



Maldives Presidential Elections

9 and 30 September 2023



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9 and 30 September 2023



The Commonwealth

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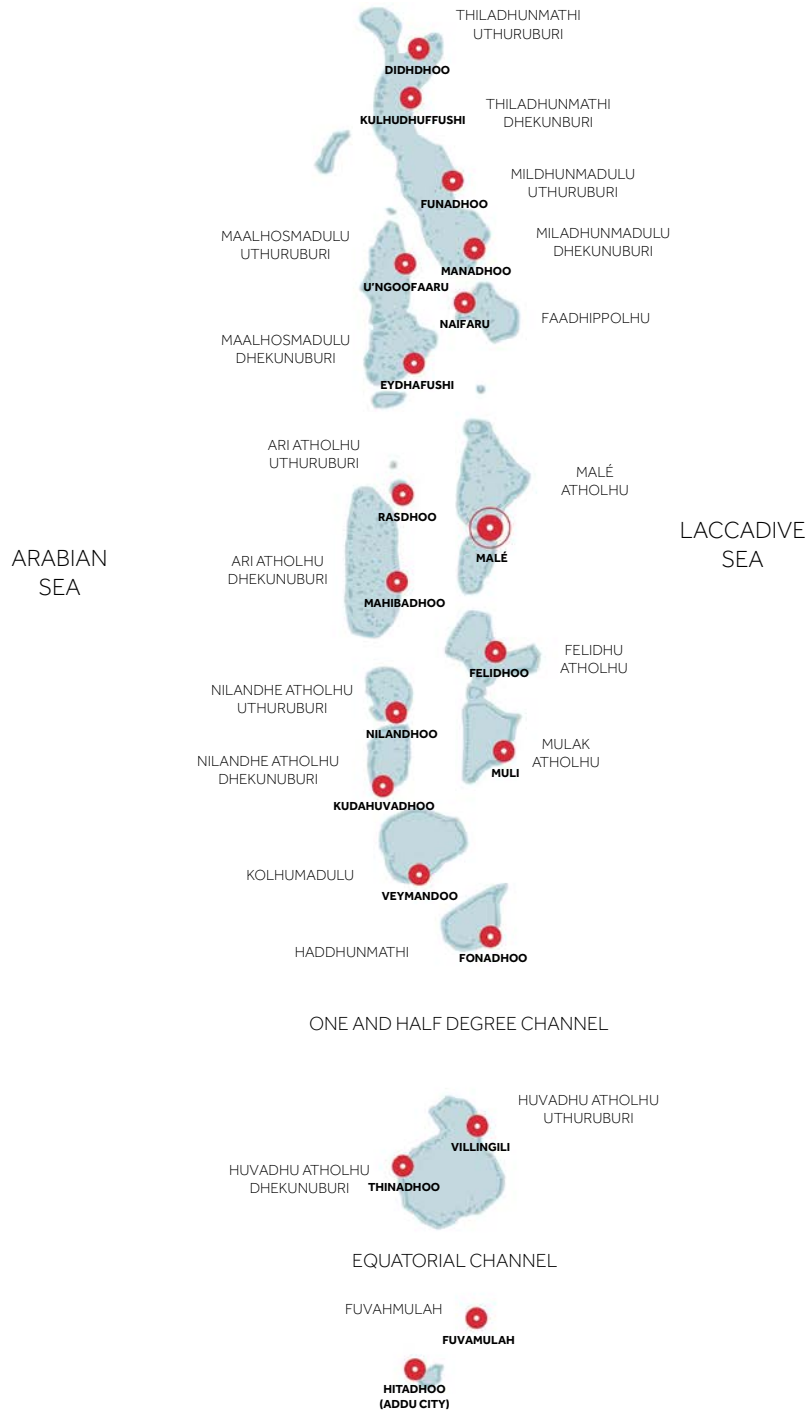
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Map of Maldives



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Acronyms and Abbreviations

| | |
|-------|---|
| ACC | Anti-Corruption Commission |
| CETRS | Civic Education and Training and Research Section |
| CHOGM | Commonwealth Heads of Government Meeting |
| CMAG | Commonwealth Ministerial Action Group |
| COG | Commonwealth Observer Group |
| CSO | Civil Society Organisations |
| ECM | Elections Commission of Maldives |
| GDP | gross domestic product |
| HRCM | Human Rights Commission of Maldives |
| JP | Jumhooree Party |
| JSC | Judicial Service Commission |
| MBC | Maldives Broadcasting Commission |
| MCS | Maldives Correctional Services |
| MDN | Maldivian Democracy Network |
| MDP | Maldivian Democratic Party |
| MMC | Maldives Media Council |
| NAC | National Advisory Committee |
| NGO | non-governmental organisation |
| NYC | National Youth Council |
| PEAM | Pre-Election Assessment Mission |
| PNC | People's National Congress |
| PPM | Progressive Party of Maldives |
| PSM | Public Service Media |
| PWD | persons with disabilities |
| TM | Transparency Maldives |
| WPI | World Press Freedom Index |

Letter of Transmittal

Commonwealth Observer Group Maldives Presidential Election

9 September 2023

14 July 2024

Dear Secretary General,

As Chairperson of the Commonwealth Observer Group to the 9 September 2023 Presidential Election in the Maldives, I am pleased to submit to you our Final Report.

The 2023 election was the first election observed by the Commonwealth since Maldives rejoined the Commonwealth in 2020. The election took place against the backdrop of intra-party and inter-party divisions that made the elections competitive. As Chair, I led a Commonwealth Group of eleven independent and eminent persons drawn from every region of the Commonwealth.

To understand the pre-election environment, our observers had the opportunity to meet a range of stakeholders in the week leading up to the election. These included political parties, representatives from civil society, youth and media, the Elections Commission, police, judicial administration, and diplomatic missions. In our observations of some campaigns, both in Malé and in the atolls, we saw the campaigning being conducted in a peaceful and vibrant atmosphere. The fundamental rights of candidates, political parties and supporters to assemble and campaign were broadly observed.

We commend the people of Maldives for the peaceful and orderly manner in which they exercised their right to vote on 9 September. Our observers saw citizens across the Maldives: men and women, young and old, and people with disabilities, exercising their democratic rights with patience and civility. We were impressed by the professionalism and transparency of the Elections Commission and polling staff in the management of the process. In most polling stations observed, priority was given to persons with disabilities, elderly people, and pregnant women.

The Group's overall assessment is that the electoral process as a whole, was credible, transparent and inclusive. In accordance with our mandate, we submit our detailed findings and recommendations in the attached report to help further strengthen the electoral process in Maldives. We hope that these findings are received in the constructive spirit in which they are offered.

On behalf of the Commonwealth Observer Group, and in my own name, I would like to express our gratitude for the opportunity to contribute to the democratic process in Maldives.



**H.E. Danny Antoine Rollen Faure
Former President of the Republic of Seychelles
Chair of the Commonwealth Observer Group**

Observers' Signatures

**Justice (Rtd.) Jackton Boma Ojwang, Retired
Supreme Court Justice, Kenya**

**Ambassador Alari Awahnatu Cole, Member,
ECOWAS Council of the Wise and Former
Ambassador and High Commissioner, Sierra
Leone**

**Mrs Cronisa Baguga, Commissioner, Nauru
Electoral Commission, Nauru**

**Mr Mahdev Mohan, Former Nominated Member
of Parliament and Lawyer, Singapore**

**Hon Maryan Street, Former Cabinet Minister,
New Zealand**

**Professor Mandla Mchunu, Former Chief
Electoral Officer, Electoral Commission, South
Africa**

**Ms Yemi Adamolekun, Executive Director,
Enough is Enough, Nigeria**

**Mrs Bobbi Rogers, Manager, Corporate
Communications, Elections and Boundaries
Commission, Trinidad and Tobago**

**Professor Cynthia Barrow-Giles, Professor,
Constitutional Governance and Politics,
University of the West Indies, Saint Lucia**

**Ms Anji Hunter, Senior Public Relations Adviser,
Edelman and Former Head of UK Government
Relations, United Kingdom**

Letter of Transmittal

**Commonwealth Observer Group
Maldives Second Round of Presidential Election**

30 September 2023

14 July 2024

Dear Secretary General,

We have completed our Final Report on the 2023 Presidential Elections in Maldives, and are pleased to submit it to you. The Report encapsulates the Group's observations and finding on the first round and the second round of Presidential elections. For the first round, I chaired a Group of eleven eminent individuals who observed the election on 9 September 2023. For the second round of the Presidential Election held on 30 September, I returned this time with six of the original observers, as none of the Presidential candidates attained the 50% threshold required for election as president in the first round under Maldives' Constitution.

We were pleased to have found the first-round election that took place on 9 September 2023 to have been credible and consistent with the international standards to which Maldives has committed itself.

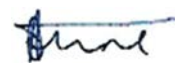
We commend the Elections Commission of Maldives on its efforts to receive and respond to our interim report on the Presidential Election on 9 September, particularly to seek to educate voters and election officials, and to strengthen processes that encourage Maldivian citizens in the country and overseas to exercise their constitutional right to vote. This was vital given the relatively lower voter

turn-out for the first round of the 2023 Presidential Election as compared to previous years. Both the candidates campaigned vigorously and without incident during the 3-week interval between the two rounds of election, making daily announcements regarding their plans in government.

Much like our observations from the first-round, this time too, our observers saw citizens across the Maldives exercising their democratic rights with great civility. We also commend the high level of diligence and coordination shown by the Elections Commission of Maldives and its staff, as well as by the Maldives Police Service. Our overall assessment is that the conduct of the second round of the Presidential Election was peaceful and transparent. We hope that the recommendations of our final report will be helpful to all stakeholders and contribute to the further strengthening of democratic processes in the Maldives.

It has been an honour and a privilege to serve the Commonwealth in this way and hope that our recommendations will be received in the constructive spirit in which they are intended.

I would also like to give my special thanks to the staff team who provided invaluable support to the Group.



H.E. Danny Antoine Rollen Faure
Former President of the Republic of Seychelles
Chair of the Commonwealth Observer Group

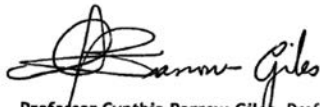
Observers' Signatures



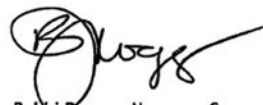
**Hon Maryan Street, Former Cabinet Minister,
New Zealand**



**Professor Mandla Mchunu, Former Chief
Electoral Officer, Electoral Commission, South
Africa**



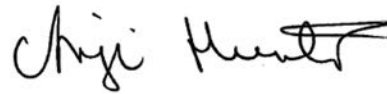
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University of the West Indies, Saint Lucia**



**Mrs Bobbi Rogers, Manager, Corporate
Communications, Elections and Boundaries
Commission, Trinidad and Tobago**



**Mr Mahdev Mohan, Former Nominated Member
of Parliament and Lawyer, Singapore**



**Ms Anji Hunter, Senior Public Relations Adviser,
Edelman and Former Head of UK Government
Relations, United Kingdom**



The Commonwealth Observer Group- (back row standing, left to right) Ms Yemi Adamolekun; Professor Cynthia Barrow-Giles; Mrs Cronisa Baguga; Mr Madhev Mohan; Mrs Bobbie Rogers; Mr Mandla Mchunu; Ms Anji Hunter. (front row seated, left to right) Hon. Maryan Street, H.E. Danny Faure (Chair); Ambassador Alari Awahnatu Cole, Justice (Rtd) Jackton Boma Ojwang.

Executive Summary

Following an invitation from the Elections Commission of Maldives (ECM) the Commonwealth Secretary-General, Rt Hon. Patricia Scotland KC, constituted an Observer Group for the 9 September 2023 Presidential Election and the second round of the Presidential Election which was held on 30 September 2023. The Commonwealth Observer Group (COG or 'the Group') was constituted in line with the 2018 Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries. It was led by His Excellency Danny Faure, former President of the Republic of Seychelles, and comprised ten other eminent Commonwealth citizens. An eight-person staff team from the Commonwealth Secretariat provided support to the Observer Group. The Group was present in Maldives from 2 to 15 September 2023 for the first round and from 27 September to 4 October 2023 for the second round.

In carrying out its terms of reference, the Group met, among others, the ECM, political parties, representatives from civil society including women, youth and persons with disabilities (PWDs), media, police, judicial administration, international organisations and members of the Commonwealth diplomatic missions.

Observers were deployed to seven atolls including Malé. At their respective deployment locations, they engaged with local stakeholders and other international observers.

The engagement with the various stakeholders, as well as the Group's observations ahead of and on election day, informed the Group's assessment of the electoral process which focused on the broader political, legal and human rights context in which the conduct of the elections took place. In line with their terms of reference, the COG considered a number of factors affecting the credibility of the electoral process as a whole.

Commonwealth election observation seeks to contribute to the strengthening of electoral processes and the Group's recommendations are offered in this spirit. The Group's report highlights some positive aspects of the electoral processes in Maldives and also notes areas that might require improvement in future elections.

The 2023 election was the first election observed by the Commonwealth since Maldives rejoined the Commonwealth in 2020. The election took place against the backdrop of intra-party and inter-party divisions that could potentially lead to a polarised political atmosphere. The changes in the governing Maldivian Democratic Party, the emergence of a new party (The Democrats), the conviction of former President Yameen and a motion of no confidence on the chairman of the ECM raised the stakes for the elections.

The campaign environment in Malé and in the atolls was competitive and was conducted in a largely peaceful and vibrant manner, with the fundamental rights of candidates, political parties and supporters to assemble and campaign largely respected. However, the COG noted the continuing relevance of some of the concerns raised by previous COGs about the pre-election environment in Maldives. These include: allegations of vote buying; the misuse of state resources; the need to develop a more effective regulatory framework for campaign financing; the independence and regulation of the media; and the need to continue strengthening civic education. While candidates, party representatives and monitors seemed to be well versed in the regulations, the question remained as to whether or not the laws and regulations around the conduct of the campaign were well known by their supporters and the general public.

Although citizens can organise and assemble peacefully, the COG was informed by various stakeholders that they were vulnerable to frequent use of excessive force by law enforcement agencies. The Group appreciates that the Human Rights Commission of Maldives (HRCM) recognises that more work is required to promote and protect human rights, as stated in its 2021–25 Strategic Plan.

The media plays a crucial role in the electoral process, serving as the primary source of information for the electorate. It is the Group's view that the media appeared to be operating without any hindrance during the campaign period. There seemed to be a general view that journalists experienced more press

freedom during the 2023 elections when compared to previous elections. The COG was not informed of any incidents of harassment of journalists during the campaign period. However, the Group notes that the Evidence Act of June 2022 could potentially compromise the rights and freedoms as outlined in the Constitution of Maldives. This Act gives judges the right to compel journalists to disclose the identity of a source, and if they fail to do so they can be found in contempt and face imprisonment. This raises concerns regarding the freedom of the press provided for in the Constitution.

Internet connectivity in Maldives is impressive as it is virtually universal. This has led to the widespread acceptance of social media as a primary information source with a significant dependence on social media platforms for news and general information. However, without fact-checking platforms in Maldives, there is a risk of misinformation and disinformation.

The Group was of the view that the ECM, political parties and independent candidates did not appear to have fully harnessed the potential of new media to engage the electorate, particularly the youth.

In terms of youth engagement, the Group noted the absence of an organised youth voice in the current political space. The COG also observed young people among both voters and polling officials, although in terms of youth turnout it appeared that young people did not turn out in numbers.

The legal framework provides an adequate basis for the conduct of democratic elections in Maldives, with guarantees for fundamental freedoms of the right to vote and to be elected. However, the Group noted that women remain under-represented in both public and political life. There were no female presidential candidates in this election, although the Group observed the strong presence of women among both voters and polling officials.

The Group noted concerns from some PWD representatives about inadequate voter education for PWDs and mixed feelings on the effectiveness of the legal and constitutional framework governing PWDs. However, the Group welcomes the engagement of PWDs as members of the National Advisory Committee (NAC). In this regard, the Group commends the ECM for the introduction of the template ballot paper (stencils) for visually impaired voters.

Despite a motion of no confidence on the chairman of the ECM, the ECM was, on the whole, well prepared for the elections, and carried out their duties diligently and professionally. The Group's overall view is that the electoral legal framework generally enabled the conduct of credible and peaceful elections for the 9 September 2023 Presidential Election, which is consistent with international commitments that have been accepted by Maldives.

However, even well-conducted elections can benefit from further improvements. The Group offers a number of recommendations for consideration to further improve the electoral process in Maldives. The recommendations cover critical areas in the electoral process, which include communication and stakeholder management, voter education, campaign finance, women's political participation, engagement of youth and PWDs, strengthening of the legal framework to ensure media freedoms and results management (i.e. consistency in determining invalid votes). It is hoped that these recommendations will be received in the spirit of mutual cooperation and support with which they are offered.

The Group's overall conclusion is that the elections in Maldives were conducted in a peaceful, credible, transparent and inclusive manner. The Group commended the People of Maldives, the ECM and polling staff, police, civil society, the citizen observers and the media for their respective roles in ensuring the success of the elections.

Recommendations

Legal Framework and Electoral Administration

Legal and Regulatory Framework

- The electoral legal framework generally enabled the conduct of free and peaceful elections on 9 September 2023 which were, in our view, consistent with the international commitments that have been accepted by Maldives.

- The legal framework on electoral offences and penalties should be strengthened, and the respective oversight roles of relevant prosecutorial, administrative, judicial and quasi-judicial bodies should be clarified.

Enhance the Coordination and Transparency of the Complaints Process

- Mechanisms for fostering better coordination and clear guidelines for the complaints process should be developed to strengthen the transparency of the ECM (and its complaints bureaus and election committees).
- The ECM (and its bureaus and committees) should give reasons for a decision to accept or dismiss a complaint and a requested remedy and provide fully for the right to judicial review.

Strengthening the Legal Framework for Campaign Finance

- To promote good governance and the rule of law, the laws regarding campaign financing should be amended and strengthened so that Maldives can finally dispel the perception of financial mismanagement and bias in favour of the ruling party or current or former political office holders.

Participation and Inclusion

Civil Society Organisation

- The government and ECM should invest resources, both financial and human, into strengthening civic and voter education.
- CSOs and media should explore mutually beneficial collaborations to enhance civic and voter education.
- The Commonwealth and other development partners should support governance-focused CSOs.
- In line with the Constitution and the international treaties and conventions to which Maldives is a signatory, the government should ensure that there is freedom of expression and due process and review the circumstances leading to MDN's ban.

Women's Political Participation

- The Group strongly recommends continuing efforts to realise the stated aims of the 2016 Gender Equality Act, which behoves both the state and political parties to be proactive in relation to facilitating women's political participation at the local councils and People's Majlis. The Group urges a rethink of the Decentralisation Act and the provisions for the reserved 33 per cent seats in the local council.
- The Group recommends that political parties engage in internal reorganisation in order to better integrate women's issues and female leadership into their central organisation.
- The Group encourages the key stakeholders, including the Ministry of Justice and CSOs, to strengthen the capacity of Women Development Committees, which are seen as natural gateways to local and subsequently national politics.
- The Group recommends the sensitisation and training of male leadership of political parties to issues of gender, with the stated aim of creating an enabling environment within the political parties that would support more aggressive policies towards gender inclusivity and the active identification and recruitment of women candidates for national politics.

Youth Participation

- We reiterate the recommendation of the 2019 COG to encourage the ECM to fully engage young people in the conduct of future elections.
- The Group urges political parties to follow the best practice set by the ECM, to ensure that there is space for youth to fully participate in political party processes, including the formulation of public policy and to stand for elections.

- We recommend that consideration be given to producing an updated National Youth Policy and reinstating an active NYC. Provisions such as these work well in other Commonwealth countries and can engage the leadership and the Ministry of Youth on the interests and political participation of young people.
- In addition, we encourage greater attention be paid to civic education in the education curriculum, to promote greater understanding of political processes among all Maldivians.

People with Disabilities

- The Group urges the government of Maldives to fully comply with the provisions of the Disability Act, which provides for access to all public buildings and facilities.
- Consistent with the recommendations of the 2019 Parliamentary Elections COG, the Group reiterates the need for an official registry for the PWD community. We believe that the Disability Registry should capture the individual categories of disability, which would enable the ECM to better secure reasonable accommodation measures to ensure that no voter with a disability is disenfranchised.
- The Group also urges the government of Maldives to put in place measures to promote the active participation of the PWD community in political life, including being elected to political office.
- The Group recommends the use of the registry for the PWD community by the ECM for planning purposes.

Prison Voting

- The Maldives Correctional Service should work with the ECM to ensure that, where possible, those who are pardoned are able to vote.

The Campaign and the Media

- Strengthen the legal framework to ensure media freedom, including amending the Evidence Act.
- Relevant institutions and CSOs should monitor the media and establish fact-checking units.
- Capacity-building should be undertaken to strengthen regulatory media institutions so that they enforce regulations under their remit, particularly in adhering to regulations provided for in the Elections (General) Act, Articles 30 and 31.
- A review of legislation with regard to the roles and responsibilities of the Broadcasting Commission and the Media Council vis-à-vis the ECM should be undertaken to ensure in particular that public service media are not biased in favour of the incumbent president.
- There should be media training on elections coverage to strengthen the media's ability to report fairly and responsibly and to promote the professionalism of media in Maldives.
- Equal media coverage must be afforded to all candidates in the electoral campaign. We encourage PSM to collaborate with private stations to host debates that can be broadcast across several channels and in multiple languages for broader access and reach. Due to the existence of possible misinformation attempts, a fact-checking component could be added to the debate.
- The establishment of an independent board of commissioners/directors to oversee the policy direction of state media.

Voting, Counting and Results Process

- Review the layout of the voting station to ensure that the placing of voting booths protects the secrecy of the ballot.
- Ensure greater consistency in the application of the rules regarding the use of mobile phones at polling stations.

- Enforce regulations regarding the 100 feet radius rule in relation to the presence of campaign materials on polling day.
- Improve the training of polling staff to ensure greater consistency in determining invalid votes.
- Enhance voter education efforts on the voting process.

1. Introduction

To provide readers with important background information on the context in which Commonwealth Observer Groups (COGs) operate, this introductory chapter begins with a brief summary of COG methodology. It concludes with an overview of this methodology as applied to the Maldives 2023 Presidential and Run-Off Elections.

International Election Observation Methodology

Since 1980, the Commonwealth has observed just under 200 elections in 39 countries.¹ International election observation serves a number of purposes, including:

- promoting the openness and transparency of the electoral process
- deterring improper practices and attempts at fraud
- enhancing public confidence in the process, thereby contributing to acceptance of election results
- diffusing political tensions through diplomacy and mediation
- strengthening international standards on electoral good practices

The Revised Commonwealth Guidelines: Key Provisions

The *Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries* ('Revised Guidelines') were agreed by Heads of Government at the 2018 Commonwealth Heads of Government Meeting (CHOGM) in London, United Kingdom.² The key provisions include the following: *1. COGs are independent, including of the Secretariat.* 'Members of a COG are invited by the Secretary-General ... in their personal capacity as an eminent Commonwealth citizen, not as a representative of any member country, government or political group.'

2. Observers, not monitors

Unlike some citizen observer groups (monitors), which are permitted to intervene or offer assistance to electoral officials in a limited manner, Commonwealth observers – as with all international observers – cannot and do not interfere in any way with any aspect of the electoral process.

3. Taking forward COG recommendations

The Revised Guidelines encourage member countries to establish '*domestic mechanisms*', such as multi-stakeholder meetings or committees, to review and take forward recommendations made by a COG.

4. Whole-of-election-cycle approach

Election observation is ideally not a standalone activity. Where possible, the Secretariat seeks to support stakeholders in the implementation of these recommendations through a range of methods, including the production of expert publications, the training of election management body staff, the facilitation of peer-to-peer knowledge exchange and, crucially, bespoke technical assistance to national stakeholders upon the submission of a formal request.

¹ To access the Commonwealth's collection of COG reports dating back to 1967, see <https://library.commonwealth.int/Portal/External/en-GB/Collections/Collection/135>.

² CHOGM (2018) *Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries*. <https://bit.ly/3Oy0cqc>.

The Strength of Commonwealth Observer Groups

While all international election observer missions adhere to the 2005 'Declaration of Principles for International Election Observation',³ each organisation's methodology has slight variances that reflect its unique strengths. The strength and value of Commonwealth observer missions lie in three key characteristics.

1. *Eminent observers*

While COGs are smaller in size than some other international observer missions, they comprise eminent persons from across the Commonwealth in their respective fields of expertise, such as senior politicians, electoral commissioners, diplomats and human rights, legal and media experts. Biographies of all observers can be found in Annex I.

2. *Diversity and peer-to-peer learning*

COGs reflect the geographical diversity of the Commonwealth itself, with observers selected from each of the world's five continents. This inculcates a genuine spirit of peer-to-peer learning on election administration and democratic reform.

3. *Political mediation through the Chair's Good Offices*

COGs are normally chaired by a former head of state or senior diplomat, invited based on careful consideration of a number of factors that ensure they are a 'good fit' for the election in hand. The respect afforded to such high-profile leaders allows COG chairs to enter into a 'good offices' role in instances of post-election political disputes and non-acceptance of election results. Such good offices roles have played a vital part in ensuring peaceful transitions between governments on many occasions.

More information on the role and mandate of observers can be found in the *Commonwealth Handbook on Election Observation*.⁴ For more information on the Commonwealth's efforts to promote democracy, please visit the Commonwealth Secretariat website.⁵

Deployment of a COG to the 2023 Maldives Presidential Elections

Following an invitation from the Elections Commission of Maldives (ECM), the Commonwealth Secretary-General, the Rt Hon. Patricia Scotland KC, constituted a COG for the Presidential Election on 9 September 2023. The Secretary-General's decision was informed by a Pre-Election Assessment Mission (PEAM) undertaken by a core Secretariat staff team to Maldives in July 2023.

During the PEAM, staff met with key stakeholders, including political parties, representatives from civil society, youth and media, the Elections Commission, police, judicial administration, international organisations and diplomatic missions.

Following the PEAM, an analysis of the political and electoral landscape in Maldives, a country assessment and stakeholders' input were synthesised into a report which informed the Secretary-General's decision to approve a COG to Maldives.

Composition

The Commonwealth Observer Group (COG or 'the Group') was led by His Excellency Danny Faure, former President of the Republic of Seychelles. He was joined in this Group by ten other eminent persons from across the Commonwealth, including from Africa, Asia, the Caribbean, Europe and the Pacific. They were

³ United Nations (2005) 'Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers'. <https://bit.ly/43p4uV6>.

⁴ The Commonwealth (2019) *The Commonwealth Handbook on Election Observation*. https://staging-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2022-01/GPD_Handbook_Election_Observation.pdf

⁵ See <https://thecommonwealth.org/our-work/promoting-democracy>

drawn from various backgrounds across the political, civil society, election management, diplomatic and legal fields. An eight-person staff team from the Commonwealth Secretariat supported the Group. A full list of members is at Annex I.

Of the 11-member team of observers for the first round, seven returned for the second round of the Presidential Election, which was held on 30 September. The COG continued to be led in the second round by H E Danny Faure.

Terms of Reference

The mandate and agreed terms of reference for the Group were as follows.

- The Group is established by the Commonwealth Secretary-General following an invitation from the ECM.
- The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.
- The Group will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the member country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth, including its Charter, and other international commitments.
- The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.
- The Group is to submit a report to the Commonwealth Secretary-General, who will forward it to the government of the Republic of Maldives, ECM, leaders of political parties, and thereafter to all Commonwealth member governments.

Activities

The Group was in Maldives from 2 September to 15 September 2023 for the first round of the Presidential Election. An Arrival Statement was issued on 4 September 2023 (Annex II).

Between 3 and 6 September, the Group met with a broad range of stakeholders to gain a comprehensive picture of the electoral process, political environment and preparations for the Presidential Election. These included representatives from the government and opposition parties, the ECM, Commissioner of Police, Department of Judicial Administration, journalists from private media, the Public Service Media and representatives from civil society organisations (CSOs), diplomatic missions and international organisations. The Chair separately met with the Foreign Minister of Maldives, presidential candidates, and the Chief Observer of the European Union Election Observation Mission in Maldives.

On 7 September, members of our Group were deployed to various atolls, where they engaged with local stakeholders. The areas covered were Malé, the Gaaf Dhaal atoll, Lhaviyani atoll, Dhaalu and Haa Dhaalu atolls, Seenu and Laamu atolls. On 9 September, election day, the Group observed close to 100 polling stations across the country. While on deployment, observers met with presiding officers, returning officers, political party representatives, candidates, prison officials, local media representatives, local CSOs and voters.

On 11 September 2023, the Chair of the Group issued an Interim Statement (Annex IV), highlighting the Group's preliminary findings and observations. The Chair noted the largely peaceful pre-election environment, commended the dedication, professionalism and diligence of polling officials, and observed that campaigning had been conducted in a peaceful and vibrant atmosphere.

The Chair also noted some challenges, especially in the pre-election environment. These included: allegations of vote buying; the misuse of state resources; the need to develop a more effective regulatory framework for campaign financing; the independence and regulation of the media; and the need to continue

strengthening civic education. Additionally, two other recurring issues were noted, namely the extent of women's and youth political participation in Maldives. The Group noted that there were no women presidential candidates in this election. It was also concerned about a lack of meaningful youth engagement and political participation.

Following the first round of the Presidential Election on 9 September 2023, the COG continued to follow developments in Maldives. The Group arrived on 27 September and departed Maldives on 4 October for the first second round of the Presidential Election. After our arrival, the Group held meetings with a number of stakeholders, including with the ECM, the police, CSOs and political leaders.

In advance of election day, members of the Group were deployed to various atolls, including to the Gaaf Dhaal atoll, Haa Dhaalu, Kaafu and Seenu atolls. For the first time, observers were also deployed to an overseas location, in London. The Chair observed the Run-Off in Malé, Hulhumalé and nearby islands.

On 2 October 2023, the Chair of the Group issued an Interim Statement (Annex IV), highlighting the Group's preliminary findings and observations. The Chair praised the ECM for implementing some of the recommendations it made from the first round of voting. The Group was impressed by the ECM's efforts to improve processes, including around the protection of secrecy of the ballot - which included relocation of some polling stations to more spacious facilities and modification of voting booths.

2. Political Background

Historical Background

Early History

Kingdoms have been recorded in Maldives as far back as the sixth century BC, though human habitation is believed to stretch back millennia. Buddhism probably spread to the region in the third century BC and became the dominant religion until the twelfth century, when Islam was introduced by Arabic traders. The Sultanate of Maldives was established in the twelfth century and persisted despite the growing influence of European powers in the region from the mid-sixteenth century.

In 1796, the British expelled the Dutch then hegemon from Maldives, and established a de facto protectorate over the Sultanate; this was formalised in 1887. Under this arrangement, the Sultanate retained a degree of internal self-rule but had its foreign and defence policy dictated by the British. In 1932, the Sultanate was reformed into a constitutional monarchy. After a brief republican period from 1953 to 1954, Maldives ended its protectorate status and became fully independent on 26 July 1965. A referendum on 11 November 1968 led to the abolition of the monarchy and the establishment of the modern republic.

Early Republic Period (1968–99)

Ibrahim Nasir, who had served as prime minister from 1957 to 1968, was elected as the first President of Maldives in 1968. The Maldivian economy began to develop in this period, shifting away from being reliant on fishing and British naval bases, to developing other sectors such as tourism. Under a 1972 amendment to the Constitution, instead of direct election, the People's Majlis (parliament) would select a candidate for the presidency, who would then be approved in a national referendum. Under this system, President Nasir was elected to a second term in 1973.

President Nasir's rule was viewed as authoritarian, especially in his response to the short-lived United Suvadive Republic secessionist movement. However, he also oversaw a series of developments, including granting women the right to vote in 1968 and the introduction of radio and television to the islands. Nevertheless, following a period of economic instability, President Nasir's political position was weakened and he left office in 1978.

President Nasir was succeeded by Maumoon Abdul Gayoom, who stabilised the economy. Despite coming to power in a peaceful election (though without an opposition), critics argued that his rule was eventually defined by authoritarianism and human rights abuses. Maldives joined the International Monetary Fund and the World Bank in 1978, and economic development continued.

Attempted coups occurred in 1980, 1983 and 1988, the last of which was resolved after India airlifted 1,600 troops into Malé to help re-establish government control. President Gayoom was re-elected, uncontested, in the 1983, 1988, 1993, 1998 and 2003 presidential elections.

Recent Political History

Emergence of Democratic Movements (2003–8)

From 2003, opposition to President Gayoom's government began to grow. In 2003, a riot broke out at a jail in Malé after the alleged torture and death of a prisoner, during which a number of prisoners were shot. News of this event led to riots across Malé, although the rioting was controlled within the day.

In November 2003, dissident journalist and frequent political prisoner Mohamed Nasheed founded the Maldivian Democratic Party (MDP) from exile.

In August 2004, the arrest of five political prisoners led to a protest in Malé's Republic Square, which rapidly grew in size, despite a media blackout of the event. Outbreaks of violence began to occur; critics accused

government agitators of being responsible. Riot police were sent in on Friday 13 August 2004 to violently disperse the crowd and many protestors were beaten and detained. President Gayoom then invoked a state of emergency, which remained in place for two months. The events came to be known as 'Black Friday'.

Maldives was heavily impacted by the Indian Ocean tsunami in December 2004. It was reported that 57 islands suffered serious damage to their infrastructure, 14 islands had to be evacuated and six islands were effectively destroyed by the impact. The total cost of the disaster, over US\$400 million, is estimated to have been equivalent to over 60 per cent of Maldives' gross domestic product (GDP) at the time.

In the face of growing pressure, President Gayoom allowed for the establishment of opposition political parties in June 2005, following a unanimous vote on that issue in the People's Majlis. Mr Nasheed's MDP was the first to register.

On the first anniversary of Black Friday, Mr Nasheed, along with MDP members and supporters, gathered in Republic Square for a seated vigil. Notwithstanding the attempts of security forces to disperse them, a large protest crowd had developed in Malé. Clashes eventually broke out and continued over the following days. By 15 August 2005, the riots had been controlled, with reports of hundreds detained; both sides accused each other of provoking the violence.

Nasheed Presidency (2008–11)

The momentum for political reform has been cited as a reason for the new Constitution, ratified in August 2008. The 2008 Constitution allowed for multiparty elections in Maldives.

According to the 2008 Constitution, a president requires over 50 per cent of the votes; if no candidate obtains such a majority in the first round of elections, a run-off (second-round) election is held within 21 days of the first. In the October 2008 election, President Gayoom lost in the second round to Mr Nasheed, receiving 45.75 per cent of the second-round vote to Mr Nasheed's 54.25 per cent. On 11 November 2008, Mr Nasheed succeeded Mr Gayoom as president.

The subsequent 2009 legislative elections to the People's Majlis saw the MDP win the popular vote, with 30.81 per cent, though Mr Gayoom's Dhivehi Raiyyithunge Party won more seats.

President Nasheed began a programme of economic and social reform, including income tax and social welfare programmes, and a climate change-focused sovereign wealth fund. Nevertheless, President Nasheed faced economic headwinds, such as high national debt and the after-effects of the 2004 tsunami.

Nasheed's Resignation (2011–12)

By May 2011, protests began to emerge across Maldives, due to perceived economic mismanagement by the government. These eventually grew into demands for President Nasheed to resign.

The protests escalated in January 2012, after President Nasheed ordered the army to arrest Judge Abdulla Mohamed, the Chief Justice of the Maldives Criminal Court, on charges that he was hindering the prosecution of corruption and human rights cases against allies of former President Gayoom. This led to mass protests, with a degree of participation by police and security forces.

On 7 February 2012, President Nasheed ordered the police to disperse the protestors. However, when it seemed that many police officers were siding with the protestors, President Nasheed resigned. Vice-President Mohamed Waheed Hassan Manik took over until the next election. His new Cabinet contained a significant number of people who had served under Mr Gayoom.

By 9 February 2012, Mr Nasheed was reporting that he had been forced to resign at gunpoint by police officers, who had been working with the now President Waheed. On 22 February 2012, the Commonwealth Secretariat suspended Maldives as a member of the Commonwealth Ministerial Action Group (CMAG) while it investigated the matters surrounding Mr Nasheed's resignation. The Commonwealth eventually relied on the findings of a report in August by the National Commission of Inquiry, which found no evidence to support Mr Nasheed's claims of a coup.

In October 2012, Mr Nasheed was arrested by police on charges of illegally ordering the arrest of Judge Abdulla Mohamed while president. However, he was released shortly afterwards. He was rearrested in March 2013 on charges of abuse of office but was released a day later. In the following months and years, he had ongoing charges and hearings against him.

2013 Elections

Unrest continued intermittently for the next few months, and President Waheed eventually announced that elections would be held in September 2013.

The first round of voting took place on 7 September 2013, with Mr Nasheed making it to the second-round run-off election, alongside Abdulla Yameen, the half-brother of former President Gayoom and candidate of the Progressive Party of Maldives (PPM). However, on 27 September, the Supreme Court annulled the first-round results and cancelled the second round, citing a police report claiming that over 5,000 ineligible votes had been cast. However, many international observers disagreed with this ruling, including the Commonwealth and the European Union.

A rerun of the first round was held on 9 November, with Mr Nasheed and Mr Yameen once again making it to the second round. Mr Yameen won the second-round election held on 16 November, with Mr Nasheed conceding defeat.

In 2015, Mr Nasheed was convicted on charges of terrorism, relating to his efforts to arrest Judge Abdulla Mohamed in 2012, and sentenced to 13 years in prison. He left for Sri Lanka before he could be detained and was also granted political asylum in the United Kingdom.

Yameen's Presidency (2013–18)

President Yameen's administration saw a number of changes for Maldives. Notably, President Yameen realigned Maldives' foreign relations away from India and towards China. This included arranging for Chinese support to build large infrastructure projects. In part because of the new inflow of support from China under its Belt and Road Initiative, several new large-scale development projects were undertaken in Maldives, especially around Malé.

On 28 September 2015, an explosion occurred on a speedboat containing President Yameen, his wife and some aides. In the ensuing investigation, Vice-President Ahmed Adeb was arrested and charged with treason, accused of responsibility for the attack. Mr Adeb had only been appointed three months prior to the incident, after the previous vice-president, Mohamed Jameel, had been impeached on charges of treason.

President Yameen faced growing criticism on human rights issues. In 2016, Maldives withdrew from the Commonwealth, after it was placed on the agenda of CMAG. Among the concerns that were highlighted were the 'detention of opposition leaders [and] the misuse of anti-terrorism legislation'. The Anti-Defamation and Freedom of Expression Act (2016) penalised acts of expression that were seen to contradict 'a tenet of Islam, threatens national security, contradicts social norms, or encroaches on another's rights, reputation or good name'.⁶ The intimidation or assault of journalists critical of the government were also reported on multiple occasions.

President Yameen's rule was also perceived as associated with a rise in religious extremism. He had in part justified his opposition to the government of Mr Nasheed due to the latter's supposed actions against Islam. In 2015, lawmaker Afrasheem Ali was stabbed to death in an attack believed to have been motivated by extremist religious ideology. In 2017, journalist Ahmed Rilwan disappeared, and a later investigation concluded he had likely been murdered by an extremist group. The same year, outspoken freelance journalist Yameen Rasheed was murdered after criticising radical Islamic ideologies.

⁶ Amnesty International (2018) 'Maldives: New Government Must Break with Repressive Past'. <https://www.amnesty.org/en/latest/news/2018/09/maldives-new-government-must-break-with-repressive-past/>.

President Yameen was also accused of corruption during and after his time in office. The recent cases are noted below under 'Developments from 2019'.

2018 Declaration of Emergency

In February 2018, the Supreme Court ordered the release and retrial of nine imprisoned opposition leaders, as well as the release and reinstatement of 12 opposition MPs. This would have given the opposition a majority in the People's Majlis. However, the then President Yameen rejected adhering to the court order.

Subsequently, President Yameen declared a 15-day state of emergency on 5 February, which suspended several constitutional rights. He ordered the arrest of Chief Justice Abdulla Saeed, Justice Ali Hameed, former President Gayoom and his son-in-law Moamed Nadheem. Police forces raided the Supreme Court to detain the justices.

Protests were forcefully dispersed and international observers viewed the event as severely undermining of the democratic and constitutional order of Maldives. Then UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein described the turn of events as 'tantamount to an all-out assault on democracy'.⁷

After extending the state of emergency for another 30 days, President Yameen ended it on 22 March 2018.

Election of President Solih

In the run-up to the 2018 Presidential Election, Ibrahim Mohamed Solih of the MDP, then a close ally of Mr Nasheed, was chosen as a common opposition candidate. Mr Nasheed had previously been disqualified as a candidate by the Elections Commission due to his criminal conviction.

Around this time, President Yameen announced plans to build housing for Maldivian citizens, relieve utility bills, scrap traffic fines and release hundreds of prisoners. An ally of Mr Yameen, Ahmed Shareef, was appointed as head of the Elections Commission, international observers were prevented from observing the elections and the MDP headquarters were raided by police.

Despite this, Mr Solih won a clear victory in the first round of voting on 23 September 2018, with 58 per cent of the vote, aided by voter turnout of 89.2 per cent. The Supreme Court held that President Yameen's claims of vote rigging were unsubstantiated, and Mr Solih was sworn in as president on 17 November 2018.

Developments from 2019

In the Parliamentary Elections on 6 April 2019, President Solih's MDP won 45.83 per cent of the popular vote and 65 of 87 seats. This gained the MDP the first parliamentary supermajority in Maldivian political history. Mr Nasheed was appointed as Speaker of the People's Majlis on 29 May 2019.

In 2019, former President Yameen was convicted and received a five-year sentence for embezzlement and money laundering. However, in 2021, the conviction was overturned by the Supreme Court, which found there was insufficient evidence for his initial conviction.

On 6 May 2021, there was an assassination attempt against Mr Nasheed. A bomb was detonated close to Mr Nasheed as he got into his car, causing serious injuries to him and also injuring four others. Three individuals were arrested; their motivation was concluded to have been religious extremism. The police reportedly also stated that many unsuccessful attempts had been made since 2019 to assassinate Mr Nasheed.

On 25 December 2022, Mr Yameen was again convicted and sentenced to 11 years in prison for corruption and money laundering. An appeal is pending.

⁷ United Nations Office of the High Commissioner of Human Rights (2018) 'Maldives State of Emergency "All-Out Assault on Democracy"'. <https://www.ohchr.org/en/press-releases/2018/02/maldives-state-emergency-all-out-assault-democracy-zeid>.

Political Environment before the 2023 Presidential Election

In July 2023, a no confidence motion was filed against the chairman of the ECM, Fuwad Thowfeek, by its other members. Reportedly, they were concerned that he had unduly used his influence to facilitate the registration of The Democrats. Although Mr Thowfeek lost the vote of no confidence, he cannot be removed from his role without a parliamentary vote.

A record eight candidates stood in the Presidential Election on 9 September 2023 (see Table 2.1).

Changes in the Maldivian Democratic Party

In January 2023, Mr Nasheed lost the leadership contest of the MDP to President Solih. The two, who had been close friends since their youth, reportedly fell out over conflicting ambitions as well as ideological disagreements, including Mr Nasheed's aim to move Maldives to a parliamentary form of government.

Mr Nasheed emerged as the leader of a dissident MDP faction. In late May 2023, 12 Members of the People's Majlis from this dissident faction resigned from the MDP, announcing that they would form a new party called The Democrats. On 21 June, Mr Nasheed formally resigned from the MDP, though he retained his role as Speaker of the Majlis.

Having registered as a political party in July 2023, The Democrats are now the largest opposition grouping, with ten seats in the Majlis. Two of the 12 members who resigned from the MDP rejoined the MDP shortly before the Presidential Election.

President Solih has unveiled plans to implement a substantial pay increase for thousands of workers across various government agencies in Maldives. His manifesto also includes a 'Great Economic Transformation' policy, which would *inter alia* connect local farmers with domestic resorts and international markets.

Stakeholders conveyed to the Commonwealth PEAM, when they visited in July 2023, that there is public disenchantment with the ruling party, based on two perceptions. The first is that the President's Office is using state resources to influence voters, for example by launching projects in the lead-up to elections. The second public perception which seems to underlie public sentiment against the MDP relates to Maldives' economic situation and perceived lack of development. This situation is elaborated upon further in the section below on 'Economic Context'.

Progressive Party of Maldives/People's National Congress

The PPM holds only five seats in the Majlis but is a key opposition party. Former President Yameen remains the leader of the PPM. The PPM is part of the 'Progressive Congress' coalition with the PNC, often referred to as 'PPM/PNC'. The PNC holds three seats in the Majlis.

Table 2.1 Candidates in the Presidential Election, 9 September 2023

| Candidate | Party name | Running mate |
|--|-------------------------------|------------------|
| President Ibrahim Solih | Maldivian Democratic Party | Mohamed Aslam |
| Dr Mohamed Muizzu* | People's National Congress* | Hussain Mohamed |
| | Progressive Party of Maldives | |
| Ilyas Labeeb | The Democrats | Hussain Amru |
| Qasim Ibrahim | Jumhooree Party | Dr Ameen Ibrahim |
| Mohamed Nazim | Maldives National Party | Dr Ahmed Adil |
| Faris Maumoon | Independent | Dr Abdul Sattar |
| Umar Naseer | Independent | Ahmed Saleem |
| Hassan Zameel | Independent | Mariyam Aleem |
| * Dr Muizzu was nominated by the People's National Congress (PNC) but is supported also by the PPM. The PPM and PNC are in a 'Progressive Congress' coalition, often referred to as 'PPM/PNC'. | | |

If Mr Yameen had been able to contest the elections, he would likely have been a strong challenger to the incumbent due to his record of economic development and achievements, including the creation of Hulhumalé island, support from a conservative base and possibly also his pro-China foreign policy.

However, individuals convicted of a criminal offence and sentenced to a term of more than 12 months are constitutionally ineligible to run for presidential office. As noted above, Mr Yameen was convicted and received an 11-year sentence for corruption in 2022. He appealed the sentence but on 6 August the Supreme Court upheld the Election Commission's ruling that he could not run for the presidency.

In August 2023, the PNC chose the Mayor of Malé, Dr Mohamed Muizzu, to be its candidate. Dr Muizzu had recently left the PPM to join the PNC, amid frustrations that the PPM was backing Mr Yameen as its candidate. However, the PPM later declared its support for Dr Muizzu as the joint candidate of the PPM/PNC. Mr Yameen, after initially calling for the PPM/PNC to boycott the election, also backed Dr Muizzu.

Dr Muizzu, an engineer and a former Minister of Housing under President Yameen, easily won the 2021 mayoral elections against an MDP candidate. Both as a former minister and as the current Mayor of Malé, Dr Muizzu has developed a reputation for delivering on ambitious infrastructure and development projects. Malé comprises more than 40 per cent of the population of Maldives, though only about 20 per cent of eligible voters.

Dr Muizzu is seen by some as favouring a close relationship between Maldives and China. In September last year, he stated that 'we look forward to returning to government in 2023, with President Yameen at the helm, to script a further chapter of strong ties between our two countries'⁸

On 21 August, Dr Muizzu announced his campaign manifesto. The manifesto centres on a programme of housing and infrastructure development (harnessing his aforementioned reputed strengths in these areas), while also addressing issues of youth, gender and the fishing sector.

The Democrats

The Democrats chose parliamentarian Ilyas Labeeb as their presidential candidate. They announced a policy platform that includes reforming the Maldivian government system into a parliamentary rather than presidential one and limiting the size of the People's Majlis. Initial plans for a partnership between PPM/PNC and The Democrats did not materialise. An agreement to cooperate in the event of a second round remains possible.

Jumhooree Party

The Jumhooree Party (JP) is led by Qasim Ibrahim MP, a billionaire and owner of the Villa Group, Maldives' largest business conglomerate, which includes Villa TV, a widely watched channel. The JP currently holds two seats in the Majlis. Mr Ibrahim's choice of whom to back in the second round of the elections could be decisive. Mr Ibrahim has also previously contested for the presidency and held several influential roles, including Minister of Finance and Governor of the Central Bank of Maldives.

Maldives Reform Movement

The Maldives Reform Movement is associated with the Gayoom family. Faris Maumoon, son of former President Gayoom, stood as an independent candidate in this election. Although former President Gayoom was initially close to his half-brother, Mr Yameen, he later aligned himself with Mr Solih. It is not clear which side former President Gayoom and his son will back in a second round of this election.

⁸ SunOnline International (2023): <https://en.sun.mv/77787>.

Other Parties

The Adhaalath Party holds no seats in the Majlis but is represented in the current government; its leader is the Home Affairs Minister. The party is considered influential among more religiously conservative voters. The Maldives Development Alliance holds two seats in the Majlis. It reportedly backs President Solih for re-election.

International Relations of Maldives

As well as being a member of the Commonwealth, Maldives belongs to the South Asian Association for Regional Cooperation, the Organisation of Islamic Cooperation and the Indian Ocean Rim Association. In 2021–22, the Foreign Minister Abdulla Shahid presided over the 76th Session of the United Nations General Assembly.

Maldives exists in a region of increasing geostrategic tension involving India, China and other global powers. This international dimension is also affecting domestic politics. Some stakeholders conveyed that the governing party is regarded as being close to India and supportive of maintaining strong social, political, economic and security ties. For example, it entered into a trilateral security cooperation agreement with India and Sri Lanka and several bilateral initiatives with India, such as the Greater Malé Connectivity Project.

By contrast, stakeholders conveyed that other parties are considered to favour closer relations with China and supported a populist campaign which attempted to fuel public fears that India is wielding growing influence in Maldives. This campaign was prominent in 2021 but declined in visibility after it was banned in April 2022. However, it appeared to resurface again shortly before the Presidential Election of 9 September.

In early 2023, several parties opposed the ruling by the International Tribunal for the Law of the Sea on the status of the Chagos Archipelago. More specifically, these parties argued against Maldives' acceptance of this ruling and its related renunciation of Maldives' claim to over 40,000 km² of maritime territory. The opposing parties included the PPM, the PNC and the JP. They also included the Maldives National Party, which holds two seats in the Majlis, as well as some members of the Majlis aligned with the former President Nasheed.

It was conveyed that opposition parties do not seem to have succeeded in making either of these two foreign policy positions (on India and on the Chagos issue) into key election issues among voters. However, they may be revived ahead of the second round.

National and International Engagement on Elections

Maldivian civil society is engaged in the elections. For example, Transparency Maldives observed the Presidential Election. Other domestic election observers and monitors included representatives of political parties.

Over 150 international observers were present to observe the Presidential Election on 9 September 2023. Besides the Commonwealth, this included the European Union's Election Observation Mission, with Nacho Sánchez Amor, Member of the European Parliament, serving as the Chief Observer. Observers from India, Sri Lanka and other neighbouring countries were also invited to observe the election.

Economic Context

According to the World Bank, the Maldivian economy is projected to grow by 6 per cent on average in the medium term, driven by a robust activity in the tourism sector. Total arrivals are expected to increase by 7.1 per cent year-on-year in 2023, reaching 1.8 million.

However, the World Bank's report detailed several headwinds facing Maldives, including vulnerability to external shocks, inflation, high levels of public debt and Maldives' plans to undertake sizeable infrastructure investments through non-concessional borrowing (as an upper middle-income country, Maldives is no longer eligible for concessional financing).

The opposition has criticised the government for suspending the Fiscal Responsibility Act (2013), which mandates a debt ceiling of 65 per cent of GDP, during the COVID-19 pandemic. In March 2023, Finance Minister Ibrahim Ameer stated that Maldives' debt to GDP ratio was 111 per cent at the end of 2022.

In early August 2023, the Maldives Monetary Authority announced that the country's total reserves stood at US\$594 million at the end of July 2023, with only \$125 million being usable. By contrast, at the end of July 2022, the total reserves were \$728 million, with \$282 million available for use. Expensive imports of oil and capital goods have added to pressure on foreign reserves.

3. Legal Framework and Election Administration

Introduction

The task of the COG is to advance the democratic process of governance by ascertaining how far the conduct of the recently concluded Presidential Election in Maldives complied with applicable laws and standards. In specific terms, the COG will determine, in its own judgement, 'whether the election process has complied with objective standards of democratic elections, as incorporated in national election-related legislation, and relevant regional and Commonwealth and other international commitments'.

The Constitution and Election-Related Laws

The framework of the electoral process is set, in the first place, by the Constitution of the Republic of Maldives (2008). Against this background, the scheme of the election is then more closely defined under specific laws and regulations, namely:

- The General Elections Act (2008) [Law No. 11/2008];
- The Presidential Elections Act (2008) [Law No. 12/2008];
- The Elections Commission Act (2008);
- The General Elections Regulations (2020) [Regulation No. 2020/R-48];
- Presidential Elections Regulations (2023) [Regulation No. 2023/R-120]; and
- The Political Parties Act (2013).

Therefore, there is an extensive frame of legal regulation to the conduct of the electoral process – including the judicial remit, where a specific dispute arises. This dimension is commendable, insofar as the judiciary has considerable scope for the consideration and resolution of questions falling under the categories of fundamental rights and freedoms under the laws of Maldives, such as freedom of expression, of assembly, of association and of participation in elections.



Chairperson and Observers at the ECM briefing ahead of 9 September Election

International Law Commitments and Standards

A further level of legal reference to fundamental rights is found in Maldives' acceptance of regional and international instruments of human rights. Such instruments include the following.

- International Convention on Civil and Political Rights (2006);
- Convention on the Elimination of All Forms of Discrimination Against Women (2006);
- International Convention on the Elimination of all Forms of Racial Discrimination (1984);
- Convention on Rights of People with Disabilities (2010); and
- Commonwealth Charter (2012).

The Maldivian legal system combines traditional Islamic law with aspects of common law. Notably therefore, and as enshrined in Article 16(b) of the Constitution, there is a limitation to the application of established rights where they conflict with the prevalence of the tenets of Islam.

The Executive and Legislature

The President and the Presidential Electoral System

Under Chapter 4 of the Constitution, the President has significant powers.

- the Executive power is vested in the President;
- the President shall be the Head of State, the Head of Government, and the Commander in Chief of the Armed Forces;
- the principles of governance of the state being determined by the Constitution, the President shall uphold, defend and respect the Constitution and shall promote the unity of the state; and
- the President shall exercise Executive authority as provided for in the Constitution and the law.

The President of Maldives is elected for a five-year term and can serve a maximum of two terms in office, whether consecutive or otherwise (Section 107, Constitution). The President is elected in a single national constituency on the basis of a majority system. In order to be elected in the first round, a candidate needs to secure more than half of all valid votes cast in the election. If no candidate fulfils this condition then the two leading candidates contest a run-off election.

Sections 111 and 113 of the Constitution have a special relevance, and deserve to be quoted in full.

Run-off:

Presidential election.

- (a) The President shall be elected by over fifty per cent of the votes. If no candidate obtains such majority, a run-off election must be held within 21 days after the first election. The run-off election shall be contested only by the two candidates receiving the highest number of votes in the first election.
- (b) If the two candidates receiving the highest number of votes in the first election have an equal number of votes, only those two candidates shall compete in the run-off election. If there are two candidates in second position with an equal number of votes, then the run-off election shall be held among the top three candidates.
- (c) If any of the two candidates withdraws from the run-off election, the candidate receiving the third highest number of votes in the first election may stand for election in the run-off election.

Supreme Court

The Supreme Court, sitting together in session, shall have sole and final jurisdiction to determine all disputes concerning the qualification or disqualification, election, status, of a presidential candidate or running mate or removal of the President by the People's Majlis.

According to the Constitution, to be eligible as a presidential candidate, a person must:

- be a Maldivian citizen;
- not be a citizen of a foreign country;
- be born to parents who are Maldivian citizens;
- be a Muslim and 'follower of a Sunni School of Islam';
- be of sound mind;
- be at least 35 years of age;
- not have an undischarged decreed debt; and
- not have been convicted of a criminal offence and sentenced to a term of more than 12 months, unless a period of three years has elapsed since his/her release or pardon.

There were eight candidates in the Presidential Election on 9 September 2023. According to the published calendar of the Elections Commission, a second round of voting would take place on 30 September 2023.

The People's Majlis (the Legislature)

Maldives' administrative structure consists of 21 atolls, 200 inhabited islands, 90 tourist resort islands and the capital city Malé. The legislative power is vested in the People's Majlis, a unicameral legislature of 42 elected members and eight members appointed by the President. Of the 42 elected members, two are from Malé, and two from each of the atolls.

The duration of each session of the People's Majlis is five years. Both ministers and civil servants are able to stand for election to the People's Majlis and are able to continue in their current positions even if elected to the People's Majlis, which has raised questions regarding the possibility of conflict of interest and the misuse of state resources for election campaigns by civil servants who currently hold political office as Members of the People's Majlis.

The electoral legal framework is strengthened by way of Section 167 of the Constitution, which establishes the ECM. This section states that ECM is meant to be 'an independent and impartial institution', mandated to 'exercise its duties and responsibilities in accordance with the Constitution and the laws enacted by the Majlis'.

Campaign Financing and Expenditure

The Elections (General) Act 2008 contains provisions regulating campaign finance activities by candidates. It limits expenditure by candidates to 2,000 Maldivian rufiyaa (US\$129) per voter, with private contributions to a candidate for election expenses not to exceed 0.1 per cent of the total amount.

However, political parties are not subject to an expenditure ceiling. Candidates cannot accept foreign or anonymous donations, though parties can. These discrepancies create loopholes and complicate reporting on campaign finance. Regulations mandate that 0.1–0.2 per cent of the state budget should be allocated to political parties. Several stakeholders have noted that campaign finance regulations were not enforced.

There is an absence in the transparency of the income and expenditure of candidates and the extent of money used for online advertising campaigns. The high spending ceiling of 560 million Maldivian rufiyaa (about US\$36 million) is an outlier from the perspective of international and regional benchmarks and inconsistent with ensuring a level playing field when presidential candidates campaign.

Candidates are required by law to submit their election expenses, to ensure accountability and transparency in campaign finance. However, the Elections Commission (and its bureaus and committees) have not provided a provisional list of these expenses from the first round of the 2023 Presidential Election. The Elections Commission noted that it would welcome capacity-building in this area, particularly support in strengthening the legal framework for campaign finance.

The Judiciary and Oversight Bodies

The relevant sources of applicable law are English common law and Sharia law. The Supreme Court and High Court are the main appellate courts. There are first-instance courts in Malé and magistrate courts on the populated islands.

Key judicial and legal officials include: (1) Ahmed Muthasim Adnan, Chief Justice; (2) Aisha Shujune Muhammad, Justice of the Supreme Court and notable voice on women's rights; (3) Ms Hisaan Hussain, President of the Judicial Service Commission (JSC); and (4) Ibrahim Riffath, the Attorney-General, a political office-holder and chief legal adviser, and member of the JSC.

The Judges' Code of Conduct was compiled by the JSC in accordance with the responsibilities and powers stated in Article 159 (c) of the Constitution and Article 21 (c) of Act no. 10/2008 (Judicial Service Commission Act).

Article 157 of the Constitution establishes the JSC as an independent body responsible for overseeing the appointment and dismissal of judges and ensuring the accountability of the judiciary. The powers and responsibilities of the JSC are further detailed in the Judicial Service Commission Act (2008). The Group was informed that the JSC has two mandates, the first being to investigate complaints of judicial misconduct. Although the JSC's mandates are not specific to elections, it was noted that this Commission often receives more complaints around the time of elections. When investigating complaints, the JSC generally waits until the relevant case is decided by the judges in question, so as not to appear to be interfering in the case.

The JSC is also mandated to carry out an administrative function, and it oversees the management of the judiciary's human resources. It was explained that Maldives does not have a ministry or department of justice, and that the Department of Judicial Administration performs the functions of such a ministry, including the judicial training and guidance of non-judicial staff.

The following are some of the challenges faced by the judiciary and, more broadly, by the justice system:

- lack of the technical capacity to familiarise themselves with established international standards and to carry out a far-reaching and complex reform;
- low public confidence in the justice system, partly due to an absence of educational or outreach efforts by the government, courts or the legal community; and
- incomplete implementation of the reforms of the 2008 Constitution, which introduced a bill of rights, provided for a clearer separation of powers and established mechanisms for accountability and transparency, thus occasioning competition among different branches of government.

Laws of the Elections Commission of Maldives

The 2008 Constitution provides for the establishment of the ECM, which comprises five members: a chairperson, a vice-chairperson and three other members.

The General Elections Act 2020 provides the regulatory framework for the administration and conduct of elections. The Presidential Elections Act 2008 provides the guidelines for the conduct of presidential elections. The Presidential Election Regulation 2023 outlines the specific procedures for conducting presidential elections.

In general, the legal framework facilitates the conduct of democratic elections, in accordance with the regional and international commitments and standards adhered to by Maldives. However, there are concerns over limited neutrality and independence when considering the structure of the ECM.

Dispute Resolution, Prosecution and Clemency

On the whole, there is a complaints and dispute resolution system put in place by the ECM that operates at various stages of the electoral process.

Complaints Bureaus

Election complaints bureaus are established by the ECM and are tasked with addressing electoral complaints and petitions. The Presidential Elections Regulation 2023 provides for the establishment of two tiers of complaints bureaus. A National Elections Complaints Bureau, comprising five members and seven administrative staff, is established at the start of the presidential candidates' application period and remains in operation until 14 days after the official election results are announced. Where a second round of the election is required, the National Elections Complaints Bureau remains in effect from the date of its establishment up to a period of 14 days following the date on which the official election results of the second round are announced.

At the subnational level, Atoll/City Elections Complaints Bureaus, comprising three members, are established. These are set up ten days prior to election day and function for a period of seven days following the completion of the elections. Additionally, the ECM appoints an Election Focal Point to every inhabited island, who is responsible for coordinating the logistical arrangements for an election, and can also receive complaints prior to the establishment of the Atoll/City Elections Complaints Bureaus. With regard to the procedures for filing a complaint, according to the Elections (General) Act 2023, every individual with the right to vote in the election has the right to file a complaint.

The Group understands from the ECM that there were 126 Complaints filed with them or their bureaus/committees in the course of this electoral period, of which 63 were addressed and the remaining 63 are pending consideration and resolution. We note that it would be helpful for a transparency report or database to be maintained to provide basic details of the complaints and the status of the type of relief sought and decisions ultimately reached by the ECM.

Election-Related Offences

Offences outlined in the Elections (General) Act 2023 include: voting more than once; giving false information in order to stand for elections; preventing or hindering an individual from voting; spending in excess of the financial limits specified; giving or accepting contributions in excess of specified limits; taking a ballot out of the voting area; selling or issuing a ballot to a person not entitled to it; and deliberately counting a valid ballot as invalid. The penalties for the commission of any of the offences highlighted are imprisonment for a term between one and four years or a fine between 12,000 and 48,000 Maldivian rufiyaa (between US\$ 774 and US\$ 3,094.42). Any decision of the ECM relating to a complaint, as well as decisions relating to the election results, can be challenged in the High Court.

Clemency Board

The Group also noted that even after a conviction, there is the prospect of a presidential pardon. In accordance with Section 9 of the Clemency Act, the president of the day can institute a clemency board that considers the possibility of a convict's pardon and early release from jail.

The Clemency Board Regulation, issued by the Attorney-General's Office under Act no. 2/2010, includes the principles for the appointment and dismissal of clemency board members and procedures for holding meetings, as well as processes for decision-making by the board.

Election Petitions

The 2008 Constitution allows citizens to present election petitions before the High Court. However, it accords the Supreme Court, as the apex court, the sole and final jurisdiction to determine disputes in relation to the qualification or disqualification, election, status of a presidential candidate or running mate or removal of the President by the People's Majlis. The Group was informed that while Maldivians have some level of confidence in the Supreme Court, there appears to be an erosion of trust in the High Court. There is a public perception that the government interferes with High Court processes.

Role of the Prosecutor General's Office

With regard to petitions relating to criminal offences, only the ECM has the discretion to refer the matter for judgement before the High Court through the Prosecutor General. When a petition is filed with the High Court, it should be submitted no more than 14 days from the announcement of the official election results. The High Court should provide its judgement no more than 30 days from the announcement of the official results. Where a petition is filed for the invalidation of results due to irregularities, the challenge may have an impact on the outcome if the High Court determines that the results must change and the election in question is declared invalid.

Prior to and during the first round of elections, complaints were made by political parties to the ECM. The Group understands that complaints were lodged before the High Court by the Jumhooree Party following the election, seeking the release of voter lists and ballot box sheets given allegations of voter fraud. We have not been apprised of the specifics of these complaints and their resolution by the ECM. Despite allegations from stakeholders and interviewees of electoral violations, including alleged corruption, political patronage and vote buying, and misuse of state resources, few cases have been investigated and prosecuted by the Prosecutor General.

Pre-election Disputes

In December 2022, former President Abdulla Yameen was convicted by the criminal court for bribery and money laundering and sentenced to 11 years in jail. Notwithstanding this, the PPM nominated him as their presidential candidate, and the ECM proceeded to disqualify him as individuals convicted of a criminal offence and sentenced to a term of more than 12 months are ineligible to run for presidential office. Mr Yameen appealed the sentence but on 6 August the Supreme Court upheld the ECM's ruling that he could not run for the presidency.

In sum, the Constitution states that the Supreme Court has the sole and final jurisdiction regarding qualification or disqualification of candidates or of election or removal of a president. It also grants the right to all to present a petition to the High Court on issues emanating from a decision of the ECM, results of elections or any other matter related to an election. The High Court has the jurisdiction to invalidate election results in a voting area where it is proven that an irregularity took place in which the result of the election could change. In such cases, the election for that area should be repeated.

However, in addition to the Supreme Court, High Court and ECM, there are temporary entities (complaints bureaus and committees) established by the ECM to receive and review complaints during the election period. While this is in accordance with Section 62 of the General Elections Act, which grants the power to the ECM to ensure a mechanism is in place for receiving and expeditiously dealing with election-related complaints, the number and variety of administrative or quasi-judicial bodies beyond the courts and the ECM that could hear and adjudicate electoral complaints can lead to confusion and inefficiency.

Recommendations

Legal and Regulatory Framework

- The electoral legal framework generally enabled the conduct of free and peaceful elections on 9 September 2023 which were, in our view, consistent with the international commitments that have been accepted by Maldives.
- The legal framework on electoral offences and penalties should be strengthened, and the respective oversight roles of relevant prosecutorial, administrative, judicial and quasi-judicial bodies should be clarified.

Enhance the Coordination and Transparency of the Complaints Process

- Mechanisms for fostering better coordination and clear guidelines for the complaints process should be developed to strengthen the transparency of the ECM (and its complaints bureaus and election committees).

- The ECM (and its bureaus and committees) should give reasons for a decision to accept or dismiss a complaint and a requested remedy and provide fully for the right to judicial review.

Strengthening the Legal Framework for Campaign Finance

- To promote good governance and the rule of law, the laws regarding campaign financing should be amended and strengthened so that Maldives can finally dispel the perception of financial mismanagement and bias in favour of the ruling party or current or former political office holders.

Election Administration

Elections Commission

Article 167 of the 2008 Constitution establishes the ECM as an independent and impartial body composed of five members: a chairman and four other members. The President issues a public invitation for those who wish to be considered as members of the ECM out of which the President selects nominees whose names are submitted to the Majlis for consideration. On the advice of the Majlis, the President appoints the members of the ECM who must be Maldivian citizens, of the Muslim faith and not belonging to a political party. The members are appointed on a full-time basis for a five-year term, which is renewable for another five-year term of office. The current Chairman of the ECM is Mr Fuwad Thowfeek. Since 25 July 2023, the ECM has been working with only four members because the reappointment of the fifth member awaited the approval of the Majlis, which did not take place before the Presidential Election.



The Chairman of the ECM, Fuwad Thowfeek, together with Secretary-General Abdulla Unais and ECM representatives brief the COG about election preparations.

We note that the ECM does not enjoy security of tenure as ECM members can easily be removed from office. An example was given of the current chairman, Mr Fuwad Thowfeek, who was previously removed from office as chairman in 2014. Mr Thowfeek was reinstated as chairman in 2021. Commissioners can be removed from office on grounds of misconduct, incapacity or incompetence by a simple parliamentary majority.

It was reported that during a media conference held on 25 June 2023, some opposition parties expressed concerns about the impartiality of the ECM. Perceptions about disunity and discord among the commissioners worsened when, on 24 July 2023, a motion of no confidence was passed by other members of the ECM against the chairman on grounds that he had unduly influenced the process of registering The Democrats. Despite this vote of no confidence, the chairman could not be removed from his position except through a parliamentary vote. The independence of commissioners has been similarly questioned by the chairman for being directly or indirectly affiliated to specific political parties or office holders.

Mandate of the Elections Commission of Maldives

The ECM must discharge its duties and responsibilities in accordance with the Constitution and laws passed by the Majlis, primarily the Elections (General) Act 2008 and Regulations, and the Presidential Elections Act 2008 and its Regulations. The ECM's constitutional duties include the conducting or supervision of referenda and elections of members to any statutory elective body or public office established by the Constitution.

Among its functions, the ECM must:

- prepare, maintain and update electoral rolls;
- declare the results of those elections and referenda within periods that shall be prescribed by law;
- fix, vary, demarcate and continuously review the boundaries and names of constituencies or voting units for all elections;
- publish the boundaries in the *Government Gazette*;
- register political parties;
- verify political party finance;
- issue the Code of Conduct for political parties;
- educate people on the electoral process and its purpose;
- formulate national and regional electoral policies; and
- conduct voter information and education.

The ECM is funded from the Consolidated Fund. For the 2023 Presidential Election the ECM received less funding than it requested. A shortage of funds was said to account for certain gaps in the preparations for the conduct of the elections, such as lack of nationwide voter education and effective stakeholder management.



The members of COG with representatives of the ECM

ECM Management Structure

The ECM's headquarters are in Malé, where the executive management is based. In order to manage operations, the ECM appointed 21 atoll and 207 island focal points in which ballot boxes were placed, except in Malé whose operations were managed by the ECM itself. The focal points are responsible for coordinating logistics and receiving complaints among other administrative duties. Elections Committees were also established in each atoll, except in Malé which falls directly under the ECM.

For the Presidential Election the ECM employed 4,968 temporary electoral officials to manage 574 ballot boxes in all the atolls and island atolls, including in Malé. It was reported that the recruitment of temporary staff faced the challenge of a reduced number of applicants, possibly due to the fact that the universities were still in session. Staff shortages were, however, not apparent at the polling stations and seemingly did not destabilise the elections, on voting day.

National Advisory Committee

The Presidential Election Regulations 2023 provide for the establishment of the National Advisory Committee (NAC) on elections 'to advise and consult the ECM on matters relating to the Presidential Elections'. The mandate of the NAC is to advise the ECM on matters specifically related to presidential elections.

The NAC comprises:

- political parties contesting the elections;
- the HRCM;
- the Anti-Corruption Commission (ACC)
- the Civil Service Commission;
- the Maldives Police Service;
- CSOs, represented by Transparency Maldives, Council for Persons With Disabilities and the International Foundation of Electoral Systems.
- the Maldives Broadcasting Commission;
- the Maldives Media Council;
- the Attorney-General's Office;
- the Prosecutor General's Office; and
- the Local Government Authority.

Political parties that participated in these elections informed the COG that the NAC convened no more than four meetings during the entire electoral period, which led to reduced communication between the ECM and critical stakeholders who are members of the NAC. As a result, the ECM is perceived as having managed the electoral process with minimum communication with the presidential candidates, state organs and civil society, and ran the Presidential Election without the benefit of inputs from the key stakeholders.

Findings

- Despite the challenges stated earlier, the ECM led the electoral proceedings professionally.
- Perceptions of bias and/or impartiality of the ECM did not affect its ability to deliver a professional and generally accepted election. None of the contesting parties and independent candidates cried foul during or after the conclusion of the voting process, counting and results management.
- The motion of no confidence against the chairman of the ECM appears to have had no effect on the efficacy of the operations. The chairman was not overly concerned about the motion of no confidence by his colleagues and regarded it as a result of the democratic way in which the ECM runs its affairs.
- The rumoured discord between the commissioners appears not to have undone the ECM's ability to speak with one voice before the observer missions, the media and the public.

Voter Eligibility and Registration

The ECM is mandated under the Constitution to prepare, maintain and update the voter's register. The Department of National Registration's database is the primary source of data for the compilation of the voters' register.

Articles 5 and 8(d) of the Elections General Act (2008) state that all citizens of Maldives aged 18 years and above have the right to vote. The Group was informed that once a Maldivian reaches the age of 18, they are automatically added to the register.

The ECM provides for the voter verification period ahead of an election to ensure the accuracy and integrity of the voters' register. For the purposes of this election, the register was published from 2 to 30 May 2023, and eligible voters were able to verify their data on the register and submit complaints. The amended register was published from 11 to 22 June 2023. The Department of National Registration verified complaints filed during this period and made the necessary amendments. The new amendments made to the register were published and opened for complaints from 4 to 15 July.

The voter re-registration exercise was held for a period of 21 days from 16 July to 5 August 2023 for the purpose of capturing citizens who prefer to register and vote at different atolls other than the location entered as their permanent address in the register. An online re-registration process was introduced to accommodate those working and living outside of their permanent place of residence to change their place of voting. This is to obviate the migration patterns of Maldivians in the country. A total of 35,849 Maldivians were re-registered for the first round of the Presidential Election.

The ECM also established an SMS service for voters, whereby they could text their National ID number and receive an automated response confirming the voter's name on the register and their polling station location. In addition to eligible Maldivian citizens within the country, eligible citizens living overseas could also register to vote.

According to the 2023 Presidential Election Regulation, diplomatic missions in locations with a minimum of 100 registered persons had to make provisions for those citizens to vote. As a result, voting took place in India, Malaysia, Sri Lanka, the United Arab Emirates and the UK. The final register contained a total of 282,395 eligible voters, with a disaggregation by gender of 144,199 males and 138,196 females.

An individual is barred from voting if charged with a criminal offence and sentenced to imprisonment of more than five years and is subsequently serving the sentence.

Registration of Political Parties

While there is legislative provision for the registration of political parties, in conversations with stakeholders, it was mentioned that the ECM allegedly 'dragged out the political party registration process'. This negatively impacted the process of registration.

Voter Education

One of the critical constitutional roles of the ECM is to provide voter education. The ECM has a responsibility and powers as per the Constitution and the ECM Act, under Section 21 (g), to educate and create awareness among the general public on the electoral process and its purpose.

In noting this responsibility, the ECM, through its Civic Education and Training and Research Section (CETRS), has established a clear goal in its Strategic Plan for 2021–25 to *enhance the electoral participation and ethical democratic engagement of the society*. In order to achieve this goal, the CETRS has conceptualised several strategic communication initiatives to deploy during the election life cycle.

For these elections, the ECM developed a voter education campaign, addressing several issues which were viewed as relevant to the pre-election environment. These issues included, *inter alia*, awareness regarding the ills of vote buying, inclusivity and how to vote.

Maldives has one of the highest internet penetration rates in South Asia, with ideal internet connection even when at sea. Most Maldivians also have smart devices and rely heavily on social media for their news and general information. The Group was advised by the ECM of a multimedia approach to media channel selection, mixing both traditional and social media in disseminating information. However, on the ground, little was seen by the Group to verify this.

In our conversations and meetings with stakeholders, it was noted that for these elections, voter education initiatives were generally weak and started later than normal, especially as it is the ECM that announced the date of these elections. Listed hereunder are some of the concerns that were raised with the Group by various stakeholders:

- Persons with disabilities (PWDs) were not adequately catered for in voter information materials.
- Changes to 'polling day' activities were not communicated in a timely manner.
- There were late decisions on critical issues that impacted the timeliness in communicating to key stakeholders, for example the decision to use only black/blue pens in polling stations to vote and the orientation of the voting booths.
- Insufficient public outreach.
- Inefficiency in selecting appropriate media channels, that is, there has not been an effort to give the electorate the information they need through the best channels.

While the ECM has used social media platforms in its voter education campaigns, stakeholders have mentioned that the ECM has not been as strategic in its approach as it could have been and as a result has not explored the use of 'newer' social media platforms, such as 'Clubhouse', to reach the youth.

Another issue of concern was the lack of voter education with respect to the ECM's Re-Registration Portal. The Group understands that this portal was not well advertised by the ECM. The portal was also in English, not the native language, Dhivehi, therefore making it challenging for a significant portion of the electorate to use.

In its Strategic Plan for 2021–25, the ECM has set a goal to *create an aware citizenry who respects and practices ethical, democratic principles and are cognizant of their civic responsibilities and rights*. The Group noted, however, two critical deficiencies to achieve this goal: insufficient human resources and funding. As a result of this, the ECM decided for this election to prioritise voter education over civic education.

The Group observed that Maldivians are well versed in the voting process. However, there is a need for voter education on how to mark the ballot. During the counting process, there were varying views on what constituted an invalid ballot. In some instances, polling staff considered the ballot valid once there was a clear indication of the preferred candidate. In other instances, the ballot was rejected if there was any mark on the ballot paper, other than a tick.

It is the view of the Group that there is a need for better training of polling day staff for a standardised acceptance of what constitutes a valid ballot.

Communication and Stakeholder Management

In its Strategic Plan for 2021–25, four specific goals were identified, geared towards enhancing electoral participation and democratic engagement and facilitating engagement with political parties to promote their sustained participation.

These include:

- improving stakeholders' participation and engagement in promoting democratic principles and values;
- enhancing the ECM's capacities in media relations to improve information flow between the ECM and the public;
- facilitating and supporting political parties to promote youth and women's representation in the internal party leadership and in competing state sectors; and
- strengthening the political party monitoring and support mechanism.

The Group recognises the ECM's initiatives towards strategic stakeholder engagement. It was evident to the Group that the ECM in its strategic planning recognised the critically important role of stakeholder relations in the advancement of the democratic process. Some stakeholders commended the ECM for its accessibility. In addition, the establishment of the NAC as discussed earlier has provided a platform for political parties and civil society to interface with the ECM in a consultative manner. However, some other stakeholders mentioned that some political parties are not in agreement with the NAC.

Recommendations

Appointments, Funding and Structure of the Elections Commission of Maldives

- The composition of the ECM must always be maintained as determined in the Constitution and be treated as a priority for the stability of the electoral system in Maldives.
- The NAC ought to be upgraded to a permanent structure that must meet according to a predetermined schedule especially during an electoral period.
- While the funding of the ECM to run elections is one of many state priorities, the ECM's budget for conducting presidential elections must be prioritised during an electoral period.

Voter Education

- The ECM should embark on a feedback exercise, be it surveys, focus groups or both to ascertain the success of its voter education campaign and use the data in creating more strategic and targeted campaigns in the future.
- The ECM needs to address its human resource shortages with trained staff for both civic education and voter information initiatives.
- The ECM must embark on continuous civic education outside of election periods.
- The ECM should consider innovative and creative use of media.
- The ECM should secure, from the relevant authorities, the required funding to finance public outreach and sensitisation initiatives.
- A media-monitoring mechanism should be implemented to assist in conceptualising targeted campaigns.
- The ECM should use demographic data from the Department of National Registration for the communication strategy.
- The ECM should consider continuous staff training on key electoral processes to enhance its strategic communications, thereby increasing public trust and confidence in the institution.
- There is a need for more voter education for the electorate on what is the accepted practice of selecting their candidate of choice on their ballot paper.
- Civic education is a collective responsibility that all stakeholders must address nationally, in the interest of a maturing democratic process.

4. Participation and Inclusion

Protecting Citizens' Rights to Participation in the Electoral Process

The Maldives' 2008 Constitution underscores the commitment of the Republic to an inclusive government and democratic rights of its citizens. The Republic has further committed itself to several regional and international charters, agreements and covenants which govern democratic participation in the life of the nation. Among the most critical is the Charter of the Commonwealth, which recognises political participation as a universal and inalienable right for all citizens.

In 2006, Maldives acceded to the UN's International Covenant on Civil and Political Rights and its first optional protocol. Combined, these highlight citizens' rights to full political participation and the right of individuals and groups to make appeals to the Human Rights Committee regarding alleged violations of the Covenant by member states. Maldives has also acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

Not only does chapter 2 of the 2008 Constitution guarantee equal rights, opportunities and freedoms to all persons, but specifically Article 17 (a) of the Constitution provides for positive non-discrimination in areas including race, national origin, colour, sex, age, mental or physical disabilities, political or other opinions and native island. Further, Article 17 (b) of the Constitution provides for special assistance or protection for disadvantaged individuals or groups or for groups requiring special social assistance. Additionally, Article 20 of the Constitution upholds the principles of non-discrimination and equality to all persons. It is also important to note that the 2008 Constitution provides for political gender equality as it removed the gender bar in running for the office of the presidency.

Further, in keeping with the democratic principles to which the state committed itself in 2008, a constitutionally enabling environment has been created for CSOs. Articles 23–24, 27–29 and 30(b) of the Constitution collectively provides for the overall rights and freedoms supporting the existence of CSOs. While the Articles referenced above provide for the general rights to freedom of thought, freedom to convey an opinion (exemptions created in respect to Islam), the right to privacy and so on, much of the space created for society is to be found in Article 30(b), which expressly provides for freedom of citizens to form associations and societies, including:

- the right to establish and participate in any association or society for economic, social, educational or cultural purposes; and
- the right to form trade unions and to participate or not participate in their activities.

Additionally, the National Strategic Action Plan 2009–13 provided clear support for both the development and engagement of the civil society sector in local and national development efforts and in the promotion of the well-being of the citizens of the country.

Collectively, these political developments demonstrate that formally, the electoral environment is marked by an accessible and inclusive approach regardless of gender, age, ethnicity and disability status. Yet the Group is conscious that informal hurdles precluding the full enjoyment of these rights do exist. In the following sections, the report therefore highlights the critical dimensions, opportunities and difficulties confronting the CSOs, women's political participation, youth participation, PWDs and jail voting.

Civil Society Organisations

Legal Framework

CSOs in Maldives operate under the Associations Act, which came into force in 2003 and was amended in 2022 to align it with the 2008 Constitution after several years of advocacy.

In addition to freedoms enshrined in the Constitution, the existence of a Human Rights Commission assures Maldivians, in theory, that their rights are protected. The Human Rights Commission of Maldives (HRCM) was first established in 2003 as an independent and autonomous statutory body created by decree with the Act of 2005 making it a constitutionally established autonomous body. Supporting non-governmental organisations (NGOs) working for the promotion and protection of human rights is part of the mandate of the HRCM. 'As such, in 2009, the HRCM established an NGO network to support and assist human rights and to secure the cooperation of the participating NGOs⁹.' The HRCM saw the expansion of the role of civil society as a means to further expand the ECM's efforts to protect and promote human rights.

The Group appreciates that the HRCM recognises that a lot of work is still required to promote and protect human rights, as it states in its 2021–25 Strategic Plan:

[A] great more still needs to be done to ensure human rights are recognized, respected, enjoyed and protected for all without any discrimination in the Maldives ... We aim to instil the culture of human rights in Maldives through regulatory and procedural reform. It is important that we work to build a culture that respects human rights and protect and promote human rights across the country.¹⁰

Background to the 2023 Presidential Elections

Civicus, the global civil society alliance, does a yearly assessment of the civic space. The Civicus Monitor assesses the civic space conditions of 197 countries and territories, where 'civic space' is seen as the respect in policy and practice for the freedoms of peaceful assembly, association and expression which are underpinned by the states' duty to protect civil society. Maldives was considered to be 'obstructed', with a score of 46 out of 100.

The Civicus Monitor's broad definition of an 'obstructed' civic space aligns with what we heard from our engagements: citizens can organise and assemble peacefully but they are vulnerable to frequent use of excessive force by law enforcement agencies, including the use of rubber bullets and tear gas. There are 1,206 CSOs registered in Maldives; however, very few of them work on themes related to democracy and elections.¹¹ The Group noted that youth engagement, education and climate change have the larger concentration of advocates. The Group understands that fewer than five CSOs work on democracy and elections. One of the most active groups, the MDN, was dissolved in December 2019.

The MDN (started as the Maldivian Detainee Network) is a non-partisan NGO, set up in 2004, which aims to protect and promote human rights and the values and principles of democracy in Maldives. It was officially allowed to register in 2006 as one of the first human rights organisations in the country. However, a smear campaign against the MDN and its staff, led by extremist religious groups and local clerics, resulted in the arbitrary banning of the organisation in December 2019.¹²

The Group did not meet representatives of the MDN as they continue to operate in exile. However, they were referenced in a few engagements, highlighting the fact that a number of high-profile members of the governing party were former members, for example the Prosecutor General, the Chief of Police and a Supreme Court Justice.

Against this background, and concerns by the UN Working Group on Discrimination against Women and Girls in September 2022 and the passage of the Evidence Act 2022 (which forces journalists to disclose their sources) in June 2022, Maldives was elected to the UN Human Rights Council in October 2022.

⁹ Human Rights Commission of Maldives website, <https://hrcm.org.mv/en/ngo>.

¹⁰ Human Rights Commission of Maldives (2021–2025) *Strategic Plan*. <https://hrcm.org.mv/storage/uploads/7jqJ24q5/flqymyqs.pdf>.

¹¹ Asia Foundation (2024) 'Mapping of Civil Society Organizations in the Governance Sector in the Maldives'. https://asiafoundation.org/wp-content/uploads/2024/02/Synopsis_Mapping-of-Civil-Society-Organizations-in-the-Governance-Sector-in-the-Maldives.pdf.

¹² MDN website, <https://mvdemocracy.org/>.

2023 Elections

Transparency Maldives (TM), a national chapter of Transparency International, is the largest CSO working on elections in Maldives. The Group was briefed that TM was conducting both long- and short-term observation. The Group was also informed that TM fielded 32 long-term observers in 19 of 26 atolls and would be deploying 441 short-term observers.

The Group did not feel the pulse of active CSO involvement in the electoral process outside of TM's engagement of the ECM through the NAC. A consistent complaint that CSOs and political parties shared was that the NAC did not meet often enough and a number of decisions were agreed at the last minute – with just a few days to elections – giving limited time to engage and educate the voting public. Cited examples included the decision to use only black and blue ink to vote and the revised location of ballot boxes. Both were decisions announced and gazetted by the ECM with less than one week to go to the elections.

The Group observed that CSOs did not have any ongoing partnership with state and private media that could provide an opportunity to engage in civic education. However, citizens were very active on social media in sharing election information, though it could be biased along political lines. On election day, we encountered representatives of TM and the HRCM as citizens observers.

Recommendations

- The government and ECM should invest resources, both financial and human, into strengthening civic and voter education.
- CSOs and media should explore mutually beneficial collaborations to enhance civic and voter education.
- The Commonwealth and other development partners should support governance-focused CSOs.
- In line with the Constitution and the international treaties and conventions to which Maldives is a signatory, the government should ensure that there is freedom of expression and due process and review the circumstances leading to MDN's ban.

Women's Political Participation

Background

Despite the inauguration of a democratic constitution in 2008, one of the stark realities of the political life of Maldives is that women remain under-represented in both public and political life.

In its 2012 Shadow Report Under International Covenant on Civil and Political Rights, responding to the government's initial State Report, on the status of women, the Human Rights Commission of Maldives highlighted the severe constraints under which women must operate. According to the report of the Human Rights Commission, the representation of women in the Majlis was a mere 6 per cent and in the local councils 2 per cent. The report noted that this under-representation in the political sphere was a direct result of several factors, primarily related to underlying patriarchal aspects of the society. These included the following:

- limited prospects for political participation and understanding of democracy;
- limited experience in the political arena;
- lack of family and societal support;
- inadequate access to financial means;
- campaigns against participation of women in politics and public and professional life; and
- an increase in religious conservatism in a way that restricts women's leadership roles and the mobility of women

The report therefore blamed the low levels of participation by women and the enduring gender political gap on the 'limited political experience and low political commitment among women'. In other words, the report suggests that the gender imbalance is a consequential effect of a lack of interest on the part of women conditioned by the structural and functional inequalities and barriers that exist. Yet this belies the heavy political mobilisation of women as campaign workers and as voters. Eleven years after the publication of the report, not much has changed, and political life continues to be dominated by men, with both the national parliament and the presidency representing male bastions of power.

The Group notes that the 2019 Parliamentary Elections in Maldives resulted in just four women being elected to the Majlis, a decline from the previous parliament, that in 2022 the country was ranked 177 out of 183 countries in relation to the political gender gap, and that the current parliament is 95.5 per cent male.

Despite the absence of any formal legal and constitutional barriers to women's full and equal citizenship, the record low numbers of women candidates for the Parliamentary Elections and their virtual absence from the Presidential Election signal the persistence of a gender political gap. The Group appreciates that, notwithstanding the formal recognition of the constitutional and legal rights of women, there are broader societal developments that intersect and mediate the opportunities for women.

Indeed, the Group acknowledges that Maldives has experienced tremendous social and economic transformations in the last five decades. However, these developments have also been accompanied by contradictory developments for women which have had the consequential effect of offering opportunities for social mobility while at the same time constraining spaces for women's inclusion. The shifting locus of economic activity from fishing to a primarily tourism-based economy over the last five decades, while at first glance seeming to offer opportunities for all sectors of society, has in fact not provided the anticipated financial and labour force participation opportunities for women. We understand that previously women were highly involved in the fishing industry. The onset of the tourism-based industry in many of the atolls has generally not favoured women, largely because of the association of the industry with immodesty, which is frowned upon.

Legal Framework

Constitutionally and legally, Maldives has provided for the seeming equality of women. Not only does Article 17 of the 2008 Constitution guarantee the rights and freedoms of citizens, without discrimination of any kind including gender, but Article 20 guarantees equality before the law.

Despite these constitutional guarantees, inequality persists. Successive governments have taken noteworthy steps to address this political inequality. In 2010, just two years after the inauguration of the new Constitution, the government passed the Decentralisation Act, which ushered in important changes. The Women's Development Committees, which had been used as a vehicle of transformation of the lives of women, were now accorded legal status with the primary purpose of promoting and securing women's political participation at local levels.

Additionally, in August 2016 the government enacted the Gender Equality Bill, with the stated aim of providing for gender equality principles in making social, economic, political and cultural policies, and committed itself to undertaking special steps to establish gender equality, among other notable objectives. The 2016 Act specifically prohibits indirect discrimination based on 'qualities attributed by society to a specific gender, or qualities not attributed by society to a specific gender'. Additionally, the Act recognises any action by society that attributes specific roles to a particular gender, or roles not attributed by society to a specific gender and established practices promoting inequality towards men and women, as manifestations of gender discrimination. Under Section 1 (a) the Act provides for the 'general principle to achieve gender equality in Maldives, policies to prohibit discrimination based on gender in the Maldives and the duties and responsibilities of State institutions and other relevant parties to achieve gender equality in the Maldives'.

Of note is Section/Article 8 (a) (b), which treats the issue of systematic discrimination, and which provides that:

8. (a) The use of a discriminatory system to allocate certain types of jobs for a specific gender and the subsequent exclusion of a specific gender from opportunities due to this systemic discrimination shall be construed as discrimination based on gender.

(b) Systemic Discrimination in the present Article shall mean systems designed to maintain through laws, policies, culture and practices, unjust beliefs in society on the role of a specific gender, based on social circumstance.

The 2016 Act also recognises both direct and indirect gender discrimination. Under the Act, direct discrimination is defined as '[a] blatant discrimination between men and women in the realization of rights guaranteed by a regulation or in the implementation of a mandate by an institution through the relevant procedures, or under any such circumstance'. Whereas contrastingly, indirect discrimination is seen as '[i] nequality to a specific gender caused by the neglect to adequately consider and address injustices that had occurred prior to the implementation of a regulation, policy or procedure, despite the superficial presence of equality promotion evident in the regulation, policy or procedure'.

Of significance is the fact that the 2016 Act commits the offices of the state and businesses, in the execution of their roles, to take all appropriate steps to achieve the abolition of gender-based discrimination (including direct and indirect discrimination) and the abolition of all systemic discrimination caused through established systems with unequal practices. The Act also commits the government to the promotion of equal opportunities for men and women and the elimination of undesired preconceptions against a certain gender. Yet systemic gender-based discrimination persists.

On the issue of direct political gender discrimination, the Act specifically admonishes political parties and the state to be proactive with respect to ensuring gender equality. Thus Section/Article 24 of the Act provides that the state and political parties must take measures to facilitate women with equal opportunities as men in all levels of the political arena. The Act clearly states that it is the responsibility of the Ministry to work towards the provision of help and training in enabling women to participate and take initiatives in all levels of the political arena on an equal footing with men. Equally, the Act states that it is the responsibility of political parties to work towards giving women the same opportunities as men in running for candidacy in an elected post and in fielding candidates for such posts.

Sections 37 and 38 of the Act provide for special measures to be taken 'where participation of a particular gender is of a lower rate in public service and public life' through the passing of legislation or other initiatives. In addition, Section 44 of the Political Parties Act 2013 proscribes inciting 'hatred' or 'hostility' among the general public based on gender. Likewise, political parties, their members and/or candidates are not to dissuade anyone from voting for other persons because of their gender.

In 2019, the Majlis undertook a quite progressive overhaul of the Decentralisation Act and approved a 33 per cent quota for women on the island councils. The Group was however informed by stakeholders that these legislative reforms had not really empowered women, as such a development has not resulted in substantive changes primarily due to the stereotypical roles that women have been assigned to on the councils.

Additionally, the stakeholders with whom we engaged were of the view that the 33 per cent quota, while increasing the number of women in the local councils, have had the reverse effect of limiting women's electoral competitive edge as they are now precluded from contesting the main parliamentary, contrary to traditional electoral contests.

Observing the 2023 Presidential Elections: The Continuing Gender Political Gap

Throughout the pre-election observation period, the Group was struck by the low levels of women's political participation, particularly at the national level. The Group noted that while Maldives had rescinded the anti-woman ban on contesting presidential elections, in the highly contested elections of 2023, women were not present as political candidates. The only woman in the 2023 presidential line-up was Mariyam Aleen, wife and running mate of the independent presidential candidate, Hassan Zameel.

While the Constitution and the Election Act do not preclude women's political participation, the disconnect between their political participation through the act of voting and their political support for the political parties, whether through casting their ballot in the 2023 Presidential Election or their participation in the campaign activities of the political parties, and their continued acute under-representation in national political life is striking.

During the various consultations, the Group was often told that women were generally uninterested in elective politics and serving in the national parliament. The consequential effect of this apparent lack of interest was a supply side shortage. Yet women were visible throughout the campaign period, attending and participating in the campaign. The sheer number of women involved in the campaign activities of the political parties and turning out in numbers to vote underscores the political interest of women. Yet their involvement remains rudimentary, with national politics overwhelmingly dominated by men, and both the presidency and the Majlis continue to reflect male domination.

The Group also took note of the prevailing tendency to organise women's wings of the political parties, which may be vertically and not horizontally linked to the formal organisation.

Although women did not stand as candidates for the 2023 Presidential Election, they were highly mobilised, often performing the critical task of campaign workers, actively seeking support from the electorate for their political parties.

Further, women constituted most of the polling officials in the polling stations, as the Group observed. Many of the top election officials in the polling stations were also women.

Election Day

The Group also observed the heavy presence of women in the queues and at the ballot boxes casting their votes. In several polling stations there was a discernible gap in the number of women and men voting, with women showing a higher level of participation than men.

Recommendations

- The Group strongly recommends continuing efforts to realise the stated aims of the 2016 Gender Equality Act, which behoves both the state and political parties to be proactive in relation to facilitating women's political participation at the local councils and People's Majlis. The Group urges a rethink of the Decentralisation Act and the provisions for the reserved 33 per cent seats in the local council.
- The Group recommends that political parties engage in internal reorganisation in order to better integrate women's issues and female leadership into their central organisation.
- The Group encourages the key stakeholders, including the Ministry of Justice and CSOs, to strengthen the capacity of Women Development Committees, which are seen as natural gateways to local and subsequently national politics.
- The Group recommends the sensitisation and training of male leadership of political parties to issues of gender, with the stated aim of creating an enabling environment within the political parties that would support more aggressive policies towards gender inclusivity and the active identification and recruitment of women candidates for national politics.

In the absence of these and other actions, the Group believes that the road ahead for women will be difficult.

Youth Participation

A 2022 National Survey of Residents of the Republic of Maldives¹³ survey estimates that young Maldivians make up almost 40 per cent of the population.¹⁴ The report further notes that 'there are significant levels of hopelessness, which is partly a function of the high levels of unemployment' among the youth, with

¹³ IRI (2022). 'National Survey of Residents of the Republic of Maldives'. <https://www.iri.org/resources/national-survey-of-residents-of-the-republic-of-maldives--august-september-2022/>.

¹⁴ UN-DCO (2023). 'Fostering the Power of Young Maldivians'. <https://un-dco.org/stories/fostering-power-young-maldivians>.

94 per cent of those surveyed of the view that the future is bleak.¹⁵ The prevailing sense of youth socio-economic and political disenfranchisement is a worrying development as it does not augur well for political participation. It is therefore no surprise that the same report also points out that approximately 47 per cent of young people held positive views of the local councils. Generally, it was felt that local councils were not engaged in community development in an effective manner. Youth unemployment now stands at 15.13 per cent.

The wide-ranging National Youth Policy of 2003 envisages the full participation of young people in the development of the country and the ability of young people to obtain the opportunities they need for their own advancement. The right to free primary and secondary education for all is also enshrined under the Constitution, which further states that opportunity for higher education shall generally be accessible to all citizens.

Legal Framework

The 2008 Constitution of Maldives does not only provide for voting rights of all citizens aged 18 years and over, but the Omnibus Article 35 makes provision for children and young people who are entitled to special protection and special assistance from the family, the community and the state.

Background to the 2023 Presidential Election

The Group received mixed views about young people's participation in politics. Stakeholders, and in fact the Group itself, noted an absence of an organised youth voice in the current political space, although organisations such as the Junior Chamber International Maldives have been somewhat active. We were impressed by the number of young people employed by the ECM, many of them in visibly prominent positions at the polling stations.

The Group noted that, in line with the trend in many Commonwealth and other countries, social media was providing an increasingly important avenue for engagement with political and electoral processes for young Maldivians, especially so given the 83.9 per cent internet penetration in the country.¹⁶

On election day, the Group was also impressed by the role of young women, who comprised a significant number of polling officials. The Group observed that the young women election officials were confident, professional and efficient in their tasks.

Recommendations

- We reiterate the recommendation of the 2019 COG to encourage the ECM to fully engage young people in the conduct of future elections.
- The Group urges political parties to follow the best practice set by the ECM, to ensure that there is space for youth to fully participate in political party processes, including the formulation of public policy and to stand for elections.
- We recommend that consideration be given to producing an updated National Youth Policy and reinstating an active NYC. Provisions such as these work well in other Commonwealth countries and can engage the leadership and the Ministry of Youth on the interests and political participation of young people.
- In addition, we encourage greater attention be paid to civic education in the education curriculum, to promote greater understanding of political processes among all Maldivians.

¹⁵ Ibid.

¹⁶ Datareportal Website, <https://datareportal.com/reports/digital-2024-maldives#:~:text=Internet%20use%20in%20the%20Maldives,at%20the%20start%20of%202024.>

Persons with Disabilities

Legal Framework

PWDs have been afforded protection under the Constitution, legal instruments and regulations.

This community represents a significant minority of the population in Maldives, estimated at 6.8 per cent.¹⁷ Official statistics from the government show that the results from the 2019 Household Income and Expenditure Survey, conducted by the Bureau of Statistics, shows that disability stands at 9 per cent for Maldives, that is, close to one in every ten people has a disability.¹⁸ More women (9 per cent) are likely to report having a disability than men (7 per cent).¹⁹ In 2010, Maldives ratified the United Nations Convention on the Rights of People with Disabilities, and in that same year enacted the Protection of the Rights of Persons with Disabilities and Provisions for Financial Assistance Act (Disability Act), which provides the overarching framework for the progressive empowering and full inclusion of people with disabilities in national life.

The Act defines PWDs as individuals 'having long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society, on an equal basis with others'. The expressed purpose of the Act is to pursue affirmative action to promote and protect the rights of PWDs.

While the cornerstone of the Act is the creation of the Disability Allowance,²⁰ it also provides for some elements of non-discrimination against the community, requiring that public buildings and facilities make adequate provisions for easy accessibility. Both these stipulations are substantial evidence of the proactive approach of the government with respect to protecting the community and ensuring the ability of the community to participate in the life of the nation.

Within six months of the enactment of Act no. 8/2010 (Disability Act), the Disability Council of Maldives, which was mandated by the Act, was established with the primary purpose of ensuring the implementation of laws and regulations concerning PWDs.

The right to special protection and assistance from the family, the community and the state are enshrined under the Chapter of Fundamental Rights in the Constitution of the Republic of Maldives. This is guaranteed under Sections 17 and 35, and consequently such rights are accorded the highest protection under the Constitution. While the non-discrimination clause (Section 17) covers the rights of many categories of persons inclusive of PWDs, Section 35 further elaborates and extends the rights of PWDs. Section 35 specifically provides for the right of PWDs to protection by the state, family and the community. Under Section 35 (b), elderly and disadvantaged persons are entitled to protection and special assistance from the family, the community and the state.

The Parliamentary Elections Regulation 2019 further provides for 'physically challenged' voters to be assisted by another person. Under Section 36, the regulations set out several categories of persons which augment the constitutional provisions as well as existing legislation. Among other things, the regulations identify persons who are visually impaired (blind persons); persons who cannot use both hands due to an incapacitation; and those who are 'incapacitated from marking on the ballot paper due to old age and weakening of the physique'.

Background to the 2023 Presidential Election

The Group met with PWD representatives who had mixed feelings regarding the effectiveness of the legal and constitutional framework governing PWDs, as well as the way in which efforts were made to fully include the community in national life.

¹⁷ Shaffa Hameed, et al. (2023). 'Access to the Disability Allowance in the Maldives: National Coverage and Factors Affecting Uptake'. *Global Social Policy*, 23(1), 127–147.

¹⁸ NBS Maldives (2019). 'Household Income and Expenditure Survey 2019'. <https://statisticsmaldives.gov.mv/nbs/wp-content/uploads/2020/12/Disability-Demographics.pdf>.

¹⁹ The Ministry of Gender, Family and Social Services (2019). 'Men and Women in Maldives Disability'. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://gender.gov.mv/en/wp-content/uploads/sites/1/2021/03/disability_final.pdf

²⁰ This entitles persons with disabilities to a monthly allowance of US\$130.

There were some concerns from the community that an inadequate focus was placed on voter education for PWDs, particularly for the hearing impaired. However, the representatives from the community with whom we met were equally satisfied with the decision of the ECM to use a stencil to assist the visually impaired to cast their ballots. Indeed, the Group was informed that the ECM worked collaboratively with the community to develop the instrument. At all the polling stations we observed, these instruments were available. In our view, this was a clear illustration of cooperative governance and a manifest willingness of the ECM to ensure that its election approach was inclusive.

We were also informed of other positive developments in the four years leading up to the Presidential Election. Since the last presidential elections, the standing had been broadened to include representation from the Maldives Association of People with Disabilities on the NAC on Parliamentary Elections.

Election Day

On election day, the Group observed PWDs being assisted to vote. While many polling stations had ramps to ensure accessibility, in several polling stations these were lacking, which created difficulties for the physically handicapped. In several instances, members of the Group witnessed citizens in wheelchairs having to be physically lifted to enter the polling area. The Group observed that the stencils were used by PWD voters. The ECM planned to provide stencils in all polling stations; however, with a Disability Register or the inclusion of disability data in the National Database, the ECM mitigated unnecessary cost by only providing supporting resources where those who need them are registered.

Recommendations

- The Group urges the government of Maldives to fully comply with the provisions of the Disability Act, which provides for access to all public buildings and facilities.
- Consistent with the recommendations of the 2019 Parliamentary Elections COG, the Group reiterates the need for an official registry for the PWD community. We believe that the Disability Registry should capture the individual categories of disability, which would enable the ECM to better secure reasonable accommodation measures to ensure that no voter with a disability is disenfranchised.
- The Group also urges the government of Maldives to put in place measures to promote the active participation of the PWD community in political life, including being elected to political office.
- The Group recommends the use of the registry for the PWD community by the ECM for planning purposes.

Prison Voting

Prisoners in Maldives have largely been eligible to vote since the return to multiparty democracy in 2008. Until June 2018, individuals who had been convicted of a criminal offence and sentenced to prison for a period of more than five years, and were currently serving that sentence, were barred from voting. Following the 1st Amendment to the Elections (General) Act in 2018, the aforementioned limitations were removed and all prisoners were given the right to vote in all elections, in line with all other Maldivians aged of 18 or over. The revisions to the Elections (General) Act gives full effect to the International Covenant on Civil and Political Rights, binding on ratifying states including Maldives, which indicates that the right to vote is to be exercised through voting in, 'genuine periodic elections which shall be by universal and equal suffrage'.

2023 Presidential Election

Ahead of the Presidential Election, the ECM worked in partnership with the Maldives Correctional Services (MCS) to ensure that prisoners were registered to vote for the elections. Registration in prisons followed the same time frame as other parts of the country; however, prisoners' re-registration was through a form requested from the MCS. In total, 1,783 prisoners registered to vote for the 9 September elections. It was later confirmed that former President Yameen, then serving his prison sentence in Maafushi Prison, had not registered to vote.

In the lead-up to the elections, some prisoners were pardoned and released from jail. As with other elections, concerns were raised that pardoned prisoners freed after the re-registration period had closed would be unable to vote, as voting could only occur in the location of re-registration.

Prisoners were registered to vote across four prisons: Hulhumalé, Maafushi, Himmafushi and Dhoonidhoo. Maafushi, the largest and the only maximum-security prison in the country, had two boxes, while the other jails had one box each. The Group visited two jails, Maafushi and Himmafushi, which had mixed populations, and observed both prisoners and MCS staff voting. We noted that there was no variation in the electoral process from standard process which the Group observed in other atolls around the country.

Recommendation

- The MCS should work with the ECM to ensure that, where possible, those that are pardoned are able to vote.

5. The Campaign and the Media

Campaign Environment

There were two significant aspects to the campaign environment in Maldives: the technical and regulated environment, and the political and social environment.

Technical and Regulated Environment

The ECM published a series of regulations to govern the conduct of the elections. They also published a schedule of events and closing dates, covering a wide range of activities. This schedule ran from 25 March 2023 (Opening Applications for International Observers and Monitors) through to 7 October 2023 (Declaration of Final Results of Second Round of Voting (if required)).

Other notable items on the ECM schedule included publishing the Voters' List (2–31 May), the opening of complaints about the Voters' List (11–22 June), the re-registration period (16 July–5 August), the declaration of presidential candidates (9 August) and the training of polling officials (20–29 August).

The ECM provided updates to observers when activities had been completed, or if they were still ongoing at the time of any update. The campaign period was from 10 August to 8 September.

In all, the campaign appeared to be regulated and run in accordance with the existing legal framework, which is covered in more detail in Chapter 3 of this report. Candidates, party representatives and monitors seemed to be well versed in the regulations, as would be expected, since they are most involved and directly affected. The question remained, however, as to whether or not the laws and regulations around the conduct of the campaign were well known by the general public.

Political and Social Environment

In terms of the political and social environment, what we observed were peaceful, if excited, rallies and parades of vehicles, with very little in the way of graffiti and damaged billboards. There were displays of party colour bunting across the streets with posters and flags in party colours in abundance. In some public spaces we saw flags of different party colours arranged alternately in rows and designs without any sign of damage or destruction. It was rare to see damaged or defaced billboards or graffiti. People were engaged in party-run activities in large numbers right up until the legal close of campaigning at 6.00 pm on the day before the election.

We noticed that the requirement to take down party material within 100 metres of a polling station before election day was frequently not observed, although this did not appear to raise concerns. We saw no evidence of complaints from rival parties about flags, posters and bunting being in close proximity to polling stations. In other areas it was apparent that concrete efforts had been made to clear the area of party material.

In essence, the activities we observed up until the end of campaigning on 8 September were festive and peaceful. Parties avoided clashes of party activities in the same area and there was no interference with competing parties' events as far as we could observe.



Group photo with police following the briefing session

Security

Security of Candidates, Their Offices and Materials

The police mobilised personnel to increase election security. The local policing contingent deployed comprised 1,394 officers in total.

They took proactive election security measures, including regular residential patrolling, enhanced measures for personal security and the protection of polling stations, as well as specific communications protocols.

In the lead-up to the elections, the police reported one case of arson of a party's offices, some damage to campaign posters and materials and some political skirmishes, mainly between supporters of rival political parties. The police had clearly identified areas of concern but expected the elections to run smoothly and peacefully.

At the time of the Group's visit with the police commissioner, the situation was relatively calm. Two cases which had been mentioned on social media were in the process of being investigated. There was a low number of arrests for political violence, and at that time no one was in custody for politically related offences.

Role of the Police

Prior to the Group's visit, the PEAM also met with the police commissioner, who had affirmed the readiness of the police for the elections and noted that:

- The police and the ECM had signed a Memorandum of Understanding, whereby the police will support the ECM with the transportation of ballot boxes and other sensitive materials.
- An additional 400 police officers would be deployed on election day, with two officers per ballot box who would be in close proximity to the respective box.
- A total of 604 ballot boxes would be used for the Presidential Election, with one or two officers being sent to each of the eight overseas voting locations.
- There were 1,400 officers situated at that time across the islands, and a security plan had been developed and shared with security teams.

- Operational information-sharing had been established, with local policing teams being apprised of the environment so that they could ensure that the environment remains conducive for peaceful elections.
- Body cameras would be used for accountability and evidence purposes.
- Officers were undertaking election-related training, focusing on the role of police during elections, which had a human rights component.
- Police would meet with presidential candidates to understand their campaign schedules, with 25 officers working directly with political parties.
- Efforts would be made to deploy police officers to locations where they are also able to vote.
- In regard to potential hotspots, 27 islands were being monitored. There were reports of a high degree of polarisation, some vandalising of campaign materials and interference in other political party activities in those islands.

Stakeholders besides the police commissioner also commented on locations that may require more attention than others in election observation, including the cities of Malé and Hulhumalé, Addu, Kulhudhuffushi, Fuvahmulah and Thinadhoo.

Universally, across our observations we found the police to be cooperative, approachable and willing to share information. Our meeting with the police commissioner and senior staff, in particular, was exemplary, demonstrating genuine openness in volunteering information and fielding all our questions.

We can confirm that the conditions described above were adhered to as far as we could ascertain. We observed police escorting the transportation of ballot boxes out to polling stations the day before the election; there were at least two police officers in attendance at each polling station as we had been assured; and where minor disputes arose during voting, and police were asked by the presiding officer to step in to assist, the situations were resolved quickly and peacefully. Their presence was low key and supportive.

It is worth noting that in a recent survey of attitudes towards the police, which attracted 1,300 respondents, they were seen as being approachable and resolving cases. This appeared to surprise the police somewhat, who saw themselves as still being in the process of reform.

There were no special arrangements, of which we were aware, for international observers.



The COG Chair Danny Faure (left) greeting the Commissioner of Police Mohammed Hameed

Media Environment

Maldives boasts an impressive adult literacy rate of 97.9 per cent. Internet connectivity is virtually universal, even extending to Maldivians when they are at sea.

As of early 2023, there were 812,300 active cellular mobile connections, equivalent to 155.4 per cent of the total population, accounting for multiple phone ownership. Approximately 80 per cent of the population owns smartphones, leading to a significant dependence on social media platforms for news and general information, particularly among the younger demographic. Social media, which is minimally regulated in Maldives, is predominantly accessed through mobile phones. For communication purposes, Facebook Messenger, WhatsApp and Viber stood out as the prevailing applications of choice. This usage poses both a challenge in relation to misinformation and an opportunity to reach young people with political messages.

However, despite the widespread acceptance of social media as a primary information source, some stakeholders conveyed that entities such as the ECM, political parties and independent candidates had not fully harnessed the potential of new media to engage youth.

Rights and Freedoms

In accordance with Article 27 of the Constitution, all citizens have the right to freedom of thought and the freedom to communicate opinions and express themselves in a manner that is 'not contrary to any tenet of Islam'.

Article 28 of the Constitution espouses the inalienable right to freedom of the press and other means of communication, including the right to espouse, disseminate and publish news, information, views and ideas. No person shall be compelled to disclose the source of any information that is espoused, disseminated or published by that person.

The rights outlined in Article 28 may, however, be compromised by the Evidence Act of June 2022.²¹ This Act gives judges the right to compel journalists to disclose the identity of a source 'if the court decides that there is no negative impact or not a significantly negative impact on the source if it were to be revealed' or 'if the impact of revealing a source does not significantly impact the ability of journalists to find sources'. A journalist can be found in contempt and face up to three months in jail or a fine if he or she refuses to disclose a source after being compelled by the court to do so. Stakeholders conveyed to the Group that this legislation raises grave concerns regarding the freedom of the press enshrined in the Constitution.

It is believed that the fear of sources being exposed, provided for in the 2022 Evidence Act, has caused journalists to lose access to important sources, especially as it relates to reporting on corruption and abuse of power. Several media watchdogs, including the Maldives Journalist Association and TM, have strongly criticised the law for its impact on press freedom.

In 2023, Maldives' ranking in the World Press Freedom Index (WPF) dropped from 87 to 100, a fall that was largely attributed to the inhibiting effect of the new law. A contributing factor was the reported attacks and threats against local media workers, including journalists covering opposition protests being assaulted and detained by police. According to reports, some others received death threats from non-state actors after reporting on issues such as religious extremism, gang activities and corruption. These incidents can lead to self-censorship.

Reports of editors being told to avoid having their journalists cover sensitive subjects, as well as concerns about accountability and a reported increase in sexual harassment of women journalists, are all factors that contributed to the drop in the WPF rankings.

²¹ Evidence Act of Maldives [Law no. 11/2022].

Regulation of the Media

There are two entities with responsibility for regulatory governance of the media and freedom of the press in Maldives: the Maldives Broadcasting Commission (MBC) and the Maldives Media Council (MMC), respectively. These entities serve to uphold and encourage the right to freedom of expression stated in the Constitution of Maldives. The MMC, for example, was established under the Maldives Media Council Act of 2008 and has a stated objective to establish and preserve the freedom of the media in Maldives and to keep under review matters contravening this freedom and taking remedial measures. The MBC regulates broadcast media, while the MMC monitors print and online media. Each has issued codes of ethics for their members, respectively the 'Broadcasting Code of Practice' by the MBC and the 'Code of Ethics' by the MMC. The MBC issues licences and ensures broadcasters comply with its code. While it cannot issue licences to individuals to promote a political party, there are several privately owned media outlets that are owned by or linked to politicians or individuals with strong party affiliations.

The government appoints the seven members of the MBC and the 15 members of the MMC. With regard to the composition of membership, members of the MBC are individuals who are appointed by the president following approval by parliament, while the majority (eight members) of the MMC are from the media, with the remaining seven being members of the public who are nominated by the government. The appointment and composition of these bodies appears to have undermined public confidence in their independence and impartiality. The Group was told that the MMC had lost its 'moral authority'.

These two legally established entities are responsible for monitoring the media to ensure accurate, fair and balanced coverage during election campaigns. Stakeholders conveyed that they need more resources to effect their mandate.

During an election period, TV and radio stations are required to follow the ECM's 'Guidelines for Political Coverage During Elections' (Articles 30 and 31 of the General Elections Act), which include news coverage standards, direct access airtime, libel and defamation, right to reply and retraction, limitations on reporting on a candidate's private life and the safety of journalists.

They are required to provide equal free and paid broadcasting time to the political parties and their candidates, although penalties for not meeting this requirement are not stated in the Act. In addition, Article 31 forbids the use of international broadcast media by a candidate. International broadcasters may be useful to enhance transparency in elections and also to reach out to overseas voters.

The state-owned Public Service Media (PSM) is the official state media organisation in Maldives. It encompasses five television channels and three radio stations. Established on 28 April 2015, under the Public Service Media Act (9/2015), PSM is mandated to deliver television, radio and online media services to the public, as well as train media personnel. PSM's main responsibility is to create awareness among the public by providing up-to-date news and fact-based shows for infotainment (information and entertainment).

News Media and Elections

The Group is aware that media play a crucial role in a democratic electoral process, serving as the primary source of information for the electorate.

During the 2023 elections, PSM conducted one-on-one interviews with candidates and provided free airtime for candidates and political parties to present their manifestos. It also made commercial airtime available on both television and radio platforms for campaign advertising. The PSM allocates equal slots for free and paid airtime during an election.

The Group understands that while some political parties took advantage of this opportunity, others did not. It was noted during our interactions that the smaller parties were unable to take up their paid time allocation due to a lack of funds. Additionally, it is the Group's understanding that candidates and political parties who opted not to utilise their allocated free airtime on PSM were influenced by a perception of favouritism towards the incumbent administration and, by extension, the incumbent's political party.

Some stakeholders from the media sector conveyed the view to the Group that these elections could not be considered free and fair because state media continually favoured the incumbent administration. However, the candidates all participated in the debate and were featured in the one-hour special named *One to One with the Candidate*. These were mainly shared on their online platforms.

Over 40 per cent of the PSM evening news coverage was accorded to the president during the campaign, giving airtime to announcements of new government infrastructure projects and jobs, including new sports facilities for young people. The Group was informed that over 1 billion Maldivian rufiyaa (just under \$65,000) was committed to state-owned enterprises in the first ten days of the campaign. Around 15 per cent of airtime was given to the PNC/PPM and less than 10 per cent to the other parties and candidates. Not all candidates took up their free allocations.

The Group was informed of concerns that privately owned media companies reflect the political affiliation of their owners. Some of the TV stations and other media outlets are owned by political candidates or their family associates. The Group heard that the political coverage is often seen as unbalanced, inaccurate, unfair and generally biased towards the incumbent or to the political affiliation of the respective media outlet owner.

It is the Group's view, the media appeared to be operating with ease and freedom during the course of the campaign, both in Malé and the atolls. It was noted that during the last few weeks, government videos relating to the running of a free and fair election were readily accessible, with no sign of pro-government propaganda.

The Group witnessed party representatives and the media sitting together in the polling stations. There was a peaceful, harmonious and respectful atmosphere throughout election day. There seems to be a general view that journalists experienced more press freedom during the 2023 elections compared to previous elections. During this campaign, we were not informed of any incidents of press harassment.

Debates

Debates have an intrinsic value as a mechanism to deepen democratic ideas and ideals. Debates provide an opportunity for citizens to listen to the manifestos of candidates vying for public office. As democratic norms deepen and electoral choices become more about ideas and issues, as well as the competence, capacity and character of the candidates, rather than their personalities, multi-channel debates provide access to citizens to make informed decisions.

PSM told the Group that it has hosted debates for every presidential election since 2008. It is impressive that the culture of debates began with the country's democracy. With a rich history of debates and a presidential election with the highest number of candidates to date, we are encouraged that the tradition continues.

PSM usually organises the debate, but this year a private station, Sangu TV, also planned to host a debate. President Solih initially declined to participate but seemed to have responded to public pressure. PSM and Sangu TV decided to collaborate, with Maldives National University providing the questions.

The debate was in Dhivehi on both stations (TVM and Sangu TV), Radio Maldives and PSM's Facebook page. After a complaint from the Maldives Association of Persons with Disabilities that there was no sign language interpreter covering the live broadcast of the debate, it was re-aired a few days later with sign language.

There were mixed responses about the value added by the debates during this election. The MDP conveyed that it was not satisfied with the quality of the questions while the PNC/PPM informed us that it went very well.

Campaign Issues: Online Misinformation and Content Moderation

Online Misinformation and Disinformation

Digital platforms, massive data collection and increasingly sophisticated software create new ways for dubious actors to generate and spread convincing disinformation and misinformation at a potentially massive scale, disproportionately hurting marginalised communities. We noted examples of misinformation in the

context of the first round of elections, and the Group was of the view that the risk of misinformation persisted and increased during the second round of the Presidential Election.

During the Presidential Election, disinformation presented the potential to influence the election process. There were several trends which the Group noted.

First, the information overload of social media created an environment which made it difficult for people to tell fact from fiction. This created avenues for dubious actors to spread disinformation that disproportionately hurts marginalised or vulnerable groups.

Second, social media algorithms, are engineered to provide users with content they are most likely to engage with. These algorithms leverage the large- scale data collection of users' online activity, including their browsing activity, purchasing history, location data and more. As users regularly encounter content that aligns with their political affiliation and personal beliefs, this enables confirmation biases. In turn, this allows the spread and cementing of misinformation among pockets of consumers.

There is a prevalence of certain social media companies, particularly Meta, Twitter and their associated companies, which have a dominant market share of social media usage in Maldives. The following are some instances of purported deceptive practices that the Group was informed about, which appear to have been designed to spread fake news in the lead-up to and during the Presidential Election.

Instances of Misinformation and Disinformation around Maldivian Elections

- A forged letter, purportedly signed by a senior Indian government official and addressed to a minister in the Maldivian Cabinet. The letter alleged that cash was being offered in exchange for an agreement affecting Maldivian sovereignty. This misinformation campaign was called out by the High Commission of India in Malé.²²
- Sensitive information about Indian air/naval assets was leaked, which potentially endangered the lives of defence officers.²³
- Prior to election day, a media entity attempted to create fear by falsely stating that the State Electricity Company Limited (STELCO) would cut electricity to deter people from voting. These allegations were steadfastly refuted by STELCO.²⁴
- Several instances of misinformation in a post-elections environment were observed, with the usual domain being Twitter. False claims about President Solih fleeing the country in a chartered plane were allegedly raised by PPM workers.²⁵

Need for Robust Regulation

The Group recommends that legislation, regulations or codes of practice be put in place to ensure online trust, privacy and security for the voter. Just as in-person voter intimidation is illegal, so too should attempts to influence and intimidate voters online. It is proposed that the definition of voter intimidation should extend to the spread of false information or threats of violence. The passage of such a reform could make it a crime in Maldives to conduct voter intimidation or distribute disinformation about voting time, place and other details online.

To guard against these online harms and election integrity risks, we suggest that Maldivian online harms laws be introduced to regulate and guide online publishers and platforms. Providers of designated online services should be required to put in place systems and processes to counter possible offences.

²² India in Maldives (2023), <https://rb.gy/tue7hg>; The Maldives Journal (2023). 'Exclusive: India Proposes Land Lease in Maldives with Claims of Sovereignty'. <https://themaaldivesjournal.com/55146>; Voice.mv (2023), <https://rb.gy/0wd2oo>

²³ Dhiyares (2023). <https://dhiyares.com/55208>.

²⁴ STELCO (2023), <https://rb.gy/3irhr7>; Dhiyares (2023). <https://dhiyares.com/55222>; MV+ (2023). <https://rb.gy/nxt9kn>

²⁵ Razzan (2023). <https://rb.gy/5f5q6u>; Nawwaf Rasheed (2023). https://twitter.com/NawwafRasheed/status/1700472923063304473?t=kWskvHxUqOjmQDh-2s-_KQ&s=08

The ECM and/or other relevant regulatory bodies could help protect the Maldivian electorate against online harm by countering the proliferation of online falsehoods, particularly in the context of elections. The clarification could set out the falsehoods and facts for the public to examine, without the original post being removed. The public could then read both the original post and the facts and decide on the truth for themselves.

This approach is intended to allow law enforcement to respond more quickly if new classes of offences emerge which also require counteractions by designated online services and to involve online service providers, since they have much more knowledge about what is happening on their platforms.

Such collaborations can be promoted through codes of practice. Their requirements could be framed in terms of outcomes which designated online services must meet. This gives a provider with the flexibility to customise its approach, depending on the nature of its service. The authorities would consult and work with the providers of designated online services in developing the codes of practice.

Our recommendation for a law, regulations and/or codes of conduct stems from online harms statutes in other Commonwealth countries, such as Singapore, Malaysia, Australia and New Zealand. In addition to clarifications, directions could also be issued in respect of online criminal offences that affect security, election integrity and individual safety.

Campaign Issues: Online Harms and Advertising

The Group received reports which alleged that PSM blurred the line between governmental functions and campaign activities in newscasts, debate, and online coverage. There were reported shortcomings in transparency when it came to the disclosure of the online campaign income and expenditure of presidential candidates. While the ECM is legally responsible for the audit of campaign finance reports, it appears to be under-resourced or otherwise unable to exercise this critical task on its own.

We therefore suggest that this could be supported or undertaken by the auditor general or a relevant financial ombudsman. The audit that is compiled could also be shared with international financial stakeholders such as the Financial Action Task Force, the international standard-setting body for anti-money laundering, countering of the financing of terrorism and countering proliferation financing. Additionally, the Group suggests the introduction of codes of practice to ensure that prescribed internet intermediaries and digital advertising intermediaries have adequate systems and processes in place to prevent misinformation and counter the misuse of online accounts by malicious actors and enhance the transparency of political advertising.

Transparency and Disclosure of Foreign or Other Online Donations

The finance and financial matters provisions of the Maldives Elections (General) Act prohibit a candidate from accepting contributions from 'foreigners, foreign individuals and foreign associations, and foreign governments'.

The Group proposes that regulations and a disclosure report be passed by the ECM or a relevant regulatory body to prescribe that for non-print advertising and online campaign donations, the particulars of any election advertising agency or donor or online contributor on any website shall be shown conspicuously on:

- the opening page of the website containing any election advertising; and
- the page first displayed for every subdirectory of the website if the relevant particulars of the election advertising in the subdirectory are not the same as the first page.

The failure to provide a disclosure report that is required by the presidential candidate to the ECM or relevant body should be an offence.

The proposed regulations should prescribe the mode of display of the relevant particulars in election advertisements and donations/financing by electronic transmission, blog post, social networking service,

electronic mail, chat room discussion, text message, multimedia message, etc. Relevant particulars could refer to:

- the name and address of the publisher of the election advertising; and
- the name and address of every person for whom or at whose direction the election advertising is published.

Pre-verification of Electoral Advertisers and Platforms

Micro-targeting has allowed the spread of disinformation, allowing both political entities and individuals to disseminate ads to target groups with great precision, using data collected by social media platforms. In commercial settings, micro-targeting has come under fire for enabling discriminatory advertising, depriving historically marginalised communities of opportunities for jobs, housing, banking and more. Political micro-targeting, meanwhile, has come under similar scrutiny, especially due to the limited monitoring of online political ad purchases.

To address the issue of an incumbent having a major share of online election ads that micro-target voters, the ECM could be empowered to pre-verify ads before they are published on popular platforms online. This would follow what ECMs do elsewhere: to create a valid pre-certificate issued by the ECM, or anyone authorised by the ECM, for each election advert a political party would want to run in Maldives. Note that a pre-certificate for each advertisement would be issued only after the advertiser had been successfully verified by the web platform. This would help facilitate responsible political advertising and content sharing, and thereby political ads in locations across Maldives would comply with local legal requirements.

Recommendations

- Strengthen the legal framework to ensure media freedom, including amending the Evidence Act.
- Relevant institutions and CSOs should monitor the media and establish fact-checking units.
- Capacity-building should be undertaken to strengthen regulatory media institutions so that they enforce regulations under their remit, particularly in adhering to regulations provided for in the Elections (General) Act, Articles 30 and 31.
- A review of legislation with regard to the roles and responsibilities of the Broadcasting Commission and the Media Council vis-à-vis the ECM should be undertaken to ensure in particular that public service media are not biased in favour of the incumbent president.
- There should be media training on elections coverage to strengthen the media's ability to report fairly and responsibly and to promote the professionalism of media in Maldives.
- Equal media coverage must be afforded to all candidates in the electoral campaign. We encourage PSM to collaborate with private stations to host debates that can be broadcast across several channels and in multiple languages for broader access and reach. Due to the existence of possible misinformation attempts, a fact-checking component could be added to the debate.
- The establishment of an independent board of commissioners/directors to oversee the policy direction of state media.

6. Voting, Counting and the Results Process

Background

On 15 January 2023 the ECM published the election timetable with important dates for a presidential election scheduled to take place on 9 September 2023. The Maldivian Constitution provides that a presidential election must be held within 120 days to 30 days prior to the expiry of the existing presidential term. It further provides that an eligible person shall hold office for a term of five years and shall serve no more than two terms in office, whether consecutive or otherwise. A presidential candidate shall be deemed duly elected if he/she receives more than 50 per cent of the vote. If no candidate attains this threshold a run-off election must be held within 21 days of the first round of elections between the two candidates that scored the highest votes in the first round.

The Presidential Election was held on 9 September 2023 in 574 polling stations, including 1 on an industrial island, 4 in prisons, 65 in the resorts, and 8 ballot boxes in the diaspora in Sri Lanka, Malaysia, India, the United Kingdom and the United Arab Emirates. Polling stations were generally located in schools, colleges, university campuses and community centres. Polling was scheduled to commence at 8.00 am and close at 4.00 pm.

The ECM recruited and deployed 4,968 polling staff distributed in teams of 7, 8 and 11 officials per polling station, depending on the number of voters registered at the polling stations. The number of voters per polling station ranged between fewer than 500 to over 750 (with a maximum of 850 per ballot box). Each team was led by the Polling Station in-Charge, an assistant Polling Station in-Charge, an official checking the voters list and the ID card, another official marking the voter's finger, one responsible for issuing a queue number, one supervising the ballot box and another supervising the surroundings. Security personnel were also deployed at all the polling stations.

The ECM accredited 143 international observers, 22 international monitors and domestic observers and monitors for the Presidential Election. The Group observed the opening and closing of polls in 100 polling stations and noted that the voting process was peaceful and orderly.

Political campaigning was prohibited from 6.00 pm on the eve of the elections to 6.00 am on the day after the elections. Campaign materials were not to be displayed or seen within a 100 feet radius of the polling station.

Leading up to the elections, the ECM introduced regulations on the use of template ballot paper (stencils) for visually impaired voters. Provision was also made to cater for the assistance of voters with disabilities, the elderly and the infirm.

The Group was deployed on 7 September to engage with local stakeholders and scan the environment from various atolls, including Malé, Gaaf Dhaal, Lhaviyani, Dhaalu, Haa Dhaal, Seenu and Laamu.

Voting Procedures

Pre-polling Procedures

The pre-polling procedures included these steps:

- Displaying the candidate list and the voter register where it was most visible to the voters.
- Opening of the sealed security envelope containing the ballot papers in full view of observers, monitors and candidate representatives.
- Displaying the empty ballot box to those present inside the polling station.

- Inviting accredited party/candidate representatives, domestic and international observers, and monitors to be seated inside the polling station.
- Inviting voters to be seated in the allocated area inside the polling station.

Polling Procedures

- The polling stations opened at 8.00 am or soon thereafter.
- The voter was requested to present a personal identification document.
- The voter was issued with a queue slip on which his/her voter registration number was written.
- The voter's name was confirmed against the register and his/her attendance recorded by marking the hard copy of the voters register with a highlighter pen.
- Voters' fingers were inspected for ink marking and the voter's index finger was marked with an indelible ink pen.
- The voter was issued with a stamped ballot paper.
- The voter proceeded to the voting booth and cast his/her vote.
- The voter then placed the ballot paper in the ballot box and exited the polling station.



Election Day: ECM staff at work during 9 September election

Election Day Observations

Observing the Poll

The opening of polls generally took place on time, and all pre-poll procedures were widely adhered to. We observed that voters queued up at polling stations in a peaceful and orderly manner. In the polling stations we observed that relevant instructions to voters were visibly displayed.

The polling stations were uniformly arranged with seating available for electors. Similarly, adequate space was provided for observers, monitors and party agents and representatives. In every polling station, we saw party agents and observers for most of the political parties and independent candidates. The party representatives and monitors conducted their duties actively yet peacefully. We also saw international observers, the HRCM and TM in some of the polling stations we visited.

In most polling stations observed, the layout provided for the secrecy of the ballot. However, the positioning of some polling booths, for example in smaller rooms, could have potentially compromised the secrecy of the ballot.

All the polling stations were adequately staffed with the smallest polling stations having 7–8 election workers while the larger polling stations were staffed by up to 11 election officials. Special note was taken of the use of technology in the polling station, with one of the election officials digitally checking for the voters' registration. This made for greater efficiency, thereby reducing bottlenecks in the polling stations.

We noted that most polling stations were furnished with two voting booths. However, these were often not utilised in the smaller polling stations. In the larger polling stations the Group observed, these were sometimes used. This was clearly related to the larger number of polling officials at the polling station and the deployment of two polling officials to issue ballot papers to the voters.

The election officials followed the procedure with respect to the issuing of the ballot and we noted that ballots were stamped after the finger had been marked with indelible ink by the polling official.

Throughout the period of the poll, the Group noted the strong presence of women and young people among both voters and polling officials, although it appeared that young people did not turn out in numbers. This is consistent with what the Group was told during our briefings.

In most polling stations the Group observed, priority was given to PWDs, elderly people and pregnant women.

As noted in an earlier chapter 4, the ECM introduced the template ballot paper (stencils) for visually impaired voters. This is a development that the Group commends. We observed the use of these stencils by the visually impaired at some of the polling stations we visited.

The Group also observed voters being assisted, particularly the elderly and some physically disabled persons. In many of these instances of assisted voting, electors accompanying voters requiring assistance were required to cast their ballot first before rendering assistance to these voters.

The Group was fortunate to observe the voting at two of the four prisons (three ballot boxes) where the ECM had set up polling stations. This was the first time that the Commonwealth Observer Mission was privileged to observe prison voting in Maldives.

The Group noted that while many polling stations were fitted with ramps, these were not always available and therefore posed some difficulties for the persons in wheelchairs. The Group observed several of these PWDs being physically assisted into the polling station.

The Group did not observe many voters being turned away from the polling station due to either the failure to produce an ID card or because their names were not on the registration list.

In every compound we visited where voting took place, police officers were visible but unobtrusive.

Although the election regulation specifically proscribes election paraphernalia on display within a 100 feet radius of the polling stations, the Group noted that such paraphernalia was visible.

On polling day, the Group observed that the procedures for the counting of the ballots were rigorously applied by the Polling Station in-Charge and the election officials who were methodical and precise in carrying out their duties.

The officials first prepared the counting area and emptied the ballot boxes onto the prepared tables. They then carefully opened the ballot papers and methodically sorted out the ballots into batches according to the number of the candidates and those which at first glance appeared to be invalid.

Following the sorting out of the ballots, the Polling Station in-Charge and the assistant counted the ballots (facing the persons authorised to be in the polling station) in batches of 50.

Each ballot was shown to those authorised to be in the polling station, which added a layer of transparency to the process.

All polling stations visited were observed by representatives who were authorised to be in the polling station. The Group can safely conclude that the counting of the ballot was done efficiently and in a transparent manner consistent with the requirements of the law. The manner in which the elections officials performed their duties showed that they had been well trained and were familiar with the processes and procedures.

The Group observed that the process specified by the Act was followed by the officials in most of the polling stations and as required by the law, and the final result sheet was published on the exterior wall of the polling stations.

Key Procedures for Closing the Poll

Closing of the Polls

Section 52 of the Elections (General) Act 2008 provides detailed instructions as to the process and procedures of closing the polls. It states, *inter alia*, that at the time (4.00 pm) stipulated by the ECM voting must close promptly except if there are individuals waiting in the queue to vote, whereupon the ballot box should be kept open until those voters cast their ballots. Upon closure of voting the ballot boxes should be sealed.

The Act makes provision for the early close of polling where all voters assigned to the polling station have cast their votes. In such instances the sealing of the ballot boxes before the official time of closure is allowed. However, counting of the votes cannot commence until the official close of polling at 4.00 pm. The closing formalities involve the posting of a sign near the polling station clearly stating that voting is closed.

Following the closure of the poll, the ballot box must be sealed.²⁶ The official in charge supervises the reconciliation of used and unused ballots and the securing of the sensitive voting materials which must be packaged into the security envelopes which must be sealed. This process must be conducted in the presence of the candidate representatives and/or observers at the polling station (Figure 6.1).

Observing the Closing of the Poll

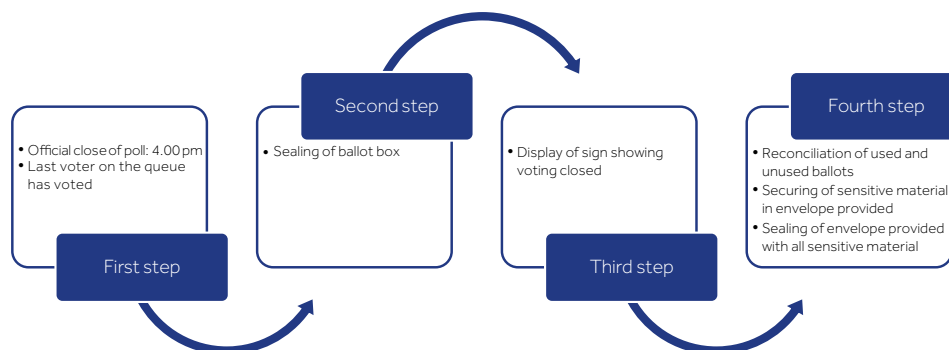
The Group witnessed the closing of the polls and noted that the polling stations closed between 4.00 pm and 4.30 pm because of the queue of voters. Soon after the last voter had cast his or her ballot, the ballot box was sealed and the notice of the closure of the poll was displayed. Throughout the process of closing the poll, the Group observed the meticulous manner in which the electoral staff carried out their responsibilities and followed the stated procedures.

Counting and Results Tabulation

Counting of the Ballots

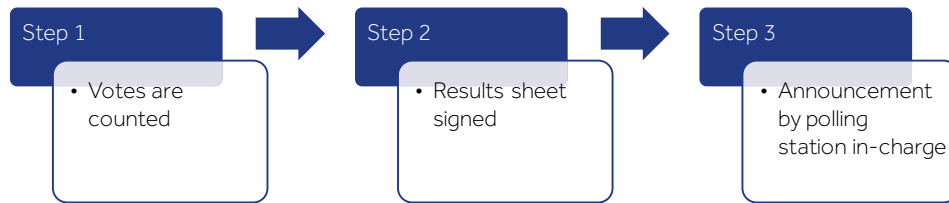
Section 54(a) of the Elections (General) Act provides the procedures to be followed by election officials on polling day with respect to the counting of the ballots. After fulfilling the procedures of closing the poll, the sealed ballot boxes are opened in the presence of candidate representatives, observers and monitors and the formal counting procedure commences. The Group was informed that the counting process would commence 30 minutes after the close of poll.

Figure 6.1 The prescribed steps in closing the polling station



²⁶ Section 53 (a) of the Elections Act, 2008, states that the ballot boxes are sealed 'by sealing the opening on the lid of the ballot box through which ballots were deposited, and covering the area with plastic pull tight seal'.

Figure 6.2 Flow chart for counting and announcing the results at the polling station



The Elections (General) Act 2008 (Section 55) provides detailed instructions of procedures to be observed in the opening of the ballot box and the tallying and counting of the vote. The counting procedures are performed by the election officials at the polling station under the direction and close supervision of the Polling Station in-Charge. Counting of the ballots is a three-step process involving the counting of the ballots, the completion of the result sheet and the announcement of the results at the polling station. After the counting of the ballots the Polling Station in-Charge identifies no less than two individuals from among the election officials involved in the count to sign the result sheet. Immediately thereafter the Polling Station in-Charge announces the results (Figure 6.2).

Section 56 of the Act provides clear guidelines to the election officials regarding valid and invalid votes/ballots. All ballots deemed invalid must be shown to all those present at the polling station. An invalid vote must satisfy any one of five criteria below:

1. It must be a ballot that differs from the ballots officially prepared by the ECM.
2. It must be a ballot that does not bear a mark.
3. It must be a ballot that is discernible as having been cast in contravention of the law.
4. It must be a vote cast in a manner where the favoured candidate is unidentifiable.
5. It must be a ballot paper that contains a drawing or writing or sign in addition to the tick across the candidate's name of choice.

The electoral laws give the candidates and/or their representatives present during the ballot count the opportunity to raise complaints regarding the decision of the election officials on the validity or invalidity of a vote. The Polling Station in-Charge has powers to make the final determination, but the complaining individual must sign the report containing details of the votes and the disputed ballot. The Group noted the high number of invalid ballot papers in some polling stations.

Announcement of the Results

The Elections (General) Act 2008 (Section 57) states that following the signing of the result sheet, the preliminary results from that polling station shall be announced and publicly displayed at the polling station. These results would then be transmitted to the ECM in Malé in the manner specified by the ECM.

Following the announcement of the results at the polling station, the results were transmitted electronically to the election results management centre in Malé. The Polling Station in-Charge was responsible for entering the polling station results on the results portal using Elections Results Processor application. Once the results were entered on the portal, the officials at the election results management centre were able to view, check and verify them. The verification process entailed comparing the electronic results with the hard copies of the results sheet received from the polling stations.

On 12 September the ECM officially announced the results of the first round of the Presidential Election and publicised them in the *Government Gazette*. None of the candidates who contested this Presidential Election received more than 50 per cent of the votes cast. As a result, the second round of the Presidential Election was to be held on 30 September 2023. The results are presented in Table 6.1.

Table 6.1 Presidential Election results, 12 September 2023

| Candidate number | Candidate name and number | Votes received | Percentage |
|------------------|---------------------------------------|----------------|------------|
| 1 | Umar Naseer Independent | 6,343 | 2.87 |
| 2 | Uz. Hassan Zameel Independent | 327 | 0.15 |
| 3 | Ibrahim Mohamed Solih MDP | 86,161 | 39.05 |
| 4 | Mohamed Muizzu PNC | 101,635 | 46.06 |
| 5 | Qasim Ibrahim JP | 5,460 | 2.47 |
| 6 | Ahmed Faris Maumoom Independent | 2,979 | 1.35 |
| 7 | Ilyas Labeeb The Democrats | 15,839 | 7.18 |
| 8 | Mohamed Nazim | 1907 | 0.86 |

Recommendations

The COG offered the following recommendations to the ECM:

- Review the layout of the voting station to ensure that the placing of voting booths protects the secrecy of the ballot.
- Ensure greater consistency in the application of the rules regarding the use of mobile phones at polling stations.
- Enforce regulations regarding the 100 feet radius rule in relation to the presence of campaign materials on polling day.
- Improve the training of polling staff to ensure greater consistency in determining invalid votes.
- Enhance voter education efforts on the voting process.

7. Maldives Second Round Presidential Election

Background to the Election on 30 September

Political Developments

On 9 September, we saw Maldivian people exercise their right to vote in the Presidential Election in an open, transparent, free and fair election. From a field of eight candidates, Dr Mohamed Muizzu of the PNC/PPM coalition received 46.06 per cent of the vote and the incumbent president and candidate of the MDP, H E Ibrahim Mohamed Solih, received 39.05 per cent of the vote. The Democrats, led by Mohamed Nasheed, a former president and current Speaker of the Majlis, which fielded Ilyas Labeeb MP as its candidate, came third with 7.18 per cent of the vote.

Each of the other five candidates received less than 3 per cent of the vote.

According to the Constitution, a presidential candidate must receive more than 50 per cent of the votes cast. Failing that, the two candidates receiving the highest number of votes proceed to a second vote within 21 days. This run-off was called for 30 September.

Mohamed Nazim of the Maldives National Party, who was a candidate in the first round of the Presidential Election, decided to support Dr Muizzu 'unconditionally' soon after the first round, but the other candidates remained 'neutral'. Mr Qasim Ibrahim of the JP, previously regarded by some as a 'kingmaker' in Maldivian elections, declined to back a candidate.

The Referendum

On 13 September, Ilyas Labeeb introduced a resolution in the Majlis under Article 70 of the Constitution calling for a referendum on changing the existing government system from a presidential system to a parliamentary system. The members present unanimously approved the motion on 23 September. Speaker Nasheed has long been a supporter of a parliamentary system and was instrumental in initiating a referendum on this issue in 2008, which was lost by a significant majority at that time. Following approval of the motion on 23 September 2023, the ECM stated that a period of 30–45 days is necessary to facilitate a referendum process, at a cost of 40–50 million Maldivian rufiyaa (equivalent \$2,600,000 -). It announced the target date for the referendum as 29 October.

The ECM later indicated to the Group that the ECM did not have clear and lawful guidelines to conduct the referendum at that time. It had received neither a precise question to put to the electorate nor the funding to conduct it. The parliamentary session on 25 September, which was to debate the ECM's request regarding the question to be put to the electorate, was adjourned due to a lack of a quorum, as MPs were out on the campaign trail. The Group was informed by interlocutors that the referendum was not a factor in the campaign, it was of little or no interest to the public and that it was 'a political game'. Dr Muizzu emphasised the importance of prioritising the presidential campaign over discussing a change in the system of government.

The Campaign

Both candidates campaigned vigorously and without incident during the 3-week interval between the two rounds of election, making daily announcements regarding their plans in government. As there were now only two candidates, the public paid more attention to the manifestos. President Solih made several pledges regarding housing and land ownership, opening applications for many thousands of land plots and flats. In addition, he pledged to implement a flat rate for electricity, irrespective of the amount consumed; increase the (voluntary) retirement age and allowance of pensioners; revise salary structures for the aviation sector;

waive or extend loans to small and medium-sized enterprises; and increase infrastructure projects and student loans. He also pledged to increase the salaries of all civil service employees, including of the armed forces, police, immigration, customs, judicial staff and religious leaders.

Dr Muizzu's pledges similarly included promises of housing and infrastructure projects and increases in salaries for public sector employees. In addition, he promised rent reductions for social housing, jobs for persons with special needs, nursing homes for the elderly, dialysis centres, nationalism to be taught in schools and the potential for women to work in the environment and technology sectors. His campaign highlighted the macroeconomic picture and targeted raising GDP per capita income within five years. He pledged to stabilise the economy, reduce the budget deficit, maintain a fixed exchange rate and increase the central bank's reserves, while focusing on the agriculture and fisheries sectors and the development of tourism by opening 35 new resorts. He stated his aims to secure US\$4 billion in foreign direct investment. He promised a transparent and accountable government, with proper checks and balances, and a cabinet composed of educated and service-oriented people. He highlighted the alleged failures of the Solih government, particularly to deliver promised infrastructure projects, and pledged to complete the Bilehfahi airport.



The COG at the ECM headquarters after a briefing ahead of the Second-Round election on 30 September.

Preparation for Voting in the Second Round

We commend the ECM on their efforts to receive and respond to our interim report on the Presidential Election on 9 September, particularly to seek to educate voters and election officials and to strengthen processes that encourage Maldivian citizens in the country and overseas to exercise their constitutional right to vote. This was vital given the relatively lower turnout for the first round of the 2023 Presidential Election as compared to previous years.²⁷

New Voters and Re-registration of Existing Voters

Between the first round of voting in the Presidential Election on 9 September and the run-off round between the two highest-polling candidates on 30 September, a re-registration process was conducted

²⁷ Voter turnout of the first round on 9 September was 74 per cent, which was significantly less than in the single round 2018 election (89 per cent), and the first rounds in 2013 (87 per cent) and 2008 (85 per cent).

by the ECM to update the voter list, and then also to re-register existing voters who had relocated since their previous registration.

At the time of the first round of voting, the number of eligible voters stood at 282,395, consisting of 138,196 women and 144,199 men. This was an increase of some 20,000 voters since the last Presidential Election in 2018.

The ECM's efforts resulted in an increase in the total number of eligible voters for the run-off to 282,804, including 409 first-time voters who had turned 18 years of age during the period between the two rounds of voting. It was of interest to the COG that this process was undertaken between the first round and the run-off and is a tribute to the ECM's assiduousness in keeping the electoral roll up to date, ensuring that new voters were not denied their right to vote.

Similarly, the ECM also ensured the right to vote of those who had moved location between the first and run-off rounds. There was also an increase in overseas voter registration, with 6,223 voters registering abroad, doubling the figure in the first round.

The ECM stated that voters who wished to register in another location were required to submit their application by 4.00 pm on 17 September. Only those who wished to vote in a location other than the one in the first round of the election were required to submit a re-registration application.

Individuals could submit an application online via a designated ECM portal, to the election headquarters in the Dharubaaruge convention centre in Malé or to the local council office of an island. The application form was available at the election headquarters as well as at council offices or on the ECM's website. Online re-registration applications were to be submitted with a copy of an official document confirming the identity of the individual.

Individuals could also register to vote in locations outside the country where the ECM had decided to establish polling stations. These were Trivandrum in India, Colombo in Sri Lanka, Kuala Lumpur in Malaysia, London in the United Kingdom and Abu Dhabi in the United Arab Emirates. Re-registration applications were also available at designated Maldivian high commissions, embassies and consulates.

The ECM initiated a formal process for accepting complaints for voter re-registration in the run-off of the Presidential Election. This move came in the wake of the release of the voter re-registration list, which was the subject of considerable controversy due to its unusually high numbers (over 47,000).

The deadline for lodging complaints was 9.00 pm on Saturday 23 September. A specially designated 'Form to Submit Complaints to the Register of Eligible Voters' had been made accessible on the ECM's website, as well as at various local council secretariats. Overseas voters could submit their concerns to their nearest consulate offices or high commissions between the hours of 10.00 am and 3.00 pm.

The ECM said that the window for complaints was especially significant given the concerns raised by opposition parties about the spike in re-registrations. Opposition parties had accused the government of an attempt to 'steal' the election through inflated re-registration numbers.

The MDP, on the other hand, viewed the high number of re-registrations as a democratic triumph. According to the MDP Secretary-General, the surge could be due to the notably low voter turnout in the first round, suggesting that the high re-registration was an attempt to rectify this lapse.

Other Preparations

The ECM also took the following specific steps to improve the voting process for the second round of the Presidential Election as compared to the first round:

- 586 ballot boxes were put in place, up from the initial 574 in the first round;
- 43 polling stations were to be relocated to more spacious venues; and
- polling stations with over 500 voters were to be provided with two ballot boxes.

These changes were to be introduced to avoid long queues and observe safe distancing at the polling stations. The layout of the polling stations was also changed to enhance privacy and the secrecy of the ballot. Training was to be conducted for election officials to prevent confusion about ballot eligibility and reduce any influence by monitors and observers.

Moreover, the ECM took steps to reduce invalid ballots, which was an issue in the first round of the elections. Indeed, there was a considerable number (4,835) of invalid ballots in the first round, which the Group and other election observers and monitors had noted to the ECM. In response, the ECM put in place the following measures in preparation for the run-off round:

- Bristol boards were placed next to the ballots for voters to check for running ink and reducing smudging that could render ballots invalid;
- better-quality pens were to be used;
- there was an increase in the number of ground managers at polling stations; and
- an election manual for election officials and voters was provided to help explain what constitutes a valid vote consistent with a voter's intention and what can be deemed an invalid vote.

Investigations by the Anti-Corruption Commission

The Group was informed that the ACC had looked into some announcements and campaign promises made by the two run-off presidential candidates. In particular, the ACC launched an investigation into the MDP candidate, incumbent President Ibrahim Mohamed Solih, just before the run-off round of the Presidential Election.

The ACC said on 26 September that it had received 61 election-related complaints to date, including:

- 3 cases filed by political parties;
- 4 cases filed through the National Complaints Bureau of the ECM;
- 26 cases filed by individuals;
- 28 cases filed anonymously.

Of the 61 complaints received, the ACC said that 29 cases had been registered and investigations had been launched so far, as they appeared to concern election-related bribery and the unlawful use of various state resources to influence free and fair elections.

Misinformation and Investigations by the Media Council

We observed targeted misinformation campaigns spreading falsehoods and unverified claims regarding the actions and plans of both presidential candidates. One news outlet, for example, was called out for publishing fabricated information about the government's relationship with India.

The MMC noted that it had completed investigations into ten cases (including two investigated at the council's own initiation over the two months leading up to the second round of the Presidential Election) involving misleading reports and the failure to adhere to the Code of Conduct.

Voting, Counting and Results Tabulation

The voting hours for the run-off election were extended by one hour from 8.00 am to 5.00 pm. Due to the increase in the number of eligible voters from a total of 282,395 in the first round to 282,804 in the second, the ECM increased the number of ballot boxes from 574 to 586 for the run-off.

The COG members were deployed to various atolls, including Gaaf Dhaal atoll, Haa Dhaalu, Kaafu and Seenu, to witness the voting process. The Chair, accompanied by members of the Commonwealth Secretariat staff team, observed voting in Malé, Hulhumalé and nearby islands. And for the first time in the Commonwealth's election observation history, additional members were deployed to an overseas voting site in London to observe diaspora voting.

Assessment of the Opening and Voting

Polling stations were located in schools and community centres, as was the case for the 9 September poll. The physical layout of the polling stations was retained. Polling stations were fully provisioned with electoral materials and managed by well-trained election officials. The Group observed that the ECM made slight adjustments to the voting booth, most notably by changing its structure to give voters a greater level of secrecy of the ballot. In the smaller polling stations, however, the positioning of the voting booth continued to potentially compromise the secrecy of the ballot.

Pre-poll procedures were meticulously followed and implemented. The polling stations opened on time and the voting process was peaceful, transparent and managed professionally by the election staff. The Group commends the election officials for their professionalism and fastidious manner of ensuring the credibility of the voting process. Party agents and monitors were represented at polling stations visited by the Group.

Key observations of the Group included:

- timely opening and closing of polling stations;
- efficient management and professionalism of polling staff;
- application of the indelible ink to the voter's fourth finger of the left hand;
- assistance to the elderly and PWDs;
- introduction of additional ballot boxes, which improved the efficiency of the process;
- increased participation of the youth, the elderly and PWDs;
- participation of women, especially as members of the polling staff;
- discreet presence and professional conduct of the police;
- prisoners' voting, which was smoothly conducted; and
- diaspora voting in London, which was conducted transparently and professionally, as it was in Maldives.

Assessment of the Counting and Results Tabulation

All polling stations observed by the Group closed on time at 5.00 pm. A polling official stood at the end of the queue with clear signage indicating that the polling station was closed to any person who was not in the queue. The close-of-poll procedures took place in line with the regulations. While maintaining order and calm throughout the process, the Polling Stations in-Charge ensured compliance with prescribed regulations.

The 30-minute break between the close of the poll and the commencement of counting was observed. At all times, the Polling Stations in-Charge explained in Dhivehi and in English the various stages of the vote-counting process for the benefit of the party agents, monitors and observers.

The counting of votes started with the preparation and sealing of spaces in between the tables with adhesive tape so that ballot papers did not slip in between to the floor.

The ballot box seals were removed, the lid was shown to all present and the ballot box was emptied onto the table. The polling staff thereafter sorted the cast ballot papers. The Polling Stations in-Charge inspected the validity of each ballot and displayed each invalid ballot to those present. An opportunity to challenge the election official's decision of invalidity was given to candidate representatives, as well as the opportunity to file complaints.

After the sorting of the ballots, the votes for the candidates were counted, with each ballot being shown to those present at the polling station. Though very time-consuming, this process provided an opportunity to candidate representatives for queries and requests for clarification.

Key observations of the Group included:

- all polling stations observed closed on time;
- in comparison to the first round, there was an increased number of party agents and citizen observers witnessing the close of the poll, counting of ballots and announcement of results;

Table 7.1 The second-round results

| Candidate | Political party | Votes | Percentage of votes |
|-----------------------|-----------------|---------|---------------------|
| Ibrahim Mohamed Solih | MDP | 109,868 | 45.96 |
| Mohamed Muizzu | PNC | 129,159 | 54.04 |

Eligible voters: 282,804

Voter turnout: 246,915 (87.3 per cent)

Total valid votes: 239,027

Total invalid votes: 7,888

- the counting process was generally longer in comparison to the first round, with counting in Dhivehi and in English and showing each ballot to all present at the polling station;
- the counting process and tabulation of results were conducted in compliance with the established procedures, which were strictly adhered to; and
- instances where the intent of the voter was clear on the ballot but it was invalidated by the Polling Stations in-Charge because the marking was in keeping with the examples of invalid ballots in the regulations.

It is the view of this COG that the election officials in Maldives executed their functions diligently.

There was uniformity in their execution across polling stations, which is a testament to the calibre of the training administered to election officials by the ECM. However, the Group remains concerned about the high number of invalid ballots, where the intent of the voter was clearly indicated. The ECM must devise a mechanism to reduce the number of invalid votes and ensure that the voter is not disenfranchised.

The second-round results are presented in Table 7.1.

Annex I. Composition and Biographies of the Group

Chairperson of the Commonwealth Observer Group

H.E. Danny Faure, Former President of Seychelles

H.E Mr Danny Faure (Seychelles): Mr Faure was elected the 4th President of Seychelles on the 16th of October 2016. He was the Head of Government and held the Ministerial portfolios of Defence, Public Administration, and Legal Affairs. In addition, in February 2020, at the start of the global Covid 19 pandemic, he also held the portfolio of health. Earlier, Mr Danny Faure was Vice-President of the Republic of Seychelles, holding Ministerial portfolios for Finance and Trade, Public Administration, and Information Communication Technology. As a young man, Danny Faure worked with the Seychelles People's Progressive Front. He became the Chairman of its Youth Wing and was elected as a member of the Central Committee of the Party. In June 2009, he was appointed Secretary General of the Party. With the return of Multi-Party Democracy in Seychelles in 1993, Danny Faure was appointed Leader of Government Business of the majority Party in the National Assembly, a post he served for 5 years from 1993 to 1998.

Mr Faure was appointed as Minister of Education on the 28th of March 1998. He was instrumental in putting forward the idea of a virtual university for small states of the Commonwealth in the Ministers of Education Forum and the Commonwealth meeting held in Halifax Canada. He also served on the Board of the Commonwealth of Learning (COL) from 2014 to 2016 and one of his initiatives was the support of COL on the Blue Economy for Small Island States. Danny Faure is Presently the Patron and Chairperson of the Danny Faure Foundation, which was launch on the 8th of June 2021, he is also a member of The Eminent and Distinguished Persons Advisory Panel of the Eastern and Southern African Trade and Development Ban (TDB).

Observers

Justice (Rtd.) Jackton Boma Ojwang (Kenya)

Prof. Ojwang is a retired judge of the Supreme Court of Kenya with a span of 45 years' experience in the legal profession.

Prof. Ojwang' has had an illustrious 17-year career in the Judiciary after having been first appointed a high court Judge in 2003 and then elevated to the Supreme Court in 2011 as one of the key seven Judges of the newly created apex court.

He holds Bachelor's and Master's degrees in Law from the University of Nairobi and a PhD in Comparative Constitutional Law from Downing College, Cambridge. In 2015, he earned a Doctor of Laws degree (LLD) from the University of Nairobi making him the first sitting judge to receive the Degree. He is an accomplished scholar and has authored numerous academic papers and other scholarly works. He has also taught at reputable universities around the world including the University of Nairobi where he served for 27 years. He has also been a visiting Associate Professor of Law at the J. Reuben Clark Brigham Young University Law School in the United States.

Hon. Justice (Prof) Jackton B. Ojwang, was appointed Chairman of EPRA's Board of Directors for a four-year term with effect from 12th May 2020.

Cronisa Baguga (Nauru)

Cronisa Baguga currently holds the position of Electoral Commissioner in the Nauru Electoral Commission. She is a certified legal practitioner in Nauru courts, with expertise in both civil and criminal law. Moreover, she is the co-founder of Women's Empowerment Nauru Association (WENA), the first registered Women Empowerment group in Nauru.

Cronisa is not only a holder of a Diploma in Professional Business Management but also a determined entrepreneur. Furthermore, she is ambitiously pursuing a Bachelor of Laws at the University of the South Pacific (Nauru campus).

'Yemi Adamolekun (Nigeria)

'Yemi Adamolekun is an active citizen and connector Executive Director of Enough is Enough Nigeria (EiE), a non-partisan network of individuals and organizations committed to building a culture of good governance & public accountability in Nigeria through active citizenship.

With degrees from the University of Virginia, USA; London School of Economics and Oxford University in the UK, her diverse career spans the public and private sectors in the US and Nigeria. A 2018 CSC Leader, a global programme for exceptional senior leaders selected from government, businesses and NGOs across 53 commonwealth countries. She is one of the Most Influential People of African Descent (MIPAD), endorsed by the United Nations.

In 2019, she joined the Africa Program of the Center for Strategic & International Studies (CSIS) in the US as a non-resident Senior Associate. In May 2022, she was a Global Citizen awardee.

Maryan Street (New Zealand)

Maryan Street is a former Member of the New Zealand Parliament (MP) for the New Zealand Labour Party. She was a Cabinet Minister in the 2005–08 Coalition Government led by former Prime Minister Helen Clark. She has been, both in Parliament and outside it, active in the field of human rights and good governance, participating in numerous Commonwealth Observer Groups in Africa and South Asia since 2007. She was an MP for nine years between 2005 and 2014.

In 1990 she was awarded the New Zealand 1990 Commemoration Medal for service to New Zealand and in 1993 the New Zealand Suffrage Centennial Medal for service to women.

During her nine years as an MP and Cabinet Minister her responsibilities included housing, accident compensation, foreign affairs, human rights, overseas aid, higher education, and economic development. She has been an academic and an industrial relations practitioner.

Mahdev Mohan, ASiArb (Singapore)

Mahdev is a former Nominated Member of Parliament in Singapore, and currently practices as an Of Counsel with KGP Legal. At KGP he co-heads the International Law & Dispute Management (ILD) practice as well as the Technology & Start-up Law (TSL) practice, drawing on his prior experience in multinational technology companies, including Google LLC where he led a global team of legal policy specialists which launched technology products in emerging markets.

He completed his Master's at Stanford Law School on a Fulbright Scholarship, and has been a legal academic and is a founding member of the Singapore Branch of the International Law Association.

Professor Cythnia Barrow-Giles (Saint Lucia)

St. Lucian born Cynthia Barrow-Giles is a professor of constitutional governance and politics at the UWI, Cave Hill Campus. She is a former Deputy Dean of the FSS and Head of Department, GSSWP. She has authored, co-authored, and co-edited numerous publications on governance in the Caribbean. She has participated in several Election Monitoring and Expert Groups in Asia, Africa, and the Caribbean; and was a member of the CARICOM High-Level Team to Guyana for the recount of the 2020 vote and served as Team Leader of the CARICOM Observer Mission for the recount of the Guyana 2020 vote. She served on the St. Lucia CRC from 2005-to 2011 and Adviser to Barbados's Republican Status Transition Advisory Committee (RSTAC) in 2021.

Ambassador Alari Awahnatu Cole (Sierra Leone)

Ambassador Haja Alari Cole is an accomplished Diplomat and Educationist with a proven track record in promoting World peace and mitigation of conflicts. During the period from 1996 to 2008, she served with distinction as the Resident Ambassador to the Islamic Republic of Iran, with accreditation to Iraq, Turkey, Lebanon, Bangladesh, Malaysia, India, Brunei, and Pakistan. She is currently a member of the ECOWAS Council of the Wise.

Professor Mandla Mchunu (South Africa)

Mandla Mchunu is a former law teacher and Chief Electoral Officer of the South African Independent Electoral Commission. After holding several other senior government positions, he established a consulting outfit, AfriCore Advisory, which specialises in national IDs, Voters Rolls and related electoral democracy systems.

He has undertaken consulting assignments to strengthen electoral democracy in several African countries viz. Nigeria, Sierra Leone, Malawi etc.

As a person who contributed significantly in setting up the infrastructure and machinery for electoral democracy in South Africa, he is widely respected. He remains active and keen on matters related to constitutional democracy. He is a member of the board of trustees of Africa Check, and a member of the PwC Africa Public Interest Board.

Bobbi Rogers (Trinidad & Tobago)

Bobbi Rogers is a media and communications practitioner, with twenty years' experience, working primarily in the public sector in her homeland Trinidad and Tobago. She has produced and presented public education programmes for electronic media. She has also spearheaded integrated marketing and communications campaigns, inclusive of traditional and social media to promote State services and products.

In 2019, she joined the Elections and Boundaries Commission of Trinidad and Tobago (EBCTT) as the Manager of Corporate Communications. In her present role, she designs and implements voter and civic education programmes to increase public awareness on the role and remit of the EBCTT and election related activities.

Bobbi Rogers attended the Arthur Lok Jack Graduate School of Business, University of the West Indies (UWI) where she attained a Master in Marketing (Distinction) in 2015. She also pursued courses at the UWI, Mona Campus' Caribbean Institute of Media and Communications, in the field of Radio Broadcasting.

Anji Hunter (United Kingdom)

Anji joined Edelman in 2013 to provide senior counsel to clients across the business advising on corporate reputation building, crisis management and public affairs. She is also working with the agency to help promote senior women in the communications industry.

Prior to joining Edelman, she worked for the Royal Academy of Engineering as the Director of The Queen Elizabeth Prize for Engineering and before that was Group Head of Government and Social Affairs at Anglo American plc, responsible for overseeing the relations with the communities and governments where the company operates.

For seven years Hunter was Group Director of Communications at BP. She was responsible for advertising, group publications, internal communications and liaison with opinion formers, media and investors.

She worked for Prime Minister Tony Blair from 1987 to 2002, in opposition and government, becoming Head of Government Relations in Downing St (1997), where she was the key liaison with the Cabinet, Civil Service, the Labour Party, Opposition Leaders, other Governments, and key media, business, and NGO figures.

Commonwealth Secretariat Support Staff

Dr Dinusha Panditaratne (Staff Team Leader)

Adviser and Head, Asia Section

Lindiwe Maleleka
Political Adviser, Electoral Support Section

Sumedha Ekanayake
Human Rights Adviser, Human Rights Unit

Olu Ibinayo
ICT Operations Manager, ICT Data and Analytics Section

Temitope Kalejaiye
Public Relations and Engagement Officer, Senior Director GPD

Zippy Ojago
Executive Officer, Electoral Support Section

Lindsey Adjei
Programme Assistant, Electoral Support Section

Sarthak Roy
Assistant Research Officer, Asia Section

Yvonne Chin
Communications and Media Consultant

Annex II. Arrival Statement

Arrival Statement

By The Chairperson of The Commonwealth Observer Group To Maldives His Excellency Danny Faure

Former President of The Republic of Seychelles 4 September 2023

The Commonwealth Secretary-General, the Rt Hon Patricia Scotland KC, has invited me to chairperson the Commonwealth Observer Group (COG) to the Republic of Maldives, for the Presidential Election scheduled on 9 September 2023.

I consider it a great honour to be a part of this important democratic endeavour.

The Group was constituted following an invitation from the Elections Commission of Maldives and after a pre-election assessment mission in July 2023. I am joined in this Group by ten other eminent persons from across the Commonwealth, including from Africa, Asia, the Caribbean, Europe, and the Pacific. They are drawn from various backgrounds ranging from the political, civil society, election management, diplomatic, and legal fields.

Members of the Group arrived on 2 September, and we will stay in Maldives until 15 September. Our presence here affirms the Commonwealth's continuing solidarity with the people of Maldives. This moment is even more significant as this will be the first COG to observe an election in the country since Maldives re-joined the Commonwealth in February 2020.

As independent observers, our mandate is to observe, and not to interfere with, the electoral process and to give a substantive account of our observations. We will evaluate the pre-election environment, polling day, as well as the post-election period. We will consider the electoral process as a whole, and report on whether it has been conducted in accordance with the national, Commonwealth and other international standards to which Maldives has committed itself.

We shall remain objective and impartial in discharging our mandate. The Group's assessment will be its own and not that of the Commonwealth Secretariat or any Commonwealth member country.

Over the next four days, we will receive briefings from a range of stakeholders including from election management officials, representatives of political parties, civil society groups, the police, members of the diplomatic community, and citizen and international observers.

On 7 September, members of the Group will be deployed to selected atolls, where we will observe the pre-election environment. Subsequently, we will observe the opening of polls, voting, closing, counting, and the management of results from election day until our departure from Maldives. We will issue an Interim Statement of our preliminary findings shortly after 9 September.

Our final report will be submitted to the Commonwealth Secretary-General, the Government of the Republic of Maldives, the Elections Commission of Maldives, political parties, and Commonwealth member governments. The report will later be made available to the public.

We are aware of the significance of this election to the people of Maldives. We urge all stakeholders to play their part in ensuring peaceful elections.

On behalf of the Group, I would like to thank the people of Maldives for their participation and for allowing us to be a part of this important process. I wish them well as they prepare to exercise their democratic right to vote.

Commonwealth Observer Group

This Commonwealth Observer Group to Maldives consists of eleven members (Chairperson and ten observers), supported by eight-member staff team from the Commonwealth Secretariat. The members, in alphabetical order by country name, are:

H.E. Danny Faure (Chairperson)

Former President of the Republic of Seychelles;
Seychelles

Justice (Rtd.) Jackton Boma Ojwang

Retired Supreme Court Justice;
Kenya

Ms. Cronisa Baguga

Deputy Commissioner, Nauru Electoral Commission;
Nauru

Hon Maryan Street

Former Cabinet Minister;
New Zealand

Ms Yemi Adamolekun

Executive Director, Enough is Enough;
Nigeria

Professor Cynthia Barrow Giles

Professor, Constitutional Governance and Politics University of the West Indies;
Saint Lucia

Ambassador Alari Awahnatu Cole

Member, ECOWAS Council of the Wise; Former Ambassador and High Commissioner; Sierra Leone

Mr Mahdev Mohan

Former Nominated Member of Parliament and Lawyer;
Singapore

Professor Mandla Mchunu

Former Chief Electoral Officer, Electoral Commission;
South Africa

Mrs Bobbi Rogers

Manager, Corporate Communication, Elections and Boundaries Commission; Trinidad and Tobago

Ms Anji Hunter

Senior Public Relations Adviser;
United Kingdom

Annex III. Deployment Plan

First Round

| NO. | TEAMS | LOCATIONS | ISLAND BASE |
|-----|--|-------------------------------------|---------------|
| 1. | H.E. Danny Faure (Chair) Dinusha Panditaratne (Staff Team Leader) | Malé (including Hulumale and Kaafu) | Malé |
| 2. | Lindsey Adjei (Staff) Lindiwe Maleleka (Staff) Zippy Ojago (Staff) | Malé (including Hulumale and Kaafu) | Malé |
| 3. | Anji Hunter Prof. Mandla Mchunu | Gaaf Dhaal Atoll | Thinadhoo |
| 4. | Yemi Adamolekun Justice Ojwang | Lhaviyani Atoll | Naifaru |
| 5. | Ambassador Alari Cole Olu Ibinayo (Staff) | Dhaalu Atoll | Kudahuvadhoo |
| 6. | Cronisa Baguga Hon Maryan Street Sarthak Roy (Staff) | Haa Dhaalu Atoll (KFC) | Kulhudhufushi |
| 7. | Prof Cynthia Barrow-Giles Mahdev Mohan | Seenu Atoll (Addu Atoll) | Hithadhoo |
| 8. | Bobbi Rogers Sumedha Ekanayake (Staff) | Laamu Atoll | L.Gan |

Second Round

| NO. | TEAMS | LOCATIONS | ISLAND BASE |
|-----|---|---|---------------|
| 1. | H.E. Danny Faure (Chair) Dinusha Panditaratne (Staff Team Leader) Larrey Chetty Temitope Kalejaiye (Staff) | Malé (including Hulumale and Kaafu) | Malé |
| 2. | Lindsey Adjei (Staff) Lindiwe Maleleka Staff) Zippy Ojago (Staff) Sarthak Roy (Staff) | Malé (including Hulumale and Kaafu) | Malé |
| 4. | Prof. Mandla Mchunu Anji Hunter | Gaaf Dhaal Atoll | Thinadhoo |
| 6. | Hon Maryan Street Bobbi Rogers | Haa Dhaalu Atoll (KFC) | Kulhudhufushi |
| 7. | Prof Cynthia Barrow-Giles Mahdev Mohan | Seenu Atoll (Addu Atoll) | Hithadhoo |
| 8. | Linford Andrews, Hilary McEwan | Overseas: Maldives High Commission, United Kingdom | N/A |

Annex IV. Preliminary Statement

Maldives Presidential Election 2023

Preliminary Statement by H.E. Danny Faure, Former President of the Republic of Seychelles, Chair of the Commonwealth Observer Group, 11 September 2023

Members of the media, ladies and gentlemen:

Thank you for coming to this Commonwealth Observer Group Press Conference.

The Commonwealth is honoured to be in Maldives to observe this year's Presidential Election, which had a record eight candidates standing for election. This is also the first Presidential Election since Maldives rejoined the Commonwealth in 2020.

Following an invitation from the Elections Commission of Maldives and a subsequent Pre-Election Assessment Mission, the Secretary-General of the Commonwealth, The Rt Hon Patricia Scotland KC, constituted our Group. We arrived in the week beginning 2 September and will depart on 15 September.

As Chair, I am leading a Commonwealth Group of eleven independent and eminent persons drawn from every region of the Commonwealth. The Group's assessment will be its own. It is not that of the Commonwealth Secretariat or of any Commonwealth member country.

We recall what we said in our arrival and other statements: We are here to support the democratic process and right to vote in Maldives, and will carry out our work with objectivity and impartiality. In accordance with our mandate, we are assessing this election according to national, Commonwealth and international standards to which Maldives has committed itself.

Today, we convey to you our preliminary assessment. Our final report will be submitted to the Secretary-General, shared with the Government of the Republic of Maldives and other key stakeholders, and then made publicly available.

Our preliminary statement today will proceed as follows: We will first provide key findings on the pre-election environment, followed by our observations of Election Day on 9 September. Finally, we will share our view of the post-election stage so far, mindful that the results process is still ongoing.

Let me proceed at the outset, by commending the people of Maldives for the peaceful and orderly manner in which they exercised their right to vote on 9 September. Our observers saw citizens across the Maldives: men and women, young and old, and people with disabilities, exercising their democratic rights with patience and civility.

The Pre-Election Environment

To understand the pre-election environment, our observers had the opportunity to meet a range of stakeholders in the week leading up to the election. These included political parties, representatives from civil society, youth and media, the Elections Commission, police, and judicial administration, and diplomatic missions.

On 7 September, members of our Group were deployed to various atolls, where they engaged with local stakeholders: including the Gaaf Dhaal atoll, Lhaviyani atoll, Dhaalu and Haa Dhaalu atolls, Seenu and Laamu atolls.

We have been encouraged by the feedback we received that the pre-election environment has been largely peaceful and that it affords the civic and political space to express dissenting opinions.

In our observations of some campaigns, both in Malé and in the atolls, we saw the campaigning being conducted in a peaceful and vibrant atmosphere. The fundamental rights of candidates, political parties and supporters to assemble and campaign were broadly observed.

We note, however, the continuing relevance of some of the concerns raised by previous Commonwealth Observer Groups about the pre- election environment in Maldives.

These include: allegations of vote buying; the misuse of state resources, the need to develop a more effective regulatory framework for campaign financing; the independence and regulation of the media; and the need to continue strengthening civic education. We will expand on these issues in our final report, while also making recommendations to address them.

Two other recurring issues are the extent of women's and youth political participation in Maldives. We note that there were no women Presidential candidates in this election. We also note concerns about a lack of meaningful youth engagement and political participation.

During our consultations with stakeholders, two recurrent themes emerged: the need to enhance the independence of state institutions in Maldives; and to strengthen the separation of powers between the executive, the legislature, and the judiciary.

In any election, citizens' perception about the independence of the institutions of the state is critical for public confidence in a level playing field. It is our hope that the political leadership of Maldives, including the eventual winner of this Presidential Election, will prioritise the need to strengthen independent state institutions, while continuing to enhance the democratic and civic space in Maldives in an inclusive and holistic way.

Election Day

Opening of Polls

The opening of polls generally took place on time, and all pre-poll procedures were widely adhered to. We observed that voters queued up at polling stations in a peaceful and orderly manner. In polling stations we observed, relevant instructions to voters were visibly displayed.

Conduct of the Polls

We commend polling officials for their dedication, professionalism and diligence in the conduct of their duties. Polling officials were meticulous in conducting voter verification with the electronic tablet and the voters' register.

We were encouraged by the substantial number of female polling officials. In some polling stations, almost all such officials were women. We were equally impressed by the hourly updates provided by polling officials about the number of those who voted, disaggregated by men and women.

Participation and Inclusion

We noted the presence of women and young people among both voters and polling officials. In most polling stations observed, priority was given to persons with disabilities (PWDs), elderly people, and pregnant women. We also observed some voters being assisted. We commend the Elections Commission for the introduction of the template ballot paper (stencils) for visually impaired voters.

We also observed polling at two prisons in the country.

Party agents and candidate representatives

Party observers and candidate representatives were present in all polling stations. We observed that they conducted their duties actively yet peacefully.

Security

The police were present at polling stations observed. They were unobtrusive and carried out their duties professionally.

Secrecy of the ballot

Most polling stations were in schools. In most polling stations observed, the polling station layout provided for the secrecy of the ballot. However, the positioning of some polling booths, for example in smaller rooms, could have potentially compromised the secrecy of the ballot.

Citizen and International Observers

We observed the presence of international and domestic (citizen) observers and monitors. We express our gratitude for their cooperation and exchange of views on the process.

Close and Count

We observed that voters who were still in the queue at close of polls at 4:00 pm were allowed to vote, in accordance with the law.

The closing and counting procedures were effectively followed, with a high degree of transparency.

However, noting the high number of invalid ballot papers in some polling stations, we recommend further improvements in voter education.

As Chair, I had the opportunity to visit the election management centre, where the tabulation centre and the coordination centre were also based. The use of technology to collate the results from all polling stations, along with verification mechanisms, is impressive.

Conclusion And Post-Election Period

We commend the people of Maldives for the peaceful, calm and orderly manner in which they exercised their franchise on 9 September. I also wish to acknowledge the Elections Commission of Maldives and polling staff for the transparent and efficient manner in which the election was conducted.

We congratulate all Maldivians for their patience and commitment to democracy. We urge them to maintain the same commitment in the post-election period. We call on all those with grievances to address disputes through prescribed legal channels.

Maldives Presidential Election 2023 (Second Round)

Interim Statement by H.E. Danny Faure, Former President of the Republic of Seychelles, Chair of the Commonwealth Observer Group, 2 October 2023

Excellencies, members of the media, ladies and gentlemen:

Thank you for coming to this Commonwealth Observer Group press conference, where I will present the interim observations of our Group on the second round of the Presidential Election held on 30 September.

The Commonwealth is honoured to have observed both rounds of the Maldivian Presidential Election. For the first round, I chaired a Group of eleven eminent individuals who observed the election on 9 September 2023, and we issued our Preliminary Statement on 11 September 2023.

For the second round of the Presidential Election, we arrived on 27 September, and we will depart Maldives on 4 October. I have returned this time with six of the original observers, drawn from every region of the Commonwealth. As in the first round, the Group's assessment will be its own and independent from that of the Commonwealth Secretariat.

As I have stated in earlier statements, we are here as friends of the Republic of Maldives. It is my hope that our presence affirms the unwavering support of the Commonwealth family to this country. The Maldives holds the same values that are held dear by all Commonwealth members: peace, democracy, the rule of law, good governance, and sustainable development.

Today, we convey to you our preliminary observations. Our final report on the 2023 Presidential Election will be submitted to the Secretary-General, and later shared with the Government of the Republic of Maldives and other key stakeholders, and then made publicly available.

Ahead of election day, our observers had the opportunity to meet a range of stakeholders. These included civil society organisations, the Elections Commission, the Police, and political leaders and representatives. We were encouraged by the feedback we received that the pre-election environment was largely peaceful and that it afforded the civic and political space to express dissenting opinions.

For this round, members of our Group were deployed to various atolls, where they engaged with local stakeholders: including to the Gaaf Dhaal atoll, Haa Dhaalu, Kaafu and Seenu atolls. For the first time, observers were deployed to an overseas location, in London. I was in Malé and visited Hulhumalé as well as nearby islands.

Election Day

In making our preliminary observations on election day, let me proceed at the outset by commending the people of Maldives for the peaceful and orderly manner in which they exercised their right to vote on 30 September.

Much like our observations from the first-round, this time too, our observers saw citizens across the Maldives exercising their democratic rights with great civility. We also realise this democratic exercise would not have been possible without the high level of diligence and coordination shown by the Elections Commission of Maldives and their staff, as well as by the Maldives Police Service.

Opening of Polls

We note that polling officials meticulously followed all pre-poll procedures, as was the case with the conduct of the first round on 9 September. We observed that the opening of polls took place on time.

Conduct of the Poll

We were impressed by efforts made by the Elections Commission to improve their processes in response to some of our recommendations from our preliminary findings in the first round.

We noted the improvements introduced by the Elections Commission to protect the secrecy of the ballot. These include relocation of some polling stations to more spacious facilities and the modification of voting booths.

Voter verification was yet again well managed during this election. We also observed the changes introduced in relation to applying indelible ink to the voters. The additional ballot boxes at some polling stations significantly improved queue management and led to a smooth process.

Eligible voters came out to cast their votes, demonstrating their determination and commitment to democratic processes in Maldives. We were pleased to note the higher voter participation in this election. We were also encouraged to note the significant presence of women and youth among voters and polling staff at many polling stations.

We found the hourly updates of those who voted by the polling officials to be very useful. We commend these officials for providing gender disaggregated data of those who voted.

Participation and Inclusion

At some polling stations, seats were clearly marked and reserved for Persons with Disabilities (PWDs). Priority was given to pregnant women, PWDs and the elderly.

We note that, as in the first round, overseas (diaspora) voting was organised in five countries; India, Malaysia, Sri Lanka, the United Arab Emirates, and the United Kingdom. Polling in London was conducted according to prescribed procedures, with a high degree of transparency and professionalism.

Party agents and candidate representatives

Observers and monitors of the political parties who were contesting this election were present at most polling stations we visited. They conducted themselves professionally.

Security

The police presence was generally discreet as was the case in the first round, and they conducted themselves with professionalism.

Citizen and International Observers

We engaged with other international and domestic observers during our deployment. Once again, we would like to thank all international and domestic (citizen) observers for their continued cooperation and exchange of views on the unfolding process.

Close and Count

We observed that for this round, the Elections Commission extended the close of polls to 5:00 pm. The close and count followed due process, with a high degree of transparency, for which the polling staff should be commended.

Conclusion And Post-Election Period

Our overall assessment is that the conduct of the second round of the Presidential Election was peaceful and transparent. Credit for this outcome must go, most of all, to the Maldivian people, who once again demonstrated their commitment to the democratic process of their country. We reiterate our earlier appeal to them to maintain the same commitment to peace in the post-election period.

We hope that the recommendations of our final report will be helpful to all stakeholders and contribute to the further strengthening of democratic processes in the Maldives.

On behalf of the Commonwealth Observer Group, I extend my congratulations and best wishes to the people of the Maldives on this Presidential Election and to President-elect Dr. Mohamed Muizzu. We look forward to seeing the orderly and peaceful transition of power, a true testament to the Commonwealth's democratic values.

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