

Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law

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1 Civic space developments in 2021

1.1 New requirement for all NGOs to declare their 'beneficiaries' in order to remain registered, leading to onerous technical requirements and administrative excesses	
Area	Freedom of association, Financing Framework
Topic	Accounting and auditing / anti money laundering/ corruption / terrorist financing
Impact	Major

A set of regulations issued in 2021 by the Interior Ministry under the law against money laundering¹ requires NGOs to maintain up to date information about the 'beneficiaries' of the organisation, including name, date of birth, nationality, address of residence, nature and extent of voting rights in the board, whether they hold other offices or have the right of representing the NGO, type of right to vote, or other rights including any economic relation with the NGO, identity card, profession, date on which they acquired the right on the NGO etc. The NGO is responsible to retain such data and keep them updated and inform their records within 30 days after each voting session. Failure to do so carries a fine of €200 plus €100 for every day for which the violation continues, at a maximum of €20,000. Board members are under a legal duty to inform the NGO of any changes to enable the NGO to correct the list of real beneficiaries. The Registrar of NGOs must compile a central registry of all real beneficiaries and NGOs must submit to the Registrar all changes within 30 days, by completing forms which exceed five pages. In addition, the NGO must submit annually an update and confirmation of its data within the first quarter of each year; the board carries the responsibility for the correct submission of the real beneficiaries and delays to submit updates and confirmations carry fines as above. As of 2021, for every updating of the NGO's documents with the bank, a bank charge of €100 applies. The Registrar can reject any submission of documents which is lacking or does not comply with the law and regulations and/or demand amendments which the NGO must submit within 30 days, failing which the same fines will apply.²

¹ Cyprus, Law on preventing and combating legalisation of income from illegal activities of 2007 (*Ο περί της Παρεμπόδισης και Καταπολέμησης της Νομιμοποίησης Εσόδων από Παράνομες Δραστηριότητες Νόμος του 2007*), as amended in 2021.

² Cyprus, Laws on the prevention and legalisation of income from illegal activities 2007-2021, Guidelines regarding the registry of real beneficiaries of associations, foundations, federations or unions, charitable foundations and non-governmental organisations with legal personality, [Guideline under article 61B, Regulatory Administrative Act K.D.P. 119/2021](#), 19 March 2021.

The regulations essentially treat NGOs as profit making companies ignoring their limited financial means and access to technical expertise, casting on volunteers the onerous filing duties expected of company shareholders. Most NGOs lack the technical capacity to fill the necessary forms. If their records are not up to date, the authorities refuse to provide them with certified copies of their statutory documents which can cause them to miss funding deadlines. Delays in obtaining their certified copies can also lead - and in some instances have indeed led - to the freezing of their bank accounts, as the banks require the certified copies in the process of the regular updating of their customer's records.³

After submitting the updates to the District Office of their area, an NGO may be asked to visit the office several times to hear orally about gaps or discrepancies in their documents, instead of receiving a list in writing to enable them to respond efficiently; often different requests are put forward by the District Office in each meeting. Whilst the update is pending, the District Office will refuse to hand certified copies in order to force NGOs to accept changes in their articles, which are often over and above the requirements set in the law. The new procedures and the policy trend of applying horizontal demands to all NGOs rather than vertical and targeted, have forced many NGOs to opt to register non-profit companies rather than associations in order to avoid what they describe as bureaucratic bullying from the Interior Ministry.⁴

1.2 Police violent suppression of street demonstration	
Area	Freedom of peaceful assembly
Topic	Policing practices
Impact	major

In February 2021, a street demonstration against corruption and the management of the COVID-19 pandemic, including the blanket ban on public protests, led to serious police violence against demonstrators and by-passers, many of whom had to be rushed to hospital, whilst one demonstrator suffered a permanent eye injury.⁵ Demonstrators who were injured and/or falsely arrested by the police filed complaints to the Independent Authority for Investigation of Complaints and Allegations against the Police, an independent watchdog for police misconduct.⁶ In October 2021, the media referred to a report having been issued by the said body, which was never communicated to the complainants or posted on the body's

³ Consultation with Civil Society Advocates, 11 January 2022.

⁴ Consultation with Civil Society Advocates, 11 January 2022.

⁵ Andreou E. (2021), '[Amnesty: Cyprus police violence must be investigated and blanket ban on protests lifted](#)', 24 February 2021.

⁶ For more details on this body, please see its website [here](#).

website, recommending disciplinary and criminal prosecutions against police officers.⁷ The organisers of the demonstration published an open letter on their social media account calling on the Independent Authority to publish the entire report including details of the criminal prosecutions it recommended, and to inform in writing the dozens of complainants of its findings, as required by the law regulating its mandate.⁸ In December 2021 media reports published further information that the Independent Authority's findings submitted to the Attorney General recommended the criminal prosecution of only two police officers but did not find fault in the use of the police watercraft anti-riot vehicle which injured a demonstrator causing a permanent eye injury, on the justification that the police had warned her to leave and she did not.⁹ By the end of 2021, neither the public nor the complainants were informed of the entire findings of the Independent Authority.

In an article published in a legal journal, the lawyers of the demonstrators suggested that there is a legislative vacuum forming the premise of police violence, which is the offence of a 'riot' foreseen in the Penal Code.¹⁰ This offence dates back to the obsolete Riot Act of the English law introduced in 1714 in order to curb political protests in a period of unrest, providing that in the event that crowds do not disperse after being ordered by the police, then the crime of riot is being committed, giving the police the right to use violence. Although this law was abolished in the U.K. 54 years ago, it still appears to form the premise of police practices as regards public protests in Cyprus. The Cypriot Penal Code defines 'illegal gathering' as any gathering of five or more persons who convened with the intention of committing a criminal offence or an act which instils reasonable fear in persons in the vicinity or incites other persons to commit a breach of peace; a gathering may begin as lawful and become unlawful as a result of the foregoing and those participating in it are considered to be rioters. The article claims that this provision contains extensive subjective elements giving rise to wide police discretion to interpret 'reasonable fear' or 'breach of peace' and disperse a gathering using 'reasonable' force and arrests. With references to the ECHR and rulings of the ECtHR, the article points out that the standard of protection again

⁷ Politis (2021), ['Διώξεις Αστυνομικών για τον ΑΙΑΝΤΑ εισηγείται η Αρχή Διερεύνησης Παραπόνων κατά της Αστυνομίας'](#), 14 October 2021.

⁸ Cyprus, Law on police (Independent authority for investigating allegations and complaints) of 2006 [[Ο περί Αστυνομίας \(Ανεξάρτητη Αρχή Διερεύνησης Ισχυρισμών και Παραπόνων\) Νόμος του 2006](#)], article 16(4).

⁹ Hadjivasilis (2021), ['Ευθύνες μεν, όχι όμως για τη χρήση του «Αϊαντα»'](#), *Phileleftheros*, 25 December 2021.

¹⁰ Cyprus, The Penal Code Cap.154 ([Ο Ποινικός Κώδικας](#)), article 70.

police violence is lower when the law provides for 'reasonable' instead of 'absolutely necessary' force.¹¹

1.3 Moneyval report is used to defame NGOs	
Area	Safe space & protection
Topic	Intimidation / negative narrative / smear campaigns / disinformation campaigns
Impact	major

In July 2020 an NGO submitted a complaint to the Journalistic Ethics Committee¹² against four newspapers which had reproduced statements made by the Interior Minister regarding the Moneyval report on Cyprus.¹³ The Minister's statements cited Moneyval as a source implicating NGOs with money laundering and terrorism.

The complaint argued that the media were under a duty to check the veracity and accuracy of the Minister's allegations before printing them, as these contained serious accusations against NGOs which were not to be found in the Moneyval report; by doing so the media outlets infringed the NGOs' presumption of innocence and reversed the burden of proof, violating the Constitution and the Civil Procedure law, as well as the Journalists Code which requires objective reporting.

The Journalistic Ethics Committee responded to the complaint on 8 March 2021 with a decision that two out of the four newspapers had not infringed the Journalists Code. In respect of the other media outlets against whom the complaint was lodged, the Committee concluded that it would not examine them, because the complaint was filed after the deadline foreseen in the Journalists Code, which requires filing of the complaint within 30 days from the date on which the media report came or ought to have come to the complainant's attention.

¹¹ Antinomia (2021), '[Reading the Riot Act: Το Αντιλαϊκό Ποινικό Αδίκημα της Οχλαγωγίας και ο Αναχρονιστικός Ποινικός Κώδικας της Κύπρου](#)', *Dikaiosini*, 9 September 2021.

¹² The Journalistic Ethics Committee is a self-regulating body made up of representatives of media outlets and is the only media watchdog that checks printed media. For more details see the founding statement [here](#). The Committee's website is under reconstruction for over 12 months and the decision is not available on line.

¹³ Council of Europe, Committee of experts on the evaluation of anti-money laundering measures and the financing of terrorism (Moneyval) (2019), '[Anti-money laundering and counter-terrorist financing measures, Cyprus, Fifth Round Mutual Evaluation Report](#)', December 2019.

The newspapers against whom the complaint was filed argued that they did nothing more than 'print the facts' without endorsing them, the facts in this case being the Interior Minister's official statements. They added that they are not under any duty to cross-check statements of representatives of institutions, as these constitute acts in their own right. The Committee decided unanimously that the information contained in the media reports under examination do not target persons or NGOs and no violation occurred.

2 Examples of civil society contributions to the rule of law

2.1 Impact of new anti-corruption framework on civic space	
Topic	Changes to the NGO operational framework as a result of Moneyval observations

Following the Moneyval assessment of Cyprus in 2019,¹⁴ the government proposed an amendment to the law regulating the operation of NGOs.¹⁵ In July 2020, without any consultation with civil society, the amendment was tabled in Parliament and was adopted in August 2020. Relying on this amendment, the Interior Ministry gave notice to around 3000 organizations (through an announcement on the website of the Ministry of Interior) that had not amended their statutes and after two months these organisations were dissolved.¹⁶ In September 2021 the Ministry of the Interior invited a number of umbrella organisations to a meeting to inform them that the dissolutions were the result of criticisms against Cyprus expressed at the meeting with Moneyval in 2019, where Cyprus was accused of not having adequate knowledge of its NGO sector and of therefore being unable to identify risks. It remained unclear how the dissolution of over 3,000 NGOs from the registry helped understand and identify the NGO risks.¹⁷ Meanwhile, the Interior Ministry sent risk assessment questionnaires to all the NGOs which did not get dissolved, which were long and complicated, and many NGOs were not in a position to fill in, as a result of which only very few NGOs returned the questionnaires completed. More than 20-30 organisations contacted their umbrella organisations wondering what the questionnaires were about. In

¹⁴ Council of Europe, Committee of experts on the evaluation of anti-money laundering measures and the financing of terrorism (Moneyval) (2019), '[Anti-money laundering and counter-terrorist financing measures, Cyprus, Fifth Round Mutual Evaluation Report](#)', December 2019.

¹⁵ Cyprus, Law on organisations and foundations and other related matters of 2017 ([Ο περί Σωματείων και Ιδρυμάτων και για Άλλα Συναφή Θέματα Νόμος του 2017](#)) N. 104(I)/2017

¹⁶ For list of organisations dissolved and under dissolution see the webpage of the Ministry of the Interior [here](#).

¹⁷ Consultation with Civil Society Advocates, 11 January 2022.

September 2021, the Interior Ministry presented to umbrella organisations and federations a risk assessment methodology developed by the Interior Ministry without consultation with NGOs, in order to meet the requirements of FATF (Financial Action Task Force) Recommendation 8.¹⁸ The methodology will be applied to all NGOs, regardless of size, and NGOs will be ranked according to their score, to a low risk, medium risk or high-risk category. Depending on their risk category regarding money laundering and terrorist financing, they will be audited every five, two or one year(s) respectively, i.e., high risk every year and low risk every five years. The Interior Ministry informed the participants that Cyprus Banks now treat all NGOs as high risk and therefore block accounts, do not allow incoming funds, or other movements, as a result of instructions from the Central Bank of Cyprus to the banks; the ranking will change to low risk following application of the methodology described above.

Umbrella organisations reported that NGOs had payments of €100 from individuals in Cyprus blocked as suspicious and were only released after long communications with the bank. According to the assessment of umbrella organisations, many of the measures of the Interior Ministry's 'Operating Model' are not linked to combating anti-money laundering/terrorist financing and go beyond what Recommendation 8 and FATF standards require; instead, the measures appear linked to controlling/auditing NGOs and limiting 'for example their number and activities.¹⁹ The NGO's activities must be certified by one or more international standards and models; all NGOs must have their accounts audited annually, anonymous donations above €100 are prohibited when political parties can receive anonymous donations up to €1000; the prohibition of any financial activity which may be offered in the free market, including dance classes, sale of products, consultancy services etc. The measures are much stricter than those applying to companies, whilst the Ministry could not present any evidence of NGOs involved in illicit activity. Umbrella organisations state that the measures are so onerous that many small, voluntary organisations, which most likely are not high-risk at all for AML/TF, might be tempted to dissolve rather than expend scarce resources to conform with all the criteria.²⁰

¹⁸ Financial Action Task Force, [International Standards on combating money laundering and the financing of terrorism & proliferation. The FATF Recommendations](#), October 2021.

¹⁹ Consultations with Civil Society Advocates and NGO Support Center, 11 January 2022.

²⁰ Consultations with Civil Society Advocates and NGO Support Center, 11 January 2022.

2.2 Contributing to law and policy making (including involvement in public consultations)

Topic	Role of Youth Parliament in gender equality, youth housing and other matters impacting youth
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The Youth Parliament²¹ is a project of structured dialogue running since 2016, operated by two national NGOs, the Cyprus Youth Council²² and the Cyprus Youth Diplomacy,²³ receiving state funding through the semi-governmental Cyprus Youth Board.²⁴ In 2020 the Cypriot Youth Parliament was awarded the SALTO PI Award²⁵, as the best program in Europe on youth participation.²⁶

The project aims at giving voice to the youth and offer them training on definitions of democracy, freedom of expression with respect to other views, human rights, politics, dialogue and compromise. The funding is however limited: there are no paid professionals in the Youth Parliament, the young parliamentarians must perform their duties alongside others, like studying or working and sometimes even have to pay participation fees in order to join their own conferences. The Youth Parliament elects 56 Members of Parliament who comprise five thematic committees, studying issues impacting the youth and presenting recommendations to policy makers. The committee reports are presented to plenary for discussion and vote and, if adopted, they are referred to the competent government Ministers as the opinion of young people which they must take into account.

As of 2019 the Committee on Labour, Welfare and Social insurance of the Youth Parliament compiled a report on gender equality at the work place including the gender pay gap, equal treatment and sexual harassment at the workplace, which identified gaps and weaknesses in the existing legislative framework and offered a set of recommendations.²⁷ The Committee on Internal Affairs compiled a report on access to affordable housing and its impact on young people, as a means for safeguarding the right to private and family life. The study found that rents increased by more than 50% on average since 2014, without a corresponding increase in the household income and identified key points of the government's housing policy, the legislative framework and economic factors rendering access to housing a luxury for the few. The report offers targeted recommendations

²¹ For more details see the project website [here](#).

²² For more details see the Council's website [here](#).

²³ For more details, see the NGO's website [here](#).

²⁴ For more details, see the Youth Board's website [here](#).

²⁵ For more details, see the SALTO PI Awards' webpage [here](#).

²⁶ Youth Parliament (2020), '[Η Βουλή Των Νέων Αντιπροσώπων Το Καλύτερο Πρόγραμμα Στην Ε.Ε. Για Τη Νεανική Συμμετοχικότητα](#)', Press release.

²⁷ Fourth Youth Parliament (2019), '[Report of the parliamentary committee on Labour, Welfare and Social Insurance: Policies for accelerating the safeguarding of gender equality at the workplace including equal treatment and equal pay](#)', December 2019.

including the extension of the rent control law to include newer houses, tax reforms, merging of overlapping government services, utilising abandoned properties, setting up of universities outside the urban centres, extension of welfare housing benefits and provision of social housing.²⁸ Shortly after the compilation of these reports the COVID-19 pandemic broke out which served as justification for policy makers to decline requests from the Youth Parliament for meetings to discuss their recommendations. As a result, the reports were e-mailed to competent ministries with no opportunity for consultation or dialogue, no real progress and no concrete changes. The COVID-19 pandemic was consistently cited as a reason to avoid participation of the youth parliamentarians in public dialogue, who were also excluded from the parliamentary sessions due to restrictions on the maximum number of persons in the room, with the representatives complaining of disappointing response of institutions and of having been denied access to decision-making centres.²⁹

2.3 Monitoring the legality and proportionality of laws, measures and practices; triggering the judicial review of laws, measures and practices and the enforcement of rulings; strategic litigation

Topic	A failed attempt at strategic litigation on forced dissolutions of NGOs triggers chain reactions of de-legitimisation of NGOs
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In 2020, more than 3,000 NGOs were given notices of dissolution and strike off from the government registry as a result of failing to comply with formalities introduced by a new law.³⁰ According to these formalities, all NGOs had to check their articles of association to ensure compliance with new requirements and submit the amended articles to the Registrar of NGOs by July 2018. The compliance deadline was later extended until December 2019. One migrant support NGO informed the Registrar in 2018 that during its last General Meeting in 2017 a new board was elected for two years. In 2020 the Registrar informed the NGO that the procedure of its strike off from the Registry was launched. The NGO first filed an administrative appeal which was rejected; it subsequently challenged the administrative decision at trial court level and lost again. It appealed against the

²⁸ Fourth Youth Parliament (2019), '[Report of the parliamentary committee on international affairs: The challenge of housing for young men and women of Cyprus](#)', December 2019.

²⁹ Consultation with the chairperson of the Youth Parliament of the term ending in December 2021.

³⁰ Trimikliniotis N and Demetriou C., University of Nicosia (2021), '[Legal environment and space of civil society organisations in supporting fundamental rights](#)', FRA (European Union Agency for Fundamental Rights), January 2021.

trial court decision, claiming that the administrative decision for its strike-off infringed its freedom of association; that the law providing for the strike-off does not meet ECtHR caselaw specifications, because it is vague and permits unfettered administrative discretion; the consequences of non-compliance with the regulation were not clear; the NGO's strike-off from the Registry was not serving any legitimate purpose nor was it necessary in a democratic society as the NGO was not connected with a threat to public order and public interest; the strike-off infringed the NGO's right to free expression; the NGO was targeted by the government because of its views on migration and asylum; the strike-off infringed the principles of equal treatment and proportionality; and the decision lacked justification and impartiality.

The Appeal Court rejected the NGO's arguments, stating that the administration's requirement for amendments to the articles of association applied to all NGOs irrespective of their activity, the regulation was intended to ensure transparency and accountability which are necessary in the interest of public security and public order, the regulation was in line with the need to prevent corruption, and that the deadline of three years given to NGOs was sufficient. The Court found that the allegation of violation of the freedom of expression and association was not adequately proven and that all NGOs were given the same treatment, rejecting the NGO's discrimination claim. The administration's decision was found to be justified and duly investigated and the administration's requirements and sanctions were proportionate, given the repeated extensions of the deadline and the need to protect public interest and public order. The appeal was rejected and the NGO was ordered to pay the respondents' legal costs.³¹

The rejection of this appeal sent a number of negative messages to NGOs and to society at large. The NGO in this case was known to be vocal in its criticism against the Interior Minister's migration policies³² and the news of its strike off and of losing the appeal spread fear amongst other critics, a sense of futility and mistrust in the justice system.³³ The strike-off was automatically presented by the Interior Minister as de-legitimation rather than as failure of the NGO to comply with technical requirements. The issue whether the requirements were too onerous for NGOs and that general meetings to amend articles were prohibited by COVID-19 measures at the time did not enter the debates. The rejection of the appeal triggered a chain reaction of de-legitimation processes for NGOs.³⁴ The Interior Minister subsequently refused to attend a parliamentary question session on

³¹ [KISA v the Republic of Cyprus through the Registrar of associations, foundations, federations and unions via the Interior Minister](#) (ΚΙΣΑ-Κίνηση για Ισότητα, Στήριξη, Αντιρατσισμό v. Κυπριακής Δημοκρατίας μέσω του Γενικού Εφόρου Εγγραφής Σωματείων, Ιδρυμάτων, Ομοσπονδιών, Ενώσεων δια του Υπουργού Εσωτερικών), Case No. 25/2021, 10 June 2021, ECLI:CY:DD:2021:254

³² Amnesty International (2021), '[Cyprus: Halt the dissolution of leading anti-racism organization](#)', Press release, 3 March 2021.

³³ Consultation with Civil Society Advocates, 11 January 2022.

³⁴ Consultation with Civil Society Advocates and NGO Support Centre, 11 January 2022.

pushbacks of migrant boats citing the presence of the struck off NGO at the session.³⁵ Shortly after that, the Interior Minister asked the Commissioner for the rights of the child to refrain from notifying her communications to KISA on the ground that KISA is not entitled to carry out any activities other than those concerned with its dissolution.³⁶ During a parliamentary session on the NHRI's compliance with the Paris Principles, the ombudsperson referred to the NGO as 'former' NGO,³⁷ whilst a local mayor who was criticised by the NGO for inciting racial hatred described the NGO as 'illegal'.³⁸

Authors' note: The use of terms 'deletion from Registry' or 'strike-off from Registry' and 'dissolution' refer to the same legal act, which is the involuntary dissolution of a registered NGO. The terms used in the respective texts follow the text reported on, in order to provide the perspective of the respective text's author (the Court, the Interior Ministry etc).

3 Other relevant developments

3.1 Launch of Active Citizens Fund: Strengthening civil society supporting vulnerable and under-represented groups; supporting and capacitating informal civil society; encouraging bi-communal collaboration.

The NGO Support Centre, a national umbrella NGO,³⁹ launched an open call for projects under the Active Citizens Fund, funded by the EEA and Norway Grants.⁴⁰ The NGO Support Centre was selected, together with GrantXpert Consulting, as fund operators with a budget of €1,2M to be made available to non-profit NGOs, both formal and informal, for projects strengthening active citizenship and empowering vulnerable groups in Cyprus.⁴¹ The call is ground-breaking in that it accepts applications from informal partnerships which include not formally registered organisations, covering outreach to underrepresented geographical areas and target groups and encourages collaborations across the ceasefire line

³⁵ Hazou, N. (2021), '[Minister a no-show at MP grilling over divided family](#)', *Cyprus Mail*, 20 September 2021.

³⁶ Letter from the Interior Minister to the Commissioner for the rights of the child dated 21 December 2021 and marked with file number 04.02.033.

³⁷ KISA (2021), '[The Commissioner for Administration complicit in the attacks against freedom of expression in Cyprus](#),' Press release, 21 October 2021.

³⁸ Paphos Press (2021), '[Σκληρή απάντηση Λιασιόδη στην ΚΙΣΑ](#)', 7 January 2022.

³⁹ For more information about this organisation, please refer to their website, available [here](#).

⁴⁰ For more information on the EEA and Norway Grants please check their website [here](#).

⁴¹ Details on the Active Citizens Fund are available [here](#).

between Greek Cypriot and Turkish Cypriot groups with a view to foster intercultural dialogue. The Call did not require co-financing, the application process was simple and a training was provided by the NGO Support Centre to prospective applicants, both formal and informal, to explain the submission process. The grants available ranged from €5,000 to €100,000 with 40-65% becoming payable upon signing project contracts. Only the lead or sole applicant needs to be registered and only larger and more experienced entities had to submit audited accounts. Informal, ad hoc and self-help organisations, including grassroots organisations, were accepted as partners of registered entities, provided they are non-profit, act for public good, are voluntary and non-discriminatory in nature, are independent of local, regional and national government, independent of political parties, religious institutions and commercial organisations. The Call encouraged partnerships between larger and smaller entities and bi-communal partnerships will be awarded extra points at the evaluation phase.

The NGO Support Centre reported having received around 60 applications and anticipates that obstacles often encountered by formal and informal entities in accessing funding, including the recent bureaucratic burdens imposed on NGOs and the on-going obstacles placed by the unresolved Cyprus problem will be addressed and alleviated. Funding for NGOs is usually restricted to EU funds managed by government departments which are inflexible in funding informal groups, as well as Turkish Cypriot organisations and individuals; the latter cannot open bank accounts and receive payments from funded projects unless they present clean criminal records which can only be issued to people residing in the territory controlled by the Republic of Cyprus.⁴²

⁴² Consultation with the NGO Support Centre, 11 January 2022.