

RAAJJE COALITION FOR GOOD GOVERNANCE (RCG)



MENTAL HEALTH
SUPPORT GROUP



Press Release

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A Referendum Held Without Due Process Sets the Nation Back, Creates a Dangerous Precedent for Systemic Failure

On 17 February 2026 the Elections Commission of the Maldives announced that a public referendum will be held concurrently with the Local Government Elections scheduled for 4 April 2026. This is the first nationwide referendum to be held in the Maldives since 2007, and the first ever nationwide referendum conducted under a statutory referendum framework, the [Public Referendum Act](#) (law number 15/2025). The Raajje Coalition for Good Governance (RCG) notes with grave concern that a number of factors, including the failure to uphold due process and meaningful participation in the conduct of the state have resulted in serious questions over the legitimacy of the current process carried out by the Elections Commission of the Maldives. Serious issues have been raised regarding compliance with good governance, meaningful public participation, and constitutional integrity in relation to the planned referendum. These issues have been raised by legal practitioners including a former Supreme Court judge, civil society organisations, and political parties alike. Claims challenging the constitutionality of the planned referendum were lodged at the Civil Court, High Court, and the Supreme Court, one of which has not yet been adjudicated on.

The referendum asks voters to approve or reject the Eighth Amendment to the Constitution in a single Yes/No vote. The amendment combines two distinct constitutional changes: concurrent Presidential and People's Majlis elections, and a change to the Majlis term. Consequently, it will bring a premature end to the term of the currently elected Members of Parliament on 30 November 2028. We note with concern that various amendments to the Constitution (8 amendments over the 15 years since its adoption) were all brought without the due process for such amendment envisaged in the Constitution in-so-far as the Parliament [did not engage in any reasonable public consultation](#) prior to proposing amendments and during the various stages of the passing of the bills.

In particular, the Eighth Amendment was proposed to Parliament in an extraordinary session of the Parliament while it was in recess, with less than 24 hours' notice given to Members of the Parliament and a total of less than three hours were spent on debate.

We note several structural and systemic failures surrounding the planned referendum, which inevitably impact the confidence in the referendum itself:

1. Public Consultation and Informed Participation:

Section 19 of the Public Referendum Act provides for a period of between 45 and 90 days between the announcement of the referendum and polling date. This timeframe is manifestly insufficient to ensure meaningful public awareness, inclusive public consultation, and informed debate on the issues of national importance. International best practices, including those articulated by the Venice Commission in its [Code of Good Practice on Referendums](#), emphasise that voters must be afforded adequate time, balanced information, and genuine opportunities for public deliberation prior to polling.

Similarly, Article 25 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#), to which the Maldives is party, guarantees the right of citizens to take part in public affairs, directly or through freely chosen representatives. The UN Human Rights Committee [has clarified](#) that this right requires not only the formal opportunity to vote, but also access to sufficient information and conditions that enable voters to form and express their will freely and meaningfully.

The current legal framework fails to ensure that voters are adequately informed about the substance, implications, risks, and benefits of the referendum question. Notably, under Section 10 of the Act, the presidential decree pathway requires only arguments in favour of the amendment to be included in the official voter information package. The absence of comprehensive, publicly accessible, and balanced information, including opposing views, undermines the ability of voters to make an informed choice and is inconsistent with international standards on transparency, neutrality, and completeness in referendum processes.

Civil society organisations, including members of this coalition, have [previously raised these concerns](#) with the People's Majlis during the legislative process, highlighting significant deficiencies in the bill. Regrettably, these recommendations were not incorporated, resulting in the present shortcomings that jeopardise the integrity of the referendum process.

2. Elimination of claims challenging the constitutionality of the process:

In addition to a process designed to only provide the public with information supporting the Executive's position in relation to the referendum, we observe actions by the judiciary that appear to enable the Executive rather than provide impartial, reasonable solutions to the problem at hand. While we fully acknowledge that judicial claims relating to elections must be expedited, we do not believe that the courts have acted in accordance with their constitutional duties to facilitate an effective remedy and fair hearing within a *reasonable* time - a fundamental component of the rule of law, as recognised under international human rights law, including Article 14 of the ICCPR. As of now, the [Civil Court has dismissed a claim citing administrative issues](#), the [Registrar of the Supreme Court](#) has rejected another claim, and another case [received a ruling against the petitioner](#) following the first hearing. A [fourth claim was filed at the High Court](#) and awaits registration while the petitioners of the rejected cases have a right to appeal. The existence of multiple such cases raises serious and credible concerns regarding both the substance of the referendum question and the legality of the processes being followed. We strongly believe that due process must be ensured at all stages, especially given the lack of a judicial mechanism to address referendum related electoral claims. The right to an effective remedy and a fair hearing within a reasonable timeframe is a fundamental component of the rule of law, as recognised under international human rights law, including Article 14 of the ICCPR.

It is with grave unease that we note that the composition of the Supreme Court was changed significantly [under dubious and highly challenged circumstances in 2025](#). Since the change, processes in the Supreme Court are increasingly becoming less transparent, with some cases receiving judgement following one hearing and others being dismissed through administrative actions of the Registrar. Such interferences introduce unnecessary delays in justice while the Executive proceeds without hindrance. Furthermore, the legal community and the public at large are becoming more critical of judgements rendered and delays in courts across the judiciary, for obstructing access to timely justice. This is especially concerning as public confidence in the judicial process is ebbing at a time when politically motivated actions threaten constitutional protections and create absolute dependence on the judiciary to uphold the rule of law.

We reiterate, in light of the observations mentioned above, that the lack of due process and respect for the rule of law surrounding the upcoming referendum further enables regression from democratic norms and the risk of creating a domino effect which will impact heavily on the fundamental rights and civil liberties of the people.

ENDS.

List of media referred to:

1. Joint press statement. 20.11.2024. *Concerns over amendments to the Constitution of the Maldives*. <https://savemaldives.net/constitution/>
2. Law number 15/2025 (Public Referendum Act) of the Maldives. <https://mvlaw.gov.mv/dv/legislations/288/consolidations/1293>
3. Venice Commission on the Council of Europe. *Code of Good Practice on Referendums*. 2007. <https://www.coe.int/en/web/venice-commission/-/opinion-371>
4. Office of the High Commissioner for Human Rights (OHCHR). *International Covenant on Civil and Political Rights*. 25. 1996. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
5. UN Human Rights Committee. *General Comment 25*. <https://www.refworld.org/legal/general/hrc/1996/28176>
6. Transparency Maldives, Association for Democracy in the Maldives, Maldives Association for Persons with Disabilities. 11.08.2025. Comments to the legislative project on the Referendum Bill submitted to the People's Majlis. <https://drive.google.com/file/d/1lzENTy7AnclW6QeYPTVT106aMVdNR8fd/view?usp=sharing>
7. The Edition. 26.03.2026. *Civil Court rejects case submitted to quash referendum vote*. <https://edition.mv/news/49385?ref=home-sub>
8. The Edition. 25.03.2026. *Supreme Court rejects case alleging referendum procedures unconstitutional*. <https://adhadhu.com/article/79795>
9. The Edition. 31.03.2026. *Supreme Court rules referendum vote cannot be stopped*. <https://edition.mv/news/49550?ref=cat-sub>
10. The Edition. 31.03.2026. *High Court case filed to stop referendum on holding two elections on same day*. <https://edition.mv/news/49540?ref=cat-sub>
11. Joint press statement. 07.05.2025. *Joint press release calling on the Parliament to ensure full adherence to the Constitution in the inquiry into Supreme Court Justices*. <https://democracymaldives.org/?p=486>