

ELECTION OBSERVATION REPORT

PARLIAMENTARY
ELECTIONS
2014

Transparency Maldives (TM), National Contact of Transparency International (TI), is a non-partisan organization that promotes collaboration, awareness and undertakes other initiatives to improve governance and eliminate corruption from the daily lives of people. Transparency Maldives views corruption as a systemic issue and advocates for institutional changes that will punish and prevent corruption.

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SUMMARY

The political turmoil over the past five years created an atmosphere of uncertainty ahead of the parliamentary elections. The controversial transfer of power in February 2012 and the subsequent presidential election crises underlie the uncertainty. The controversial interventions of the judiciary in the electoral process and Supreme Court's suo moto contempt of the court case against the Elections Commission (EC) dismissing EC President and the Vice President, added to these uncertainties.

In terms of the technical aspects of electoral administration and prerequisite freedoms, the electoral legal framework provided the minimum standards required for democratic elections. The 16-point guideline on administering elections, issued by the Supreme Court on 7 October 2013, did not improve the technical aspects and, instead, created confusion and uncertainty.

The EC once again showed their technical competency to conduct elections. The elections were well administered, with generally excellent preparations. The elections were transparent and credibly administered. The voter register was generally clean with a

few complaints during the Election Day and a few cases in which people were unable to vote.

The main issues with the electoral processes and administration included:

- The abrupt dismissal of the President and Vice President of the Elections Commission by the Supreme Court (SC) outside the constitutional process posed significant challenges to the independence and authority of the Elections Commission.
- Loopholes and gaps in the political finance regulatory framework and its weak enforcement.
- Political finance issues like the prevalence of vote buying in practice.
- Loopholes and gaps in the legal framework for Electoral Dispute Resolution (EDR) and the ineffective EDR in practice when it comes to serious electoral infractions.
- Barriers to women's equal political participation and the dismal number of women

contesting elections.

There are other specific reforms to the electoral legal framework and processes that are long overdue, which, inter alia, include:

- Amending the relevant legal framework to rationalize the formula for delineation and growth of electoral constituencies.
- Establishing a mechanism as required under law for public consultation for constituency delimitation and ensuring an inclusive process free from perceptions of partisan interference.

- Ensuring effective representation for people on the daftar special registry and for the thousands of others who have permanently moved away from their former constituencies.
- Ensuring ballot secrecy for single (or for one of a few) voters who vote outside their constituencies.
- Voter education, especially on issues like vote buying, women's political participation, and undue voter influence and intimidation.

PART I

1. POLITICAL CONTEXT

On March 22, 2014, Maldivians voted in the country's second multiparty parliamentary elections. The polls were held after a governance crisis that culminated in the resignation of President Mohamed Nasheed in February 2012 in an alleged coup and following much protracted presidential elections in 2013.

The parliamentary elections once again presented an opportunity to put democratic transition on track. However, Maldivians went to the parliamentary polls under a context of political and electoral uncertainty.

In an unprecedented suo moto contempt of court case, the Supreme Court ruled to dismiss the President and the Vice President of the Elections Commission about two weeks before the elections. Questions arising from a 16-point guideline for conducting all future elections that was issued by the Supreme Court when it annulled the first round of presidential elections in 2013, added to this uncertainty and the political manipulability of the electoral playing field.

The Supreme Court gave six days to the relevant authorities to appoint new members to the EC, and the People's Majlis appointed one member within the period. This

ensured the necessary quorum for the Elections Commission.

The opposition Maldivian Democratic Party (MDP) contested all 85 constituencies. Given the first-past-the-post system with single-member constituencies, coalition parties, including Progressive Party of Maldives (PPM), Jumhooree Party (JP), and Maldivian Development Alliance (MDA) agreed for a strategic formula for the allocation of constituencies. PPM of President Yameen was allocated 50 constituencies, 28 for JP, and seven for MDA. Adalat Party (AP), that also backed Yameen in the Presidential Elections, contested independently in 13 constituencies. Despite agreement on constituency distribution, candidates appeared as independents but aligned with one or the other party that contested in some constituencies.

2. THE SUPREME COURT AND THE ELECTIONS

The Supreme Court played an extensive and unprecedented role during the presidential elections in 2013, annulling the entire first round of presidential elections.¹ The case also bypassed the formal electoral dispute resolution mechanisms. Following its involvement, the elections were concluded 35 days after the constitutional deadline for presidential elections. With five weeks left for the parliamentary elections, the Supreme Court initiated a suo moto case against the Elections Commission for alleged contempt of court and violations of certain court orders and rulings, some dating from 2013 presidential elections period. There was no such precedent.

The suo moto jurisdiction of the Supreme Court was outlined in a new regulation that the Supreme Court itself made on 6 February 2014. The Maldivian Constitution does not have explicit stipulations on suo moto jurisdiction of the Supreme Court to rule on contempt cases relating to the Supreme Court. There is also no statutory legislation elaborating on suo moto contempt cases.

On 9 March, the Supreme Court

reached a verdict on its self-initiated case against the EC. The President and Vice President of the Elections Commission were found guilty and were removed from office, and the President of the Elections Commission was sentenced to prison for six months, suspended for three years.²

The case prompted several international and domestic actors to raise concerns over the role of the Supreme Court in the electoral process. Transparency Maldives issued a press statement noting the Constitution granted powers of appointing and removing members of the Elections Commission only to the Parliament. The European Union Election Observer Mission (EUEOM) also stated the decision to remove the two members from the Elections Commission was outside the Supreme Court's powers.³

The verdict also ordered relevant authorities to appoint new members within six days. The People's Majlis approved one member on 12 March, from among the names the President had earlier forwarded to the Parliament following the resignation of another member during the Presidential Elections.

¹ See TM's Election Observation Report, Presidential Elections 2013.

² Initially, the media present at the hearing reported that in the judgement read out by Justice Abdulla Saeed, all members were sentenced to prison for six months and suspended for three years.

³ European Union Election Observation Mission's Election Observation Report, Parliamentary Elections 2014, p. 10

In addition to the uncertainties arising from the dismissals of two members, the 16-point guideline that was issued by the Supreme Court when it annulled the first round of the 2013 presidential elections also created questions about the electoral processes and administration.

2.1 The 16-point Guideline Issued by the Supreme Court

The Supreme Court issued two major rulings on the Presidential Elections, a 16-point guideline for administering the elections, and no fewer than seven court orders. The guideline opened up issues relating to clarity, possibility of compliance, generality, and consistency of rules, which are all key qualities of law.⁴ Those issues continued, or had the potential, to impact the work of the EC, the elections, and certain individual rights. Overall the guideline technically did not improve the existing system. Some of the issues include:

a) Guideline Requirement for Signatures and Fingerprints on Voter Lists

The guideline's requirement to ensure that the voter lists used in every constituency have the

signatures and fingerprints of the candidates or their representatives and ensure that no other voter lists are used gave effective veto over elections to candidates during the Presidential Elections.

The intent of this requirement appears to be to give confidence to the candidates that the lists used at the polling stations are the final lists they verify. The EC puts its own seal on the voter lists that are used at the polling stations to ensure that no other lists are used. Moreover, if candidates suspect issues with the voter lists at the polling stations (or any other election matter), they could make use of the EDR or file petitions with the High Court.

While these confidence-building and redress avenues already exist, candidates can still be allowed to sign off, including through their seals, voting materials wherever possible. However, a formula to give confidence to the candidates should not come at the expense of the electoral rights of the citizens and unreasonable burdens for election administration. An Electoral Management Body cannot function effectively and independently without some basic level of trust in it.

A crucial quality of law is the possibility of compliance. However, besides the possibility of deliberate refusal by candidates to sign the lists, the requirement does not seem to have taken into account the logistical difficulties of getting the signatures and fingerprints of hundreds of candidates in local council and parliamentary elections.

2463 candidates contested in the local council elections for 188 island councils, 19 atoll councils and two city councils. There were, for instance, at least 40 ballot boxes for which people from 50 to 73 constituencies voted. If we assume even an average of 7 candidates per constituency, that would mean that between 350 and 511 candidates from various locations would have to sign and put their fingerprints on those lists. For Colombo, for example, there were people from more than 200 constituencies registered to vote, requiring about 1400 fingerprints and signatures if we assumed an average of 7 candidates.

There are 85 constituencies for the parliamentary elections and 302 candidates, including 114 independent candidates. In practice, the EC informed that logistical challenges were faced

during the Parliamentary Elections.

b) Requirement to Publish ID Card Numbers on Voter Lists of Re-registered Voters

The requirement under the 16-point guideline for publishing the voter register of the people who re-register to vote away from their permanent residence with their ID card numbers on the register violates international best practice in protection of personal data in electoral matters. Moreover, this requirement violates the principle of equal treatment, as it does not apply to the register of voters who do not vote away from their permanent residence.

This requirement also goes beyond the information for disclosure under Article 9(a) of the General Elections Act, including name, gender, and permanent address.

c) Requirements for Re-registration

The requirement to have the fingerprints of two witnesses and the voter's own fingerprint on the application form for registration to vote outside their permanent residence is inconsistent, unnecessary, and can be a

potential barrier for registration. This requirement too is inconsistent between voters because the fingerprint requirements do not apply to people who are registered under the passive registration or default registration based on the Department of National Registration (DNR) database. The assumption is that passive registration and the DNR database have the authenticity to an extent that does not require fingerprint verification. Other issues with this requirement include:

- The EC does not have its own verification system and does not actually verify the fingerprints of the forms, defeating the stated intent of minimizing fraudulent re-registration. There is also no biometric registration and voting system in place.
- The voter's own fingerprint alone can be sufficient for verification purpose, thus having to obtain fingerprints of two witnesses is an unnecessary hindrance to franchise.
- There have so far been no policies on the mode or method of fingerprints storage and no clear guidelines on how people should print their fingerprints, raising questions if any agency could actually verify the fingerprints.

- There are no provisions in the electoral legal framework on protection of personal data relating to fingerprints. In the absence, there is a risk of misuse of fingerprints.

If the intent of the guideline is to minimize fraudulent re-registration, individual voters and political parties can verify these lists under the existing practices and provisions in the law. If the concern is about fake re-registrations, the names of the people who re-register to vote are deleted in the principal voter lists, minimizing the chances of double voting using fake IDs. Similarly, because the EC deletes the names of those who re-register from the principal voter lists, fake names can't be re-registered unless the original vote register has those fake names. If the concern was that people are re-registered without their knowledge, the EC already required the original ID cards of the people who submit the re-registration forms. At any rate, without actual verification, it does not necessarily address risks of fraudulent or fake re-registration.

Finally, there is no time period given by the Supreme Court guideline for complaints related to fingerprint verification. If parties had demanded

verification of fingerprints as was seen in the Presidential Elections, it could have affected the timely finalization of voter lists.

d) Requirement to Use the DNR Database as the Main Basis for Voter Register

Continuous voter registration over ad hoc registration is the practice in most established democracies and had been the practice of the EC.⁵ The 16-point guideline's requirement to use the database of the DNR as the main basis for putting together the voter register is not clear as to whether or not voter registration could be continuous. In fact, the EC had already been taking into account information from the DNR to update its register before the guideline. The voter register for the Presidential Elections itself used DNR information.

Following the guideline, for the Presidential Elections and the local council elections, the EC used the database to put together registers anew, although for the parliamentary elections, it was used as the main basis to update the existing voter register.

Relevant technical staff within the EC raised issues with any requirement

to use the DNR database to produce voter register anew for every election. The DNR database was not in a format easily convertible to the voter register format. There was no cutoff date given to DNR under the 16-point guideline in providing a final database to the EC. TM was told there were delays in receiving the database information by the EC for the parliamentary elections. The delays did not significantly impact the preparations during the parliamentary elections. (Also see Voter Registration section below.)

e) Requirement on Materials that can be Taken into Polling Stations

The 16-point guideline stipulated that nothing except a pen could be taken into the polling station by anyone, including polling officials. This created confusion both within the EC and among observers/monitors on what they could actually take into the polling stations.

The Supreme Court clarified in a latter court order that 'journalists and observers' could take in what is 'necessary' for their 'professional responsibility'. The latter is not clarified in the court order and 'candidate agents' and 'elections polling officials' are not mentioned in the court order either.

⁵ See Voter Registration, p. 31. Available: <http://www.idea.int/publications/vt/upload/Voter%20registration.pdf>; Also, see Venice Commission's Code of Good Practices in Electoral Matters. Available: [http://www.regjeringen.no/upload/KRD/Kampanjer/valgportal/valgobservatorer/Code_of_good_practice_CD_L_AD\(2002\)023rev_e.pdf](http://www.regjeringen.no/upload/KRD/Kampanjer/valgportal/valgobservatorer/Code_of_good_practice_CD_L_AD(2002)023rev_e.pdf)

3. THE LEGAL FRAMEWORK FOR ELECTIONS

Despite the court order, TM's own observers faced difficulties during the Presidential Elections as to what could actually be taken inside because 'professional responsibility' is subject to interpretation. Officials at a few polling stations even refused to allow the forms used for observation, while the policy on mobile phones varied at different polling stations.

During the parliamentary elections, however, it appeared the provision was not strictly followed.

f) Requirements on the EC IT System

The requirement to seek and implement the opinions of the executive agency, the National Centre for Information Technology (NCIT) and other relevant entities with regard to the management of the IT system of the EC and the requirement to use DNR's database as the main basis for the voter register created doubt among some stakeholders over EC's independence in administering the elections.

Likewise, while these requirements might have given confidence for some stakeholders, for others they meant potential manipulation

of electoral processes by the incumbent government.

There were also allegations of temporary tampering with the registration data ahead of the parliamentary elections. The EC acknowledged records in the server were changed briefly before the issues were identified and rectified.

Recommendations

The People's Majlis to address through legislative amendments the issues arising from the Supreme Court 16-point guideline and annul the separate guideline.

The legal framework provides minimum standards required for democratic parliamentary elections, including universal adult suffrage, the right to be elected and participate in public affairs, prerequisite freedoms, and reasonable access to the media. However, there are loopholes and defects especially in areas such as regulations on political finance and election dispute resolution and complaints mechanism (see below). The relevant laws, rules and regulations for conducting the parliamentary elections consist of the following:

1. The Constitution, 2008
2. General Elections Act, 2008
3. Parliamentary Elections Act, 2009
4. The Constituencies Act, 2009
5. Parliamentary Elections Regulations, 2014
6. Political Parties Act, 2013
7. Political Parties Regulations, 2013

The Maldives is also party to the International Covenant on Civil and Political Rights without any reservations to the key Article 25 on the rights to participation in public

affairs and to any prerequisite freedoms to conduct free and fair elections according to international standards.⁶

a) Secrecy of the Ballot

The Constitution guarantees the right to secret ballot in all elections.⁷ Secrecy of the ballot may be compromised for thousands of voters in the local and parliamentary elections in ballot boxes with single or very few voters registered to vote outside their constituency.

The Parliamentary Elections Act gives discretion to the EC to make arrangements to ensure secrecy in such cases instead of imposing an obligation.⁸ The EC is required to provide details on such arrangements in the Parliamentary Elections Regulations.⁹ The new Parliamentary Elections Regulations has no such details.

During the Parliamentary Elections, there were 2,947 cases of single voters, 1,070 cases of two voters, and 502 cases of three voters in which secrecy of the ballot might have been compromised.

⁶ For an overview of these standards see UN (1994), UN Handbook on the Legal, Technical and Human Rights Aspect of Elections. Retrieved from <http://www.ohchr.org/Documents/Publications/training2en.pdf>

⁷ Constitution, s26(a)

⁸ Parliamentary Elections Act, s20(a)

⁹ Parliamentary Elections Act, s20(b)

4. ELECTIONS ADMINISTRATION AND PROCESSES

b) The Right to Association

The Political Parties Act 2013 unduly limited the right to association by requiring a 10,000 membership to form a political party. In September 2013, the Supreme Court ruled that these provisions of Articles 8(b) and 11(a) of the Act were unconstitutional and that the 3,000-membership requirement provided in the previous regulations would stand until the Act was amended by the People's Majlis.¹⁰ The EC attempted to dissolve political parties that did not have 10,000 members, presumably because Article 29(a) (1) on dissolution was not explicitly declared unconstitutional by the Supreme Court's ruling.

The Supreme Court issued a court order on 9 January 2014 to stop EC's attempt to dissolve those parties, as the requirement to have 10,000 members was no longer constitutional.¹¹ In February 2014, the EC dissolved 8 political parties that did not have 3,000 members in their registry. These actions of the EC were part of the Supreme Court's suo moto case against the EC.

The following parties were recognised by the EC at the time of going to the polls:

1. The Maldivian Democratic Party (MDP)
2. Dhivehi Rayyithunge Party (DRP)
3. Adalat Party (AP)
4. Jumhooree Party (JP)
5. The Progressive Party of the Maldives (PPM)
6. Maldives Development Alliance (MDA)
7. Gaumee Itthihaad Party (GIP)¹²

Recommendations

The People's Majlis to amend the Political Parties Act so that the minimum number of signatures required for registration does not unreasonably limit the right of association.

The People's Majlis to bring amendments to relevant articles of the legal framework to ensure ballot secrecy for absentee voters, by reviewing available practices, including consolidating absentee voting locations, and counting of absentee votes in one central location.

The EC to bring any amendments to regulations well ahead of the elections. It is not best practice to change the electoral legal framework closer to elections.

a) Structure and Composition

The Constitution stipulates that the Elections Commission is an independent and impartial body.¹³ There are five members in the Election Commission, who are to be nominated by the President and approved by the People's Majlis with a majority.¹⁴ The quorum for a meeting of the EC is a majority of the members.¹⁵

At the time of elections, there were just the minimal three members required for quorum. The President nominated three names to the People's Majlis in November 2013 for the vacancy left when one member resigned during the Presidential Elections. However, the People's Majlis failed to appoint a member before going into recess at the end of December. Following the dismissal of two members by the Supreme Court in March, the People's Majlis quickly appointed a member ahead of the elections.

Other structures include permanent atoll-level election units formed in the run up to the Presidential Elections, and island election Focal Points appointed for every

election. The functions of the latter are detailed in the Parliamentary Elections Regulations.¹⁶ These focal points are usually administrative staff of local councils, but cannot be councilors or the head of the administrative staff.¹⁷ They are also required to be non-partisan, but they can be members of political parties.¹⁸ They are required to work in coordination with the atoll-level units.

The EC formed 3-member atoll committees in the past. Their effectiveness was questioned, and the EC decided not to form them for the parliamentary elections.

Recommendation

Ensure that no significant change is brought to the structure of the EC closer to the elections, including the composition of the Commission membership, in order to ensure confidence and predictability in the electoral process

b) Stakeholder Relations, Impartiality and Transparency

The relations between the EC and key stakeholders such as some

¹³ Constitution, s167(b)

¹⁴ Constitution, s168

¹⁵ Constitution, s175

¹⁶ Parliamentary Elections Regulations, s8.

¹⁷ Parliamentary Elections Regulations, ss5-6

¹⁸ Parliamentary Elections Regulations, s6

¹⁰ http://supremecourt.gov.mv/mediafolder/summary_2013.sc-c.11_new_.pdf

¹¹ http://supremecourt.gov.mv/mediafolder/amuru_9.1.2013.pdf

¹² Party Council decided to dissolve the party in December 2013

main political parties with the EC were strained during the Presidential Elections. The perception of the EC held by some stakeholders have improved following the successfully concluded local council elections. No interlocutor identified an instance of major concern over the impartiality of the EC. However, there was still some level of misgiving among some political interlocutors, including the perceived bias towards MDP and the perceived improper public rhetoric by the EC. A few interlocutors from some state institutions also raised some concern with the public rhetoric of the EC.

The National Advisory Committee (NAC) is a potential mechanism for maintaining stakeholder relations and confidence. The new Parliamentary Elections Regulations stipulates the establishment of the NAC at the discretion of the EC, without giving any time period. This is indicative of the low-key status given to a potentially important multi-stakeholder platform. The procedures for its functioning are not detailed in the regulations. There is a code of conduct for members and rudimentary provisions on criteria for appointment.

The NAC for parliamentary elections had eight members:

1. One from each political party fielding candidates for the parliamentary elections
2. Human Rights Commission
3. Civil Service Commission
4. Maldives Police Service
5. Department of National Registration
6. Maldives Media Council
7. Maldives Broadcasting Commission
8. NGOs determined by the EC

The EC convened the first meeting of the NAC on 19 February and weekly meetings were held ahead of the elections. A post-election meeting was also held.

Recommendation

The EC to strengthen the functioning of the NAC through timely convening and detailed procedures for internal functioning.

The People's Majlis to bring amendments to the legal framework to make NAC a more robust mechanism for increasing transparency and building stakeholder confidence.

The EC to strengthen its efforts in public and media engagement to maintain stakeholder confidence.

c) Voter Registration

The Elections Commission is constitutionally required to maintain a voter register.¹⁹ Elections Commission Regulation stipulates that the Secretary General of the EC shall brief the Commission members on the updates to the register every three months.²⁰ The Election Commission itself has the powers to proactively seek all necessary information to update the voter register.²¹

The issue of voter registration was one of the main issues of contention during the Presidential Elections, and several points of the Supreme Court guideline relate to the issue. With the Supreme Court's guidelines, there is confusion as to whether the EC could continue with continuous registration. Notwithstanding the Supreme Court guidelines, international best practices for voter registration are provided in the existing electoral legal framework.²² These include provisions for:²³

- Regular updating and timely publishing of the voter register (at least 45 days) before every election.

- Time period for inspection and submitting complaints regarding the voter register (10 days)
- Deadlines for adjudication of those complaints (5 days)
- Time period for appealing to High Court the decisions of the EC (5 days)
- Time period for the High Court to adjudicate (15 days)
- Not only voters but also parties to inspect registers.
- The protection of voters from the wrongful disclosure of personal data.

The General Elections Act provides for both passive and active voter registration. The initial registration is done by the EC where all voters are automatically registered to vote in their permanent addresses. The EC then opens for re-registration (the active registration) for those who want to vote away from their permanent residence.

An issue with default passive registration based on permanent address is that there are thousands of people who have moved from their permanent residences to live in Male'. Nearly a third of the people re-registered during the Presidential Elections, the bulk of

¹⁹ Constitution, s170(d). Also see General Elections Act, s8(a), Elections Commission Regulation, s39(a)

²⁰ Elections Commission Regulation, s39(b)

²¹ General Elections Act, s8(f)

²² For such practices see, for example, International Electoral Standards, pp. 45-48. Available: http://www.idea.int/publications/ies/upload/electoral_guidelines.pdf

²³ See General Elections Act, ss8-12

which were for Male'. The practice has been to register them anew for each election.

A systemic issue for maintaining voter register was that no election law required any state body to keep a comprehensive and accurate civil register. The DNR now has the mandate to keep a civil register, and its database is the main basis for the EC's voter register as per Supreme Court's guidelines. There are still larger issues of adopting a streamlined system of updating births, deaths, house registrations, assigning ID numbers, change of names, all which affected the accuracy of the voter registry vis-à-vis the official National ID card used for voting.

The EC published the voter register for initial inspection and complaints on 5 February 2014. The amended register following this period was published on 17 February 2014. The EC gave a one-day period for further complaints on the register. Re-registration opened on 18 February until 28 February. Voters were able to verify their details through the EC website and SMS system. Printed copies were also available at each inhabited island.

There was some level of misgiving among some stakeholders on the registration and re-registration

process. The MDP raised issues with the DNR's database and its manipulability by the government. However, during the period for complaints, the EC received 1571 complaints, the bulk of which (1385) were from PPM while MDP submitted only 66 complaints.

The voter register was found to be generally clean with only a few people affected. The low number of complaints to the Elections Commission also indicate that the voter register was generally clean.

Recommendations

The EC to review registration processes to streamline updating of the voter register so that names of the deceased and new voters are more systematically and accurately updated.

d) Constituency Delimitation

(i) Composition of the People's Majlis

The Maldives has a first-past-the-post electoral system with single-member constituencies. Articles 71 and 72 of the Constitution and the Election Constituencies Act provide the manner in which electoral constituencies from the

21 administrative divisions are determined, and the manner in which the boundaries of all the electoral constituencies are determined.

For every 5,000 people or fewer registered in an administrative division, there will be two members. For every subsequent 5,000 people there will be one additional member. Under these principles and with the population growth since 2009, 8 more seats and constituencies are contested on 22 March parliamentary elections. Many interlocutors acknowledged these provisions needed to be amended to rationalize the growth of the membership of the People's Majlis.

(ii) Principles for Constituency Delimitation

The EC is required under Article 10 of the Electoral Constituencies Act to consider a number of principles on delimitation of the electoral constituencies:

1. Maintaining an equal balance in the population of electoral constituencies. (The difference between constituencies cannot vary more than 15% and any deviation must be justified by the EC.)
2. Maintaining the existing electoral constituencies as much as possible when new

ones are created from the same administrative division.

3. Maintaining the population of one island in one electoral constituency wherever possible
4. Having neighbouring islands of the administrative division together to form electoral constituencies
5. Ensuring that constituency delineation is done in a manner that does not upset the social harmony of the population in an administrative division
6. If more than one electoral constituency is to be established in one island, having the neighbouring areas belong to one electoral constituency, taking into account any administrative or social divisions in that island

(iii) Constituency Delimitation Issues

The EC is required to establish a system to consult and seek the views of the people of the administrative divisions for determining electoral constituencies.²⁴ However, there has been no such system established so far. There does not seem to be much public discussion of the issues either. There was only one case that was submitted to the High Court on a constituency delimitation issue of the upcoming

parliamentary elections, which was later withdrawn.

As required under the Constituencies Act, the EC published an interim report on constituency delineation for complaints on 28 September 2013. The EC received just one complaint to the report. The interim report was made based on population figures obtained from local councils as at 31 May 2013.

The final report was published on 17 December, three months before the elections, and before the required 150-day deadline prior to the expiration of the current parliament. The major amendments between the interim and final reports included creation of two separate constituencies for Vilimale' and Hulhumale', two island wards in the Male' administrative division. In the current Parliament they form constituencies combining areas from mainland Male'.

One of the issues with constituency delineation that allows manipulation and "gerrymandering" is the Daftar special registry people, amounting to 7,000 people.²⁵ These are technically Male' residents but do not yet have permanent addresses of their own in Male'. Under Article 5(d) of the

Constituencies Act, EC is required to maintain and publish a register of the Daftar people with their current addresses. One of the reasons for creating separate Vilimale' and Hulhumale' constituencies in the Final Report by the EC was that 'many Daftar people are already seeking permanent homes' from these constituencies.²⁶

The EC again brought amendments to the Final Report following recommendations from the Parliamentary Oversight Committee for Independent Commissions. Instead of a separate constituency for Hulhumale', Hulhuheneveiru constituency was added back. The reasoning was that Daftar population allocated for Hulhumale' in the Final Report was higher than the Hulhumale' population.

The law has no provisions for amendments to the Final Report outside the 21-day period given for submitting complaints to the interim report.

No political party interlocutor raised concerns with the constituency delimitation issue. However, some technical staffs within the EC expressed concern. The best practice is to finalise constituencies

no less than 1 year before elections.²⁷ Last minute amendments after the interventions from incumbent MPs could certainly feed to the perception that the process was not free from partisan interference.

The Supreme Court's guidelines on Daftar register added to the different views on constituency delimitation for Male'. The EC initially registered Daftar people for Presidential Elections based on their living addresses. This was a recommendation to the EC by technical experts and elections observers in the past. The Supreme Court ruled it was not necessary for

the Presidential Elections and there must be separate ballot boxes for the Daftar people notwithstanding their current addresses.

Thus, without a more rationalised basis for allocation of Daftar people, there is certainly room for manipulation and "gerrymandering" using the Daftar register. Without more inclusive and more transparent mechanisms there is room for arbitrariness and manipulation. The following example for Hulhumale'/Hulhuheneveiru constituency alone illustrates the ad hoc, and potentially manipulable, allocation of Daftar people to delineate constituencies in Male'.

REPORT	CONSTITUENCY	DAFTAR POPULATION
Interim Report	Hulhuheneveiru	818
Final Report	Hulhumale'	3,339
Amended Final Report	Hulhuheneveiru	1,100

(iv) Effective Representation

One of the universal principles of electoral constituency delimitation is ensuring effective representation.²⁸ The overall intent of the six principles provided under the Constituencies Act seem to be to give the opportunity for people to elect candidates they feel truly represent them.

In the case of the Daftar people representation is clearly subject to arbitrariness and manipulation. However, an equally problematic issue of effective representation is the thousands of people who have permanently moved to Male' and other islands but who still can only vote for representatives of their permanent addresses.

²⁵ The Daftar is a special residency register for people who become residents of Male' but do not yet own their own permanent addresses in Male'.
²⁶ Elections Commission's Final Constituencies Report 2014, p. 2
²⁷ Venice Commission's Code of Good Practices in Electoral Matters. [http://www.reg-jeringen.no/upload/KRD/Kampanjer/valgportal/valgobservatorer/Code_of_good_practice_CD_L_AD\(2002\)023rev_e.pdf](http://www.reg-jeringen.no/upload/KRD/Kampanjer/valgportal/valgobservatorer/Code_of_good_practice_CD_L_AD(2002)023rev_e.pdf)

²⁸ See International Electoral Standards, pp. 28-29. Available: http://www.idea.int/publications/ies/upload/electoral_guidelines.pdf

Recommendations

The People's Majlis to amend the Electoral Constituencies Act to advance the deadline for finalising the constituencies one year before the elections so as to minimise partisan interference.

The People's Majlis to amend the Electoral Constituencies Act to ensure the delimitation process is inclusive and informed by relevant technical expertise.

The EC to prioritise establishing a mechanism to implement the Act's requirement to consult people for constituencies delimitation.

The People's Majlis to bring amendments to relevant laws to ensure effective representation for Male' Daftar people and people who have moved permanently away from their permanent residences.

e) Electoral Dispute Resolution (EDR)

(i) Structure

The legal framework provides for a multi-level electoral complaints structure for EDR. A five-member National Election Complaints Bureau (NECB), three-member

Atoll/City Complaints Bureaus, and island level individual focal points are appointed by the EC.²⁹

The new Parliamentary Elections Regulations required establishment of NECB as soon as the EC calls for candidate registration, which is a marked improvement from the previous regulations. The NECB exists until 14 days after the official results are announced (which is within 7 days after elections) and other bureaus exist until seven days after the elections.³⁰ However, the EC can extend their mandate if there are pending election complaints.³¹

The EC itself and its island focal points and atoll level administrative units receive electoral complaints before official bureaus are formed. The presiding officer of the polling stations also acts as a complaints officer on the Election Day.

(ii) Complaints Adjudication Process

The NECB has functional independence from the EC members in practice. However, the final say in adjudication lies with the EC, since the EC can overturn decisions of the NECB. The law provides for a speedy resolution of complaints. Any complaints filed with the bureaus, the units, or the

focal point, should be resolved immediately where possible,³² or within 3 days.³³ Any eligible voter, candidate, political party or accredited observer or monitor can file complaints with the complaints form provided by the EC, upto 5 days after elections.³⁴ However, on Election Day the NECB accepts complaints via phone too.

The Constitution provides for petitioning the High Court by any person to appeal any decision of the EC, challenge the results of an election, or challenge the legality of any other matter related to elections.³⁵ General Elections Act stipulates such complaints must be lodged within 14 days of official results, and the High Court must resolve them within 30 days after the official results.³⁶ The Act also gives specific timeframes for issues such as registration of complaints during various stages of the electoral process.

(iii) Main Issues: General

The Supreme Court's ruling annulling the Presidential Elections circumscribed the High Court's jurisdiction in adjudicating electoral

violations of a criminal nature.³⁷ The High Court can no longer be the first instance court for such electoral violations. As a result, electoral offences of criminal nature will be treated through the normal criminal justice system.

The best practice is to have time periods for electoral complaints and resolution. Concerns raised, following the Supreme Court's ruling, included that resorting to the normal criminal justice and court could prolong the cases. The relevant stakeholders had no consensus on whether the 14-day period after elections given for the EC under Article 64(c) to submit such cases to the Prosecutor General for submission to the High Court now applied either. The 14-day period may also not be sufficient for investigations if the EC and other authorities are to adhere to the criminal procedures in place. General Elections Act stipulates that High Court must adjudicate on any complaint within 30 days of its filing, but with their jurisdiction now circumscribed, it is no longer clear if the time period applied to other courts that are dealing with criminal matters.³⁸

²⁹ Parliamentary Elections Regulations, s47

³⁰ Parliamentary Elections Regulations, s49(a)(b)

³¹ Parliamentary Elections Regulations, s49(c)

³² Parliamentary Elections Regulations, s52

³³ Parliamentary Elections Regulations, s51 (e)

³⁴ General Elections Act, s63, Parliamentary Election Regulations, s51(d)

³⁵ Constitution, s172

³⁶ General Elections Act, s64(c); s65(b)

³⁷ See High Court ruling No. 2013/HC-I-K/02

³⁸ General Elections Act, s65(b)

In spite of a new regulation adopted ahead of the elections, there are still no clear and detailed rules on the powers and authority of the NECB and other complaints bureaus. Their powers of investigation, including powers to summon, are neither clear nor detailed in the electoral laws. There is difference of opinion on the NECB's authority and jurisdiction even within the EC and between institutions such as the Police, the PG, and the ACC.

The general lack of coherent, rationalized law on electoral infractions, timeframes, and punishments, also posed challenges especially in addressing any dispute of a criminal nature. For instance, the current time limitation of completing and submitting cases 14 days after official results means that any violation of campaign finance by candidates could not be prosecuted as candidates are only required to file an audit 30 days after elections.

These legal limitations are in practice exacerbated by the lack of coordination between other relevant institutions with investigative powers and capacity, including the Maldives Police Service, the Maldives Broadcasting Commission, and the Anti-Corruption Commission. Similarly, confusion about or the lack of mutual understanding on their respective jurisdiction and

mandate results in buck passing between the institutions, including the MPS and the EC. The fact that most of these institutions are very young as independent institutions lacking conventions certainly add to these unclarities.

Because of NECB's temporary nature, there was also no institutionalization as a robust EDR body. This is aggravated by poor induction and training.

(iv) EDR during Parliamentary Elections

International Foundation of Electoral Systems (IFES) conducted training for officials of complaints bureaus for the parliamentary elections. However, the recommendations from the training were not satisfactorily implemented.

Despite allegations of vote buying, no case of vote buying had been successfully prosecuted. The number of complaints received was few compared to the presidential elections. A total of 305 complaints were received. The NECB was able to address most cases. However, lack of procedures and coordination among relevant institutions in particular challenged the functioning of the NECB.

The Elections Commission

forwarded 31 cases to the Police requesting them to forward the cases for prosecution. The Police returned the cases to the Elections Commission citing the stipulation, of the General Elections Act, that offences of criminal nature could only be forwarded to the Prosecutor General by the Elections Commission within 14 days after elections. The case highlighted the level of jurisdictional uncertainties and coordination issues among relevant authorities.

Recommendations

The People's Majlis to bring reforms to the electoral legal framework to strengthen EDR mechanisms detailing the powers and authority of the EDR mechanisms.

The People's Majlis to bring reforms to the electoral legal framework to rationalize electoral infractions, timeframes, and punishments.

The EC to find, through stakeholder discussions, an effective EDR model to the electoral legal framework where inter-agency cooperation can be obtained.

The EC to provide sufficient training to the officials of complaints bureaus and seek technical expert assistance.

In the short term, EC to take the lead in establishing an inter-agency mechanism to address complaints. ACC, MPS, MBC, PG to cooperate to form such a mechanism.

f) Candidate registration and qualifications

(i) Qualifications and requirements

A person is qualified to contest the elections, if he/she:

1. is a citizen of the Maldives;
2. is not a citizen of a foreign country (a naturalized citizen must have been resident for five years to be qualified);
3. is a Muslim and a follower of the Sunni school of Islam;
4. has reached the age of eighteen years; and
5. is of sound mind.

Grounds for disqualifications include:

1. having a decreed debt which is not being paid as provided in the judgment;
2. having been convicted of a criminal offence and is serving a sentence of more than twelve months;
3. having been convicted of a criminal offence and

sentenced to a term of more than twelve months, unless a period of three years has elapsed since his release, or pardon for the offence for which he was sentenced;

4. being a member of the Judiciary.

Qualification based on religion and residency requirements may be contrary to ICCPR requirements, and as clarified under paragraphs 3 and 15 of the General Comment 25.

A candidate can contest from a political party or as an independent. As an independent, signatures of 50 people from his/her contesting constituency are required. A deposit of MVR5,000 is required from all candidates. The deposit is not returned if a candidate gets less than 10% of the votes.

The EC is required to vet and finalize applications within 48 hours of

submission. The short time period is challenging for the parliamentary elections and more so for the local council elections.

(ii) Candidate registration

The EC notified for nominations on 28 January, and gave a 14-day period as required under Article 5(d) of the Parliamentary Elections Act. 316 applications were received before the deadline. Following vetting and withdrawals, a total of 302 candidates are contesting the elections. In 2009, 54% of the candidates contested as independents, while the number decreased to 37% in 2014, indicating the entrenchment of party-based politics in the country.³⁹

(iii) Women's participation

23 women candidates contested the elections and only five were elected.

21 women candidates, out of a total 455, contested in the 2009 parliamentary elections. The low participation and election rates of women are true for the local elections too: out of 2462 candidates, only 282 were women; and, only 59 were elected, while there are a total of 1118 local council seats. No women have contested the Presidential Elections.

There are no formal restrictions to ballot access for women in any of the elections. However, The Second Baseline Human Rights Survey published in 2012 by Human Rights Commission of the Maldives (HRCM) shows that gender inequality remains a huge challenge, with attitudes towards women's empowerment showing a negative trend.⁴⁰ Despite introduction of a new constitution and multiparty elections, the number of women contesting elections has been dismal.

In the Inter-Parliamentary Union's ranking of national parliaments in terms of gender balance, the Maldives is ranked at the bottom, at 126 out of 141 ranked states.⁴¹ Out of the 77 MPs, only 5 are women. The HRCM's human rights survey shows that the low number of

women contesting elections and the lack of qualified women as the leading perceived reasons why only a few women were elected in the local council elections in 2011.⁴² However, a crucial question is why women are not contesting in the first place. Barriers precede and exist at the ballot access stage. They exist at the levels of nominations, party selection, and party primaries. These processes are dominated by men and male decision-makers within all parties.

Recommendations

Relevant authorities, including government, HRCM, and civil society organisations to identify the barriers for women's political participation and address them to increase equal opportunities for women's equal political participation.

Relevant authorities and civil society organisations to conduct mass advocacy campaigns on women's political empowerment and equal political participation.

The People's Majlis to enact appropriate legislation as envisioned under the Convention on the Elimination of All Forms

CANDIDATES	INDEPENDENT	MDA	MDP	ADALAT	DRP	PPM	JP	TOTAL
Male	104	7	78	10	6	47	27	279
Female	10	-	7	2	-	3	1	23
Total	114	7	85	12	6	50	28	302

2014 Parliamentary Elections candidate breakdown

³⁹ See Maldives Majlis (Parliamentary) Elections 2009: Commonwealth Expert Report, p.14 for 2009 details.

⁴⁰ The "Rights" Side of Life: Second Baseline Human Rights Survey, pp. iii, 35-36. Available: <http://www.hrcm.org.mv/publications/otherreports/TheRightSideOfLife10122012Eng.pdf>,

⁴¹ <http://www.ipu.org/wmn-e/classif.htm>

⁴² The "Rights" Side of Life: Second Baseline Human Rights Survey, pp. 35-36. Available: <http://www.hrcm.org.mv/publications/otherreports/TheRightSideOfLife10122012Eng.pdf>

of Discrimination against Women (CEDAW) and as clarified in several General Recommendations by the Committee on the Elimination of Discrimination against Women, so as to accelerate and enable women's equal political participation.

g) Voter Education

The EC is constitutionally mandated to educate voters.⁴³ The EC has begun voter information for the parliamentary elections, but voter education activities are yet to be rolled out at the time of writing this report. Public service broadcaster, MBC, has been airing voter education related programmes.

However, there was a serious need for more extensive voter education on issues such as detrimental effects

of money politics, vote buying, and barriers for women in contesting in elections.

TM conducted voter education for over 150 people in 18 atolls with the assistance from the IFES and UNDP. The EC also conducted its own voter information using posters, banners, electronic and social media, video spots, and loudspeakers.

Recommendations

The EC, donors, and civil society actors to prioritise timely voter education on issues such as vote buying, women's participation, and voter intimidation.

Donors to increase funding for civic and voter education activities

5. CAMPAIGN FINANCE⁴⁴

A recurring systemic issue for elections likely to be exacerbated in the parliamentary elections is campaign financing. Issues of particular concern include:

a) Gaps in Regulating Donations and Campaign Expenditure

- A candidate can spend up to MVR1,500 per eligible voter in his or her electoral constituency. This does not include third party and political parties' own expenditure on behalf of the candidates. This also does not include in-kind expenditure.
- The contributions given by an individual to a candidate for election expenses should not exceed 0.5% of the total allowable expenditure. The contributions given by a legal entity to the candidate for election expenses should not exceed by more than two 2%. Again, these do not include in-kind donations.
- The new Political Parties Act allows anonymous and foreign donations received by political parties after a written permission from the EC.⁴⁵ There are no details in the Act or the Political Parties Regulations on

the grounds and procedures for providing such approval. Candidates cannot accept such donations. However, in the absence of regulation on third party and political party expenditure on candidates, such a prohibition for candidates is not rendered ineffective.

b) Poor Monitoring and Enforcement and Gaps in Disclosure Requirements

- Candidates are required to make all campaign transactions through a bank account and are required to submit a report within 30 days after the elections. Any issues with the reports cannot be effectively dealt with, we were told, as there is a 14-day period given for submitting cases to the PG. A major loophole limiting expenditure to candidates alone is they could theoretically bypass this requirement by having third parties (including a political party) fund their campaign.
- The EC is required to make arrangements for the public to inspect the financial reports submitted by candidates. In practice, these reports are not proactively made available to

⁴⁴ For a further details on of the issues see TM's publications: Transparency in Political Finance in the Maldives and the Pre-Election Assessment for the Presidential Elections 2013

⁴⁵ Political Parties Act, s37. The Political Parties Regulations do not have provisions detailing the grounds and procedures for giving such approval by the EC.

- the public.
- Other than a one-off financial report, there is no requirement for periodic disclosure.
- Campaign finance outside the official campaign period (which could be as short as 30 days) is not regulated at all.
- Campaign finance outside the official campaign period (which could be as short as 30 days) is not regulated at all.

Only 187 candidates out of 302 candidates submitted their campaign financial reports within the deadline of 30 days of elections provided in the law. As of 1 June 2014, there were at least 69 candidates who still had not submitted.

While the new regulations provided for financial statements audited by auditors recognized by Auditor-General, there were differences of opinion whether the Auditor General could be asked to do so through a regulation issued by another state institution.

As of 1 June 2014, the EC did not appoint any auditor to examine the statements. There was no decision taken about how to proceed with the submitted reports. There was no decision on what measures, if any, should be taken for candidates who

failed to submit within the deadline. Finally, no decision had been taken on what could be done for candidates who might not submit at all.

c) Vote Buying

The above gaps in law and weak monitoring and enforcement add to other larger electoral issues such as vote buying. The Penal Code does prohibit bribery in exchange of electoral favours.⁴⁶ Similarly, the General Elections Act recognizes bribery as a ground for annulling an election.⁴⁷ However, there has been no successful prosecution, let alone conviction, in the past.

All stakeholders who commented on the issue highlighted that vote buying was going to be an issue for the parliamentary elections. Focus group discussions conducted for TM's Pre-Election Assessment for the Presidential Elections 2013 indeed suggested that vote buying could be intensified for the parliamentary elections. The reasons include the small size of the constituencies (largest being around 5,000 people), competitiveness for the seats, and high spending abilities of candidates or parties.

The situation is exacerbated by

the fact that the Penal Code allows for the 'services' of candidates that have general benefits.⁴⁸ Donations to schools, community-based organisations, clubs, and developing island infrastructure such as sports stadiums can fall into the latter category. The lack of awareness on the forms of vote buying and insufficient civic and voter education contribute to the issue.

Because candidates and parties are aware that people might not necessarily vote for them even if they accept offers, there have been strategies to make sure the offers are not wasted. These include making people take an oath on the Qur'an, requiring people to show their checked ballot slips before they are dropped into the ballot box, and asking people to write codes on the ballot slips, which the party/candidate representatives can verify when ballots are disclosed during the counting process.

During the polls, there were a number of those allegations of ballot slips with special marks and the police temporarily detained several people who had shown their checked ballot slips. A number of TM's short term observers deployed throughout the country reported they were either aware of or heard about vote buying instances in their

respective islands.

d) Abuse of State Resources

The Anti-Corruption Act prohibits abuse of state resources by all state officials. This technically extends to campaigning too. However, a key interlocutor informed that there are ways to get around this prohibition, such as through conducting official businesses during trips that are otherwise really for campaign purposes. As a result, it was difficult to take action.

The issue is there are no clear lines in the law as there are no regulations on campaign activities of state officials. There are some recommendations from the Auditor General for presidential trips, but they are not binding. As a result, even less than a month away from the elections, government officials have been making trips throughout the country, announcing new projects and launching others. Similar practices are regulated in other countries such as India.

Other forms of abuse reported to TM in the past included using government staff in campaign related activities, government vehicles, and state premises such as council offices by different political parties for campaign activities.

⁴⁶ Article 120(a) of the Penal Code stipulates: "it is a criminal offence to induce the inclination of the exercise of an electoral right for the benefit of a certain party or to offer or promise to offer anything as a gesture of gratitude or gratification or reward for having exercised the electoral right in a certain manner"

⁴⁷ General Elections Act, 65(a)(2).

⁴⁸ Penal Code, s120(d)

Recommendations

The EC and other relevant authorities, including the MPS, should be more vigilant about cases of vote buying ahead of the elections and prioritize investigation and prosecution of such cases through inter-agency cooperation.

The Anti-Corruption Commission should proactively monitor and investigate cases of misuse of state resources for campaigning.

The Auditor General and ACC should propose comprehensive guidelines on the use of state resources in campaigning by incumbent president.

People's Majlis should bring comprehensive reforms to the electoral legal framework to regulate use of State resources and entrusted power by State officials and civil servants during campaigning. Such amendments should include, among others, provisions for prohibition of announcement of unplanned new projects by incumbency following announcement of candidates by the EC.

People's Majlis should bring reforms to the General Elections Act to better regulate vote buying.

People's Majlis should bring

amendments to the Political Parties Act to enhance transparency of political finance, including proscription on anonymous donations and foreign donations.

People's Majlis should amend electoral legal framework so that, among other things, the law:

- Clearly expresses the aims of regulating campaign finance, as clarified under the General Comment 25 to the Article 25 of the ICCPR
- Includes provisions for regulating in-kind assistance from donors
- Includes provisions for objective enforcement by requiring candidates and parties to keep and provide a detailed paper trail of donations with official identifications of donors and vendors
- Rationalizes existing donation limits with clear aims as provided in Article 25 of the ICCPR.
- Provides a clear definition of "campaign expenditure" and categorize campaign expenditure to cover expenditure by candidates, their parties if any, and third parties.
- Has a legitimate aim and proportionate basis for setting a certain per voter spending limit
- Includes provisions for a clear line between promotion of a candidate for election and

- promotion of policies of a party.
- Has detailed provisions how campaign expenditure must be spent and draw clear lines between campaign expenditure and social activities or humanitarian assistance. The latter could constitute expenditure during campaign period. This is necessary to prevent vote buying.
- Includes provisions for periodic reporting and public disclosure of campaign contributions and expenditures by candidates/ parties during campaigning and elections, a manner accessible to the public
- Includes provisions for public disclosure of final audited reports of the candidates in a timely manner

6. MEDIA

The General Elections Act stipulates that all candidates are provided with equal access to the broadcast media. All broadcast media are required to allot airtime for campaign by candidates and parties from the announcement of elections until 6pm of the day before the Election Day. If airtime is to be sold, the prices should be publicly announced. Airtime is to be distributed equitably and no one candidate could get more than 10% of the time allocated for another candidate.⁴⁹

a) Public Broadcaster

Public Service Broadcaster, Maldives Broadcasting Corporation (MBC), issued a regulation on the airtime allotment and a guideline on elections coverage for the parliamentary elections. Under the regulations, candidates get a total of 240 seconds for adverts (8 adverts of 30 seconds), and political parties fielding candidates get a total of 96 minutes (8 programmes of 12 minutes). In addition to voter education programmes, the MBC has organized debates for candidates in all constituencies. These efforts of this relatively young institution must be commended.

b) Media Related Issues

The main private broadcasters have clear alignments with the campaigns of main political parties. Thus, the lack of monitoring of airtime allocation policies and practices by the relevant authorities limit action for non-compliance of the General Elections Act.

Relevant interlocutors acknowledged there was also an issue of clarity on jurisdiction in campaign related access and complaints issues. The broadcast media regulator Maldives Broadcasting Commission is mandated to monitor and take action on violations of code of conduct for broadcasters at any time.

Campaign related violations by the media, including violation of code of conduct for campaigning, could fall through the cracks of jurisdictional confusions between the MBC and NECB/EC. The MBC is of the view that any specific infraction in the electoral legal framework is outside their authority for action. Alleged violations of the code of conduct for campaigning was a concern raised by some interlocutors.

⁴⁴ General Elections Act, s30,

The MBC, and more so the EC, also suffer from a lack of resources in monitoring the media. The MBC attempted some level of monitoring for the Presidential Elections and established a fast-track adjudication process. We were also informed that there was some level of awareness issues on the part of the broadcasters on the requirements.

c) Security and Challenges to Free Media

The station of the private broadcaster RajjeTV aligned with the opposition MDP was completely burnt down during the Presidential Elections in an arson attack. One of its personnel was seriously assaulted and media personnel from several other broadcasters also faced harassment and/or violence during the past few years. There has so far been no complaint lodged at the MBC on an instance of such harassment or attacks on broadcast media this year.

The Supreme Court issued an order on the police to investigate RajjeTV over alleged contempt within 10 days during the Presidential Elections 2013. Under the Maldives Broadcasting Commission Act, the regulator is mandated to take action

on the broadcasters. The institution wrote to the Supreme Court raising concerns. The PG declined to prosecute the case by the police stating it was 'not fit for prosecution'.⁵⁰ However, the Supreme Court order set a precedent that criminal investigations could be launched against the media.

Recommendations

Maldives Broadcasting Commission and Elections Commission should come to a clear understanding on their respective roles for the elections to ensure enforcement of media related provisions for the elections.

International community should assist in capacity building of journalists and towards cultivating a self-organizing professional culture of journalism.

Maldives Broadcasting Commission's mandate to regulate and take action on violations by the broadcast media should be respected and the space for it to function as an independent institution should be provided without orders or interference from other actors.

⁵⁰ <http://www.sun.mv/english/18783>

7. THE ROLE OF THE POLICE AND SECURITY

Politicisation of the security services was one of the issues TM highlighted in the run up to the Presidential Elections. TM's systematic observation, however, found the Police to have generally acted professionally in maintaining security on the Election Day during the Presidential Elections. We were told there was no complaint on the role of the Police during the local council elections.

The EC, the HRCM, the opposition MDP, international actors, and civil society groups, raised serious concerns with the role of the Police in the Presidential Elections crises. These included their alleged role in the cancellation of the Presidential Elections. Information provided in a secret police report was used to annul the entire Presidential Elections.

The electoral legal framework has minimal provisions for the role of Police in maintaining security for electoral processes. The General Elections Act limits the role to maintaining the security of the polling stations.⁵¹ In the absence of this, in the past, the Police and the EC signed memorandums of understanding defining their roles.

The Supreme Court's 16-point guideline gave a mandate to the Police including making arrangements along with the EC to ensure that security is maintained during the process of printing and moving the ballot slips from one place to the other as well as ensuring the safekeeping of the ballot slips and ballot boxes after voting closes. However, this point of the guideline applied only to the Presidential Elections.

The Police held talks with the EC ahead of elections for greater coordination for the parliamentary elections. The institutions appointed focal points for those purposes. The police had an extensive security operation for the presidential and local council elections. They are preparing similar operations for the parliamentary elections. The opposition MDP continues to raise concerns with the role of security services in the elections.

a) Security of the Candidates

Over the past few years several politicians faced harassment, assault and attacks to their person and property. The murder of PPM

MP Dr. Afrashim Ali in October 2012 and the recent potentially fatal attack on MDP MP Alhan Fahmy, who is running as an independent candidate for the parliamentary elections, have raised serious concerns over the security of politicians and candidates.

In February, the Police started to provide security for some candidates contesting the parliamentary elections based on intelligence reports or requests from candidates. The electoral legal framework has no provisions for security for the parliamentary candidates.

Recommendations

People's Majlis to bring amendments to the General Elections Act to clarify the roles and responsibilities of the MPS during elections.

Relevant authorities should continue to ensure the security of the parliamentary candidates and freedoms for campaigning.

MPS should continue to engage in confidence building activities such as consultations with all stakeholders ahead of the elections, prevent politicization of the institution, and ensure the institution or any of its

personnel is not involved in any actions that may negatively impact on electoral processes.

⁵¹ The General Elections Act, s32(f)

PART II

ELECTION DAY OBSERVATION

a) Methodology, Structure, Forms, and Headquarters Set-up

Transparency Maldives conducted a systematic election observation based on a random sample of ballot boxes. The sample size was 217 ballot boxes, out of a total of 473. Because TM used a random sample, the findings were generalizable to the entire country within a known margin of error. The margin of error for the observation was +/-5%.

In total Transparency Maldives recruited 299 elections observers and deployed over 165 observers, covering a random sample of 217 polling stations. Transparency Maldives' observer network has a wide national coverage spanning resorts, prisons, and cities abroad such as Kuala Lumpur and Colombo. All observers were assigned to a regional coordinator. All selected observers were fully trained and were cross checked to be non-partisan and were required to subscribe to and sign a pledge of non-partisanship. None of the observers was a member of a political party. A list of all observers who were deployed on the Election Day is provided in Annex 1. Some observers reported for more than one ballot box in the event that

sample point ballot boxes were located in close proximity in the same polling centre.

Transparency Maldives used two observation forms (F1 and F2) and observers reported twice on the Election Day (see Annex 2 for forms). An observation headquarters was set-up with computer and telephone networks. The call-centre volunteers immediately entered the data to special data entry software. Statisticians then analysed the data.

b) Significant Findings

(i) Logistical Aspects

In terms of logistics, the polls were conducted smoothly with generally excellent administrative preparation. 79% of all polling stations opened by 8:10 a.m., 20% of polling stations opened within the first hour of the required opening time, and 1% of polling stations opened between 9 a.m. and 10 a.m.

Figure 1: Opening time of polling stations

% POLLING STATIONS	
Opened by 08:10	79 %
Opened within first hour of required time	20 %
Opened between 09:00 and 10:00 hrs	1 %

Nearly all polling station officials were in place at all polling stations. The materials required for voting were present at 100% of the polling stations.

Figure 2: polling officials and materials present at the time of opening of polls

% POLLING STATIONS	
Officials in place	100 %
Materials required for voting	100 %

83.52% of polling stations closed within the first hour of the normal closing time of 4:00 p.m.

Figure 3: closing time of the ballot boxes

Before 16:00	11.8 %
Between 16:00 and 17:00	83.5 %
Between 17:00 and 18:00	4.7%

In about 75% of polling stations, there were no people in the queue during the closing of polls.

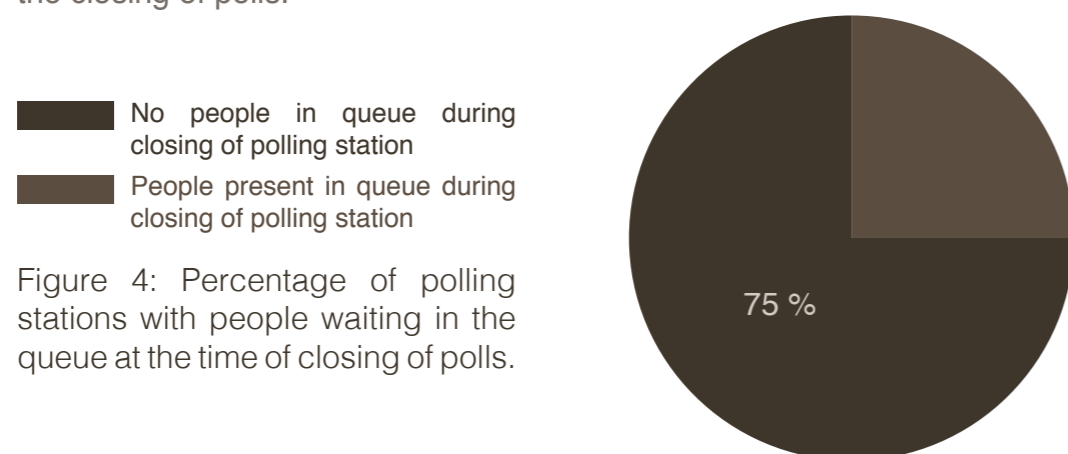


Figure 4: Percentage of polling stations with people waiting in the queue at the time of closing of polls.

(ii) Transparency Aspects

Candidates were well represented at polling stations. Only 10% of the polling stations did not have a party/candidate observer present at the opening of the polls. Maldivian Democratic Party (MDP) observers were present at 78% of polling stations while 81% of polling stations had observers from the coalition parties at the opening of the polls.

Table 5. Candidate/party representativeness during the opening of polls

	% (POLLING STATIONS)
Party/candidate observers present at opening	90 %
MDP observers present	78 %
Observers from coalition parties present at opening	81 %

Similarly, candidates were well-represented during the counting, making the process transparent and adding to its credibility. Maldivian Democratic Party was represented at 89.4% of polling stations during the vote count. Coalition parties were represented at 88.8% of polling stations during the vote count. Only 5.9% of polling stations did not have a party/candidate observer present at the opening of the polls.

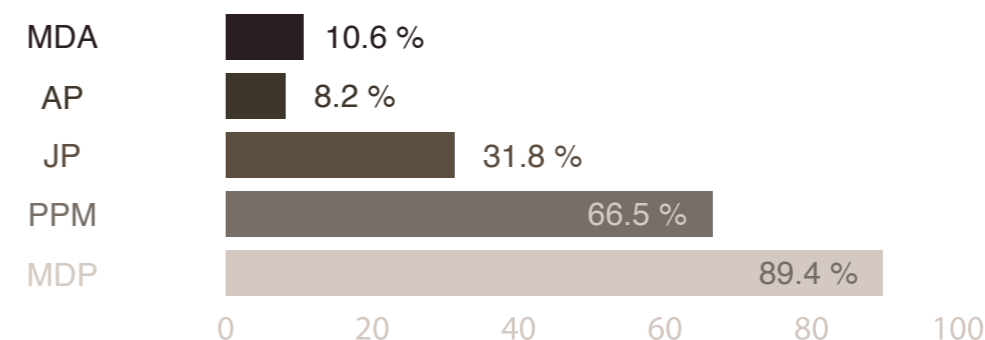


Table 6: Candidate/party representativeness at the counting of ballots by percentage

(iii) Polling processes and voter list issues

their names not being on the voter registry or their details not matching.

As per electoral law, ballot papers were counted and reconciled at 100% of polling stations, while ballot boxes were verified as empty at 100% of the polling stations at the opening of the polls.

Assisted voters were spread across 84.1% of the polling stations, with a reported number of about 1570 people.

(iv) Security, Interruptions and Violence

The layout set-up of 2% of the polling stations might have affected secrecy of the voting, although observers concluded that the polling stations were set up to ensure a secret vote in 98% of polling stations.

The elections took place peacefully with only two cases of minor violence reported. Voting was temporarily halted in 2.4% of polling stations. 75% of these cases were interventions at the direction of the Presiding Officer with the authority to do so, while 25% were interventions by an unruly voter.

Voter registry was overall very clean, with very few cases in which people were not able to vote as a result of

Table 7: Reasons for temporary interruption of polling by percentage



In about 75% of polling stations, there were no people in the queue during the closing of polls.

Table 8: Percentage of polling stations where the police entered and did not enter.



The police security presence was also visible at 93% of the observed polling stations at the time of opening.

(v) Counting and Announcements of Results

The counting and announcing processes went generally smoothly. Unresolved disputes were reported at only 5.3% ballot boxes at the time of announcing results. Similarly, the number of disputes about ballot papers where the Presiding Officer had to make a decision one way or the other was low.

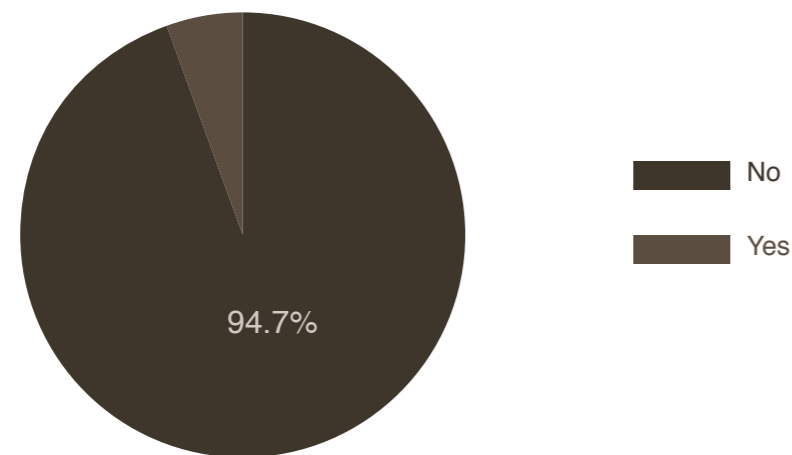


Figure 9: Percentage of polling where unresolved disputes existed at the time of announcing of results.

(vi) Key statistics



Figure 10: Percentage of Males and Females who voted out of 189,642 total voters.

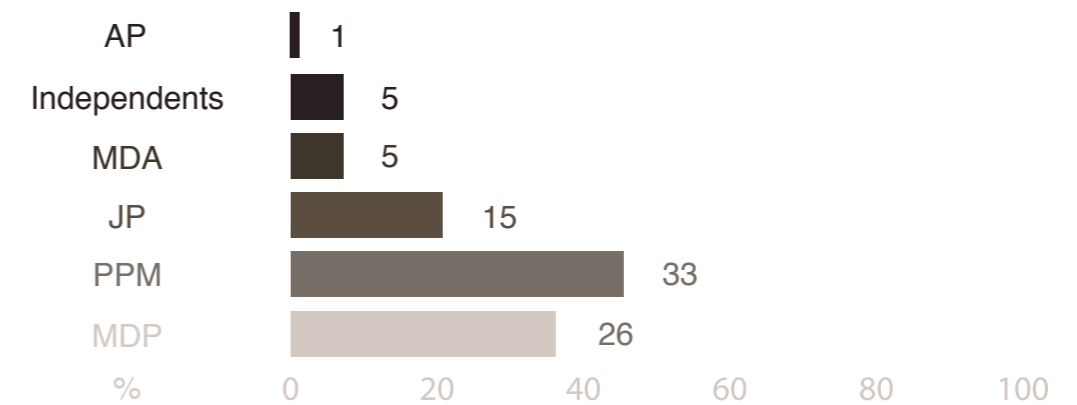


Figure 11: Elected candidates by party.

ANNEX 1: LIST OF OBSERVERS

	NAME	ISLAND	Island of Observation if different from original island
001	Abdul Gafoor Abdulla	Lh. Naifaru	Lh. Hinnavaru
002	Abdul Raheem Hassan	Lh. Olhuvelifushi	
003	Abdul Rauf	B. Dharavandhoo	B. Fehendhoo
004	Abdul Samad Shareef	HDh. Kulhuduffushi	HA. Kela
005	Abdulla Ali	GA. Dhaandhoo	
006	Abdulla Humaid	R. Hulhudhuffaaru	R. Ugoofaaru
007	Abdulla Shan	Male'	
008	Adam Ilham Ismail	HDh. Kulhuduffushi	
009	Adam Naseeh	Lh. Naifaru	Lh. Madhiriguraidhoo
010	Adam Zahir	Male'	
011	Afnan Ibrahim	Male'	
012	Ahmed Ahidh Rasheed	Male'	
013	Ahmed Ajmal	S. Hithadhoo	
014	Ahmed Ali	HA. Thakandhoo	HA. Utheemu
015	Ahmed Azmeel	Ha. Filladhoo	
016	Ahmed Faaril	R. Hulhudhuffaaru	R. Alifushi
017	Ahmed Hassan	HDh. Kulhuduffushi	
018	Ahmed Ibrahim	N. Miladhoo	N. Maafaru
019	Ahmed Ihsan	Male'	
020	Ahmed Inaz	Male'	
021	Ahmed Mashig Mohamed	GN. Fuahmulah	
022	Ahmed Mauroof	Sh. Bileffahi	Sh. Goidhoo
023	Ahmed Naafiz	L. Kunahandhoo	
024	Ahmed Naaif Mohamed	Male'	K. One & Only

025	Ahmed Naufal	Male'	L. Maabaidhoo
026	Ahmed Rasheed	AA. Rasdhoo	AA. Kuramathi
027	Ahmed Shareef	M. Muli	
028	Ahmed Shiham	N. Kendhikolhudhoo	N. Landhoo
029	Ahmed Vildhan	Sh. Foakaidhoo	Sh. Feevah
030	Ahnaf Nizar	Male'	
031	Aiminath Abdul Rahman	N. Kudafari	
032	Aiminath Inaya	Male'	
033	Aiminath Umar	Male'	
034	Aiminath Zaeema	B. Goidhoo	
035	Aishath Afaaf	Male'	
036	Aishath Alma Afzal	Colombo	
037	Aishath Eesa	N. Manadhoo	N. Velidhoo
038	Aishath Fareeha	Lh. Naifaru	Lh. Kurendhoo
039	Aishath Farzana	B. Kudarikilu	
040	Aishath Haulath	Male'	
041	Aishath Hizzath Mohamed	S. Hithadhoo	
042	Aishath Jumla	Male'	
043	Aishath Liga	S. Maradhoo	
044	Aishath Nahuma	Male'	
045	Aishath Rasheedha	L. Funadhoo	
046	Aishath Shamma	Lh. Naifaru	B. Thulhaadhoo
047	Aishath Shiuna	Male'	
048	Aishath Sofwath Shafeeu	Male'	
049	Ali Irufan Ibrahim	HDh. Kulhuduffushi	HDh. Naavaidhoo
050	Ali Shafiu	Male'	
051	Ali Shaneez	Sh. Narudhoo	Sh. Maugoodhoo

052	Ali Suaidh	B. Eydhafushi	
053	Aminath Asfa	Male'	
054	Aminath Ikleela	Dh. Kudahuvadhoo	
055	Aminath Najeeb		
056	Aminath Nuha	Male'	K. Sheraton
057	Aminath Sana	Male'	
058	Aminath Seema	N. Kudafari	K. Huvafenfushi
059	Aminath Sheroza	N. Manadhoo	N. Velidhoo
060	Aminath Urufa Muaz	B. Dharavandhoo	B. Royal Island
061	Arooza Rasheed	Male'	
062	Arushad Ali	Male'	
063	Asfaq Ali	R. Iguraidhoo	
064	Ashham Mohamed	Lh. Naifaru	
065	Azuma Ismail Naseer	Male'	
066	Azzam Ibrahim Naseer	Male'	
067	Bushra Jaufar	Male'	
068	Dhunya Ahmed	Male'	
069	Enas Mohamed Riyas	Male'	
070	Fathimath Aroosha	M. Naalaafushi	M. Raiymandhoo
071	Fathimath Sama	N. Maalhendhoo	
072	Fathmath Hasna Hassan	S. Hithadhoo	
073	Fathmath Ifaadha	Lh. Naifaru	Lh. Hinnavaru
074	Fathmath Mahzoona Abbas	Lh. Naifaru	Lh. Hinnavaru
075	Fathmath Malika Mohamed	Gn. Fuahmulah	
076	Fathmath Nazeera	Lh. Naifaru	
077	Fathmath Nuha Waheed	Male'	
078	Fathmath Sheeath Shihab	Gn. Fuahmulah	

079	Fathmath Shina	GDh. Faresmaathoda	
080	Fathmath Suadha	Dh. Kudahuvadhoo	
081	Hammaadh Ibrahim	M. Veyvah	
082	Hassan Aaish	Th. Buruni	
083	Hassan Ahmed	HDh. Kulhuduffushi	
084	Hassan Arif	M. Naalaafushi	N. Velidhoo
085	Hassan Naufal	Male'	
086	Hawwa Junnath Rashid	S. Hithadhoo	
087	Hawwa Thihnaan	GDh. Thinadhoo	
088	Hussain Areesh	Gn. Fuahmulah	
089	Hussain Fayyaaz	Sh. Foakaidhoo	Sh. Lhaimagu
090	Hussain Latheef	HDh. Kulhuduffushi	Sh. Milandhoo
091	Hussain Shamin	Male'	
092	Ibrahim Abdul Raheem	HDh. Kulhuduffushi	Ha. Ihavandhoo
093	Ibrahim Azeen	K. Maafushi	
094	Ibrahim Haneef	L. Gan	
095	Ibrahim Shiham	L. Isdhoo	L. Dhanbidhoo
096	Ibrahim Solah	Male'	
097	Ibrahim Ziyad	HDh. Kulhuduffushi	HDh. Nolhivaram
098	Ismail Maadhih	Male'	K. Bandos
099	Ismail Mohamed	GA. Dhaandhoo	
100	Jailam Jaleel	Th. Hirilandhoo	
101	Junanath Mohamed	GA. Dhaandhoo	GA. Kolamaafushi
102	Mahudhee Mohamed	AA. Mahibadhoo	AA. Maamigili
103	Mariyam Anisa	AA. Mahibadhoo	
104	Mariyam Falak Ahmed	Malaysia	
105	Mariyam Minha Jameel	Male'	

106	Mariyam Nathasha	Male'
107	Mariyam Nisha	Lh. Naifaru B. Thulhaadhoo
108	Mariyam Nuha	Male'
109	Mariyam Raushan	K. Kaashidhoo
110	Mariyam Riyasa	Male'
111	Mariyam Salaaha	Male'
112	Mariyam Sana	Dh. Kudahuvadhoo
113	Mariyam Shifa	Male'
114	Mariyam Shizana	L. Mundhoo
115	Mariyam Suha	Male'
116	Mohamed Abdul Muhsin	HDh. Kulhuduffushi
117	Mohamed Abdul Wahhaad	HDh. Kulhuduffushi
118	Mohamed Abdulla	HDh. Kulhuduffushi HA. Muraidhoo
119	Mohamed Adhil	AA. Himandhoo
120	Mohamed Aleef Ahmed	GA. Kolamaafushi
121	Mohamed Ali	HDh. Kulhuduffushi HDh. Nellaidhoo
122	Mohamed Ansaar	Male' K. Paradise
123	Mohamed Atheeq	HA. Dhiddhoo
124	Mohamed Athhar Hazaar	Male'
125	Mohamed Hussain	HDh. Kulhuduffushi HDh. Vaikaradhoo
126	Mohamed Irushan	L. Maabaidhoo
127	Mohamed Junood	HDh. Kulhuduffushi Sh. Komandoo
128	Mohamed Mubaah	Male' Th. Thimarafushi
129	Mohamed Nooh	HA. Dhiddhoo
130	Mohamed Rameez	R. Maakurath
131	Mohamed Rayyan Naeem	Male'
132	Mohamed Saamee	R. Dhuvaaafaru

133	Mohamed Sahdhaam	M. Kolhufushi
134	Mohamed Sama Ibrahim	Gn. Fuahmulah
135	Mohamed Shaan Amir	Lh. Hinnavaru
136	Mohamed Shareef	R. Meedhoo
137	Mohamed Shareef	B. Dharavandhoo
138	Mohamed Shuau	Male'
139	Mohamed Sidhan	R. Fainu
140	Mohamed Thasleem	Th. Kandoodhoo Th. Kinbidhoo
141	Mohamed Waheed	Sh. Maroshi
142	Mohamed Yashfau	Male'
143	Moosa Imthiyaz	AA. Thoddu Aa. Ukulhas
144	Mubarak Ahmed	S. Hithadhoo
145	Munzir Abdul Kareem	AA. Rasdhoo
146	Naeesha Ibrahim Ali	Male'
147	Nazeer Mohamed	HDh. Kulhuduffushi Sh. Funadhoo
148	Naziya Ali	Male'
049	Nuha Gasim	B. Maalhos
150	Raheel Rasheed	S. Hithadhoo
151	Rishfa Ali	GDh. Thinadhoo
152	Saalim Thaufeeg	Dh. Meedhoo
153	Sabah Ahmed	Th. Veymandoo
154	Saeed Adam	Lh. Hinnavaru
155	Samah Abdul Muhsin	GA. Dhaandhoo
156	Shafa Moosa	Male'
157	Shaukath Adam	HDh. Vaikaradhoo
158	Shaziya Ali	Male'
159	Shazra Shihab	Male'

160	Shifza Omar	Male'	
161	Shimshaz	GDh. Vaadhoo	GDh. Gaddhoo
162	Shujau Mohamed	GA. Dhaandhoo	GA. Villingili
163	Sufani Nizar	S. Hithadhoo	
164	Yusuf Misbah	Male'	K. Himmafushi
165	Zalif Ibrahim	Th. Dhiyamigili	Th. Gaadhiffushi
166	Zubair Gasim	V. Fulidhoo	

ANNEX 2: PRESS STATEMENTS

a) Pre-Election Statement

TRANSPARENCY MALDIVES TO DEPLOY A NATIONWIDE DOMESTIC ELECTION OBSERVATION MISSION FOR PARLIAMENTARY ELECTIONS 2014
20th March, 2014

b) Press Release I

Male' - (20 March 2014) - As in the Presidential Election 2013, Transparency Maldives will be fielding the only nation-wide domestic elections observation mission comprising over 300 trained observers and volunteers, spanning all 20 atolls and foreign countries.

Through its election program, Transparency Maldives seeks to increase citizen participation in and transparency of electoral processes. Transparency Maldives' systematic observation will help identify areas for further improvement in electoral processes and practices.

The outcome of the election is not necessarily decided on Election Day itself, and hence, the pre-election environment must provide a level-playing field for all candidates, free from obstructions to campaign and for the voters to make an informed choice free from undue influence. To this end, Transparency Maldives is also conducting long-term election observation in addition to

election day efforts. Transparency Maldives' long-term observer network has been functional since 1 March 2014.

Though the pre-election environment is largely peaceful, Transparency Maldives has identified vote buying, allegations of abuse of authority and state resources, and the lack of political financing transparency as major issues of concern through the long term observation.

Transparency Maldives notes the resolution of the uncertainties over the timely conduct of the elections following the Supreme Court's 16-point guideline from the Presidential Election 2013 and its judgement to remove the President and Vice President of the Elections Commission.

Transparency Maldives calls on all parties to continue to maintain the prevailing environment of peace on and following the Election Day, and utilise the established electoral resolution mechanisms in resolving

any disputes.

Transparency Maldives will be releasing a press statement on the processes of opening of polls in the afternoon of the Election Day, and a statement on the Election Day processes, closing and counting of ballots the following day. A final report on the findings with recommendations will be published within a month of conclusion of elections.

c) Press Release II

THE OPENING OF THE POLLS WAS SMOOTH, TRANSPARENT AND WELL ADMINISTERED
22nd March, 2014

Male - (22 March 2014) - Transparency Maldives thanks our observers deployed across the country for their dedication in observing the election processes. Transparency Maldives' observer network has a wide national coverage spanning resorts, prisons, and abroad in Kuala Lumpur and Colombo.

The results we report are based on random sampling and are generalisable to the entire country. These results are based on the observation at the time of opening of polls.

The opening of the polls was smooth,

and the administrative preparation went well. 79% of all polling stations opened by 8.10am, 20% of polling stations opened within the first hour of the required opening time, and 1% of polling stations opened between 9am and 10am.

Nearly all polling station officials were in place at all polling stations.

The materials required for voting were present and the ballot papers were counted at 100% of the polling stations. 100% of ballot boxes were verified as empty at the opening of the polls.

Candidates were well represented at polling stations. Only 10% of the polling stations did not have a party/candidate observer present at the opening of the polls. Maldivian Democratic Party (MDP) observers were present at 78% of polling stations while 81% of polling stations had observers from the coalition parties, at the opening of the polls.

Transparency Maldives also notes that police presence was visible at 93% of the observed polling stations at the time of opening.

Observers concluded that the polling stations were set up to ensure a secret vote in 98% of polling stations. Transparency

Maldives observers will be closely monitoring the 2% of the polling station where the secrecy of the ballot may be compromised due to the layout of the polling station.

We encourage all parties to maintain the climate of peace. Our observers are working hard at polling stations and will be present at the polling stations until the polls are closed and the results are announced.

d) Preliminary Statement

POLLING DAY PROCESSES WELL ADMINISTERED AND TRANSPARENT, BUT WIDER ISSUES OF MONEY POLITICS THREATENS TO HIJACK DEMOCRATIC PROCESS
23rd March, 2014

MALE' -- (23 March 2014) -- Transparency Maldives (TM) appreciates and thanks all observers and volunteers in our observer network, based in 20 atolls and Colombo and Kuala Lumpur. The observers were key to the success of the observation. TM hopes that an independent observation effort at this scale has instilled greater levels of trust in our electoral processes. The results we report are based on random sampling and are generalisable to the entire country.

1. Polling day

The election day processes were transparent and generally well-administered. We are happy to report that the election has been peaceful with just one reported incident of violence inside a polling station. TM congratulates Maldivian citizens for their spirited engagement in the democratic process.

The following are the key findings which we would like to highlight from our observation. 83.52% of polling stations closed within the first hour of the normal closing time of 4:00 p.m.

Voter registry was overall very clean, with a very few cases where people were not able to vote because their names were not on the voter registry or their details did not match. Assisted voters were spread across 84.1% of the polling stations.

Voting was temporarily halted in 2.4% of polling stations. 75% of these cases were interventions at the direction of the Presiding Officer while 25% were interventions by an unruly voter.

We note that the police entered 12.35% of polling stations. However, in 100% of such cases, interventions occurred at the

invitation of the Presiding Officer as the rules allow.

Candidates were well-represented during the counting, making the process transparent and adding to its credibility. Maldivian Democratic Party was represented at 89.4% of polling stations during the vote count. Coalition parties were represented at 88.8% of polling stations during the vote count. Only 5.9% of polling stations did not have a party/candidate observer present at the opening of the polls.

Unresolved disputes were reported at only 5.3% ballot boxes at the time of announcing results.

However, TM calls on all actors to take immediate measures to address wider issues, including vote buying, lack of transparency in political finance, abuse of state resources, barriers for women's equal participation in the electoral processes, and bring long overdue reforms to the electoral legal framework.

2. Vote buying

In a survey conducted by TM in the run up to 2013 presidential elections, 15% of respondents reported that money or other incentives were offered in exchange for their vote. Admissions about illegal activities such as this are usually underreported in surveys. TM's long-term observation indicates

that vote buying may be even more widespread in the parliamentary elections than other elections.

Inability of state institutions to prosecute vote buying due to gaps in the electoral legal framework, lack of coordination, and buck-passing between the relevant institutions have allowed rampant vote buying to go unchecked.

TM recommends to all relevant institutions to monitor, investigate and prosecute vote buying through implementation of the existing legal provisions and recommends to the Parliament to bring urgent reforms to the laws to better address the issue.

3. Lack of Political and Campaign Finance Transparency

Deep flaws in the standards, practices and poor oversight have led to the lack of transparency in political and campaign financing in elections, including the parliamentary elections. When political parties and individual candidates do not fully disclose where they get their money from, it is not clear who funds them, what their potential conflict of interests are, and, thereby allows vested interests to override public interest when elected as MPs. Similarly, Transparency

International's Global Corruption Barometer surveys for the Maldives continue to indicate a crisis of public trust in the Parliament. Increasing campaign financing transparency in parliamentary elections is crucial to hold parliamentarians to account, in order to prevent the hijack of the institution by vested interests and regain public trust in the Parliament .

TM recommends addressing the gaps in the electoral legal framework and implementation of existing provisions to facilitate public scrutiny, ensure periodic reporting and an effective oversight mechanism for political finance.

4. Women Political Participation

Only 23 women out of 302 candidates contested the Parliamentary Elections, out of which only five were elected according to the provisional results. The Maldives is currently ranked 129th place in the Inter-Parliamentary Union's index of parliaments in terms of gender balance. Relevant authorities should identify and address the barriers for women's equal political participation.

5. Other Issues

Additional issues that need to be addressed are:

1. Abuse of state resources and authority by successive regimes, allowing those in power to

campaign at the expense of the public purse;

2. Constituency delineation legal framework and processes that result in assignation of voters to constituencies not based on their domiciled residencies, robbing voters of effective representation;
3. Instances where secrecy of the ballot may be compromised when a few people are registered to outside their constituencies (for example, 2,947 cases of single voters; 1,070 cases of two voters; and, 502 cases of three voters);
4. Lack of effective long-term voter and civic education on issues such as vote buying, political finance transparency and equality of women in political participation; and,
5. Uncertainties arising from the role of the judiciary in elections and, in particular, the 16-point guideline issued by the Supreme Court. TM reiterates that the guideline does not improve upon the technical aspects of the election and recommends that any concerns the guideline intends to tackle be addressed through legislative reforms and within constitutional boundaries.

Transparency Maldives congratulates all winning candidates and urges all relevant actors to reform the electoral systems to increase confidence in and improve electoral systems in

the Maldives. A final report on the findings with recommendations will be published within a month of conclusion of elections.



www.transparencymaldives.org