

**ELECTION OBSERVATION REPORT:**  
**PRESIDENTIAL ELECTION**  
**2018**

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Transparency Maldives, the National Chapter of Transparency International in the Maldives, is a non-partisan organisation 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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# ACKNOWLEDGEMENTS

Transparency Maldives (TM) extends its gratitude to all coordinators, observers, and volunteers who have played an essential part in our election observation work.

Without the support and commitment of these remarkable individuals, we would not have been able to undertake our work to promote electoral integrity and increase public confidence in electoral processes.

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# EXECUTIVE SUMMARY

The Presidential Election on 23 September 2018, with a voter turnout of 89.22%, was held against a backdrop of scepticism and a general lack of trust in the State. Uncertainty as to whether the election will be held at all remained until the last minute. **All parties and candidates did not enjoy the prerequisite freedoms for fair and free elections ahead of the election.** In the run-up to the election, all opposition leaders were incarcerated through trials characterised by irregularities and barred from contesting in the election. The joint-opposition candidate and opposition political parties did not have equal space and opportunity to access public facilities to organise their campaigns and political activities. The campaign materials and equipment used by the opposition for their rallies were often confiscated or removed by the police.

While the minimum standards provided in the electoral legal framework allow for free and fair elections to be conducted in the country, **drastic changes need to occur in order to strengthen the electoral system and bring it in-line with internationally accepted best practices.** These include changes to law to close any loopholes in campaign expenditure and increase transparency in campaign finance. As with previous elections, the lack of comprehensive rules and procedures for electoral dispute resolution remains a key challenge to resolve major electoral issues. As a result, no allegations of vote buying, bribery and abuse of state resources were successfully investigated or prosecuted.

In addition to Transparency Maldives, some institutions such as the Elections Commission and the Human Rights Commission engaged in voter information and education. However, more effort is required to provide voter information on election dispute resolution and voter education on issues such as vote buying, misuse of state resources, and women's participation in politics. Additionally, **immediate measures need to be taken to ensure voter education and campaign messages are accessible to persons with disabilities.**

**The independence of the Elections Commission was called into question** with the contentious appointment of the Commission's new Chair, Ahmed Shareef, who was a former member of parliament representing the ruling party (PPM) and was serving as the Managing Director of a state-owned utility company prior to his appointment.

Furthermore, the 2013 Supreme Court 16-point guideline remained dominant over the electoral legal framework, serving as an undue judicial intervention on electoral administration. **The transparency in electoral administration was further derailed by the Commission's decision to exclude civil society representation in the National Advisory Committee** convened for the election.

Despite widespread public cynicism and disillusionment, the election took place as scheduled on 23 September 2018. **Despite various challenges, the election day process was fairly transparent and peaceful.** However, the administration of the election was unsatisfactory with voters having to wait in queues for prolonged hours, and the vote closing time delayed by three hours, thereby creating confusion among voters.

## POLITICAL CONTEXT

The 2018 Presidential Election took place amidst cynicism, disillusionment and uncertainty. As Transparency Maldives' (TM) Pre-Election Assessment undertaken for the election indicates, there was widespread cynicism about the government's intention to hold the election on time as stipulated by law, and whether the election will be held at all.<sup>1</sup> There was also scepticism about whether the election will be free, fair, and inclusive.<sup>2</sup> The uncertainty surrounding the election reflects the country's turbulent political landscape under the incumbent President Abdulla Yameen Abdul Gayoom's administration.

Within the first two years of Yameen's presidency, the coalition partners that brought him to power had fallen out, leaving only the Maldives Development Alliance (MDA) in partnership with Progressive Party of Maldives (PPM). The PPM-MDA government was rife with internal struggles, resulting in the removal of two vice presidents and two defence ministers. In 2014, a rift also formed between President Yameen and his half-brother and former president Maumoon Abdul Gayoom when the former rejected the latter's preferred candidate to the position of Prosecutor General.<sup>3</sup> The rift grew further in 2016 when Gayoom refused to endorse Yameen as the party's presidential candidate for the 2018 election.<sup>4</sup> This led to the formation of two factions within PPM.

To keep control of the party, Yameen filed a case in Civil Court to remove Gayoom as president of PPM and to establish himself as the party's de facto leader. The court ruled in favour of Yameen, handing over control of PPM to Yameen in the capacity of chief advisor. With increasing political turmoil and tension, Yameen utilised everything at his disposal to consolidate power.

In July 2014, PPM won the majority of seats in the parliamentary election. Yameen used this parliamentary majority to consolidate power, curb a multitude of rights and pass draconian laws in order to persecute political opponents, restrict political activities by the opposition, and control the media. Examples of such laws include the Protection of Reputation and Freedom of Expression Act, the Anti-Terrorism Act, and amendments made to the Freedom of Assembly Act. Opposition-aligned media and journalists faced hefty fines under the Protection of Reputation and Freedom of Expression Act, and a number of opposition political opponents and even members of the ruling coalition who had fallen out of favour were charged under the Anti-Terrorism Act.

In the run-up to the 2018 Presidential Election, no opposition leader was eligible for candidacy, either due to changes to the Constitution, or for having been found guilty of a crime in trials characterised by irregularities and sentenced for a period exceeding 12 months. These leaders included former President Mohamed Nasheed of Maldivian

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<sup>1</sup> Transparency Maldives. (2018), Pre-Election Assessment: 2018 Presidential Elections in the Maldives, <http://transparency.mv/v16/wp-content/uploads/2018/05/Pre-Elections-2018-PREVIEW-8-June.pdf>.

<sup>2</sup> Ibid.

<sup>3</sup> Rasheed, Z. (2016), "PPM division reopen over Gayoom's opposition to grant Yameen party ticket", Maldives Independent, [www.maldivesindependent.com/politics/ppm-divisions-reopen-overgayooms-opposition-to-grant-yameen-party-ticket-124858](http://www.maldivesindependent.com/politics/ppm-divisions-reopen-overgayooms-opposition-to-grant-yameen-party-ticket-124858).

<sup>4</sup> Ibid.

In the run-up to the 2018 Presidential Election, no opposition leader was eligible for candidacy, either due to changes to the Constitution, or for having been found guilty of a crime in trials characterised by irregularities and sentenced for a period exceeding 12 months. These leaders included former President Mohamed Nasheed of Maldivian Democratic Party (MDP) who was sentenced to 13 years in prison under anti-terrorism laws in 2015, Sheikh Imran of Adhaalath Party (AP) who was sentenced to 12 years in prison for allegedly inciting violence during a speech on 1 May 2015, Gasim Ibrahim of Jumhooree Party (JP) who was sentenced to three years in prison over alleged bribery charges, and former president Maumoon Abdul Gayoom of PPM who was arrested in February 2018 amidst the political turmoil that unfolded following a ruling the Supreme Court issued on 1 February 2018 in favour of the opposition.

The court unanimously ordered, amongst other things, the release of opposition leaders, citing irregularities with their trials. Five days after the ruling, the President declared a State of Emergency for 15 days, withholding a number of fundamental rights<sup>5</sup> and suspending various clauses of the Constitution including Article 145 (c) – which in effect suspended the Supreme Court and its powers. In addition, Yameen also suspended the Criminal Procedure Code and the Judges Act. Security forces stormed the premises of the Supreme Court and arrested the Chief Justice Abdulla Saeed and Justice Ali Hameed on suspicions of accepting bribes from the opposition and implied that this was what influenced the Supreme Court to rule in favour of the opposition.

With increased crackdown on dissent and space for opposition activities, exiled political leaders – which included former President Nasheed and former Vice President Jameel – along with representatives of the Adhaalath Party, former Defence Minister Nazim and former Vice President Adheeb, came together to form the Maldives United Opposition (MUO). With political leaders unable to secure candidacy, the MUO leaders agreed to put forward a single opposition candidate.

PPM fielded the incumbent President Yameen as the presidential candidate. The joint-opposition candidate was Ibrahim Mohamed Solih.

## ELECTORAL ADMINISTRATION

### MAIN STRUCTURES AND THEIR FUNCTIONING

The Elections Commission (EC), established under Chapter 7.2 of the Constitution and administered under the Elections Commission Act, is an independent and impartial body tasked with the administration of all elections and public referendums in a way that ensures the free and fair exercise of the right to vote, without intimidation, aggression, undue influence, or corruption.<sup>6</sup> The Commission consists of five members, who are nominated by the President and approved by the Parliament.<sup>7</sup>

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<sup>5</sup> The rights enshrined in Chapter 2 of the Constitution which were withheld by the State of Emergency Declaration are: Article 24 - Right to privacy; Article 29 - Freedom of acquiring and imparting knowledge; Article 31 - Right to strike; Article 32 - Freedom of assembly; Article 43 - Right to fair administrative action; Article 44 - Personal liability; Article 45 - Freedom from unlawful arrest or detention; Article 46 - Limitations to power of arrest and detention; Article 47 - Limitations to search and seizure powers; Article 49 - Release of the accused; Article 50 - Right to prompt investigation and prosecution; Article 56 - Right to appeal; Article 58 - Right to compensation; and Article 65 - Right to apply to court to obtain a remedy.

<sup>6</sup> Article 170(a) of the Constitution (2008).

<sup>7</sup> Ibid.

As per the Presidential Election Regulation, the EC appointed atoll-level coordinating committees and island-level officials across the country for the Presidential Election. The Regulation extensively details their roles and responsibilities.<sup>8</sup>

The EC convened a taskforce of 129 temporary staff for electoral administration. A total of 199 island focal points were appointed through a recruitment process. While EC recruited 50 coordinators to coordinate the electoral processes, a total of 3,871 officials were recruited along with 320 reserve officials. The EC trained a pool of 70 trainers, out of which 55 worked as trainers.

There is a code of conduct for the officials and a pledge of non-partisanship to be signed by officials. Furthermore, there are a number of provisions in law to promote transparency in the work of the Commission, especially with regard to the conduct of elections. However, opposition parties alleged that most officials were PPM activists whose party membership was revoked closer to the election.

The appointment of Ahmed Shareef to the Commission on 6 March 2018, and subsequently named its Chair also raised serious questions about the independence of the Commission. Previously, Shareef was a former Member of Parliament representing PPM. He was serving as the Managing Director of the state-owned utility company Fenaka Corporation prior to his appointment to the Commission. Before the formation of the PPM, Shareef also served as the Secretary General of the People's Alliance party, which was led by President Yameen prior to the formation of PPM. He was a close aide of the President and an active campaigner for the government, having been in attendance at various ruling coalition rallies right up to his appointment.

In April 2018, the Elections Commission announced that it will be holding a meeting with all political parties to discuss preparations for the election. Opposition parties boycotted the meeting, stating that the independence of the Commission had been compromised and alleged that the purpose of the meeting was to protect the interests of President Yameen.

Furthermore, the Supreme Court's 16-point electoral guideline instructing the EC on how it should carry out its mandate and conduct elections is still in place, thus serving as an undue judicial interference on election administration.

TM's observation found that the polling was well-administered. The election day processes were transparent. However, the efficiency of polling day administration was unsatisfactory as voters had to stand in queue for prolonged hours at some polling stations. Due to long queues, closing time of polling stations was extended by three hours, creating confusion among voters.

#### **Recommendations:**

- Amend the Elections Commission Act to further clarify code of conduct of members and staff to ensure independence of the Commission.
- Revoke the 16-point guideline to ensure that the electoral processes are governed by the Constitution and the electoral legal framework.

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<sup>8</sup> Articles 4-10 of Presidential Election Regulation (2013).



## AMENDMENTS TO THE LEGAL FRAMEWORK

Changes to the electoral legal framework were brought with less than three months to election day. The government submitted three bills to the Parliament on 24 June 2018, seeking to bring changes to the Presidential Election Act. These proposed amendments include:

1. Limiting candidacy of Maldivians who hold foreign citizenship or who has sought foreign protection or asylum by requiring the individuals to give up foreign citizenship or asylum at least 10 years prior to contesting elections.<sup>9</sup>
2. Increasing candidacy fee from MVR 40,000 to MVR 100,000.<sup>10</sup>
3. Invalidating ballot papers with marks or symbols.

The first two amendments were ratified by President Yameen on 9 July 2018. The amendment to invalidate ballots with marks or symbols other than the check mark was withdrawn from the Parliament.

Several amendments were also brought to the General Elections Act. These include:<sup>11</sup>

1. Increasing the spending limit that a candidate can spend on each eligible voter of their respective constituency was increased from MVR 1,500 to MVR 2,000.
2. Reducing the duration to submit campaign finance report from 30 days to 21 days.

Other amendments to the General Elections Act clarified coordination between stakeholders during election period, concerns regarding voter registry, and re-registration.

### Recommendations:

- Parliament should not amend the electoral legal framework driven by short-term political objectives and ad hoc interests, especially closer to the election.
- Elections Commission to lead coordination among stakeholders to review and amend the legal framework in a meaningful and holistic manner

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<sup>9</sup> First amendment to the Presidential Election Act, <http://mvlaw.gov.mv/pdf/ganoon/chapterI/3-2018.pdf>

<sup>10</sup> Second amendment to the Presidential Election Act, <http://mvlaw.gov.mv/pdf/ganoon/chapterI/5-2018.pdf>

<sup>11</sup> First amendment to the General Elections Act, <http://mvlaw.gov.mv/pdf/ganoon/chapterI/4-2018.pdf>

# THE NATIONAL ADVISORY COMMITTEE

The National Advisory Committee (NAC) for the Presidential Elections is the highest statutory multi-stakeholder advisory body for the EC. As per the Presidential Elections Regulation, membership of the NAC includes:<sup>12</sup>

1. Presidential candidates of political parties
2. Independent presidential candidates.
3. Human Rights Commission of the Maldives
4. Maldives Police Services
5. Civil society organisations selected by the EC
6. Maldives Media Council
7. Maldives Broadcasting Commission

While the mandate and working of the NAC is minimally provided for in the Regulation, NAC is a crucial body for increasing transparency and stakeholder confidence in the electoral processes and administration, especially in a polarized political context.

However, the EC decided not to include civil society representation in the NAC convened for the 2018 Presidential Election, thus further diminishing public trust and confidence in the EC. It is important to note that TM had been a member of the committee in all elections since 2008, except during the 2017 Local Council Election and the 2018 Presidential Election.

Members of the committee, particularly representatives of opposition political parties, noted that the functioning of the Committee was highly one-sided, with state agencies dominating all decision-making.

The electoral legal framework fails to provide for a stringent advisory committee, hence leaving the functioning of the committee at the discretion of the Commission.

## Recommendations:

- Ensure that the National Advisory Committee achieves the objective of building trust in election administration by increasing transparency and inclusiveness of electoral processes.
- Strengthen the electoral legal framework to ensure an inclusive decision-making process within the national advisory committee.

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<sup>12</sup> Ibid, Article 3(b).

## THE COMPLAINTS MECHANISM

The General Elections Act, in its Article 62, mandates the Elections Commission to establish convenient, efficient, and effective mechanisms for addressing electoral complaints. As such, the Presidential Election Regulation makes provisions for the establishment and functioning of multi-level complaints and redress mechanisms.<sup>13</sup> The primary mechanisms for submitting complaints is via the National Elections Complaints Bureau and the City/Atoll National Elections Complaints Bureau.

However, if there are any complaints prior to the establishment of the complaints bureaus, there are also provisions to submit complaints to the Elections Commission directly, as well as to the Island Focal Points and the City/Atoll Elections Committees. All complaints filed with the mechanisms must be adjudicated within 2 days.

The EC recruited 58 individuals for atoll complaints bureaus.

In addition to the complaints mechanisms established under the Presidential Elections Regulation, the legal framework allows for any decisions by the EC regarding complaints to be challenged at the High Court. Article 65(b) of the General Elections Act stipulates that the High Court must adjudicate on any complaints within 30 days of its filing. This deadline is problematic, as any subsequent round of the election must be conducted within 21 days of the previous round, and the final results of the election must be announced within 7 days of the elections.

TM's Pre-Election Assessment found that the general public had two key concerns with regard to the complaints mechanism: 1) Failure of authorities to take timely actions for complaints adds to frustration and lack of trust and confidence in the electoral process and the Commission, and 2) Lack of awareness about the complaints mechanism. Additionally the complaints mechanism fails to be a viable mechanisms via which abuse of state resources and vote buying can be submitted as complaints.

### Recommendations:

- Reform the electoral complaints mechanism to address elections-related complaints in a timely and effective manner by enforcing coordination in awareness, investigation, and prosecution of electoral offences between relevant authorities such as the Anti-Corruption Commission, Prosecutor General's Office, Attorney General's Office, and Maldives Police Service.
- Elections Commission to include information about complaints mechanism in a prominent manner in voter education and information efforts.
- Civil society organisations and media to focus on complaints mechanism in voter education and information efforts.

## INCLUSION OF PERSONS WITH DISABILITIES

TM's election day observation showed that 7.3% of total voter turnout were assisted voters distributed across 86% of polling stations. The Pre-Election Assessment showed that physical accessibility of persons with disabilities to polling stations was a minor concern. Key issues with regard to participation of persons with disabilities in the electoral process are: 1) Lack of targeted voter education for persons with disabilities in an accessible manner, and 2) Abuse of assisted voting.

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<sup>13</sup> Ibid, Article 55.

The national apparatus and the electoral legal framework are significantly silent about persons with disabilities. Article 45(b) of the General Elections Act stipulates that: “It is permissible for another individual to assist a physically challenged person who is unable to mark his ballot. However, an individual can only assist in marking a ballot of only one physically challenged person.”

Even though access to assistance in voting is ensured for persons with disabilities, there are no measures in place to ensure that the assistance does not infringe the right to secrecy of the ballot for voters with disabilities. Additionally, the lack of a comprehensive national registry of persons with disabilities means that the EC is unaware of persons with disabilities who will be voting at any given polling station. Voters who require assistance in voting are identified after tests administered by a polling station official at the polling station.

Furthermore, EC’s ad hoc decisions with regard to assisted voting further decreased public trust in the electoral process. On 17 July 2018, EC announce that it is their officials who will assist voters that require assistance to cast their vote. Given the general atmosphere of mistrust towards the EC, this decision was perceived by the opposition, civil society organisations and the public as an attempt to influence vote. On 22 July 2018, EC revoked this decision.

#### **Recommendations:**

- Mandate upon an institution to develop and maintain a national register of persons with disabilities.
- Elections Commission and civic and voter education providers to conduct targeted voter education and information sessions to persons with disabilities.
- Elections Commission to explore and provide assistive/facilitative technologies for people with disabilities to maintain the secrecy of the ballot, promote universal suffrage and increase autonomy of people with disabilities.

## **ELECTORAL CONTEXT**

As detailed in TM's Pre-Election Assessment, the electoral environment was characterised by political suppression. While the ruling party was able to hold its activities unhindered, the opposition was deprived of space to conduct political activities. According to opposition members, multiple requests were made to the relevant authorities requesting permission to hold political gathering and activities in public venues. However, permission was granted only once to hold a gathering in Malé few weeks before the election. This was the first time in three years that the opposition was granted permission to hold a political rally. Any other attempts to hold rallies or protests by the opposition was faced with riot police--often with undue force--stating that such gathering were illegal under the Peaceful Assembly Act. Fines were imposed on opposition parties, and in some cases criminal charges were raised. The Pre-Election Assessment additionally found that banners, flags, speaker systems and even vehicles used by the opposition for their rallies were often confiscated or removed by the police. In some islands, fabric rolls and blank canvases that could be used as campaign materials were also confiscated by the police, especially prior to island visits by state officials. In contrast, the ruling party was observed to have political and campaign activities on a wide scale without any obstruction.

## MISUSE OF STATE RESOURCES

Misuse of state resources has been a regularly observed yet an unaddressed issue across multiple governments. TM's long-term observers (LTOs) deployed throughout the country reported a few cases of misuse of state resources in their communities prior to the Presidential Election. The Pre-Election Assessment also found that the pre-election environment was rife with abuse of state resources. Common forms of abuse included inauguration or completion of government projects close to the election day; use of state venues, vehicles and human resources for campaign activities; and civil servants and staff of state-owned companies being forced to attend rallies organised by the ruling coalition, with threats of termination or other forms of retribution if they failed to do so.

While some interlocutors of the Pre-Election Assessment highlighted the potential for the government to use institutions such as the National Department of Registration to manipulate vote on election day using fake identity cards, no such incidents were observed in TM's election day observation efforts.

While some media picked up on the issue of abuse of state resources following publication of the Pre-Election Assessment, no measures were taken by state authorities to address the issue. The electoral legal framework is largely insufficient to tackle the issue of misuse of state resources for campaigning. Although Article 14(a) of the Prevention and Prohibition of Corruption Act and Article 45 and 46 of the Political Parties Act can potentially be used to tackle the issue, state officials can easily escape accountability by framing campaign trips as official trips.

### Recommendations:

- Strengthen electoral legal framework to include provisions whereby the incumbent government is prohibited from holding major public events related to the announcement, inauguration or completion of government projects during the campaign period of elections.
- Civil society to coordinate with political parties and state institutions to reduce the negative impact of vote buying and misuse of state resources by conducting civic education and awareness programs.
- State authorities including Anti-Corruption Commission, Maldives Police Service, Attorney General's Office, and Elections Commission must coordinate to implement the electoral legal framework to hold to account abuse of state resources.
- Media to monitor and report instances of misuse of state resources within the election period, and to give prominence to the issue in voter education programs.

## VOTE BUYING

As with previous elections, TM received complaints of vote buying and bribery in the run-up to this election. Despite vote buying being widespread in the country, the legal framework does not comprehensively cover vote buying nor provide a clear definition for it. While the new Penal Code and the General Elections Act criminalises vote buying and bribery<sup>14</sup>, a donation made by a candidate, even if directly, is not considered as vote buying if the donation has general benefits. Thus, 'gifts' donated by candidates or parties to schools, clubs, community-based organisations and island communities continued during the run-up to the election without any legal ramification. Other forms of vote buying, as found in the Pre-Election Assessment, included candidates and parties providing drugs to youth and those suffering from addiction, and providing funds to families that required healthcare and other necessities.

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<sup>14</sup> Article 15 of the Penal Code, and Article 74(12) of the General Elections Act.

A common method used by candidates and parties to confirm that people voted as promised after accepting money or gifts is by asking voters to draw a certain mark on the ballot paper. A lack of political will to address the issue of vote buying was evident when the parliament in 2016 and 2018 rejected the proposal to invalidate ballot papers with extra markings or symbols. TM's election day observation found that ballot papers across 70% of polling stations had additional markings. This could be indicative of vote buying. However, no case of vote buying has been prosecuted thus far.

#### **Recommendations:**

- Strengthen the legal framework to explicitly criminalise exerting undue influence on voters, with necessary legal repercussions for perpetrators.
- Amend the electoral legal framework to invalidate ballot papers with additional markings.<sup>15</sup>
- State authorities including Anti-Corruption Commission, Maldives Police Service, Attorney General's Office, and Elections Commission must coordinate to implement the electoral legal framework to hold to account vote buying.

## **VOTER EDUCATION**

Article 170 of the Constitution and Section 21(g) of the Elections Commission Act stipulate that the Elections Commission is mandated to educate and create awareness among the general public on the electoral process and its purpose.

Voter information related to issues such as voter registration was widely disseminated as evident from the high percentage of registration and voter turnout rate. Political parties played a crucial role in disseminating voter information messages through social media and other means such as loudspeakers and door-to-door events.

However, a lack of nationwide extensive voter education campaign was observed to be a serious issue for the Presidential Election. The Pre-Election Assessment found several shortcomings related to civic and voter education. This include lack of information about elections complaints mechanism, role of state media with regard to elections, vote buying, misuse of state resources, and campaign finance expenditure reports by candidates – all fundamental and recurring issues around elections in the Maldives.

Another key concern highlighted was challenges faced by persons with disabilities to access information throughout the electoral process, including voter information and voter education.

TM conducted civic and voter education workshops in 16 atolls and Malé, targeting first-time voters as the principle audience. A total of 329 citizens were reached via the workshops. The workshops focused on civic engagement as a means to address community issues and build trust in the democratic process and electoral system, with specific focus on familiarising the participants on:

1. The concept of democracy and importance of elections in a democracy, and why it is important to vote responsibly while understanding the negative impact of vote buying and irresponsible voting.
2. Civic engagement as a means to address issues that are important to the citizens and how to influence policy decisions through civic engagement.

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<sup>15</sup> At the time of publication of this report, the electoral legal framework was amended to invalidate ballot papers with marks or symbols other than the check mark.

3. The history of democratic transition in the Maldives and the role of youth in the process.
4. The importance of human rights in order to be able to actively participate in democratic processes with a focus on gender equality and inclusion of persons with disabilities in the electoral process.

#### **Recommendations:**

- Elections Commission to conduct voter information in a timely manner.
- Elections Commission, civil society organisations, political parties, and media to conduct voter education programs with a focus on:
  - Vote buying, misuse of state resources, and political finance transparency.
  - Increasing people's belief in the democratic system and the power of the vote.
- Elections Commission, civil society organisations, political parties, and media to ensure voter education and campaign messages are accessible to persons with disabilities.

## **WOMEN'S POLITICAL PARTICIPATION**

None of the presidential candidates or their running mates were women. The level of women's political participation, particularly in the decision-making level, is dismal. Women's representation in the Maldives' Parliament is abysmally low, with women making up only five of 85 members. Multiple attempts to introduce temporary special measures, such as women's quotas, to increase women's representation in decision-making have been unsuccessful, indicating a lack of political will to ensure gender equality in political representation.

In spite of this, and although the number of women contesting in elections is extremely low, women's participation in political parties and grassroots activities was significantly high as seen in the pre-election period. This includes women's participation in campaign activities and rallies. The disjuncture between women's grassroots participation and representation in decision-making roles is noteworthy and problematic, and requires immediate and long-term measures to address.

The Pre-Election Assessment found that political parties do not actively field female candidates, especially in presidential elections, because with female candidates there comes an additional uphill battle of convincing voters that women are capable of taking up the position and that there are no religious barriers in women doing so. A number of male interlocutors for the assessment, some even holding elected positions, showed a lack of awareness regarding practical challenges faced by women in running for public office.

In terms of voter turnout, the country has seen a high turnout on voting day amongst women across multiple elections. While there is no evidence of major problems with regard to women exercising autonomy in their right to vote, anecdotal evidence suggests that there have been instances where family members coerce women to vote in a certain way, and incidents of husbands withholding their wives' national identity cards to prevent them from voting in instances where the husband feels that his wife may not vote for his chosen candidate.

Key challenges that prevent women from entering political life include lack of financial and technical support, negative portrayal of women candidates in media, and socio-cultural beliefs about gender roles that limit women's agency and autonomy.

## Recommendations:

- Political parties must establish temporary special measures to ensure that women's representation in party decision-making bodies are proportional.
- Political parties must establish temporary special measures for women candidates, including the establishment of quotas for women candidates as well as allocation of adequate funds for campaigning.
- Political parties must conduct sensitisation for national/atoll/island level party leadership to encourage them to recruit women for party activities.
- Civil society organisations should conduct gender sensitisation programs for journalists and media organisations.
- Civil society organisations and political parties should include components about women's empowerment and political representation in their voter education effort.
- Civil society organisations and political parties should lobby for the inclusion of gender equality and women's empowerment in the education curriculum to address conservative views about women.

## ELECTION DAY OBSERVATION

### OBSERVATION METHODOLOGY

TM conducted a systematic election observation using the Quick Count methodology, which is a form of Parallel Vote Tabulation (PVT) based on a random sample of ballot boxes.<sup>16</sup>

TM drew a sample of 242 ballot boxes using stratified sampling method. In order to apply the stratified sampling, the country was divided into 6 strata: Male', 20 administrative atolls, prisons, resorts, industrial islands and abroad. The capital city, Male', was considered a separate stratum because Male' has the largest urban population concentration in the country with nearly one-third of the total population. Within the strata, ballot boxes were selected using Simple Random Sampling (SRS).

While the sample size was 242 ballot boxes, 220 observers reported F1 (the form with data reporting on opening of ballot boxes), and 230 observers reported F2 (the form with data reporting on election day process, closing and counting of ballot boxes). Hence, the margin of error was +/- 1.64% for F1, and +/- 1.57% for F2.

### FINDINGS

From TM's quick count, the opposition candidate Ibrahim Mohamed Solih won the election with a significant margin. Thus, TM announced the quick count results prior to the organisation's first post-election press conference and before the Election Commission announced the interim results.

Candidates	Votes	% (vote cast)
Abdulla Yameen Abdul Gayoom	49,016	41%
Ibrahim Mohamed Solih	67,831	57%
Total valid votes cast: 116, 847		
Total invalid votes: 1,739		
Total votes cast: 118,589		

<sup>16</sup> For more information see [https://www.ndi.org/files/1417\\_elect\\_quickcountthdbk\\_0.pdf](https://www.ndi.org/files/1417_elect_quickcountthdbk_0.pdf)

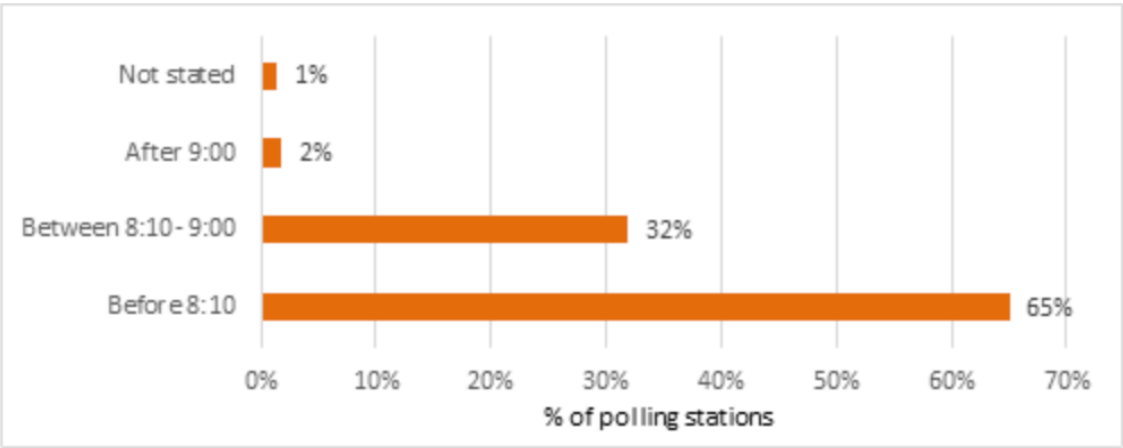


TM's systematic observation found the polls to have been well-administered by the Elections Commission for the 2018 Presidential Election. The election day processes were transparent. However, the efficiency of polling day administration could be questioned as voters had to stand in queue for prolonged hours at some polling stations. The closing time of polling stations was extended by three hours. However, the overall election day process was smooth and executed without disquiet.

FINDINGS AT THE OPENING OF POLLS - F1

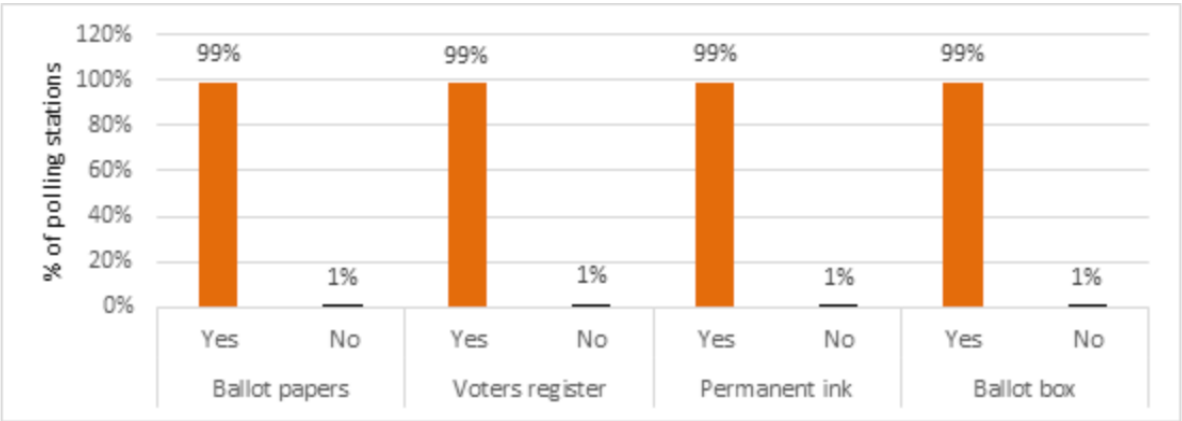
OPENING TIME

The logistical arrangements was observed to be well-administered. 97% of all polling stations opened before 9.00am, and 65% of polling stations opened within the first 10 minutes of the required opening time.



POLLING MATERIALS

The materials required for voting were in place and the ballot papers were counted and reconciled at all polling stations. Almost all ballot boxes were verified as empty before voting commenced.

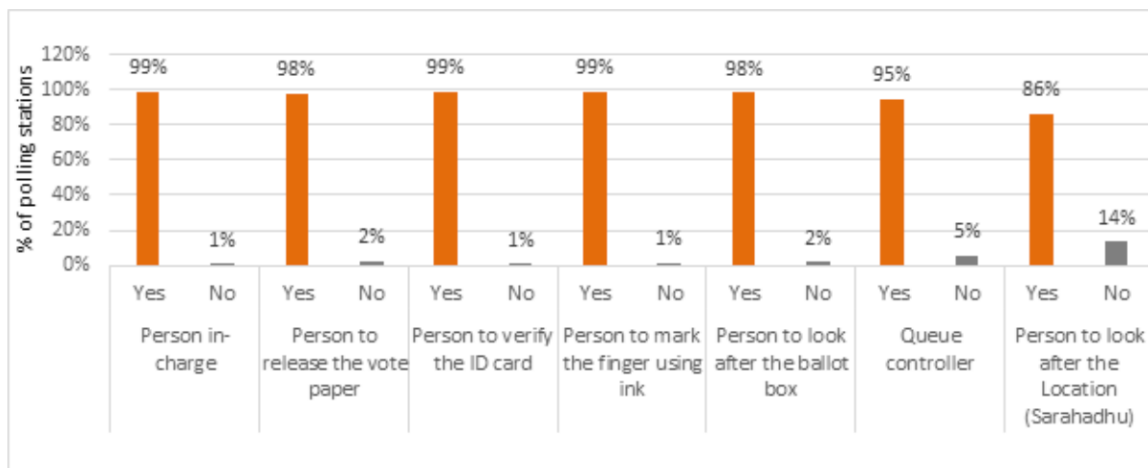


POLLING STATIONS

Majority (96%) of the ballot boxes were placed in the location already announced by the Elections Commission prior to election day.

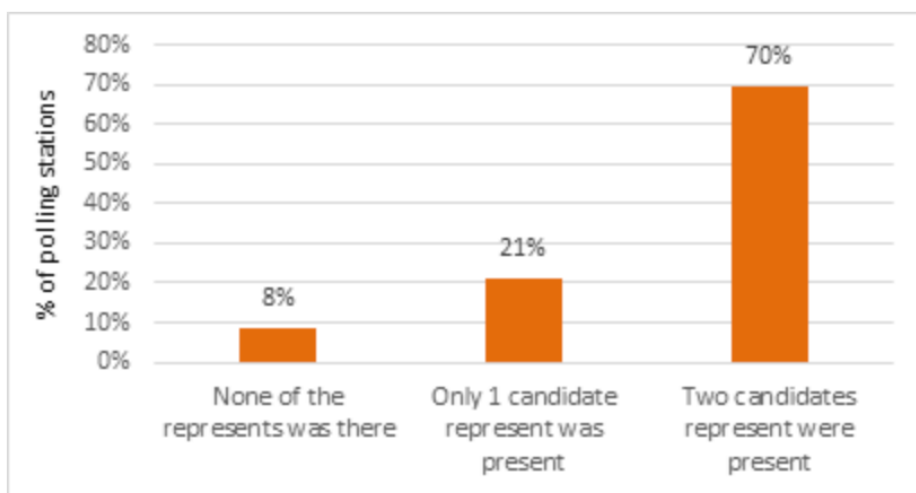
Nearly all polling station officials were in place at all polling stations. However, the official who (sarahadhu) was absent at 14% of polling stations. This might be because the number of station officials vary depending on the number of registered voters to the polling station. The queue controller was absent at 5% of polling stations.

While it was observed that 92% of polling stations were set up in a way that upholds the secrecy of the ballot, the layout set-up of 8% of polling stations might have affected ballot secrecy.



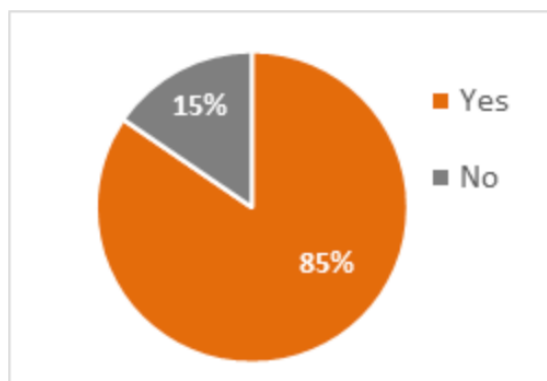
## CANDIDATE REPRESENTATION

Candidates were well-represented at the polling stations. At the opening of polls, two candidate/party observers were present at 70% of all observed polling stations while no candidate/party observer was present in 8% of polling stations.



## SECURITY PRESENCE

The Maldives Police Service provided security for the majority of cases observed. Police presence was observed outside 85% of polling stations.<sup>17</sup>



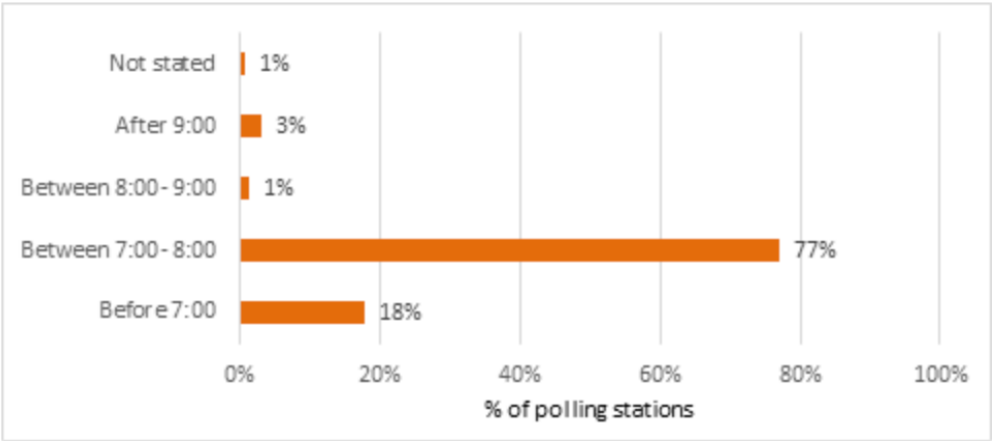
<sup>17</sup> This does not conclusively prove that police were absent in the rest of the areas. If, for example, police did not wear their uniform as may be the case in resort islands, TM observers may report an absence.

FINDINGS OF ELECTION DAY PROCESS - F2

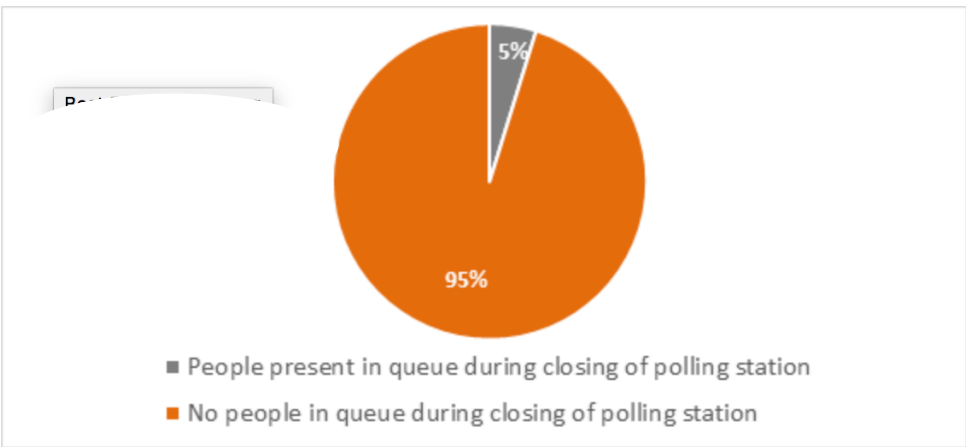
CLOSING TIME

Initially, the closing time for voting as determined by the Elections Commission was 4pm. However, as majority of the voters were in queues in various polling stations in the country and abroad, the Commission decided to extend voting hours until 7pm.

95% of all polling stations closed by 8pm. Only 17% of polling stations closed by 7pm.



There were voters present in queues during closing of polls at only 5% polling stations. That is 0.4% of total voters.



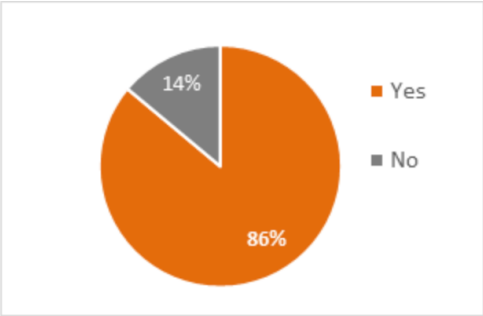
VOTER LIST ISSUES

There were no major issues with the voter registry. Only 0.03% of voters were unable to vote because their names were not on the voter registry. Only 0.02% complained at the polling stations that they were unable to vote at the location.

	% of voters
Unable to vote as name was not on registry	0.03%
Complained at polling stations that they were unable to vote	0.02%

ASSISTED VOTERS

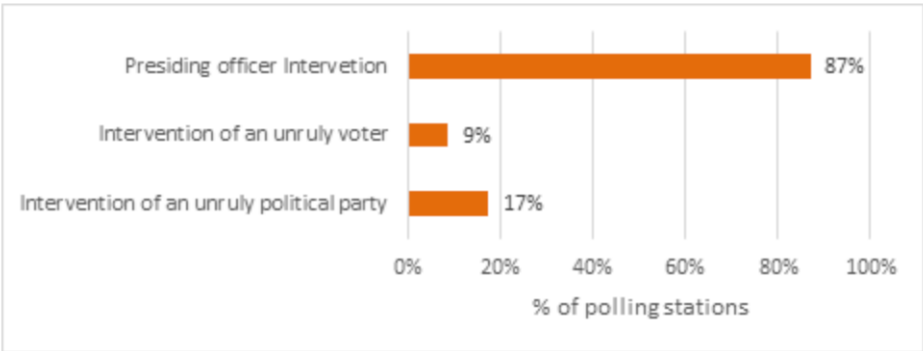
According to the observation findings, 7.3% of total voter turnout were assisted voters spread across 86% of polling stations.



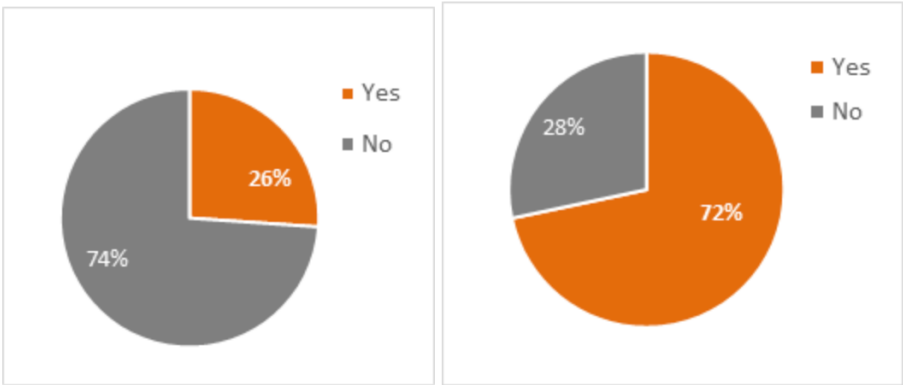
SECURITY, INTERRUPTIONS AND VIOLENCE

The election took place peacefully with only few cases of violence reported. Violence was reported at just 1% of polling stations.

Voting was temporarily halted in 10% of polling stations. In 87% of these cases, voting was temporarily halted at the direction of the Presiding Officer who had the authority to do so, while in 17% of the cases voting was halted due to interruptions by political parties that needed to be managed before voting could resume.



It was observed that police entered 26% of polling stations. In 72% of such cases, interventions occurred at the invitation of the Presiding Officer in accordance with the rules.



REPRESENTATION DURING COUNTING

Candidates were well-represented during the counting, making the process transparent and adding to its credibility. During the counting of votes, 88% of polling stations reported that representatives of Abdulla Yameen Abdul Gayoom were present while Ibrahim Mohamed Solih was represented at 91% of polling stations.

Candidates	% of polling stations
Abdulla Yameen Abdul Gayoom	88%
Ibrahim Mohamed Solih	0.02%

## COUNTING AND ANNOUNCEMENT OF RESULTS

The counting and announcing processes went generally smooth. Only 0.9% of the ballot papers were disputed by candidate/party observers during the counting process.

Ballot papers with extra markings or symbols were observed across 70% of polling stations.

## OBSERVER NETWORK

### RECRUITMENT AND TRAINING

For the 2018 Presidential Election, TM recruited over 400 observers through existing networks of former TM election observers and regional election coordinators, island councils, CBO/CSO partners, and by advertising on social media.

Training teams consisting of two members and led by a lead facilitator/trainer travelled to 16 atolls to train the recruited observers. Trainers consisted of TM staff and volunteer facilitators (a total of 22 trainers) who underwent a 3-day Training of Trainers program. Trainings were held at one island from each atoll. Recruited observers from the atoll travelled to the island for the day-long training. Observer trainings were also conducted in Male'. Observers who were unable to participate in the training sessions for various reasons were trained over the phone.

The trainings were conducted in order to ensure that observers were knowledgeable to conduct a quality observation, covering four main areas:

1. Familiarisation with concepts of free and fair election, election observation and voter information.
2. Rights and responsibilities of observers, communication limitations within the voting area, vote counting process, announcement of provisional results, elections complaints system, and communications between observers and media.
3. Observation standards, guideline, and code of conduct.
4. Data collection using F1 and F2 forms, and data reporting to TM.

Upon completion of the training, observers signed an integrity pledge to ensure that their conduct in the run-up to the election day and on election day will uphold international election observer standards and ethics.

All observers also underwent a one-day civic and voter education program, which covered the following:

1. Understanding public perception about election and the power of vote for positive change.
2. Negative impacts of vote buying and irresponsible voting.
3. Importance of democracy and civic participation in addressing issues faced by communities.
4. Democratic transition in the Maldives and the role of youth in the process.
5. Importance of human rights in order to be able to actively participate in the democratic process.
6. Actions to take in order to address, report, or create a conversation about misconduct in electoral and democratic processes.

TM submitted a total of 328 observer registration forms to the Elections Commission, out of which eight forms were rejected and a total of 320 were registered as observers. The eight forms were rejected because the applicants were under the age of 18 at the time of application. Registered observers included TM staff, volunteers, and trainers.

A week prior to election day, TM conducted a simulation of election observation. All observers were provided with sample data for both F1 and F2 forms. Observers were instructed to report F1 at 8am, and F2 at 10am. Observers were also instructed to report from the actual location where their respective ballot boxes would be placed at on election day. A total of 180 observers reported both F1 and F2 on simulation day.

The simulation enabled observers to better understand what they can expect when they are deployed to polling stations on election day, and provided them with the opportunity to familiarise themselves with the data reporting process. The simulation exercise also highlighted flaws in the process and issues with the mobile application, both of which were fixed for the actual observation on election day.

On election day, TM had a sample of 242 ballot boxes, out of which F1 form reports were received from 220 ballot boxes and F2 form reports were received from 230 ballot boxes.

## **OBSERVATION HEADQUARTERS (HQ)**

An election observation headquarters (HQ) was established to coordinate TM's election observation. A total of 13 TM staff and 17 volunteers worked in the HQ on specific tasks on election day. All volunteers were extensively trained to perform the tasks allocated to them.

The HQ was divided into five key functional areas:

**1. Data entry:** The data entry department had a total of eight volunteers, managed under the supervision of a TM staff. At a given time, four of the volunteers were active and two were on standby. For data collection from short-term observers, TM for the first time used an internet-based smartphone application. The application was developed for both Android and iOS phones. Majority of the observers used the application to submit the data they collected through observation.

Observers who did not use smartphones, or for various reasons were not able to use the application, called the data centre and reported the collected data. Each observer filled two forms: F1 and F2.

When observers made the call, a digitator entered the data to a web-based module of the application using a laptop. Before entering data, observers were authenticated by requesting the ballot box number they were observing, their observer code, and the phone number that the observer registered with TM.

The data entered by data entry volunteers and data submitted by observers using the mobile application were consolidated in a web-based database.

**2. Recovery:** The recovery department had a total of two volunteers, supervised by a TM staff. Recovery volunteers were tasked with collecting missing data, correcting erroneous data that were already submitted by observers to the data centre, and to contact observers or regional coordinators to collect missing data.

The recovery team also had access to a web-based module of the application with permission to add and update data.

**3. Emergency:** The emergency department had five volunteers, supervised by a TM staff. Emergency volunteers were tasked with receiving emergency reports and following up on such reports. The emergency department recorded emergency reports from observers and regional coordinators. The reports were compiled and shared with communications department for further analysis.

**4. Analysis:** The analysis department hosted the data analysis consultant, who had access to a web-based module of the application which enabled the analyst to download a CSV data file for analysis. The analyst analysed data sets and provided reports and graphics to the communications team.

**5. Communications:** The communications department constituted of two TM project staff and the senior management comprising of the Executive Director, Advocacy and Communications Manager, and Research and Advocacy Manager. The communications department was responsible for preparing press statements, media monitoring, providing interviews to local and international media, and briefing the international community.

## DATA COLLECTION

TM used two forms, F1 and F2, to collect data on Elections Day. The F1 was used to collect data on the opening of the polls, where as F2 was used to collect data on the voting process throughout the election day until counting and announcement of interim results at the polling stations.

For the 2018 Presidential Election, TM, for the first time, used a smartphone application to collect data from short-term observers. The application was developed to support Android and iOS mobile phones. The application enabled observers to report both F1 and F2 forms.

Additionally, the application provided web-based modules to cater to the different needs of the staff and volunteers who were working in the HQ and the data analyst.

The interface of the mobile application was similar to the F1 and F2 forms used for data collection, which meant observers had no difficulty in using the application to submit the data required. However, some technical difficulties were faced in installing the application and logging into the application. Such issues were attended to on a case-by-case basis.

About 180 observers reported F1 and F2 data using the mobile application. Observers who did not use smartphones and those who were unable to install or use the application for various reasons did their reporting via telephone to TM's data centre.

As data was received, the data analyst was able to download a CSV file of the data for analysis. Once data was analysed, the consultant generated findings and graphics.

## APPENDIX 1: PRESS STATEMENTS

### PRESS STATEMENT ON THE OPENING OF POLLS FOR THE 2018 PRESIDENTIAL ELECTION

DATE: 23 SEPTEMBER 2018

Transparency Maldives observer network has a wide national coverage spanning Malé and the atolls, resorts, industrial islands and prisons, as well as abroad in Colombo, Sri Lanka. We thank the nearly 400 observers and volunteers deployed across the country for their dedication in observing and assisting in the election observation processes.

In observing the 2018 Presidential Election, Transparency Maldives is assessing both the election-day proceedings and have monitored the larger electoral and political environment during the pre-election period. The results we report from our observation are generalisable to the entire country. The following results are based on the observation at the time of opening of polls.

The opening procedure went well with 97% of all polling stations open by 8:30 am and 66% of polling stations open within the first 10 minutes of the required opening time.

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

The materials required for voting were present, the ballot papers were counted and reconciled at all polling stations, and all ballot boxes were verified as empty at the start.

Candidates were well represented at polling stations. Two or more candidate/party observers were present at 70% of all observed polling stations. One candidate/party observer was present at 20% of polling stations whilst no candidate/party observer was present in 7% of cases.

Transparency Maldives also notes that police were present outside 97% of the observed polling stations at the opening time.

Observers concluded that the polling stations were set up to ensure a secret vote in the vast majority of cases (99%). This was less clear in about 1% of all cases observed. These polling stations will be closely watched.

We encourage all parties to maintain peace. Our observers are working hard at polling stations and will be present at the polling stations till closing.

We will be informing you the precise time of our next press conference later this afternoon.

ENDS



## FINAL PRESS STATEMENT ON THE 2018 PRESIDENTIAL ELECTIONS

**DATE: 24 September 2018**

Transparency Maldives appreciates and thanks the nearly 400 observers and volunteers in our observer network, based in 20 atolls including resorts, industrial islands, prisons, and abroad in Colombo, Sri Lanka. Without them this domestic observation would not have been possible.

Transparency Maldives believes that an independent observation effort at this scale promotes greater levels of trust in our electoral processes. Our observers played a crucial role in ensuring the transparency of electoral processes in the Maldives.

The methodology used for this observation was based on systematic random sampling. Our observers collected both qualitative and quantitative data and our approach allowed us to generate results from the sample to the entire population, within a margin of error. In this case our margin of error is less than +/- 1.97%.

The following are the key findings we would like to highlight:

- 18% of polling stations closed before 7:00 pm, 96% of polling stations closed by 8:00 pm, and 2% of polling stations closed after 9:00pm.
- There were reports that people were not able to vote because their names were not on the voter registry, but this affected very few cases (less than 0.02% of all voters).
- 2.2% of the total voter turnout were assisted voters spread across 84% of the polling stations.
- Voting was temporarily halted in 9% of polling stations. 88% of these cases were interventions at the direction of the Presiding Officer.
- Despite a few isolated cases of reported violence (1%) at the polling stations, we are happy to report that this election has been peaceful. We will be closely monitoring any further developments.
- We note that the police entered inside 26% of polling stations. However, in 70% of such cases, interventions occurred at the invitation of the Presiding Officer in accordance with the law.
- Candidates were well-represented during the counting, making the process transparent. Abdulla Yameen was represented at 88% of polling stations during the vote count. Ibrahim Mohamed Solih was represented at 91% of polling stations during the vote count.
- Only 0.2% of ballot papers were disputed by the candidate/party observers during the counting process.

Based on our quick count, we are confident to announce that Mr. Ibrahim Mohamed Solih has won the 2018 presidential election.

The electoral observation by Transparency Maldives includes more than just the voting day processes. It is also an analysis of the larger electoral environment. We maintain that there were serious systematic issues during the pre-election period. Despite this, citizens have come out and used the power of the ballot to decide on the outcome of this election.

Transparency Maldives calls on all stakeholders to maintain an environment conducive for a peaceful transfer of power.

ENDS