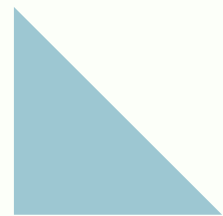




Election Observation Report

Parliamentary Election 2019



Transparency Maldives (TM), 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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Executive Summary

On 6 April 2019, the Maldives held the country's third multi-party parliamentary elections. Transparency Maldives (TM) observed the election, conducting observation of the voting and counting of 238 polling stations. 232 observers conducted the observation, using a systematic election observation based on a random sample of ballot boxes and forms F1 and F2, which collects data on opening and closing of polls and election day processes. Overall, TM's systematic observation found the polls to have been well-administered by the Elections Commission (EC) for the 2019 parliamentary election (see the section Election Day Observation). The EC had a taskforce of 5506 permanent and temporary staff. The election day processes were transparent. Halfway through the election day, the EC extended the closing time of polling station by three hours, citing the unusual heat during the mid-day which resulted in a sharp decrease in voter turnout compared to early hours of polling. Political party representatives were present as observers in a majority of polling places, further contributing to transparency. The overall election day process was observed to be smooth and without any major issues.

Despite the overall assessment that the election was well-administered, several issues were observed which have the potential to prevent full participation by all eligible voters in the election. Most notably, only 35 out of 387 candidates were women and only 4 were elected, demonstrating that women still face significant barriers to full participation and adequate representation.

Also of note, the head of the largest opposition party was detained during the campaign period, and his assets frozen, leading to allegations that the party was not able to campaign fairly.

An amendment was made to the electoral legislation on 12 March 2019. The change, mandating a single acceptable ballot mark (a check mark) was a positive move to reduce the incidence of vote buying (which has in the past been verified through unique ballot marking symbols), however it is generally poor practice to make legal changes so close to an election, as it does not leave sufficient time for adequate voter education (VE) about the change and can also open up electoral legislation to political manipulation. Some vulnerabilities also still exist regarding assisted voting, with no measures in place to ensure this is not abused. While VE took place in advance of the election, VE on this new legislation and other general issues was not comprehensive or systematic.

The Supreme Court, through the 16-point electoral guideline instructing the EC on how it should carry out its mandate and conduct elections, continues to have a role in the administration of elections that does not comply with international best practice. Also there were alleged incidents of vote buying and documented misuse of state resources, which are not adequately dealt with by law, nor adequately reported, investigated or dealt with by the courts. Overall election complaints largely dealt with being able to find names on the voter registry and were quickly remedied.

The electoral environment, while largely peaceful, did include reporting of death threats and vandalism against the person and property of at least one candidate. In addition, recruitment of election polling officials was hindered by harassment of officials following the presidential election. Such a context hinders free participation in the electoral process.

Out of constituency voting, requiring re-registration, also posed some challenges in terms of voter list secrecy of the ballot because in some cases there were only 1 or 2 out of constituency voters and with a unique out of constituency own ballot box, privacy could be compromised.

Overall, TM observed the 2019 parliamentary election to be well-run and results representative of the will of the people. TM also noted substantial vulnerabilities in the process that should be remedied to ensure the integrity and legitimacy of future electoral processes.

Political Context

Maldivians voted in the country's third multiparty parliamentary election on 6 April 2019 in a politically calm environment. The 2019 parliamentary election was held following a competitive presidential election on 23 September 2019 that resulted in a surprise win for the only candidate opposing the incumbent, Ibrahim Mohamed Solih from the Maldivian Democratic Party (MDP). This win presented an opportunity to put the Maldivian democratic transition on track after a controversial election cycle in 2013/2014 in which the Supreme Court annulled first round presidential election results – despite TM observations that the election was largely well-run – and postponed the re-run;¹ and 2014 parliamentary election integrity was questioned internationally because the chair and deputy chair of the Election Commission (EC) had been dismissed prior to the election.² TM noted abnormalities in the 2018 presidential election as well, particularly with regards to a legal crack-down on opposition candidates and very few opportunities for the opposition party to hold campaign events.³

However during the 2019 parliamentary election period, two changes yielded notable democratic improvements. First, Solih's government, as part of its promises for the first 100 days, revoked the 2016 anti-defamation act which stifled freedom of expression and media freedom, and under which MDP-aligned Raajje TV had been fined MVR 3.7 million (240,000 USD). Second, although no amendments were made to the freedom of peaceful assembly act prior to the parliamentary election, the pre-election environment provided space for political gatherings including campaign activities and protests, with minimal intervention from the Maldives Police Service.

Yet, the political environment was still characterized by some discontentment and uncertainty. The Jumhooree Party (JP), which was part of the ruling coalition, actively campaigned against the Maldivian Democratic Party (MDP). When MDP announced that they would field parliamentary candidates in all 87 constituencies, JP criticized this decision accusing MDP of reneging on an agreement to divide parliamentary seats among the ruling coalition.⁴ This led to media speculation about a possible coalition between JP and the party of the previous president, the Progressive Party of the Maldives (PPM).

During the parliamentary election period, former President Abdulla Yameen Abdul Gayyoom was in detention awaiting trial on money laundering charges. At a campaign rally on 8 March 2019, JP leader Gasim was seen calling for Yameen's immediate release. On 28 March 2019, the High Court overturned a Criminal Court order to detain Yameen for the duration of his upcoming trial. On 31 March 2019, the High Court also overturned a Criminal Court order to freeze eight bank accounts belonging to Yameen.

¹ - <http://transparency.mv/v16/wp-content/uploads/2017/04/PRESIDENTIAL-ELECTIONS-2013-FINAL-REPORT.pdf>

² - <http://transparency.mv/v16/wp-content/uploads/2017/02/PARLIAMENTARY-ELECTIONS-2014-FINAL-REPORT.pdf>

³ - http://transparency.mv/v16/wp-content/uploads/2019/03/Election-Observation-Report_-1.pdf

⁴ - <https://maldivesindependent.com/politics/coalition-leaders-exchange-barbs-as-campaign-enters-final-stretch-144516>

Following Yameen's release, there were speculations that Yameen intended to seek a court order to delay the election on the basis that his house arrest prevented him from campaigning, and that the freezing of his bank accounts prevented him from funding PPM campaigns. On 31 March 2019, at a press conference, the EC responded to these speculations, stating that the electoral administration and processes were being carried out in accordance with the law and that there was no legal basis to delay the election.

Despite such speculations, there was no judicial intervention in the electoral process, and the election took place as scheduled with MDP contesting 85 constituencies, JP 41 constituencies, the PPM/People's National Congress (PNC) alliance 46 constituencies, the Maldives Labour and Social Democratic Party (MLSDP) 10 constituencies, the Adhaalath Party (AP) 9 constituencies, the Maldives Development Alliance (MDA) 8 constituencies, the Maldives Third-way Democrats (MTD) 8 constituencies, the Dhivehi Rayyithunge Party (DRP) 5 constituencies, and independents 174 constituencies.

Electoral Administration

The electoral legal framework

The electoral legal framework provides the minimum standards necessary for democratic parliamentary elections. While the law protects the right of universal adult suffrage, the right to be elected and participate in public affairs, and prerequisite freedoms including access to the media, there are defects that require immediate attention. Such loopholes and defects are significant in areas such as political finance, election complaints, women's political participation and the inclusion of persons with disabilities in the electoral process.

The parliamentary elections are governed by the following laws and regulations

- The Constitution, 2008
- General Elections Act, 2008
- Parliamentary Election Act, 2009
- The Constituencies Act, 2009
- Political Parties Act, 2013
- Political Parties Regulation, 2013
- Parliamentary Election Regulation, 2019

The Maldives is also party to the International Covenant on Civil and Political Rights without any reservations to Article 25 on the right to participate in public affairs, to vote and be elected at genuine periodic elections by universal and equal suffrage and secret ballot, and to have access to the public service.

Amendments to the electoral legal framework

On 4 March 2019, just a month ahead of the election, the Parliament passed an amendment to the General Elections Act to invalidate ballot papers that have symbols or marks other than the check mark next to the candidate's name. The amendment became effective on 12 March 2019.

According to a study conducted by the International Foundation for Electoral Systems in 2014, "ballot marking is the most common technique used to ensure that those offered money or gifts cast their ballot for the candidate or the party who offered them money or gifts".⁵ The amendment to the electoral legal framework, therefore, is a positive step towards discouraging vote buying and ensuring the secrecy of the ballot. However, the timing of the amendment posed challenges for adequate public awareness on the matter. According to the EC, with adequate public awareness on the matter, and with proper training of election officials, the number of invalid votes would have been significantly less than 2.2%.

Recommendations:

- Parliament should not amend the framework without adequate time to educate/inform citizens.⁶
- Before Parliament undertakes any legislative review, the EC should lead an electoral stakeholder review that integrates diverse perspectives in order to inform the legal reform process.

Main structures and their functioning

The 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.⁷ The Commission consists of five members, who are nominated by the President and approved by the Parliament.⁸ The quorum for a meeting of the EC is a majority of the members.

As per the Parliamentary Election Regulation, the EC appointed atoll-level coordinating committees and island-level officials across the country for the parliamentary election. The Regulation extensively details their roles and responsibilities. The EC convened a team of 5506, which includes permanent staff of EC and temporary staff to manage electoral processes. The officials were recruited through open announcement, and include:

Permanent staff	55
Temporary staff	148
Focal points	203
Support staff for focal points	216
Atoll complaints bureau members	60
Trainers	70
Liaison officers	11
Coordinators	57
Ground managers	52
Election officials	4634
Total	5506

⁵ - https://www.ifes.org/sites/default/files/maldives_money_and_politics_survey_final_0.pdf

⁶ - The Venice Commission advises that the fundamental elements of electoral law should not be amended within a year of an election: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2019\)001-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2019)001-e)

⁷ - Article 170(a) of the Constitution (2008)

⁸ - Ibid, Article 173

In a press conference held on 19 February, the EC shared concerns about the challenges faced in recruiting election officials, citing that people were reluctant to become election officials due to events after the 2018 presidential election when the EC alleged that some of the 2018 presidential election officials faced harassment and intimidation during the post-election period by Yameen supporters who made accusations that the commission rigged the election.⁹

Election officials must follow a code of conduct and sign a pledge of non-partisanship. There are also a number of provisions in the law to promote transparency in the work of the Commission, especially with regard to the conduct of elections. Furthermore, the Supreme Court's 16-point electoral guideline¹⁰ instructing the EC on how it should carry out its mandate and conduct elections is still in place, serving as undue judicial interference on election administration.

Recommendations:

Revoke the 16-point guideline to ensure that the electoral processes are governed by the Constitution and the electoral legal framework, rather than the judiciary.

The National Advisory Committee

The National Advisory Committee (NAC) for the parliamentary elections is the highest statutory multi-stakeholder advisory body for the EC. As per Parliamentary Elections Regulation, membership of the NAC must include:

1. Registered political parties
2. The Human Rights Commission of the Maldives
3. The Civil Service Commission
4. The Maldives Police Services
5. The Department of National Registration
6. The Maldives Media Council
7. The Maldives Broadcasting Commission
8. The Anti-Corruption Commission
9. The Prosecutor General's Office
10. The Attorney General's Office
11. Local Government Authority
12. Civil Society Representatives

While the mandate and working of the NAC is minimally provided for in the Regulation, the NAC is a crucial body for increasing transparency and stakeholder confidence in the electoral processes and administration. In contrast to the 2017 local council election and 2018 presidential election, the EC did include civil society representation in the NAC.¹¹

Members of the committee noted that the NAC functioned in a manner that served its mandate of providing advice to the EC, and increasing transparency and inclusivity in the parliamentary electoral process. However, the electoral legal framework fails to provide for a stringent advisory committee, leaving the functioning of the committee to the discretion of the EC.

⁹ - <https://avas.mv/60576>

¹⁰ - English translation of the guideline available at: <https://minivannewsarchive.com/politics/translation-supreme-court-verdict-on-jumhooree-party-vs-elections-commission-68169>

¹¹ - Civil society was represented by Transparency Maldives and the Maldives Association of Physical Disabilities (MAPD). This was the first time in the history of NACs that more than one civil society organisation was allowed to sit on the committee.

Recommendations:

- Ensure that the NAC achieves the objective of building trust in the 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.

Secrecy of the ballot

Article 26(a) of the Constitution guarantees the right to secret ballot in all elections. However, for thousands of voters, secrecy of the ballot may be compromised in ballot boxes where a single or very few voters registered to vote outside their constituency.

When few voters are registered at a ballot box of a constituency other than the voters' place of permanent registry, the voters run the risk of compromising the secrecy of the ballot as the results are announced at the ballot box level. During the parliamentary elections, there were approximately 3,993 cases of single voters and 3,256 cases of two voters who were registered away from the location of their permanent registry.¹² In such instances, the announcement of the results at the ballot box level would reveal the choice of the voter.

The General Elections Act gives discretion to the EC to make arrangements to ensure ballot secrecy for single or for one of a few voters who vote outside their constituencies.¹³ While the electoral legal framework does not stipulate a specific mechanism to ensure ballot secrecy for such cases, no measures were implemented by the EC to address the issue.

Recommendations:

- The Parliament should introduce and pass amendments to the electoral legal framework to ensure the secrecy of ballot for out of constituency voters.

Constituency Delimitation

The Maldives has a first-past-the post electoral system with single member constituencies. The administrative divisions and boundaries of the electoral constituencies are determined under Articles 71 and 72 of the Constitution, and the Election Constituencies Act.

For every 5,000 or fewer people registered in an administrative division, two members are elected. For every subsequent 5,000 people one additional member is elected. Under these principles and with the population growth since 2014, two new seats and constituencies were contested during the 6th April parliamentary elections.

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.)

¹² - <https://mihaaru.com/news/52975>

¹³ - General Elections Act, Article 51(e)

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, neighbouring areas should belong to one electoral constituency, taking into account any administrative or social divisions in that island.

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.¹⁴ However, no such system has been established so far.

One of the issues with constituency delineation that allows manipulation and "gerrymandering" is the Dhaftar special registry people, amounting to 6,575 registered voters. These are technically Male' residents but who do not yet have permanent addresses of their own in Male'. Under Article 5(d) of the Constituencies Act, the EC is required to maintain and publish a register of Dhaftar people with their current addresses. There is no standard procedure to allocate Dhaftar special registry people to constituencies. For the 2019 parliamentary election, Dhaftar people were distributed randomly to Male' constituencies to balance the total number of registered voters in these constituencies. There were no serious concerns raised about the process adopted by the EC. Another key issue with constituency delineation is with regard to effective representation. The overall intent of the six principles provided under the Constituencies Act seem to give the opportunity for people to elect candidates they feel truly represent them. In the case of Dhaftar, however, representation is often subject to arbitrariness at best and manipulation at worst.

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 at their permanent addresses.

Recommendations:

- Parliament should amend the electoral legal framework to ensure the delimitation process is inclusive and informed by relevant technical expertise.
- The EC should prioritise establishing a mechanism to consult people regarding delimitation, and a standard procedure to address the Dhaftar special registry.
- Parliament should amend the relevant laws to ensure effective representation in all the elections.

¹⁴ - Electoral Constituencies Act, Article 10(c)

The complaints mechanism

Article 62 of the General Elections Act mandates that the EC must establish convenient, efficient, and effective mechanism for addressing electoral complaints. Under the electoral legal framework, the EC is the primary authority to investigate electoral complaints. However, under the 2018 amendments to the General Elections Act, the Broadcasting Commission is now mandated to investigate complaints pertaining to broadcasters,¹⁵ and the Anti-Corruption Commission is mandated to investigate matters related to corruption (including abuse of state resources and vote buying).

As per legislative mandates,¹⁶ the EC convened a five-member National Complaints Bureau on 28 January 2019. Additionally, 10 days before the parliamentary election, the EC established atoll and city election complaint bureaus. The complaints bureaus received a total of 188 complaints, which included complaints related to administrative issues (such as re-registration issues for citizens who wish to vote outside of their island of permanent residence), bribery, and influencing votes.¹⁷ According to the EC chair, in addition to re-registration complaints "there were two complaints about ballot papers and four complaints about alleged undue influence over the right to vote".¹⁸

Since the EC does not consolidate the complaints received by the complaints bureaus, Broadcasting Commission and Anti-Corruption Commission, the EC's post-election report does not mention the complaints submitted to the latter two commissions. Consequently, vote buying and misuse of state resources are not mentioned in the report under the section on complaints. While the report does mention cases of bribery and influencing votes submitted to the complaints bureaus, it is unclear whether the EC defines bribery and influencing votes to include vote buying and misuse of state resources.

Therefore, the lack of coordination among the EC, Broadcasting Commission, and Anti-Corruption poses a significant challenge to the functioning of the complaints mechanism. Furthermore, information about complaints mechanisms was not sufficiently provided to the public, making these mechanisms less accessible. **Recommendations:**The EC should improve 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.

Recommendations:

- The EC should improve 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.
- The EC should prominently include information about how to access the complaints mechanism in voter education and information efforts.
- Civil society organisations (CSOs) and media should provide information on the complaints mechanism in voter education and reporting, respectively.

¹⁵ - General Elections Act, Article 30(d)

¹⁶ - General Elections Act, Article 62, Parliamentary Elections Act 2019, Article 49(a)

¹⁷ - Although, the EC's post-election report mentions one case of influencing votes, it is unclear whether the EC defines influencing votes to include vote buying and misuse of state resources. In fact, vote buying and misuse of state resources are not specifically mentioned under the section on complaints.

¹⁸ - <https://maldivesindependent.com/politics/elections-commission-set-to-announce-results-144781>

Inclusion of Persons with Disabilities

TM's election day observation showed that 1.7% of total voters were assisted voters¹⁹ distributed across 85% of polling stations. Key issues with regard to participation of persons with disabilities in the electoral process are: 1) lack of targeted voter education in an accessible format; and 2) alleged abuse of assisted voting.²⁰

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 on 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.

Recommendations:

- Establish a national register of persons with disabilities, which persons with disabilities can opt to add their information to in an effort to ensure that the EC has the data needed to plan for and respond to specific electoral needs of voters with disabilities.
- The EC and civic and voter education providers should conduct targeted voter education and information sessions to persons with disabilities.
- The EC should explore and provide assistive/facilitative technologies for people with disabilities to maintain the secrecy of the ballot, promote universal suffrage and increase the autonomy of people with disabilities.

Electoral Context

In contrast to the pre-electoral context of the 2018 presidential election, state limitations on rights and freedoms necessary for a free, fair, and transparent election were lifted during the pre-electoral context of the parliamentary election, paving the way for a playing level field for candidates to freely conduct their campaign activities. Both state media and private media functioned in a freer environment with no known cases of intimidation.

Despite a generally peaceful electoral environment, there were a few cases of electoral violence. According to media reports, an MDP candidate received death threats and two of his campaign offices were vandalised and his billboards were stolen.²¹ Another MDP candidate's billboard was also stolen.²²

¹⁹ - Voters who are allowed to seek another person's assistance to cast their vote are: 1) Voters who cannot mark the ballot papers due to visual impairment, 2) Voters who cannot use both their hands, 3) Voters who cannot mark the ballot papers on their own due to old age, and 4) Voters who cannot mark the ballot papers on their own due to an illness.

²⁰ - <http://transparency.mv/v16/wp-content/uploads/2018/05/Pre-Elections-2018-PREVIEW-8-June.pdf>

²¹ - <https://raajje.mv/52012>

²² - <https://maldivesindependent.com/politics/mdp-candidates-campaign-office-vandalised-144087>

Furthermore, PPM raised concerns that their party candidates were unable to adequately campaign because the party leader was under arrest and his bank accounts frozen. And newly formed MTD alleged that their party leader – who was transferred to house arrest while serving a jail sentence – was transferred back to jail when campaign activities commenced. According to MTD, this resulted in some of their candidates withdrawing their names, and others being unable to adequately campaign.

Misuse of State Resources

Misuse of state resources has been a regularly observed yet an unaddressed issue in the Maldives.²³ Common forms of abuse include inauguration or completion of government projects close to election day, and use of state venues, vehicles and human resources for campaign activities. Multiple development projects were announced by the government closer to the 2019 election including social housing schemes, development of the airport, and infrastructure development in some of the atolls.

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, no known measures were taken. The electoral legal framework is largely insufficient to tackle the issue of misuse of state resources in campaigning, and state officials can easily escape accountability by framing campaign trips as official trips.

Recommendations:

- The electoral legal framework should be strengthened 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.
- Civil society should 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 the Anti-Corruption Commission, Maldives Police Service, Attorney General's Office, and EC must coordinate to implement the electoral legal framework to hold to account abusers of state resources.
- Media should monitor and report instances of misuse of state resources within the election period, and raise awareness about abuse of state resources during elections through voter education programs.

Vote Buying

Amendments to the General Elections Act in 2018 stipulate that gift giving to influence voting is an act of bribery.²⁴ Additionally, from the announcement of the election until 30 days after the announcement of official results, giving gifts or providing a service to an individual or a group or a community is also an act of bribery.²⁵

²³ - <http://transparency.mv/v16/wp-content/uploads/2018/05/Pre-Elections-2018-PREVIEW-8-June.pdf>

²⁴ - General Elections Act, Article 74(11)

²⁵ - General Elections Act, Article 74(12)

As in previous elections, allegations of vote buying were widespread during the parliamentary election. It is alleged that candidates donated gifts to schools, clubs, community-based organisations and island communities during the run-up to the election without any legal ramifications.²⁶ According to media reports, ruling party MDP candidates allegedly offered voters flats as bribes.²⁷ The Anti-Corruption Commission stated that the issue has been brought to their attention and that it was discussed whether the allegations should be investigated.

The Anti-Corruption Commission investigated 22 cases related to vote buying or bribery, out of which they themselves initiated 10 cases following a social media monitoring activity they conducted. The cases included pledges made by candidates which could fall under the ambit of bribery. However, no cases were sent for prosecution. The Anti-Corruption Commission also highlighted challenges in investigating complaints – especially cases which require immediate attention – due to lack of technical capacity.

Recommendations:

- State authorities including the Anti-Corruption Commission, Maldives Police Service, Attorney General's Office, and EC 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 EC 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.

The EC, Human Rights Commission of the Maldives, Anti-Corruption Commission, and Public Service Media are some of the other institutions that were engaged in voter education efforts for the parliamentary elections. Focus areas included voter information, right to vote, anti-corruption, women's political participation, and access to voting for people with disabilities. In addition, TM conducted civic and voter education activities in 21 locations covering the 19 atolls and Malé, targeting first-time voters and reaching 761 citizens via voter education activities, including workshops, door-to-door canvassing, and civic forums. TM also ran a social media campaign to engage the electorate on the roles and responsibilities of an MP, which received a total of 103,992 impressions and 4,372 engagements.

²⁶ - <https://maldivesindependent.com/politics/bribery-ruled-out-after-candidate-offered-scholarships-144611>

²⁷ - <https://maldivestimes.net/mdp-accused-of-offering-flats-to-voters/>

However, a lack of nationwide extensive voter education was observed to be a serious issue for the parliamentary election.²⁸ Persons with disabilities in particular faced specific challenges to accessing information throughout the electoral process.²⁹

Recommendations:

- The EC, CSOs, political parties, and media should conduct voter education programs in a timely manner, with a focus on vote buying, misuse of state resources, and political finance transparency.
- The EC, CSOs, political parties, and media should ensure voter education and campaign messages are accessible to persons with disabilities.

Women's Political Participation

The level of women's political participation, particularly at the decision-making level, is dismal in the Maldives. Out of the 386 candidates who competed for 87 seats in the parliamentary election, only 35 were women. Only four women were elected and the outgoing parliament had only five women members out of total 85 members. This is far below the international average, and one of, if not the, lowest rates of women's representation in South Asia.³⁰

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 relatively high in the pre-election period. This includes women's participation in campaign activities and rallies. The disconnect between women's grassroots participation and representation in decision-making roles is noteworthy and problematic, and requires immediate- and long-term measures to address.

It was noted that political parties do not actively field female candidates, 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.³¹

There was also high female voter turnout on voting day. There is no evidence of major problems with regard to women exercising autonomy in their right to vote.

Key challenges that prevent women from entering political life include the lack of financial and technical support, negative portrayal of women candidates in the 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.

²⁸ - <https://maldivesindependent.com/politics/bribery-ruled-out-after-candidate-offered-scholarships-144611>

²⁹ - <https://maldivestimes.net/mdp-accused-of-offering-flats-to-voters/>

³⁰ - <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS>

³¹ - This point was raised by several women parliamentary candidates from political parties who participated in a three-day workshop organised by TM for women parliamentary candidates.

-
- 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 increase recruitment of women for party activities.
 - Civil society organisations should conduct gender sensitisation programs for journalists and media organisations.
 - Civil society organisations and political parties should incorporate women's empowerment and political representation in all voter education efforts.
 - Civil society organisations and political parties should lobby for the inclusion of gender equality and women's empowerment in education curriculum to improve awareness and understanding about the limitations to women's political participation.

Election Day Observation

Observation Methodology

Transparency Maldives (TM) conducted a systematic election observation based on a random sample of ballot boxes. TM used two forms—F1 and F2—to collect the data. F1 was used to collect data on opening of ballot boxes, and F2 was used to collect data on election day process, closing and counting of ballot boxes.

TM drew a sample of 238 ballot boxes using stratified sampling method. In order to apply the stratified sampling, the country was divided into 26 areas: the capital city of Male' (excluding Hulhumale & Villimale), Hulhumale & Villimale, 20 administrative atolls, prisons, resorts, industrial islands and out-of-country polls. This division was done by the EC and it was necessary to follow these categories in order to be representative of the full voting population. Within these parameters, ballot boxes were selected through systematic sampling.

While the sample size was 238 ballot boxes, 212 observers completed form F1 (with data reporting on opening of ballot boxes), and 232 observers completed form F2 (with data reporting on election day process, closing and counting of ballot boxes). With this response rate, the margin of error is +/-1.75 percent for F1 and +/- 1.61 percent for F2.

Following the election, TM held face-to-face interviews with key electoral stakeholders³² to understand their role and challenges faced during the electoral processes.

Election Results

The EC announced the preliminary results through 8 April to 10 April 2019. In order to address complaints submitted to the National Elections Complaints Bureau and to validate the preliminary results, the EC had to open security envelopes with ballot papers of 114 ballot boxes. Official results were announced on 11 April 2019 as follows:

³² - Meetings were held with Elections Commission, Maldives Police Services, Human Rights Commission of the Maldives, Anti-Corruption Commission, Public Service Media (PSM), Maldives Third Way Democrats (MTD), Maldives Association of Physical Disabilities, and Hope for Women. Although meeting requests were sent to all political parties, only MTD responded and confirmed a meeting. PSM was the only media organisation that responded and met with TM.

Party	Votes	Seats 2019	Seats 2014
Maldivian Democratic Party	96,354	65	26
Jumhooree Party	23,452	5	15
Progressive Party of the Maldives	19,176	5	33
People's National Congress	13,931	3	N/A
Maldives Development Alliance	6,636	2	5
Adhaalath Party	4,423	0	1
Maldives Labour and Social Democratic Party	314	0	N/A
Dhivehi Rayyithunge Party	373	0	N/A
Maldives Third Way Democrats	293	0	N/A
Independents	45,301	7	5
Total	215,053	87	85

Findings

TM's systematic observation found the polls to have been well-administered by the EC for the 2019 parliamentary election. The election day processes were transparent. Half-way through voting, the EC extended the closing time of polling station by three hours, citing the unusual heat during the mid-day that resulted in a sharp decrease in voter turnout compared to early hours of polling. The overall election day process was observed to be smooth and without disquiet.

Findings at the opening of polls - Form 1

Logistical aspects during opening of polls

Overall, polling was conducted smoothly with generally good administrative arrangements. Seventy-six percent of all polling stations opened within the first 10 minutes of the required opening time. Ninety-nine percent of all polling stations opened by 9:00am.

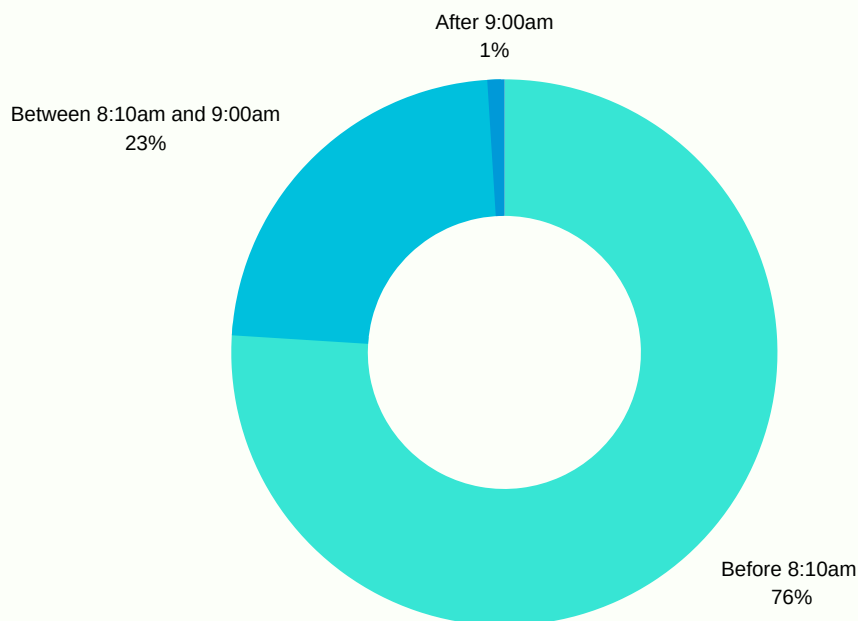


Figure 1: Opening time of polling stations

Nearly all the ballot boxes were placed in the location announced by the EC prior to election day. In almost all the polling stations, officials were in place.³³ The queue controller was absent at three percent of polling stations.

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

³² - Meetings were held with Elections Commission, Maldives Police Services, Human Rights Commission of the Maldives, Anti-Corruption Commission, Public Service Media (PSM), Maldives Third Way Democrats (MTD), Maldives Association of Physical Disabilities, and Hope for Women. Although meeting requests were sent to all political parties, only MTD responded and confirmed a meeting. PSM was the only media organisation that responded and met with TM.

³³ - As per the legislative requirement, polling stations with less than 700 registered voters are staffed with 9 officials and polling stations with more than 700 registered voters are staffed with 11 officials.

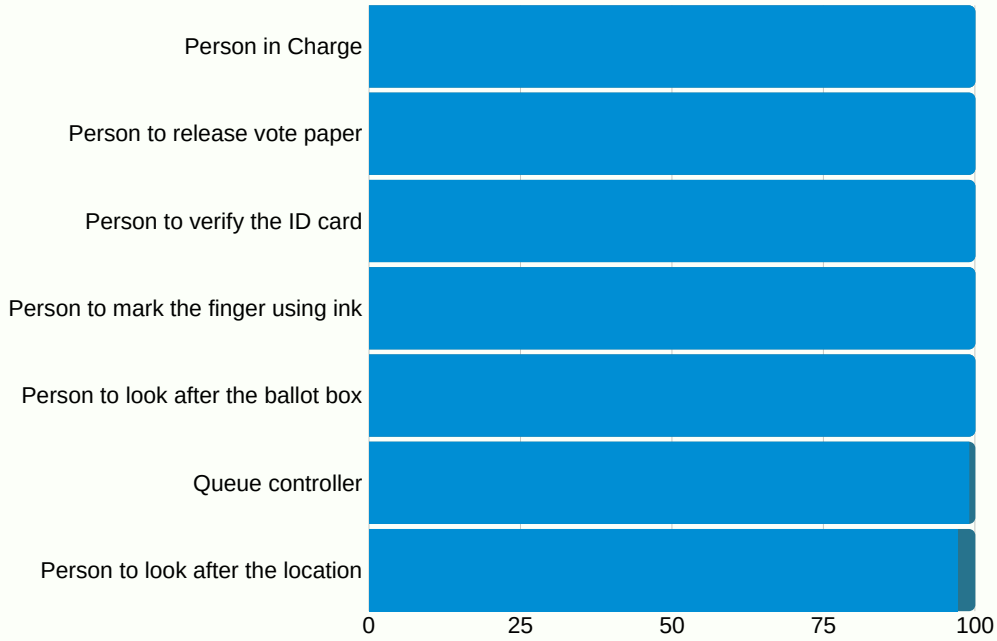
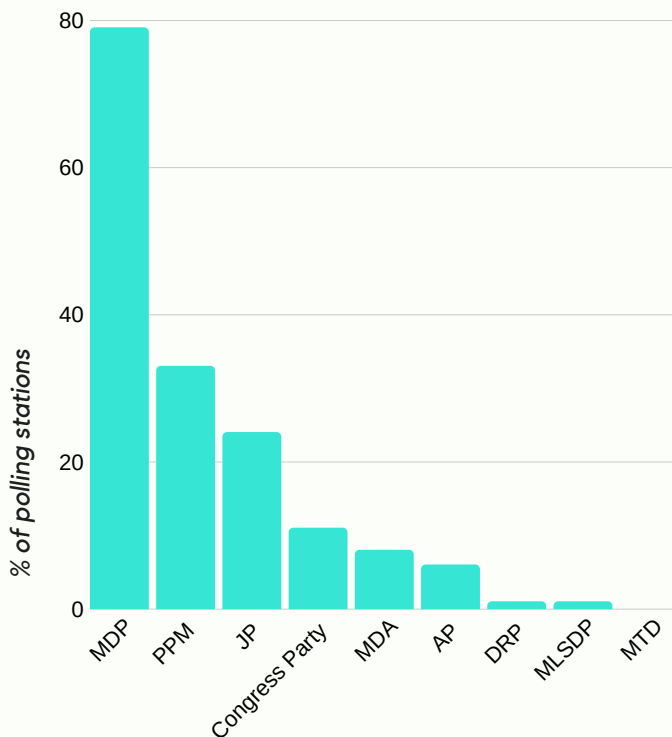


Figure 2: Polling officials present at the time of opening of polls

Ninety-nine percent of observed polling stations were set up in a way that upholds the secrecy of the ballot, while the layout of 1 percent of polling stations might have affected ballot confidentiality.

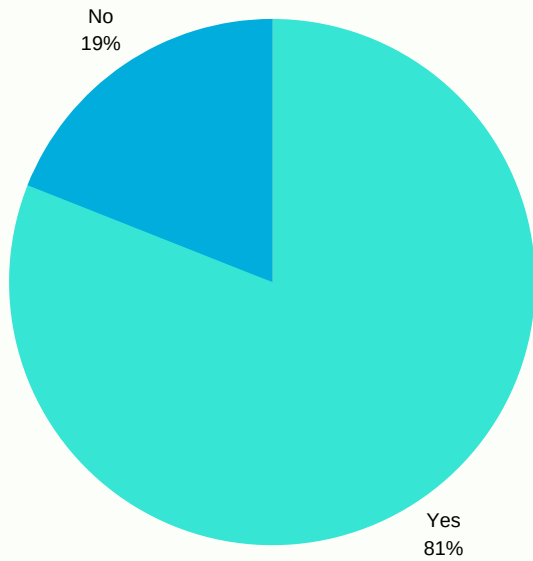
Transparency aspects during opening of polls



MDP observers were present at 79 percent of observed polling stations while observers from PPM were observed at 33 percent of polling stations at the opening of polls.

Figure 3: Party/candidate representativeness during the opening of polls

Security presence during opening of polls

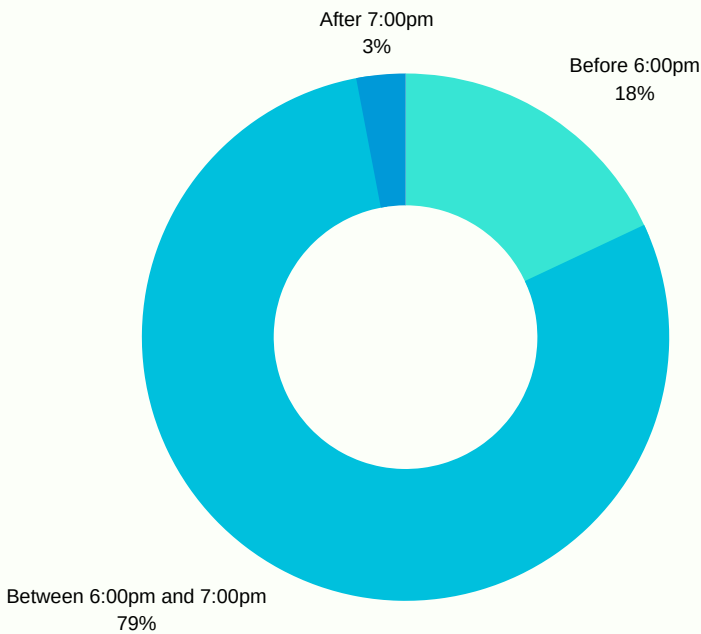


The Maldives Police Service provided security as is required by law at the majority of the polling stations. Police presence was observed outside 81 percent of polling stations.

Figure 4: Police presence outside the polling stations

Findings at the closing of polls - Form 2

Logistical Aspects at the closing of polls



Initially, the closing time for voting was scheduled for 4pm. However, during the second half of the election day, the EC decided to extend voting hours until 6pm. The delay was announced in a press briefing and on social media by the EC and was widely covered by media outlets.

Only 18 percent of polling stations closed by 6pm. However, 97 percent of the polling stations closed within an hour of closing time.

At only 7 percent of observed polling stations, there were people in the queue at closing time, representing 0.1 percent of total voters.

Figure 5: Closing time of the ballot boxes

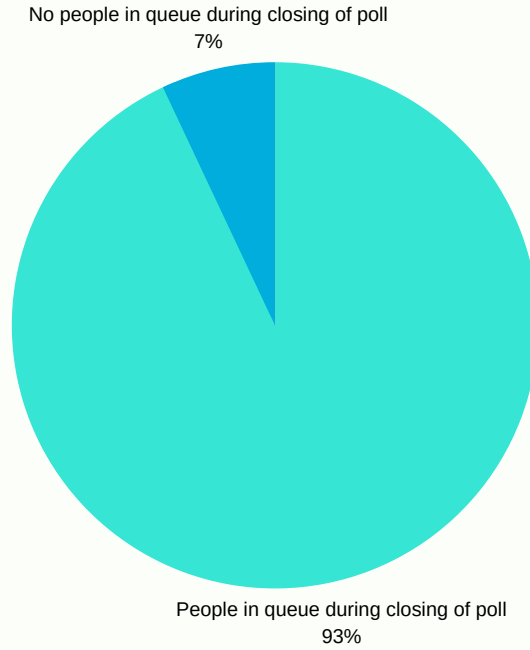


Figure 6: Percentage of polling stations with people waiting in the queue at the time polls

Voter list issues & assisted voters

Only 0.1 percent of voters were not able to vote as a result of their names not being on the voter registry. Among those who had issues finding their name in the voter register, 8 percent of the voters complained because of the issues in the voter registry.

Table 1: Percentage of voters not able to vote & complained due to voter list issues

Unable to vote as name was not on registry	0.1%
Complained at polling stations that they were unable to vote	8%

According to TM observers, assisted voters were spread across 85 percent of observed polling stations. Almost 2 percent of total voters were assisted voters.

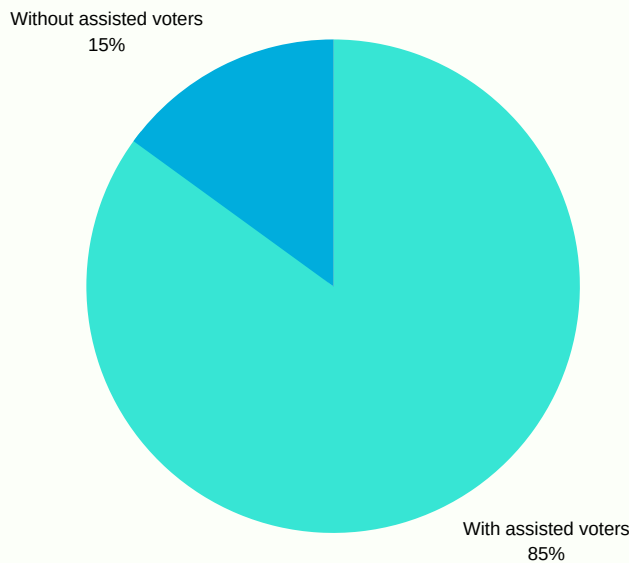
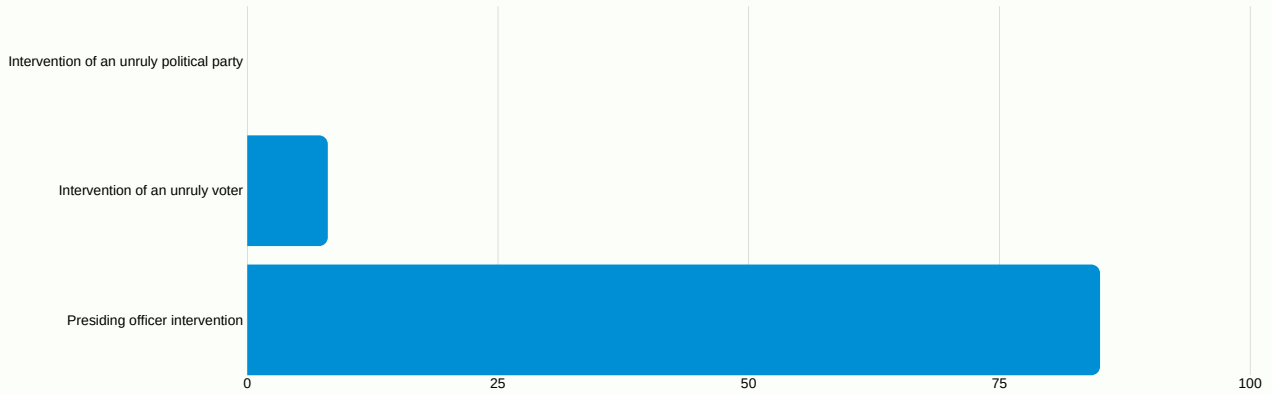


Figure 7: Percentage of polling stations with assisted voters

Violence, Interruptions and Police interventions

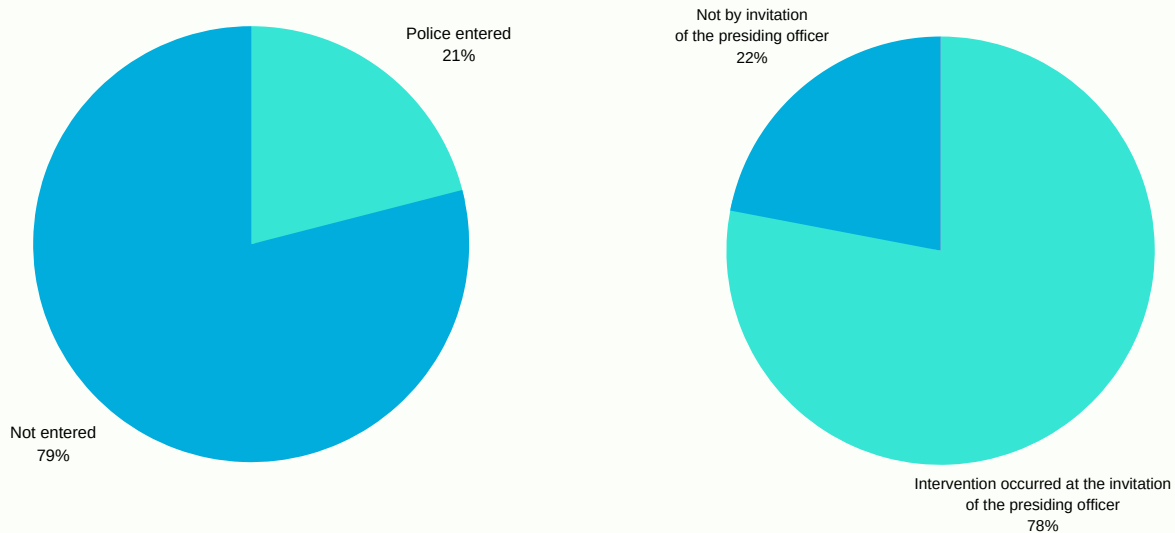
The election took place peacefully with only 1 percent of polling stations reporting incidents of violence inside polling station. Voting was temporarily halted in 6 percent of the polling stations, and in 85 percent of these cases these interventions were at the direction of the Presiding Officer, who has the authority to do so. In 8 percent of the cases, voting was halted due to interruptions by political parties that needed to be managed before voting could resume.

Figure 8: Reasons for temporary interruption of polling

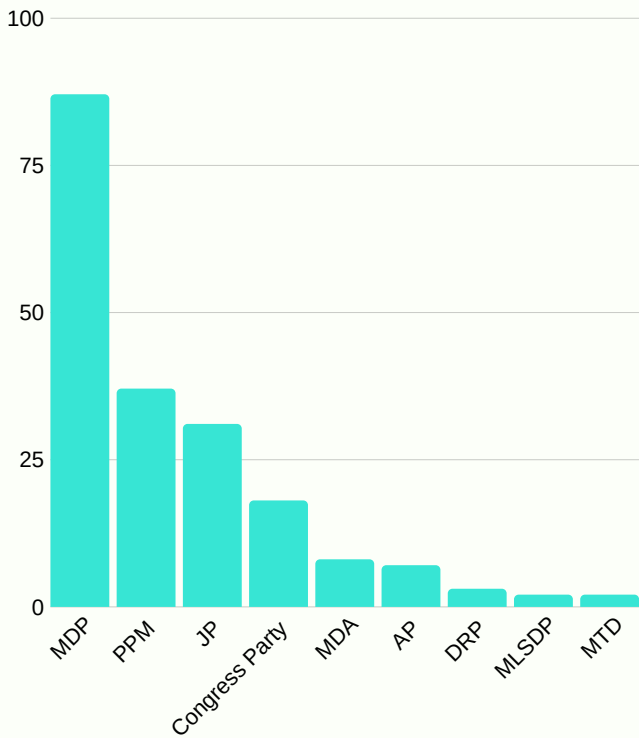


It was reported that police entered 21 percent of polling stations. In 78 percent of these cases, interventions occurred at the invitation of the presiding officer in accordance with the rules.

Figure 9: Percentage of polling stations where the police entered and reason.



Transparency Aspects at the closing of polls



As with poll opening, candidates were well-represented by party observers during the counting and closing of the polls, adding to the credibility of the process. MDP was represented at 87 percent of polling stations during the vote count. PPM was represented at 37 percent of polling stations during the vote count, while JP was represented at 31 percent of polling stations during the vote count.

Figure 10: Party/candidate representation during the closing of polls

Counting and Announcement of Results

The counting and announcing processes went generally smoothly. Unresolved disputes were reported at 28 percent of observed polling stations at the time results were announced. Only 0.3 percent of ballot papers were disputed by candidates and/or party observers.

Ballot papers with extra markings or symbols were observed across 88 percent of observed polling stations. Out of the total ballot papers, 1.5 percent of ballots were invalidated due to extra markings or symbols.

Table 2: Percentage of polling stations & ballot papers with extra markings

% of polling station – extra marking on ballot paper	88%
% of ballot papers – extra marking on ballot paper	1.5%

Observer Network

Recruitment and Training

For the 2019 parliamentary election, TM recruited over 350 observers through existing networks of former TM election observers and regional election coordinators, island councils, Community Based Organizations (CBO)/CSO partners, and advertising on social media.

Training teams consisting of two members and were led by a lead facilitator/trainer who travelled to 16 atolls to train recruited observers. There were 45 trainers (20 female), including TM staff, volunteers, and regional coordinators. 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 properly equipped to conduct the observation, and covered four main topics:

1. Concepts of free and fair elections, election observation and voter information.
2. The rights and responsibilities of observers, communication limitations within the voting area, the counting process, the announcement of provisional results, the election complaints system, and communication between observers and media.
3. Observation standards, guidelines, 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 committing that their conduct in the run-up to the election day and on election day would adhere to international election observer standards and ethics.

All observers also underwent a one-day civic and voter education program.

TM submitted 337 observer forms for accreditation. A total of 310 (194 female) were accredited, and the rest were rejected either because the applicant was registered with a political party, or because they submitted to become an Election Official. Registered observers included TM staff, volunteers, and trainers.

A week ahead of election day, TM held a simulation activity. Observers were instructed to submit sample F1 data between 8.00 - 8.30 am and sample F2 data between 10.00 - 10.30 pm. TM received data from 206 observers for F1, and 198 for F2. Except for 15 observers, all the observers submitted data using the mobile application.

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, allowing for these to be fixed for election day.

On election day, 237 observers were assigned to 239 ballot boxes to complete F1 reporting forms. Out of these, 219 observers completed and submitted F1 forms. For F2 reporting, 236 observers were assigned to 238 ballot boxes. A total of 232 observers completed and submitted F2 forms.

Observation Headquarters (HQ)

A temporary election observation headquarters (HQ) was established to coordinate TM's election observation. TM staff and volunteers were assigned different tasks. All volunteers were extensively trained to perform the tasks allocated to them.

HQ was divided into five key functional units:

1. Data entry: The data entry department comprised a total of six volunteers under the supervision of a TM staff member. At any given time, four volunteers were active and two were on standby. For data collection from short-term observers, TM used an internet-based smartphone application. The application was compatible with both Android and iOS phones.

The majority of the observers used the application to submit the data they collected. 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 was responsible for completing two forms: F1 and F2.

When observers made the call, the data was entered into a web-based application using a laptop. Before entering data, observers were authenticated by verifying 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 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 member. Recovery volunteers were tasked with correcting erroneous data submitted by observers to the data centre, and contacting observers or regional coordinators to collect missing data. The recovery team had access to the web-based application module with permission to add and update data.

3. Emergency: The emergency department had two volunteers, supervised by a TM staff member. 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 the communications department for further analysis.

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

5. Communications: The communications department consisted of two TM project staff members plus senior management – comprised of the Executive Director, Advocacy and Communications Manager, and Research and Advocacy Manager. The communications department was responsible for preparing press statements, monitoring media, 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 form was used to collect data on the opening of the polls, whereas F2 was used to collect data on the voting process during election day through counting and announcement of interim results at the polling stations.

For the 2019 parliamentary election, TM used a smartphone application to collect data from short-term observers. The application was supported on both Android and iOS mobile phones. The application enabled observers to complete and submit both F1 and F2 forms. Additionally, the application had web-based modules to cater to the different needs of the staff, volunteers and data analyst who were working at HQ.

The interface of the mobile application was similar to the F1 and F2 forms used for data collection, which meant observers had no difficulty using the application to submit the data required. For both F1 and F2 forms, on election day, all the observers but 25 reported using the mobile application.

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

TM held two press conferences. The first press conference was held on 6 April, a few hours into voting. The press conference was held to disseminate the findings of the F1 forms about opening of polls. A second press conference was held on 7 April, to disseminate F2 form findings about the election day processes and closing of polls.

Appendix 1:

Press Statements

<http://transparency.mv/2019/04/press-statement-on-the-closing-of-polls-for-the-2019-parliamentary-election/>



7 April 2019

Press statement on the closing of polls for the 2019 Parliamentary Election

Transparency Maldives appreciates and thanks the nearly 350 observers and volunteers in our observer network, based in 20 atolls including resorts, industrial islands, prisons, and abroad in Colombo, Sri Lanka and Kuala Lumpur, Malaysia. 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 +/- 1.61%.

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

1. Polling day

The election day processes were transparent and generally well-administered. We are happy to report that the election has been peaceful. TM congratulates Maldivian citizens for their spirited engagement in the democratic process.

The following are key findings which we would like to highlight from our observation:

97% of polling stations closed within the first hour of closing time.

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 85% of the polling stations. 1.7% of the total voter turnout were assisted voters.

Voting was temporarily halted in 6% of the polling stations. 85% of the cases were interventions at the direction of the Presiding Officer while 8% were interventions by an unruly voter.

We note that police entered 21% of polling stations. However, in 78% of such cases, interventions occurred at the invitation of the Presiding Officer as rules allow.



Candidates were represented during the counting, making the process transparent and adding to its credibility. Maldivian Democratic Party (MDP) was represented at 87% of the polling stations during the count, while Jumhooree Party (JP) was represented at 31% of the polling stations with Progressive Party of Maldives (PPM) and Congress Party representatives present at polling stations were 37% and 18% respectively.

72% polling stations reported disputes relating to the validity of ballot papers while 0.3% of ballot papers were disputed by candidate or party observer during the counting process.

Despite the amendment to the Elections Act that nullified any ballot paper with additional markings apart from the tick against their preferred candidate, TMs observation reported 88% of polling stations where ballot papers have other marks other than a tick.

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

A survey conducted by IFES following the Parliamentary Election 2014 showed that 37% respondents were offered money or gifts for their votes personally, or have personally witnessed either a family member or someone else who has been offered money or gifts. Admissions about illegal activities such as this are usually underreported in surveys.

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

TM notes the declaration of assets by the MDP candidates and a few independent candidates as positive steps to improving campaign finance transparency. However, 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 election. 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.

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 35 women out of 395 candidates contested the Parliamentary Election, out of which only four were elected according to the provisional results. The Maldives is amongst the two countries ranked at 184 out of the 193 countries highlighted in the Inter-Parliamentary Union's index of parliaments in terms of gender balance. It is imperative that relevant authorities identify and address the barriers for women's equal political participation and work towards increasing women's representation in the Parliament.

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. Compared to previous elections, reports indicate reduced incidents relating to the job security and abuse of authority for campaign purposes.
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.
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.

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

--ENDS--

For media queries, please contact Advocacy and Communications Manager, Aiman Rasheed (+960 790 8967).

<http://transparency.mv/2019/04/press-statement-on-the-opening-of-polls-for-the-2019-parliamentary-election/>



6 April 2019

Press Statement on the opening of polls for the 2019 Parliamentary Election

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 and Kuala Lumpur, Malaysia. We thank the nearly 350 observers and volunteers deployed across the country and abroad for their dedication in observing and assisting in the election observation processes.

In observing the 2019 Parliamentary 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 of the polls was smooth, and the administrative preparation went well. 76% of polling stations opened by 8.10am, and 99% of polling stations opened before 9:00am.

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 99% of the polling stations. 99% of ballot boxes were verified as empty at the opening of the polls.

Maldivian Democratic Party (MDP) observers were present at 79% of polling stations while 33% and 24% of polling stations had observers from Progressive Party of Maldives (PPM) and Jumhooree Party (JP) respectively.

Transparency Maldives also notes that police presence was visible outside of 81% 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 99% of polling stations. Transparency Maldives observers will be closely monitoring the 1% 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. We encourage the public to go out and vote. 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.

– ENDS –

For all media queries, please contact Advocacy and Communications Manager Aiman Rasheed (+960 7908967).

Appendix 2:

Media Coverage

<https://mihaaru.com/news/52980>

<https://maldivesindependent.com/politics/voting-under-way-in-maldives-parliamentary-polls-144721>

<http://vnews.mv/110963>

<http://vnews.mv/111050>

<https://psmnews.mv/48693>

<https://maldivesindependent.com/politics/elections-commission-set-to-announce-results-144781>

<https://voice.mv/3599>

<https://edition.mv/news/9975>

<https://www.nytimes.com/2019/04/08/world/asia/maldives-election-ibrahim-solih.html>

<https://www.worldpoliticsreview.com/trend-lines/27783/maldives-voters-sweep-away-the-remnants-of-a-corrupt-china-backed-regime>

<https://thepublicsradio.org/article/maldives-votes-in-crucial-ballot-to-elect-new-parliament>

<https://thediplomat.com/2019/04/maldives-crucial-ballot-to-elect-new-parliament/>

