

Press release on the Preliminary Findings of the Pre-election Assessment 2023

Election observation is one of the most important activities conducted by Transparency Maldives in its efforts to strengthen the electoral system and increase people's confidence in elections. Since the first multi-party presidential election in 2008, Transparency Maldives has observed all national elections. Prior to fielding the nation-wide observation, TM conducts a pre-election assessment to review the electoral environment and provide recommendations to mitigate challenges for holding free, fair and credible elections.

In this regard, ahead of the 2023 presidential election, Transparency Maldives has prepared a pre-election assessment report to understand the political and electoral environment. The main objectives of this report are to understand the political and electoral environment, assess the preparations for this year's presidential election, identify existing and potential challenges, and to review the electoral legal framework.

In contrast to past presidential terms since 2008, the country has seen relative political calm during the current presidential term. The Elections Commission has, in the past, proven to be technically competent in holding credible and transparent elections and there is little chance of systematic voter fraud on the voting day. The high level of transparency and presence of election observers, media monitors, representatives of candidates at the polling centres, as well as the tight processes on Election Day, will act as deterrents to systematic fraud and help ensure the secrecy of the ballot.

However, as elections draw closer, there are still uncertainties and more issues are likely to emerge as the political discourse changes rapidly. In light of the data collected for this assessment, the most important issues to be addressed are:

1. Abuse of State resources and misuse of State-owned Enterprises at a systemic level.

This assessment, similar to past elections, highlights the abuse of State resources in the run-up to elections by the government of the day. The electoral legal framework of the Maldives has inadequacies in effectively addressing the problem of abuse of State resources in political campaigning. There are also instances of announcement of government projects in the build-up to elections, commencing implementation and ceremonies to launch such projects. Such practices open up the possibility of undue influence on voters.

The issue of misuse of State-owned Enterprises (SOEs) for electoral gain was also highlighted in the assessment. SOEs account for a large percentage of the country's GDP and provide a lot of employment opportunities. However, key governance risks, such as the relationship between the government, political parties and the managerial leadership of companies, coupled with the lack of clear guidelines with regards to corporate social responsibility (CSR) activities that are carried out in different parts of the country, as well as weak oversight allows for risks of more systemic electoral influence (going beyond individual cases of abuse of state resources and vote buying) in favour of the incumbent through these SOEs.

There is a risk that the state (including the government and oversight bodies) may be paving way for a patronage and clientelist system through SOEs. The concern is that, if entrenched, this system could pose a subtle yet more systemic and potentially more impactful threat to the electoral level playing field in the future, unduly favouring the incumbent.

2. Media landscape

While the General Elections Act mandates fair access to airtime for all candidates, monitoring of this compliance is limited.

The assessment also highlights an explicit and internalised bias within mainstream media in favour of the incumbent government resulting from the sponsorship funds provided by SOEs and the President's Office to various media organisations, as well as public relations (PR) activities carried out by the government or those associated with the government, and the lack of policy surrounding these types of funding.

3. President Yameen's candidacy

The fact that the leader of an opposition political party is not allowed to contest in an election is likely to be considered by some to be in line with the challenges faced by opposition party leaders in the Maldives during elections. In 2018, for example, all major opposition leaders were disqualified due to court cases.

Some of the participants in this assessment alleged political interference in lower court proceedings. It was alleged that this influence is mostly exerted through the Judicial Services Commission. In this regard, participants pointed out that the removal of a judge and the fact that the judge who delivered a particular verdict was promoted to the High Court reinforces such allegations. However, contrary to past experience, most of the interviewees indicated confidence in the current bench of the Supreme Court.

Most of those interviewed believed that it was in the public interest to complete the trials and appeals proceedings in the case of Yameen, the leader of the opposition political party, at the earliest possible time.

4. Other issues

In addition to the issues mentioned above, some of the interviewees pointed to the government's interference in the registration and dissolution of political parties. Some have questioned the credibility of the Election Commission. It was also observed that there were impediments to the election campaign to adversely affect the free will of the voters and to report any problems in the expenditure to the concerned authorities within a reasonable time frame.

However, the Elections Commission has proved that it has the technical capability to make arrangements for the polling day and ensure secrecy of votes so that votes are not tampered with at a systemic level.

Recommendations by Transparency Maldives:

- The State must ensure freedom of assembly, freedom of expression and free press under the Constitution.
- Even in the trials of leaders of rival political parties, a fair and legal verdict should be delivered at the earliest possible time.
- Establish fair and transparent guidelines to ensure that media freedom and impartiality are not compromised in cases where the state gives funds to the media.
- To increase people's confidence in democratic institutions and politics, to seek consultation with youth, PWDs, and women in decision-making, and to disseminate election-related awareness information aimed at the youth and PWDs.
- Relevant actors, including the Parliament should review and urgently strengthen SOE governance in all necessary areas posing governance risks to prevent a possible entrenchment of a patronage and clientelist system in the Maldives that could unduly electorally benefit the incumbent. All institutions must work together to formulate and implement policies to prevent abuse of state resources and vote-buying.

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