



PRELIMINARY STATEMENT

Well-handled and competitive first round. Need to improve equity on the playing field.

Malé, 11 September 2023

This preliminary statement of the EU Election Observation Mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including a second round, tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.

- On 9 September Maldivians voted to elect a president for the fourth time since the introduction of multi-party democracy. A peaceful campaign, in which fundamental freedoms were largely respected, was accompanied by a well-administered electoral process. Lavish spending pledges by candidates accompanied frequent allegations of the instrumentalisation of state resources, particularly through state-owned enterprises.
- The legal framework offers an adequate basis for the conduct of democratic elections, broadly in line with the regional and international standards subscribed to by the Maldives. The comprehensive dispute resolution system offers means of redress at all stages of the electoral process. An amendment to the law, introduced earlier this year, provided for the independent voting of persons with visual impairment.
- Candidate registration was inclusive and was well administered by the Elections Commission of Maldives (ECM). A record number of eight candidates was registered. In December 2022, Former President Abdulla Yameen was convicted and imprisoned by the Criminal Court for bribery and money laundering. Despite his imprisonment, the Progressive Party of Maldives (PPM) nominated him as their presidential candidate. He was disqualified by the ECM, a decision unanimously upheld by the Supreme Court.
- All eight candidates were men. Despite being a State Party to the Convention on the Elimination of All Forms of Discrimination against Women, women are significantly under-represented in political life, comprising just 4.6 per cent of members of parliament. There are no measures to promote the participation of women in national politics.
- The ECM was well-prepared for the election and complied with legal deadlines, despite staff shortages. Their duties were administered in an impartial and professional manner. The independent status of the institution, however, is vulnerable to perceptions of politicisation due to the appointment and removal mechanism for commissioners. Engagement with election stakeholders was limited, as was the provision of voter education.
- Voter registration was inclusive and transparent. Procedural improvements included a significant extension to the period for inspection of and complaint about the voter register, from 10 to 44 days, and introduction of an online application for re-registration.
- The governing Maldivian Democratic Party (MDP) and the opposition PPM dominated the campaign, with smaller parties and independent candidates contributing to political diversity. Pledges of economic and extensive infrastructural development on all sides were accompanied by widespread allegations of the instrumentalisation of state resources, including through state-owned enterprises. The campaign was peaceful, with freedom of

movement and freedom of assembly respected for candidates and their supporters. A few arrests of opposition protestors were made in places where President Solih visited.

- Campaign finance is lightly regulated and not effectively enforced. There is an absence of transparency in the income and expenditure of candidates. The ECM, responsible for the audit of campaign finance reports, lacks capacity to exercise this task. The high spending limit, with a ceiling of over five hundred and sixty million Maldivian rufiyaa (€33.5 million), has the potential to distort the democratic process.
- Comprehensive EU EOM media monitoring indicates that Public Service Media (PSM) blurred the boundaries between governmental functions and campaign activities in newscasts and editorial coverage. Although public service media met the legal duty to allocate free and paid airtime to all candidates equally, free airtime on TV was mainly offered outside prime time. Private TV channels exhibited clear political biases in their coverage.
- Meta and X/Twitter were the predominant social media platforms for online campaigning. This campaign was assessed to be, in general, respectful in tone, with candidates maintaining civility and avoiding harsh engagement with rivals. There is an absence of a dedicated fact-checking platform, with some information manipulation identified during the course of the campaign.
- The conduct of polling and counting was orderly and efficient and in accordance with polling procedures, with very few irregularities reported. The provision of a tactile ballot guide, for the first time, facilitated the independent voting of persons with visual impairment.

The European Union Election Observation Mission (EU EOM) has been present in the Maldives since 31 July following invitations from the Ministry of Foreign Affairs and the Elections Commission of Maldives. The Mission is led by Chief Observer, Nacho Sánchez Amor, Member of the European Parliament (Spain). In total, the EU EOM deployed 40 observers from 18 EU Member States, as well as from Canada, Norway and Switzerland, across the country to assess the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Maldives. On election day, observers visited 124 polling stations in 52 islands, including in Malé and in 12 atolls, to observe voting and counting.

This preliminary statement is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular, the tabulation of results, and the handling of possible post-election day complaints and appeals. The EU EOM remains in country to observe the second round of elections and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process.

The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation endorsed at the United Nations in October 2005.

Preliminary Findings

Background

The fourth presidential election since the introduction of multi-party democracy takes place against the background of alternating governments, wide-ranging infrastructural development, increasing levels of state debt and accusations of corruption, geopolitical competition in the Indian Ocean, and underlying trends towards Islamic conservatism.

The election was contested by a record number of eight candidates, all of whom are men. Incumbent President Ibrahim Mohamed Solih, candidate of the ruling Maldivian Democratic Party (MDP), was challenged by Dr. Mohamed Muizzu, supported by the opposition coalition of the Progressive Party of Maldives and People's National Congress (PPM-PNC). Three further contestants were supported by political parties – Ilyas Labeeb by The Democrats (TD), Qasim Ibrahim by the Jumhooree Party (JP), and Mohamed Nazim by the Maldives National Party (MNP) - and three competed as independent candidates – Ahmed Faris Maumoon, Umar Naseer, and Hassan Zameel.

The political landscape is marked both by polarisation and factionalism, dominated by MDP and PPM, with smaller parties contributing to political diversity. Coalition agreements are not set in law, and the permitted practice of MPs crossing the floor between parliamentary parties contributes to the lack of a stable political party system.

Two former presidents had an impact on the electoral process without being on the ballot. The main opposition, PPM, faced this election without their preferred candidate, former President Abdulla Yameen Abdul Gayoom, who is serving a prison term. PPM instead decided, at the last minute, to back Dr. Muizzu, who left PPM, joined PNC and registered as their candidate. Former President and Speaker of Parliament Mohamed Nasheed lost the MDP primaries to President Solih, created a new party, The Democrats, and supported their candidate, MP Ilyas Labeeb. The Democrats only split off from MDP in June and had 15 MPs at the time of the election. Following no-confidence motions against the Speaker and Deputy Speaker, the People's Majlis was in a stalemate ahead of the election.

Legal Framework and Electoral System

A comprehensive electoral legal framework largely compliant with international standards, except for restrictions on the right to stand

The electoral legal framework is comprehensive and provides an adequate basis for the conduct of credible elections, in line with international commitments and standards ratified by the state. The framework remains virtually unchanged since the 2018 presidential election, with the enactment of only two amendments, one related to the right of visually impaired to vote independently, and the second to the extension of the candidacy period from 10 to 14 days.

The executive power is vested in the president, who is directly elected from a single national constituency. A president may serve a maximum of two mandates, whether consecutive or not.

The right to vote is extended to every citizen of 18 years of age and above on election day. Candidates for president must be 35 years old, citizens, born of citizens, without dual nationality. The Constitution requires that all citizens be Muslim, while candidates must be adherents of the Sunni school of Islam. Candidates are also required to be of “sound mind”, not to have undischarged decreed debt, nor to have been convicted of a *hadd* offence under Sharia law nor of a criminal offence that led to imprisonment for a period of more than 12 months in the past three years. The disqualification for being of unsound mind is contrary to international standards ratified by the state. Others, like those to be Sunni Muslim, and not to have been convicted of a *hadd* offence under Sharia law, are not in line with international principles protecting the right to stand for election, particularly as set out in the International Covenant for Civil and Political Rights, ratified by the state in 2006.

Fundamental freedoms, including the political freedoms of expression, of assembly and of association, are established in the 2008 Constitution of the Republic of Maldives. The guarantee of these rights is subject to the provision that they must not be exercised in a manner that is contrary to any tenet of Islam.

Electoral Administration

Well administered elections, despite staff and financial constraints, but insufficient voter education

Preparations by the ECM for the election went according to schedule, with major tasks concluded with efficiency. A key concern throughout the whole period was the recruitment of temporary staff, mainly due to the low number of applications and dropouts as election day approached. The 21 atoll and 207 island focal points administered their duties well, though they had a reduced number of assistants compared to during previous elections. There were 574 polling stations, including eight ballot boxes in five foreign countries.¹ Overall, the ECM appeared to perform its duties in an impartial and professional way, despite some financial constraints and public concerns of political interference.

At the outset of the election, several opposition parties expressed a lack of confidence in the ECM members, alleging political influence.² The apparent discord between the five commissioners, and a motion of no-confidence in the chairman on 18 July, added to public perceptions of political pressure. The Commission's status as an independent institution is vulnerable to perceived or actual external influence due to the mechanism for appointment and removal of its members. Commissioners are appointed by the president, after approval by the People's Majlis, and can be removed on the grounds of misconduct, incapacity or incompetence by a simple parliamentary majority. Since 25 July, ECM has functioned with only four members as the re-appointment of the fifth member awaited the approval of the People's Majlis.

The Commission regularly shared information on deadlines and statistics on their Twitter feed, but not on the ECM website. Engagement with election stakeholders was insufficient. The National Advisory Committee, a temporary body established prior to each election to serve as a platform for consultation, was convened by the ECM four times since its formation in March. More regular meetings with election stakeholders, particularly political parties, would have enhanced transparency and fostered public trust, which has reportedly been decreasing for years. Positively, some of the concerns raised by political parties, related to the period of candidacy, voter re-registration and the invalidation of unused ballot papers, were addressed by amending the applicable procedures for this election.

The ECM is dependent for its budget upon the Ministry of Finance, which determines the ceiling and allocation of funds. For the 9 September election, 90 of the 122 million MVR requested were received. Financial constraints were apparent in the limited human and office resources, as well as the lack of voter education programmes and training materials. The single-day training of officials (focal points and presiding officers) conducted in the different islands was assessed by some participants as insufficient and inefficient, including because of the scheduling of the sessions, which commenced in the afternoon. Voter education, which consisted mainly of the

¹ In descending voter numbers: India, Sri Lanka, Malaysia, United Kingdom and United Arab Emirates.

² For example, The Democrats, PPM, JP, MNP and MNR jointly expressed mistrust in the ECM at a press conference held on 25 June in Malé'.

distribution of videos and posters, became visible only two weeks before the election. Transparency Maldives was the only organisation identified by the EU EOM to have conducted continuous civic and voter educational programmes.

Voter Registration

Improved process with extended deadlines and introduction of online re-registration

Every citizen aged 18 or older has the right to vote. The ECM is responsible for all stages of the voter registration process, which includes passive registration, based on permanent address, and active re-registration by voters who wish to cast their vote in a different location. The passive registration is conducted in coordination with the Department for National Registration, as stipulated by the law. The 2018 First Amendment of the EGA strengthened the ECM powers in ensuring the accuracy of the voter registry (VR) by obliging national institutions to provide all data for the compilation of the VR.

The voter registration process was transparent, and there were no major complaints concerning its inclusivity. The initial VR was published on 2 May, with copies sent to political parties as well as displayed in the islands. In a positive move, the 10-day complaint period prescribed by law was extended significantly so that political parties and voters had a total of 44 days for inspection of the VR and the submission of complaints. Around 720 complaints were submitted to the ECM, relating mostly to the presence of deceased persons. In line with an EU EOM 2014 recommendation, all changes in the VR resulting from complaints were published.

The ECM made improvements to the voter re-registration process, including extending deadlines and setting up an online portal for re-registration. The number of re-registrations for this election was considerably lower than for the 2018 presidential election, which was attributed mainly to the amended procedure providing for automatic inclusion of voters who re-registered in Malé for local council elections in 2021. Civil society organisations highlighted an initial malfunction of the online portal which could have discouraged voters from applying online. Fifty-three point four per cent of the applications (22,882 of the total 42,867) were submitted online and 21 per cent of these (4,794) were rejected as invalid. Some opposition parties claimed that the low figures of applications for re-registration in foreign countries (3,327) were due to the lack of information provided by embassies abroad.

The final VR was published on 20 August, showing a total of 282,395 eligible voters. Of these, 138,196 are women and 144,199 men. This represents an increase of 20,500 eligible voters since the 2018 presidential elections. The law requires candidates to sign the final list of eligible voters. All presidential candidates, except the independent Umar Nasser, formally agreed to the accuracy of the VR by signing it.

Registration of Candidates and Political Parties

Candidate registration process well-administered by ECM, with a prominent rejection upheld by the Supreme Court

The ECM is responsible for the registration of political parties and listed nine such entities at the time of this election.³ One party was deregistered in July due to falling below the number of required members. Party registration is generally considered to be a straightforward process, in which a minimum of 3,000 registered members is required.

Candidate nomination took place between 23 July and 7 August, in a well-administered process. The nominations included the names of running mates who are not listed on the ballot. Candidacies were submitted to the ECM, which announced the list of qualified candidates on 9 August. Candidates can be either independent or representatives of a political party. Nominations require 1,500 supporting signatures and the payment of a non-reimbursable administrative fee of 100,000 MVR (5,947 EUR).

Former President Abdulla Yameen, in prison following a criminal conviction for bribery and money laundering, was, despite this, nominated as a candidate by the PPM. His candidature was disqualified by the ECM. On 6 August 2023, the Supreme Court unanimously upheld this decision.

Campaign Environment

Peaceful campaign dominated by two parties, with frequent allegations of instrumentalisation of state resources

The presidential campaign is primarily regulated by the ethical guidelines contained in the Political Parties Act (PPA) and the code of conduct for candidates and their supporters contained in the Presidential Election Regulation 2023. The legislation prohibits interfering with other contestants' campaigns and encourages candidates to call upon the police to resolve potential disruptions. Voter coercion, vote buying and bribery, as well as incitement to hatred and violence, are forbidden.

The official campaign period lasted from 10 August to 8 September, but the main contestants started much earlier. There is no prohibition on doing so. The atmosphere was largely quiet, with stakeholders expecting higher intensity in a potential second round. Most visible were President Solih and the MDP, followed by Dr. Muizzu with PPM-PNC, and The Democrats. Dynamics included some movement between political parties, such as a prominent PPM member joining JP, and two MPs returning to their mother party, MDP, from The Democrats. Common techniques of voter engagement included opening campaign offices, erecting posters and flags, door-to-door canvassing, rallies and motorcades, and use of social media. Those candidates and running mates able to afford the costs travelled from atoll to atoll to meet their supporters.

Most contestants focused on domestic issues and made grand pledges of economic development and targeted financial promises. Campaign manifesto themes included housing, educational opportunities, improved health services, empowerment of women and youth, national security, and upholding Islamic values. MDP accused PPM-PNC of promoting more conservative strands

³ MDP (2005), Adhaalath Party (AP 2005), JP (2008), Maldives Democratic Alliance (MDA 2012), PPM (2011), Maldives Third-Way Democrats (MTD 2018), PNC (2019), MDN (2019), and The Democrats (2023).

of Islam, but both camps occasionally hosted religious scholars in their events. PPM-PNC also employed nationalistic anti-Indian rhetoric. Independent candidate Umar Naseer emphasised a hard stance on drugs and gang crime, advocating the maintenance and use of the death penalty grounded in Sharia law.

The instrumentalisation of state resources on the side of the ruling MDP was frequently alleged by stakeholders, with complaints made to the Anti-Corruption Commission (ACC). The government has pursued significant infrastructural development and has opened new transport routes, with intensified activity leading up to the election purportedly to convince voters of their capacity to improve lives. This included high-level officials accompanying the President to inaugurate projects, without a distinction between state functions and campaigning. Moreover, in response to a prevailing housing crisis, the government issued tickets for the allocation of land and apartments during the campaign period, followed by phone calls to recipients to enquire whether they would vote for the incumbent. Phone calls and messages to convince voters were, however, placed by all sides.

Most reported was the instrumentalisation of state-owned enterprises (SOEs), most prominently Fenaka, for campaign purposes. Whereas the government argued that increased numbers of personnel were needed to conduct new works, opposition and civil society provided numerous examples of fresh employment, with the purported goal of enticing voter support and to use their labour to participate in campaigns. To a lesser extent, the EU EOM also received reports of alleged intimidation in case of non-compliance, characterised as bribery by many stakeholders.

Candidates enjoyed freedom of movement and their supporters assembled at rallies across the country. There were a few reports of arrests of opposition supporters in a number of locations where President Solih campaigned, the lawfulness of which is contested by the opposition. The EU EOM was informed of a case in Fuvahmulah on 29 July where Special Operations Police arrested members of PPM and The Democrats. Other arrests occurred in Dh. Kudahuvadhoon on 8 August and GA. Viligili on 10 August. The last such case was reported in the media on 21 August in B. Thulhaadhoo where four PPM protestors were detained prior to a visit by the President. Otherwise, the campaign period remained largely peaceful, with minor security incidents.

Campaign Finance

Campaign finance lacks transparency and effective oversight

Campaign finance regulation is dispersed across a multiplicity of legal instruments, creating an absence of clarity for stakeholders. Candidates may receive donations and loans from individuals and legal entities, but not from the state or from companies in which the state is a shareholder, nor from foreign organisations and governments, nor from anonymous sources. Overall campaign expenditure is limited to 2,000 Maldivian rufiyaa (MVR) per eligible voter (approx. €120), resulting in a maximum expenditure of 564,790 million rufiyaa (approx. €33.5 million). Some candidates may be able to spend such sums, with the support of wealthy donors, but most contestants and civil society actors consider the ceiling to be unreasonably high and a potential distortion of the democratic process, in violation of the guarantee of genuine elections protected in the International Covenant on Civil and Political Rights.⁴

⁴ General Comment 25 to Art. 25, paragraph 19: limitations on campaign finance are permitted to ensure genuine elections are not distorted by disproportionate expenditure on behalf of any candidate.

Campaign finance reporting requirements apply to the 30-day campaign period following candidate nomination. The law stipulates that it is an offence to spend or receive in excess of the limits. A dedicated bank account must be used for all campaign transactions although those campaign activities prior to nomination are not included. Financial statements are to be submitted to the ECM up to 60 days after the election, which is then bound to make the financial reports publicly available.

Financial penalties for overspending and for failures in reporting are insignificant, with minor monetary sanctions provided for in the law for non-compliance. While the ECM is responsible for receiving the contestants' financial reports, they lack the capacity to provide effective oversight. The current system is inefficient and not respected by the stakeholders.

Media

The President received preferential treatment from state media and major private broadcasters showed clear political bias

The Maldives' media landscape is concentrated in the capital, and is marked by political polarisation. According to EU EOM media monitoring, the Public Service Media (PSM) focused on the government's agenda in its news and editorial programming, giving a substantial advantage to the President during prime time, blurring the line between government functions and campaign activities. The main private TV channels displayed political bias in their coverage.

The legal framework restricts the freedom of expression, as Article 16 of the Constitution protects fundamental rights only if exercised according to the tenets of Islam. There was no censorship of political speech during the campaign period. The Evidence Act, however, which permits the compulsion of journalists to reveal their sources in certain security matters, is considered to have a chilling effect on investigative reporting. The control of private media outlets by politicians, coupled with the media's dependence on SOEs for financial backing and advertisement revenue, creates an environment where political self-censorship is nurtured.

Positively, the EGA stipulates that all broadcasters should provide broadcasting time to contestants in an equal manner, through advertising and other programmes. The PEA mandates the state broadcaster to provide free and paid airtime equally to political parties and candidates. The Maldives Broadcasting Commission (MBC) oversees media compliance with these rules, but lacks resources for effective monitoring. Meeting its legal duty, the public service media allocated free and paid airtime to all candidates equally. However, a thirty-second free airtime was offered, mainly on its less popular TVM channel and radio, often outside prime time. Paid two-hour prime-time slots were granted to all political parties and mostly taken up by MDP, disadvantaging candidates with less resources. A free twenty-five minute slot was also offered to all candidates, used mostly by the two independents Faris Maumoon and Hassan Zameel, failing to rectify the existing inequality in coverage.

EU EOM media monitoring⁵ indicated significant disparities in the news and editorial coverage of candidates across TV channels. State-run PSM News TV blended the President's official

⁵ The EU EOM Media Monitoring Unit monitored four TV channels: PSM TV (state-owned), Raajje TV (private), Channel 13 (private), and Sangu TV (private) from 10 August to 8 September, during evening primetime: 20:00-24:00 hours. Radio stations Voice of the Maldives, 89.0 FM (state-owned), and Dhivehi 91.0 FM, (state-owned), were monitored during morning prime time from 7:30-11:30 hrs from 12 August to 8 September.

duties of inaugurating numerous development projects⁶ while on the campaign trail, allocating to him over 40 per cent of its evening news, around 15 per cent to Dr. Muizzu, and less than 10 per cent to each of the other candidates. Positively, public service media hosted various programmes for candidates on the state radio, utilised by independent candidates and MNP's Mohamed Nazim, providing meaningful exposure to independent candidates outside newscasts. PSM News also featured a one-hour special called "One on One with the Candidate" benefiting the three independent candidates and MNP's Nazim, and its "Running Mates' Talk Show" on 30 August, as well as the presidential candidates' debate on 2 September, allowed voters to compare candidates directly.

Private TV channels showed distinct political leanings. Rajjee TV, aligned with the MDP, allocated over 90 per cent of its news and editorial coverage to the President. Opposition-linked Channel 13 TV focussed over 80 per cent of its primetime news on Dr. Muizzu, mostly depicting President Solih negatively, while Sangu TV focused on the President, Dr. Muizzu and Qasim Ibrahim in its newscast.

FM airwaves are dominated by the state as no commercial or community radio stations broadcast in the atolls. The state radio Voice of the Maldives overwhelmingly covered the President in its news extending minimal editorial coverage to other candidates beyond news and allocated free airtime. Dhivehi FM also predominantly focused on the President, occasionally mentioning opposition candidates Dr. Muizzu and Ilyas Labeeb of The Democrats, while overlooking other candidates.

Social Media

Respectful online campaigns

Digital communications and internet services are regulated by the Communications Authority of Maldives (CAM), which has the power to enforce content restrictions and block websites. CAM maintains an unpublished list of websites that have been blocked, mostly due to anti-Islamic content.⁷ A draft Privacy and Personal Data Protection Bill was published in May 2023 for public comment.⁸

Meta and X/Twitter were the predominant online platforms for political campaigning and electoral messaging. The EU EOM examined the official presences on X/Twitter and Meta of political parties, candidates, their running mates, third-party political and non-political pages with extensive reach, including those of online media. During the campaign period, more than 4,829 election-related posts were coded and analysed.

Official political party accounts were used largely to share updates of the party candidates on campaign tours. Facebook Lives and other videos posted on official pages of the political parties, candidates and running mates hit total views of almost 4 million.

Overall, the online campaign has run smoothly, with candidates largely maintaining civility and not being overly harsh towards one another, bar a few exceptions. The EU EOM identified a few

⁶ According to media monitoring data, PSM covered inaugurations by the President at least 43 times, while on the campaign trail on various atolls.

⁷ Mendel, T. (2021) Maldives: Launch of Report on Media Environment, Centre for Law and Democracy. Available at: <https://www.law-democracy.org/live/maldives-launch-of-report-on-media-environment/> (Accessed: 24 August 2023).

⁸ Draft bill on privacy and data protection, Ministry of Environment, Climate Change and Technology, May 2023.

instances of unverified claims and falsehoods being disseminated online. Most of these posts included content that targeted the India-Maldives relationship by publishing unverified news articles intended to discredit candidates.⁹ PPM, the party which had initiated the “India Out” movement appeared to soften their stance.

Maldives does not have a dedicated fact-checking platform, although a few media outlets conduct some fact-checking on their websites. Most of the identified information manipulation involved misrepresentation of facts, false connections, or incorrect context. While image and video manipulation were observed, it was not deemed problematic beyond its use for satirical purposes, especially on meme pages.

Participation of Women

Women are underrepresented in political life, with parliamentary participation below five per cent

The Convention on the Elimination of All Forms of Discrimination against Women was ratified by the Maldives in 1993.¹⁰ An amendment to the Decentralisation Act in 2019 introduced a 33 per cent quota of reserved seats for women in local councils. However, there are no affirmative action provisions elsewhere in the legal framework to promote the participation of women at the national level in political life. The number of women elected to the People’s Majlis has decreased, from 6.5 per cent in 2009, to 5.9 per cent in 2014, and 4.6 per cent in 2019. Women are also under-represented among political party executives. All presidential candidates are men. One woman is participating as the running mate of her husband, independent candidate Hassan Zameel.

Civil Society and Domestic Observers / Citizen Observation

Increase in number of accredited observers

The ECM received a record number of 8,152 applications for the accreditation of observers and monitors. In total, there were 3,607 accredited observers from political parties, civil society organisations and individuals and 4,545 monitors from the media. The incumbent MDP had 954 accredited observers, almost double the number of PPM, with 474. Transparency Maldives, the only civil society organisation conducting long-term observation, deployed 32 long-term observers across the country and had 441 short-term observers on election day. The Human Rights Commission of Maldives deployed its entire staff of 96 members.

Some 143 international observers and 22 international monitors (media) were present in the country. The EU EOM is the only long-term international election observation mission present in the country. The Commonwealth deployed a mission of 21 observers. In addition, the ECM invited a group of 31 representatives of a number of national election commissions and deployed them across the country.

⁹ <https://www.facebook.com/100094105924851/posts/150267174786813>

¹⁰ Maldives maintains reservations to Article 16.1. (a), (c), (d) and (f); in February 2020 reservations to Article 16.1.(b), (e), (g) and (h) and Article 16(2) were removed.

Polling and Counting

Orderly and efficient conduct of polling by the ECM

The EU EOM observed voting at 124 polling stations, including five resorts and two prisons. Election day procedures were conducted in an orderly and efficient manner and there were no significant delays in opening. The atmosphere was calm and peaceful, despite long queues of voters at some polling stations, especially in the morning. Closing was in most cases achieved on time, with cases of voting continuing after 16:00 mostly in Malé, due principally to high numbers of registered voters. Overall, EU EOM observers assessed the conduct of the poll very positively.

The polling staff performed in a professional and efficient manner and polling procedures were largely followed. The electronic verification of ID numbers via the Voters' List Checker software functioned well and voters noted a significantly shortened queuing time compared to during previous elections. Counting procedures were properly followed by polling staff, observers and candidate representatives, with isolated cases of tensions arising due to contested ballots.

Political party observers, predominately from MDP and PPM, were present in most of the polling stations visited. While political parties are permitted to have only one representative inside the station, EU EOM observers reported that many media monitors present acted as party activists rather than media personnel. EU EOM observers also reported in several instances that tables were placed by political parties in the immediate vicinity of polling stations for the purpose of tracking voters before and after voting, reportedly for mobilisation and transportation of voters. Such voter tracking practices were assessed by EU EOM observers to have an intimidating effect on voters, potentially jeopardising the free expression of their choice. A few other irregularities were observed, including campaign materials and activities within 100 feet (30 metres) of the polling station and political parties and monitors exercising pressure on polling staff.

In nearly 90 per cent of polling stations visited, the layout was assessed as sufficiently protecting the secrecy of the vote. A decision of the ECM a few days before election day, taken in response to stakeholder concerns on alleged vote-buying practices, had changed the orientation of the polling booths, which had in turn raised fresh concerns about secrecy. The same stakeholder concerns on vote-buying led also to changes in procedures on the use of coloured pens and on the marking of the ballot papers by the voter. EU EOM observers reported compliance with the closing and counting procedures in almost all cases.

Visually impaired persons exercised their right to vote independently using the newly introduced tactile ballot guide, a practice observed by the EU EOM in several polling stations. These tactile templates were not provided, however, in nearly ten per cent of the polling stations observed. In nearly 35 per cent of polling stations visited, persons with reduced mobility would not have been able to enter without assistance.

Voters were turned away in isolated cases for being registered at another polling station or not presenting a valid identity document. The regular updates by the ECM on turnout enhanced the transparency of polling. Overall, despite some initial mistrust expressed by political parties, the transmission of results through the Election Result Processor (ERP) improved and accelerated procedures. Tabulation started with the first ballot boxes arriving at the ECM central level in Malé on the evening of 9 September, and ballot boxes from islands expected to arrive on 11 September. Provisional result sheets submitted through ERP were repeatedly checked and

verified at the central level before being published, ensuring their accuracy. Voter turnout was 79.84 per cent of registered voters, less than the 89.22 percentage turnout in 2018.

Electoral Dispute Resolution

A comprehensive election dispute resolution system provided multiple entry points for complaints

The complaints and appeal system is comprehensive and provides various avenues to address different election-related complaints. The ECM has primary jurisdiction to determine and investigate all election related complaints, while most electoral offences can be referred to the Prosecutor General for investigation and to the Anti-Corruption Commission for investigation of election bribery. This division of competence was clarified by the 2018 First Amendment of the EGA.

The ECM established the National Complaints Bureau which seems to be well organised and able to coordinate with different institutions involved in electoral disputes in the event of overlapping of jurisdictions. Nevertheless, although most members have legal background, they lack the investigative and forensic experience necessary to perform their duties. The Supreme Court has sole and final jurisdiction to adjudicate disputes related to qualification or disqualification of presidential candidates. Election petitions are within the competence of the High Court. However, the deadline for adjudication is 30 days after the announcement of the election results and goes well beyond the second round.

An electronic version of this Preliminary Statement is available on the Mission website maldives2023.eueom.eu.
For further information, please contact: *Marek Mracka*, EU EOM Press Officer, Tel.: +960 796 0031 Email: marek.mracka@eueom-maldives2023.eu
