup> On the rise of ELAM in general see, Giorgos Charalambous/Panos Christoforou, (2018). Far-Right Extremism and Populist Rhetoric: Greece and Cyprus during an Era of Crisis. In: South European Society and Politics, 23, p. 451.

### About the author

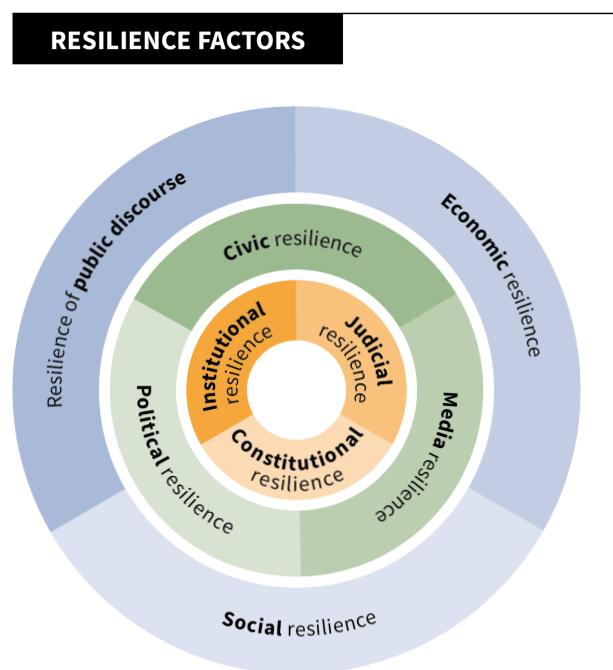
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### About the project

**RESILIO** aims to identify institutional and societal factors that make the rule of law more resilient, thus adding a constructive contribution to academic and policy debates. It draws on a “thick” definition of the rule of law, understood as closely connected to democracy and fundamental rights. The resilience of the rule of law means that the rule of law can experience hazardous events or incremental threats without losing its core function, structure and purpose.

### About the paper

This paper is part of the **RESILIO Country Report series**. It is a collection of compact analyses that assess the source of rule of law resilience in each EU member state by examining the most prominent resilience factors, using the analytical framework of the RESILIO model.



**RESILIO** offers a multi-layered model of the rule of law resilience. Systemic dimension (orange) reflects upon the resilience of the legal setup; subsidiary dimension (green) looks at the phenomena and tendencies present in societies as possible facilitators; and contextual dimension (blue) analyses the broader habitat, determined by structural and systemic variables like economic growth, social cohesion, and general political climate. RESILIO also takes into account the horizontal effects of unpredicted and unprecedented crises that can affect all dimensions of rule of law resilience with different intensity.

While each factor is necessary for a resilient rule of law, they are only sufficient in combination.

The considerations in this paper are compatible with the developed conceptual model of the resilience of the rule of law. They focus on **social resilience** as a contextual factor strengthening the rule of law.

## resilio

Resilience observatory  
on the rule of law in Europe

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