

Maldives Parliamentary Elections

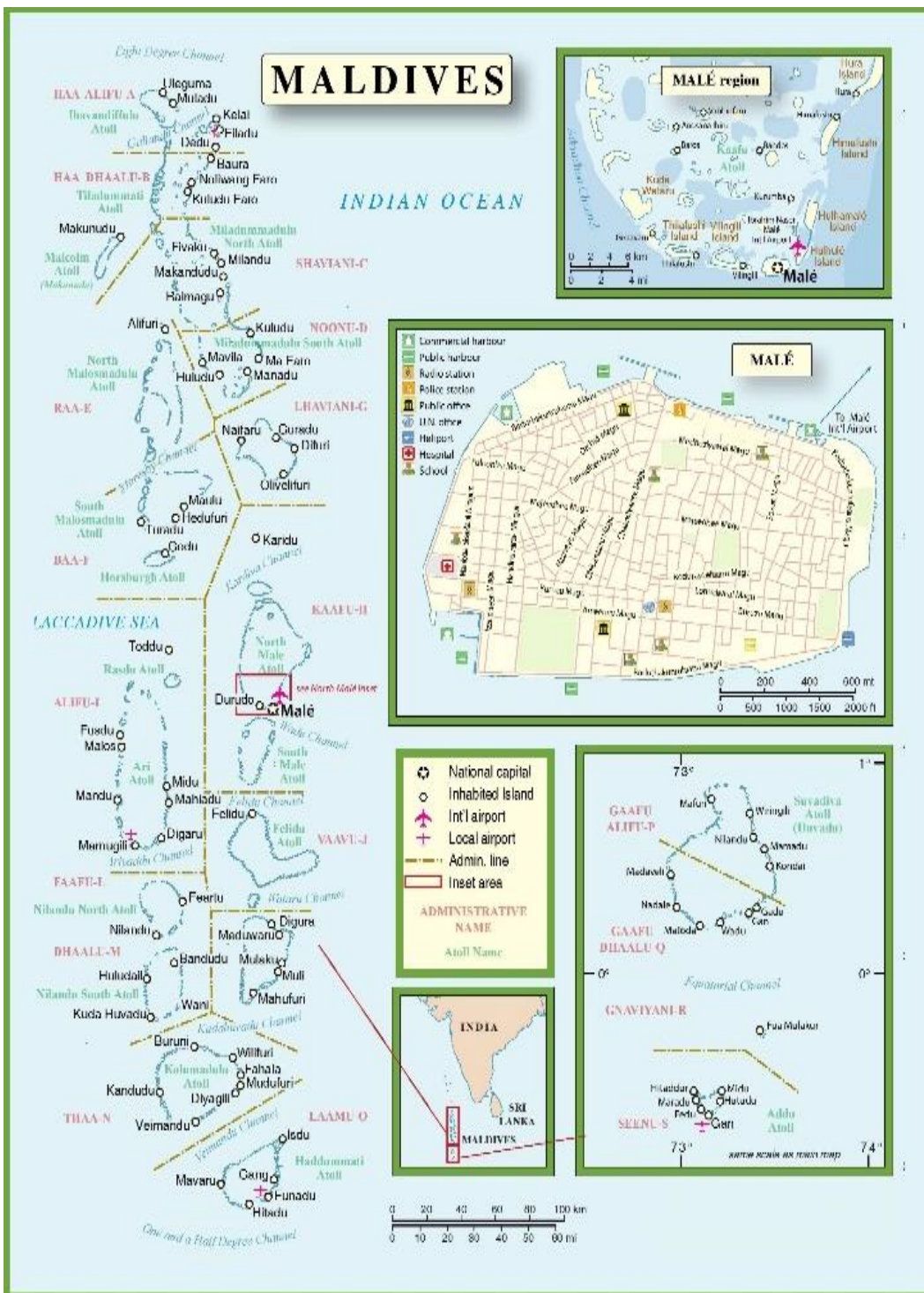
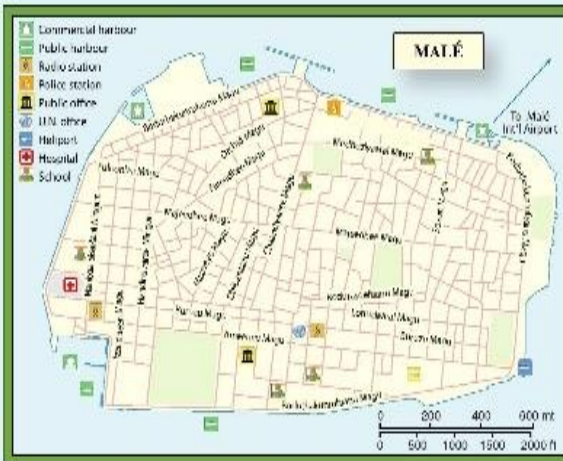
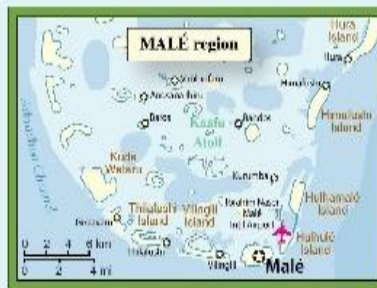
6 April 2019



The Commonwealth

MALDIVES

INDIAN OCEAN



- National capital
 - Inhabited Island
 - Int'l airport
 - Local airport
 - Admin. line
 - Inset area
- ADMINISTRATIVE NAME**
Atoll Name

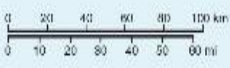
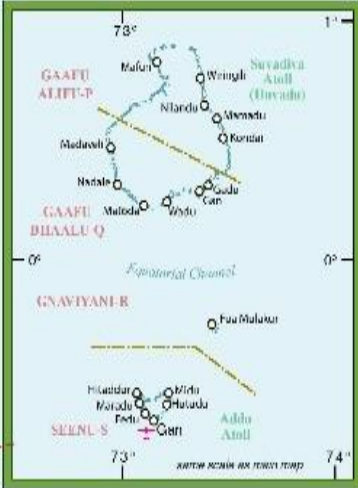


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Letter of Transmittal

Dear Secretary-General,

It has been an honour for me to return to the beautiful Islands of Maldives five years after I led the last Commonwealth Observer Group that was present for the Parliamentary Election in 2014.

Equally, it has been a privilege to lead this eminent Group of experts, drawn from diverse range of Commonwealth countries. I am pleased to forward our Final Report to you.

Upon our arrival in Maldives on 30 March, we consulted extensively with several stakeholders in Malé as well as the atolls where members of the Group were deployed. On election day, we visited a large number of polling stations across the country. In the aftermath, we were able to follow up with local stakeholders as well as the Elections Commission in order to obtain a broader picture of how the elections unfolded and how the results process proceeded.

We commend Maldivians for their unwavering commitment to consolidating democracy in their country since the first multiparty election in 2008. Many aspects of the electoral process are far advanced and can provide useful lessons across the Commonwealth: the meticulous processes employed in the registration of voters and conduct of polling; the quality of training of polling officials; the role of young women in particular in administering the process as polling officials; the growing use of context-appropriate technology in these elections; and the clarity of the voting and counting process.

Above all, we have been struck by the trust that voters appear to have in the electoral process itself.

This is in contrast to the persistent deficit of trust in the institutions which form the foundations of any democracy. Stakeholders across the political spectrum were concerned that unless the necessary reforms are introduced, democratic and independent institutions will remain vulnerable to interference and subversion, as has been the case in the past.

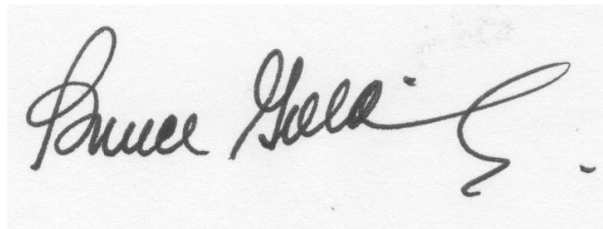
This beautiful country deserves robust governance institutions that respect the rule of law and separation of powers, and that are transparent and accountable to the Maldivian people.

We believe that this election, which builds on the progress from the 2018 Presidential Election, has ushered in a new opportunity for reforms. We challenge the newly constituted People's Majlis to spare no effort in working to achieve the people's wish for strong and independent democratic institutions, impervious to any improper influence.

Finally, I would be remiss not to point out an issue that struck us. While women were overwhelmingly present as polling officials on election day, we were disappointed that only 35 out of the 386 parliamentary candidates for this election were women. We urge the People's Majlis, political parties and all relevant stakeholders to play their part in implementing the gender equality stipulations detailed in Maldives' impressive Gender Equality Act of 2016.

I conclude by expressing the Group's appreciation, once again, for the opportunity to have shared this seminal moment with Maldivians. Let me also express the Group's appreciation to the staff team. Their support was invaluable, and they are a credit to the Commonwealth Secretariat.

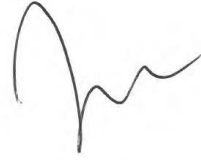
We hope that this Report will be useful in your ongoing assessment of Maldives' application to re-join the Commonwealth family.

A handwritten signature in black ink, reading "Bruce Golding". The signature is written in a cursive style with a large initial 'B' and a long, sweeping tail that ends in a small flourish.

Honourable Bruce Golding
Chairperson



Bruce Hatch



Nitin Pai



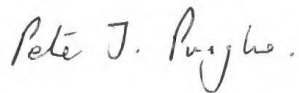
Miatta French

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Hon. Maryan Street

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Peter J. Pursglove SC



Linda Duffield CMG



George Morara Monyoncho

George Morara Monyoncho

Executive Summary

The Commonwealth Observer Group for the 6 April 2019 Parliamentary Elections was present in Maldives from 30 March to 13 April 2019. The Group was established by the Commonwealth Secretary-General, The Rt Hon. Patricia Scotland QC, following an invitation from the Chairperson of the Elections Commission of Maldives.

While the Commonwealth does not usually observe elections in non-member countries, an exception is made for countries that have applied to join or re-join the organisation. Maldives withdrew from the Commonwealth in October 2016 and applied to re-join in December 2018.

In carrying out its Terms of Reference, the Group consulted with a range of stakeholders, including political parties, civil society and media representatives, the police, the Elections Commission, diplomatic missions and development agencies.

On 4 April, members of the Group were deployed to various atolls, where they engaged with local stakeholders.

The Group was encouraged by widespread feedback that the civic and political space in Maldives had significantly improved ahead of these elections.

The Group was, however, disappointed by the low participation of women as candidates. While women were overwhelmingly present as polling officials on election day, the Group noted that only 35 of the 386 parliamentary candidates were women. We urge the People's Majlis, political parties and all relevant stakeholders to play their part in implementing the gender equality stipulations detailed in Maldives' Gender Equality Act of 2016.

The campaigns were conducted in a peaceful and vibrant atmosphere. The fundamental rights of candidates, political parties and supporters to assemble and campaign were broadly respected. While the Group was informed that vote-buying remained an issue, especially during the campaign period, it appeared to be less prevalent than previously. This issue did not appear to compromise the secrecy of the ballot or the electoral process, as the Group observed it.

The media and journalists appeared to be operating with ease and freedom during the course of these elections. Up to election day, the Broadcasting Commission had received no complaints about media outlets. With a high percentage of the population on social media, the latter provided a vibrant platform for citizens to engage with the electoral process.

The legal framework provided an adequate basis for the conduct of democratic elections in Maldives, with guarantees for the fundamental freedoms of the right to vote, to be elected (subject to religious qualifications), freedom of assembly, association, expression and movement.

The Electoral Commission was, on the whole, well prepared for the elections, and administered the electoral process efficiently and professionally. Polls generally opened on time, and procedures for the opening of the polls were adhered to. The Group was impressed by the confidence and professionalism of polling officials, a significant number of whom were young women.

Monitors (media representatives), candidate representatives, party observers and citizen observers, were present, although in varying numbers at different polling stations. Candidate representatives and party observers had access to hard copies of the voters' register, which they checked as voting proceeded. Voters' identification was properly checked. Voters were inked and provided with a ballot paper before proceeding to vote. The secrecy of the vote was ensured.

Women with babies, pregnant women, persons with disabilities and the elderly were given priority in many cases. Voters who so required, were assisted in accordance with the law. The police presence was visible, helpful and discreet.

Before the scheduled close of polls, the Elections Commission extended voting from 16:00 to 18:00 hours, citing high temperatures and low voter turnout.

The Group noted that Section 43 of the Elections (General) Act gives the Elections Commission the right to designate and announce the voting time. Consideration should be given to extending the voting period for the sake of predictability. Any ad hoc extension of voting time on polling day should be limited to unforeseen circumstances.

Voters who were still in the queue were allowed to vote at close of polls in accordance with the law. Closing and counting procedures were generally adhered to in an atmosphere marked by transparency and trust.

The Group's overall conclusion is that the 2019 Maldives Parliamentary Elections were conducted in a peaceful, credible, transparent and inclusive manner.

We commend the Electoral Commission for the smooth conduct of the polls and the quality of training demonstrated by the polling officials.

We further commend the people of Maldives for the peaceful and orderly way in which they exercised their democratic right to vote on 6 April 2019. We are confident that these elections will provide an opportunity for their leaders, including the newly constituted People's Majlis, to continue consolidating democracy in Maldives. We hope that our recommendations will contribute to this effort.

Key Recommendations

Electoral Framework and Elections Administration

- Due to the proliferation of election-related legislation and some inconsistencies in these, we recommend that a comprehensive review should be undertaken in order to consolidate these instruments and eliminate inconsistencies.
- Persons, including those on the Dhaftaru Register (a register for persons resident in Malé who do not have a permanent address in Malé), should be entitled to vote in electoral constituencies in which they have resided for a minimum specified period.

Elections Campaign and the Media

- Continued efforts need to be made by all stakeholders to eliminate vote-buying from the political landscape in order to give confidence in the electoral process. Prohibitions against vote-buying need to be enforced in accordance with the requirements of the Elections (General) Act 2008 Section 65.
- All campaign financing by candidates and parties needs to be transparent, accurately recorded, audited and published. Compliance with the regulations needs to be enforced. Inconsistencies, such as dates of returns, need to be eliminated and harmonised with other regulations surrounding electoral processes.
- Political party funding, including sources of funding and caps on both funding and campaign expenditure, should be regulated in order to ensure accountability and transparency.
- All parties and candidates should ensure that their campaigns are based on clear policy issues, giving the electorate a genuine choice and enabling them to hold their elected politicians to account.
- Regulations governing the behaviour of broadcasters and the media during elections need to be monitored and actively enforced by the stakeholders responsible.

Participation and Inclusion

Women

- The Group urges political parties to take deliberate measures so as to ensure that women occupy positions of leadership in their respective parties. In line with Section 24 of the Gender Equality Act, we also encourage political parties to facilitate more women candidates. We urge them to ensure that these candidates are given all the necessary financial and technical support to run for office.
- We encourage the incoming Parliament to work closely with the Executive, as well as other local and international stakeholders, to promote greater participation by women at all levels of the Maldives political system: they have proved their leadership capabilities in the political and other spheres of Maldives.

Persons with Disabilities

- We urge the Government of Maldives to consider seriously the suggestion by the Maldives Association of Persons with Disabilities (PWDs), calling for the establishment of a Disability Registry. The Disability Registry should capture the individual type of disability, so that the Elections Commission can use that information to take reasonable accommodation measures to ensure that no voter with a disability is disenfranchised.
- Over and above making reasonable provision for PWDs to ensure that they get to vote, we urge the Government of Maldives to put in place measures to promote their active participation in political life, including being elected to political office.

Young People

- The Group urges political parties to follow the good example set by the Elections Commission to ensure that there is space for youth to fully participate in political party processes. Such participation should go beyond engaging youth in political campaign activities, to ensuring that the young people are involved in policy formulation and decision-making, encouraged to stand for elective office, and offered all the technical and financial support by their parties, as may be relevant, in their competitive political bids.
- We recommend consideration be given to producing an updated National Youth Policy and reinstating an active National Youth Council. Provisions such as these work well in other Commonwealth countries, and can engage the leadership and the Ministry of Youth on the interests and political participation of young people.
- In addition, we encourage greater attention be paid to civic education in the education curriculum to promote greater understanding of political processes among all Maldivians.
- The Group encourages the Elections Commission to continue engaging young people in the conduct of future elections.

Vote Count and Results Tabulation

- The Group was impressed by the use of electronic tablets for voter verification and encourages the expansion of this to cover all polling stations in future elections.
- In order to ensure the secrecy of the ballot, as well as to facilitate the subsequent sorting and transfer to the Elections Commission for counting, it is recommended that ballots for other constituencies which are cast in polling stations not in that constituency (as provided under the law) be delivered to the relevant polling station and returned to the Elections Commission in individual envelopes pre-marked by constituency. Additionally, it is recommended that the Elections Commission refine and provide further training for polling staff on processing such ballots.
- It is recommended that during the counting process, observers, especially party agents and candidate representatives, should be allowed to sit in closer proximity to the ballot papers, to enable them to verify the mark on the ballot paper.
- As the contents of the ballot box must equal the total number of votes cast, it is recommended that the votes cast be counted first in order to allow reconciliation prior to sorting and counting for results. This additional step reflects 'electoral best practice'.
- Consideration should be given to extending the voting hours for the sake of predictability, while any ad hoc extension of the voting time on polling day should be limited to unforeseen circumstances and only in the affected

constituencies. We recommend that voting hours be enshrined in legislation.

Chapter 1

INTRODUCTION

Following an invitation from the Chairperson of the Elections Commission of Maldives (EC), the Commonwealth Secretary-General, The Rt Hon. Patricia Scotland QC, constituted an Observer Group for the Parliamentary Elections of 6 April 2019.

The Commonwealth Observer Group for the 2019 Parliamentary Elections was led by Hon. Bruce Golding, former Prime Minister of Jamaica, and comprised seven eminent persons. A full list of members can be found at Annex 1. The Observer Group was supported by a five-person staff team from the Commonwealth Secretariat.

Terms of Reference

‘The Group is established by the Commonwealth Secretary-General at the request of the Elections Commission of Maldives. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such actions on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Maldives, the Elections Commission of Maldives, leaders of political parties and to all Commonwealth governments. Thereafter, the Final Report may be used to help inform relevant follow-up activities.’

Activities

The Observer Group arrived in Maldives on 30 March 2019. During three days of briefings, the Group met with a number of stakeholders including the Elections Commission, political party representatives, civil society groups, the Maldives Broadcasting Commission, the Maldives Police Service, the Human Rights Commission of Maldives, Commonwealth Ambassadors, representatives of the United Nations, European Union, and other election observers.

The Group issued an Arrival Statement on 3 April (Annex 3). Observers were deployed in the atolls from 4 to 7 April, and on election day teams visited polling stations across the country (the Group’s deployment plan is attached at Annex 2).

During deployment, teams met with election officials, political party representatives, the police, and citizen and other international observers.

On the basis of the Group's initial findings and observations, the Chairperson issued a Preliminary Statement on 9 April (Annex 4). The Group's Final Report was completed in Malé prior to its departure on 13 April and was transmitted to the Commonwealth Secretary-General thereafter.

Chapter 2

POLITICAL BACKGROUND

Since the first multiparty elections in 2008, Maldives' democracy has been tested on a number of occasions. These elections provided another opportunity to continue consolidating democracy in Maldives. Our recommendations in subsequent chapters reflect the political landscape and democratic development of Maldives, relevant aspects of which are captured below.

Pre-2008 Democratic Reform

Maldives achieved independence in 1965 and became a republic in 1968. The country was ruled by President Maumoon Abdul Gayoom from 1978 to 2008. In 2004, in response to civil unrest and domestic pressure, President Gayoom's government embarked upon political reforms that ushered in multiparty democracy. Political parties were legalised in 2005, and in 2006 the government launched a two-year timeline for implementing a number of reforms, including a new Constitution. The new Constitution was ratified in 2008. It adopted a Presidential Republican system, with a directly elected President and a directly elected Parliament (People's Majlis) and provided for the separation of powers between the Executive, Legislature and the Judiciary. It also provided for the establishment of a number of independent institutions including the Elections Commission, Anti-corruption Commission and the Human Rights Commission.

2008 Presidential Elections and 2009 Parliamentary Elections

The first ever multiparty Presidential Elections were held in October 2008. The Maldivian Democratic Party (MDP) candidate, Mohamed Nasheed, with the support of an alliance of parties, won 54 per cent of the vote in a run-off election against the incumbent President Gayoom of the Dhivehi Rayyitungehe Party (DRP). Nasheed was duly elected President and his running mate, Dr Mohamed Waheed Hassan, became Vice President. Although MDP achieved the largest share of the vote, the DRP secured the most seats, with around 31 per cent of the popular vote, under the single member constituency and first-past-the-post system in the first multiparty Parliamentary Elections held subsequently in May 2009. Given that a significant number of independents were also voted into office, the government did not have the support of a majority in the new Legislature. Commonwealth observers were present for both the Presidential and the Parliamentary Elections.

The 2008 Constitution created a Presidential system in which the Legislature has particularly strong powers, such as the ability to pass a motion of no confidence in a member of the cabinet by a simple majority of the Majlis. This was as a result of the compromises that were struck by the political parties during the development of the Constitution. This model has not always been easily applied. Disagreements between parties precipitated a power struggle in mid-2010 between the Executive and the opposition-dominated Legislature, and also between the Executive and the Judiciary. This continued sporadically until shortly after the 2018 Presidential Elections.

2012 Transfer of Power

An increasingly unsettled political environment ensued from June 2010 to November 2011, including street protests by parties opposed to the government. The coalition that had supported President Nasheed in the run-off election fell apart and cabinet ministers from the coalition partners resigned. There was constant friction between President Nasheed and the opposition-led Majlis, which refused to approve several appointments to the cabinet and was accused by Nasheed of sabotaging his government.

The flashpoint came when a former member of Nasheed's own cabinet, who was accused of instigating the protests, was detained by the police. When the Chief Justice intervened and ordered his release, he himself was detained by members of the Maldives National Defence Force, an action that was widely condemned both locally and internationally. This led to an intensification of unrest, with protestors occupying the streets of Malé for several consecutive days.

On 7 February 2012, President Nasheed resigned in circumstances that were subsequently disputed. In accordance with the Constitution, Vice President Waheed was sworn in as President. Subsequently, former President Nasheed stated that he had been forced to resign in what he described as a 'coup d'état'. In reaction to this, large demonstrations by MDP supporters took place, resulting in an outbreak of violence in the cities of Malé and Addu, with clashes between some political activists and police officers. According to the findings of the Police Integrity Commission, some police officers were alleged to have reacted with excessive force. President Waheed subsequently attempted to form a 'Unity Government' comprising all political parties. However, the MDP declined to participate.

Given former President Nasheed's assertion that he had been forced to resign under duress, a Commission of National Inquiry (CoNI), supported by the Commonwealth, was established to examine the events surrounding the transfer of power. The Commission reported that 'the change of President in the Republic of Maldives on 7 February 2012 was legal and constitutional' and that the police had committed acts of brutality requiring investigations. In its recommendations, the CoNI Report noted 'an urgent need to address an apparent climate of popular discontent and division engendering hatred between individuals and communities, propelled by the politicisation of the media'. It also recommended that institutional strengthening take place in a number of areas, including the Maldives Police Service and the Police Integrity Commission, the Judiciary and the Judicial Services Commission, the People's Majlis and the Human Rights Commission.

The political environment remained highly strained and polarised through to the lead-up to the 2013 Presidential Elections.

2013 Presidential Elections

7 September elections

Against this backdrop of political divisions and distrust in some of the state and independent institutions, the Presidential Elections took place on 7 September 2013.

The four candidates contesting the elections were Qasim Ibrahim of Jumhooree Party, Mohamed Waheed Hassan (the incumbent President) as an independent candidate, Abdulla Yameen Abdul Gayoom of PPM¹ and Mohamed Nasheed of MDP.

Polling day passed smoothly, with voter turnout at 88 per cent. Nasheed polled highest with 45.5 per cent of the vote, followed by Yameen (25.4 per cent), Qasim (24.1 per cent) and Waheed (5.1 per cent). Commonwealth, other international and domestic observers found the elections to be credible. The Commonwealth Observer Group noted that the Elections Commission was logistically well prepared and the electoral process well administered.

As no candidate received more than 50 per cent of the vote, and in accordance with the constitutional requirement for a run-off election to be held within 21 days between the two highest-polled candidates, the Elections Commission announced that a second-round election would be held between Nasheed and Yameen on 28 September.

Annulment of 7 September elections

On 15 September, the Jumhooree Party, whose candidate came third, filed a petition with the Supreme Court seeking an annulment of the 7 September elections, alleging that there had been widespread electoral fraud. Following hearings, the Supreme Court issued an injunction on 23 September against the holding of the run-off election until the Court had reached a verdict on the annulment case. This led to the EC's decision to cancel the scheduled election. On 7 October, the Supreme Court issued a 4:3 split verdict in the Jumhooree Party case, annulling the 7 September elections on grounds of irregularities.

Supreme Court Guidelines

As part of the 7 October ruling, the Supreme Court issued 16 Guidelines on the conduct of elections and ordered the EC and other relevant state institutions to make arrangements for the first round of the Presidential Elections to be held in accordance with these Guidelines. These included holding the first round of the elections no later than 20 October, as well as the prerequisite for the final voters' register, approved by all candidates, to contain their signatures and finger prints.

The Commonwealth Observer Group to the 2013 Presidential Elections noted in its Report that some of the Guidelines were incompatible with existing Maldivian

¹ In October 2011, a new political party, the Progressive Party of Maldives (PPM), was formed out of the DRP. PPM was led by former President Gayoom and comprised the majority of the DRP MPs elected in 2009.

electoral law and, in the Group's view, did not conform with electoral best practice.

Shortly after the 7 October ruling, the PPM and Jumhooree filed a petition with the Supreme Court requesting an injunction against the holding of the new first-round elections now planned for 19 October. However, the Supreme Court did not issue a ruling on the petition; instead, it referred the relevant parties to the 16 Guidelines (these two parties had earlier refused to sign the voters' register). Shortly before polling was due to start on 19 October, the Elections Commission (EC) announced that it was unable to continue with the elections, as police officers were preventing Commission staff from leaving their building with the elections materials.

9 and 16 November elections

The EC subsequently announced that a new first-round election would be held on 9 November 2013, with a second round to be held on 16 November should this be required. The Supreme Court issued an order for the EC and other relevant state institutions to hold this and all future elections in accordance with the Court's earlier Guidelines.

On 6 November, following a request by President Waheed and the three Presidential candidates, the EC agreed to change the date of the possible second-round election from 16 November to 10 November given that, in accordance with the Constitution, the term in office of the incumbent government would expire on 11 November. Voter re-registration was subsequently undertaken for this new election date.

In the 9 November elections Mr Nasheed received 46.9 per cent of the votes, followed by Mr Yameen with 29.7 per cent and Mr Qasim with 23.3 per cent. Voter turnout was at 87 per cent.² As no candidate received over 50 per cent of the vote, a second-round was to be held the next day on 10 November as indicated above.

In the early hours of 10 November, in response to a petition filed by a Jumhooree Party member, the Supreme Court ruled that the second-round election be held on 16 rather than 10 November.

Shortly before the 16 November election, Jumhooree Party announced its support for Mr Yameen's candidacy following a coalition agreement between the parties. The 16 November election proceeded unhindered. Mr Yameen received 51.4 per cent of the vote to Mr Nasheed's 48.6 per cent. Voter turnout increased to 91 per cent. Mr Nasheed conceded defeat on the evening of 16 November and President Yameen was inaugurated on 17 November. President Yameen led a coalition government comprising the three 'Progressive Coalition' parties - PPM, Jumhooree Party and the Maldives Development Alliance (MDA) - as well as the Adhaalath Party.

² The incumbent President, Dr Waheed, withdrew his candidacy prior to the 9 November election.

Commonwealth, international and domestic observers found the 9 and 16 November elections to be credible overall, despite the restrictions imposed by the Supreme Court. As part of its recommendations, the Commonwealth Observer Group commented that there should be greater predictability in, and respect for, the electoral timetable. Observers also recommended that there should be better recognition of the mandate, as well as the statutory and constitutional independence of, the Elections Commission, and that the Constitution and the laws regulating elections needed to be adhered to.

2014 Parliamentary Elections

Supreme Court contempt of court case against Elections Commission members and related developments

Ahead of the Parliamentary Elections scheduled for 22 March 2014, the Supreme Court summoned the four members of the Elections Commission (one member having resigned in October 2013 citing ill health) to appear before it on 12 February. It was alleged that the Elections Commission, in its actions to dissolve smaller political parties in accordance with the Political Parties Act of 2013,³ had failed to follow Supreme Court rulings. The Elections Commission members denied the charges. The proceedings were initiated by the Supreme Court using new *suo moto* regulations which the Court had itself established, thus enabling the Court to initiate cases against any organisation or individual and then prosecute the cases itself and pass judgment.

In its ruling, the Court stated, *inter alia*, that the Elections Commission's senior officials had openly displayed disobedience to the constitutional authority of the Judiciary and had held the Court in contempt. The Court declared the Chair, Mr Fuwad Thowfeek, and Vice Chair, Mr Ahmed Fayaz Hassan, be dismissed from their posts. In addition, the Chair of the Elections Commission was given a suspended prison sentence of six months. The Court also ordered relevant authorities to take the necessary action to ensure that the 22 March elections proceeded as scheduled.

Implicit in this ruling was the fact that, with the removal of the Chair and the Vice Chair, and given the vacancy that had been created following the earlier resignation of one of the Commissioners, the Elections Commission would be unable to form the quorum of three required by the Elections Commission Act for its meetings to be convened and its decisions taken. Eventually, the Majlis voted unanimously to approve a new member of the Elections Commission. This brought the number of Commissioners to three, thus ensuring that the Commission had the necessary quorum to enable it to oversee the elections.

On 16 March, the former EC Chair, Mr Thowfeek, was summoned by the Maldives Police Service in relation to a leaked audiotape of telephone conversations between Mr Thowfeek and former President Nasheed. The two remaining original Commissioners were subsequently summoned by the police for questioning on 17 March.

³ The Act, as amended, requires parties to have a minimum of 3,000 members.

These events, taking place just days before the 22 March election, created a considerable degree of anxiety among stakeholders regarding the scheduled electoral process.

The 2014 elections were held against this backdrop. No party secured an absolute majority. The PPM won 33 of the seats, the MDP won 26, Jumhooree won 15 and three other parties won the remaining 11 seats. Voter turnout was 78.8 per cent.

In its Report, the Commonwealth Observer Group noted that the 22 March election was transparent and well-organised, but that the aforementioned events overshadowed the positive aspects of the electoral process.

Of particular concern to the Group was that the Supreme Court's ruling did not conform with the explicit provisions of the Constitution that provide the Majlis with the sole authority to dismiss Elections Commission members, thereby violating the separation of powers enshrined within the Constitution. The Observer Group noted that 'the separation of powers between the Executive, Judiciary and Legislature is one of the core values to which all Commonwealth members have committed in the Commonwealth Charter'.

The Report highlighted inconsistencies between the Maldivian electoral law and the Guidelines issued by the Supreme Court on the conduct of elections. It expressed the view that the Maldivian legislative framework, as set out in the Constitution and the relevant electoral acts, provided adequately for the holding of credible elections by the Elections Commission, which was 'a constitutionally mandated independent institution'.

Other concerns highlighted by the Observer Group included allegations of widespread vote-buying, the need for an effective regulatory framework to address campaign financing and the low participation of female candidates in the election, with only 23 women contesting seats out of a total of 302 candidates.

Maldives' Withdrawal from the Commonwealth

The events of 2012 and 2013, as outlined above, attracted the attention of the Commonwealth Ministerial Action Group (CMAG) - the body which is the custodian of the Commonwealth's political values. CMAG members engaged with the leaders of Maldives over this period to promote adherence to the Commonwealth's values and principles until the period following the holding of elections on 16 November 2013, which the Commonwealth Observer Group had deemed credible.

CMAG took a renewed interest in Maldives in 2015 following the arrest and detention of opposition members and the further shrinking of political space during President Yameen's administration. This followed the arrest of Vice President Ahmed Adeb on suspicion of plotting the assassination of President Yameen and the enactment of the Anti-Terrorism Act, which was seen as designed to curtail legitimate political activity.

Former President Nasheed was among those arrested and charged under anti-terrorism laws. He was eventually sentenced to 13 years in prison after he was

found guilty of ordering the arrest of a judge while in office. The political situation in Maldives drew considerable concern from the international community and human rights organisations.

In February 2016, CMAG outlined a number of priority areas in which progress should be achieved including: i) the holding of political dialogue by representatives of political parties; ii) the release of political leaders under detention or in custody; iii) widening the civic space which had become constrained owing to the misuse of anti-terrorism legislation and introduction of the Defamation Bill; iv) strengthening the separation of powers; and v) independence of the Judiciary.⁴

At its meeting on 23 September 2016, while affirming its unwavering commitment to support the government and people of Maldives in advancing Commonwealth values and principles, CMAG placed Maldives on its 'formal agenda' given lack of progress on the six priority issues. CMAG also noted that in the absence of substantive progress across the priority areas, the Group would consider its options, including suspension from the Councils of the Commonwealth, at its next meeting in March 2017.

On 13 October 2016, Maldives withdrew from the Commonwealth citing the Commonwealth's refusal to recognise the country's progress in cultivating a culture of democracy and strengthening democratic institutions. The government's public statement also expressed concern that the Commonwealth was seeking 'to become an active participant in the domestic political discourse in the Maldives'.

In August 2016, the Anti-Defamation and Freedom of Speech Act came into effect. It was widely seen as a severe curtailment of the right to free speech and in particular freedom of the press.

The 2018 Presidential Elections

The Presidential Elections were held on 23 September 2018. As Maldives was by this time no longer a member of the Commonwealth, the Commonwealth did not observe the elections.

Prior to the elections, Maldives was experiencing a period of political crisis, especially evident following a ruling by the Supreme Court which ordered the immediate release of political prisoners, as well as the reinstatement of 12 opposition Members of Parliament.

This was followed by the declaration of a 15-day state of emergency by President Yameen in February 2018, which granted the government sweeping powers to make arrests, search and seize property, and restricted freedom of assembly. Parliament was subsequently closed. Additionally, the government detained the Chief Justice and other officials, accused the Supreme Court of instigating a coup, and sacked the Police Commissioner (who had indicated that the police would enforce the Supreme Court's ruling).

⁴CMAG's statement is available at:
http://thecommonwealth.org/sites/default/files/inline/2016.04.20_CMAG_Concluding%20Statement.pdf

By this time, President Yameen's coalition government had begun to fracture, as a number of the other coalition parties had also begun to oppose what they perceived as the Executive's misuse of power. Notably, former President Gayoom, who was part of President Yameen's coalition, formed his own coalition, the Maumoon Reform Movement (MRM) within the PPM. A number of President Yameen's former coalition allies, including the Jumhooree Party and the Adhaalath Party, also left the governing coalition.

Ahead of the 2018 Presidential Elections, these parties and Gayoom backed an umbrella opposition candidate at the time, Ibrahim Solih of the MDP.

Ibrahim Solih won the 2018 Presidential Elections with 58.34 per cent of the vote in the first round. The turnout was 89.22 per cent.

President Yameen conceded defeat following the election. However, he subsequently petitioned the Supreme Court to annul the election results and call for fresh polls, alleging widespread irregularities. The Supreme Court dismissed Yameen's petition and ruled unanimously that the election had been conducted within the law.

Following the 2018 Presidential Elections, there was a rebalancing of parties within Parliament. The 2014 Parliamentary Elections had led to former President Yameen's PPM holding more seats than any other party in the Majlis. However, the fall-out with former President Gayoom, who subsequently formed the splinter movement, the Maumoon Reform Movement (MRM), diluted PPM's numbers. This, as well as the change of alliance by other Members of Parliament, meant that ahead of the 2019 Parliamentary Elections, the 'new' governing coalition under President Solih held a majority of the seats in the Majlis, with 46 seats.

2019 Parliamentary Elections: Key Developments

Widening civic and political space and the new government's reform agenda

Following the election of President Ibrahim Solih in September 2018, the new government promised to implement a set of goals within 100 days, aimed at promoting democracy and enhancing socio-economic development. Observers were informed that in this regard, the repealing of the draconian Anti-Defamation and Freedom of Speech Act had contributed significantly to a freer pre-election environment than had been the case in past elections.

President Solih's administration further promised to implement a wide-ranging reform agenda (named Agenda 19). This comprised 19 concept papers that would form the basis of the MDP's legislative agenda. These included bills to introduce a minimum wage, unemployment benefits and a personal income tax. Other priorities included strengthening the asset disclosure regime; pursuing transitional justice and reforming the Judiciary; ensuring the functional independence of independent commissions; and initiating an audit of all independent institutions to improve their efficiency. For the 2019 elections, the MDP's campaign focused on this reform agenda.

Challenges within the governing coalition

Stakeholders expressed concern over the state of the coalition government and its prospects of holding together after the elections. From the Group's consultations with all four coalition partners, it became clear that the earlier coalition agreement to contest the Parliamentary Elections jointly by allocating seats under an agreed formula across all four partners had collapsed. The MDP subsequently decided to field its own candidates in 85 of the 87 parliamentary seats. Thereafter, the Jumhooree Party entered into an arrangement with former President Yameen's PPM and the PNC⁵ for the upcoming Parliamentary Elections, to support each other's candidates against those of the MDP.

Concerns about postponement of the elections

The postponement of previous elections through court orders, as detailed above, cast a shadow over the pre-election environment. Concerns about a possible postponement surfaced following a High Court Order on 27 March releasing former President Yameen of the PPM from detention, along with rumours that he would apply to the Court for such a postponement on the grounds that his incarceration would have prevented him from campaigning effectively.

Mr Yameen had been arrested and detained in February 2019 on money laundering charges. In ordering his release, the Court noted, *inter alia*, that the detention order had been granted with reference to provisions in the Criminal Procedure Law which limits the detention period to no more than 30 days.

In separate public engagements, President Solih and the EC Chair assured the public that the elections would not be postponed. The EC Chair affirmed this to the Observer Group, pointing out the significant economic implications of postponing the elections. Separately, the EC Chair expressed confidence that seven cases relating to voter registration which were pending before the courts did not offer any substantial basis for postponing the elections.

The 2019 Parliamentary Elections: Political Parties and Candidates

The 2019 elections took place in the context outlined above. As highlighted, there was widespread acknowledgement that under the new government, there was an improvement in the civic and political space compared to previous elections.

The EC confirmed that 407 candidacy forms had been submitted, of which 386 forms were accepted and five applications rejected; 16 candidates subsequently withdrew their applications. Some 212 candidates from nine political parties plus a record number of independent candidates (174), competed in the election. The breakdown of political parties and candidates that competed in the 2019 Parliamentary Elections is as follows:

- Maldivian Democratic Party (MDP) - 85
- Jumhooree Party (JP) - 41

⁵ The People's National Congress (PNC) was formed by supporters of Yameen as a result of a factional dispute over leadership of the PPM.

- Progressive Party of Maldives (PPM) - 24
- People's National Congress (PNC) - 22
- Maldives Labour and Social Democratic Party (MLS DP) - 10
- Adhaalath Party (AP) - 9
- Maldives Development Alliance (MDA) - 8
- Maldives Third-Way Democrats (MTD) - 8
- Dhivehi Rayyitungehe Party (DRP) - 5
- Independent candidates - 174

Chapter 3

ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION

Electoral System

The People's Majlis is the legislative authority of Maldives. The Majlis is a unicameral parliament, comprising members elected by a simple majority in single-seat constituencies (the first-past-the-post electoral system). The parliamentary term is five years. Article 71 of the Constitution provides that the 20 administrative atolls (groups of islands) plus the capital Malé, are considered as separate administrative divisions and shall have at least two representatives in Parliament for the first 5,000 registered residents. If the number of residents exceeds 5,000, one additional member is allocated for each further 5,000 residents. While there were 85 members in the outgoing Parliament, two new constituencies were created in Malé prior to the elections based on the increase in population.

The Legal Framework, Regional and International Commitments

The basic legal framework for the conduct of elections is to be found in the Constitution of the Republic of Maldives (2008). More specific provisions providing for the legal and regulatory framework for the conduct of elections are contained in the Elections (General) Act (2008), the Parliamentary Elections Act (2009), the Electoral Constituencies for the Parliamentary Elections Act (2009), the Elections Commission Act (2008) and the Political Parties Act (2013). Further elaboration of the law is set out in the Regulation on Political Parties (2005) and the Regulations for Parliamentary Elections (2019). Election offences are governed by the Elections (General) Act, as well as by the Penal Code of 1968.

There is also a set of rules, known as the 16-point Guidelines, introduced by an order of the Supreme Court in the context of the 2013 Presidential Elections. These were subsequently incorporated into the legislations. There remained a need for clarity in the respective role of the Judiciary, Majlis and Elections Commission for the setting of regulations for the conduct of elections.

This proliferation of electoral legislation means that some areas of the law are regulated by a variety of legal instruments, rendering the law sometimes difficult to ascertain and to apply by those responsible for its enforcement.

The Constitution of Maldives guarantees fundamental rights and freedoms, including freedom of expression, assembly, association and participation in elections. Article 16(b) of the Constitution, however, provides that rights and freedoms may be limited 'in order to protect and maintain the tenets of Islam'.

The Republic of Maldives has also committed to several regional and international instruments relating to human rights that have significance in the conduct of elections. These include the International Covenant on Civil and Political Rights (ICCPR) (2006), the Convention on the Elimination of all forms of Racial Discrimination (CERD) (1984), the Convention on the Elimination of All Forms of

Discrimination against Women (CEDAW) (1993), the Convention against Corruption, and the Convention on the Rights of Persons with Disabilities (2010). Maldives is a party to the South Asian Association for Regional Co-operation Charter of Democracy (2010).

The right to vote and to run for public office, as set out in Article 26 of the Constitution of Maldives, restricts the application of these rights to Maldivian citizens, who must be Muslim (Article 9) to be citizens and thus to vote, and must be followers of a Sunni school of Islam to run for election (Article 73).

Elections Commission

Article 167 of the Constitution establishes the Elections Commission of the Maldives. Article 167 states that the Elections Commission is ‘an independent and impartial institution’ which ‘shall exercise its duties and responsibilities in accordance with the Constitution and the laws enacted by the Majlis’. The Commission is responsible for the conduct and supervision of the registration of voters and public elections and referenda.

The Elections Commission comprises five members (with a quorum of three), consisting of a Chairperson and Vice-Chairperson and three other members. A public invitation to submit applications is issued by the President for persons wishing to serve as Commissioners. The President selects nominees from the list of applicants. These nominees’ names are forwarded to the Majlis. The Commissioners so appointed choose from among themselves a Chair and Vice-Chairperson. Members serve five-year terms. No person can serve more than two terms. The current Chairperson is Mr Ahmed Shareef.

During an election period, for the management and discharge of the operational aspect of the elections, the Elections Commission appoints election focal points for every island in which a ballot box will be placed, except Malé. (The Commission in Malé deals with any matter pertaining to Malé.) The focal points are responsible for co-ordinating logistical arrangements for the election and receiving complaints prior to the establishment of the Atoll/City Complaints Bureaux. An Elections Committee is also established in each atoll, with Malé dealt with directly by the Elections Commission based in Malé.

Additionally, in accordance with the 2019 Regulations for Parliamentary Elections, a National Advisory Committee (NAC) was established for the 2019 election. The NAC comprises:

- political parties contesting the elections;
- the Human Rights Commission of Maldives;
- the Civil Service Commission;
- Maldives Police Service;
- representative of a national civil society organisation selected by the Elections Commission (for the 2019 election, this was Transparency Maldives);
- Maldives Media Council; and

- Maldives Broadcasting Commission.

The mandate of the NAC is to advise the Elections Commission on matters specifically related to the Majlis election. This has proved effective and is to be encouraged for future elections.

At the time of writing, there were 55 permanent and 130 temporary administrative staff at the Commission in Malé. For the management and operational conduct of the 2019 election, the Commission recruited approximately 5,000 individuals. According to the Commission, 4,724 individuals were trained as officials for election day.

Voter Eligibility and Voter Registration

To be eligible to vote, a person must be a citizen of Maldives and at least 18 years of age. Individuals who have been convicted of a criminal offence and sentenced to prison for a period of more than five years and are currently serving that sentence, are barred from voting.

The Constitution mandates the Elections Commission with the preparation, maintaining and updating of the voters' register. With the integration of the 2013 Supreme Court Guidelines, the primary data source for the compilation of the register is the Department of National Registration's database.

In accordance with the Elections (General) Act, a voter re-registration exercise was conducted from 18 February to 2 March 2019. The aim of this exercise was to capture citizens who preferred to register and vote at a different location other than the location entered as their permanent address in the Register of Electors. While voters are generally registered based on their permanent address, the law does allow voters the convenience of voting in another location for their constituency of origin, provided they inform the Elections Commission where they would like to vote within a specified time before each election. This is common practice prior to each election, as thousands of people move from their permanent residence to live and work in other parts of the country.

According to the Elections Commission, during the re-registration period, 20,875 applications to vote in another location were received and 19,564 eligible voters were approved. Following the re-registration exercise, a provisional register was published on 19 March 2019 and the electorate was given until 21 March 2019 to review and present complaints on administrative issues. In this period, 352 complaints were received. On 22 March 2019, the Final Register was published with a total of 264,442 eligible voters comprising 135,387 men (51 per cent) and 129,055 women (49 per cent).

Provision was made for overseas voting in five locations where there were more than 300 registered voters. There was no provision for voting in advance of election day or for postal voting.

The Final Register could be checked by text messaging, on the Elections Commission's website, and at local council offices to determine the voter's specific polling location.

Dhaftaru Register (Malé Municipal Register)

More than 10,000 residents of Malé have no permanent registered residence, among them more than 6,000 eligible voters who live in the Malé municipality and are referred to as '*Dhaftaru*' voters. Article 5(d) of the Electoral Constituencies Act requires the Elections Commission to maintain and publish a register of Dhaftaru individuals. A challenging issue involves the allocation of these voters to particular constituencies.

The Dhaftaru Register exists for persons resident in Malé who do not have a permanent address in the municipality (i.e. they have not yet been allocated land or living space in Malé which they can register as their permanent residence).

Consequently, for most on the Dhaftaru list, they simply have a serial number as an identifier. Since they do not yet belong to any constituency, the Elections Commission has to determine where to register them to vote.

In previous Parliamentary Elections, *Dhaftaru* were assigned in equal numbers to all constituencies in Malé. According to the Elections Commission, this approach resulted in unequal constituencies, violating the requirement of no more than a 15 per cent variation in constituency population.

Subsequently, the decision was taken to allocate *Dhaftaru voters* equally among the nine constituencies in Malé with the lowest numbers of registered voters. This resulted in a situation where most *Dhaftaru* voters were assigned to constituencies where they did not reside and to which they had no connection. There were 6,575 voters on the Dhaftaru Register for the 2019 Parliamentary Elections.

Candidate Eligibility and Nominations

To be eligible as a parliamentary candidate, a person must be a Maldivian citizen (and cannot also be a citizen of a foreign country), a Muslim and 'a follower of a Sunni School of Islam'. He or she must be at least 18 years of age and of sound mind. A candidate must also not have a decreed debt that is not being paid as provided in the judgment and must not have been convicted of a criminal offence and sentenced to a term of more than 12 months, unless a period of three years has elapsed since his/her release or pardon.

Candidates can be sponsored by political parties or stand as independents. For the nomination process, prospective candidates are required to submit to the Elections Commission the relevant application documentation and a cash deposit of 5,000 rufiyaa (approximately US\$320). Independent candidates are also required to submit a statement signed by at least 50 eligible voters from the constituency which they are applying to contest.

Complaints, Appeals and Election Petitions

The Elections (General) Act provides for the establishment of a ‘mechanism to receive and expeditiously deal with complaints from individuals, wishing to raise complaints regarding the elections, during the duration of the election’.

The Regulations for Parliamentary Elections provides the framework for the establishment of both a National Elections Complaints Bureau (NECB) and atoll/city Election Complaints Bureaux for the election period. Eligible voters, contesting candidates, political parties, election observers and election monitors approved by the Elections Commission, as well as election officials, have the right to make such complaints.

According to the Regulations, the five-member NECB is mandated to remain in operation until 14 days after the official election results are announced. The atoll/city Elections Complaints Bureau, comprising three members, are established ten days prior to election day.

The Elections (General) Act (2008) also outlines electoral offences liable for prosecution. These offences include illegal and corrupt practices, such as bribery, treating, undue influence, impersonation, illegal voting, false statements, taking a ballot out of the voting area, spending in excess of the limits specified and intimidation. The penalties for these offences are imprisonment for a term of one to four years or a fine of 12,000-48,000 Maldivian rufiyaa.

Article 172(a) of the Constitution states that any challenge to an electoral matter or election result may be entered by way of a petition to the High Court. The Elections (General) Act further provides for redress of complaints about information in the Register of Electors and election results. Voters, candidates, political parties, monitors, observers and election officials can file petitions to the High Court. Petitions must be filed within 14 days of the official announcement of results and the Court must rule within 30 days of the announcement of the results.

Recommendations

- Due to the proliferation of election-related legislation and some inconsistencies in these, we recommend that a comprehensive review should be undertaken in order to consolidate these instruments and eliminate inconsistencies.
- Persons, including those on the Dhaftaru, should be entitled to vote in electoral constituencies in which they have resided for a minimum specified period.

Chapter 4

ELECTION CAMPAIGN AND MEDIA

The Campaign

Legal framework

Article 30 of the 2008 Constitution guarantees the right of every Maldivian to participate in the activities of political parties. The basic freedoms conducive to campaigning, including freedom of assembly and expression, and freedom of the press, are also guaranteed under the Constitution.

The Political Parties Act 2013 (as amended) regulates the activities of political parties, including the conditions for registering as a political party, and affirms the right to campaign for an election. The Act regulates how political parties are financed, and outlines the allocation of state funding and land (both distributed in proportion to registered number of members) for the purpose of establishing administrative offices.

Chapter 7 of the Act details the responsibilities of parties to maintain financial statements and submit audited reports to the EC and the Auditor General on an annual basis. Failure to adhere to these provisions attracts a fine.

Pertinent to campaigning are the provisions of Chapter 8 of the Act, which outlines the ethical standards political parties must abide by. These include prohibition from campaigning outside allowable areas; destroying other parties' campaign materials; and deliberately holding a meeting at the same time and in the same venue as another party. Sections 45 to 48 prohibit the use of state resources (other than land provided, as mentioned above) for party activities.

Section 28 of the Elections (General) Act 2008 focuses more narrowly on candidates' (as opposed to parties') right to campaign. Sections 29 and 62 outline a Code of Ethics for candidates for the campaign period. Candidates whose rights have been encroached upon by another can submit complaints to the EC.

Sections 67 to 73 outline the financial regulations pertaining to candidates. Notably, Section 69 places a cap on candidates' expenditure in relation to an election. There is no such cap for party expenditure under the Political Parties Act, as analysed in our observations below.

In addition to the above two pieces of legislation, the Parliamentary Elections Act 2009 (as amended), provides for an official campaign period of 30 days prior to polling day. The subsidiary regulation, the Parliamentary Elections Regulation 2019, echoes this provision and further details rules of ethics for both candidates and their supporters. Under these laws, campaigning commences from the date the EC announces the names of eligible candidates and ends at 18:00 the day before the election.

Observations

The campaign environment

The Group observed some of the campaigns in Malé and the atolls. These were conducted in a peaceful and vibrant atmosphere. Billboards, bunting, posters and other materials were highly visible in all parts of the country where we observed.

On deployment, members of the Group witnessed final campaign activities, processions and rallies, all of which were conducted in an orderly and peaceful manner. The police in Malé, as well as the atolls, affirmed very few incidents of violence or infringement of campaign rules. Where these occurred, they were very minor in nature. From our observations, political parties and candidates respected the regulations pertaining to the cut-off period for campaign activities.

The fundamental rights of candidates, political parties and supporters to assemble and campaign were broadly respected.

Vote-buying

The Commonwealth Observer Group for the 2014 Parliamentary Elections expressed concern about repeated allegations of vote-buying during the campaigns. Stakeholders affirmed that this issue remained a concern, although it is prohibited by law: Article 44(G) of Political Parties Act admonishes political parties and candidates alike not to ‘bribe, terrorise, and carry out prohibited activities in the Elections Act and regulations under the law’. Section 23 of the Parliamentary Elections Regulation 2019 also proscribes this behaviour.

We noted that in its press statement on the closing of polls issued the day after the elections, Transparency Maldives identified vote-buying as one of the ‘wider issues’ requiring attention. While we were informed that vote-buying remained an issue, it appeared to be less prevalent than previously. It did not appear to compromise the secrecy of the ballot or the electoral process, as we observed it.

Campaign and party finance

As noted above, the Elections (General) Act 2008 and the Parliamentary Elections Regulations 2019 contain provisions regulating campaign finance activities by candidates during the 30-day official campaign period. Sections 69 and 72 of the Elections (General) Act limit expenditure by candidates to no more than 1,500 Maldivian rufiyaa per voter (approximately US\$98), with individual contributions to a candidate for election expenses not to exceed 0.5 per cent of the total amount (or not to exceed two per cent if from a legal entity). Section 70 prohibits, inter alia, contributions by anonymous individuals, foreign individuals and foreign associations.

The Act and the Regulations do not contain equivalent provisions for political parties or third parties, in terms of capping expenditure on election campaigns. In addition, political parties, unlike candidates, are permitted to receive donations from anonymous and foreign sources under Section 37 of the Political Parties Act, provided written permission is obtained from the Elections Commission. The

regulatory framework on campaign financing and spending by parties needs to be clarified and strengthened.

There is also a contradiction in the submission of reports to the Elections Commission on campaign expenditure. Under the Elections (General) Act 2008, candidates are required to submit a report on campaign expenditure to the Elections Commission within 30 days of the election. The Parliamentary Elections Regulation R-3/2019 requires candidates to submit financial statements within 21 days of the election. However, any challenge to election results must be lodged within 14 days of the election, thereby excluding scrutiny of financial returns.

Financing of political parties more generally (not specifically related to an election period) is covered under the Political Parties Act of 2013. Section 40 contains provisions related to parties' maintenance of financial records and Section 41 provides for parties to submit audited reports to the Elections Commission and the Auditor General at the end of each financial year. Violations of the Act are punishable by a fine and the Elections Commission is authorised to enforce these sanctions.

The political parties with whom the Group met were aware of these provisions. However, they admitted that these regulations were not enforced.

While concerns about campaign and party finance were not raised with the Group by any of the stakeholders, we noted that clarity over campaign and party finance rules was important in ensuring greater accountability and transparency in the electoral process, and a level playing field for all competitors.

There needs to be comparable regulation of political party funding, including sources of funding and caps on both funding and campaign expenditure; these should be accountable and scrutinised.

The Media

Media environment

The 2008 Constitution includes strong guarantees of freedom of expression (Article 27) and of the media (Article 28). It notes that the right of information must, however, be exercised in a manner that is 'not contrary to any tenet of Islam'.

The Maldives Media Council was established in 2008 to monitor print and online media, while the Maldives Broadcasting Commission was established in 2011 to regulate television and radio. Each has issued Codes of Ethics for their members, respectively the 'Code of Ethics' and the 'Broadcasting Code of Practice.'

Between 2009 and 2018, Maldives slipped from 52 to 120 in the World Press Freedom Index, because of attacks on media by religious and other groups as well as restrictions imposed by the state under the Anti-Defamation and Freedom of Speech Act (2016).

In November 2018, Parliament repealed the Anti-Defamation and Freedom of Speech Act, which had been widely used by the government of the time to harass

independent media outlets, particularly Raajje TV, which paid heavy fines for alleged defamation.

Two prominent instances of violence against journalists included the disappearance of Ahmed Rilwan Abdulla in 2014 and the murder of Yameen Rasheed in 2016. Both cases remained unsolved at the time of this report.

Broadcast media

At the time of writing, the media landscape was broad and varied. There were 42 licenced broadcasters in Maldives. Television was the most popular, with 30 licenced domestic channels, compared with 12 radio stations. The state-owned broadcaster, Public Service Media (PSM), operated eight licenced broadcast channels, of which two were radio stations.

The Maldives Broadcasting Commission regulates the Code of Practice and guidelines, issues licenses, and ensures broadcasters comply with the Code of Practice. While the Commission cannot issue licenses to individuals to promote a political party, there were several privately-owned media outlets owned by or linked to politicians or individuals with strong party affiliations. As a result, the coverage was often unbalanced, inaccurate and unfair.

Any broadcast-related complaint may be lodged with the Commission on its website. The Commission also monitors direct-access time in accordance with the Elections (General) Act Section 30, using the standards defined in ‘Media Monitoring to Promote Democratic Elections’, produced by the National Democratic Institute for International Affairs.

Print media

At the time of writing, over a dozen registered publications were available in Maldives, most of which had moved to online editions, available in both Dhivehi and English languages.

The Maldives Media Council is tasked with regulating print and online media. The Council provides a Code of Ethics for the publications to follow, as well as an online platform where public and other stakeholders may lodge complaints.

Media monitoring

The Maldives Broadcasting Commission and Maldives Media Council are responsible for monitoring the media to ensure accurate, fair and balanced coverage during elections campaigns. However, these bodies have limited enforcement capacity to uphold their mandate.

During the election period, TV and radio stations are expected to follow the Elections Commission’s ‘Guidelines for Political Coverage During Elections’. These Guidelines include news coverage standards, direct access airtime, libel and defamation, right to reply and retraction, limitations on reporting on a candidate’s private life and the safety of journalists. The Guidelines demand that political messages and affiliations are clearly stated.

From the Group's observations, the media and journalists appeared to be operating with ease and freedom during the course of these elections. The Group was informed that the privately-owned media often appeared to be biased, reflecting the political affiliations of the owners.

Up to election day, the Broadcasting Commission had received no complaints about media outlets.

Social media

Internet penetration is high: nearly 77 per cent of the population (Hootsuite 2018) could access the internet as well as on social media at the time of these elections. Twitter and WhatsApp, in particular, are increasingly influential means of communication at election time. Maldivians were very active on Twitter during the elections, using hashtags to encourage others to vote, in addition to campaigning for parties.

Recommendations

- Continued efforts need to be made by all stakeholders to eliminate vote-buying from the political landscape in order to give confidence in the electoral process. Prohibitions against vote-buying need to be enforced in accordance with the requirements of the Elections (General) Act 2008 Section 65.
- All campaign financing by candidates and parties needs to be transparent, accurately recorded, audited and published. Compliance with the regulations needs to be enforced. Inconsistencies, such as dates of returns, need to be eliminated and harmonised with other regulations surrounding electoral processes.
- It is recommended that political party funding, including sources of funding and caps on both funding and campaign expenditure, should be regulated in order to ensure accountability and transparency.
- All parties and candidates should ensure that their campaigns are based on clear policy issues, giving the electorate a genuine choice and enabling them to hold their elected politicians to account.
- Regulations governing the behaviour of broadcasters and the media during elections need to be monitored and actively enforced by the responsible stakeholders.

Chapter 5

PARTICIPATION AND INCLUSION

Women's Political Participation

Legal framework

Article 17 of the Constitution of Maldives guarantees the rights and freedoms of citizens, without discrimination of any kind including gender. Article 20 guarantees equality before the law. At the international level, Maldives has ratified the Convention on the Elimination of Discrimination against Women (CEDAW).

These commitments are referenced in the Gender Equality Act 2016, which seeks to ensure, *inter alia*, that 'women enjoy equal terms with men' in the economic, social, cultural, civil and political life of Maldives. The Gender Equality Act further seeks to establish 'gender equality principles in making social, economic, political and cultural policies'; end gender-based violence; and take special steps to establish gender equality.

Of particular note are Sections 37 and 38 of the Act, which allow special measures to be taken 'where participation of a particular gender is of a lower rate in public service and public life' through the passing of legislation or other initiatives.

It is noteworthy that Section 24 of this Act explicitly places a special responsibility on the state, political parties, and the responsible ministry to ensure equal opportunities for both genders in all levels of the political arena. It charges 'political parties to work towards facilitating women with equal opportunities as men, in running for candidacy in an elected post, and in fielding candidates for such posts'.

In addition, Section 44 of the Political Parties Act 2013 proscribes inciting 'hatred' or 'hostility' among the general public based on gender. Likewise, political parties, their members and/or candidates are not to dissuade any one from voting for other persons because of their gender.

Observations/Issues

Low rate of women's political representation

A recurring issue during the Group's consultation was the low rate of women's political participation as candidates and in leadership positions in Maldives. Although women constituted a significant number of polling officials and while many actively support their respective political parties, the Group was disappointed that only 35 of the 386 parliamentary candidates for these elections were women. The Group noted that the outgoing Parliament had five women representatives out of 85 members. For the incoming Parliament, the Group noted that only four women Members of Parliament (MPs; 11 per cent of female candidates) were elected for the 87 constituencies compared to 83 men (24 per cent of male candidates). In terms of representation in the Executive arm of

government, however, the situation was much better as the Group was informed that there were seven women of a total of 19 cabinet ministers.

Stakeholders, including political parties, shared our concern that while women's involvement remained vibrant, there were relatively few women in elected office. There was an acknowledgement of the barriers to women's participation in politics (which are not exclusive to Maldives): socio-cultural beliefs; the economic disadvantages faced by women; and the burden of women's traditional roles in the home. Added to these, Transparency Maldives identified 'a striking technical knowledge gap when it comes to effective campaigning, lobbying, fundraising, budgeting, legislative drafting, constituency relations, and public speaking'. This, it noted, significantly impacts women's interest and confidence in running for political positions.⁶

Recommendations

- The Group urges political parties to take deliberate measures so as to ensure that women occupy positions of leadership in their respective parties. In line with Section 24 of the Gender Equality Act, we also encourage political parties to facilitate more women candidates. We urge them to ensure that these candidates are given all the necessary financial and technical support to run for office.
- We encourage the incoming Parliament to work closely with the Executive, as well as other local and international stakeholders, to promote greater participation of women at all levels of the Maldives political system. They have proved their leadership capabilities in the political and other spheres of Maldives.

Persons with Disabilities

Legal framework

Section 35 of the Constitution states that 'elderly and disadvantaged persons are entitled to protection and special assistance from the family, the community and the State'.

Section 36 of the Parliamentary Elections Regulation 2019 makes provision for 'physically challenged' voters to be assisted by another person. It sets out the category of persons covered under this provision as blind persons; persons who cannot use both hands due to an incapacitation; and those who are 'incapacitated from marking on the ballot paper due to old age and weakening of the physique'.

Maldives enacted a Disability Act in 2010 to promote inclusivity and provide equal opportunities for persons with disabilities (PWDs). The Act further aims to ensure non-discrimination of PWDs. It requires PWDs to have equal access to public buildings and facilities.

⁶ Transparency Maldives (2019), 'Women's Political Representation', Position Paper, Issue 01, 10 February.

The Disability Council of Maldives mandated by the Act was formed within six months after the law came into effect. Its role is to ensure the implementation of laws and regulations concerning persons with disabilities.

Observations/Issues

On election day, the Group observed persons with disabilities and the elderly being assisted to vote. A number of polling stations also had ramps to ensure accessibility.

Members of the Group met with members of the Maldives Association of Persons with Disabilities (MAPD) after the elections. The Group included a member of the Disability Council. The MAPD informed the Group that for the first time, 20 PWDs had been included as polling officials. This was a positive development which the Group encourages.

MAPD noted two other positive developments ahead of these elections: its representation on the National Advisory Committee on Parliamentary Elections, a body comprising registered political parties, civil society and a range of relevant stakeholders tasked with engaging the Elections Commission; and the incorporation of disability concerns in the manifesto of at least one of the political parties.

MAPD's assessment of the election was that it was generally 'inclusive' and PWDs were provided with opportunities to cast their votes, bar a few minor obstacles.

However, MAPD raised a number of concerns. The first was the need for a Disability Registry to take accurate stock of the number of PWDs in Maldives, so that adequate and appropriate measures could be taken to facilitate voting based on types of disability. Secondly, MAPD expressed concern that the definition of 'disability' under the electoral laws was inadequate - being limited to 'physically challenged voters'. This could lead to disenfranchisement of those with other disabilities, including mental impairment.

Recommendations

- We urge the Government of Maldives to consider seriously the suggestion by the Maldives Association of Persons with Disabilities, calling for the establishment of a Disability Registry. The Disability Registry should capture the individual type of disability, so that the Elections Commission can use that information to take reasonable accommodation measures to ensure that no voter with a disability is disenfranchised.
- Over and above making reasonable provision for PWDs to ensure that they get to vote, we urge the Government of Maldives to put in place measures to promote their active participation in political life, including being elected to political office.

Youth Participation

Youth demography and the legal framework

Article 35 of the 2008 Constitution states that children and young people are entitled to special protection and special assistance from the family, the community and the state.

Youth in Maldives is defined as those falling within the age group of 18 to 35. According to Maldives' 2014 National Population and Housing Census, 35 per cent of the resident population of Maldives fall within this age group. Additionally, young people constitute a significant proportion of the labour force in Maldives: more than half (54 per cent) of the labour force was aged 18 to 34 while 23 per cent was 15 to 24 years old at the time of this report.⁷

There is the National Youth Policy of 2003, whose vision is to ensure that young people in Maldives 'fully participate in the development of the country' and are able to obtain the opportunities they need for their own advancement.

The right to free primary and secondary education for all is also enshrined under the Constitution, which further states that opportunity for higher education shall generally be accessible to all citizens.

According to Transparency Maldives, the Ministry of Youth and Sports was at the time of writing in the process of drafting a Youth Act to support the participation of young people in decision-making processes. In 1981, a National Youth Council was established to act as an advisory body to the Ministry. However, it appeared to be inactive.

Observations/Issues

Youth political participation and engagement in Maldives

The Group received mixed views about young people's participation in politics. Stakeholders, and in fact the Group itself, noted an absence of an organised youth voice in the current political space.

That said, there were other youth groups working to impact their communities in the development space. For instance, Junior Chamber International (JCI) Maldives is part of a global JCI community, a membership-based non-profit organisation of 200,000 young people aged 18 to 40 in 5,000 communities and more than 100 countries around the world. In 2018, JCI partnered with the UN Population Fund (UNFPA) in organising a National Youth Advocacy Summit in Malé. Its purpose was to sensitise and engage youth on issues impacting them, including peace and development. It engaged young people in activities related to their aspirations, rights and opportunities and according to UNFPA's website, created 'a safe space to freely express themselves and to create a sustainable platform ensuring young Maldivians' participation'.

⁷ UNFPA and Maldives National Bureau of Statistics (no date), 'Youth in Maldives', available at: https://maldives.unfpa.org/sites/default/files/pub-pdf/UNFPA%20-%20Leaflet%20-%20YC%20-%20Compressed_0.pdf

The Group further heard that youth issues were not strongly segregated and advocated in the People's Majlis. A 2015 study by Transparency Maldives which interviewed young people, found that youth participation in campaigns and other political activities was very high. The Group observed this to be the case in the context of this election.

The Group heard from young people, who said youth living outside Malé were often excluded from the political discourse, but they remained hopeful that the incoming Members of Parliament would bridge this gap. Other concerns of young people included the high costs of education, healthcare and living.

On election day, the Group was impressed by the role of young women, who comprised a significant number of polling officials. The Group observed that the young women election officials were confident, professional and efficient in their tasks. Young women further comprised the majority of election officers, who served in the Results Centre hosted in the Elections Management Centre.

The Group noted that in line with the trend in many Commonwealth and other countries, social media was providing an increasingly important avenue for engagement with political and electoral processes for young Maldivians.

Recommendations

- The Group encourages the Elections Commission to continue engaging young people in the conduct of future elections.
- The Group urges political parties to follow the good example set by the Elections Commission, to ensure that there is space for youth to fully participate in political party processes. Such participation should go beyond engaging the youth in political campaign activities, to ensuring that young people are involved in policy formulation and decision-making; encouraged to stand for elective office; and offered all the technical and financial support by their parties, as may be relevant, in their competitive political bids.
- We recommend consideration be given to producing an updated National Youth Policy (NYP) and reinstating an active National Youth Council (NYC). Provisions such as these work very well in other Commonwealth countries, and can engage the leadership and the Ministry of Youth on the interests and political participation of young people.
- In addition, we encourage greater attention be paid to civic education in the education curriculum, to promote greater understanding of political processes among all Maldivians.

Chapter 6

VOTE COUNT AND RESULTS TABULATION

Background

The 2019 Majlis (Parliamentary) Elections were held on 6 April 2019. Polling was scheduled to occur from 08:00 to 16:00 hours. According to the Elections (General) Act, a polling station is defined as ‘the area 100 feet from the ballot box, including parks, empty spaces and football grounds but excluding streets, roads and residential places inside the area’.

For these elections, there were 501 polling stations, including 33 on resort islands, four on the industrial islands and five in the prisons. Ballot boxes were also placed in Maldivian diplomatic missions in countries where there were more than 300 registered voters - resulting in eight ballot boxes in total: in India (one box), Malaysia (two boxes), Sri Lanka (four boxes) and the United Kingdom (one box). Polling stations were organised within public facilities such as schools and community centres.

Polling stations were staffed by seven individuals: a Ballot Station In-Charge, Ballot Station Deputy In-Charge, a Voters’ Roll Keeper, Finger Marker, Queue Number Issuer, Ballot Box Keeper and an Area Supervisor. Additionally, unarmed police officers were also present to manage issues of law and order. Police officers were to enter the polling station only if requested by the Ballot Station In-Charge. Party agents, candidate representatives, monitors, accredited citizens and international observers were also authorised entry into a station.

According to the Elections (General) Act, campaigning is prohibited from 18:00 hours the day before the election to 06:00 hours the day after the election. During this period, no campaign material should be seen within a 100-foot radius of the ballot box.

The Elections (General) Act also provides for the assistance of voters with disabilities, the elderly and the infirm. The provision enables the voter to select a person of their choice to assist them. However, an individual can only assist one voter.

Key Procedures for Opening and Voting

The key prescribed procedures for opening and voting are as follows:

Opening of the polls

- Voting is officially scheduled to start at 08:00 hours.
- The candidate list and the signed voter list are to be displayed outside the polling station, where they can be easily seen.

- Fifteen minutes prior to the opening of the polls, sealed ‘security envelopes’ containing ballot papers are to be opened to determine that they contain the appropriate number of ballot papers for that particular polling station (according to voter list).
- The open transparent ballot box is shown to all those present to confirm that it is empty. The box is then sealed.
- Accredited party agents, candidate representatives, citizen and international observers, and accredited media monitors and some early voters are allowed to be present in the polling station to observe these procedures.

Voting

- The voter presents valid personal identification.
- Voter identification is first checked against the voter database, in most cases electronically. They are issued a token number to mark their place in the queue of voters and are provided with a seat inside the polling station.
- A polling official will announce the queue number, when again the voter’s identification document is checked against the voter list and a mark is then made on the voter list.
- Another polling official inspects the voter’s hands to verify that they have not voted before, and then the voter’s left index finger is stained using indelible ink.
- The voter is given a ballot paper for his or her corresponding constituency. Before issuing the ballot paper, the polling official must stamp the back of the paper with the official mark of the Elections Commission. A second mark beside the name of the voter is made on the voter list to confirm that a ballot paper was given.
- The voter proceeds to the voting booth to cast their vote for one candidate with a tick (✓) mark.
- The voter then inserts the ballot paper into the ballot box and exits the polling station.

Assessment of the Opening of the Polls and Voting

Some key observations from the polling stations observed were as follows:

- Election materials were delivered on time and all polling stations observed generally opened on time.
- Voter lists were prominently displayed outside polling stations.
- The layout of polling stations was generally good, with seating accommodation for polling officials, party agents, candidate representatives, observers and voters waiting to be called. This facilitated the flow of voters, communication between polling staff and scrutiny of the process.
- Generally, the voting public had no difficulty in understanding the sequential steps in the voting process and adhering to voting instructions that were posted at the entrance as well inside the polling station.
- Many polling stations used electronic tablets loaded with the voter list to expedite checking the voter's identity. However, this was not uniform as some polling stations used a slower process of checking a hard copy of the voter list.
- Voting booths, with one exception, were strategically placed in order to ensure the secrecy of the vote.
- Police officers maintained security around each polling station. The police presence was visible, discreet and helpful.
- The conduct and professionalism of the Commission's polling staff was impressive, with the vast majority of polling officials being women. Polling staff displayed a commendable level of poise, efficiency and transparency.
- Assisted voting provisions were applied uniformly, with many elderly voters and persons with disabilities given priority and enabled to vote without difficulty.
- In spite of concerns raised regarding the requirement of a single voter mark on the ballot paper, the voting public seemed to understand the voting instructions well.
- In the early afternoon, the Elections Commission instructed that the voting time be extended by two hours, citing low turnout and high temperatures.

Key Procedures for Closing and Counting

The key stated procedures for the closing and counting process are as follows:

- The polls close at 16:00 hours. A polling official announces the close of polls inside and outside of the polling station. However, voters waiting in line at the close of poll are allowed to vote and voting continues until the last person in line has voted.
- Following the last voter, and the sealing of the ballot box aperture, a 30-minute intermission is observed before the counting procedures begin.
- The polling station is rearranged to create additional space and a clear view of the count process. Party agents, candidate representatives, media monitors, citizen and international observers are permitted to witness this process.
- Polling staff count the number of actual voters from the voter list, the unused ballots and ballot stubs to reconcile the total number of ballots delivered to the polling station.
- The ballot box seals are cut, and the box is opened and emptied onto the table.
- The ballots are sorted into piles for each candidate as well as for invalid votes.
- Ballot papers marked in favour of each candidate are held up for all those present to see.
- Ballot papers are then counted and organised into bundles of 50 for each candidate.
- The vote tally is announced, and a provisional results sheet is completed and signed by a polling official.
- The valid ballot papers, a copy of the results sheet and all associated documents are placed in tamper-evident envelopes and sealed.
- Polling officials convey results to the Elections Commission in Malé via their tablets or mobile phones.
- Once this process has been completed, a copy of the results sheet is posted in a prominent place outside the polling station.

Assessment of Closing and Counting

Some key observations from the polling stations observed were as follows:

- All voters present were able to vote within the time allotted and polling stations were closed at the extended prescribed time of 18:00 hours.
- The reconciliation of total votes cast based on the checked voters list, unused ballots and ballot stubs (counterfoils), was completed without discrepancy prior to the opening of the ballot box.
- There appeared to be a lack of clarity over the processing of ballots for other constituencies. As a result, a disproportionate amount of time was taken to deal with these ballots.
- In instances where only one or few such ballots were cast for a particular constituency, the secrecy of the vote may have been violated when the ballot was counted.
- During the counting process at some of the polling stations observed, party agents, candidate representatives, observers and the public were positioned too far away to discern the mark on the ballot.
- The regular ballot count was conducted in an orderly, transparent and inclusive manner. Polling officials sorted ballots by candidate into bundles of 50 and communicated clearly when counting candidate totals. All aspects of the counting and tallying process were made clear to party agents, candidate representatives, observers and members of the public.
- Party agents and candidate representatives were well represented during the count and were observed to be actively scrutinising the counting process. There were no complaints from party agents or candidate representatives lodged within the polling stations observed.

Recommendations

- The Group was impressed by the use of electronic tablets for voter verification and encourages the expansion of this to cover all polling stations in future elections.
- In order to ensure the secrecy of the ballot, as well as to facilitate the subsequent sorting and transfer to the Elections Commission for counting, it is recommended that ballots for other constituencies be delivered to the polling station and returned to the Elections Commission in individual envelopes pre-marked by constituency.
- It is recommended that the Elections Commission refine and provide further training for polling staff on processing ballots from other constituencies.

- It is recommended that during the counting process, observers, especially party agents and candidate representatives, should be allowed to sit in closer proximity to the ballot papers, to enable them to verify the mark on the ballot paper.
- As the contents of the ballot box must equal the total number of votes cast, it is recommended that the vote cast be counted first in order to allow reconciliation prior to sorting and counting for results. This additional step reflects ‘electoral best practice’.
- Consideration should be given to extending the voting hours for the sake of predictability, and any ad hoc extension of the voting time on polling day should be limited to unforeseen circumstances and only in the affected constituencies.
- We recommend that voting hours be enshrined in legislation.

Maldives Parliamentary Elections 2019: Results

| Party | Adhaalath Party (AP) | Dhivehi Rayyithunge Party (DRP) | Independent | Jumhooree Party (JP) | Maldives Development Alliance (MDA) | Maldivian Democratic Party (MDP) | Maldives Labour and Social Democratic Party (MLS DP) | Maldives Third-Way Democrats (MTD) | People's National Congress (PNC) | Progressive Party of Maldives (PPM) |
|-------|----------------------|---------------------------------|-------------|----------------------|-------------------------------------|----------------------------------|--|------------------------------------|----------------------------------|-------------------------------------|
| Votes | 4,423 | 235 | 45,301 | 23,590 | 6,111 | 96,354 | 314 | 293 | 13,931 | 19,701 |
| Seats | 0 | 0 | 7 | 5 | 2 | 65 | 0 | 0 | 3 | 5 |

| | |
|-------------------|---------|
| Valid Votes | 210,253 |
| Invalid Votes | 4,800 |
| Total Votes Cast | 215,053 |
| Registered Voters | 264,442 |
| Turnout % | 81.3 |

Source: Elections Commission of Maldives

Annex 1

COMPOSITION OF THE TEAM

Hon. Bruce Golding (Jamaica) - Chair

Hon. Bruce Golding is the former Prime Minister of Jamaica, 2007-2011. Mr Golding was elected to Parliament five times in the course of his political career, starting in 1972. He was appointed a Member of Senate from 1977 to 1983 and 2002 to 2005. He was Minister of Housing and Construction from 1980 to 1983, Shadow Minister of Finance (1989-1995), Chairman of the Public Accounts Committee (1989-1995) and Shadow Minister of Foreign Affairs and Foreign Trade from 2002 to 2005. Mr Golding has served on the Board of Governors of the Institute of Jamaica and as a member of the Electoral Advisory Committee (now the Election Commission of Jamaica). Mr Golding is a graduate of the University of West Indies, where he is currently an Honorary Distinguished Fellow, focusing on public policy management.

Mr Bruce Hatch (Canada)

Bruce Hatch is an election operations expert with experience in all aspects of international election management, from voter registration to counting centre operations. He has been primarily involved in post-conflict election projects since 1993 in over 20 countries, having spent extensive periods in the likes of Cambodia, Bosnia, Kosovo, Serbia, Macedonia, East Timor, Sierra Leone, Haiti and the Democratic Republic of Congo. He was also involved in more limited capacities in elections in both Iraq and Afghanistan.

Mr George Morara Monyoncho (Kenya)

George Monyoncho is a Commissioner and Vice-Chairperson of the Kenya National Commission on Human Rights ('the Commission'). At the Commission, he provides leadership on policy and oversight matters in the Research and Compliance Department, as well as the Public Education and Training Department. He also co-chairs the Commission's Elections Monitoring Committee, where he offered crucial leadership in monitoring and documenting Kenya's 2017 General Election. Mr Morara has also been involved in high-level advocacy on promoting constitutionalism and good governance with a number of state and non-state actors in Kenya, Brazil, Sierra Leone, Togo, South Africa, Tanzania, Uganda, Burundi, Ghana, Malawi and Rwanda, among other countries. He holds a Bachelor of Arts (Hons.) from the University of Toronto, Canada, and a Master of Arts (Political Science) from the University of Windsor, Canada.

Mr Nitin Pai (India)

Nitin Pai is Co-Founder and Director of the Takshashila Institution, an independent centre for research and education in public policy. His current research includes the geopolitics of the Indo-Pacific, defence economics and the politics of radically networked societies. He teaches international relations and public policy at Takshashila's graduate programmes. Mr Pai's columns appear in the *Business Standard* and *Rajasthan Patrika* (Hindi). He has published chapters in a number of

edited volumes, most recently an analysis of the Pakistani Military-Jihadi Complex. He has taught civilian and military leaders at India's College of Defence Management, Army War College and Brunei's Institute of Strategic Studies. He is a gold medallist from the National University of Singapore's Lee Kuan Yew School of Public Policy, an undergraduate scholar at Nanyang Technological University and an alum of National College, Bangalore. He spent more than a decade with the Singapore government as a policy-maker in the technology sector.

Hon. Maryan Street (New Zealand)

Maryan Street is a former President of the New Zealand Labour Party (1993-1995), at the time when New Zealand transitioned from a first-past-the-post to a mixed member proportional electoral system. She is a former Member of the New Zealand Parliament (2005-2014). She served as a Minister in the 2005-2008 Labour-led government with responsibility for the portfolios of Housing, Accident Compensation Corporation, Associate Tertiary Education and Associate Regional Economic Development. In Opposition, she held Shadow Portfolios of Foreign Affairs, Trade, Overseas Aid, Human Rights, Treaty of Waitangi Negotiations, Health and Environment. Since leaving Parliament in 2014, Ms Street has returned to her previous career in industrial relations, in which she has been both an academic and a practitioner. She has participated in three previous Commonwealth observer missions: twice in Lesotho, with some follow-up work with the Lesotho government, and most recently in Sierra Leone in 2018.

Ms Miatta French (Sierra Leone)

Miatta French is one of the five members of the National Electoral Commission of Sierra Leone, responsible for general policy formulation on electoral matters. She has specific regional oversight responsibility for the Western Region of Sierra Leone, comprising 28 of the 132 constituencies, and functional oversight responsibility for various activities and departments including Public Information, External Relations and Human Resource Management. Ms French previously served the Commission in the position of Director of Operations between 2009 and 2010 and as Spokesperson and Head of the Outreach and External Relations Unit from 2005 to 2009. She has participated in pre-election assessment and election observation missions with the Commonwealth, the African Union, ECOWAS and the Mano River Union.

Mr Peter Pursglove (Trinidad & Tobago)

Peter Pursglove SC is a Barrister and Attorney at Law specialising in Constitutional Law, Governance and Public Law reform and revision. Based in the West Indies, he was called to the Bars of England and Wales, Saint Vincent and the Grenadines, and Trinidad and Tobago, where he was awarded Silk in 2000. Mr Pursglove has advised Attorneys General and governments in several Commonwealth states in the Caribbean, Africa and the Pacific on constitutional revision and public law reforms.

Ms Linda Duffield CMG (UK)

Linda Duffield is a former British diplomat with extensive experience in the field of good governance, democracy and human rights. She served as British Ambassador

to the Czech Republic (2004-2009) and as British High Commissioner to Sri Lanka and Maldives (1999-2002), as well as postings in Canada and Russia. From 2009 to 2014, she was Chief Executive of the Westminster Foundation for Democracy, which works to strengthen multiparty democracy, parliamentary practice and electoral systems in Africa, the Middle East, Asia and Eastern Europe. Ms Duffield has previously served as an Observer on Commonwealth Observer Groups in Malawi (2014), Sri Lanka (2015), Antigua and Barbuda (2018) and, most recently, in Nigeria (2019).

Annex 2

DEPLOYMENT PLAN - 6 APRIL 2019 ELECTION

| TEAM(S) | LOCATION(S) |
|--|---------------------------|
| Ms Linda Duffield Mr George Morara Monyoncho | Haa Alifu Atoll |
| Mr Bruce Hatch Ms Charlotte Bailey | Haa Dhaalu Atoll |
| Hon. Bruce Golding Ms Yvonne Apea-Mensah Ms Clara Cole Ms Zippy Ojago Mr Snober Abbasi | Malé |
| Ms Miatta French Mr Peter Pursglove | Laamu Atoll Thaa Atoll |
| Hon. Maryan Street Mr Nitin Pai | Seenu Atoll (Addu) |

Annex 3

ARRIVAL STATEMENT



Commonwealth Observer Group

ARRIVAL STATEMENT BY HON. BRUCE GOLDING CHAIR OF THE COMMONWEALTH OBSERVER GROUP MALDIVES PARLIAMENTARY ELECTIONS 2019

I am honoured to have been requested by the Commonwealth Secretary-General, Patricia Scotland, to lead the Commonwealth Observer Group for Maldives Parliamentary Elections, scheduled for 6 April 2019.

The Group consists of distinguished Commonwealth citizens from Africa, Asia, the Caribbean, Europe and the Pacific, who have a range of expertise from the political, electoral, legal, human rights and civil society fields.

This election is an opportunity for the people of Maldives to continue to shape and strengthen their democracy by voting for leaders who are committed to realising their aspirations.

Our Group is particularly mindful that while the Commonwealth does not usually observe elections in non-member countries, an exception is made for countries that have applied to join or re-join the Commonwealth, as in the case of Maldives.

Our Report will inform the Secretary-General's ongoing assessment of Maldives' commitment to adhere to the Commonwealth's fundamental political values, as part of the re-application process. This, therefore, is not a task we take lightly.

The Group's mandate is to observe and evaluate the pre-election period, polling day as well as the post-election period. We will consider the various factors impinging on the credibility of the electoral process as a whole and report on whether it has been conducted in accordance with the national, regional, Commonwealth and international standards to which Maldives has committed itself.

In conducting our duties and undertaking our assessment, we will be objective, impartial and independent. The Group's assessment will be its own, and not that of any member country of the Commonwealth.

We arrived in Malé on 30 March and have received briefings from relevant stakeholders, including the Elections Commission, political parties, the police, independent institutions, civil society and the diplomatic community.

On 4 April, observers will be deployed to various atolls to observe the campaign environment in those areas ahead of polling day, engage with relevant local stakeholders, and observe the voting and counting processes on election day.

We will issue an Interim Statement of our preliminary findings after the election. The Final Report will be submitted to the Secretary-General and will be made available to the public afterwards.

Commonwealth Observer Groups were present for the first multiparty elections in 2008 and 2009, the Presidential Elections in 2013 and the Parliamentary Elections in 2014.

On behalf of the Group, I wish the people of Maldives well as they prepare once again to exercise their democratic right to vote.

Malé, Maldives

3 April 2019

The Commonwealth Observer Group is composed of:

- **Chair: Hon. Bruce Golding**, former Prime Minister of Jamaica
 - **Mr Bruce Hatch**, Electoral Expert, Canada
 - **Mr Nitin Pai**, Co-Founder and Director, Takshashila Institution, India
 - **Mr George Morara Monyoncho**, Vice Chairperson, National Commission for Human Rights, Kenya
 - **Hon. Maryan Street**, former Minister of Housing, New Zealand
 - **Ms Miatta French**, Commissioner, National Electoral Commission, Sierra Leone
 - **Mr Peter Pursglove**, Senior Counsel, Trinidad and Tobago
 - **Ms Linda Duffield**, former High Commissioner of the United Kingdom to Sri Lanka and Maldives, and former CEO of Westminster Foundation for Democracy
-

Annex 4

PRELIMINARY STATEMENT



Maldives Parliamentary Elections 2019

Preliminary Statement by Hon. Bruce Golding Former Prime Minister of Jamaica Chair of the Commonwealth Observer Group 9 April 2019

Members of the media, ladies and gentlemen.

Thank you for coming to this Commonwealth Observer Group Press Conference.

The Commonwealth last observed elections in Maldives in 2014: It is an honour to return to your beautiful country at such a seminal moment in your democratic history.

Following an invitation from the Elections Commission of Maldives to observe the Parliamentary Elections on 6 April 2019, the Commonwealth Secretary-General, Patricia Scotland, constituted our Group. We arrived on 30 March and will depart on 13 April.

We are here because although Maldives left the Commonwealth in 2016, it applied to re-join the family in December 2018.

We are fully aware, therefore, of the implications of our Report. It will be considered by the Secretary-General in her ongoing assessment of Maldives' commitment to the Commonwealth's values, which is a fundamental aspect of the membership process.

We reiterate what we said in our arrival statement: This is not a task we take lightly.

Our preliminary findings will be shared in the following manner: We will first provide our key findings on the pre-election environment, after which we will focus on our observations on election day. Finally, we will share our appreciation of the post-election stages so far, mindful that the results process is ongoing.

This holistic manner is in line with our mandate as underscored in the Arrival Statement we issued on 3 April 2019.

Let me state that in accordance with this mandate, we will be assessing this election according to the national, regional, Commonwealth and international standards to which Maldives has committed itself.

This is our preliminary assessment. Our Final Report will be submitted to the Secretary-General and will be made available to the public afterwards.

Let me begin by commending the people of Maldives for the peaceful and orderly manner in which they exercised their democratic right to vote on 6 April.

Once again, they have taken a step forward in consolidating their country's democracy. We challenge the leaders they have chosen to spare no effort in realising their aspirations.

The Pre-Election Environment

Since our arrival in Maldives on 30 March, we have had the opportunity of meeting a range of stakeholders including political parties, civil society and media representatives, the police, the Elections Commission, diplomatic missions and international agencies.

On 4 April, members of our Group were deployed to various atolls, where they engaged with local stakeholders: Addu, Haa Alifu, Haa Dhaalu, Kaafu, Laamu, Malé and Thaa.

We have been greatly encouraged by the widespread feedback that ahead of these elections, the civic and political space in Maldives was significantly improved. Civil society and media representatives informed us that they felt freer than they had been in the past to express dissenting opinions, without fear of repercussions.

We observed some of the campaigns in Malé and the atolls. These were conducted in a peaceful and vibrant atmosphere. The fundamental rights of candidates, political parties and supporters to assemble and campaign were broadly observed.

We note, however, that some concerns raised by previous Commonwealth observers pertaining to the pre-election environment remain relevant.

These include: allegations of vote-buying; the use of state resources to influence voters; the need to develop a more effective regulatory framework for campaign financing; and the need to continue strengthening civic education. We will expand on these in our Final Report and offer recommendations to the relevant stakeholders.

Another recurring issue is the low rate of women's political participation in Maldives. Although women constituted a significant number of polling officials, we were disappointed that only 35 out of the 386 parliamentary candidates for these elections were women. We note that the outgoing Parliament had five women representatives out of 85 members.

Maldives' own laws, in particular the Gender Equality Act 2016, promote women's political participation. We encourage all political parties and the incoming Parliament to make a special effort in promoting and facilitating the participation of women at all levels.

Above all, during our consultations in the pre-election phase, we were struck by two recurrent views from our consultations: the need to enhance Maldives' independent democratic institutions; and to strengthen the rule of law and separation of powers between the Judiciary, the Executive and the Legislature.

In any election, citizens' perception about the credibility and independence of their democratic institutions is crucial in instilling confidence in all aspects of the process. It is our hope that the incoming Parliament of Maldives will prioritise these issues in an inclusive manner.

Election Day

Polls generally opened on time, and procedures for the opening of the polls were adhered to. The signage providing relevant instructions to voters were visibly displayed.

We were impressed by the confidence and professionalism of polling officials, a significant number of whom were young women. In some polling stations, almost all polling officials were women.

We were impressed by the use of tablets at some polling stations to expedite the identification of voters.

Monitors (media representatives), candidate representatives, party observers and citizen observers, were present, although in varying numbers at different polling stations.

Candidate representatives and party observers had access to hard copies of the voters' register, which they checked as voting proceeded. They engaged with polling officials in a collegial environment.

Voters' identification was properly checked. Voters were inked and provided with a ballot paper before proceeding to vote. The secrecy of the vote was ensured.

Women with babies, pregnant women, persons with disabilities and the elderly were given priority in many cases. Our observers also witnessed voters being assisted.

The police presence was visible, helpful and discreet.

Before the scheduled close of polls, the Elections Commission extended voting from 16:00 hours to 18:00 hours, citing high temperatures and low voter turnout.

We note that Section 43 of the Elections (General) Act gives the Elections Commission the right to designate and announce the voting time. Consideration should be given to extending the voting period for the sake of predictability. Any

ad hoc extension of voting time on polling day should be limited to unforeseen circumstances.

Voters who were still in the queue were allowed to vote at close of polls in accordance with the law. Closing and counting procedures were generally adhered to in an atmosphere marked by transparency and trust. Again, monitors, candidate representatives and party observers co-operated with polling officials.

After the count, candidate and party observers signed the results sheets, copies of which were pasted on walls in the polling stations.

Overall, the voting and counting process was peaceful and well organised. We commend the Elections Commission for the smooth conduct of the polls and the quality of training demonstrated by the polling officials.

Post-Election

The day after the elections, our observers revisited local officials and the police and reported that polling across the atolls we covered had proceeded with few minor incidents. Where we came across supporters celebrating their candidate's victory (based on unofficial results), these were conducted peacefully.

Observers in Malé visited the Election Management Centre, where the Results Centre was also based. We were impressed by the use of technology to collate and tabulate the results from all ballot box stations and the overseas votes. We were further impressed by the competent staff, most of whom were, once again, young women.

We note that members of the National Advisory Committee on Parliamentary Elections, a body comprising registered political parties, civil society and a range of relevant stakeholders tasked with engaging the Elections Commission, were granted access to the Election Management Centre. This is good practice.

The results process is still underway. We encourage the people of Maldives to continue demonstrating the commendable patience, tolerance and collegiality they have shown so far, while they await the official results by the Elections Commission.

On the 6th of April, the Commonwealth was privileged to witness the aspiration of a nation for a stable, peaceful and inclusive democracy, where rights and responsibilities under the Maldivian Constitution and laws are fully respected.

We are confident that this election will provide an opportunity for the leadership of Maldives and the newly constituted People's Majlis to strengthen the country's democracy.

Thank you.

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

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