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မြန်မာ့နိုင်ငံတော် ပညာရေး ဝန်ကြီးဌာန

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ပြည်ထောင်စုပညာရေး ဝန်ကြီးဌာန: မြန်မာ့နိုင်ငံတော် ပညာရေး ဝန်ကြီးဌာန (အထွေထွေ) (၅)

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Chairman speaking:

Good afternoon and a very warm welcome to the EU delegation on Election Exploratory Mission over here. We got the request for the meeting yesterday in the afternoon. So, actually we were not able to abide with your schedule to have a meeting yesterday. And today is Thursday, which is, and we don't have official sessions on Thursday. So, most of the MP's have left to their constituencies or on different trips, campaign trips and all of that. So, unfortunately, we also have only two members with us today from the committee. I will start with introductions. My name is Rozaina and I am the chair of this Committee. This is my third term in the Parliament. And I will let them introduce themselves.

Mr. Ali Hameed, MP of Isdhoo Constituency:

Yes, good afternoon. It's very beautiful to meet you. My name is Ali Hameedh. I represent Mid-South Atoll or L. Atoll, Isdhoo constituency. And it's good to have you.

Mr. Hassan Ahmed, MP of Inguraidhoo constituency:

Good afternoon. My name is Hassan Ahmed. I am representing North R. Atoll Constituency, Inguraidhoo Constituency.

Chairperson:

Thank you. So, I am not sure exactly what we are going to talk about. But, because, you are the Election Exploratory Mission. I am supposing that it's about the presidential, upcoming presidential elections. So, I will let you go first.

Ms. Ambra LONGATTI, Policy Officer Election Observation of E.U Election Exploratory Mission:

My name is Ambra LONGATTI. I come from the election observation division of the European Union in Brussels. What happens, as you rightly pointed out is that an Exploratory Mission from the European Union is here. There are also other three colleagues. One is also from Brussels, like me Marie-Hélène, dealing with feasibility of the mission. And we have the security experts and the logistic expert. Why are we here, and exploration of what. We explore. If deploying here an election observation mission of the European Union would be feasible, advisable and useful, why? Because we



received an expression of interest from the Maldives. And in this regard the US put Maldives into their tentative priority list for election observation. So, what we are here now to do a number of months before election day is to make an assessment of the situation and check indeed if sending here a mission would be feasible, advisable and useful. And based of that issue, recommendation to the high representative of the EU in Brussel if to deploy or not, he will take the final decision on what to do. And based on that than we would proceed with deploying. Our election observation missions, I don't know if you are familiar, you are already at your third term. So, maybe you encounter our previous mission that was here in 2014. But basically, our missions are consider to be long term. We not only come for election day is not coming. We stay here for about two months. One month before, or month and half before and two to three weeks after election day. We different teams. The teams are based in capital, different teams in different cities, plus short-term observers only join for election day. So, it's a quiet and composite and complex if may end over. And it's also quite an investment. But it's indeed something that the European Union does across the world since I would say twenty-five years. It's a way to accompany a country that has requested us to do so. In terms of to see how elections proceed part of the democratic pass of a country. Our assessments are independent, and they focus on different areas not only the electoral proceedings, but also overall situation of the legal framework of the country. Situation of media and social media, situation of human rights. So, the assessment is quite wide. And if public, meaning that two days after election day there is a public statement with our preliminary observation result and approximately two months after election day there is a final report which is quite substantial. That is deliver that to the authorities. And this report to contains also number of recommendations or suggestions for engagement to the country to see what where are the main findings and what might not yet fully align with worth the commitments of the country. Commitments to international treaties, to international principles, to good practices, or this is a little bit of what we do. What we do is, indeed to observe. We do not give tactical assistance. We do not interfere, and we do not certify the results. That is not what we do. International election observation follows the international code of conduct for election observation. So, we are not again, a technical assistance body that is here to provide correctives in case there is something that is not following the procedure. That's not what we do. So, this is a little with the framework. So, we are here to provide this assessment for our headquarter and in this regard, that's why we have experts. We look at different angles and for us is very important to meet, off course with the legislature,



with the parliament, were such an important role also. And particularly your committee, because is dealing with the Independent Commissions. And we all know the role of Independent Commissions throughout elections. You not only of the Elections Commission, there is also off course the Media Council, the Human Rights Commission, Broadcasting Committee. So, a number of your clients, will be very active during elections. So, we are here to hear your views first and foremost, on what are the key concerns that you see in coming up to the elections. What are the key areas that further need some work or on the contrary some risks that you see coming up. Or something that you feel is going perfectly towards the elections. And then off course we are also here to reply to any question you might have on our mandate. Thank you.

Chairperson:

Thank you so much. One of our other members have joined. So, I will let him introduce himself before I continue.

Mr. Ahmed Usham, MP of Vilimale' constituency:

My name is Ahmed Usham. I am from the Maldives National Party. One of the opposition parties in our parliament.

Chairperson:

It's good that even though we have few members here, we have party representation. Because MP Ali Hameed is from Jumhooree Party. Yeah, and as Honorable Usham just mentioned, he is from Maldives National Party. Both of us are from MDP. So, we've had one session with the Elections Commission this term, regarding the presidential elections, just to find out what the challenges they have are, and what we can do to help them. And to see if they are having any problems. And I Think it was a really good meeting. And most of, what they talked about mostly was some of the budget constraints that they are having, which is what all the commissions always talk about. And then they were talking about the space, where they need to do the administrative work, which I understand they have got, Yeah, which I understand they have got now. And we have also had a meeting with the Visually Impaired Society. Yeah, because even though it's a secret ballot, all these days their vote has not been secret. Because they need the aid of someone to come and put the tick for them. So, off course it's not a secret anymore. And they have provided us with the really easy solution, to use a stencil on the paper, which they can tick. So, our committee and the Human Rights Committee



are working together to bring some amendments to the bylaws of the Elections Commission. We will not be bringing the amendments, but we are meeting with the Election Commission next week to see what can be done. They mentioned that the law needs to be changed. But, from our observation, we believe that one of the bylaws, by changing one of the clauses in the bylaws they can do it without changing the actual. Because it's just something additional that needs to be brought into the center, the stencil. That's all that's required for them. So, it's not such a big deal and we are surprised this hasn't been done before. But this is the first time they brought this up at the Parliament. And we are trying to get a solution for them on this. So, basically the Elections Commission has said that they have started to work on this, and they have been recruiting people and doing their job. And we have told them that we are here to help them with any, any difficulties that they have. And we have always accommodated them whenever they have asked for a meeting to discuss any problems that they might be having. So, we are open for discussions, and we have been dealing with other challenges that they have been facing. So, if there is anything else, any of the other members would like to add to this. Yeah, basically that's where we are at the moment. And as you said, Broadcasting Commission also would be observing the elections and also how the campaign goes on media and all that. And I have recently met with the Chair of Broadcasting Commission. Because she wanted to have a meeting to discuss some of her concerns regarding the election and what she talked about most was that they would like to ensure that factual information is given out by all media and they would put an extra effort to ensure that during the elections and during the campaigning process and all that, factual information is distributed throughout the media. And they've also been having their challenges with the budget and office building and all these things. It's the same story with all the commissions. But, during this term which I think ends in April, at the end of April. This session of the parliament will end in the end of April. So, we will be meeting with all the Independent Commissions before that. So far, we met with the Civil Service Commission and the Election Commission. We have meeting with the Anti-Corruption next week as well. So, we ensure that during each session of Parliament, we at least have one meeting with all the Commissions just to see how they are doing, and to see whether they are delivering the targets that they have committed when they come to this Committee.

Ms. Renata TARDIOLI, Legal Expert of E.U Election Exploratory Mission:



Thank you so much for the presentation. Actually as a legal expert, very interested in what u said about assisted voted and understand what's debated in the parliament, the proposal. And as you pointed out this might be included into the regulations of bylaws issued by the Election Commission since the change is not, you know so significant to require an election amendment which is a more combers on procedure. This been sad, do you; is there any other amendment of the election law which is pending at the moment in you know any stage of parliamentary procedure? (After some time) And of this for the timeline, do you think we will be able to pass before the recess of parliament? This timeline for candidacy extension of the timeline which you mention is not being debated as yet. Would it be possibly pass before the elections?

Chairperson:

Yeah. That by, that amendment will be coming to this Committee in fact. So, once the debate is over and it comes to the Committee. We will be able to finish it in a day or two. Because it's not a big deal. We just bring in the Attorney General and the Elections Commission and have s discussion and finished it off. Because I think it's already been discussed by the Elections Commission and the Attorney General before it came here. So, there shouldn't be any complications with that. So, yes hopefully we will be able to finish it. Because it's not going to staying in the committee for a long time. The day we get it, we will start work on it and probably the very next week we are trying to bring it in the floor. Please continue.

Ms. Renata TARDIOLI, Legal Expert of E.U Election Exploratory Mission:

Thank you. It would be most useful if you could, not in detail, but in general, explain to us what your mandate was. Each commission that is interest to our work, namely the Human Right Commission, the Election Commission, the Anti-Corruption Commission, the Media Council, the Judiciary, is that Judicial Commission? So, and the Broadcasting Commission. If you could just tell as in general. Because their appointment system is different for the members of each commission, I understand. How is it working? What is your mandate and what do you do with that. Thank you very much.

Chairperson:

Yeah, Basically the, almost all of the commissions are appointed in the same process. There might be a very little difference. Most of the time it's the President sending the



names to the parliament, and then the parliament will send those names to this Committee, and we conduct the interviews and after that we send the names to the floor of like whichever candidates pass through the interview. And then the floor will vote on it. And once the names are approved by the floor it will go back to the President's Office and the President will appoint them. So that's basically the process. And our mandate as a committee is, to see that their work is been done properly. And to help them with any challenges that they might have, to act as advisory body to the commissions and also dismissal of members as well. Only the National Integrity Commission at the moment the law doesn't give the parliament the mandate to dismiss them. We have to send a report to the President, and he will be the one dismissing them. Other than that, the other Commissions the parliament does the dismissals. But not Media Council. Media Council and Broadcasting Commission is two different things. Media Council regulates the written media and Broadcasting Commission is for the broadcasters. So basically, the written media is parented by the Media Council and they, we don't appoint their members either. They have an election among themselves. And they are a self-regulatory body. We don't remove them either. Media council. The members of the Media Council. Broadcasting commission, no we do it. But actually, we have been discussing about combining those two. Because each broadcaster now have their own written media as well. So, it's very difficult to when two bodies are doing the work. Because, most of the time there are the same type of cases and concern in the same people coming to two different commissions and its bit repetitive work as well. So, we have been talking about this and the Attorney General has been formulating a law to combine these two, Media Council and Broadcasting Commission. But we haven't got it yet. We have been sending letters over and over again to get the process done quicker. But the last time, they sent us the letter when we ask for the date that they going to send it. What they said is they are consulting with professional bodies from overseas and this sort of things. So, we are still waiting for it.

Ms. Renata TARDIOLI, Legal Expert of E.U Election Exploratory Mission:

And in term of budget how does it work?

Chairperson:

For each commission they will be sending their budget to the Finance Ministry and when the national budget comes, they have their budget in it. And the Budget Committee of the parliament will be saying in the final word on at the committee stage.



eligible to be a member and do we send their names to the floor. Ok, everybody lift their hands and I personally think it's a silly process. But, (after sometime) anyway, I don't know what their formal name for that committee is. But that's the House Committee that checks out the process, not the process actually. The regulation, the parliament regulation and the if we want to bring any changes to that. It will be discussed in the in-house committee and then brought to the floor. So, we have sent amendments from this committee to that committee four years ago. And they are still sitting on it. And they have not sent it to the floor for amending. The thing is, the process that we had before was more like, it was better. And it was more fair. Because for one thing we have a system where we give points. And points are given for their education, for their experience, for how they conduct themselves in the interview, for their integrity. We had a point system then. And each member gives points based on the documents that they provide and what they say in the interview and all that. But now, there is no pointing that. Because even the public cannot see why a member rejected a person or why a member voted for a person. So, it's not a very fair process. And the other thing is, the interviews are conducted live. So, what happens is, what the first person says and the questions they get, and the answers they give, the last person is able to, you know go through everything that the previous people talk about. So, that not fair. So, we have asked them to like show recording to the public later on. But not bring it live. Because anybody can like when they are sitting in the interview area, they can go through their phones and listen to all the other interviewers. And it is so silly. So basically, the whole committee, we are not pleased with the process. But we have not being able to do anything about it as yet. Every commission has its dismissal procedures in the law of that commission. So basically, for example, if they conduct themselves in a way that is not appropriate for an independent institutions member to conduct themselves. And or if they are being partial to different parties, or different people and if we get complains like that or if they are not doing their job very well. For example, the last Elections Commissions the reasons for the disapproval of the committee was, because during their appointments also we emphasized how much we wanted to the MMPRC corruption issue. I don't know whether you've heard about. But it's the biggest corruption issue that we've had so far. And the committee emphasized that we wanted those cases looked into and prosecuted as soon as possible. But what happened was the previous commission like, they were sort of like, this MMPR issues didn't come up while they were commission members. So, they were more like inclined to solve the issues that were coming during their tenure rather than things that were



pending but are bigger issues. So, they just kept on going on and going on about other little little issues. And every time we brought them here, they would give us a date. And then nothing was been done or actually as fast as the process should. So, basically all the members of this committee were not quite happy with that. So, that was one thing. And then there was the audit report which the Auditor General submitted after going through their procedures. And there were some issues, it's long, I can't remember everything. But there were some issues which were concern to the committee members. Of course, there are people of different opinion in the committee. But the majority committee members were not happy about it either. So, basically even with the new commission when we brought them in the same emphasis has been made. And the last time we met with the commission members, they said that they are getting ready for the prosecution of several members involved in MMPRC issue. And we are meeting them next week to see what the progress on that is. So, I think, Honorable Member Usham would like to give his opinion on this. Yeah.

Mr. Ahmed Usham, MP of Vilimale' constituency:

Yeah, just because you asked about the dismissal of ACC members. (after some time)
Yeah, There's just no written criteria, unfortunately. It's up to the members to decide whether they want to submit a case against any member. So, what happened regarding that ACC members was, one of the members of this Committee submitted to dismiss them. And that was in 2021. The parliament was in recess at that time. And we had a special sitting just to dismiss the members of Anti-Corruption Commission, I personally don't believe that the reason given, the MMPRC investigation was the real reason for their dismissal. I personally believe the real reason was they started investigating this government. And because MDP, the current government has a huge majority in Parliament. They have more than two-third majority in this Parliament. I believe they are misusing; they are abusing the power. They dismissed the Anti-Corruption Commission members on the basis that the MMPRC investigation wasn't being done fast enough. They appointed new members, and again the whole process started. It's been one year since the new members were appointed. Nothing has happened. It's five years. And the MMPRC; it's been five years, almost five years for this government and the MMPRC investigation is still ongoing. Why? Because we've been changing the Anti-Corruption Commission members so frequently. And so, I personally believe we need to have written criteria to dismiss members of independent commissions. Right now, we don't have any written criteria. It's just up to the committee.



(After some time)

Ms. Ambra LONGATTI, Policy Officer Election Observation of E.U Election Exploratory Mission:

Just certainly, the question was not focused on one specific event. But really to understand that how things work. And perhaps, if I may again on the issue of commissions, did you feel, but this is more of a general appreciation, that in terms of appointments, in general in the public service I take the opportunity of having a lady chairperson maybe, do you feel that there is a sufficient, let's say, interest in bringing in as well women in, for example, independent commissions, but also elsewhere in the government of this country? Because one thing that we noticed was indeed the new quarter for local councils, which is a development that the country is underwent, just wondering as members of the parliament how you see this in terms of the oncoming processes. We are the meeting with someone from the civil society who, woman who said, but I could never be a president. Women cannot be candidates for presidency. And of course, it was an extreme that she was portraying legally can, but wondering how hard it would be for women, for example, to be a candidate for presidency. So, my question is a bit wider to you as members of the parliament, how you see the process of appointments. You go through the appointment of commissions. We met, of course the Human Commission, a Commissioner, a lady, but just wondering a little bit how you see the gender situation in terms of official appointments.

Chairperson:

Actually, our Committee has been trying to maintain a balance. And in most of the commissions we do see a balance now. But Elections Commission is not one of them. We don't have any female members there. Actually, to make sure that this doesn't happen when I submitted an amendment to the Civil Service Commission about the appointments, which we wanted to, you know, regularize all the commissions in the similar way. So, wanted to put that amendment in all the commissions. I submitted that we have an equal number of men and women in the commission. So at least, like, if there are five members, two male, two female, and the next person can be whoever. So, we were just about to pass that in the committee, but somehow other it ended up with not like that. But the committee should try to you know, the language was, it came down. So, that the committee should try to bringing, keep a balance rather than actually



saying it to keep a balance. So, I think there are different members with different opinions here also on this issue. So, basically, anyway what happened was it didn't pass the way we wanted it to. So, now it says, we should give priority to maintaining gender balance, but it's not a must. So that might not happen. And in the case of a President, presidential elections, of course there is no inequality in the law. But of course, we need equitable action. That's what we have been talking about the whole of yesterday, were celebrating women's day. Because as you said in the councils, when we had the law which did not prevent women from contesting. But when we didn't give, when we didn't have any equitable action within the law what we saw was like more than thousand council male councilors with about 60 female councilors. And then even in the Parliament we have 87 members with only 4 female members. So, I don't see this changing unless we bring about some changes within the party level, and also probably some positive action to the laws as well. Even when we look at the political parties, all political parties have women's wings. But it's sort of like something, okay, a party should women's wing. So, let's have one. It's sort of like that. I am the president of MDP women's wing. And I am finding that to be honest, this is not something that MDP is facing. This is something that all parties are facing. Actually at the end of the day importance is not given as it should to you know having some positive action within the party to ensure that women are in leadership positions. I think one party has got, has put it in their standing orders that they should have a female deputy leader, something like that. But most of the parties don't have that. So usually, it's all men at the top level with a very few females. And they are not given the support that they want. For example, we had a women's day function yesterday and I tried to portray it so much as a party activity. And yet there were only a few numbers of men who attended the event. It was all female. So basically when it is a party event we see everybody going there. But when it's like celebrating women's day and it's the lead is taken by the women's wing, the men don't think it's something concerned with them. Like I have been emphasizing and emphasizing that this is a party event. This is not just a women's event. And it is as important for the men to be there to listen to the messages. But no, it didn't become as important as, unfortunately this is not a party thing. This is all over this country. That's how it is. I don't know, they might have different opinions.

Mr. Ahmed Usham, MP of Vilimale' constituency:

I think in our party MNP we have reserved one slot, one vice-president slot for women out of the six. But I think we are in discussion to increase that to 33% of our executive



council to be women. And I think probably in a near future will be able to amend our party regulations to state that 33% of our executive council should be women. And I believe we have already passed a similar law. As far as the councils are concerned 33% of all local councils are women now. And I think even in Parliament we need to do something similar if we are to address this issue.

Mr. Ali Hameed, MP of Isdhoo Constituency:

Good afternoon. I think my opinion on this gender balancing on, specially on political agenda is much different to those of what you have been asking. European democracy has been ages, I mean it's we too, you have come way too long than us. Maldives we have been a very, very young democracy. And it is difficult sometimes to you know, to force to bring some people to certain positions specially if you are to say about women's. In Maldives by any law there is no any restrictions. It is very much gender equality is there in every way of our life. Even from education to health sector to job opportunities. There is no any restrictions by any laws. It's equally provided for male or female. So, I believe it is not very sustainable or to bring forcefully to bring women to the positions. Rather than they can always compete I mean. It's a very competitive market by law as well. There is no restrictions. So, to allocating certain percentage of seats just for women is, for me it's practically very unfair. I mean How about if you have a children of all male children's. I mean they are by born naturally they are, I mean 33% being allocated for women's. So, it is really unfair for men in that case. But a country like a free like Maldives I don't think there will be need of by specific laws to restrict or to provide opportunities. It doesn't make any sense to me actually.

Chairperson:

So, basically you've heard two different opinions, and maybe three different opinions. So yeah, so we still have long way to go. And we still have to create awareness equity rather than saying equality and then ending it there.

Mr. Ali Hameed, MP of Isdhoo Constituency:

I would just like to know, I mean I am not aware of. But I would like to know how it is practiced in European Union. Is there any reservations or allocations of seats for women's bylaw.



Ms. Marie-Hélène ENDERLIN Programme Manager of E.U Election Exploratory

Mission:

In my country, which is an old democracy for instance. There are positive measures to incentive women to become a members of Parliament. And also, to be at other levels of political engagement. And when political parties don't respect these positive measures. The price, basically it means their expenses for complaining not taking to consideration for re imbursement. They have this king of penalties. So even let's say establish democracies, old democracies we acknowledge the fact that there is a need for some positive affirmative action as 33 measures not for good. Not for always. But until we reach this level of equity. But this is what we do in my country. It doesn't mean this should be done everywhere. Each country finds the solution that's used its culture and its population. Thankyou.

Ms. Renata TARDIOLI, Legal Expert of E.U Election Exploratory Mission:

Yes, different European countries have different positive measures. And the important thing is, these are considered transitional. These are not something to include permanently, because one point I think we might agree that it's we all want this to happen without have to being forced. But rather than the environment is conducive to create an equality. So, that's one important thing, usually those provisions positive measures which could be quarter our reserved are men to be transitional, just to break the so-called glass window, glass roof, sealing, so that to open the floor to women to being. Because legality, as you rightly pointed out there is a legal equity in this country. But as it has happens in many other country, than society and the actual reality needs to be more aware, they need more awareness programs for to create a quality in action as you right pointed out. So, there are also additional measures before introducing legal measures that will be important to be implement it in order to promote awareness and social equality. Thankyou.

Ms. Ambra LONGATTI, Policy Officer Election Observation of E.U Election Exploratory Mission:

Thank you very much. I wanted only to thank you. It was very useful, very good, and very informative. Please.

Mr. Ahmed Usham, MP of Vilimale' constituency:



I just want to comment regarding the upcoming presidential elections. I think that's the most; I think, I believe the purpose of your visit is to focus on the upcoming presidential election. I am from Maldives National Party as I mention before. My party has also announced that we will be contesting the upcoming presidential election. And we really have some concerns about the free and fairness of the upcoming election. Not because of elections commission, but mainly because of the actions of the current government. I believe they are doing everything they can to influence the election. For example, we have seen what the things they do to influence the election in previous by-elections. This government came with the pledge to reduce the number of government companies. But we have seen during the past 4 years the number of government companies has being increasing. And these government companies are being used to influence votes. Jobs are being given in the numbers of hundreds to vulnerable families to influence the votes. The government is usings state resources, the budget for campaigning. It's very clear that they are doing all this to influence the election. So, we don't, I mean if you ask me right now my personal opinion is, we don't believe it will be a free and fair election if the government continues in this path. Even now in some of the government companies, they are giving jobs even though these people don't have to any work, they are giving jobs and salaries just because they give the vote to the government candidate. So, I believe from what we are seen right now, this won't be a free and fair election. I just want to make my point.

(After some time)

Chairperson:

Thank you so much, thank you so much to meeting with us.

