Domestic Observation of

The 2009 Maldivian Parliamentary Election

9 May 2009

Final Election Report by Transparency Maldives
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1. Introduction

The Parliamentary Elections 2009 was the first ever multi party Parliamentary elections held in the Republic of Maldives. The elections saw 455 candidates contesting for 77 constituencies.

Transparency Maldives coordinated the only nationwide, non-partisan domestic observation effort of the Parliamentary Elections 2009. The election was conducted on 9 May 2009. The domestic observation assessed the parliamentary elections based on international standards and best practices for democratic elections.

The observation effort covered Malé, Hulhumalé, Villingili and nine atolls in seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnaviyani, Gaaf Dhaal, Gaaf Alif, Laamu, Meemu, Baa, Raa and Haa Dhaal deployed 118 accredited observers. Transparency Maldives received over 700 text messages to the online complaints database during the election process. Transparency Maldives’ volunteers observed voting at 242 of 399 ballot boxes, where 2/3rds of the electorate were registered.

Most of the observers from the Presidential Elections 2008 participated in the domestic observation of the Parliamentary Elections 2009. As a result, most of the observers underwent four rounds of training, two trainings for each of the elections. AusAid funded the initial training of observers under the “I Choose to Vote” project and the final trainings as well as the domestic observation effort was supported by the UNDP and the Royal Embassy of Switzerland based in Colombo.

Transparency Maldives staff in Malé coordinated the observation. Project Coordinator Mr. Aiman Rasheed oversaw the observation. Executive Director Ms. Ilham Mohamed and Project Coordinator Mr. Thoriq Hamid coordinated the observation in Male’. Aiman Rasheed coordinated the observation for the atolls/ islands. Thoriq Hamid handled media enquiries and online complaints. The information for this report was collected from official sources, such as the Elections Commission, checklists from Transparency Maldives’ observers and interviews conducted with political parties, media outlets, candidates, observers in the islands and complaints sent to the online complaints database. This report is written by Aiman Rasheed.

Transparency Maldives and observers were in contact and worked with the Commonwealth Observer Group, the expert team of the Delegation of the European Commission to Sri Lanka and the Maldives, observers from diplomatic missions based in Colombo that were supported by the European Commission, European Union Election Expert Mission and the expert team from UNDP.
2. Executive Summary

The Parliamentary Elections 2009 was the first multi party parliamentary elections in the Maldives, and the second election under the current constitution, popularly known as the reform constitution ratified on August 7, 2008.

The Parliamentary Elections did not meet the constitutional deadline of February 15. The sitting parliament went into recess without passing the Parliamentary Elections Act and the Electoral Constituencies Act. The Parliamentary Elections Acts and the Electoral Constituency Act were ratified on 10 February 2009 and 15 February 2009 respectively. The Election Commission then declared May 9 as the day of election.

455 candidates contested the elections for 77 constituencies, of which 246 candidates ran as independent candidates and 209 ran on party tickets. 7 independent and 14 women candidates from four parties contested the elections. The Maldivian Democratic Party (MDP, the ruling party) fielded 75 candidates, followed by the opposition Dhivehi Rayyithunge Party (DRP) that fielded 59 candidates. The Dhivehi Qaumee Party (DQP), People’s Alliance (PA, in alliance with DRP) and Jumhooree Party (JP) fielded 21, 18, and 17 candidates respectively. 19 candidates from six smaller parties contested on party tickets. The first sitting of the Parliament convened without a member from the contested Thaa Thimarafushi constituency on 28 May 2009. Revote for two ballot boxes in Thaa Thimarafushi constituency took place on 11 July 2009, when the High Court ruled that the environment in the contested constituency was not conducive to a free and fair election on 9 May 2009.

The Dhivehi Rayyithunge Party (DRP) in coalition with People’s Alliance (PA) fell short of securing an absolute parliamentary majority by just four seats. The Dhivehi Rayyithunge Party (DRP) and People’s Alliance won 28 and seven seats respectively. The minority party in parliament is Maldivian Democratic Party (MDP) with 25 seats. Independent candidates secured 13 seats, Dhivehi Qaumee Party (DQP) won two seats and Republican (Jumhooree) Party (JP) won just one seat. Of the 21 female candidates who contested the election, five were successful in winning the seat for their constituency.

The first sitting of the Parliament convened on 28 May 2009 without a member from the contested Thaa Thimarafushi constituency. Revote for two ballot boxes in Thaa Thimarafushi constituency took place on 11 July 2009 after the High Court ruled that the environment in the contested constituency was not conducive to a free and fair election. It ruled so on 9 May 2009 after deliberating on reports from the Human Rights Commission of the Maldives and Transparency Maldives. Maldivian Democratic Party (MDP) candidate Mohamed Musthafa won the seat for Thaa Thimarafushi by defeating his opponent Gassan Maumoon of Dhivehi Rayyithunge Party (DRP) constituency with a difference of 52 votes.

Unlike elections held under the previous constitution, the parliamentary election and the October presidential election were conducted in a very transparent manner. However, the public did protest and question the credibility of the electoral process. This was because the prevailing problems in the pre-election environment remained largely unresolved due to the complexity of the operations. Some of the candidates failed to adhere to the code of conduct for campaigning. Furthermore, the Elections Commission made some ad hoc decisions on Election Day, which aggravated the public.

Voter education was inadequate given that the Parliamentary Elections was conducted under a completely different electoral system with the recent overhaul of country’s governance systems. Despite this, the voter turnout, at 79%, was high. The Elections Commission, Human Rights Commission of the Maldives, and Transparency Maldives carried out voter education in collaboration with the media. The state media
provided free airtime worth over MRF 2.2 Million, of which MRF 1.14 Million was for airing debates between candidates and MRF 1.07 worth of airtime was provided to the Elections Commission.

The Elections Commission had over three months to conduct voter registration for the parliamentary elections. This is in contrast to the Presidential election where the first round of election was conducted in the same month that the General Elections Act and the Presidential Elections Act were passed. The effort to clean the voter registry by the Elections Commission was commendable, given that the efforts were hampered by unclear responsibility and poor coordination between the departments and ministries handling national registration.

The election day proceeded calmly, except for voter registration issues and a dysfunctional complaints mechanism. The decision to change the voting deadline by the Elections Commission at 1930 hrs, just 30 minutes before the pre-planned deadline for voting, led to confusion and officials applying the message inconsistently throughout the country. To add to the confusion, the Elections Commission made a decision at 2200 hrs to proceed with closing all the ballot boxes “with no issues” while the National Elections Complaints Bureau was still issuing documents for eligible voters to vote. As a result, the Elections Commission had to place extra ballot boxes to accommodate for the people who were allowed to vote past the initial deadline. Protests were staged throughout the night.

Issues such as the compromised secrecy of the ballot, unclear campaign financing, allegations of abuse of power and misuse of state resources remained unaddressed. As a consequence, the public began to lose confidence in the electoral system. Furthermore, inconsistent messages by the Elections Commission regarding announcement of results, filing of over 40 cases at the High Court, and the passive manner in which the commission responded to these cases caused the Elections Commission to lose the credibility that it had enjoyed following the Presidential Elections 2008. ¹

Despite all this, the Parliamentary Elections 2009 was a credible election and reflected the will of the voter. The election owes its credibility to the inclusiveness and the transparency of the process, high public participation and the acceptance of the results by the political parties.

To increase credibility in the electoral process and institutions, it is important that all stakeholders work together to create a coherent legal framework to define clearer roles and responsibilities that conform to international standards for democratic elections. Improvements to the legal framework should include protection of the secrecy of the ballot. The Elections Commission should take decisive action and be proactive in electoral issues of public interest. The Commission should continue voter education to address issues such as the giving and taking of bribes. The Commission should be consistent in its public announcements and ensure a better mechanism for dealing with complaints. Lastly, to build on the success of the Parliamentary Elections 2009 and the Presidential Elections 2008, the Elections Commission should ensure that its future actions are transparent and inclusive.

¹ For details, read Transparency Maldives’ Pre Election Statement (8 May 2009) and Post Election Statement (18 May 2009) in annex I and II respectively.
3. Specific recommendations

The authorities involved in the Elections administration took into account the recommendations made by Transparency Maldives. However, failure to act on key recommendations led to the prevalence of the same issues in both the Presidential and Parliamentary Elections. Most of the recommendations were communicated to the Elections Commission via the National Advisory Committee, which is the highest statutory advisory body for the elections. Though there was consensus among the institutions responsible for elections to implement some of the recommendations, they were constrained by the short time period between the two elections, legal framework, and in some cases, political will. Therefore, much of the recommendations made by Transparency Maldives following the Presidential Elections hold true after the Parliamentary Elections 2009 and for the local elections.

3.1 Legal Framework

1. All stakeholders should work to strengthen the electoral legal framework to ensure that it conforms to international standards and best practices to avoid circumstances such as the secrecy of the ballot being compromised.

2. The Elections Commission should pro-actively engage with all those concerned to prevent and take corrective action against electoral violations in the interest of the public in a timely manner without waiting for individuals, parties or organisations to come forward with evidence.

3. Political party laws and other related legislations should be amended to conform to international standards, to prevent prevalence of pseudo political parties, and to provide for proper oversight mechanisms for campaign and party financing.

4. The electoral laws should be amended to make clear distinction between observers (civil society and independent individuals), party representatives (agents or monitors) and media reporters.

5. The electoral laws should be amended to incentivise voters to report election irregularities. The laws should be amended so that a voter is not criminalized for taking bribes, but bribe taking is not to be condoned. This is to encourage all voters to lodge formal complaints and vote of their own will.

6. The standard for validating or invalidating ballots should be based on the principle that the ballot be considered valid if the ballot reflects the will of the voter. The General Elections Act and other regulations should be amended to reflect this principle.

7. The relevant laws should be amended for maintenance of an updated and reliable National Registry by clearly defining roles and responsibilities between the Ministry of Health and Family, Department of National Registration (under Ministry of Home Affairs), island and atoll offices, Maldivian Embassies abroad and hospitals.

3.2 Election Administration

8. The Elections Commission should coordinate with all state institutions (Maldives Police Service, Prosecutor General’s Office, Anti Corruption Commission, Human Rights Commission of the Maldives and others) to avoid “passing the buck.”

9. In addition to strengthening training on procedures and electoral laws, the election officials should be given more training with emphasis on the principles, standards and best practices of a free and fair election.

10. The Elections Commission should not tolerate negligence and incompetence by election officials. Appropriate action should be taken where electoral laws or code of conduct is breached.
11. The Elections Commission should set up mechanisms to ensure better coordination between the National Elections Complaints Bureau, Island and Atoll Coordination Committees and the Maldives Police Service to ensure that election issues are addressed in a timely manner.
12. The Elections Commission should physically display election deadlines in a tabulated form in Male and islands to improve communication between the electorate and the Elections Commission.
13. The Elections Commission should keep their announcements to the public, media and other stakeholders consistent. The Elections Commission’s decisions should be made after thoughtful deliberation and should not change with political pressure.
14. The Elections Commission must set up a functioning complaints mechanism before the start of campaigning to address issues that arise during the campaign and the election period.
15. The complaints mechanism should be revised to reflect cost efficiency, relevancy and effectiveness. The Elections Commission should allocate sufficient resources, ensure proper documentation mechanisms within the complaints bureaus and make arrangements to resolve complaints on the day it is received.
16. The Elections Commission should employ a fax server to replace over thirty fax machines that receive communication from the islands. This will reduce costs, maintain stability, and ensure easy access to the Elections Commission.

3.3 Voter Registration

17. Elections Commission should conduct a fresh registration for each election to stimulate public participation, avoid miscommunication and compile a relatively flawless voter registry.
18. The Election Commission should engage with NGOs and clubs at the island level to help create awareness about voter registration and check the voter registry for flaws.

3.4 Voter Education and Media

19. The Elections Commission should continue voter education in preparation for the upcoming local council elections so that issues relating to the elections are clearly communicated in advance to the public.
20. Comprehensive media monitoring should be undertaken by the Elections Commission to avoid politicization of media, ensure that all media outlets perform according to established laws and regulations and to ensure equal treatment for all candidates.
21. In conducting voter education, the Elections Commission should emphasize more on the “why” of voting and voter responsibilities in addition to voting procedures. The Elections Commission should - in collaboration with all stakeholders - conduct a long term voter education program to combat the culture of giving and accepting bribes.
4. General Context and Political Background of the Parliamentary Elections 2009

4.1 System Change

The Parliamentary Elections 2009 was conducted in the wake of the Presidential Elections 2008. Both elections were conducted under a completely new governance system.

The Parliamentary Elections 2009 was held under the new constitution ratified on 7 August 2008. The new constitution brought a host of changes, including separation of powers and a comprehensive bill of rights. Independent institutions such as the Auditor General’s Office, Anti Corruption Commission, Human Rights Commission, Prosecutor General’s Office, Judicial Service Commission, Civil Service Commission and Elections Commission were formed following the ratification of the “Reform Constitution.”

Under the 2008 constitution, the previous system of a 52 member parliament of two member constituencies was repealed to a 77 member parliament of single member constituencies. The new parliament is fully elected and the constituencies are demarcated based on population as opposed to the previous parliament, where eight presidential appointees and cabinet ministers sat. Though Maldives adopted a presidential system of government, salient characteristics of a parliamentary system feature in the constitution, making the parliament a stronger institution than it was before.

4.2 Political Background

Maumoon Abdul Gayoom, in power for 30 years - since 11 November 1978 - suffered a defeat from his main political rival, the current President Mohamed Nasheed in the October 2008 election.

President Nasheed came second with 25% percent of the valid votes cast in the first round of Presidential Election 2008. His opponent, the then incumbent, President Gayoom won over 40% of the votes. Nasheed, a human rights/political activist managed to garner support to form a loose coalition of almost all opposition parties for the run-off election. Mohamed Nasheed won the run off round with 54% of the vote.

After the Presidential Elections, both Nasheed and Gayoom publicly promised to work together. An unofficial deal was made between the former and current presidents that the former will stay out of politics and the current president will not attempt to prosecute the former president for past actions.

Gayoom remains a force in Maldivian politics as he is still the single most popular candidate, winning over 40% of the valid votes in the first round of the elections. Gayoom’s DRP is the biggest party in terms of membership. Gayoom’s involvement in politics has created uncertainty in the political sphere. The formation of a presidential committee to investigate corruption has further aggravated the situation between the pro Gayoom people and the government. A case has been lodged in court challenging the legality and mandate of the presidential commission. Senior members of the coalition have left the government after making derogatory comments in public, raising the question of stability within the coalition.
4.3 Economic Woes

President Nasheed promised to alleviate the nation’s problems by running a lean government, introducing sustainable economic policies, inviting foreign investment and establishing good governance.

Saddled with a USD 444 million budget deficit, low foreign reserves and high government debt, coupled with a global recession affecting tourism, President Nasheed has proceeded to introduce austerity measures to combat the economic downturn.

4.4 Confidence in the Electoral System

The public’s perception that an election is credible is paramount to acceptance of results and stability following elections. Well ahead of the Presidential Election 2008, Transparency Maldives published An Assessment of the Maldivian Electoral System during July 2008. The report highlighted the concerns of the public regarding the ability of the nation’s institutions to hold a free and fair election.

Due to the transparency and the inclusiveness of the Presidential Election, public perception of the electoral system improved. With the new governance system, a system of checks and balances instilled further trust in the electoral system.

However, the credibility that the electoral administration enjoyed post Presidential Election 2008 eroded after the Parliamentary Election 2009. This is in part due to the politicization of the Elections commission, decisions made by the commission and inconsistent communications to the public.

4.5 Establishment and Proliferation of Political Parties

At the time of the Parliamentary Elections, a total of 13 political parties were registered. When political parties were first legalized in 2005, two main political parties emerged: the opposition Maldivian Democratic Party (MDP) and the ruling Dhivehi Rayyithunge Party (DRP). Membership was based on support for the leaders of the party as opposed to the political philosophy on which the party was established. Hence, party politics in Maldives is based on personalities rather than ideologies.

Over the years, however, divisions within the parties gave rise to more political parties and in some cases pseudo political parties, which in essence were extensions of main parties. Of the 13 political parties, all except Maldivian Social Democratic Party (MSDP) and Peoples Party (PP) fielded a total of 209 of 455 candidates.
### Table 1. List of political parties registered in order of registration, prior to the Parliamentary Election 2009

<table>
<thead>
<tr>
<th>Political Parties</th>
<th>Official Registration Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maldivian Democratic Party (MDP)</td>
<td>June 2005</td>
</tr>
<tr>
<td>2. Dhivehi Rayyithunge Party (DRP)</td>
<td>July 2005</td>
</tr>
<tr>
<td>3. Adhaalath Party (AP)</td>
<td>August 2005</td>
</tr>
<tr>
<td>4. Islamic Democratic Party (IDP)</td>
<td>December 2005</td>
</tr>
<tr>
<td>11. National Unity (Gaumee Itthihaad or GI)</td>
<td>September 2008</td>
</tr>
</tbody>
</table>
5. Legal Framework

The Constitution of Maldives lays the basic legal framework for the Parliamentary Election 2009. The Constitution stipulates that all legislation making power rests with the parliament (Chapter 3, Article 70). In addition to legislative functions, the Constitution empowers the parliament to:

- Amend the constitution;
- Hold the government accountable;
- Endorse and pass the state’s annual budget and supplementary budgets;
- Make decisions on issues regarding independent positions and institutions according to the law; and
- Initiate public referendums on issues of national interest.

The tenure of the parliament is five years, commencing from the date of the first sitting of the parliament (article 79). Article 296 of the Constitution states that the Parliamentary Elections 2009 shall be held before 15 February 2009 and the first sitting shall take place on 1 March 2009. However, the constitutional deadline was not met when the sitting parliament went into recess in December 2009.

5.1 Electoral Laws and Regulations

The Maldives has ratified or acceded to the major human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and Convention on the Rights of Persons with Disabilities (CRPD).

The legal framework that formed the basis for the Parliamentary Elections 2009 were:

<table>
<thead>
<tr>
<th>Political Parties</th>
<th>Passage date</th>
<th>Ratification/Adoption date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution of Maldives</td>
<td>26 June 2008</td>
<td>7 August 2008</td>
</tr>
<tr>
<td>General Elections Act</td>
<td>15 September 2008</td>
<td>15 September 2008</td>
</tr>
<tr>
<td>Electoral Constituencies Act</td>
<td>9 February 2009</td>
<td>10 February 2009</td>
</tr>
<tr>
<td>Parliamentary Elections Act</td>
<td>10 February 2009</td>
<td>15 February 2009</td>
</tr>
<tr>
<td>Regulation on Political Parties 2005</td>
<td>June 2005</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Elections Regulations</td>
<td>18 February 2009</td>
<td></td>
</tr>
</tbody>
</table>

5.2 Compromising the Secrecy of the Ballot

The legal framework is for the most part consistent with the international standards for conducting a free and fair election. However, the provision in the Constitution (Article 171 b) that stipulates counting of ballot papers at the Voting Centre threatens to compromise the secrecy of the ballot. This situation will arise when few voters are registered to vote at a ballot box of another constituency. For example, in a resort where there is only one employee from an island, the secrecy of her/his ballot is compromised if the votes are counted at the voting centre.
in the resort. The Elections Commission revealed that upwards of 3,200 single voters’ secrecy of the ballot would be compromised, with additional 4,017 two or three persons of three voters being affected.

President Nasheed submitted an amendment to article 20(a) of the General Elections Act, seeking to give the Elections Commission authority to take measures to guarantee the secrecy of the ballot. The amendment passed by a small margin on 29 April 2009. The amendment was watered down to say that the Elections Commission should inform the voter to vote at a polling station where the secrecy of his/her ballot can be ensured if the Elections Commission believes that a person is registered at a ballot box where the person is subject to compromising of the secrecy of the ballot.

5.3 Vague Campaign Finances

The General Elections Act specified the management of campaign and candidate finances. The Act stipulates that each candidate should open a bank account which reflects expenditure and donations. The General Elections Act also stated that a candidate can only spend MVR 1,500 per eligible voter. The average population of a constituency is approximately 4,000 of which 3,000 are eligible to vote. This amounts to multiple candidates each being able to spend MVR 4.5 million per constituency. To put the numbers in perspective, President Nasheed spent MVR 30 million for the whole electorate (all 77 constituencies).

In addition to this, the electoral laws did not account for party spending on candidates or in-kind donations. Though the electoral regulations does stipulate that candidates cannot bribe voters, the legal framework fails to draw clear lines as to what constitutes campaigning, social activities and humanitarian assistance. This caused a multitude of complaints to be raised but the electoral system failed to address these issues.

Unless the legal framework is amended to address these issues, there is room for political manoeuvring and abuse of the system for personal or party gain.

5.4 Prevalence of “Pseudo-Political Parties”

Political party formation is governed by a presidential decree on June 2005. The outmoded presidential decree left holes in the legal framework pertaining to the formation, establishment, governance and financial oversight of political parties. The legislation failed to ensure that political parties are distinct legitimate groups.

According to the decree, the Elections Commission is responsible for the registration of political parties. 3,000 valid and unique signatures of persons not belonging to another political party is needed to initiate the process of registration, and a meeting of no less than 300 members of the party to complete the registration process. The regulation does not oblige political parties to maintain 3,000 members beyond registration.

The open publication of party rolls by the Elections Commission revealed duplicate names and forged signatures when submitting members for registration of political parties. Many people lodged complaints with the Elections Commission to have their names removed from party registries as they were added without their knowledge.
Earlier in the year, the Elections Commission publicised that at least three of the registered political parties did not have 3,000 registered members. Furthermore, the Auditor Generals’ reports have revealed gaps in governance structures and oversight mechanisms for functioning of political parties, prompting the Anti Corruption Commission to initiate investigation into fraud and financial mismanagement of a number of registered parties, including MSDP and PRP.  

5.5 Criminalization of accepting bribes

The election rules and regulations criminalize giving as well as accepting bribes. This prevents people from lodging complaints and does not incentivise voters to report cases of bribe giving. Transparency Maldives received various complaints of bribe giving and taking, but was unable to substantiate the allegations as the bribe receiver did not come forward to report it for fear of implicating himself.

The penal code in parliament should be brought in line with international standards to give incentives for voters to come forward with issues of bribe by decriminalizing acceptance of bribes. However, acceptance of bribes is not to be condoned.

There were allegations of bribery against almost all parties and candidates during the campaign period. The inability of the legal and complaints system to handle these allegations and respond to them undermined the credibility of the system.


6. Election Administration

The Parliamentary Election 2009 was administered by the five member interim Elections Commission constituted on 4 September 2008. Article 170 of the Constitution and the General Elections Act empowers and mandates the Elections Commission to: conduct and supervise elections (presidential, parliamentary, local council) and referendums; ensure elections and referendums are held in a free and fair manner.

The interim Elections Commission was formed to conduct the Presidential Election 2008 and Parliamentary Election 2009 under the new constitution. Members for the commission were proposed to the parliament by registered political parties. The upcoming local council election will be undertaken by a new commission proposed by the President and endorsed by the parliament.

6.1 The Interim Elections Commission

Two members of the interim Elections Commission, Ali Faiz and Ahmed Shahid (Saábé) left in December and March respectively. Ali Faiz was appointed as Chairperson of MIFCO, a government owned enterprise and Ahmed Shahid resigned citing a conflict of interest as his spouse was contesting in the Parliamentary Election 2009. Members of the interim Elections Commission are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mohamed Ibrahim</td>
<td>President</td>
</tr>
<tr>
<td>Hussain Siraj</td>
<td>Vice President</td>
</tr>
<tr>
<td>Mohamed Mahir</td>
<td>Member of EC</td>
</tr>
<tr>
<td>Fuwad Thowfeeq</td>
<td>Member of EC</td>
</tr>
<tr>
<td>Hussain Shah</td>
<td>Member of EC</td>
</tr>
</tbody>
</table>

The Elections Commission was remarkably transparent and consultative in the administration of the Parliamentary Elections 2009.

6.2 Administrative Structure

The Elections Commission adopted a four-tiered structure to administer elections. The structure comprised of the Elections Commission, National Advisory Committee, National Elections Complaints Bureau, 60 Constituency Complaints Bureaus, 20 Atoll Election Officers, 192 Island Election Officers, and 398 Polling Committees.

The election officials were trained on electoral procedures and electoral regulations prior to the election.

To ensure neutrality and non partisan administration of elections, the Elections Commission gave preference to select civil servants to man the polling stations. Under the Civil Service Act enacted in early 2008, the complaints bureaus limited active participation of the said category of persons. Though the opposition claimed that civil servants were subjected to political influence, the issue was largely sidelined by the more contentious political appointees (Atoll and Island Councillors)
performing at the local administrative level. The Atoll and Island Councillors were directly appointed by the President.

**Figure 1: Structure of Parliamentary Elections 2009**

![Structure of Parliamentary Elections 2009](image)

6.2.1 The National Advisory Committee and Atoll Advisory Committees

The National Advisory Committee was established in March 2009 to offer advice to the Elections Commission. The National Advisory Committee consisted of a Human Rights Commission member, a police officer appointed by Maldives Police Service, a representative from civil society, and a representative from registered political parties. Transparency Maldives Project Coordinator, Mr Aiman Rasheed was the NGO representative in the National Advisory Committee by consensus among NGOs. For example, political parties were allowed to express their views on personnel being selected for the administration of the elections via the National Advisory Committee.

The National Advisory Committee and the Atoll Advisory Committee functioned purely as consultative bodies, where the electoral administration was responsible for the end decision. The advisory committees’ function was to provide counsel on matters relating to the election. The committee’s role was essential for the transparent and participatory manner in which the election was executed.

6.2.2 National Complaints Bureau, Constituency Complaints Bureau and Complaints Officers

The complaints structure for the elections was set up so that it would function with minimal administrative effort on the Elections Commissions part. The National Complaints Bureau was given authority to investigate all election related offenses. The slow speed of addressing complaints cemented public perception of the Bureau as incompetent and ineffective.
Following the Presidential Election 2009, a Complaints Officer attached to the Constituency Complaints Bureau was present at the polling station. This change in structure made the complaints mechanism more accessible to the public, though anecdotal evidence suggests that the presence and visibility of the officers were low.

6.2.3 Atoll/Island Election Officers and Polling Committees

The appointment of all election officials were at the discretion of the Elections Commission. The Elections Commission appointed 20 Atoll Election Officers and 192 Island Election Officers from the civil service. The Atoll Elections Officers and Island Elections Officers were the focal points for the Elections Commission in matters pertaining to operation of the elections including screening candidates for the Polling Committees and complaints bureaus.

The Atoll and Island Election Officers played an important role in the voter registration process and in channelling complaints before the establishment of the Constituency Complaints Bureau and the appointment of the Complaints Officers.

The Polling Committees were each responsible for one of the 398 ballot boxes. The Polling Committees were selected and finalized during May 2009 and had eight to ten members. The Elections Commission gave preference to appoint civil servants to the Polling Committees as the Civil Service Act limited the active participation of civil servants in politics. However, in cases where qualified civil servants were unavailable or not interested, the Elections Commission resorted to employing from the public and in some cases even political party membership. Concerns about Polling Committees being biased persisted prior to the election. However, the officials were largely perceived to be non-partisan following the election.

6.2.4 Delineation of Constituencies

The Electoral Constituencies Act passed on 9 February 2009 and ratified on 10 February 2009 formed the legal basis for demarcation of constituencies. Under the new Maldivian Constitution, members are elected to the Parliament based on “first past the post” (FPTP) system. This means that the candidate with the most votes rather than a majority of votes is elected.

The Electoral Constituencies Act empowered the Elections Commission to demarcate constituencies based on population. The act also gave room to the Elections Commission to vary the population number within an administrative unit (atoll) by a margin of 15% to avoid splitting of islands/communities and preserve the “age-old” towns or villages.

Article 71 of the Constitution stipulates that each administrative unit with 5,000 or less than 5,000 registered residents be awarded two MPs, with an extra MP awarded for each extra 5,000 registered residents. The first report released by the Elections Commission regarding the demarcation of constituency lines revealed 77 constituencies. The constituency is named by the island that has the highest number of registered residents. In case where islands are split, traditional name of the area coupled with the geographic direction of the constituency is used.
6.3 Accreditation of Observers

The Elections Commission streamlined procedures for accreditation of observers based on the experience of the Presidential Election 2008 and recommendations from Transparency Maldives, international observer groups and technical experts affiliated with the Elections Commission.

The Elections Commission accredited observers from political parties, NGOs and media organisations. The organizations were responsible for the maintenance of the observers’ roster. All observers were obliged to sign a pledge to adhere to the Constitution of Maldives, electoral laws and regulations, and an observer’s code of conduct.

This freed resources for the Elections Commission and gave flexibility to the organizations hosting observations. Overall, the changes brought to the accreditation process made organizing and maintaining observers relatively easy.

The new observer accreditation procedures required the submission of a proposed number of observers and their respective polling stations. Each party requesting for accreditation was provided with one observer card per polling station, with a single person allowed entry to the polling station area at a given time. Over 1,400 observers were accredited by the Elections Commission.
7. Candidate Registration and Campaigning

The candidate registration period lasted from 7-22 March 2009. During this period, a total of 472 persons applied for candidacy. The Elections Commission approved and registered 465 candidates. An additional seven candidates withdrew their candidacy and a further three candidates’ registrations were revoked when the Elections Commission found that these three had unsettled debts with banks registered in Maldives. A total of 455 candidates contested the election for 77 constituencies, of which 246 candidates were registered as independent and 209 on party tickets. 21 women candidates (seven independent and 14 from political parties) were also registered.

Table 1. Breakdown of numbers of registered candidates

<table>
<thead>
<tr>
<th>Contesting Capacity</th>
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</tr>
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</table>

To prevent too many candidates from applying while not restricting the ability to contest, candidates had to deposit MVR 5,000. The amount is returned if the candidate wins more than 10% of the votes from his/her constituency. Independent candidates were required to submit 50 signatures from the contesting constituency. The Civil Service Act (Article 51) states that civil servants must resign from their posts six months before an election. Registration for candidates was announced just a little over two months prior to the Parliamentary Election 2009, making it unrealistic for civil servants to resign before six months.

7.1 Candidate Eligibility

Article 8 (a) of the Parliamentary Elections Act stipulated the candidate eligibility criteria. The Act stated that candidates must:

- Be a Maldivian Citizen;
- Not be a citizen of a foreign country;
- Be a Muslim of the Sunni sect;
- Be 18 years of age; and
- Be of sound mind.

Foreign citizens are eligible to contest five years after attaining citizenship of Maldives, and must be resident in Maldives.
Article 8 (c) of the Parliamentary Elections Act states the grounds on which a person can be disqualified from contesting elections and cases where registration can be revoked. According to Article 8 (c) persons are disqualified if: a person is not paying a decreed debt according to a ruling of court; a person is convicted of a criminal offence and is serving a sentence of more than 12 months; three years has not passed since a person convicted of a criminal offence for a period of 12 months has finished serving his/her sentence or been pardoned; and a person is a member of the judiciary.

If the Elections Commission rejects a person’s candidacy, the person may present a case to the Supreme Court.

7.2 Campaign Period


7.3 Election Campaign Issues

Campaigning was mainly centred on the opposition and government attempting to discredit each other with the independents taking a middle ground claiming that they will not be sold to any party. Issues at the forefront were related to development, economy, society and religion. The government’s strategy was based on a collective campaign aimed at convincing the electorate that a parliamentary majority was critical for delivering the presidential campaign pledges. The opposition campaigned on a platform of holding the executive accountable via the parliament.

Contentious issues surrounding the election were: atoll and island councillors influencing the civil service and using state resources to campaign; vague campaign finances for candidates; allegations of abuse of power; and allegations of bribe taking and bribe giving. Much of the allegations pertaining to the Parliamentary Election 2009 remained unresolved. In interviews with Transparency Maldives, political parties alleged that in some islands, Atoll and Island Councillors hindered the campaign efforts of opposition candidates.
8. *Voter Registration and Voter Registry*

The voter registry proved to be the root factor in most of the problems that the Elections Commission encountered on the Election Day in the Presidential Election 2008 as well as the Parliamentary Election 2009. During both elections, voting was extended beyond the scheduled deadline by the Elections Commission to franchise voters left off the voter roll due to administrative and other errors. However, in comparison to the Presidential Election 2008, the voter registry for the Parliamentary Election 2009 was greatly improved.

Elections Commission’s figures showed that 212,560 voters were eligible to vote in the Parliamentary Election 2009. Approximately 54,550 voters were registered at ballot boxes away from their permanent (registered) place of residence.

Voter registry was made accessible through the Elections Commissions website and was physically displayed at island offices in the islands. Candidates and parties were provided copies of the voter registry on request. The voter registry was published on 8 March 2009, and the public was allowed to register location of voting from 12 March to 16 April 2009. All Maldivian citizens aged 18 and above are eligible to vote. Maldives Police Service, Department of Penitentiary and Rehabilitation Services and the Elections Commission coordinated to allow voting in detention facilities.

8.1 *Compilation of Voter Registry*

The Elections Commission is mandated by law to maintain and update the voter registry. Information for the voter registry is gathered via official sources (Department of National Registration [DNR], Island and Atoll offices and Malé Municipality). The voter registry is then opened for public scrutiny to amend faulty entries. Faults in the voter registry were in part due to voters' apathy to participate in reporting errors in the registry.

Compiling an accurate voter roll proved to be a challenging task as the data at local administrations (island/atoll offices) and at central authorities (DNR and Malé Municipality) did not correspond. The Elections Commission undertook trips to all administrative atolls in an attempt to clear the voter registry of flaws. This exercise was successful as it helped to eliminate errors in the island voter rolls. Observers from the islands reported almost no flaws in the voter registry compared to number of voter registry flaws recorded in Malé. Arrangements were made for voters to register via fax, email, and in person at voter registration centres.

8.2 *Voter Registry Issues*

The passive manner in which the voter registry is compiled, the confusing announcements made by the Elections Commission regarding voter registration, flawed systems to maintain the national registry, and voter apathy towards checking the voter roll were the main issues that affected the quality of the voter roll.

By default, voters were registered at their place of permanent (registered) residence. However, those who voted away from their registered residence in the second round of the Presidential Election 2008 were not required to register if they did not wish to vote elsewhere. The voters
who voted in industrial islands (including airport islands) were de-registered. According to the Elections Commission, this decision was made to make it easier for voters so that a majority do not have to register to vote again. However, these decisions confused voters, and according to the National Complaints Bureau, a majority of the voter registry related complaints on the Election Day arose from miscommunication.

To combat these issues, Transparency Maldives recommends the Elections Commission to undertake a more active approach towards voter registration, where all eligible electors wishing to vote are obligated to register at their preferred voting stations. This exercise could be undertaken with already existing facilities and infrastructure, utilizing the same resources as in the Parliamentary Election 2009.

8.3 **Voter Registry and “Dhaftbaru”**

Some 9,000 people from the atolls who moved to Malé are registered in the “Dhaftbaru” (special list). Some persons registered in the “Dhaftbaru” had moved to their original island of residence and some to other islands. Citizens registered under the “Dhaftbaru” had no permanent residence on paper, raising confusion as to which constituency they would be allowed to vote under.

The persons registered in the “Dhaftbaru” were distributed and registered amongst the 11 Malé constituencies.
9. Media Environment

Various media including the state television and radio, private television and radio stations, print media, posters and flyers were employed by candidates and parties during the campaign process. Transparency Maldives lacked the resources to conduct media monitoring of the Parliamentary Election 2009. No other group conducted media monitoring, making it difficult to assess election coverage, media bias, and equality of opportunity to all candidates. Anecdotal evidence suggests that some private media had their favourites in the election, and was apparent in the reporting of contentious issues such as those surrounding the Thaa Thimarafushi constituency, campaigning and revote in the constituency.

9.1 Legal Framework for Media

The law allowed for media to sell or provide airtime on an equitable basis. There legal framework for the Parliamentary Election 2009 did not allow for provision of free air time as in the Presidential Election 2008. Article 30 of the General Elections Act prohibited selling or providing airtime to one candidate/party in excess of 10% of the time provided to other candidates/parties. The Act also prohibits using foreign media to campaign. The unclear line between providing time for parties and candidates led to heated debates. Political parties alleged that parties with stronger finances were able to secure a stronger media presence and by extension, the media was not equitable in providing media time for campaigning.

It was alleged that the state media was biased in the run up to the Parliamentary Election 2009. Ahead of the election, the Maldivian Democratic Party’s (MDP) government announced new developmental projects and policies and President Nasheed and officials of government travelled to the islands to campaign. This led to allegations of misuse of state resources and the state media was deemed bias for reporting these events.

It was perceived that after the adoption of the Constitution, media would be regulated through legislation. However, the Broadcasting Act and Freedom of Expression Act have yet to be passed by the parliament. The legislation on print media is also archaic and in need of amendments.

9.2 Access to State Media

Airing of voter education programs on state media commenced during mid January 2009. Television Maldives and Voice of Maldives signed agreements with candidates to air the candidate debate. All candidates were invited to participate in the programs. The candidate debates were the most looked forward for programs during the campaign period and became a platform for voters to become aware of candidates’ stand on various important issues.

9.3 Shutdown of Media Outlets After Presidential Election 2008

The beginning of the reform period witnessed proliferation of the media, especially the print media. A multitude of daily newspapers and weekly and monthly magazines went into print. However, many newspapers and magazines, most notably Minivan Daily newspaper stopped printing as the prevailing conditions ceased to exist when a Maldivian Democratic Party (MDP)
government came to power. Priority change for the financiers and owners of the newspapers are believed to be the main factor behind the shutdown of media outlets.

Media outlets, including established media, are reporting difficulties in the economic recession with the new start-ups facing major financial challenges. Shutdown of these media is a cause for worry in Maldives’ infant democracy.
10. Voter Education

Voter education was inadequate given that the Parliamentary Election 2009 was conducted under a completely different electoral and governance system. Voter education for the Parliamentary Election 2009 commenced in January and lasted throughout the Election Day. The Elections Commissions Act mandates the commission to conduct voter education. The Elections Commission, Transparency Maldives, Human Rights Commission of the Maldives, and the state and private media participated in conducting voter education programs. Free airtime worth over MVR 3.3 million was provided by the state media.

Much of the voter education programs were centered on procedural issues of the election as opposed to the principles and standards of a democratic election. Transparency Maldives feels that the electoral process, the role of the Parliament and its powers were not understood well by the electorate. Voter education programs should be adjusted to reflect the principles and standards of a democratic election, the role of Parliament and the “why” of an election.

10.1 Elections Commission’s and Transparency Maldives’ Voter Education Programs

The state media provided the Elections Commission airtime worth MVR 2.2 million to conduct voter education programs. The Elections Commission’s hourly programs were aired every night for nearly three months prior to the Election Day. The programs featured call-ins and panel discussions. The Human Rights Commission of the Maldives and Transparency Maldives participated in most of the programs.

Transparency Maldives, in partnership with Television Maldives (TVM) produced a program named “Madhanee Fendaa” (Civil Panel) in the final week before the Parliamentary Election 2009. This program was completely separate from the Elections Commission’s programs and sought to discuss critical issues from a citizen’s perspective. The Human Rights Commission was invited to “Madhanee Fendaa” by Transparency Maldives and provided assistance in airing the program.

10.2 Candidate Debates

Candidate debates were organized by the state media through the course of two months prior to the Parliamentary Election 2009. The program brought together candidates from each of the 77 constituencies and was aired live twice daily. The candidates were questioned on how well they knew their constituencies, their future plans for the constituency and why they chose to contest the election.

Transparency Maldives coordinated the nation’s only non-partisan domestic observation that covered voting of over 2/3rds of the electorate. 118 observers were deployed in Malé, Hulhumalé, Villingili and to nine atolls in seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnavigani, Gaaf Dhaal, Gaaf Alif, Laamu, Meemu, Baa, Raa and Haa Dhaal helped coordinate the domestic observation effort.

11.1 Overview of Voting

The voting was conducted on 9 May 2009 in Malé and the atolls. Voting concluded at all ballot boxes late evening of 9 May 2009 and early morning of 10 May 2009. Only two ballot boxes went for a revote (N and N in the contentious Thaa Thimarafushi constituency) following a High Court verdict that ruled that the atmosphere in the island was not conducive to a free and fair election on the day of the election. The National Elections Complaints Bureau received over 1,500 complaints, of which 1,312 were registry related. The Elections Commission issued documents for 327 people to vote as they had been omitted due to administrative error on the Commission’s part.

The voter turnout at 79% was high.

Efforts by the Elections Commission to improve on the experience of the past Presidential Election 2008 was evident as voting generally proceeded smoothly all over the nation. 65% of the observers reported that voting progressed with no issues. Officials appeared to be better trained and adept at handling issues. All observers reported that officials were at their stations well ahead of time and all ballot stations had adequate materials needed for voting. However, though to a lesser degree than the previous election, the orderly progression of the election on 9 May 2009 was hampered by the following: 1) faults in the voter registry, 2) inability of the Elections Commission to handle issues with regard to allegations of campaigning and intimidation on Election Day, 3) the slow response to complaints by the National Elections Complaints Bureau (NECB). Four serious violent disturbances were reported by Maldives Police Service.

Towards the pre notified deadline (2000 hrs) of the closure of ballot boxes, it became apparent that eligible voters disenfranchised due to administrative errors would not be able to join the voting queues on time. To allow for voting, the Elections Commission made a decision at 1930 hrs to keep ballot boxes open until the registration issues were solved. Though this decision protected the right to vote, it created confusion amongst the polling officials and the message was not applied consistently. The situation was further aggravated by an ad hoc decision made at 2200 hrs to close all ballot boxes with “no issues” while documents to vote were being issued for eligible voters to vote by the Elections Commission. Two extra ballot boxes were placed in Aminiya School to accommodate these voters.

In the ensuing confusion, voters closed these ballot boxes and staged riots. The situation was brought under control by employing riot police during the early hours of 10 May 2009. Counting of the additional ballot boxes was overseen by Vice President of the Elections Commission, Hussein Siraj.

11.2 Voting Procedures
Voting was scheduled to commence at 0900 hrs and conclude at 2000 hrs at all stations. Voters in queue at prescheduled time of closing were allowed to vote. Voters were in queue early in the morning. The Elections Commissions streamlined procedures for voting queues. Identifying voters and ballot boxes as soon as a voter joined a queue meant that the process was smoother. In stark contrast to previous elections, few (7.8%) observers reported that voters were allowed to vote beyond the voting deadline.

The officials were better trained with 94.2% of observers reporting that polling officials acted impartially and 95.1% of observers reporting that officials attended to issues promptly. 93.2% observers reported that polling officials ensured the orderliness of the polling station vicinity.

Overwhelmingly, observers found that police were professional in their capacity to ensure the security of the ballot box and the area.

In the locations where Transparency Maldives’ observers were stationed, party agents were present at 92.2% of polling stations. Observers reported that other observers/ party agents/ media reporters acted according to the rules (80.6%). Media presence was also high at 63.1% of the locations observed.

However, 16.5% and 8.7% observers reported that persons present (party agents/ voters etc) in the polling station acted in a manner that could intimidate voters and observers.

### 11.3 Counting

Only a fifth (21.4%) of the observers found that ballot boxes closed on time, with only 7.8% of observers reporting that voting took place after the closing time.

Observers and party agents were able to observe the counting process, with observers reporting no issues in observing the counting. Compared to other elections, the counting was a long-drawn-out process at most polling stations due to the large number of candidates contesting in the election and the high number of constituencies. 93.2% of observers reported that counting proceeded smoothly.

### 11.4 Announcement of Results

Interim results were announced at the polling stations and were posted at the location. Copies of the results were provided to observers and party agents where such facilities were available. All result sheets were then to be faxed to the Elections Commission where the sheets were verified and entered into the database.

The Elections Commission first announced that preliminary results for all constituencies were to be announced on the afternoon of 11 May 2009. The Elections Commission later delayed the announcement of provisional results twice. The Elections Commission’s website was hacked late evening of 10 May 2009. The Commission reassured that no data was lost as the database was hosted in the Commission’s secure servers.

The repeated delays in announcement of provisional and final results eroded the public’s confidence in the Elections Commission. Two protests were staged by the Dhivehi Rayyithunge Party (DRP) and the Maldivian Democratic Party (MDP) over delays in announcement of the results. In both cases, riot police had to be employed to control the situation.
In a bid to restore public confidence in the system, the National Advisory Committee for the Elections held a press conference three days after the election, assuring that the Elections Commission was not involved in fraud. Due to missing result sheets, security envelopes (containing the original documents) for 16 ballot boxes were opened in the presence of the National Advisory Committee to locate and verify results.

The final results for the election were announced on 17 May - on the day of the legal deadline for the announcement of results – except for the results for Thaa Atoll Thimarafushi constituency. The High Court ordered to halt the announcement of the results due to a case lodged in court by Gassan Maumoon (ex President Maumoon Abdul Gayoom’s son).

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Of the 21 female candidates, five were successful in winning the seat for their contesting constituency.
12. Annulment of Two Ballot Boxes in Thaa Thimarafushi

High court ordered for a revote in Thaa Thimarafushi on 11 June, with voting to take place within a month. The High Court’s ruling gave the Elections Commission and other parties involved the opportunity to ensure an atmosphere in which a free and fair election could be conducted within 20 days. The election was held in the ensuing days.

The results of the two ballot boxes were annulled on the grounds that the environment in Thaa Thimarafushi was not conducive to a free and fair election. The case was highly politicized and suspected cases of arson and intimidation remained unaddressed in relation to the case.

During the campaign for the revote, the candidate for Dhivehi Rayyithunge Party (DRP) was prevented from campaigning in Thaa Thimarafushi on several occasions, where Maldivian Democratic Party (MDP) candidate Mohamed Musthafa is highly popular. On 26 June 2009, two campaign launches of the DRP candidate, with eight MPs, were at sea for 18 hours because they were prevented from coming to Thaa Thimarafushi.

Prior to the annulment of the two ballot boxes, Mohamed Musthafa lead by 99 votes.

12.1 Revote in Thaa Thimarafushi, 11 July 2009

The revote in Thaa Thimarafushi took place in a highly charged atmosphere. Five observers from Transparency Maldives spent three days in Thimarafushi. Observers reported that police conduct was excellent. Early concerns about the high number of assisted voting were solved with stricter vigilance on deciding whether the person qualifies for assisted voting.

The process was transparent with results being counted live on state TV. Maldivian Democratic Party candidate, Mohamed Musthafa won by a margin of 52 votes.

Table 3. Election Results for Thaa Thimarafushi

| Constituency (results are for the main two candidates from DRP and MDP) |
|------------------|------------------|------------------|
| Candidate        | Number of votes  | Difference       |
| 1. Mohamed Musthafa (MDP) | 1440             | 52               |
| 2. Gassan Maumoon (DRP)     | 1388             |                  |
Annex I

Pre Election Statement (8 May 2009) – Transparency Maldives

FOR IMMEDIATE RELEASE

NB: Transparency Maldives is issuing this press release as a pre-election environment assessment statement. Transparency Maldives will release a preliminary statement at the end of the election (May 10, 2009) and will later publish a final report on the 2009 Maldivian Parliamentary Election.

"Transparency Maldives commends the Elections Commission, and other stakeholders involved in the process and raises concerns about constraints to exercise the free will of the voter"

Transparency Maldives is coordinating a nation-wide domestic election observation of the 2009 Maldivian Parliamentary Election. The observation will cover Male’, Hulhumale, Villingili and nine atolls in all seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnaviyani, Gaaf Dhaal, Gaafu Alifu Laamu, Baa, Raa, Meemu and Haa Dhaal will be deploying over 120 accredited observers. Transparency Maldives will be receiving complaints to its online complaints database via internet and SMS short code 567 throughout the election period. The observation effort will cover about a third of all the ballot boxes, which is approximately 2/3rds of the electorate.

As part of the observation effort, Transparency Maldives conducted a pre-election environment assessment. To gather information, political parties, media, independent candidates, community-based organizations, partner NGOs and individual observers were interviewed and information from Transparency Maldives’ online complaints database was utilized.

Transparency Maldives commends the Elections Commission, police, media and other stakeholders taking part in the election for the transparency and inclusiveness of the electoral process. Transparency Maldives highlights the positive and proactive role the media, civil society and independent institutions, especially Human Rights Commission of the Maldives have played in voter education, the efforts the Elections Commission put into cleaning the voter registry and the fairness and equality of the candidate registering/ vetting process, and the advance preparation by the police to ensure adequate security and provide support to the Elections Commission ahead of the election. Moreover, administrative processes and the mechanisms that the Elections Commission has put in place to ensure the transparency of the process for the day of election is an impressive feat.

However, Transparency Maldives identified three main issues in the electoral process. They are uninvestigated allegations of bribery (vote buying and vote selling) and uninvestigated allegations of exertion of undue influence (threats to civil servants, exertion of undue influence by political appointees, abuse of power by influential persons and hindering campaigns of candidates by others) and circumstances arising in which the secrecy of the ballot is compromised.
The gaps in the legal framework, specifically in defining and drawing clear lines in what constitutes exertion of influence and bribery has affected the relevant institutions reacting to such cases. Moreover, Transparency Maldives notes the legal gaps in ensuring the secrecy of the vote for some estimated 3,000 plus people voting in Maldives and abroad.

Transparency Maldives notes that the mentioned issues could mar the electoral process and constrain the exercise of free will of the voter.

The domestic observation will assess the conduct of the election in accordance with the Maldivian electoral laws and international standards for democratic elections. Transparency Maldives’ observers are in contact with the Commonwealth Observer Group, UN Elections Assessment Mission and observers from diplomatic missions based in Colombo that are coordinated by the European Commission. A final report with recommendations will be published within one month of conclusion of the election.

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Annex II

Post Election Statement (18 May 2009) – Transparency Maldives

FOR IMMEDIATE RELEASE

NB: Transparency Maldives is issuing this press release at the conclusion voting of the Parliamentary Election 2009. A final report with recommendations will be issued within a month.

"Transparency Maldives commends the Elections Commission, and other stakeholders involved in the election process and raises concerns about deteriorating public perception of trust and integrity of the electoral system"

Malé, Maldives – 18th May 2009 – Transparency Maldives coordinated a nation-wide domestic observation mission during the first ever multi party parliamentary election. The observation effort covered Malé, Hulhumale, Villingili and nine atolls in seven provinces. Sixteen partner NGOs in the nine atolls of Seenu, Gnaviyani, Gaaf Dhaal, Gaaf Alif, Laamu, Meemu, Baa, Raa and Haa Dhaal deployed 118 accredited observers. Transparency Maldives received over 700 text messages to the online complaints database during the election process. Transparency Maldives' volunteers observed voting at 242 of 399 ballot boxes, which is approximately 2/3rds of the electorate.

Transparency Maldives commends the Elections Commission for conducting the Parliamentary Election 2009 in a transparent and inclusive manner. The electoral administration had improved from the Presidential Election 2008. Transparency Maldives notes that the Elections Commission took on board many of Transparency Maldives’ recommendations from the presidential election to ensure a free and fair election. Transparency Maldives appreciates the professional manner in which Maldives Police Service maintained security of the election.

The electoral process was transparent and polling proceeded smoothly on the day of election. Transparency Maldives identified two main issues on election day. They are, campaigning on the day of election and the cumbersome complaints process that led to registration and other issues remaining unaddressed in a timely manner.

As in the presidential election, the Elections Commission with consultation from the National Advisory Committee decided to extend voting time from 2000 hrs to 0100 hrs of the next day. A further decision was made by the Elections Commission at 2130 hrs to seal ballot boxes with “no issues.” While the decision allowed disenfranchised voters to vote, it also led to placement of an extra ballot box at Aminiya School and created confusion and public mistrust towards the commission.

Conflicting messages from the Elections Commission regarding the announcement of preliminary results, the disputed ballot box in Thaa Atoll Thimarafushi, the change of decisions of the Elections Commission on administrative matters due to pressure, poor communication and the prevalence of unaddressed issues
from the pre election period caused deterioration of the trust that the Elections Commission has enjoyed since the presidential election.

Though there are issues that need to be addressed, and constraints to exercise the free will of the voter, Transparency Maldives acknowledges that the election is credible and reflects the will of the voter, except in the contentious Thaa Atoll Thimarafushi constituency, where gross electoral violations are reported.

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